

**Minutes  
Minnetonka City Council  
Monday, May 1, 2023**

**1. Call to Order**

Mayor Brad Wiersum called the meeting to order at 6:30 p.m.

**2. Pledge of Allegiance**

All joined in the Pledge of Allegiance.

**3. Roll Call**

Council Members, Deb Calvert, Bradley Schaeppi, Kissy Coakley, Brian Kirk, Rebecca Schack, Kimberly Wilburn and Brad Wiersum were present.

**4. Approval of Agenda**

Kirk moved, Wilburn seconded a motion to accept the agenda as presented. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. March 20, 2023 study session minutes**

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

**B. April 17, 2023 regular meeting minutes**

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

**6. Special Matters:**

**A. Retirement recognition for Firefighter Chris Dagner**

Wiersum recognized Firefighter Chris Dagner and thanked him for his 25 years of dedicated service to the City of Minnetonka. He presented Firefighter Dagner with a plaque on behalf of the city and wished him all the best in the future. A round of applause and standing ovation was offered by all in attendance.

**B. Burlington Northern and Santa Fe Railway presentation**

Fire Chief John Vance explained a representative from Burlington Northern and Santa Fe Railway had a presentation for the council on railway safety.

Amy McBeth, Regional AVP Public Affairs for Burlington Northern and Sante Fe Railway, thanked the council for inviting her to attend this meeting and provided the council with a presentation on rail safety. She explained BNSF was thinking about safety all the time. She reported since 2000 the train accident rate is down 28% and hazmat accident rates were down 78%. She stated 99.99% of all BNSF hazmat shipments reach their destination without a derailment caused release. She reviewed what causes train accidents noting 48% of these were caused by human factors. She described how BNSF works to properly train their employees and noted BNSF was privately funded and maintained. She discussed the type of bridge and track inspections that were conducted by BNSF. She reported she receives 35 million readings from 12 different types of detectors throughout their network each and every day. She commented on the speeds that are used for trains that are moving hazardous materials and discussed how tank cars are being enhanced. She stated BNSF worked to have strong relationships with local first responders. She provided further information regarding the AskRail app and training that was available to first responders. She estimated Minnetonka had seven to ten trains going through the community on a daily basis.

Calvert stated after a recent train accident she was listening to a program that discussed the increasing length of trains and weight distribution. She questioned what BNSF's practices were regarding making trains longer and how does BNSF distribute weight. Ms. McBeth reported BNSF has the most to lose if an incident were to occur. She discussed how BNSF addresses train make up and how this was simulated and managed by staff. She commented further on how train length was managed by BNSF and stated that as train length has increased, BNSF's safety ratings have also improved.

Wiersum thanked Ms. McBeth for her thorough presentation. He noted he lived 60 yards from the BNSF rail line and asked if BNSF rail schedules were posted on a daily basis. Ms. McBeth explained the average train count was taken based on the numbers over a year. She stated she could provide the public with average trains per day information if they were to give her a call. She reported she could not provide the public with exact times for the trains each day.

Wiersum stated he believed there was value in sharing information and he encouraged BNSF to share what information they could regarding the railroad with the residents of Minnetonka.

### **C. Commissioner LaTondresse presentation**

Hennepin County Commissioner Chris LaTondresse thanked the council for their time and provided the council with an update from the County. He reported he

represents District 6 within Hennepin County. He reviewed the services provided by the county, which included human services, public safety, public health, resident services, housing and economics and public works. He commented on how important strong partnerships were between for the county. He discussed how the county was working to address the housing crisis noting 1 in 3 Hennepin County households were cost burdened. He stated the county was investing \$150 million annually into affordable housing and was being recognized nationally as a leader for its efforts. He reported public safety remains a top priority for him and noted he was in frequent conversations with his police chiefs. He understood there was a police shortage and he wanted to ensure these dedicated public servants had the property resources to do their job with excellence. He commented further on the investments the county was making in public safety, which included 45 embedded social workers serving every city and police department across Hennepin County. He explained the county was also working to address the mental health of its youth and reported 6,623 students are being served annually. He discussed how the county was working to support its small businesses in the community through recovery grants and through the creation of Elevate Hennepin. Lastly, he reviewed the public works projects that would be completed in Minnetonka in 2023.

Schaeppi requested further information on how the county was working to rehabilitate youth that have committed a crime. Commissioner LaTondresse stated supporting youth was a critical function of the County. He commented further on Hennepin County's West Metro Alliance for Youth, which would be a partnership between Hennepin County, several cities and school districts in the west metro. He noted there have been discussions about closing the county Home School in Minnetonka. He discussed how these types of facilities lead to increased cases versus decreased cases of recidivism. However, he understood there was a need state-wide for some type of facility for extreme cases.

Wiersum thanked Commissioner LaTondresse for his report. He discussed the challenge all agencies were facing with hiring and retaining officers at this time. He asked how the county was addressing this concern. Commissioner LaTondresse noted he has discussed this matter with Sheriff Witt. He explained a new contract for the sheriff's office would be voted on this week and he was motivated to improve the compensation for the Hennepin County Deputies.

**D. Update on 5501 Baker Road and 5432 Rowland Road, city-owned properties**

Community Development Director Julie Wischnack provided the council with an update on the city-owned properties at 5501 Baker Road and 5432 Rowland Road. She reported the city purchased these properties in the late 1980's and early 2000's and the tenants voluntarily relocated at the end of 2021. Due to the age of the structures and significant maintenance needs, the reuse of the

structures is not feasible, which has led staff to develop a process to sell the properties. The vision for the city is to partner with a housing builder to create affordable, single-household opportunities on the sites. Staff was seeking a Request for Interest (RFI) to gather information on qualified and interested builders. The next steps for the project were reviewed with the council along with a tentative timetable.

Schack asked if staff had a sense on what the price range would be for these homes based on 80% AMI. Wischnack explained at 80% AMI, the homes would be valued \$315,000.

Wilburn questioned how the city would ensure the homes remained affordable. Wischnack explained a covenant would be in place to go with the sale of a property.

Wiersum thanked staff for the update on this matter.

#### **E. Met Council Representative District 3**

Dr. Tyrone E. Carter, Met Council Representative for District 3, provided the council with an update from the Met Council. He thanked the council and staff for inviting him to attend this meeting. He reported he was a 19 year member of Minnetonka and he was appointed by Governor Walz to serve as the District 3 representative for Met Council for the next four years. He noted he was a small business owner that provides STEM enrichment to schools throughout the metro area. He discussed how Met Council members serve part-time while understanding some issues require more time. He stated his goal as the city's representative was to work hard on their behalf. He indicated he was working to meet one-on-one with each mayor and city councilmember in order to gain insight on the issues facing each community. He reported he has been appointed to serve on three committees within the Met Council which were the Environment Committee, Transportation Committee, and the Green Line Extension Corridor Extension Committee.

Coakley congratulated Dr. Carter on his appointment and thanked him for his service to the community.

Wiersum thanked Dr. Carter for his presentation and wished him well in his role with the Met Council.

#### **F. National Public Works Week proclamation**

Kirk read a proclamation in full for the record declaring May 21 to May 27, 2023 to be National Public Works Week in the City of Minnetonka.

**G. Asian American and Pacific Islander Heritage Month proclamation**

Coakley read a proclamation in full for the record declaring May to be Asian American and Pacific Islander Heritage Month in the City of Minnetonka.

**H. Jewish American Heritage Month proclamation**

Calvert read a proclamation in full for the record declaring May to be Jewish American Heritage Month in the City of Minnetonka.

**I. Bike Month proclamation**

Wilburn read a proclamation in full for the record declaring May to be Bike Month in the City of Minnetonka.

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

City Manager Mike Funk reported on upcoming city events, council meetings, and provided the council with an update on the partial reopening of The Marsh.

Schack thanked recreation staff for their efforts to prepare The Marsh for a reopening.

Calvert explained she was impressed by the recent edition of the *Minnetonka Memo*. She thanked the communications staff and the contributors for their efforts.

Calvert thanked the recreation staff for their assistance with setting up the three part series being done by the Jewish Community Relations Council. She indicated the first part had to do with the Holocaust Remembrance and the second series would be on Antisemitism and the final presentation would be on Judaism 101.

Calvert encouraged residents to adopt a storm drain throughout the community and to keep their storm drains free and clear of debris.

Schaeppi thanked the public works department for all of their efforts to fill potholes throughout the community.

Schaeppi explained Groveland Elementary would be hosting a bike to school day on Wednesday, May 3. He shared a story regarding this school and discussed how the parents from this school were working to transform the experience for students in order to get them walking and biking to school.

Kirk stated Spirit Care Homes held a ribbon cutting ceremony on April 20.

Coakley reported Commissioner LaTondresse spoke to the number of families in need of affordable housing. She noted there were 73,660 families that were at 30% AMI in Hennepin County. She commented on how the Hopkins West Schools was working to provide wrap around services for students who were living in poverty. She commented on how there was a growing need for jobs for the youth in the community and encouraged the city to consider how it can better support the youth in the community that were living in poverty.

Wiersum congratulated staff for their efforts at The Marsh.

Wiersum reported on Friday he met with the Hennepin County Sheriff Witt to discuss programs for youth. He stated he was concerned about how kids that commit crimes are being handled by the county now that there was no place to put them. He explained he did not have a solution, but it was his hope diversion programs that take advantage of the outdoors would be created.

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

Bob Resner, 3615 Westmark Drive, thanked the mayor, council and staff for moving forward on his proposal regarding buckthorn. He appreciated the fact the city would be holding a native plant sale because this would be keystone in addressing buckthorn. He requested the council consider having a presence on YouTube in order to show the public what buckthorn is.

Anne Behrendt, CEO of Doran Companies, addressed the council regarding the concerns that were raised at the last council meeting regarding her company. She further introduced herself and her company to the council. She stated four years ago she acquired the company from the founder and since that time she has been consistently ranked one of the top three women owned businesses in the state of Minnesota and was the largest women owned general contractor in the country. She explained she lived in the Minnetonka School District and was dedicated to bettering the community. She commented further on the boards she and Ryan Johnson (President and CFO of Doran Companies) serves on. She reported Doran Companies was a general contractor, which meant her company oversees and supervises large construction projects. She indicated she works with subcontractors to complete Doran projects. She noted both union and non-union labor was used on projects. She commented Doran Companies does not condone wage theft or the mistreatment of workers. She stated she has never had a wage theft allegation or a finding of wage theft. She explained she took great pride in the work her company does and the company she runs. She noted Doran Company was recently voted General Contractor of the Year by the Minnesota Real Estate Journal. She commented further on how she walked jobsites frequently and was very involved in the day to day operations of her

business. She invited the council to contact her if they were interested in visiting a Doran Companies project.

Louis Zachary, President of Construction for Doran Companies, read through a number of statements from his trade partners and reviewed what they had to say about Doran Companies. He stated it was tough for him to hear the imputations raised at the last council meeting. He commented on how Doran Companies focuses on integrity and believes in fairness, transparency, trust, inclusivity, and accountability. He reported Doran Companies was best known for its large apartment complexes. He indicated he was proud that Doran Companies would complete 500 affordable units in 2023. He stated these units would impact disadvantage families and seniors. He encouraged the council to speak with him if they have any further questions regarding his business.

Wiersum thanked Mr. Zachary and Ms. Behrendt for their presentation.

Eric Bell, 10501 Cedar Lake Road, stated he was interested in the council considering an ordinance for standard taxes and fees to be included up front at stores and restaurants. He understood 30% of the residents in Hennepin County were overburdened by their housing expenses and 60% of Americans were living paycheck to paycheck. He reported he spoke with City Manager Funk regarding this matter and he understood there was no legal conflict with the ordinance he was proposing, noting it would help families with budgeting.

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

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

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

Coakley requested items 10.B and 10.E be pulled for further discussion.

Wilburn requested item 10.G be pulled for further discussion.

**A. Ordinance adopting and amending the 2020 Minnesota state fire code**

Schack moved, Kirk seconded a motion to adopt Ordinance 2023-03. All voted "yes." Motion carried.

**B. An ordinance amending city code 300.28 subdivision 12, regarding parking and loading requirements, and adding a new section 315.14.**

This item was removed for further discussion.

**C. Ordinance establishing mayor and council salaries**

Schaeppi commented he would have felt more comfortable if this item was not on the consent agenda. He reported the council discussed the history of the council's salary at a recent worksession meeting. He discussed his position on council salaries stating based on the workload he believed the position needed to be properly compensated to ensure there was a widest pool of applicants were available to do the job. He explained there was a lot of heavy lifting that falls to councilmembers which takes a great deal of time. He noted he would be supporting the ordinance establishing mayor and council salaries.

Schack moved, Kirk seconded a motion to adopt Ordinance 2023-05. All voted "yes." Motion carried.

**D. Amended and restated urban ecology stewardship fund agreement for Legacy Oaks**

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

**E. Funding agreement for Metropolitan Council Local Housing Incentives Account (LHIA) Funds for Homes Within Reach**

This item was removed for further discussion.

**F. Agreement with State of Minnesota Institution Community Work Crew (ICWC) Program**

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

**G. Councilmember's travel expense reimbursement**

This item was removed for further discussion.

**H. Abatement of delinquent utility charges to the Hennepin County Auditor**

Schack moved, Kirk seconded a motion to adopt Resolution 2023-030. All voted "yes." Motion carried.

**B. An ordinance amending city code 300.28 subdivision 12, regarding parking and loading requirements, and adding a new section 315.14.**



Coakley asked if this ordinance spoke to a specific area of Minnetonka or did it cover the entire city. City Planner Loren Gordon reported the city's parking ordinance applies to all private, public and real property in the city.

Coakley questioned if this ordinance would allow for parking on the streets. She expressed concern with the fact the city did not have "No Parking" signs posted. Gordon reported the parking regulations were for real property and did not address parking within public right-of-way. He noted signs within public right-of-way was controlled by the county or state jurisdictions. City Attorney Corrine Heine explained this ordinance was part of the zoning code and establishes performance standards for properties that want to do developments or new buildings. She indicated this ordinance establishes the city's parking requirements for off street parking for a new shopping center or apartment building, etc. She noted this ordinance does not address on street traffic or parking regulations, rather this was addressed by another ordinance.

Coakley moved, Calvert seconded a motion to adopt Ordinance 2023-04. All voted "yes." Motion carried.

**E. Funding agreement for Metropolitan Council Local Housing Incentives Account (LHIA) Funds for Homes Within Reach**

Coakley stated she was confused if the Met Council was providing the \$200,000 in funding or was this funding being provided by the city. She explained after speaking with staff, it was her understanding the funding was being provided by the city. She questioned how much money Homes Within Reach receives in a year from the city of Minnetonka. Community Development Director Julie Wischnack stated the issue before the council was regarding Met Council money and the city would be acting as the conduit for those funds to get to the Land Trust. She reported Homes within Reach would receive \$125,000 from the city in 2023. She estimated 40% of a home was city funded. She noted Homes Within Reach receives funding from multiple agencies such as the Met Council, Hennepin County, MFHA, and private donations.

Coakley asked if the city gets a percentage of the funds to cover the administrative fees for these housing projects. Wischnack reported the city does not charge an administrative fee for the conduit funds that flow through the city.

Coakley inquired why the city does not charge this business a fee. Wischnack indicated this was not something the city has done.

Wiersum questioned if other cities charge fees for this type of services. Wischnack stated she was not aware of any city that charges for this type of service, especially to non-profit businesses.

Coakley moved, Kirk seconded a motion to approve the agreement and sub recipient agreement. All voted "yes." Motion carried.

**G. Councilmember's travel expense reimbursement**

Wilburn stated she would be abstaining from voting on this item.

Schack moved, Kirk seconded a motion to approve councilmembers' travel and expenses. Calvert, Schaeppi, Coakley, Kirk, Schack and Wiersum voted "yes." Wilburn "abstained." Motion carried.

**11. Consent Agenda – Items requiring Five Votes: None.**

**12. Introduction of Ordinances:**

**A. Items concerning Walser Kia at 15700 Wayzata Boulevard**

City Planner Loren Gordon gave the staff report.

Kirk commented on the need to buffer this use on the north property line from the adjacent properties. He requested staff gather further information regarding the wetland variances.

Calvert agreed the council needed further information regarding how the wetlands were being disturbed.

Schaeppi explained he lived within the notification area for this project. He stated he appreciated some of the unique aspects of this project. He requested further information regarding the north elevation in order to understand how the homes to the north would be impacted. He discussed how the headlights from the vehicles would be shining across the wetlands to the north. He recommended the planning commission focus on what the overlay ordinance means with respect to this project.

Wiersum commented this was a land use issue which must be the focus. However, he was concerned with the number of Kia and Hyundai cars that were being stolen. He stated this made him wonder if a Kia dealership should be located in Minnetonka. He requested the applicant address this concern through the application process. He agreed the buffering issues were a concern and requested this be taken into consideration by the planning commission.

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

**B. Items concerning Ridgewood Ponds at 18116 Ridgewood Road, and an adjacent unaddressed parcel**

City Planner Loren Gordon gave the staff report.

Kirk asked if the full legal right of way on the outlot had been cleared up. He understood the outlot was not part of the parcel. He questioned if the tree ordinance counted the trees on the outlot or just the developable parcel. He discussed the density of this development and stated the city may have to adjust the way it thinks about density. He was of the opinion this project was quite dense.

Calvert commented on a statement within the environmental services regarding the disturbed graded buffer area noting it would be reseeded with native seed. She asked why the buffer area would be mowed. Gordon explained this was a management strategy for the buffer and noted staff would further investigate if this was the right approach.

Schaeppi asked if the Arrowhead Trail homes would be blocked by trees on the site. Gordon stated staff could include these homes if this was the recommendation of the council.

Schaeppi supported staff taking this action.

Calvert recommended the treatment of the wetland and the buffers be further explored by the planning commission. While she had concerns about the number of units, she would be willing to explore this project further.

Kirk suggested the long narrow driveway be further considered.

Wiersum stated he was struggling with understanding the public purpose within this PUD. He noted he reviewed the fire maps and he was concerned with how private drives were added onto long cul-de-sacs. He questioned if sprinkler systems should be required in new homes given the proposed road layout.

Kirk moved, Schack seconded a motion to introduce the ordinance and approve or modify the notification area adding the homes on the western side of Arrowhead Trail. All voted "yes." Motion carried.

**13. Public Hearings:**

**A. Temporary on-sale liquor license for Episcopal Parish of St. David, 13000 St. David's Road**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

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

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

**B. Temporary on-sale liquor license for Immaculate Heart of Mary Church, 13505 Excelsior Boulevard**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

Kellie Dennehy, representative for the Immaculate Heart of Mary Church, thanked the council for considering her request. She invited the council to attend the fun run and family activities that would be associated with this event.

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

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

**C. Temporary on-sale liquor licenses for Unmapped Brewing, LLC, 14625 Excelsior Boulevard**

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.

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

**D. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Kike Y Shamu Inc., dba Costa Brava at 17623 Minnetonka Boulevard**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

Hector Ruiz, 17623 Minnetonka Boulevard, discussed how he was moving his business out of Minneapolis to Minnetonka. He explained he has been in the business for 22 years. He reported his training was in French and Italian cuisine. He looked forward to offering a new type of cuisine in the City of Minnetonka.

Wiersum welcomed Mr. Ruiz to the City of Minnetonka.

Calvert moved, Schack seconded a motion to continue the public hearing to June 5, 2023. All voted "yes." Motion carried.

**14. Other Business:**

**A. Minnetonka down-payment/closing cost and Pathways to Homeownership programs**

Community Development Director Julie Wischnack gave the staff report.

Wilburn asked if the 5% forgiveness was included within the program. Wischnack discussed the comments that were received from the council and noted staff worked to balance the comments within the program. She stated it would be unusual for a person to sell a home within the first five years.

Schack stated she understood a great deal of time was taken to develop this program and she appreciated the final product.

Schaeppi thanked Councilmember Coakley and others who brought this issue to the city. He reported he has evolved on his way of thinking towards this topic. Schaeppi stated he tends to be very methodical and starts with market based decisions, but at the end of the day, he had grown to see the need for this program. He commented on zoning and that after decades of demand for single family homes it has artificially inflated the price of homes by the size of the lots.

Coakley thanked staff for their work on this and thanked the council for offering their support to this program. She stated this program was important for low income families that want to live in this city.

Kirk explained over the years the city has been challenged to build affordable home ownership in Minnetonka. He noted his daughter would be graduating this spring as a teacher and she would be sliding into the housing market at 40% AMI. He appreciated how this program would assist residents who were stuck in a high rental environmental to be able to get into home ownership.

Calvert thanked staff for their efforts on this program. She appreciated the lasting legacy that would be created through this program.

Wiersum stated more people will own homes in Minnetonka if these programs were passed. He believed it was important for residents to own homes in Minnetonka and noted he would support this item moving forward.

Coakley moved, Calvert seconded a motion to adopt Resolution 2023-031. All voted "yes." Motion carried.

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

**16. Adjournment**

Calvert moved, Kirk seconded a motion to adjourn the meeting at 9:53 p.m. All voted "yes." Motion carried.

Respectfully submitted,



Becky Koosman  
City Clerk