

**AGENDA**

**MINNETONKA CITY COUNCIL**

**REGULAR MEETING, MONDAY, MARCH 17, 2003**

**6:30 P.M.  
COUNCIL CHAMBERS**

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: Callison-Allendorf-Tauer-Schneider-Wiersum-Thomas-Anderson
4. APPROVAL OF AGENDA.
5. **APPROVAL OF MINUTES:** February 24, 2003
6. **SPECIAL MATTERS:**
  - A. Recognition of Minnetonka Historical Society's publication of Minnetonka History Book
7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.
8. CITIZENS WISHING TO DISCUSS MATTERS NOT ON THE AGENDA.
9. **BIDS AND PURCHASES (4 VOTES):**
  - A. Items pertaining to the CSAH 73/TH 7 Intersection Improvement Project No. 4887R:
    - 1) Consideration of bids
    - 2) Authorization for staff to enter into an agreement with Xcel Energy for burial of overhead utility lines

**RECOMMENDATION:**

- 1) Motion to award bid to the lowest responsible bidder
- 2) Motion to approve

**CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be an explanation but no separate discussion on these items. If

Minnetonka City Council Meetings are broadcast live on channel 16.  
Replays of this meeting can be seen during the following days and times:  
Mondays, 6:30 p.m., Wednesdays, 6:30 p.m.,  
Fridays, 12:00 p.m., Saturdays, 12:00 p.m.  
For more information, please call 952.939.8200

discussion is desired, that item will be removed from the Consent Agenda and will be considered separately. Concerning motions before the Council, the Council has provided that all motions of the Council shall include staff and commission recommendations as set out in tabular form unless specifically stated otherwise.

**10. Items Requiring a Majority Vote:**

- A. Claims for council authorization.
- B. An ordinance amending sections 1045.015 and 1135.010(2) regarding public nudity and indecency.
- C. An ordinance amending section 615.050(2) regarding licensing of sexually-oriented businesses.
- D. An ordinance amending section 815 regarding standards and enforcement of the food code.
- E. Final approval of the ROSEWOOD ORCHARD plat at 3545 and 3539 Shady Oak Road for David and Rose Schlueter.
- F. Resolution receiving feasibility report, ordering improvements in, authorizing preparation of plans and specifications, and authorizing the acquisition of easements for the Crestwood Circle Storm Sewer Improvement Project No. 4654.
- G. Resolution opposing the closure of any suburban courthouse and requesting Hennepin County District Court to share information and cooperatively examine possible solutions for State funding cuts.

**11. Items requiring Five Votes:**

- A. A three-lot preliminary plat, with lot area and lot width at the setback variances, at 3021 and 3113 Atwater Street for Joseph W. Jurusik.

RECOMMENDATION: Give preliminary approval to the plat, with the variances.

**12. INTRODUCTION OF ORDINANCES (4 VOTES):**

An ordinance must be considered by the City Council at two regular meetings before adoption. At the first meeting, the ordinance is introduced by the Council. The City Council may discuss and /or refer the ordinance to an advisory board for review and public comment. The ordinance will be placed on a second City Council meeting agenda for adoption.

- A. Introduction of an ordinance amending the City's grading and erosion control ordinance.

RECOMMENDATION: Introduce the ordinance and refer it to the planning commission.

**13. PUBLIC HEARINGS:**

- A.** Hold a public hearing regarding a resolution authorizing a modified water rate structure and water and sewer rate increases.

RECOMMENDATION: Hold the public hearing and adopt the resolution (4 VOTES).

- B.** Items Recommended by the Charter Commission:

- 1) Public hearing: an ordinance amending the City Charter regarding appointments to boards and commissions, judging qualifications of council members, incompatible offices and competitive bidding.
- 2) Introduction of an ordinance regarding judging qualifications of council members.

RECOMMENDATION: Open the public hearing, take public comments, introduce the ordinances, and continue to March 31, 2003 (4 VOTES).

- C.** Public hearing to consider a resolution that vacates part of the County Road 101 right-of-way next to the Gray's Bay Public Access for the State of Minnesota.

RECOMMENDATION:

- 1) Hold the public hearing.
- 2) Adopt the resolution approving the vacation (5 VOTES).

**14. OTHER BUSINESS:**

- A.** Authorize 2003 Diseased Tree Removal Program.

RECOMMENDATION: Approve program as recommended (4 VOTES).

- B.** Resolution approving amendments to the City Council Rules of Procedure

RECOMMENDATION: Motion to adopt (4 VOTES).

**15. APPOINTMENTS and REAPPOINTMENTS (4 VOTES):**

- A.** Appointment of Advisors for the 2003 Local Board of Review.

RECOMMENDATION: Motion to make appointments.

**16. ADJOURNMENT.**

RECOMMENDATION: Motion to adjourn and go into closed session to discuss litigation strategy with the city attorney regarding City of Minnetonka v. Walters (4 VOTES).