

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, FEBRUARY 23, 2004**

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. Councilmembers Bob Ellingson, Brad Wiersum, Jan Callison, Al Thomas, Tony Wagner, and Karen Anderson were present. Councilmember Terry Schneider was excused.

4. APPROVAL OF AGENDA.

City Manager John Gunyou reported that there were no changes to the agenda.

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

5. APPROVAL OF MINUTES.

Callison moved, Thomas seconded a motion to approve the minutes of the February 9, 2004 Minnetonka City Council meeting as submitted. All voted "yes." Motion carried.

6. SPECIAL MATTERS:

A. Recognition of Planning Commission Members Terry Egge and John Knight.

Wagner recognized Terry Egge for her service on the planning commission since 2000, and John Knight for his service on the planning commission since 2001. Egge thanked the city council for their support and wished them well. Knight thanked the city council for the experience and said that he learned a lot from it. Anderson presented Egge and Knight with plaques, and noted the significant time commitment for planning commissioners.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou said there would be a city council study session on March 1, and the next regular council meeting will be held on March 15. The Mayor's State of the City address will take place on March 3, and the public is invited.

Anderson noted that Hopkins High School student Shannon Bergstedt was state champion in Nordic cross-country ski this year.

Anderson also noted that she and Wagner attended League of Minnesota Cities conferences for elected officials.

8. CITIZENS WISHING TO DISCUSS MATTERS NOT ON THE AGENDA.

Anderson recognized two Boy Scouts in the audience, Patrick and John Mooney. The scouts are members of Troop 207 from St. David's Church working on their citizenship in the community badges.

John Householder, Jr., advised the council of potential confusion because the new townhome project in the Glen Lake area is being referred to as The Glen, which is the name also used for the existing condominiums.

Anderson said that she had received a letter on this issue, and asked if the city had any authority. City Attorney Desyl Peterson said that the city had no authority in this situation, because it was a private matter involving a trade name.

Householder said that he wanted to bring the matter to the council's attention due to the potential for confusion.

9. BIDS AND PURCHASES:**A. Consideration of bid from Precision Fire Apparatus of Camdenton, Missouri, for one new fire pumper truck.**

Gunyou provided a brief staff report.

Anderson asked how many pumpers the city owned. Fire Chief Joe Wallin said that this acquisition would give the city eight pumpers. The Insurance Service Office (ISO) recommends that the city have six frontline pumpers and two reserve pumpers. This acquisition would give each station a new generation pumper, which would be used as the first response.

Wallin noted that the ISO rates each fire department, and Minnetonka carries a rating of 3. The rating is based on distribution of stations, training and water availability.

Anderson added that this high rating benefits everyone in the community through lower insurance rates. She noted that it pays to keep the fire department's equipment up-to-date.

Wiersum moved, Callison seconded a motion to enter into a purchase agreement with Precision Fire Apparatus for the purchase of one new 2004 Freightliner four-door 1250 GPM fire pumper truck for the sum of \$232,768. All voted "yes." Motion carried.

B. Items related to the property at 2510 Oakland Road:

- 1) Approve the purchase agreement subject to approval of the final form by the city attorney.**
- 2) Approve the conservation easement agreement subject to approval of the final form by the city attorney.**

Gunyou gave the staff report for this item.

Callison asked about the development potential for this property if it had not been preserved. Gunyou said that at a minimum, it could have been developed into 17 larger sized parcels.

Callison asked about maintenance fees. Peterson said that the city would pay the land trust a nominal annual fee for the trust's inspection of the property. If the city fails to maintain the property, there could be additional fees. The land trust's board will consider the conservation easement on March 18; this agreement with the land trust will also be brought to the council for approval.

Wagner said that this parcel is in his ward. He applauded Cullen Smith for her contribution.

Wagner moved, Thomas seconded a motion to:

- 1) Approve a purchase agreement with Ann Cullen Smith to purchase the property at 2510 Oakland Road subject to approval of the final form by the city attorney.
- 2) Approve a conservation easement agreement with Minnesota Land Trust subject to approval of the final form by the city attorney.

All voted "yes." Motion carried.

Gunyou noted that the agreement allows Cullen to continue living on the property until her death. However, the conservation easement would be put into place immediately.

Anderson thanked the staff for their efforts, and said this acquisition was a good use of the referendum funds.

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

A. Claims for council authorization – February 23, 2004.

Wiersum moved, Wagner seconded a motion to approve the February 23, 2004 claims list, including checks numbered 180349 through 180651 totaling \$1,514,372.92. All voted “yes.” Motion carried.

B. Resolution approving the agreement for joint and cooperative use of fire personnel and equipment.

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2004-015 approving the Hennepin County Chiefs Association Joint Cooperative Agreement for Use of Fire Personnel and Equipment and authorize the mayor and city manager to execute the document on behalf of the city as a participating member. All voted “yes.” Motion carried.

C. Resolution approving the adoption of the Hennepin County Hazard Mitigation Plan as a part of the Minnetonka Emergency Plan.

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2004-016 adopting the Hennepin County Hazard Mitigation Plan as part of the Minnetonka Emergency Plan. All voted “yes.” Motion carried.

D. Temporary sign for the City of Minnetonka to advertise the Eco-Fair at 14600 Minnetonka Boulevard.

Wiersum moved, Wagner seconded a motion to approve a temporary sign at 14600 Minnetonka Boulevard for the City of Minnetonka for the Eco-Fair. All voted “yes.” Motion carried.

E. Two temporary banners for two separate ten-day periods for fall registration and for summer school for the Accell Academy at 4626 Linnea Lane for Jim Walters.

Wiersum moved, Wagner seconded a motion to approve two temporary banners for two separate ten-day periods for fall registration and for summer school for the Accell Academy at 4626 Linnea Lane for Jim Walters. All voted "yes." Motion carried.

F. Resolution amending appointment term for Bill Yaeger on the Bassett Creek Water Management Commission.

Wiersum moved, Wagner seconded a motion to adopt Resolution No.2004-018 amending Resolution No. 2004-010 designating commissioner Bill Yaeger to a three-year term as commissioner to the Bassett Creek Water Management Commission beginning February 1, 2004, and ending on January 31, 2007. All voted "yes." Motion carried.

11. Items requiring Five Votes: None.

12. INTRODUCTION OF ORDINANCES.

A. Ordinance rezoning 10413, 10405, 10401, and 10402 34th Circle West (vacant lots at the end of 34th Circle West), from PURD (planned unit residential district) to PUD (planned unit development) and adoption of a master development plan for Curt Fretham.

In response to Anderson's question, Gunyou said that staff recommended that this ordinance be referred to the EDA, in addition to the planning commission, to allow for a discussion of affordable housing.

Callison moved, Wiersum seconded a motion to introduce an ordinance rezoning 10413, 10405, 10401, and 10402 34th Circle West (vacant lots at the end of 34th Circle West), from PURD (planned unit residential district) to PUD (planned unit development) and adoption of a master development plan for Curt Fretham, and refer it to the EDA and planning commission. All voted "yes." Motion carried.

B. Ordinances concerning the Cargill Property development at 2201 Crosby Road for Keith Waters & Associates, Inc.:

- 1) Ordinance rezoning from R-1, low density residential, to PUD, planned unit development, and adopting a master development plan, with final site and building plans, with a variance.**
- 2) Ordinance changing a wetland overlay district boundary for the Cargill Property development.**

Principal Planner Cary Teague provided the staff report. Gunyou noted that the ordinances would be referred to the EDA due to the unique concept of lifecycle housing in the project using accessory apartments.

Wagner moved, Callison seconded a motion to introduce the following ordinances and refer them to the EDA and the planning commission:

- 1) An ordinance rezoning the Cargill Property development at 2201 Crosby Road for Keith Waters & Associates, Inc. from R-1, low density residential, to PUD, planned unit development, and adopting a master development plan, with final site and building plans, with a variance; and
- 2) An ordinance changing a wetland overlay district boundary for the Cargill Property development,

All voted "yes." Motion carried.

C. Ordinance amending the zoning text to allow fast-food restaurants and requirements for outdoor restaurant seating in the I-394 district.

Gunyou noted that this ordinance was housekeeping in nature, and would eliminate some inconsistencies within the I-394 district.

Callison moved, Wiersum seconded a motion to introduce an ordinance amending City Code Section 300.01, definitions of restaurant and fast food restaurant, and Section 300.31, subdivision 4.b)2)o to allow fast food restaurants in multiple tenant centers and to add requirements for outdoor seating and in the I-394 district and refer it to the planning commission. All voted "yes." Motion carried.

13. PUBLIC HEARINGS:

A. Public hearing to consider a resolution giving preliminary approval to the issuance of revenue refunding bonds for the Beacon Hill project, 5240-5283 Beacon Hill Road.

Gunyou provided a brief staff report for this item, noting that the city would not be obligated for any payments on the bonds. He described the refunding as routine, likening it to refinancing a mortgage when interest rates fall.

Anderson opened the public hearing at 7:08 p.m. John Utley of Kennedy Graven, and Dan Erickson, Manager of Beacon Hill, noted their presence. There were no other comments, and the public hearing was closed.

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2004-019 giving preliminary approval to the issuance of housing revenue refunding bonds (Beacon Hill Housing Project), Series 2004, in the approximate aggregate principal amount of \$10,710,000 under Minnesota Statutes, Chapter 462C, as amended. All voted "yes." Motion carried.

B. Public hearing to consider a resolution approving the projected use of Community Development Block Grant (CDBG) funds for the year 2004.

Gunyou provided a brief introduction, and Community Development Director Ron Rankin gave the staff report.

Anderson opened the public hearing at 7:13 p.m.

Nora Davis of the Hopkins-Minnetonka Family Resource Center, noted the addition of "Minnetonka" to their name, and said that it reflected the area they serve. She thanked the city council for their support since 1997. She said that the past year was difficult for many Minnetonka families due to job losses.

Lisa Wilson-Barnard of the Greater Minneapolis Day Care thanked Anderson for her support of their organization, and Callison for serving on an advisory board. She also thanked the city council for their long-standing support of her organization, which she said was important due to recent legislative funding cuts. The \$7,500 requested will provide seven to eight day care scholarships for Minnetonka families.

Ted Snyder, HOMEline's executive director, expressed appreciation for the city council's support for 12 years. HOMEline provides legal services to renters, and served 150 Minnetonka residents last year. HOMEline also provided sessions for high school students on the rights and responsibilities of renters. Snyder said that their services often resolve issues without court intervention.

Marilyn Ehline, Director of Housing for the Community Involvement Program, thanked the city council for their support since 1988. They

are seeking funding to tear down their existing structures and provide new housing.

The public hearing was closed at 7:21 p.m.

Callison moved, Wiersum seconded a motion to adopt Resolution No. 2004-020 approving the projected use of funds for Year 2004 of the Urban Hennepin County Community Development Block Grant Program. All voted "yes." Motion carried.

C. Proposed amendments to the city charter:

- 1) Incompatible offices**
- 2) Emergency purchases**
- 3) Official means of publication**

Peterson noted that charter amendments by ordinance require unanimous approval of the full city council. Due to Schneider's absence, she suggested that this matter be continued to April 12, the next meeting where the full council would be present.

Wagner moved, Callison seconded a motion to continue the public hearing on proposed amendments to the city charter regarding incompatible offices, emergency purchases, and official means of publication to April 12, 2004. All voted "yes." Motion carried.

14. OTHER BUSINESS:

A. Presentation of the 2004 Assessment Report.

City Assessor Dick Toy introduced the assessing staff members who were present: Joe Dabruzzi, Rebecca Malmquist, Kay Manning, Amy Weber, and Shelly Gelo, and noted that Eric Johnson was not present. Toy provided a detailed overview of the 2004 Assessment Report.

Anderson reminded property owners to contact staff with questions regarding market value, and noted that many issues are resolved at the staff level.

In response to Thomas' question, Toy said that the assessing staff personally visited properties in the southeast quadrant of the city and those in the middle of the city, along Minnetonka Boulevard.

In response to Wagner's question, Toy clarified that the city's actual tax value did not reflect the state's limited market value caps.

Anderson thanked the assessing staff for their good work. Gunyou said that they deserve a great deal of credit for professionalizing the operation.

Anderson noted that the city council serves as the Local Board of Review.

15. APPOINTMENTS and REAPPOINTMENTS: None.

16. ADJOURNMENT.

Wiersum moved, Thomas seconded a motion to adjourn the meeting at 7:43 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk