

**Minutes
Minnetonka City Council
Monday, July 13, 2020**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:30 p.m. Due to the COVID-19 pandemic this was a hybrid 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

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

5. Approval of Minutes:

A. June 8, 2020 regular council meeting

Schaeppi requested a modification to the minutes changing the word friend to resident within his statement on Page 3.

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

B. May 11, 2020 study session

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

6. Special Matters:

A. Recognition of City Website as Best in State

City Manager Geralyn Barone reported the city received an award for having the Best Website in the State of Minnesota. She commended the communications team for their tremendous efforts.

Assistant City Manager Mike Funk explained he had the pleasure of working with the communications team. He discussed how vital the website was to the community and thanked Kari, Matt and Justin for their dedicated service to the City of Minnetonka.

Communications and Marketing Manager Kari Knoll thanked staff for their kind words. She explained she could not be more happy for receiving Best in State for the city's website given the fact it was a vital communication tool for the city. She indicated this would have not been possible without Matt and Justin. She stated she was incredibly proud of their great work.

Barone reported Ms. Knoll was named Communicator of the Year in 2019. She thanked Ms. Knoll for her great work on behalf of the city.

Wiersum stated he worked in marketing in his career. He explained websites required a great deal of work and he appreciated the tremendous efforts of staff.

Recognized the award.

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings. It was noted a worksession on race and equity was being planned for August.

Calvert reported today was the first of three meetings for the League of Minnesota Cities Improving Service Delivery Committee. She explained this was the first meeting Mayor Wiersum served as president of LMC. She commented on the items that were discussed at this meeting.

8. Citizens Wishing to Discuss Matters not on the Agenda

Tim Liftin explained Tour de Tonka would not happen this year but noted the event would move forward in 2021 on Saturday, August 7. He reported a virtual event would be held in 2020 that would help support the local ICA food shelf. He stated a fall bike ride was being planned for Sunday, September 27 and noted only 250 participants could partake in this event.

Wiersum thanked Mr. Liftin for his work on this great event.

Calvert stated this was a magnificent community event and she looked forward to the Tour de Tonka continuing in 2021.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

Schaeppi indicated he would like to pull Item 10.A from the Consent Agenda for questions.

B. Resolution appointing election judges and absentee ballot board for the August 11, 2020 State Primary

Kirk moved, Calvert seconded a motion to adopt Resolution 2020-052. All voted “yes.” Motion carried

A. Items concerning Dairy Queen at 4912 County Road 101:

- 1. Final site and building plans; and a**
- 2. Conditional use permit for an outdoor eating area**

Schaeppi explained he received a question from a resident asking about bike parking and how this topic was discussed with the applicant. He commented he received helpful information from staff regarding the landscaping. He indicated he would like to know more about the landscaping proposed between Highway 101 and Dairy Queen. City Planner Loren Gordon discussed the city’s landscaping requirements and noted a landscaping plan would be submitted to the city as part of the building permit process. He commented 25% of the plants and shrubs would have to be pollinator friendly. He reported the landscaping on the site would be improved through this site plan. It was noted the site would have bike parking.

Schaeppi indicated there was a lot of impervious surface in this area and he was pleased the landscaping for the site would be improved.

Kirk moved, Coakley seconded a motion to adopt Resolution 2020-051 approving the request as amended requiring a bike parking area. All voted “yes.” Motion carried

11. Consent Agenda – Items requiring Five Votes: None**12. Introduction of Ordinances:****A. Emergency ordinance regarding face coverings**

City Manager Geralyn Barone and City Attorney Corrine Heine gave the staff report.

Schaeppi requested further comment regarding what businesses would be covered by Item 3.05. Heine explained all businesses in Minnetonka would be subject to the ordinance and would require face masks. She stated any business violating the ordinance would be subject to administrative action for any licenses. She discussed the types of licenses that were issued by the city to local businesses.

Schaeppi questioned what "failure to comply" meant within the ordinance. Heine reported a violation of any provisions within the ordinance would result in enforcement.

Carter requested comment from the police chief regarding this matter. Police Chief Scott Boerboom explained he has spoken to neighboring agencies that have a mask ordinance in place. He stated he could support an ordinance where businesses were encouraged to enforce the mask requirement. He indicated this would be an emotional issue and he was reluctant to get the police involved in enforcing a mask ordinance. He preferred that the police only have to deal with those individuals that were refusing to leave or were becoming belligerent to local business owners.

Coakley stated she was concerned with the fact not all residents may have access to face masks. She recommended the city hold a mask drive in order to provide residents with face masks if a requirement were put in place.

Kirk questioned how the city would address businesses that were failing to comply with the mask requirement. Heine reported in cases where the only enforcement mechanism was potential license action, it would mean the city would not have an effective means to enforce the requirement against businesses that do not have licenses. She stated the city council could consider a criminal penalty. She explained if an ordinance or resolution was approved, the council should provide staff and the police department with expectations on how the ordinance or resolution is enforced.

Kirk asked if the city would have any liability if an ordinance was put in place that disrupted business. Heine explained the city would not be liable to businesses because this was a public healthy decision that would not force businesses to close, but rather would require the business to tell their patrons to wear a mask.

Schaeppi thanked Heine for her information. He stated it was his understanding 20 or so states have mandates in place. He inquired what would happen if Minnesota were to pass an executive order regarding face coverings. Heine advised if the governor were to adopt an executive order under his emergency powers, this order would carry with it the ability to enforce as a violation of Section 12.45 of Minnesota State Statute, which was a misdemeanor offense. She indicated this would depend upon the wording of the executive order.

Coakley asked if someone has a medical condition and should not be wearing a facemask, how this would be made known to business owners. She stated according to the CDC people with certain medical conditions should not be wearing face masks. Heine explained the proposed ordinances encourage businesses to rely upon statements that are made by an individual if they claim to be exempt from the ordinance due to medical disability or for developmental reasons. She then referred to Section 3.05 within the proposed ordinance.

Wiersum opened the meeting to the public.

Dr. Dale Dobrin, reported he has been a physician in Minnetonka for the past 45 years. He considered it a privilege and an honor to speak to the city council regarding this matter. He made a few points stating aerosols and droplets were the key to transmitting the coronavirus that was causing COVID-19 disease. He reported the wearing of masks will decrease cases by lessening the chances of a-symptomatic and symptomatic spread. He discussed recent studies and noted the benefit of wearing a face masks affects the public at large, along with the person wearing the face mask. He encouraged that masks be worn both indoors and outdoors because not all people were properly social distancing when outdoors. He suggested the city send a strong message regarding mask wearing. He recommended "public space" include vehicles that were delivering food, packages and mail to residents in Minnetonka. He strongly urged Minnetonka to close bars and discussed how particles could easily be spread in these establishments. He recommended all city employees wear mask as a sign of good modeling for the general public. He reported businesses will not thrive until this pandemic is under control. He commented on the mask requirements in California and Texas and noted 25 states already have mask mandates. He indicated the rate of the spread of COVID in Minnesota was higher than 38 other states. He stated Governor Walz now needs to mandate mask wearing in indoor and outdoor spaces. He also encouraged the city council to take action on mask wearing.

Robert Dahl explained he was a retired physical therapist. He stated after he retired he took a part time position in a large nursing home. He reported this facility has recorded dozens of COVID deaths. He commented his fingerprints were all over 70 wheelchairs at this facility and he continues to test negative for COVID. He indicated he has been reading a number of research papers on the relationship between an immune system and a persons biome. He described what makes up a persons biome and commented on the importance of one having a healthy biome and immune system. He feared that the longer people stayed in isolation the weaker their immune system would get. He reported he chose to not wear a mask, except for at work, in order to allow his biome to interact with other people. He commented he was against mandating face coverings. He discussed the negative social consequences of requiring masks at

all times and stated fear should not be the driving factor. He stated enough was enough. He believed people needed to come out of their bubble and that people should be having human interaction. He thanked the council for listening to and considering his comments.

Leora Mccabee, resident of Plymouth, explained she was an attorney and mom of two kids. She reported she lived in nearby Plymouth but would do all of her shopping in Minnetonka if a mask ordinance were approved. She discussed the precautions she has taken since the pandemic began. She supported the city council passing a broad mask ordinance because this would protect all residents in Minnetonka. She anticipated this action would encourage neighboring communities to follow suit. She discussed the availability of masks in the community and encouraged the city to consider holding a mask drive for those that needed assistance.

Annette Bertelsen, 13513 Larkin Drive, thanked the city and council for being proactive on this issue. She explained when she learned the city was considering a mask ordinance; she reached out to the mayor of Edina. She noted Mayor Jim Hovland was gracious with his time. She explained after Edina passed their ordinance they heard from the medical community where they received a huge thanks for protecting public health and health care workers. She reported the City of Edina received a number of thank you notes from residents both inside and outside of the community, along with thank you's from local business owners. She explained she discussed enforcement with Mayor Hovland and stated he did not believe enforcement was such a big issue. She encouraged the City of Minnetonka to pass a broad mask ordinance in order to properly protect the entire community.

Dr. Megan Shaughnessy explained she was a physician that had expertise in infectious disease. She reported she has been in practice for the past 15 years. She indicated she has never seen anything quite like COVID-19. She stated it was terrifying how quickly people can become sicker. She commented patients were in the hospital alone and afraid. She discussed her experience with COVID patients. She understood people wanted life to return to normal, but noted it was important for the community to work to control the spread of the virus. She explained hand hygiene, social distancing and the use of a mask were all effective tools in slowing the spread. She reported the purpose of wearing a mask was to protect others. She recommended people two years of age or older wear a mask while indoors. She urged the city council to pass an ordinance that would require masks in Minnetonka when indoors. She also recommended that masks be made available to Minnetonka residents in an equitable manner.

Glen Menzies, 14700 Oakwood Rd, reported he has been a resident of Minnetonka for more than 25 years. He commented he was 64 years old and had a couple of medical conditions that put him at high risk for catching COVID.

However, he did not believe Minnetonka needed to put an ordinance in place to require masks. He stated he routinely wore a mask and believed it was reasonable for businesses to have mask policies. He feared it was a governmental overreach to have the city mandate masks. He stated if an ordinance was in place exemptions should be in place for people that should not be wearing masks (those with respiratory conditions, asthma, allergies, etc.). He feared that such an exemption would make it difficult for the city to enforce a mask requirement. He discussed how sunlight and UV rays were the best weapon against COVID. He indicated it was very unlikely someone could catch COVID outdoors. He suggested the city encourage businesses install UV/C lights within their buildings. He explained this would be a more effective tool than wearing a mask. He stated the city could also consider suggesting businesses install air purifiers, but he understood these pieces of equipment came at a cost. He recommended these decisions be left with business owners. He stated one size fits all regulations rarely work well and noted governmental micromanagement invites hostility from the general public. He explained his wife becomes nauseous when wearing a mask for an extended period of time and his wife would no longer shop in Edina where masks are required. He requested the city council not pass a mask ordinance.

Patrick Lee O'Halloran stated he was a resident of Minnetonka. He thanked the council for taking this matter seriously and encouraged the city to demonstrate leadership. He explained it was clear in the science that masks prevent transmission. He indicated there was poor messaging initially but it was irrefutable now that wearing masks will result in a large reduction and risk of infection. He commented on the states that already has mask mandates in place. He stated simply encouraging masks was not enough. He encouraged the city to pass a strong broad ordinance that would require masks as this was the best way to protect the public.

Evy Engrav, stated she was a resident of Minnetonka. She explained she has appreciated all those who have spoken positively for a mask ordinance. She noted she had lost a family member to COVID-19 in Kansas City in April. She discussed how COVID was being spread by people who were a-symptomatic. She indicated this virus was not going away and would remain a threat until a vaccine was in place. She explained this may not occur until 2022. She stated she would not be shopping in Minnetonka until a mask ordinance was in place. She requested the city pass a mask ordinance for the protection of the community.

Wiersum closed the meeting to the public.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

Wiersum discussed the options available to the council and asked for comments regarding the potential emergency ordinance regarding face coverings.

Kirk requested staff discuss the differences between the ordinance that was included in the packet and the ordinance that was presented to the council within the addenda. Barone reported the ordinance within the addenda was available to the public on the city's website. Heine summarized the differences between the two ordinances. She noted the new ordinance was similar to the mask ordinance that was approved by the City of Edina.

Kirk questioned how polling places would be addressed by the ordinance. Heine stated polling places located within schools or places of worship would not be covered by the ordinance. She explained that if the council were to require masks at polling places and voters were turned away this could be considered voter suppression. She indicated this topic may require further discussion because curbside voting was available. Barone reported the city has 23 precincts, 14 in churches, 2 in schools, 7 in city facilities and 2 in county facilities.

Calvert stated she would like the council to consider encouraging the governor to pass a statewide mandate for masks in areas where COVID was high or spreading. Heine reported the council could adopt an ordinance for the city while also adopting another ordinance urging the governor to adopt a statewide mandate.

Coakley indicated she has been going back and forth on this issue. She believed the city should mandate masks. She stated if the wearing of masks can save a life, she believed this should be considered. She explained she would be willing to wear a mask in Minnetonka, even if it was uncomfortable in order to improve public health. She recommended masks only be required indoors at this time.

Schack thanked all of the residents for providing the city council with input on this matter. She understood residents did not like to be told what to do, but explained the council may have to make a decision for the greater good. She stated she supported the ordinance that mirrors what the City of Edina has done. She indicated she struggles with how this ordinance will be enforced, but believed it was in the communities best interest to have a mask ordinance in place. She stated she supported the age recommendations in place and suggested exceptions be made to comply with voter regulations. She recommended a resolution be sent to the governor as well.

Schaeppi indicated he supported the council adopting a mask ordinance as well. He appreciated the fact children from the ages of five and under would be exempted. He supported the city pursuing enforcement in a similar manner as Edina. He appreciated the fact the ordinance would require businesses to post

signage. He expressed frustration with the fact this issue has not been addressed by state and federal representatives. He explained he has been taking feedback from local business owners and major retailers in Minnetonka and all supported the use of masks. He believed that it would benefit local businesses if the city were to adopt a mask ordinance. He supported the age requirement of five and under and supported signage being in place.

Calvert stated this was a big topic. She thanked the residents that weighed in on this matter, noting the council received over 250 comments in the addenda. She indicated over 80% of the residents in Minnetonka supported a mask ordinance. She discussed the success New Zealand has had in reopening noting this country had used masks. She believed that as a public official she had the duty to address public safety and to affect change regarding public health. For this reason, she would be supporting the mask ordinance noting this should be required indoors and at city facilities. She supported children five and under being exempt from the ordinance and recommended the ordinance have a broad scope. She indicated the city would have to consider how to address its polling places and suggested an exemption be made to require masks. In addition, she recommended a resolution be passed along to the governor to require masks statewide.

Kirk explained the council was leaning towards an amended version of option 3. He noted the council had not brought this item up, but rather it was being brought up per the request of the public. He asked if the city has given the public enough notice on the amended version of the ordinance. Barone reported this ordinance was posted on the city's website this morning.

Kirk stated he agreed page five was the most appropriate and that signage should be required at local businesses. He noted he was struggling with the criminal penalties. He indicated applying a misdemeanor may be somewhat subjective. He wanted to be assured that the ordinance was being applied fairly. He explained he could accept Item 3.0 but was concerned about Item 3.052. He provided a brief public service announcement regarding the benefits of wearing masks and stated masks serve as a reminder to him that COVID was a part of his everyday life. He understood that masks may not be 100% effective, but the use of masks may save one life and for this reason, he would support a mask ordinance moving forward.

Calvert supported the comments made by Councilmember Kirk. She explained she contacted a constitutional law professor to ensure that the proposed ordinance was constitutional. She stated after discussing this matter with the professor she was informed the council could proceed with a mask mandate, so long as exemptions were in place for people with preexisting medical conditions. She believed that a mask mandate would help get the economy back on track faster because it would keep people safe and feeling safe.

Carter stated she appreciated all of the thoughtful comments. She explained she supported the five and under age exemption. She reported the city council sometimes had to do hard things not because they were popular but because they were the right thing to do.

Kirk commented on Coakley's statement regarding the access to masks and requested the ICA or city hall have masks available to the public.

Schaeppi supported Kirk's recommendation. He noted he was in the City of St. Paul over the weekend where masks were required. He questioned if the city had funds available to assist in purchasing masks.

Coakley thanked the residents that emailed comments to the city. She indicated she was going to lean towards supporting the mask ordinance. She suggested the police department consider enforcing trespassing versus disorderly conduct. She noted she supported the age limit within the ordinance. Barone explained the amended ordinance does specify the police department would be enforcing trespassing, or any other law the individual may violate. Police Chief Boerboom stated trespassing was a misdemeanor. He reported disorderly conduct might apply when people become belligerent or if they are screaming/cursing in public spaces. It was his hope this would be a last resort and that his officers would be able to deescalate situations by having a conversation regarding the importance of wearing masks.

Wiersum commented COVID is raging through the country and trends are starting to look less favorable in Minnesota and Minnetonka. He reported the community was in a public health crisis. He thanked all of the residents that had weighed in on this topic. He explained the city was in a state of emergency at this time and public officials were being called upon to make decisions for the betterment of the community. He discussed how the wearing of masks protects people in close proximity but noted it only works if everyone is wearing a mask. He stated the city council has the authority to pass this ordinance given the fact Minnetonka had declared a state of emergency for the public health crisis. He estimated three-fourths of Minnetonka residents supported a mask ordinance. He stated even if the majority of the population did not support this ordinance he would still be moving forward in order to do what was right for the community. He indicated he supported a mask mandate as it was vital for public health. It was his hope enforcement would not be an issue and that those not complying could be cited for trespassing. He recommended masks be required indoors. He stated he could not guarantee all will be protected in Minnetonka, but noted a mask ordinance would assist in protecting the general public.

Barone requested the council consider setting an effective date for the mask ordinance. She anticipated it would take staff at least a week to properly publish and get information out to the public regarding the mask ordinance.

Heine asked if the council wanted to require masks in outdoor spaces.

Calvert stated she would not push for an outdoor mask requirement, but does support wearing masks as a rule when social distancing was not possible and where it makes sense for safety reasons.

Heine questioned how the city wanted to address polling places.

Schack commented she would like to see voters mandated to wear masks in order to vote, but stated she also did not want to compromise getting voters to the polls.

Wiersum recommended the language be drafted to exempt the requirement for voting circumstances at city hall because this would be the most simple solution. He indicated the city would have limited voting (one week) prior to the primary. He preferred staff mitigating the concerns for the polling places without tying the polling places to the mask ordinance. Barone concurred stating the city's election staff would prefer to let the state rule on this matter.

Kirk suggested that all polling places then not require masks for the primary and general elections. Heine reviewed a language amendment within the mask ordinance with the council stating the ordinance would now read: City employees and all other individuals must wear face coverings within those portions of city owned buildings that are open to the general public; except that with respect to polling locations, no voter may be told to leave the premises for refusal to wear a mask.

Calvert encouraged residents of Minnetonka to wear their masks when voting given the fact a large number of election judges were elderly.

Heine requested comment from the council on how the police department was to enforce the ordinance.

Kirk explained he supported the council keeping Section 3.05.02 in the ordinance as this would allow trespassing or the misdemeanor to apply.

Heine questioned what the effective date for the mask ordinance should be. Heine reported the earliest publication date would be July 23 and the ordinance would then become effective on July 23.

The council supported an effective date of Thursday, July 23.

Coakley recommended the city push this information to the public via news media.

Kirk questioned if the council would also be recommending a letter be sent to the governor suggesting a statewide mandate be put in place for masks. Barone indicated staff could draft a letter that could be signed by the mayor on behalf of the entire city council.

Wiersum stated he would be happy to put a letter out on behalf of the Minnetonka City Council.

Schack moved, Calvert seconded a motion to adopt an emergency Ordinance 2020-14 as amended, enacting a mask requirement in the City of Minnetonka as amended with an effective date of July 23, 2020. All voted "yes." Motion carried

13. Public Hearings:

A. Resolution approving vacation of a drainage and utility easement at 14616 Woodhaven Road

City Planner Loren Gordon gave the staff report.

Wiersum opened the public hearing.

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

Kirk moved, Carter seconded a motion to hold the public hearing and adopt Resolution 2020-053. All voted "yes." Motion carried.

14. Other Business:

A. Community Survey and Organizational MERIT

City Manager Geralyn Barone gave the staff report.

Peter Leatherman, Morris Leatherman Company, reviewed the results of the community survey with the council. It was noted this survey was conducted via telephone. The demographics of those who conducted the survey were discussed. He reported 63% of the respondents rated the city as having an excellent quality of life. He commented high taxes and lack of sidewalks were two of the concerns noted within the survey. The quality and value of the city's services was described. The greatest public safety concerns were speeding/traffic violations, burglary, drugs, underage drinking and juvenile crimes. Important issues for the city to consider taking action on would be water conservation, reducing waste and energy conservation. He reported affordable

housing was another concern for respondents. The courtesy and professionalism of staff was discussed and it was noted the city was doing quite well in this area. It was noted 51% of the respondents supported ranked choice voting.

Carter asked if the community survey can be made available to non-English speaking individuals. Mr. Leatherman stated he has staff members that were able to complete the survey in Spanish, Hmong, and Somali. He indicated 5% of the city's surveys were completed in a non-English format. He commented further on how the survey was drafted to remain neutral and reduce bias.

Schaeppi questioned how staff worked with Mr. Leatherman to draft the questions within the survey. Barone reported staff reviews the questions and if important issues arise in the community staff works with Mr. Leatherman to draft new questions.

Wiersum thanked Mr. Leatherman for his presentation and thorough report to the council on the community survey. Barone stated she was very proud of the survey results and of her staff for their strong commitment to serving the public.

Informational only.

B. Resolution upholding the planning commission approval of an expansion permit and a variance for garage and living space additions at 16610 Cottage Grove Avenue

City Planner Loren Gordon gave the staff report.

Schaeppi requested further information on the language regarding the Planning Commission's dialogue regarding moving the building further away from the adjacent property. Gordon explained questions arose regarding the separation of the two homes given the fact there was a fire. He noted the appellant was concerned about their home catching fire. He discussed how the building would impact the hill because more grading would be required in order to move the structure to the west.

Wiersum asked if the 10 feet provided created enough space so that the new structure can be built without having a negative impact on the adjacent property. Gordon stated 10 feet was the common area to work in around a home. He indicated there were no other features to work around in this yard.

Schack questioned if the property line was conforming on the west side, the council would not be addressing this issue. Gordon reported this was the case. He commented on the city's small lot provision within city code and stated this property was 600 square feet over the small lot qualification.

Moanie Wheelock thanked the council for their time and consideration.

Chris Wheelock stated he lives with his wife and daughter to the east of the Cottage Grove renovation project. He reported he had difficulties logging on at the last city council meeting but wanted to share his viewpoint. He stated in general he believed the plans to improve the structure were good. However, he had concerns with the fact the builder was not pursuing a variance. He explained his building was an older grandfathered structure. He discussed the amount of space that would be between his home and the new structure. He believed this was a fire hazard that would negatively impact his property. He indicated the proposed garage addition was being proposed to be built where the hill sloped down and away from the homes. He feared that building into the hill would impact stormwater runoff and that his home may flood in the future. He explained the proposed garage would push more snow and water towards his home. He anticipated the proposed garage would negatively impact the value of his home because the garage would be quite close to his home. He recommended the west property line be considered for the proposed garage as there was an open field adjacent to this property line. He thanked the council for their time and consideration.

Ms. Wheelock stated 10 feet between buildings was not typical in her neighborhood. She explained most homes had 20 feet. She discussed how her view and level of sunlight would be impacted by the proposed garage. She feared she would have additional water running into her basement.

Mr. Wheelock indicated he met with the new owner and was told the water mitigation was his problem and not the new owner's problem. This was a concern to Mr. Wheelock. He implored the city to make the right decision regarding this variance.

Wiersum reported the planning commission recommended approval of the variance. He noted it would take five affirmative votes to uphold the decision of the planning commission. He questioned how the council wanted to proceed with this item.

Schack stated this was a difficult matter because the neighbors were only four inches from the property line. She commented anything that happens on the adjacent property would inherently impact this property. She explained the issue really was with the neighbors lack of setback. She reported this matter was properly vetted by the planning commission and she reluctantly supported their decision.

Kirk asked if the applicant was able to attend this meeting. He noted he watched the planning commission meeting and stated a logical compromise would be to move the garage to the west property line. He questioned if the city council were

to overrule the planning commission's decision would the applicant have to come back before the city council. Gordon explained as the planning commission's action was the final action, the matter before the city council would now be the final decision. He commented the council could modify the setbacks, side or aggregate, for the expansion permit or for the variance. He noted findings of support would have to be included if the council were to make modifications to the setbacks. He reported the applicant was on the phone.

Schaeppi agreed this was a difficult matter. He believed it was reasonable for the applicant to not have the proposed structure 10 feet from the adjacent home. He was of the opinion this case was different because one property line had a structure in very close proximity while the other property line had nothing adjacent to it.

Calvert stated she would like to understand from the applicant why the proposed garage was not being built adjacent to the open field.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

Wiersum commented the lots in this area of the city were challenging. He explained the real issue was the four inch setback from the neighboring property. He indicated the 10 feet on this side was conforming. He stated the property owners rights have to be considered given the fact he was proposing a 10 foot setback. He reported he could not support the appeal.

Schack moved, Calvert seconded a motion to adopt Resolution 2020-054 upholding the planning commission's decision. Schack, Carter, Calvert and Wiersum voted "yes." Schaeppi, Coakley and Kirk voted "no". Motion carried.

C. 2021 – 2025 Economic Improvement Program (EIP)

City Manager Geralyn Barone requested the council postpone this item to a future council meeting.

Schack recommended this item be postponed to the July 27 city council meeting.

Coakley concurred.

Calvert moved, Carter seconded a motion to table the 2021-2025 Economic Improvement Program (EIP) to the July 27, 2020 city council meeting. All voted "yes." Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Kirk moved, Calvert seconded a motion to adjourn the meeting at 11:33 p.m. All voted "yes." Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Becky Koosman".

Becky Koosman
City Clerk