

**Minutes  
Minnetonka City Council  
Monday, April 11, 2022**

**1. Call to Order**

Mayor Brad Wiersum 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 Kissy Coakley, Brian Kirk, Rebecca Shack, Kimberly Wilburn, Deb Calvert, Bradley Schaeppi and Brad Wiersum were present.

**4. Approval of Agenda**

Kirk moved, Coakley seconded a motion to accept the agenda with addenda to Item 13.A. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. March 17, 2022 study session minutes**

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

**B. March 21, 2022 regular meeting minutes**

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

**6. Special Matters:**

**A. Metro Green Line Extension (Southwest LRT) Updated**

James Mockovciak provided the council with a presentation and overview on the METRO Green Line Extension. A map of the project area detailing the 14.5 mile Green Line with its 16 stations was discussed. That work that was completed in 2021 was described which included 15 building demolitions, the construction of 25 bridges, 8 tunnels, 11 LRT stations, and 114 retaining walls. He commented further on a photo of the Opus LRT Corridor and detailed the work that would be done in Minnetonka. He commented further on the statewide economic benefits

of the Green Line Extension, along with the 2022 construction highlights. The ongoing communication and community outreach efforts were detailed. Kirk asked when the Three Rivers bike trail at Shady Oak Road would be reopened. Mr. Mockovciak explained segments of the trail would be reopened as they become available.

Calvert questioned if there had been any consideration to provide bus transportation or other supplemental transportation in lieu of the train, because the train completion has been delayed by several years. Mr. Mockovciak stated he was unaware of any supplemental transportation.

Community Development Director Julie Wischnack reported she met with Metro Transit today and discussed the 612 Route, which runs on the east side of Opus. She explained there were discussions about opening this route back up with expansions.

Calvert inquired what the cost overruns would be for this project due to the project delays and rising costs for construction. Mr. Mockovciak discussed the original budget for the project and noted the project began in 2018. He stated there has been scope increases due to the corridor protection wall, environmental issues and methodological pivots. He reported he has not identified all of the cost overages but noted this would be reviewed with Hennepin County in order to ascertain additional funding.

Calvert asked how much longer construction would be occurring in Opus. Mr. Mockovciak reviewed the construction timeline and noted the majority of the work in this area would be completed by the end of 2022.

Wilburn questioned how the stations that had been constructed would be maintained until the project was completed. Mr. Mockovciak explained a plan was being put in place to address the construction and maintenance of the stations.

Wiersum thanked Mr. Mockovciak for his presentation. He stated he hoped the stations would be completed and open for use in 2023. He discussed the financing of this project and noted the city did not want to become responsible for the long term maintenance of bridges within this project area. He indicated the city proactively supported the Southwest LRT and understood this project has been a positive economic driver for the entire region.

Mr. Mockovciak thanked the mayor and councilmembers for their comments.

**B. Proclamation declaring Friday, April 22, 2022 as Earth Day**

Wilburn read a proclamation in full for the record declaring Friday, April 22, 2022 to be Earth Day in the City of Minnetonka.

**C. Proclamation declaring Friday, April 29, 2022 as Arbor Day**

Calvert read a proclamation in full for the record declaring Friday, April 29, 2022 to be Arbor Day in the City of Minnetonka.

**D. Proclamation Standing with Ukraine**

Wiersum read a proclamation in full for the record stating the City of Minnetonka was Standing in Solidarity with Ukraine.

**7. Reports from City Manager & Council Members**

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

Kirk stated he served on the Places committee for the Green Line LRT with Councilmember Wilburn. He explained places for public art were considered last Friday when he visited the Optum and golden triangle areas.

Calvert discussed the meetings she had attended for Braver Angels, which was a citizens organization that unites blue and red Americans to work in alliance to depolarize America.

Calvert commented she attended the Minnetonka Family Collaborative monthly meeting and noted this non-profit group supports children and families that were at risk.

Calvert indicated she also attended a White House debriefing on Ukraine. She encouraged the residents of Minnetonka to keep Ukrainians in their thoughts and to give generously.

Coakley stated last week she attended a meeting with students in the Vantage program from Minnetonka High School. She explained these students are considering how to reuse or repurpose the red barn off of Excelsior Boulevard.

Wiersum commented the proclamation he read for Ukraine was adapted from a proclamation he heard at the US Conference of Mayors. He stated he attended a fundraiser event this past weekend to support Ukraine and encouraged residents of Minnetonka to find ways to support Ukraine.

**8. Citizens Wishing to Discuss Matters not on the Agenda:**

Keith Weigel, 14209 Glen Lake Drive, noted he has been a resident of Minnetonka for the past 17 years. He stated he understood the city was fully developed and commented on how a redeveloping property in the Glen Lake neighborhood would be impacting him. He discussed how a residents home was typically their largest asset and commented further on how the new development would adversely impact the value of his asset and quality of life. He encouraged the city to hire a full time staff member to serve as an advocate for the seniors of Minnetonka.

**9. Bids and Purchases: None.**

**10. Consent Agenda – Items Requiring a Majority Vote:**

Schaeppi asked to pull item 10.C from the consent agenda for further discussion.

Wiersum asked to pull item 10.D from the consent agenda for further discussion.

**A. CSAH 3 Drainage Improvements Agreement with Hennepin County**

Schack moved, Calvert seconded a motion to approve the agreement. All voted “yes.” Motion carried.

**B. Items relating to the Lindbergh Center**

Schack moved, Calvert seconded a motion to adopt Ordinance 2022-05. All voted “yes.” Motion carried.

**C. Climate Emergency Declaration**

This item was pulled from the consent agenda for further discussion.

**D. Resolution for the MnDOT Traffic Signal Agreement on TH 7 at Woodland Road/Tonkawood Road**

This item was pulled from the consent agenda for further discussion.

**E. Strategic Profile**

Schack moved, Calvert seconded a motion to accept the 2022 Strategic Profile Action Steps All voted “yes.” Motion carried.

**C. Climate Emergency Declaration**

Schaeppi discussed the climate emergency declaration in further detail. He noted the city had a new sustainability commission that was working to address climate matters. He commented further on the initiatives the sustainability commission was undertaking on behalf of the city.

Wiersum reported he supported the initiative but was struggling with the terminology climate emergency. He stated he has been on the council for the past 20 years and noted there has only been one state of emergency which had to do with the pandemic. He believed there was a climate crisis, but felt the term emergency required immediate and swift attention. He feared that declaring something an emergency by the city should have a beginning and an end. He understood this crisis had a beginning but he did not know when there would be an end. He was of the opinion that words matter and for this reason, he recommended this be modified to be called a climate crisis.

Calvert agreed words mattered. She discussed how the climate emergency declaration arose out of a group of municipal officials. She indicated she was listening to NPR and there was a call to reduce greenhouse gases and emissions in order to avert a catastrophe. She believed there was an emergent need to address these issues in order to start mitigating the emergency and if we don't there will be an ongoing crisis. She commented on how if immediate and swift action was taken to address greenhouse gasses by 2025 and 2035, that the increase in global temperature would start subsiding.

Schack indicated the city could not overstate the severity of the climate crisis or emergency. She believed this was something that was at a "may day" level and for this reason, she could support the declaration being called an emergency in order to protect future generations. In addition, she supported the declaration going forward as is because it showed solidarity with surrounding communities.

Wilburn commented she campaigned on the environmental and climate change. She reported the community was in a climate emergency and Minnesota was seeing the effects of climate change on its lakes and water quality. She stated she supported the term climate emergency as it showed action does need to be taken.

Wiersum explained again that he believed words mattered, but noted he would not let the terminology uses preclude him from supporting this declaration.

Wiersum moved, Calvert seconded a motion to adopt Resolution 2022-027. All voted "yes." Motion carried.

