

**MINUTES  
MINNETONKA CITY COUNCIL  
REGULAR MEETING, MONDAY, JUNE 27, 2005**

**1. CALL TO ORDER.**

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

**4. APPROVAL OF AGENDA.**

City Manager John Gunyou advised that a condition was added for item #14A, a conditional use permit for Veritas Academy.

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

**5. APPROVAL OF MINUTES: June 13, 2005 regular meeting.**

Thomas moved, Wiersum seconded a motion to approve the minutes of the June 13, 2005 Minnetonka City Council meeting. Wiersum, Thomas, Wagner, Ellingson and Schneider voted "yes." Callison abstained. Motion carried.

**6. SPECIAL MATTERS:**

**A. Recognition of Senior Citizen Advisory Board Member Bob Kelly.**

Schneider recognized Bob Kelly for serving on the Senior Citizen Advisory Board. Kelly said that he enjoyed the experience and appreciated being able to contribute to the community. He said that the city is well run. Schneider presented a plaque to Kelly.

**B. Recognize Steve Malecha for completing the MPWA Public Works Certificate Program.**

Schneider recognized Steve Malecha, a Public Works employee, for completing the MPWA Public Works Certificate Program. Malecha

thanked the city council for the tuition reimbursement program which enables public works employees to continue their education.

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

Gunyou provided a recap of the Summer Festival and Ice Cream Social. He also reported on the schedule for upcoming council meetings and the July 4<sup>th</sup> holiday.

Wiersum complimented staff on the Summer Festival.

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

No one appeared.

**9. BIDS AND PURCHASES:**

**A. Consideration of bids for the TH 7/Williston Road North Frontage Road Project.**

Gunyou provided the staff report.

Callison moved, Thomas seconded a motion to award the bid for the TH 7/Williston Road North Frontage Road Project to Eureka Construction, Inc. in the amount of \$2,111,724.93. All voted "yes." Motion carried.

**B. Consideration of bids and quotes for the Civic Center parking lot, roadway, and lighting improvements project.**

Gunyou provided the staff report.

Wiersum moved, Callison seconded a motion to:

- 1) Award the bid for the Civic Center Parking Lot and Roadway Improvements Project No. 4757 to C. S. McCrossan Construction, Inc. in the amount of \$1,299,290.20.
- 2) Award the quote for the lower level city hall parking lot reconstruction to DMJ Corporation in the amount of \$47,679.00.
- 3) Award the quote for the Community Center Parking Lot and mill and overlay improvements to Frattalone Paving, Inc. in the amount of \$47,029.75.

All voted "yes." Motion carried.

**C. Consideration of quotes for Williston Fitness Center gym floor replacement.**

Gunyou provided the staff report.

Callison moved, Ellingson seconded a motion to award the project to Kiefer Specialty Flooring in the amount of \$44,915. All voted "yes." Motion carried.

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

**A. Claims for council authorization – June 27, 2005.**

Wiersum moved, Thomas seconded a motion to approve the June 27, 2005 claims list, including checks numbered 190033 through 190338, totaling \$2,028,628.16. All voted "yes." Motion carried.

**B. Resolution approving a joint powers agreement with the City of Deephaven and Minnetonka Economic Development Authority for the Deephaven Cove townhome project.**

Wiersum moved, Thomas seconded a motion to adopt Resolution No. 2005-072 approving a Joint Powers Agreement with the City of Deephaven and Minnetonka Economic Development Authority for the Deephaven Cove townhome project. All voted "yes." Motion carried.

**C. Resolutions ordering the abatement of nuisance conditions.**

Community Development Director Ron Rankin reported that the property on Belmont Road was now in compliance.

Wiersum moved, Thomas seconded a motion to adopt Resolution No. 2005-073 ordering the abatement of nuisance conditions existing at 3428 Hopkins Crossroad. All voted "yes." Motion carried.

**D. Authorizing the scheduling of a public hearing regarding transfer of Time Warner Cable to Comcast Cable.**

Wiersum moved, Thomas seconded a motion that the city council finds that the proposed transfer of control of the cable television franchise from Time Warner Cable to Comcast Cable Communications, LLC may have an adverse effect on cable television subscribers, and a public hearing will be held on August 8, 2005, to address this issue. All voted "yes." Motion carried.

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

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

13. **PUBLIC HEARINGS:** None.

14. **OTHER BUSINESS:**

**A. Conditional use permit for a school of up to 300 students at 14001 Ridgedale Drive for the Veritas Academy.**

Principal Planner Cary Teague provided the staff report, noting the addendum. Schneider said that the applicant agreed to the new condition.

Callison supported the application. The approval limits the number of students to 300, and the new condition will help manage the number of trips.

Wagner suggested that no parking signs could be posted in the future if traffic or parking becomes an issue.

Bill Wolfson, a real estate agent for the school, said that the physical limits of the building restricts the number of students to 300. Callison noted that conditions can change.

In response to Wiersum's question, Wolfson said that the school will ultimately be owned by a non-profit third party and the school will lease it.

Thomas moved, Wagner seconded a motion to adopt Resolution No. 2005-074 approving a conditional use permit for a school of up to 300 students at 14001 Ridgedale Drive. This resolution is based on the finding that the proposal meets all conditional use permit standards. Approval is subject to the following conditions:

- 1) Comply with all state and federal requirements (MN Statute 121A.035) to develop a Crisis Plan for the facility in conjunction with the Minnetonka Police Department.
- 2) All external doors must be signed to meet requirements for emergency response.
- 3) The building's fire alarm system must be updated as required by the fire marshal.
- 4) The building must meet all minimum building code requirements for schools.

- 5) Record this resolution with the county before the city issues a building permit.
- 6) The city council may review the conditional use permit and reasonably add or revise conditions to address any future unforeseen problems, including parking and increased traffic through surrounding residential areas.
- 7) 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.
- 8) The applicant must agree to the above conditions in writing.
- 9) A yearly submittal to staff of the total enrollment numbers for the school. This would ensure the number of trips generated meets the city code trip generation designation for this site. Should the trip generation exceed the site's designation, a traffic study would be required subject to review and approval of the city council.

All voted "yes." Motion carried.

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

16. **ADJOURNMENT.**

Thomas moved, Wiersum seconded a motion to adjourn the meeting 6:52 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew  
City Clerk