

**MINUTES  
MINNETONKA CITY COUNCIL  
REGULAR MEETING, MONDAY, AUGUST 9, 2004**

**1. CALL TO ORDER.**

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

**4. APPROVAL OF AGENDA.**

Acting City Manager Geralyn Barone reviewed the addendum. Resolutions were provided for Item #9B, the sale of General Obligation Bonds, and a revised resolution was provided for Item #10B, a conditional use permit for Sever's Market.

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

**5. APPROVAL OF MINUTES: July 26, 2004 regular council meeting.**

Schneider moved, Wagner seconded a motion to approve the minutes of the July 26, 2004 Minnetonka City Council meeting as submitted. All voted "yes." Motion carried.

**6. SPECIAL MATTERS:**

**A. Recognition of retiring employee, Kent Mason.**

Thomas recognized Mason, who will soon retire after 30 years of service with the Minnetonka Police Department. Thomas noted Mason's special work with children. Callison presented Mason with a plaque. She said that the city was very fortunate to have Mason's service, and noted his close association with children's programs.

Mason said that it was fun to watch the city grow up over the past 30 years. He noted that squad equipment 30 years ago included lead ropes and oats to help re-capture horses. Today's squads are equipped with computers and heart starts. Although equipment has

changed, the character of the city has not. Mason said that he met many wonderful people during his employment with the city.

**7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.**

Barone reported on the upcoming council meeting schedule.

Thomas said that he, the Mayor and Wiersum attended several National Night Out parties last week. Those who participated had a great time. Thomas heard nothing but positive comments about the city. Callison thanked staff for coordinating this event.

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

No one spoke.

**9. BIDS AND PURCHASES:**

**A. Consideration of bids for the renovation of the Tanglen water tower.**

Barone provided the staff report. Public Works Director Brian Wagstrom explained the renovation process, and the project schedule.

In response to Schneider's question, Wagstrom said that the contractor would provide a performance bond and proof of insurance. Staff investigated the contractor and found demonstrated evidence of its capabilities.

Callison noted that the range of the bids, from \$188,000 to \$487,000, indicated the complexity of the project and its uncertainties. Wagstrom said that staff was able to lower the engineer's estimate from \$305,000 to \$295,000, and staff was pleased that the low bid was even lower.

Wagner moved, Thomas seconded a motion to award the bid for renovating the Tanglen water tower to Classic Protective Coatings in the amount of \$188,000. All voted "yes." Motion carried.

**B. Awarding General Obligation Bonds**

- 1) Resolution awarding the sale of \$5,000,000 General Obligation Open Space and Park Improvement Bonds, Series 2004A**
- 2) Resolution awarding the sale of \$3,560,000 General Obligation Water Revenue Bonds, Series 2004B**

Barone provided the staff report.

Terry Heaton, Springsted, reported on their handling of the bond sale for the city. The city's Aaa Moody rating generated great interest. Legg Mason Wood Walker was the low bidder for both bonds. There were eight bids, representing 23 financial institutions, for the open space bonds. Those bonds went for 3.739 percent, a savings of \$182,000 on interest. There were five bids for the water bonds, which went for 3.7415 percent, a savings of \$130,000. In all, the city will realize a savings of over \$300,000 on the interest for these bonds due to the strong bids received.

Schneider moved, Thomas seconded a motion to:

- 1) Adopt Resolution No. 2004-088 awarding the sale of \$5,000,000 General Obligation Open Space and Park Improvement Bonds, Series 2004A; fixing their form and specifications; directing their execution and delivery; and providing for their payment.
- 2) Adopt Resolution No. 2004-089 awarding the sale of \$3,560,000 General Obligation Water Revenue Bonds, Series 2004B; fixing their form and specifications; directing their execution and delivery; and providing for their payment.

All voted "yes." Motion carried.

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

**A. Claims for council authorization – August 9, 2004.**

Schneider moved, Wagner seconded a motion to approve the August 9, 2004 claims list, including checks numbered 183636 through 183893 totaling \$729,066.16. All voted "yes." Motion carried.

**B. Resolution approving a conditional use permit for a seasonal vegetable stand in the Westwind Plaza parking lot for Sever Peterson of Sever's Farm Market.**

Schneider moved, Wagner seconded a motion to adopt Resolution No. 2004-090 approving a conditional use permit for a vegetable stand in the Westwind Plaza parking lot for Sever Peterson of Sever's Farm Market. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Record this resolution with the county.
- 2) The vegetable stand may be operated July through September.

- 3) Any display of items must be limited to representative samples and must be arranged in as compact a manner as reasonably practicable.
- 4) Any change in the person, location, or items sold at the stand renders this permit invalid.
- 5) This approval does not approve any signs at the site. A sign permit application must be submitted for staff review and approval. Any proposed sign must meet requirements outlined in city code.
- 6) Violation of any conditional use permit standards outlined in city code will result in immediate revocation of the conditional use 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 applicant must agree to the above conditions in writing.

All voted "yes." Motion carried.

**C. Time extension for the Austrian Pines preliminary plat at 2016 and 2020 Dwight Lane for Michael and Etta Barry.**

Schneider moved, Wagner seconded a motion to approve a six-month time extension for the Austrian Pines preliminary plat at 2016 and 2020 Dwight Lane for Michael and Etta Barry. All voted "yes." Motion carried.

**D. Items regarding four townhome units in the Sanctuary Project:**

- 1) **Agreements to purchase from Halley's Custom Homes, Inc.**
- 2) **Ordinance authorizing the sale to West Hennepin Affordable Housing Land Trust (WHAHLT).**
- 3) **Agreements to sell to WHAHLT.**

Schneider moved, Wagner seconded a motion to approve:

- 1) Agreements to purchase from Halley's Custom Homes, Inc.
- 2) Ordinance No. 2004-22 authorizing the sale to West Hennepin Affordable Housing Land Trust (WHAHLT)
- 3) Agreements to sell to WHAHLT

Ellingson, Schneider, Thomas and Wagner voted "yes." Callison abstained. Motion carried.

**E. Resolution appointing election judges for the September 14, 2004 Primary Election.**

Schneider moved, Wagner seconded a motion to adopt Resolution No. 2004-091 appointing the election judges for the September 14, 2004 Primary Election. All voted "yes." Motion carried.

**F. Request from William Otting to move a single-family home located at 5735 Baker Road to Silver Lake, Minnesota.**

Schneider moved, Wagner seconded a motion to approve the permit, subject to the following stipulations:

- 1) That the protected trees be fenced and not disturbed. Appropriate staff notified when fencing is installed and before digging begins.
- 2) That city staff approve in advance any tree trimming done in connection with the move.
- 3) That the move be directly monitored by appropriate city staff.

All voted "yes." Motion carried.

**G. Resolution ordering the abatement of nuisance conditions existing at 14701 Rocksborough Road.**

Schneider moved, Wagner seconded a motion to adopt Resolution No. 2004-092 ordering the abatement of nuisance conditions existing at 14701 Rocksborough Road. All voted "yes." Motion carried.

**H. Final approval of the WINTERS ADDITION plat at 16451 McGinty Road for Chad Winter.**

Schneider moved, Wagner seconded a motion to approve the WINTERS ADDITION plat that was received on July 15, 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) Title work must confirm that there are no existing driveway easements on the property.

All voted "yes." Motion carried.

**I. Final approval of the MEADOWWOODS plat at 18300 Ridgewood Road for Nedegaard Custom Homes.**

Schneider moved, Wagner seconded a motion to approve the MEADOWWOODS plat that was received on August 3, 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) Provide the following easements before release of the final plat:
  - a. A 10-foot-wide trail easement along Ridgewood Road; and
  - b. A 15-foot-wide trail easement over the public trail along the proposed public street and 30 feet wide across the wetland areas to the regional trail, as required by the city engineer.

Ellingson, Schneider, Wagner and Callison voted “yes.” Thomas voted “no,” consistent with his previous vote on this project. Motion carried.

**J. Final approval of the WILLISTON GLEN plat at 4701 and 4711 Williston Road for Williston Glen Properties, LLC.**

Schneider moved, Wagner seconded a motion to approve the WILLISTON GLEN plat that was received on August 3, 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.

All voted “yes.” Motion carried.

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

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

**13. PUBLIC HEARINGS:**

**A. Continued public hearing for on-sale wine and on-sale 3.2 percent malt beverage licenses for Chin’s Asia Fresh restaurant, located at 11300 Wayzata Boulevard, Suite G.**

Barone provided a brief staff report. Callison invited additional public comments during the continued public hearing. There were no comments, and she closed the public hearing.

Wagner moved, Thomas seconded a motion to grant on-sale wine and on-sale 3.2 percent malt beverage licenses for Chin's Asia Fresh restaurant, located at 11300 Wayzata Boulevard, Suite G. All voted "yes." Motion carried.

14. **OTHER BUSINESS:** None.
15. **APPOINTMENTS and REAPPOINTMENTS:** None.
16. **ADJOURNMENT.**

Thomas moved, Schneider seconded a motion to adjourn the meeting at 6:59 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew  
City Clerk