

**Minutes  
Minnetonka City Council  
Monday, March 8, 2021**

**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**

Kirk moved, Schack seconded a motion to accept the agenda with addenda to Items 6.A and 10.C. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. February 8, 2021 special meeting**

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

**B. February 8, 2021 regular meeting**

Calvert requested a change to the minutes on Page 13, at the top of the page noting it should read she was a fan of Mapping Prejudice.

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

**6. Special Matters:**

**A. Boards and Commissions interviews – Senior Advisory Board**

Wiersum stated the first candidate to be interviewed was Setara Barukzoy. He asked Ms. Barukzoy to tell the council a little bit about herself.

Ms. Barukzoy stated she was a mother of two young boys and was married. She noted she recently moved to Minnetonka last August. She discussed how COVID had impacted her family. She noted she recently graduated from the Mitchell School of Law and sat for the bar recently. She indicated her family is from Afghanistan.

He asked what makes Minnetonka's mission or vision powerful.

Ms. Barukzoy commented what stands out to her the most is the two juxtaposing sentiments that Minnetonka makes space for everyone while also preserving the charm that is Minnetonka. She believed these two ideas were very interesting and necessary to achieving a community that welcomes diversity and meets the needs of a diverse community while also maintaining the identity of the community.

Wiersum questioned how the board or commission's purpose aligns with her interests and expectations.

Ms. Barukzoy explained her family is from Afghanistan and what is true in her culture (as well as many others), is the idea that elders are revered. She stated elders are not simply cared for out of a duty but rather it is something you do out of respect. Elders are cherished and the care is personal. She indicated when she was in law school there are many senior communities that are not treated very well. She stated this did not sit well with her which led her to have an interest in elder law. She indicated it would be a great honor for her to work with elders and to bring this same level of respect to Minnetonka.

Wiersum asked what the most challenging aspect was of an increasingly diverse community.

Ms. Barukzoy stated the obvious is that cultural differences are harder for some community members to understand than others. She explained this misunderstanding can lead to fear and fear is the greatest way to break up a community. She commented when fear rears its ugly head, and brings hostility towards diverse members of the community; it leads to people feeling unwelcome. She indicated another challenge was that as a community grows and becomes more diverse, there has to be some ways that we adapt and grow and change as a community. Often times this happens in classrooms, or through inclusion in decision making at a government level, different recreational programming to take into account different cultural diversity and law enforcement training. She stated there was a lot of growth and consideration that comes with a diverse community.

Wiersum asked when it comes to senior programming during the pandemic, are there ways the city could better support the senior community and post pandemic are there areas of focus the city should address.

Ms. Barukzoy stated when she thinks about the pandemic her first thought was about trying to connect with her father in law over Zoom. She explained it was critical to connect, but this connection was also critical for senior citizens for mental health purposes. She indicated it was hard for her father in law to figure out, which was a barrier and made him very isolated. She commented there was a technological barrier that needs to be tackled. At a minimum, easy tech classes should be available to educate seniors on the use of iPads, Skype, and Zoom. She stated the city could also work to make sure every senior citizen has access to these apps. She noted transitioning to retired life can be difficult and there are many different phases. She suggested the city focus on this transition to ensure the elderly are transitioning into their best life. She recommended more diverse senior community programming be considered in order to be more inclusive.

Wiersum questioned if there were any other boards or commissions she would like to serve on.

Ms. Barukzoy stated she did not have enough information about what other openings there were. She noted she had an interest in the sustainability commission.

Wiersum thanked Ms. Barukzoy for her time and discussed the timeline for the senior advisory commission appointments. He noted the last person being interviewed was Thomas O'Connor. He asked Mr. O'Connor to tell the council a little bit about himself.

Mr. O'Connor stated he was 78 years old and lives in Minnetonka not too far from the government center. He indicated he has lived in Minnetonka since 1994. He stated he would be glad to help this community.

Wiersum asked what makes Minnetonka's mission or vision powerful.

Mr. O'Connor stated he did not understand this.

Wiersum read the mission and vision statements in full for the record.

Mr. O'Connor explained he would sure like to help.

Wiersum questioned how the board or commission's purpose aligns with his interests and expectations.

Mr. O'Connor indicated he was a senior that lives in Minnetonka and he wanted to do what he could to help.

Wiersum asked what the most challenging aspect was of an increasingly diverse community.

Mr. O'Connor stated being honest with everyone.

Wiersum asked when it comes to senior programming during the pandemic, are there ways the city could better support the senior community and post pandemic are there areas of focus the city should address.

Mr. O'Connor commented he has not been involved at the senior center. He stated he would like to see the city address whatever is healthy for people.

Wiersum asked Mr. O'Connor what he likes best about living in the city of Minnetonka.

Mr. O'Connor stated he likes the woods, the house he lives in and the people he is around.

Wiersum thanked Mr. O'Connor for his time and discussed the timeline for the senior advisory commission appointments.

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

City Manager Geralyn Barone reported on upcoming city events and council meetings.

Coakley stated on Thursday, March 4, 2021 she attended a rally for the Minnetonka Coalition for Equitable Education with Police Chief Boerboom at the District Service Center. She believed this rally was well done and she appreciated the support that was offered by the community at this event.

Carter explained she didn't want to step on toes and noted she understood the school district and the school board had their own purview. She reported as a resident she escalated her concerns to the school board and to the superintendent. She spoke to parents of students in the district that came out on Thursday in support of the goal of the school board for inclusivity and inclusive curriculum, to continue to use their voice. She encouraged the council to continue to galvanize their own efforts as city councilmembers. She wanted to see the council taking action towards the city's strategic vision not just in word but indeed. She wanted to see the council embracing all the lenses possible to put equity at the center of what is done. She encouraged the council to stay focused and centered on its goals.

Kirk reported he attended the rally on Sunday, for the same purpose Councilmember Coakley described. He commented on the importance of the LGBTQ community, when considering diversity and inclusion.

Calvert stated she appreciated the statements from Councilmember Coakley, Councilmember Carter and Councilmember Kirk. She indicated she was not able to attend the rally but she was happy the city council was represented. She wanted all children to feel valued and worthy.

Calvert wished everyone a Happy International Woman's Day.

Calvert explained she attended the National League of Cities event virtually noting she attended the Energy, Environment and Natural Resources Committee meeting yesterday with several representatives from the new administration. She appreciated the new administrations commitment to the environment and natural resources. She commented further on the sessions she would be attending for this event. She discussed how equity permeated every discussion she had.

Schack thanked the council for being present at the recent rallies and spoke to how valuable participation was in the National League of Cities. She explained it was difficult to not be in Washington DC this year. She commented further on the sessions she had attended and would be attending.

Wiersum discussed the work that had been done for the city's diversity, equity and inclusion task force, noting invitations had been sent to people. He anticipated a very broad and diverse group would be created.

Wiersum commented on the sessions he had attended for the National League of Cities conference. He stated he appreciated all of the things he learned at this conference every year.

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

**9. Bids and Purchases:**

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

Public Works Director Will Manchester gave the staff report.

Kirk stated he has been a regular user of the Phase I Trail. He discussed how Phase II would be an important connection in the city and noted he supported this project moving forward.

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

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

Calvert stated she would like to pull Item 10.C.

Coakley indicated she would like to pull Item 10.D.

**A. Resolution designating Cartway Lane as a Municipal State Aid street**

Schack moved, Calvert seconded a motion to adopt Resolution 2021-018. All voted "yes." Motion carried.

**B. Resolution for the cooperative agreement for the Trunk Highway 7 and Hopkins Crossroad project**

Schack moved, Calvert seconded a motion to adopt Resolution 2021-019. All voted "yes." Motion carried.

**C. Resolution approving preliminary and final plats of EVERGREEN ORCHARD ESTATES, a two lot subdivision at 3811 Baker Road**

This item was pulled for further discussion.

**D. Funding Agreements for Metropolitan Council Local Housing Incentives Account (LHIA) funds for Homes Within Reach**

This item was pulled for further discussion.

**C. Resolution approving preliminary and final plats of EVERGREEN ORCHARD ESTATES, a two lot subdivision at 3811 Baker Road**

Calvert stated she had several questions on this item noting she had a hard time hearing the planning commission meeting. She asked what the rationale for having one lot significantly larger than the other. She indicated the subdivision would remove 43% of the significant trees, but noted the developer stated there would be no loss of mature trees. She requested clarification from staff on this matter. City Planner Loren Gordon explained the applicant was talking about trees that were more desirable from their standpoint and a comment was made about black oaks. He reported black oaks were high priority trees, but were not desirable to the applicant. He indicated the two high priority trees would remain on the lot and stated 14 significant trees would be impacted, which was 43%. He addressed the lot width question stating the significant tree on the west side of

the east lot falls down the property line and in order to save this tree, the lot lines were adjusted.

Schack moved, Kirk seconded a motion to adopt Resolution 2021-020 approving the preliminary and final plats. All voted "yes." Motion carried.

**D. Funding Agreements for Metropolitan Council Local Housing Incentives Account (LHIA) funds for Homes Within Reach**

Coakley asked if Minnetonka is the fiscal agent for the West Hennepin Land Trust can the city request WALT to make sure the program is equitable. She wanted to see better education in place to inform new homeowners what it meant to give up the equity in their home in order to live in Minnetonka. Community Development Director Julie Wischnack explained the grant was for creating or preserving affordable owner occupied units for the city. She indicated this was a multi-community grant and Minnetonka acts as the pass through agent for these dollars. She stated even though the city was the fiscal agent for these dollars, that did not mean the city could control the organizational function. She reported the council could consider this further and did not have to accept the grant. She stated staff was recommending approval.

Carter questioned if Councilmember Coakley had concerns about equitable treatment with WALT.

Coakley commented she was speaking not just as an individual, but also for other residents who do not fully understand the program. She explained individuals don't realize how much equity they are giving up. She stated only getting 30% of the equity was not the same as if you owned the house outright. She didn't feel it was right to have individuals paying full property taxes and then not reaping the full reward when the home sells. She indicated not having first time homebuyers fully understanding this program was a concern to her.

Wiersum requested further information on what is done or should be done in terms of educating homebuyers. Wischnack explained there is education prior to purchase and she understood Councilmember Coakley believed this should be strengthened. She discussed the information available on the website noting the equity cap was addressed. She commented the intent of the program was to keep the home affordable long term.

Schaeppi stated he recalled having this conversation several months ago. He indicated he would like to suggest staff follow up with the council to lay out how this organization was educating people at the time of purchase.

Schack explained she appreciated this conversation and suggested this topic be brought to a future study session.

Carter concurred a deeper study should be conducted at a future study session meeting.

Wiersum agreed and suggested the director of Homes Within Reach be invited to this meeting.

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

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

**12. Introduction of Ordinances:**

**A. Ordinance amending city code 820.035, subdivision 1(a), regarding health and safety standards**

Community Development Director Julie Wischnack gave the staff report.

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

**B. Minor change to sustainability commission membership language**

City Manager GERALYN BARONE gave the staff report.

Kirk stated it was a shame the city didn't have a high school student appointed, but he understood the reasons. He appreciated the flexibility staff was proposing within this ordinance amendment.

Coakley commented she was looking forward to trying to find a high school student added to this group next year.

Calvert indicated she appreciated the flexibility staff was proposing within this ordinance amendment. She stated she supported the proposed language and recommended a high school student be pursued for the sustainability commission in 2022.

Schaeppi explained he was struggling with this item. He questioned if the rule should be changed now, knowing what the council knows. He recommended the council follow through with what was voted on and work to find the right person for the sustainability commission.



Schack agreed with Councilmember Schaeppi in concept, however, she did not believe it was right to appoint two people to the position and ask which one wanted to be removed. She believed staff's recommendation was a reasonable fix with the understanding the council can focus on appointing a high school student in 2022. She discussed how it would be great to have continuity for students serving from high school on into college.

Wiersum reported the people to blame for the mistake that was made was the city council. He explained he appreciated the solution being proposed by staff as it was making the best of a less than ideal situation.

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

### **13. Public Hearings: None**

Wiersum recessed the city council meeting.  
Wiersum reconvened the city council meeting.

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

#### **A. Items concerning Minnetonka Station, a multi-family residential development at 10400, 10500, and 10550 Bren Road East:**

- 1) Major amendment to an existing master development plan;**
- 2) Site and building plan review; and**
- 3) Preliminary and final plats**

City Planner Loren Gordon gave the staff report.

Schaeppi requested further information from staff on how much would be paid in park dedication fee. Community Development Director Julie Wischnack explained the developer would have to pay \$1,375,000 in park dedication fees. She discussed the trail that would be installed within the development and noted some sort of credit may be made for this amenity given the fact it was over and above the required improvements.

Scott Richardson, representative for the applicant, thanked the council for their time. He stated he was looking forward to completing a top-notch project in the City of Minnetonka, in addition to providing affordable housing units in the community. He noted BKV Group Architects had a presentation for the council.

Mike Krych, BKV Group Architects, thanked staff for their assistance with this project. He then provided the council with a presentation on the proposed multi-family residential development that was located within Opus. He explained the site was within the yellow trail scenic loop and was one block from the Opus light rail transit station. The key way finders within Opus were noted. He described how the building was shifted to the west in order to create a greater buffer. The proposed landscaping and public art was discussed in further detail, along with updated building renderings. It was noted this would be a four sided building with amenities.

Jon Commers thanked the council for their consideration. He thanked staff for all of their feedback and assistance over the past several months.

Coakley thanked the applicant for the presentation. She indicated this was a very beautiful building. She questioned if the building would be available to those in wheel chairs or have a disability. Mr. Krych explained he was required by Minnesota state codes to provide accessible units along with equal access to the site amenities. He reported there would be a certain percentage of dedicated units for individuals in wheel chairs.

Schaeppi stated this was a great project and he appreciated the look and feel of this building. He anticipated this development could have more bicycles than was being estimated. He asked if solar panels would be part of this project. Mr. Krych reported this was in the plans and was being priced out at this time.

Kirk commented he has listened to this presentation several times. He understood the developer had a lot invested in this project. He believed the developer was setting the bar high through this building. He questioned what the expectations were that the proposed art and architecture would be completed in this project. Mr. Richardson explained nothing has changed on his end and he was committed to the art wall because this was an important aspect of the project. He indicated he was committed to doing some level of solar and was working with experts to find what the right amount would be. He stated he cared about the appearance of the building from all four sides.

Kirk questioned what the process would be to better understand the nature of the art that would be installed. Wischnack commented this was private property and the property owner would be the decision maker on whether or not the art was installed. She noted staff could provide input, but explained there was no city ordinance in place that required public art.

Calvert stated she does not generally like urban architecture, but appreciated the proposed building, the art, landscaping and sustainability efforts. She encouraged the developer to have some sort of green wall along with the solar.

She appreciated the fact that the developer was meeting the city more than half way. She indicated she supported the proposed project.

Wiersum stated he really liked the utilization of the drop downs and outdoor spaces within this development. He indicated this was a very attractive building.

Calvert moved, Kirk seconded a motion to adopt Ordinance 2021-03 and Resolution 2021-021 approving the master development plan amendment, final site and building plans, and plats. All voted "yes." Motion carried.

**B. Interfund loan for the advance of certain costs in connection with a tax increment financing district to be created within Development District No. 1 in Opus**

Community Development Director Julie Wischnack gave the staff report.

Coakley asked if the TIF District that would be created would have any affordable housing units at 30% AMI. Wischnack reported this project would not have any units at 30% AMI, but she was hopeful this would occur in future projects. She reported tax credits and TIF were both needed to support 30% AMI units. She indicated this developer would have 10% of the units at 50% AMI. She noted individuals with HUD vouchers could live in any of these projects.

Schack discussed how the Mariner project came together and then financially fell apart. Wischnack commented on how difficult it was to get tax credits for housing projects and then to pull together the remainder of the project financing. She stated there was a great need for affordable housing in the metro area which meant the tax credits were extremely difficult to get.

Schaepfi requested comment from staff on who would be occupying the new 50% AMI units. Wischnack discussed who would typically be occupying the 50% AMI units.

Kirk moved, Calvert seconded a motion to adopt Resolution 2021-022. All voted "yes." Motion carried.

**C. 2021 Assessment Report**

City Assessor Colin Schmidt and Principal Appraiser Melanie Putz gave the staff report.

Wiersum thanked staff for the thorough and informative presentation.

Received the report.

**D. Ordinance implementing ranked choice voting**

City Attorney Corrine Heine gave the staff report.

Kirk commented it was his understanding there were no spending limitations or funding limitations for ballot issues.

Wiersum reviewed the contribution limits for election and nonelection years. He explained contributions on behalf of the ballot question favoring RCV was \$147,529.82, of that Fair Vote Minnesota contributed \$144,478.82. He reported this meant 98.5% of the money spent on RCV came from outside of Minnetonka from an organization that gets its money from unknown sources. He stated this was not illegal for a ballot question, but would not be allowed for a city council candidate. He noted the limit was \$600 for any one entity in an election year. He indicated he was troubled by the fact an outside entity came in and influenced local election issues. He stated he believed in local control and with the contributions made by Fair Vote Minnesota, this was not local control. He commented he thought this was illegal, but it turns out it is not. He appreciated the fact the city had identified what would be allowed, with respect to contributions, for candidates and ballot issues. He explained he was not arguing the results from the recent election as he understood the majority of Minnetonka residents supported RCV.

Kirk moved, Schack seconded a motion to adopt Ordinance 2021-04. All voted "yes." Motion carried.

**15. Appointments and Reappointments:****A. Appointment of Advisors for the 2021 Local Board of Appeal and Equalization**

Wiersum reviewed the individuals that would be appointed to the 2021 local board of appeal and equalization.

Schack moved, Calvert seconded a motion to approve appointment of advisors. All voted "yes." Motion carried.

**16. Adjournment**

Calvert moved, Kirk seconded a motion to adjourn the meeting at 9:47 p.m. All voted "yes." Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Becky Koosman". The signature is written in a cursive, flowing style.

Becky Koosman  
City Clerk