

**Minutes  
Minnetonka City Council  
Monday, June 8, 2020**

**1. Call to Order**

Mayor Brad Wiersum called the meeting to order at 6:32 p.m.

**2. Pledge of Allegiance**

All joined in the Pledge of Allegiance.

**3. Roll Call**

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

**4. Approval of Agenda**

Kirk moved, Schack seconded a motion to accept the agenda with addenda to Items 14E and 14F. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. May 4, 2020 regular council meeting**

Calvert moved, Kirk 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. Based on the governor's orders Rink A would be reopening on June 15. Rink B would be reopening after maintenance work was completed.

Police Chief Scott Boerboom addressed the city council and noted this was the beginning of a conversation he would like to hold with the community. He discussed how the events that occurred in May 25 were both shocking and frustrating. He explained the men and women of the Minnetonka Police Department sent their condolences to the George Floyd family. He commented further on his department's thorough hiring process, quality training programs, best practices/model policies along with a strong and healthy culture. He described how serious complaints against his officers were handled by a third

party. He noted that several officers have recently come to the Minnetonka Police Department because of the culture. He thanked the city council and the community for their continued support.

Calvert thanked Chief Boerboom for his thorough report. She stated she appreciated the department's tremendous efforts on behalf of the community. She discussed a conversation that was held in the community between different congregations as an effort to reach out to underrepresented populations. She commented on an experience she had with an intern and how this experience has inspired her to work to have all Minnetonka residents be fully accepted, no matter what their given name was.

Coakley thanked Police Chief Boerboom for his report. She asked how many women and people of color served with the Minnetonka Police Department. Boerboom reported the department has 57 sworn officers, 10 females, 1 black male, 1 black female and 1 Hispanic officer.

Coakley questioned what the procedure was to report an official complaint. Boerboom reported a form was filled out to initiate an investigation into a complaint.

Coakley thanked the Minnetonka Police Department for their tremendous efforts on behalf of the community. She explained she has had great experiences with the Police Department.

Kirk thanked Police Chief Boerboom for his great efforts. He commented on an event that occurred on June 3 at the Glen Lake Station Park. He appreciated the integrity the police department showed at this event. He asked what type of race and equity training was being extended to Minnetonka police officers and if this training could be extended to the city council. Barone reported staff would be discussing this topic in order to address what opportunities are available. She explained extensive training has occurred at a staff level and within the police department. She commented this was a topic staff could spend more time on with the council at a future meeting.

Kirk suggested a future race and equity event be planned for this fall.

Wiersum discussed the race and equity training that has been offered by the League of Minnesota Cities. He commented in the next month he would become the President of the League of Minnesota Cities and one of his key initiatives would be to address the issue of race and equity. He stated this was a topic Minnetonka could also address in future worksession or planning meetings.

Kirk stated he appreciated the letter that was sent out by the Mayor, Police Chief and City Manager. He recommended excerpts from this letter be placed on the city's diversity and inclusion website page.

Schaeppi stated Black Lives Matter. He commented on the number of times a friend of his and Minnetonka resident has been pulled over in Minneapolis versus the number of times he has been pulled over. He reported he has a tremendous amount of respect for Police Chief Boerboom along with the culture and trust the department has with the public. He stated he supported further conversations surrounding race and equity being held.

Carter reminded everyone this was not a new conversation. She explained this was a 400 year conversation. She indicated she had family members and loved ones that were grieving deeply. She believed that new things had to be created to address the current system.

Schack was absent from 7:08 p.m. to 7:16 p.m. due to a power outage.

Schack thanked her colleagues for their powerful statements. She encouraged the council to recognize there are some systemic issues that reach beyond the City of Minnetonka. She indicated she appreciated the community engagement programs that were already in place in Minnetonka, and recommended the city work to build on these great programs. She wanted to see the city move in a positive direction towards change and away from a negative history.

Wiersum stated the last few weeks have been like none other in his lifetime. He reported COVID-19 was overwhelmed by the tragic murder of George Floyd in Minneapolis. He discussed the looting and rioting that followed noting this unrest spread globally. He commented on the curfews that followed in order to return the community to rest. He explained he wanted all residents of Minnetonka to feel safe and until this occurs there was still much work to be done. He stated he was encouraged by the number of white people walking along side people of color. He discussed the number of emails he has received from the community and encouraged residents of color to contact him with their comments or concerns.

Calvert appreciated all of the comments made by the council. She explained she was in for the long haul when addressing this topic and she appreciated the fact the entire council was committed to making positive change. She thanked the council for working to address 400 years of racial oppression.

Barone thanked the council for the time they took to hear Police Chief Boerboom's message. She suggested this topic be addressed at a future strategic planning session.

Wiersum discussed the great work being done in the community by ICA. He encouraged the public to consider attending the ICA Gather for Good fundraising event, which would be held virtually on Thursday, June 18.

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

Coakley stated she would be holding a virtual Community Engagement meeting with Jen Westmoreland of Hopkins and emails with comments or questions could be sent to her at [kcoakley@minnetonkamn.gov](mailto:kcoakley@minnetonkamn.gov).

**9. Bids and Purchases: None**

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

**A. Resolution approving preliminary plat of SEMRUD HILLS, a three-lot subdivision at 4716 Williston Road**

Calvert moved, Kirk seconded a motion to adopt Resolution 2020-043 approving the preliminary plat. All voted “yes.” Motion carried.

**B. Resolution approving the final plat of STANDBERG EAST AND WEST at 14616 Woodhaven Road**

Calvert moved, Kirk seconded a motion to adopt Resolution 2020-044 approving the final plat. All voted “yes.” Motion carried.

**C. Metropolitan Council Transit Cooperation Agreement**

Calvert moved, Kirk seconded a motion to approve the amendment. All voted “yes.” Motion carried.

**D. Resolution terminating state of local emergency**

Calvert moved, Kirk seconded a motion to adopt Resolution 2020-045. All voted “yes.” Motion carried.

**E. Resolution establishing polling place changes for the 2020 State Primary and General Elections**

Calvert moved, Kirk seconded a motion to adopt Resolution 2020-046. All voted “yes.” Motion carried.

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

**12. Introduction of Ordinances: None**

**13. Public Hearings: None**

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

**14. Other Business:****A. Ordinance amending Minnetonka City Code Section 845.030 relating to lawn maintenance**

Natural Resources Manager Leslie Yetka gave the staff report.

Schaeppi requested further information regarding the sign/versus-no sign language in this ordinance. Yetka explained the city provides signage for residents that want to demonstrate they are restoring an area or if they are protecting a wetland buffer. Staff believed this signage helped educate the public on what residents were trying to achieve.

Wiersum asked what types of education would be provided to the public regarding this type of transition in their neighborhoods. Yetka stated the city would provide information in the *Minnetonka Memo* as well as in e-blasts. She noted information would also be provided at the Pollinator Field Day. She explained staff would also be working with the parks department to develop a pollinator lawn that would serve as a demonstration site.

Carter commended staff on their efforts on this ordinance. She appreciated how the revision language and rationale for the changes was presented to the council.

Calvert stated after reading the packet she appreciated the focus staff placed on native plantings. She recommended the city encourage native plantings.

Schack indicated she appreciated staffs efforts on this ordinance as well. She commented on the signs that would be provided by the city and believed these signs would serve as a great marketing tool.

Schaeppi commented he appreciated staffs efforts and suggested a collaborative effort be created in future years to allow residents to tour these restored areas.

Calvert moved, Kirk seconded a motion to adopt Ordinance 2020-10. All voted "yes."

Calvert stated she was so proud to be moving this ordinance forward.

Motion carried.

**B. Items concerning The Pointe at 801 Carlson Parkway:**

- 1) Major amendment to the master development plan;**
- 2) Site and building plan review, with variances; and**
- 3) Preliminary plat.**

City Planner Loren Gordon gave the staff report.

Kirk asked what actions the EDA would be taking on this item. Gordon reported the EDA would be addressing the financing for the project.

Kirk noted this was a two phased project. He questioned if staff had any concerns about Phase 2 of this project not being completed. Gordon stated this was a good questions and reported the hotel was being pushed back a ways given the state of the economy at this time. He explained the housing portion of this project would be self-sufficient and reported staff supported approving the Phase 1 of the project this evening.

Wiersum questioned if a formula or approach was in place to determine when and if units were turned into condos in the future. Community Development Director Julie Wischnack stated the Economic Development Advisory Commission had a conversation with staff regarding this matter, and how this would affect affordability. She reported this type of conversion could not occur without some sort of land use approvals from the city.

Rick McCeldy, representative for the applicant, thanked staff for the thorough staff report. He reported this project would create new jobs and homes for residents in Minnetonka, along with 19 affordable housing units.

Jesse Symynkywicz, principal landscape architect with Damon Farber Associates, reviewed the proposed building design and landscaping plan in further detail with the council. He commented on the pedestrian connections that would be included in the project. The landscape palette including the native shrubs, shade woodlands, trees and pollinator gardens was reviewed.

Lucas VanSistine, ESG Architects, described how the feedback from the council had been incorporated into the building plans. He reviewed a birds eye view of the campus and explained the proposed project would enhance the Carlson Towers. Further discussion ensued regarding the building materials and floor plans. The buildings renewable energy and building efficiency measures were

reviewed, along with the health and wellness standards. He reported Phase 2 of the project would be reviewed and approved at a future time.

Schaeppi asked what type of outdoor lighting would be installed on the site. Mr. McCeldy stated pedestrian level bollard lighting would be installed around benches and outdoor spaces.

Kirk commented he supported this project even with it being broken into two separate phases. He appreciated the affordable units and the fact that the city would have to reconsider this development if they were to convert to condos. He stated he liked the design of the building noting this would be a great addition to the corporate campus. He thanked the developer for focusing on sustainability within the development. He was proud the city had an affordable housing policy in place.

Calvert stated appreciated affordability and sustainability measures within this project. She believed this was an attractive development and she was pleased the project would have solar. She was thankful the development had integrated affordability units.

Schaeppi thanked the applicant for submitting a great looking development. He appreciated the design of the project and thanked staff for working in good faith with the developer.

Coakley stated this was a beautiful building with a great landscaping plan. She encouraged the developer to provide housing equity through their screening process for the affordable units. She wanted the developer to be more lenient when considering credit scores, etc.

Wiersum commented the two proposed buildings would fit nicely into the Carlson Towers development. He thanked the applicant for bringing forward a beautiful building.

Kirk moved, Coakley seconded a motion to adopt Ordinance 2020-11, Resolution 2020-047 and Resolution 2020-048. All voted "yes." Motion carried.

### **C. The Pointe at 801 Carlson Parkway**

Community Development Director Julie Wischnack gave the staff report.

Calvert requested further information on the language that was removed from the contract. Wischnack explained the originally language addressed tax credits and tax credits were not included in this project. Therefore, the language was removed. She noted the second part addressed rebuilding.

Kirk asked if the alcove units were considered affordable. Wischnack reported the developer would have a variety of units in varying sizes that would be affordable.

Rick McCeldy, representative for the applicant, thanked the council for considering his request.

Kirk moved, Calvert seconded a motion to adopt Resolution 2020-049 approving the contract for private development. All voted "yes." Motion carried.

**D. Agreement with owner of 11524 Excelsior Boulevard relating to annexation/detachment with the City of Hopkins (Shady Oak Crossing Development)**

Community Development Director Julie Wischnack gave the staff report.

Kirk asked if this parcel was under a purchase agreement. Wischnack reported the annexation and detachment were separate issues. She explained the proposed action was the city's way to be fair to compensate the property owner for the difference in property taxes.

Kirk stated he supported this agreement moving forward.

Calvert agreed it would be nice for the city to have the final piece in place for this project.

Wiersum commented this was a logical correction and he was pleased to see this agreement moving forward.

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

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

**E. Ordinance amending the city charter to require use of ranked choice voting**

City Attorney Corrine Heine gave the staff report.

Schack stated the charter commission seemed pressed to complete the task at hand. She asked if staff believed they could keep up with the work. Heine reported she believed staff would do their best to keep up and noted the meeting tomorrow night would focus on election staff. She anticipated this item would



continue to move forward in a timely manner so long as staff is able to gather the additional information that is requested from the commission.

Kirk reported the chart of weekly meetings does seem aggressive. He questioned if a work chart had also been created for each meeting. Heine discussed how she worked with the charter commission chair to establish a meeting schedule in order to meet the project goals.

Wiersum opened the meeting to the public.

Julie Johnson, 13720 Bellevue Drive, stated she has been a resident of Minnetonka for the past 20 years and works for a major healthcare provider. She explained she supported ranked choice voting moving forward for consideration for the voters this fall.

Judy Miller, 5211 Kimberly Road, explained she would like to see an election process where candidates are opposed by the majority of voters can not win rank choice voting elections. She recommended rank choice voting move forward in the City of Minnetonka.

Sharon Grimes, 14301 Stewart Lane, noted she has lived in Minnetonka since 2006 and stated she favored rank choice voting.

Jonathan Wiese, 5726 Creek Park Drive, stated he owned a small Minnesota business called 321. He described how he utilized rank choice voting within his business and recommended the city pursue rank choice voting.

Sandy Johnson, 12201 Minnetonka Boulevard, reported she lives in the Applewood Point senior housing development. She explained she previously lived in St. Louis Park. She commented on the statements the police chief made regarding inclusion and equity. She appreciated all of the city's past efforts and encouraged the City of Minnetonka to pursue rank choice voting. She believed more people would be engaged in voting if rank choice voting were approved.

Carter Glendenning, 4501 Laramie Trail, indicated he has studied this issue over the past three years and he was not in support. He feared that rank choice voting (RCV) would be too cumbersome for the voter and noted the Minnetonka League of Women's Voters felt the same way. He commented RCV would not work because it was burdensome on the voter. He noted RCV ballots took longer to complete and could cause voter exhaustion. He encouraged the city council to keep things simple.

Jeanne Lutgen, 6085 Rowland Road, stated she was a retired junior high teacher. She reported she has served for the past eight years on the Senior Advisory Board in Minnetonka. She indicated she has also served as an election

judge for the past nine years. She commented on the statements she has heard regarding RCV and hoped the council would pursue rank choice voting.

Luke VanSaten, 2148 Sheridan Hills Road, stated he has lived in his home since 2002. He thanked the council for considering RCV and encouraged the council to approve the ordinance.

Tom Potvin, 13720 Bellevue Drive, explained he was an older gentleman that lived in Minnetonka. He commented on the number of times he had voted for his second favorite candidate because his favorite candidate was not going to win. He discussed how RCV would better hear the voice of the public. He encouraged the council to support RCV being placed on the ballot for 2020.

Ben Wilinski, 5727 High Park Drive, thanked the council for their leadership in this difficult time. He stated he objected to the gentlemen who stated Minnetonka voters would not be able to make intelligent first, second and third choice for candidates. He explained primaries were costly to the city and he supported RCV moving forward in Minnetonka.

Michelle Pascoe, Muriel Road, stated she wholeheartedly supported RCV. She commented on the previous discussion that was held by the council regarding inclusivity and equity. She believed that the 4% of voters that show up for a primary should not be the only people who decide who moves forward to the general election. She encouraged the council to open up ballots to RCV.

Dan Westmoreland, 4713 Caribou Drive, reported he has been a resident since 1975. He explained the concept of RCV was easy for him to grasp. He encouraged the city to not sell the senior citizens in the community short. He questioned if the cost concerns were a one-time expense or on-going expense. He recommended the council consider the gains of providing RCV and what would be lost by not providing RCV. He hoped he would be able to vote RCV this fall.

Mary Blake, 14800 Wychewood Road, indicated she supported RCV being put on the November ballot. She encouraged the council to vote yes to the ordinance. She described how RCV was presented to the public at last year's farmer's market. She reported residents of Minnetonka were already using RCV when going about their daily lives and she recommended the city council put RCV on the November ballot.

Mark Francis, 3606 Plymouth Road, noted he has lived in Minnetonka since 1991. He explained he understood the talking points of RCV but stated he did not support it. He discussed how majority winning candidates were tallied and how this changed from the first, second and third preference. He commented further on ballot exhaustion and stated this occurs when rankings on a voter's

ballot prevents their votes from being counted and determining the election's result. Ballot exhaustion happened when there were overvotes, when a voter exhausts their choices or if the voter undervotes. He reported the rate of ballot exhaustion is 10% and these ballots do not count towards the final results. He recommended the city work to fix the system that was already in place by working to increase primary turnout instead of adopting a system that residents do not know. He agreed that a 4% turnout rate was too low for primaries, but he also believed that 10% of the ballots not being counted was much too high. He understood the city council's duty was to fully and fairly understand the voting system. He encouraged the council to more clearly discuss a voting system where 10% of the votes won't count towards an election.

David Haeg, 17045 Chiltern Hills Rd, believed elections would be more efficient and representative of the increasingly diverse community. However, he understood this system would not make everything perfect. He commented this would address the lack of candidates running and poor primary turnout. He understood residents preferred RCV to the old system. He stated if a resident wants to pick only one candidate on their ballot this was their choice. He indicated this has been a really tough year for many people and he understood change was difficult. However, he supported the council moving forward with RCV on the November ballot.

Marcia Peck, 11907 Cedar Lake Road, stated she has lived in Minnetonka for the past 35 years. She appreciated the comments that have been made regarding RCV. She believed that RCV would allow residents to make their best decision for the community and encouraged the council to approve the ordinance.

Paula Ramalie, 17306 County Road 101 West, explained she graduated from St. Kates where she studied international education and went on to live in the Soviet Union, DC and New York before returning to Minnetonka in 2006. She indicated the events that have occurred in the last few weeks show the need for broader diversity in the community. She recommended the council proceed with RCV. She noted the League of Women Voters in Minnesota had found RCV to be a valid and appropriate method of voting. She reported the League of Women Voters in Minnetonka/Hopkins did not have a majority of support to endorse the process, but did not reject the process.

Barb Westmoreland, 4713 Caribou Drive, reported she was a lifelong resident of Minnetonka and has voted every year since she was 18 years old. She encouraged the city council to make history and allow the voters to consider RCV in November.

Wiersum closed the meeting to the public.

Wiersum asked for clarification purposes what the council was voting for tonight. Heine explained if the ordinance was approved this would be referred to the charter commission. This would begin a 60 day time period in which the charter commission needs to review the ordinance, determine if any changes were necessary and report back to the city council. In addition, the charter commission may make other recommendations. She indicated the charter commission would report back to the city council and the council would vote on the ballot language that was submitted to voters for the November election or vote to disregard the matter altogether.

Wiersum requested further comment on the dates for moving this item forward. Heine reported the charter commission has 60 days to review this matter and would report back to the council by August 7. If the charter commission did not need that much time, they could report back any time prior to August 7. She noted the city council would meet on August 10 and would determine how the ballot language should be worded. She explained this would be the last regular city council meeting for the council to establish ballot language for an issue being placed on the ballot.

Calvert asked how many times a year in an ordinary year would the charter commission meet. Heine reported the charter commission typically meets only once a year except when they have significant projects they are working on. She explained the commission is slated to meet two times in June and potentially three more times in July.

Calvert questioned how much staff time was involved in setting up and preparing for a charter commission meeting. Heine stated this was dependent upon the information that had to be gathered for the meeting. She explained she could not estimate the staff time that would be involved.

Calvert thanked staff for working diligently to assist the city in meeting the deadline for this matter.

Schaeppi commented he appreciated the comments received from the public this evening and noted these comments reflected on the emails he received prior to the meeting. He understood there were concerns regarding exhausted ballots. He discussed how RCV would appeal to candidates who do not have name notoriety in the community. He noted he submitted comments to the charter commission to learn more about software costs and exhausted ballots. He commented on the process the city would have to follow to move RCV forward and he supported the ordinance before the council.

Kirk stated the endgame was to ensure this topic would get to the voters. He understood the charter commission was being asked to review this item in a timely manner. He supported this item being delayed if that was necessary. He

indicated there was also a burden on staff to get through this issue in an election year. He reported he would like to learn more about the costs for switching to RCV. He believed this topic was important enough that RCV should move forward to the November ballot.

Schack commented a lot was being asked of staff at this time. While she wanted this issue to move forward, she did not want it to be at the cost of the city's employees. She understood RCV was a concern for the public but on the continuum of keeping the city operational during COVID, she feared this issue was on the lower end of the spectrum given these uncertain times.

Calvert stated she felt pressured about this issue. She noted the charter commission was a volunteer organization and a great deal was being asked of them over the upcoming summer months. She understood this was an important issue to consider for democratic purposes, but she did not recall a time when negative campaigning was occurring in Minnetonka. She believed this was a procedural vote that gives the city a chance, as a city, to put something on the ballot while still providing the charter commission time to do their work. She explained she did not want the community to come down on the charter commission or city staff if they do not have enough time to do their work. She indicated she felt torn on this issue because the charter commission and staff members had a very limited amount of time to address this issue.

Carter stated she supported the ordinance.

Coakley explained she supported the ordinance moving forward.

Calvert reported she would like to understand more about the finances that would be needed to shift to RCV and how the city would address voter education during COVID-19. She feared that now may not be the time for the city to pursue RCV given the economic downturn.

Wiersum stated this was a challenging question. He indicated he was torn on the matter as well. He commented he did not know if he supported RCV or not because he did not have all the information and questions answered. While he saw some benefits, he also questioned if this would solve problems that don't exist in Minnetonka. He reported he was also aware of the fact this issue was going to be on the ballot in the city at some point. He asked if this would be better to do in a year versus in 2020. He commented it was not ideal to try and move this item through this summer, but he recommended perfect not be the enemy of good. He indicated he believed RCV was good for national and state elections, however he was still uncertain whether or not RCV was right for Minnetonka. However, he supported a decision going to the voters in 2020 because this would lead to a more broad reflection of Minnetonka voters.

Kirk reported the council was only asking for a good faith effort from staff and the charter commission.

Kirk moved, Carter seconded a motion to consider adoption of the ordinance 2020-12. All voted "yes." Motion carried.

#### **F. Volunteer Services Agreement with Minnesota Off Road Cyclists**

Recreation Services Director Kelly O'Dea gave the staff report.

Calvert asked what would be considered a feature on the trail. O'Dea explained this could mean a turn, elevation changes or pinch point. He indicated it was not the city's intent to have jumps on this trail.

Kirk questioned if winter riding would be allowed. O'Dea reported this park is open and winter riding would be allowed.

Kirk requested further information on how wash outs would be addressed. O'Dea reviewed how wash outs would be managed between MORC and the city.

Kirk commented he was concerned about the water level of Lone Lake Park. Public Works Director Will Manchester explained a portion of the park was within a flood plain. He noted the dock did go underwater last year after receiving record rainfall in 2019 and noted staff would be monitoring this situation.

Schaeppi discussed the detailed maintenance log report MORC would keep. O'Dea reported the log would then be reviewed at a joint meeting between MORC and the city council.

Coakley explained she received a lot of emails from the public stating their needs are not being met. She understood some of the issues, like the name of the trail. She recommended the trail name be inclusive. She explained it had taken a long time for this project to be resolved and she recommended city staff come together with the community. O'Dea stated he understood there were concerns with the trail name. He explained the park board would address the usage and signage of the trail, to ensure walkers and bikers could both use the trail safely.

Calvert commented this would be a multi-use trail that could be used by walkers, hikers and bikers. She stated she appreciated all of staff's work on this project and noted she supported the proposed agreement.

Wiersum opened the meeting to public comment.

Linda Russell, 5423 Maple Ridge Court, stated she was speaking on behalf of the Friends of Lone Lake Park. She explained this trail project has been the most controversial project the city has undertaken in the last 30 years. She commented because of this, the city had to get the project right. She stated this MOU may have started as a boilerplate document, but she needed it to be customized to meet Minnetonka's needs. She was not clear why this was an urgent matter, and did not understand what MORC was doing over the summer that required the agreement to be approved. For this reason, she recommended the council delay action on this agreement. She stated she would be more than happy to sit at a virtual table to work this this matter with MORC and the city.

City Manager Geralyn Barone stated 12:00 a.m. was approaching the city council.

Larry Wade, 15524 Day Place, explained he wrote a song for his comment, but he was going to skip singing the song. He noted the point of the song was that the land at Lone Lake Park had to be protected. He encouraged the city council to care and protect this land. He commented he appreciated the fact the council read all of the letters received from the public.

Ed Hassler, 5516 Annabelle Drive, thanked the council for allowing him to speak. He stated his biggest problem with the current agreement was that the language seems to be changing over time. He reported this project was sold to the public as a multi-use trail. He recommended language be included to address nature lovers, walkers and joggers. He commented the trail was supposed to be for beginner to intermediate users. He questioned when this morphed into an all levels trail. He stated he did not want the trail used for racing or practicing for races. He noted he was an avid cyclist and he has visited all of the major bicycle parks in the metro area. He anticipated walkers and nature lovers will not be using a heavily used single-track biking trail. He explained he did not understand why the language changed and recommended language be included to address walkers and joggers. He indicated the majority of people visit parks for passive and reflective experiences. He feared that a small but vocal group has taken charge and was advancing their narrow agenda. He encouraged the council to consider what it would mean to change the landscape of this park irrevocably. He did not want trees, birds and the overall landscape of the park to be adversely impacted. He recommended the MOU not be approved as written.

Calvert moved, Kirk seconded a motion to approve the extension of the city council meeting to 12:30 a.m. on June 9, 2020. All voted "yes." Motion carried.

Ben Marks, 4362 Avondale Street, commented the leadership of the Friends of Lone Lake Park and the mountain bike advocates have expressed interest in working together. He encouraged city staff to foster and facilitate this

relationship. He noted the changes to the agreement were necessary. He requested the council approve the agreement.

Luke VanSaten, 2148 Sheridan Hills Road, encouraged the council to approve the agreement between the City of Minnetonka and MORC. He discussed the language changes that were made and explained changes could be made to the document in the future.

Wiersum closed the meeting to public comment.

Schaeppi believed the council should move the agreement forward. He understood there were stakeholders that had strong opinions. He appreciated the fact that all parties were stepping towards one another and he thanked all of the organizations for coming together. He discussed the concerns from MORC and the Friends of Lone Lake Park. He thanked staff for reaching out to both parties. He encouraged those with concerns about the trail to bring these concerns to the park board. He reported he was a mountain biker and noted he would be serving as a volunteer with MORC.

Calvert commented on Linda Russell's question and noted the reason this item was being approved was to allow for preparations of the trail yet this summer. She appreciated all of the words Councilmember Schaeppi shared. She reiterated that the mountain bikers were also environmentalist. She indicated the trail had already been approved and this was an administrative document. She commended staff for listening carefully to the Friends of Lone Lake Park along with the MORC advocates.

Kirk stated this document came before the council because of the indemnification language. He reported the Friends of Lone Lake Park have been stewards of this park for quite some time. He hoped this agreement would not sour the relationship between Friends and MORC going forward into the future. He hoped these groups would come together to pull buckthorn at some point in the future. He commented on the term multi-use and recommended this message be conveyed to the park board. He reported the trail was being designed for mountain biking and would also accommodate walkers and joggers. He recommended the signage installed within the trail explain who has the right-of-way. He stated he was not worried about the level of riders on this trail. He appreciated the efforts to protect the rusty patch bumblebee through the construction of the mountain biking trail.

Wiersum commented this trail was a divisive issue but would serve as an amenity for the entire community. He discussed how this trail would get kids off their phones and riding in a beautiful park. He explained this trail was not approved as a trail for hikers or joggers, but rather was approved as a mountain biking trail that could also be used by people who do those other activities. He



stated he did not want the council to be revising the language within the agreement regarding the use of the trail. He referred to page 9 of the 29 pages referring to Termination of Agreement. He hoped that this agreement would be signed and the city would never want to terminate. However, if it was not working the city or MORC, each party had an easy out.

Calvert moved, Schack seconded a motion to approve the agreement. Calvert, Schaeppi, Kirk Schack, Carter and Wiersum voted "yes." Coakley voted "no". Motion carried.

**G. Emergency ordinance relating to outdoor dining**

Community Development Director Julie Wischnack gave the staff report.

Carter asked how residents could contact the city if they have concerns about handicap accessibility in outdoor spaces. Wischnack encouraged residents to contact city hall and noted staff would make sure proper walkway widths were being offered.

Schaeppi requested further comment on the language regarding seating in parking lots. Wischnack discussed this language noting she had received feedback from other staff members and recommended this language remain within the ordinance.

Kirk moved, Schack seconded a motion to adopt Ordinance 2020-13. All voted "yes." Motion carried.

**15. Appointments and Reappointments: None**

**16. Adjournment**

Schack moved, Calvert seconded a motion to adjourn the meeting at 12:18 a.m. All voted "yes." Motion carried.

Respectfully submitted,



Becky Koosman  
City Clerk