

**MINUTES  
MINNETONKA CITY COUNCIL  
REGULAR MEETING, MONDAY, JULY 13, 2009**

**1. CALL TO ORDER.**

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 Bob Ellingson, Tony Wagner, James Hiller, Dick Allendorf, Amber Greves, Brad Wiersum, and Terry Schneider were present.

**4. APPROVAL OF AGENDA**

City Manager John Gunyou noted addenda to items 5 and 14E.

Greves moved, Allendorf seconded a motion to accept the agenda with the addenda. All voted "yes." Motion carried.

**5. APPROVAL OF MINUTES:**

**A. June 22, 2009 regular meeting**

Greves moved, Allendorf seconded a motion to approve the minutes of the June 22, 2009 Minnetonka City Council regular meeting with the changes noted in the addendum. All voted "yes." Motion carried.

**6. SPECIAL MATTERS:**

**A. Nine Mile Creek presentation**

Luann Toliver, the chair of the Nine Mile Creek Watershed District Board, gave the presentation. She said the watershed district was celebrating its 50<sup>th</sup> anniversary. The district was the fourth in the state and the first in the metro area. She said the board of managers was commemorating the event with the publishing of a book written by Deborah Morse Kahn. The book documents the history of the district and the area.

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

Gunyou reported on the schedule for upcoming council meetings.

Greves complimented the staff on a successful Summer Festival. She also thanked staff for the Farmers Market.

Allendorf reported he attended the AMM Transportation Policy Committee meeting earlier in the day.

Wiersum said he received a call from Nancy Mulhern, a coordinator for World Link Incorporated representing the U.S. State Department. There are two exchange students from the former Soviet Union looking for host families. He said he also received a call from a person from Bennett Park and Tonka Babe Ruth indicating host families are needed for a tournament being held later in the summer.

Schneider seconded Greves' praise for the city's Summer Fest.

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

No one appeared.

**9. BIDS AND PURCHASES:**

**A. Bids for contractor overlay project**

Gunyou gave the staff report.

Hiller asked how much the overlay program has been accelerated over the past year. City Engineer Lee Gustafson said the program is about one year ahead of what was planned.

Wiersum moved, Wagner seconded a motion to award the contract for the Contractor Overlay Project No. 09408 to Midwest Asphalt Corporation. All voted "yes." Motion carried.

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

**A. Claims for council authorization – July 13, 2009**

Allendorf moved, Greves seconded a motion to approve the July 13, 2009 claims which includes checks numbered 220735 through 221181, totaling \$2,907,049.75. All voted "yes." Motion carried.

**B. Resolution authorizing participation in the Minnehaha Creek Regional Partnership**

Wagner asked for the item to be pulled from the consent agenda. He asked staff to give an overview on the item.

Gunyou said about two years ago the city invited key players to talk about a shared vision for the creek and joining forces to jointly plan and coordinate individual projects. One of the larger projects is Mills Park. The city is working with the watershed district to restore the creek banks. He said agency cooperation is much better than it was three to five years ago as a result of meeting on a regular basis. With growing interest in the creek, recent meetings have included officials from Edina, Hopkins, St. Louis Park, and the Minneapolis Park Board. The resolution reflects the results of those meetings. Gunyou said in the long run the process would not only be beneficial in terms of joint planning and consistent treatment of the creek, but it would also open up other financing doors for the creek as a regional resource. One example would be potential funds from the new legacy funding approved by voters last election.

Wagner moved, Wiersum seconded a motion to adopt Resolution 2009-056 authorizing participation in the Minnehaha Creek Regional Partnership. All voted "yes." Motion carried.

**C. Ordinance amending Section 710 of the city code regarding increases in fees for food, lodging, and pool licenses**

Allendorf moved, Greves seconded a motion to adopt Ordinance No. 2009-08 amending Section 710 of the city code regarding increases in fees for food, lodging, and pool licenses. All voted "yes." Motion carried.

**D. Resolution approving grant extension agreement for environmental clean-up funds for 10600 Wayzata Blvd**

Allendorf moved, Greves seconded a motion to adopt Resolution No. 2009-057 extending the grant agreement dated August 20, 2007 with Hennepin County. All voted "yes." Motion carried.

**E. Extension for the FETTERLY VIEW final plat located at 11519 Fetterly Road W**

Allendorf moved, Greves seconded a motion to approve the twelve-month time extension with the following condition:

- 1) If a final plat is not recorded prior to July 2010, staff recommends the plat be reviewed through the full formal process again, such that the public input may be received and both staff and the planning commission may thoroughly review the project again.

All voted "yes." Motion carried.

**F. Resolution amending the existing conditional use permit for wireless telecommunications antennas at 4400 Baker Road**

Allendorf moved, Greves seconded a motion to adopt Resolution No. 2009-058 which repeals and replaces an existing conditional use permit for wireless telecommunications antennas to be located on an existing transmission tower at 4400 Baker Road. Approval is based on the following findings:

- 1) The city code recognizes telecommunications facilities as valuable public resources.
- 2) The proposed telecommunications antennas meet the conditional use permit standards as outlined in city code.

Approval is subject to the following conditions:

- 1) The following must be submitted prior to issuance of building or electrical permits:
  - a) This resolution must be recorded with the county and a copy of the recorded resolution must be returned to the city.
  - b) The applicant must agree, in writing, to the conditions of this conditional use permit.
  - c) The property owner must agree, in writing, to the conditions of this conditional use permit. This includes agreeing to removal of the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city's right to assess removal costs as outlined in city code.
- 2) The antennas and accessory equipment must be installed in substantial conformance with the site plan and elevations date-stamped July 30, 2009.
- 3) The antennas must be a color similar to the existing transmission tower.
- 4) No advertising message or identification sign larger than two square-feet may be affixed to the transmission towers or antennas.
- 5) The antennas may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.
- 6) On-site, permanent employees associated with the telecommunications facilities are not allowed.
- 7) If rendered obsolete, the antennas must be removed in accordance with City Code 300.34.5.
- 8) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 9) Any change to the approved use that results in a significant increase in traffic or a significant change in character requires a revision of this conditional use permit.
- 10) Violation of any condition of this conditional use permit or city code requirement renders this permit null and void.

11) This resolution repeals and replaces Resolution No. 2008-125 adopted on October 27, 2008.

All voted "yes." Motion carried.

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

12. **INTRODUCTION OF ORDINANCES:**

**A. Ordinance amending Section 300.34 regarding telecommunications facilities**

City Planner Loren Gordon gave the staff report.

Greves said she understood the need for expediting the process for approving telecommunication antennas. The demand for wireless services far outpaces the current infrastructure. She asked if the administrative review process would be applied to the section of the ordinance that applies to private property ownership. Gordon confirmed administrative review would be applied to private property ownership. He said information included in the council packet referenced a specific property where there is a high voltage transmission along I494. The change would allow for an administrative review without a conditional use permit review process. Greves asked what public input and education opportunities would exist if the city is moving toward an administrative review process from the standard conditional use permit procedure. Gordon said for straightforward applications, the public hearing process would be eliminated. There still would be opportunities for people to track projects. New facilities that would have visual or environmental impact would continue to go through the conditional use permit process, which includes formal public hearings.

Greves asked how many towers along I494 identified in the council packet impact private property. Gunyou said it was important to remember that the city has no legal authority to deny an application based on concerns related to radio emissions. Federal law preempts any local authority for those issues. He said the ordinance change would apply to straightforward requests that typically engender no public concern. He noted people always have the right to appeal administrative decisions by staff to the council.

Greves pointed to the letter included with the Glen Lake project that showed substantial neighborhood input. She said that type of input could occur in other cases but she agreed with Gunyou that someone living near a high transmission power line probably would not have an aesthetic issue with an antenna being placed with the line. She said the opportunity exists

however for public education. She said she was concerned with moving ahead with the ordinance and having people react that something is approved without the opportunity for public input. Gunyou noted the Glen Lake project would not have gone to an administrative process because it involved a new tower.

Hiller said he agreed with Greves about making it appear that the city was using the administrative process to bypass requests where people have had concerns in the past. He said his review indicated that for past requests where residents did raise concerns, those types of requests would not end up under the proposed administrative review process. Gunyou confirmed that was correct.

Schneider said there was some success with towers where there was co-location but not as much as he was hoping for. He said providing a meaningful incentive for co-location would have long term benefits for residents.

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

**B. Ordinance amending the regulations governing swimming pools and food and lodging establishments**

City Attorney Desyl Peterson gave the staff report.

Wagner moved, Greves seconded a motion to introduce the ordinance. All voted "yes." Motion carried.

**13. PUBLIC HEARINGS:** None

**14. OTHER BUSINESS:**

**A. Presentation of the final report on the Baker Road Corridor Study**

Gordon gave the staff report.

Craig Vaughn from SRF Consulting Group gave the presentation.

Wagner said in previous discussions about improvements to Shady Oak Road to the east of the area there was concern about the delays at Lake Street Extension. He asked if that issue had been looked at in the study. He also asked Vaughn to comment on the impacts of the scenarios to the neighborhoods to the east from a right of way standpoint. Vaughn said the Lake Street Extension/Baker Road intersection was included in the

operations analysis results. The results indicated the intersection would still operate acceptably from a level of service standpoint without significant side street delays. He said the right of way issue was reviewed and discussed with residents that attended the open houses. The roundabout alternative would require more right of way than the signalized intersection alternative.

Ellingson asked if Hennepin County would allow the city to put signal lights at either of the intersections. Vaughn said the county and MNDOT had been engaged as part of the project. The county has indicated that the proposal would have to go through its signal warrant analysis process. Ellingson said there had been discussion about putting in a signal light at the intersection of Excelsior Boulevard and Woodhill Road. The council was always told that the county would not allow a signal because it did not meet the warrant. Vaughn said the next step would be to move through the warrant analysis process with the county.

Wiersum asked if the recommendation was for signalization rather than a roundabout because there would be less impact on the existing roadway. Vaughn said that was one factor. Another factor is that roundabouts tend to impact mobility along the corridor for everyone traveling along the route for all hours of the day. A traffic signal could manage that issue better providing the mobility that the county desires while still providing access to side streets during times of need. Wiersum asked Vaughn if roundabouts are as effective as signals. Vaughn replied given a particular circumstance each option has its proper application. For this application traffic signals may be the proper option, balancing the issues and needs. Wiersum asked if there was a meaningful difference in cost between the two alternatives. Vaughn said in this instance the two options would be relatively equal in cost.

Allendorf said there had to be assumptions made about how many trips would be generated from a 125,000 square foot building in determining if a traffic signal would be warranted. Given those assumptions he asked if it would be difficult to determine if the warrants would or would not be met and if there are indeed two options to consider. Vaughn said it would not be difficult to determine but the process needs to be followed. Up to this point data has only been collected about the A.M. and P.M. peak hours. Additional analysis would be needed to obtain information about other hours of the day.

Wagner said the report indicated that one of the goals was to consolidate site access. Looking at the map he said putting signal in the middle of the development would likely have the greatest impact to property owners on all sides. Vaughn said the idea behind access consolidation is related to safety and mobility of the main line. With more access, there is more

possibility for conflict with vehicles entering from side streets. He agreed with Wagner that there would be a higher impact to the development on the west as well as the residents on the east. Pros and cons have to be weighed to determine the benefits of the two alternatives. Wagner restated his concern with concentrating access to one point on the site given the impact to both property owners on the east and west, and that he may support a two access point – north and south, rather than a single one when a proposal comes forward.

Schneider said one thing that hadn't been mentioned with a roundabout approach was that it appeared there would be at least one public street to the east where drivers could not make a left turn to go south. Schneider said that would likely be a major issue for the residents living on that street. He said another concern about the roundabout alternative is that there would be a continual stream of north/south traffic with little control to slow the traffic down. A signal light would provide a defined break that would allow drivers to get on and off from the east. As far as the warrant process he said the county's answer could be reflective of what other things would be gained such as limited access points and widening of portions of the road. Vaughn said that was an astute observation.

Allendorf complimented Vaughn for the concise and complete report.

Schneider said he had seen a lot of traffic reports and people trying to explain how things work and he complimented Vaughn for his presentation.

Chris Kennelly, from Welsh Companies, agreed that SRF did a great job with the process and report. He noted that there are many grading and undulation issues along the corridor. The safest access point going in and out of the buildings is the far north access. The middle access point is the most dangerous so the idea of consolidating everyone to that access point is a concern.

Phillip Bahar, 13100 Brenwood Trail, said he was concerned about consolidating the entry to the central access point. The access is located at the apex of the hill and with traffic coming from the north and south, traffic will build up significantly. He said he would like SRF or city staff to pursue a right in, right out, for any access point that does not have a signal. He asked if a combination of roundabouts and signal lights was feasible. He noted the roundabout portion of the study indicated that a roundabout may greatly impact the ability of the roadway and may increase overall travel times. He said he would prefer to see modestly slower traffic than stop and go traffic.

Gordon explained going forward with a second phase would include notices sent to the neighborhood. The notification area will be the same as it was for the corridor study.

Schneider said the sight lines for a central access point at the apex of the hill would be terrible. With a signal light people would theoretically stop but there still would be the ability for drivers to do a free right turn on to Baker Road toward Excelsior Boulevard.

**B. Review of concept plan for Minnetonka Mills Park**

Parks and Trails Manager Perry Vetter gave the staff report.

Greves asked if the restroom located in the Burwell House parking lot could be moved into the grassy area, thereby adding a few more spaces to the parking lot. Vetter said that was a possibility. Architectural designs would be drawn up into bid specifications showing exactly where the restroom would be located. He noted a few parking spots would be added to the parking lot by increasing the lot size. Greves asked if the parking lot would be striped. Vetter said the lot would be re-surfaced and then striped. Currently quite a bit of dirt and dust enters the Burwell House because of the current's lot surfacing treatment. Greves said she would support the lot being some type of pervious surface. She asked if the parking lot by Bennis would also be expanded with the lines repainted. Vetter said currently there are two regular parking stalls and an ADA stall that are parallel. Currently the lot works at times but other times does not as people pull into the school across Bridge Street and then come back out, or they do a U-turn. The proposal is to flip the spots to 90 degrees parking that would allow the addition of two or three additional parking stalls. Approval would be needed from St. David's.

Greves said looking at the parking area to the east and west of Baker Road and the location the trail would be moved, she wanted to ensure that the proposal was the safest way to access the park off the trail and cross over Baker Road. Vetter said moving the trail to the point adjacent to Minnetonka Boulevard has been determined to be the safest. He said each side of Baker Road from Minnetonka Boulevard to Minnetonka Drive would be wrapped with a sidewalk or trail to facilitate pedestrian access. He noted the difficulty with the mid-block crossing is that is where people get caught at the traffic light with bikers trying to get by in addition to the left hand turning movement that creates a difficult sight line. Greves said it appeared that streetscaping would mark the streets at all of the access points. Vetter confirmed that was correct. Greves said it also appeared that the work would be done controlling the intersections with the timing of the lights and the lights would have crossing buttons. Vetter confirmed that was correct.

Greves asked where the main entrance of the park would be. Vetter said there would be two main entrances to the park. People coming just for a house tour would consider the Burwell entrance the main entrance. From a planning aspect the Baker Road entrance would be the featured entrance because the park would be visible from the stoplight. He explained throughout the corridor a lot of people's experience with the park will happen through the windshield of their car. When they are stopped at the Baker Road light, they will experience Minnetonka Mills Park and the hope is that would provide the initiative for them to come back. He said it is also hoped that a lot of the people that would use the park would come off the trail system. Greves asked if there were plans for signage along with the streetscaping. Because this would become the city's central park she would like to see some signage to make the park inviting. Vetter agreed and said the intention is to add signs.

Hiller asked if there would be a problem with overflow parking at the Burwell House. Vetter said there is a slight shoulder on McGinty Road with one parking stall that is used mostly by utility companies. He said hopefully people would get to know the site and use other parking locations. Hiller said his experience walking over bridges in Minneapolis parks is that people stop to view the park. He said he hoped that consideration would be given to providing a stopping point on the crossing bridges to allow a place for people to relax.

Allendorf asked for information about the schedule for the park construction. Vetter said the next community investment fund public hearing is August 3. With that approval, design and other activity would begin in the fall. The majority of the project involves landscaping. The next step would be to work on the bridges. After that would be the trail work and additional landscaping. He said the plan is to get the majority of the work completed by the time of the city's 2010 ice cream social.

Wagner said the original design appealed to him because the stone garden was the focal point. He said the garden seemed to be a destination point that would draw people. He asked for more information about the evolution from the original plan to the plan now before the council. Vetter said for the initial concept the city asked the consultant to think outside of what is normally considered. He said what has evolved is a shift from an English estate design to something that feels more correct for Minnetonka while still holding all the characteristics of the original design. Working with the neighborhood has resulted in a slight downsizing of the plan in scope and size. Wagner said he liked the plan but he was impressed by the original design because it was something not seen in the community, and would draw people. He said this was a once in a lifetime chance to do the park and he wanted to ensure the park is a focal point.

Wiersum agreed with Wagner about the rock garden and how great that looked. He said it would be helpful to have a picturesque focal point. He asked if the park would include bicycle access and how the walking trails would remain just walking trails if that was the intention. Vetter said the intention is to allow bikes on to some of the main trails. The issue is having two different modes of transportation moving at very different speeds. He said the plan could include some of the earthen paths with steps. Another idea would be to put the path right around a tree. Wiersum noted the Burwell site looked as nice as he has ever seen it at this year's ice cream social.

Ellingson asked if the gazebo would be eliminated at the east end of the park. Vetter said the existing gazebo would remain at the St. David's site with additional landscaping.

Allendorf agreed the Baker Road entryway would be the main entryway. He said removing the portable restrooms would improve the look of the Burwell House.

Greves said it was important to encourage alternative modes of transportation. Strategic placing of bike racks would help. She asked what types of seating arrangements would exist for people who want to sit and relax. Vetter said one of the focal points would be to include areas for reflection and resting throughout the site. He said the intention is to field locate those spots to take advantage of things like sunsets and other views. Greves asked if consideration would ever be given to including a swing. Vetter said including swinging benches could be looked at. Greves agreed with Wagner and Wiersum about the rock garden. Vetter said he would like to highlight some of the old millstones and other artifacts to reinforce the city's traditions and to enhance the experience at the location.

Wagner said when the plan comes back to the council for final budget approval he would like to see an option for a greater focal point than the Savannah butterfly garden.

Schneider said he was very pleased with the footbridge at the Baker Road access, since that would change the whole dynamics of how people view Burwell Park. He also liked the idea of the connection going underneath Plymouth Road that would link the Minnetonka Mills area and the area to the east to the whole area. He agreed with the other comments about the butterfly garden. When there is the opportunity to make a statement and a focal point then the rest of the plan falls into place. He said this was one area because of the view from Minnetonka Boulevard, the Burwell House and the connection to the bridge that there is a logical place to do

something special. The plan has tapped into that but not enough. He questioned the need for a suspension bridge on the west and suggested using the funds instead for enhancing the focal point. He said he would like to see two or three alternatives presented to the council.

David Paquette, 3730 Shady Oak Road, asked if the plan was a done deal. Schneider said once the council voted on the item the plan would move forward. Paquette asked if the funds have been voted on and approved for the project. Schneider said that had not occurred yet. Paquette said it seemed like the process was the council was voting to make a final decision about the plan without approving the funding. Schneider said the process had been going on for several years. He explained the question was to what degree the property would be used for the park. What was being voted on was approving the plan in concept with some suggestions for revisions and modifications. This would give staff authorization to do more detailed plans with detailed cost estimates. The council then would decide in the near future how to fund the plan. The staff is recommending using community investment funds. Paquette said the community investment funds would fund around \$750,000 of the plan. He asked where the \$1 million other funding would come from. Gunyou explained the total budget was around \$1 million. About three quarters of the budget would come from the community investment fund. About a quarter of a million dollars would come from the park referendum bonds. There would also be some funding from the park dedication fund for the creek restoration. Schneider noted there would also be some money from the Minnehaha Creek Watershed District. Paquette agreed the planning process had been going on for a long time but said the economy has changed from the beginning of the process. He asked if any thought has been given to postponing the plan for a few years. He also asked when the planning began if there was an outcry from the community to spend a million dollars to do the project or if the idea came from staff to redesign the park. Schneider said there has been significant community feedback for the need to capture the amenity of Minnehaha Creek and to make it more useable and accessible. The process is meant to define what exactly that means. He noted that the proposal would not raise taxes because of the use of the community investment fund. Paquette said the existing park works fine and he didn't see a need to redesign it.

Greves asked Gunyou to explain to residents what the community investment fund is and how the fund was started. Gunyou said the community investment fund is a trust fund that was established around 20 years ago. There are strict criteria on how the fund can be used. Only the earnings from the fund can be spent. Those funds can only be used for one time capital projects that benefit the whole community and for purposes that typically would not be done. He emphasized that no one's taxes would increase as a result of the plan.

Wiersum said some taxpayers look at a proposal and see that taxes would not increase but think if the money were not spent, taxes could decrease. He asked Gunyou to explain what would happen if the funds were not spent for the plan. Gunyou said the funds would remain in the trust fund. Wiersum asked if it was fair to characterize the community investment fund as an endowment for expenditures similar to the park. Gunyou said that was a fair characterization.

Schneider said there was opportunity for public feedback on whether any community investment funds should be spent on the plan at the August 3 public hearing. He said even though it is a difficult economic time, residents do expect the city to maintain its community assets. He said he has received feedback that residents need the community amenities because it is more difficult to travel and go somewhere on vacation.

Hiller moved, Wagner seconded a motion to adopt the plan contingent on staff providing options to the proposed butterfly garden, reflecting the original intensity and appeal of earlier proposals.. All voted "yes." Motion carried.

Schneider called a recess at 8:36 p.m. He called the meeting back to order at 8:49 p.m.

### **C. Glen Lake Plaza revised concept plan**

Community Development Director Julie Wischnack gave the staff report.

Hiller said he was trying to get a better understanding on how the plan had changed so much from the council review to when it went to the park board. Schneider said the council's major concern related to the location and type of water feature. There were also some concerns about the usability and hill area. Wischnack said it was important to have an accurate plan in front of the park board. She said it was difficult for staff to present a plan that was acceptable to both the council and residents. Staff tried to come up with a solution to present to the park board in order to get feedback on a more realistic plan that accurately depicted the concerns of the council and the neighborhood.

Hiller noted the staff report said the revised concept plan was only slightly different than the previous plan and that it incorporated the council's input. The way the information was presented was that the council should address the revised plan. He said this was a dramatic change and that the council really had two plans before it. He said he was concerned that similar to the discussion of the previous item, with a project like this one a statement should be made with a focal point that will draw people. In the

previous plan there was a front center piece that stood out and has been removed and changed to the proposed amphitheater. He said the plan should not have been sent to the park board because the area of land was not a park but rather was a center of a village. The area does not have anywhere to sit down outside of the park. He said the second plan makes a dramatic change to what was the goal for the entire village. He said the plan presented a nice park rather than providing people a reason to be in the area other than to go to the nearby stores. He suggested the plan should have been sent to the planning commission to look at the concepts of new urbanism and the goals of the region.

Greves said she appreciated the input from the park board but agreed with some of Hiller's comments. She said the fountain needed to be the main central feature and that was not the case with the revised plan. She agreed the fountain needed to be moved because of the safety issues. She said she saw the area as a gathering spot that brings people in. The water feature would be the defining element that would make it a gathering spot and a destination. She said the amphitheater would not make the area a destination. Unlike a water feature, people would not go to the amphitheater unless there was a performance. She said she would be open to looking at a combination of the two plans incorporating the best features from each.

Ellingson agreed the fountain was a very attractive feature and was important to bring people to the area. He noted that there are gas stations located on two of the corners and the intersection was not attractive. The only reason people go to the area is to go to the Dairy Queen. To get people to go across the street and sit down requires an attractive feature like a water fountain.

Greves asked if the businesses' concerns about the view shed in the original plan related to the arbor structure or with the water feature. Wischnack said the concerns were related to the confinement of the entire space and not being able to see any of the other parts of the park. There was a desire to have a more open viewshed rather than cutting off the area. The concern was with the level of noise and lack of serenity. There would be less traffic noise by moving the water feature back. She said the water feature could be moved. Greves suggested pushing the water feature back and reconsidering where the amphitheater or performance space would be located. She said perhaps the arbor structures could be moved to the sides rather than obstructing the viewshed of the bank.

Allendorf said he didn't see people coming to the park specifically to come to the park. Instead he sees it as an area seniors would go to rest and relax. Kids would go to the Dairy Queen. Bank employees might go there to relax on their break. The area should be attractive enough for these

purposes. He said the water feature should be active and exciting and relaxing enough for people to sit around. He indicated he didn't buy into the idea for an amphitheater to begin with and still does not see its purpose.

Gunyou suggested asking SEH to meet with each council member to better capture what the council wanted. Schneider said he was not comfortable with individual meetings. He agreed that the amphitheater should not be the central focus and that an enhanced water feature not on Excelsior Boulevard was probably the right approach. He suggested holding a charrette work session with the entire council and an architectural landscape designer to look at alternatives and come up with a design to get at what each council member was thinking about.

Wagner said he was concerned with the \$400,000 shortfall from what was originally approved for a plaza plan given there didn't seem to be a strong consensus on what was wanted. He said he had a problem supporting a plan that drains the development fund \$400,000 without phase two of the Glen Lake redevelopment going forward at this point. He doesn't see a park as an appropriate use of the development fund. The use of TIF proceeds would make sense. He said going forward with the design was appropriate but he would not support using the development fund further. He would be open to the use of CIF funds.

Wiersum agreed with Wagner's budget concerns. He said if further design work was done, he would like to see if there was a way to design something that was affordable that meets the scope of Glen Lake as it is expected to be built. He said unlike the community investment fund, money spent from the development fund has to be replaced by tax dollars. The council has to look at the realities of the situation. He said he would like the water feature to be built with the available dollars.

Allendorf said he shared Wagner and Wiersum's concerns about the budget. However, he said the plan was a community investment fund possibility because the area was a focal point for residents in a couple of the city's wards. He said he favored looking at using the community investment fund to fill the gap rather than constraining the city or using taxpayer dollars. He agreed with Schneider's idea of a charrette involving all council members. He noted most of the comments from the neighbors focused on the water feature as something that should be a major element.

Hiller said he received 11 emails over the weekend. Eight of the emails specifically included comments about liking the water feature. He said people also expressed support for the amphitheater.

Greves said she agreed with the comments about the budget. She was open to looking at using the community investment fund because the city should continue to bring life into the area. She said it would be valuable to have someone like a landscape architect or a person knowledgeable about fountains involved with the design of the water feature. The park board indicated it would like to see a hybrid of two of the options presented. An expert who knows what is available would be valuable as well as knowing the budget limitations. She said her comments about the area being a destination area came from her experience with moms groups and planning activities. She said the city lacks a water feature area where parents can go with their kids without having to go to Shady Oak Beach. The water feature would provide an activity for moms groups.

Schneider said he had two reservations about the water feature in the original plan. One was that the feature was too close to the road creating a hazard. His second reservation was that a true fountain has maintenance issues. A waterfall on the other hand can run for years because nothing plugs it up. He said it would be helpful sitting down with someone with an understanding of the water feature dynamics involved. He noted the topography of the area would allow for a bubbling fountain on the high part that would trickle down over waterfalls and rocks with a seating area. Having someone with expertise and creativity to walk the council through options is what he was suggesting. He said the amenity was significant to the area of the city that qualifies it for use of community investment funds. It would also qualify as a TIF reimbursement. With the extension of the district he asked staff to look at the possibility of reimbursing the community investment fund with TIF funds.

Anne Malm Hossfeld, 14616 Glendale Street, said it was clear there wasn't a shared vision for what the space would be used for. She said she didn't understand where the proposed changes for revising the water feature emphasizing the amphitheater came from. She questioned what the intent of the amphitheater was. Who would schedule performances? She said she was also concerned about the noise. Another concern was the current plan's water feature didn't allow people to sit around the feature. She said she didn't look at the space as a destination place to gather people outside of Glen Lake because of the lack of parking space.

Hiller asked if there was information that would indicate the level of maintenance and costs for different water features. Gunyou said the cheapest water feature would be a re-circulating water fall. The other features the park board considered are a step up in cost but not dramatically different. A feature that would allow people to play in would be more expensive because of health regulations. He suggested as the charrette is planned, budget realities should be included so the tradeoffs could be discussed. He suggested including three or four members from

the business community and public in the charrette. Schneider said he had no objections to that.

Allendorf said he also had no objection to including a representative from the bank or another business but having too many participants would lead to having to manage the chaos. He said the specific purpose of an amphitheater is performances. Perhaps what the bank really meant with its strong support for an amphitheater was the need for an area for employees to sit. He said information about the costs and maintenance information of different features is readily available.

Greves asked if there were any discussions about the possibility of private funding. Wischnack said she has had discussions with the bank about some type of sponsorship of one of the areas. Greves said she agreed there are many different ideas of what the area could be used for and her previous comments were meant to point out what the area may be used for. She said whatever water feature is looked at needs to incorporate some safety considerations because there would be different uses for the feature.

Hiller agreed there are cost concerns but some of those concerns are the funding is pushed out several years because of delays in the project. He noted the Glen Lake community will live with what is decided upon for 20 to 30 years so a long term solution needs to be kept in mind rather than what could be quickly done.

**D. Ordinance amending Sections 600 and 710 of the city code regarding liquor license regulations and fees**

Wischnack gave the staff report.

Allendorf moved, Hiller seconded a motion to adopt Ordinance No. 2009-09 amending Sections 600 and 710 of the city code regarding liquor license regulations and fees. All voted "yes." Motion carried.

**E. Items concerning a 2-lot subdivision of existing properties at 12910 and 12918 Rutledge Circle, and a parcel with an unassigned address**

The item was pulled at the request of applicant.

**15. APPOINTMENTS and REAPPOINTMENTS:** None

**16. ADJOURNMENT**

Wagner moved, Greves seconded a motion to adjourn the meeting at 9:42 p.m.  
All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda  
City Clerk