

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, JANUARY 7, 2002**

1. CALL TO ORDER.

Mayor Anderson called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

All joined in the Pledge of Allegiance.

3. ROLL CALL.

City Clerk Kathleen Magrew called the roll. Council members Ken Tauer, Jan Callison, Dick Allendorf, Terry Schneider, Linda Koblick, Al Thomas and Karen Anderson were present.

4. REORDERING THE AGENDA.

City Manager John Gunyou advised that there were no addendums to the agenda. Allendorf moved, Tauer seconded a motion to approve the agenda as submitted. All voted "yes." Motion carried.

5. MINUTES.

Koblick moved, Thomas seconded a motion to approve the minutes of the December 17, 2001 regular council meeting as submitted. All voted "yes." Motion carried.

Allendorf ask for a status report regarding staff contacting the League of Minnesota Cities about transmission line legislation. Gunyou responded that the issue will be on the agenda for the council's January 22, 2002 meeting with the local legislators. He said that staff had not yet contacted LMC, but would.

6. SPECIAL MATTERS.

A. Oaths of Office:

- ◆ Mayor – Karen Anderson
- ◆ Council At Large, Seat A – Jan Callison
- ◆ Council At Large, Seat B – Terry Schneider

Magrew administered the oaths of office for the council seats on the November 2001 election ballot to Mayor Karen Anderson, Janis

Callison, Council At Large, Seat A, and Terry Schneider, Council At Large, Seat B.

B. Resolution designating an Acting Mayor and Alternate Acting Mayor for 2002.

Allendorf moved, Koblick seconded a motion to adopt Resolution No. 2002-001 designating Janis Callison as Acting Mayor and Terry Schneider as Alternate Acting Mayor for 2002. All voted "yes." Motion carried.

C. Proclamation declaring January 21, 2002, as Martin Luther King Day in Minnetonka.

Anderson read a proclamation into the record proclaiming January 21, 2002 as "Martin Luther King Day" in Minnetonka.

7. REPORTS FROM THE CITY MANAGER AND COUNCIL MEMBERS.

City Manager John Gunyou reported that the next council study session will be held on January 14, 2002. There will be no council meeting the week of January 21st due to the Martin Luther King holiday. The next regular council meeting will be held on January 28.

Anderson noted that the Municipal Legislative Commission will hold its annual legislative meeting on January 14th.

8. CITIZENS WISHING TO DISCUSS MATTERS NOT ON THE AGENDA.

No one appeared.

9. BIDS AND PURCHASES. None

10. Items Requiring a Majority Vote:

A. Claims for council authorization.

Tauer moved, Allendorf seconded a motion to approve the claims list including checks numbered 163386 through 163717 totaling \$1,266,995.34. All voted "yes." Motion carried.

B. Designation of the Sun Newspaper as the City's Official Newspaper for 2002.

Tauer moved, Allendorf seconded a motion to designate Sun Newspapers as the city's official newspaper for 2002. All voted "yes." Motion carried.

C. Adoption of an Ordinance granting a franchise to Reliant Energy Minnegasco for the provision of natural gas in Minnetonka.

Tauer moved, Allendorf seconded a motion to adopt Ordinance No. 2002-01, granting a Franchise to Reliant Energy Minnegasco for the Provision of Natural Gas in Minnetonka. All voted "yes." Motion carried.

D. Approval of Reciprocal Lease Agreement with Hennepin County.

Tauer moved, Allendorf seconded a motion to approve the Reciprocal Lease Agreement with Hennepin County. All voted "yes." Motion carried.

E. Ordinance that would extend the term of the interim development restrictions for the construction of public buildings/facilities and utility building/facilities and directing that a study be done of these facilities.

Tauer moved, Allendorf seconded a motion to adopt Ordinance No. 2002-02, extending the term of the interim development restrictions for the construction of public buildings/facilities and utility buildings/facilities and directing that a study be done of these facilities. All voted "yes." Motion carried.

F. Resolution approving a conditional use permit for a medical clinic in the Westwind Plaza shopping center at 4703-4795 County Road 101 for Heritage Property Investment Trust.

Koblick asked that this item be pulled from the consent agenda for discussion. She asked for information about parking. Planning Director Geoff Olson reviewed the parking plan, and noted that the conditional use permit for the theater will expire in March 2002. Nancy Bollardson, wife of the applicant, advised that the remodeling should be completed by February 17, and the clinic will likely open in March 2002.

Koblick moved, Callison seconded a motion to adopt Resolution No. 2002-002, approving a conditional use permit for a medical clinic in the Westwind Center. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

1. Record this resolution with the county before the city issues a building permit.
2. The city council may reasonably add or revise conditions to address any future unforeseen problems.
3. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
4. The applicant must agree to the above conditions in writing.

All voted "yes." Motion carried.

- G. Resolution receiving a petition and waiver of rights to a public hearing, ordering the improvement, and declaring the cost to be assessed for the construction of a fire sprinkler system retrofit and related improvements to serve the building at 15306 Highway 7.**

Tauer moved, Allendorf seconded a motion to adopt Resolution No. 2002-003, receiving a petition and waiver of rights to a public hearing, ordering the improvement, and declaring the cost to be assessed for the construction of a fire sprinkler system retrofit and related improvements to serve the office building at 15306 State Highway No. 7. All voted "yes." Motion carried.

- H. Resolution ordering the improvement in and authorizing preparation of plans and specifications for the Gray's Bay Marina Improvement Project No. 4721.**

Tauer moved, Allendorf seconded a motion to approve Resolution No. 2002-004, ordering the improvement in and authorizing preparation of plans and specifications for the Gray's Bay Marina Improvement Project No. 4721. All voted "yes." Motion carried.

- I. Approval of Construction Agreement with the Minnesota Department of Natural Resources regarding the Gray's Bay Marina.**

Tauer moved, Allendorf seconded a motion to approve the Construction Agreement with the Minnesota Department of Natural Resources regarding the Gray's Bay Marina. All voted "yes." Motion carried.

- J. Resolution approving the Metro Greenways Grant application to the Department of Natural Resources for a natural resource inventory of the city.**

Tauer moved, Allendorf seconded a motion to approve Resolution No. 2002-005, approving the Metro Greenways Grant application to the Department of Natural Resources for a natural resource inventory of the City. All voted "yes." Motion carried.

K. Scheduling of Administrative Hearing regarding alleged liquor violation.

Tauer moved, Allendorf seconded a motion to schedule an administrative hearing regarding the liquor license of the Minneapolis Marriott Southwest hotel as the last item of business for the city council meeting of February 11, 2002. All voted "yes." Motion carried.

L. Terminate current agreement and award project to second low-bidder for the renovation of the Opus lift station.

Tauer moved, Allendorf seconded a motion that Agreement #01-027 with Jay Bros., Inc. be terminated per bid specifications and that the renovation of the Opus lift station be awarded to Gridor Construction, Inc., the next lowest responsible bidder. All voted "yes." Motion carried.

M. Final approval of the ALISON'S GREEN plat at 15701 Minnetonka Boulevard for Halley's Custom Homes.

Tauer moved, Allendorf seconded a motion to approve the ALISON'S GREEN final plat received on December 19, 2001, subject to the following conditions:

1. Compliance with all preliminary plat conditions, especially the specific conditions for release of the plat.
2. Before the city issues any building permits, the city must receive evidence that the plat and any required easements or covenants have been filed with the county.
3. The common walls separating the three townhome units must be built to meet the Uniform Building Code requirement for firewall separation.
4. Submit an electronic CAD file of the final plat in microstation or DXF.
5. Unless the city council approves a time extension, the final plat must be recorded within one year of council approval of the final plat.

Tauer, Allendorf, Schneider, Koblick, Thomas and Anderson voted "yes" and Callison abstained. Motion carried.

11. **Consent Agenda (Items requiring Five Votes).** None
12. **INTRODUCTION OF ORDINANCES.** None
13. **PUBLIC HEARINGS.** None
14. **OTHER BUSINESS:**

A. A side yard setback variance from 10 feet to 7 feet for a detached garage at 10250 Crestridge Drive for Brian Van Wey.

Olson introduced this item by reviewing the information in the staff report.

Allendorf asked about the nature of the call from the neighbor who brought the situation to staff's attention. Olson said that a neighbor was agitated by some work the applicant was doing with a Bobcat during a period of heavy rains. The neighbor felt that the grading resulted in ponding on his property which might jeopardize his shed. Olson said that when the grading issue was resolved, the garage seemed to be only a secondary issue to the neighbor. Anderson noted that the neighbor's comments about the project were neutral in nature.

Callison asked if the applicant had done everything he should have in going through the process. Olson said that he supplied all the required information. A survey was not required. Olson said that the applicant relied on a drawing or sketch which was found to have inaccurate dimensions. Callison asked if a survey is required by ordinance. Olson said that surveys are only required for new homes. Community Development Director Ron Rankin said that everything was in order with respect to the applicant's permits and inspections.

Schneider said that it would seem logical to get the sketch and then do some field verifications. He asked if that was what the applicant had done. Olson said that the applicant did everything but obtain a survey. Van Wey field verified some of the measurements and also allowed a few extra feet to the setback to allow room for error.

The applicant, Brian Van Wey, thanked staff. He had asked staff if a survey was required and was told that it was not. Staff said that surveys are expensive and his house is an established neighborhood. He took additional measurements and found no reason to believe the measurements were inaccurate. He would

have aesthetic and grade issues if the garage needed to be moved, and the garage itself would have to be downsized.

Tauer said that it was an unfortunate situation. He looked at it from the perspective of what a reasonable person would do. The applicant had verified the calculations and gone as far as he could. Tauer noted that even iron markers could be inaccurate. The foundation for the garage is in place and it looks like the right location for the garage on the site. He said that there could be negative impacts from moving it. Tauer said that his view might change if the neighbor had voiced strong objections. He felt that granting the applicant's request would follow the spirit and intent of the ordinance. He noted the contour of the land and how moving the garage would impact the front yard and the front steps. Tauer said that he looked at the definition of a hardship and in this case felt that the previous property owner and/or the previous surveyor had created the difficulty, and the problem was not due to the current owner. He suggested amending the findings to reflect that the error was a result of the prior owner. He did not feel like making Van Wey pay for that error.

Callison said that she did not think there was a hardship. She felt that allowing the garage to remain was reasonable because the applicant did nothing wrong. Callison said that she had asked the city attorney to prepare findings to grant the variance. Gunyou gave the council copies of the staff's draft of a resolution to grant the request. City Attorney Desyl Peterson read the findings prepared by Olson.

Callison asked if the lay of the land and the existing retaining wall created a hardship in staff's mind. Olson said that staff's original opinion was that they did not constitute a hardship. The findings were drafted from the opinions of the planning commission members who supported the applicant's request.

Allendorf noted that only bullet four of the findings related to the hardship issue. When he visited the site, he could see how the error occurred using the reasonable person standard. He said that the applicant did not appear to be manipulating the process but rather had made a reasonable error. He noted difficulty backing out of the driveway and said that the retaining wall would have to be moved if the garage location changed. He saw no intent on the part of the applicant, and could see a hardship.

Koblick supported staff's recommendation to deny the variance. She had seen many occurrences where markers changed. She felt

that obtaining a survey was reasonable and that applicants should pay for surveys. In this case, the onus falls to the neighbor who will lose his buffer. She did not see the issue as whether or not the contractor or the property owner made the error. Koblick did not want to have to determine someone's intent. She also felt that there were other remedies available, including re-sizing or relocating the garage.

Schneider supported the request. He said that the error was unintentional and not meant to circumvent the ordinance. The garage is a reasonable size and the request consistent with the neighborhood. He felt that the project could qualify as a hardship. Schneider noted that the applicant could have proposed an addition to his home with an attached two-car garage, and that those types of requests typically qualify for a variance. He said that it was common sense to grant the variance. He was not concerned about setting a precedent because he would vote the same way in five years under the same circumstances. If the applicant had been trying to manipulate the council, he would have viewed the situation differently. Given the circumstances, the applicant did everything Schneider would have done. He felt that the applicant's request was reasonable.

Thomas agreed that the applicant was not trying to manipulate the process. He felt that it was just an error that occurred.

Anderson asked Peterson to address the issue of precedence because others have made similar requests in the past. Peterson said that she could not forecast future circumstances. She said that courts have indicated that precedence usually has value for about one year, so there is less risk for the council beyond a year. If another similar request were made, the council could use factors unique to that request to differentiate.

Anderson said that she hoped the wording in the first bullet would not change with respect to the error being made by a previous owner.

Callison said that the council often hears the argument that someone didn't know. In this case, the applicant found out the rules and followed them, but the rules did not address what happens when the drawing is wrong. In this case, the error was unintentional and the applicant took all reasonable steps to avoid the error.

Tauer moved, Schneider seconded a motion to adopt Resolution No. 2002-006 approving a side yard setback variance from 10 feet to 7 feet at 10250 Crestridge Drive.

Callison moved, Anderson seconded a motion to delete the fourth bullet from the proposed findings.

Allendorf said that the fourth bullet was the sole basis for his support of the variance. He said that the other bullets did not refer to the land, but referred to the problem. Although he was sympathetic, he would be hard-pressed to support the variance without the fourth bullet.

Koblick suggested a change to the third bullet's reference to the applicant taking "all" reasonable steps, because she felt he could have obtained a survey. Tauer said that he would not accept that change as a friendly amendment.

On the vote on the amendment to the motion, Callison and Anderson voted "yes." Tauer, Allendorf, Schneider, Koblick and Thomas voted "no." Motion on the amendment failed.

On the vote on the main motion, Tauer, Callison, Allendorf, Schneider, Thomas and Anderson voted "yes." Koblick voted "no." Motion carried.

B. Ordinance regarding telecommunications towers and antennas.

Olson introduced this item, reviewing the information in the staff report. Anderson applauded staff's masterful compromise regarding the placement of taller towers which honored the planning commission's direction and gave the council the flexibility to work with the industry on the height issue and in special and unique situations.

Callison offered amendments to the ordinance which she had asked the city attorney to draft that day. She reviewed the most significant of the changes to the telecommunications facilities ordinance, which were as follows:

- Page 10, a provision was added to clarify that the standard would apply to new and replacement structures.
- Page 11, gave the council additional power to ask for a different location for a replacement structure.

- Page 15, would make special areas different from other commercial areas in the City of Minnetonka. Absent a presumption, facilities could not be placed in special areas without an analysis. This would strengthen the special nature of these areas.

Anderson said it would be helpful to include the stricken language on page 15. Callison said that the language would be included

Schneider said that Callison's amendments were positive changes. He was concerned about the change on page 11, particularly if the alternate location the city chose were not available. He felt that the requirement could be viewed essentially as a denial. He would support the city suggesting an alternate site if it were available, and the applicant researching how that site would work or why it would not work.

Callison said her intent was not to make applicants use a location over which they had no control. If they had control of the property, the alternate site could be considered. She said that the amendment language could be modified to reflect this.

Allendorf said that he liked the suggested amendments, particularly with regard to special areas. He asked if the city could require the applicant's engineer to be an independent radio or electrical engineer, rather than a staff member. Schneider questioned how "independent" could be defined. Allendorf asked the city attorney how this issue was addressed with Excel Energy. Peterson said that the ordinance requires applicants to pay the city's reasonable expenses to retain its own engineer to review the information provided by the applicant's engineer. She said that staff felt this was a better option because it provided a good check and balance. Allendorf said her response satisfied his concern.

Tauer asked the city attorney if she had any cautionary concerns about the amendments. Peterson said that her only concern was requiring a provider to go to another location that they could not reasonably obtain. In that case, she would assume that the then city attorney would caution the council.

Koblick asked when exterior lighting would be expected to be used. Peterson said that lighting would only be used when the provider is servicing the cabinet in non-daylight hours.

Callison suggested adding the words "if available" to page 11's reference to using a different location which would result in less

public visibility, to reflect that the city would expect the land to be available before imposing any restrictions.

Anderson invited comments from the industry representatives in the audience.

Roger Behrens, an attorney with Faegre & Benson, said that he was representing Sprint PCS on zoning matters. He thanked the council and staff for working out a great compromise ordinance. While it is not ideal for the industry, he said that the ordinance gives them a chance to fill coverage gaps and provide service.

Behrens then commented on the proposed amendments. Behrens said that he wasn't sure if the changes proposed to page 10 would encourage more than one user or device on a facility. The language on page 11 should take into account the availability of the site and the radio frequency coverage. He noted that even if the new site is within the same property, their leases are frequently for specific locations within sites to avoid interfering with parking areas, etc. He said that the language on page 10 did not take into account leasing, accessibility, and radio frequency, and may not help them address coverage gaps.

With regard to page 15, Behrens said that if the stricken paragraphs were not included, the section would be without standards. If they remain, he presumed they could only overcome the prohibitions with a radio analysis. He said that Section 6 already protects special areas, the industry does not dispute paying expenses, and a radio analysis is already required by code. He said these changes would make an already tough ordinance even tougher. Right-of-way requirements preclude Sprint, AT & T and many others from putting facilities in the right-of-way, so the ordinance needs to be as flexible as possible for them to fill coverage gaps. He said that there are areas of the city where there are currently coverage gaps.

Peter Beck, a representative of AT & T Wireless Services, thanked staff for listening to the industry. He said that they didn't get everything they requested. The ordinance is more restrictive than most ordinances in surrounding communities, but it is workable given an assumption of flexibility in certain circumstances.

Beck expressed concern about having to start the process over for a replacement facility due to the cost of going through an RF analysis. He suggested that if a facility were being replaced, an RF analysis and study would not be needed. He said that they will

share their RF analysis with the city. AT & T would prefer to pay for a second engineer only if one is necessary. He is not aware of any situation in which a second engineer has found that a facility was not needed. He said that facilities are expensive so the industry would have no reason to request one where it is not needed. He corrected the information in the packet which stated that poles would cost \$400,000. Developing an entire site would cost \$400,000 to \$700,000, and a single pole would cost \$60,000 to \$80,000 or up to \$120,000, representing a huge capital expenditure. He said that more cities are dropping the requirement for the second engineer's review, or are not enforcing it.

Beck did not have a problem with the changes proposed to page 11's requirement to move a facility, provided the same property was used.

Callison said that there could be a better location on a given property which is not as visible. This option would give the city greater control by allowing them to suggest that a facility would be less visible at another site.

Beck questioned if the city had authority in the area of facility location. He said that relocating the facility could cause them to have to start over, which would cause them great costs. The bigger issue would be timing, because they would have to re-notify for the conditional use process, adding another 60 days. They would also have to undergo a Federal Aviation Administration review, which takes at least 90 days. Regarding special areas, Beck felt that they had already proved their need, so he was not sure what would be gained by prohibiting facilities in other areas.

Callison said that two studies would be needed. The first would prove that a tower would be needed in a specific location. The second study would prove that no other location but this location would work.

Beck felt this would overstep the city's zoning authority. He felt that the city could set reasonable standards but was not sure it would be reasonable for the city to choose the location for the facility. He said that in most instances, the industry would be able to avoid areas of concern. He said that the new ordinance allows more public locations which should give them flexibility to stay away from special areas.

Beck said that allowing greater height for facilities will reduce the number of towers needed. He said that every existing tower of

sufficient height and strength has multiple users. 50 to 60 foot light poles do not provide enough height for multiple users. Given Minnetonka's demographics, Beck said that there is a high level of wireless usage. More users require more facilities, which is why they would request 90-foot towers and most likely multiple users. He saw inherent conflicts with the stealth and collocation requirements because stealth designs typically support only single user facilities. He said that they have the ability to propose plain monopoles of 75 to 90 feet in height, designed for two or three users. Beck clarified that he understood the ordinance to say that the industry could request a 75 to 90 foot tower designed for multiple users. Beck said there is an immediate need for two additional facilities in Minnetonka's hard-to-serve areas where other providers also have needs. He said that AT & T will encourage collocation but they cannot assure that there will be a co-applicant for these requests.

Schneider said that this council does its homework and preparation. They can debate the pros and cons and determine what makes the most sense given the options. The council is not trying to preclude the long-term benefit, but they are looking to have the least impact possible.

Anderson said that the proposed ordinance gives the industry and the city council more flexibility. She expressed hope that the ordinance would not be used to force the city into an "either/or" situation. She said that the ordinance also could be used for industry flexibility.

Allendorf said he would be skeptical of a request for a 90-foot facility due to collocation without a co-applicant. He would be more likely to grant a request for a 90-foot tower if the provider did its homework and had co-applicant(s). The goal is to reduce the number of antennas. He asked if the city could require collocation for a higher facility. Peterson said that was possible and suggested a change to page 11 to add the language: "if there were more than one provider located on the pole."

Schneider said that he would be comfortable if that requirement were used as part of the decision-making consideration. He said that a facility may need to exceed 90 feet to get above trees in certain areas. Allendorf agreed that his suggestion was to be used as a criteria, not a requirement.

Callison asked the city attorney if the city would be exceeding its zoning authority with the proposed amendments regarding special

areas and specific sites. Peterson said that the suggested modifications to pages 11 and 15 related to availability of the site would address any issue.

Callison asked about the concern raised by the industry representatives about starting the process anew. She asked about a process similar to that used with Excel Energy where sites were studied. Peterson said that staff has done this informally by working with applicants to steer them toward one particular site. She said that it would be possible to formalize this process as is done with transmission lines.

Callison said that the reason she suggested changes regarding replacement facilities is that this whole issue began with a request for a replacement facility. She said that a replacement pole could be higher so the city would need to give the request greater scrutiny. She said that the requirement could state that the greater scrutiny would be required only when the replacement pole would be higher.

Peterson said that Callison's distinction was good. She said that some redrafting was needed of the ordinance. She noted that time was running out because Sprint has had an application pending throughout the moratorium and their extension expires at the end of January.

Behrens said that he has spoken with staff about an extension but has not yet sent a letter.

Schneider suggested that the council approve the ordinance with the simple revisions discussed at the meeting, and then, if more complicated changes were needed, revise the ordinance in a month or two. Peterson said that would be appropriate. She suggested adding the language proposed by Callison about the height of the replacement over the one it is replacing.

Anderson said that she wasn't sure that the issue needed to be addressed. She was fine with the original language. She said that an existing light pole could look very different if an antenna device were added, such as occurred at the Hopkins High School.

Peterson referred to Allendorf's proposed change to 11c to encourage more than one user. Anderson said that the modification was a good suggestion. Peterson suggested including the stricken language regarding special areas. She would also include the new

language about the availability of the site. There was consensus on this point.

Tauer said that the language indicated that the city may hire a consultant, but would not be required to. Peterson said that the ordinance, at the bottom of page 15, refers to "if" an outside engineer is retained by the city. She said that the city could waive retaining an outside engineer without changing the language. The council concurred that they wanted additional language to refer to if a second engineer is requested by the city.

Beck expressed concern about having to start the process over. He said that if they have two or three alternative, available sites, he would have no problem with the council recommending one of them if they receive early feedback.

Schneider supported this if other sites were available, contemporaneous to the application and not after the fact.

Callison said that the city attorney will work on the process so that the applicant gets early input. She said that staff can continue the informal process too. Peterson said that she will report to the council on the procedure she develops for processing these requests. The process will include getting information to applicants early in the process. Anderson said that additional changes to the ordinance may be needed. Peterson said that in the meantime, staff will continue with its informal process of working with applicants.

Schneider said he would not like to see two separate formal processes. He said that staff could informally discuss the issue with applicants. If needed, the council could give feedback through a study session discussion. He said this could facilitate the review process. Peterson said that the issue was how to include the planning commission in the process.

Anderson said she had to make a general statement. This is the first time the council discussed this issue in a public forum but there had been lots of discussion at study sessions and also some discussion at council meetings with reference to the extension. She said that often the discussions had seemed adversarial, which may be due to the players. She understood that this was part of the industry representative's roles. She said that the city council realizes that lots of people live, work or travel through the city who use technological devices that require antennas. She said that the council uses these devices themselves and uses them well.

Coverage is important to users because they want to use their devices in as many locations as possible.

Anderson said that the council has gotten a clear directive from residents that the aesthetics of this community mean something to them and natural resources are really important to people. Every survey and the referendum vote show the support for natural resources and the aesthetics of the community. The residents trust the city council to reach a balance for them by protecting the aesthetics and natural resources as much as possible while still allowing the use of technical devices. She said that she did not presume that they expect to use technical devices in every square inch of the city. She said that people are reasonable enough to understand the issues and still trust the city to reach a balance.

Anderson said that the new ordinance gives lots more flexibility to the industry than the original ordinance did. She hopes that there is some acknowledgement of the ordinance, and a cooperative way to site new facilities. She said that the council understands the needs of the community and asks the industry to work with the city.

Callison moved, Tauer seconded a motion to adopt Ordinance No. 2002-03 regarding telecommunications towers and antennas with the changes distributed and the modifications noted by the city attorney.

Tauer said that as he drove to the National League of Cities conference in Georgia, he saw multiple towers near each other in Illinois. There was obviously no encouragement to share facilities, and he was glad Minnetonka is expecting that.

Schneider suggested that the industry encourage its designers to look at examples of well-designed facilities where the towers are not obvious or ugly but they are still visible. He said that the council would look favorably on designers taking the lead in this area.

All voted "yes." Motion carried.

15. APPOINTMENTS.

A. Appointment of council members to various advisory boards, commissions and committees.

Anderson introduced this item, noting that it is the annual appointment of representatives to various agencies. She thanked the council for agreeing to participate and for taking the initiative.

Anderson moved, Callison seconded a motion to appoint:

- Terry Schneider as the Minnetonka City Council Legislative Contact to the Association of Metropolitan Municipalities.
- Ken Tauer as the Minnetonka City Council representative to the Bennett Family Park Board.
- Dave Johnson as the City of Minnetonka representative to the Music Association of Minnetonka.
- Ken Tauer and Linda Koblick as the Minnetonka City Council representatives to the Economic Development Authority.
- Dick Allendorf as the Minnetonka City Council representative to the I-494 Joint Powers Organization and the Southwest Suburban Cable Commission.
- Karen Anderson as the Minnetonka City Council representative to the Municipal Legislative Commission.
- Fred Hanus the Minnetonka City Council's appointed representative to the Suburban Rate Authority, with Desyl Peterson as the alternate.
- Terry Schneider as the Minnetonka City Council representative to the West Hennepin Affordable Housing Land Trust (WHAHLT).

All voted "yes." Motion carried.

16. ADJOURNMENT.

Thomas moved, Koblick seconded a motion to adjourn the meeting at 8:37 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk