

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, DECEMBER 5, 2011**

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

All joined in the Pledge of Allegiance.

3. ROLL CALL

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

4. APPROVAL OF AGENDA

Wiersum moved, Hiller seconded a motion to accept the agenda with addenda to items 12B and 14A. All voted "yes." Motion carried.

5. APPROVAL OF MINUTES: None

6. SPECIAL MATTERS:

A. Presentation by the Glen Lake Mighty Mites Organization

Dan McGie, 14820 Lloyds Drive, the president of the Glen Lake Mighty Mites Baseball Organization, said he was pleased to be making the final payment check for the lights at Glen Lake Park. He thanked two past board members Mike Remington and Mark Gregg who made the project happen. He also recognized two current board members, Paul Valentini and John Frank, for their work. He thanked city staff, Dave Johnson, Mike Pavelka, Perry Vetter and Todd Kasowski for being willing to help out whenever needed.

Schneider said it was organizations like the Glen Lake Mighty Mites that extend the opportunities in the city. The city has limited resources so the volunteers who step forward are greatly appreciated.

Allendorf noted there have been a couple of changes over the years. The first big change was the parking lot and removing parking from Woodhill Road. He asked how people acclimated to the change. He also asked how the organization was able to prevent any complaints about the lights that have been heard in the lighting of other fields. McGie said the parking lot was shared with the facility to the north. The only time there has been a

problem is when there are tournaments that typically occur in July. He has never seen a lot of cars parked up and down on Woodhill Road because there is enough parking in the lot to accommodate drivers. As far as the lights the organization follows the strict guidelines that were established when the lights were installed. He said the lights have to be off before 10 p.m. and they are actually turned off before then. The lights are angled toward the baseball field.

B. Recognition of former park board member Denny Lambert

Schneider read the recognition. He praised Lambert's contributions and calming level headed approach that led to things getting done.

Lambert thanked the council for how they have handled some recent tough years. He also thanked the members of the park board and city staff, GERALYN Barone, Dave Johnson and Perry Vetter for their work and dedication. He encouraged residents to apply to serve on one of the city's boards and commissions.

Schneider noted there were quite a number of openings on the boards and commissions and also encouraged residents to apply.

C. North Memorial Public Safety Service Award for Public Education Specialists Sara Ahlquist and Jim Lundeen

Schneider presented information about the award.

Ahlquist and Lundeen thanked the members of the fire department for all their help.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS

Gunyou reported on the schedule for upcoming council meetings.

He also noted that Dale Eggenberger, the city's former finance director, passed away the preceding Saturday. Eggenberger retired seven years ago after having served the city for more than 30 years. Gunyou said it was his honor to have known Eggenberger before he became city manager, and that both he and the city owed Eggenberger a tremendous debt of gratitude for his sound management of the city's finances. He noted it wasn't often he had the luxury of walking into a situation where an organization was so stable financially. The council, previous city managers and staff and paid close attention to Eggenberger, and were very well served by him. Eggenberger would be missed by many people, and he definitely left the community far better off for being here.

Schneider said Eggenberger set the standard for the quality the city has in the way it runs its finances. He also set a level of confidence and trust that is unusual in city government. Schneider noted that Eggenberger was also instrumental in helping get the community investment fund created.

Allendorf asked for information about the upcoming special election.

City Clerk David Maeda reported that filing for the February 14, 2012 Special Election will be from December 7 to December 19. Absentee voting will be available for a month starting January 13.

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. Joint powers agreement for the Southwest Hennepin Drug Task Force

Allendorf moved, Wiersum seconded a motion to approve the joint powers agreement for the Southwest Hennepin Drug Task Force All voted "yes." Motion carried.

B. Resolution for the 2012 Street Rehabilitation, Ringer Road and McGinty Road East areas

Allendorf moved, Wiersum seconded a motion to adopt Resolution No. 2011-111 receiving the feasibility report, authorizing the preparation of plans and specifications, and authorizing easement acquisition for the 2012 Street Rehabilitation. All voted "yes." Motion carried.

C. Approval of a temporary sign at Glen Lake Station for the Glen Lake Business Community Association

Allendorf moved, Wiersum seconded a motion to approve a temporary sign for the Glen Lake Business Community Association at Glen Lake Station, subject to the following conditions:

- 1) The final location of the sign must be approved by city staff prior to installation.
- 2) The sign must be removed at the end of the winter lights event, but no later than March 31, 2012.

All voted "yes." Motion carried.

D. Extension of previous final plat approval for TERRATONKA, 3100 Forest Lane and 3200, 3218 Eldorado Trail West

Allendorf moved, Wiersum 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 animal noise

City Attorney Desyl Peterson gave the staff report.

Wiersum said he has gotten calls related to issues involving animal noise. He agreed the situation was about people knowing they can take advantage of the current rules and choose not to be considerate to their neighbors. He said he doesn't like over regulation but the proposed changes made a lot of sense because it gave the police department sufficient latitude and provided discreet guidelines. The change from ten minutes to five minutes made sense because a dog barking for one minute is too long. He said the ordinance would help people be considerate of their neighbors.

Schneider said he had an issue with the approach being taken because it responded to the wrong part of what was creating most of the problem. He agreed from an enforcement standpoint, it would be easier to document a five minute period than having to wait ten minutes for the dog to bark again. He said the real issue wasn't if a dog was barking for five minutes or ten minutes but if the dog was continuing to bark throughout the day and the proposed ordinance did not address this. He indicated it would be difficult for the police to monitor how often the dog was barking but the problem usually involved a dog that was kenneled outside. He wasn't sure how to draft the ordinance to get at the real issue.

Wiersum said he did not disagree with Schneider but what was really being discussed was the people who were not being responsive to their dog barking. There likely would not be dramatic changes on how the police department enforced the rules but the ordinance would give them greater latitude. He said residents need to be educated to know what is expected of them to address the issue and to call the police to make sure violations are being documented. He noted the proposed ordinance would also make Minnetonka more consistent with what other communities are doing.

Allendorf asked staff to look into how to address the issue Schneider raised.

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

B. Ordinance amending massage regulations

Peterson gave the staff report.

Wiersum moved, Hiller 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 American Pie Pizza of Minnetonka, 11056 Cedar Lake Road

Gunyou gave the staff report for items 13A and 13B.

Schneider continued the public hearing at 7:12 p.m. No one spoke.

Schneider closed the public hearing at 7:12 p.m.

Wiersum moved, Allendorf seconded a motion to grant the license for 2011 and 2012 All voted "yes." Motion carried.

B. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Pairings Food and Wine Market, LLC, 6001 Shady Oak Road

Schneider continued the public hearing at 7:13 p.m. No one spoke.

Schneider closed the public hearing at 7:13 p.m.

Allendorf moved, Wiersum seconded a motion to grant the license for 2011 and 2012 All voted "yes." Motion carried.

14. OTHER BUSINESS:

A. 2012 Budget & Levy Hearing

Gunyou gave the presentation. He noted that only one email comment was received from the public.

Schneider noted that the city prides itself on the long term budget approach it has taken. The long term planning helps the city avoid wild

swings in levy. The approach also provides good stewardship for the resources and assets so the city does not need to cut things that it would end up paying a lot more for in the future. He said the thing that doesn't get talked about enough was the city doing a good job providing good value for its residents. The money that is spent is spent on the right services at a good value for residents. The feedback from the survey and other information shows a high level of resident support for the value for the services provided.

Wiersum said the idea of value was one he takes particularly seriously. He said while it was useful to do comparisons with other cities the real question was if the city was spending money effectively and doing what makes sense with the available funding. He pointed to the city's AAA bond rating as proof that the city was spending and using money intelligently as well as saving money for residents. He noted unlike many other cities, Minnetonka doesn't special assess for roads. Although it may not be the cheapest place to live it is a great place to live and people love living in the city.

No one from the audience spoke.

15. APPOINTMENTS and REAPPOINTMENTS: None

16. ADJOURNMENT

Wiersum moved, Hiller seconded a motion to adjourn the meeting at 7:33 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk