

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, JULY 12, 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 Al Thomas, Tony Wagner, Bob Ellingson, Brad Wiersum, Jan Callison, Terry Schneider, and Karen Anderson were present.

4. APPROVAL OF AGENDA.

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

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

5. APPROVAL OF MINUTES: June 28, 2004 regular council meeting.

Schneider moved, Wagner seconded a motion to approve the minutes of the June 28, 2004 Minnetonka City Council meeting as submitted. All voted "yes." Motion carried.

6. SPECIAL MATTERS:

A. Recognition of retiring employee, Harriet Johnson.

Anderson recognized Johnson for her 17+ plus years of service with the city. She noted how much fun Harriet was to work with, and conveyed good wishes for the years to come. Anderson presented Johnson with a plaque. Johnson thanked the city and said she enjoyed her work.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou reported that there would be no council meeting on July 19, and the next regular council meeting would be held on July 26.

Anderson reported that she represented the city at a Minnehaha Creek Watershed District event in Edina to mark their latest creek partnership. The project will start this August.

Callison reported for the I-394 Express Lane Task Force that the conversion of the same lane to a toll lane has been postponed to the spring of 2005.

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

No one spoke.

9. BIDS AND PURCHASES: None.

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

A. Claims for council authorization – July 12, 2004.

Wiersum moved, Thomas seconded a motion to approve the July 12, 2004 claims list, including checks numbered 183037 through 183328 totaling \$913,792.06. All voted “yes.” Motion carried.

B. Resolutions pertaining to levying the 2004 special assessments:

- 1) Declaring costs.**
- 2) Scheduling a public hearing at 6:30 p.m. on August 23, 2004.**

Wiersum moved, Thomas seconded a motion to adopt the following resolutions:

- 1) Resolution No. 2004-073 declaring costs for sewer and water improvement projects to be specially assessed in 2004 and preparation of proposed assessment rolls.
- 2) Resolution No. 2004-074 declaring costs for privately installed sewer and water improvement projects to be specially assessed in 2004 and preparation of proposed assessment rolls.
- 3) Resolution No. 2004-075 declaring costs for nuisance abatement projects to be specially assessed in 2004 for Nuisance Abatement Project Nos. 4894N-22, 4894N-23, 4894N-24, 4894N-25, 4894N-26, 4894N-27, 4894N-29, 4894N-30, 4894N-31, 4894N-32, 4894N-33, and 4902, and preparation of proposed assessment rolls.
- 4) Resolution No. 2004-076 declaring cost to be specially assessed in 2004 for fire sprinkler system project Nos. 4874F-4 and 4874F-6, and preparation of proposed assessment rolls.

- 5) Resolution No. 2004-077 calling for a public hearing on August 23, 2004 at 6:30 p.m. on the proposed special assessments of sanitary sewer, water main, nuisance abatement, diseased tree removals, and fire sprinkler system projects.

All voted "yes." Motion carried.

C. Final approval of the CITY VIEW HEIGHTS plat at 600 Sunnyvale Lane and 665 City View Drive for Gonyea Development, LLC.

Wiersum moved, Thomas seconded a motion to approve the CITY VIEW HEIGHTS final plat that was received on May 14, 2004, subject to the following conditions:

- 1) Compliance with all preliminary plat conditions, especially the specific conditions for release of the plat; and
- 2) Unless the city council approves a time extension, the final plat must be recorded within one year of council approval of the final plat.
- 3) The resolution vacating part of City View Drive must be recorded with the plat.

All voted "yes." Motion carried.

D. Resolution authorizing the police department to enter into a grant agreement with the Hennepin County Emergency Management Preparedness Division.

Wiersum moved, Thomas seconded a motion to adopt Resolution No. 2004-078 authorizing the police department to enter into a grant agreement with the Hennepin County Emergency Management Preparedness Division. All voted "yes." Motion carried.

E. Resolution providing for the issuance and sale of \$5,000,000 General Obligation Open Space and Park Improvement Bonds, Series 2004A.

Wiersum moved, Thomas seconded a motion to adopt Resolution No. 2004-079 providing for the issuance and sale of \$5,000,000 General Obligation Open Space and Park Improvement Bonds, Series 2004A. All voted "yes." Motion carried.

F. Resolution providing for the issuance and sale of \$3,560,000 General Obligation Water Revenue Bonds, Series 2004B.

Wiersum moved, Thomas seconded a motion to adopt Resolution No. 2004-080 providing for the issuance and sale of \$3,560,000 General Obligation Water Revenue Bonds, Series 2004B. All voted “yes.” Motion carried.

G. Resolution authorizing the police department to enter into a grant agreement with the MN Department of Public Safety, Office of Traffic Safety.

Wiersum moved, Thomas seconded a motion to adopt Resolution No. 2004-081 authorizing the police department to enter into a grant agreement with the MN Department of Public Safety, Office of Traffic Safety. All voted “yes.” Motion carried.

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

12. **INTRODUCTION OF ORDINANCES:** None.

