

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, OCTOBER 18, 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 Tony Wagner, Brad Wiersum, Jan Callison, Terry Schneider, Al Thomas, and Karen Anderson were present. Bob Ellingson was excused.

4. APPROVAL OF AGENDA.

City Manager John Gunyou reviewed the addendum, which provided the resolution for Item #10B, certification of delinquent water and sanitary sewer charges.

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

5. APPROVAL OF MINUTES:

A. September 27, 2004 regular council meeting

Wiersum moved, Wagner seconded a motion to approve the minutes of the September 27, 2004 Minnetonka City Council meeting. Wagner, Wiersum, Callison, Schneider and Thomas voted "yes." Anderson abstained. Motion carried.

B. October 4, 2004 regular council meeting

Wiersum moved, Wagner seconded a motion to approve the minutes of the October 4, 2004 Minnetonka City Council meeting. All voted "yes." Motion carried.

6. SPECIAL MATTERS:

A. Recognition of Community Heritage Commissioner Victor Gilbertson.

Wagner recognized Victor Gilbertson for his service on the Community Heritage Commission since 2000. Anderson added her thanks and presented Gilbertson with a plaque.

Gilbertson said that he enjoyed his time on the commission, and noted the talent, character and dedication of his fellow commissioners and city staff. Anderson said that she treasures a print she has of Gilbertson's painting of one of the Minnehaha Creek bridges.

B. Recognition of retiring employee, Sgt. Jerry Cziok.

Wiersum recognized Sgt. Jerry Cziok, noting his 19 years of dedicated and award-winning service to the Minnetonka Police Department. Anderson presented Cziok with a plaque, and noted that she learned a lot when he took her on her first Ride-along when she was first elected to city office.

C. Update from the I-494 Commission.

Jim Hovland, a member of the commission who is also a member of the Edina City Council, spoke. He added that Mr. Gilbertson's daughter, Barb Sennes, is a Plymouth staff member who plays an integral role with the commission.

Hovland said that the I-494 Commission is a joint powers organization that includes cities along the I-494 corridor. Their staff has been working with businesses along the corridor to increase movement of people in some way other than single occupant vehicles, and they have found some success.

The group has also made some progress in obtaining new funding for transportation from the Legislature. This has been aided by the Itasca group, which includes 30 of the largest companies in the region. Additional funding is needed.

The group has also been successful in working with MnDOT to expedite the road project from Highway 5 to I-394. In addition to adding two new traffic lanes, reconstructing 13 bridges, and relocating 7 major utilities, Ridgedale Drive will be reconstructed. Auxiliary lanes north of I-394 will be reconnected, drainage improvements will occur, and sound walls will be constructed. This project will be done on a design-build basis. The group hopes that the project will extend north to Fish Lake Road within 10 years.

Dave Van Hattum, one of the commission's staff members, thanked Minnetonka for its support. He noted that this is a regional effort including the six cities along I-494. They have been busy this past

year working with employers. They held 15 commuter fairs for Minnetonka employers, and 30 Minnetonka employers participated in a regional commuter challenge. They have partnered with MnDOT, the city, and transit providers, and provided a display at Minnetonka's Open House. They have also helped to provide construction updates for the I-494 project to get the information to Minnetonka employers.

Anderson recognized Dick Allendorf who has served as a good advocate for Minnetonka and commuters on the commission. She noted that two Minnetonka employers would be recognized for their extra efforts to promote the use of transit for commuters.

D. Certificates of Recognition for Cargill and Medica for excellence in promoting commuter options.

Schneider recognized Medica and Cargill for their efforts to promote commuter options, and Anderson presented them with certificates of recognition.

Steve Ellefson of Medica, thanked the city for providing opportunities like this, and for the city's recognition. He said that programs like this could not occur without the city's leadership.

John McCabe of Cargill also thanked the city and the commission. He said that their program is in its infancy, and they look forward to doing more.

E. Proclamation in support of KIDS VOTING.

Thomas read a proclamation concerning KIDS VOTING.

F. Proclamation declaring October 17-23 as National Business Women's Week.

Callison read a proclamation declaring October 17-23 as National Business Women's Week.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou reported on the schedule of upcoming council meetings, and provided a reminder about the November 2 General Election and absentee voting options.

Schneider reported that he and Anderson attended the League of Minnesota Cities annual conference in Duluth last weekend. The conference was very good, and featured national speakers.

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

No one.

9. BIDS AND PURCHASES: None.**10. CONSENT AGENDA (Items Requiring a Majority Vote):****A. Claims for council authorization – October 11, 2004.**

Wiersum moved, Thomas seconded a motion to approve the October 11, 2004 claims list, including checks numbered 184827 through 185110, totaling \$1,269,889.87. All voted “yes.” Motion carried.

B. Resolution authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor.

Wiersum moved, Thomas seconded a motion to adopt Resolution No. 2004-133 authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor. All voted “yes.” Motion carried.

C. Final approval of an ordinance rezoning 3600 County Road 101 and adopting a master development plan for the Deephaven Cove townhomes for Steven Scott Development.

Wiersum moved, Thomas seconded a motion to adopt Ordinance No. 2004-32 rezoning from R-1, low density residential to PUD, planned unit development and adopted a master development plan and approving final site and building plans for the Deephaven Cove project at 3600 County Road 101. All voted “yes.” Motion carried.

D. Final approval of the FETTERLY ROAD ADDITION plat at 11413 Fetterly Road West.

Wiersum moved, Thomas seconded a motion to approve the FETTERLY ROAD ADDITION final plat that was received on September 10, 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.

- E. Items regarding Improvements by the Minnehaha Creek Watershed District at the Headwaters Park:**
- 1) **Agreement to Convey Easements.**
 - 2) **Easement to MCWD.**

Wiersum moved, Thomas seconded a motion to approve an Agreement to Convey Easements and the easement to Minnehaha Creek Watershed District at the Headwaters Park. All voted "yes." Motion carried.

- F. Emergency Purchase Report - Water Main Replacement Project**

Wiersum moved, Thomas seconded a motion to accept an emergency purchase report concerning a water main replacement project. All voted "yes." Motion carried.

11. Items requiring Five Votes:

- A. Conditional use permit for a religious institution, with parking lot setback variances, at 13207 Lake Street Extension, for St. Paul's Lutheran Church.**

Wiersum moved, Schneider seconded a motion to adopt Resolution No. 2004-134 approving a conditional use permit, with variances, for St. Paul's Lutheran Church at 13207 Lake Street Extension. This resolution is based on the following findings:

- 1) Apart from the requested parking lot setback variances, the proposal meets all conditional use permit standards.
- 2) The proposal meets the required standards for a variance, because:
 - a. The most convenient location for additional parking spaces, especially for handicap-accessible stalls, is on the north side of the property. Given the location of the existing north parking lot, the only possible expansion is to the west as proposed.
 - b. The location of the existing parking lot and surrounding roadways and driveways are unique circumstances not common to every R-1 zoned property.
 - c. The proposed parking would be set back further from the north property line than the existing parking lot.
 - d. An existing residential drive would be closer to area homes than the proposed parking lot expansion.
 - e. The proposal would increase the number of parking stalls available on the site and improve internal circulation, decreasing the number of cars parked on Lake Street Extension.

Approval is subject to the following conditions:

- a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan as depicted on attached Exhibit A.
 - Landscaping plan dated August 6, 2004.
- b. The following must be completed before the city issues a grading permit or any site work is started:
 - (1) Final grading, drainage and erosion control plans must be submitted for staff approval.
 - (2) A letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site must be submitted to the city.
 - (3) All trees to be preserved must be fenced and erosion control measures must be installed for staff approval.
 - (4) A construction management plan must be submitted for staff approval.
- c. Record this resolution with the county before any site work starts.
- d. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- e. 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.
- f. The applicant must agree to the above conditions in writing.

All voted "yes." Motion carried.

