

**Minutes
Minnetonka City Council
Monday, June 13, 2022**

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 Schack, Kimberly Wilburn and Brad Wiersum were present.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda for Items 10.A and 10.B. All voted "yes." Motion carried.

5. Approval of Minutes:

A. May 23, 2022 regular meeting minutes

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

B. May 16, 2022 study session minutes

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

C. June 2, 2022 special study session minutes

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

6. Special Matters:

A. Proclamation declaring Sunday, June 19, 2022 as Juneteenth

Wilburn read a proclamation in full for the record declaring Sunday, June 19 to be Juneteenth in the City of Minnetonka.

B. Proclamation declaring June 1-30, 2022 as LGBTQ+ Pride Month

Schack read a proclamation in full for the record declaring June 1 through 30 to be LGBTQ+ Pride month in the City of Minnetonka.

C. Proclamation declaring July 2022 as Monarch and Pollinator Awareness Month

Kirk read a proclamation in full for the record declaring July as monarch and pollinator awareness month in the City of Minnetonka.

D. 2022 Community Survey

Acting City Manager Mike Funk and Peter Leatherman from the Morris Leatherman Company gave the staff report.

Calvert thanked Mr. Leatherman for doing the cross tabulations on the housing questions.

Kirk thanked Mr. Leatherman for his presentation. He expressed concern with the number of residents that listed Purgatory Park as having a problem with off leash dogs. Mr. Leatherman clarified that of the five people that believed there was a problem with off leash dogs in the city, only one person named Purgatory Park.

Schaepfi thanked Mr. Leatherman for all of the helpful data.

Wiersum thanked Mr. Leatherman for detailed report. He indicated he was a marketer by training. He stated his takeaway from the survey was that it has been a challenging few years, but generally the city does not have too many dissatisfied customers.

Calvert moved, Kirk seconded a motion to accept the survey results. All voted "yes." Motion carried.

E. Accept the 2021 annual financial report and related audit report with the City's audit firm of BerganKDV

Acting City Manager Mike Funk, Finance Director Darin Nelson and Andrew Grice with BerganKDV gave the staff report. It was noted the city received a clean or unmodified opinion on the 2021 audit, which was the best opinion the

city could receive. The finance department was thanked for their tremendous efforts on behalf of the City of Minnetonka.

Kirk discussed the funding gap the city had for its sewer and water fund and asked if the gap was larger than it needed to be. Mr. Grice explained the methodology can vary from city to city on how they manage their funding gaps and surpluses.

Calvert commented on how the city's tax rate had went down because the city's tax capacity went up and requested further information on this topic. Mr. Grice commented further on how tax capacity and the city's tax rate was tied to overall property values.

Schaeppi asked if ARPA funds assisted in minimizing the funding gap. Mr. Grice believed this was the case because ARPA dollars could be used as operating funds.

Wiersum thanked staff for the excellence of their reporting and for achieving an AAA bond rating. Nelson thanked Mr. Grice and the city council for their support throughout the entire audit process.

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

7. Reports from City Manager & Council Members

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

Schack reported there was a crisis related to mass shootings and guns. She stated according to the *New York Times* since January 1 there has been 285 mass shootings in the United States. She explained a mass shooting was defined by the *Washington Post* as four or more people shot and injured or killed, not including the shooter. She stated as a city the council was limited by what they can do, but she believed something had to be done. She suggested the council initiate some kind of firearms turn in event, whether this was just for the City of Minnetonka, or for the entire region.

Calvert stated she was going to make a similar comment noting 11 people were killed this past weekend and 45 were injured. She noted she attended a gun violence prevention gathering this past weekend. She explained she comes from a gun owning family and she believes in responsible gun ownership. She commented if you can save one life you can save the world. She encouraged all residents to treat people with kindness, for people to value their families and others and to be exceedingly careful with their firearms.

Wiersum stated the events occurring in the United States everyday were tragic. He agreed something had to be done and he supported the council being proactive on this topic.

Wiersum explained he did some traveling on behalf of the League of Minnesota Cities this past week, noting he visited with 10 different cities in southern Minnesota.

Wiersum reported he would be attending the Optimist Club event for Officer of the Year. He thanked the city's police and fire personnel for all they do for the community.

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

9. Bids and Purchases:

A. Bids for the Burchlane Lift Station Rehabilitation Project

Public Works Director Will Manchester gave the staff report.

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

B. Bids for the Opus Lift Station Rehabilitation Project

Public Works Director Will Manchester gave the staff report.

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

10. Consent Agenda – Items Requiring a Majority Vote:

Schack requested Item 10.B be pulled from the Consent Agenda for further discussion.

A. Conditional use permit for an accessory dwelling unit at 13426 Excelsior Boulevard

Wilburn moved, Kirk seconded a motion to adopt Resolution 2022-043. All voted "yes."
Motion carried.

B. Resolution approving a preliminary plat for a two-lot subdivision at 2326 Oakland Road

Schack stated in reviewing the planning commission comments and the information within the packet, this was a unique neighborhood. She understood this neighborhood has undergone some significant transitions over the last couple of years and there was concern that this pocket was being left behind from the surrounding progress. She suggested any requests in the future from properties along 2400 Oakland Road be offered consideration because they were last to the table.

Kathy Arthur, 2400 Oakland Road, stated she felt very much represented by this government after living in Minnetonka for the past 46 years. She commented for the past three years she and her husband have asked the city to provide sewer, water and street access to their property, which had been provided to several neighboring developments. She noted the response from the city planner was the Arthur's will get access when the Weber property develops. She indicated this day has arrived. At the time, she was quite disappointed that she did not receive access when the Bird Song cul-de-sac was developed because this was only 99 feet from her property and not 900 feet. She stated this option would have been far less expensive. She explained last week she learned from the developer, because of the city's new tree ordinance, the number of lots that can be included within the Weber property renders the cost of a street and cul-de-sac cost prohibitive. She discussed how the council's decision three years ago has impacted her property because she would not bet getting the street and utility access that she was promised three years ago, which would make the subdivision of her property impossible. She understood there was one last option available to her, which was to grant a variance that would allow for a third house on her driveway easement. She realized the council was not considering a variance tonight, but noted this request would be coming at some point in the future. She asked that the council take the history of her property into consideration when a future request was made for a variance for a third driveway on her property.

Wiersum thanked Ms. Arthur for her comments and stated he believed her request was reasonable.

James McKinnon, 1805 West Lake Street in Minneapolis, stated this was an awfully gracious statement from Ms. Arthur. He noted he had prepared notes to explain why putting a road through the Weber property to the Arthur's property doesn't work. He summarized his statement noting the Golan and Arthur property were not very wide, which meant if a road were to go through, lots could only fit on one side of the road and would therefore reduce the number of lots within the development. In addition, this project would not be approved by the city engineer if a road were installed because there would not be room for ponding. He explained he spent some time and money to try and find a way to put a road in, but this was not feasible. He stated he came up with the plan to take the driveway easement that currently has two houses, to be granted a variance to

allow for three houses. He commented as a neighbor, he would support this variance request. He discussed how the water and sewer were completed along Bird Song.

Schack stated there may be a problem that has worked out a solution and for this reason, she supported the resolution moving forward.

Coakley questioned what the difference was between past properties and this property. Community Development Director Julie Wischnack explained there aren't a lot of similarities between properties. She discussed the requirements that must be met for R-1 residential properties and when variances can be requested. She noted the council has approved variances for subdivisions in the past.

Coakley commented this project was not requesting a variance, but she understood a variance request may be coming to the council in the future. Wischnack reported this particular plat did not require a variance, but noted the Arthur's would be requesting a variance in order to allow three driveways within their driveway easement.

Kirk indicated the city does have a level of obligation to ensure properties are not landlocked, especially those properties that were platted before 1940. He explained there may need to be some level of reconciliation within this neighborhood in order to address the problem that exists.

Schack moved, Kirk seconded a motion to adopt Resolution 2022-044.

Calvert stated this project shows how complicated planning and land use cases can be. She understood this was a very unique neighborhood and she understood this request meets all of the city's requirements but she feared that several exceptional oak trees would be lost in this development. She believed as the city becomes more and more developed there may have to be a certain level of proactivity to get neighbors thinking about things that had not been thought about in order to protect the heavily wooded properties.

All voted "yes." Motion carried.

11. **Consent Agenda – Items requiring Five Votes: None.**
12. **Introduction of Ordinances: None.**
13. **Public Hearings:**
 - A. **Temporary on-sale liquor license for Boom Island Brewing Company LLC, 5959 Baker Road**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

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

Kirk moved, Calvert seconded a motion to hold the public hearing and grant the license. All voted "yes." Motion carried.

14. Other Business: None.

15. Appointments and Reappointments:

A. Reappointment to Minnetonka Sustainability Commission

Acting City Manager Mike Funk gave the staff report.

Wiersum moved, Coakley seconded a motion to approve the appointment. All voted "yes." Motion carried.

16. Adjournment

Wilburn moved, Calvert seconded a motion to adjourn the meeting at 8:18 p.m. All voted "yes." Motion carried.

Respectfully submitted,



Becky Koosman
City Clerk