

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, FEBRUARY 6, 2006**

1. CALL TO ORDER.

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 Dick Allendorf, Bob Ellingson, Brad Wiersum, Al Thomas, Tony Wagner, and Jan Callison were present. Councilmember Terry Schneider arrived at 6:36 p.m., during special matters.

4. APPROVAL OF AGENDA.

City Manager John Gunyou reviewed the addendum. Item 10D was pulled from the agenda because both properties had come into compliance. Item 11A, regarding 17024 Gray's Bay Boulevard, was withdrawn due to a legal issue with the request.

Thomas moved, Wiersum seconded a motion to accept the agenda with the addendum. Allendorf, Ellingson, Wiersum, Thomas, Wagner and Callison voted "yes." Schneider was absent. Motion carried.

5. APPROVAL OF MINUTES:

A. January 23, 2006 regular council meeting.

Wagner moved, Thomas seconded a motion to approve the minutes of the January 23, 2006 Minnetonka City Council regular meeting.

Callison asked that "and asked if staff would support buildings of this size without the financing issues" be added to the end of the first sentence on page 10 of the minutes.

Allendorf, Ellingson, Wiersum, Thomas, Wagner and Callison voted "yes." Schneider was absent. Motion carried.

6. SPECIAL MATTERS:

A. Recognition of employees who reached significant milestone years of service in 2005.

Allendorf recognized Allen McKellips, Engineering Design Coordinator, for his 30 years of service, and Wiersum recognized Juli Haviland, Legal Administrative Coordinator, for her 25 years of service.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou reported on the schedule for upcoming council meetings, Kids Fest and State of the City.

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

Patty Moe, 5243 Woodhill Road, was present for an item already on the agenda as Item #13B.

9. BIDS AND PURCHASES: None.

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

A. Resolution to approve a Transfer of Funds Agreement with Hennepin County for Community Development Block Grant funds.

Allendorf moved, Ellingson seconded a motion to adopt Resolution No.2006-010 approving a Transfer of Funds Agreement with Hennepin County for CDBG funds. All voted "yes." Motion carried.

B. Resolution supporting a grant application for Hennepin County Transit Oriented Development funds.

Allendorf moved, Ellingson seconded a motion to adopt Resolution No. 2006-011 supporting a grant application for Hennepin County Transit Oriented Development funds. All voted "yes." Motion carried.

C. Authorize a change in licensed premises for an off-sale liquor license held by Keegan, Inc. (Glen Lake Wine and Spirits).

Allendorf moved, Ellingson seconded a motion to authorize the change in licensed premises for an off-sale liquor license held by Keegan, Inc. (Glen Lake Wine and Spirits). All voted "yes." Motion carried.

D. Resolutions ordering the abatement of nuisance conditions.

This item was withdrawn from the agenda because the properties had been brought into compliance.

11. Items requiring Five Votes:

A. Items concerning grade changes and a pervious patio on the lake access lot at 17024 Gray's Bay Boulevard for Lakewest Landscape.

This item was withdrawn from the agenda due to a legal issue.

B. Items concerning replacing an existing communications antenna on the Tonkawood Water Tower at 16001 Lake Street Extension for the city of Minnetonka.

Wagner moved, Wiersum seconded a motion to adopt Resolution No. 2006-012 approving a conditional use permit, with height variance, for a communication antenna and associated equipment on the Tonkawood water tower at 16001 Lake Street Extension for the city of Minnetonka. This resolution is based on the following findings:

- 1) Apart from the 18.5-foot vertical projection of the proposed antenna, the antenna would meet all conditional use permit standards.
- 2) The proposed antenna meets the required standards for a variance, because:
 - a. The proposed height is reasonable. The height reflects an industry and Federal Communications Commission standard.
 - b. The proposed antennas would be located on an existing water tower and would be used for public purposes. This is a unique circumstance not similar to every other R-1 property.
 - c. The proposed five-foot variance would have no negative impact on the surrounding area. Located on top of a water tower, there would be little to no visual difference between the proposed 18.5-foot vertical projection and a permitted 15-foot projection.

Approval is subject to the following conditions:

- 1) The color of the antenna must be approved by the city council.
- 2) No external messages or on-site, tower-specific employees are allowed.
- 3) The antennas must not be artificially illuminated unless required by law.

- 4) Antennas must comply with all building and electrical code requirements and must be designed and certified by an engineer.
- 5) Submit copies of any required FAA and/or FCC permits prior to issuance of a building permit.

All voted "yes." Motion carried.

12. INTRODUCTION OF ORDINANCES:

A. Ordinance amending a PUD master plan for a restaurant at 11000 Red Circle Drive.

Allendorf noted that the property to the west had been vacant for some time, and asked if there had been thoughts about including it in the PUD. Olson said that staff has had preliminary meetings with the developer, who plans to redevelop the property as a mixed use.

Wiersum moved, Thomas seconded a motion to introduce an ordinance amending a PUD master plan for a restaurant at 11000 Red Circle Drive, and refer it to the planning commission. All voted "yes." Motion carried.

13. PUBLIC HEARINGS:

A. Public hearing to consider a resolution approving projected use of funds for year 2006 of the City of Minnetonka Community Development Block Grant program.

Elise Souders, Community Development Coordinator, gave the staff report, and reviewed the funding recommendations.

Thomas noted that there is not currently a waiting list for the rehabilitation program for single family homes. He asked how the program is publicized. Souders said that there has been a substantial waiting list in the past. The program is currently publicized only on the city's Web site, but she could work with the community relations manager to promote the program.

Thomas asked how quickly the city acts for emergency housing rehabilitation requests. Souders said that Mr. O'Meara could address that.

Wiersum asked why the grant funds were down by 11 percent. Souders said that was a result of cuts at the federal level.

Callison asked why the city now administers this program rather than the county. Souders said that the county would administer the program for 13 percent of the total allocation. Because Minnetonka is over 50,000 in population, which meets the federal criteria, we are eligible to administer the program ourselves. By joining with Eden Prairie, we can keep administrative costs even lower.

Bill O'Meara, Community Action Partnership of Suburban Hennepin (CASH), spoke about the deferred loan program. He said that they see clients within one or two days to fill out the application and submit it to Souders. There has been a quick turnaround. Their agency then works with the client to get bids. The timeline runs between one day and two to three weeks. If a home is without heat, energy assistance may be available within a day.

Callison opened the hearing

Carla Jacobson, Greater Minneapolis Daycare Association, thanked the city for its continued partnership.

Beth Kodluboy, Executive Director of Homeline, thanked the city for its support.

Nora Davis, Hopkins-Minnetonka Family Resource Center, thanked the city for its support, and said that the service levels in Minnetonka continue to increase. She reviewed the resources they provide.

Mark Morehouse, Dominion, thanked the city for its support and said that he was willing to provide tours. Wagner asked if the city's contribution was used for matching grants. Morehouse said that Minnetonka's dollars provide leverage for funds from Hennepin County.

O'Meara thanked the city for its support. They provide information about reverse mortgages, foreclosure, first-time home buying, energy assistance, and budget counseling. Wiersum noted that reverse mortgages are a tool to allow elderly people to remain in their homes. O'Meara said that they are not experts, but they do provide the facts and counseling. They provide information about the costs, and may provide names of banks.

Callison closed the hearing

Wiersum said that for the last three years, he heard that the needs were growing and that the city's contributions have remained flat.

This is the first year there has been a reduction. He asked if there were other funding sources to address the growing needs, especially with the declining federal dollars. Gunyou said that other sources could be looked at, including general property taxes. He noted that the city would need to structure any such funding as service-related contracts. He suggested that options could be considered during discussions of the 2007 budget.

Schneider noted that the city has a \$20 million budget, and that another \$1,000 could go a long way for these needs. He would like to look at options. He did not want to take the federal and county governments off the hook, but said there would be consequences of additional cuts.

Wiersum asked if the city could publicize the programs in the *Minnetonka Memo*, to ask residents to contribute to these city-supported organizations. He was troubled by the growing needs and the declining funds. Callison said that could open the door for many requests, since there are a number of organizations in the community. Gunyou said that staff could look into the legal implications. Wagner suggested that CDBG funding be a topic at the August budget session.

Thomas urged caution in endorsing non-profits with city funds. He noted that funds can require a match. He urged the council to tread lightly in opening up the question of additional funding. He said that non-profits have some responsibility to find other funding sources, and the city has other priorities. He did think the programs were valuable.

Callison noted that there was support for a broader discussion. She thanked staff for their work on the issue.

Wiersum urged looking for appropriate options. He supported the staff recommendations and did not want to break the city's budget.

Allendorf moved, Wiersum seconded a motion to adopt Resolution No. 2006-013 approving projected use of funds for year 2006 of the City of Minnetonka Community Development Block Grant program. All voted "yes." Motion carried.

B. Review of Park Renewal Master Plan for Glen Lake Park.

Gunyou introduced Perry Vetter, the Parks and Trails Manager, and noted the presence of Park Board Chair Paul Lehman. Vetter provided the staff report.

Assistant City Manager GERALYN BARONE responded to Thomas' inquiry about the private property within the park.

Thomas noted that the reconfigured driveway entrance will align with the grocery store. Vetter said that staff discussed the grocery store entrance with planning staff. The park cannot have an in and out like the grocery store's, so the choice was to align the park entrance as closely as possible.

Thomas asked about a sidewalk along Excelsior Boulevard. Vetter said there would be a sidewalk on the south side from Glenview Road to Woodhill Road.

Thomas asked about plans for eliminating the hot box near the third base area of the lower field. He also asked about plans for children too big for the playground area but not patient enough to watch games. Vetter said that the hot box would be eliminated, since the association did not see a great need for it. The use wouldn't be prohibited but it won't be rebuilt.

Wagner asked if consideration had been given to shifting the road to the west if that was needed due to future redevelopment. City Engineer Lee Gustafson said that was not specifically designed, but it has been discussed. Any possible reconfiguration would affect the southwest corner of the activity center parking lot, and would be workable.

Wagner asked about trees at the back and side of the new parking lot. Vetter said that there are a small number of trees in that area. A canopy of shade trees will be added. The area isn't large, but it will be landscaped. Staff does want people to be able to see the field from the parking lot.

In response to Wagner's question, Vetter said that the grade does drop, but not that much, and additional parking could be considered.

Allendorf asked about community input. Vetter said that about eight people attended the planning meetings—one resident, some neighbors who participate in the association, and two others who live in the area.

In response to Allendorf's question, Barone provided the history of the restroom access. Vetter added that the use of utility buildings has changed due to security concerns.

Ellingson asked about a sidewalk on the west side of Woodhill Road. Vetter said that staff will be looking at pedestrian access throughout the Glen Lake area. He noted that there will be a trail within the park between the field and the parking lot.

Ellingson asked how the new space would be used if the city acquired the private property within the park. Vetter said that additional parking might be added. He noted that traffic flow is the biggest issue on the site. One-half of the access road is on private property.

Wiersum noted that 32 parking stalls would be added, and asked if that would provide adequate parking for three simultaneous games. Vetter said there will always be parking challenges. The association is going to have to manage game scheduling. Parking would be more problematic for tournaments, and he noted that the fields are not used six to seven months of the year.

Gunyou said that staff had more concerns about area parking when the original Glen Lake redevelopment proposal replaced the retail area with all condominiums. The current plan with the grocery store retains more parking in the area.

Thomas asked about the scoreboards. Vetter said that the current scoreboards would be retained, but the association may want to expand them. The city pays for the initial scoreboard, which must comply with the city's sign ordinance.

Thomas asked about the location for park signage. Vetter said that they may be field staked. The plan is to limit the number of monument signs.

Thomas noted that Excelsior Boulevard is a major thoroughfare, and suggested looking at the intersection by the activity center and the park.

Callison opened the public hearing. No one spoke, and the hearing was closed.

City Attorney Desyl Peterson reported that she spoke with Patty Moe, who rents the city-owned home on Woodhill Road. Moe asked to stay in the home through the school year, and Peterson said that she was told she could stay until June 15.

Thomas moved, Ellingson seconded a motion to approve the Master Plan for Glen Lake Park and direct staff to proceed with Phase II (design and construction) of Park Renewal. All voted "yes." Motion carried.

14. OTHER BUSINESS:

A. Items concerning a residential care facility at 4725/4735 Clear Spring Road for Community Involvement Programs.

Planning Director Geoff Olson gave the staff report.

In response to Callison's question, Olson provided the square footage for each building.

John Everett, Executive Director of Community Involvement Program, reviewed the history of their agency and their use of this site. They provide supportive housing and adult foster care. In response to Callison's question, Everett said that they will remove the items in the wetland.

Wiersum said that they have been a good neighbor. He asked how often the extra emergency bed would be used. Everett said that they do not anticipate that it would be used all of the time. It is in the adult foster care building which is staffed at all times.

In response to Wiersum's question, Everett said that they have vacated two of the houses, and will use the other one during construction.

Thomas asked for a profile of their average resident. Everett said they could have a history of mental illness, or a history of being in and out of a treatment facility, or in and out of shelters. The residents would be in treatment, under medication, and attending community support groups. They would have jobs or volunteer responsibilities. Those who have completed treatment would be looking for more permanent housing.

Thomas asked if any of the neighbors are on the advisory board. Everett said that they have discussed that possibility.

Thomas asked about a privacy fence. Everest said that they have offered to enhance the landscaping. A fence is possible in the future, but the budget is tight. Thomas said that the neighbors might prefer a fence over shrubs. Everett thought the issue was more about the view, and said that there had not been safety issues in

the past. They are very responsive when someone calls with concerns.

Thomas encouraged Everett to include a neighborhood representative on the board. Everett said that they are working on that issue. Callison asked Everett to advise staff when they make that decision.

Thomas noted that a neighbor commented about water run off from the storm sewer. Gustafson said that staff will look into that issue in the spring, and will follow up with the resident.

Allendorf said that the project was appropriate for this site.

Allendorf moved, Thomas seconded a motion to:

- 1) Adopt Resolution No. 2006-014 approving a conditional use permit for a residential care facility serving up to 21 residents with mental illness 4725/4735 Clear Spring Road for Community Involvement Programs. This resolution is based on the finding that the proposal meets all conditional use permit standards and is subject to the following conditions:
 - a. Record this resolution with the county before the city issues a building permit.
 - b. The residential care facility must be operated in compliance with standards as specified in Section 300.16.3(i) of the zoning ordinance.
 - c. Annually submit evidence of required licensure/certification.
 - d. Submit copies of all background check information, licenses, and certificates and any other information as required by the Minnetonka Police Department.
 - e. No parking is allowed on Clear Spring Road.
 - f. The city council may reasonably review the conditional use permit and add or revise conditions to address any future unforeseen problems, including traffic or parking problems.
 - g. 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.
 - h. The applicant must agree to the above conditions in writing.
- 2) Approve final site and building plans for four new buildings at 4735 Clear Spring Road. Approval is based on the following findings:

- a. Apart from the front yard setback variance for Building A, the proposal would meet the required standards and ordinance for site and building plan approval.
- b. The proposal would meet the required standards for a variance, because:
 - (1) The proposed setback is reasonable. The building would be further from the front property line the building previously on the site.
 - (2) The variance would meet the intent of the ordinance.
 - (a) The building would be 54 feet from the frontage road accessing the property and over 90 feet from Highway 7.
 - (b) Though the building could be located to meet the required setback, it would impact the existing parking lot on the site.
 - (c) The setback variance would not alter or have any negative impacts on the residential character of the area.

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, date stamped December 8, 2005
 - Grading plan, date stamped December 8, 2005
 - Utility plan, date stamped December 8, 2005
 - Building elevations, December 8, 2005
- b. The following must be completed before the city issues a grading permit or any site work is started.
 - (1) Submit the following for staff review and approval.
 - (a) Final grading, drainage and erosion control plans for staff review and approval. The grading plan must be modified to minimize impact to significant oak trees on the site.
 - (b) A revised landscape plan for staff approval. The plan should include additional plantings on the west side of the property and in the south central area of the site, as per natural resources staff.
 - (c) A construction management plan.
 - (2) Submit a letter of credit or cash escrow for 150% of the estimated cost, or 125% of a bid

- cost, to comply with grading permit requirements and restore the site.
- (3) Submit a letter of credit or cash escrow for 150% of the estimated cost, or 125% of a bid cost, to comply with landscape requirements.
- (4) All plans must be in substantial compliance with the building pads shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.
- (5) If required, submit evidence of the watershed district approval. The city may require revisions to the preliminary plat to meet the district's requirements.
- (6) If required, submit copies of any required MnDOT permit. The city may require revisions to the approved plans to meet the district's requirements.
- (7) Install erosion control, tree and wetland protection fencing for staff review and approval. This fencing must be maintained throughout the course of construction.
- c. The following must be completed before the city issues a building permit:
- (1) Submit final building plans for Building A for staff review and approval. The plans must be architecturally consistent with the plans for Buildings B, C, and D.
- (2) Pay all required hook-up fees.
- (3) Submit a copy of the recorded plat and any easement or covenants required to be recorded.
- (4) Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed buildings has not been completed, the planning director may approve a time extension to this requirement.
- d. Minimum floor elevation is 922.0
- e. Automatic fire sprinklers must be provided as required by the fire marshal.

- f. Any old or abandoned wells must be located and sealed according to the state well code.
 - g. Any garbage located in the wetland on the property must be removed.
 - h. During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - i. 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.
 - j. Construction must begin by December 31, 2006, unless the city grants a time extension.
- 3) Give preliminary approval to the Clear Spring Addition, date stamped December 8, 2005, with variance. Approval is based on the following findings:
- a. The proposal meets the required standards and ordinance for a preliminary plat.
- Approval is subject to the following conditions:
- a. Complete the following before final plat approval:
 - (1) Show the following on the final plat:
 - (a) Revise the plat to meet the 40-foot by 40-foot buildable area requirement on the east lot.
 - (b) 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.
 - (c) Drainage and utility easements over the 920 elevation.
 - b. The following items must be submitted to the city before the city releases the final plat:
 - (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - (2) The following documents for the city attorney's approval:
 - (a) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.

- (b) A conservation easement over the wetland and wetland buffer 16.5 feet upland from the delineated edge of the wetland. A legal description and drawing of the easement must be submitted. This easement must be recorded with the county and a copy of the recorded document returned to the city before the final building inspection.
- (c) Cross access, parking, and utility easements for services that cross property lines.
- (d) 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.
- (3) Any other requirements included with final plat approval.
- c. 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.

B. Resolution pertaining to the 2006 Street Rehabilitation Program, Phase 2, Acorn Ridge Area, Project No. 4429.

Gunyou provided a brief introduction, and Gustafson gave the staff report.

Thomas noted the poor soils in the southwest portion of the city. The soil conditions increase project costs, and he asked how staff planned to address that. Gustafson said that there are areas where it is very obvious that corrections will be needed. Staff will take soil borings. Gustafson noted that there are areas of Ward 4 where the soils are not the best for constructing streets.

Thomas said that the run off from the cul-de-sac on South Lane was discussed a couple of years ago, and said that will require a

big correction. He suggested anticipating the worst in some of those areas.

Wagner asked if there would be additional costs incurred by delaying portions of Phase 2, and all of Phase 3 to 2007. Gustafson said that we would not be duplicating efforts. There would be a slight inflationary factor. The delay allows more time for easement acquisition.

Wagner asked if Cimarron Trail could be moved into 2006. Gustafson said that staff would provide information for the council to consider, but noted that there would be budget implications.

Callison noted the temporary road through Reich Park, which is restricted to emergency personnel and residents. Gustafson said that the current play equipment will be removed. Callison asked about the impacts on the Reich Park renewal. Gustafson said that it should not affect the park planning. The temporary access will become a trail, and parking will be added. Callison anticipated questions from the neighbors to the east.

Wagner asked that staff report back to the council about Cimarron Trail.

Thomas moved, Schneider seconded a motion to adopt Resolution No. 2006-015 receiving feasibility report, ordering the improvements in, authorizing preparation of plans and specifications, and authorizing easement acquisition for the 2006 Street Rehabilitation Program, Phase 2 Project No. 4429. All voted "yes." Motion carried.

C. Resolution pertaining to the 2006 Street Rehabilitation Program, Phase 1, Eastwood Road Area, Project No. 4429.

Gustafson provided the staff report. He concluded that while asphalt and concrete curb and gutter have similar installation costs, concrete has a much longer life.

Thomas noted that he has seen curb and gutter that is sloped, with more gutter, and asked about the benefits. Gustafson said that is known as surmountable curbing, and it is done in newer cities where driveway locations are not known when the streets are paved. Snowplow drivers prefer high curbing so the plows don't jump the curb and damage turf. Some cities use both methods. There is no difference for drainage between the two types.

Thomas asked if darker concrete curbing was available. Gustafson said that colored concrete is being used in medians and sidewalks where they are not prone to damage. He noted that colored concrete fades over time, and is harder to match for repairs.

In response to Thomas' question, Gustafson said that concrete will last a very long time if it is not damaged. Bituminous is oil-based, and as the oil on the surface evaporates, it becomes brittle. Concrete curbing will last at least 50 years, and bituminous no more than 25 years at best. He noted that the bituminous curbing on Meeting Street is already weathered and damaged, and it is only eight years old.

Schneider noted that there are two types of asphalt installations. On Meeting Street, the same type was used for the curbing as for the street. Schneider said that typically a separate machine is used for the curbing. He asked if there was any information about the difference in the life cycle. Gustafson said that the other type is more expensive, and is often used on county roads. In the Eastwood area, staff is concerned about the drop offs. Without a firm backing, staff is concerned that the curbing will not be adequately supported.

Callison said that the street is currently as wide as 24 feet in some areas, and staff is recommending 22 feet. She asked if some areas will be more narrow than they are currently. Gustafson said that was true. The cul-de-sac will remain the same size.

Callison said that the resolution the council will consider accepts the feasibility report, and recommends a 24 foot road width. She noted that some areas would be 22 feet wide, and asked if clarification was needed. Gustafson said that the feasibility report did not consider the judgment of the fire marshal, who determined that a narrower width was acceptable if parking was prohibited on one side. Callison suggested greater clarification in the future. She then asked for public input.

Pat Heibert, 4638 Eastwood Circle, has resided at that address for 16 years. Although there were neighborhood meetings, he did not feel his opinion was heeded. He thanked Thomas for his help. Heibert said that the recommendation is for concrete curb. The vast majority of residents don't want concrete curb. They don't desire uniformity in curbs, and they want to preserve what they have. They do not want to look like neighboring cities. He heard that concrete curbs were the best for the long term of the city, but asked about what would be best for the residents. Heibert said that

at the neighborhood meeting, they were told that tree loss would be minimal. In looking at the budget, he was shocked by the number of trees that would be removed. He asked that the road width be preserved. He prefers the bend in the road to give the road an up-north feel. He said that the street and neighborhood are beautiful and repairs are not needed.

Joe McMahon, 4701 Eastwood Circle, noted concerns about the street width, tree loss, and concrete curbs. He felt that the segment that is 18 feet wide naturally slows down the traffic, and did not want to see that increased to 22 feet.

Bo Andersen, 4620 Eastwood Road, was very concerned about the proposed changes. He moved to this area for its rural feeling. The road has held up for years.

Bud Wingate, 4709 Eastwood Circle, said that the city is trying to make a production out of the road. He wants to keep it casual and preserve the rural setting.

Dr. Andrew Doroschak, a Deephaven resident, said that he has major concerns. He wasn't surveyed, and this road is the gateway to his city. He worried about the project's implications for Deephaven's wetlands and trees, and was also concerned about eminent domain. He said that Deephaven may not be on the same page as Minnetonka.

Callison asked if eminent domain was being considered. Gustafson said that it was not. No easements are required from Deephaven residents. He also noted that Deephaven residents were surveyed.

Callison asked if permits would be required from the city of Deephaven. Gustafson said that staff would continue to discuss project issues with Deephaven. Peterson said that Minnetonka is not legally required to get permission from Deephaven.

Paul Estinson, 4645 Eastwood Road, agreed with the comments of his neighbors. He said that the discussion has only related to curbs and gutter, and asked about the impact on hills, curves, and trees. He suggested that a better solution be found by taking into consideration the neighbor's thoughts.

Gustafson reviewed the grading plans, and said that the main goal is to match adjacent properties as much as possible. Sight line issues will need to be corrected for safety reasons. Curbing was requested by some residents, and they asked that the city look at

the curve and improve the sight distance. Some correction was needed, and that was explained at the informational meeting.

Callison asked Gustafson to discuss the topography. Gustafson said that Eastwood Circle would see minor grade changes. In some areas, the elevations would be held to avoid excavating into slopes. Everything is being done to maintain the grades to the greatest extent possible.

Eric Bloedel, 4716 Eastwood Road, said that his property is on the curve. He understands that the curve will be realigned to promote safety. He thought that people might drive faster. He said that regrading of his property would require that all of the trees within 15 feet of the street be removed. He did not know what could be planted to hold the slope. Native grasses do not do well in the shade.

Callison asked about the revegetation plan. Gustafson said that there is not yet a specific plan, but native plants will be used wherever possible. Staff will work with the residents individually to select suitable plants.

Betty Wingate, 4709 Eastwood Circle, lives on the circle and likes it the way it is. She did not think the road needed to be re-done. She asked what the "no parking" signs would look like. Callison said that they would be standard city "no parking" signs. Callison asked if the cul-de-sac could be left at 24 feet. Gustafson said that could easily be done. "No parking" signs would not be needed on the circle, regardless of the width of the street.

Thomas noted that the surveys consistently supported 22 feet for the width with "no parking" signs on one side. He asked if the resolution could direct staff to talk with the residents on Eastwood Circle about 24 feet versus 22 feet. He asked if it was out of the question to rule out repaving. Thomas said that tree loss happens with road repair, and suggested that the city forester be involved to look at reforestation. He said that the city will do what it can. He noted that the people who speed in the area would be those who live in that neighborhood. He asked neighbors to help the police.

Thomas felt that a 22 foot width with no parking would be reasonable. He thought that concrete curbing could change the character of the neighborhood. He understood the engineering and maintenance aspects. He is looking for ways that the city could control the erosion and water issues that would not dramatically

change the character of the neighborhood. He could support asphalt curbing so it would not be so obvious.

Schneider said that the issue of concrete versus bituminous has been around for a long time. Years ago, the city council debated the pros and cons of the issue, and focused on the economics. This is not the only neighborhood to have raised this issue, and it will not be the last. To him the issue was weighing the city's fiduciary responsibilities against the value of the character of our neighborhoods. It is a policy and a personal preference issue. He did not fault the engineering department for presenting the hard facts. Asphalt does deteriorate more quickly. The neighborhood has stated its preference for a more rural look that is less sophisticated. The challenge is blending those interests. During the previous discussions about asphalt versus concrete, there was talk about specially assessing the cost differential. Since the cost is borne by the entire city, the costs are an issue. He shared the residents' viewpoint that more weight should be given to the character. He suggested higher class bituminous be used near the wetland. He supported flexibility. There is a place for concrete curb and gutter, but not in every place.

Wiersum noted the country charm of the neighborhood. He was concerned what would happen in eight years if the bituminous was not performing well. He said that there are real water issues in the neighborhood. Concrete would solve the water problems, but the charm would be lost. Keeping the charm made sense to him. He noted the differences in life expectancy, and asked how long the neighborhood would be willing to wait for repairs.

Allendorf said that the residents should feel proud that they had input on the 22 foot solution with no parking on one side of the street. Staff listened to the input. Allendorf noted that he had informed one applicant for boards and commissions the previous week that road construction was the biggest problem facing the city. It is difficult to talk about individual roads. Allendorf said that if you asked what sets Minnetonka apart, it would be roads like this. A number of them have a rural feel and that is why people move to Minnetonka versus other cities. He was on the council during its previous discussions about concrete versus bituminous. The initial cost is the same, but the life cycle costs are higher for bituminous. It would be difficult to agree on the value of the rural character of a road, but you can look at road project costs. He knows that there would be a cost to preserving the rural look of this road.

Wagner appreciated the discussion and the sharing of the institutional memory. He said that there was not only a character issue, there were also drainage issues. The city has a responsibility to do something about the drainage and the wetlands. The city also has budgetary pressures. Based on the council discussion, there are areas of the road that would benefit from concrete. Gustafson agreed but said that randomly placed concrete curbing sticks out like a sore thumb. He would recommend against it, and thought it would generate more complaints.

Ellingson said that some neighbors don't want anything done. Realistically, the road needs repair.

Callison said that this is a beautiful street with lovely trees, beautiful houses, and a spacious feel. She did not understand how concrete curbs would detract from those determinants of neighborhood character. She values protecting the environment, and concrete curb and gutters offer much more protection. If the council decides to change its policy, the council will also need to look at the fiscal realities. The best choice would be the choice that is good for the longer term. The taxpayers of Minnetonka pay for each other's roads. She was also concerned about sufficient space for snow plows to operate. She found the policy discussion helpful.

Wagner asked if Minnetonka could count on funding from Deephaven. Gustafson said that Minnetonka had not reached an agreement with Deephaven.

Schneider asked if the city conceded to the neighbors' request for bituminous curbs whether the city could pressure Deephaven for funding. Callison did not think that was a good solution. She noted that it is mostly Minnetonka residents who are asking for bituminous.

Wiersum said that the city is on the front end of a major road reconstruction program. Taxes have been increased, and petroleum costs are increasing. He thought that the neighbors should contribute if they want bituminous. He did not think it would be fiscally sound to change the policy when dollars are tight.

Thomas moved, Schneider seconded a motion to adopt Resolution No. 2006-016 receiving feasibility report, ordering the improvements in, authorizing preparation of plans and specifications, and authorizing easement acquisition for the 2006 Street Rehabilitation Program, Phase 1 Project No. 4429. Section 2.01 of the resolution would be amended to include the following

language at the end of the sentence: "including a street width of 22 feet with no parking on one side and bituminous curb and gutter; and working with Eastwood Circle residents to determine street width of either 24 feet or 22 feet. Allendorf, Schneider, Ellingson, and Thomas voted "yes." Wiersum, Wagner and Callison voted "no." Motion carried.

D. Items pertaining to Railroad Quiet Zones.

Gunyou noted that this solution was a result of Allendorf's previous efforts. Gustafson gave the staff report.

Schneider raised safety concerns about the quad gate for Dominick Drive. Gustafson said that the gates are sequenced, and have built-in safety features.

Ellingson asked if the changes would reduce switching noise. Callison said that they would not.

Wagner asked about notification of the neighbors. Gustafson said that staff was waiting for the federal railroad authority's approval. Once that is received, the city would definitely provide notice.

Wagner asked if notice would be given beyond the standard 400 feet. Callison asked if another regulatory hearing would be required. Gustafson said that there will be a notice in the *Minnetonka Memo*, and in the local newspapers. Also, the University of Minnesota will be using Minnetonka as a case study.

Schneider suggested focusing on the near neighbors and the impacts on their yards and grades.

Wiersum asked if there were other crossings that would not benefit. Gustafson said that trains pass under the roads on some streets in the east and west sides of Minnetonka. The noise from those trains would still be heard, but there would be no whistles.

Allendorf supported providing notice, and thanked staff for their continuing work.

Allendorf moved, Wiersum seconded a motion to approve the Quiet Zone Assessment prepared by SRF Consulting Group Inc. and authorize the preparation of plans and specifications for the quiet zone implementation.

Callison asked if there would be an issue with the railroad opposing the quad gates on Dominick Drive. Gustafson said that it should be approved. The railroad is responsible for maintenance.

David Haapala, 2025 Blackberry Lane, lives 30 yards from the Burlington Northern railroad line. His wife canvassed their neighborhood last summer. Of 37 homes, only three did not sign—two for safety reasons, and a third because her husband works for the railroad. Everyone who signed was enthusiastic about the possibilities. He has endured the train whistles since 1980. The noise is not as bad in the winter and on hot summer days, but it is piercing in the spring and fall.

Donald Peterson, a Plymouth resident, spoke on behalf of the Portico development. He supported the proposed action.

Wiersum said that if the project stays on track, the whistles will go quiet in December 2006.

All voted “yes.” Motion carried.

15. APPOINTMENTS and REAPPOINTMENTS:

A. Appointment to the planning commission.

Callison moved, Allendorf seconded a motion to approve the following appointment:

- Steven Adams, to the planning commission, to serve a two-year term, effective February 6, 2006 and expiring on January 31, 2008.

All voted “yes.” Motion carried.

16. ADJOURNMENT.

Wagner moved, Wiersum seconded a motion to adjourn the meeting 10:08 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk