

**Minutes
Minnetonka City Council
Monday, April 20, 2020**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:40 p.m. Due to the COVID-19 pandemic, this would be a virtual meeting.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

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

4. Approval of Agenda

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

5. Approval of Minutes:

A. March 16, 2020 emergency council meeting

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

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings. She explained the majority of staff continues to telework or work remotely during the COVID-19 crisis.

Kirk provided the council with an update from the Places group that met virtually to discuss the Southwest LRT line on April 9. He noted the group met for two hours and was working to place temporary art in 2020 reflecting the locations of the stations to promote light rail. He explained there was interest in securing additional funding from corporations along the light rail or from other sources.

Calvert thanked staff for their tremendous efforts during the COVID-19 crisis. She asked staff to discuss how residents can participate in future city council meetings. Barone encouraged and described how the public can participate in public meetings. She invited residents to contact city hall with any questions they may have about the process.

Schaeppi explained he was pleased other boards and commissions would be meeting virtually in order to continue the public process. He stated he was proud of how the city was working through this hardship and anticipated the city would emerge stronger.

Coakley questioned if rank choice voting would be discussed in the coming weeks. Barone reported the charter commission was addressing this issue. She reported staff was working to schedule a virtual meeting of the charter commission for early June.

Wiersum thanked staff for all of their efforts to provide essential services while also addressing COVID-19 on behalf of the community.

8. Citizens Wishing to Discuss Matters not on the Agenda

Barb Blake Westmoreland, 4713 Caribou Drive, stated she was a lifelong resident of Minnetonka. She explained she cared deeply about this community and understood that COVID-19 had turned the world upside down. She commended the elected leaders and city staff for their efforts to keep the city running safely and efficiently. She encouraged the council to be visionary both during and post pandemic. She anticipated that voting in person at precincts would not be safe for voters and staff. She commented elections were coming up quickly with the primary in August and the general election in November, with a local election to be held in 2021. She discussed the value of rank choice voting stating this process would eliminate the need for an August primary for city elections. She indicated the charter commission was tasked with addressing rank choice voting and understood their March meeting was cancelled due to COVID-19. She understood staff was working to reschedule the charter commission meeting to June. She recommended a virtual meeting be considered for the charter commission. She asked the council to expedite the adoption of rank choice voting for safer city elections. She reported the alternate would be to have residents vote on the November ballot.

9. Bids and Purchases:

A. Bids for the Ridgedale Drive Landscape Improvements

Kirk recused himself from voting on this item.

Public Works Director Will Manchester gave the staff report.

Schaeppi requested feedback from staff regarding the low bidder, Cedar Ridge. Manchester explained the bids were reviewed closely and staff had spoken to the low bidder. He reported Cedar Ridge was confident in the submitted bid and staff was comfortable with this vendor moving forward.

Wiersum commented when there is such a big difference in the bids sometimes bidders may not want to win the job and therefore submit a high bid. Manchester indicated this may be how vendors base their numbers if they have a heavy workload.

Carter stated it was very important to her that low bidders not be involved in inhumane treatment of their employees, sex trafficking or other crimes that would result in allowing them to cut corners. She explained she wanted the city of Minnetonka to be a leader in this area.

Coakley recommended fair wages also be a consideration for low bidders.

Schack moved, Calvert seconded a motion to adopt Resolution 2020-033. All voted "yes." Motion carried. (Kirk was absent for the vote).

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution approving agreement for donation to the city of vacant land on Hwy. 7

Calvert moved, Kirk seconded a motion to adopt Resolution 2020-034. All voted "yes." Motion carried.

B. Ordinance amending the zoning ordinance and subdivision ordinances relating to appeals

Calvert moved, Kirk seconded a motion to adopt Ordinance 2020-04. All voted "yes." Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Ordinance amending Minnetonka City Code Section 845.030 relating to lawn maintenance

Natural Resources Manager Leslie Yetka gave the staff report.

Schack commented on several emails she received from the public and stated these residents were caught off guard on the proposed city code amendment. She indicated these residents wanted more time to provide feedback. City Attorney Corrine Heine reported the city charter requires an ordinance to be introduced at least seven days prior to being adopted. She explained this ordinance would be reviewed and approved by the council on May 4. If the council wanted additional time, a postponement could be considered at that meeting.

Kirk stated many comments were coming from the Minnetonka Climate Initiative. He encouraged staff to work with this group in order to coordinate efforts. He found it interesting that this was a nuisance ordinance for the city. He asked what kind of communication or education was provided to the public regarding this ordinance. Yetka indicated staff had not gone directly to the public to solicit comment regarding the proposed change. She explained staff was providing information about the benefits of these practices.

Calvert asked how prescribed the vegetation and species would be for residents in order to fit the proposed guidelines in the ordinance. Yetka reported this ordinance does not prescribe species but rather prescribed species that cannot be planted.

Carter thanked staff for all of their work on this ordinance. She questioned if there was a sense of urgency for this ordinance. Yetka indicated this was not a highly urgent matter but commented on a program residents could apply for if the ordinance was approved this spring.

Carter supported the ordinance being delayed for four weeks in order to allow the public to pull their thoughts together for the council and staff. Barone requested the council still vote to introduce the ordinance and that action then be delayed.

Wiersum questioned if the city was planning to hold demonstrations on these types of plantings on city property or within a park. He believed it would be beneficial to show the public what a bee lawn might look like. Yetka stated the city had demonstration areas for native plantings on the city hall campus. She reported the concept of a bee lawn was a little more challenging as the city did not have a demonstration area. She indicated the University of Minnesota had examples of bee lawns at the arboretum.

Schaeppi commented this was an exciting opportunity for the city. He stated there may be residents interested in being a part of the education process. He indicated there were residents that believe they were not included in the planning process. He understood this was introduction of the ordinance and encouraged staff to tap into the valuable resources available in the community.

Calvert applauded staff for their efforts on this ordinance on the eve of the 50th Anniversary of Earth Day. She appreciated the fact that Minnetonka was on the forefront of this issue. She reiterated this was the first reading and introduction of this ordinance. She explained there was still time for the public to provide input.

Schack encouraged residents to remember this was a nuisance ordinance. She stated she was eager for this ordinance to move forward and looked forward to educating the ordinance as alternative landscaping.

Kirk explained this ordinance establishes great parameters for the city and would provide the city a great opportunity with how to educate the public on how to create sustainable lawns. He thanked staff for their efforts on this ordinance and suggested the Minnetonka Climate Initiative collaborate with staff. He stated he would be supporting the introduction of this ordinance.

Carter stated she felt strongly that because dollars were allocated for these efforts that sustainability permeates all parts of the city and that to segment them in certain buckets negates the opportunity to look at sustainability holistically.

Wiersum indicated he received a good number of emails regarding this ordinance voicing concern the council would be approving this matter this evening. He stated this was not the case. He believed the council did not need to add time to this ordinance because further comment can be gathered in the next two weeks from the public. He explained comment could also be taken from the public at the May 4 council meeting. He supported the council introducing the ordinance. He stated the city would continue to work to become more environmentally sensitive and would receive push back from people who see what a bee lawn looks like and do not approve. However, the city council would have to take the larger perspective into consideration. He commented he was proud of how the City of Minnetonka was taking a leadership role and understood education on this topic would be important. He believed this was a good nuisance ordinance albeit he understood it wasn't perfect.

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

B. Ordinance adding a new city code section 1315.030 to allow for electronic signatures on Resolutions and Ordinances

City Attorney Corrine Heine gave the staff report.

Calvert stated as a staff member in another city she believed this was a great recommendation from staff. She explained this would allow city business to continue while keeping all staff and council members safe.

Wiersum indicated he signed quite a few documents and as the city attorney suggested he could sign some electronically previously. He discussed the benefits of being able to sign all documents electronically going into the future.

Schack moved, Carter seconded a motion to Introduce the Ordinance. All voted "yes." Motion carried.

13. Public Hearings:

A. Resolution amending Council Policy 8.3 regarding Plant Pest Program

Natural Resources Manager Leslie Yetka gave the staff report.

Wiersum discussed the 50/50 cost share and noted the proposal was for this program was to only cover the cost of the tree removal and would not include stump removal for trees located in city right-of-way. Yetka explained this was the case. She commented the thought behind this was for the tree to be removed from the right-of-way in order to remove the risk. She commented the landowner would have to bear the cost for the stump removal.

Wiersum questioned how tall the stump would be if a tree was removed. Yetka reported the city's standard was to leave no more than one inch of stump.

Wiersum opened the public hearing.

With there being no comments, Wiersum closed the public hearing.

Calvert moved, Kirk seconded a motion to hold the public hearing and adopt Resolution 2020-035. All voted "yes." Motion carried.

14. Other Business:

A. Statute of Limitations Tolling Agreement relating to 3908 Auburn Drive

City Attorney Corrine Heine gave the staff report and discussed a language change to the tolling agreement.

Calvert stated she was elected to represent the public. She indicated she also represents the interests of the city. She explained there was a balance for the greater good. She questioned what would happen if the city council were to vote no on this item. Heine stated whatever clock was ticking for the statute of limitations would continue to tick on. She commented the Feldhouse's would need to consider if they needed to file a suit. She indicated this was a rather short statute of limitations and staff believed the recommendation was in the public's best interest. She explained this agreement had been reviewed by the League of Minnesota Cities Insurance Trust and they have no objections.

Wiersum discussed the actions the council had taken in the past at the Feldhouse's request. He reported there were concerns from other neighbors that lived near this pond. He indicated there was a lack of consensus as to corrective action that was needed among the neighbors. He stated this was an issue. He inquired who would be responsible for securing consensus. Heine commented this led to a larger question. She noted the item before the council was for the tolling agreement that allows the city and the Feldhouse's to engage in a discussion. She explained the ultimate solution for Huntington Pond would be a larger process or bigger issue that would come back to the council.

Heine made the council aware of the fact that attorney Benjamin Kirk, attorney for the Feldhouse's, was on the line.

Benjamin Kirk, attorney for Shane and Sarah Feldhouse, thanked the council for their time. He made a brief statement to the council regarding the flooding concerns at Huntington Pond. He discussed how the Feldhouse's have been working diligently to investigate and explore solutions for the flooding that was occurring at their home. He looked forward to sharing these findings with the city and cooperatively exploring solutions as quickly as possible. However, he understood this process may be slow given the COVID-19 pandemic. For these reasons, he believed the proposed tolling agreement would address some of these issues. He stated he appreciated the council's consideration.

Schack explained she supported the proposed agreement, as this would allow the city time to work through the negotiation process.

Calvert agreed stating this agreement would assist in buying some time.

Kirk reminded the public that this was the result of a landlocked water basin. He noted the Feldhouse's name may be on this agreement, but the flooding was a community concern. He recognized the impact that last year's wet season had on this neighborhood.

Wiersum commented he believed negotiation was superior to litigation. He stated if this agreement creates a greater opportunity to coming to a resolution this was in the public's best interest.

Calvert moved, Coakley seconded a motion to approve the agreement with the revised language recommended by staff. All voted "yes." Motion carried.

B. Emergency Rental Housing Assistance

- 1.) Approve the emergency ordinance to create a Housing Trust Fund Account; and**
- 2.) Transfer \$150,000 from the Development Fund to the Housing Trust Fund**

Community Development Director Julie Wischnack gave the staff report.

Wiersum commended staff for their efforts to establish this Housing Trust Fund Program. He extended his personal thanks to all staff members that were involved in this program.

Schack agreed stating she appreciated the fast action and creative thinking from staff. She questioned when these funds would be available. Wischnack reported if residents were in need right now they were encouraged to contact ICA as they did have funds available to assist with rent and mortgage payments.

Coakley thanked staff for creating emergency funding for renters. She asked if the funding was only for renters. Wischnack explained the initial program was for rental assistance.

Coakley inquired if this funding was for Section 8 individuals. Wischnack stated this program was not for Section 8 residents due to the fact there were other pots of money available through Hennepin County for Section 8 residents.

Coakley applauded staff for their efforts but indicated she did not believe a stipulation should be set against Section 8 residents because they were still in need at this time. Wischnack understood this to be the case that people were struggling at all levels. She explained ICA's approach was to look holistically at people's situation and found the best assistance possible for each individual. She had confidence that ICA would find assistance for people seeking help.

Schaepfi thanked staff for their tremendous efforts. He questioned if any of the funds provided would cover administrative expenses for ICA. Wischnack stated a small amount of the proposed funding would cover administrative costs for ICA. She noted this group had a large number of volunteers, which meant the vast majority of the dollars would be used directly to help residents.

Coakley asked how the City came up with \$150,000 for this fund. Wischnack reported this was the fund balance available that could be used for rental assistance.

Kirk inquired if \$150,000 would be enough. Wischnack commented staff reviewed the assistance the ICA was providing during the Great Recession in 2009 and over 128 households were helped which totaled \$145,000. She explained 146 households were helped in 2010 for a total of \$130,000. She indicated she didn't have an answer if this would be enough money.

Kirk indicated this pandemic could take months for some people to overcome. He explained he was not trying to be critical but requested further comment on the eligibility requirements. Wischnack stated the ICA folks would make the city aware if there were problems with the proposed program. She reported staff could then make changes to the eligibility parameters.

Calvert asked if it would be fair to say the perception was the income threshold in the city was quite high. Wischnack commented this may be the perception. She discussed the programs that were available at the county and explained the city's program would provide dollars for the middle category of residents.

Calvert questioned if the proposed dollars were only for City of Minnetonka residents. Wischnack stated this was the case. She explained ICA would be required to report back to staff on how the funds were allocated to Minnetonka residents with general demographic information.

Carter commended staff for their expediency in creating this program. She appreciated the fact the city was coming together with a partner in the community to meet a need. She thanked ICA for working together with the city.

Calvert understood this was a challenging time and she appreciated the resourcefulness of staff. She stated she was proud of her city and how efficiently staff was working with ICA.

Schaeppi thanked Ms. Wischnack for her tremendous efforts. He explained he was an attorney and he had spent time in housing court. He commented on how valuable these resources would be to residents facing financial struggles and displacement at this time.

Kirk thanked staff for putting this program together in a timely manner.

Wiersum explained he had a conference call with the West Mayor's yesterday. He reported Minnetonka was not the only city trying to put programs together to assist businesses and homeowners. He stated he was proud of the fact the city found funds to assist its residents. He appreciated the fact the city was

partnering with ICA. He encouraged the public to be generous to the ICA or other programs that help Minnetonka residents at this time. Wischnack thanked the council for their support. She noted she would report back to the council on this program regularly.

Calvert questioned if there would be a time limit on these funds. Wischnack explained the program would run for at least one year.

Carter moved, Calvert seconded a motion to 1) Approve the emergency ordinance 2020-05 to create a Housing Trust Fund Account; and 2) Transfer \$150,000 from the Development Fund to the Housing Trust Fund. All voted "yes." Motion carried.

C. COVID-19 budget impacts recommendation: Informational only (no formal action required)

City Manager Geralyn Barone gave the staff report and described how the city was being impacted by COVID-19.

Calvert commented on the online classes being offered by instructors at Williston. She encouraged staff to promote these classes to the public. Barone reported the online classes were available on the Williston Facebook page. She explained the 9,500 members at Williston and that this was the target audience. She noted these classes were free of charge and were being offered to keep the members connected. She commented on the measures that would be in place after the Community Center was able to reopen.

Carter thanked staff for the thorough report. She explained this was valuable information for the public.

Kirk agreed stating this was valuable information for the public. He indicated there would be a very slow start up of activities this summer and he anticipated families and seniors would be looking for activities. He thanked staff for offering classes for members as this was offering some sense of normalcy for Minnetonka residents. He stated he has also appreciated the weekly updates the mayor has provided to residents.

Wiersum indicated all of the city councilmembers believed we lived in a great city and he explained he appreciated the efforts of the council and staff during the pandemic. He stated this was a challenging time and he encouraged the city to consider how to create virtual opportunities for children and youth in the community.

15. Appointments and Reappointments: None

16. Adjournment

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

Respectfully submitted,



Becky Koosman
City Clerk

