

**MINUTES  
MINNETONKA CITY COUNCIL  
REGULAR MEETING, MONDAY, APRIL 18, 2011**

**1. CALL TO ORDER.**

Schneider called the meeting to order at p.m.

**2. PLEDGE OF ALLEGIANCE.**

All joined in the Pledge of Allegiance.

**3. ROLL CALL**

Council members Dick Allendorf, Amber Greves, Brad Wiersum, James Hiller, Tony Wagner, and Terry Schneider were present. Bob Ellingson was excused.

**4. APPROVAL OF AGENDA**

Greves moved, Allendorf seconded a motion to accept the agenda with addenda to items 12D, 13A, and 14A. All voted "yes." Motion carried.

**5. APPROVAL OF MINUTES:**

**A. March 28, 2011 regular meeting**

Wiersum moved, Greves seconded a motion to approve the minutes of the March 28, 2011 Minnetonka City Council regular meeting. Allendorf, Greves, Wiersum, Hiller, and Schneider voted "yes." Wagner abstained. Motion carried.

**6. SPECIAL MATTERS:**

**A. Presentation of Life Safety Award to Seth Eliason**

Schneider presented the certificate to Eliason.

Eliason thanked his school for teaching him the right thing to do. He also thanked his Boy Scout troop and his nanny.

**B. Presentation of Life Saving Award to Kelly O'Dea**

Schneider presented the certificate to O'Dea.

Eugene Deterling said if it wasn't for O'Dea he wouldn't be alive. He also thanked the police department for calling him three weeks after the incident to see how he was doing.

O'Dea thanked the council for the recognition. He said it was fortunate that the city had the AED equipment available in its facilities.

**C. Recognition of Officer Trevor Johnson as the 2011 Traffic Officer of the Year**

Schneider read the recognition.

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

Schneider recognized Wagner's daughter as the newest member of the community.

Gunyou noted that for the 17<sup>th</sup> straight year the city received an Arbor Day Tree City recognition. He reported on the schedule for upcoming council meetings.

Schneider noted the award the city received from Readers Digest. The award will be donated to the ICA food shelf.

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

Eric Evenson from the Minnehaha Creek Watershed District thanked the city for its partnership efforts with the district. The district's board of managers passed a resolution formally thanking the city for assisting with the opening of the dam this year.

Schneider said the relationship between the district and the city was mutually beneficial.

**9. BIDS AND PURCHASES:**

**A. Bids for 2011 street rehabilitation project no. 11401**

Gunyou gave the staff report.

Wiersum thanked the staff for obtaining such a great bid.

Wiersum moved, Wagner seconded a motion to:

1) Award the contract for the 2011 Street Rehabilitation Project, Project No. 11401 to Midwest Asphalt Corporation in the amount of \$1,844,983.85.

2) Amend the CIP

All voted "yes." Motion carried.

**10. CONSENT AGENDA (Items Requiring a Majority Vote):****A. Order for liquor license stipulation for Yonki Shoji Inc. dba Origami West Restaurant**

Allendorf moved, Greves seconded a motion to adopt the Finding of Fact, Conclusion, and Order for Yonki Shoji Inc. All voted "yes." Motion carried.

**B. Resolution for the Woodland Road retaining wall project no. 09407**

Allendorf moved, Greves seconded a motion to adopt Resolution No. 2011-027 accepting the plans and specifications and authorizing the advertisement for bids for the Woodland Road Retaining Wall Project No. 09407. All voted "yes." Motion carried.

**C. Resolution for the Vine Hill Road Mill and overlay project no. 11405**

Allendorf moved, Greves seconded a motion to adopt Resolution No. 2011-028 accepting the plans and specifications and authorizing the advertisement for bids for the Vine Hill Road Mill and Overlay Project No. 11405. All voted "yes." Motion carried.

**D. Resolution approving a conditional use permit to operate a paintless auto body repair business at 15700 Wayzata Boulevard**

Allendorf moved, Greves seconded a motion to adopt Resolution No. 2011-029 approving a conditional use permit to operate a paintless auto body repair business at 15700 Wayzata Boulevard All voted "yes." Motion carried.

**E. Resolutions authorizing applications for grant funds for environmental clean-up at 10600 Wayzata Boulevard**

Allendorf moved, Greves seconded a motion to adopt the following:

- 1) Resolution No. 2011- 030 authorizing application for contamination cleanup grant program for the property
- 2) Resolution No. 2011-031 supporting the environmental financial grant application to Hennepin County
- 3) Resolution No. 2011-033 authorizing application for the tax base revitalization account

All voted "yes." Motion carried.

**F. Ordinances amending the zoning and subdivision codes regarding financial security**

Allendorf moved, Greves seconded a motion to adopt:

1) Ordinance No. 2011-02 regarding financial security

2) Ordinance No. 2011-03 regarding basic subdivision improvements

All voted "yes." Motion carried.

**G. Ordinance amending the zoning code within the planned I-394 district and planned unit development ordinance**

Allendorf moved, Greves seconded a motion to adopt Ordinance No. 2011-03 regarding incentives for affordable housing. All voted "yes." Motion carried.

**H. Time extension of a conditional use permit for a medical/dental clinic in the existing building at 5101 County Rd 101**

Allendorf moved, Greves seconded a motion to approve the twelve-month time extension. All voted "yes." Motion carried.

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

**12. INTRODUCTION OF ORDINANCES:**

**A. Ordinance regarding use of city identity**

City Attorney Desyl Peterson gave the staff report.

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

**B. Ordinance regarding campaign signs**

Peterson gave the staff report.

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

**C. Ordinance to adopt a master development plan for the former Market BBQ site at 15320 Wayzata Blvd.**

City Planner Loren Gordon gave the staff report.

Wagner asked if the master development plan fit with the city's zoning and comprehensive guide plan. Gordon said it did.

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

**D. Ordinance amending Section 105.010 establishing ward boundaries**

City Clerk David Maeda gave the staff report.

Wiersum asked how the affected voters might be notified of the potential boundary change. Gunyou said the households could be notified by mail. Wiersum indicated he would not recommend sending the notices unless the changes were adopted.

Hiller asked if the voters would be notified if the changes are adopted. Gunyou said notices would be sent when the redistricting is adopted. Wiersum noted that a public hearing was scheduled for May 2. Wagner suggested adding something to the ordinance if the correcting legislation was not passed in time to meet the May 3 deadline. Peterson noted that could be done. Hiller indicated that the changes would have to be adopted prior to the May 17 candidate filing.

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

**13. PUBLIC HEARINGS:**

**A. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Noodles & Company, 12977 Ridgedale Drive**

Community Development Director Julie Wischnack gave the staff report.

Schneider opened the public hearing at 7:07 p.m.

Colin Kuechle from Noodles and Company said the expected opening date was May 10.

Schneider closed the public hearing at 7:09 p.m.

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

**14. OTHER BUSINESS:**

**A. Amendment of condition of development approval for PORTICO at 15700 Portico Drive**

Gordon gave the staff report.

Wiersum said the amendment made sense. He indicated he received a call from a neighbor who was involved in the original discussions with the developer. The resident said he didn't have an issue with the proposed amendment but he was concerned he didn't receive notification of the proposed change given the detailed discussions with the original development. Gordon said all the property owners within Portico were notified of the amendment. No notifications were sent to those outside the boundaries of the project area.

Keith Waters, the applicant, said his company had talked to most everyone within the project area. Wiersum said the resident he heard from did not live within the project area but was a neighbor.

Greves asked Waters how many lots were still available. Waters said 11 lots were available.

Allendorf moved, Wiersum seconded a motion to adopt Resolution No. 2011-032 Adopt the resolution approving the request. All voted "yes." Motion carried.

## **B. Organizational Performance**

Gunyou presented the report.

Ellingson arrived at 7:26 p.m.

Allendorf said he noticed last year that the number of vendors at the Farmers' Market dropped as the summer went on. Assistant City Manager Geralyn Barone said that other communities have started their own Farmers' Markets and there is some market saturation and competition for vendors. She noted some vendors do not participate for the full season.

Wiersum congratulated the staff on the excellent results. He asked if consideration was given to evaluating the council in a similar manner. Gunyou said the public grades reflected the performance of the entire city, including the council. Wiersum said he was impressed by the high marks for courtesy in customer service given the current atmosphere about public employees.

Schneider said sending out information electronically was challenging but as more and more people get portable devices that may become a more popular way to get information from the city. Barone said there are residents who would like to get the Minnetonka Memo electronically but the challenge is working within the confines of the Postal Service's bulk mailing procedures. Gunyou said there is an effort to push people to the city's web site for more information on newsletter articles. Hiller said unlike

other cities' newsletters, the Minnetonka Memo's articles often dealt with subjects in depth.

**15. APPOINTMENTS and REAPPOINTMENTS: None**

**16. CLOSED SESSION AND ADJOURNMENT**

Greves moved, Wiersum seconded a motion to hold a closed and adjourn the meeting after completing the closed session. All voted "yes." Motion carried. Captain Scott Boerboom presented a security briefing on procedures for council member personal safety.

The closed session was completed at 8:44 p.m.

Respectfully submitted,

David E. Maeda  
City Clerk