Minutes
Minnetonka City Council
Monday, January 9, 2017

1. Call to Order

Mayor Terry 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

Council Members Tim Bergstedt, Tony Wagner, Bob Ellingson, Dick Allendorf, Patty Acomb, Brad Wiersum and Terry Schneider were present.

4. Approval of Agenda

Acomb moved, Wagner seconded a motion to accept the agenda with addenda to items 13C, 14B, and 14D. All voted “yes.” Motion carried.

5. Approval of Minutes: December 19, 2016 regular council meeting

Bergstedt moved, Wiersum seconded a motion to approve the December 19, 2016 regular council meeting minutes, as presented. All voted “yes.” Motion carried.

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming council meetings and city events.

Schneider said there was a Southwest Light Rail Quarter Management Committee meeting the previous week. There has been authorization from the federal government to proceed with the project and a full engineering plan.

8. Citizens Wishing to Discuss Matters not on the Agenda

Charles Dahlmeir, 14512 Moonlight Hill Road, said he wanted to find out how it was possible that somebody could own a property, turn it over to a renter, apply for a lodging permit, get the permit approved, and then have the renter run a halfway house/rehab location in a residential neighborhood. The property is on a cul-de-sac with one way in and one way out. There was a lot of transient foot
traffic, automobile traffic and a lot of automobile parking on the street. He said he was speaking on behalf of many of his neighbors who shared his frustration and disappointment. He showed the council pictures of garbage cans on the property.

Barone said the home falls into a category regulated by the state. The state allows these types of residential uses without city approval for residences with six or fewer residents. She said the city could address nuisance type issues such as the garbage cans that were left outside. She suggested Dahlmeir talk with city staff to address any nuisance issues on the property.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Agreements with Xcel Energy for the burial of power lines along Plymouth Road and Crosby Road

Allendorf moved, Acomb seconded a motion to authorize mayor and city manager to execute an agreement with Xcel Energy in the estimated amount of $110,480.07 to provide burial of overhead utility lines for Phase I of the Plymouth Road and Ridgehaven Lane Improvements Project; and to authorize mayor and city manager to execute an agreement with Xcel Energy in the estimated amount of $453,661.77 to provide burial of overhead utility lines as part of the 2017 Street Rehabilitation Project on Crosby Road; and to amend the CIP. All voted “yes.” Motion carried.

B. Resolution designating an Acting Mayor and Alternate Acting Mayor for 2017

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2017-001 designating Council Member Patty Acomb as Acting Mayor and Council Member Tony Wagner as Alternate Acting Mayor for the year 2017. All voted “yes.” Motion carried.

C. Resolution approving a conditional use permit, with parking variance, for River Valley Church at 10801 Red Circle Drive

Wiersum asked that the item be pulled from the consent agenda. He noted the church was in the Opus area and hoped to grow. He asked if there was a look back process so that in a few years the parking situation would be re-looked at to make sure there was still adequate parking. City Planner Loren Gordon said a conditional use permit allows staff to look at a particular issue that might come up. He said the church had provided a little bit of room for parking for future growth.
Wiersum moved, Bergstedt seconded a motion to adopt resolution 2017-002 approving a conditional use permit, with parking variance, for River Valley Church at 10801 Red Circle Drive. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Ordinance amending permit fees, land use application fee and mechanical contractor licenses

Barone gave the staff report.

Acomb moved, Allendorf seconded a motion to introduce the ordinance. All voted “yes.” Motion carried.

13. Public Hearings:

A. Ordinance amending section 2.06 of the city charter, regarding vacancies in office

Barone gave the staff report.

Schneider opened the public hearing at 6:49 p.m. No one spoke. He closed the public hearing at 6:49 p.m.

Wagner moved, Wiersum seconded a motion to adopt ordinance 2017-01 amending section 2.06 of the city charter regarding vacancies in office. All voted “yes.” Motion carried.

B. On-sale 3.2 percent malt beverage liquor license for Bunker Indoor Golf, 14900 State Highway 7

Barone gave the staff report.

Schneider closed the continued public hearing at 6:51 p.m.

Acomb moved, Allendorf seconded a motion to grant the license. All voted “yes.” Motion carried.

C. Public hearing approving vacation of easements and preliminary and final plats for RIZE AT OPUS PARK at 10101 Bren Road East
Gordon gave the staff report.

Schneider opened the public hearing at 6:54 p.m. No one spoke. He closed the public hearing at 6:54 p.m.

Wagner moved, Acomb seconded a motion to adopt resolution 2017-003 approving preliminary and final plats; and to adopt resolution 2017-004 approving the vacation of existing easements. All voted “yes.” Motion carried.

14. Other Business:

A. Agreements related to the Green Line Extension (Southwest LRT)

Community Development Director Julie Wischnack and City Engineer Will Manchester gave the staff report.

Wagner said the one area that gave him pause was the amount being spent from franchise fees going forward. He looked at the capital improvement plan and the balance by 2021 would already be down to $300,000 without this plan and that doesn’t even take into consideration additional burial that might be done with other projects. He asked staff to further review this issue and that council discuss other potential sources during the CIP process.

Barone noted that for the project approved earlier in the meeting, item 10A, the city would see some savings, so the fund balance would increase some and would not go into the negative for the five year CIP period.

Schneider said as the area develops he thought there would be an opportunity to be creative on how the redevelopment is structured as far as development fees, tax abatement, TIF, etc. He thought there was a way to fully refund all the funds over the next four years. The funding obviously had to be done up front but it was being done because the council thought there was great future potential for the area.

Wiersum said nobody likes extra expenses. This was one of those classic incremental decisions. The council was on record as supporting the SWLRT. He said he challenged Barone earlier in the day about staff’s recommendation and she convinced him they worked hard to find a way to reduce the size of the additional costs. Part of him thought that the project could be built without some of the extra aesthetic things but then it would be un-Minnetonka like. A lot of money was spent improving the look of the 494 overpasses and some of the improvements made along Highway 101.
To go the cheaper route for this project would compromise the character of the city.

Schneider said in the bigger picture of the overall costs of building the light rail it was his understanding that the city only had to pay for what it spent and not give up the contingency to help another city. There was a possibility of getting some of the contingency money back. Wischnack noted that the subordinate funding agreements were for a fixed amount. If there was an agreement for the stormwater pond, this would be a change order, and that would be as bid. The city could see savings from that.

Wiersum moved, Wagner seconded a motion to approve Subordinate Funding Agreements 4 and 5 with the Metropolitan Council; and to amend page 8-6 and adopt new page 8-8 of the 2017-2021 CIP. All voted “yes.” Motion carried.

B. Resolution reaffirming previous site and building plan approval for the Music Barn Apartments at 5740 and 5750 Shady Oak Road

The item was pulled from the agenda.

C. Items concerning Crest Ridge Senior Living at 10955 Wayzata Boulevard:

1) Comprehensive guide plan amendment;
2) Major amendment to an existing mater development plan; and
3) Site and building plan review.

Gordon gave the staff report.

Wagner noted the staff report stated, “Staff would suggest, but not necessarily require, that the applicant consider the feasibility of adjusting the northerly portion of the existing stormwater pond to accommodate infiltration.” He asked how this related to Gordon’s discussions with the Bassett Creek Watershed District. Gordon displayed a picture of the existing stormwater pond. The infiltration area was moved to the northern area of the pond. He said unlike the city, the watershed district was not concerned about the aesthetics of the pond. The staff recommendation would provide for a functioning pond that met the watershed district’s rules while getting higher aesthetic quality as well.

Matt Rauenhorst, from the Opus Group, 10350 Bren Road West, said he appreciated the process.
Wagner thanked the Opus Group for addressing the neighbors’ concerns during the process.

Wagner moved, Wiersum seconded a motion to adopt resolution 2017-006 amending the comprehensive guide plan designation from office to high-density residential; to adopt ordinance 2017-02 repealing and replacing the existing Crest Ridge Corporate Center master development plan as it pertains to the subject property; and to adopt resolution 2017-007 approving final site and building plans for Crest Ridge Senior Living. All voted “yes.” Motion carried.

D. Resolution approving the preliminary plat, with variances, for WOODLANDS AT LINNER at 1555 Linner Road

Gordon gave the staff report.

Tom Bakritges, of Homestead Partners and JMS Custom Homes, said the property was one of the only infill pieces along Linner Road and was five and a half acres. The existing home will be reconstructed and three new homes would be built on the three new lots. From a global standpoint the benefits of the plat include the water main looping from south to north as well as the stormwater ponding to address the runoff that had been an issue for a number of years. All the lots will be custom graded and the only area that would be impacted was where the looping will take place and where the cul de sac is being proposed. Additional trees would be planted in those areas. He said he worked with staff on several different options to minimize impacts. This plan was the one that worked best and would provide a cohesive neighborhood with the surrounding lots.

Kathy Ernst, 14731 Oak Lane, said she lived in her house for 32 years and understood that development happens. The thing that puzzled her husband and herself was the looping of the sewer and water. Most of the time sewer and water happens along roads. She said they were puzzled why someone felt the need to run the sewer and water between the houses and the wetland. They were very concerned about the wetland. She was also concerned about the precedent that would be set.

Schneider noted it was long standing city policy that anytime there was the ability to connect water systems that it be done because it provided safety and security for multiple residences. The overall system functions much better from a water pressure, water quality, and safety standpoint. If there was a break, there are other ways to get water to the other residences. Manchester concurred with Schneider’s comments.
Allendorf moved, Wiersum seconded a motion to adopt resolution 2017-008 approving the preliminary plat of WOODLANDS AT LINNER, with variances. All voted “yes.” Motion carried.

E. Resolution amending Council Policy 2.2, regarding disposition of surplus personal property

City Attorney Corrine Heine gave the staff report.

Wiersum moved, Wagner seconded a motion to adopt resolution 2017-009 approving the amendment to Council Policy 2.2, regarding disposition of surplus personal property. All voted “yes.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Wiersum moved, Bergstedt seconded a motion to adjourn the meeting at 7:50 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk