

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, NOVEMBER 10, 2003**

1. CALL TO ORDER.

Mayor Anderson called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

All joined in the Pledge of Allegiance.

3. ROLL CALL.

City Clerk Kathleen Magrew called the roll. Council members Jan Callison, Dick Allendorf, Ken Tauer, Brad Wiersum, Terry Schneider, Al Thomas and Karen Anderson were present.

4. APPROVAL OF AGENDA.

City Manager John Gunyou advised that there were two changes for item #12A, introduction of an ordinance to revise fees. The first change was a staff recommendation that there be no change to the fees for temporary signs until after the council's December study session discussion of that issue. The second change was that the ordinance be introduced, and the planning fees referred to the planning commission.

Callison moved, Thomas seconded a motion to accept the agenda with the addendum. All voted "yes." Motion carried.

5. APPROVAL OF MINUTES.

Allendorf moved, Tauer seconded a motion to approve the minutes of the October 27, 2003 Minnetonka City Council meeting as submitted.

Callison, Allendorf, Tauer, Wiersum, Schneider and Thomas voted "yes." Anderson abstained. Motion carried.

6. SPECIAL MATTERS:

A. Recognition of Park Board member Lanise Stufft

This item was taken out of order, after item #8. Anderson presented Stufft with a plaque recognizing her service on the Minnetonka Park Board. Stufft said it was an honor to serve.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou reported that the Minnesota Chapter of the American Public Works Association would name the new Minnetonka Public Works Facility as their Project of the Year at their annual conference. The award cited our space sharing with Hennepin County and innovative rain gardens.

Gunyou also reported that city offices would be closed on November 11 in honor of Veteran's Day. On November 17, the council will hold its second study session on the proposed 2004 budget. The next regular council meeting will be November 24.

Anderson reported that she and Councilmember Callison attended a program held by the Minneapolis YWCA on racial justice.

8. CITIZENS WISHING TO DISCUSS MATTERS NOT ON THE AGENDA.
None.

9. BIDS AND PURCHASES:

A. Option to Purchase agreement for 13410 Minnetonka Boulevard.

Gunyou provided a brief introduction to this item, noting that a unique approach was used for this property because the owner is uncertain when she will move.

Assistant City Manager Geralyn Barone provided an update on the open space referendum acquisitions to date. She said that \$1.7 million had been spent on property acquisitions or conservation easements to date. She noted that at its last meeting, the park board discussed the short and long-term plans for the subject property and the three adjacent properties. She noted that the house to the west of the subject property would be demolished in December.

Barone reported that properties were also acquired just west of Big Willow Park, and on Cedar Lake Road, as well as one conservation easement. Barone said that the council and park board would discuss the status of the parks renewal and opens space preservation program in more detail at a joint meeting in December.

Schneider moved, Callison seconded to authorize the Option to Purchase agreement for the property at 13410 Minnetonka Boulevard. All voted "yes." Motion carried.

10. CONSENT AGENDA (Items Requiring a Majority Vote):

A. Claims for council authorization.

Tauer moved, Schneider seconded a motion to approve the November 10, 2003 claims list, including checks numbered 178273 through 178531 totaling \$1,316,909.30. All voted "yes" except that Callison abstained as to check number 178294. Motion carried.

B. Resolution amending the schedule of fines for the Administrative Enforcement Program.

Tauer moved, Schneider seconded a motion to adopt Resolution No. 2003-106 amending the schedule of fines for the Administrative Enforcement Program. All voted "yes." Motion carried.

C. Approval of 2003 performance pay for the City Manager.

Tauer moved, Schneider seconded a motion approving a lump sum merit pay for the city manager. All voted "yes." Motion carried.

D. Resolution certifying the results of the November 4, 2003 Municipal Election.

Tauer moved, Schneider seconded a motion to adopt Resolution No. 2003-107 certifying the results of the November 4, 2003 Municipal Election. Callison, Tauer, Wiersum, Schneider, Thomas and Anderson voted "yes." Allendorf abstained. Motion carried.

E. Preliminary plat for a two-lot subdivision at 5517 Vine Hill Road for Harold and Debi Luddy.

Tauer moved, Schneider seconded a motion giving preliminary approval to the Harold J. Luddy Plat, dated September 2, 2003, subject to the following:

- 1) Approval is based on the following findings:
 - a. The plat meets the required standards and ordinances.
 - b. The property is physically suitable for the design and siting of the proposed development. The proposed development will preserve significant natural features by minimizing disturbances to existing topographical forms.
 - c. The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

- d. The proposed development provides adequate measures to protect public safety.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. The proposed lot division must be in plat form, clearly indicating the plat's proposed name with lot and block designations.
 - b. Show the following on the final plat:
 - (1) Dedication of 33-foot right-of-way adjacent to proposed Lots 1 and 2.
 - (2) At least ten-foot-wide drainage and utility easements next to any existing or proposed public street rights-of-way and at least seven foot-wide drainage and utility easements along all other lot lines
 - (3) Utility easements over existing or proposed public utilities, as determined by the city engineer
 - c. If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
 - d. Pay the park dedication fee of \$2,375.
- 2) The following items must be submitted to the city before the city releases the final plat:
 - a. An engineering/utility inspection fee.
 - b. An electronic CAD file of the final plat in micro station or DXF.
 - c. The following documents for the city attorney's approval:
 - (1) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
 - (2) Conservation easement of required wetland buffer and a drawing of the easement for the approval of the city attorney. The easement and drawing must be recorded with the final plat.
 - d. A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
- 3) The following must be submitted to the city before the city issues a building permit:
 - a. Minimum lowest floor elevation for any new home is 902.4.

- b. Any new home must be located in the area designated on the preliminary plat, unless otherwise approved by staff.
 - c. The conservation easement must be staked and signed in the field.
 - d. A temporary rock driveway, erosion control, and tree protection fencing must be installed, subject to staff review and approval.
 - e. A letter of credit or cash escrow in the amount of \$3,000 for erosion control and slope stabilization.
 - f. Payment of any required utility hook up fees.
 - g. A copy of the recorded plat and any easements or covenants required to be recorded.
- 4) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - 5) Trees must be planted to compensate for significant trees removed from the site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 1/2 inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner must replace the required trees if they die within one year after installation.
 - 6) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

All voted "yes." Motion carried.

11. **Items requiring Five Votes:** None.

12. **INTRODUCTION OF ORDINANCES.**

A. Introduction of an ordinance amending Section 710 of the City Code regarding food, liquor, lodging, and swimming pool license and inspection fees, and certain planning fees.

Gunyou reminded the council of the addendum information for this item.

Community Development Director Ron Rankin reviewed the changes. He noted that the changes to the liquor license fees would take effect for 2005 renewals. He also noted that increases in building permit fees would be suggested after recommendations are made by the League of Minnesota Cities and the Association of Metropolitan Municipalities. He said that those affected by the

increases would be notified before the council takes final action on November 24.

Allendorf said that most of the increases seemed reasonable, but asked for more information about the increase for conditional use permits for residential properties. Planning Director Geoff Olson said that Minnetonka's fees in this area were unusually lower than those charged by other cities. He said that the fee applies in situations such as home occupations where higher traffic and employees are present, or for oversized garages. Olson said that the planning commission generally reviews one such request about every six weeks.

In response to Tauer's question, Olson said that the fees reflect the staff time required to submit items to the planning commission and city council, but he said that the actual staff time can be more if an item is controversial.

Gunyou clarified that State law prevents cities from charging fees that are more than their actual costs. He noted that the increased communication efforts over the past year have increased costs, particularly for controversial items. He said that the recommended fees targeted the upper end of the range, but would not put Minnetonka at the top.

In response to Schneider's question, Rankin said that farmers' markets would be exempt from transient permits. There is a separate permit for farmers' markets.

For the council's second consideration of this item, Schneider asked for a breakdown on Minnetonka's ranking among other cities for residential conditional use permits.

In response to Wiersum's question, Gunyou clarified that the temporary sign fee would be deferred until after the city council's study session discussion on that topic.

Wiersum noted the staff report comment that fees represented 80 percent of the community development budget. He asked if it would be possible to cover 100 percent of the budget. Rankin said that fees cover all of the environmental health inspection services, but not the nuisance abatement services.

Callison moved, Wiersum seconded a motion to introduce ordinance amending Section 710 of the City Code regarding food, liquor, lodging, and swimming pool license and inspection fees, and

certain planning fees with no fee change for temporary signs, and referring the planning fees to the planning commission. All voted "yes." Motion carried.

B. Introduction of an ordinance amending the City Code regarding public safety alarms.

Gunyou introduced the item and explained the rationale for the recommendation. He noted that alarms represent a private contract between a property owner and a private company. The change would ensure that taxpayers are not subsidizing private individuals or companies. He noted that no fee would be assessed in cases where there was an actual fire. Minor changes were also proposed to the police false alarm provisions.

In response to Anderson's question, Gunyou said that the change would apply to both residential and commercial properties.

Tauer moved, Allendorf seconded a motion to introduce an ordinance amending section 915.005 – 915.030 of the City Code including the addition of a new section 915.029 regarding public safety alarms. All voted "yes." Motion carried.

13. PUBLIC HEARINGS.

A. Public hearing to consider approving the final layout for the I-494 improvement project.

Anderson noted that this project had been under discussion for a long time.

Gunyou thanked the state for advancing the project as a higher priority, which allows construction to begin next year. He noted that the project would benefit both businesses and residents, and would relieve growing congestion on city streets.

City Engineer Lee Gustafson noted the presence of Tom O'Keefe, the Minnesota Department of Transportation (MnDOT) area manager.

Gustafson then reviewed the plans to improve I-494 in Minnetonka.

Anderson asked how long the Excelsior Boulevard bridge would be closed for reconstruction. Gustafson responded that it would be out for one construction season, about nine to ten months. He noted that there are conditions MnDOT must meet to close the bridge,

which include that the pedestrian bridge not be removed until sidewalks are operational on Excelsior Boulevard. While this closing will be an inconvenience, there is no room for a temporary bridge.

In response to Callison's question, Gustafson said that the curve west of I-494 on Highway 7 would be straightened.

In response to Tauer's question, Gustafson clarified that Ellerdale is a right-in, right-out access point.

Callison asked about pedestrian access on the new Orchard Road bridge. Gustafson said that there would be nine-foot sidewalks on both sides of the new bridge, including a two-foot reaction zone for safety. The same size sidewalks will be provided at Excelsior Boulevard.

In response to Tauer's question, Gustafson said that the bulk of the work on the Orchard Road bridge will be conducted during the summer months, to avoid problems for the school.

Gustafson noted that a water quality pond would be added in the area of Sunrise Park. He added that this work would be consistent with the previous discussions about the park.

Gustafson also noted that no work would be done on the Oakland Road bridge during the holiday season, similar to the same restrictions on the Gray's Bay causeway bridge project. He also noted that fine-tuning improvements will occur at the I-394 interchange, but the council will be asked to approve those plans at a later date.

Gustafson then reviewed the plans for noise walls. He noted that 22 noise walls were requested, but only nine met MnDOT's cost/benefit ratio required for state funding. The remaining walls would cost over \$4 million to construct, which would be a local responsibility. He noted that the existing noise walls would remain.

In response to Allendorf's request, Gustafson reviewed MnDOT's cost/benefit ratio criteria. A noise wall must result in a five-decibel noise reduction, and the cost must not exceed \$3,250 per decibel reduction, per residence. If those two criteria are not met, a noise wall would not meet MnDOT's standard for state funding. Allendorf noted that residents with larger lots feel that the ratio is not fair because they could experience the same noise levels as more dense neighborhoods, but would not receive a noise wall.

Anderson noted that elevation has an impact on the effectiveness of noise walls.

Gunyou clarified that of the 22 noise walls requested, nine would be funded by MnDOT, eight fell below the five decibel requirement, and the remaining five were too costly from the cost/benefit standpoint. Gustafson said that MnDOT would only fund about \$15,000 of the \$150,000 to \$300,000 cost for the walls that do not meet their cost/benefit criteria but meet their five-decibel requirement.

Gustafson then reviewed which walls would be funded and the reasons why the other walls would not be funded. He then explained the bridge replacements and the proposed aesthetic treatments of the new bridges.

Gustafson said that MnDOT has a legal right to close the Ellerdale intersection as a result of a turnback agreement. The state views it as an illegal entrance, and could have closed it in the early 1980s. Gustafson said that no accident data was found to indicate safety problems. He said that staff recommended that the Ellerdale intersection remain open to better serve the neighborhood.

Gustafson then explained the lighting proposed for the improved roadway.

Gustafson also noted that staff recommended that problems at the Excelsior Boulevard/Baker Road intersection be resolved prior to the start of I-494 construction. He said that funds are available from Minnetonka's State Aid account to pay for that work, as well as the sidewalks at Excelsior Boulevard and Orchard Road. He said that staff would also request funding participation from Hennepin County for the sidewalks on the Excelsior Boulevard bridge.

Gustafson said that staff recommended approval of the plans with the two conditions noted in the staff report.

O'Keefe introduced Peter Wasko, Supervisor of Environmental Planning; Chris Roy, Project Manager; and John Beeneck, Traffic Engineer, with a specialty in lighting.

O'Keefe said that without legislative intervention, this project would have begun in 2011, instead of 2004.

O'Keefe reviewed MnDOT's three requirements for noise walls:

- 1) The noise level must be above the State's standards, which are stricter than federal standards.
- 2) The noise wall would have to reduce the noise level by five decibels.
- 3) The cost must not exceed \$3,250 per decibel, per residence. This policy was developed with the Minnesota Pollution Control Agency.

O'Keefe noted that terrain does impact the noise, and noise walls are not effective if they do not break the line of sight. If a noise wall exceeds 20 feet, the cost increases at a staggering rate, making the cost/benefit ratio problematic.

In response to Anderson's questions, O'Keefe said that noise walls are effective to about 500 feet from the edge of the roadway. He clarified that they look at housing units, not at the number of occupants in the units.

Allendorf asked if the noise walls would be constructed prior to the roadwork to reduce the impact on neighbors during construction. Wasko said that while not required, such scheduling would be one of the factors considered when potential contractors are evaluated.

In response to Tauer's question, Roy said that the roads will be paved with concrete, which tends to be less noisy. He noted that concrete used to be raked, but now can be smooth and still as safe. Wasko said that concrete tends to have a longer life.

Callison asked if the lighting levels would meet the city's ordinance standards. Gustafson said that the lighting would meet the city's requirements and would have a lower light intensity than a commercial parking lot.

In response to Tauer's question, Gustafson explained the rationale for the size of the sidewalks on the bridges.

Anderson opened the public hearing at 8:33 p.m.

Howard Lerohl, 13400 Pepperwood Circle, represented the 32 units, and 75 residents of the Pepperwood Homeowners Association. Lerohl said that they are concerned about the increased noise from the upgrade. He questioned how units were counted, and thought they would benefit from a wall at the bottom of the hill. O'Keefe clarified that individual units are counted in townhouse developments.

Rich Stielberg, 5428 Glenavon Avenue, said that the worst noise would come from the pile driving, and asked when that work would occur. Gustafson said that efforts would be made to complete the pile driving during weekdays, but there might be some minor deviations.

Julie Skaalarud, Favorite Lane, asked if trees could be planted to help areas where noise walls would not be constructed. She also noted that the tests were done in 2001, and traffic has increased since then. Gustafson said that landscaping has not been found to be effective in reducing noise. A landscape plan will be done as part of the design/build team. O'Keefe said that the 2001 testing factored in future noise levels. He agreed that landscaping will be provided, but agreed that it only provides a perceived relief.

In response to Anderson's question, Wasko said that wall #14 would only provide a seven-decibel reduction for one residence.

Al Carp, 4801 Caribou Drive, did not want a noise wall. He asked that the council support keeping the Ellerdale access open, and asked about the planned detour. He said that it was important to keep the access open while Excelsior Boulevard is closed for the bridge replacement. Gustafson said that the designated detour must be on roads adequate to handle the traffic level, such as state or county highways. He added that the city could not control the way that people drive, but said that the city will make its best efforts to control traffic during construction.

Anderson noted that the city of Hopkins barricaded a local street to avoid use as a detour. Gustafson said that was possible but that public safety would need to be kept in mind. Anderson asked that a process be provided for the residents to help the city monitor the situation and look for solutions.

John Anderson, 3601 Park Valley Road, thanked Wasko and the PCA for their gracious help in educating him. He asked for additional documentation, and felt that five to seven feet of a wall would block a number of the homes in his area. He felt that the cost/benefit ratio penalized homeowners with larger lots. He moved to Minnetonka for a larger lot. He said that he could not carry on conversations outside his home due to the traffic noise.

Anderson asked MnDOT to respond to the topographical issues, and noted that the cost/benefit ratio is not a penalty for density, but rather a cost issue. She noted the tight budgets for governmental units, and said that tough decisions were needed to protect

taxpayers. She said that the city was fortunate that some additional noise walls, beyond those originally proposed, were added to the project by MnDOT.

O'Keefe said that a mechanism was needed to deal with limited resources. He said the cost/benefit ratio was the most fair and reasonable method they found. Roy said that noise walls must be 30 feet from the traveled road edge for safety reasons. Wasko said that moving the wall referenced by Mr. Anderson reduced its acoustical effectiveness. He noted that for standard vehicles, most noise is generated at the road level, but that the noise from semi-trucks is generated higher on the vehicles.

Schneider asked that MnDOT provide Mr. Anderson with the information he requested.

In response to Wiersum's questions about the source of traffic noise, Wasko said that studies indicate that 10 to 11 a.m. is the loudest traffic hour due to commercial traffic.

Brian Lubben, 4501 Hunter Ridge Road, thanked the council and staff for their support in maintaining the Ellerdale access. He noted that Immaculate Heart of Mary would begin construction next spring. He asked about the schedule for the I-494 project.

Gustafson said that bids will be let in April, 2004, and construction will start that summer. A design/build team will be selected, and there will be flexibility in phasing. Gustafson said that project information would be made available in the *Minnetonka Memo*, and on the city's Web site. He also suggested that the public contact him with questions and concerns.

Beth Swanson, 5300 Rogers Drive, said she was told that there would be sound buffering under the bridges. Wasko said that the decks would have textured grinding to minimize the noise from the bridges. Allendorf noted that gaps at the bridges increase the noise levels. O'Keefe said that the gaps will be eliminated when the road is repaved.

Judy Erm, 4943 Birchwood Lane, asked that the city coordinate the project with the schools, and suggested that the city might contribute to the school's associated costs. Gustafson said that schools will be notified early in the discussion process. He said that inconveniences should be minimized. Callison clarified that the city will not provide financial assistance for the schools.

Andy Theodotou, 4555 Gaywood Drive, asked that the city consider the return on investment, since the noise walls would have an effect on property values.

O'Keefe said that MnDOT looks at reasonable cost effectiveness, and said that it is a matter for the community to decide if the additional cost is merited. Anderson noted that an additional \$4.2 million would be needed to build the additional walls.

Steve Lynch, 13800 Spring Lake Road, thanked Wiersum, Gustafson, and MnDOT staff for the addition of wall #16.

Terry Moulton, 3027 Hazelwood Road, said her home is 62 years old, and pre-dated I-494. She asked if property values would decrease without a noise wall. She also asked if certain road surfaces would be more quiet, and how much noise a noise wall would eliminate.

Gustafson said that the city has not seen a negative impact on property values resulting from county or local street projects. He suggested that Moulton contact MnDOT to get the specifics about the noise wall in her area. O'Keefe was sympathetic to homes that pre-dated the original freeway. He said that federal law requires MnDOT to look at all developments in place at the time of the project. He noted that MnDOT discourages developers from building near freeways. Wasko said that bituminous surfaces are slightly more quiet than concrete when they are new, but bituminous slowly becomes more noisy while concrete remains the same. He noted that noise walls cut the noise by about half.

Alex Maly, 4109 Pepperwood Trail, noted that their neighborhood is also affected by power lines and pollution, which cannot be controlled. He suggested that the additional noise could be reduced by a wall.

Anderson closed the public hearing at 9:36 p.m.

Schneider said that the toughest issue is the management of the city's dollars. He noted that additional noise walls would benefit relatively few residences, and the city doesn't have additional funding. He said that MnDOT could not justify funding the additional walls, and it would be difficult for the city to reach a different conclusion. He noted that the project has improved through the many discussions. If there were a clear benefit to the additional cost, he might consider contributing something with a special assessment arrangement to those benefited. He noted that there

would need to be unanimous support. He suggested that neighborhoods contact staff if that possibility existed.

Tauer noted that there are other properties without noise walls along I-394 and Highway 169. He was concerned about the inconvenience with the bridges that will be removed, and the construction noise. He was saddened that some people would not see relief from the noise. He agreed with the policy to maximize the benefit from the available dollars. He was pleased to see the project move forward. He supported staff's recommendation regarding the Ellerdale access, since there was no evidence of accidents and it was important to ensure access for fire trucks. He asked for MnDOT's view about that access point.

O'Keefe said that MnDOT understands the city's concerns. For five years MnDOT has looked for ways to move that access point because it is too close to the freeway access. MnDOT wants to work with the city to improve the intersection. He said that MnDOT could either abide by the city's condition, use an appeal process that could delay the project by six months, or proceed without regard for the condition. He wanted to review the issues related to the closure of Excelsior Boulevard when the bridge is replaced.

Schneider said that long ago there were plans to remove several houses and construct a frontage road. He suggested that a fourth option would be for MnDOT to cut off the access but provide alternate access.

Allendorf noted that the old plan also impacted homes on Loretta Lane, and could disrupt the Hunter Ridge neighborhood. He noted that if the access point were closed, Ellerdale traffic would divert to Woodhill, and suggested that issue also be studied.

Callison questioned the need to change the access if there weren't problems, adding that the reports indicated the intersection was not dangerous. She supported the pedestrian bridge over I-494, and lighting that meets the city ordinance. She did not support the additional noise walls because of cost/benefit considerations.

Wiersum looked at the cost of the additional walls as a cost to residents who don't live near the freeway. He said that walls could be added later if the economic climate improves. He did not think the city could afford the cost given the present circumstances. He noted that he had lived along Minnehaha Parkway where there was noise from air traffic. He said that the home was worth it. Wiersum said that the city must be prudent in these economic times.

Tauer agreed with staff's recommendation regarding the Ellerdale access. He did not want to delay the project for six months.

Thomas said that he felt sorry for those who wanted noise walls, but the reality is, the money is not available. City funding was not fiscally possible.

Allendorf thanked MnDOT for their willingness to answer questions, and suggested that neighbors continue to contact them. He agreed with the staff recommendations.

Anderson also supported staff's recommendations. She thanked MnDOT for going the extra mile. She was concerned about the noise wall in the Pepperwood area, especially because that neighborhood also has power lines and will be affected by the new lighting. She noted that the city council works hard to maintain the character of Minnetonka, and has limited the billboards along I-494 to only one installation. She would welcome less intrusive lights. She said that we are fortunate that an additional lane can be added within the existing right-of-way so homes are not lost. She noted that she could hear the freeway noise one mile away at her home. She said that residents knew this when they bought their homes, and also knew that the noise could worsen.

Allendorf moved, Callison seconded a motion to adopt the Resolution No. 2003-108 approving the final layout for the I-494 improvement project subject to the following conditions:

- 1) The existing pedestrian bridge over I-494, south of Excelsior Boulevard, must be replaced in its current location as a part of this improvement project.
- 2) The Ellerdale Road access onto TH 7 not be closed as a part of this project, or any subsequent project.

All voted "yes." Motion carried.

14. OTHER BUSINESS:

A. Resolution approving items pertaining to the CSAH 3 (Excelsior Boulevard)/CSAH 60 (Baker Road) intersection improvements.

Gunyou noted that this project was proposed to lessen the disruption of the I-494 construction. Gustafson provided the staff report for the item.

In response to Callison's question about the timing of this project, Gustafson said a requirement of the I-494 project is that this project must be completed before the Excelsior Boulevard bridge is removed. Some additional property must be acquired for this project.

Anderson asked if there were any negative responses to the proposed sidewalk. Gustafson said that there were not, but not everyone attended the meeting. Anderson said that safety is a major concern.

Allendorf commended Gustafson's work at the neighborhood meeting, and said that there was positive give and take.

Allendorf move, Tauer seconded a motion to adopt the Resolution No. 2003-109 approving layout for the CSAH 60(Baker Road)/CSAH 3 (Excelsior Boulevard) intersection improvements and authorizing preparation of plans and specifications.

In response to a question from Mr. Carp, Gustafson clarified that a safe area will be provided for turns into the Tom Thumb.

All voted "yes." Motion carried.

B. Applications for renewed on-sale and off-sale 3.2 percent malt liquor licenses for 2004.

Gunyou provided a brief staff report for items 14B and C. He noted that these were annual renewals, and there was nothing unusual about them. Staff recommended approval of both items.

Callison moved, Thomas seconded a motion to approve the following renewed licenses for on-sale and off-sale 3.2 percent malt liquor licenses for calendar year 2004:

On-sale 3.2 Percent Malt Liquor Licensees:

- Beijing Restaurant, 4773 County Road 101
- Bunker Indoor Golf Center, 14900 Highway 7
- Coffee Creek, 11313 Highway 7
- Crossroad Delicatessen, 2795 Hedberg Drive
- Davanni's Pizza & Hot Hoagies, 15200 Highway 7
- Glen Lake Golf & Practice Center, 14350 County Road 62
- Gold Nugget Restaurant, 14401 Excelsior Boulevard
- Lund's Deli Style Restaurant, 11400 Highway 7
- Marsh (The), 15000 Minnetonka Boulevard

- Zaroff's Delicatessen, 11300 Wayzata Boulevard

Off-sale 3.2 Percent Malt Liquor Licensees

- Glenn's 1-Stop, 12908 Minnetonka Boulevard
- Target Store T-1356, 4848 County Road 101

All voted "yes." Motion carried.

C. Applications for renewed on-sale and Sunday on-sale intoxicating liquor licenses, off-sale intoxicating liquor licenses, and on-sale wine licenses for 2004.

Callison moved, Thomas seconded a motion to approve the following renewed on-sale and Sunday on-sale intoxicating liquor, off-sale intoxicating liquor, and on-sale wine licenses for calendar year 2004 provided that no license shall actually be issued unless the applicant has filed an appropriate Certificate of Insurance with the city.

On-sale and Sunday On-sale Intoxicating Liquor Licensees

- Applebee's Neighborhood Grill and Bar, 12653 Wayzata Boulevard
- Bacio, 1571 Plymouth Road
- Big Bowl, 12649 Wayzata Boulevard
- Champps Americana, 1641 Plymouth Road
- Don Pablo's, 11544 Wayzata Boulevard
- Famous Dave's BBQ Shack, 14601 State Highway 7
- Lake Shore Grill (formerly Boundary Waters), 12411 Wayzata Boulevard
- Lone Spur Grill & Bar, 11032 Cedar Lake Road
- Market Bar-B-Que, 15320 Wayzata Boulevard
- Minneapolis Marriott Southwest, 5801 Opus Parkway
- Nicklows & Sons, 6001 Shady Oak Road – not open yet
- Old Chicago, 17790 Highway 7
- Origami West, 12401 Wayzata Boulevard (Ridgedale) – not open yet
- Redstone American Grill, 12501 Ridgedale Drive
- Romano's Macaroni Grill, 11390 Wayzata Boulevard
- Scoreboard Bar & Grill, 5765 Sanibel Drive
- Sheraton Minneapolis West Hotel, 12201 Ridgedale Drive
- Sidney's, 15600 Highway 7
- Stuart Anderson's Cattle Company Restaurant, 10600 Wayzata Boulevard
- Wanderer's Garden, 13059 Ridgedale Drive

Off-Sale Intoxicating Liquor Licensee:

- Barrel Wine and Sprints, 15400 State Highway 7 – not open yet
- Byerly's Wines & Spirits, 13081 Ridgedale Drive
- Cellars Wine & Spirits, 11333 Highway 7
- Cost Plus World Market Wine Shop, 11240 Wayzata Boulevard, Ste B
- Glen Lake Liquors, 14704 Excelsior Boulevard
- Haskell's, 12900 Wayzata Boulevard
- Liquor Barrel, 11048 Cedar Lake Road
- MGM Wine & Spirits, 17730 Highway 7
- Sundial Wine & Spirits, 5757 Sanibel Drive
- Tonka Bottle Shop, 17616 Minnetonka Boulevard

On-Sale Wine License

- Beijing Restaurant, 4773 County Road 101
- Coffee Creek, 11313 Highway 7
- Crossroads Delicatessen, 2795 Hedberg Drive
- Gold Nugget Restaurant, 14401 Excelsior Boulevard
- Lund's Deli Style Restaurant, 11400 Highway 7
- The Marsh, 15000 Minnetonka Boulevard
- Zaroff's Delicatessen Restaurant, 11300 Wayzata Boulevard

All voted "yes." Motion carried.

15. APPOINTMENTS and REAPPOINTMENTS. None.

16. ADJOURNMENT.

Thomas moved, Wiersum seconded a motion to adjourn the meeting at 10:18 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk