

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, JANUARY 6, 2003**

1. CALL TO ORDER.

Mayor Karen Anderson called the meeting to order at 6:31 p.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, Al Thomas, Jan Callison, Dick Allendorf, and Karen Anderson were present. Terry Schneider was excused.

4. REORDERING THE AGENDA.

Anderson noted a typographical error in Item 10B.

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

5. MINUTES.

Tauer requested a change in wording on page 11.

Allendorf moved, Callison seconded a motion to approve the minutes of the December 16, 2002 regular council meeting as amended. All voted "yes." Motion carried.

6. SPECIAL MATTERS.

A. Appoint Bradley John Wiersum as Ward 3 Council Member and administer Oath of Office.

Allendorf moved, Callison seconded a motion appointing Bradley John Wiersum as Ward 3 council member, to fulfill the term of Linda Koblick. All voted "yes." Motion carried.

City Attorney Desyl Peterson administered the oath of office for Ward 3 council member to Bradley John Wiersum. Anderson welcomed Wiersum to the council.

B. Resolution designating an Acting Mayor and Alternate Acting Mayor for 2003.

Callison moved, Thomas seconded a motion to adopt Resolution No. 2003-001, designating Terry Schneider as Acting Mayor and Dick Allendorf as Alternate Acting Mayor for 2003. All voted "yes." Motion carried.

Tauer noted past acting mayor Janis Callison did a tremendous job last year, working many hours during Anderson's involvement with the National League of Cities. Anderson concurred.

C. Proclamation proclaiming January 20, 2003 as "Martin Luther King, Jr. Day."

Anderson read a proclamation proclaiming Monday, January 20, 2003, as "Martin Luther King, Jr. Day."

7. REPORTS FROM THE CITY MANAGER AND COUNCIL MEMBERS.

City Manager John Gunyou reviewed the upcoming council meeting schedule. A study session is set for January 13, 2003 to discuss the 2001 – 2002 council targets, and park plans will be presented for Pioneer, Linner and Covington Parks. Gunyou said city offices will be closed and there will be no council meeting on January 20, 2003 in observance of the Martin Luther King, Jr. holiday. He noted the next regular council meeting is on January 27, 2003.

Gunyou announced that a public reception recognizing outgoing council member Linda Koblick is scheduled for Monday, January 27, 2003 from 4:30 to 6:00 p.m. in the Shady Oak Room at the Minnetonka Community Center.

There were no reports from council members.

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

No one appeared.

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 January 6, 2003 claims list, including checks numbered 171352 through 171650 totaling \$1,924,839.85. All voted "yes." Motion carried.

B. An ordinance amending various sections of the City Code to change the name of the Operations and Maintenance Department to the Public Works Department.

Gunyou pointed out a typographical error on page 75 of the agenda packet, noting on the first line of section 3. of the ordinance, the word "director" should not be deleted.

Callison moved, Tauer seconded a motion to approve Ordinance No. 2003-01 amending various sections of the City Code to change the name of the Operations and Maintenance Department to the Public Works Department. All voted "yes." Motion carried.

C. Designation of the City's Official Newspaper for 2003.

Allendorf noted that one of the reasons cited for the selection of the *Sun/Sailor* as the city's official newspaper is because of its home distribution. He said last year the paper was not distributed in his area, and it is no longer available in local grocery stores. Allendorf asked for an explanation.

Gunyou responded he did not have an answer but would contact the Sun Newspapers for an explanation.

Tauer said selecting the Sun Newspapers does not lessen his appreciation for the *Lakeshore Weekly News*.

Allendorf moved, Tauer seconded a motion to designate the Sun Newspapers as the city's official newspaper for 2003. All voted "yes." Motion carried.

D. 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 office building at 10400 Bren Road East.

Tauer moved, Allendorf seconded a motion to adopt Resolution No. 2003-002, 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 10400 Bren Road East. All voted "yes." Motion carried.

E. Re-Authorization of the Mediation Services Agreement.

Tauer moved, Allendorf seconded a motion re-authorizing the Mediation Services Agreement with the North Hennepin Mediation Program for 2003. All voted "yes." Motion carried.

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

12. **INTRODUCTION OF ORDINANCES.**

A. Introduction of an ordinance amending a PID (planned I-394 district) master development plan and approving final site and building plans for a parking deck at 401 Carlson Parkway for Carlson Real Estate Company.

Tauer moved, Callison seconded a motion to introduce and refer to the planning commission an ordinance amending a PID (planned I-394 district) master development plan and approving final site and building plans for a parking deck at 401 Carlson Parkway for Carlson Real Estate Company. All voted "yes." Motion carried.

B. Introduction of an ordinance amending City Code Sections 625.045(1) and 625.055 regarding illegal possession and administrative penalties for tobacco violations.

Peterson explained the proposed ordinance amendment and its purpose.

Tauer asked if someone under the age of 18 could work in a store handling tobacco sales or stocking. Peterson responded if someone under 18 is working, an employee older than 18 must handle tobacco sales.

Callison said the proposed changes are appropriate. She recalled a violation two years ago, and said the penalties were not harsh enough at that time.

Peterson noted that state law requires annual compliance checks, so more violations may be likely.

Wiersum suggested that a more severe financial fine should be imposed for a third offense. Peterson noted that in addition to the monetary penalty, the license is suspended for seven days on a third offense.

Allendorf said seven days is significant enough because of the loss of sales. He asked if the state covers the cost of compliance checks and wondered how the checks are conducted.

Peterson responded the state-mandated compliance checks are not funded by the state. She said the police department provides youth, usually members of the city's Explorer Post, and a licensed police officer to conduct the checks. Peterson pointed out the youths are instructed to be truthful, because the intention is not to trick the merchants. She explained that merchants often do not ask for age verification.

Callison moved, Allendorf seconded a motion to introduce an ordinance amending City Code Sections 625.045(1) and 625.055 regarding illegal possession and administrative penalties for tobacco violations. All voted "yes." Motion carried.

13. PUBLIC HEARINGS. None.

14. OTHER BUSINESS.

A. Public Notification Process

Gunyou said although the staff report notes a motion to approve this item is required, the council does not need to take any official action. Implementation will be handled administratively.

Gunyou explained the purpose of the updated public notification process is to better inform the public and have a more systematic and uniform process.

Barone noted a multi-departmental employee group developed this process. She reviewed the various options for keeping the public informed.

Thomas suggested that on some notification letters, the ward council member's name should be included. Barone pointed out this has been done with the notices for park renewal meetings.

Thomas said he often hears residents say they never received a notification letter from the city about a project. He suggested that staff keep mailing lists of who was notified.

Gunyou explained that changes in the appearance of the letter would hopefully reduce the number of those notices that are discarded with junk mail.

Thomas suggested residents should be able to register on the city's website to be e-mailed about issues specific to their ward. Gunyou noted the city already has an electronic newsletter e-mailed regularly to interested subscribers. He added with the Sloan Foundation grant, an interactive communication tool will be available through the city's website.

Allendorf endorsed including the ward council member's name on notification letters. He asked if the voicemail system could realistically be updated every week. Allendorf said staff had not mentioned use of the *Minnetonka MEMO* and the local newspapers as notification tools. He asked if we had compared our processes with other cities.

Gunyou replied that comparisons with other cities had not been made. Barone said the voice message system might not be applicable in all instances. She added that in the case of road projects, a recorded phone system has been effectively utilized.

Callison asked that the envelope design be eye catching. Planning Director Geoff Olson said notices from his department have "Important Public Notice" stamped on the envelopes.

Tauer asked that the ward council member not be listed as the first person to call since it might be easier for staff to respond to questions. He agreed with keeping the 400' notification area as the legal requirement.

Tauer said the phone hotline utilized for the Lake Windsor road project this past summer was very effective. He stressed the importance of keeping the website updated. He asked how many residents have web access and if there is an alternative for those who do not have it.

Gunyou responded that last spring's community survey results indicated that about 90% of the city's residents have Internet access either at home or work. He said this will not be the sole source of city information, and more avenues in the ways people

want to get information will be provided. He added the *MEMO* is often preferred, and those articles reference the website's Hot Topics where more detailed information is available.

Tauer complimented staff on the nice, thoughtful job it did on this project.

Wiersum said from a layout and design perspective, the notification letters are well done. He said the headlines get the message across and the questions are pertinent.

Anderson inquired about the ability to count "hits" on the city's website. Barone responded this technology is now available.

Callison asked if there are any noticeable budget impacts with the proposed changes. Gunyou responded the impact is expected to be minimal.

Anderson expressed her appreciation for the staff work on this project.

15. APPOINTMENTS. None

16. ADJOURNMENT.

Thomas moved, Tauer seconded a motion to adjourn the meeting at 7:36 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Geralyn Barone
Assistant City Manager