

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, JUNE 28, 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.

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

4. APPROVAL OF AGENDA.

City Manager John Gunyou reviewed the addendum. Staff recommended a change to the condition regarding the outdoor sound system for the Big Buck Restaurant, item #13A.

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

5. APPROVAL OF MINUTES: June 14, 2004 regular council meeting.

Callison moved, Thomas seconded a motion to approve the minutes of the June 14, 2004 Minnetonka City Council meeting as submitted. All voted "yes." Motion carried.

6. SPECIAL MATTERS:

A. Minnetonka Community Action Recognition Award

Anderson asked Mrs. Ann Cullen Smith to come forward for recognition. Anderson also acknowledged others in the audience who were instrumental in this transaction and who were there to celebrate Mrs. Smith's contribution to the community:

- Ann Theis, Minnesota Land Trust
- Bill Cullen, Mrs. Smith's son
- Ralph Tully, Mrs. Smith's attorney
- Members of the Open Space Task Force and Minnetonka Park Board: Polly Bayrd, Marilyn Clinton and Scott Christenson

Anderson also recognized the staff who played a key role in this project: Geralyn Barone, Desyl Peterson, and John Gunyou.

Anderson recognized Mrs. Smith for donating a portion of the value of her 30-acre property, noting that it will be the crown jewel of the open space program. Anderson said that it was a pleasure to present Mrs. Smith with the CAR award, and a memento to mark the occasion.

Mrs. Smith noted her pride in the city council, staff and city. She was glad to be able to do what she did, and appreciated her family's cooperation. She hoped that the property would remain as close to its present natural state as possible, and noted the two fawns she saw on the property that morning.

Bill Cullen thanked the city staff, and the Land Trust, who was very cooperative during the whole process.

Ann Theis said that the Land Trust was thrilled to be part of this project, and thanked Mrs. Smith for her forward thinking. She said that the Land Trust looks forward to working with the city.

Gunyou said this was a rare opportunity to work with someone as gracious and generous as Mrs. Smith and her family. He noted her modesty, and said she only agreed to be publicly recognized to serve as an example for others. Gunyou characterized Mrs. Smith as someone who was truly leaving something for the next generation.

Mrs. Smith expressed appreciation for all of the notes and calls she has received since her donation has been publicized.

Anderson hoped that Mrs. Smith's example would be one others would follow. She said the donation offered the city a way to stretch the referendum dollars, and she encouraged others to pursue this type of option.

B. Review of the 2003 Financial Report with the city's audit firm of Kern, DeWenter, Viere (KDV).

Steve Wishman, a partner with the firm of Kern, DeWenter, Viere (KCV), presented the city's 2003 Financial Report. He noted the following:

- The report was unqualified. He congratulated the city on receiving this highest evaluation.
- The city complies with governmental audit and Minnesota Legal Compliance standards.

- There were no audit scope limitations or disagreements with management.
- The General Fund was relatively flat for 2003. The tax levy increased as a result of State Aid being reduced. Licenses and permits were up, and investment earnings were down.
- Expenditures increased from \$18.6 million to \$19.3 million, with the major increases in the areas of public safety and parks.
- The General Fund balance would cover 3.7 months of operation, which is in the mid-level of their recommended range. Minnetonka's fund balance is comparable to those of St. Louis Park and Eden Prairie.
- The General Fund Revenue/Expenses per household declined slightly.
- The Enterprise Funds (water and sewer, ice arena, and Williston Fitness Center) continue to cover expenses and contribute toward future replacements. The newest enterprise, the Gray's Bay Marina, marked its second year. It showed a slight improvement, and for a fairly young project, shows positive trends.
- The Firefighters Relief funds had a good year. Investments increased by \$1.5 million, recovering losses from 2001 and 2002. KDV saw this as a very positive sign.
- KDV congratulated the city on maintaining its Aaa Moody Bond Rating, a rating only achieved by three percent of the nation's cities.

Wishman said that for a first year of auditing Minnetonka, the audit went very well. He thanked the finance staff for their assistance, and said they do an excellent job of providing accurate information. Wishman said that KDV will do some additional internal control analysis for the city this fall.

Anderson noted the upheaval over the past several years in the state and local fiscal relationship. She asked Wishman how KDV felt about the city's fund balance and the way the city has projected its funds and expenditures. Wishman said that a four-month fund balance gives Minnetonka sufficient cash. He noted that most city fund balances cover four to five months. Wishman said that Minnetonka has done a good job of being fiscally conservative by budgeting only the funds it knows it will receive--a good response to the market and the legislative process. He said that Minnetonka's General Fund balance was neither excessive nor too low. Anderson noted a recent letter the city received from the State Auditor congratulating the city for its appropriate fund balance.

Thomas asked Wishman to provide additional comments about the depreciation for the enterprise funds. Wishman said that enterprise funds are designed to be self-sufficient with expenses covered by user fees.

Depreciation is charged for assets, but the funds are not designed to cover all depreciation costs. Wishman said there is some debate about whether current or future users should cover the costs of replacement. Minnetonka's enterprise funds contribute to a portion of the future replacement costs, and that is a positive.

Wiersum noted that expenses have increased over time, while the General Fund Balance has remained fairly static (\$5.5 to \$6 million). He noted the difficult economic times, and asked if there were concerns about the erosion of the fund balance as a percentage of expenditures. Wishman said that they would be concerned if the General Fund balance dropped below the three-month level. He noted that the city receives its major revenue twice a year, so three months' balance should be sufficient. Wishman said that the General Fund level is a management decision.

Gunyou noted that the only negative operating result among enterprise funds was the ice arena. He said that Ice Arena B was closed for three months to replace the floor, which resulted in lost revenue. Staff did not think it was appropriate to change the rates for the ice arena to recover that temporary revenue loss.

Gunyou also noted that the city has established ideal and minimum fund balances for all of its funds, and unlike many other cities, Minnetonka maintains balances in its capital funds rather than borrow. This allows the city to co-mingle its investments to cover cash flow. Staff considers the three to four month balance in the General Fund to be appropriate.

Callison noted recent GASB changes concerning employee benefits. She asked if the city would have to make changes to address these new rules. Wishman said that some changes may be needed in the future, but these changes will not become effective until 2007 or 2008. The standards address hidden, long-term post-employment benefits.

Schneider thought that the GASB changes might have a great impact on a few cities that provide benefits such as lifetime health coverage, which Minnetonka does not. Wishman said that the standards were fairly new, and agreed that the impact would be greater to cities that provide lifetime health benefits.

Anderson offered a minor correction – Minnetonka is no longer the 12th largest city in Minnesota. She noted that KDV audits many cities. Anderson thanked KDV for their good work, and their working relationship with staff.

Wishman thanked the city for the opportunity to serve.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou provided statistics on the Summer Festival and the Ice Cream Social, noting the growing success of these two events. Anderson said that she enjoyed the Summer Fest, especially the fireworks. She thanked staff and the volunteers for their efforts.

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

No one spoke.

9. BIDS AND PURCHASES:

A. Consideration of bids for the Woodland Curve Storm Sewer Project No. 5612.

Gunyou provided a brief staff report.

Schneider moved, Thomas seconded a motion to award the bid for the Woodland Curve Storm Sewer Improvement Project No. 5612 to Wm. Mueller & Son, Inc. in the amount of \$152,574.10. All voted "yes." Motion carried.

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

A. Claims for council authorization – June 28, 2004.

Wiersum moved, Callison seconded a motion to approve the June 28, 2004 claims list, including checks numbered 182752 through 183036 totaling \$1,088,486.30. All voted "yes." Motion carried.

B. Ordinance amending City Code Section 135.010 concerning the Community Heritage Commission.

Wiersum moved, Callison seconded a motion to adopt Ordinance No. 2004-21 amending City Code Section 135.010 concerning the community heritage commission. All voted "yes." Motion carried.

C. Resolutions ordering the abatement of nuisance conditions.

Wiersum moved, Callison seconded a motion to:

- 1) Adopt Resolution No. 2004-065 ordering the abatement of nuisance conditions existing at 10604 Crestridge Drive.
- 2) Adopt Resolution No. 2004-066 ordering the abatement of nuisance conditions existing at 15216 Highwood Drive.
- 3) Adopt Resolution No. 2004-067 ordering the abatement of nuisance conditions existing at 2339 Hopkins Crossroad & 11170 Mill Run.

- 4) Adopt Resolution No. 2004-068 ordering the abatement of nuisance conditions existing at 209 Park Lane South.

All voted "yes." Motion carried.

D. Request from Bruce Illies to move a garage from one site to another site on his property located at 15604 Robinwood Drive.

Wiersum moved, Callison seconded a motion to approve the permit subject to the following conditions:

- 1) must maintain at least a 50-foot setback from the north property line.
- 2) must maintain at least a 10-foot setback from the east property line.
- 3) without a conditional use permit, the property shall not have more that 695 square feet of additional detached buildings.

All voted "yes." Motion carried.

E. Resolution amending Resolution No. 2004-043 establishing just compensation for the CSAH 60 (Baker Road) and CSAH 3 (Excelsior Boulevard) intersection improvement project.

Wiersum moved, Callison seconded a motion to adopt Resolution No. 2004-069 amending Resolution No. 2004-043 establishing just compensation thereof for the CSAH 60 (Baker Road) and CSAH 3 (Excelsior Boulevard) intersection improvement project No. 4422.

All voted "yes." Motion carried.

11. Items requiring Five Votes:

A. Resolution approving a conditional use permit for telecommunications antennas with a wetland setback variance from 35 feet to 10 feet for the ground equipment at the northwest corner of Stone Road and I-494 for Voicestream Minneapolis.

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2004-070 approving a conditional use permit for telecommunications antennas and a wetland setback variance from 35 feet to 10 feet for ground equipment for Voicestream at Xcel power tower I-494 #17 (northwest corner of Stone Road and I-494). Approval is subject to the following conditions:

- 1) Record this resolution with the county before the city issues a building permit.
- 2) With the exception of relocating the ground equipment to the east side of the public trail, the site must be developed and

maintained in substantial conformance with the plans dated May 3, 2004.

- 3) The exterior surface of the antennas and equipment must be painted to match the existing power tower.
- 4) The ground equipment must maintain a 10-foot setback from the delineated wetland.
- 5) If the existing vegetation around the ground equipment dies, the applicant must replace it with year round screening, subject to staff approval.
- 6) The antenna company must repair any damage they cause to the trail, as required by the city.
- 7) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 8) The applicant must agree to the above conditions in writing.

All voted "yes." Motion carried.

B. Items pertaining to a proposal for a two-lot subdivision at 3601 Prestige Lane for Lecy Bros. Homes on behalf of Andy and Joyce Mundahl:

- 1) **Preliminary plat, with lot width at the right-of-way variance from 80 feet to 0 feet for Lot 1.**
- 2) **Rear yard setback variance from 40 feet to 25 feet for the existing home, and a shared driveway setback variance from 17 feet to 0 feet.**

Wiersum moved, Wagner seconded a motion to approve the two-lot preliminary plat, with lot width at the right-of-way variance from 80 feet to 0 feet for Lot 1, the driveway setback variance from 17 feet to 0 feet, and the rear yard setback variance from 40 feet to 25 feet for Lot 2. Approval is based on the following findings:

- 1) The proposal meets the required standards and ordinances for a preliminary plat.
- 2) Variances requested are for the purpose of saving mature trees.
- 3) The proposal meets the required standards for a lot width at the right-of-way variance in Section 300.10, Subdivision 5(h)(2)(b).

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. Show the following on the final plat:
 - (1) 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.

- (2) Utility easements over existing or proposed public utilities, as determined by the city engineer
 - b. Pay the city a park dedication fee of \$2,375.
- 2) The following items must be completed before the city releases the final plat:
 - a. An engineering/utility inspection fee.
 - b. An electronic CAD file of the final plat in microstation 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) Provide a 34-foot private driveway easement between the street right-of-way and Lot 1 that is acceptable to the city attorney. The easement shall state the maintenance responsibilities of each owner. The minimum driveway width shall be as required by the fire marshal.
 - (3) A private utility easement across Lot 2 to provide services to Lot 2.
 - (4) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.
 - (5) Conservation easements over the significant trees outside of the required setbacks, and a drawing of the easements for the approval of the city attorney. The easements and drawing must be recorded with the final plat. These documents must be recorded with the final plat, and a drawing of any easements must be attached to the easement deed.
- 3) The following must be submitted to the city before the city issues a building permit:
 - a. A grading and tree preservation plan subject to staff approval. The plans must be in substantial compliance with the agreed building areas as required with the final plat. The sewer and water services must be shown to minimize impact to the significant trees.
 - b. All trees to be preserved must be fenced and erosion control measures must be installed for staff approval.
 - c. Hook up fees.

- d. A copy of the recorded plat and any easements or covenants required to be recorded.
 - e. The new home must be installed with a sprinkler system as approved by the fire marshal.
 - f. A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed streets has not been completed, the planning director may approve a time extension to this requirement.
- 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 each 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 or original developer must replace the required trees if they die within one year after installation.
 - 6) Before the city makes a final inspection of the house, the drive must be paved from the street to the house on Lot 1. A driveway setback of at least 30 feet must be maintained from the side lot lines. The city may approve a time extension if weather prevents paving of the drive.
 - 7) 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 shall be void.

All voted "yes." Motion carried.

12. INTRODUCTION OF ORDINANCES:

A. Ordinance amending the wetland overlay district.

Gunyou introduced this item, noting that this change resulted from the city council's previous discussions of environmental protection standards. He noted one addition to the previous discussions--a reference to setbacks for tennis courts, sport courts, and pool aprons.

Gunyou said that staff was considering an expanded process to notify interested parties of the planning commission hearing, and will likely provide notices to builders' associations and business groups.

In response to Callison's question, Planning Director Geoff Olson clarified that pool setbacks go to the water's edge. He will clarify this language in the next draft.

Wagner thanked staff for including notice to others about the changes. He noted that more changes will be coming, so it was appropriate to provide an opportunity for broad input.

Wagner moved, Thomas seconded a motion to introduce an ordinance amending the wetland overlay district and refer it to the planning commission. All voted "yes." Motion carried.

13. PUBLIC HEARINGS:

A. Items concerning the proposed The Big Buck Roadhouse restaurant at 17805 State Highway 7:

- 1) **Resolution approving a conditional use permit for a restaurant serving on-sale intoxicating liquor, and an outdoor eating area with a side yard setback variance.**
- 2) **Site and building plan review for an expansion of the restaurant, with a setback variance for a small building addition and a variance to reduce the required number of parking spaces.**
- 3) **Continued public hearing for on-sale and on-sale Sunday intoxicating liquor licenses.**

Olson provided the staff report for this item. He noted the addendum information concerning the sound system condition. Olson said that the applicant would like to vary from the staff's recommendation concerning closing time for the outdoor area. Staff recommended 10 p.m. on weeknights, and 11 p.m. on Saturdays and Sundays. Olson noted that this standard has been consistently applied to other recent outdoor eating areas.

Wagner noted that the parking was based on sharing parking with adjacent office buildings that have offset hours. He asked what would happen if the hours for those offices changed, creating a conflict. Olson said that the worst-case scenario would be another restaurant with intoxicating liquor, which would require the most parking. In that case, the city would review the conditional use permit application. Olson was confident that there was sufficient parking, and said that there were fallback options.

Wiersum noted that there is on-street parking in front of this site during evening activities at the Minnetonka High School. He suggested planning for these events.

Linda Fisher, 1500 Wells Fargo Plaza, spoke as the attorney for the applicants. Jennifer Jackson King and Elliot King will be the owners and operators of the new restaurant. She also noted the presence of project architect, John Cerny.

Fisher said that the applicants have entered into an agreement for 17 parking spaces on an adjacent private office property. Although off-street parking offers a fallback, Fisher said that it was not used in the applicant's calculations of their parking. The Kings are confident that there will be adequate parking.

Fisher said that they brought the Zoning Ordinance language concerning the outdoor sound system to the attention of staff, and that they agreed to the change suggested in the addendum.

Community Development Director Ron Rankin noted that the council received the report on the liquor license investigation. He offered the following reasoning for staff's recommendation regarding the hours for the outdoor area:

- It is important to maintain consistency in the hours of operations of similar establishments.
- The city's noise ordinance does not apply to commercial areas—only residential areas. The noise ordinance prohibits noise in residential areas after 10 p.m. on weekdays, so a similar closing time for outdoor eating areas provides some protection to adjacent residential neighbors. Rankin noted that the closest residential property to this restaurant is one-half block away.
- The city has not had problems with outdoor dining in the recent past. The requirements are enforced on a complaint basis.

Rankin thought the applicant might be concerned about the definition of "closing." He noted that parties seated before closing would not be required to leave at 10 p.m. They could complete their meals.

Fisher said that the Kings appreciated Rankin's information concerning how the closing times would be enforced. They accepted the city's recommended hours of operation.

Cerny showed landscape plans and elevations of the structures.

Anderson invited public comment during the continued public hearing. There were none, and she closed the hearing at 7:46 p.m.

Callison supported a parking variance to bring a high quality restaurant to this site. She was not concerned about the on-site parking and potential conflicts with evening events at the high school. She said the public streets should be first come, first served, for parking.

Thomas moved, Callison seconded a motion to:

- 1) Adopt Resolution No. 2004-071 approving a conditional use permit for a restaurant serving on-sale intoxicating liquor and an outdoor eating area with a side yard setback variance from 20 feet to 11 feet for the outdoor eating area at 17805 State Highway 7.

Approval is based on the following findings:

- a. The hardship is caused by the small lot size, and location of the existing building. An outdoor eating area could not be located on the site to meet the required setbacks, without removing necessary parking stalls.
- b. The outdoor eating area would be adjacent to a parking lot to the west; the proposed landscaping around the perimeter of the outdoor eating area would be an improvement over the existing condition of the site.
- c. With the extra leased parking spaces and the shared spaces, the use would have adequate parking spaces.
- d. The peak usage for the restaurant would be Friday nights and the weekends, which are times when the adjacent office is closed.
- e. The proposal meets the standards outlined in the city code, Section 300.21.2, regarding general standards for conditional use permits for business zoning districts.
- f. With the exception of the setback variance, the proposal meets the standards outlined in the city code, Section 300.21.4. r, regarding accessory sidewalk cafes and outdoor eating areas.

Approval is subject to the following conditions:

- a. Record this resolution with the county within one year from the date of city council approval.
- b. The site must be developed per the landscape plans date stamped March 22, 2004.
- c. In order to serve liquor within the outdoor eating area, a liquor license must be obtained.
- d. Proper fencing must be installed subject to review and approval of the city fire marshal, and per the satisfaction of the conditions of a liquor license. The fence must not be interrupted and access must only be through the principal building.
- e. The outdoor eating area must be equipped with refuse containers and periodically patrolled for litter pick-up.

- f. Shall not have speakers or audio equipment which are audible from adjacent parcels. The city, at its sole discretion, may require any outdoor sound system to be removed.
 - g. The outdoor dining area must close by 10:00 pm Sunday through Thursday and by 11:00 pm Friday and Saturday.
 - h. The city council may reasonably add or revise conditions to address any future unforeseen problems.
 - i. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
 - j. An additional 17 parking spaces must be leased from the adjacent office site.
 - k. The applicant must agree to the above conditions in writing.
- 2) Approve the site and building plan review for an expansion of the restaurant, with a setback variance from 20 feet to 1 foot for a small building addition and a parking stall variance from 77 stalls to 73 stalls.
Approval is based on the following findings:
- a. The hardship is caused by the small lot size, and location of the existing building. An addition to the building could not be made to the east side of the building without a variance.
 - b. There is no room on the site to provide extra parking spaces.
 - c. With the extra leased parking spaces and the shared spaces from adjacent sites, the use would have adequate parking spaces.
 - d. The peak usage for the restaurant would be Friday nights and the weekends, which are times when the adjacent office is closed.
 - e. The adjacent office site contains 50 spaces, but is only required 30 spaces based on the size of the building.
- Approval is subject to the following conditions:
- a. The site must be developed per the landscape plans date stamped March 22, 2004.
 - b. An additional 17 parking spaces must be leased from the adjacent office site.
- 3) Grant the on-sale and on-sale Sunday intoxicating liquor licenses to Pomodoro, Inc., for use at 17805 State Highway 7, subject to the following stipulations from the CUP approval:

- a. Proper fencing must be installed subject to review and approval by the city fire marshal. The fence must not be interrupted, and access must only be through the principal building.
- b. Shall not have speakers or audio equipment which are audible from adjacent parcels. The city, at its sole discretion, may require any outdoor sound system to be removed.
- c. The outdoor dining area must close by 10 p.m. Sunday through Thursday, and by 11 p.m. Friday and Saturday.

Anderson thanked the applicant for agreeing to the hours of operation for the outdoor area. She said that the building would be attractive, and she wished them much luck. Anderson noted that the restaurant is expected to open in November.

All voted "yes." Motion carried.

14. OTHER BUSINESS:

A. **Resolution approving a conditional use permit for a special education school in an industrial district at 11140 Bren Road West for Intermediate School District 287.**

Olson provided the staff report for this item.

In response to Thomas's questions, Police Chief Joy Rikala provided the following information:

- School liaison officers are typically funded by school districts through safe school levies. Intermediate School District 287 does not qualify for those levies. If the council grants the CUP request, staff will negotiate a contract to cover the liaison officer's salary for the school term.
- Liaison officers typically remain at a school for three to four years, depending on the district, so they get to know the staff and students.
- Due to the unique diversity, emotional and behavioral issues related to students at this school, an experienced officer would be recruited for this position.

Sandra Lewandowski spoke as the assistant superintendent of Intermediate District No. 287. She noted the following:

- The existing school has a long track record of a successful partnership with the city and school districts in St. Louis Park.

- The existing building no longer meets their needs. Due to the profile of their students, they took care in selecting a new site. They found their dialogues with city staff to be very respectful. They also found the questions posed by citizens to be respectful. They were encouraged by their interactions with staff from the planning and police departments.
- In response to concerns from the neighbors, they dropped plans to allow students to drive to school.

Ellingson said that the school invited him to visit on two occasions. He was impressed by their school. He noted the importance of these students remaining in school to improve their chances in life.

Ellingson understood residents not wanting the school in their neighborhood, but noted the importance of being part of the broader community. He thanked the school for changing their plans regarding students who drive in response to concerns of the neighbors, and said he would support the project.

Schneider noted the good working relationship between the school and the city. He was comfortable supporting this project based on the feedback from Rikala.

Schneider moved, Wiersum seconded a motion to adopt Resolution No. 2004-072 approving a conditional use permit for a special education school in an industrial district at 11140 Bren Road West. This resolution is based on the finding that the proposal meets all conditional use permit standards. Approval is subject to the following conditions:

- 1) The school district must come to an agreement with the City of Minnetonka Police Department to provide adequate funding for the delivery of police liaison services to meet the additional service needs that this special population will be adding.
- 2) Submit an emergency plan for police department review and approval.
- 3) The building must be sprinklered or meet all minimum building code requirements for schools.
- 4) A sign must be installed at the property's northerly drive noting the student and staff parking and entrances. A sign must be installed at the southerly drive noting the visitor parking and entrance.
- 5) The district must notify city staff if student or staff numbers exceed the current proposal. Parking must be reevaluated at that time.
- 6) Record this resolution with the county before the city issues a building permit.

- 7) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 8) Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
- 9) The district must replace the trees that were previously removed along the westerly property line. Staff must approve the size, species, and location.
- 10) Students must not drive to the site, unless approved as a special exception by the school administration.
- 11) The applicant must agree to the above conditions in writing..

Wiersum supported the project. He has two children who attend the district, and noted the broad services they provide to children with special needs.

Anderson said that the location appeared good for the program. It is in an industrial area, and at the edge (not the center) of a residential area. She noted that trees will be replaced to help strengthen the buffer between the school and the residential area. She also noted that the facility will be locked, so problems will be contained inside the building where there will be law enforcement assistance. She noted that the students will arrive by bus, and there might be Minnetonka students occasionally. She was glad the school found a location. Anderson also noted that if changes are proposed for the school operations, planning commission and city council review would be required.

All voted "yes." Motion carried.

15. APPOINTMENTS and REAPPOINTMENTS: None.

16. ADJOURNMENT.

Wiersum moved, Thomas seconded a motion to adjourn the meeting at 8:08 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk