Minutes
Minnetonka City Council
Monday, March 28, 2016

1. Call to Order

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, Patty Acomb, Brad Wiersum and Terry Schneider were present. Dick Allendorf was excused.

4. Approval of Agenda

Wiersum moved, Acomb seconded a motion to accept the agenda, with an addendum to item 14A. All voted “yes.” Motion carried.

5. Approval of Minutes: March 14, 2016 regular council meeting

Bergstedt moved, Wagner seconded a motion to approve the March 14, 2016 regular council meeting, 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 meetings.

Schneider reported that the mayors from the MLC cities met with Governor Dayton and had a robust discussion about the legislative session.

Wiersum congratulated the Minnetonka girls’ basketball team for winning the state championship.

8. Citizens Wishing to Discuss Matters not on the Agenda

Mary Schmidt, 3314 Shores Boulevard, acknowledged the neighbors who were in attendance with her. She requested a review of the 2016 Street Rehabilitation Program in her neighborhood. Fourteen years ago she and her husband moved back to Minnesota. They came upon the house at
3314 Shores Boulevard that was up for sale. They loved the beauty of the property and decided if the house was workable they would buy it. The trees were important not only providing aesthetic value but also keeping the house cool in the summer. They benefit the entire neighborhood. With the new water main, four of the seventy year old Silver Maple trees were to be removed. She said this would devastate the property and decrease the property value. There was no reason the trees had to come down as part of the project. She presented information about two options to save the trees: directional boring and using a trenching system.

Nancy Jewett, 3322 Shores Boulevard, said losing the trees would take away value from the Schmidt’s house. She said taxpayer money was going into the project and it was important for the council to take a second look at providing replacement trees. She pointed to information in the most recent Minnetonka Memo about the importance of trees in the city.

Sharon Ophaeley, a resident who lives on Shores Boulevard, said previously she lived on Fairlawn and one of the reasons she stayed in the city was she loves the trees. The mature trees on Shores Boulevard add to the home values. Other than the trees Shores Boulevard was like any other neighborhood with some lovely people.

Garrett Young, 2213 Oakland Road, said there was a street watershed pond on his property. Last year he noticed the pond was getting mucky. This year he noticed one of the intake outlets was plugged. Within the past couple of weeks it has gotten worse. He questioned the health of the situation and how often the city cleaned the ponds. Barone asked Young to provide his contact information for staff to follow up.

Devon Eklund, 3218 Shores Boulevard, said he and his wife purchased their home last spring. One of the things that attracted them to the neighborhood were the trees. His house was built in 1940 and the Silver Maple trees were likely boulevard trees planted with the expansion of the area. The trees could very well have been planted by the city.

Schneider said staff was well aware of the balance the council wanted to achieve between tree preservation and getting a road project done in a timely and cost effective way. He said the assumption of the council was staff would continue to work closely with the neighborhood to see what could be done to mitigate the impact on not only these trees but any trees.

Barone said the city was full of beautiful trees and it was a challenge when there was a project like a water and sewer replacement. This neighborhood had a lot of water main breaks in the area. It was sad to
have to remove trees and staff does to work with neighbors to do whatever possible to save trees. She said the Schmidt’s had been in contact with staff for several months. There would have to be trees that have to be removed because they were in the right-of-way and a healthy water and sewer system had to be ensured.

Schneider said the council understood there were a number of factors involved with designing the water and sewer system. The council relied on the expertise of staff to come up with the best alternative.

Barone noted the project was already approved by the council. Bids were accepted and awarded. She encouraged the neighbors to take advantage of the communication tools that were in place to keep up to date on the project.

Schneider asked what the policy was for tree replacement. City Engineer Will Manchester said in similar past projects the city had not replaced trees that were in the right-of-way.

Wiersum said he met with the Schmidt’s the previous week. He said he didn’t know if the options the Schmidt’s presented had been reviewed by staff with them. Barone said that had been done in a letter from the city attorney to the attorney the Schmidt’s had retained. She noted there was a pending lawsuit.

9. Bids and Purchases:

A. Bids for the Excelsior Boulevard Pond Outlet

Barone gave the staff report.

Bergstedt moved, Wiersum seconded a motion to award the contract for Excelsior Boulevard Pond Outlet Project No. 15602 to New Look Contracting in the amount of $303,062.50. All voted “yes.” Motion carried.

moved, seconded a motion to amend the CIP. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution for the Oakland Road rehabilitation project

Wagner asked that the item be pulled from the consent agenda. He said there was a pretty destructive construction season last year so he thought it would be helpful to discuss the communication plan for this year. Also,
there was a lot of discussion about the turn lane onto McGinty Road and he didn’t see any drawings in the council packet. He asked for more information about what the new intersection would look like.

Manchester presented drawings of the intersection. The recommendation was to take out the free right turn. This was based on information from the police department about crash history in the area. Wagner asked if there were going to be three lanes, a left turn lane, a straight through lane, and a right turn lane. Manchester confirmed that was correct.

Schneider said his understanding was there would be one westbound lane. The eastbound lanes would either allow drivers to go straight or take a left turn and a right turn lane. Manchester indicated that was correct.

Manchester said staff reviewed last year’s construction season to see how communication could be improved. A pamphlet had been put together that will be provided to residents. Updates will be provided in the Minnetonka Memo. The practice of sending written letters to those affected would be continued as well as a project specific web pages where residents can sign up to get email and text notifications.

Assistant City Manager Perry Vetter noted an email/text notification system was currently being launched. More information about this system will be presented to the council at the next council meeting.

Wagner said the city was trying some things that had been done with other projects but not necessarily with water mains. Once work begins, and problems are discovered, he asked if there was a chance open excavation would be needed. Manchester said he did not foresee that happening. Other cities have been successful using the technologies being looked at. He cited Edina as an example.

Wiersum said the city looks carefully at the nature, location, and condition of the area for the project. Different technologies and different approaches are used based upon what was best for the location. He said the council trusts staff to make the recommendations to do the projects as cost effectively as possible. As he went to look at the Shores Boulevard area he noted most cities would assess for the project costs. In some cases the assessments would be $8,000-$10,000. Not only would residents have to deal with the negatives associated with a road reconstruction project, but they would also have a large bill. This was not the case in Minnetonka. This was a real testament to the city’s foresight, planning and strong financial condition.
Schneider said using the new technologies would be a good learning experience to see what went wrong and what worked right and what other uses might be. There likely would be a cost savings associated with a more efficient project with less unknowns and variables. It might cost extra but it would be worth removing the variables to have a smoother running project. These things should be weighed against each other.

Schneider said when the sewer and water are being worked on and the road is completely dug up, residents won’t be able to park in their garages. He asked what the process was for helping them plan out where to park. Manchester said typically there was a construction inspector manager on site who works with the residents. Efforts are made to allow people to get out of their garages in the morning and back in during the night. If there is an extended period of time when access isn’t available, residents are notified the areas that will be impacted.

Barone noted Wagner had encouraged staff to reach out to residents who were impacted by construction last summer. The engineering staff met with the residents and it helped with putting together the communication plan and coming up with other ways to reach residents.

Wagner moved, Wiersum seconded a motion to adopt resolution 2016-023 accepting plans and specifications and authorizing the advertisement for bids for the Oakland Road Rehabilitation Project No. 16402. All voted “yes.” Motion carried.

B. Labor agreement between the city of Minnetonka and Teamsters #320 – Police Officers

Wiersum moved, Acomb seconded a motion to approve the 2016-2018 labor agreement between the city of Minnetonka and the Teamsters Public and Law Enforcement Employees Union Local #320 – Police Officers. All voted “yes.” Motion carried.

C. Resolution approving polling place change for the 2016 elections

Acomb asked that the item be pulled from the consent agenda. Given it was a presidential election year, she asked how the affected voters would be notified of the change. City Clerk David Maeda said articles would appear in the Minnetonka Memo. The voters would be sent two notices, one before the State Primary and one before the State General Election. The principal of the elementary school would include information in his email newsletter to parents.
Acomb moved, Wagner seconded a motion to adopt resolution 2016-024 changing the polling place for Ward 1 Precinct A from the Glen Lake Elementary School to the Immaculate Heart of Mary Catholic Church. All voted “yes.” Motion carried.

D. Cooperative agreement with the Hopkins School District for outdoor recreational use of Glen Lake Elementary School property

Wiersum moved, Acomb seconded a motion to approve the proposed agreement formally authorizing city use of Glen Lake Elementary School property for community recreational uses and clarifying responsibilities for the City and the District regarding said use. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:

A. Temporary on-sale liquor license for ResourceWest, for use at 14600 Minnetonka Boulevard

Barone gave the staff report.

Schneider opened the public hearing at 7:11 p.m.

Tarrah Palm, executive director for ResourceWest, provided information about the event.

Schneider closed the public hearing at 7:13 p.m.

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

B. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Field Day Ridgedale, LLC, 12259 Wayzata Boulevard

Barone gave the staff report.

Schneider opened the public hearing at 7:14 p.m.

Alan Ackerberg, 4200 Forest Road, St. Louis Park, said he was one of the partners involved. He provided information about Field Day. The idea was to open the restaurant in September.
Wagner moved, Wiersum seconded a motion to continue the public hearing to April 25, 2016. All voted “yes.” Motion carried.

14. Other Business:

A. Resolution approving HUD Subordination Language and Extension of Time to commence construction for Phase III of Glen Lake Development

City Planner Loren Gordon gave the staff report.

Acomb asked for an update on the number of units that had been sold.

Tim Nichols from OneTwoOne Development said the last time he was before the council about a month ago he said he was hopeful it was the last time he would need to appear before the construction began. Since that time work was being done on coordinating the connection between HUD financing requirements and the specifics related to the complex development agreement. Progress was made and the hope was to meet Wednesday’s deadline but there were a few loose items from HUD’s perspective that needed to be tied up. He said last month he told the council there were 34 to 35 units sold with five to seven pending. Currently they were still in the under 40 category. There was another meeting with perspective buyers at the sales center. There were a lot of people waiting for the construction to begin. He expected by mid-summer that the rest of the units would be sold.

Acomb said she asked staff the question earlier in the day and was told there were 31 units sold. Nichols said there were 31 collected for payments with 35 sold and approved by HUD. There were two categories, one with individuals going through a financial process that requires them to provide information to determine if they were financially capable of becoming an owner. The other category involves people putting down a down payment and additional money that go towards their ownership.

Wiersum asked on a scale of one to ten, how Nichols would rate if this was the last time the council would need to approve an extension. Nichols said he honestly would have told the council last month that the previous extension would have been the last one. There were a lot of unexpected situations that came up. The gap was being narrowed down to a small amount of questions. Some of the questions that remain were related to the previous restoration and mitigation involved when the prior development cut down trees in advance of approval. He expected
conclusion was very close and didn’t expect the full month was needed. Wiersum said the city was anxious to get the construction underway. Nichols said the owners wanted that as well.

Schneider said OneTwoOne shouldn’t be held responsible for the previous involvements. He said he had done several projects with HUD and one never knows what requirements will be put in place.

Acomb said there were two different ways the number of units sold was being counted but the last time the question was asked staff said there were 34 units sold. Now staff informed her 31 units were sold. To her the same definition was used both times and indicated the number was going in the wrong direction. Initially she did not support the project but she did support the request for an extension. She was concerned that the numbers were going in the wrong direction given the popularity of the senior cooperative product. Given the success of other senior cooperatives in the city she was concerned this one was not sold out or even sold to the level needed for the HUD financing.

Wiersum moved, Bergstedt seconded a motion to adopt resolution 2016-025 approving HUD Subordination Language and Extension of Time to commence construction for Phase III of Glen Lake Development. Bergstedt, Wagner, Wiersum, and Schneider voted “yes.” Ellingson and Acomb voted “no.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Wagner moved, Wiersum seconded a motion to adjourn the meeting at 7:27 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk