

**Minutes  
Minnetonka City Council  
Monday, August 22, 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, Rebecca Schack, Kimberly Wilburn, Bradley Schaeppi, Brian Kirk and Brad Wiersum were present.

Council Member Kissy Coakley was excused.

**4. Approval of Agenda**

Kirk moved, Calvert seconded a motion to accept the agenda with addenda to Item 12.A and removing Item 10.C. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. August 1, 2022 regular meeting minutes**

Calvert reported she spoke with staff regarding two minor changes she would like made to the minutes on Page 2.

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

**6. Special Matters:**

**A. Sustainability Update**

City Manager Mike Funk and Associate Planner/Sustainability Coordinator Drew Ingvalson gave the staff report.

Kirk asked if there has been any noticeable results from the city's sustainability requirements with developers. Ingvalson stated the requirements have changed the conversations staff has with developers because expectations were now in place. Community Development Director Julie Wischnack stated talking about

the city's sustainability priorities are discussed in a public setting, which was changing the behavior of applicants.

Wilburn requested information on how the city was working with the county to encourage further sustainability efforts. Ingvalson explained the county has been discussing electrification for their transportation systems, along with car sharing. He reported sustainability efforts was a matter being considered by Hennepin County.

Wiersum thanked Mr. Ingvalson for his detailed report.

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

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

Calvert stated she recently attended a League of Minnesota Cities Human Resources and Data Practices Committee meeting where the challenges of hiring public safety personnel was discussed. She noted she also served on the Elections Task Force for the League of Minnesota Cities. She thanked city staff for running a stellar primary election.

Calvert discussed an event she attended for Ukrainians that have lost limbs. She encouraged the public to keep Ukraine in their hearts and minds.

Calvert encouraged residents to be patient while the road construction projects are wrapping up this summer.

Kirk invited the public to attend the Cullen Nature Preserve fundraiser on Friday, September 9 at the Marsh.

He encouraged the public to also consider participating in the Hopkins Education Foundation fundraiser on Saturday, September 10.

Schaeppi discussed several concerns he has received from residents in Ward 3, including pickle ball noise and outdoor vehicle storage. He thanked staff for all of their efforts to communicate with the residents in Ward 3 regarding the road construction projects.

Schaeppi reported the council recently discussed the 2023 budget at a worksession meeting.

Wiersum commented on how local businesses are impacted by street improvement projects and encouraged residents to frequent local businesses.

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

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

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

**A. Ordinance amending City Code 830 relating to lodging establishments**

Schack moved, Wilburn seconded a motion to adopt Ordinance 2022-11. All voted “yes.” Motion carried.

**B. Resolutions pertaining to levying the 2022 Special Assessments**

Schack moved, Wilburn seconded a motion to adopt Resolution 2022-063, Resolution 2022-064, Resolution 2022-065, Resolution 2022-066, Resolution 2022-067 and Resolution 2022-068. All voted “yes.” Motion carried.

**C. Resolution regarding Minnetonka Firefighters Relief Association bylaws**

This item was pulled from the agenda.

**D. Resolution for the Carlson and Cheshire Parkway Improvements Project**

Schack moved, Wilburn seconded a motion to adopt Resolution 2022-069. All voted “yes.” Motion carried.

**E. Resolution authorizing participating in a voluntary employee benefits association (VEBA) trust and adopt master services agreement**

Schack moved, Wilburn seconded a motion to adopt Resolution 2022-070. All voted “yes.” Motion carried.

**F. Memorandum of Understanding with the Friends of Cullen Nature Preserve and Bird Sanctuary**

Schack moved, Wilburn seconded a motion to accept the memorandum. All voted “yes.” Motion carried.

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

**A. Items concerning the construction of a new house at 2507 Bantas Point Lane**

Calvert moved, Kirk seconded a motion to adopt the Resolution 2022-071. All voted "yes." Motion carried

## 12. Introduction of Ordinances:

### A. Ordinance amending Chapter 10 of the City Code by adding Section 1045.047, regarding third-party gift card sales

Community Development Director Julie Wischnack and Captain Jason Tate gave the staff report.

Wiersum thanked staff for the detailed report and asked if the council had questions for staff.

Schack stated she believed this ordinance made a great deal of sense. She recommended the training be very clear for these establishments selling these gift cards and asked that gift cards be allowed to be sold to those paying with cash.

Schaepi thanked the police department for addressing this concern. He questioned how many retailers in the community sold these types of gift cards. Captain Tate reported Best Buy, Target, Walgreens and several grocery stores were selling these gift cards.

Wilburn asked what percent of these crimes were occurring at self-check outs. Captain Tate explained the vast majority of these crimes were occurring at self-check out kiosks.

Calvert thanked staff for their innovation and for bringing this ordinance forward. She discussed concerns with the clerk misdemeanor and questioned what problems Shakopee has had enforcing their ordinance. Captain Tate reported the City of Shakopee has not prosecuted any retail clerks but rather were working to reduce crime. He explained the police department would use these events to educate clerks.

Kirk asked if the third party gift cards were linked to the stolen credit cards. Captain Tate explained these gift cards were very difficult to shut down once purchased, which led the police department to pursue this ordinance.

Calvert encouraged the city to be mindful of the different ways people would pay for these gift cards in order to remain inclusive for all members of the community.

Wilburn commented she saw a discussion online regarding this proposed ordinance and wanted to be assured that the city was considering how not to marginalize the poor or people of color.

Schaeppi explained he appreciated how this ordinance would help deter crime in Minnetonka.

Kirk questioned if there was a way for the city to cumulate comments from the Next Door app in order for staff and the council to further review. Wischnack stated this would be tricky because this is a closed platform but noted staff could aggregate the comments from Facebook and Next Door and would provide this information to the council.

Wiersum stated he believed this ordinance was important. He encouraged staff and the police department to continue to work with the retailers on this matter.

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

#### **B. Ordinance regarding storage of deicing materials**

Natural Resources Manager Leslie Yetka gave the staff report.

Calvert asked if the city was still teaching classes regarding the use of salt. Yetka commented she was not aware of any classes that have been hosted by the city in the last three years.

Schaeppi thanked Ms. Yetka for all of her work on this ordinance. He questioned who this ordinance would pertain to. Yetka explained this ordinance would pertain to any business that was storing deicing material on their site.

Wiersum encouraged staff to bring greater awareness to this issue to the businesses that were storing deicing material in the city.

Kirk suggested staff hold a workshop on how to properly apply salt in order to better inform the public on this topic.

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

#### **C. Ordinance amending the term of the franchise held by Comcast of Minnesota, Inc.**

Information Technology Manager Patty Latham gave the staff report.

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

**D. Ordinance authorizing the sale of a vacant city-owned property adjacent to Highway 7**

Community Development Director Julie Wischnack gave the staff report.

Wilburn questioned if the city spends any money maintaining this property. Wischnack reported the city does not spend any money on maintenance at this time. City Attorney Corrine Heine explained the city was responsible for diseased tree removal.

Calvert thanked staff for the detailed staff report.

Schack asked if the city would have to put a condition in place to prohibit future subdivision, or would this be managed by the conservation district. Wischnack stated if R-1 requirements were to change in the future it may be nice to have a condition in place to prohibit re-subdivision. Heine explained this could have been an issue if the parcel were larger, however, the lot was not wide enough or deep enough.

Kirk discussed a question he posed to staff and noted this matter could be investigated by staff prior to the council considering approval of the ordinance.

Wiersum commented on the questions he had for staff. He stated he understood the lot did not have enough frontage to subdivide, but questioned if the city was leaving money on the table when considering the true value of this property.

Calvert agreed the council should further consider the value of this property.

Wischnack asked if the council wanted staff to add a condition regarding the prohibition of future subdivision to the ordinance.

Wiersum supported this recommendation so long as it does not negatively impact the property's value.

Schack stated her perspective varies noting she was loathe to tie a future council's hands. She indicated she was comfortable with the requirements within the conservative easement assuring that this property would not further subdivide.

Kirk reported the more conditions that were put on the property the lower the value would be. He explained if this was a landlocked parcel with no driveway

access the price would be lower. He encouraged the council to further consider the highest and best use for this parcel.

Calvert moved, Kirk 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. Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report for Program Year 2021**

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.

Calvert thanked staff for all of their work on this report.

Calvert moved, Schack seconded a motion to hold the public hearing and adopt Resolution 2022-072. All voted "yes." Motion carried.

### **14. Other Business:**

#### **A. Resolution for the Minnetonka Community Center Project**

Public Works Director Will Manchester gave the staff report.

Kirk asked if the scope of the work in September would change. Manchester explained staff was requesting to seek bids this evening and the bids would be reviewed and considered in September.

Kirk stated he appreciated the proposed plans to renovate the Minnetonka Community Center, noting the improvements would greatly enhance the restroom facilities and would bring the facility into compliance with ADA requirements.

Schack explained she appreciated the enhancements that would be made to the entry to the building. It was her hope the building would be more welcoming aesthetically given the fact this was a revenue generating space. She indicated she also appreciated the fact that the space used by the seniors would be

improved. While she was concerned about the expense for the project, she was cautiously optimistic that the city would be able to complete these improvements.

Calvert agreed the city needed make these improvements because it would make the community center space more accessible. In addition, the improvements would create a more welcoming space for residents of the City of Minnetonka. She explained she too was concerned with the expense of the improvements, but hoped the improvements would assist with generating more revenue for the city.

Schaeppi thanked staff for all of their hard work on this project stating he understood the community center was outdated. He explained he was concerned with the timing of this project. He believed this project was important but should be completed in several years and not when the city was proposing a 7% levy increase.

Wiersum explained he believed the project needed to be done. He supported staff going out for bid on the project with the understanding the council would consider the bids at a future meeting. He commented on the improvements Plymouth just made to their community center and stated he wanted the city's facility remain competitive. He believed the proposed improvements would be an investment in the community and the cost of waiting to make the improvements should be considered.

Wilburn requested staff provide the council with information on the price of waiting several years to do this project. City Manager Mike Funk explained staff can investigate this further. He commented on how the city would fund this project noting \$240,000 has been built into the long range master planning. Finance Director Darin Nelson commented further on how pushing the project out into the future would impact the city's tax levy.

Schack moved, Kirk seconded a motion to adopt Resolution 2022-073. Schack, Wilburn, Calvert, Kirk and Wiersum voted "yes." Schaeppi voted "no". Motion carried.

**B. Resolution for the Hopkins Crossroad Trail Improvements Project and Agreement with Xcel Energy**

Public Works Director Will Manchester gave the staff report.

Wilburn questioned if the multi-use trail would be available for bikes, along with the bike lane. City Engineer Phil Olson reported bikes could use the eight foot multi-use trail and noted Hopkins Crossroad would have a five foot bike lane on each side of the road as well.



Schaeppi stated he appreciated the fact the Met Council was paying for a portion of this project. He asked if the county ever contributes funds to these types of projects. Olson explained the city would be working with the county to pursue grants for this project. He indicated the city would also be working with the county to bury utilities.

Calvert commented she has biked and walked on Hopkins Crossroad. She stated she was very happy to see a trail being installed along this roadway. She discussed where this trail was ranked compared to other trails that were necessary in the city. She indicated she appreciated the Met Council funding that would be used to assist with paying for this project.

Kirk inquired how much of the \$4.6 million expense for this project would be funded by taxpayers. Olson stated the funding for this project would not be coming from the levy but rather would be paid for through franchise fees and Met Council grants.

Schack commented this was a long overdue trail segment that would be very appreciated by the community. She reported this was a highly diverse area of the city and this trail would assist with moving bikers and pedestrians safely through the community. She thanked staff for all of their work on this project.

Kirk indicated this was a great project and he appreciated how this trail would link into the future light rail station.

Wiersum stated he appreciated the fact Three Rivers was a part of this project. He explained this trail segment was very important to the community and he appreciated how the Met Council funding would assist with completing this trail segment in a timely manner.

Wilburn moved, Schack seconded a motion to adopt Resolution 2022-074. All voted "yes." Motion carried.

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

**16. Adjournment**

Calvert moved, Kirk seconded a motion to adjourn the meeting at 9:30 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