

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, APRIL 9, 2007**

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 Brad Wiersum, Terry Schneider, Al Thomas, Dick Allendorf, Bob Ellingson, Tony Wagner, and Jan Callison were present.

4. APPROVAL OF AGENDA.

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

5. APPROVAL OF MINUTES: March 5, 2007 regular meeting.

Wiersum moved, Thomas seconded a motion to approve the minutes of the March 5, 2007 Minnetonka City Council regular meeting. All voted "yes." Motion carried.

6. SPECIAL MATTERS:

A. Minnetonka Community Action Recognition award for Vera Atwood.

Mayor Callison presented the award to Vera Atwood.

Atwood expressed thanks for the recognition. She said the kids thank her every day and when they call her "Auntie Vera" and give her a hug that's all the thanks she needs.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou reported on the schedule for upcoming council meetings. The Board of Review meeting is Wednesday, April 11. There is a study session Monday, April 16 on CIP projects. On Wednesday, April 18 there is a joint meeting with the council and all the boards and commissions to kick off the comprehensive plan. The next regular council meeting is April 23.

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

No one appeared.

9. BIDS AND PURCHASES: None.**10. CONSENT AGENDA (Items Requiring a Majority Vote):****A. Claims for council authorization – April 9, 2007.**

Allendorf moved, Thomas seconded a motion to approve the April 9, 2007 claims which includes checks numbered 203434 through 203695, totaling \$1,108,782.31. All voted “yes.” Wagner abstained on check number 203677. Motion carried.

B. Ordinance regulating dumpsters and portable storage containers.

City attorney Desyl Peterson gave the staff report. She said notice was sent out to vendors for comments. Some of the responses received resulted in changes to the proposed ordinance. One company that provides smaller portable storage units asked to be allowed to provide two units. Peterson said the proposed ordinance was changed so that for portable storage containers there is a maximum of cubic feet as opposed to dumpsters where there is a restriction of one dumpster at a time. After the changes were made, vendors were contacted again and only one response was received. The respondent was fine with the provisions.

Callison said the ordinance was being proposed in response to resident complaints about the location of dumpsters and storage containers. Peterson added the proposed ordinance also is a response to the length of time the dumpsters and storage units remain on properties.

Wagner thanked staff for addressing concerns the council brought up.

Wagner moved, Allendorf seconded a motion to adopt Ordinance No. 2007-12 adding a new Section 645 and amending City Code Sections 710, 835, and 845 regarding dumpsters and portable storage containers. All voted “yes.” Motion carried.

C. Approval of contract for public works maintenance services.

Allendorf moved, Thomas seconded a motion to approve a two-year “State of Minnesota Income Contract” for two ICWC work crews for the public works department until May 31, 2009. All voted “yes.” Motion carried.

D. Resolutions authorizing applications for grant funds for environmental clean-up at 10600 Wayzata Boulevard.

Allendorf moved, Thomas seconded a motion to adopt the following resolutions:

- 1) Resolution No. 2007 – 046 authorizing application for the tax base revitalization account.
- 2) Resolution No. 2007- 047 supporting an environmental grant application to Hennepin County for property at 10600 Wayzata Boulevard.

All voted “yes.” Motion carried.

E. Resolutions pertaining to the Highland Road Storm Sewer Improvement Project No. 06607.

Thomas said he had received questions from residents on the exact location where the reconstruction will take place.

City engineer Lee Gustafson said the storm sewer installation will require the complete reconstruction of Highland Heights including the street, curb, and gutter. The proposal on Highland Road is to install the storm sewer and then patch the road after the storm sewer is installed. After the road is patched there will be an overlay applied over the entire project area.

Thomas moved, Wiersum seconded a motion to adopt the following resolutions:

- 1) Resolution No. 2007- 048 receiving the feasibility report, authorizing preparation of plans and specifications, and authorizing easement acquisition for the Highland Road Storm Sewer Improvement Project No. 06607.
- 2) Resolution No. 2007- 049 receiving the Petition to Save Wing Lake dated February 5, 2007.

All voted “yes.” Motion carried.

F. Authorization to execute agreements with Xcel Energy to provide overhead utility line burial.

Allendorf moved, Thomas seconded a motion to execute the attached agreements with Xcel Energy in the amounts of \$97,697 and \$850,000, and amend the CIP to reflect these project amounts. All voted "yes." Motion carried.

G. Items related to THE EXCHANGE at 14400 Excelsior Boulevard for Glen Lake Redevelopment Project LLC.

- 1) **Ordinance correcting the legal description.**
- 2) **Approval of the final plat.**

Allendorf moved, Thomas seconded a motion to introduce the ordinance correcting the legal description for a portion of the Glen Lake rezoning and approve THE EXCHANGE final plat that was received on March 23, 2007, subject to the following conditions:

- 1) Compliance with all preliminary plat conditions, especially the specific conditions for release of the plat; and
- 2) Unless the city council approves a time extension, the final plat must be recorded within one year of council approval of the final plat.

All voted "yes." Motion carried.

11. Items requiring Five Votes:

A. Authorization to enter into a professional services agreement for ice arena refrigeration mechanical design plans.

Thomas moved, Wagner seconded a motion to approve an agreement with Bonestroo Engineering for the preparation of plans, specifications and construction observation for installation of a new evaporative condenser for Ice Arena A and to amend the 2007 CIP by rescheduling the purchase of the condenser unit from 2008 to 2007. All voted "yes." Motion carried.

B. Preliminary plat, with variance, for a four-lot subdivision at 13800 Spring Lake Road for Steve Lynch.

Callison asked if there is a plan to eventually have the road that will be made into a cul-de-sac extended to the north and meet up with Haven Road when all three lots are developed. City planner Julie Wischnack said the idea on the plat is that the road will temporarily end in a cul-de-sac and then be extended to the north when and if the property to the north develops. She said one or two lots could be subdivided off the northern property and there is an easement as well that could be further developed. At this time the road is not proposed to travel through that area or connect to Haven Road.

Thomas moved, Wagner seconded a motion to approve the preliminary plat, with variance, date-stamped November 15, 2005, as revised by staff. Approval is based on the following findings:

- 1) But for the front yard setback variance, the proposal meets all required standards and ordinances.
- 2) The proposed cul-de-sac is the only viable method of accessing the property.
- 3) The proposal meets the required standards for a variance for two reasons:
 - a. The property could be divided without variance were the existing house removed. Removal of the existing house would be unreasonable.
 - b. Moving the lot line to the east would create a lot depth variance on Lot 3.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. Amend the final plat to include:
 - (1) A "half cul-de-sac" outlot as illustrated on the staff-amended preliminary plat, page A6 of the staff report dated April 9, 2007.
 - (2) 50-foot-wide right-of-way.
 - (3) Ten-foot-wide drainage and utility easements adjacent to the proposed public street right-of-way and seven-foot-wide drainage and utility easements along all other lot lines.
 - (4) Utility easements over existing or proposed public utilities, as determined by the city engineer. A 20-foot-wide easement centered on the existing sanitary sewer.
 - (5) Drainage and utility easements over wetlands, floodplains, and public storm water ponds, as determined by the city engineer. This includes a drainage and utility easement over the 100-year storm elevation of Spring Lake as determined by the city engineer.
 - b. Pay a park dedication fee of \$7,125.00.
 - c. If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- 2) The following items must be submitted to the city prior to release of the final plat:
 - a. An engineering/utility inspection fee.
 - b. Payment for traffic signs and installation, as required by the city engineer.

- c. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - d. A signed agreement with the city for all developer installed improvements.
The agreement must:
 - (1) Include language guaranteeing that the developer will complete all public improvements and meet all city requirements;
 - (2) Include an escrow to ensure that the developer completes all public improvements and complies with all city regulations. The escrow must be a letter of credit or cash deposit in the amount of 150% of the estimated cost of the improvements or 125% of the cost if based on actual bids.
 - e. The following documents for the city attorney's review and 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) 16.5-foot conservation easement upland from the wetland on Lots 1 and 2, and a drawing of the easement for the approval of the city attorney. The easement and drawings must be recorded with the final plat.
 - (3) A notice recorded against individual lots that the stub street may be extended to provide access to the adjacent property.
 - (4) 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.
 - (5) A temporary access easement to the city of Minnetonka for the turnaround at the end of the proposed street.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.
 - f. Any other requirements included with final plat approval.
- 3) The following must be completed prior to issuance of a grading permit or before beginning any site work.
- a. Submit the following for the city engineer's review and approval:
 - (1) Final grading, drainage, and erosion control plans. These plans must include the following:

- (a) Existing stormwater and runoff rate and volume calculations. These existing rates and volumes must be maintained.
 - (b) Impervious surface calculations and associated storm sewer/drainage calculations and design for all required design events.
 - (c) Appropriate storage, treatment, and abstraction of a 1-inch rainfall.
 - (d) Pond designs, including a typical cross-section. The minimum low floor elevation for new homes in the development will be determined based on this design.
- (2) Final civil plans for any developer installed streets and/or utilities. These plans must include the following:
- (a) Profiles for all utilities.
 - (b) Horizontal and vertical alignments for the public roadway. These alignments must be designed to MN/DOT State Aid standards. Cross-sections may be required.
 - (c) A 10-foot separation must be maintained between the watermain and storm/sanitary sewers.
- b. Submit a letter of credit or cash escrow for 150% of an estimated cost or 125% of a bid cost to comply with grading permit requirements and to restore the site. The city will not release the letter of credit or cash escrow until the developer submits as-built drawings and a letter certifying that the grading and public improvements have been completed according to the plans approved by the city.
- c. Submit a construction management plan for staff review and approval.
- d. All trees to be preserved must be fenced and erosion control measures must be installed for staff inspection and approval.
- e. The temporary turnaround must be shifted to the south to save the oaks on Lot 2. The location must be in substantial compliance with the staff amended preliminary plat, page A6 of the staff report dated April 9, 2007, and is subject to review and approval of the city engineer and natural resources staff.

- f. Permits may be required from other outside agencies, including but not limited to MN/DOT and the Minnehaha Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
 - g. To maintain the integrity of the site and minimize impact to significant trees, the developer must notify staff upon sale of Lot 2. If Lot 2 is not sold prior to grading for streets and utilities, the developer and/or builder must consult staff prior to the house design phase for technical review.
- 4) The following must be completed before the city issues a building permit:
- a. Submit the following:
 - (1) A grading and tree preservation plan for each lot. The 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, subject to staff 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.
 - (2) A copy of the recorded plat and any easement or covenants required to be recorded.
 - (3) 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 city planner may approve a time extension to this requirement.
 - (4) A hookup fee for sanity sewer and water.
 - b. The driveway on Lot 2 must be located to minimize impact to oak trees on the east side of the lot. The specific driveway location is subject to natural resources staff approval.
 - c. City approval of the installation of a temporary rock driveway, erosion control, tree protection, and wetland protection fencing for each lot.
 - d. All houses must be protected with 13D automatic fire sprinkler systems.
 - e. All minimum setbacks from floodplain and stormwater elevations must be maintained.

- f. The minimum low floor elevation for Lots 1 and 2 must be a minimum of two feet above the stormwater elevation as established by the city engineer.
- 5) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
- 6) 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.
- 7) A driveway permit is required for Lot 1 to connect the existing driveway to the new street.
- 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.

12. INTRODUCTION OF ORDINANCES:

- A. **Ordinance adopting a PID master development plan and approving final site and building plans, with variances, for the General Mills Federal Credit Union Expansion Project at 9999 and 10001 Wayzata Boulevard.**

Gunyou provided the staff report.

Wagner said he had a call from an area business owner who indicated he was led to believe that the project will also require a parking variance. Wagner asked for clarification if it was a parking setback variance or if the variance deals with the number of parking spaces. Wischnack said it is a parking setback variance.

Allendorf asked if there was a traffic report examining the number of trips the facility will generate. Wischnack indicated there was a traffic study done. The study included impacts from the parking ramp and the other development being proposed on the west end of the Hopkins Crossroad and Wayzata Boulevard area. The study also reviewed the existing ordinance. Wischnack said technically it is considered an appeal to trip generation regulations.

Wagner moved, Ellingson seconded a motion to introduce the ordinance and refer it to the planning commission. All voted "yes." Motion carried.

13. PUBLIC HEARINGS:

A. Public hearing to consider a resolution authorizing the issuance of tax-exempt bonds by the Colorado Health Facilities Authority (Elder Homestead Project).

Callison opened the hearing at 6:54 p.m. No one spoke.

Callison closed the hearing 6:54 p.m.

Schneider moved, Wiersum seconded a motion to adopt Resolution No. 2007-050 authorizing the issuance of tax-exempt bonds of approximately \$40,000,000 to the American Care Facilities Obligated Group by the Colorado Health Facilities Authority. All voted "yes." Motion carried.

14. OTHER BUSINESS: None.

15. APPOINTMENTS and REAPPOINTMENTS: None.

16. ADJOURNMENT.

Thomas moved, Allendorf seconded a motion to adjourn the meeting 6:55 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk