



**Agenda  
Minnetonka City Council  
Regular Meeting  
Monday, January 4, 2021  
6:30 p.m.  
WebEx**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Schaeppi-Coakley-Kirk-Schack-Carter-Calvert-Wiersum
4. Approval of Agenda
5. Approval of Minutes:
  - A. October 19, 2020 study session
  - B. December 7, 2020 regular council meeting
6. Special Matters: None
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
  - A. Designation of official newspaper for 2021  
  
Recommendation: Designate Sun Sailor as the city's official newspaper for 2021  
(4 votes)
11. Consent Agenda - Items Requiring Five Votes:
  - A. Applications for renewed precious metal and secondhand dealer licenses for 2021  
  
Recommendation: Approve the licenses (5 votes)

Due to the COVID-19 health pandemic, the city council's regular meeting place is not available. Pursuant to Minn. Stat. § 13D.021, city council members will participate in the meeting remotely via WebEx. Members of the public who desire to monitor the meeting remotely or to give input or testimony during the meeting can find instructions at <https://www.minnetonkamn.gov/government/city-council-mayor/city-council-meetings>.

12. Introduction of Ordinances: None

13. Public Hearings: None

14. Other Business:

A. Resolution for the Excelsior Boulevard Trail - Phase II (Kinsel Road to I-494)

Recommendation: Adopt the resolution (4 votes)

B. Opus Area Bridge Improvements – Phase II

Recommendation: Adopt the resolution (4 votes)

C. Resolution designating a new Acting Mayor and Alternate Acting Mayor

Recommendation: Make designation and adopt the resolution (4 votes)

D. Boards and commissions appointment process next steps

Recommendation: Review staff recommendations and provide feedback (No formal action required)

15. Appointments and Reappointments: None

16. Adjournment

**Minutes  
City of Minnetonka  
City Council Study Session  
Monday, Oct. 19, 2020**

**Council Present:** Deb Calvert, Susan Carter, Kissy Coakley, Brian Kirk, Bradley Schaeppi, Rebecca Schack, and Mayor Brad Wiersum.

**Staff:** Geralyn Barone, Mike Funk, Corrine Heine, McKaia Ryberg, Hanna Zinn, Matt Higgins, Julie Wischnack, Will Manchester, Phil Olson, Kelly O'Dea, and Scott Boerboom.

**Guests:** Bill Wells

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

**1. Report from City Manager & Council Members**

Barone highlighted the addenda for the meeting and the upcoming council schedule. Barone also noted that Boerboom will speak at an upcoming event during the Item 3 portion of the study session.

Kirk requested a future discussion of the city ordinances pertaining to residential facilities and the issuance of conditional use permits. Calvert agreed that a discussion of this issue is needed. Wiersum requested that staff follow-up with information regarding neighboring cities' policies on this issue.

Coakley reported she visited a local business to speak on and recognize Disability Awareness Month.

Calvert requested absentee voting statistics for Minnetonka be provided before the election. Barone noted that voting statistics were provided in recent council updates.

Schaeppi suggested that more city communications go out regarding upcoming study sessions, so that council can have as much resident input as possible by the time the study sessions occur.

Wiersum reported he attended a ribbon cutting for the city's community solar garden. He also highlighted a series of League of Minnesota Cities webinars ongoing during the week.

**2. Review speed limit law changes**

Barone introduced the topic.

Olson gave a presentation covering what speed limits are, the 2019 law change pertaining to city authority to set speed limits on local roads, the city's road network, the city's speed data, and options for changes to speed limits.

**Minutes  
City of Minnetonka  
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Boerboom gave a presentation covering police enforcement of speed limits, education efforts pertaining to speed limits and safe driving, and crash data.

Council offered their questions and comments.

Councilmembers expressed support for the staff recommendation indicated in the staff report.

**3. Diversity, equity and inclusion discussion**

Barone introduced the topic, and reminded council that as was decided at a previous study session, \$150,000 will be included in the 2021 budget for diversity, equity and inclusion efforts.

Boerboom invited the council to an upcoming virtual conversation on policing in the city. Minnetonka police officers and residents will also be in attendance.

Wells gave a presentation covering the current racial climate, effects of the pandemic by race and gender, public opinion of race relations, the definition of and different types of racism, and possible implementation strategies. Council responded to the presentation and presented questions.

Barone stated the feedback from the discussion will be used to determine action steps for the strategic objective. Barone indicated those action steps will be presented to council in November.

**4. Adjournment**

Wiersum adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Kyle Salage  
Elections Specialist

**Minutes  
Minnetonka City Council  
Monday, December 7, 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**

Carter moved, Kirk seconded a motion to accept the agenda with addenda to Item 14.A. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. November 9, 2020 regular meeting**

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

**6. Special Matters: None**

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

City Manager Geralyn Barone reported on upcoming city events and council meetings. She explained staff was recruiting advisory board and commission members at this time. Those interested in serving were encouraged to sign up online on the city's website or to call city hall for further information.

Carter inquired if staff had any updates on how the recruiting process was going. Barone commented she had 16 inquires last week, which was good to see. She noted the city had 27 applicants to date.

Schaeppi asked what the deadline was for submitting an application for the board and commission positions. Barone reported the deadline was January 1, 2021.

Calvert discussed the housing assistance deadline and encouraged residents that were having trouble making rent payments to reach out to the state or county for aid.

Wiersum encouraged everyone to do their share to prevent the spread of COVID-19. He shared a simple message from the Minnesota Department of Health asking everyone to wear a mask, keep their distance and do their part.

Carter thanked the mayor for reinforcing this message. She explained she had residents asking if COVID-19 inoculations would be mandatory. She asked if Minnetonka would have control over the vaccines and their distribution. Barone reported the city would not have control over who gets the vaccine or how they would be distributed. She indicated the city may be called upon to help in the process of distribution, having locations in the city that may be appropriate and communication efforts with the public.

Wiersum stated his expectation would be that a requirement to be vaccinated would likely not occur and would not be within the purview of the city. He indicated it would be a real challenge for city or state government to require this.

Calvert explained that for those that feel safe taking the vaccine, she encouraged residents to do so. She noted Hannukah starts on Thursday, December 17, 2020. She wished everyone Happy Hannukah.

Wiersum wished everyone a safe and happy holiday season.

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

**9. Bids and Purchases:**

**A. Bids for the Williston Lift Station Rehabilitation**

City Manager Geralyn Barone gave the staff report.

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

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

Schack requested Item 10.A be pulled from the Consent Agenda for separate discussion and consideration.

Calvert requested Item 10.C be pulled from the Consent Agenda for separate discussion and consideration.

**B. Resolution amending Resolution No. 2016-015 for Yellow Brick Road, a licensed daycare, at 10401 Bren Road East**

Kirk moved, Coakley seconded a motion to adopt Resolution 2020-101 approving the request. All voted "yes." Motion carried.

**D. Resolution to adjust 2021 non-union employee salaries and benefits**

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

**A. Resolution denying the rezoning of the existing property at 4144 Shady Oak Road from R-1 to R-2**

Wiersum explained a vote in support on this item was a vote to deny the rezoning.

Schack stated she stands by her comments from the last meeting. She believed a denial was inconsistent with the city's policy and zoning goals.

Kirk moved, Coakley seconded a motion to adopt Resolution 2020-100 denying the rezoning. Carter, Schaeppi, Coakley, Kirk voted "yes." Calvert, Schack and Wiersum voted "no". Motion carried.

**C. City manager performance pay**

Calvert discussed the process the council follows for the city manager performance review. She commented on the average scores for the city manager in an unprecedented year and thanked City Manager Barone for her tremendous service to the community.

Wiersum stated he appreciated the work City Manager Barone had done in 2020. In addition, he appreciated the work the entire city staff and city council has done in 2020, which has been an incredibly challenging year.

Calvert moved, Schack seconded a motion to approve the 2020 city manager performance pay. All voted "yes." Motion carried.

**11. Consent Agenda – Items requiring Five Votes:**

**A. Items concerning an accessory structure, with an accessory apartment, at 4225 Tonkawood Road:**

- 1) Conditional use permit for an accessory structure in excess of 12-feet in height, with a setback variance;**

**2) Conditional use permit for an accessory apartment with a locational variance**

Calvert moved, Kirk seconded a motion to approve Resolution 2020-103 and Resolution 2020-104 approving the request. All voted "yes." Motion carried.

**B. Resolution approving a conditional use permit, with a variance, for Blue Pearl Veterinary Hospital at 10301 Wayzata Boulevard**

Calvert moved, Kirk seconded a motion to adopt Resolution 2020-105 approving the request. All voted "yes." Motion carried.

**C. Applications for renewed liquor licenses for 2021**

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

**12. Introduction of Ordinances:**

**A. Ordinance relating to accessory dwelling units in residential zoning districts**

Community Development Director Julie Wischnack and City Planner Loren Gordon gave the staff report.

Calvert asked if an accessory dwelling unit (ADU) has to be served by municipal water. Gordon reported all ADU's would use the service lines that exist on the property today and would not create an additional connection to the property.

Carter explained she had a neighbor that had a lot and a half and she has had some issues with a significant RV being parked 10 feet from her home. She questioned if an ADU had a front facing entrance or a side facing entrance. Gordon stated the ordinance anticipates that most of the lots that could have an ADU would not be corner lots. He indicated he did not have a definition for a side lot. He reported the code would require the door for ADU's to face a side yard.

Carter requested the planning commission consider how neighbors would be impacted if the entrance and exit to the ADU were to face their property and not the property owner. She inquired if an ADU could be required to be placed closer to the property owner's home than the neighbor's property line. She reported the neighbors have no control about how close the ADU was to the property line. She explained a 900 to 1,000 square foot home was not small and would impact the neighbors on all sides. She indicated a second driveway would also impact the neighbors.



Kirk stated he was curious about consent agenda item 11.A and how this addressed accessory structure parking. Gordon explained this item could have been under this ordinance. He noted there was one aspect of that application that would have required a variance based on the location in the front yard.

Kirk asked if the primary structure had a garage, could the ADU also have a garage. Kirk questioned if the ADU could be placed above a two car garage. Gordon reported if a resident were to convert a garage, an ADU could be located above this garage. He indicated the size would be over 1,000 square feet on the property and this would require a CUP.

Kirk stated the city may get push back if very large structures were built in back yards with living quarters. He indicated he wanted to better understand the mass and scale of the type of ADU's that could be located in back yards. He explained he understood the need for ADU's for aging relatives and stated he did not want to discriminate against renters or contractors. Gordon commented the thought process was that the burden was on the neighborhood. He noted if there were two home based businesses, this ordinance does allow a certain level of traffic to come onto the property. He explained the thinking was that if the home based business were to extend to the ADU, the impact could be doubled. He noted ADU's were to be made available to most situations, but not all situations.

Kirk encouraged the planning commission to consider the minimum and maximum size ADU that should be allowed on a lot based on the square foot of the home and lot.

Schaeppi stated it was exciting to see this item being brought forward to the city council. He thanked staff for their efforts on this ordinance. He indicated he would like to see the planning commission discussing the practical application and enforcement of this ordinance. He discussed how COVID-19 has impacted the number of cars in driveways and suggested the number of cars parked on driveways be further considered.

Schack commented this ordinance was a good way to assist in diversifying the housing in Minnetonka. She explained she supported the ADU size limits. She did not want the ADU ordinance to allow people to turn their homes into a twin home. She stated she was looking forward to seeing what the planning commission had to say about this ordinance. She recommended front doors on ADU's not face neighboring properties.

Calvert indicated some of the questions that have been brought up would be good for the planning commission to further explore. She noted there was a home down her street that had an ADU on a pond and explained this unit did not detract. She stated ADU's would be a good way for the city to address

affordable housing units and she was excited that the city was introducing this ordinance.

Coakley asked if the renter of a home could put an ADU the land. Wischnack stated in the lease for the land, this would have to be an allowable use. She explained this would be a private property issue and would not be regulated by the city.

Wiersum stated this was an exciting ordinance. He explained Minnetonka was a large lot city and there was a strong commitment to .5 acre lots among residents. He reported the ADU's would allow for new housing options while maintaining the integrity of neighborhoods. He encouraged the planning commission to consider home businesses, the location of the door on ADU's, and architectural consistency with the primary home when considering this ordinance. He stated he did not anticipate ice fishing trailers would become permanent living structures, but the character of neighborhoods also had to be considered.

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

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

### **13. Public Hearings:**

#### **A. Utility rates related items:**

- 1) Municipal water and sanitary sewer rates**
- 2) Municipal water and sanitary sewer connection fees (REC)**
- 3) Interest rate for SAC/REC deferral program**
- 4) Recycling fee**
- 5) Storm water fee**

Finance Director Darin Nelson gave the staff report.

Calvert explained she has been following the recycling conundrum for several years. She indicated she would work with the League of Minnesota Cities committee she serves on regarding this issue. She reported there may be some things the United States can do domestically to address this concern. She thanked staff for the thorough presentation.

Schaeppi thanked staff for the presentation. He asked when curbside organics recycling would have to be offered curbside. Nelson reported this would have to occur by 2022. He explained the city's recycling contract would end in 2021 and a new contract would be pursued for 2022 to include organics recycling.

Wiersum opened the public hearing.

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

Calvert stated the council does not relish in raising utility rates for its residents. However, she did take pride in the fact the city of Minnetonka does not levy for special assessments. She applauded staff for bravely bringing forward a number of infrastructure projects that were required even if it meant utility rate increases.

Wiersum commented he was proud of the fact Minnetonka was a fiscally conservatively run city. He appreciated the fact that Minnetonka was prepared when many other cities were not. He took pride in the fact the finance staff was well prepared and did not surprise the council with big expenditures.

Calvert moved, Kirk seconded a motion to hold the public hearing and adopt Resolution 2020-106, Resolution 2020-107, Resolution 2020-108, Resolution 2020-109 and Resolution 2020-110. All voted "yes." Motion carried.

#### **14. Other Business:**

##### **A. Resolution approving conditional use permit and site and building plans for a 21-resident nursing home at 16913 Highway 7**

City Planner Loren Gordon gave the staff report.

Calvert stated she appreciated the assessment that putting the utilities on the other side would cause significantly more tree loss. She indicated the residents that abut this property, the southerly easement abuts their property and the viewshed. She understood there would be landscaping, but not on the easement. She requested further information regarding the landscaping. Gordon reported the policy was to not have overstory trees and evergreen trees within a public utility easement because it would inhibit access.

Calvert commented because trees would be removed, she wanted to be assured for residents to the south what the city can do, and was responsible for, when it comes to buffering. She then asked why the garage had to be raised two feet. Gordon commented further on the landscaping plan and noted the garage was coming up in elevation due to the driveway grading plan.

Schaeppi stated he was still working through the north versus south options. He inquired if the city was working to preserve trees that would die in the future. Gordon explained when a field review of trees was completed the city looks at the tree size and health. He commented further on the analysis that was completed by staff.

Schack commented on a previous project that had a great deal of consternation by the surrounding property owners. She questioned what the options would be to true medium density on this parcel. She inquired what the standard would be regarding trees if townhomes were pursued on this property. Gordon reported the city has had several proposals for this property. He indicated medium density would allow for up to 12 units per acre and this site could support 21 housing units. He explained the other concept plans required some sort of subdivision.

Coakley stated she visited the homes south of the proposed site. She questioned asked if this was an R-1 property, surrounded by R-1 properties, why the developer was requesting a rezoning to R-2. She stated she was concerned with how close the proposed home would be to the electrical lines. Gordon reported with the application for the CUP the zoning would remain unchanged. He noted the site plan had a setback of 50 feet from the southerly most corner of the building to the property line. He estimated the building would be 45 feet from the overhead lines.

Coakley explained she received comments from several of the neighbors and she understood why the building height and the size of the building was a concern for these neighbors. She noted she spoke to the city manager earlier today and how there was a need to diversify the housing stock in Minnetonka.

Calvert questioned if emergency vehicle access had been taken into consideration for the proposed building. Gordon discussed how fire trucks and other emergency vehicles would enter and exit the site. He commented further on the hammerhead design of the parking lot.

Wiersum invited the applicant to speak.

Dave TeBrake, Lake Minnetonka Care Center representative, introduced himself to the council. He thanked staff for the thorough presentation. He discussed why the garage elevation would be raised. He noted the planning commission discussed additional parking for special events or holidays. He explained additional parking had been proposed on the grassy area. He commented on the location of the utilities and noted a line had to run all the way across the property, which meant more trees had to be removed along the south property line.

Jeff Sprinkel, Lake Minnetonka Care Center Administrator, stated he owned and operated the smallest nursing home in the state of Minnesota with only 21 residents. He reported the only other comparable facility in Minnetonka closed down in September, which was Hillcrest of Wayzata. He noted he has been operating for over 33 years in Minnetonka.

Kirk asked why the building was positioned as is. Mr. Tebrake explained the building was positioned as is in order align the entrance of the building with the driveway entrance into the site. In addition, he indicated he was trying to minimize the number of trees that were impacted or would be lost, while also making the grades work. He reported the building would not be seen from Highway 7 due to the trees on the site.

Wiersum opened the meeting for public comments.

David Devins, 17100 Sandy Lane, explained he lived immediately next to the small wedge of property where the utilities will be connected. He reported he was the president of the homeowner's association as well. He commented over the last few years a number of proposals have come to the city for consideration. He stated for the most part he and the residents support the proposed use. He indicated the association would prefer to have the utility connection on the north side of the property versus the proposed location. He commented on how his side of the property would be decimated by tree removal and noted no one was in favor of that. He explained he also has concerns with the future development of the property at 17101 Highway 7. He indicated this was a smaller property that was listed for a tear down and redevelopment site. He stated he had serious safety concerns with the ingress and egress from this property. He explained he provided staff with a detailed letter and sketch of the issues regarding the connection of water and sewer along Sandy Lane. He reported Sandy Lane was a soft road that had tremendous drainage problems. He commented on the problems this roadway has had and noted the HOA residents have spent \$50,000 to remedy the situation. He wanted to make sure that if the roadway was disrupted that the residents were protected and that the trenching would be minimal. He questioned what the width of the water and sewer easement would be. He thanked staff for being cooperative and for fielding his questions and comments.

Brady Johnson thanked the council for their time. He explained his major concerns were with increased traffic flow along Highway 7, considering this was already a busy roadway. He respectfully disagreed with staff's assessment that the care center would only have 13 trips per day. He estimated that this would be closer to 30 and noted this included large trucks. He commented on how the alternation of the proposed lot would impact the neighboring properties. He reported the additional blacktop and large building was not in keeping with the character of the neighborhood. He stated 25 of the 44 high priority trees would be

removed, which would increase the noise to the neighborhood. He discussed how long it would take to rebuild the tree buffer. He questioned why the city was proposing to have a commercial property abutting residential homes. He stated the neighboring homes already had to deal with Highway 7 and he anticipated the proposed care center would adversely impact property values. He did not believe a commercial, for profit entity should be located on an R-1 residential lot. He commented further on the accidents that occur each winter near his driveway. He indicated Gary Anderson was against the property sale. While he had the utmost respect for the planning commission, he believed this project should have a closer look taken. He explained the neighbors and environment would be adversely impacted by the proposed project.

Robin Hemmesch thanked the council for their time. She reported she lived directly behind the proposed property and moved in on July 31, 2020. She indicated she was a new resident of Minnetonka and was only recently made aware of the care center proposal. She noted her property would be most greatly impacted by the proposed care center. She requested she be allowed to meet with staff and the developer prior to the council taking action on this item. She explained she was greatly concerned about how her property value may be adversely impacted due to the close proximity of the care facility to her home. She indicated she was concerned about the size, scale and mass of the proposed building. She reported the current view from her home was trees and this would be replaced with a large building. She proposed that consideration be made to lessen the height of the building to keep it more in line with the neighborhood. She explained she had serious concerns about the number of trees that would be removed and to the wildlife that would be impacted. She indicated she also needed to better understand the impact of the new utility installation. She understood trees could not be planted within the utility easement, which meant not one tree could be planted between her property and the back of the new building. This was very concerning to Ms. Hammisch. She understood that she did not own the skyline or the property at 19613 Highway 7. However, she believed there was a better solution for the proposed building. She recommended that the developer consider additional sound and visual barriers within the development. She requested the council be empathetic and wait to vote on this proposal until she can meet with the developer and the city to better understand the impacts, if any, on her property. She believed that whoever developed this site would want to be a welcomed addition to the neighborhood, that worked with the existing neighbors to ensure impacts were minimal. She thanked the council for allowing her to speak to express her concerns.

Wiersum requested staff provide a response to Mr. Devins question.

Gordon reported he has had a number of correspondences with Mr. Devins. He discussed the need for a utility connection along Sandy Lane. He explained the

developer would work with the property owners to get the utilities in the ground at this location, while not being overly disruptive.

Calvert stated many of the communications the council received mentioned the loss of property value. She asked staff to share their experience and knowledge of what happens when a large commercial property is located next to an R-1 neighborhood. She commented it was her understanding property values in Minnetonka do not decrease. Gordon reported this was always an area of concern for neighbors. He explained redevelopment in Minnetonka often times lead to greater reinvestment and stability in a neighborhood.

Schaepfi indicated he was trying to determine if the proposed location of the building was the best location on the property. He stated he was also struggling with the front versus rear trench. He reported the building had a 50 foot setback and noted the building was touching this setback to the rear. He requested further information on why the building was pushed back as far as possible. Gordon explained the site plan that was proposed came to staff was pretty good and managed the impeding issues on the site. He noted staff had not finessed the location of the building, parking lot or driveway. He indicated the location of the utility easement was the preferred corridor. He stated the corridor could not be located along the front of the building because of its proximity to Highway 7.

Schack explained she could appreciate the conundrum the easement created because there would be no room for a meaningful buffer. She questioned if the city could suggest or require some of the tree replacement take place on the neighboring property. Gordon reported this is a possibility. He indicated once the easement was in place staff would have more direction on where plantings could be located.

Kirk asked what the width of the trench would be and asked if it would push south onto the Hammisch property. Gordon discussed the easement that was needed would be located entirely on the care center property and would not impact the Hammisch property.

Kirk questioned if it would be difficult to get the utilities to the east because of the wetlands and creek. Gordon reported without redevelopment opportunities utility corridors don't happen. He stated this project would create an opportunity to push utilities to the east.

Kirk inquired how the medium density guiding for this property should be treated versus a property that was guided R-1. Gordon explained this property was guided for medium density and was zoned R-1 residential. He stated R-1 could continue to exist at a medium density comp plan guidance.

Wiersum stated the easement was a bit of a sticky wick for this project. He indicated the easement to the north doesn't exist because a greater power (MNDOT) would preclude the city from pursuing this easement. Gordon reported this was the case. He noted the city has done its due diligence and explained MNDOT would not give the city a permit for an easement to the north. He stated this meant the only option available for the utility easement was for it to run along the south property line.

Wiersum commented MNDOT has been increasingly restrictive regarding access to Highway 7 and a number of access points to Highway 7 have been reduced or eliminated. Gordon reported this was a fair observation. He noted MNDOT has been limiting access to Highway 7 over the years.

Wiersum indicated the biggest challenge of this property has to do with the easement and buffering. He stated with the easement to the south the city's hands were tied. He questioned if consideration could be made to encourage the developer to move the building to the north to help mitigate some of the buffering concerns. Gordon commented this was a very good question. He explained the building could be moved further to the north, but this would mean more trees on the north would be lost in order to plant trees along the south property line. He stated this would be a give and take situation.

Wiersum stated with the easement difficulty, could the council recommend a condition that would require the developer to offer a certain number of trees or budget for trees to the neighboring southern property owners to place along the easement for buffering purposes. Gordon indicated with consent of the developer this would be a reasonable expectation.

Calvert commented there was a development at the corner of Highway 7 and 494. She noted the adjacent residents were concerned about tree loss and having the green buffer removed from the road. She understood that viewshed was not a right, but she suggested berming be considered for this development to help buffer this property both visually and for noise purposes. Gordon indicated this may be something to consider further. He reported the landscaping plan would need to be changed to address the buffer width and overstory trees. He anticipated the final solution would help in better addressing the buffering concerns. He suggested the council add language to the resolution ensuring the neighbors, staff and developer work together on a solution.

Schack stated she supported this suggestion, noting staff has been able to work with neighbors and developers in the past. She encouraged residents to consider what the alternatives would be if this care center were not approved. She explained she was comfortable with the proposed care facility.



Calvert agreed stating she understood this project would be a shock to the neighbors, but if this were not approved what else could be located on the site. She explained she supported adding language to the resolution regarding the landscaping concerns. She noted this was not an easy vote, but reported this project largely fits the needs of the community and does not violate any city ordinances. She indicated the developer was proposing to build a lovely building and she hoped more tree mitigation could be done on the site.

Carter stated she appreciated the comments that have been made regarding if not this then what. However, she also understood that 25% fewer residents would walk through the adjacent homes because it was located adjacent to a care facility and that property values could be reduced by up to \$75,000. She indicated that was real. She commented she would be supporting the proposed request, but she understood this was real and life changing for the adjacent residents. She explained if there was one issue she could find to vote against this project, she would.

Coakley asked if the mass of the building could be addressed by the developer, along with the building height. She anticipated this would help in addressing some of the neighbor's concerns. She encouraged the developer to consider additional buffering as well.

Kirk indicated if this parcel were to develop as a single family home or as townhomes, they would probably be two stories, which would be the same height as the proposed building. He commented on how the proposed care center would impact the neighborhood versus a row of townhomes. He encouraged the developer to move the property to the north, even if it was just five feet to allow for plantings along the southern property line. He explained he was willing to support this project, but recommended additional landscaping and buffers be put in place. He stated he would be willing to table action on this item if required.

Schaeppi commented he liked the project overall. He explained how as on the council because he was frustrated with how a land use application that impacted his property was handled. He discussed how important it was to get the landscaping right. He noted he was leaning towards supporting the request, but understood staff had more work to do with the neighbors and developer on the landscaping plan.

Wiersum stated he was largely in the same boat as the rest of the council. He believed the "if not this, then what" question was very relevant. He indicated this was a good location for this type of nursing home. He noted nursing homes were permitted uses in R-1 zoning districts. He understood there was a level of discomfort with approving something that has inadequate buffering. He commented as a council member he did not need to layout the buffering or landscaping plan. Rather, the council had to approve the plans and provide

direction to staff on how to proceed to ensure the buffering would improve. He questioned how the council should move forward at this time. Gordon recommended the council adopt a motion requiring the applicant to work with the adjacent neighbors and staff to develop and implement a suitable landscaping plan to address south side buffering on or offsite, the value of which shall not exceed what the applicant would have provided as required by ordinance. The applicant is not required to pay for or install landscaping on the neighboring property if the neighboring property does not consent to the installation.

Kirk asked if the proposed motion allows for the approval of the site and building plans, and if the building location could be altered. Gordon suggested the resolution language be amended to allow for slight movement of the building and parking lot to better accommodate buffering on the south side.

Calvert stated she would like to see adequate buffering and screening along the north side of the property as well.

Calvert moved, Schack seconded a motion to adopt Resolution 2020-111 approving the request as amended by the language above. All voted "yes." Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

**B. Items relating to the 2021 operating budget and levies**

- 1) **Public consideration of proposed budget and levies**
- 2) **Resolution adopting a budget for the year 2021 and a revised budget for 2020; setting a tax levy for the year 2020, collectible in 2021; amending the 2021-2025 Capital Improvements Plan; and consenting to a special benefit tax levy of the Minnetonka Economic Development Authority**
- 3) **Resolution setting a tax levy for the Bassett Creek Watershed Management Tax District for the year 2020, collectible in 2021**

City Manager Geralyn Barone gave the staff report.

Wiersum thanked staff for the detailed report. He stated he appreciated all the steps the council took to keep expenses low for 2021, given the challenges the economy was facing.

Schack moved, Kirk seconded a motion to receive public comment on proposed budget and levies, and adopt Resolution 2020-112 and Resolution 2020-113. All voted "yes." Motion carried.

**15. Appointments and Reappointments: None**

**16. Adjournment**

Calvert moved, Coakley seconded a motion to adjourn the meeting at 10:55 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman  
City Clerk

**City Council Agenda Item #10A  
Meeting of Jan. 4, 2021**

**Brief Description:** Designation of official newspaper for 2021

**Recommended Action:** Designate *Sun Sailor* as the city's official newspaper for 2021

**Background**

The city charter requires the city council to designate a newspaper annually to publish the city's legal notices, ordinance titles and summaries, and other official announcements. In May 2020, the Minnetonka City Council designated the *Sun Sailor* as the city's official paper of record after the *Lakeshore Weekly News* ceased publication and went out of business.

A request for proposal for the city's legal publication needs was sent to the *Sun Sailor*, the city's only remaining local weekly news publication. For 2021, the *Sun Sailor's* per-column inch bid rate is \$11.90, which remains at the same amount approved under our previous 2020 agreement. The *Sun Sailor* is qualified by the State of Minnesota as a legal newspaper under Minnesota Statutes Section 331A.02, Subd. 1.

Each week, copies of the *Sun Sailor* are mailed directly to Minnetonka residents and businesses who have requested delivery, and another 600 are placed on racks in public establishments, including Minnetonka City Hall. Residents may also access the *Sun Sailor* online, at [hometownsource.com/sun\\_sailor](http://hometownsource.com/sun_sailor).

City staff recommends the *Sun Sailor* be designated as the city's official newspaper for 2021 legal notices.

**Recommendation**

Designate *Sun Sailor* as the city's official newspaper for 2021

Submitted through:

Geraldyn Barone, City Manager  
Mike Funk, Assistant City Manager

Originated by:

Andrew Wittenborg, Communications and Marketing Manager



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | [eminnetonka.com](http://eminnetonka.com)

***Deadline for Submittals: Tuesday, Dec. 29, 2020, at Noon***

Request for Proposals  
City of Minnetonka Official Newspaper 2021

The City of Minnetonka is soliciting proposals from newspapers to provide the city's official publications, specifically to publish its public notices. This annual process is required by the city charter. We ask that papers provide the following information in their submittals. Submittals may be printed on any paper or may be submitted via email. All questions should be answered in order for the RFP response to be considered.

***Background:***

State law provides that papers with a known office of issue within the city limits be given priority. "Known office of issue" is defined as "the principal office maintained by the publisher or managing officer during a newspaper's regular business hours to gather news and sell advertisements and subscriptions, whether or not printing or any other operations of the newspaper are conducted at or from the office and devoted primarily to business related to the newspaper."

In addition, on March 31, 2000, the Minnesota State Legislature enacted the following variation (Chapter 305 of 2000 Minnesota Statutes): "Notwithstanding Minnesota Statutes, section 331A.04, subdivision 2, if the City of Minnetonka has one or more qualified newspapers with either a known office of issue or a major secondary office within the city, the one if there is only one, or one of them if there are more than one, may be designated as the newspaper for publication of its official proceedings and public notices when designation is authorized or required by the city charter or by statute. For the purpose of this section, a 'major secondary office' is a secondary office with a circulation of at least 5,000 copies, and home delivery to at least a majority of the residences within the city."

1. Is your paper's known office of issue located within the Minnetonka city limits?

No (Please answer below question)

Yes - please provide address:

If your paper's known office of issue is not located within the Minnetonka city limits, does your paper have a secondary office located within the city of Minnetonka with a circulation of at least 5,000 copies and home delivery to at least a majority of the residences within the city?

No

Yes – please provide address:

2. Provide your price per line for legal notices:

First insertion: \$ 11.90

Subsequent insertions: \$ 7.00

Provide the number of characters per inch: 320

Provide the number of lines per inch: 9

The city expects to submit legal notices via email. Please provide the email address to which legal notices should be sent: publicnotice@apgecm.com

**Note:** The city's official paper will be required to provide two notarized affidavits for each publication notice at no additional charge.

3. State your deadline for legal notices.

4. Describe your weekly distribution figures and your delivery method. How many copies are home delivered? How many are left at drop sites? If you have publication audit reports, please attach them to your RFP response. 2023 papers mailed, 600 at drop sites

Direct your response to Andrew Wittenborg, City of Minnetonka, 14600 Minnetonka Boulevard, Minnetonka, MN 55345, or email to [kspreeman@minnetonkamn.gov](mailto:kspreeman@minnetonkamn.gov). Call 952-939-8207 if you have any questions about this process.

**Responses are due by noon Tuesday, Dec. 29, 2020.**

The Minnetonka City Council is scheduled to select the 2020 official newspaper at its meeting Monday, Jan. 4, 2021, at 6:30 p.m. in the city council chambers, 14600 Minnetonka Blvd., Minnetonka. Thank you for your interest and response.

**City Council Agenda Item #11A  
Meeting of Jan. 4, 2021**

**Brief Description**                      Applications for renewed precious metal and secondhand dealer licenses for 2021

**Recommendation**                      Approve the licenses

**Background**

The city has received applications for renewed precious metal and secondhand dealer licenses for the following establishments:

Best Buy #4	13513 Ridgedale Drive
Evergreene Jewelers	3500 County Road No. 101
Minnesota Jewelry Buyers	11900 Wayzata Blvd., #116K
Shane Co	11300 Wayzata Blvd., Suite A

There have been no changes to the ownership structure or day-to-day operations since the licenses were approved last year.

Section 610.005 of the city code states the city council finds that pawnbrokers, precious metal dealers, and certain secondhand dealers potentially provide an opportunity for the commission and concealment of crimes. The purpose of this section is to prevent these businesses from assisting in the commission of crimes, to identify criminal activities through timely collection and sharing of certain transaction information and to ensure that such businesses comply with basic consumer protection standards, thereby protecting the city's public health, safety, and general welfare.

No contacts reported at the establishments warrant denial or postponement of renewed licenses, in staff's opinion. The police department has no concerns for any entity listed above.

All applicants meet all the requirements of the precious metal dealer/secondhand dealer ordinance. All assessments and other city claims against these establishments, as well as property taxes, are current.

**Recommendation**

Staff recommends that the city council approve all of the renewals listed for the 2021 calendar year.

Submitted through:

Geraldyn Barone, City Manager  
Julie Wischnack, AICP, Community Development Director

Originated by:

Fiona Golden, Community Development Coordinator

**City Council Agenda Item #14A**  
**Meeting of Jan. 4, 2021**

**Brief Description:** Resolution for the Excelsior Boulevard Trail - Phase II (Kinsel Road to I-494)

**Recommended Action:** Adopt the resolution

**Background**

On Sept. 16, 2019, council received the feasibility report and authorized the preparation of plans and specifications for a new eight-foot-wide, off-road, multi-use bituminous trail on the south side of Excelsior Boulevard, from Kinsel Road to Shady Oak Road. Phase I, from Baker Road to Shady Oak Road, was constructed in 2020. Phase II, from Kinsel Road to I-494, is proposed to be constructed in 2021.

The total Phase I and II project corridor is approximately two miles long and will connect the commercial area/future Southwest Light Rail Transit Station at Shady Oak Road to the Glen Lake area, supporting both recreational and transportation uses.

**Proposed Improvements: Phase II**

Improvements generally include a new eight-foot-wide, off-road, multi-use bituminous trail with boulevard matching into new concrete curb and gutter. Retaining walls are proposed in several locations to minimize the project footprint and impacts to private property. Grading, tree removal and impacts to driveways and landscaping of adjacent private properties are needed to construct the trail. These impacts have been minimized to the maximum extent possible.

Potential crosswalk locations were also reviewed with Hennepin County during final design and pedestrian safety improvements are proposed along Excelsior Boulevard at the intersections of Kinsel Road, Glenview Drive, Woodridge Road and Fairview Avenue. The primary county considerations for a crosswalk are consistent pedestrian traffic (30 pedestrians per hour) and a roadway that is safe to cross (lower traffic speeds and good site distances). Improvements in these areas include shifting and restriping the roadway lanes to provide better sightlines and an improved crosswalk, median refuge area and improved pedestrian signage across Excelsior Boulevard. While staff does not typically support crossings at uncontrolled intersections, a review with Hennepin County determined a higher volume of pedestrian crossings at these locations warrant improved safety crossings. At this time, the project does not include push button or flashing lights due to warrants not being met; however, if pedestrian volumes were to significantly increase in the future, this may be reviewed again.

During final design, Hennepin County had planned to construct the crosswalk at Fairview Avenue as a county-led project in addition to Hennepin County Bikeway Participation funding. Since that time, county priorities have changed and they are no longer planning to complete this work. In response and since this is an important pedestrian crossing, the city has included the crosswalk at Fairview Avenue with the Phase II improvements to be funded with project contingency funds. While this reduces contingency, staff feels this can be completed without impacting the overall project due to the recently observed bidding environment.



## **Easements**

Temporary and permanent easements are required to construct and maintain the proposed trail. Easements are needed from a total of 20 properties. Staff has obtained or is very close to finalizing easements from 18 out of the 20 properties by donation or negotiation. The remaining two properties are in the process of being obtained by a formal easement acquisition process that will allow for easements to be obtained and construction to occur in 2021.

## **Private Utilities**

Staff has been working with Xcel Energy to bury overhead power along Excelsior Boulevard from Kinsel Road to Crestwood Drive. The agreement for the burying of overhead power was approved by council with the contract award of Phase I on April 6, 2020. In an effort to coordinate the burial with the trail project, the overhead burial will occur in advance of the trail construction. Utility burial may require isolated areas of tree removal in conjunction with this work and ahead of the trail project contract award.

Staff has been working with LUMEN, formerly CenturyLink, for private utility relocation efforts along the project corridor. LUMEN has requested that the city change the proposed storm sewer near Mayview Avenue to avoid conflict with LUMEN facilities. LUMEN will provide funding for the construction and engineering costs associated with this change and an agreement between the city and LUMEN will be presented to council for consideration concurrent with the contract award.

## **Public Input**

An informational meeting was held on May 30, 2019. In addition to the webpage notification of the meeting and an email to project subscribers, approximately 782 mailers were sent directly to residents and businesses in the area. Staff also presented the concept trail layout at a Hennepin County Bicycle Advisory Committee meeting on May 20, 2019.

Approximately 50 residents attended the May 2019 meeting and staff presented a concept layout of the proposed trail project in a short presentation. Staff discussed how trail projects are intensive and disruptive to adjacent properties and that this project will require tree removal and impacts to properties including landscaping and driveways. Following the presentation and general questions, city and consultant staff provided an open house format to take one-on-one feedback from residents. Residents were generally very supportive of the project. Since the open house, staff have met with more than 50 residents at over 25 properties that are directly adjacent to the proposed trail.

In line with other city projects, staff will continue to use various strategies to provide project updates including signage, text alerts, email updates, citizen alerts and newsletters. Staff sent out an update to all project subscribers, currently 516, indicating that council would consider moving forward with project plans and bidding at this meeting. The update was also posted to the project webpage.

**Estimated Project Costs and Funding**

The total estimated construction cost for Phase II, including engineering, administration, contingency and utility burial, is \$3,085,000. The total expenses for Phase I and II are also shown below as a combined cost since it more accurately represents the scope of the entire trail project. The budgeted amount for the total project is shown below and is included in the 2020-2024 CIP and 2021-2025 CIP.

Hennepin County has committed to funding a portion of the project with two separate grants from the Hennepin County Bikeway Participation program. Each grant will provide \$100,000 of funding, the maximum amount possible for this grant. A letter of support from Hennepin County is attached to this report. The grant will require a cooperative agreement, which would be considered by council at a later date concurrent with the contract award. The additional county funding is contingent on county board approval, scheduled for consideration in the near future.

	<b>Budget Amount</b>	<b>Proposed Funding</b>	<b>Phase I Baker Road to Shady Oak Road (2020)</b>	<b>Phase II Kinsel Road to I-494 (2021)</b>	<b>Total Project Expense</b>
Construction Costs			\$1,200,000	\$1,900,000	\$3,100,000
Contingencies			\$120,000	\$190,000	\$310,000
Easements				\$120,000	\$120,000
Engineering, Administration and Indirect Costs			\$425,000	\$75,000	\$500,000
Overhead Power Burial				\$800,000	\$800,000
Park and Trail Improvement Fund	\$2,150,000	\$2,150,000			
Hennepin County Grant	\$200,000	\$200,000			
Electric Franchise Fund	\$800,000	\$800,000			
Trail System Expansion Fund	\$1,600,000	\$1,600,000			
Private Utility Funding (LUMEN)	\$80,000	\$80,000			
<b>Total Budget</b>	<b>\$4,830,000</b>	<b>\$4,830,000</b>	<b>\$1,745,000</b>	<b>\$3,085,000</b>	<b>\$4,830,000</b>

**Schedule**

If the recommended actions are approved by council, staff is currently planning to open for bids in February with intentions of council consideration to award the contract in March. Trail construction is expected to begin in the spring and be complete by fall.

**Recommendation**

Adopt the attached resolution accepting plans and specifications and authorizing the advertisement for bids for the Excelsior Boulevard Trail – Phase II project from Kinsel Road to I-494, Project No. 20206.

Submitted through:

Geralyn Barone, City Manager  
Darin Nelson, Finance Director  
Will Manchester, Director of Public Works  
Phil Olson, City Engineer  
Carol HejlStone, Park and Trail Planner

Originated by:

Mitch Hatcher, Engineering Project Manager

**Resolution No. 2021-XXX**

**Resolution accepting plans and specifications, and authorizing the advertisement for bids for the Excelsior Blvd Trail – Phase II project**

---

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

- 1.01. Pursuant to city council authorization on Sept. 16, 2019, plans and specifications have been prepared by or under the direction of the city engineer, who is a Licensed Professional Engineer in the State of Minnesota, for the Excelsior Blvd Trail Phase II project.
- 1.02. The plans and specifications for the construction of the aforementioned project have been presented to the city council for approval.
- 1.03. The city council authorized easement acquisition at its regular meeting of Sept. 16, 2019.

Section 2. Council Action.

- 2.01. The plans and specifications, copies of which are on file with the engineering department, are hereby accepted upon the recommendation of the city engineer.
- 2.02. The city clerk shall prepare and cause to be inserted in the official newspaper and in Finance & Commerce an advertisement for bids for the making of such improvements under such approved plans and specifications. The advertisement shall specify the work to be done, shall state that bids will be opened and read aloud at the Minnetonka City Hall, that all bids must be made online at the QuestCDN bidding site, and that no bids will be considered unless accompanied by bid security in the amount of five (5) percent of the amount of the bid, which security must be submitted as required by the contract documents.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Jan. 4, 2021.

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Brad Wiersum, Mayor  
ATTEST:

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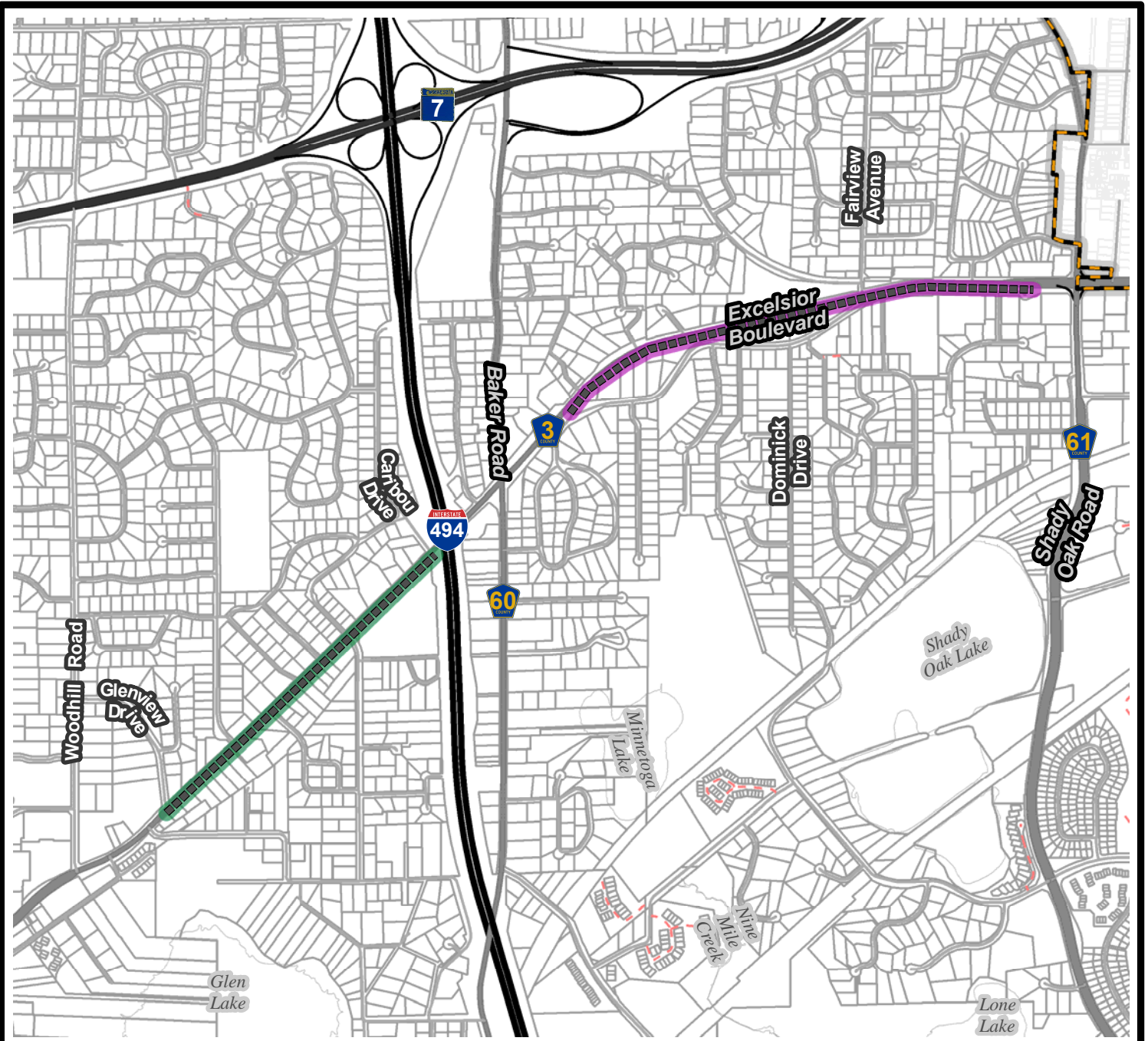
Becky Koosman, City Clerk  
ACTION ON THIS RESOLUTION:

Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Jan. 4, 2021.

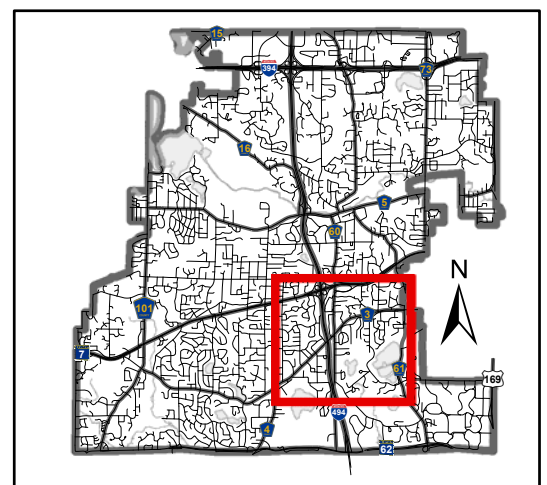
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Becky Koosman, City Clerk



## Excelsior Boulevard Trail

- Proposed Trail
- Phase 1 (2020)
- Phase 2 (2021)



This map is for illustrative purposes only.

# HENNEPIN COUNTY

## MINNESOTA

July 10, 2019

Carol Hejl  
Park and Trail Planner  
City of Minnetonka  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345

Re: Minnetonka Excelsior Blvd Trail Participation Fund Request

Ms. Hejl,

This memo of understanding indicates Hennepin County staff's willingness to seek County Board approval for county participation through the Cost Participation and Partnerships project for the following bicycle and pedestrian improvement projects along Excelsior Boulevard (CSAH 3) in Minnetonka:

- Multi-use trail construction from Kinsel Road to Caribou Drive
  - Total estimated cost of \$2,581,000 (county participation \$100,000 county bonds)
  - Anticipated construction year 2020
- Multi-use trail construction from Pioneer Road to Shady Oak Road
  - Total estimated cost of \$1,903,000 (county participation \$100,000 county bonds)
  - Anticipated construction year 2021

In addition to county support for these trail projects, below are additional Excelsior Boulevard intersection crossing enhancements that will improve safety and create stronger connections between neighborhoods:

- Pedestrian refuge median at Fairview Road (county led; county funded; 2020 construction)
- Pedestrian refuge medians at Kinsel Road, Glenwood Drive, and Woodridge Road (city led, city and county funded, 2020 construction)

County staff will remain in conversations with Minnetonka engineering staff to provide feedback throughout the design process. County staff will seek resolution from the County Board in the spring of 2020 to develop a formal agreement to provide specific details related to scope, funding, and maintenance responsibilities for these trail projects.

Sincerely,



John Doan  
Assistant Director for Transportation Planning



**City Council Agenda Item #14B  
Meeting of Jan. 4, 2021**

**Brief Description:** Opus Area Bridge Improvements – Phase II

**Recommended Action:** Adopt the resolution

**Introduction**

On March 14, 2016, council approved a layout and initiated plans and specifications for 10 bridges and the reversal of Red Circle Drive. Three of the 10 bridges were required to be constructed concurrently with the Southwest LRT project, and these were completed in 2020. The remaining seven bridges were proposed to be completed in future stages to reduce impacts to traffic operations.

In 2016, the city applied for state bridge bond money to assist with funding the replacement of 10 pedestrian bridges. This state grant funding allows for bridge components that are deemed eligible to be paid by the state. In 2018, the city was successful in the state allocating the allowable funding for the three bridges required to be constructed with the Southwest LRT.

In 2020, the city was again successful in securing state bridge bond funding in the amount of \$1,900,000 for four additional bridges to be replaced in 2021. The 2020-2024 capital improvements program (CIP) reflects the funding for the upcoming bridge projects in the Opus Area. Updates to the city's bridge replacement work will again be made in future years as additional state bond money is available.

**Background**

Plans and specifications have been prepared in coordination with the Southwest LRT project for the replacement of the four bridges. The four bridges allow grade separation for pedestrian trails through this area and are located at Blue Circle Drive, Green Oak Drive, Green Circle Drive and Smetana Drive. A figure has been provided to illustrate the bridges included with this project.

Work associated with the bridge replacements and roadway work further includes relocation of existing water main, sanitary sewer and storm sewer.

A public informational meeting was held virtually on Dec. 3, 2020. Three residents located adjacent to the improvements attended and were primarily interested in construction impacts and traffic control during construction. A list of resident questions and staff answers are attached. Also, an update was posted to the project webpage, currently 234 subscribers, indicating council would be considering moving forward with the project plans and bidding at this meeting.

**Easements**

Council authorized easement acquisition for the project on March 14, 2016; however, the acquisition process was not finalized due to timing of the Southwest LRT project. Following the start of construction on the Southwest LRT project, the city resumed efforts on the needed easements.



Permanent and temporary easements are necessary from seven properties for Phase II of the project. The formal easement acquisition process is in progress, which ensures that the needed easements will be acquired for the project.

### Funding

The total estimated construction cost, including engineering, administration, easement acquisition and contingency, is \$7,100,000. The table below shows the funding necessary for the project, which is identified in the 2020 funding year in the 2020-2024 CIP.

As determined with MnDOT, the city will receive approximately \$1,900,000 of grant funding from state bridge funding (Motor Vehicle Leased Sales Tax (MVLST)) for the four bridges associated with this project. Final funding is based on bids and will be included in an agreement that will be considered by council at the award of the contract.

	<b>Budget Amount</b>	<b>Proposed Funding</b>	<b>Expense</b>
Construction Costs			\$5,200,000
Contingency			\$600,000
Engineering and Administration			\$500,000
Easement Acquisition			\$800,000
State Bridge Bonds	\$2,200,000	\$1,900,000	
Street Improvement Fund	\$4,000,000	\$4,000,000	
Utility Fund	\$700,000	\$700,000	
Storm Water Fund	\$500,000	\$500,000	
<b>Total Budget</b>	<b>\$7,400,000</b>	<b>\$7,100,000</b>	<b>\$7,100,000</b>

### Schedule

If the recommended actions are approved by council, bids will be received in February and presented to council for final contract approval in March. Construction will begin in the spring and is planned for completion in the fall of 2021.

A future project involving the replacement of the remaining three bridges is currently programmed in the 2021-2025 CIP for funding in 2021 and 2022; however, the schedule for these bridges will depend upon the Southwest LRT project progress and the availability of state bridge bond funding. At this time, staff would not recommend proceeding with Phase III of bridge replacement without state bridge bond funding to assist with the construction costs.

### Recommendation

Adopt the attached resolution accepting plans and specifications and authorizing the advertisement for bids for the Opus Area Bridge Improvements – Phase II, Project No. 20406.

Submitted through:

Geralyn Barone, City Manager  
Will Manchester, PE, Director of Public Works

Corrine Heine, City Attorney  
Phil Olson, PE, City Engineer  
Darin Nelson, Finance Director

Originated by:  
Chris Long, PE, Assistant City Engineer

**Resolution No. 2021-XXX**

**Resolution accepting plans and specifications and authorizing the advertisement for bids for the Opus Area Bridge Improvements – Phase II project**

---

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

- 1.01. Pursuant to city council authorization on March 14, 2016, plans and specifications have been prepared by or under the direction of the city engineer, who is a Licensed Professional Engineer in the State of Minnesota, for the Opus Area Improvements project.
- 1.02. The plans and specifications for the construction of the aforementioned project have been presented to the city council for approval.
- 1.03. The city council authorized easement acquisition at its regular meeting of March 14, 2016.

Section 2. Council Action.

- 2.01. The plans and specifications, copies of which are on file with the engineering department, are hereby accepted upon the recommendation of the city engineer.
- 2.02. The city clerk shall prepare and cause to be inserted in the official newspaper and in Finance & Commerce an advertisement for bids for the making of such improvements under such approved plans and specifications. The advertisement shall specify the work to be done, shall state that bids will be opened and read aloud at the Minnetonka City Hall, that all bids must be made online at the QuestCDN bidding site, and that no bids will be considered unless accompanied by bid security in the amount of five (5) percent of the amount of the bid, which security must be submitted as required by the contract documents.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Jan. 4, 2021.

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Brad Wiersum, Mayor  
ATTEST:

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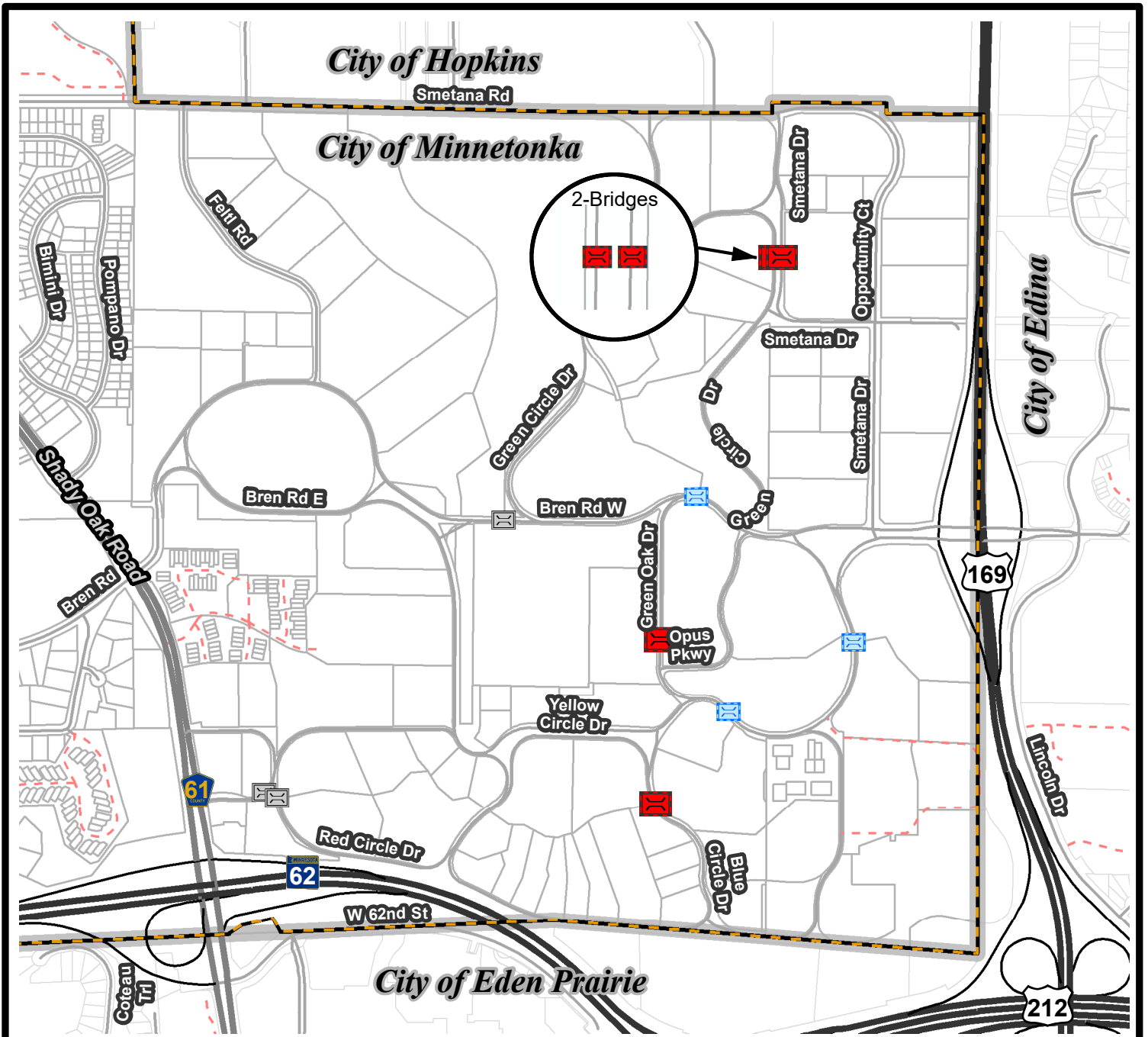
Becky Koosman, City Clerk  
ACTION ON THIS RESOLUTION:

Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:




I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Jan. 4, 2021.

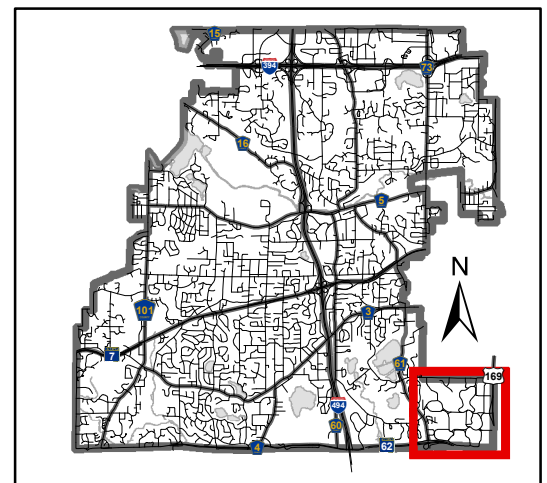
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Becky Koosman, City Clerk



## Opus Area Bridge Improvements - Phase II

-  Existing Bridge
-  Proposed 2021 Bridge Replacement (4 Bridges)
-  Future Bridge Replacement (3 Bridges)



This map is for illustrative purposes only.



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | minnetonkamn.gov

**TO: FILE - Opus Area Bridge Improvements – Phase II**

**FROM:** Chris Long, Assistant City Engineer

**DATE:** December 3, 2020

**SUBJECT: Summary of Opus Area Bridge Improvements – Phase II Informational Meeting**

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A virtual Informational Meeting was held on December 3, 2020, at 5 p.m. in regards to the above referenced project. A presentation was provided via WebEx, and then questions and comments were taken from three residents that attended the meeting. These residents were primarily interested in the construction impacts and traffic control during construction for the Green Circle Drive and Smetana Drive bridge replacement locations.

The following is intended as a summary of questions (Q), comments (C), and responses (R):

Meeting Summary

**Q:** Will Green Circle Drive/Smetana Drive be closed during construction? How will traffic be maintained during construction?

**R:** Yes, Green Circle Drive/Smetana Drive will be completely closed during construction, and alternative access will be maintained for all residents and businesses. Access will be maintained to the north by taking Green Circle Drive to Smetana Drive to Opportunity Court. Temporary driveways will be constructed to access Opportunity Partners from the north side of the bridge sites. Access on the south side will be maintained using existing driveways. Green Circle Drive will be closed at Smetana Drive on the south side of the sites. Traffic can follow Smetana Drive to go east and then south to Bren Road East.

**Q:** How long will construction take? Why does it take so long?

**R:** Construction is expected to start late spring and finish in the fall of 2021. Last year's bridge replacement project on Red Circle Drive and Bren Road West averaged road closures of approximately 4 months. The construction includes the installation and coordination of many different activities that generally include removals, private utility relocations, public utilities, bridge construction (concrete curing time needed), retaining walls, and trails.

**C:** Residents stated their appreciation for holding the meeting and providing the presentation.

**City Council Agenda Item #14C**  
**Meeting of Jan. 4, 2020**

**Brief Description:** Resolution designating a new Acting Mayor and Alternate Acting Mayor

**Recommended Action:** Make designation and adopt the resolution

**Background:**

The City Charter requires that the city council choose from its members a person to serve as Acting Mayor in the Mayor's absence or disability. In the past, the city council has also chosen an Alternate Acting Mayor to serve in the event the Mayor and Acting Mayor are unavailable.

At its January 6, 2020 council meeting, the city council adopted Res. 2020-002 designating Deb Calvert as the Acting Mayor and Rebecca Schack as the Alternate Acting Mayor.

Here is a history of the designations:

2020 – Calvert acting, Schack alternate

2019 – Bergstedt acting, Calvert alternate

2018 – Wagner acting, Bergstedt alternate, Bergstedt acting, Acomb alternate

2017 – Acomb acting, Wagner alternate

2016 – Allendorf acting, Acomb alternate

**Recommendation:**

Attached is a resolution that may be used to designate the Acting Mayor and Alternate Acting Mayor. After the city council has made these designations, the appropriate blank areas will be completed.

Based on the foregoing, the city council is requested to adopt the following motion (filling in the appropriate designations).

That the resolution designating Council Member \_\_\_\_\_ Acting Mayor and Council Member \_\_\_\_\_ as Alternate Acting Mayor for the year 2021 is hereby adopted.

Submitted through: Geralyn Barone, City Manager  
Mike Funk, Assistant City Manager

Originated by: McKaia Ryberg, Assistant to the City Manager

**Resolution No. 2021-**

**Resolution designating a new acting mayor and alternate acting mayor**

---

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Section 2.06 of the Minnetonka City Charter authorizes the City Council to designate an Acting Mayor to serve in the absence of the Mayor.

1.02. Because there may be times when the Mayor and designated Acting Mayor are both out of the city, the designation of another councilmember is advised.

1.03. For the calendar year 2020, Councilmember Deb Calvert was designated as the Acting Mayor for the City of Minnetonka, to serve in the absence of the Mayor and Councilmember Rebecca Schack was designated Alternate Acting Mayor.

Section 2. Council Action.

2.01. For the calendar year 2021, \_\_\_\_\_ is designated as the Acting Mayor for the City of Minnetonka, to serve in the absence of the Mayor.

2.02. For calendar year 2021, \_\_\_\_\_ is designated as the Alternate Acting Mayor for the City of Minnetonka, to serve in the absence of the Mayor and Acting Mayor.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Jan. 4, 2021.

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Brad Wiersum, Mayor

Attest:

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Becky Koosman, City Clerk

**Action on this resolution:**

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.



I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on January 4, 2021.

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Becky Koosman, City Clerk

**City Council Agenda Item #14D  
Meeting of Jan. 4, 2020**

**Brief Description:** Boards and commissions appointment process next steps

**Recommended Action:** Review staff recommendations and provide feedback

**Background**

At the Oct. 12, 2020 city council meeting, at council's request staff presented a number of process changes for the annual boards and commissions recruitment and appointment process. Council provided feedback to the staff recommendations prior to the application period opening on Nov. 1, 2020. Now that the application period has closed, staff has a number of recommendations and discussion points for the upcoming appointment process.

As of the writing of this report, more than 100 residents have applied to serve. Due to the high number of applications received, vacancies on existing boards/commissions, and the need to fill all seats on the new Sustainability Commission, staff is suggesting that the Jan. 11 study session be used to interview Planning Commission candidates (one vacancy) and Park Board candidates (two vacancies). The council could appoint new members at the Jan. 25 regular council meeting, thereby minimizing the gap in vacancies for the two groups.

Interviews for the Sustainability Commission would take place at the Feb. 1 study session, and the interviews for the Senior Advisory Board and any additional Sustainability Commission interviews would take place at an added council meeting on Mar. 1. The council could appoint new members at the Mar. 8 council meeting. The Sustainability Commission is expected to hold its first meeting sometime in March.

To allow for adequate interview time, staff recommends that the council select which applicants to interview by separately ranking their top eight applicants for the Planning Commission and the Park Board on a scale of one to eight. This would allow for 16 interviews at the Jan. 11 study session, with each interview taking a little more than 10 minutes. Staff will aggregate the council rankings to determine which candidates to schedule for interviews. Mayor Wiersum would review the list of candidates for race, gender, and ward representation, compare these demographics to those of the current Park Board and Planning Commission rosters, and adjust the list if needed to ensure diversity of the candidate pool.

***Discussion points:***

*Is the council comfortable with using the Jan. 11 study session to interview Planning Commission and Park Board candidates, the Feb. 1 study session to interview Sustainability Commission candidates and the Mar. 1 (new) study session to interview Senior Advisory Board and Sustainability Commission candidates? Does the council concur with interviewing 16 candidates on Jan. 11? Does the council agree with the mayor ensuring diversity of the candidate pool?*

## **Sustainability Commission**

Looking forward to the Feb. 1 study session, there will be a high volume of applications to review for the Sustainability Commission interviews. There are seven vacancies to fill on this commission, so staff advises to interview anywhere between 20 to 30 applicants. If the council would like to interview a higher number of candidates on that spectrum, more interviews can be scheduled to take place at the Mar. 1 study session. Similar to the other applicant pools, the council would rank the applicants to narrow the list for interviews.

The Sustainability Commission also has one opening for a current Planning Commission member to serve and one opening for a current Park Board member to serve. An option to fill these positions is for the Planning Commission and Park Board members to self-select a member to serve. Another option is for the mayor and council to appoint a member through a more formal process (interview, letter of intent, etc.). Staff recommends the first option.

### ***Discussion points:***

*How many Sustainability Commission interviews would the council like to have? Does the council support having the Park Board and Planning Commission each recommend their representatives who would also serve on the Sustainability Commission?*

## **Interview Questions**

Attached for the council's review is a list of interview questions that the council was given at last year's boards and commission interviews. Staff has also provided an attachment with suggested questions for this year's interviews. To be consistent and allow for every interview candidate to have the same opportunity, staff recommends that every candidate be asked the same questions.

### ***Discussion point:***

*Does the council have guidance on which interview questions to ask?*

## **Summary**

There has been an overwhelming response to the expanded recruitment process for boards and commissions, particularly the new Sustainability Commission. For those applicants not interviewed or selected to fill current vacancies or seats on the new commission, their applications will stay on file for one year and may be considered in the event other vacancies occur. Further, should other volunteer opportunities arise in the city, the applicant pool could serve as a resource.

## **Recommendation**

Provide feedback on the recommendations and discussion points. No formal action is required at this time.

Submitted through:

Geralyn Barone, City Manager  
Mike Funk, Assistant City Manager

Originated by:

McKaia Ryberg, Assistant to the City Manager

## 2020 Interview Question Menu

- **Park Board applicant:** Describe the Minnetonka city parks, trails or recreational amenities you and your family use.
- **Park Board applicant:** When it comes to parks, trails and recreational amenities, what does the city do well and what could be done differently?
- **Planning Commission & EDAC applicant:** Tell us how you view redevelopment in Minnetonka. What things are going well and what could be done differently?
- **EDAC applicant:** What are your thoughts about affordable housing and the role of the city?
- **Planning Commission & EDAC applicant:** How would you approach a development proposal that pits individual property rights against the wishes of neighbors?
- Have you ever served on a board or committee in the past (not necessarily city related)?
- What aspirational ideas would you have for Minnetonka's future?
- There are a lot of things you can do with your free time; why serve in this capacity?
- What do you think will be valuable about the experience?
- What, from your background, relates to serving on \_\_\_ commission/board?
- Please describe how your previous work experience has prepared you for this position. Please be specific.
- What are the two most difficult problems you have encountered in your previous positions? How did you solve them?
- Describe your experience in working with citizens from various cultural backgrounds. What approaches have you used to ensure adequate attention is given to the varying needs of these groups?
- Describe an ethical dilemma you have faced. How was it resolved?

## 2021 Boards and Commissions Interview Questions

Diversity and equity themes to listen for
Demonstrates a knowledge of an interest in diverse cultures and populations.
Seeks to understand different perspectives and cultures.
Contributes to a climate of diversity.
Sensitive to cultural norms, expectations, and communication.
Learns from others who have different perspectives.
Avoids and challenges stereotyping.

1. What makes our city's mission or vision powerful to you? (Will provide interview candidates with a copy of the city's mission and vision statement prior to interviews)
2. How do you think this board or commission's expectations match with your expectations for yourself?
3. What do you see as the most challenging aspects of an increasingly diverse community?
4. What does it mean for you to have a commitment to diversity? How have you demonstrated that commitment, and how would you see yourself demonstrating it in this position?
5. Board/Commission specific question:  
  
Park Board - When it comes to parks, trails and recreational amenities, what does the city do well and what could be done differently?  
-or-  
Planning Commission - How would you approach a development proposal that pits individual property rights against the wishes of neighbors?
6. Are there other boards or commissions you are interested in serving on?