

**Minutes
Minnetonka City Council
Monday, September 21, 2020**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

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

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Items 12.A and 14.A. All voted "yes." Motion carried.

5. Approval of Minutes:

A. August 10, 2020 regular council meeting

Calvert explained she asked for clarification on Item 5.B noting her comment was regarding outdoor mask wearing. She indicated she was a proponent for wearing masks outdoors when appropriate for safety purposes.

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

B. August 24, 2020 study session

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

C. August 25, 2020 strategic planning session

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

D. August 31, 2020 regular council meeting

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

E. August 31, 2020 special meeting minutes

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

F. September 1, 2020 strategic planning session

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

6. Special Matters:**A. Recognize the City of Minnetonka for achieving Step 5 in the Minnesota GreenStep Cities program**

City Planner Loren Gordon gave the staff report and explained the city had reached Step 5 in the Minnesota GreenStep Cities program.

Calvert thanked staff for all of their hard work. She appreciated all of the city's efforts to address sustainability. She was proud of how proactive the city was when it came to the environment.

Wiersum stated he was very proud of the city council and city staff for this achievement. He appreciated all of the city's efforts to reach Step 5.

Recognized the achievement.

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings. She discussed the ways in which residents could participate in absentee in-person voting which was taking place now through November 2.

Schack commented on the recent passing of Ruth Bader Ginsburg and thanked Justice Bader Ginsburg for all of her efforts. She stated her favorite quote from Ruth Bader Ginsburg was, "fight for things you care about but do it in a way that will lead others to join you". She appreciated this good advice as she served the City of Minnetonka.

Kirk thanked all teachers for carrying a heavy load at this time and working so diligently to educate students during the pandemic.

Kirk stated Minnetonka had a Black Lives Matter march on Saturday, September 12. He thanked all who attended and the Minnetonka Police Department for assisting with the event.

Kirk commented on a group home request that would be coming before the council at a future meeting. He recommended that care facilities greater than six residents be discussed at a study session meeting prior to coming before the council for a vote.

Calvert thanked all who participated in the BLM march and stated she appreciated the efforts of the Minnetonka Police Department during the event. She indicated this was a historic event for the city.

Calvert wished everyone in the Jewish faith a very good new year. She commented on the recent passing of Ruth Bader Ginsburg and thanked her for giving back to her country.

Wiersum commented on how COVID has impacted the League of Minnesota Cities. He explained the LMC would be hosting smaller mini-meets this fall. He encouraged residents to come together through the devastating circumstances of COVID-19. He stated he would like to see people focusing on what unites us versus what divides us.

Wiersum discussed Hopkins School Districts decision to eliminate its school resource officer. He indicated he did not love this decision and noted he had met with the school district with staff to discuss this matter.

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

9. Bids and Purchases:

A. Employee health care coverage with Medica

Assistant City Manager Mike Funk gave the staff report.

Kirk asked if it was possible to move in and out of the LOGIS consortium. Dawn Pearson reported cities were able to move out and then back into LOGIS, but there was a phasing in period.

Kirk discussed the ongoing risk of not being a part of the consortium. Funk stated this was an excellent point and this risk was discussed as staff weighed the options of leaving the consortium. He explained the City of Minnetonka had a great wellness program, which would assist in keeping premiums down. In addition, the city had an active safety committee which would assist in controlling costs.

Schaepfi thanked all who were involved in researching this issue. He commented on the savings the city would see in one year and stated he supported staff's recommendation.

Calvert agreed the city would see great savings, but encouraged city staff to keep in mind the risk of moving away from the consortium in the middle of a pandemic.

Wiersum stated he understood consortiums were helpful for purchasing power but when it came to health care, Minnetonka was not an insignificant purchaser. He indicated he supported staff's recommendation because it reflected some boldness and allowed the city to control its destiny. He appreciated the city's wellness program and discussed how it would be made better through additional resources. He believed staff took its health seriously, which would assist in keeping premiums low.

Kirk moved, Calvert seconded a motion to authorize the city manager to execute the Medica insurance proposal. All voted "yes." Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Floodplain and wetland alteration permits for construction of a trail connection near Opportunity Court and Hwy 169

Schack moved, Kirk seconded a motion to adopt Resolution 2020-072 approving the permits. All voted "yes." Motion carried.

B. Conditional use permit for a 1,400 square foot accessory apartment at 17003 Sherwood Road

Schack moved, Kirk seconded a motion to adopt Resolution 2020-073 approving the request. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Resolution approving a conditional use permit for a 6,000 square foot medical clinic, with a variance, at 10201 Wayzata Boulevard

Calvert moved, Kirk seconded a motion to adopt Resolution 2020-074 approving the request. All voted "yes." Motion carried.

B. Emergency ordinance relating to outdoor dining

Calvert moved, Kirk seconded a motion to adopt Ordinance 2020-17. All voted "yes." Motion carried.

12. Introduction of Ordinances:

A. Sustainability Commission Ordinance

Community Development Director Julie Wischnack gave the staff report.

Schack questioned if planning case items could be sent to the sustainability commission for comment. Wischnack explained she would like to do a little bit more research on this matter but noted this would depend on if the case had time for comment from an additional commission.

Kirk indicated the climate action plan would be discussed in 2021, but would not be implemented. Wischnack stated this was the case. She anticipated the climate action plan would be completed in 2022.

Kirk discussed an email the council received noting he supported the idea that light pollution was within the purview of this commission. He commented in starting a sustainability commission, this would be a great opportunity for the city to bring diversity into the city's commissions through these nine new members. He recommended the city actively recruit these nine new members.

Coakley agreed the positions should be recruited and suggested city staff reach out to the schools. Wischnack stated she would bring back a recruiting list to the October council meeting for the council to review and discuss further.

Calvert questioned if the sustainability commission would seek members from the planning commission and the park board. Wischnack indicated this may be difficult logistically because this was a new commission.

Coakley inquired why the mayor voted on the commission appointments instead of the entire city council. City Manager Geralyn Barone reported the mayor nominates the commission appointees and the city council votes to approve the nominations, which served as a check and balance. She explained the city charter gives the mayor and city council that authority.

Carter explained the council has a role in approving commission members rather than identifying or suggesting. Wischnack reported this was the case. She indicated the procedural steps for these commission members would be further discussed in October.

Wiersum spoke further to the process that has been followed in the past for commission appointments. He indicated council interviews have been held for candidates, candidates were graded, and the mayor makes selections. He discussed how he has approached selections based on experience, gender equality, ward representation, etc. He stated these appointments were always difficult for him to make.

Carter commented as a group the council conducted interviews for previous commission positions and the council never saw the final grid or tabulations. She requested this information be made available to all councilmembers. Barone

thanked the council for the input. She reminded the council that the item being considered was the sustainability ordinance. She indicated the commission appointment process would be further discussed on October 12.

Schack stated she supported the proposed ordinance. She thanked staff for all of their efforts. She recommended the sustainability commission be involved in a joint meeting with the city council each year. She suggested the sustainability commission provide the council feedback on projects they believe they should be reviewing.

Wiersum asked if there were any further questions for staff. He then opened the meeting for public comment.

Li Dvorak, 15708 Scenic Drive, congratulated the city for reaching Step 5 of the GreenStep Cities program. She explained she was speaking on behalf of Minnetonka Climate Initiative. She stated this group appreciated the fact that the city was creating a sustainability commission and overall, supported the ordinance. She proposed the purpose be more clearly stated to set this group apart from the city's other commissions. She requested Section 145.015 be amended in Section 1 replacing energy with energy conservation and greenhouse gas reduction including the transportation center. At the end of Section 2 she would like to add with a commitment to addressing all areas of the community including multi-unit housing and initiatives that include lower income families. To the end of Section 6 she would like to add such as the following: a) Energy conservation best practices for residents and businesses, increased use of renewable sources and other methods to reduce the city's carbon footprint, b) promote tree planting, native landscaping and other techniques, and c) recommend ways to reduce greenhouse gas emissions and improve air quality. She reported she would like Section 9 added to state: the SC will advise the city council on all policy or projects relating to air, water, waste and land. The SC will look at matters through an environmental lens and will research and advise on policy and ordinances, such as the recently revised lawn ordinance, tree ordinance and best practices to reduce adverse ecological impacts. For example, the use of biodegradable mesh and not parking construction equipment on trees. Regarding commission members, she appreciated the reduction from three to two. She still believed the SC should have eleven members versus nine. She suggested the SC be meet monthly as this would be consistent with other commissions in the city. She commented on the eligibility language for student members and requested the language be clarified to ensure the students lived in Minnetonka. She thanked the council for their time and for considering the sustainability commission ordinance.

Wiersum requested Ms. Dvorak provide her written comments to staff.

Wiersum closed the meeting for public comment.

Calvert thanked staff for all of their efforts on this ordinance. She stated she appreciated all of Ms. Dvorak's suggestions. She explained she believed eleven members was too large for the SC and recommended the group have no more than nine members. She suggested the sustainability ordinance include language that would have the SC addressing climate change. She agreed with the diversity in requirement suggestions and noted she looked forward to further reviewing the appointment process. She recommended the SC recognize actions in the community that reflect mitigation of pollution, new native plantings, etc. She stated this could be done through an award program.

Schaeppi commented he believed this was a good start for the SC. He believed strongly that the city did not need shared commissions. He was a proponent of having nine members on the SC with no shared members. He explained he would like to see the ordinance having more descriptive language as to the work that would be conducted by the SC. He suggested the ordinance have more general examples, versus specific examples as to the authority of this group. He indicated he supported more funding and resources being provided to the commission versus a full-time staff member.

Kirk discussed the benefit of having some seasoned voices on a commission, after serving on the planning commission. He stated he supported the SC having nine members.

Schack moved, Kirk seconded a motion to introduce the ordinance and provide preliminary comments.

Wiersum stated the commission would determine its charter and vision as it comes together. He understood the group should not be too narrow. He explained he saw value in getting the group established and providing council input with the flexibility to seek their path while coordinating with staff. He anticipated there would be value in having some cross pollination with the planning commission, park board, or EDAC. He indicated the council was not trying to create silos with the commission, but rather was creating commissions that help one another.

All voted "yes." Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

City Manager Geralyn Barone reported Councilmember Carter had to step away from the meeting and would rejoin when able.

13. Public Hearings:

A. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for YMCA at The Marsh, LLC., located at 15000 Minnetonka Boulevard

Kirk reported he would be recusing himself from discussing this item.

City Manager Geralyn Barone gave the staff report.

Michael Kielkucki reported he started at The Marsh in June after Ruth Stricker passed away. He explained restaurant operations have been difficult due to COVID. He noted alcohol sales were minimal at this restaurant given the fact they were only open until 6:00 p.m. He requested the council support the on-sale wine and 3.2 malt beverage liquor license.

Wiersum stated he was pleased the YMCA would own and operate The Marsh. He believed The Marsh was an institution in the community.

Wiersum opened the public hearing.

Richard Melzer, representative for The Marsh, explained there would not be any changes occurring at The Marsh. He looked forward to continuing the vision for this restaurant and remaining a part of the community.

Calvert moved, Schack seconded a motion to open the public hearing and continue to October 26, 2020. Calvert, Carter, Schaeppi, Coakley, Schack, and Wiersum voted "yes". Kirk recused. Motion carried.

B. Resolutions for special assessment of 2019-2020 projects

City Manager Geralyn Barone gave the staff report.

Coakley asked if staff had any homes on this list that were part of Homes Within Reach. Community Development Director Julie Wischnack stated there were no Homes Within Reach on this list. She commented further on how staff works with Homes Within Reach homeowners to assist with the payment of special assessments.

Wiersum opened the public hearing.

David Fish, 11620 Timberline Road, stated he has lived at his residence for the past 38 years. He reported he has not had any problems with the city in the past. He commented he believed the assessment from the city was unfair. He explained he traveled for a living and was his way to Las Vegas when he received a letter from the city regarding a weed issue. He noted he spoke with Will Manchester regarding this concern and noted he would be back in the city in

a week. He asked that he be given a week to address this concern since he was traveling out of state. He explained he called the city when he was on his way home from the airport and when he gets to his home, he learns his weeds have been cut. He questioned why the city took this action when he had spoken to staff and both parties had agreed to wait to address this concern until after he returned from his business trip. He was told by staff that they were unaware that the weeds had been cut and he told staff that he would not be paying for the weeds to be cut. He reported a year has gone by and he received a bill from the city. He questioned why the city was choosing to do business this way. He commented the bill was duly unfair. He requested the council reconsider his assessment because these weeds have been growing on his property for the past 40 years and this has never been a problem.

Wiersum thanked Mr. Fish for his comments. He requested feedback from staff on this item. Wischnack discussed the process that was followed for complaints regarding nuisance issues. She noted there was a misunderstanding between the city's intern and the property owner regarding the next steps. She stated did not feel good about that and she apologized for the misunderstanding. She commented the city completed the weed removal work and it cost money to complete this work. She explained she had pictures of the work that was completed. She indicated this work cost the city \$460, along with a \$23 administrative charge.

Coakley asked if more than one letter was sent to the homeowner. Wischnack reported notices were sent to the property owner and the property owner had contacted city staff. She stated typically just one letter was sent regarding long grass. She indicated nuisance grass issues were typically handled more quickly than other nuisance issues.

Schaeppi stated if only one letter was sent, he would have a hard time passing this assessment onto the homeowner, especially given the fact these weeds were on the property every year for the past 38 years. He commented he did not support passing this assessment along given the fact only one notice was sent and the homeowner had reached out to the city.

Wischnack reported a long grass weed notification was sent out F&M Leasing Corporation at 11620 Timberline Road. She reviewed the language that was included within the notification and noted the city was very explicit regarding the action that would be taken if the property owner did not respond to the city within a timely manner.

Wiersum stated he was having trouble with the dates. He questioned when the complaint was made, what the date was on the letter, and when did the property owner have to bring the property into compliance. Wischnack explained the violation came the second week of July and notice was mailed on July 9 requesting compliance by July 13. She reported the work was done on July 22.

Wiersum stated only 13 days went by from the time of the complaint to the work being completed. Wischnack clarified it was another month before the work was completed by a contractor in August, which meant actually six weeks had transpired from the time of the complaint to the work being completed.

Wiersum thanked staff for the clarification.

Schack indicated this was a difficult situation for the council to address. She understood residents get frustrated when maintenance was not being done in their neighborhood. She noted six weeks was a very long time to have nuisance weeds and grass. She commented it was risky for the council to give passes. She believed staff has been good to work with residents that reach out and are willing to follow deadlines. She supported the council following the policy that was in place.

Calvert agreed with Schack.

Kirk indicated the timing of the conversation with the intern should also be considered. He stated if he asked to meet with staff and this meeting didn't happen this would be a concern. He commented he was left wondering why this meeting didn't occur and the council wouldn't be able to find an answer given the fact the intern was no longer with the city. He explained there was a lot of undeveloped property that has noxious weeds and grass. He stated he would like to speak with staff further regarding this property prior to making a determination on this assessment.

Coakley questioned when Mr. Fish was out of town. Mr. Fish explained the letter from the city was sent to an office in St. Paul because he travels a great deal of time for work. He reported his office got the letter and this letter was scanned to him while he was on a business trip at his west coast office. He indicated he called Will Manchester to discuss the matter in further detail. He was told a complaint had come to the city regarding the weeds on the property. He commented he knew which neighbor made the call. He stated he agreed with Mr. Manchester that when he got back in town, he would call the city and would meet with staff to address the concern. He explained when he returned from his business trip the weeds had already been cut down. This led him to call Mr. Manchester again in order to ask what had happened. He indicated he was told by Mr. Manchester there would be no cost for the work that was done. He expressed concern with the fact the city billed him 13 months after the fact for the work that was done. He stated he had notes from his phone calls, but these notes were discarded after his second phone call to Mr. Manchester because he thought the matter had been put to rest. He explained the area of concern was near four mailboxes are located. He estimated the space was 20 feet wide and 10 or 12 feet deep. He indicated he could have cleared this area in less than an

hour without a chain saw. He stated the whole scenario was wrong because it had been in that state for 30+ years without there being a concern.

Wischnack reviewed pictures of the site with the council.

Wiersum stated typically the city does not drive around looking for nuisance abatement issues. He indicated the city operates on a complaint basis. He reported when a complaint is made, the city investigates the complaint. He reiterated that this complaint was managed over a period of six weeks. He stated that Mr. Fish had made some fair points. He commented the work was done and the city cost was \$460. He explained if a portion was forgiven this cost would be the responsibility of Minnetonka taxpayers who were even less responsible for this expense. He stated he agreed with councilmember Schack that it was a slippery slope if the city were to start forgiving these assessments. He indicated he could support a compromise for this situation.

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

Schack commented she was concerned about the representation from the city. She stated she would be comfortable splitting the different on the expense for the assessment, or some other modified number, given the fact there was stumbling on the part of staff.

Kirk explained he did not support deliberating this matter any further. He supported giving the homeowner the benefit of the doubt and recommended the fee be waived.

Carter asked if a precedent would be set if the council were to waive 100% of this fee.

Kirk commented he believed this was more of a customer service issue and it looks like a mistake was made. He stated there was no way for the council to tell what happened given the fact the intern was no longer with the city. He indicated it appears the intern made promises to the homeowner and these promises were not followed.

Coakley supported councilmember Kirk. She explained she has worked as an intern and she understood that mistakes can be made. She noted a great deal of time had passed since the work was done and a bill was sent. She believed this was a customer service issue and that the fee should be waived.

Calvert stated she was struggling with this item. She commented if Mr. Fish was gone that much for work and his yard was out of control year after year. She agreed there were some issues with a city intern. However, she noted a city service was performed and a cost was incurred. She stated she agreed with

councilmember Schack and recommended the expense be split between the city and the property owner.

Wiersum discussed the city's communication and billing practices for nuisance items and assessments. He requested further information regarding the number of notifications that were sent to Mr. Fish regarding this matter. Wischnack state she did not have a sense on that, but explained Mr. Fish was made aware of this matter when the assessment roll was completed. She understood there was a lag of time given the fact the work was completed in 2019 and would be assessed in 2020. Finance Director Darin Nelson explained assessment notices are sent to homeowners after the public hearing was set. He reported assessments are cut off on July 31 each year and this work was completed in August of 2019, which meant the work would be assessed in 2020.

Schack moved, Calvert seconded a motion to hold the public hearing and adopt Resolution 2020-075, Resolution 2020-076, Resolution 2020-077, Resolution 2020-078, Resolution 2020-079 and Resolution 2020-080 except as it relates to Project No. N577 for the property at 11620 Timberline Road to modify the assessment amount to \$241.50. Carter, Calvert, Schaeppi, Schack and Wiersum voted "yes." Coakley and Kirk voted "no". Motion carried.

14. Other Business:

A. Concept plan review for Shady Oak Office Center at 10901 Red Circle Drive

City Planner Loren Gordon gave the staff report.

Wiersum requested further information regarding how the proposal would increase traffic in the Opus area. Gordon discussed trip characteristics for office developments versus residential projects. He reported there was more traffic from a business development versus a residential development.

Casey Dziejewczynski Development Manager at Wellington Management provided the council with additional information regarding the proposed development. He explained Wellington Management owns over 100 properties across the metro area, with a mix of both affordable and market rate housing, in addition to retail, office and light industrial uses. He reported Wellington Management has owned this building for 15 years. He stated he has had trouble leasing the space. He believed now was the right time to move forward with the housing proposal. He explained the project would be completed in two phases. Phase one would include 250 units on the east side and phase two would include 185 units on the west side. He indicated both projects would include 20% affordable units at 50% of the area median income level. He commented TIF would be requested for this project in the amount of \$5 million for phase one and \$3 million for phase two. He hoped to secure financing for this project over the

coming months in order to break ground in the summer of 2021. He anticipated the project would take 18 to 20 months to complete.

Pete Keely, Collage Architects, reviewed the plans for the site in further detail with the council. He explained plans were considered to convert the existing building from office to housing. He noted this site has great visibility and was close to transportation/services, which made it more appealing for housing. He stated it was determined the existing building had very little value. He commented further on the proposed site plan, reviewed building elevations and noted the perimeter would have pedestrian access. It was noted the units would range from studios to larger units with a focus towards affordability. This meant the majority of the units would be on the smaller size. It was noted the site would have a mix of amenity spaces.

Calvert stated families need places to live and it was often times families that needed affordable apartment units. She requested further information regarding the mix of units that would be developed. Mr. Dziejewczynski explained he was projecting a mix of affordable units. He stated phase one would have 40% studios, 40% one bedroom units, 15% two bedroom units and a handful of three bedroom units. He reported the affordability would be split up equally between the unit mix. He indicated the affordability would not be focused just on the studios and one bedroom apartments.

Schack asked if the rental market was softening. She questioned if this was a concern for the developer. Mr. Dziejewczynski stated he was unsure of what the next several months or year would bring. He commented the advantage was that he was confident the city needed to provide housing long-term, even during a pandemic. He indicated this project was not trying to hit the luxury market, but rather would be providing needed housing at a reasonable price point. He explained the project was being split into phases to spread the risk out and to assist with market saturation. He commented further on other projects he was completing in the metro area.

Kirk discussed the current condition of the Opus site. He questioned how traffic would flow in and out of this site. Gordon reported Red Circle would get reversed. He explained the road in front of this building would go counter clockwise. He indicated the traffic would eventually come out to Bren Road.

Kirk stated the bike paths and the bike routes were interesting for this development. He appreciated the connections this site would have. He explained he understood why the development had been broken into two phases but he feared how the development would fare if the second phase were not completed. He stated he appreciated that the AMI would be set at 50% and noted he would be supportive of the over all development.

Schack indicated this project reminded her of the Mariner project that was canceled earlier this year. She appreciated the fact that the affordability would be disbursed throughout the two buildings. She was pleased with the proposed layout. She believed this was a good location for housing and would not create a great deal of disruption. She appreciated the perspective of the neighbors in the townhouses to the north. She explained the Opus campus was going through a transformation and it was getting closer to the original vision than ever before in history. She indicated this was a big change because some of the property was shifting to residential. She stated she liked the proposed development and believed this would be a good fit for Opus. She commented this development would also benefit by being in close proximity to the light rail station. She encouraged the developer to consider sustainability options, but not at the expense of the affordability of the development.

Schaeppi thanked the applicant for the proposal. He stated he supported the development and appreciated the proposed walkout units. He indicated this was the location for density and he noted he would support a higher building if it was cost effective. He explained it will be nice to see more of the specifics on the amenities, but he anticipated this would come later in the planning process. He encouraged the developer to match the type of units that would be in demand in Minnetonka.

Calvert stated she agreed with much that has been said. She explained she was excited about the proposed affordability rate for these units. She indicated she liked the walkout units and believed this was the right location for density. She commented the proposed amenities would be nicely received by the future tenants. She encouraged the developer to explore more energy efficiency and sustainability. She noted she like the idea of a pollinator garden or a green roof, while still maintaining affordability. She stated it was exciting that this development was next to light rail and she indicated she supported the proposed color palette.

Coakley commented this was a well thought out development. She believed the building looked nice and she appreciated the bike trails. She questioned how diversity in this area would be increased through this development and asked who this development would be targeted towards. She supported the development having affordable units, but she feared the entire building would be filled with young, white college students.

Carter stated she liked the project. However, she encouraged the council to proceed with caution when placing every dense residential development on Opus. She commented this could create a culture of stigma around affordability. Rather, she wanted Opus to be thoughtful and well planned. She hoped that the area would have variety as well as diversity with both soft and hard surfaces. She wanted to see this site developed intentionally, with purpose, and not just be more of the same.

Calvert thanked Carter for her comments. She agreed the city should not ghettoize high density in any one sector of the city. She noted she had brought this up before within Opus. She indicated the architecture for this development was alright, but might not have longevity. She commented she did like the idea of mixing up the uses within Opus from industrial or business/commercial to different kinds of uses such as places of worship and housing.

Wischnack stated there were a lot of projects coming forward and a lot of units. She explained staff was working on a matrix to better understand the entire development. She commented the next time the council discusses this project, the matrix will be presented to allow the council to address the diversification.

Wiersum indicated this was a quality, work force project that would target more than college students. He anticipated this development would have a diverse housing mix. He stated he liked the affordability proponent. He explained the council would have to take a deeper look at the TIF request. He discussed the amount of traffic that would be generated by this type of development. He commented further on the mass and scale of the proposed building. He encouraged the council to be mindful about what building design and architecture. He stated the council had to consider how the light rail and future transit would impact this area. He questioned if this development could have a larger portion of the units subsidized, 20% being affordable in order to create a development that was below 100% of AMI. He stated he appreciated councilmember Carter's comment and how the council should proceed with caution when considering the placement of all of the city's affordable housing on Opus. He agreed the council did not want to put all of its high density residential in one sector of the city. He indicated the council had to consider what amenities would be put into Opus in order to create community and not just a place with a lot of high density development. He stated this would be critical in order to make Opus successful.

Mr. Dziejeczynski thanked the council for their input. He stated he believed this development would meet the affordability levels that were at or below 100%. He noted this was not a luxury development. He commented after the 20% affordable units, the remainder would be 75% to 100% AMI without the subsidy. He recognized the entire project had to work in the community and would have to be attractive to a variety of residents. He explained the people living in this development would recognize the benefits of the trail and light rail access. He stated he was working to create an attractive project that would look good in 20 years and would serve a variety of residents at a variety of income levels. He reported he would further investigate the sustainability components for this development.

Wiersum thanked Mr. Dziejeczynski for his presentation and wished him good luck in the next step of the planning process.

Discussed concept plan with the applicant. No formal action required.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

B. 2021 – 2025 Capital Improvements Program (CIP)

City Manager Geralyn Barone gave the staff report.

Wiersum asked if the primary changes to the 2020 CIP were for the HVAC upgrades. Barone stated this was correct, but noted there were new items related to the fire station roof and the skylights in the community center.

Calvert commented she had questions for staff this morning and they were largely answered. She explained for transparency purposes, the council had discussed the CIP at previous meetings.

Schack thanked staff for being nimble and for working to adjust the CIP to meet the goals and objectives of the city council.

Schack moved, Calvert seconded a motion to adopt the 2021-2025 CIP Res. 2020- 081 All voted “yes.” Motion carried.

Calvert moved, Kirk seconded a motion to amend the 2020-2024 CIP. All voted “yes.” Motion carried.

Barone explained she has been talking with councilmember Schaeppi about the trail on Minnetonka Boulevard. She encouraged councilmember Schaeppi to bring this item before the council for further consideration.

Schaeppi commented he would like to direct staff to amend the CIP at a future city council meeting in order to consider the inclusion of a pedestrian crossing of Groveland Avenue. He explained he has had a tremendous amount of people reach out to him regarding this matter. He noted he reached out to Hennepin County regarding this matter and understood they would not have funds for this project. He asked if the council could support a motion directing staff to place this project in the CIP in 2023. Barone suggested if this was something the council would like to consider that an amendment be made to the CIP as a separate page for the unfunded project. She reported this would not obligate the council to the project but would provide a holding spot. She commented the other option would be to bring the item forward next spring for consideration.

Carter asked what was being requested.

Schaeppi stated he would like to see a Hennepin County approved pedestrian crosswalk with flashing lights.

Carter commented she could support this being a placeholder, but she anticipated this project would be a hard sell.

Coakley indicated she could support this item being studied further.

Kirk agreed.

Schaeppi moved, Kirk seconded a motion to direct staff to amend the 2021-2025 CIP at a future city council meeting in order to consider the inclusion of a pedestrian crossing near Groveland Elementary School. All voted "yes." Motion carried.

C. Items related to the 2020 preliminary tax levy

- 1) Resolution setting a preliminary 2020 tax levy and preliminary 2020 HRA levy, collectible in 2021, and a preliminary 2021 budget, and consenting to a special benefit tax levy on the Minnetonka Economic Development Authority**
- 2) Resolution setting preliminary 2020 tax levy, collectible in 2021, for the Bassett Creek Watershed Management Tax District**

City Manager Geralyn Barone gave the staff report.

Schaeppi stated he would like further information to understand what options the council has to get below the large 5.6% increase slated for next year. Barone reported the council committed to the 5.6% increase by approving the CIP. She explained the council would have time to review the CIP and budget in 2021, which would allow for an opportunity to make some changes. She noted the city did have some very large infrastructure projects scheduled for 2021.

Calvert commented this budget was a reflection of nimbleness and creativity. She thanked staff for finding an additional \$50,000 for diversity and inclusion efforts. She appreciated the fact that more dollars were being put to this important use. She applauded staff for being creative in order to keep the overall levy down.

Kirk agreed and stated it made sense to soften the blow for 2021. He hoped the city would be in a better place to take on a higher levy next year so that in 2022 the community can manage that. He stated he supported the proposed tax levy.

Calvert discussed how beneficial the CARES Act funds have been to the city.

Wiersum thanked staff for being creative and working diligently to mitigate the impacts of COVID-19. He commented on the police coverage in Minnetonka and noted the city's per capita coverage was at the low end. He reported the Minnetonka Police Department had 57 sworn officers and the city had 53,000 people. He stated the city got very efficient use of its police officers. He explained once the school district dropped the SRO, he feared the department would drop this officer, which would further exacerbate the per capita coverage. He indicated as he discussed this further with Chief Boerboom and City Manager Barone, he was reminded that the department would be adding a police captain. For this reason, police coverage would remain the same at 57 sworn officers. He believed the optics of this situation was better for Minnetonka. He stated he wanted to make this situation known to the public because it was a concern to him.

Calvert moved, Schack seconded a motion to adopt Resolution 2020-082 and Resolution 2020-083. All voted "yes." Motion carried.

D. Settlement agreement with Center for Biological Diversity

City Attorney Corrine Heine gave the staff report.

Schack thanked City Attorney Heine for all of her efforts. She reported the council has been discussing this matter at length with the City Attorney. She was pleased the city was able to reach an agreement.

Schack moved, Calvert seconded a motion to approve the settlement agreement with the Center for Biological Diversity.

Calvert stated she appreciated staff and the City Attorney's efforts. She believed this agreement was a win for the city and the environment.

Kirk commented this was a great compromise and he appreciated the action steps that were in place to protect the rusty patch bumblebee and the environment.

Schaepi thanked all of the staff members that were involved in and assisted with reaching this agreement. He explained there was still bridge building that had to be done and he hoped the city could continue to keep communication lines open. He hoped the city could go above and beyond to ensure this project was a win for everyone.

Wiersum stated this was a positive settlement for all parties. He believed a lot of good would come from this agreement and the rusty patch bumblebee would be protected.

All voted "yes." Motion carried.

15. **Appointments and Reappointments: None**

16. **Adjournment**

Calvert moved, Kirk seconded a motion to adjourn the meeting at 11:15 p.m. All voted "yes." Motion carried.

Respectfully submitted,

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

Becky Koosman
City Clerk