B. Preliminary and final plat, with variances, for a two-lot subdivision at 1724 Ford Road for Jack Bolke.

In response to Wagner's question, Gunyou clarified that this project is in keeping with the council's prior study session discussion.

Wiersum moved, Schneider seconded a motion to give preliminary and final approval to the Big Spruce Addition, date-stamped August 26, 2004, with a lot width at the right-of-way variance from 80 feet to 0 feet, and a building setback variance from 25 feet to 12 feet for the existing home. Approval is based on the following findings:

- 1) The proposal meets the required standards and ordinances for a preliminary plat.

- 2) The proposal meets the required standards for a lot width at the right-of-way and setback variance in Section 300.10, Subdivision 5(h)(2)(b).

Approval is subject to the following conditions:

- 1) 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 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) A private driveway easement between the street right-of-way and Lot 1. The easement must state the maintenance responsibilities of each owner. The easement must be 34 feet wide. The minimum driveway width must be as required by the fire marshal.
 - (3) A private utility easement across Lot 2 to provide services to Lot 1.
 - (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. These documents must be recorded with the final plat, and a drawing of any easements must be attached to the easement deed.
 - d. Any other requirements included with final plat approval.
- 2) 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. The installation and maintenance of a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be resources coordinator.
 - c. A copy of the recorded plat and any easements or covenants required to be recorded.
 - d. A hookup fee for sanitary sewer and water.

- e. 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.
- f. The new home on Lot 1 must maintain at least 50-foot front yard setback.
- g. The two Norway spruce and one elm behind the proposed home must not be cut down, and no impacts may occur to the critical root zone. Tree protection fencing must be installed around these trees to protect them during construction.
- 3) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
- 4) 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.
- 5) 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 7 feet must be maintained from the side lot lines. The city may approve a time extension if weather prevents paving of the drive.
- 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.

12. INTRODUCTION OF ORDINANCES:

A. Ordinance amending Section 710 of the City Code regarding increases to certain license, permit, and planning fees.

Community Developer Director Ron Rankin provided the staff report. Before the council considers final adoption of the ordinance on November 8, regular license holders will be advised of the proposed increase.

Anderson noted that there was a major overhaul of license fees last year. This year's increases are minor in comparison and basically reflect inflation. Rankin concurred, and said that the increases would be about four percent overall.

Wagner moved, Schneider seconded a motion to introduce an ordinance amending Section 710 of the City Code regarding increases to certain license, permit, and planning fees. All voted "yes." Motion carried.

B. Ordinance concerning standards for educational, religious, public facilities, and nursing homes

Gunyou provided an introduction to this item and characterized it as mostly housekeeping in nature. Planning Director Geoff Olson reviewed the suggested changes.

Schneider generally supported the proposed changes. He asked that staff research further the issue of parking requirements for nursing homes to reflect the broader services they offer, and the higher parking demands for events.

With respect to public hearings for park renewal projects, Callison suggested that the ordinance define the process in broader terms, and not just deal with one specific issue - the park referendum projects. She noted that holding these public hearings at the council meeting rather than before the planning commission provides greater opportunity for citizen input.

Gunyou concurred with Callison. Staff will suggest the best way to accomplish the intent of the ordinance so it is not specific to only the current park referendum.

Schneider moved, Callison seconded a motion to introduce an ordinance amending City Code Sections 300.06, 300.27, 300.28, 300.16 subdivision 3 concerning standards for educational, religious, public facilities, and nursing homes and refer it to the planning commission. All voted "yes." Motion carried.

13. PUBLIC HEARINGS: None.

14. OTHER BUSINESS:

A. Resolution approving the following items pertaining to the reconstruction of CSAH 61 (Shady Oak Road) between Bren Road and CSAH 3 (Excelsior Boulevard):

- 1) Approval of Layout No. 1.**
- 2) Authorization for the county to acquire all rights-of-way, permits, and/or easements.**
- 3) Prohibition of parking.**

City Engineer Lee Gustafson provided staff report. He also thanked the citizens and committee members who participated in the

process of developing the layout. An exceptional number of volunteer hours were donated by the citizen's committee to reach a compromise that was best for the project as a whole. Gustafson looks forward to working with this group as the project moves forward. He also thanked Hennepin County and its consultants WSB and Associates.

Gustafson then highlighted components of the project and reviewed the layout. He noted the positive comments made about the trail that will provide access to Shady Oak Beach and Lone Lake Park, as well as the new connection to the regional trail.

Callison asked what would generate future traffic growth in the area. Gustafson said that the growth would generally reflect background traffic increases, because there is not much vacant land in this area to develop. There are, however, some buildings south of this area and in Eden Prairie that, if developed, could increase traffic.

Callison noted that the project is planned for 2023 traffic projections. Gustafson said that projects such as this one, with state and federal funding, must be designed for a 20-year life in traffic growth

Callison also asked about landscaping expectations. Gustafson said that the plan generally called for a two to one tree replacement. The message has been conveyed at each meeting that the landscaping plan will be developed once the road project plans are completed. The basic concept is to plant trees where they will survive. Some trees will be removed along the corridor. There will be median areas in some portions of the road, and they will provide some opportunities to break up the mass. Opportunities to landscape on private properties will also be explored, similar to what occurred near the Gray's Bay bridge and will occur along CSAH 101. Staff will work with homeowners to plant trees on private property if homeowners will provide a two-year right-of-entry for maintenance. If trees die during the maintenance period, the city would replace them.

Callison asked about access options near Shady Oak Lake. Gustafson said that the road had been pushed as far to the east as possible without requiring the acquisition of commercial buildings. Five options were developed including: a one-way frontage road, combining driveways at access points, and a cul-de-sac. The basic framework of these options is that the road has been pushed as far to the east as possible. Hennepin County is still willing to work with homeowners to develop concept plans or alternatives that will work for all. Some of the concepts may require a partnership or donation

of right-of-way to provide cross access. Gustafson said that the final option would be presented to the Minnetonka City Council for approval; probably late in 2005 or early in 2006, after the city and county have developed an option agreeable to everyone. Gustafson said that minor adjustments could be possible after the final plans are completed.

Schneider said his personal preference would be to look at landscape enhancements that improve the character of the area, and not strictly replacement landscaping. He noted that trees would not be feasible in some areas, and suggested that the project look at landscaping as a long-term investment. He noted that individual property owners could provide in-fill. He did not see the issue as how many trees could be planted along the corridor.

In response to Anderson's question, Gustafson described that the proposed trail would be in the same configuration as the trail proposed along CSAH 101, with the face of curb two feet from the edge of the trail, except where there is a right turn lane. This configuration would be in keeping with State Aid design standards, required for the project's funding.

Anderson thought that the trail connection to the regional trail was proposed in the wrong direction, and asked if it could go toward the beach. Gustafson said that issue had not been looked at. He noted that users would also create their own trails at their convenience. Anderson asked that staff give this area further study.

Sally Olsen, 5380 Waters Edge Dr., spoke as a member of the citizen advisory committee. She represented the Waters Edge Drive residents. Their primary concern was that trail users would be able to look directly from the trail into their homes. The neighbors would like a higher wall, especially because a number of trees will be removed. Olsen said that they requested a six-foot wall at the meeting in May. They had requested a noise wall, but were informed that would not happen. Olsen noted that the plan now calls for a 54-inch barrier, which includes a parapet on the bottom.

Olsen also expressed concern about the newsletter. She felt that changes had been made since the committee's discussion. The committee had seen a letter that referenced retaining walls that would minimize right of way needs and visual impacts. The amended information reflects the 54-inch parapet and railing. She felt this was a substantive change. She also felt that the bar graph did not adequately show the timeframe for the project. Olsen was concerned that the committee had not discussed these changes. Olsen asked that the council consider increasing the retaining wall height to address their privacy concerns. She was pleased to serve

on the committee, and acknowledged the hard work of the city and county staff, and their consultants.

Gustafson responded to Olsen's concerns in a broader perspective. The parapet is just an extension of the retaining wall above the trail surface. Gustafson said that as Minnetonka's representative on the committee, he has consistently indicated that he could not recommend increasing the height of the retaining wall. If the wall were taller, it would act as a noise wall and would deflect noise to the east. Residents in that area are already impacted by the significant widening of the road. Gustafson noted that 80 to 90 percent of the Waters Edge homeowners were at the May meeting, where he stated that he would not recommend any plan that increased the wall height. Gustafson thought he had been clear that the barrier would be 54 inches in height, including the 28-inch high parapet, with a brown aluminum railing on top—similar to what will be used along CSAH 101.

Schneider noted that the Waters Edge townhomes are quite a bit lower than Shady Oak Road. The area exposed to Shady Oak Road is primarily driveways and front doors, and the living rooms look out onto the lake. If a higher wall were constructed, it would be a disservice to motorists from an aesthetics viewpoint.

Anderson asked about the separation distance from the trails to the Waters Edge homes. Gustafson said that the existing boulder wall would be maintained. Some trees will be removed. A photo simulation model has been created to depict how the area will look with new trees in future years. Gustafson said that the city and county will work with the homeowners association and other homeowners along that section of the road, and will plant different species of trees. There is not room for plantings between the new road and the retaining wall, so they will be on the association's side of the retaining wall and will soften the view of the wall.

Nancy Gislason, 5364 Waters Edge Drive, spoke as the owner of the townhome closest to the project. She can see Shady Oak Road from her kitchen window, and had concerns about how the project would impact her property. She said that each townhome has a large window that faces to the east and the road. Even though the trail users would not be looking into their bedroom or living room windows, there would be significant impacts. She questioned Schneider's concern about the view to the lake for motorists. She wanted to protect the aesthetic enjoyment of their homes, and asked for specifics of how close the project would come to her home. Anderson said that information would not be available until the final plans are prepared.

In response to Callison's question, Gustafson said that the travel lanes will not be closer to the townhomes, and the existing edge of the road will remain the same. The trail will be closer to the homes, and is proposed to be about 10 feet back from the curb. Gustafson said that the road is currently rounded at the shoulder. The retaining wall, with its parapet, will reduce the view of Shady Oak Road traffic for the townhomes, but they could see pedestrians.

Rebecca Michalski, 5008 Shady Oak Road, suggested making Shady Oak Road from Smetana Drive to TH 7 into a parkway. She noted the pride and joy of children in the beach and the recent improvements to that park. She felt that the proposed project would turn Shady Oak Road into a mini-freeway.

Nick Michalski, 5008 Shady Oak Road, thanked staff for their extensive work on the project. He noted Gustafson's comments that there was potential for some flexibility in the project and asked for clarification of the city's position. He also noted that there are 200-year old oak trees that will be removed. He wanted to go on record as a champion for the mature vegetation along the road that will take years to replace.

Schneider said that his understanding was that the flexibility discussed did not relate to the design of the roadway, but to the options for alternate access for driveways. Gustafson agreed. He has been clear and honest with the neighborhood that the road will not be pushed any further to the east. He gave the county credit for doing as much as they have.

Gustafson said that the layout includes a shoulder area next to four or five homes to allow a deceleration lane for turns. That or another option could be incorporated into the final plans. Gustafson also noted that the issue of removing mature trees is partially driven by the drive access option the residents prefer. This plan pushes the road as far to the east as possible and provides safe access, but it does impact some mature trees. Gustafson said that the city goes to great lengths to save as many trees as possible, and will specify fencing around higher quality or unique trees to be saved. Gustafson said that each option offers positive and negative outcomes. The city and the county will work with the residents to the greatest extent possible to meet their concerns through the design process.

Anderson stated that the road cannot go further to the east, and Gustafson concurred.

Anderson noted that the city has achieved a better result using smaller replacement trees that are more likely to thrive and grow

quickly. Gustafson said that staff will work with the neighbors on tree replacement, but will also consult with the city's forester to ensure species are selected that are correct for the conditions in which they will be planted.

In response to Anderson's request, Gustafson clarified that his job is to represent the City of Minnetonka, and to facilitate the concerns of both the county and the neighbors. He noted that the city has some leverage with the county, but he also knows what they will approve and what they will not approve.

Anderson noted Gustafson's proven ability to work well with the county, which has resulted in greater benefit for our projects. Gustafson is a terrific negotiator and compromiser. She said that a better project would result if he were given as much support as possible.

Anderson referred to the request for a parkway. She thought that would have greater impacts than the proposed project. Gustafson agreed. A typical parkway has a 40 to 50 foot median containing grass and trees. There is not sufficient land for that to occur. Gustafson said that efforts are being made to make this area as aesthetically pleasing as possible, given the limitations. Medians, landscaping, shrubs, and evergreens will be incorporated wherever possible.

In response to Anderson's questions, Gustafson said that staff would look at low maintenance options for the medians, which might include trees, brick pavers, or colored concrete. He also said that a city inspector would mark the trees to be removed, and possibly require fencing to protect those that will remain during construction.

Ron Hays, 4914 Shady Oak Road, commended the efforts of the city and county on this project. He noted the safety concerns at the driveway access points. He said that a number of accidents have occurred in this area, but they have not all been reported. The safety issues relate to the curvature and elevation of the road. The neighbors' principal concern has been safe access to Shady Oak Road. They welcome the updating of the road. He noted that additional funding might be required to address the safety issues. He hoped that the discussion could continue to look for a safe resolution. He did not want the issue of shifting the road further to the east to be closed until the safety issues were resolved.

Anderson clarified that the discussion remains open regarding safe access to these properties, but the discussion will not remain open in terms of shifting the road further to the east. She noted that the

proposed project already shifts the road significantly to the east, and the city is prepared to support that. She said that the discussion is closed as to taking buildings to the east.

Gustafson said that the road is being pushed to the east, not just as far as the buildings would allow, but also allowing room for the safe movement of larger trucks into the area.

In response to Schneider's question, Gustafson clarified that there is currently no median in front of these homes, and that with the proposed design, there would be an extra wide shoulder lane for them before they enter traffic.

Mike Senescall, 5000 Shady Oak Road, said the deceleration lane would be a nice feature, but they would still need to cross two lanes of traffic to get into the left turn lane. He noted the low visibility for southbound cars crossing the bridge and needing to turn. He said that four homes are affected, and they would have to cross a pedestrian trail. He was not convinced of the safety of the proposal. Senescall said that Gustafson has worked hard on this issue, but felt that a solution had not been found. Senescall has lived in that area for 18 years, and questioned the road's proximity to the lake, as well as the safety.

Gustafson responded that Shady Oak Road is not very safe now due to the curvature, the hill, and the intersections. There are also capacity issues. Beachside has tremendous cut-through problems on Sanibel Drive. Gustafson said that four lanes are needed—two in each direction. The traffic should not back up as far as it does. Providing right turns should help eliminate the cut through problems on Sanibel Drive.

With respect to safety issues, Gustafson said that road design is required to consider stopping distance and sight distance. This project will provide an opportunity to address and correct those issues. He said that adding a median would improve the safety for access to those four or five homes. There are other options that could improve the safety, but they would require partnerships with the neighbors.

Anderson noted that various options have various impacts on trees.

Callison said that this road experiences heavy traffic. If it were pushed further to the east, traffic would still have to cross lanes of traffic to go north or south. She questioned what greater effect could be achieved by further shifting the road.

Anderson noted that the neighbors could have one common driveway, and Gustafson explained how that could be configured.

Callison asked about county right-of-way in that area. Gustafson said that there is excess county-owned right-of-way, but there would still be impacts due to the close proximity of the road. Callison said that the alignment is very tight, and Anderson said that the road is tight now. Gustafson said that there is not sufficient right-of-way for a frontage road without significant impacts.

Kevin Knudson, 5016 Shady Oak Road, commended city and county staff members and the committee members. He is a committee member. He explained the difficulties of the area. There is less than 800 feet from K Tel Drive to the light, and there is a lot of activity in that area. He hopes for a resolution, and looked for council insights.

Callison asked if the project would positively affect the water quality of Shady Oak Lake. Gustafson said that there is currently direct runoff into the lake, and that would be addressed with the project. More information on that issue will be provided when the city council reviews the project for final approval.

Callison noted the difficulty of road projects, such as Williston Road, where people were nostalgic for a slower road and less traffic. She said that we do not manage traffic, it manages us. The city cannot design for less traffic, because it must respond to traffic demands. She noted the challenges of this road, particularly with its grades. She applauded staff for their ability to make it a better road. The toughest issue is the access for the neighbors, as they represented their issues at the meeting. The cost to acquire the commercial area would be high, and she was not convinced that any resulting benefits would be justified. She supported the staff recommendation not to push the road further to the east, and to continue to work on the safety concerns. She also supported the retaining wall/parapet height recommended by staff.

Schneider said that the future demands for this road mandate approval of the project. He acknowledged that this portion of the road is difficult. He suggested that the neighbors brainstorm additional ideas, instead of pushing to move the road to the east. He said that a better solution would require more open mindedness. He encouraged staff to continue the dialogue with the neighbors and supported the proposed design.

Wiersum said that good work had been done between the neighbors, staff and the county. He asked about reducing the speed from 45 to 40 miles per hour in the area north of K-Tel Drive.

He suggested that the work continue on the west side for greater creativity. The proposal makes sense for Minnetonka at this time.

Gustafson said that the speed limit question has come up many times. A speed limit change would require the city council to first adopt a resolution asking the county to request a speed study by the Commissioner of Transportation. Gustafson recommended that this process not be used because it might result in the speed limit being raised.

Wagner also appreciated the efforts of the committee and staff. He drives this road frequently, and noted the challenges due to the traffic congestion. The area is fully developed, but there are vacancies in the offices. He agreed with Schneider's comments, and supported the project.

Schneider moved, Wagner seconded a motion to adopt Resolution No. 2004-135 approving Layout No. 1 for the reconstruction of County State Aid Highway 61 (Shady Oak Road) between Bren Road and County State Aid Highway 3 (Excelsior Boulevard), authorizing easement acquisition, and imposing a parking ban. All voted "yes." Motion carried.

B. Resolutions pertaining to TH 7/Williston Road north frontage road:

- 1) Approving layout and authorizing easement acquisition.**
- 2) Requesting cooperative agreement funding.**

Gustafson provided an overview of the project, and reviewed the plans.

Callison asked how this project would affect the southbound traffic congestion from Highwood to T.H. 7. Gustafson said that the project would somewhat improve the congestion with the addition of a standard width right turn lane.

Debbie Marty, 4405 Woods Way, said that her property was the most affected by the project. She said that the A-frame property had always been residential, and would have to be rezoned. She will lose her screening. Marty noted that Holiday removed trees when they purchased the gas station. She was told the trees would be replaced. In the winter, she can see cars from T.H. 7. Her main concerns were for her patio and one bedroom with a direct sightline to the driveway. She was also concerned about screening from Patty Smith's home and traffic, and the loss of trees due to the bank development. Her primary concerns were traffic noise, screening, and the road coming in so far. She agreed that the

corner needs to be redeveloped, but does not like the frontage road. She was also concerned about lighting spillover.

Anderson asked Gustafson to provide information about the construction limits, and the area of trees to be affected. She asked about new access for driveways.

Gustafson said the construction limits for the driveway were significant until last week. Since then, a proposal has been developed using a retaining wall to support a hooked driveway. This would not impinge on Marty's property as the previous plans did. Staff has worked to minimize the impacts on her property. The proposed retaining wall would end between Woods Way and the Frontage Road, and would provide a berm to shield her from headlights at the intersection. The berm would be four feet high, and would be planted with eight-foot evergreens, to provide a permanent summer and winter screen. Since Marty's property is lower, this should help. The retaining wall would be as high as possible along the frontage road. Staff would work with the homeowners association on landscaping to minimize the impacts. The bank will also provide complementary landscaping, and maintain as much green space as possible in the proof of parking area.

Anderson asked about the timing for the project. Gustafson said that construction could begin next July, the beginning of MnDOT's fiscal year. There are two scenarios for the bank. It could open soon, or with completion of the road improvements in November 2005. Gustafson said that the project schedule will be provided with the planning commission application.

Gustafson said that neighbors should work with staff as planning continues on the landscape plans and site mitigation issues. He also suggested that Marty attend the planning commission meeting regarding the bank, and be involved with those landscape plans.

Anderson asked that all Woods Way homeowners be invited to the planning commission meeting because they jointly own that property.

Kenneth Nugents, owner of 5014 Highwood Drive who lives at 14407 CSAH 6, Plymouth, suggested that the landscaping efforts continue down the road, to address items required 20 years ago when other buildings were constructed. Anderson said that staff has worked with him on these concerns, and that the fence repair he wanted had been done.

Nugents said that several 100-year old oaks were removed on the Youngstedt property, and they were never replaced. He said that trees, required when a cell tower was built, were never planted. He also complained about the fence, and said his taxes should be lowered.

Rankin was familiar with the concerns about the fence. He said that it has been repaired a number of times over the years. He was not certain that trees were supposed to have been planted but will follow up on that issue, as well as the fence.

Steve Daggett shared Taco Bell's concerns about the entry location for their drive-through window. He thought that cars would back up into the frontage road. He asked for a copy of the drawings.

Gustafson explained how to obtain copies of the plan. He said that one of the primary reasons for this project is to cure problems. An additional left turn lane for eastbound traffic would allow stacking. He said that additional improvements could be included for the turning movement at the request of the property owner. Gustafson said that efforts will be made to minimize the impacts, and invited Daggett to meet with him.

Schneider saw potential stacking problems with the design. He said that a right-turn lane may be needed in addition to the left turn lane.

In response to Anderson's question, Gustafson said that visitors could turn in and park in stalls at Taco Bell. Gustafson agreed with Schneider that the plan does not create a perfect situation, but it makes a bad situation better. Anderson said that this option would be better than stacking traffic on T.H. 7. She asked about options to move the take-out window. Gustafson said that he could explore those options with Taco Bell. Schneider suggested widening the entrance to the driveway to reverse the traffic flow. Callison noted that this would have the passenger side of the vehicle facing the drive-up window.

Callison said that the project has merit, and urged staff to work with the Woods Way neighbors to mitigate their impacts.

Callison moved, Thomas seconded a motion to:

- 1) Adopt Resolution No. 2004-136 approving layout and authorizing easement acquisition for the TH 7/Williston Road north frontage road improvement.
- 2) Adopt Resolution No. 2004-137 requesting funding from the Minnesota Department of Transportation through the

municipal agreement program for the construction of a frontage road along T.H. 7, west of Williston Road.

All voted "yes." Motion carried.

15. APPOINTMENTS and REAPPOINTMENTS:

A. Reappointments to the Police Advisory Committee.

Anderson moved, Thomas seconded a motion to approve the following:

- That, Steve Cannon, 16423 Devon Drive, be reappointed to the police advisory committee to serve a two-year term expiring on October 1, 2006.
- That, Kim Flemmer, 3650 Fairlawn Drive, be reappointed to the police advisory committee to serve a three-year term expiring on October 1, 2007.
- That, Corey Reuben, 13508 Minnetonka Blvd, be reappointed to the police advisory committee to serve a three-year term expiring on October 1, 2007.
- That, John (Phil) Riley, 14233 Prince Place, be reappointed to the police advisory committee to serve a two-year term expiring on October 1, 2006.
- That, Monica Sadar, 5106 Stoney Bridge Court, be reappointed to the police advisory committee to serve a three-year term expiring on October 1, 2007.

All voted "yes." Motion carried.

16. ADJOURNMENT.

Wiersum moved, Thomas seconded a motion to adjourn the meeting at 9:55 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk