Minutes
Minnetonka City Council
Monday, October 12, 2015

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

4. Approval of Agenda

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

5. Approval of Minutes: September 14 and 28, 2015

Wagner moved, Bergstedt seconded a motion to approve the September 14, 2015 minutes. All voted “yes.” Motion carried.

Wiersum moved, Bergstedt seconded a motion to approve the September 28, 2015 minutes. Wagner, Ellingson, Allendorf, Wiersum, Bergstedt and Schneider voted “yes.” Acomb abstained. Motion carried.

6. Special Matters:

A. Proclamation declaring October 20, 2015 as Inclusive Playground Day

Wiersum read the proclamation.

St. David’s Center Executive Director Julie Sjordal thanked the council for its support.

B. Metropolitan Airport Commission Presentation

Barone said the city had received a number of complaints from residents regarding aircraft noise leading to a meeting with members of the Metropolitan Airport Commission. She said the information shared at that
meeting was helpful so she thought it would be beneficial to share that information with the council.

Wagner said during his 12 years on the council he received one complaint. This year he has received around 20 complaints. He thought the information presented at the meeting would be helpful for residents.

District B Commissioner Rick King and MAC Director of Environment Chad Leqve gave the presentation.

Allendorf asked what the council should tell a resident who has asked that the city council act to stop planes from flying over their neighborhood. King said one option for residents would be to contact the MAC who will provide the map information shown in the presentation. He said he would be happy to talk with residents who have concerns.

Wiersum noted the presentation included information about wind patterns as well as changes in airline operations to more night flights. He asked which was more responsible for causing the increase in complaints. Leqve said the number of successive days and nights with flights arriving on the runways that impact Minnetonka was unique in terms of historical operations at the airport.

Wagner said the level of detail the MAC has was impressive. They can pinpoint the time and the actual aircraft flying over a residence.

Schneider noted he served on several committees with other mayors and for a while there was a lot of buzz about technology that would increase capacity and narrow down flight patterns. This appears to have been put on hold for the time being. He asked if the technology moved forward how more flights in a tighter pattern might impact noise issues for cities like Minnetonka. Leqve said there had been a lot of discussion about the technology and there were many concerns raised by the communities around the airport. As a result of the concerns the MAC decided not to support the FAA’s desire to implement the departure procedures to the northwest of the airport. The cities input was invaluable.

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming meetings and events.

Schneider noted that at the recent city council candidates’ forum, a question was asked about a presentation he participated in about how to get a project approved by a city council. The implication was there was
some type of conflict of interest involved. He clarified that in the fall of 2014 the Minnesota Bar Association was conducting its annual conference. He participated in a panel discussion that was well received by the attorneys. The program was tweaked and given at the Sensible Land Use Coalition this year.

8. Citizens Wishing to Discuss Matters not on the Agenda

Paul Kralovec, 15213 Holdridge Road East, said he was interested in installing solar power into his house. Ideally to do this the best spot to put the panels would be in the wetlands behind his house. Staff had informed him this wasn't part of their work plan and his best option was to ask the council to direct the staff to look at the issue. He said he had no interest in degradation of the wetlands. His proposal would place the solar panels about 15 feet into the wetlands, high enough where the wetlands would not be impacted from a solar standpoint. The panels would not be intrusive to neighbors due to the tree line. Any other location on his property would require a substantial increase in the number of panels, or a decrease in the power that could be generated. He would like to reduce his carbon footprint and is willing to make the investment but needs the council to help him with the placement of the panels to maximize their efficiency. He said he would like to do this in 2016 because the tax credit was going away.

Schneider said the process for review would likely be similar to the process used to approve putting a boardwalk through a wetland. Community Development Director Julie Wischnack said while the process would be similar the city has not allowed solar panels to be placed in wetlands in the past and to do so would be a pretty big departure from the current wetland policy and regulations. She said if the council wanted to delve into changing the policy, there likely would be a significant amount of research on how this would impact other areas of the city. Schneider said the city has been pretty stringent on the wetland criteria.

Kralovec said he was asking that staff be directed to evaluate the idea.

Allendorf asked if there were other solar panels in the city to help provide information about the physical structures themselves. He questioned if the council thought solar panels in wetlands would become more prevalent in the city so that the investment of time and effort to research would pay off in the future.

Wischnack said the solar panels in the city she was aware of were located on buildings. Barone said staff stays on top of emerging issues like this
one and in this case the idea seemed to be in conflict with the city’s long standing tradition of touching the wetlands. She said there were a couple of options. The city could wait to see what other communities do or it could devote staff time to research the topic.

Acomb said the environmental impacts on wetlands were not known. Minnetonka has a lot of mature trees creating situations where rooftops of homes were not always an option for solar panels. This was an emerging industry that in other parts of the country was much more widely used for residential purposes. She thought the state was moving quickly in the solar direction. As an environmentalist she didn’t want negative impacts to something that the community values but she didn’t know enough to understand the potential impacts. She would favor getting some information.

Kralovec said there was definite interest from others in the city to do what he was looking to do. By allowing residents to do this, multiple things would be accomplished. The values of homes would increase. It would help the community’s image.

Wiersum asked if staff provided any rationale to Kralovec about why the city currently does not allow solar panels in wetlands. He said providing the rationale for current policies along with some information for the council to consider would be worthwhile. He didn’t want staff putting in a lot of work however. Barone said she would check with the staff Kralovec had made the request to in order to provide the council more information.

Allendorf said it would be helpful if Kralovec could provide information about what would be physically required to do in order to install the solar panels. Schneider said currently the solar panels were not a permitted use in the wetlands so the ordinance would need to be amended. He thought it would be more useful to have the resident check with other communities that allow solar panels to be placed in wetlands to see how those communities’ ordinances were written.

Bergstedt said he appreciated Kralovec coming forward with the request. He said it was important to take a big picture view at this point. He suggested staff do a cursory search to see if other communities have dealt with this issue. This would help inform the next steps.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:
A. Resolution adopting the 2016 meeting schedule for the Minnetonka City Council

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-102 adopting the 2016 meeting schedule for the Minnetonka city council voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Ordinance regarding appeals from fire marshal decisions

Barone gave the staff report.

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

13. Public Hearings:

A. Resolution vacating drainage and utility easements at 307 and 303 Bellwether Path

Wischnack gave the staff report.

Schneider opened the public hearing at 7:40 p.m. No one spoke. He closed the public hearing at 7:40 p.m.

Wiersum moved, Wagner seconded a motion to adopt resolution 2015-103 approving the vacation of easement. All voted “yes.” Motion carried.

B. Temporary on-sale liquor license for Episcopal Parish of St. David, 13000 St. David Road

Barone gave the staff report.

Schneider opened the public hearing at 7:41 p.m.

Bill Jacobs, 4771 Hamilton Road, provided information about the event.

Schneider closed the public hearing at 7:43 p.m.

Wagner moved, Allendorf seconded a motion to grant the temporary liquor license for the annual gala at St. David’s. All voted “yes.” Motion carried.
14. Other Business:

A. Resolution approving a conditional use permit for an educational institution at 5605 Green Circle Drive

Wischnack gave the staff report.

Allendorf noted the city had an innovative trip generation fee that helped pay for the Bren Road upgrades and bridge. Because this educational institution and others in the area would generate fewer trips, he asked how this would impact the trip generation revenue. Wischnack said there would be no credit if the trip generation was less than originally calculated. Allendorf said the city anticipated some trip generation enhancements to generate the needed revenue. He said he was assuming this proposal would not negatively impact the trip generation revenue enough that the city would need to take another look at it. Wischnack indicated that was correct.

Todd Kaufman from Wellington Management said his company has one other property in Minnetonka and this would be its fifth charter school.

Diane Halpin, executive director of Lionsgate Academy, said the charter school started in 2008 with the mission to serve students on the Autism spectrum. Currently they serve around 165 students between two campuses. The students come from 58 different communities. There are 165 students on the waiting list.

Wagner said the city had put a lot of focus for this area on density and change in the intensity of use. He didn’t have any problem with this application but it was the third or fourth charter school in the area. He asked staff to provide recommendations to the council about the impacts and changes to the overlay district. The trip generation fee ordinance was cash flowing the bridge. With the density focus for the Southwest Light Rail it gave him pause that there were not a lot of offices building being built because of the lack of demand for office use. He didn’t want this area to become charter school central, not because he did not want charter schools, but because the city had economics tied to the Opus area.

Schneider said Wagner raised a valid concern not only because of the economics but because of the vision for the area. The city wanted the area to be dynamic with higher density because it would be difficult to get higher density in other areas of the city. Wagner said he recognized the proposal wasn’t in perpetuity because things change but the point he
raised was something the city should look at given the discussion over the past decade.

Wiersum agreed with Wagner. This was the third school likely to be approved. The fourth school would be a less good idea than the first school was. The city should be sensitive to that. This was not intended to be a special school area but was intended to be a mixed use area. Schneider noted this proposal could have been for a church or another use that didn't match the vision for the Opus area.

Wiersum moved, Bergstedt seconded a motion to adopt resolution 2015-104 approving a conditional use permit for an educational facility at 5605 Green Circle Drive. Ellingson, Allendorf, Acomb, Wiersum, Bergstedt, and Schneider voted “yes.” Wagner voted “no.” Motion carried.

B. Resolution amending the conditional use permit for Redstone American Grill at 12401 Wayzata Boulevard

Wischnack gave the staff report.

Schneider said he thought the change was a big improvement.

Wagner moved, Acomb seconded a motion to adopt resolution 2015-105 repealing and replacing Resolution No. 2015-057 approving a conditional use permit for a restaurant at Ridgedale Center at 12401 Wayzata Boulevard. Voted “yes.” Motion carried.

C. Resolution for the 2016 street rehabilitation project for the Libb’s Lake Area

City Engineer Will Manchester gave the staff report.

Schneider said the area was complex to get in and out of even without road reconstruction. The challenge will be staging the project to minimize as much as possible something that will be impactful for the neighborhood.

Wiersum said the work was necessary and was something he generally supported. The decision about the speed humps was a challenging one for him. He had received a number of calls and emails and he was hoping the project could be approved but with more work on the speed hump issue. He wasn't advocating for the speed humps to stay, but he wanted a little more due diligence and discussion. He was unable to attend the October 1 neighborhood meeting. He got an update from staff on October
2 and was told it was a cordial meeting with very little discussion of the speed humps. He said this was the only area in the city where speed humps exist, and there were a lot of negatives associated with them. He received a call from a resident who attended the meeting and felt the decision about removing the speed humps had already been made. The resident felt neighbors would speak in support of keeping the speed humps if given the opportunity. Wiersum said he would like to have a plan for speed mitigation in lieu of speed humps and allow for public input about the plan. He supported the project but would likely have to vote against it if removing the speed humps was part of the approval.

Wagner said this year had been a very challenging road construction year for residents. His ward has had a massive reconstruction project in the Deaverdale area and he shared the neighbors’ pain associated with communication. As the city looks at broader scale full water and sewer replacements in cul-de-sac streets, communication was critical. This might even require compensating for the contractors given the high demand for construction in the metro area. He thought the city had to go above and beyond with communication.

Bergstedt said no matter how the projects are staged, issue will arise. He agreed with Wagner that the communication piece was key. Providing residents with a contact person was important. He said during his time on the council the most frequent complaints he gets from residents relate to traffic speed in neighborhoods. Everybody wants speed humps but as the staff report indicated, speed humps create a lot of issues. If the speed humps were put back in for this project, he wasn’t sure how the city could justify not installing them in other areas. He agreed with Wiersum that if the speed humps were not replaced the city should look at anything that could be done for mitigation

Schneider said he never had been a fan of speed humps and believed he did not support originally putting them on this road because of the precedence it would set. A few years after the speed humps were put in he was receiving numerous calls from residents complaining about the noise caused by boat trailers going over the speed humps. The boat launch has since been removed but the overall strategy is that speed humps are not a very good speed control mechanism. Some of the other things like the feel of a narrower road through striping are effective. He would not support keeping speed humps on the table. He also suggested evaluating the actual traffic speeds in the area. There have been other areas in the city where this has been done only to discover the violations on average were only a few miles per hour over the limit.
Allendorf remembered when the speed humps went it was done as a pilot. Shortly after they were installed the city engineer reported the neighbors did not like them. People were speeding up after the speed hump to make up for lost time. He noted in the area where he lives fog striping is used where there are blind corners. This directs drivers to stay on the correct side. He said in this area judiciously placed double stripes could work well. He agreed with Wiersum that the neighbors deserve to hear the city was studying the issue but he couldn’t support the speed humps.

Barone said staff would continue to work with the neighborhood on the mitigation issues.

Wiersum agreed with Wagner that it had been a very challenging year in terms of road construction. He had a resident beg him to get the construction of her street moved up because of all the water main breaks and the poor condition of the street. The same person later complained about the impacts of the construction. She was appreciative but was really struggling. He thought something could be done perfectly but if the communication was not done well, then a positive could quickly be turned into a negative. Anything that could be done to add a face to the communication and let people feel like they had been heard was important.

Barone said that the communication issues that occurred pointed to the need to look at other ways to communicate with residents in a much timelier manner.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-106 receiving the feasibility report, ordering the improvements, authorizing preparation of plans and specifications, and authorizing easement acquisition for the 2016 Street Reconstruction – Libb’s Lake Area Project No. 16401. Wagner, Ellingson, Allendorf, Acomb, Bergstedt, and Schneider voted “yes.” Wiersum voted “no.” Motion carried.

D. Resolution amending the Glen Lake contract allowing for a time extension

Wischnack gave the staff report.

Bergstedt said the item had been before the council nearly on an annual basis. Last year the council hinted that it would be the last time an extension would be approved. All the extensions in the past involved a vacant piece of land with no proposals. Subsequently a great project involved with a great team has been put together.
Allendorf noted that in a letter included in the council packet, Julie Murray from OneTwoOne Development wrote, “…sales efforts should result in meeting the HUD presale requirements of 36 units prior to Christmas (2015) so that construction can begin at that time.” He asked how many units had currently been sold and what led to the optimism expressed in the letter.

Murray said currently there were 34 presales with quite a few other interested parties. Tim Nichols from OneTwoOne Development said with the opening of the sales center this past summer, a track record had been started. The thought that this would be a neighborhood cooperative has come to fruition. Many people buying into the cooperative are not only from the Glen Lake area but are also people moving back to the neighborhood.

Ellingson said this was a reasonable request but looking at what has been done in the past, there really was no deadline for the project.

Schneider said this was an important element of the redevelopment area to get resolved.

Bergstedt moved, Wiersum seconded a motion to adopt resolution 2015-107 amending the contract to extend the time period for one year. Wagner, Allendorf, Acomb, Wiersum, Bergstedt, and Schneider voted “yes.” Ellingson voted “no.” Motion carried.

15. Appointments and Reappointments:

A. Appointment to planning commission

Schneider moved, Allendorf seconded a motion to appoint John Powers to the planning commission to serve a two-year term effective October 12, 2015 and expiring on October 31, 2017. All voted “yes.” Motion carried.

16. Adjournment

Bergstedt moved, Wiersum seconded a motion to adjourn the meeting at 8:41 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk