

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, FEBRUARY 25, 2008**

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 James Hiller, Terry Schneider, Bob Ellingson, Dick Allendorf, Brad Wiersum, and Jan Callison were present. Tony Wagner was excused.

4. APPROVAL OF AGENDA.

Wiersum moved, Schneider seconded a motion to accept the agenda. All voted "yes." Motion carried.

5. APPROVAL OF MINUTES:

A. January 28, 2008 regular meeting.

Schneider moved, Wiersum seconded a motion to approve the minutes of the January 28, 2008 Minnetonka City Council regular meeting. Hiller, Schneider, Ellingson, Allendorf, and Callison voted "yes." Wiersum voted yes abstaining on item 14a. Motion carried.

6. SPECIAL MATTERS: None.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

Gunyou said the next council meeting is March 3.

Callison said she attended the ribbon cutting for Nestle Nutrition's new headquarters.

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 – February 25, 2008.

Allendorf moved, Wiersum seconded a motion to approve the February 25, 2008 claims which includes checks numbered 210107 through 210433, totaling \$1,266,364.55. All voted “yes.” Motion carried.

B. Request to move the house located at 4901 Birchwood Lane to Silver Lake, Minnesota.

Allendorf moved, Wiersum seconded a motion to approve the permit subject to staff recommendations:

- 1) That city staff approve in advance any tree trimming done in connection with the move.
- 2) That the move be directly monitored by appropriate city staff.
- 3) That the move be a continuous trip from the property to outside the city limits, and that the house cannot stop or be parked within the city.

All voted “yes.” Motion carried.

C. Agreement with RELATE Counseling Center.

Allendorf moved, Wiersum seconded a motion to approve the agreement. All voted “yes.” Motion carried.

D. Agreement with Teens Alone.

Allendorf moved, Wiersum seconded a motion to approve the agreement. All voted “yes.” Motion carried.

E. Amendment to the conservation funding agreement for Stone Trace.

Allendorf moved, Wiersum seconded a motion to approve amending the Stone Trace Conservation Fund Agreement. All voted “yes.” Motion carried.

F. Final approval of the LEWIS ADDITION plat at 15616 Highwood Drive for Kyle Olson and Kim Eigner.

Allendorf moved, Wiersum seconded a motion to approve the LEWIS ADDITION final plat date-stamped February 5, 2008, subject to the following conditions:

- 1) Submit a paper copy of the final plat with appropriate formatting.
- 2) Compliance with all preliminary plat conditions, especially the specific conditions for release of the plat.
- 3) If not recorded within one year, the final approval of the council will be null and void unless application for an extension is made in writing and approved during the one year period.

All voted "yes." Motion carried.

G. Request for a one-year time extension of GAGNERS 2ND ADDITION at 18724 Ridgewood Drive for Thomas and Diane Gagner.

Allendorf moved, Wiersum seconded a motion to approve the one-year time extension. All voted "yes." Motion carried.

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

12. **INTRODUCTION OF ORDINANCES:**

A. Ordinance regulating public restrooms.

City Attorney Desyl Peterson gave the staff report.

Hiller asked for clarification on the provisions not included as part of the affirmative defense section of the ordinance but included in the section pertaining to the prohibition of intruding into a toilet or changing stall. Peterson said she would provide more information about that section when the proposed ordinance returns to the council.

Hiller also asked for more information about the provision of the ordinance pertaining to misuse of the public restroom. He said the provisions seemed to deal with loitering issues rather than indecent behavior issues. Peterson said the provisions attempt to address the signs and signals that are used by individuals.

Schneider said he believed the basic judgment of the police officer would still be used on whether an individual was violating the ordinance. Peterson confirmed there is enforcement discretion.

Callison said with affirmative defenses the accused is already charged and in the court system and has to prove a violation did not occur. She questioned whether the city wants to be in the

position of have someone who is elderly, injured, sick, or handicapped charged having to use an affirmative defense rather than not being charged at all.

Hiller said the proposed indecent solicitation ordinance defines public restrooms as not a private place. He asked if the definition changes the expectation that a person has a right to privacy in a public restroom. Peterson said the definition applies specifically to the single section of the ordinance.

Allendorf moved, Schneider seconded a motion to introduce the ordinance. All voted "yes." Motion carried.

B. Ordinance amending the regulations prohibiting indecent solicitation.

Allendorf moved, Schneider seconded a motion to introduce the ordinance. All voted "yes." Motion carried.

13. PUBLIC HEARINGS:

A. Continued public hearing for Applebee's Neighborhood Grill & Bar.

Callison closed the hearing at 6:48 p.m.

Schneider moved, Wiersum seconded a motion to grant the licenses. All voted "yes." Motion carried.

14. OTHER BUSINESS: None.

15. APPOINTMENTS and REAPPOINTMENTS: None.

16. ADJOURNMENT.

Wiersum moved, Allendorf seconded a motion to adjourn the meeting at 6:48 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk