

**Minutes
Minnetonka City Council
Monday, December 20, 2021**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members Deb Calvert, Bradley Schaeppi, Kissy Coakley, Brian Kirk, Rebecca Shack, Susan Carter and Brad Wiersum were present.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Item 10D. All voted "yes." Motion carried.

5. Approval of Minutes:

A. December 6, 2021 regular meeting

Calvert moved, Kirk seconded a motion to approve the minutes, as presented. All voted "yes." Motion carried.

6. Special Matters: Recognize Councilmember Susan Carter

Wiersum read a proclamation in full for the record recognizing Councilmember Susan Carter and thanked her for her dedicated service to the City of Minnetonka on the city council.

Carter thanked the mayor and council for their kind words. She stated she has enjoyed her time on the council and thanked the city for this opportunity. She reported serving the public is not glamorous or easy work. She understood these were difficult times for the city and change was happening. She encouraged the public to be kind to their public servants and to consider becoming involved in the community. A round of applause was offered from all in attendance.

7. Reports from City Manager & Council Members

Acting City Manager Mike Funk reported on upcoming city events and council meetings.

Schack explained she was the chair of the 494 Corridor Commission and noted this group met earlier this month to discuss the budget surplus. She reported commuter services resources were available to businesses across the state and she encouraged businesses to look them up.

Kirk provided the council with an update from the public art and communication committee, which he co-chairs. He explained this group hired an artist, Taylon DeJohette, to assist with branding places. He discussed how the committee was working to find locations for public art not at the Southwest Light Rail stations, but near them.

Carter commented on a gun threat that occurred on Friday, December

17 at the Minnetonka High School as well as schools throughout the metro area. She discussed a communication she received from school administration and noted parents were left very concerned. She explained this led her to reach out to the city manager and police chief regarding the threat. She greatly appreciated hearing their careful and thoughtful response, stating this response was shared with the public. She reported the police in Minnetonka were very qualified and she appreciated their efforts on Friday, December 17 and every day.

Calvert encouraged residents to keep those who were struggling this holiday season in their thoughts. She indicated the weather this December has not been normal and people's lives had been destroyed in rural Kentucky.

Calvert stated she served as the liaison on the Minnetonka Family Collaborative noting this group met last week and received a presentation from Minnetonka alum Jonah Soletta regarding mental health.

Calvert wished everyone a healthy and restful holiday season.

Calvert thanked Councilmember Carter for her dedicated service on the city council.

Calvert noted board and commission applications were open at this time. Funk explained the city would have two commission openings in 2022 and applications would be taken the entire month of January.

Schaeppi thanked Councilmember Carter for her service.

Schaeppi reported there were three school districts in his ward, Ward 3. He explained the Wayzata School District has a group called Partners for Healthy Kids which was a collaborative of parents, along with public and private organizations that focuses on the well-being of students and families. He

encouraged families to visit the healthpoweredkids.org and changetochill.org websites which address mindfulness and stress relief resources.

Schaeppi thanked the city manager and mayor for having a conversation with Minnetonka's adjacent cities about public safety.

Coakley thanked the members of the community that were serving on the DEI Committee. She appreciated their efforts to get flyers out to the apartment complexes in Minnetonka. She encouraged all members of the community to fill out the community survey.

Wiersum discussed how members of the public can find the community survey, noting a link was provided in the *Minnetonka Memo*.

Wiersum reported he was part of the Minnesota Mayors Together organization noting this group meets quarterly to discuss issues Minnesota cities confront. He indicated civility was the topic of discussion at the most recent meeting. He discussed how difficult it was to be a public servant and encouraged the public to be kind and considerate when addressing public officials.

Wiersum commented on a meeting he attended where six cities were represented that was held to address crime. He indicated there has been an increase in crime in the west metro. He stated there was a need to have more support and cooperation from the Hennepin County Attorney's Office to change their approach when prosecuting crimes. He explained the current policies were adversely impacting the safety of the community. He stated he supported social justice and understood police reform desired attention, but at the same time, criminals had to continue to be prosecuted. He discussed how the six cities would be pursuing support from other communities in Hennepin County in order to send a stronger message to the Hennepin County Attorney's Office.

8. Citizens Wishing to Discuss Matters not on the Agenda: None

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

Calvert requested item 10A be pulled for further discussion.

B. Delegating authority for electronic fund transfers

Schack moved, Kirk seconded a motion to adopt Resolution 2021-134. All voted "yes." Motion carried.

C. Resolution for the Opus Bridges Phase III Project

Schack moved, Kirk seconded a motion to adopt Resolution 2021-135. All voted "yes." Motion carried.

D. Resolution amending Resolution 2019-037 pertaining to easement vacation at 10400, 10500, 10550 Bren Road West and Resolution amending the final plat of MINNETONKA STATION at 10400, 10500, and 10550 Bren Road West

Schack moved, Kirk seconded a motion to adopt Resolution 2021-136 and 2021-137. All voted "yes." Motion carried.

E. Ordinance amending Minnetonka City Code Section 835 relating to waste collection/disposal and recycling

Kirk commented on the language regarding keeping containers out of view and stated this section of ordinance would be difficult to maintain equitably throughout all of Minnetonka. He encouraged staff to bring this portion of the ordinance to a study session in the future. He recommended that staff bring this item back to the council if not all haulers can manage the organics portion of the waste collection.

Schack moved, Kirk seconded a motion to adopt Ordinance 2021-26. All voted "yes." Motion carried.

F. Approval of second amendment to contract for comprehensive municipal recycling services

Schack moved, Kirk seconded a motion to approve the contract amendment. All voted "yes." Motion carried.

G. Resolution to adjust 2022 non-union employee salaries and benefits

Schack moved, Kirk seconded a motion to adopt Resolution 2021-138. All voted "yes." Motion carried.

A. Resolution regarding national opioid settlements

Calvert stated she spoke with staff earlier today and noted she was excited to see the city would be benefiting from this legal award. She asked what the statistics were for opioid overdose in Minnetonka and Hennepin County. Acting City Manager Mike Funk commented he would gather the data with Police Chief Scott Boerboom and would report back to the council.

Carter questioned how the awards would be made to participating communities. City Attorney Corrine Heine explained there were two national settlements and the awards would be based on the number of participating cities and counties. In

addition, there was a memo agreement that the city would be signing off on to see the allocation amount for the state of Minnesota.

Wiersum reported the Attorney General's office was following this matter closely and noted it was important for more cities to sign on. He indicated the League of Minnesota Cities was working to get more cities involved in this process.

Calvert moved, Carter seconded a motion to adopt Resolution 2021-133. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Accepting gifts, donations and sponsorships given to the city during 2021

Calvert moved, Schack seconded a motion to adopt Resolution 2021-139. All voted "yes." Motion carried.

12. Introduction of Ordinances:

A. Noise Regulation Ordinance

City Attorney Corrine Heine gave the staff report.

Calvert questioned what the penalty would be for violating the noise regulations. Heine stated this ordinance would be punishable under the administrative penalties provision, which would come with a civil penalty or a fine of up to \$1,000.

Carter asked if option 1 and 2 could be considered. Heine noted the options were not mutually exclusive but explained staff would prefer to take one approach first and another option could be added in the future, if necessary. She indicated staff's preference would be to pursue option 1.

Schaeppi inquired if the frequency issue had been fully considered within the ordinance. Heine stated she believed the language properly addressed the frequency concerns.

Coakley questioned what options the homeowners who have woodpecker problems would have if this ordinance was put in place. She asked if there was some recourse for these families to ask for assistance if they can't use the noise deterrent. Heine stated there were a number of ways the property owners can address pests. In the case of birds and woodpeckers, there are approaches that do not involve sound.

Coakley commented she understood this was specifically addressing the woodpecker concerns. She noted the council has also received complaints regarding lawnmowers and blowers and asked why this was not addressed in the ordinance amendments. Heine reported she was responding to the direction she was provided at the November 15 meeting.

Schack stated in comparing the two options, was there a difference in either one when considering enforcement. Heine noted there was not a difference between the two, when considering enforcement. She stated if there was enough problem with enforcement a civil lawsuit would commence.

Calvert requested further comment regarding the two options provided by staff. Heine discussed the differences between option 1 and option 2. Police Chief Scott Boerboom commented with option 2 it prohibits any device use. He stated for residents that live on a larger parcel, technically a device could be used because it would not be heard by the neighbors.

Wiersum questioned how staff would enforce this issue. Community Development Director Julie Wischnack described the process that would be followed to enforce this ordinance.

Kirk stated he supported option 1 moving forward for the noise ordinance.

Schack commented she did not have a strong opinion. She indicated the goal was to abate the sound and if staff believes amending the noise ordinance was the most efficient way to do this, she would support this option.

Schaeppi stated he supported staff's recommendation of option 1 and noted he looked forward to hearing feedback from the public.

Calvert thanked staff for their efforts on this ordinance. She indicated she supported option 1 moving forward.

Carter supported option 1 moving forward. However, she encouraged the council to continue finding ways to protect wildlife as was done in option 2.

Wiersum asked what the process would be for receiving comments from the public. Wischnack explained the public this would be posted on the city's website by the end of the week and noted letters would be sent to the neighborhood with an email address for comments. In addition, the neighbors would be informed there would be an open hearing on January 24, 2022.

Wiersum supported the simplicity of option 1. He feared if two sections of code were amended this could become confusing.

Kirk moved, Schack seconded a motion to introduce the ordinance and provide feedback. All voted "yes." Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

13. Public Hearings: None

14. Other Business:

A. Concept plan for Minnetonka School District Vantage/Momentum Building at 5735 County Road 101

City Planner Loren Gordon gave the staff report.

Paul Bourgeois Minnetonka School District finance director thanked the council for considering his request. He explained the Vantage and Momentum programs were growing in interest within the Minnetonka school district. He reported the district was looking to construct a facility south of Clear Springs Elementary School that would be 36,300 square feet. If this building were approved, it would be the first new construction building in the school district since 1966. He indicated the funding would be provided through existing revenue streams, which meant there would be no tax impact on the taxpayers.

Dave Maroney, architect for the Minnetonka School District, stated it was an honor to be representing the Minnetonka Public Schools. He noted he has been working with the school district for the past 15 years on several additions, but noted he was now working on a brand new building. He then provided the council with a detailed presentation on the concept plan submittal which covered the history and background of the Vantage and Momentum programs, while also providing information on the traffic study, tree inventory, concept site plan and project timeline. He commented on the neighborhood meeting that was held on November 30. He then discussed the programming that would be offered in this building. Elevations of the new building were reviewed and he asked for comments or questions from the council.

Coakley commented she interviewed with students at the Vantage program and she believed this was a great program for the school district. She indicated she was concerned with how this project would impact traffic because there would be an increase in bus and vehicular traffic. She questioned how the school district would address the traffic impacts along Excelsior. Gordon stated early conversations were held regarding access points to the property. He noted several different scenarios were run and noted the only path to accommodate this facility was at Hanus and County Road 101. He indicated there was capacity along County Road 101. He recommended the start time for this school be

different than the adjacent elementary school to assist with addressing traffic concerns.

Coakley stated she would like the intersection of Excelsior Boulevard and County Road 101 to be looked at further. She reported she receives calls already with concerns for traffic and she anticipated this new school facility would increase these concerns.

Carter thanked Mr. Maroney for the great presentation. She commented on her work history and discussed her work on Project Green Fleet. She expressed concern with the fact 75 buses would be brought to this facility on a daily basis. She understood traffic was one issue, but noted public health should also be a consideration for the school district. Mr. Bourgeois reported he would be contracting with First Student for busing. He indicated the buses are supposed to turn their engines off when they arrive and they are not to idle in order to minimize the fumes. Mr. Maroney stated the buses would be running through the bus loop.

Carter encouraged the school district to be intentional and transparent about the number of buses that would be running to and from this site on a daily basis.

Kirk questioned what the land use change would be for this proposal. Mr. Maroney stated he would be requesting a conditional use permit. Gordon indicated the R-1 zoning would remain the same.

Kirk asked if going from 90 to 68 cars would create a potential parking problem. Mr. Maroney discussed the loop parents would have to follow to when dropping of their child at school. He indicated the 68 spaces will work because there was a large parking lot adjacent to the new building and could serve as a viable overflow lot that had safe access to sidewalks. He anticipated 50% of the cars using the main lot would be visitors, mentors or staff and there would be a strong emphasis on the shuttle participation for the students. Mr. Bourgeois indicated the students currently utilize a shuttle for this program.