13. **PUBLIC HEARINGS:**

A. Public hearing to consider applications by Leeann Chin, Inc., for on-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Chin’s Asia Fresh restaurant, located at 11300 Wayzata Boulevard, Suite G.

Community Development Director Ron Rankin provided a brief staff report. He noted that staff was still working with the applicant on how the identification process will work for the service of alcoholic beverages. Rankin said that Carl Mariano was in the audience, representing Leeann Chin.

Anderson opened hearing at 6:45 p.m.

Mariano, 2193 Eagle Trace Way, Woodbury, spoke as a regional manager for Leeann Chin, Inc. He explained how alcoholic beverages would be served at the counter only after proof of identification for anyone who looks under the age of 80. Multiple bottles of alcohol would not be served to a single person.

Anderson said that staff will clarify the process before the continued public hearing. Anderson noted that Minnetonka is very strict about ensuring that underage individuals are not served alcohol, and the city provides annual training sessions for liquor establishments.

Mariano said that alcohol will represent a very small portion of their profits—probably about one percent.

Rankin said that the liquor establishment training occurs annually in June. Staff works individually with restaurants that open in the interim. Anderson wished the restaurant the best in Minnetonka.

Callison moved, Wagner seconded a motion to continue the hearing to consider applications for on-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Chin's Asia Fresh restaurant, located at 11300 Wayzata Boulevard, Suite 6, to August 9, 2004. All voted "yes." Motion carried.

B. Public hearing to consider an application by Bennett Family Park, Inc. for a temporary on-sale 3.2 percent malt beverage liquor license for use at the Adult Softball Appreciation Day, to be held on August 7, 2004.

Rankin provided the staff report for this item.

Anderson opened the public hearing at 6:51 p.m.

In response to Anderson's question, Rankin said that this was the first request for a temporary liquor license from Bennett Family Park. He also reported that the Lion's Club did not have a beer tent at this year's Summer Festival.

Anderson closed the public hearing at 6:52 p.m.

Schneider moved, Wiersum seconded a motion to approve a temporary on-sale 3.2 percent malt beverage liquor license for Bennett Family Park, Inc. for use at the Adult Softball Appreciation Day, to be held on August 7, 2004. All voted "yes." Motion carried.

14. OTHER BUSINESS:

A. Approval of the Hilloway Park Ecological Restoration and Management Plan.

Gunyou noted that this project was a little unusual from other park renewal projects, since the park board requested a more detailed plan for ecological stewardship, a process that is usually handled administratively. This new plan adds definition to past practices and provides a template for other natural preserves.

City Forester Mark Simenson said that during the input process for Hilloway Park's renewal, the neighbors indicated a strong interest to begin the stewardship program. The park board reviewed and accepted the plan in June.

Dr. Kim Chapman of Applied Ecological Services provided background information, and reviewed the Ecological Restoration and Management Plan for Hilloway Park. He said the plan would continue the stewardship program that has been in place since the late 1990s. Hilloway Park is so important, and the neighborhood interest is so high, he recommended that this park be restored sooner rather than later.

Chapman listed the activities that would be included in the program, including buckthorn removal and control, prescribed burning, non-native species control, deer herd management, and upland prairie and wet prairie plantings.

Chapman discussed the evolution of Minnetonka's restoration efforts. Over time, the amount of non-native shrub cover is decreasing. At the same time, native cover is increasing. He said that this is one measurement to indicate the program's success.

Chapman noted that Hilloway Park was once part of a large savanna. That savanna was historically maintained by fires every year or two, so the forest did not advance. With settlement of the area and the introduction of agriculture, the forest was checked by plowing, tree cutting, and grazing. With suburbanization after World War II, the forest advanced rapidly with no deterrents. Woody plants accelerated, and by the 1970s, buckthorn began to increase and infill under the canopy. During that time, the deer herd also increased. The main issues at Hilloway Park are: buckthorn, loss of native plant diversity, loss of open conditions, crowding by non-native plants, the declining health of the habitat, and stormwater impacts from outside the park

While at the park, Chapman heard two male Indigo Buntings who were singing to claim territory. He noted that if the park infills, there won't be habitat for them. The pines planted in the 1950s are in tight rows that were never thinned, and some are dying as they compete for space.

Chapman said that three management units are proposed. The trail would define a firebreak between the forest and the savanna. The goal for the forest management unit is to reduce the potential for disease, wind throw and non-native invasive plants. The strategy that will be used is to increase diversity and increase the cover of native wildflowers, sedges, and grasses. Tasks include buckthorn and honeysuckle removal, garlic mustard control, increasing native herbs by thinning the canopy a bit, increasing native shrubs, thinning trees to reduce mortality, and increasing diversity through sapling protection.

Chapman said that the goal for the savanna management unit is to maintain diversity and reduce the potential for non-native plant invasions. The strategy will be to work with existing plant material to bring it along over time, while decreasing the cover of non-native species and maintaining native shrubs and wildflower species. Buckthorn likes to invade areas that are not totally open or closed. Tree and shrub canopy coverages below 30 percent or above 80 percent discourage buckthorn development.

Chapman noted that the goal for the wetland management unit is to understand the problems created by offsite runoff. The strategy will be to formulate a plan.

Chapman said that optional strategies had been listed, but there is currently no funding for them. Many of these items could be completed with volunteer labor because they are not dangerous and carry no insurance risk. He noted the neighbors' interest in this area.

Schneider said that the report was well written, thorough and comprehensive. It was very commendable and needed to be approved. He was concerned about the city's ability to implement the full scope due to budgetary constraints. He did not want to establish false expectations for the neighbors, who are anxious for the work to occur. Schneider said that the city needs to balance needs with resources. He asked if the full scope of the report could be implemented within the current funding mechanism. If it could not, he felt the council should qualify its approval so that full implementation would be subject to council approval.

Simenson said that there are currently 20 restoration sites in the city. Hilloway Park is a preserve area and a high quality park. Staff told the park board and the neighborhood that Hilloway was likely the last park that would be added to the restoration list for some time because the city has reached its funding limit.

Simenson said that funding is available for the initial restoration at Hilloway. The first year, \$60,000 would be needed for buckthorn removal. The following year, \$15,000 would be needed for herbicide. The third year would require about \$3,000 to fund. Staff believes that Hilloway can fit in with the existing 20 sites and into the existing budget. Once the earlier restoration projects are under control, additional funding may be available for plantings for Hilloway, especially if volunteer groups come forward to help.

Schneider wanted to make it clear to residents what will be done.

Assistant City Manager Geralyn Barone said that the park board has been careful not to overextend the restoration program. Simenson has done a terrific job managing the program. Barone said that the city would welcome volunteers if they come forward. She said that staff had a good handle on current and future costs.

In response to Anderson's question, Barone said that there is funding for restoration projects in the Capital Improvement Program.

Callison asked about timing and expectations. Simenson said that the buckthorn would be removed this fall. It should be under control in three to four years, but will require spot treatment.

Anderson asked that the council delay their action on this item until after the presentation on the park renewal concept plan. She wanted to get a sense of the master plan before voting on the ecological plan.

B. Approval of Park Renewal Concept Plan for Hilloway Park.

Recreation Program Manager Perry Vetter provided the staff report.

In response to Anderson's question, Vetter provided information about a possible western trail access through the park. He noted that an easement would be needed for that trail. He said that the informal trails would remain as they are because they do not have washout problems.

Callison noted that staff had not recommended a boardwalk for the Meadowwoods project due to cost, and asked why staff supported this boardwalk. Barone said that this boardwalk would only be 50 to 75 feet in length, while the Meadowwoods boardwalk would have been about 1,000 feet in length. This boardwalk would also address a trail safety concern. Vetter said that a final decision had not yet been made on this boardwalk, and that feasibility, due to the proximity of the wetland, and cost would be factors in that decision.

Callison noted the recommendation to close trails for a period of time to reduce cross contamination of non-native plants. Chapman said that garlic mustard is spread when its microscopic seeds are carried on the bottoms of shoes. This occurs at a couple of locations along the informal trails. Chapman said that these sections of informal trail would be closed for about two years. Because seeds remain viable for seven years, some spraying might be needed to keep the plants from flowering in the spring. Chapman said that a decision on this issue will be made during the

process. In response to Anderson's question, Chapman said that the deer trails could be blocked with brush.

Gunyou noted that staff was making some changes in the park planning process as a result of a recent review. Staff concluded that although the initial schedule was aggressive, it was still achievable. Staff plans a few adjustments, including delaying Big Willow Park one year to coincide with the corridor master plan.

Gunyou also noted that Jacque Larson is expanding communication efforts. As park plans are adopted, neighbors will receive information about the final plan, and how they can obtain updates on construction progress. This effort has started with Linner, Covington and the Headwaters parks.

Gunyou also noted plans to provide for immediate inspections and correction of problems during the first year after construction. He noted Ford Park as an example, where certain parts of the trail washed out and some of the drainage needed additional work. This follow up will help maintain the goodwill generated by initial construction.

Wagner asked if the council should document its support for a western trail connection as part of the approval. Gunyou suggested that it not be part of the formal motion. He said that staff will pursue this connection if it is possible.

Anderson noted that the neighborhood initiated the request. Gunyou said that if the western trail connection is viable, it will be brought to the park board. Anderson asked that the record reflect that the council acknowledged that connection as a possibility.

Schneider moved, Wagner seconded a motion to approve the Hilloway Park Ecological Restoration and Management Plan and direct staff to proceed with implementation, conditioned on full implementation of the plan being subject to available resources. All voted "yes." Motion carried.

Schneider moved, Wagner seconded a motion to approve Master Plan for Hilloway Park and direct staff to proceed with plans and specifications. All voted "yes." Motion carried.

15. APPOINTMENTS and REAPPOINTMENTS: None.

16. ADJOURNMENT.

Wiersum moved, Thomas seconded a motion to adjourn the meeting at 7:33 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk