Minutes
Minnetonka City Council
Monday, December 21, 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 Tim Bergstedt, Tony Wagner, Bob Ellingson, Dick Allendorf, Patty Acomb, Brad Wiersum and Terry Schneider were present.

4. Approval of Agenda

Acomb moved, Wiersum seconded a motion to accept the agenda with an addendum to item 11A. All voted “yes.” Motion carried.

5. Approval of Minutes:
   
   A. November 23 and December 7, 2015 council meetings

   Allendorf moved, Bergstedt seconded a motion to accept the November 23, 2015 council minutes, as presented. All voted “yes.” Motion carried.

   Allendorf moved, Bergstedt seconded a motion to accept the December 7, 2015 council minutes, as presented. Bergstedt, Ellingson, Allendorf, Acomb, Wiersum, and Schneider voted “yes.” Wagner abstained. Motion carried.

   B. Revised council meeting minutes for June 22, 2015

   Allendorf moved, Bergstedt seconded a motion to accept the revised June 22, 2015 council minutes. All voted “yes.” Motion carried.

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming council meeting dates.

Wiersum said he attended the grand opening of the new apartment building on the island by Carlson Towers. He said it was an impressive facility in a great location. It was a very nice amenity that will add a lot to the city.
Schneider said he attended the going away event for Heidi Nelson, the departing city manager for Wayzata. He and Barone also attended Hopkins Mayor Gene Maxwell’s going away event.

8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Ordinance amending judicial review provisions

Allendorf moved, Bergstedt seconded a motion to adopt Ordinance 2015-19 amending the judicial review provisions. All voted “yes.” Motion carried.

B. 2016 general liability insurance and workers’ compensation renewals

Allendorf moved, Bergstedt seconded a motion to authorize renewal of the city’s insurance policies through LMCIT for package policies with the following options:
1) $25,000/$150,000 deductible for the package policies
2) 100% Open Meeting law coverage
3) No waiver of statutory limits
And the renewal of the LMCIT workers’ compensation policy with a $10,000 deductible. All voted “yes.” Motion carried.

C. Items related to Council Policy 11.6 – Use of the Burwell property

Schneider pulled the item from the consent agenda. He said he had reservation about the hardline prohibition of having groups over 50 people at the site. He understood the city wanted to be cautious about the parking impact. The site fairly routinely has hosted events with well over 100 people without any issues. The challenge now was there would be more use than in the past with the new walkway and other amenities. He suggested adding a provision that would allow groups of more than 50 people if the applicant provides specific information about how parking would be handled to accommodate more people.

Assistant City Manager Perry Vetter provided information about the park board discussion.

Schneider said he respected the park board’s opinion and rationale, but he disagreed with being so restrictive on the city’s premier location for events like weddings. There would be added vibrancy for the general public to see the events occur on the site.
Vetter said the park board determined the most desired location on the site for weddings likely would be Heritage Gardens. For the wedding that occurred last summer, the group provided its own rental chairs. There wasn’t a lot of room to accommodate a large group.

Allendorf said he agreed with the intent of Schneider’s suggestion. He asked if the city could provide a check off form that would require the applicant to specify how things like parking and restrooms would be handled. Vetter said there would be a permit application for groups of 10 or more. For the rest of the city’s park system a permit is required for groups of more than 25. The application asks for the type of logistical information Allendorf stated. Allendorf said he was thinking of requiring more prescriptive information such as for groups of 50 people at least three restrooms had to be provided etc. rather than just having people agree to provide restrooms. He was trying to incorporate the park board’s recommendation with a process to allow larger groups.

Wiersum said the proposed policy was an improvement over the moratorium. He would have no trouble approving the policy as is. He said the interesting thing about the Burwell House was it probably was the nicest publicly owned venue of its type in the city. He also thought the park board’s recommendation was compelling. It raised the question if the city would consider at some point adding the necessary amenities to address the concerns about things like restrooms and shelters for inclement weather. It would never be a venue large enough for big weddings, but for the range of 50-100 people it might be useful to look at what it would take to accommodate those groups.

Wagner said the Burwell site was a fabulous site but as someone in the events business, it was not constructed for large events. It was great for socializing and pictures. It’s hilly and lacked parking, restrooms, and shelter for bad weather. Although there maybe someone with a larger group who would want to use the site, it was more for smaller groups and the opportunity to take pictures before and after weddings, and those types of activities. He said he would lean toward supporting the staff recommendation with the idea that since the city wanted to attract more people into the Minnetonka Mills area, looking at what else needed to be done to accommodate that.

Schneider said the policy could be adopted as is and in addition monitor how many groups get up to 50 people and what the impact of those groups are. If it was determined the larger groups worked out well and could have accommodated more people without any issues, then the policy could be adapted.
Bergstedt said he supported the policy. He said it was such a visible location, probably the most recognizable area in the city. Just to have it open for occasional tours was a gross underutilization. If people plan events and things don’t go well, it still was a city owned property and he didn’t want the city to be blamed even if people were told beforehand about potential challenges. He said he would much rather start with the policy limiting use to groups of 50 and under, and if it was later determined things were working well and there were simple steps that could be implemented to allow larger groups, then the policy could be amended. He would much rather incrementally increase the number then have the number be 100 people and have some unfortunate experiences occur.

Acomb said she supported the policy. She noted her wedding was an outdoor wedding and she had a backup in case it was raining. If the weather was looking iffy, she would have gone to her backup rather than crossing her fingers and hoping for the best. She thought anybody committed to an outdoor wedding knows the risk. She said building another shelter on the site was not in the city’s interest nor would it fit with the site. She thought there was potential to increasing the limit at some point.

Barone said one option would be to adopt the policy for next season, and have the park board review how things worked similar to what is done with other park facilities.

Schneider said another suggestion was to require groups of a certain number to pay for a city staff person to be onsite to monitor things and make sure things work well. Vetter said the proposed policy included a provision that provides a small stipend for the tour guides that come in for the events other than the tours. The policy also includes provisions to allow alcohol at the events with an off duty police officer onsite. A community service officer could also be present to help with traffic control. The costs would be captured through the permit process.

Wiersum moved, Allendorf seconded a motion to adopt resolution 2015-135 amending City Council Policy 11.6, Use of Minnetonka Mills Park and the Burwell Property. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Resolution accepting gifts, donations and sponsorships given to the city during 2015

Allendorf moved, Wiersum seconded a motion to adopt resolution 2015-136 approving acceptance of gifts, donations and sponsorships given to
the city during 2015, which has a total estimated value of $267,723.00 (with the addendum). All voted “yes.” Motion carried.

B. Applications for renewed precious metals and secondhand dealer licenses for 2016

Allendorf moved, Wiersum seconded a motion to approve the precious metal and secondhand dealer licenses for Evergreene Jewelers; Ideal Diamond, Inc.; Best Buy #4; Best Buy Mobile #2975; Best Buy #2621; and Shane Co. for license year January 1, 2016 through December 31, 2016. All voted “yes.” Motion carried.

12. Introduction of Ordinances:

A. Ordinance regarding vacation procedures

City Attorney Corrine Heine gave the staff report.

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

13. Public Hearings:

A. Resolutions supporting an application for DEED for funds from the Minnesota Investment Fund

Community Development Director Julie Wischnack gave the staff report.

Steve Davies from NatureWorks said in simple terms the company turns greenhouse gas into everyday materials. He said the company challenged the paradigm that everyday products had to be made out of petroleum but instead could be made out of renewable resources instead. NatureWorks employs around 100 people. The next step for the company was to diversify its portfolio of feed stock rather than just using carbon dioxide from plant sugars. The project was to start using methane as well. The money from DEED would allow the company to hire six more people and build out a research and development lab. Bergstedt noted the request was a loan from the state. All the money would be from the state. The city would service the loan but none of the funding was from the city. This process had been previously used.

Schneider opened the public hearing at 7:06 p.m. No one spoke. He closed the public hearing at 7:06 p.m.
Bergstedt moved, Acomb seconded a motion to adopt resolution 2015-137 supporting the application to DEED for funds from the Minnesota Investment Fund. All voted “yes.” Motion carried.

14. Other Business:

A. Applications for renewed liquor licenses for 2016

Wischnack gave the staff report.

Wagner said he spoke with the parties involved with the parking easement. He was confident the issue would be resolved. He said he was comfortable renewing the liquor license but encouraged the parties to come to closure on the issue. The reality was when Play and Learn came in with its application, he was concerned that there might be parking issues. The reality was there had not been any parking challenges with the three restaurants.

Barone said the city attorney was involved with reviewing the draft agreements.

Allendorf said the council had visited the issue a number of times and each time it warned the parties the agreement better be signed or the city would take action. He asked, based on the experience with the existing restaurants, and with a potential new owner, if the cross parking agreement really was necessary or instead if it was time to acknowledge things had changed.

Wagner said his suggestion was to not include the condition of approval for the Lone Spur license. His opinion was if the same access was shared and if people park wherever they want to park, there should be a cross parking easement in place. Currently there is not an issue, but someday a disagreement might arise and it would be a good idea to have an agreement in place.

Wiersum said the city had pushed hard to get the required easement in place but had not been successful. At the same time the businesses had not been particularly successful. The genesis for the provision was if there were three restaurants then the parking lot might get full and a cross parking easement was necessary. The reality was one restaurant went out of business and the other two businesses weren’t as robust as they likely would like to be. The hope was there would be successful businesses and a cross parking easement would be necessary.

Bergstedt said the requirement was put in place in 1988 and 27 years later after multiple times before the council, and hours and hours of staff time,
the issue still was not resolved. It made all the sense in the world to get
the cross easement in place before there was a problem. He said either
something should be done using the liquor license approval or remove the
requirement all together. He said continuing the same approach causes
staff and the council to lose credibility with the parties involved.

Schneider said he was sympathetic to the notion the ongoing issue had
not been resolved but he didn’t think what was required, with the mass
cross easement, was still necessary. He did not know what the current
issues were that were causing further delay, but thought there had to be a
way to find a workable resolution.

Wischnack suggested if another business comes in that needs a special
permit or a CUP, then the cross parking issue be addressed at that time.

Allendorf said he took Wischnack’s comments to mean that the issue
wouldn’t be further addressed until the time something came together
where the parking was an issue or perceived to be an issue. No further
staff time would be spent until that time. He supported that and didn’t want
staff to spend a lot of time on something the city did not have a lot of
leverage to get resolved.

Wagner said the alternative was a cross parking easement would be
agreed to. This was still a possibility based on the conversations he had
with the parties. The stick the city could use was to revoke the CUP. He
didn’t think this would be wise given the existing situation, but it was
something the city could use.

Wagner moved, Acomb seconded a motion to approve all of the renewals
without the condition of approval placed on the Cedar Hills Ribs, Inc.
(Lone Spur Gill & Barr) liquor license. All voted “yes.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Wiersum moved, Wagner seconded a motion to adjourn the meeting at 7:23 p.m.
All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda