Minutes
Minnetonka City Council
Monday, November 9, 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 Dick Allendorf, Patty Acomb, Brad Wiersum, Tim Bergstedt, Bob Ellingson, and Terry Schneider were present. Tony Wagner was excused.

4. Approval of Agenda

Wiersum moved, Bergstedt seconded a motion to accept the agenda, as presented. All voted “yes.” Motion carried.

5. Approval of Minutes: None

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone said that during the previous week, staff received the final numbers from Hennepin County regarding the 2016 tax levy. It was discovered the Fiscal Disparities number did not match the number used to present the levy to the council. The tax levy remains at the 4.2 percent increase. The impact to the median valued home however is different. Initially it was expected the city portion of the tax would decrease next year. In reality there would be an increase of about $28 for the year.

Schneider provided an update on the recent National League of Cities conference in Nashville.

Allendorf said he attended the opening ceremony of Lunds/Byerlys in Glen Lake. He said it is a wonderful store.

8. Citizens Wishing to Discuss Matters not on the Agenda

David Yasmineh, 2634 Crosby Road, thanked staff for working with his family and attorney on the land exchange. He said his property may
eventually be subdivided and he asked for the sake of his neighbors that if that happens, the council look at improvements to the terminus. If improvements are made to the bridge he suggested the improvements include making it higher allowing for better boat passage.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. 2016 fee schedules for consulting engineering services

Allendorf moved, Acomb seconded a motion to approve revised fee schedules proposed by the city’s general services consulting engineering firms, and authorized the mayor and city council to execute the Addenda to the Agreements for Professional Services. All voted “yes.” Motion carried.

B. Ordinance authorizing land exchange for property on Crosby Road

Allendorf moved, Acomb seconded a motion to adopt ordinance 2015-17 authorizing land exchange for property on Crosby Road. All voted “yes.” Motion carried.

C. Ordinance amending Section 710 of the city code regarding increases/changes in fees

Allendorf moved, Acomb seconded a motion to adopt ordinance 2015-18 amending Section 710 of the city code regarding increases/changes in fees. All voted “yes.” Motion carried.

D. Resolution certifying the results of the November 3, 2015 Municipal General Election

Allendorf moved, Acomb seconded a motion to adopt resolution 2015-112 certifying the results of the November 3, 2015 Municipal General Election. All voted “yes.” Motion carried.

E. Announcement of closed meeting to discuss labor negotiation strategies on November 16, 2015 at 6:00 p.m. in the Lone Lake Conference Room

Allendorf moved, Acomb seconded a motion to adopt the motion to schedule a closed meeting on November 16, 2015 for the purposes of considering labor negotiation strategies with respect to 2016 wages and benefits for all employees, including collective bargaining unit members.
pursuant to Minnesota Statutes section 13D.03. All voted “yes.” Motion carried.

F. City manager performance pay

Allendorf moved, Acomb seconded a motion to approve a lump sum merit pay amount of $1,424.59. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Items concerning a hotel and daycare on the property at 6030 Clearwater Drive:

1) Ordinance amending the existing Minnetonka Corporate Center master development plan;
2) Conditional use permit;
3) Site and building plan review;
4) Sign plan amendment; and
5) Preliminary and final plats.

Acting City Planner Susan Thomas gave the staff report.

Beth Timm, representing the developer, said the proposal was for an extended stay hotel and a daycare that would be a complementary use to the existing corporate center. The extended stay would cater to corporate users.

Acomb said she visited the site earlier in the day and noted the stormwater pond looked very sterile. She asked that attention be given to natural landscaping around it or something be done to improve its look.

Schneider asked if the city currently had management over the stormwater pond. Thomas said she believed the city did not maintain the pond but staff would confirm that.

Wiersum moved, Bergstedt seconded a motion to introduce the rezoning ordinance and refer it to the planning commission. All voted “yes.” Motion carried.

13. Public Hearings: None
14. Other Business:

A. Resolution approving the final plat of RIDGEMOUNT GROVE at 12601 Ridgemount Avenue

Thomas gave the staff report.

Schneider asked how the recalculation of the lower level lookout was incorporated into the floor area ratio. Thomas said the plan included a lookout window. Under the definition in the McMansion policy, half of the entire lower level would be included. The applicant was suggesting a smaller area should be included. If the lookout window was eliminated, none of the lower level would be included in the calculation.

Samantha Grose, JP & Co., 10800 Normandale Boulevard, Bloomington, said the plan was for 3,200 square feet. There was a lot of confusion about how much square feet there was and how the square feet would be calculated with the floor area ratio. The way the city code defines the floor area ratio was based on volume. She said she had not always been looking at it based on the square footage of the home. She requested going with the definition in the city code instead of the definition in the resolution.

Thomas said there was not a maximum floor area ratio for single family homes in the city code. The ordinance definition pertains to the floor area ratio for commercial buildings and then lots behind lots and provides for the inclusion of garages. The resolution provided to the council prior to the September meeting includes the definition that had always been used for the McMansion policy. The policy can be applied whenever a variance is requested. The resolution states, “floor area includes the sum of the fully exposed horizontal area of a building as measured from exterior walls and including attached garage space and enclosed porch areas and one half of the horizontal area of any partially exposed level such as a walkout or lookout level.” She said this was the manner staff has calculated floor area ratio for homes that require variances since the council’s adoption of the McMansion policy.

Schneider said the final plat could be approved but could not be released until the issue was resolved.

Grose said she had never received a clear definition but had gotten an email from staff referencing the city code.

Barone said the definition was spelled out in the resolution.
Schneider said the lower level would not be able to have a window and be a lookout. Grose said that could be accommodated.

Wiersum noted there was not a plan in front of the council that incorporates that change so there was nothing that could be approved. Thomas said the resolution stated the final plat could be approved but staff would not release the final plat for recording at Hennepin County until staff received the plans showing the 3,200 square feet.

Allendorf noted the staff report indicated not only was there an issue with the lower level but also 20 square feet and 60 square feet above ground must also be corrected. Thomas said at the time the staff report was written that was correct. Allendorf said this meant the applicant had to correct that as well. Grose indicated she had submitted a few plans and this might be the reason for confusion. Allendorf said regardless, the approved plan must meet the 3,200 square feet maximum as well as a floor area ratio of .14.

Bergstedt said this was the third time the item had been before the council. At the first hearing the council asked for additional information. At the second meeting the changed proposal was looked at in depth. Specific recommendations had been made as part of the motion for approval. Nothing had changed since that time. Staff indicated the floor area ratio was calculated the way it always has been calculated. What was before the council was approval of the final plat and then staff would release the final plans when they can confirm the maximum square footage and floor area ratio were correct.

Wiersum said staff had been clear but the applicant hadn’t heard what they wanted to. He had been contacted by the applicant saying that the staff were wrong. He said this wasn’t the way the city worked. The council trusts the staff and believes the staff had done its job. He didn’t want to see the proposal before the council again.

Ashish Aggarwal, 16135 55th Avenue North, Plymouth, urged the council to allow for feedback in the process allowing applicants to comment on how well the city staff did its job. This would be similar to what the city of Minneapolis does. He was not happy with the city’s planning staff during his two projects with the city.

Allendorf moved, Acomb seconded a motion to adopt resolution 2015-113 approving the final plat for RIDGEMOUNT GROVE at 1201 Ridgmount Avenue. All voted “yes.” Motion carried.

15. **Appointments and Reappointments** : None
16. Adjournment

Wiersum moved, Bergstedt seconded a motion to adjourn the meeting at 7:12 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk