

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, NOVEMBER 6, 2006**

1. CALL TO ORDER.

Mayor Callison called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

All joined in the Pledge of Allegiance.

3. ROLL CALL.

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

4. APPROVAL OF AGENDA.

City Manager John Gunyou reviewed the changes and additional comments provided in the addendum dated November 6, 2006, which related to:

- Item 10G, revised stipulations from community development supervisor regarding Tim and Suzanne Mullen's request to move a garage to 12020 James Road.
- Item 10H, revised stipulation from city planner regarding proposed two-lot Sinkie addition plat at 4700 Eastwood Road.

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

5. APPROVAL OF MINUTES:

A. September 11, 2006 regular meeting

Wiersum moved, Allendorf seconded a motion to approve the minutes of the September 11, 2006 Minnetonka City Council regular meeting. Schneider, Ellingson, Wiersum, Thomas, Allendorf, and Callison voted "yes." Wagner abstained. Motion carried.

B. September 25, 2006 regular meeting

Wiersum moved, Allendorf seconded a motion to approve the minutes of the September 25, 2006 Minnetonka City Council

regular meeting. Ellingson, Wiersum, Thomas, Wagner, Allendorf, and Callison voted "yes." Schneider abstained. Motion carried.

6. SPECIAL MATTERS:

A. Acknowledgement of Landmark Designation.

Callison acknowledged the Landmark Recognition designation for 3817 Williston Road and presented a plaque to the homeowner, David Olson.

David Olson, 3817 Williston Road, thanked the council for the recognition and noted it was through his membership on the community heritage commission that he decided to apply for the landmark designation.

B. Presentation of the annual transit Memorandum of Understanding with the Metropolitan Council.

Gunyou presented an overview of the annual transit Memorandum of Understanding with the Metropolitan Council. He introduced representatives from the Met Council and Metro Transit.

Thomas stated the EDA has worked on housing goals the city has received from the Met Council and has also looked at the city's transportation situation; those two things do not seem to mesh very well. There are locations in the city with affordable housing, yet there is no bus service to that area. It can be challenging because the Met Council wants the city to increase affordable housing, but there is no assistance to the city in supplying transit to those who need to get to work. A perfect example is Minnetonka Heights on 101. That is a dense area of affordable housing and there is no bus service, so it is difficult for the residents to get to work. Over the next year he would like to look at how these two ideas mesh.

Callison expressed appreciation for Thomas' comments. She has heard similar concerns from residents, particularly regarding Minnetonka Heights and other parts of the city where they do not have the service they need. The Dial-a-Ride has limited service and is not available on the weekends.

Allendorf asked if the Dial-a-Ride service will be restored if the motor vehicle sales tax (MVST) constitutional amendment is passed.

Gunyou responded the city has received no commitments from Metro Transit regarding the restoration of Dial-a-Ride. The make-up of the legislature and winner of the gubernatorial race will also likely determine what funding is available for transit as well.

John Levin, Metro Transit, stated he does not have a specific answer to Allendorf's question. Metro Transit will be looking at all of the election results and will prognosticate what transportation funding will be. He is not aware of any Dial-a-Ride cuts recently, and in fact, usage has been expanding. That is a positive thing, and the goal is to expand the service if there is funding available. He added that a major concern for Metro Transit is the mismatch between affordable housing and transit. It has been a difficult several years with service cuts. They are hopeful to be able to expand service over the next several years. They are looking at wise investment of regional transit dollars.

Thomas stated he is concerned about the Met Council's request to increase affordable housing at the same time that there are cutbacks in transit. If there is going to be increased density, the transit needs will have to be met. He would like those pushing affordable housing to sit down with the transit people to work together.

Levin stated he does not disagree with Thomas' overall premise. He noted there is a Met Council formula which looks at affordable housing requirements based partially on the transportation available. When it comes down to the details, there will be difficult situations in terms of developing a transit service that can meet the needs of residents and grow enough in ridership that it can be justified as a regional expense.

Wagner agreed with Thomas' comments. He requested an update from Metro Transit regarding what the city can expect on Dial-a-Ride once the outcome of the MVST amendment is known.

Levin stated he would be happy to come back and discuss these issues with the council after the election, though the funding levels for the biennium will not be known until the next legislative session. A significant portion of funding is received from the general fund and that will continue.

Wagner asked staff when the last time an evaluation was done of the amount of service for the amount of money the city has for the opt-out with another provider.

Gunyou responded that was last done in 2002, and the intent is to consider it again next year, prior to renegotiation of the multi-year contract.

Callison noted the council has supported the MVST amendment. She asked Levin to comment about the implications of passage of the MVST amendment.

Levin stated it will still go back to the legislative session. Whether it passes or fails, the legislature will be looked to for an overall direction of transit funding. Certainly, if the amendment passes and the legislature continues to fund transit at the general fund level it is today, general transit will be able to increase one to two percent each year, and by 2020 there will be a significant expansion of transit. If it does not pass, there will be significant funding shortfalls based on current budgeting. They will look to the legislature to assist with that and to fund transit at least to the current levels.

Allendorf stated his understanding is Metro Transit is currently funded from the general fund, and that funding can be pulled back. If MVST does pass, then it cannot be pulled back; it would be the source of funding, in addition to what the legislature gives Metro Transit. He assumed passage would mean a dedicated source of funding plus whatever the legislature provides from the general fund.

Levin indicated the plans with the MVST amendment, should it pass, is to increase transit services one and one-half to two percent a year. However, if the legislature does not continue to fund transit out of the general fund at the same level it does today, it would reduce that level of expansion.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou reported on the schedule for upcoming council meetings and noted the elections on November 7. City offices will be closed on November 10 for Veterans' Day. Additionally, a study session on the budget will be held on November 13.

Allendorf stated residents can view a sample ballot by precinct at www.eminnetonka.com.

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

No one appeared.

9. BIDS AND PURCHASES:**A. Consideration of bids for the CSAH 101/CSAH 5 Ornamental Lighting Improvement Project No. 06406.**

Gunyou provided an overview of the staff report.

Wiersum moved, Wagner seconded a motion to award the bid for the CSAH 101/CSAH 5 Ornamental Lighting Improvement Project No. 06406 to Killmer Electric Co., Inc. in the amount of \$141,318.00. All voted "yes." Motion carried.

10. CONSENT AGENDA (Items Requiring a Majority Vote):**A. Resolution adopting the 2007 meeting schedule for the Minnetonka City Council.**

Allendorf moved, Schneider seconded a motion to adopt Resolution No. 2006-138 establishing its 2007 meeting schedule. All voted "yes." Motion carried.

B. Ordinance making technical changes to the city code.

Allendorf moved, Schneider seconded a motion to adopt Ordinance No. 2006-20 making technical corrections to City Code Sections 300.15, 400.015, 400.035, 520.015, 635, 640, 805.030, 1200.025, 1200.030, 1200.045, and 1200.085. All voted "yes." Motion carried.

C. Ordinance amending Section 710 of the City Code regarding increases to certain license fees, and authorization to publish a summary of the ordinance.

Allendorf moved, Schneider seconded a motion to adopt Ordinance No. 2006-21 amending Section 710 of the City Code regarding increases to certain license fees and to adopt Resolution No. 2006-139 authorizing publication of a summary. All voted "yes." Motion carried.

D. Ordinance regarding prohibited sewer discharges (I & I program).

Allendorf moved, Schneider seconded a motion to adopt Ordinance No. 2006-22 regarding prohibited sewer discharges (I & I program). All voted "yes." Motion carried.

E. Designation of voting and alternate voting delegates for the annual Congress of Cities Conference.

Allendorf moved, Schneider seconded a motion to approve the following voting delegates for the 2006 Congress of Cities Conference:

Voting Delegate #1: Mayor Jan Callison

Voting Delegate #2: Council Member Al Thomas

Alternate Voting Delegate: None

All voted "yes." Motion carried.

F. Request for water service on Vine Hill Road in the City of Shorewood.

Allendorf moved, Schneider seconded a motion to adopt Resolution No. 2006-140 authorizing an agreement with the City of Shorewood to provide municipal water service on Vine Hill Road. All voted "yes." Motion carried.

G. Request from Tim and Suzanne Mullen to move a garage from 14517 Excelsior Boulevard to 12020 James Road.

Ellingson removed the item from the Consent Agenda and noted there are residents present to comment on this item.

Callison requested a staff report before letting the residents speak.

Community Development Director Ron Rankin presented the staff report.

Callison asked if the pine trees on the property will provide screening for the neighbors once the garage is moved. Rankin responded that is his understanding.

Thomas asked if the city took any action as a result of the homeowners originally moving the garage without going through the usual permitting process.

Rankin stated the city's action was to make sure the ordinances were enforced, that a permit was obtained, and that the changes will meet all of the setback and code requirements.

Tim and Suzanne Mullen, 12020 James Road, said they understand that the main concern at this point is the view from the

west side. The plan is to move the garage to make it less invasive to the neighbors' view.

Ms. Mullen added this was initiated by a desire to move a garage from the Glen Lake site that is being developed. She explained they had 48 hours to move the garage; she checked the city's website to see if a permit was required to move a garage and found no information. They had previously desired to build a garage and would have obtained a building permit for that. The moving of this garage was intended as a present for Mr. Mullen, so it was to be a surprise. She noted there is a 22 foot by 30 foot bush that would hide the garage and would ensure the neighbors' view was no longer obstructed, as she and her husband are looking for a fair compromise with their neighbors.

John and Heidi Davis, 12029 James Road, stated they will still be able to see the garage. Their understanding is the city has a process for notifying all neighbors within 500 feet of the change so there is an opportunity to respond favorably or unfavorably to the change. They have never received such a notification.

Ms. Davis added the Mullens already have a two-car garage and a large storage shed, and she questioned how many buildings are allowed on one property. A neighbor two doors down from the Mullens was denied a permit to build a three-car garage because there was no hardship, as excessive belongings do not constitute a variance.

Callison stated that sounds like a situation where a variance was required.

Ms. Davis agreed, and added that it is her understanding from city staff that the Mullens' garage also does not meet the code. The permit the Mullens filed was supposed to be for a building less than 1,000 square feet and less than 12 feet in height.

Callison stated she will check with staff to see if additional permits are required.

Ms. Davis asked what the penalty is for moving buildings onto property without permits. She asked whether the Mullens are awarded the ability to keep and maintain the garage because they did it without a permit and it is easier to grant them permission. It seems unjust that they are breaking the rules yet will still receive a permit.

Ms. Davis also asked whether this issue will go before the neighbors. It is her understanding 75 percent of neighbors must approve the change.

Callison asked staff to comment on whether a hearing was necessary and whether or not there should have been notification of the neighbors. She also asked staff to comment about the number of buildings allowed on a lot and whether the size of this garage meets the city ordinances.

Rankin stated as soon as staff found out the garage had been moved to this property, the setbacks were checked as well as the size of the garage in relationship to the other buildings on the property. There is an 8 foot by 12 foot shed already on the property, which is small enough not to require a permit. However, it does count in terms of total amount of storage space. It does not fall over the square foot limit, nor does the building size or height pose any concern for zoning regulations or building code. The building inspector did have a list of improvements that needed to be made to the garage, and that is the extent of the city requirements that applied based on where it sits now.

Rankin read aloud a portion of the building moving ordinance regarding acknowledgement of 75 percent of neighbors within a 200 and 500-foot radius who have reviewed the plans. There is no public hearing requirement or a notice requirement. In retrospect, city staff should have made it a point to notify surrounding neighbors, given the amount of concern expressed at the time the initial move occurred. However, that was not a specific requirement. The neighbors, under this ordinance requirement, are expected to receive early notice of the move and what is being proposed by the applicants themselves prior to obtaining a permit. That did not happen in advance in this case, but it was done by the homeowners afterward, in advance of this meeting.

Callison clarified the ordinance gives the neighbors the right to be notified but not the chance to address the council because there would not be a public hearing. Rankin responded affirmatively.

Peterson noted that ordinance provision does not constitute a veto power for those neighbors. The ordinance just requires the homeowner to provide notice to 75 percent of neighbors, but the council is the body that ultimately decides.

Bob and Dee Kosanda, 4309 Fairview Avenue, stated they have lived in Minnetonka since 1952 when they built their house. Their

home has a window facing east, which is blocked by the Mullens' garage. He noted that the Mullens typically have garbage cans, a lawn mower, campers, and several cars in the yard. The new garage is supposed to be used for a workshop, but it is already full of other things. He noted the previous owner of the Mullens home had a plumbing business which he ran out of the existing double garage, and still parked both cars in the garage.

Callison asked what the Kosandas think about the proposed new location for the garage.

Mr. Kosanda responded the Mullens do not need another garage; they already have a double garage and a shed.

Ms. Kosanda pointed out she has talked with city staff about this situation for a long time and has received little assistance. She acknowledged Council Member Bob Ellingson has visited her house to review the site and thanked him for that. She added that no notification was sent to the neighbors, and the 75 percent requirement was not achieved.

Callison reiterated that 75 percent of the neighbors have to acknowledge they know about the plans; there does not have to be approval by 75 percent of the neighbors.

Ms. Kosanda suggested if the garage has to be there, it should be attached to the existing garage and painted all the same color. Otherwise the garage will sit in their front yard.

Mr. Kosanda questioned why the city did not remove the garage immediately once it was moved in without a permit.

Judy Bjork, 12010 James Road, stated she lives next to the Mullens. She did receive notification, sent it back without any comments on it, and subsequently wrote a letter of protest to the city about this situation. She feels bad for the Kosandas in this situation because they built their house and have the right to live in their house without a neighbor's garage in their living room window. She added she did not receive notice of tonight's council meeting and believes she should have.

Ms. Davis stated she reviewed the city's ordinances regarding moving a building, and it is Section 50.20 that pertains to this situation. She requested staff look up that ordinance to verify what it says.

Peterson noted that Rankin read aloud the provision that is operative; it indicates that owners of at least 75 percent of the land have to acknowledge that they have reviewed the proposed plans and have been told they have the right to object or comment. It is simply a notice provision; it is not the right to vote on the plan. They are being told they only have the right to object or comment.

Callison stated one issue at hand is the garage; there is also an issue about the upkeep of the property and storage of items. She asked staff to review the regulations about the number of vehicles that can be stored outside and those types of issues. The city does not send staff around to find violators; it relies on citizens to notify when there are issues.

Rankin stated the city's ordinances generally apply to outside storage on residential property and would include, for example, that any vehicles in the front yard have to be stored on a paved or gravel parking driveway surface. There can be no more than four vehicles stored outside of a single family residence. Storage is allowed in the backyard for a camper or boat, and that is included in the total of vehicles stored outside on the property. He also noted that the garbage cans for the Mullens property should not be stored within view of the street, but that is the only thing he has heard that constitutes a nuisance violation.

Callison stated the city can enforce nuisance violations, though not everything the neighbors find objectionable is enforceable.

Allendorf asked whether it would be allowed for the Mullens to obtain a permit to build this size of a garage in the location that is now being proposed with the recommended setbacks.

Rankin responded affirmatively.

Wiersum asked whether there is anything about this garage structure that would require updating in order to comply with code.

Rankin responded there are several items on the building inspector's report that need to be taken care of, including structural aspects as well as re-roofing.

Ellingson asked whether 75 percent of the affected property owners have acknowledged receipt of the notice.

Rankin responded the Mullens did provide that notice to 75 percent within the 500-foot radius and were one short of providing notice to 75 percent within the 200-foot radius.

Callison noted that notice was done after the garage was moved, and the ordinance expects that notice be done prior to the garage being moved. Rankin concurred.

Thomas asked what the fee permit is to move the garage.

Rankin responded the fee is \$395.

Thomas proposed some type of a fine. He does not like the idea of residents doing something and then the city finds out about it. Perhaps the council does not have the authority, but he believes there should be a penalty for moving a garage to a residential property without approval from the city.

Wiersum observed that things occurred out of order. He agrees with Thomas that corrective action may be required. He does not want to send the signal that someone is better off breaking the law and then coming back and apologizing for it, than by following the rules in the first place. The other issue is there are houses that face the Mullens' house, and this garage will be in their front yard. Unfortunately, if that garage was built from scratch without variances, those neighbors would not have any recourse or opportunity to say anything about it. He reiterated that he does not like to encourage the concept of asking for forgiveness after the fact rather than asking for permission up front.

Allendorf asked whether it is within the city's ordinance to fine someone for not getting a permit to move a garage.

Peterson responded typically the city can double-fee an applicant for not obtaining the necessary building permits in advance. That has been the city's typical approach.

Allendorf stated the third issue is a disorderly yard that people have to look at. Perhaps a motivation to have this garage on the property is to move all of the junk into the garage. If there is a benefit to be had in this situation, it is to get rid of the junk. He agreed with Callison's comments that it is up to the neighbors to report nuisances to the city. He would not be adverse to the notion of doubling the permit fee.

Schneider noted if the Mullens had come to the city in the proper order, they could have requested to build a larger garage with setbacks closer to the road. In that case, the council would have no basis to advise the Mullens about the size and location of the garage. Considering this, the neighbors are getting a benefit from going out of sequence, as it is a smaller structure. He indicated he is not in favor of the council deciding on a penalty on an ad hoc basis.

Thomas suggested the staff can look at the penalty issue further, as the council should have the ability to impose a fine based on some criteria.

Peterson stated she has reviewed the ordinance, and the ability to impose a double fee exists in the ordinance for the electrical code, plumbing code, and mechanical code. That provision does not exist in the house moving code. She noted there is an administrative enforcement process, and a city court citation could be issued. The default fine under that citation is \$100.

Schneider suggested council and staff consider expanding the ordinance to include the building and moving permits to have that same provision so the double fee is permitted.

Wagner thought this should be dealt with first in a study session. Because the garage meets all city requirements, he would support a motion to approve it. However, he would like the council to have additional tools to make sure residents do things in the right order.

Callison stated the garage will now be placed where it is screened, which is an improvement to the neighbors. There would have been no ability to negotiate had the Mullens gone about things in the proper order. She would have been more inclined to issue a city court citation rather than have the issue go to a study session. In her years on the council, she has never seen a case where someone has moved something without a proper permit. This is not a big enough issue to have a study session discussion.

Wagner recalled a previous discussion about the burden things like this place on staff. Council had directed staff to review an escalation clause when significant staff time is taken up and people are unresponsive. For example, the I & I program includes an escalation clause.

Allendorf moved, Schneider seconded a motion approve the permit, subject to the following stipulations and revised conditions in the November 6, 2006 addendum:

- 1) Maintain at least a 36 foot setback from the west property line.
- 2) Maintain at least a 68 foot setback from the south property line.
- 3) Complete the repairs identified at the August 31, 2006 inspection by December 31, 2006.

Schneider, Wiersum, Wagner, Allendorf, and Callison voted "yes." Ellingson and Thomas voted "no." Motion carried.

H. Preliminary approval of the two-lot SINKIE ADDITION plat at 4700 Eastwood Road for Wayne Sinkie.

Allendorf moved, Schneider seconded a motion to adopt Resolution No. 2006-141 approving the proposed preliminary plat. This resolution is based on the finding that the plat meets the required standards and ordinances. Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. Show the following on the final plat:
 - (1) At least ten-foot-wide drainage and utility easements next to any existing or proposed public street rights-of-way and at least seven-foot-wide drainage and utility easements along all other lot lines.
 - (2) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - (3) Drainage and utility easements over wetlands, floodplains, and public storm water ponds, as determined by the city engineer.
 - b. Pay the city a park dedication fee of \$2,375 for the newly created lot.
 - c. If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- 2) The following items must be submitted to the city before the city releases the final plat:
 - a. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - b. The following documents for the city attorney's approval:

- (1) Title evidence that is current within thirty days before release of the final plat.
 - (2) Conservation easements over the required wetland buffer, 25 feet upland from the delineated edge of the wetland and a drawing of the easement. The easement and drawings must be recorded with the final plat.
 - (3) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.
- c. Any other requirements included with final plat approval.
 - d. Approval of a construction management plan by the planning director.
- 3) The following must be completed before the city issues a building permit:
- a. No building permit will be issued for the southerly lot until the property owner obtains right of access to the lot either by private agreement or by extension of a public street. The city has determined at this time that it does not wish to construct a public street because of the severe grades within the right-of-way. The property owner acknowledges that the city is under no obligation to extend a public street to the property.
 - b. Submit the following documents:
 - (1) A copy of the recorded plat and any easement or covenants required to be recorded.
 - (2) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - (3) A construction management plan detailing management practices. The plan must also indicate: (1) how equipment will avoid roots of trees to be saved; (2) location for stockpiling of earth and construction materials and equipment; and (3) how contractors will prevent tracking of earth onto the street.
 - c. City approval of a grading and tree preservation plan for each lot. The city may require adjustments in the house pad location to maximize tree preservation.

- The sewer and water services must be shown to minimize impact to any significant trees.
- d. No grading is allowed within the wetland buffer or below the stormwater elevation as determined by the city engineer.
 - e. City approval of the installation of a temporary rock driveway, erosion control, tree protection, and wetland protection fencing for each lot.
 - f. Pay a hookup fee for sanitary sewer and water.
 - g. If a driveway is built up, natural drainage into the wetland from the east side of the drive must be maintained.
 - h. Minimum lowest floor elevation is 937.0
 - i. All portions of first story walls as measured by an approved route around the exterior of the house must be within 150 feet of the street. If access requirements cannot be met the house must be protected with 13D automatic fire sprinklers.
- 4) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - 5) Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 ½ inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner or original developer must replace the required trees if they die within one year after installation.
 - 6) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

All voted "yes." Motion carried.

11. Items requiring Five Votes:

- A. **Preliminary plat, with a variance, and final plat for a two-lot subdivision at 4848 Valley Road for Steven and Mary Leatherman.**

Allendorf moved, Ellingson seconded a motion to:

- 1) Re-approve the preliminary plat for the Leatherman Valley Addition, date stamped September 15, 2005, with a front yard setback variance from 35 feet to 22 feet for Lot 2, as approved by the city council on October 24, 2005.

- 2) Approve the LEATHERMAN VALLEY ADDITION final plat that was received on October 13, 2006, subject to the following conditions:
 - a. Compliance with all preliminary plat conditions, especially the specific conditions for release of the plat; and
 - b. 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.

12. **INTRODUCTION OF ORDINANCES:** None.

13. **PUBLIC HEARINGS:** None.

14. **OTHER BUSINESS:**

A. Applications for renewed on-sale and Sunday on-sale intoxicating liquor licenses, off-sale intoxicating liquor licenses, and on-sale wine licenses for 2007

Rankin provided an overview of the staff report.

Thomas suggested when staff presents the annual renewals next year, he would find it helpful to have the history of the city checks regarding establishments selling alcohol to minors.

Gunyou responded staff would provide that next year.

Allendorf noted there are two establishments that have significantly cut down on the number of police calls to their establishments: Applebee's and Champp's. He asked whether there are some best practices used by those restaurants that may be beneficial to other establishments.

Rankin responded staff will follow up on that.

Schneider moved, Wiersum seconded a motion to approve the following renewed on-sale and Sunday on-sale intoxicating liquor, off-sale intoxicating liquor, and on-sale wine licenses for calendar year 2007, provided that no license shall actually be issued unless the applicant has filed an appropriate Certificate of Insurance with the city:

On-sale and Sunday On-sale Intoxicating Liquor Licensees:

Applebee's Neighborhood Grill and Bar, 12653 Wayzata Boulevard
Bacio, 1571 Plymouth Road
Big Bowl, 12649 Wayzata Boulevard
Café Cabernet, 17523 Minnetonka Boulevard
Café Carlson, 701 Carlson Parkway
Champp's Americana, 1641 Plymouth Road
Don Pablo's, 11544 Wayzata Boulevard
Famous Dave's BBQ Shack, 14601 State Highway 7
Jimmy's Food and Cocktails, 11000 Red Circle Drive
Lake Shore Grill, 12411 Wayzata Boulevard (Ridgedale)
Lone Spur Grill & Bar, 11032 Cedar Lake Road
Market Bar-B-Que, 15320 Wayzata Boulevard
Minneapolis Marriott Southwest, 5801 Opus Parkway
Old Chicago, 17790 Highway 7
Origami West, 12401 Wayzata Boulevard (Ridgedale)
Redstone American Grill, 12501 Ridgedale Drive
Romano's Macaroni Grill, 11390 Wayzata Boulevard
Scoreboard Bar & Grill, 5765 Sanibel Drive
Sheraton Minneapolis West Hotel, 12201 Ridgedale Drive
The Big Buck Roadhouse, 17805 State Highway 7
Wanderer's Garden, 13059 Ridgedale Drive

Off-Sale Intoxicating Liquor Licensees:

Barrel Wine and Sprints, 15400 State Highway 7
Byerly's Wines & Spirits, 13081 Ridgedale Drive
Cost Plus World Market Wine Shop, 11240 Wayzata Boulevard, Suite B
Glen Lake Wine & Spirits, 14704 Excelsior Boulevard
Haskell's, 12900 Wayzata Boulevard
Liquor Barrel, 11048 Cedar Lake Road
MGM Wine & Spirits, 17730 State Highway 7
Sundial Wine & Spirits, 5757 Sanibel Drive
The Wine Shop, 17521 Minnetonka Boulevard
Tonka Bottle Shop, 17616 Minnetonka Boulevard
US Liquor & Wine, 11333 Highway 7

On-Sale Wine Licensees:

Chin's Asia Fresh, 11300 Wayzata Boulevard, Suite G
Crossroads Delicatessen, 2795 Hedberg Drive
Istanbul Bistro, 15718 Wayzata Boulevard
Lund's Deli Style Restaurant, 11400 State Highway 7
The Marsh, 15000 Minnetonka Boulevard

Schneider, Ellingson, Wiersum, Thomas, Allendorf, and Callison voted "yes" for all licenses. Wagner voted "yes" for all licenses except for an abstention on Café Carlson. Motion carried.

B. Applications for renewed on-sale and off-sale 3.2 percent malt liquor licenses for 2007.

Rankin noted the same type of information is available on these applicants as was available for those on the previous item.

Wagner moved, Thomas seconded a motion to approve the following renewed licenses for on-sale and off-sale 3.2 percent malt liquor licenses for calendar year 2007:

On-sale 3.2 Percent Malt Liquor Licensees:

Bunker Indoor Golf Center, 14900 State Highway 7

* Chin's Asia Fresh, 11300 Wayzata Boulevard, Suite G

* Crossroad Delicatessen, 2795 Hedberg Drive

Davanni's Pizza & Hot Hoagies, 15200 State Highway 7

Glen Lake Golf & Practice Center, 14350 County Road 62

* Istanbul Bistro, 15718 Wayzata Boulevard

* Lund's Deli Style Restaurant, 11400 State Highway 7

* The Marsh, 15000 Minnetonka Boulevard

*These five applicants are also requesting renewed on-sale wine licenses. State law provides that establishments having both on-sale 3.2 percent malt liquor and on-sale wine licenses, and at least 60% food sales, may serve strong beer. These five applicants meet that requirement.

Off-sale 3.2 Percent Malt Liquor Licensees:

Glenn's 1-Stop, 12908 Minnetonka Boulevard

Target Store T-1356, 4848 County Road 101

All voted "yes." Motion carried.

15. APPOINTMENTS and REAPPOINTMENTS: None.

16. ADJOURNMENT.

Thomas moved, Wiersum seconded a motion to adjourn the meeting at 7:51 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Laura L. Ronbeck
Acting City Clerk