

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, JANUARY 27, 2003**

1. CALL TO ORDER.

Mayor Karen Anderson called the meeting to order at 6:32 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 Terry Schneider, Brad Wiersum, Al Thomas, Jan Callison, Dick Allendorf, Ken Tauer, and Karen Anderson were present.

4. REORDERING THE AGENDA.

An addendum was made to item 13A-1 regarding an amendment to the storm water utility policy.

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

5. MINUTES.

Allendorf moved, Callison seconded a motion to approve the minutes of the December 16, 2002 special council meeting. Schneider, Thomas, Callison, Allendorf, Tauer, and Anderson voted "yes." Wiersum abstained. Motion carried.

Allendorf moved, Thomas seconded a motion to approve the minutes of the December 19, 2002 special council meeting. Schneider, Thomas, Callison, Allendorf, Tauer, and Anderson voted "yes." Wiersum abstained. Motion carried.

Allendorf moved, Callison seconded a motion to approve the minutes of the January 6, 2003 regular council meeting. Wiersum, Thomas, Callison, Allendorf, Tauer and Anderson voted "yes." Schneider abstained. Motion carried.

6. SPECIAL MATTERS.

A. Recognition of Linda Koblick, former Ward 3 Council Member.

Anderson read a statement of recognition for Linda Koblick and presented a service award to her. Anderson thanked Koblick for her assistance, personally and professionally, especially due to Anderson's National League of Cities duties. She congratulated Koblick on her election to the Hennepin County board and thanked her for her years of service to the city.

Koblick said she is grateful to the citizens of Minnetonka and honored to be here. She thanked the council for the reception recognizing her service and welcomed Wiersum to the council. Koblick noted a great deal was accomplished in her seven years on the council. She thanked those who elected her, the council and city staff. Koblick said she looks forward to working with the city as a county commissioner.

B. Presentation of Reflections Award to co-winners: the Glen Lake Optimists organization and John Kokesh.

Callison provided a brief introduction on the Reflections Award. Anderson recognized the Glen Lake Optimists organization as one of the co-winners of this year's award for its work for children and families. She presented the award to Kent Dunder, president of the Optimists. Dunder thanked the city for the award and the citizens of Minnetonka who buy the Optimists' Christmas trees.

Callison recognized John Kokesh for his community work related to homelessness and his volunteerism at ICA. She presented the award to Kokesh as the other co-winner. Kokesh said he was honored and thanked everyone from the city.

Anderson and Callison presented certificates to the honorable mention award winners as follows:

Michael Kelly/Ruth Kloser of Great Harvest Bread
District 276 referendum supporters
Hugh Kurtzman
Richard and Beverly Lindeman
Minnetonka Heights Outreach Program
Ann Osborne
Laura Ronbeck and Kathy Magrew
Tonka Rake-A-thon
Holly Raby
Robert Walker

C. Proclamation of the month of February as National African American History Month.

Schneider read a proclamation proclaiming the month of February 2003 as National African American History Month.

7. REPORTS FROM THE CITY MANAGER AND COUNCIL MEMBERS.

City Manager John Gunyou noted the next regular council meeting is on February 10, 2003. The 2003 State of the City Address is on February 12, from 7:30 to 9:00 a.m. at the Minnetonka Community Center, and the community is welcome to attend.

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

Anderson recognized Robert Schmidt, 16001 Tonkawood Court, who spoke against a proposed storm sewer project in his neighborhood. City Engineer Lee Gustafson noted a neighborhood meeting about the project had been held last week, and several approvals by the city council would be necessary for the project to become a reality. He noted that a feasibility report is being prepared, and this would be presented to the council at an upcoming meeting.

Schmidt asked that his name be withdrawn from the 1985 petition since he believes the project is no longer needed. He asked that the swamp be left alone. He expressed opposition to the proposed storm water utility fee.

Anderson recognized David Muhs, 16051 Tonkawood Court, who stated that everyone at the neighborhood meeting was against building a drain and in favor of dredging.

Anderson said the council could not respond this evening because all of the information is not available. She added when the project officially comes before the council, any concerns will be considered at that time.

Muhs said he was led to believe the project would happen regardless of what the neighbors think. Anderson said the city council would determine if the project would go forward.

Gunyou said the engineering staff would take the neighbors' comments under consideration when preparing a report to the council. Gustafson concurred, and said staff is researching what is permissible. He noted the hydrology of the pond is being reviewed, adding the pond outlet is shown as a high priority in the city's water resources plan.

9. BIDS AND PURCHASES.

A. Authorization of Purchase Agreement with William and Gayle Andrs to purchase the property at 12418 Minnetonka Boulevard.

Gunyou reported that this item and the next one are part of the city's open space preservation program. He noted the park board and council established priorities for preservation, and that these properties are both high priorities located along Minnehaha Creek.

Tauer said the Andrs' property is one of the highest priority parcels for preservation, and Allendorf agreed.

Allendorf asked how much of the referendum dollars had been spent on open space and requested a progress report as funds are expended. Gunyou said he would provide this information.

Allendorf moved, Callison seconded a motion to approve the purchase agreement with William and Gayle Andrs to purchase the property at 12418 Minnetonka Boulevard. All voted "yes." Motion carried.

B. Authorization of Purchase Agreement with Gerard Zimney to purchase the property at 11701 Cedar Lake Road.

Callison moved, Thomas seconded a motion to approve the purchase agreement with Gerard Zimney to purchase the property at 11701 Cedar Lake Road. All voted "yes." Motion carried.

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

A. Claims for council authorization (January 13, 2003).

Tauer moved, Callison seconded a motion to approve the January 13, 2003 claims list, including checks numbered 171651 through 172036, totaling \$817,121.86. All voted "yes." Motion carried.

B. Claims for council authorization (January 27, 2003).

Tauer moved, Callison seconded a motion to approve the January 27, 2003 claims list, including checks numbered 172037 through 172368, totaling \$1,410,722.62. All voted "yes." Motion carried.

C. An ordinance amending City Code Sections 625.045(1) and 625.055 regarding illegal tobacco possession and administrative penalties for tobacco violations.

Tauer moved, Callison seconded a motion to adopt Ordinance No. 2003-02, amending City Code Sections 625.045(1) and 625.055 regarding illegal tobacco possession and administrative penalties for tobacco violations. All voted "yes." Motion carried.

D. Resolution approving a conditional use permit for an accessory apartment at 19106 Townline Road for Lucinda and Michael Blanchfield.

Tauer moved, Callison seconded a motion to adopt Resolution No. 2003-003, approving a conditional use permit for an accessory apartment at 19106 Townline Road for Michael and Lucinda Blanchfield. 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.
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.

E. Resolution ordering the abatement of certain conditions existing at 15216 Highwood Drive.

Tauer moved, Callison seconded a motion to adopt Resolution No. 2003-004, ordering the abatement of certain conditions existing at 15216 Highwood Drive. All voted "yes." Motion carried.

F. Authorizing the Mayor and City Manager to execute a Memorandum of Understanding between the City of Minnetonka and the Minnehaha Creek Watershed District.

Tauer moved, Callison seconded a motion to authorize the Mayor and City Manager to execute a Memorandum of Understanding between the City of Minnetonka and the Minnehaha Creek Watershed District. All voted "yes." Motion carried.

G. Resolution receiving petitions for storm sewer improvements and authorizing preparation of feasibility reports.

Anderson asked if the petitioners were aware of the timing of the project. Gustafson responded they were.

Schneider moved, Wiersum seconded a motion to adopt Resolution No. 2003-005, receiving petitions for storm sewer improvements and authorizing preparation of feasibility reports in the vicinity of 2900 and 2910 Ellsworth Lane, 12740 Excelsior Circle, and 12807 Dolittle Drive. All voted "yes." Motion carried.

H. Authorization to enter into an agreement with the City of St. Louis Park for the ownership and operation of Ford Park.

Tauer moved, Callison seconded a motion to authorize the execution of the new agreement with the City of St. Louis Park outlining the ownership and operation of Ford Park. All voted "yes." Motion carried.

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

12. INTRODUCTION OF ORDINANCES.

A. Introduction of an ordinance rezoning 26 Kingsview Lane from R-1 low density residential, to R-2 low density residential to allow 15,000 square foot lots.

Allendorf inquired about a straight lot line versus a crooked line. Director of Planning Geoff Olson said the straight line is preferable, because it would make things easier for the property owner in the future. He showed what a jogged property line would look like.

Allendorf moved, Tauer seconded a motion to introduce the ordinance rezoning 26 Kingsview Lane from R-1 low density residential, to R-2 low density residential to allow 15,000 square foot lots and refer it to the Planning Commission. All voted "yes." Motion carried.

13. PUBLIC HEARINGS.

A. Items pertaining to establishing a storm water utility:

- 1. Resolution approving a storm water utility policy**
- 2. Public hearing and resolution establishing storm water utility fees**

3. Resolution amending the storm water improvement policy

Gunyou provided background and context regarding the proposed storm water utility. He emphasized the many efforts taken over the past year to inform the public of the proposed fees. Gustafson reviewed the proposed policy and associated issues.

Callison thanked staff for adding language to clarify the policy. She asked what the benefit of the policy is to individual residents.

Gunyou discussed the increased cost pressures related to new federal requirements and cuts in state funding. He said the city does not specially assess individual properties for projects, and this citywide fee will be used to cover all storm water improvement expenses. He added the community benefits from the projects, and this is a more fair and equitable way of paying for the improvements.

Callison asked what is achieved by having a storm water management program, and Gunyou responded the benefits relate to erosion control, minimization of tree loss and basement flooding, and wetland preservation.

Callison asked what mechanism is used to increase the fees and if the amount designated is adequate. Gunyou said the city budgets for needed projects, rather than raise the money first and then decide how to spend it. Those needs are determined in the annual CIP process. He noted the fees would be regularly reviewed by council, much like the water and sewer rates. The city typically makes modest annual adjustments to account for cost inflation.

Allendorf referenced the rate comparison chart, which showed the average rate paid by cities polled as \$3.60/month. He asked why Minnetonka's new rate would be at \$2.50/month rather than the average.

Gunyou responded that Minnetonka's needs were reviewed, and \$2.50/month fully funds the projects scheduled in the Capital Improvements Program. If the city were to charge the average, more money than is needed would be collected. Gunyou pointed out there is a backlog of projects and if the council decided to do more project sooner, then the rate could be reviewed.

Wiersum asked what causes the wide disparity of rates across cities. Gustafson said the cost for storm sewer projects related to

large construction projects sometimes dictates how high the rates are. Gunyou noted that some cities also special assess their residents on top of the citywide charges.

Wiersum noted income from the storm water utility fees is expected to raise \$900,000. He asked what the city has spent historically over the last several years on storm water management projects.

Gustafson said expenses have been approximately \$800,000/year over the last few years. This amount will increase by about \$100,000 due to new federal mandates.

Anderson asked for a description of the new federal mandates. Gustafson explained the requirements of the National Pollution Discharge Elimination System (NPDES). Anderson asked if this is considered an unfunded mandate, and Gustafson responded affirmatively.

Anderson inquired about the suggestion that the new fee should not be adopted unless it is approved by a referendum. City Attorney Desyl Peterson said that suggestion is illegal, noting this is a representative democracy and elections can only be held for those things required by state law or city charter. Peterson stressed that the council has to set rates and cannot give away that authority.

Anderson opened the public hearing at 7:56 p.m. and inquired if anyone wished to speak.

Robert Schmidt, 16001 Tonkawood Court, said it appears Minnetonka will follow the federal, state and county by charging fees for things that benefit the entire community. He provided examples of government fees collected on phone and cable television bills. He noted the city already charges a fee on the water bill for state water testing.

Schmidt said he does not object to the recycling fee; he recycles much of his waste and others do not. He suggested that the city now wants to convert a tax to a fee for a service he does not get. He added that most have already paid assessments when they purchased their properties.

Schmidt noted the 14% increase in property taxes and said the city is depriving residents of an income tax deduction by collecting fees. He said 20% of the \$900,000 is going to the state and federal governments, and added that raising taxes does not cure a recession.

Schmidt concluded that storm water management is not a utility any more than painting a stripe down the street is. He told the council if they vote for this fee, he would campaign against everyone who seeks reelection.

Anderson said she can understand calling this a tax, but the legislative authority given to cities structures this as a fee to be raised.

Gunyou said charging a utility fee for streets and snow plowing is not allowed under state law. He pointed out that Minnetonka does not assess franchise fees for phone, gas, or electrical service, as many cities do. Gunyou noted the 14% property tax increase is below the average of 17% for Minnetonka, and added the city budget is responsible for only 3.7% of the increase. The other increases are due to school district and city referenda, along with state tax law reform.

Schneider agreed that anytime revenue is raised, it is a tax. He noted this council is always very thorough when considering whether to raise taxes or fees, and always determines if it is necessary. Schneider said the council considers the purpose, whether it is viable, what the options are, and what the fairest and most equitable way of collecting revenues is.

Schneider said the city has closely reviewed what should be a general tax versus a special assessment. He noted that cities have limited control in deciding revenue issues. He pointed out there is a need and a mandate for the increased costs, there is a levy limit, and the options are to cut services or increase fees. The council knows what projects this fee will pay for and the benefit of improved water quality. Schneider said the storm water utility fee is the most appropriate mechanism for raising revenue at this point in time.

David Muhs, 16051 Tonkawood Court, agreed with Schmidt. He asked if the \$800,000 budgeted for 2003 is already funded. He asked to debate what benefit there is to approve the fee, because it is funded as far as he could tell and taxes could be increased if needed.

Anderson responded that the city could not just add these expenses to the taxes, because there are levy limits imposed by the state.

Gunyou added the city is at its levy limit this year because of the very small inflationary cost increase allowed by the state limit. He noted in previous years the city was below its levy limit. Gunyou said the storm water utility fee is one of the few mechanisms allowed by state law to fund this critical service. He said both the capital and operating budgets assume this fee is in place, and there are no property tax dollars set aside for these projects in 2003.

Anderson pointed out if the city had not planned for the expected state cuts last year, \$900,000 would have to be cut from the 2003 budget.

Gary Medin, 2529 Bantas Point Road, said he likes what the council is doing. He stated that in his neighborhood, there is not a single home that would benefit from any kind of project the city could do.

Anderson responded that his neighborhood is at the mercy of the level of Lake Minnetonka.

Schneider said because the city does a better job of managing storm water throughout the city, the amount of runoff to Lake Minnetonka could be slowed so it is less than it might be. He said by adopting the water management plan and having an effective system, the city is better able to help properties.

Gunyou noted that calling this program a utility is somewhat confusing, but state law requires that term.

James Calkins, 3097 Birch Place, said he lives on Minnehaha Creek. He asked how streets owned by the state and county are affected by the utility.

Gustafson responded that all public rights-of-way are exempt from public utility charges. Anderson asked about county property that is not in the right-of-way. Gustafson replied that the Hennepin County home school and libraries would be charged fees in accordance with their type of classification. He reviewed the rate schedule based on classifications.

Calkins stated that roads and highways are primary sources that affect water runoff. He expressed his support for the policy, pointing out that everyone contributes to runoff with roofs and driveways. He preferred the fee to be based on the amount of impervious surface, which may be fairer and may provide an incentive to reduce impervious surfaces.

Calkins supported using the funds in areas where problems are generated, since some areas create a great deal of runoff. He said he lives on a street with no storm sewer. He knows these can be used to capture and clean up water before discharging it, although they end up serving as a point source. Calkins recommended against using all the fees collected just for storm sewers. He would not want storm sewers being installed if other methods are available.

Anderson asked if staff ever considered basing the fee on the amount of impervious surface. Gunyou responded affirmatively, noting this would be the preferred method. However, he noted other cities all use a flat fee, and it would be very difficult to monitor the amount of impervious surface. Gunyou said the funds collected would also be used for wetlands programs. He added that projects are completed based on need, but the geographic distribution is monitored.

Tauer pointed out that commercial sites have more impervious surfaces than residential properties. Gustafson pointed out the rate schedule accounts for this.

Tauer said he had spoken with Chuck Wright, a resident living on Ann Lane, who strongly opposes the fee.

Anderson said she received an e-mail message from Neil Ross, who had a number of questions about the proposed fee. She said the city manager had already responded to Ross.

Anderson inquired if anyone else wished to speak. Seeing no one, she closed the public hearing at 8:33 p.m.

Callison reiterated that by state law, the city is required to call this source of revenue a fee rather than a tax. She said there are benefits to individual properties and a benefit to living in a community where the natural resources are protected.

Callison acknowledged if the expenses for this program were paid for by a tax, it would be deductible. This is why the city does not special assess road projects. She said in this case, the city does not have that option without substantially cutting city services. Callison expressed her support for the storm water utility fee.

Allendorf agreed with Callison and said he owns the fact that this is an increase in taxes. He also knows this is the way the state allows

the city to address its needs. He noted the city would not charge the average of what other cities charge because funds are not collected just to have them. He added the city collects only what is needed. Allendorf said the fee amounts to \$30 per year for a household, an amount he does not view as life changing.

Wiersum said he would prefer calling this a tax rather than a fee. He said given the \$900,000 budget gap and the need to manage storm water, he supports the fee.

Anderson expressed her surprise over the lack of comment from the community on this issue, given its wide publicity. She said the small amount of feedback she did receive was balanced between those supportive and those not supportive. She feels the vast majority of residents support maintaining and enhancing water quality, which is a strong community value. She added this helps her justify supporting the fee.

Schneider moved, Callison seconded a motion to:

1. Adopt Resolution No. 2003-006, approving a Council policy for storm water utility.
2. Adopt Resolution No. 2003-007, establishing storm water utility fees.
3. Adopt Resolution No. 2003-008, amending the storm water improvement policy.

All voted "yes." Motion carried.

14. OTHER BUSINESS.

- A. Ordinance amending a PID (planned I-394 district) master development plan and approving final site and building plans for a 240—stall parking deck at 401 Carlson Parkway for Carlson Real Estate Company.**

Olson provided an overview of this item.

Callison asked if expansion of the existing ramp was considered. Olson responded affirmatively, noting there were two major concerns. The ramp was not structurally built for additional levels, and the goal was to minimize the visibility from I-494.

Callison inquired about the additional landscaping. Olson replied that a specific landscaping plan has not been done. The site plan shows the area of landscaping in concept only. He noted Carlson Co. is willing to install landscaping, and one of the stipulations requires staff approval of it. Olson said based on Carlson Co.'s track record, he is fairly confident that a workable landscaping plan will be prepared.

Allendorf asked if a Travel Demand Management (TDM) plan is required, and Olson responded affirmatively. Allendorf inquired about what sort of monitoring of goals of achievement will be in place. He expressed concern about what would happen when Medica comes in and the incentive to meet the goals is no longer there.

Olson said he had hoped the TDM plan would be in place with the original plan. That leverage will be lost with the approval of the items before the council. He noted there is a certain level of faith, and staff tends to monitor progress of these plans. He added there would only be leverage with the construction of the ramp on the west side.

Rankin said the city is getting an up-front commitment from Medica and there are check-in points to monitor. The key aspect will be Medica continuing to promote the plan amongst its employees.

Allendorf said he has faith in Carlson Co. He challenged staff to press this and think out what can happen if the city loses all leverage. He suggested if monitoring does not go as it should, a contingency plan should be in place.

Olson responded that these suggestions would be incorporated into the process.

Schneider viewed the whole office park and Ridgedale area as congested. He noted any efforts for mass transit and other options will help reduce congestion. He suggested picking two to three elements to facilitate mass transit and require them, such as van pooling, staggered starting hours, and carpooling facilitation.

Allendorf said he would agree with this if he did not know how far TDM has come. He feared dictating a solution that does not work for Carlson Co. or Medica. He preferred having Carlson Co. and Medica work with the consultant to set goals and actions if the goals are not met.

Anderson agreed, noting the disruption associated with upcoming construction on I-494 will create a great incentive for TDM. She supported not having the development right up against the freeway. She had hoped to see a graphic viewshed from I-494 of what the parking ramp would look like. She said her greatest fear is this would look like the parking ramp in the Minnetonka Corporate Center that is right up against the freeway. She requested that a viewshed be included in an upcoming Weekly Information Packet (WIP).

Schneider inquired about a signalized intersection at Carlson Parkway and Cheshire Lane. He opposed installing the signal unless a documented need was shown.

Gustafson responded that staff agrees there is no need for a signal right now. He added if there is a documented need in the future, a mechanism is in place to add one.

Olson said the stipulation regarding the signal requirement was carried forward from the 1999 approval. The traffic consultant determined there might be some need before 2010.

Matt Van Slooten, president of Carlson Real Estate Co., said he is very excited about the possibility of bringing Medica to the 401 Carlson Parkway building. He noted there are six different tenants that will be moved from that building to the 301 Carlson Parkway building.

Van Slooten said going forward, he does not envision major changes in the parking and said he is very committed to making TDM effective. He added that parking would be fairly tight, with the 301 lot expected to be quite full and the Medica lot full. He said he prefers to avoid adding another lot.

Van Slooten noted this opportunity came up quickly and his firm had to work with many companies and go through the city's process. He said staff has been very responsive and helpful to come up with the best plan.

Callison moved, Allendorf seconded a motion to adopt Ordinance No. 2003-03, amending a PID (Planned I-394 District) master development plan and approving final site and building plans for a 240-stall parking deck at 401 Carlson Parkway for Carlson Real Estate Company. The ordinance is based on the following findings:

1. The proposal meets the required standards and ordinances for a site and building plan approval.

Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Parking plan, dated December 6, 2002
 - Site plan, dated December 6, 2002
 - Grading, drainage and erosion control plan, dated December 6, 2002
 - Conceptual landscape plan, dated December 6, 2002

The above plans are hereby adopted as the master development plan amendment and the site and building plans for the proposed parking deck.

2. Parking site 1c is designated as a proof-of-parking lot. Before this parking lot can be built, the applicant must demonstrate to the satisfaction of the City Council that no additional travel demand management measures can be reasonably taken to avoid the need for the parking lot.
3. The following work must be completed before the City issues a grading permit or before starting any site work for the site 2d parking deck:
 - a) Staff approval of a traffic demand management (TDM) plan. Staff will review this plan with the planning commission and the I-494 consultant before approval.
 - b) Submit revised erosion control and tree protection plans for staff approval.
 - c) Fence all trees to be preserved and install erosion control measures.
 - d) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
 - e) If required, submit copies of the watershed district permit. The City may require revisions to the approved plans to meet the districts requirements.

- f) Submit a construction management plan for staff approval.
 - g) Submit soils information of the low area to the east of the parking deck. If this area is deemed a wetland, the approved plans must be modified so that there is no impact on the wetland.
 - h) Submit a letter signed by representatives from Carlson Realty and Medica that Medica has a signed and executed lease to occupy the building at 401 Carlson Parkway.
4. The following must be submitted to the City before the City issues a building permit for the parking deck:
- a) A final landscape and irrigation plan for staff approval. The revised plan must include plant materials and sizes consistent with those used around the perimeter of the site 2c parking deck.
 - b) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
 - c) An illumination plan for staff approval.
 - d) Record this ordinance with the County.
5. The proposed parking deck must have the same exterior as the site 2c parking deck.
6. The property owner is responsible for replacing any required landscaping that dies.
7. Within 24 months after receiving written notice from the City, the applicant agrees to have a traffic signal installed at the Carlson Parkway/Cheshire Parkway intersection. The applicant must pay for all costs associated with the traffic signal installation.
8. Construction must begin by December 31, 2003, unless the Planning Commission grants a time extension.

All voted "yes." Motion carried.

Anderson thanked Carlson Co. for the good working relationship with the city. She said she was delighted that Medica can stay in Minnetonka with a quality development.

15. APPOINTMENTS.

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

Anderson introduced this item and noted that Tauer discussed with her the need to have a council or staff representative on the Music Association of Minnetonka (MAM) board and the Bennett Family Park board. She pointed out that having a city liaison on these boards allows for monitoring their activities more closely, but sometimes the liaison is put in an awkward position. She noted her recommendation is for Recreation Director Dave Johnson to serve on the MAM board and Wiersum to serve on the Bennett board.

Tauer said he does not oppose city involvement on these boards. He noted that as the liaison to the Bennett board, he often did not understand or care about the issues being discussed (e.g., umpires, scheduling, etc.). He said on one hand he felt like an intruder, and on the other if there was a question about the city contributing money, his role seemed to shift, making it difficult to vote against it. He suggested there is definite benefit to having a liaison, but he did not feel it is necessary for the liaison to be a voting member.

Schneider said his assumption is that MAM and Bennett requested the city to serve on their boards. He suggested the city give them an opportunity to reconsider, expressing the desire to keep things less institutionalized and more informal.

Thomas said if someone has a passion to serve on one of these boards, he or she ought to be able to do so. He recalled his first year as a city council member when he was appointed to the Bennett board. He said this was an awkward situation for him, especially since he did not support the board financially when he served as a park board member. At that time, he said he did not feel as though he had a choice, and someone should not just be appointed to fill a vacancy.

Callison said she served on the MAM board. She felt the city should be represented since a public financial contribution is being made. She added the same argument could be made for other boards where the city is represented, such as the land trust board.

Allendorf said he has seen over the years the pressure or coercion with a council member serving on a board. He noted that if a council member is on a board, he or she almost has to advocate for what the board requests. This puts the council member in an awkward position. He feels the pressure would not be the same if a staff member served on the board.

Tauer said he discussed this issue with the Bennett board. He said it would be nice to have a park board member as the liaison, or Johnson might be a better choice.

Anderson asked if Wiersum would be willing to serve on the Bennett board before the council has a chance to more fully discuss this issue. Wiersum responded that he has two boys who play baseball at Bennett, and he would be comfortable serving on the board. He agreed with the concern about the potential conflict of interest.

Anderson noted Koblick raised some unpopular issues when she served on the MAM board. Anderson pointed out that council members could be a participant and make a group stronger.

Anderson moved, Schneider seconded a motion:

- That Terry Schneider is reappointed as the Minnetonka City Council Legislative Contact to the Association of Metropolitan Municipalities.
- That Brad Wiersum is appointed as the Minnetonka City Council representative to the Bennett Family Park Board.
- That Dave Johnson is reappointed as the City of Minnetonka representative to the Music Association of Minnetonka.
- That Al Thomas is appointed and Ken Tauer reappointed as the Minnetonka City Council representatives to the Economic Development Authority.
- That Dick Allendorf is reappointed as the Minnetonka City Council representative to the I-494 Joint Powers Organization and the Southwest Suburban Cable Commission.

- That Karen Anderson is reappointed as the Minnetonka City Council representative to the Municipal Legislative Commission.
- That Desyl Peterson is appointed the Minnetonka City Council's appointed representative to the Suburban Rate Authority.
- That Terry Schneider is reappointed the Minnetonka City Council representative to the West Hennepin Affordable Housing Land Trust (WHAHLT).

All voted "yes." Motion carried.

B. Appointments and reappointments to City of Minnetonka boards and commissions.

Thomas requested the ordinance regarding boards and commission appointments be amended to require representation from every ward.

Anderson challenged ward council members to identify people and encourage them to apply.

Schneider said he does not think there needs to be an exact number of representatives from each ward, but feels there should be at least one from each. He suggested a little extra effort should be made to encourage people to get involved.

Anderson noted there are about ten people waiting to be interviewed. She indicated she is recommending the appointment of a non-voting youth representative to the EDA. She added there already are youth voting members on the Community Heritage Commission and the Police Advisory Committee.

Anderson requested that discussion of council and staff liaisons to boards be placed on an upcoming agenda.

Allendorf said he is glad to see some who interviewed for the Ward 3 council vacancy will be appointed to boards and commissions.

Schneider suggested instead of having an official council liaison to the city's advisory boards and commissions or having the chairpersons of these groups report to the council, a study session with the boards and council should be scheduled immediately prior

to one of the regular board/commission meetings. He said the council might then have a better appreciation of the issues.

Anderson moved, Wiersum seconded a motion to approve appointments and reappointments to the Minnetonka Boards and Commissions as follows:

Appointments

That Isabelle (Bunny) Robinson, 12800 Meadow Circle, is appointed to the EDA for a two-year term, effective February 1, 2003 and expiring on January 31, 2005.

That Paula Chatterjee, 13588 Westernesse, is appointed to the EDA as a non-voting youth liaison for a one-year term, effective February 1, 2003 and expiring on January 31, 2004.

That Council Member Al Thomas, 15101 Peteler Lane, is appointed to replace former Council Member Linda Koblick on the EDA, to fulfill the remaining portion of her term, effective February 1, 2003 and expiring January 31, 2006.

That Cathy Maes, 4019 Thrushwood Lane, is appointed to the Planning Commission for a two -year term, effective February 1, 2003 and expiring January 31, 2005.

That Robert Douglas (Doug) Britain, 1527 Clarendon Drive, is appointed to the Planning Commission for a two-year term, effective February 1, 2003 and expiring January 31, 2005.

That Arthur Stickle, 3429 Fairlawn Drive, is appointed to the Police Advisory Committee for a two -year term, effective February 1, 2003 and expiring January 31, 2005.

That Wendy Steinmetz, 3707 Sunrise Drive East, is appointed to the Police Advisory Committee for a two -year term, effective February 1, 2003 and expiring January 31, 2005.

Reappointments

That Ken Tauer, 9801 Robin Oak Road, is reappointed to the EDA for a two-year term, effective February 1, 2003 and expiring on January 31, 2005.

That James Calkins, 3097 Birch Place, is reappointed to the Park Board to serve another two-year term of office, effective February 1, 2003 and expiring on January 31, 2005.

That Paul Lehman, 15805 Nursery Drive, is reappointed to the Park Board to serve another two-year term of office, effective February 1, 2003 and expiring on January 31, 2005.

That Sue Woodrich 2308 Archers Lane, is reappointed to the Park Board to serve a two-year term of office, effective February 1, 2003 and expiring January 31, 2005.

That Craig Gallop, 15331 Woodside Lane, is reappointed to the Planning Commission to serve a two-year term of office, effective February 1, 2003 and expiring January 31, 2005.

All voted "yes." Motion carried.

16. ADJOURNMENT.

Thomas moved, Tauer seconded a motion to adjourn the meeting at 10:02 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Geralyn R. Barone
Assistant City Manager