



**Agenda
Minnetonka City Council
Study Session
Monday, May 15, 2023
6:30 p.m.
Minnehaha Room**

- | | | |
|----|--------------------------------------|----------------|
| 1. | Call to Order | 6:30 p.m. |
| 2. | Introductions/Roll Call | 6:30-6:35 p.m. |
| 3. | New commission formation | 6:35-7:35 p.m. |
| | | Break |
| 4. | Concept plan review process | 7:45-8:30 p.m. |
| 5. | June study session – topics and date | 8:30-8:35 p.m. |
| 6. | Adjournment | 8:35 p.m. |

The purpose of a study session is to allow the city council to discuss matters informally and in greater detail than permitted at formal council meetings. While all meetings of the council are open to the public, study session discussions are generally limited to the council, staff and consultants.



**Study Session Agenda Item #3
Meeting of May 15, 2023**

Title: New commission formation
Report From: Moranda Dammann, Assistant City Manager
Submitted through: Mike Funk, City Manager

Requested: Provide comments and direction

Summary Statement

At the [Aug. 1, 2022](#), regular city council meeting, the city council provided preliminary comments regarding a new commission formation. Due to unforeseen circumstances with the passing of the Sr. DEI Coordinator Keith Clarke, staff is bringing this commission structure back to council for additional comments and direction on a potential ordinance creation.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Environment | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input checked="" type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Statement: Create a community that is engaged, tolerant and compassionate about everyone

Background

At the [Aug. 1, 2022](#), regular city council meeting, the city council provided preliminary comments regarding a new commission formation. During this meeting, staff highlighted the extensive background surrounding Minnetonka's history with diversity, equity and inclusion efforts and provided the most recent actions and initiatives. Staff also provided research on comparable and non-comparable cities' advisory groups and the variety of structures. Proposed new commission ordinance details were outlined and member recruitment guidelines were discussed.

The full report can be reviewed online in the [Aug. 1, 2022](#) city council agenda packet, as well as attached to this report. All comments from this council meeting have been reflected in the chart.

Proposed New Commission Ordinance details

Name	Purpose	Duties and Responsibilities	Member Composition, Requirements	Terms	Meetings	Procedure and Staff Liaison
<p>Proposed commission name:</p> <ul style="list-style-type: none"> Human Rights and Diversity, Equity and Inclusion (DEI) Commission 	<p>Serves as an advisory commission to the city council</p> <p>Promote safe, informative and inclusive engagement and partnership with the community</p> <p>Does not investigate or resolve individual claims of discrimination or human rights violations.</p>	<p>City Organization</p> <ul style="list-style-type: none"> Advise, recommend, and assist the council in matters relating to diversity, equity, inclusion, civil rights and equal opportunity. The commission shall advise the city council on strategies to improve outreach, and increase engagement, equity and inclusiveness in the city's efforts to build an inclusive and equitable city for all Create and submit and annual work plan. Create an annual report of matters evaluated <p>Community</p> <ul style="list-style-type: none"> Serve as ambassador to the community Participate and engage in outreach efforts Provide community feedback on DEI initiatives Cultivate relationships with community groups 	<p>Total members:</p> <ul style="list-style-type: none"> 7 at large <p>Membership Requirements:</p> <ul style="list-style-type: none"> Must be Minnetonka resident Must be appointed by the mayor and confirmed by the city council Members should have a professional, volunteer, or personal experiences with healing marginalized communities One member with professional experience representing Minority and/or Women Business Owners One member with a connection to multi-family, rental, or group housing; and One member of a community group that has demonstrated commitment to the values of racial equity, inclusion, social justice, and equal opportunity. 	<p>At large members</p> <p>Staggered two three-year terms</p> <p>Term begins on Feb. 1</p> <p>Term max: 8 years</p> <p>Addition of student(s) in the future</p>	<p>Hold meetings at least once every other month (6 per year) or up to 12 times per year</p> <p>Time and place determined by the chairperson or majority of the commission</p>	<p>The commission shall appoint a member as chairperson and vice-chairperson</p> <p>May hold subcommittee meetings as appropriate</p> <p>May adopt bylaws or rules</p> <p>Staff Liaison shall be appointed by the city manager</p>

Proposed New Commission Ordinance details

The formulation details of the new commission includes input from DEI task force members who volunteered their time to meet with staff to review research and provide input.

Diversity, Equity and Inclusion Role

If a commission is established, it is important to define the group's role and duties. It is also important that the commission's duties do not overlap with existing advisory groups' responsibilities (defined by city code or resolution).

Diversity Equity and Inclusion Review Commission

- Advise, recommend, and assist the city council in matters relating to diversity, equity, inclusion and equal opportunity. [do we want to recommend the commission create and submit an annual work plan to the city council?]
 - The city has already received a request to explore the opportunity for [Domestic Partners Registration](#).
- Collect and analyze social and economic demographic data within the city of Minnetonka, noting trends, areas of improvement, areas of sustainability and developing recommendations
- Continue to analyze and review the data from the survey conducted by DEI task force.

Promote safe, informative and inclusive engagement and partnership with the community

- Plan an annual DEI event to be held on the federally observed Juneteenth holiday weekend for the public, and other community events identified
- Conduct outreach events separate from monthly meetings
- Collaborate with community members and organizations to collect and reflect expressed needs of the community.

Budget

Commission expenses would be paid from the budget for Diversity, Equity and Inclusion efforts, which is \$175,000 for 2023. Additional costs would include staff time to create agendas, meeting packets, minutes, create and maintain a website presence, broadcast meetings, etc

Member Recruitment

Following preliminary comments provided by the city council, the senior diversity, equity and inclusion coordinator will partner with the communications division to develop a recruitment strategy and timeline. A review of the recruitment strategy and timeline will be brought forth for review at the time the ordinance is introduced.

Discussion Questions

1. What specific commission details regarding structure and roles and responsibilities does the council want to discuss?
2. Is the city council interested in continuing the initiative to create a new commission? If yes, council will need to direct staff to draft an ordinance for consideration. In no, staff considers no other action will be taken unless further directed by council.



**City Council Agenda Item 14C
Meeting of Aug. 1, 2022**

Title: New commission formation

Report From: Keith Clarke, Senior Diversity, Equity and Inclusion Coordinator
Moranda Dammann, Acting Assistant City Manager

Submitted through: Mike Funk, Acting City Manager
Corrine Heine, City Attorney

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

At the [March 2, 2022](#), special study session, members of the Minnetonka city council participated in a robust diversity, equity and inclusion conversation. This discussion led to a shared vision statement and support for creating a permanent city commission. Council is asked to provide preliminary comments in preparation for the ordinance creation.

Recommended Action

Provide preliminary comments and direction.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Environment | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input checked="" type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Statement: Create a community that is engaged, tolerant and compassionate about everyone

Financial Consideration

Is there a financial consideration? No Yes
Financing sources: Budgeted Budget Modification New Revenue Source

Statement: Commission expenses would be paid from the budget for Diversity, Equity and Inclusion efforts, which has a total budget of \$175,000 for 2022

Background

The City of Minnetonka has a long history of discussing and acting on diversity, equity and inclusion initiatives. The Village of Minnetonka established a human rights commission on April

8, 1968, with the commission purpose of securing for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of the community. This commission was later dissolved on March 4, 1974, and the duties were absorbed by the Minnetonka city council.

Since that time, the discussion of creating a permanent commission has resurfaced throughout the years. Most recently, in 2018, the city council expressed an interest in learning about the efforts of human rights commissions in other communities. At the time the information regarding human rights commissions was shared with the city council in 2018, the council did not express interest in pursuing the creation of a commission.

Although the city was actively involved with initiating DEI efforts, the tragic murder of Mr. George Floyd and the subsequent events that followed created a heightened sense of urgency to conduct an in-depth review of all efforts.

At the [June 29, 2020](#), Minnetonka study session, council heard from city staff with the purpose of providing a historical review of the city's diversity and inclusion (D & I) efforts, short-term actions, and to obtain guidance from the city council about future efforts. Research on a human rights commission was also provided. The council offered brief comments and agreed that the issue should be focused on in-depth at a future meeting. A special council meeting on the subject was held on [Aug. 17, 2020](#), and was facilitated by Bill Wells from W. Wells & Associates and later again on [Oct. 19, 2020](#).

Following the strategic profile development, the city council authorized a community-based Diversity, Equity & Inclusion Task Force that would be advisory to the city council. This group was developed and met approximately nine (9) times and held its last meeting on June 15, 2022.

At the March 2, 2022, special study session, members of the Minnetonka city council participated in a robust diversity, equity and inclusion conversation. This discussion led to a shared vision statement and support for creating a permanent city commission. Staff anticipated 6-8 months to create the new commission.

Comparable Cities

To better understand the DEI efforts of other communities, staff researched which cities have a human rights/race and equity /diversity commission. Staff found that 5 of the 12 comparable cities in the metro area have this type of advisory group. These advisory groups' names, focus, duties, and membership structures vary from community to community.

The next few charts provide more detail on comparable cities' advisory groups. The specific ordinances and resolutions establishing other comparable cities' advisory groups are attached to this report.

Comparable Cities	Human Rights Race&Equity Diversity Group?
Apple Valley	No
Bloomington	Yes
Brooklyn Park	Yes
Burnsville	No
Eagan	No
Eden Prairie	Yes
Edina	Yes
Lakeville	No
Maple Grove	No
Plymouth	No
St. Louis Park	Yes
Woodbury	No
Total	5 out of 12

Comparable Cities Advisory Groups Chart

Comparable City	Advisory Group	Number of Members	Term Lengths	Duties and Responsibilities	Meetings per year
Bloomington	Human Rights Commission	9 members, 2 of which should be young adults.	Three-year terms, 1-year terms for youth members. Max of six consecutive years.	The purpose of the Commission is to aid and advise the City Council in ensuring for all citizens of the city equal opportunity in those areas protected by law and in such other affairs as may affect the social standards of the city. Attempt to conciliate, within its authority, all grievances involving discrimination occurring within the city	12
Brooklyn Park	Human Rights Commission	9 members representing different parts of the city.	Three-year terms, 1-year terms for youth members. Max of six consecutive years.	Receive discrimination complaints and figure out if the complaint should be forwarded to the Minnesota Department of Human Rights for further action or to Community Mediation and Restorative Services for conflict resolution. Advise the Mayor, City Council and city staff on civil and human rights issues	12
Eden Prairie	Human Rights and Diversity Commission	7 to 9 members at large	Typically three-year terms, with exceptions as determined by the City Council	Act in an advisory capacity to the City on matters of diversity, civil and human rights, and the Americans with Disabilities Act. Enlist the cooperation of agencies, organizations and individuals in the community to promote awareness and appreciation of diversity Review and investigate alleged ADA violations submitted to the City via the ADA Grievance procedures Work with community volunteers to promote the City's Manifesto and provide response and support to victims of incidents of bias	12
Edina	Human Rights & Relations Commission	11 members, 2 youth.	3-year terms, max of 2 terms	Study investigate and assist in eliminating alleged violation of Minnesota Statutes, Chapter 363A by conference, conciliation and persuasion, and when necessary, cooperate with the state department of human rights in enforcing the provisions of the state act; Advise the City Council and other agencies of the government on human relations and civil rights problems and act in an advisory capacity with respect to planning or operation of any City department on issues of civil and human rights and recommend the	12

				adoption of such specific policies or actions as are needed to provide for full equal opportunity in the community;	
St Louis Park	Human Rights Commission	7 members, at least one of whom must be an attorney, 2 voting youth members. One regular member appointed by ISD#283.	Three-year terms.	Study and review programs and policies and advise city council; advise in developing and implementing programs of cooperation with state dept. of human rights; make recommendations to council re formulation and implementation of human rights programs; public education; studies, surveys and investigations	12

Research on non-comparable cities, but other metro area community groups can be found attached to this report.

Proposed New Commission Ordinance details

Name	Purpose	Duties and Responsibilities	Member Composition, Requirements	Terms	Meetings	Procedure and Staff Liaison
<p>Proposed commission name:</p> <ul style="list-style-type: none"> Diversity, Equity and Inclusion (DEI) Commission 	<p>Serves as an advisory commission to the city council</p> <p>Diversity Equity and Inclusion review</p> <p>Promote safe, informative and inclusive engagement and partnership with the community</p>	<p>City Organization</p> <ul style="list-style-type: none"> Advise, recommend, and assist the council in matters relating to diversity, equity, inclusion, civil rights and equal opportunity. The commission shall advise the city council on strategies to improve outreach, and increase engagement, equity and inclusiveness in the city's efforts to build an inclusive and equitable city for all Create an annual report of matters evaluated <p>Community</p> <ul style="list-style-type: none"> Serve as ambassador to the community Participate and engage in outreach efforts Provide community feedback on DEI initiatives Cultivate relationships with community groups 	<p>Total members:</p> <ul style="list-style-type: none"> 7 at large <p>Membership Requirements:</p> <ul style="list-style-type: none"> Must be Minnetonka resident Must be appointed by the mayor and confirmed by the city council Members should have a professional, volunteer, or personal experiences with healing marginalized communities One member with professional experience representing Minority and/or Women Business Owners One member with a connection to multi-family, rental, or group housing; and One member of a community group that has demonstrated commitment to the values of racial equity, inclusion, social justice, and equal opportunity. 	<p>At large members</p> <p>Staggered two-year terms</p> <p>Term begins on Feb. 1</p> <p>Term max: 8 years</p>	<p>Hold meetings at least once every other month (6 per year) or up to 12 times per year</p> <p>Time and place determined by the chairperson or majority of the commission</p>	<p>The commission shall appoint a member as chairperson and vice-chairperson</p> <p>May hold subcommittee meetings as appropriate</p> <p>Create annual work plan and goals</p> <p>Staff Liaison shall</p>

Proposed New Commission Ordinance details

The formulation details of the new commission includes input from DEI task force members who volunteered their time to meet with staff to review research and provide input.

Diversity, Equity and Inclusion Role

If a commission is established, it is important to define the group's role and duties. It is also important that the commission duties do not overlap with existing advisory groups' responsibilities (defined by city code or resolution). Below are five hypothetical scenarios to help clarify the proposed sustainability commission's purview.

Diversity Equity and Inclusion Review Commission

- Advise, recommend, and assist the city council in matters relating to diversity, equity, inclusion, civil rights and equal opportunity.
 - The city has already received a request to explore the opportunity for [Domestic Partners Registration](#).
- Collect and analyze social and economic demographic data within the city of Minnetonka, noting trends, areas of improvement, areas of sustainability and developing recommendations
- Continue to analyze and review the data from the survey conducted by DEI task force.
- Create an annual work plan and goals.

Promote safe, informative and inclusive engagement and partnership with the community

- Plan annual DEI event to be held on the federally observed Juneteenth holiday weekend for the public.
- Conduct outreach events separate from monthly meetings
- Collaborate with community members and organizations to collect and reflect expressed needs of the community.

Member Recruitment

Following preliminary comments provided by the city council, the senior diversity, equity and inclusion coordinator will partner with the communications division to develop a recruitment strategy and timeline. A review of recruitment strategy and timeline will be brought forth for review at the time the ordinance is introduced.

Staff recommends the city council provide preliminary feedback on the proposed commission details.

AN ORDINANCE ESTABLISHING A HUMAN RIGHTS
COMMISSION IN THE VILLAGE OF MINNETONKA

THE VILLAGE COUNCIL OF THE VILLAGE OF MINNETONKA ORDAINS:

SECTION 106:00. There is hereby established within the Village of Minnetonka a Human Rights Commission.

SECTION 106:05. The purpose of the Commission is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community by assisting the State Department of Human Rights in implementing the Minnesota State Act Against Discrimination and by advising the Village Council on long range programs to improve community relations in the Village of Minnetonka.

SECTION 106:10. The commission shall consist of fifteen (15) members to be appointed by the Mayor from among the residents of the city with the consent and approval of the Council. Members of the commission shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the commission. Six (6) members of the Human Rights Commission shall be appointed for a term to expire January 31, 1974, five (5) members shall be appointed for a term to expire January 31, 1973, and four (4) members shall be appointed for a term to expire January 31, 1972. Thereafter all appointments shall be for a term of three (3) years. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified. Members of the commission shall serve without compensation and may be removed from office for cause by the Mayor and Council. (Amended March 22, 1971)

SECTION 106:15. In fulfillment of its purpose, the Commission's duties and responsibilities shall be to:

1. Adopt by-laws and rules for the conduct of its affairs including the election, assumption of duties and definition of responsibilities of officers and committees.
2. Draft a memorandum of agreement with the State Department of Human Rights for the purpose of determining regulatory and enforcement procedures.
3. Enlist the cooperation of agencies, organizations and individuals in the community in an active program directed to create equal opportunity and eliminate inequalities.

4. Formulate a Human Relations Program for the Village of Minnetonka to give increased effectiveness and direction to the work of all individuals and agencies addressing themselves to planning, policy making and educational programming of the area of civil and human rights.
5. Advise the Village Council and other agencies of the government on the human relations and civil rights problems. Act in an advisory capacity with respect to planning or operation of any city department on issues of civil and human rights and recommend the adoption of such specific policies or actions as are needed to provide for full equal opportunity in the community.
6. Develop in cooperation with the State Department of Human Rights such programs of formal and informal education as will assist in the implementation of the Minnesota State Act Against Discrimination and provide for the Commission's assumption of leadership in recognizing and resolving potential problem areas in the community.
7. Assist the State Commissioner of Human Rights in the investigation of complaints alleging a discriminatory act in violation of the provisions of Chapter 363, Minnesota Statutes.

SECTION 106:20. This ordinance shall be codified as a part of the 1962 Code of Ordinances as Sections 106:00 through 106:20.

Adopted by the Village Council of the Village of Minnetonka this 8th day of April, 1968.

ORDINANCE NO. 74 - 64

AN ORDINANCE DISSOLVING AND TERMINATING CERTAIN COMMISSIONS

THE CITY OF MINNETONKA DOES ORDAIN:

1. Findings. The City Council finds and determines that the duties and functions of certain commissions created by the Council by ordinance can be more effectively performed by the Council itself and that it is, therefore, in the public interest to provide for the dissolution and termination of said commissions, viz: The Human Rights Commission and the Environmental Quality and Natural Resources Commission, and to commend those persons who have served unselfishly thereon for their dedication to the civic interest of the City of Minnetonka.

2. Human Rights Commission. The duties of the Human Rights Commission are hereby terminated, and said commission is hereby dissolved, and Section 115 of the 1972 Code of Ordinances is hereby rescinded and repealed.

3. Environmental Quality and Natural Resources Commission. The duties of the Environmental Quality and Natural Resources Commission are hereby terminated, and said commission is hereby dissolved, and Section 140.00 of the 1972 Code of Ordinances is hereby rescinded and repealed.

Adopted by the City Council of the City of Minnetonka this 4th day of March 1974.



JOHN C. BAILEY, MAYOR

ATTEST:



MARGARET E. MULLEN, CITY CLERK

DIVISION E: HUMAN RIGHTS COMMISSION**§ 2.83.01 PURPOSE.**

The purpose of the Human Rights Commission shall be to aid and advise the City Council in ensuring for all citizens of the city equal opportunity in those areas protected by law and in such other affairs as may affect the social standards of the city.

(Ord. [2017-15](#), passed 5-22-2017)

§ 2.83.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

(a) Study and review programs and policies and aid the City Council in enlisting the cooperation of agencies, organizations and individuals in the city in an active program directed to create equal opportunity and eliminate discrimination and inequalities;

(b) Advise and aid the City Council in implementing such recommendations as may be appropriate to the city, including, but not limited to, such things as:

(1) Specific programs of public information regarding the statutory requirements of the State Human Rights Act (M.S. Chapter 363A, as it may be amended from time to time);

(2) Comprehensive studies and surveys of practices in the community;

(3) Programs of affirmative action to be developed with employers, the housing industry, the educational institutions and governmental agencies;

(4) Programs of review to give and gain information regarding compliance with state requirements concerning equal opportunity;

(5) Programs designed to alleviate community tension; and

(6) Programs designed to create a genuine climate of community readiness to accept orderly and demonstrable change in eliminating barriers of equal opportunity.

(c) Attempt to conciliate, within its authority, all grievances involving discrimination occurring within the city and make all appropriate reports to the City Council and State Department of Human Rights;

(d) Advise the Bloomington Independent School District No. 271 on matters relating to human rights, in accordance with the resolution of the City Council adopted May 4, 1970;

(e) Establish committees, as the Commission finds it to be necessary, in the following areas:

(1) The various areas of concern under the State Human Rights Act;

(2) Public information;

(3) Legislation; and

(4) Liaison with other organizations including other city commissions and agencies.

(f) Perform such other functions concerning human rights as the city may from time to time direct; and

(g) Hold hearings and make recommendations to the City Council when a complaint is brought against a contractor for violation of §§ 2.100 to 2.104 of this code. Hearings for all contract compliance complaints shall be conducted in accordance with the procedures stated in § 2.104 of this code.

(Ord. [2017-15](#), passed 5-22-2017)

§ 2.83.03 MEMBERSHIP.

(a) The Commission shall be composed of nine members. Two of the nine members shall be young adults.

(b) The members of the Commission shall be appointed by the City Council after due consideration has been given the interest and commitment of such individuals to civil and human rights principles; to their knowledge in the fields of employment, housing, public accommodations, public services, education and other areas affected by the Minnesota State Human Rights Act; to their ability to serve in a genuine leadership role in the community by virtue of their positions of responsibility in business and civic affairs; to adequate representation of the classes of persons protected under the State Human Rights Act; and to recommendations obtained from various sources including any local human rights committee.

(Ord. [2017-15](#), passed 5-22-2017)

HUMAN RIGHTS COMMISSION

§ 31.75 ESTABLISHMENT.

A Human Rights Commission comprised of 11 members is established for the purpose of securing for all residents equal opportunity in employment, housing, public accommodations, public services, education, and full participation in the affairs of the city by assisting the Minnesota Department of Human Rights in implementing state laws against discrimination and by advising the City Council in long-range programs to ensure human service needs are met.

('72 Code, § 290:00) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2007- 1078, passed 10-15-07; Am. Ord. 2018-1228, passed 2-5-18; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.76 COMPOSITION AND REPRESENTATION.

All 11 members of the Commission must be lawful residents of the city. All members are appointed by the Council and serve staggered three-year terms, except for young adult members who shall serve one-year terms. Any vacancy occurring during an unexpired term must be filled for the rest of term by vote of the Council. Members of the Commission may be removed for cause by the Council upon notice and written charges and after a public hearing. Members of the Commission serve without compensation, but may be reimbursed personal expenses in the performance of their duties. The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the date of appointment for any term.

('72 Code, § 290:05) (Ord. 1993-726, passed 7-12-93; Am. Ord. 1998-870, passed 3-23-98; Am. Ord. 2008-1086, passed 4-7-08; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.77 INITIAL APPOINTMENTS.

One member from each district must serve a one-year term; one member from each district must serve a two-year term; and one member from each district must serve a three-year term.

('72 Code, § 290:10) (Ord. 1993-726, passed 7-12-93)

§ 31.78 ORGANIZATION.

(A) The Commission must elect from its membership a Chair, and a Vice Chair, each of whom must serve for a period of not more than three years. The Chair must preside at all meetings of the Commission. In the absence of the Chair, the Vice Chair must preside.

(B) The Commission must appoint a Secretary from its membership or at its election request that a staff secretary be furnished by the city.

(C) All meetings of the Commission must be open to the public, be governed by *Roberts Rules of Order* and otherwise held pursuant to the by-laws adopted by the Commission. It is the duty of the Secretary of the Commission to record the minutes of all meetings and transmit a copy thereof to each member of the Commission, City Council and City Manager.

('72 Code, § 290:15) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2018-1228, passed 2-5-18)

§ 31.79 DUTIES.

Duties of the Human Rights Commission are to:

(A) Adopt by-laws for the conduct of its affairs.

(B) Receive complaints and determine if the complaint is to be forwarded to the State Department of Human Rights for the purpose of investigation, or to North Hennepin Mediation Services for alternative dispute resolution.

(C) Improve the home, family, and human relations climate in the community.

(D) Enlist the cooperation of the Minnesota League of Human Rights Commission and other agencies, organizations and individuals in the community in an active program directed to create equal opportunity and to educate the community in order to eliminate discrimination and inequalities.

(E) Advise the Mayor, the Council and other city agencies on human relations and civil rights issues and problems. Act in an advisory capacity to the city on issues of civil and human rights. Recommend the adoption of specific policies or actions as are needed to ensure equal opportunity in the community.

(F) Assist in the development, formulation, and implementation of a comprehensive plan to serve as a guideline to ensure that the human relations needs of the community are defined and met.

('72 Code, § 290:20) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2007-1078, passed 10-15-07)

City of Eden Prairie

Subd. 2 **Duties and Responsibilities.** The Commissions shall provide the City Staff and Council, upon request by the Council or City Manager or designee, with advice on a continuing, temporary or interim basis on such subjects and matters as requested. In addition, each Commission may act in an advisory capacity as provided hereafter:

A. *Human Rights and Diversity Commission.* The Human Rights and Diversity Commission shall act in an advisory capacity on matters of diversity, civil and human rights, and the Americans with Disabilities Act ("ADA") which may include the following:

1. Enlisting the cooperation of agencies, organizations and individuals in the community to promote awareness and appreciation of diversity.
2. Reviewing and investigating alleged ADA violations reported to the City via the ADA Grievance procedures.
3. Working with community volunteers to promote the City's Manifesto and provide response and support to victims of incidents of bias.

DIVISION 2. - HUMAN RIGHTS AND RELATIONS COMMISSION

Footnotes:

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State Law reference— *Unfair discriminatory practices, Minn. Stats. § 363A.08 et seq.*

Sec. 2-116. - Policy statement.

It is the public policy of the city to:

- (1) Secure for all of the residents of the city freedom from discrimination because of race, color, creed, religion, age, sex, sexual orientation, gender expression, marital status, disability, status with regard to public assistance, familial status or national origin in connection with employment, housing and real property, public accommodations, public services, credit and education.
- (2) Support the home, family and human relations in the city.
- (3) Cooperate with the state department of human rights, and other agencies and commissions in their programs of human rights.

(Code 1970; Code 1992, § 1501.01; Ord. No. 106, 3-1-1973; Ord. No. 106-A, 1-16-1978; Ord. No. 106-A2, 6-27-1979; Ord. No. 2000-2, 2-1-2000; Ord. No. 2004-12, 8-3-2004; Ord. No. 2009-02, 4-7-2009; Ord. No. 2011-02; Ord. No. 2013-02, § 1, 3-5-2013; Ord. No. 2013-04, § 1, 4-2-2013)

Sec. 2-117. - Establishment and purpose.

To promote and help implement the above policies, the council hereby establishes the city human rights and relations commission (the "commission").

(Code 1970; Code 1992, § 1501.02; Ord. No. 106, 3-1-1973; Ord. No. 106-A, 1-16-1978; Ord. No. 106-A2, 6-27-1979; Ord. No. 2000-2, 2-1-2000; Ord. No. 2004-12, 8-3-2004; Ord. No. 2009-02, 4-7-2009; Ord. No. 2011-02)

Sec. 2-118. - Duties.

The commission shall:

- (1) Advise the council on matters relating to discrimination and human relations referred to herein.
- (2) Implement such programs of education and community action which are designed to effectuate the public policy stated in section 2-116 and which have been approved by the council.
- (3) Cooperate with the state department of human rights, and other agencies and commissions in their programs of human rights.
- (4) Investigate, study, report and undertake other functions as are assigned to local commissions under and pursuant to Minn. Stats. ch. 363, and to discharge its duties under Minn. Stats. ch. 363 with regard to specific matters referred to it by the state commissioner of human rights or filed with it by individuals.

(Code 1970; Code 1992, § 1501.04; Ord. No. 106, 3-1-1973; Ord. No. 106-A, 1-16-1978; Ord. No. 106-A2, 6-27-1979; Ord. No. 2000-2, 2-1-2000; Ord. No. 2004-12, 8-3-2004; Ord. No. 2009-02, 4-7-2009; Ord. No. 2011-02; Ord. No. 2013-02, § 2, 3-5-2013)

Sec. 2-119. - Membership.

The commission shall consist of nine regular and two student members.

(Code 1970; Code 1992, § 1501.04; Ord. No. 106, 3-1-1973; Ord. No. 106-A, 1-16-1978; Ord. No. 106-A2, 6-27-1979; Ord. No. 2000-2, 2-1-2000; Ord. No. 2004-12, 8-3-2004; Ord. No. 2009-02, 4-7-2009; Ord. No. 2011-02)

Secs. 2-120—2-136. - Reserved.

Sec. 2-184. Powers and duties.

The community technology advisory commission shall have the following powers and duties to:

- (1) Advise and collaborate with the city council and boards and commissions on the application and use of technology for the purpose of improving city services and quality of life for St. Louis Park's citizens, businesses and visitors;
- (2) Submit to the city council by April 1 of each year an annual report of the activities of the commission during the previous year; and
- (3) Perform other functions as needed to carry out these duties and responsibilities as directed by the city council and to act in an advisory capacity to the city council.

(Code 1976, § 1-323; Ord. No. 2572-19, 10-7-19, Ord. 2603-21, 1-19-21)

Secs. 2-185--2-210. Reserved.

Division 3. Human Rights Commission

Sec. 2-211. Purpose.

The purpose of the human rights commission shall be to advise the city council in its efforts to ensure all citizens protection of their human rights and full and equal opportunity for participation in the affairs of this community. The city declares, as a matter of public policy, that it is interested in securing for all of its citizens equal opportunity in housing, employment, public services, public accommodations and education, and that it is the public policy of the city to assist the state department of human rights in implementing the Minnesota Human Rights Act (M.S.A. § 363.13) by the human rights commission's investigation of complaints, development and implementation of a program of education and compliance review, and through advising the city council on long range programs to improve human relations and expand the protection of human rights in the city.

(Code 1976, § 1-340)

Sec. 2-212. Membership; terms.

(a) *Advisory function; composition.* The human rights commission shall be an advisory commission to the city council and shall consist of eight regular members and two voting youth members all appointed as set forth in this section.

(b) *Regular members.* Seven of the regular members of the human rights commission, at least one of whom shall be an attorney, shall be appointed by the city council for a three-year term. One regular member shall be appointed by and serve at the pleasure of the Board of Independent School District No. 283 for three-year terms unless such an appointment shall be sooner terminated by such board. Failure of such school board to appoint its member to serve on the commission shall in no way affect the validity of the proceedings of the commission. The terms of regular members shall run until May 31 of the year in which their terms expire and until a successor is appointed and qualified. Subsequent appointments shall be for three-year terms. In the event of a vacancy, the council shall appoint a person to complete the unexpired term. A member of the commission may be removed with or without cause by the city council.

(c) *Youth members.* Two voting youth members, who shall be high school students of a private or public school located in the city, may be appointed by the city council and serve a term of one year.

(d) *Qualifications.* Regular members of the human rights commission shall be qualified voters and residents of the city. The regular member appointed by the Board of Independent School District No. 283 of St. Louis Park shall also be a resident of the school district. A vacancy shall be deemed to exist if a member ceases to meet the residency requirements.

(Code 1976, § 1-341; Ord. No. 2403-11, 9-30-2011; Ord. 2603-21, 1-19-21)

Sec. 2-213. Organization.

(a) A staff liaison to the human rights commission shall be appointed by the city manager. The liaison shall be subject to the administrative rules and regulations of the city.

(b) The commission shall elect its own chair and vice-chair. Subject to the limitations as may be imposed by the city council at any time, the commission shall provide its own rules and procedure, shall determine the date and time of its meetings, and, upon proper notice, shall call public hearings when necessary or desirable and in accordance with all requirements of local and state laws. The bylaws of the commission and any amendments of such bylaws shall be submitted to the city council upon their adoption. Such bylaws and any amendments shall be deemed to be approved by the city council unless the city council takes action to modify such bylaws or amendments within 30 days after submission. No member of the commission shall consider or vote upon any question in which the member is directly or indirectly interested.

(c) The human rights commission shall keep proper records of its proceedings, and such records shall be maintained by the staff liaison or the liaison's designee.

(Code 1976, § 1-342)

Sec. 2-214. Expenses of members.

The members of the human rights commission shall serve without pay but may be reimbursed for actual expenses to the extent that funds therefor are provided in the annual city budget adopted by the city council. The commission shall properly account for its receipts and expenditures of monies in accordance with established city procedures.

(Code 1976, § 1-343)

Sec. 2-215. Powers and duties.

- (a) The human rights commission shall have the following powers and duties to:
- (1) Study and review programs and policies and advise and aid the city council in enlisting the cooperation of agencies, organizations, and individuals in the city in an active program directed to create equal opportunity and eliminate discrimination.
 - (2) Advise and aid the city council in developing and implementing programs of cooperation with the state department of human rights to fulfill the purposes set out in section 2-211.
 - (3) Make recommendations to the city council regarding formulation and implementation of human rights programs for the city. The programs shall be directed toward increasing the effectiveness and direction of all individuals and agencies of the city through planning, policy-making and education in the area of human rights.
 - (4) Advise the city council with respect to human rights issues arising out of or in connection with the plans or operations of any city department or agency and recommend the adoption of such specific policies or actions as may be needed to protect human rights in the city.
 - (5) Advise and recommend to the city council programs or legislation to eliminate inequalities of opportunity in the area of human rights.
 - (6) Publish and distribute to the public at large any materials necessary or advisable to carry out its functions, subject to requirements of the city council.
 - (7) Make studies, surveys, and investigations necessary or advisable to carry out its functions.
 - (8) Sponsor such meetings, institutes, forums and other educational activities as will lead to clearer understanding of local human rights issues and contribute to their proper resolution.
 - (9) Submit to the city council by April 1 of each year an annual report of the activities of the commission during the previous year.

(b) The commission shall have such additional powers and duties as the city council shall from time to time determine.

(Code 1976, § 1-344)

Secs. 2-216--2-240. Reserved.

Other Metro Area Communities	Commission Name	Number of members	Term Lengths	Duties and Responsibilities
Golden Valley	Diversity, Equity, & Inclusion Commission	9 members, 2 youth members.	Three year terms, 1 year terms for youth members.	Analyze the City's processes, procedures, policies, and ordinances as directed by the City Council on matters of diversity, equity, inclusion, human rights. Annually provide input on the City's Equity Plan and, as requested by City Manager
Chaska	Human Rights Commission	10 members, including 2 alternates and one youth member.	Members serve three year terms, one year youth term.	Formulate a human relations program for the City to give increased effectiveness and direction for the work of all individuals in the agencies addressing themselves to planning, policy making, and educational programming in the area of civil and human rights. Recommend, communicate to the City Council, and encourage Community standards that respect diversity. Advise the Mayor and City Council of human relations and civil rights programs and problems. Render a full report to the City Council covering its operations for the preceding 12 months at the close of each calendar year. Make a recommendation to the City Administrator for an estimate of funds required for its work for the ensuing fiscal year on a timely basis.
Duluth	Duluth Human Rights Commission	9 members, who should broadly represent city's diverse population, etc.	Three year terms. Max of two full terms.	Advises the City Council and City on human rights issues; and promotes the goals and objectives of the Minnesota Human Rights Act.
Falcon Heights	Community Engagement Commission	7 current members.	Three year term. Max of two consecutive terms.	The Community Engagement Commission advises the City Council on matters related to community needs and issues, crime and prevention, public awareness, community involvement, and human rights issues. The commission also helps plan and facilitate community events such as Human Rights Day and the Ice Cream Social.
Hopkins	Race and Equity Initiative	13 members		The Hopkins Race and Equity Initiative (HREI) is a collaborative effort creating opportunities to increase awareness and understanding of race, equity and diversity and promoting a sense of community that welcomes and values all residents. Awards micro grants.
Mankato	Greater Mankato Diversity Council		Nonprofit organization - not a city commission	The Greater Mankato Diversity Council (GMDC) exists to enhance the Mankato area's commitment to creating an inclusive and welcoming community through diversity education. Our mission is to provide diversity education as a catalyst for social and economic success.
Richfield	Human Rights Commission	13 members, including 2 youth members.	Three year terms, but one year for youth members. Max of three consecutive terms.	Advise the City Council and other agencies of the government on human relations and civil rights problems and act in an advisory capacity with respect to planning or operation of any City department on issues of civil and human rights and recommend the adoption of such specific policies or actions as are needed to provide for full equal opportunity in the community; Study, investigate and assist in eliminating alleged violation of Minnesota Statutes, Chapter 363A by conference, conciliation and persuasion, and when necessary, cooperate with the state department of human rights in enforcing the provisions of the state act;
Robbinsdale	Human Rights Commission	11 members.	Appointed by mayor and term is concurrent with mayor's.	Advise the council on matters and problems relating to discrimination and human rights; recommend education, municipal and community programs and implement such programs as referred by council; study and make recommendations for referral to the state commissioner of human rights; perform other functions authorized for local commissions.

Rochester	Rochester Diversity Council	N/A	Not a city commission	Began in 1989 as Building Equality Together (BET) when the leadership of Rochester Public Schools recognized the need to combat racism and discrimination in our schools.
Roseville	Human Rights, Inclusion and Engagement Commission	9 members, one youth member.	Three year terms, but one year for youth members. Max of two full terms.	The Roseville Human Rights, Inclusion and Engagement Commission does not itself investigate or resolve individual claims of discrimination or human rights violations, the Commission provides leadership in the community in prevention of bias and hate crimes through education, collaborative community action and policy and program advice to the City Council. Advise – The commission shall advise the city council on strategies to improve outreach and communication and increase engagement, equity and inclusiveness in the City’s efforts to foster a sense of community with residents and businesses.
Shoreview	Human Rights Commission (Sec. 308 of code)	7-9 members, may include nonvoting youth student members	Three year terms.	Developing educational programs and increasing awareness. Coordinating efforts with neighboring human rights commissions. Advising and recommending items related to human relations and civil rights problems. Providing direction and support to people or organizations on: Civil and human rights, identifying responsibilities to bridge cultural and other differences.
St. Cloud	Regional Human Rights Commission	11 members, six of which must be persons having protected status with at east three of the six members representing different protected categories.	Three year terms. Max of two consecutive terms.	The Regional Human Rights program operates within the City of St. Cloud, City of St. Joseph, City of Sartell and City of Sauk Rapids. The Commission may make recommendations to the Mayor and City Council on legislation and policy changes at any level of government. The Commission will advise the Mayor, the City Council and other agencies of the City government on human relations and civil rights issues.
St. Paul	Human Rights and Equal Economic Opportunity Commission	21 members. 2/3 must be residents of Saint Paul.	Three year terms.	The commission shall have power to receive, hear and determine complaints as provided herein, to govern its own affairs, to adopt reasonable rules of practice and procedure, and to advise the director on policies of the department. The commission shall have power to conduct such studies, hearings, and investigations and to make such recommendations as in its judgment will effectuate the policy set forth in section 183.01.
Winona	Human Rights Commission	15 members, m minimum of 7 must be Winona residents. 2-4 Winona County residents outside city limits and recommended by county board chair.	three year terms.	Draft a memorandum of agreement with the state department of human rights for the purpose of determining regulatory and enforcement procedures. Formulate a human relations program for the City to give increased effectiveness and direction to the work of all individuals and agencies addressing themselves to planning, policy making and educational programming in the area of civil and human rights. Advise the Mayor, the City Council and other agencies of the government on human relations and civil rights problems. The commission may accept and file a charge from a charging party. Thereupon, as promptly as possible, the charge shall be investigated. If it is determined that there is an unfair discriminatory practice, the commission shall attempt to eliminate the practice by education, conference, conciliation and persuasion. If the attempt fails, the matter shall be referred to the commissioner of human rights for the state.

**Minutes
Minnetonka City Council
Monday, August 1, 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, Brian Kirk, Rebecca Schack, Kimberly Wilburn, Bradley Schaeppi, Kissy Coakley and Brad Wiersum were present.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Items 9.A and 14.A. All voted "yes." Motion carried.

5. Approval of Minutes:

A. July 18, 2022 regular meeting minutes

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

6. Special Matters: None.

7. Reports from City Manager & Council Members

Acting Assistant City Manager Moranda Dammann reported on upcoming city events and council meetings. She encouraged all residents to participate in Night to Unite on Tuesday, August 2.

Schack thanked staff for all of their hard work and efforts that went into the funeral for Assistant Fire Chief Jim Flanders.

Schack commended staff for holding a wonderful staff luncheon.

Kirk commented on the life of Assistant Fire Chief Jim Flanders noting he has been a friend and neighbor to Jim for the past 30 years. He stated his funeral was truly a tribute to his life.

Calvert explained she missed Assistant Fire Chief Flanders funeral because she was attending the National League of Cities Summer Conference in Atlanta. She commented on the topics her committee addressed which included infrastructure.

Calvert invited residents to encouraged their local legislators to revisit the budget. She discussed the infrastructure dollars that were being lost because the State had not adopted a budget. She reported August 1 was the anniversary of the I-35W collapse and commented further on how valuable a strong and maintained infrastructure was to the community.

Calvert thanked Mayor Wiersum for his tremendously courageous service as the League of Minnesota Cities president noting he served nearly his entire term anonymously during COVID.

Calvert reported EMS response times have changed due to staffing shortages. She encouraged the public to respond to the EMSRB in order to provide the council with feedback.

Calvert noted she attended the Metro Cities meeting last week where street racing was discussed and will attend the League of Minnesota election task force meeting on August 2.

Schaeppi stated he was able to attend Assistant Fire Chief Flanders celebration of life ceremony. He thanked all who shared and participated in this event.

Schaeppi indicated he would be hosting a Night to Unite party from 5:00 p.m. to 7:00 p.m. on August 2.

Wilburn explained she was unable to attend the funeral for Assistant Fire Chief Flanders but extended her condolences to the Flanders family.

Wiersum commented on how the funeral for Assistant Fire Chief Jim Flanders was a touching event that truly celebrated Jim's life. He discussed how firefighters throughout the region were hurting due to this loss because Jim was a known leader across the state. He thanked all of the first responders in the community for their service. He sent his condolences to the City of Hopkins stating he understood they were hurting after the loss of life that occurred from a recent explosion in their community.

Wiersum encouraged residents to get out and vote for the primary election.

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

9. Bids and Purchases:**A. Bids for Delton Avenue Trail**

Public Works Director Will Manchester gave the staff report.

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

10. Consent Agenda – Items Requiring a Majority Vote:

Coakley requested Item 10.B be pulled from the consent agenda.

A. Final plat of WEBER 3, a residential two-lot subdivision, at 2326 Oakland Road

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-057. All voted "yes." Motion carried.

B. Resolution approving the use of Hennepin County Redevelopment Authority Affordable Housing Incentive Funds by Homes Within Reach

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

C. Repeal and replace Resolution No. 2018-037, approving a conditional use permit for CREO Arts and Dance Conservatory, at 15000 and 15100 Minnetonka Industrial Road

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-059. All voted "yes." Motion carried.

B. Resolution approving the use of Hennepin County Redevelopment Authority Affordable Housing Incentive Funds by Homes Within Reach

Coakley asked what portion of the funding was being used for Minnetonka residents. Community Development Director Julie Wischnack stated she would have to investigate this further and would report back to the council.

Coakley moved, Schack seconded a motion to approve Resolution 2022-058. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes:**A. Conditional use permit, with variances, for Brito's Burritos at 11044 Cedar Lake Road**

Schack moved, Calvert seconded a motion to adopt the Resolution 2022-060. All voted "yes." Motion carried

B. Conditional use permit, with a parking variance, for First Light Donuts and Café at 11014 Cedar Lake Road

Schack moved, Calvert seconded a motion to adopt the Resolution 2022-061. All voted "yes." Motion carried

12. Introduction of Ordinances:**A. Ordinance amending City Code 830 relating to lodging establishments**

Community Development Director Julie Wischnack gave the staff report.

Calvert asked if AirBNB's fit into this. Wischnack discussed how city code addresses AirBNB's noting they do not fit into the city's lodging regulations.

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

13. Public Hearings:**A. Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 14350 County Road 62**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

Chris Rose-Lunden, Minnetonka Rotary President, thanked the council for considering the temporary on-sale liquor license for the Rotary's Links and Libations event. He explained his club was focused on building responsible youth. He discussed how the funds raised by the Rotary are used to positively impact the community. He invited the council to consider attending the Rotary golf event on September 8 at 1:00 p.m. and noted he was available for comments or questions.

Wiersum thanked Mr. Rose-Lunden for all of the great work the Rotary Club does in the community.

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

Wilburn moved, Schack seconded a motion to grant the license. All voted "yes."
Motion carried.

14. Other Business:

A. Ordinance Amending City Code Section 625 Regarding Tobacco Sales

Community Development Director Julie Wischnack gave the staff report.

Coakley thanked staff for providing the council with a detailed staff report.

Wiersum stated he appreciated the input the city received from residents on this ordinance.

Calvert thanked Mr. Stockert for sending his comments to the city regarding this ordinance.

Calvert moved, Coakley seconded a motion to adopt Ordinance 2022-10. All voted "yes." Motion carried.

B. Appeal of the planning commission denial of a side yard setback variance for construction of a new home at 2203 Windsor Lake Drive

City Planner Loren Gordon gave the staff report.

Kirk asked if the city had an ordinance in place that encumbers a developer from coming into 1950's and 1960's neighborhoods and building larger homes.

Gordon stated as long as current ordinances were met, ramblers could be torn down and replaced with a two-story home.

Wiersum reported the applicant was appealing the denial from the planning commission. He discussed how variances trigger the McMansion policy. He questioned if the city has seen a plan from the applicant that was 608 feet smaller than the current proposal. Gordon reported he has not seen this plan.

Wiersum requested the applicant come forward at this time.

Don Meier, 2203 Windsor Lake Drive, introduced himself to the council. He reported he does not have a smaller plan. He indicated he did not intend to go back to a smaller home (2,800 square feet) which was what he currently had. He stated he was proposing to construct a 3,500 square foot home with a slab on grad home. He explained how he believed the original home sat 10 feet from the property line, but does not. He discussed how his irrigation was not properly located given the fact the property line has shifted, along with landscaping and hardscape. He expressed frustration with the city's McMansion policy and noted he was requesting to build a three bedroom house in order for him to be able to work remotely. He introduced his neighbors to the council and thanked them for supporting his variance request. He asked that the council allow the property line to remain as it was and that his variance request be approved.

Wilburn questioned where the actual property line would be. Gordon explained the house sits at 5½ feet today and he would like to build the house at 7 feet and city code requires 10.

Wiersum inquired if the same foundation could be used to build a new house in order to allow it to be in the same location. Gordon stated this was a common question with rebuilds. He noted there were rights with where the home was built. He reported the city would have to consider if there was more mass built at this setback. City Attorney Corrine Heine explained the provision about being able to build back requires a home to be a lawful non-conforming use. She indicated the statement at the beginning of the staff report was that this property was approved for a 12 foot setback and there must have been a 15 foot setback at the time. She noted the previous property owners did not follow this and instead built 5½ feet from the property line. She stated this was not a lawful non-conforming use. For this reason, the property owner did not have the right to rebuild on the existing foundation based on these facts. She commented city ordinance also refers to state law and noted variances can only be approved if all requirements are being met or proved. She reported the burden of proof for variances lied with the property owner.

Calvert thanked staff for all of the clarifying information. She explained each member of the council was sympathetic to property owners rights, but council also had to follow city code and state statutes. She believed the design of the home was lovely, but she could not support the variance because it would perpetuate the concerns that were addressed within the McMansion ordinance. She did not believe it was fair for future property owners to perpetuate problems that have existed since 1965 when the home was built. She believed the burden of proof had not been met when it comes to practical difficulties and therefore she would not be able to support the variance.

Schack agreed with Councilmember Calvert. She stated the issue with this request was that the practical difficulties were not being met, noting preferences

were not practical difficulties. She encouraged the council to abide by existing ordinance for consistency reasons.

Kirk thanked the neighbors for offering their support to the applicant and noted their comments have been heard. He stated he would be supporting staff's recommendation for this variance as he believed the setback had to be maintained.

Wiersum commented on the McMansion policy noting this ordinance protects neighborhoods from larger homes creeping in, stating the main focus was proportion and scale. He thanked all of the neighbors for showing up and speaking on behalf of the applicant. He understood the applicant could build his house if he moves it and complies with city setbacks. He discussed why people liked to live in Minnetonka, because the city had tremendous neighborhoods and the council upholds reasonable and objective standards. He agreed that the applicant has not demonstrated a practical difficulty and therefore he would be supporting staff's recommendation.

Kirk moved, Calvert seconded a motion to adopt Resolution 2022-062. All voted "yes." Motion carried.

C. New Commission Formation

Acting Assistant City Manager Moranda Dammann and Senior Diversity, Equity and Inclusion Coordinator Keith Clark gave the staff report.

Coakley thanked staff for the detailed report. She suggested a youth member be included in this work. She suggested the commission be called the human rights, diversity, equity and inclusion commission because this touches on all of the aspects this group would be addressing. Clark reported at this time staff wants to make sure a solid foundation was in place, while understanding youth voices were important. He agreed that in the future youth members would be a part of this group.

Schaeppi asked how the city would define diversity, equity and inclusion while limiting the scope from the work being done by existing advisory groups. Clark responded staff has worked tirelessly to ensure there would be no overlap with the DEI commission with other boards. He noted the DEI commission would work at the privy of the council and would adhere to all city ordinances.

Wilburn recommended the DEI commission be made up of a minority that is not a woman business owner. She suggested someone with a disability be included on the commission, along with someone from the LGBTQ community.

Calvert thanked staff for all of their efforts on this commission. She explained she had broad comments regarding the membership. She reported diversity was comprised of many things such as ability or disability, age, race, religion, and ethnicity. She recommended that if religions are included that more than faith be represented and that this individual be very ecumenical. She stated she would like this group to celebrate all of the different kinds of diversity within the community. She questioned why staff was proposing to have all of the DEI commissioner terms be two years, when other communities have three year terms. City Attorney Corrine Heine stated this was because all commission terms in Minnetonka were for two years.

Schack stated she believed the scope of the commission was great. She indicated she would like to push back on the use of youth members because she feared this position would become too prescriptive. She suggested each member that is interviewed for this commission be asked what unique voice they would bring to the group. She believed this would help the council when holding future interviews.

Kirk thanked staff for the detailed presentation. He explained he has the same concern that the youth position would be too prescriptive. He saw this group focusing on outreach, communication, training and education. He wanted to see that this group was reaching both adults and youth.

Calvert stated she appreciated Councilmember Schack and Councilmember Kirk's comments. She agreed if the members positions got too prescriptive then it would be difficult to find replacements. She believed it was more important that the questions asked during the interviews get to the fact of whether or not these individuals can represent the goals of the DEI commission. She asked how difficult it would be to change the size of the DEI commission. Heine explained this change would be made by ordinance and the council would have the flexibility to add youth members after one year or two years.

Wilburn addressed the prescriptive concern and stated she understood this. She explained she wanted to see a diverse makeup of this group. She stated as a person of color, she has observed homogenous groups that are responsible for making diversity decisions and she did not believe this was possible without diversity. She stated she wanted to be sure the city was committed to this group having diversity. Clark commented on how staff was focused on wording and definitions, and explained staff was very aware of how important it was to not marginalize any population or community. He reported he wanted Minnetonka to be a place that was welcoming and belonging for all communities.

Coakley asked if the DEI task force members would be considered for the DEI commission. Clark stated he was uncertain if these members would be interested in applying for the DEI commission if it was formed. Dammann commented

further on the city's recruitment plan for the DEI commission stating the DEI task force members would be invited to apply.

Schaeppi questioned if staff was looking for more comment as to the scope of the DEI commission. Dammann reported staff was seeking any and all feedback from the council at this time in order to assist staff with drafting the introductory ordinance.

Schaeppi hoped that the city would find a number of different avenues to reach out to the public for feedback and engagement. He wanted to see the city gaining a wide variety of feedback from the public. He anticipated it would be difficult for the DEI commission to be quasi-judicial, but rather he would like to see this group having clear and concise DEI objectives. He commented he wanted the goals and objectives of residents to be considered when considering the scope of the DEI commission. Clark stated defining the scope of work for the commission was being considered.

Calvert supported the DEI commission also addressing human rights. She recommended seasoned institutional knowledge be gained by all DEI volunteers before deeper level complaints on civil rights be taken on.

Kirk stated he liked the idea of the DEI commission being comprised of the someone with a disability or ADA knowledge, along with someone from the LGBTQ community. He suggested the DEI commission being structured like the park board, which has seven members and two youth.

Wiersum supported the DEI commission having seven members. He believed it would be important for this group to get off to a strong start, having some successes. He indicated this group would require people getting out of their comfort zone to do the hard and uncomfortable work of the commission. He supported the group having youth at some point in the future. He understood that diversity was important and monocultures were unhealthy. He explained he wanted all groups to feel equally comfortable and welcome in Minnetonka. He was pleased that the city was committed to making itself better for all people in the community. He discussed how Bill Russell was a great teammate and how this community needed more great teammates. He anticipated the council would have to rely on its DEI professional for assistance as this group is being formed. He was of the opinion this commission may have to be run differently than the city's other commissions and suggested three year terms be considered in order to assist with staggering the members.

Coakley commented she likes St. Louis Parks DEI commission.

15. Appointments and Reappointments: None.

16. Adjournment

Kirk moved, Calvert seconded a motion to adjourn the meeting at 9:08 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



**Study Session Agenda Item #4
Meeting of May 15, 2023**

Title: Concept plan review process

Report From: Loren Gordon, AICP, City Planner

Submitted through: Mike Funk, City Manager
Julie Wischnack, AICP, Community Development Director

Action Requested: Discuss the options and direct staff to implement an option.

Summary Statement

The concept review process has been an important component in the development review process since 2009. The concept review process provides an opportunity for public input to address larger policy questions (rezoning, comprehensive plan guidance) and, to a lesser degree, site, building, and environmental considerations. The process worked well for many years but, in recent times, has become more burdened by questions rather than comments about details that still need to be developed. Additionally, the public feels obligated to attend all concept review meetings and often has to repeat comments in multiple forums. Staff is proposing a revamped process to better streamline the process.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input checked="" type="checkbox"/> N/A | |

Statement: N/A

Background

The concept plan review process at a basic level is the first introduction of a project, its proposer/developer, and the opportunity to engage the public and city leaders. Basic information is conveyed to ground ideas and principles as a conceptual-level discussion of a potential development project. Many times questions about city code are on people's minds. Too often, the questions are premature, as the purpose of the concept plan is not to address code compliance but rather policy-level issues like appropriateness of the land use, density, and affordable housing.

An overview of the public review process for development was created to better communicate and summarize the conceptual and formal development review processes. This summary is included in all concept plan development review reports.

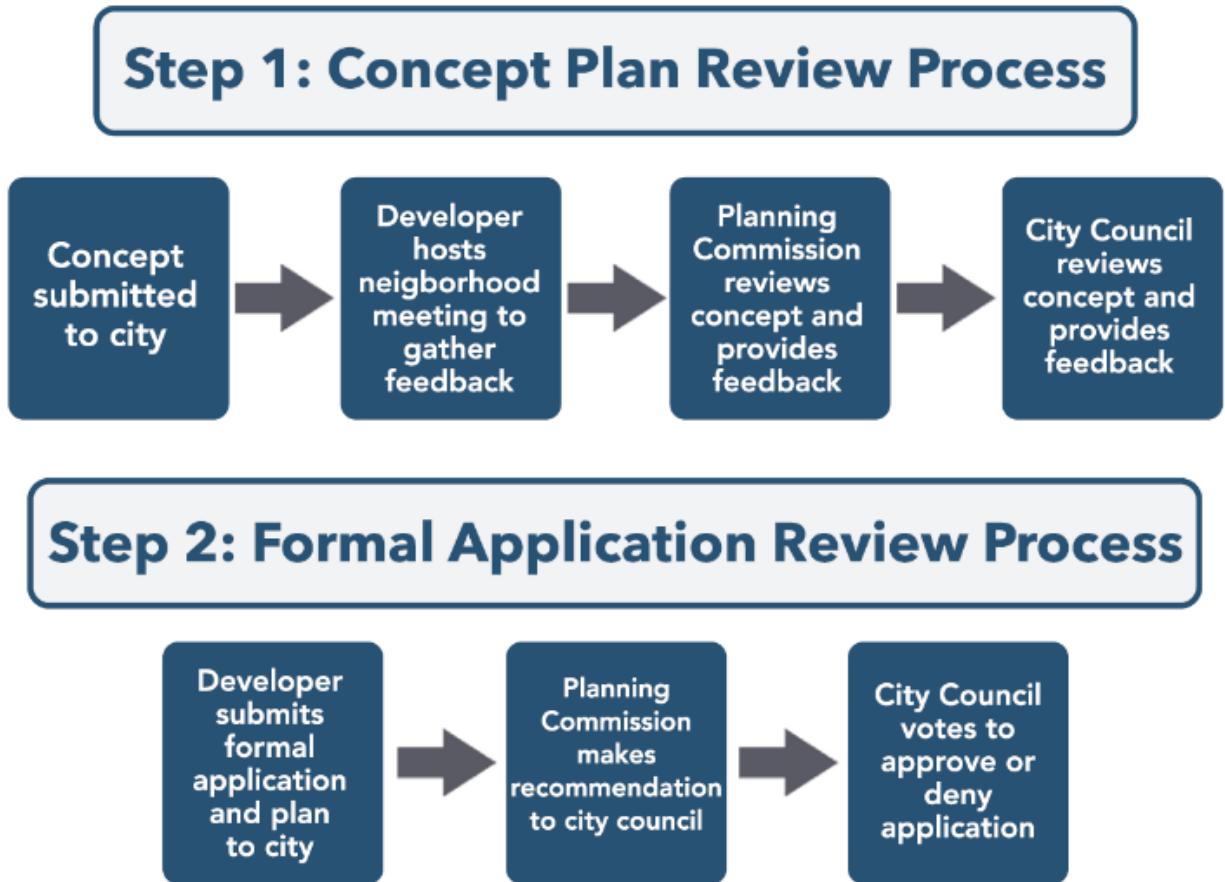


Public Review Process

This handout summarizes the general public review process for large development projects. Please contact a planner at 952-939-8290 with questions regarding the process for specific projects.

1. **Neighborhood Meeting.** The developer hosts a neighborhood meeting to review a concept plan and solicit resident feedback. Comments received during the meeting may help inform/influence future plans if the developer chooses to proceed with a formal development application. City officials attended the neighborhood meeting, but only to observe the dialog between the developer and neighborhood and answer "procedure" questions.
2. **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform subsequent review and discussion. The meeting includes a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.
3. **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.
4. **Formal Application.** If the developer chooses to file a formal application, notification of the application is mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on projects; and (4) and staff can review resident comments.
5. **Council Introduction.** The proposal is introduced at a city council meeting. At the time, the council is provided another opportunity to review the issues identified during the initial Concept Plan Review meeting, and to provide direction about any refinements or additional issues it wishes to be researched, and for which staff recommendations should be prepared.
6. **Planning Commission Review.** The planning commission holds an official public hearing for the development review and recommends action to the city council.
7. **City Council Action.** Based on input from the planning commission, professional staff and the general public, the city council takes final action to approve or deny the proposed development.

A flow chart illustrates the steps in the process for the current concept and formal development review:



In more recent times, the review process has become more like a “pre”-formal development review process. There are a number of reasons why the process is becoming more technical earlier. Development design teams work with sophisticated civil and architectural software systems to produce site and building plan information. Involved residents have a higher desire to understand potential outcomes earlier in the process.

To better understand what are some options for a revamped concept plan review process, staff has provided some overview of what may be working and what is not working:

Component	Working	Not Working
Submittal information	Generally Yes	Sometimes this works too well, as plans are increasingly detailed, leading to expectations more similar to formal development plans; more detailed plans can detract from the higher level policy comments.
Neighborhood meeting	Very good touchpoint with neighbors if a developer hasn't already gone door-knocking.	Setting expectations that approval is not imminent. If there is a public meeting, there is an assumption a decision is being made.
Planning Commission	Provides an overview of the project prior to investment into a project;	Too many questions; Too detailed with questions and expectations; Public input is typically received from the same people at the neighborhood meeting with the same comments.
City Council	Provides an overview of the project prior to major investment into a project;	Too many questions; Too detailed with questions and expectations; Again, the same public input from the people at the planning commission and neighborhood meeting. Sometimes not using the opportunity to provide the base reaction that the proposer needs to make a decision.
City Staff	Provides the opportunity to help shape a project.	Increasingly time-intensive process.

Options:

To revamp the concept plan review process, four options were developed for the city council to discuss.

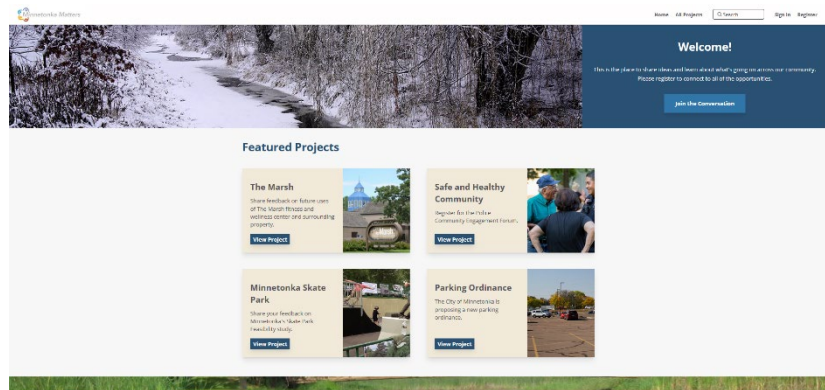
1. A more focused approach to the current process:

- Create a project page for the concept plan (*same*)
- In-person/virtual neighborhood meeting (*same*)
- Planning commission and city council staff report (*more focused*)
 - Staff report to better focus and frame the policy questions (examples):
 - *“The project proposes a comprehensive plan change from low-density residential to commercial. Would the [planning commission/city council] be receptive to considering such an amendment?”*
 - *“The project proposes a rezoning from R-1 Low-Density Residential District to B-2 Limited Business District. Would the [planning commission/city council] be receptive to considering a rezoning?”*
 - Staff identifies the **“Three Questions”** to be discussed at the meeting.
- Unlike the current process, the planning commission and city council meetings would not include public input. Public input would occur only at the neighborhood meeting. The goal is to better focus input from each of the three groups.
- **“Three Questions”** for the planning commission and city council:
 - Is there merit for this project to proceed to a formal development review?
 - If yes, why? If not, why?
 - What would make the project better?

2. Remove the review from regular meetings – use Minnetonka Matters:

- Create a project page for the concept plan.
- In-person/virtual neighborhood meeting.
- Use the platform for all input – neighbors, PC, CC. (Need to investigate open meeting law compliance further.)
- Allow comments for a certain period of time, then close input. Incorporate a template for comments on identified topics.
- Partition comments of each individual?

- Summary after comment period ends. Report provided on website or staff report to PC and CC.
- Continue to allow emails and phone calls to incorporate into the input.



3. Subcommittee of PC, CC, and EDAC

- Neighborhood meeting in advance of the subcommittee meeting.
- Have one meeting where council and commission members attend/self-select. (Not more than three members of each body.)
- Comments provided by all subcommittee members.
- Report out after the meeting and post to the project page on the website.
- Option to incorporate Minnetonka Matters for comments.
- Is this important to the council to be meeting?

4. Rework current process with public input via Menti-Meter or just-in-time feedback to allow public participation without lengthening the meeting.

Discussion Questions

1. Does the city council agree the concept plan review process needs revisions?
2. Which process is a better approach for concept plan review?



**Study Session Agenda Item #5
Meeting of May 15, 2023**

Title: June study session – topics and date
Report From: Moranda Dammann, Assistant City Manager
Submitted through: Mike Funk, City Manager

Action Requested: Affirm upcoming topics and date

Summary Statement

This item is informational and is intended to provide the council with the upcoming study session agenda items and study session schedule.

Background

The Minnetonka city council is scheduled to hold a total of twice (12) study sessions in 2023. To maximize study session meetings, provide staff direction and focus on council priorities, council members ranked specific topics they expressed interest to review. At the Dec. 19, 2022 Study Session the city council reviewed these rankings, discussed priorities and provided direction to staff.

At the Jan. 30, 2023, regular council meeting the city council unanimously approved the 2023 Study Session Work plan. See attached. Staff committed that at each proceeding study session the topics for the upcoming study session will be provided.

Section 1.5 of the City Council Rules of Procedure states, individual council members may propose agenda items for future meetings at a study session, and the council may provide direction to the city staff regarding scheduling such matters. In essence, this document can be modified throughout the remainder of the year by a majority of council members.

Unless modified by the city council, the 2023 Study Session Work Plan agenda items for June 12, 2023, are:

- 2024-2028 CIP/EIP
- Transit orientated development
- Sustainability commission interviews

Discussion Questions

1. Does the city council confirm upcoming topics and date?

2023 Council Study Session Work Plan

Quarter 1

23-Jan

Board and Commission Interviews

Sales and/or Lodging Tax

Study session work plan

06-Feb

Housing updates (pathways and homelessness)

Review and Update Council Policy & Rules of Procedure (1.3, 2.7)

2023 Community Survey questions review

20-Mar

Council compensation

Director presentations

Overview of recreation programming

Quarter 2

24-Apr

Public Safety master plan

Buckthorn Pilot pick-up program

15-May

New Commission structure (DEI)

Concept Plan review process

12-Jun

2024 CIP/EIP

Transit Orientated Development

Sustainability commission interviews

19-Jul

Boards & Commissions dinner

24-Jul

Homelessness/policy/process

Small business programs

Quarter 3

21-Aug

2024 budget discussion

31-Aug

Annual joint Planning Commission, EDAC and City Council tour

06-Sep

Annual Park Board and City Council joint meeting with Tour

Dog Park/Leash policy (start w/Park Board)

11-Sep	
	Storm water management fees
	Zoning - density (community development project)
23-Oct	
	Storage of garbage/recycling containers
	On-street parking regulations/enforcement
01-Nov	<i>Annual Park Board and City Council joint meeting (combine w/ tour) Potential Cancel</i>
20-Nov	
	2024 Enterprise budget discussion
	2024 budget discussion
11-Dec	
	2024 Strategic Profile Action Steps
	2024 Study Session Work plan
	2024 Legislative Breakfast - confirm priorities
	2024 annual appointments