

**Minutes  
Minnetonka City Council  
Monday, December 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 Deb Calvert, Bradley Schaeppi, Kissy Coakley, Brian Kirk, Rebecca Schack, Susan Carter, and Brad Wiersum were present.

**4. Approval of Agenda**

Calvert moved, Kirk seconded a motion to accept the agenda with addenda adding Item 11.C and amending Item 14.B. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. November 23, 2020 regular meeting**

Carter moved, Schack 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.

Coakley explained she has continued to receive calls for rental assistance from Minnetonka residents. She reported resources were available through the ICA Food Shelf.

Schaeppi thanked the councilmembers and mayor for a great year. He thanked staff and election staff for their tremendous efforts in 2020. He recommended the city consider offering additional assistance to its small businesses in 2021. Community Development Director Julie Wischnack commented on the state and local assistance that was available for small business owners.

Coakley requested an update from staff on the amount of funds that were still available for housing assistance. Ms. Wischnack stated ICA had \$20,000 still available in the housing assistance fund for 2020 and noted an additional \$50,000 would become available at the beginning of 2021. She encouraged those struggling with housing payments contact ICA.

Wiersum thanked his fellow councilmembers and city staff for their efforts in 2020. He appreciated how the council and city addressed the many challenges they were faced with in 2020. He encouraged those with resources to consider giving and buying local.

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

**9. Bids and Purchases:**

**A. Bids for the Ridgedale Booster Station Rehabilitation**

Public Works Director Will Manchester gave the staff report.

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

**B. Bids for the Woodland Storage Tank Rehabilitation**

Public Works Director Will Manchester gave the staff report.

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

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

Coakley requested Item 10.G be pulled from the Consent Agenda for further discussion.

**A. Resolution establishing polling places for the 2021 Municipal General Election**

Schack moved, Calvert seconded a motion to adopt Resolution 2020-114. All voted "yes." Motion carried.

**B. Resolution approving the amendment to the Hennepin County Residential Recycling Grant agreement**

Schack moved, Calvert seconded a motion to adopt Resolution 2020-115. All voted "yes." Motion carried.

**C. Uniform guidance finance policies and procedures chapter 10 for federal awards**

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

**D. Resolution approving a conditional use permit for Door Christian Fellowship Church at 10800 Greenbrier Road**

Schack moved, Calvert seconded a motion to adopt Resolution 2020-116 approving the request. All voted "yes." Motion carried.

**E. Resolution approving a conditional use permit allowing accessory structures with an aggregate total area of 1,100 square feet at 3109 Fairchild Avenue**

Schack moved, Calvert seconded a motion to adopt Resolution 2020-117 approving the request. All voted "yes." Motion carried.

**F. Delegating authority for electronic fund transfers**

Schack moved, Calvert seconded a motion to adopt Resolution 2020-118. All voted "yes." Motion carried.

**G. Approve the final draft of the strategic profile**

This item was pulled for further discussion by Councilmember Coakley.

**H. Items related to a multi-family residential development by Dominium, at 11001 Bren Road East**

Schack moved, Calvert seconded a motion to adopt Resolution 2020-119. All voted "yes." Motion carried.

**G. Approve the final draft of the strategic profile**

Coakley stated she appreciated all of staff and council's efforts on the strategic profile. However, she had some concerns regarding the final equity numbers. She explained she would like the Minnetonka Collective presentation to be made to the entire city council. She indicated she was worried about the transparency level within council's efforts surrounding diversity and equity. She suggested the funding and efforts be made more transparent to the community. She requested

staff provide the council with an update on the city's efforts as it relates to diversity and equity initiatives. She stated she wanted to ensure the city was focusing on being inclusive. City Manager Geralyn Barone discussed the strategic profile and commented on the community inclusiveness. She indicated a priority has been set to actively engage the community by working collaboratively to broaden policy outcomes and respond to the communities needs and expectations. She described how staff would be working to develop a community work group along with an internal diversity committee. She agreed it would benefit the community to inform them on the city's efforts regarding diversity and inclusion.

Coakley questioned who the city was working with as a consultant. Barone reported the city was working with Halston Sleets with Root'd Relations.

Calvert explained she was sent the presentation that was shared with the mayor and the city manager and had discussed this presentation with staff prior to the meeting. She anticipated feedback from the public would be taken going forward and this feedback would be considered by the city. She believed the city was in great shape considering the proposed strategic profile and supported the strategic profile being approved.

Schaeppi stated he shared concerns with not fully understanding the process. He saw the council's role being very unique when it comes to addressing diversity, equity and the connection with the community. He explained it would be important for the city to get the work being done with the consultant right. He reported the reason the city was having this conversation was because the majority of the council supported this issue. He commented on a conversation he had with a resident who opposed the city spending tax dollars on diversity and inclusion. He recommended this item come back to the council for further discussion in early 2021.

Coakley commented it may have been more appropriate to address this item somewhere else. However, she believed if she has a vote on an item and she feels there were items that need to be addressed, she wanted those items addressed at a council meeting.

Schack stated the council could finalize the city's strategic profile while also requesting clarification on matters within the plan. She anticipated diversity and inclusion would continue to be a fluid topic for the council. She reported the city's efforts towards climate were similar. She believed it was appropriate for a councilmember to bring up a concern and noted she was comfortable moving this item forward.

Calvert reported she was not trying to shut down a councilmember, especially a new councilmember. She explained her comment had to do with conversations

that are held prior to each council meeting in order to have specific questions answered. She indicated she agreed with councilmember Schack's comments and noted this was a high level document that would serve as a framework for staff. She anticipated there would be ample opportunity for the council to weigh in on consultants and specific activities. While she appreciated the efforts of the Minnetonka Collaborative, she noted there were other groups that also had to be included and considered by the council.

Kirk supported the questions that were raised by Councilmember Coakley. He stated it would be nice to provide some structure to staff in order to keep the city's equity and diversity efforts moving forward.

Wiersum commented the question raised by Councilmember Coakley was a good one and he recommended the council agree to look into this further. He reported the city was still gathering information and would continue looking for answers. He noted there was work that still had to be done and the council was being asked to approve a strategic profile and not a diversity and equity plan. He commented he could support the strategic profile moving forward.

Calvert moved, Schack seconded a motion to approve the strategic profile. All voted "yes." Motion carried.

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

**A. Resolution accepting gifts, donations and sponsorships given to the city during 2020**

Schack moved, Kirk seconded a motion to adopt Resolution 2020-120. All voted "yes." Motion carried.

**B. Amend the 2021-2025 Capital Improvements Program - 2021 fire engine purchase**

Schack moved, Kirk seconded a motion to amend the 2021-2025 Capital Improvements Program, Project ME-2113. All voted "yes." Motion carried.

**C. Emergency ordinance regarding outdoor dining**

Schack moved, Kirk seconded a motion to Ordinance 2020-23. All voted "yes". Motion carried.

**12. Introduction of Ordinances:**

**A. Items concerning Dicks Sporting Goods at 12437 Wayzata Boulevard:**

- 1) **Master development plan;**
- 2) **Site and building plan review, and**
- 3) **Sign plan review**

City Planner Loren Gordon gave the staff report.

Kirk explained there were many new composite panels that were available now and he believed the planning commission would be able to address this concern. He indicated there were a number of situations in the past few years where the sign ordinance has been tested. He encouraged the planning commission to consider the compromises that have been made when considering this request. He recommended the timing of the tenant space also be considered to ensure the space remains relevant.

Schack stated the signs were so important. She requested the planning commission take into consideration the fact that this space was going from one sign to two signs. She appreciated the fact that the connectivity issues have been addressed. She explained she was excited to see a plan coming together for this space given the retail climate at this time.

Calvert reported she too was excited that there was a plan to update and modernize this space. She indicated she was not a huge fan of the enormous Macy's sign and recommended the planning commission take a closer look at the sign request in order to not have the signs appear as a billboard.

Schaeppi stated he appreciated the fact this space would be updated as well. He discussed how Southdale and Rosedale have renovated over time. He feared that Ridgedale was doubling down on the same product. He encouraged the planning commission to consider what new tenants were coming to market. He explained he was not smarter than the market, but he wanted space to be open for the highest and best uses for the community for the post-COVID era.

Wiersum commented there were exciting aspects of this proposal and there were items he wished were different. He wished the Dick's Sporting Goods were coming from somewhere else and not across the street. He indicated a big box retailer would now be vacant across the street. He stated there have been some decisions made that have impacted the sign ordinance but noted he did not want Ridgedale to look like a billboard. However, he also understood visibility was important. He encouraged the planning commission to approach this request with a balanced approach. He stated if visibility from I-394 was important to this vendor, then perhaps they should remain in their current location. He did not want to see the city compromising its sign standards for a situation the city did

not create. He reported Dick's is an excellent retailer and he wanted the city to be supportive, while also understanding the city did not have to solve problems the city did not create. He encouraged the planning commission to also consider when the roofline of the mall should be changed for tenants.

Calvert moved, Kirk seconded a motion to introduce the ordinance and refer it to the planning commission. All voted "yes." (Carter was excused from this vote.) Motion carried.

**B. Ordinance repealing and replacing City Code 310.03,  
Telecommunication Facilities Regulations**

City Planner Loren Gordon gave the staff report.

Calvert discussed the changes that were made at the federal level regarding telecommunication towers. She commented more local control may be gained after the new presidential administration takes control. Gordon stated the city has not given up all local control within this ordinance. He reported telephone poles still required a conditional use permit. He explained he did not have an understanding on how federal requirements would change in the future.

Kirk indicated he was most concerned with how residential right of way would be impacted. He discussed how utilities service Minnetonka residents. Gordon stated small cells could happen on private or public property. He explained this ordinance would allow for both to happen.

Coakley requested further information on the notification process that would be followed for new cell towers. Gordon described the notification process for new cell towers.

Calvert suggested the planning commission explore what will happen with new towers, given the fact the city was working to bury utilities in order to beautify the city.

Wiersum commented on the anti-5G emails he has received. He explained the telecommunication companies were working to make more money and to provide better service. He indicated the city was in the middle of an information technology revolution and this came at a cost. He indicated this was frustration to him because there was only so much the city could control. He understood the value of cell phones but noted cell phones created eye pollution. He questioned how many cell antennas existed in Minnetonka today and how many would there be once the city was fully 5G. He reported the telecommunications companies would sue the city if its requirements were not proper. He stated he would like to better understand the hand that has been dealt to the city and encouraged the

planning commission to ask more questions regarding the number of towers the city would have with 5G.

Calvert concurred with Wiersum and his thoughts on local control. She stated it may be helpful for staff to provide further information from the class action lawsuits on local control.

Kirk moved, Calvert seconded a motion to introduce the ordinance and refer it to the planning commission. All voted "yes." (Carter was excused from this vote.) Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

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

#### **A. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Ametrine Inc., dba People's Organic Coffee and Wine Cafe, 12934 Minnetonka Boulevard**

City Manager Geralyn Barone gave the staff report.

Wiersum continued the public hearing from November 23, 2020.

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

Schack moved, Calvert seconded a motion to continue the public hearing from November 23, 2020 and grant the licenses. All voted "yes." (Carter was excused from this vote.) Motion carried.

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

#### **A. Revised concept plan for Doran at 5959 Shady Oak Road**

City Planner Loren Gordon gave the staff report.

Tony Kuechle, Doran representative, thanked staff for the thorough report. He explained he had taken comments from the council and staff into consideration with the new concept plan. He reported he would like feedback on the new plan prior to make a formal request to the city. He noted all affordable housing goals from the city were being met within the revised concept plan. He commented further on the project details and requested feedback from the council.



Kirk stated the building elevation was now five feet lower on the north side. Mr. Kuechle reported this was the case noting the entire building would come in under 70 feet.

Kirk indicated he did not support the addition of retail with the proposed housing.

Schack commented she appreciated the shift back from the townhomes. She suggested the aesthetics be made more interesting and that the retail portion be eliminated from the project. She reported mixed use was hard space to fill.

Calvert thanked the applicant for creating a great project that would be 20% over the energy efficiency code requirements. She also liked the shifting of the entrance to the east and believed this made the project more interesting. She explained she would like this project to get closer to the city's affordable housing goals. She recommended that a fence not be built. She encouraged the developer to bring forward a more inspired architectural plan. Mr. Kuechle stated he was working with an architect on new designs. He reported his proposal would meet the city's affordable housing goals.

Schaeppi thanked Mr. Kuechle for making improvements to his site plan. He stated he would love to see this project move forward.

Coakley commented she appreciated brown tones on buildings more than blue. She encouraged the developer to lean back towards this type of design.

Wiersum asked if the pool deck would be elevated from grade or would this courtyard be at street level. Mr. Kuechle reported this would be elevated at grade with parking below.

Wiersum commented the real change was to the layout of the building. He understood the applicant would come back to the city with updated elevations. Mr. Kuechle stated this was the case.

Wiersum believed the new site plan was dramatically improved in terms of the neighbors to the north. He was pleased to see the efforts of the applicant to update the plans. He commented he could support retail with this development if this would be supported by the market. He wished the developer all the best with this new apartment building.

Calvert stated she was excited to see the applicant was proposing a green roof for this project. She agreed that the market should dictate if retail was included in this development, noting she would rather not see empty space.

Continued discussion of the concept plan with the applicant. No formal action required.

**B. Twelve-month extension of final site and buildings for Chabad Center for Jewish Life at 11021 Hillside Lane; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run**

City Planner Loren Gordon gave the staff report.

Schaeppi stated he did not have the opportunity to visit the site. He commented on the community emails he received. He requested staff provide an overview of what work had started. Gordon discussed the status of the work noting the house that was on the site had been removed.

Kirk asked if there was any action the city had to take regarding this project. Gordon explained from staff's observation of the site, there was nothing problematic right now. He understood there was landscape around the house that had to be addressed.

Schack stated she has been to the site. She commented aesthetically this site could look better. She noted there was some impact to the neighbors and a garage has been altered to be used for gatherings that does not look the best. With that being said, she did not support denying the application. She explained there were a lot of promises made and she encouraged Chabad to do good by their neighbors. She wanted to ensure that another extension was not requested but rather that this project would move along. She stated overall she supported this extension.

Calvert concurred with Schack's comments.

Schaeppi commented he would defer to the councilmembers that had more history with this project and give the applicant the benefit of the doubt.

Wiersum stated this property looks like a construction site. He discussed how disruptive construction was and understood that things happen. He encouraged the applicant to be a good neighbor.


Calvert moved, Kirk seconded a motion to approve the time extension. All voted "yes." (Carter was excused from this vote.) Motion carried.

**15. Appointments and Reappointments: None**

**16. Adjournment**

Kirk moved, Calvert seconded a motion to adjourn the meeting at 9:14 p.m. All voted "yes." (Carter was excused from this vote.) Motion carried.

Respectfully submitted,



Becky Koosman  
City Clerk