**D. Resolution for the MnDOT Traffic Signal Agreement on TH 7 at Woodland Road/Tonkawood Road**

Wiersum explained the signal at TH 7 and Woodland Road/Tonkawood Road had a battery backup because there were frequent power outages. He stated after living in this neighborhood he understood there were frequent power outages due to an inadequate substation that was owned by Xcel Energy. He understood the city has talked to Xcel Energy about this situation and they do not appear to be willing to invest in this substation. He indicated the residents from Ward 3 have talked to him on numerous occasions asking the city to do something. He commented on how the substation was not in the city's jurisdiction, but noted the city was willing to invest in a battery backup system for this intersection due to the fact there was not adequate power at this intersection.

Wiersum moved, Schaeppi seconded a motion to approve Resolution 2022-028. All voted "yes." Motion carried.

**11. Consent Agenda – Items requiring Five Votes:**

**A. Minnetonka Ice Arena Projects**

Kirk moved, Calvert seconded a motion to amend the CIP. All voted "yes." Motion carried.

**12. Introduction of Ordinances:**

**A. Items concerning Woodhaven at Minnetonka 2424 & 2440 Plymouth Road**

City Planner Loren Gordon gave the staff report.

Roger Anderson, civil engineer and developer for the project, introduced himself to the council. He noted his original plans called for ten lots and this has now been reduced to nine lots. He discussed what a great job the city had done to protect trees while the city has developed and commented on how the newly revised tree ordinance would impact his project. He indicated he was proposing to remove 68% of the significant trees and 72% of the high priority. He stated he would be responsible for planting 1,300 new trees if his development were approved. He understood that nobody likes to take trees down, but also believed there had to be balance. He stated the tree ordinance as revised was made his lot not developable. He discussed how the new homes he would build would be more energy efficient than the surrounding homes. He commented on the slopes that were on his property. He asked that the city council work with him and reconsider the tree ordinance in order to offer some leeway.

Wiersum thanked Mr. Anderson for his detailed report. He stated this was a challenging property and noted the updated tree ordinance has made the development of this property even more challenging.

Schack indicated this property could not conform to the existing or the previous tree ordinance. She stated she wanted to hear from the planning commission on how to reach a balance. She indicated she had more room to support balance if this was within the R1-A zoning district, but feared the project would still be requiring other compromises.

Kirk stated he looked at this project as a three dimensional challenge. He challenged the planning commission to look at this from a civil engineering perspective. He stated it is helpful to see what this would look like with the ordinances taken into account and maybe there is some room for leeway.

Calvert thanked Mr. Anderson for his presentation. She explained she watched the planning commission meeting from last July and she walked the property. She indicated this property was a three dimensional challenge and she appreciated the fact the developer was proposing single-level living housing the city needed. She understood the property owner had the right to develop the property. However, as the city has developed over time, ordinances have been developed to maintain the character of the community in order to protect the natural beauty. She explained she was uncomfortable moving this ordinance forward. She commented on how uncomfortable she was with adjusting the steep slopes on this property. She reported the city had a steep slope ordinance in place for a reason and she wanted to try and honor this ordinance. She hoped the developer could work with staff on both of these ordinances to come up with a better plan for this property. She stated she was intrigued to have this type of housing built on this property, but noted she was concerned about the proposed price point.

Schaeppi thanked Mr. Anderson for his presentation. He discussed how the city was working to find a balance between trees, development and property rights. He indicated this property was a challenge due to the conflict with the tree ordinance and the need for more housing. He encouraged the planning commission to discuss both of these issues. He explained he was supportive of moving this item forward and suggested the planning commission consider if there was a scenario that had fewer homes and offered more protection of the trees.

Coakley commented she looked forward to hearing from the planning commission. She stated personally, she would like to see more homes, even if this meant trees would be lost. She understood these were not affordable homes, but she knew people needed places to live, and the city needed more single-level homes. She supported this ordinance being forwarded to the planning commission.

Wiersum reported he would support moving this ordinance to the planning commission as well. He explained Mr. Anderson reached out to him to share his thoughts prior to this meeting and noted he declined a meeting. He stated he did this in order to let the city process work. He commented on how the tree ordinance and stormwater management requirements had gotten more stringent and how this had impacted Mr. Anderson's project. He understood that something would develop on this property and if it was not single-family homes, then what. He believed this was one of the more challenging properties to develop in the city and anticipated that it could only be developed with variances. He looked forward to the planning commission, Mr. Anderson and staff working through the process in hopes of finding a development project that works.

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

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

### **13. Public Hearings:**

#### **A. Items concerning Abdo Market House multi-family residential development at 14317 Excelsior Boulevard**

City Planner Loren Gordon gave the staff report.

Kirk asked if the vacated right of way would become part of the property for density calculations purposes. Gordon reported this was the case.

Coakley questioned what developers typically offered for the timeframe on affordability. Community Development Director Wischnack stated the city requires a 30 year commitment. City Attorney Corrine Heine stated it was typical for there to be a 30 year time limit in place.

Coakley commented she would like to find a way to encourage a longer timeframe in order to sustain the affordable housing units. Wischnack commented this could be further discussed by the council in September. She noted the developer would be constructing the affordable units without any assistance from the city.

Wiersum asked the developer to come forward at this time.

Paul Abdo, 601 Marquette Avenue in Minneapolis, thanked the council for allowing him to speak. He stated staff had been really great to work with on this project. He commended staff and the community for providing a high level of



input on this project and discussed how he had been intentional when designing this project.

Coakley stated he appreciated the affordable units that were being provided within this building. She asked if the developer was receiving any type of tax breaks for this project. Mr. Abdo reported he would be receiving no tax breaks or any other incentives for this project.

Kirk commented on a question that was raised at the planning commission meeting and inquired if the developer had considered transitioning the building from four stories to three stories from west to east. He asked if the mass of the building could be reconsidered to the east in order to lower the impact on the adjacent townhouses. Mr. Abdo commented once the footprint was adjusted the economies of scale would be impacted and the remaining units would become more expensive.

Kirk indicated he struggled with this development because he viewed this property as a transition parcel between one and two story townhomes and a four-story building. He explained that the proposed development was just more of the same. He asked what exterior building materials would be used on the proposed building. He requested the developer consider using more upscale materials with two stories of brick. Mr. Abdo stated he would be open to considering this.

Wilburn commented on the concerns that have been raised by neighbors concerning traffic and that the traffic study was completed in 2018. She inquired if all of the other multi-family units were in place when this study was completed, or should a new study be completed. Gordon reported the study was completed pre-COVID and the commercial uses were highly active. For this reason, staff did not see a need to redo the traffic study.

Wiersum opened the public hearing.

There being no comments from the public, Wiersum closed the public hearing.

Schaeppi stated this was a great looking project and he believed this would be a great addition to the Glen Lake neighborhood.

Schack agreed noting this was a difficult parcel and she was happy to see well designed apartment building coming forward. She believed the apartment complex was a step down from the adjacent use because the density was lower.

Calvert acknowledged the neighbors in the townhomes and noted their concerns have been heard. She stated she understood that change was hard. She applauded the developer for constructing affordable housing units without asking for assistance. She encouraged the developer to consider further enhancements

to the exterior of the building, noting she was not a fan of fiber cement or artificial siding. She indicated she liked the shape of the building and believed this building would accomplish all that it could for this small parcel.

Kirk explained he was struggling with this project because he believed the parcel should be more transitional in nature. He feared that the townhomes would look out of place if this project were to move forward. He stated he received three or four emails from the neighbors regarding traffic concerns. He indicated he liked a lot of things about this project and appreciated all of the developers efforts to address the concerns of the city. He commented he was not concerned about parking and encouraged the developer to reconsider the building façade and exterior building materials.

Wiersum stated there have been a lot of good comments made by the council this evening. He explained he supported this project because it was a good solution for this piece of property. He discussed the projects that did not make it on this parcel, and stated he appreciated how this building was moved further to the west and south. He reported this would save more trees while also creating more space between this building and the townhomes. He appreciated the balance that was being proposed with the project for the Glen Lake area and believed this building would achieve some of the city's long term goals for the city. He reported this type of apartment building was the missing middle in the community.

Kirk thanked the neighbors who have been engaged with the city while this property has been proposed for various developments over the years. He stated he appreciated their level of engagement. He believed that all of their efforts had led to a better project for this property.

Schack moved, Calvert seconded a motion to hold the public hearing and adopt the Ordinance 2022-06 and Resolution 2022-029, Resolution 2022-030 and Resolution 2022-031. All voted "yes." Motion carried.

#### **B. Reissuance of revenue note for Breck School**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

There being no further comments from the public, Wiersum closed the public hearing.

Calvert moved, Kirk seconded a motion to adopt the Resolution 2022-032. All voted "yes." Motion carried.

**14. Other Business:****A. Concept plan for Buhl Investments at 10900 Red Circle Drive**

City Planner Loren Gordon gave the staff report.

Wiersum requested the developer come forward and speak at this time.

Pete Deanovic, Buhl Investments, introduced himself to the council and thanked staff for all of their assistance on this project. He commented further on the mixed use concept being proposed for this building. He stated he was excited to be bringing forward a project that would repurpose this building while starting to reimagine how the impervious surface could be reused. He commented further on how the vacant lot could be used for apartments. He described how the trail system would provide for interesting connectivity to the adjacent commercial uses along with the LRT line.

Schack discussed her history with the Opus property and commented she really liked this style of building. She stated it was sad to see Launch going away, but she really appreciated the proposal from the developer and believed it would be great for the viability of Opus and would honor the multi-use components for the property.

Kirk indicated this was a great concept for all the reasons Councilmember Schack noted. He requested further information regarding the shared driveway with Doran on the west side of the property. Mr. Deanovic explained there was an existing easement between CSI and Doran. He commented he was proposing to have a one-way along the south façade for the second entrance.

Kirk encouraged the developer to consider how the site was oriented and how traffic would circulate or flow through the site. He stated he appreciated how the property was being rehabbed. He requested further information on the how the building would be renovated and if any code compliance or energy improvements would be made to the structure. Mr. Deanovic stated the existing system of heat pumps would be replaced. He indicated he would be bringing in a higher energy efficiency heating system and noted the interior wall insulation would be addressed as well.

Kirk stated the idea of creating a mixed use on this site was very appropriate. He thanked the developer for rehabbing this building and noted he fully embraced this project.

Calvert commented she appreciated the sustainability features within this project and applauded the developer for using more native plantings and trees. She appreciated how this project would allow people to live and work within the same

development. She stated this was an attractive concept and she looked forward to this project moving forward.

Schaeppi thanked the developer for bringing this project forward. He stated he appreciated the new investment and new ideas that would be brought to Minnetonka through this development. He indicated it was exciting to have Mohangan Hanson, a Minnetonka architect, part of this project. He encouraged the developer to consider the building materials that would be used in Phase I and Phase II. He suggested the developer to consider unique ways to manage the stormwater on the site to make this site feel more native.

Kirk questioned how utilities came to this site. Gordon described how the utilities come through the site.

Kirk encouraged the developer to maintain some sort of buffer between this property and the adjacent townhomes.

Wiersum stated he appreciated how this building would be repurposed and transitioned into a multi-tenant building. He indicated this would provide space for different businesses that would align with their needed scale. He explained he would reserve comments on the future multi-family housing but noted he believed the developer was on a great path.

**15. Appointments and Reappointments: None.**

**16. Adjournment**

Calvert moved, Kirk seconded a motion to adjourn the meeting at 9:43 p.m. All voted "yes." Motion carried.

Respectfully submitted,



Becky Koosman  
City Clerk