

**MINUTES  
MINNETONKA CITY COUNCIL  
REGULAR MEETING, MONDAY, MARCH 3, 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 Terry Schneider, Bob Ellingson, Tony Wagner, Brad Wiersum, James Hiller, and Jan Callison were present. Dick Allendorf was excused.

**4. APPROVAL OF AGENDA.**

City Manager John Gunyou noted addendum to item 12B.

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

**5. APPROVAL OF MINUTES:**

**A. February 11, 2008 regular meeting.**

Wiersum moved, Wagner seconded a motion to approve the minutes of the February 11, 2008 Minnetonka City Council regular meeting. All voted "yes." Motion carried.

**6. SPECIAL MATTERS:**

**A. Presentation of Community Action Recognition Award to Peg and Chris Carlson.**

Ellingson read the recognition.

The Carlsons praised the Wetland Health Evaluation Program.

**B. Recognition of 2008 Citizen Academy graduates.**

Callison presented the awards.

**C. Presentation and proclamation regarding 10th Annual Empty Bowls Event.**

Co-chairs Barb Westmoreland and Cathy Carlson spoke about the the 10<sup>th</sup> anniversary of the event.

Wiersum read the proclamation.

**D. Proclamation declaring March 13, 2008 as Caring Youth Day in Minnetonka.**

Wagner read the proclamation.

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

Gunyou reported on the schedule for upcoming council meetings.

Callison said she attended a fundraiser for the Minnetonka Girls Softball Association. She said the association expressed its gratitude for the city's support.

**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. Resolution accepting plans and specifications, and authorizing the advertisement for bids for the 2008 Street Rehabilitation Program, Project No. 08401.**

Wagner moved, Wiersum seconded a motion to adopt Resolution No. 2008-013 accepting plans and specifications, and authorizing the advertisement for bids for the 2008 Street Rehabilitation Program, Project No. 08401. All voted "yes." Motion carried.

**B. Resolution ordering the abatement of nuisance conditions existing at 5600 Eden Prairie Road.**

Wagner moved, Wiersum seconded a motion to adopt Resolution No. 2008-014 ordering the abatement of nuisance conditions existing at 5600 Eden Prairie Road. All voted "yes." Motion carried.

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

**12. INTRODUCTION OF ORDINANCES:**

**A. Items concerning Braeburn Woods, a proposed residential subdivision of the existing properties at 16400, 16408, and 16416 Hidden Valley Road.**

Gunyou said there would be a neighborhood meeting later in the week on the proposed subdivision. The developer would share plans at that time. Wischnack said tentatively the item would be heard by the planning commission March 20.

Wiersum moved, Schneider seconded a motion to introduce the ordinance and refer it to the planning commission. All voted "yes."  
Motion carried.

**B. Ordinance amending the closing hours for off-sale liquor stores.**

City Attorney Desyl Peterson gave the staff report.

Callison asked when the item was scheduled to come back to the council. Peterson indicated the item would likely be on the March 24 council meeting's agenda.

Schneider noted the ordinance would set the time per state statute. If the statute changed the city ordinance would also change.

Wagner asked if the city would still have the ability to change the closing time if the city did not agree with the change in the state statute. Peterson said the city is allowed to be more restrictive.

Callison noted the ordinance allows liquor store owners to stay open later but does not require them to.

Wiersum asked if there was pro and con information from neighboring cities that already changed to a 10 p.m. closing time. Peterson said the community development staff would provide that information when the item comes back to the council.

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

**13. PUBLIC HEARINGS: None.**

**14. OTHER BUSINESS:**

**A. Request for a conditional use permit for a daycare at 11213**

**Minnetonka Boulevard.**

Wischnack gave the staff report.

Hiller asked if no U-turns were allowed at the end of the median how far people would have to drive to legally turn around. Wischnack said there is a street further down that would permit a driver to make a U-turn.

Wagner said the intersection has been closed and under construction a number of times in recent years. He asked if there was a genuine safety concern to require the median extension. City Engineer Lee Gustafson said the extension is almost the exact length the county originally proposed for the area. After discussions with city staff and residents, the county agreed to scale the median back to what currently exists. The only reason the county agreed to scale it back is because there are few trips going in and out of these nearby properties.

Wagner asked if there have been problems with the intersection as a result of the current design. Gustafson said to his knowledge there were no problems.

Wagner asked if the area is proposed to remain R-1 in the comprehensive plan. Wischnack said there are no proposed land use changes in the immediate area.

Schneider said there are times traffic backs up at the intersection. He said even for the single family homes there is a challenge getting in and out. He said he agreed with the planning commission's decision that this is not the right place or configuration for a day care facility and it does not comply with the CUP safety criteria.

The applicant, Rabbi Mordechai Grossbaum of 3301 Robinwood Lane said the county is requiring the extension of the median. Grossbaum asked the city to allow him to move forward with the project contingent on the county's recommendations. He said the planning commission voted the project down primarily because of the neighbors' opposition to the median that he also opposes. If the council approved the project it would allow him to go forward and work with the county.

Callison said she recalled the letter from the county indicating that until the county issued a permit the city should not give approval. Gustafson confirmed that was his recollection of the letter as well.

He said that is the correct procedure because if the city approved the project without the county's concurrence it would back the county into a corner.

Schneider said his concerns with the access to the site are the same with or without the median.

Wiersum said the median is a bad idea because it does not solve any problems. Looking at the proposed location it would be tempting for drivers to make an illegal left turn to avoid going the extra distance. He said the workable solution would be to limit the daycare to fewer than 12 children so the county wouldn't require the median extension.

Wagner said he agreed with the planning commission decision. He said the location is not the best for a daycare facility.

Callison said she didn't support the request. The extension of the median would burden the two single family properties. Giving approval to the applicant to negotiate with the county would put the daycare center in a difficult situation because the county would require the median.

Hiller moved, Wagner seconded a motion to:

1) Adopt Resolution No. 2008-015 denying a conditional use permit and variances for a licensed day care facility at 11213 Minnetonka Boulevard. All voted "yes." Motion carried.

**B. Presentation of the 2008 Assessment Report and property tax information.**

Gunyou said the report provides the background for the council in its role as the local board of review. The report is the first step in the city adopting its 2009 budget.

City Assessor Dick Toy gave the report.

Callison noted that residents who have questions about their property tax statements should contact city staff.

Gunyou said one of the trends staff is seeing is the shift between what residential and commercial properties are paying. For a number of years when the value of commercial property was flat or declining and residential was rising, the effect was to shift more of the property tax burden onto residential property owners. He said this year and next year any tax increase will be felt more by the

commercial owners, because commercial property value is now increasing faster than residential property value.

Schneider asked how Minnetonka's foreclosure rate compares with the rest of the metropolitan area. Toy said in 2006 the city had 36 foreclosures. In 2007 there were 84. Cities like Brooklyn Center are in the 400 to 500 foreclosure range. He said the city may not have seen the full effect of the subprime crisis. Foreclosures are trending up slightly in the past few weeks.

Wiersum said he heard a media story concerning people who owe more on their house than the house is worth, who leave their house without notifying their bank. The house then falls into disrepair and become a safety concern. He said some communities are working to be proactive by looking at adopting ordinances requiring financial institutions to let the city know when a house is going into foreclosure. This would allow a city to monitor the property.

**15. APPOINTMENTS and REAPPOINTMENTS:**

**A. Appointment to the community commission.**

Callison moved, Schneider seconded a motion to appoint Suraj Kurtakoti, to the community commission, for a two-year term, effective March 4, 2008 and expiring on January 31, 2010. All voted "yes." Motion carried.

**16. ADJOURNMENT.**

Wiersum moved, Schneider seconded a motion to adjourn the meeting at 7:31 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda  
City Clerk