



MINUTES
CITY COUNCIL PUBLIC HEARING
December 21, 2010

CALL TO ORDER

The public hearing was called to order by Mayor Gilbert at 5:10 pm.

Present: Mayor: Randy Gilbert; Council: Sam Rettinger, Sharon Henderson, Brian Carpenter, and Liz Olson

Staff Present: City Administrator: Terrance Post; Public Works Director: Marv Wurzer; Special Counsel: Arlo Vande Vegte; and City Clerk: Jeanette Moeller

Absent: None

Others Present: Shane and Kris Rudd, Elite Auto (2325 West Wayzata Boulevard); and Rick Perry, Perry's Truck Repair (525 Brimhall Avenue)

APPROVE AGENDA

A motion was made by Henderson, seconded by Carpenter, to approve the Agenda as presented. Ayes: all.

PUBLIC HEARING

Mayor Gilbert stated that the purpose of the hearing was to continue to hear and receive information about 525 Brimhall Avenue and 2325 West Wayzata Boulevard with respect to City Zoning Code, to make factual findings, and to discuss what, if any, code enforcement proceedings should be undertaken.

Special Counsel Vande Vegte emphasized that the two property owners were being permitted to present information regarding:

- Whether the existing use of their property meets the definition of an automobile wrecking or junkyard as defined in Zoning Code;
- If so, whether such use is a non-conforming use; and
- If so, whether such non-conforming use has been expanded or increased over time.

Vande Vegte clarified that information taken would be relative to only those three questions and complaints would not be received. The Council would be hearing information regarding the three questions identified and subsequently making fact findings. Individuals will be allowed to speak solely if relevant to the questions being asked; complainants would be ruled out of order. Vande Vegte displayed a bench handout findings of fact form he had prepared for Mayor and Council members to consider when evaluating the two properties and questions being discussed.

Shane Rudd, Elite Auto, reiterated that as he had said at the last hearing, his attorney was unable to be present and the property owner, Dick Rudd, remains out of state and unable to attend. Mr. Rudd indicated both parties could be available for a hearing on January 11, 2011. Mr. Rudd would like his current legal representation to be present rather than alternative representation, and also emphasized that the best person to answer the Council's questions regarding the Elite Auto property would be the property owner, his father. Mr. Rudd felt information submitted would be incomplete

without the property owner and the Rudd's attorney present, and requested the hearing be continued until January 11 when all parties would be available.

Mayor and Council members collectively expressed disappointment at the Rudds' unwillingness to participate in the hearing and respond to the three simple questions being discussed; and questioned whether they could make findings of fact regarding the 2325 West Wayzata Boulevard property based on the information already at hand. Council also discussed proceeding with making fact findings relative to 525 Brimhall Avenue and continuing the portion of the hearing addressing 2325 West Wayzata Boulevard.

Vande Vegte stated he would advise that the fact finding process be completed for both properties under discussion within the same meeting.

After verifying availability of Council members and Special Counsel Vande Vegte for a meeting on January 11, Mayor Gilbert solicited a motion to continue the hearing.

A motion was made by Carpenter, seconded by Olson, to continue the public hearing addressing until further discussion on January 11, 2011 at 5:30 pm. Ayes: Rettinger, Carpenter, Gilbert, Olson. Nay: Henderson. Motion carried.

ADJOURN

Hearing no objection, Mayor Gilbert adjourned the public hearing by general consent at 5:30 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk