Minutes
Minnetonka City Council
Monday, August 8, 2016

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

4. Approval of Agenda

Wiersum moved, Acomb seconded a motion to accept the agenda as presented. All voted "yes." Motion carried.

5. Approval of Minutes: None

6. Special Matters

7. Reports from City Manager & Councilmembers

City Manager Geralyn Barone reported on upcoming meetings.

Bergstedt reported on the success of National Night Out and thanked police, public works, and fire staff for visiting 185 neighborhood gatherings.

Bergstedt thanked City Clerk David Maeda for spearheading the implementation of e-poll books which will be used for the primary and general elections in Hennepin County.

Acomb said that it was well worth attending Workshop on the Water which dealt with integrating communities' work plans to improve water quality.

8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases:

A. Authorize execution of solar garden contract with MN Community Solar.
City Attorney Corrine Heine provided the staff report.

In response to Allendorf’s question, Heine explained that the savings would begin shortly after the garden would become operable. She stated that Gary Swanson may provide the details of his contracts. The existing providers have a two-year time limit to get the gardens operational or the city has the right to terminate the contracts.

Swanson explained that the first solar garden, with 1.1 million kilowatts, would be built by November 1, 2016. The second, with 3.5 million kilowatts, would come online this year as well. The new vendor anticipates to start by the end of the year. The savings should be noticeable a month after the solar gardens begin operation. The land permits have been obtained, fees have been paid to Xcel Energy, and interconnection agreements have been completed.

Wiersum noted that the city spends approximately $1.4 million on electricity every year. He confirmed with Swanson that the city should save between 5 percent and 6 percent annually. Swanson noted that the savings would increase as Xcel increases its prices, so he expects the city to save $15 million over the 25-year contract. The $2 million savings refers to the current contract.

Acomb moved, Allendorf seconded a motion to authorize the mayor and city manager to execute the solar garden provider contract with Minnesota Community Solar subject to approval of the final language by the city manager and city attorney. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Items concerning the construction of a new home at 2512 Bantas Point Lane:

   1) Variances and expansion permits; and
   2) Floodplain alteration permit.

Wiersum requested this item be pulled from the consent agenda to allow staff to explain how the proposal would improve the site’s treatment of stormwater. City Planner Loren Gordon explained that the proposal would decrease the lot’s total amount of hardcover from 50 percent to 36 percent. That would improve the site’s water quality. The proposal would also create a floodable crawl space which it does not have now. Wiersum
liked the look of the house. It would be a great addition to the neighborhood.

Wiersum moved, Allendorf seconded a motion to adopt resolution 2016-057 approving an expansion permit and variances for the construction of a new house at 2512 Bantas Point Lane and resolution 2016-058 approving a floodplain alteration permit for a new house at 2512 Bantas Point Lane. All voted “yes.” Motion carried.

B. Resolution approving a conditional use permit for telecommunications facilities at 12475 Marion Lane West.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2016-059 approving a conditional use permit for a telecommunications facility at 12475 Marion Lane West. All voted “yes.” Motion carried.

C. Resolution approving the final plat of Williston Woods West at 5431 Williston Road.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2016-060 approving the final plat for Williston Woods West at 5431 Williston Road. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Resolution authorizing purchase of real property and amending the 2016-2020 CIP.

Allendorf moved, Wagner seconded a motion to adopt resolution 2016-061 and amend the 2016-2020 CIP. All voted “yes.” Motion carried.

12. Introduction of Ordinances:

A. Items concerning a townhome development at 11901 Minnetonka Boulevard:

1) Ordinance amending the existing Big Willow Townhomes master development plan;
2) Site and building plan review; and
3) Preliminary and final plats.

Gordon provided the staff report.
Wagner asked if the elimination of the mutual access point was a condition of a previous approval. Gordon explained that the access points were included in an attempt to anticipate what would meet with the county’s approval, but the county will determine what will happen.

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

13. Public Hearings:

A. Resolution vacating an existing trail easement located at 14301 Stewart Lane.

Gordon gave the staff report.

In response to Ellingson’s question, Gordon explained that the trail easement would allow for a trail if one would be deemed possible. Wischnack added that the terrain is difficult and has a lot of wetland, but the approval would provide the possibility to do so if conditions would allow a trail. Barone clarified that a trail connecting the site to the western properties would be located south of the building. The trail easement on the west side may be vacated because it would not be possible to put the trail at that location given the configuration that has already been approved by the city council. Wischnack reviewed the layers of easements. The proposal is the best solution to connect a trail to Kinsel Park. The new trail easement is a condition of approval.

Gordon confirmed that the new trail would be located where the red line indicates.

Barone clarified that a trail is allowed in a conservation easement, so a trail easement would not be necessary.

Wiersum explained that the blue and red lines show the edge of the wetland and the area where a trail could be located. He was comfortable with the proposal because it would provide for a trail from Stewart Lane to Kinsel Park. A trail could be located through the conservation easement from east to west on the lake side of the building. The easement that covers the entire property needs to be released. He was comfortable with the proposal. It was confusing because the diagram of the new trail was not available when the packet was originally distributed. Acomb agreed.

The public hearing was opened.
Marlene Urbach, 5424 Mayview Road, stated that she walks Kinsel Park every day. She requested a copy of the maps.

The public hearing was closed.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2016-062 vacating the easement. All voted “yes.” Motion carried.

B. Resolution authorizing and affirming the issuance, sale, and delivery of multifamily housing revenue obligations for the benefit of CHC Minnetonka Affordable Housing LLC or its affiliates; authorizing the execution and delivery of the documents related thereto; and taking certain other actions.

Community Development Director Julie Wischnack and financial consultant Julie Eddington of Kennedy and Graven provided the staff report.

The public hearing was opened.

No one spoke.

The public hearing was closed.

Wagner moved, Wiersum seconded a motion to adopt resolution 2016-063 approving the Loan Agreement, Pledge Agreement, Disbursing Agreement, Note, Regulatory Agreement Music Barn, Regulatory Agreement Elmbrooke, Regulatory Agreement Golden Valley, and Guaranty. All voted “yes.” Motion carried.

14. Other Business:

A. Conditional use permit, with parking variance, for Eden Prairie Islamic Community Center at 5620 Smetana Drive.

Gordon provided the staff report.

Schneider established ground rules for speakers to be respectful and comments to be relevant to the action being taken. Comments must be related to the proposed variance or conditional use permit being considered. Any reference to religion, race, or terrorism would be ruled out of order.
Wagner confirmed with Gordon that parking agreements would be filed with the county and on record with each property. If the use would change or grow, then the conditional use permit and parking would be reviewed.

Mohammad Ibrahim and Nemat Janetkhan introduced themselves, both board members of the Eden Prairie Islamic Community Center (EPIC), the applicant. Ibrahim stated that EPIC hopes to create a place of worship. They were available for questions.

The public hearing was opened.

The public hearing was closed.

Wagner suggested adding a condition to require that the conditional use permit be reviewed if the property owners would no longer be common. He was concerned with uses in the future having matching peak parking demand hours. Heine noted that a change in the use of the building would be the trigger rather than a change of the property owner.

Wiersum was comfortable with a change in the use being the trigger to require review of the conditional use permit which would include an evaluation of parking requirements. The conditions of approval are attached to the property.

Barone suggested changing the word "should" to "must" when the conditional use permit references that a parking agreement "should be formalized" and "should be filed."

Wischnack added that "or parking" could be added to section 11 as follows: "... any change to the approved use or parking that results in a significant increase in traffic or parking would require a revised conditional use permit." Wagner thought that would be helpful.

In response to Wagner's question, Gordon clarified that the trip-generation ordinance is always in effect. An increase in the number of trips would trigger a review.

Wiersum asked when the trip-generation fee would be applied. Gordon answered that it would be applied when the daycare use would apply for a building permit.

Wagner moved, Wiersum seconded a motion to adopt resolution 2016-064 approving a conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center (EPIC) at 5620 Smetana Drive with a
replacement of "should" to "must" in subsection 4 to reflect that the parking agreement must be formalized and must be filed and a modification of subsection 11 to add that any change to the approved use or parking would require a review of the conditional use permit. All voted "yes." Motion carried.

Wagner noted that it would be beneficial for the city council to set aside some time to consider the optimum density level of the area.

B. Resolution approving the preliminary plat of Highview Place, a nine-lot subdivision, generally located at the northwest corner of I-494/State Highway 7 interchange.

Gordon provided the staff report.

Wiersum confirmed with Gordon that the proposal meets all ordinance requirements.

Rob Eldridge, owner of Ridge Creek Custom Homes, stated that staff has been great to work with for the past year to shape the proposal into something that would make the city and neighborhood happy.

Acomb moved, Wagner seconded a motion to adopt resolution 2016-065 approving the request. All voted "yes." Motion carried.

C. Resolution endorsing the Glen Lake Neighborhood Study.

Gordon provided the staff report.

Wagner recalled that at the last meeting it was agreed upon that language should be included in the staff report to recommend consideration of an additional study to consider the density and use impacts on the hydrology of Glen Lake. He did not see those specific words in the narrative of the report.

Acomb recalled the part of the discussion that stated that new analysis is necessary to prevent further degradation.

Wiersum was looking for reasonable expectations of what could be done to help the lake. He wants to identify improvements that could be achieved. Gordon reviewed parts of the staff report that deal with protection of the lake.
Wagner favored articulating what realistic things could be done to improve Glen Lake. Schneider agreed. It would allow the council to consider allocating funds to complete the improvements.

Wischnack noted that compiling the information from several reports could be helpful. There is a predictable lifecycle of each lake.

Barone stated that a bullet point regarding hydrology could be added on Page 14 in the category regarding trails and improvements to Glen Lake. Schneider would appreciate a reconsolidation of the previous reports with a focus on the best management practices to maintain and improve the health of the lake.

Wiersum suggested compiling an executive summary of the Barr Engineering report from 1992. Updating the report may be needed if it is determined worthwhile to do so every 24 years.

Allendorf recommended asking the watershed district what has been done over the last 24 years and what could be done before requesting another study.

Bergstedt recalled a study that provided detailed information that could be reviewed. He noted additional lakes that are struggling. He supported looking at what could be done for Glen Lake and additional lakes.

Grace Sheely, 14325 Grenier Road, thanked staff for the report and stated that there is a lot right about it. She stated that:

- She wants a much broader conversation with more options about the home school site. The report should state that the proposal is not what the community wants, but is one design plan that could possibly move forward.
- There is no water where the dock is proposed to be located.
- The topography can be changed to save the lake.
- It is not worth spending more money on studies. The Department of Natural Resources (DNR) ranks each lake with its purpose. Glen Lake does not need any more time or money since it will become a wetland in 100 to 150 years.
- She was disappointed that the neighborhood study is not in the report. The walkability is the most important thing. The trails dead end in random places.
- The village studies should be consistent and have the same title headings. Residents could provide comments on what is working and not working for each section. She wants the neighborhood
study to be a work in progress that could be used for the comprehensive guide plan.

- She wanted a personal invitation when the home school property was being discussed. She lives adjacent to it. She requested a city-wide discussion.
- She thanked everyone for making the report better.

Schneider noted that the study was part of a process. Hennepin County owns the property. The property will be reviewed again as part of the comprehensive guide plan process.

Acomb thought the report seemed to limit the possible uses of the site. She requested the removal of the part of the report that limits the parcel to residential uses to allow opportunities to be presented. Wagner agreed. He would not support the Glen Lake Study without language that recognizes that the most likely use would be residential, but that all proposals would be considered.

Wischnack explained that the study's intention is to prepare for a possible future change in use. Staff will make the change in the report.

Bergstedt appreciated Sheely's comments. It would be a mistake to limit the possible uses of the site. It needs to be a city-wide discussion.

Wiersum agreed. This will not be the last word on the site.

Allendorf noted that the county will ultimately decide what to do with the property.

Schneider thought the words “guiding principles” may give the wrong intent. He suggested changing the title to something to mean examples of likely scenarios while remaining open to alternatives.

Wagner agreed. He favored a line stating that if the property would become available, then the city would consider all signature and best uses for the property. Though having the funding to do so would be unlikely, the possibility of the site becoming a park should not be eliminated.

Ellingson agreed with being open minded regarding what could be done with the Home School site. The property should be included in the study. The study was well done. This is not a neighborhood issue. It is a city-wide issue. He did not want to give the impression that the study represents the city's vision.
Schneider stated that the study provides notice to the community that the site may change and that a residential use or corporate campus are possibilities.

Wiersum stated that the study provides principles, not plans. Applicants bring ideas to the city. The city needs to provide a framework for conversation. Barone agreed that it is helpful for staff to have a document that identifies what the community and councilmembers value when meeting with potential developers. Acomb added that the list should not limit the possibilities.

Barone preferred to postpone taking action on the study to allow time for changes to be made regarding the home school property. She identified the need to create a framework to discuss the importance of the hydrology of the area. Allendorf recommended using the resources of the watershed district. Wagner suggested having a study session that would give councilmembers the right information to pass on to residents regarding what improvements could be done for each lake to create accurate expectations.

Wiersum moved, Acomb seconded a motion to refer a resolution endorsing the Glen Lake Neighborhood Study back to staff. All voted "yes." Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Wagner moved, Wiersum seconded a motion to adjourn the meeting at 8:52 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Lois T. Mason
Deputy City Clerk