

**MINUTES  
MINNETONKA CITY COUNCIL  
REGULAR MEETING, MONDAY, APRIL 11, 2005**

**1. CALL TO ORDER.**

Mayor Anderson called the meeting to order at 6:40 p.m.

**2. PLEDGE OF ALLEGIANCE.**

All joined in the Pledge of Allegiance.

**3. ROLL CALL.**

Councilmembers Bob Ellingson, Brad Wiersum, Terry Schneider, Jan Callison, Al Thomas, Tony Wagner and Karen Anderson were present.

**4. APPROVAL OF AGENDA.**

City Manager John Gunyou advised that Item 10H, an antenna agreement, had been pulled from the agenda because no agreement had been reached on a lease from the city and that item would be rescheduled at a later date.

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

**5. APPROVAL OF MINUTES: March 21, 2005.**

Wiersum noted a typographical error.

Wagner moved, Thomas seconded a motion to approve the minutes of the March 21, 2005 Minnetonka City Council meeting. Ellingson, Wiersum, Schneider, Callison, Thomas and Wagner voted "yes." Anderson abstained. Motion carried.

**6. SPECIAL MATTERS:**

**A. 2005 Citizenship Academy.**

Anderson provided background information about the Academy. She and Schneider presented certificates to the graduates. Those present were:

- Paul Ansolabehere
- Sonja Dalbey
- Larry Davis
- Douglas Dennett

- Kay Fredensborg
- David Hakensen
- Lois King
- Marty Lederman
- Sandi Nash
- John Riley
- Chuck Schons
- Betty Smithberg
- Gerry Zielinski.

Anderson thanked the group for attending the program.

**B. Recognition of former planning commissioners Cathy Maes and Craig Gallop.**

Callison recognized Cathy Maes and Craig Gallop for their service on the planning commission. Anderson presented each with a plaque.

Gallop enjoyed the challenges of his five years on the commission. He praised staff and his colleague on the commission. He was glad to have made this contribution to help other residents, and encouraged others to join a commission as a great way to learn about the city.

Maes said that she learned a great deal and also praised staff. She thanked the city council for the opportunity to serve.

Wagner, who served on the planning commission with Maes and Gallop, thanked them for their service. They were a pleasure to work with, and their thoughtful preparation was appreciated.

**C. Proclamation declaring May 15-21 as National Police Week.**

Wiersum read a proclamation declaring May 15-21 as National Police Week. Captain Mark Raquet thanked the council for the recognition.

**7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.**

Gunyou reported on the schedule for upcoming council meetings.

Anderson noted that the city sent a letter of recognition to Minnetonka resident Robert Stein, who was recently inducted into the Jewish Sports

Hall of Fame. This recognition honored his lifetime achievements in collegiate and professional athletics.

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

No one appeared.

**9. BIDS AND PURCHASES:**

**A. Consideration of bids for the 2005 Pavement Rehabilitation Program.**

Gunyou provided the staff report.

Callison moved, Thomas seconded a motion to award the bid for the 2005 Pavement Rehabilitation Program, Project No. 4425 to Thomas & Sons Construction in the amount of \$1,215,891.50. All voted "yes." Motion carried.

**B. Consideration of quotes for the installation of sewer and water to 3564 Shady Oak Road.**

Gunyou provided the staff report.

Wiersum moved, Thomas seconded a motion to award the quote for sewer and water installation at 3564 Shady Oak Road to Widmer Construction L.L.C. in the amount of \$30,041.00. All voted "yes." Motion carried.

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

**A. Claims for council authorization – March 28, 2005.**

Wiersum moved, Wagner seconded a motion to approve the March 28, 2005 claims list, including checks numbered 188269 through 188530, totaling \$610,638.11. All voted "yes." Motion carried.

**B. Claims for council authorization – April 11, 2005.**

Wiersum moved, Wagner seconded a motion to approve the April 11, 2005 claims list, including checks numbered 188531 through 188809, totaling \$1,768,556.52. All voted "yes." Motion carried.

**C. Revision of a conditional use permit to extend the time to sell flowering plants and gardening supplies at 4801 County Road 101 for Cub Foods.**

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2005-032 revising a conditional use permit for a nursery outdoor sales and display at 4801 County Road 101. 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 the resolution with Hennepin County.
- 2) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 3) The location of the nursery must be along the north edge of the Cub Foods parking lot.
- 4) The hours of operation will be from 9:00 a.m. to 8:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday. The operation shall be limited to an annual period beginning in April and ending October 31.
- 5) The water supply for the greenhouse and nursery materials will not be from a fire hydrant.
- 6) The temporary greenhouse must consist of flame retardant materials.
- 7) No smoking is allowed within the greenhouse and no smoking signs must be posted.
- 8) The nursery shall not include a public address system.
- 9) This approval does not approve any signs at the site. A sign permit application must be submitted for staff review and approval. Any proposed sign must meet the requirements outlined in city code.
- 10) 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.
- 11) The applicant must agree to the above conditions in writing.

All voted "yes." Motion carried.

**D. Ordinance dropping the time limits on conditional use permits for nurseries and transient sales.**

Wiersum moved, Wagner seconded a motion to adopt Ordinance No. 2005-09 amending city code section 300.21, Subds. 4(o) and 4(q) concerning conditional use permit standards for transient sales and nurseries. All voted "yes." Motion carried.

**E. Resolution authorizing the transfer and assignment of rights and obligations of KMC to CenturyTel d/b/a KMC Telecom III.**

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2005-033 authorizing the transfer and assignment of rights and obligations of KMC Telecom II, Inc. to CenturyTel Acquisitions LLC d/b/a KMC Telecom III. All voted "yes." Motion carried.

**F. Items pertaining to the TH 7/Williston Road north frontage road project.**

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2005-034 approving a limited use permit and authorizing parking restrictions for the TH 7/Williston Road North Frontage Road Project. All voted "yes." Motion carried.

**G. Resolution amending the City of Minnetonka Employee Flexible Spending Account Plan.**

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2005-035 amending the City of Minnetonka Employee Flexible Spending Account Plan. All voted "yes." Motion carried.

**H. Conditional use permit for telecommunications antennas and ground equipment on a city water tower at 5604 Hathaway Lane for T-Mobile.**

This item was pulled from the agenda.

**I. Resolution amending Council Policy No. 2.2 regarding disposition of surplus city-owned personal property.**

Wiersum moved, Wagner seconded a motion to adopt Resolution No. 2005-036 amending Council Policy No. 2.2 regarding disposition of surplus city-owned personal property. All voted "yes." Motion carried.

**J. Final approval of the LORENCE WOODS plat at 1927 Essex Road.**

Wiersum moved, Wagner seconded a motion to approve the LORENCE WOODS final plat that was received on March 29, 2005, subject to the following conditions:

- 1) Compliance with all preliminary plat conditions, especially the specific conditions for release of the plat; and

2) Unless the city council approves a time extension, the final plat must be recorded within one year of council approval of the final plat.

All voted "yes." Motion carried.

11. **Items requiring Five Votes:** None.

12. **INTRODUCTION OF ORDINANCES:**

A. **Ordinance rezoning 1908 Linner Road from R-1, low density residential, to PUD, planned unit development, and adopting a PUD master development plan for the Linner Woods Plat for CoPar Development, LLC.**

Thomas moved, Wagner seconded a motion to introduce an ordinance rezoning 1908 Linner Road from R-1, low density residential, to PUD, planned unit development, and adopting a PUD master development plan for the Linner Woods Plat for CoPar Development, LLC and refer it to the planning commission. All voted "yes." Motion carried.

B. **Ordinance amending City Code Section 600 regarding liquor licenses.**

Peterson provided a staff report, calling out the substantive changes proposed to the ordinance.

In response to Anderson's question, Peterson said that the ordinance would be on the next council meeting for adoption so staff would appreciate any council feedback.

Wiersum asked if the proposed 15 day time period to apply for a new license after a corporate transfer was consistent with the requirements of other cities. He noted that there is usually greater compliance when requirements are consistent. Peterson said that she would do a survey on that issue for the next council discussion of this ordinance.

Anderson noted general council concurrence with the proposed changes.

Wiersum moved, Callison seconded a motion to introduce an ordinance amending City Code Section 600 regarding liquor licenses. All voted "yes." Motion carried.

**C. Ordinance adopting a master development plan and changing floodplain boundaries for the Minnetonka Civic Center campus at 14600 Minnetonka Boulevard.**

Gunyou provided background information about this project. He noted that adjustments to the road alignment will be discussed with the planning commission, and the city council will see any changes after that review.

Callison moved, Thomas seconded a motion to introduce an ordinance adopting a master development plan and changing floodplain boundaries for the Minnetonka Civic Center campus at 14600 Minnetonka Boulevard and refer it to the planning commission. All voted "yes." Motion carried.

**13. PUBLIC HEARINGS:**

**A. Continued public hearing to consider applications by Big Bowl Asian, LLC, for on-sale and Sunday on-sale intoxicating liquor licenses for Big Bowl restaurant, 12649 Wayzata Boulevard.**

Rankin provided the staff report.

Anderson noted that the public hearing was previously opened, and invited public comments. There were none, and the hearing was closed.

Wiersum moved, Wagner seconded a motion to grant the on-sale and Sunday on-sale intoxicating liquor licenses to Big Bowl restaurant, 12649 Wayzata Boulevard. All voted "yes." Motion carried.

**14. OTHER BUSINESS:** None.

**15. APPOINTMENTS and REAPPOINTMENTS:** None.

**16. ADJOURNMENT.**

Thomas moved, Wiersum seconded a motion to adjourn the meeting at 7:14 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew  
City Clerk