

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, NOVEMBER 25, 2002**

1. CALL TO ORDER.

Acting Mayor Jan Callison called the meeting to order at 6:31p.m.

2. PLEDGE OF ALLEGIANCE.

All joined in the pledge of allegiance.

3. ROLL CALL.

Assistant City Manager Geralyn Barone called the roll. Council members Ken Tauer, Dick Allendorf, Terry Schneider, Linda Koblick, Jan Callison, and Al Thomas were present. Karen Anderson was excused.

4. REORDERING THE AGENDA.

City Planner Geoff Olson provided a letter from Barr Engineering Co. responding to concerns raised by council at the November 12 meeting, item 14A.

Thomas moved, Koblick seconded a motion to approve the agenda as amended. All voted "yes." Motion carried.

5. MINUTES.

Allendorf moved, Thomas seconded a motion to approve the minutes of the November 12, 2002 regular council meeting. All voted "yes." Motion carried.

6. SPECIAL MATTERS. None

7. REPORTS FROM THE CITY MANAGER AND COUNCIL MEMBERS.

City Manager John Gunyou reported the city had closed on the Jones property today, the first major acquisition using open space bond dollars. He announced the deadline for receiving applications for the Ward 3 city council vacancy is 4:30 p.m. on December 5, 2002. Gunyou noted city hall would be closed this Thursday and Friday due to the Thanksgiving Holiday. There is no city council meeting on December 2; a study session is scheduled for December 9, at which time the Truth-in-Taxation hearing will be held and the council will review applications for the Ward 3 vacancy; and the last regular council meeting of the year is set for December 16.

Allendorf reported the Police Advisory Committee met and reviewed how the police department allocates its time. The group looked at ways of reshuffling some of the activities. Allendorf said he, along with residents and business owners from the Glen Lake area, attended a visioning meeting for the area. A joint meeting with the city council, planning commission and EDA will be scheduled early next year to discuss possible plans.

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

Callison recognized Gene Herzan, representing the Shady Oak Lake Cemetery Association. He reviewed his Minnetonka heritage, family members who were buried in the cemetery, its location and chronology, and the top ten reasons why the city should accept the offer to assume responsibility for it. Gunyou said he would arrange a staff meeting with Herzan after the Thanksgiving holiday to further discuss this request.

Callison recognized Bruce Stillman, 2404 Sherwood Hills Road, Minnetonka. He asked for information on the parks renewal and open space preservation expenditures. Stillman said he believed \$5 million had already been spent and he wanted an accounting of it. Barone responded that some of this information is available on the city's web site. She added that Stillman could contact staff to receive this information. Gunyou noted that only \$5 million of the total \$15 million in authorized bonds had been issued so far. The parks renewal and open space preservation program will extend over five or more years, and bonds will be issued as needed.

9. BIDS AND PURCHASES. None

10. CONSENT AGENDA (Items Requiring a Majority Vote):

A. Claims for council authorization.

Tauer moved, Allendorf seconded a motion to approve the November 18, 2002 claims list, including checks numbered 170601 through 170881 totaling \$2,059,160.39. All voted "yes." Motion carried.

B. Proposed Order for Liquor License Stipulations:

- **Douglas B. Carlson, d/b/a Gold Nugget Restaurant**
- **Ruth Stricker's Fitness Unlimited Inc., d/b/a Ruth Stricker's – The Marsh**

Tauer moved, Allendorf seconded a motion issuing Findings of Fact, Conclusion, and Order for the two establishments as listed :

<u>Establishment</u>	<u>Fine</u>	<u>Suspension</u>
Gold Nugget Restaurant	\$350	1 day, December 5, 2002
Ruth Stricker's - The Marsh	\$700	3 days, December 5-7, 2002

All voted "yes." Motion carried.

C. Resolution authorizing the Retirement Health Savings Plan (RHSP) program.

Tauer moved, Allendorf seconded a motion to adopt Resolution No. 2002-130, authorizing the establishment of an employee retiree health savings plan through the International City Management Association Retirement Corporation's Vantagecare program. All voted "yes." Motion carried.

D. Resolution authorizing the 2003 nonunion employee salary and benefit adjustments.

Tauer moved, Allendorf seconded a motion to adopt Resolution No. 2002-131, authorizing the 2003 nonunion employee salary and benefit adjustments. This employee group includes the city's management, supervisory, confidential, office, technical and non-supervisory personnel. These wages and benefit increases fall within the parameters established previously by the City Council. All voted "yes." Motion carried.

11. Consent Agenda (Items requiring Five Votes). None

12. INTRODUCTION OF ORDINANCES.

A. Introduction of an ordinance amending City Code Section 205.020 regarding administration of personnel and public purpose expenditures.

Gunyou introduced this item and Barone provided a brief overview. Callison asked the city attorney if there are any expenditures provided for that make the attorney uncomfortable. City Attorney Desyl Peterson said the opinion of the city attorneys' community is the state auditor's report was based on outdated Attorney General opinions and does not take into consideration more recent cases. Gunyou noted that the city's assistant finance director, who once worked in the state auditor's office, assisted in the review of the city's practices.

Schneider moved, Tauer seconded a motion to introduce an ordinance amending City Code Section 205.020, regarding administration of personnel. The ordinance will be presented for final approval at a later date. All voted "yes." Motion carried.

B. Introduction of an ordinance amending Section 110, Salaries of Mayor and Council.

Gunyou noted that city council salaries are set by ordinance, which if adopted becomes effective in January 2004, after the next election. He said that staff reviewed council salaries for those ten cities most comparable in size to Minnetonka, the same used for all employee market adjustments, and found the city's salaries are below the average. Gunyou highlighted the proposed increases for the mayor and council seats, pointing out that the average annual increase over the six years since the last increase is 1.8% per year.

Allendorf inquired if this is comparable to the increase just approved for nonunion employees. Gunyou noted those employees received a 3% cost-of-living adjustment, and some also will receive market adjustments. He added the percentage increase proposed for the mayor and council is substantially less than what city employees receive.

Koblick said she is pleased to support this action and it is reasonable. She commented on the amount of work required to be on the council, and especially for the mayor.

Koblick moved, Allendorf seconded a motion to increase the Mayor's salary from \$9,600 to \$10,500 and that Council Members' salaries be increased from \$7,200 to \$8,000, effective January 2004. All voted "yes." Motion carried.

13. PUBLIC HEARINGS. None

14. OTHER BUSINESS.

A. Resolution approving a conditional use permit and site plan review, with variance, for an environmental quality monitoring station near the intersection of Creek Ridge Trail and Scenic Heights Drive for the Riley-Purgatory-Bluff Watershed District.

Olson reviewed the background on this item. He noted at its last meeting, the council had concerns about the aesthetics of this proposal and postponed action. Olson said the applicant submitted a letter addressing the council's concerns, and he reviewed this response.

Olson recommended approval of the CUP, to include providing landscaping necessary to screen the building from residences and the right-of-way. He noted green is the typical color for the

monitoring stations, and said it makes sense to move the rain gauge to another location. He added the smaller box may be preferable, but he suggested hearing from the applicant first.

Callison recognized Hal Runke from Barr Engineering, representing the applicant. Runke noted the proposal is one of six water quality monitoring stations being constructed by the watershed district, and it is the last one to be constructed. He expressed concern with a smaller instrument box because if it is opened during inclement weather, the electronic equipment is subject to damage.

Tauer asked how much of a sacrifice it would be to have a smaller building, and Runke said it is not an unreasonable trade off. Runke said the smaller building would not detract from the data being collected until the instruments get wet. He said the proposed structure is better from convenience, safety and maintenance perspectives.

In response to a question from Tauer, Runke said the upright pipe on the structure would be used for electrical service.

Callison said she would accept the design of the original proposal if the rain gauge were moved. Schneider expressed reluctance to put the watershed district in a position to incur extra costs. He accepted the modified design and suggested painting the station a brownish color to blend in with winter vegetation.

Koblick said she was disappointed in the changes and would not support the proposal. Tauer said he did not want to compromise the quality of the experiments, even though the smaller box is less intrusive.

Thomas moved, Tauer seconded a motion to adopt Resolution No. 2002-132, approving a conditional use permit and site plan, with variance, to install an environmental quality monitoring station near the intersection of Creek Ridge Trail and Scenic Heights Drive. This resolution is based on the following findings:

1. Apart from setback standards, the proposal meets the required conditional use permit standards.
2. Strict enforcement of the ordinance would cause undue hardship because of circumstances unique to this property.a. Hardship is caused by soil and environmental conditions inherent to appropriate sites for such monitoring facilities.
3. The variance would be consistent with the spirit and intent of City ordinance for the following reasons:

- a. The 20-foot right-of-way adjacent to Scenic Heights Road would give the station the appearance of a greater setback than actually exists.
- b. The proposed station would be set back 195 feet from the nearest residential structure.
- c. The structure would be surrounded by existing vegetation and additional vegetation would be provided to further screen the structure.

Approval is subject to the following conditions:

1. The rain gauge must not be attached to the building, but may be on a separate pole.
2. The structure, including the electrical box, must be painted brown.
3. Additional year-round vegetation must be planted to screen the monitoring station from Scenic Heights Drive and the adjacent single-family homes to the east. City staff shall determine what additional vegetation will be required at the time the structure is placed on site.

Tauer, Allendorf, Schneider, Callison and Thomas voted "yes."
Koblick voted "no." Motion carried.

15. APPOINTMENTS. None

16. ADJOURNMENT.

Thomas moved, Koblick seconded a motion to adjourn the meeting at 7:22 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Geralyn R. Barone
Assistant City Manager