

**MINUTES
MINNETONKA CITY COUNCIL
SPECIAL MEETING
THURSDAY, DECEMBER 19, 2002**

1. CALL TO ORDER.

Mayor Anderson called the meeting to order at 4:03 p.m.

2. ROLL CALL.

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

3. INTERVIEW FINALISTS FOR THE WARD 3 COUNCIL VACANCY

Anderson welcomed everyone and explained the interview process. She noted one council member requested that the other applicants not be in the room prior to their interviews. Anderson acknowledged that according to the open meeting law, the meeting is open. It is the choice of the candidates to stay or leave.

Anderson said the council can vote at this meeting for their selection of the new Ward 3 council member, but cannot officially make the appointment until the vacancy occurs on January 6, 2003.

Before each interview, Anderson asked the candidates about their impressions of their interview on December 16, 2002.

Robert McFarlin

McFarlin thanked the council for welcoming him back for a second interview. He said after seeing the quality of candidates at Monday night's meeting, he is very grateful, humbled and appreciative for being called back for a follow up interview.

Schneider said he requested that the candidates not be in the room before their interviews, because he has several questions that he wants to ask each of them. Schneider said the city council regularly deals with land use issues and noted there is a long learning curve on this subject. He asked McFarlin what his general knowledge is on land use, and what preparation he would need.

McFarlin responded that he has been involved in public policy issues at different levels his entire career, which will make his learning curve a little flatter. He acknowledged he is not a land use expert, but does have some experience in the terminology through his exposure at work and on the park board. He added that he is a quick study.

Allendorf asked what the high and low points have been during McFarlin's three years on the park board.

McFarlin said the high point was the board's recent strategic planning process. The board did not have measurable objectives and was reactive rather than proactive. He wanted to identify issues of importance to the city. McFarlin feels the park board is working better as a group with a more strategic and proactive approach. An example is looking at the long-term cost impacts of the park renewal efforts.

McFarlin said he has enjoyed the park board immensely. The only negative is the length of the meetings, and the group is looking at ways to chunk out the work.

Allendorf suggested McFarlin had some disappointment with the Gray's Bay marina project, and asked what McFarlin hoped would have been different.

McFarlin responded that it was not a disappointment, but that he had some disagreements with the project's business plan. He felt the council agreed with him on some issues, such as the length of the lease for the municipal docks. McFarlin said his vision was for the docks to be a recreational asset to the city that should be affordable and accessible to as many people as possible. He said the attendant agreement with the neighborhood did not make that possible.

Tauer said there are issues with the future of the Williston Center on whether it should be torn down, enhanced or moved. He asked what McFarlin feels city government's involvement in such a facility should be, and what the city should provide.

McFarlin said public safety is clearly the top priority of city services, followed by the basic infrastructure. He noted the city's budget reflects these priorities. McFarlin said city amenities should reflect the culture of the citizens, so extra time for citizen input should be taken. He said it might come down to a referendum question, which can measure the public's willingness to support an investment on what might be considered luxuries.

McFarlin said he had not heard concerns from private clubs about competition, and he thinks there is enough investment in this type of facility. If concern were to be expressed, he would be on the side of the city doing it only if the private side cannot.

Callison suggested McFarlin's approach is to strongly advocate for a position. She asked if there was a time on the park board where McFarlin came in with one viewpoint, and after receiving more information, came to a different conclusion.

McFarlin responded when he first thought about the park referendum, he had concerns about how it was being developed. He was not sure if it would be successful, especially initially when only open space was being discussed. The addition of the parks renewal made the issue sellable and much more practical. He said although he had initial doubts and concerns about the referendum, as it evolved, he became a strong supporter of it.

Anderson talked about how the council works as a team and there are disagreements at times amongst the group. Sometimes members feel strongly but once a decision is made, they move on. For example, a council member would never present an opposing position to the Legislature on an issue decided upon by the council. Anderson asked about McFarlin's disagreement on the Gray's Bay project, where at one point he appeared before the council.

McFarlin responded as a council member he would never go to the Legislature on his own. He said he voted against the marina's operational plan and there were a couple of items left undecided by the park board, such as the length of leases. McFarlin said he did not speak against what the park board decided, but that he came to speak on the length of the leases. He said he spoke with the park board chairman and asked if it would be appropriate to go to the council. He added that park board members knew he would be going to the council.

Anderson asked McFarlin to talk more about teamwork and team playing. McFarlin stressed that teamwork and consensus building are critical, that these are critical in his consulting work. He said he likes to think he has been a good teammate on the park board. He feels once the body has made a decision, he supports that decision. McFarlin said the park board is doing a good job of expressing differing opinions and coming to agreement. He noted the Gray's Bay issue he was concerned about was shared by, if not a majority, a close minority.

Callison asked McFarlin what value he placed on the council's commitment for an attendant at the marina. McFarlin said this concerned him because the commitment was not clear to the park board and it took

awhile to determine that. He pointed out the park board is advisory to the council and he took his vote very seriously in an advisory role. He acknowledged the vote was one of advice. McFarlin said he still has concerns regarding that aspect of the business plan, which he sees as a barrier to managing municipal docks.

Thomas said he voted against the acquisition of the Williston Center when he was on the park board. He inquired about the use of property taxes vs. fees to cover services, and asked for input on the job the city is doing on taxes.

McFarlin responded the city has done a fantastic job on taxes. He suggested it would be a very exciting time for cities, and feels the relationship between the state and cities will change. He believes Minnetonka will be impacted and will require looking at other revenue sources such as user fees. McFarlin noted fees charged at the Williston Center are user fees and not taxes. He thinks cities and other units of government have no choice but to look at new ways of doing business. He added he is fiscally conservative.

Thomas asked how McFarlin feels about some services that are subsidized. McFarlin said there are some things that are no-brainers. He suggested the culture of the community should be measured; one way of doing so is to go to a fee-based model. He said he is a big believer in local autonomy.

Anderson presented McFarlin a list of council assignments outside of council meetings. She pointed out that the EDA, police advisory committee and charter commission have council liaisons. Anderson asked McFarlin if he would have time to serve on the council.

McFarlin responded that as a park board member, he would like to know more about what the city council wants from the board. He suggested a council member could provide an informal link. His thought was not to have a council member at every park board meeting.

Anderson asked McFarlin if he has any political party involvement. McFarlin said he has in the past. Anderson asked if McFarlin is aware the council is nonpartisan, and he responded affirmatively.

The interview with McFarlin concluded at this time.

Allendorf asked about the history of appointments for acting mayor and alternate acting mayor. Callison responded that staff usually prepares a history when council considers the appointments. Thomas and Tauer indicated neither of them are interested in these appointments.

Rhonda Simpson Brown

Brown told the council she has enjoyed the process. She thought the application was very helpful and logical. She expressed appreciation for the timeliness of the interview period and the council being on time. She liked the suggestion of sequestering.

Brown noted inherent in the process of selecting someone to fill a one-year term is a credibility issue. She pointed out Ward 3 voters are not getting to vote. She also knows this was a hard voters season, and sees the wisdom of an appointment. Brown noted four faith groups had major holidays during this busy time.

Brown said she is in good company with Wiersum and McFarlin, and is confident each of them would be mindful of the credibility issue. She said at the same time, council has a process to close the credibility gap. She expressed hope that the council should take some time to help close the gap once the person is appointed.

Anderson talked about how the council had similar discussions. She noted that filing for the Ward 3 council seat will occur in July.

Thomas asked if Brown were appointed, would she feel equal to the other council members who were elected. Brown said yes, that Ward 3 requires that of the candidates.

Schneider acknowledged he requested the sequestering. He noted the council deals with many land use issues, and there is a steep learning curve. He asked Brown what her base of knowledge is on land use and how quickly she thinks she can catch on to it.

Brown rated herself as a beginner, but rated herself extremely high on closing the gap. She pointed out that as a litigator, she has to comprehend and synthesize a great deal of information into clear and cogent issues. She would be comfortable getting help and would tap into every resource.

Callison noted there is a development proposal in Brown's neighborhood. Callison said if Brown were running for office, she would have residents asking about her position. Callison asked how Brown would respond.

Brown said she is acutely aware of the issue and has spent much time on it. She noted a lot comes to her in the community; dozens of households have weighed in with her, and she has a file on the project. Brown said

she has not spent the kind of time on this as she would as a council member, such as talking with the developer and seeking other views.

As a neighbor, Brown said she can ask how this impacts her or her neighbors. As a council member, her obligation would be broader. She acknowledged the differences in roles between being a neighbor and being a council member. Brown noted there are not just two sides to a story, but often five or six, and as a council member she would not wait to know all sides of a project.

Tauer gave the example of the future of the Williston Center and asked how Brown would decide if the city should become involved in certain types of activities beyond basic services like police and fire.

Brown talked about her history with and interest in the Williston Center, along with friends of hers. A friend had asked the question, "is this the business of the city"? Brown said she had not asked that question, but since then, does ask it. She would ask if an activity would build community and if it is the business of the city.

Schneider asked if a neighborhood coalesced around an opinion and the city chose otherwise, and if it was not a moral issue, how would Brown reconcile this.

Brown said her opinion should be informed by her constituents. She noted it is not unusual for a client to want her to take a position the client feels strongly about. Part of her job is to be a source of information and to see that all are on the same page, even if opinions differ. Brown said she could present the neighbors with information and ask them how to resolve the issues.

Anderson noted on Brown's application she indicated we need to embrace, not tolerate, diversity, including age and social status. She asked about how to attack that problem in Minnetonka.

Brown said diversity is a lot of things, not just race. She discussed examples like people who are medically assisted with technology and affordable housing. She said housing should be affordable to people in a wide array of income brackets so single adults and young families can live here. She has seen changes in her home value, and she thinks about the thousands of people who cannot live next to her.

Brown said she is convinced her neighborhood is better because of the differences of her neighbors. She said we have to make sure people can move here, and she would hate to see Minnetonka as an affluent

community for people 45 years and older. She stated Minnetonka is her city, and her neighbors feel the same way.

Anderson shared the council assignment list and asked if Brown still has time to serve on the council. Brown said she is an empty nester now, and her needs are met by being busy. She loves service work and deals with it with a passion.

The city council recessed at 5:15 p.m. and reconvened at 5:25 p.m.

Brad Wiersum

Wiersum thanked the council and indicated he was excited to be here. He said he has enjoyed the process and has met some nice people. He noted at the December 16 interview, he talked about having to make tough decisions. Wiersum assured the council that he has relevant experience to do so.

Schneider noted the council deals with many land use issues which requires a certain base of information. He asked Wiersum what base of knowledge he has related to land use, and asked how he would get up to speed on it.

Wiersum responded that although he does not have experience in land use, he is a quick study. He indicated he would rely on past experience and new learning, which would require extra time studying and talking with people. He said he would acknowledge what he does and does not know.

Allendorf said Wiersum's idea to reach out to ward residents quickly by meeting with them is a great one. He asked what Wiersum would do if nobody came to the meetings he might hold.

Wiersum said with information technology, there are many unobtrusive ways for people to express themselves. He noted whoever is appointed will have to take extra steps to reach out to residents. Wiersum indicated he would have office hours to create an opportunity for people to meet with him. He would also reach out through e-mail. He acknowledged not everyone has the ability to use information technology, so he would have to get the word out that he wants to talk with people to hear their opinions and ideas.

Tauer noted the city acquired the Williston Center a number of years ago. He pointed out this service is also available in the private sector. He asked Wiersum how he would decide which services should be provided by the city and which ones should not.

Wiersum responded the city should look at how we stack up to other cities. He said we should look at how much people are willing to pay and what our citizens value. Wiersum indicated pricing should be relative to what the community can afford. He said we need to reach out and understand what users and nonusers feel.

Callison noted there is a belief that government should be run like a business. She asked what the down side is to this, if there is one.

Wiersum acknowledged there are differences between business and government. He said in business, you decide what customers you want. The city, on the other hand, does not pick who lives here. He noted in a democracy, there are not the same freedoms as in business. He added that government cannot be autocratic, but business can.

Callison said Wiersum's application addressed taxes. She asked about other issues of importance to him. Wiersum cited issues related to the environment, parks, trails, and personal property.

Schneider asked Wiersum to elaborate on the changing demographics in the community. Wiersum noted the entire U.S. population is aging and services we have to offer change. He said the city should be sensitive to what is happening demographically and needs to make decisions on what kind of community it wants to be. Wiersum provided the example of Edina, which has made a commitment to senior housing. He noted this impacts transportation and zoning.

Callison inquired about Wiersum's position on user fees. He responded that if a small portion of the populace uses Williston Center, it is better for user fees to pay for it. Wiersum said he is not in favor of using user fees as a tax if everyone is using the service; then it becomes a tax.

Callison pointed out that people do not use police and fire regularly, and she asked about these. Wiersum said these are different since people want the certainty that if they need it, the service is there. He suggested on issues where there truly is a choice, then user fees are appropriate.

Schneider asked how aggressive the city should be on affordable housing. Wiersum acknowledged he is not an expert in this area and noted the city can benefit from a diverse community. He said the city can work on making affordable housing achievable and play a role in redevelopment. Wiersum referenced Brown's previous comment about seniors not being able to pay property taxes, and said the council might play a role for people at risk.

Tauer asked when Wiersum might get involved if a neighbor called with a planning issue. Wiersum said his first inclination would be to use the planning commission process as standard procedure. He felt if his proactivity would help, he may become involved. However, his general tendency would be to follow normal procedures.

Anderson pointed out there are not usually just two sides to a land use issue; often there are many more. She said legal rules are often met, and she wondered what a council member should do when trying to balance special interests.

Wiersum said if all issues were black and white, the council would not be needed. He noted it is best to be as knowledgeable as possible, to listen and to understand the law. He is impressed that the council works hard to gain consensus, which seems to work best in addressing the gray areas.

Tauer asked Wiersum if is willing to be the lone vote on some issues. Wiersum said he would vote his convictions and work hard to convince others of his position.

Anderson noted the job of a council member is bigger than the Monday evening meetings. She shared the list of council assignments and asked Wiersum if he still wanted to apply for the position.

Wiersum responded that City Manager John Gunyou had advised him of the 10 to 20 hours per week commitment, and he is still interested in the position. He asked the council if this is a fair assessment of their time commitment.

Anderson responded the time commitment is longer and larger at the beginning, and she spent about 20 hours per week when she was a council member.

Schneider said the level of involvement is the choice of the individual council member who decides how much to participate locally and regionally, and it is controllable to a certain extent. He noted most of the assignments on the list distributed by Anderson are by choice. He asked Wiersum if he intended to become involved in outside activities.

Wiersum responded that he does not like to do things halfway and likes Minnetonka being a leader. During his first year, Wiersum said he would work hard to be an effective member of the council and minimize outside activities. If he ran for reelection, Wiersum said he would want to be involved in greater aspects of the position.

Wiersum thanked the council and said he has been impressed with everyone who applied for the position. He feels he is a better citizen for being a part of the process.

4. SELECTION OF WARD 3 COUNCIL MEMBER

Anderson asked council members to rank each candidate as 1, 2, or 3. She said the council could discuss the candidates prior to ranking them, although the process used so far of rating first has served the council well. Allendorf suggested rating up front to see if the council is of like mind. Tauer agreed.

Callison asked how the rankings would be rated. Schneider suggested 1 is first choice, 2 is second choice, and 3 is third choice, and the council agreed.

The council proceeded to individually rate each of the candidates and turned their results in to Gunyou. Upon calculating the results, Gunyou reported the following results:

1 st choice:	Brad Wiersum (9 points)
2 nd choice:	Robert McFarlin (13 points)
3 rd choice:	Rhonda Simpson Brown (14 points)

Allendorf commented that the candidates are three terribly bright people. He felt the quality of the answers given by each of them was directly related to how concise the answers were. He stated that the more people wander or lecture, the more the point is lost.

Schneider echoed Allendorf's comments. He said he struggled with his first and second choices, weighing McFarlin's depth of knowledge and experience with Wiersum, who has an open mind, is a quick study, and can learn as he goes and not be prejudiced by what he already knows. Schneider said enthusiasm and fresh-start thinking were more important to him than knowing more information.

Tauer agreed, noting McFarlin could step into the job. He said Wiersum has the disadvantage of not having been on the council, but he understands process. Tauer added he was surprised by how quickly time went by during Brown's interview.

Thomas said he looked at McFarlin's convictions, many of which he shares. He did the same with Wiersum, who Thomas believes would stick to his guns. He pointed out the council was split by gender on how they voted for Brown, and he found that amazing.

Anderson said she established her selection criteria early in the process. She looked at length of time and experience in the community and a willingness to perform public service. She noted our tendency is to have people serve with us who are as much like us as possible. Anderson suggested this would make the council meetings easier. She noted the community is much more diverse than the council is, and not just race-wise.

Thomas pointed out that this is the result of using a selection process rather than an election.

Anderson said each of the three finalists think differently and approach things differently.

Callison said the process has worked very well. She felt that very little separated the three candidates, and believed Brown's different perspective would benefit the council. However, she said she is comfortable with the outcome.

Schneider concurred with having differences on the council. He noted his criteria involved the process for thinking through issues. He felt Wiersum was less sophisticated but more open. A concern with Brown is that she would get hung up with neighborhood groups by trying to bring them together, and this would be frustrating.

Anderson said she totally disagreed.

Tauer said in the first 31 applicants, he looked for volunteerism. He asked that Brown be involved in the city, possibly on the EDA.

Allendorf said the process worked well.

City Attorney Desyl Peterson noted the swearing in of the new council member was originally set for the second council meeting in January. She asked if the new member could be appointed and sworn in on January 6, 2003. Peterson pointed out that by law, Koblick will be appointed as county commissioner at 12:01 on January 6 and can no longer hold other office at that time.

Schneider moved, Tauer seconded a motion to select Brad Wiersum to fill the Ward 3 city council vacancy created by Linda Koblick's resignation. Allendorf, Schneider, Callison, Tauer and Anderson voted "yes". Thomas abstained from voting. Motion carried.

Gunyou suggested that he and Peterson meet with Wiersum, and he will schedule meetings with the department directors as well.

Anderson asked Thomas to explain his vote of abstention. Thomas responded he was the only person who suggested an election, and he was being consistent on this issue.

Schneider said he appreciated Thomas' conviction on this matter, and expressed appreciation for Thomas' objective participation in the process.

5. ADJOURNMENT.

Schneider moved, Allendorf seconded a motion to adjourn the meeting at 6:24 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Geralyn Barone
Assistant City Manager