Kirk thanked the school district for staggering the timelines for the two schools. He inquired if the west elevation of the building would be enhanced. Mr. Maroney stated this was a continual process and the final choice of materials would be high quality. He reported the strongest idea would be to have the west side of the building serve to protect or act as a barrier from County Road 101. Mr. Bourgeois indicated he wanted the building to look stately but not ostentatious.

Schaeppi stated this was an exciting project. He encouraged the school to think about how to properly connect this new school facility to the community for pedestrians.

Schack stated she was proud of this program and looked forward to having this facility in the community. She appreciated the detailed work that had gone into the concept plans.

Kirk explained he graduated with Mr. Maroney in 1984 from North Dakota State. He commented he appreciated how the circulation issues were addressed, along with how the school district worked to address the tree ordinance. He encouraged the school district to consider sustainability efforts for the building, along with having a more attractive elevation for the west side of the building, which would be viewed from County Road 101.

Calvert thanked Mr. Maroney for working to save trees. She encouraged the school district to install wayfinding signs. She suggested the view from the west elevation be further enhanced. She encouraged the school district to consider using the students to see how sustainability measures can be brought into this project. She stated she supported Councilmember Coakley's comments regarding traffic along Excelsior Boulevard, noting the high level of traffic was problematic from 7:30 a.m. to 8:00 a.m. during the school year.

Wiersum reported the Vantage and Momentum programs were great additions to the Minnetonka School District. He thanked the school district for working to meet the city's tree ordinance. He noted traffic was always a challenge for schools and he appreciated the fact a shuttle will be provided by the school district. He appreciated the proposed plans and encouraged the school district to be intentional when planning for the exterior elevation because this building would need to stand the test of time. He suggested the school district build flexibility into the plans in order to adjust to how transportation will change in the future. He stated he was supportive of this project and believed this was an exciting move for the Minnetonka School District that would benefit the residents and the entire region.

B. Approval of the Natural Resources Master Plan

Natural Resources Manager Leslie Yetka gave the staff report.

Calvert discussed the map on page 10 and asked if those were woodlands or heavily wooded areas. Yetka reported these were the MLCCS mapping of woodlands.

Calvert indicated one of the areas that needs to be addressed within this plan was mosquito control. She questioned how the city can monitor and educate the public in order to reduce the use of these chemicals. Yetka stated she gets several calls per year regarding private companies spraying chemicals in neighborhoods and how this impacts the community. She reported there is a regulatory legal component to this and noted the Department of Agriculture regulates all pesticide use. She indicated State Statute precludes local

governments from enacting rules that would supersede the Department of Agriculture's rules. City Attorney Heine stated she was aware there was legislation to do a little more with pesticides relative to pollinators but she did not believe this change was enacted. She reported the Department of Agriculture regulates and controls all use of pesticides in the city and the city could not enact further regulation. She indicated education and other efforts could be pursued.

Calvert asked if the city has considered creating a pathway or corridor for mammals to get from one side of roadway to another. Yetka reported the city has not considered or taken any action on this. Public Works Director Will Manchester stated this has been discussed in the past but nothing specific has been done and no specific corridors have been spelled out.

Schaeppi thanked staff for all of their work on this plan. He understood this plan was a starting point and he appreciated how well thought through it was. He requested a brief overview on what a restoration plan would look like for a city park. Yetka discussed the future plans for Big Willow Park noting the target plant communities and the priorities for restoration, which would be to plant native plants, remove invasives and protecting old growth trees. She indicated staff would be working with Friends of Big Willow Park on this project.

Schaeppi questioned if the city will be putting together the higher priority restoration plans in 2022. Yetka reported this was the plan.

Kirk thanked staff for the detailed report. He asked how the restoration work would be funded. He feared that the city was underfunded at this time. He encouraged the city to consider establishing active and passive areas for the parks that will be restored. Yetka commented the park board was starting to have conversations to define active versus passive use within the parks.

Kirk stated the City of Minnetonka owns a fair amount of land that was open area that was not a designated park. He indicated the habitat that strings between the city's parks and these open areas should be given the same amount of attention. Yetka discussed how the city manages its park property versus open areas. She explained it took a great deal of time and resources to restore these spaces. She noted wetlands were incredibly costly and difficult to restore.

Schaeppi inquired if the city would have a separate process that would provide for a light, moderate and heavy plan for restoration dollars within the CIP. Yetka commented this would depend on the costs that have been identified for each park. Acting City Manager Mike Funk reported there was a lot of detail included in this plan and he understood there would be a large need for funds to carry out this plan. He indicated the city would have to reshape its priorities in order to fund this plan.

Wiersum reported this plan was really well done. He stated he was daunted by the enormity of the task. He believed the city would need to educate the public on the work that was needed because the public's perception would be different than the experts. He questioned how staff would bridge this gap. Yetka stated this was something staff deals with everyday and there was an ongoing effort to educate the public. She indicated this process would never end. She commented on how rain gardens and pollinators have come to the forefront of people's minds and noted staff would have to work to make the importance of natural resources to the vitality of the community another forefront issue.

Coakley thanked staff for the detailed report. She noted after speaking with the Friends of Lone Lake Park, she believed it would be very important to educate the public on the importance of protecting the city's natural resources. She understood Minnetonka had beautiful parks and open spaces and she appreciated the city's staff member and volunteers for working to protect these community assets.

Schack stated she appreciated the tremendous amount of work that went into this plan by staff. She understood it would cost the city a lot of money to undertake this project, but she supported the plan moving forward with the support of the community.

Calvert thanked staff for all of their efforts on this plan and for taking comments from the public. She stated she loved that this document was not just about the city's parks, but was quite comprehensive because it also addressed habitats. She looked forward to seeing this plan moving forward.

Kirk agreed this plan was impressive and comprehensive. He appreciated the fact that staff had included comments and suggestions from the public. He looked forward to this plan moving forward with assistance from the public.

Schaepfi thanked Ms. Yetka for all of her hard work on this plan. He reviewed one of the comments from the public that encouraged further education of the public regarding the degradation of the city's parks. He believed it would be important for the city council to provide leadership on this in order to receive buy in from the residents on this plan.

Carter thanked Ms. Yetka for her tremendous work on this plan. She discussed how good Ms. Yetka was at her job but feared the city did not have someone on staff that be serving as the go-between for the city with the public. She encouraged the city to consider how to work collectively with other companies and organizations that have shared values for this good work. She recommended the city to be creative to bring in new resources to make this work happen because it was worth it. Yetka noted the Park and Trail Planner position was moving to Natural Resources to try and accomplish some of the work Councilmember Carter had discussed.

Wiersum commented he agreed with the statements that had been made by the council. He understood there was a delta between the work that has to be done and the cost. He shared the optimize that has been voiced by the council because the residents of Minnetonka were passionate about the natural environment. He anticipated if the city marshalled the passion the city would be able to find the resources.

Schack moved, Calvert seconded a motion to approve the plan. All voted "yes."
Motion carried

C. 2022 Sustainability Commission Work Plan

City Planner Loren Gordon gave the staff report.

Schaepfi thanked staff for the thorough report. He asked how the structure was set up for percolating grass root ideas from this group. Gordon reported this was already occurring at events between the commissioners and staff. He indicated the issues that are brought forward would be given more energy over time.

Calvert questioned if the meeting schedule for this group was sufficient to meet this plan. Gordon commented the commission was the face of sustainability efforts for the city. He discussed how hard staff was working to gather background information for the group to discuss. He noted staff would have to continue to monitor this as the climate action plan moves forward. He anticipated a lot of outreach would be required for this plan.

Calvert encouraged staff and the sustainability commission to consider planning special events for Earth Day in 2022.

Kirk commented he has been trying to attend the sustainability webinars. He thanked Drew Ingvalson for these and suggested these webinars be further advertised to the public. Gordon stated he would speak with other communities to see how they are working to reach the public.

Kirk discussed the makeup of the sustainability commission and asked if this was working well. Gordon reported the group was working well. He noted the students have been well engaged.

Wiersum thanked staff for all of their efforts on the work plan.

Calvert moved, Kirk seconded a motion to approve the work plan. All voted "yes."
Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Carter moved, Schack seconded a motion to adjourn the meeting at 10:59 p.m.
All voted "yes." Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Becky Koosman". The signature is written in a cursive, flowing style.

Becky Koosman
City Clerk