

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, FEBRUARY 8, 2010**

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

4. APPROVAL OF AGENDA

City Manager John Gunyou noted addenda to items 8, 14B, and 15.

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

5. APPROVAL OF MINUTES: None

6. SPECIAL MATTERS:

A. Recognition of Paul Ansolabehere for life saving action

Schneider read the recognition.

Ansolabehere thanked the council for the recognition.

B. Recognition of outgoing boards and commission members: Bruce Gefvert, Eduardo Jimenez and Paul Kobs

Schneider read the recognitions.

Gefvert thanked the council for giving him the opportunity to serve the city. He encouraged all residents to get involved and to apply to serve on one of the boards and commissions.

Jimenez thanked the city for its willingness to take on the subject of diversity.

Kobs said he and his wife became excited about the city while attending the Citizens Academy. He is leaving the community commission due to a career change but he wants to serve again at some point.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS

Gunyou reported on the schedule for upcoming council meetings.

8. CITIZENS WISHING TO DISCUSS MATTERS NOT ON THE AGENDA

Mark Zwart, 3136 Chippewa Road, said his neighboring apartment complex owner has told residents to park on the street and this makes it hard for him to get out of his driveway. He said the ordinance prohibiting parking on city streets needs to be enforced. If a fire truck needs to get down the street there would be no access. Also, city plows did not plow his street during the day because of the parked cars.

Schneider asked if the apartment residents are parked on the street to allow plowing of the complex's parking lot. Zwart said that was correct. Schneider asked staff to follow up with Zwart on the issue. Gunyou noted Police Chief Mark Raquet was in attendance at the meeting and encouraged Zwart to talk to him.

9. BIDS AND PURCHASES: None

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

A. Claims for council authorization – February 8, 2010

Allendorf moved, Hiller seconded a motion to approve the February 8, 2010 claims which includes electronic fund transfers (EFTs) numbered 1174 through 1181 and checks numbered 225201 through 225534, totaling \$1,263,839.44. All voted "yes." Motion carried.

B. Amendments to the Best Practices Program

Greves asked for the item to be pulled from the consent agenda. She noted the city has taken several steps to curb underage drinking. While the change to an online education program would provide convenience for the license holders she asked why the proposed changes to the standard would require 75 percent of servers to be trained every three years.

Raquet said the department has heard from businesses of all sizes that flexibility was needed for the training and online training would provide convenience. One of the recommended online programs was nationally known and is recognized by most insurance companies. The recommended standard mirrors that program's standards. He said

Minnetonka's program was being tailored on the city of Plymouth's best practices program. Plymouth has recently changed their standard requiring training once every three years. Raquet said all new employees and managers would still need to be trained within 60 days of their hiring date. The reasoning behind lowering the percentage of people that are required to be trained from 100 percent to 75 percent was because it is more practical for the businesses. Greves said that because the training was online, it should reduce some of the logistical issues for the businesses. Raquet said that not all businesses participate online. Some companies use their own corporate training. He said the idea was to get more companies involved in the program. Gunyou said currently 13 out of the 44 establishments participate in the program and it is hoped the changes will increase that number. Raquet said with the change in standards there would be an increase in the oversight of the program.

Wiersum said the key for the program was providing some flexibility. He said in a previous discussion Raquet had expressed some frustration with the program because of the level of involvement by the liquor establishments. Raising the amount of participation would be good for the community by increasing compliance.

Greves moved, Wiersum seconded a motion to approve the amendments. All voted "yes." Motion carried.

C. Order for liquor license stipulation for C & R Partners, LLC, dba The Wine Shop

Allendorf moved, Hiller seconded a motion to adopt the Finding of Fact, Conclusion, and Order for C & R Partners, LLC. All voted "yes." Motion carried.

D. Time extension for filing of the LEWIS ADDITION final plat, a two-lot subdivision at 15616 Highwood Drive

Allendorf moved, Hiller seconded a motion to approve the twelve-month time extension. All voted "yes." Motion carried.

E. Resolution adopting the Pay Equity Implementation Report

Allendorf moved, Hiller seconded a motion to adopt Resolution No. 2010-012 approving the city of Minnetonka's Pay Equity Implementation Report. All voted "yes." Motion carried.

F. Agreement for telecommunications antennas and equipment at the Williston water tower site at 4525 Williston Road for T-Mobile

Allendorf moved, Hiller seconded a motion to approve the lease agreement All voted "yes." Motion carried.

11. **Items requiring Five Votes:** None.
12. **INTRODUCTION OF ORDINANCES:** None
13. **PUBLIC HEARINGS:** None
14. **OTHER BUSINESS:**
 - A. **Amendment of condition of development approval for BRAEBURN WOODS at 16400, 16408, and 16416 Hidden Valley Road**

City Planner Loren Gordon gave the staff report.

Wagner said information in the council packet showed ten lots. With the previous approval lots nine and ten would have disturbed less than 100 percent of the buildable area. The new proposal would allow 115 percent and 123 percent for the two lots. He asked if staff had concerns with grading for the two lots outside of the buildable area pad. Gordon said when the information was put together for the council packet staff carried out the 1,000 foot increase over the ten lots. Lots nine and ten are really restricted in terms of the amount of site impact that could happen because of the storm water pond to the backside. He said the chance of Wagner's scenario playing out and being above 100 percent probably would not be realized because of the need to grade for the storm water pond.

Allendorf asked if a property owner used up their 5,600 square feet would they be allowed to put up a small shed in back. Gordon said the proposal's restrictions would not allow the accessory building to be added. Schneider said the restrictions were that a property owner who had a 2,800 square foot footprint would be limited to a 3,800 square foot total footprint. So if a person had a two story building, they could do an accessory structure. Gordon confirmed that was correct. The idea would be that the total square footage would be limited to 5,600 square feet above grade. The property owner could apportion up to 3,800 and not use up the entire second level, whatever portion under 5,600 square feet could be used for an accessory structure.

Wiersum asked what would happen if a person had a 3,800 square foot building pad and the total square above grade was 5,200 square feet. Would they be allowed to build an accessory structure or if once the person exceeded the 2,800 square foot building pad they forgo any accessory structure? Gordon said the 2,800 square feet was the maximum allowable if a person could not meet a couple of the

performance provisions. If the person built a 2,800 square foot footprint on the first level, and the second story was 2,000 square feet, there would be 800 square feet of accessory building size that could be used. The limit is 5,600 square feet of total area. Schneider noted the 2,800 square foot limit that was originally approved was only for the principal structure. There was no limit on the accessory structures other than the 1,000 square feet by ordinance.

Wiersum said the way he was reading the proposal was that if a person exceeded the originally approved 2,800 square foot housing pad with a design for something larger up to 3,800 square feet, the person forgoes the opportunity for an accessory structure. Gordon said the intent was to limit the total footprint on the site to 3,800 square feet. A person might forgo the opportunity for an accessory structure if they build out 3,800 square feet on the first level and 500 square feet on the second level because they would have maxed out the footprint availability for the property.

Hiller asked what would happen if a person had a 2,800 square foot housing pad and wanted to increase the size to 3,200 square feet on the first floor. He asked if it was correct that the person could later build 600 square feet of accessory structure. Gordon confirmed that was correct.

Greves said she had been contacted by a couple of residents in the area who wanted more information. The staff report indicated that with a 3,800 square foot footprint there would be no impact to grading. She asked if that really meant there would be no impact to the current grading plan but there would be an impact to grading because the square footage had to go somewhere. Gordon said the analysis of the grading plan that was approved showed that there could be an impact with 3,800 square feet on all of the lots. One of the provisions requires substantial conformance with the approved grading plan in order to get to the 3,800 square feet. Staff would evaluate what the impact will be on the specific lot with the conditions present and if the grading can be kept in check with what was approved. That would be the criteria staff considers to allow the footprint size to go from 2,800 square feet up to 3,800 square feet.

The applicant, Cory Lepper, said if approved, this would be the fourth house designed. The first house was designed and built and was closed on about three months ago. It has a 2,500 square foot footprint. The second house has a 2,350 square foot footprint. The third house has a 2,100 square foot footprint. He said the new resident has a great plan that would fit the intent of what was being looked for. The main floor master bedroom brought the square footage up over the threshold.

Greves asked Lepper if his marketing would change if he was allowed to go up to 3,800 square feet. Lepper said the marketing would not change. His intent is to keep the square footage as low as possible. The new residents' proposal was perfect from a design perspective because it reduced the massing.

Wagner asked how many of the houses had been filed with the city. Gordon said there was one permit applied for at the current time.

Hiller said his previous concern was everyone building up to the 3,800 square feet. He said he was more comfortable now primarily because the city's goal was to get different types of housing.

Tom Hauschild, 6277 Dallas Court in Maple Grove, said he and his wife had purchased lot five and were excited about building their home. He said he and his wife were poster children for a category of buyers the city was looking for. They are empty nesters and now that their children have moved out they are looking for a home they can live in for a long time. For them this means a main floor master bedroom and bathroom, laundry facility, easily accessible storage, and hopefully an accessible screen porch. With those requirements it would be a challenge to build with a 2,800 square foot limitation.

Greves said when the item was initially approved one of the things that compelled the council was the developer had come forward with the idea that the maximum footprint would be 2,800 square feet. This was the reason the development was slightly palatable to the residents in the area. She said she was not compelled by the idea the changes would improve potential grading limits because the city only approved 24 permits for accessory structures in 2009 and 19 in 2008. There still was the potential for all the footprints to be up to 3,800 square feet. The tradeoff was the city could take the chance of having more accessory structures built versus having all the homes have 3,800 square foot footprints and given the number accessory structures that typically get built in the city, it might be a questionable tradeoff.

Wiersum said he shared some of Greves' concerns because the number of accessory structures in the city is not very high. The proposal allows the footprint of a house to increase to 100 percent of the maximum accessory structure. Staff told him there are 1,687 detached garages in the city with an average size of 581 square feet. There are 761 swimming pools with an average size of 658 square feet. Of 12,984 improved single family detached properties, 19 percent have an accessory structure. The difference between 19 percent of the homes having accessory structures around 600 square feet and potentially providing the opportunity for a neighborhood to have 100 percent of the houses have the maximum sized

accessory structures, might be going in a direction that he was not comfortable with. He said there was a number lower than 1,000 square feet that might make more sense than the proposal. He praised staff for doing a good job mitigating the impact of the 1,000 square feet with the tradeoff of the second floor but the neighbors are concerned about mass issues. If the proposal is approved, the likelihood of the city having some larger houses is greater than if approval was denied. At the same time, the developer has a valid point that the market is changing with aging baby boomers who do not want to have traditional two story houses.

Schneider asked what size accessory structure could be built without a conditional use permit. Gordon said the city code is an accessory structure up to 1,000 square feet could be built without a permit. Schneider noted currently there were no lots in the city that have the size restriction on them. The issue was before the council because the applicant chose to do an environmentally sensitive project and volunteered to set the limit. The site is sensitive and it was approved with the condition offered as an incentive but the lot sizes are similar to the standard size in the city. He said a development with all 2,800 square foot two story homes around a cul de sac would look boring and without character. Interspersing that with some story and a half homes or one level homes with master bedrooms on the first floor would provide more diversity to the area. He said he didn't think the city was sacrificing its principles to approve some flexibility and he was very supportive of the proposal given staff would review each home that exceed 2,800 square feet.

Wiersum said he didn't disagree with Schneider's comments. The developer originally had the right to develop the property as R1 with no variances required. There was no opportunity to stop the development and the city and the developer worked together to come up with an approach that would save trees and be more environmentally sensitive. Not all of the lots are conforming size because the PUD saved trees. At the same time, had the developer not offered the 2,800 square feet limit, the way some of the councilmembers voted may have been affected. He said he personally did not think all of the houses will end up at the maximum, but in the interest of trust with the neighbors some compromise could create a more acceptable situation.

Allendorf said there likely was a reason for the 1,000 square foot limit for accessory structures. He said he was uncomfortable trying to be arbitrary in changing that number. He noted none of the five houses have a 3,800 square foot footprint and he was comfortable with what the staff had come up with.

Hiller said it was a good compromise to not have as much mass in the houses. He asked if one option was to specify the number of lots that

could have greater than the 2,800 square foot footprint. Peterson indicated because this involved a PUD the council could set reasonable specifications.

Wagner said he shared Allendorf's position. The previous council discussion included looking at five lots rather than six for the property but because of the 2,800 square foot criteria, the council approved the proposal. He said staff has reacted to the changing market and issues that were could not be foreseen with the original approval. He said he was willing to support the proposed resolution as is.

Allendorf moved, Wagner seconded a motion to adopt Resolution No. 2010-013 which amends item e(2) of the BRAEBURN WOODS preliminary plat conditions of approval adopted by the Minnetonka City Council on May 5, 2008 as follows:

- e. Notwithstanding the requirements outlined above, all lots and structures within the development are subject to the following:
- (1) The house "type" for each lot (walk-out, full-full basement, look-out) is restricted to the "type" detailed on the preliminary grading plan date-stamped April 4, 2008 or a type that does not increase site disturbance.
 - (2) The maximum principal structure footprint allowed on each lot, is restricted to 2,800 square feet. Principal structure footprint includes attached garage, enclosed porch, and house.
 - (3) Staff may approve a principal structure footprint over 2,800 square feet if:
 - (a) Grading and tree removal, to accommodate the principal structure is in substantial conformance with the grading area established on the Preliminary Grading Plan date-stamped March 20, 2008; and
 - (b) The gross square footage of the attached garage, first floor, and second floor of the principal structure does not exceed 5,600 square feet.
 - (4) In no case may the total footprint on any lot, which includes principal and accessory structures, exceed 3,800 square feet.
 - (5) Grading and tree removal on each lot, to accommodate principal and accessory structures, is limited to that area established on the Preliminary Grading Plan date-stamped March 20, 2008. City staff may allow grading outside of these limits if the area graded is in substantial conformance with the Preliminary Grading Plan date stamped March 20, 2008.
 - (6) Minimum setbacks for principal structures:

	<u>Pine Street Properties</u>	<u>Hidden Valley Road Properties</u>
<u>Front</u>	<u>25-feet</u>	<u>35-feet</u>
<u>Side</u>	<u>10-feet interior to PUD</u>	<u>30-feet aggregate, with no one side less than 10-feet</u>
	<u>15 feet exterior to PUD</u>	
<u>Rear</u>	<u>20% of lot depth or 40 feet, whichever is less</u>	<u>20% of lot depth or 40 feet, whichever is less</u>

- (7) Minimum lowest floor elevation is 922.0.
- (8) Maximum floor area ratio within the plat is 0.5. Individual lots may exceed this standard. However, the total floor area ratio of the subdivision may not.
- (9) Maximum hard surface coverage is 50%. Individual lots may exceed this standard. However, the total hard surface coverage of the plat may not.
- (10) Minimum site lines must be maintained on Lot 10 as per city engineer exhibit date-stamped April 10, 2008.
- (11) All portions of first-story walls as measured by an approved route around the exterior of the house must be within 150 feet of the street. If access requirements cannot be met, the house must be protected with 13D automatic fire sprinklers.

Approval is based on the following findings:

- 1) The amended conditions meet the intent of the original approvals by ensuring site disturbance associated with grading and construction activities is minimized.
- 2) The amended conditions provide for greater flexibility in home design.

Approval is subject to the following conditions:

- 1) Existing restrictive covenants must be revised to reflect this amendment. The revised covenants must be recorded against the individual lots with the plat and a copy of the recorded covenants returned to the city.

Hiller moved, Greves seconded a motion to amend the motion placing a limit of four to the number of lots that could exceed the maximum 2,800 square foot footprint. All voted "yes." Motion carried.

Allendorf renewed his motion as amended to adopt Resolution No. 2010-013. All voted "yes." Motion carried.

B. Glen Lake Plaza/Station revised concept plan

Community Development Director Julie Wischnack gave the staff report.

Allendorf asked if the bidding process would include possible phasing in of the plan. Wischnack said staff had considered ways to reduce the cost of the plaza and park redevelopment and one of the options was phasing in the improvements. She said phasing in was ruled out because the area is small and the majority of work would be on the sidewalks, planter boxes and the fountain and it would be difficult to come back and do the fountain because all the pipe work needs to be done at the time the concrete work is done. She said the major cost component was the fountain. Allendorf said the fountain was also one of the major benefits as seen by residents as well. He asked if the pergola was also a big ticket item. Wischnack said the cost of the pergola would be under \$20,000. Allendorf said he liked the plan and the staff and consultant did a good job bringing the council's ideas together from three divergent meetings.

Wagner asked staff to outline the next steps. Wischnack said staff would obtain bids that would include the fountain. An alternative would be to leave out the reclamation system. Demo work would also be a bid alternate and might be done in house. She said after the bids are received detailed budget implications would be presented to the council including funding sources. Wagner said he thought the plan continued to be great but his broader concern was taking \$500,000 from the development account for a park. He recommended obtaining the bids to get actual numbers on three alternatives- the two Wischnack outlined as well as an alternative bid without the fountain. The council would then have a discussion on how to fund the project and he would not support using \$500,000 from the development fund.

Wiersum asked the approximate cost of the fountain with the two alternative methods of handling the water. Wischnack said the fountain with regular portable water would cost around \$115,000. With a major reclamation, the fountain would cost around \$180,000. The irrigation alternative would likely cost around \$145,000. Wiersum noted fountains last around 20 years so the annual cost given Wischnack's numbers would be from \$6,000 to \$9,000 a year. He noted fountains run six months out of the year. He concurred with Wagner's comments of moving forward with the project and getting the hard numbers. The project would be a great amenity for the city but a business decision would have to be made about the fountain to determine how the city would fund the costs. He too would like to obtain bids that included the fountain and with no fountain. He suggested soliciting funding support from businesses.

Hiller said he and others had requested more seating which had been included in the plan. One of the key characteristics for the seating was for groups to be able to talk and that hasn't been accomplished in the plan. He said he would like to see that addressed as the project moves forward. Wischnack said the seating arrangements could be added after the other work is complete. Parks, Buildings and Grounds Manager Perry Vetter said one option would be to add not only permanent seating structures but also temporary or portable seating elements. Hiller said another concern he has heard was about the amount of gravel near the benches that would make accessibility awkward for seniors and others. Vetter said staff may want to look at the gravel area around the fountain in more detail.

Hiller said he has heard from several residents about the landscaping. He asked what the process would be for the landscaping and how residents could help in the process. Gunyou said typically a consultant is used to put together a landscaping plan. The plan is bid and would come back to council for approval as part of the contract. He said prior to that process if people have suggestions they could contact Wischnack. After the landscaping is complete, the city has a program allowing people to adopt a park in order to continue to actively participate. Schneider said people could also donate money for the landscaping.

Hiller said he had concerns about the discussion of obtaining a bid without the water feature. The focus should be on what is important and why the city wants the park. There are 150 new people moving into the area. People will want to sit and walk through the area. The fountain is a part of what people want. He asked what other features could be cut to save costs and still focus on the core issue of how people will enjoy the park. Wischnack said staff had already reduced some of the estimated costs. The final design would be another opportunity to determine if costs could be reduced looking at things like what materials would be used.

Greves agreed that it was time to move on with the project. She said she hoped that when bids are solicited, the contractor would come back with an allowance for flexibility in designing the fountain. The central feature of the fountain was a seven foot height boulder and the council packet information didn't include a lot of description of what the center fountain would look like. It was agreed at the charrette to have more of a cobblestone look. She also said the fountain was more avant garde than what was initially discussed with the three different types of spray jets. She was concerned in learning that the spray jets would use 24,000 gallons of water per day at a four hour per day use. This sends an inconsistent message the city is trying to send to residents about reducing water use. She said she was interested in bid alternatives that would be more environmentally sensitive with the water. The council packet also included a photo concrete pre-cast that she is not a fan of. She said she

loves the idea of integrating historical markers and she would like to see that reflected through art. She agreed with a resident comment about the use of concrete pavers and how unevenness in a walk way can present challenges for seniors.

Allendorf said he had also heard the comment about the use of uneven materials for the walk ways that would not be senior or baby carriage friendly. He supports moving ahead but it was still difficult to know what the fountain would look like. He suggested asking for alternatives for the fountain. Wischnack said to have multiple fountain designs would be an expensive process. Gunyou suggested the major cost associated with fountains was the interactive water feature. If people are going to be in the water, there needs to be a level of treatment. He said staff could ask for a couple of designs to give the council an idea of the tradeoffs might be. Allendorf said the fountain/no fountain decision was a build/no build type of situation for him. Everyone he has talked to looks forward to the fountain. He said he would like to find a solution that addresses the cost issue but doesn't lead to no fountain at all.

Wagner said the council had a lot of discussion about the fountain and it was time to move forward by getting bids.

Wiersum said the most popular feature was the fountain but fountains are expensive. He agreed it was time to obtain the bids.

Schneider said it was critical to include a fountain but he had some concern with the \$180,000 cost. He also had a maintenance concerns with the photo concrete.

Virg Luken, 5645 Glen Avenue, said he was in the swimming pool business and built two of the Minnetonka School District's pools. He indicated the existing fountains could be fixed. The existing fountains have footings and solid concrete. With a concrete saw and the right people, he could make the fountains work for under \$100,000. He said concrete has come a long way and it's possible to inlay and create something shaped like trolley cars. The fountain jets have units that cost around \$2,000. Responding to Greves concern about using 24,000 gallons of water per day, Luken said all that would be needed would be a surge tank to handle the water that was used and recycle the water that is sprayed up in the air. He asked that the council let him work with the contractors he knows and he would come back with a design build. He said another issue in the area was the lack of parking and the lack of walkability.

Peterson said the city had to operate under state statutes that would not allow the use of design build. The competitive bid process was required.

Grace Sheely, 14325 Grenier Road, said it was difficult following the process and what had changed. The plans on the web site made it difficult to see what was being proposed. She said the city needed to get the residents involved in the process. Residents want the fountain but may not see it as a priority over other funding issues like remodeling the Williston Center. She said residents in the area do not need a fancy park or fancy fountain. She also said bike access was not adequate. Since the city does not have a place for artists to show their outside sculptures, she suggested it would be neat to have stands that would have rotating art all summer long. She questioned if the sidewalks would be shoveled in the winter and if a renovation budget has been included. She said there needed to be a budget to maintain the park and encouraged the council to step back to allow residents to get more involved.

Schneider said he shared some concern about the impact to the development fund. He asked what other park related funds the city has that could pick up a greater share of the costs. Gunyou said staff could take a look at possibly using the bond funds. The original cost involved the overall streetscaping but as the project has grown, alternative funding sources have been looked at. The amount coming from the park fund has doubled due to money freed up when the city received the county grant related to Shady Oak Beach. He said staff has tried to propose funding that would not impact other park and trail projects. Trails could be delayed to provide funding for the fountain. Schneider said it might be better to shift some funds in order to do the fountain correctly.

Greves asked if other councilmembers wanted the photo precast in the big package or if it should be removed from consideration. Schneider said he had reservations about the photo precast. Allendorf said it was not a major issue for him. Gunyou asked if the council was interested in some type of historical marker. Schneider suggested a plaque or storyboard. Wischnack said a future interpretive panel was originally discussed and could be included in the bid.

Wagner moved, Allendorf seconded a motion to approve the revised concept plan, order plans and specifications, and obtain bids as outlined by staff including the water feature, bids for a water feature with a reclamation system, bids for a noninteractive fountain.

Wischnack clarified that any time there is a water feature that touches people, the water has to be treated and there would be no cost savings. Schneider said the intent was to figure out what level of design was necessary to eliminate the filtration system.

Wagner amended his motion to approve the revised concept plan, order plans and specifications, and obtain a bid as outlined by staff including the

water feature without a reclamation system, a bid for a water feature with a reclamation system, and potentially a bid for a noninteractive fountain if there are cost savings on the fountain.

Wiersum said he went into the planning process thinking the old fountain was beyond repair. He said he would like more information to determine if the fountain was repairable. Wagner concurred. Schneider said he did not doubt that the fountain could be repaired for a cost, but previous discussion about the existing fountain was that it was a barrier to the entry into the park. Wagner said the question would be if the fountain was a \$400,000 barrier.

Wischnack said staff had a quote to repair the current fountain. The cost would be around \$75,000. Schneider indicated he thought the quote was for repairing the piping and that the codes have changed enough that the original fountain does not have the necessary water filtration system. Vetter said there were several issues with the current fountain. One was the confined space for the location of the mechanical equipment. Another issue was the cracks underneath two of the three pools. He said the quote was obtained when the fountain broke around five years ago and indicated the fountain does have a chlorination system. He said OSHA confined space regulations have changed during the past few years. The water has to be treated when a system invites someone into the fountain. Wiersum said the chlorine issue was concerning when discussing if the current fountain was obsolete or repairable.

Greves asked Wischnack if she had any input about the seven foot high boulder feature of the fountain. Wischnack said she was also not fond of the boulder because it didn't reflect the prior discussions. The prior discussion was about a natural form with some height. She said she would recommend a more natural form to the designers.

Hiller agreed with the comments about the value of looking at the cost of repairing the current fountain. But he said the cost would be more than the original quote and fixing the plumbing issues because there were still things that needed to be cleaned up in the park.

Wagner renewed his amended motion to approve the revised concept plan, order plans and specifications, and obtain a bid as outlined by staff including the water feature without a reclamation system, a bid for a water feature with a reclamation system, and potentially a bid to repair the current fountain. Allendorf seconded the amended motion.

All voted "yes." Motion carried.

15. APPOINTMENTS and REAPPOINTMENTS:

A. Appointment to the Bassett Creek Watershed Management Commission

Schneider moved, Wagner seconded a motion to appoint Bonnie Harper-Lore to the Bassett Creek Watershed Management Commission, to serve a two year term, effective February 9, 2010 and expiring on January 31, 2012. All voted "yes." Motion carried.

16. ADJOURNMENT

Wiersum moved, Greves seconded a motion to adjourn the meeting at 8:39 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk