

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, DECEMBER 20, 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, a correction to the ordinance for Item #14B.

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

5. APPROVAL OF MINUTES: December 6, 2004 regular council meeting.

Schneider moved, Wiersum seconded a motion to approve the minutes of the December 6, 2004 Minnetonka City Council meeting. All voted "yes." Motion carried.

6. SPECIAL MATTERS: None.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou reported on the schedule for upcoming council meetings and the city's holiday office schedule.

Anderson recognized scouts present from Boy Scout Troop 430 (Ridgewood Church) and Cub Scout Pack 427 (St. Therese Church). The boys are working on their community badges.

Anderson also recognized members of the Fire Department present for their agenda item. They included Fire Chief Joe Wallin and Fire Relief Association President Mike Brandvold. She also noted that Police Chief Joy Rikala was present for agenda items.

Anderson also noted that a new reporter had been assigned to cover Minnetonka for the *Lakeshore Weekly News* - Jon Stone.

Anderson recognized Wayzata Councilmember Andrew Humphrey, who is also their Mayor Elect.

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 – December 13, 2004.

Wiersum moved, Wagner seconded a motion to approve the December 13, 2004 claims list, including checks numbered 185980 through 186356, totaling \$1,811,267.69. All voted “yes.” Motion carried.

B. Authorization to enter into an agreement with the Minnetonka Independent School District # 276 for Police School Liaison services.

Wiersum moved, Wagner seconded a motion to enter into an agreement with the Minnetonka School District # 276 to provide school liaison services. All voted “yes.” Motion carried.

C. Authorization of formal agreement with the Learning for Life Program of the Viking Council for a community-based juvenile diversion program for 2005.

Wiersum moved, Wagner seconded a motion to renew the agreement with the Learning for Life Program of the Viking Council for a community-based juvenile division program for 2005. All voted “yes.” Motion carried.

D. Authorization of formal agreement with Sojourner Project Inc. for domestic abuse services for 2005.

Wiersum moved, Wagner seconded a motion to renew the agreement with Sojourner Project, Inc. for 2005. All voted “yes.” Motion carried.

E. Authorization to enter into an agreement with Hopkins Independent School District # 270 and the City of Hopkins for junior and senior high liaison services.

This item was pulled from the consent agenda by Thomas. Thomas supports the program, but noted that Minnetonka is now subsidizing the program for other communities, some of which is funded through a grant. Thomas said that Minnetonka should not have to subsidize other cities that benefit from the program. He suggested that the other cities be contacted to remind them of their obligation.

Anderson said that she is planning to contact the mayors of Hopkins and Golden Valley to ask for reinstatement of their participation in funding these programs. She noted that the program serves students in all communities, and if the program were pulled, all students would suffer.

Thomas did not want to withdraw from the program. He noted that the funding cost is not high. He supported Anderson contacting the other mayors.

Thomas moved, Wiersum seconded a motion to enter into an agreement with Hopkins Independent School District # 270, and the city of Hopkins to provide junior and senior high liaison services for calendar year 2005.

Gunyou noted that it was probably too late to get funding from the other communities for 2005, but that a grant will cover part of the funding gap. He said that Rikala would be meeting with those two communities about a possible resolution for 2006. Gunyou said that staff views the police liaison program as a partnership. Those two cities decided they no longer wanted to support the partnership, but they are still benefiting from the service. He said that the other cities' decisions were based on budget priorities, and not because they did not support the program.

Callison agreed with Thomas about raising the issue with the other cities. She agreed that the two cities supported the program, but had made budgetary decisions based on their current situations. She said that the council would face a dilemma if those cities continue to say no.

Anderson said that a little public attention would help the situation.

All voted "yes." Motion carried.

F. Resolution authorizing 2005 nonunion employee salary and benefit adjustments.

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2004-153 authorizing the 2005 nonunion employee salary and benefit adjustments. All voted "yes." Motion carried.

G. Approval of the 2005 salary adjustment for the city manager.

Wiersum moved, Wagner seconded a motion to adjust the city manager's base salary by 2.25% effective the first pay period in 2005. All voted "yes." Motion carried.

H. Items pertaining to the acquisition of easements for the reconstruction of CSAH 101.

Wiersum moved, Wagner seconded a motion to:

- 1) Adopt Resolution No. 2004-154 authorizing the reconveyance of certain tax-forfeited lands to the State of Minnesota by the city of Minnetonka.
- 2) Adopt Resolution No. 2004-155 requesting conveyance of certain tax-forfeited lands to the city of Minnetonka for park, drainage, and wetland preservation purposes, subject to certain easements.
- 3) Adopt Resolution No. 2004-156 approving the auction to adjacent owners of certain tax-forfeited land within the city of Minnetonka.

All voted "yes." Motion carried.

I. Firemen's Relief Association by-laws and benefit changes.

Wiersum moved, Wagner seconded a motion to approve changes to the Firemen's Relief Association by-laws and benefits. All voted "yes." Motion carried.

J. Final approval of the RAINBOW ADDITION plat at 3634 Rainbow Drive.

Wiersum moved, Wagner seconded a motion to approve the RAINBOW ADDITION final plat that was received on November 12, 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.

K. Preliminary plat to divide 15815 Minnetonka Boulevard into two lots for Curt Fretham.

Wiersum moved, Wagner seconded a motion to give preliminary approval to the 15815 Minnetonka Boulevard Plat, date stamped October 31, 2004. Approval is based on the finding that the plat meets the required standards and ordinances.

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) The drainage and utility easement along Minnetonka Boulevard and the east lot line of Lot 2 must be 20 feet wide to accommodate future utilities.
 - (3) Drainage and utility easements must be established over the 944.00 contours.
 - b. Pay the city a park dedication fee of \$2,375.00
- 2) The following items must be submitted to the city before the city releases the final plat:
 - a. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - b. 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, which is to serve each lot. The easement must state the maintenance responsibilities of each owner. The minimum driveway width must be as required by the fire marshal.
 - (3) 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 easement must be attached to the easement deed.
- c. Any other requirements included with final plat approval.

- 3) The following must be submitted to the city before the city issues a building permit:
 - a. A grading and tree preservation plan for the new lot, subject to staff approval. Grading in the rear yard of Lot 2 must be altered so as not to have any impact on the significant trees in the rear yard. The plans must be in substantial compliance with 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. Submittal of construction plans for the shared driveway. The driveway must not affect the significant trees on Lot 1. The specific driveway location is subject to review and approval of city staff.
 - c. A temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review and approval of the city's environmental resources coordinator.
 - d. A copy of the recorded plat and any easement or covenants required to be recorded.
 - e. A hookup fee for sanitary sewer and water.
 - f. Minimum floor elevation must be 2 feet above the 100-year stormwater elevation.
 - g. 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 ½ 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) Provide a driveway turnaround before the house is occupied.
- 7) New utility lines to the home on Lot 1 must be provided from Minnetonka Boulevard. The existing utilities from Wood Knoll Lane must be abandoned.
- 8) 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.

L. Re-authorization of the mediation services agreement.

Wiersum moved, Wagner seconded a motion to reauthorize the agreement with Mediation Services. All voted "yes." Motion carried.

M. Final approval of the INVERNESS MILLS plat at 13709 AND 13717 Inverness Road for Stephen Longman and Eric Barstad.

Wiersum moved, Wagner seconded a motion to approve the INVERNESS MILLS final plat date stamped December 7, 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.

N. Final approval of the AUSTRIAN PINES plat at 2016 and 2020 Dwight Lane for Mike Barry.

Wiersum moved, Wagner seconded a motion to approve the AUSTRIAN PINES plat that was received on December 9, 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.

O. Final approval of the FRETAM SECOND ADDITION plat at 10413, 10405, 10401, and 10402 34th Circle West for Curt Fretham.

Wiersum moved, Wagner seconded a motion to approve the FRETAM SECOND ADDITION final plat date stamped November 30, 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.

P. Final approval of the FRETAM THIRD ADDITION plat at 2637 Plymouth Road for Curt Fretham.

Wiersum moved, Wagner seconded a motion to approve the FRETAM THIRD ADDITION final plat that was received on December 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.

Q. Designation of the city's official newspaper for 2005.

Wiersum moved, Wagner seconded a motion to designate Lakeshore Weekly News as the city's official newspaper for 2005.

All voted "yes." Motion carried.

11. Items requiring Five Votes: None.

12. INTRODUCTION OF ORDINANCES:

A. Ordinance repealing Ordinance No. 2004-32 and rezoning from R-1, low density residential to PUD, planned unit development and adopting a master development plan and approving final site and building plans for the Deephaven Cove project at 3600 County Road 101.

City Attorney Desyl Peterson provided the staff report for this item.

In response to Wagner's question, Community Development Director Ron Rankin said that there had been no changes to the affordable housing aspects of the agreement.

Callison moved, Wagner seconded a motion to introduce an ordinance repealing Ordinance No. 2004-32 and rezoning from R-1, low density residential to PUD, planned unit development and adopting 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.

13. PUBLIC HEARINGS: None.

14. OTHER BUSINESS:

A. Items relating to the 2005 Operating Budget:

- 1) **Resolution adopting a budget for the year 2005, a revised budget for 2004, and setting a tax levy for the year 2004, collectible in 2005.**
- 2) **Resolution setting a tax levy for the Bassett Creek Watershed Management Tax District for the year 2004, collectible in 2005.**

Anderson reviewed the prior council discussions about the budget, and expressed appreciation for the citizens who provided feedback at the Truth-in-Taxation hearing.

Gunyou said that the budget process extends over many months, and that this item represented the culmination of those efforts. He reviewed the council discussions of the budget, and the public involvement in the process. Council's authorization provides the authority to continue services for the next year.

Gunyou noted the impact of the state revenue cuts, and explained the city's decision to provide a four percent budget increase so that Minnetonka could continue to provide quality public safety, street and park services. Nine out of every 10 new tax dollars would go toward those priority programs.

Gunyou said that the proposed budget provides for the uncertainty of whether the state will resume responsibility for funding their \$800,000 market value credit program – this unfunded mandate accounts for 4 percent of the 4.5 percent property tax increase. Still, Minnetonka's budget increase is among the lowest in the metropolitan area, and second lowest of all comparison cities. Homeowners and businesses will see a higher increase due to the voter approved parks referendum (another 2.3 percent), and taxing decisions by other government entities.

Anderson noted that the council would also act on the budget and levy for the Bassett Creek Watershed Management District. She invited additional public comment, but there was none.

Schneider said that those who spoke at the Truth-in-Taxation hearing were educated and knowledgeable. He hoped that trend would continue, with residents concerned not just about the dollars, but also about the way the city is run.

Schneider moved, Callison seconded a motion to:

- 1) Adopt Resolution No. 2004-157 adopting a budget for the year 2005, a revised budget for 2004, and setting a tax levy for the year 2004, collectible in 2005.

- 2) Adopt Resolution No. 2004-158 setting a tax levy for the Bassett Creek Watershed Management Tax District for the year 2004, collectible in 2005.

Callison also commented on those who spoke at the Truth-in-Taxation hearing. She noted that the increase seemed large on paper, but very little of the increase was within the city's discretion. She said that the city needed to take a prudent position in light of the uncertainties with the state funding.

All voted "yes." Motion carried.

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

Gunyou provided brief staff report.

Wiersum moved, Callison seconded a motion to adopt Ordinance No. 2004-37 amending City Code Sections 300.06, 300.27, 300.28, 300.16, Subdivision 3 concerning standards for educational, religious, public facilities, and nursing homes. All voted "yes." Motion carried.

15. **APPOINTMENTS and REAPPOINTMENTS:** None.

16. **ADJOURNMENT.**

Wiersum moved, Thomas seconded a motion to adjourn the meeting at 6:58 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk