

**Minutes  
Minnetonka City Council  
Monday, July 26, 2021**

**1. Call to Order**

Mayor Brad Wiersum called the meeting to order at 6:32 p.m.

**2. Pledge of Allegiance**

All joined in the Pledge of Allegiance.

**3. Roll Call**

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

Council Members Brad Schaeppi (excused) and Susan Carter (excused) were absent.

**4. Approval of Agenda**

Kirk moved, Calvert seconded a motion to accept the agenda with addenda to Items 6.A, 13.A and 14.B. All voted “yes.” Motion carried.

**5. Approval of Minutes:**

**A. June 21, 2021 study session**

Calvert moved, Schack seconded a motion to approve the minutes, as presented. Schack, Calvert, Coakley and Wiersum voted “yes.” Kirk “abstained”. Motion carried.

**B. July 12, 2021 regular meeting**

Calvert moved, Schack seconded a motion to approve the minutes, as presented. All voted “yes.” Motion carried.

**6. Special Matters:**

**A. Metropolitan Airports Commission Presentation**

Brad Juffer with the Metropolitan Airports Commission (MAC) gave a presentation to the council. He reported MAC’s mission was “connecting you to your world” and the vision was “providing your best airport experience”. He provided an overview on MAC and discussed how the aviation industry was impacted by COVID. He reported MSP operations were down by 40% in 2020

going from 223 active routes down to 91 active routes. He stated international routes remain suspended at this time. He discussed the new markets that have been created in 2021. He described how airlines were responsible for transporting both people and products. The flight plans for MSP aircraft were reviewed with the council along with the number of noise complaints over the past four years. Further information was provided regarding MAC's noise monitoring program.

Community Development Director Julie Wischnack explained the city would be posting this information on the city's website due to the fact the city receives a fair number of calls regarding airport noise.

Schack indicated this was her area of the city and she related to some of the noise concerns that were raised. She asked if the noise modeling informed any pilot behavior or changes to flight paths. Mr. Juffer stated the permanent noise models do inform behavior noting this information was shared bi-monthly and adjustments can be made to procedures.

Schack questioned why the loud approaches happen. Mr. Juffer commented it was a combination of the aircraft type, weather, ambient noise and the location relative to the noise monitor.

Coakley asked what was an acceptable number of complaints for the MAC to receive each year. Mr. Juffer commented on the history of noise complaints for the MSP airport. He stated what was more important to him was the number of people complaining or the number of people that are being impacted by airport noise. He discussed how hard he and his staff members worked to address noise complaints.

Kirk inquired if the airport received more noise complaints in the summer months than the winter months. Mr. Juffer reported this was the case.

Wiersum thanked Mr. Juffer for his detailed presentation. He questioned how optimistic Mr. Juffer was about technology enhancements. Mr. Juffer stated he does pay attention to this and he was optimistic. He indicated this would be a slow evolution but as planes become more fuel efficient, they also become quieter.

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

City Manager GERALYN BARONE reported on upcoming city events and council meetings. She reminded the public that the DNR has issued a drought warning and the city was urging residents to conserve water.

Kirk stated he, along with Councilmember Schaeppi and Councilmember Calvert, joined the Friends of Minnetonka Parks to tour the Oreck Avenue Outlot and

Lake Rose Park. He noted these were great examples of how neighbors came together to mitigate buckthorn to create beautiful environments.

Calvert thanked this group of neighbors for all of their efforts. She reported she attended a Metro Cities Metro Agencies committee meeting last week and was pleased to be able to meet in person with the committee members.

**8. Citizens Wishing to Discuss Matters not on the Agenda:**

Shannon Andreson, 12950 Berkshire Drive, thanked the council for their service to the community. She explained she was both proud and dismayed with how the community was responding to the times we were living in. She appreciated the fact the city was creating a diversity, equity and inclusion task force. She thanked those who were serving with this group but recommended the city allow this group to set their own agenda. She did not want business to continue as usual, but rather wanted to see real change. She encouraged the city to allow the DEI task force to drive their own agendas in order to have a true impact on the community in an environment that was free of outside influence. She asked that the council listen to those members, who are raising concerns and follow their lead in order to make this task force a powerful agent for change in Minnetonka.

Debra Rondeau, 11104 Abbott Lane, stated she was concerned with the number of police calls and sirens in her neighborhood, The Preserve. She explained her neighborhood has turned from an oasis to wanting to move out. She questioned what would be built at 5959 Shady Oak Road and if this would be another high rise building. She requested the city build instead the amenities that were promised to the existing residents, such as a grocery store. She stated there has been a dramatic increase in crime in her area and this was scary to her. She believed she had a right to live in peace and to be unafraid in this community. she requested the council not approve another high-rise in her neighborhood.

**9. Bids and Purchases: None**

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

**A. Twelve-month extension of the SEMRUD HILLS final plat at 4716 Williston Road**

Schack moved, Kirk seconded a motion to approve the twelve-month time extension to record the final plat. All voted “yes.” Motion carried.

**B. Conditional use permit for Rush Bowls, a restaurant within a multitenant shopping center at 13005 Ridgedale Drive**

Schack moved, Kirk seconded a motion to adopt Resolution 2021-063. All voted “yes.” Motion carried.

**C. Items concerning Culver's, a fast food restaurant with a drive-up facility at 17555 Highway 7**

Schack moved, Kirk seconded a motion to adopt Resolution 2021-064. All voted "yes." Motion carried.

**D. Strategic profile quarter two report**

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

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

**12. Introduction of Ordinances:**

**A. Ordinances pertaining to definitions and lot shape**

City Planner Loren Gordon gave the staff report.

Kirk stated he appreciated the proposed language changes as it clears up some ambiguity.

Wiersum concurred.

Kirk moved, Calvert seconded a motion to approve the introduction of the ordinances and refer them to the planning commission. All voted "yes." Motion carried

**13. Public Hearings:**

**A. Final plat approval and vacation of easements for Doran at 5959 Shady Oak Road and an unaddressed parcel**

City Planner Loren Gordon gave the staff report.

Wiersum opened the public hearing.

Tony Kuechle, Doran Companies, thanked the council for their consideration.

Ellen Westfield, 11128 Abbott Lane, stated she received a letter in the mail with a picture of the plat drawing. She questioned how the easements were going to impact the Shady Oak Townhome Association. Gordon discussed the easements that are being vacated and noted they would have no bearing on the townhomes to the north.

Debra Rondeau, 11104 Abbott Lane, explained she experiences a number of power outages each summer. She questioned how the new building would fit into the power grid. She stated she was also concerned about how the new building and its residents would impact traffic. Gordon reported the development review process involves notification to neighbors and public/small utilities. He indicated if there were issues with the delivery of utility services, this would be brought to the city's attention.

There being no further comments from the public, Wiersum closed the public hearing.

Kirk requested further information regarding the notification area for this project. Gordon reviewed the properties that were notified of this project.

Kirk commented on the traffic study that was completed for the Opus area. He understood that the development of the Opus area was increasing traffic. However, he requested staff speak to the council at a future meeting regarding the rising crime in this area. Gordon indicated the issues with new projects and new residents were sometimes transitional in nature. He explained he would log events as they happen and work to understand what was happening.

Kirk discussed the affordability levels that would be required for the proposed apartments and requested further comment from staff. Community Development Director Julie Wischnack explained the income levels would be at 60% AMI or \$60,000. She commented further on the mix of senior and workforce housing that would be created.

Kirk indicated he believed this was a good project that would offer valuable workforce housing to Minnetonka residents.

Kirk moved, Calvert seconded a motion to hold the public hearing and adopt Resolution 2021-065 and Resolution 2021-066. All voted "yes." Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

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

##### **A. Resolution approving the Three Rivers Park District Eagle Lake and Bryant Lake Regional Trails Master Plan**

Recreation Services Director Kelly O'Dea and Three Rivers Park Representative Danny McCollough gave the staff report.

Kirk asked if the council gets another review of these plans when engineering was available. He stated all of the mitigation plans were not clear at this time. He indicated he wanted the council to be able to engage in the future when the plans had greater detail. Mr. McCollough explained future plans would be brought to the council. Jonathan Fleming, Associate Superintendent for Planning and Design with Three Rivers Park District, explained as the city and Three Rivers moves into the cooperative agreement the detail and level of commitment within the project can be further detailed.

Kirk questioned if the property owners along Roland Road were notified of this project. Mr. McCollough reported these property owners were sent a postcard. He indicated signs were also posted along Roland Road at the corner of Baker Road.

Calvert commented she lived along Baker Road on the side of the road the trail would be constructed. She understood some frontage may be lost from her yard and stated she would like to better understand this both for herself and her neighbors. Mr. McCollough explained this information was discussed through virtual meetings with Baker Road residents. He discussed the right-of-way analysis noting no private property would have to be purchased to complete the trail. Rather, the trail would be fully completed within existing Baker Road right-of-way. He commented on how the traffic lanes along Baker Road would be narrowed and noted this may assist in calming traffic along this roadway.

Wiersum stated the council would be approving the trails master plan this evening. He clarified that the trail was not being approved this evening, but rather that the council supports the trail moving forward. He indicated the final details for the trail have yet to be determined. Mr. McCollough reported this was a fair analysis.

Schack explained she lived on Plymouth Road which was recently reconstructed. She requested further information on how Three Rivers was going to work with property owners on an individual basis. Mr. McCollough reported Three Rivers would be working with each property owners directly in order to get the trail completed because each property was unique.

Wiersum opened the meeting to the public.

Amy O'Brien, 3514 Baker Road, stated she believed there has been a lot of misinformation floating around regarding the virtual meetings that were held for the residents along Baker Road. She explained the notification from Three Rivers has been woefully inadequate. She indicated she has only seen one sign posted at the corner of Baker Road and Inverness Road. She commented she was the only person on her block that received a postcard from Three Rivers. She stated it was disheartening to learn the west side of Baker Road would be used for this trail and that this decision was made in the middle of a pandemic. She reported

she has a small front yard and she would be very impacted by this project. She indicated she drafted an informational document and sent this to all of her neighbors. After this point, Three Rivers began receiving negative comments about the project, because prior to this her neighbors were not aware of the project. She expressed concern with how much of her front yard (13' to 15') would be lost for the trail. She feared that many shrubs and trees would be lost as well. She did not support the city installing more pavement in her front yard at the expense or loss of grass, trees and shrubs. She was of the opinion the city did not need a bike trail on every through street in Minnetonka as this seemed a bit excessive. She recommended the speed of traffic along Baker Road be addressed and that this speed limit be enforced, noting this would make her feel safer. She noted she was a third generation Minnetonkan and indicated she did not support the taking away of trees and greenspace for more pavement.

Valerie Mahady, 3700 Baker Road, reported she lived on the west side of Baker Road. She explained she did not receive any information regarding this project. She provided staff with several pieces of paperwork and noted the majority of residents along Baker Road did not support the trail. She stated 37 front yards would now be looking at the new trail and over 50 large trees would be lost, three were in her front yard. She questioned how Three Rivers would address potential future tree loss due to the fact the root systems are going to be disturbed. She recommended no trail be installed along Baker Road. She indicated residents can use the Minnetonka Trail right into Hopkins where residents can then get on Shady Oak Road. She did not believe there was a need for another trail when existing trails were already in place that could get residents to Bryant Lake. She indicated there was much less traffic along Shady Oak Road than Baker Road, which made this a better location for a bike trail. She explained it would be nice to slow the speed of traffic along Baker Road and encouraged the city to address this concern. She feared it would be dangerous to make the roadway narrower given the speed of traffic and number of bikes that were in the street. She stated a large number of trees and shrubs would be lost through this project. She commented she did not see a compromise and requested the city reconsider this bike trail.

Wiersum closed the meeting to the public.

Coakley commented on the city's vision which included more trails and connection points throughout the community. She indicated she was a new councilmember and she wanted to further consider how residents are affected, along with the process and procedures for this project. She feared there was an issue with the process and procedures that were followed for this project. She stated the comments that were made by the neighbors have made her uncomfortable.

Calvert explained she was a Baker Road resident and she has spoken to many of her neighbors regarding this project. She understood some of her neighbors

were avid bikers and supported this project. She commented this has been a difficult year due to COVID and perhaps some neighbors missed seeing a notification in their mailbox. She reported she shared some level of discomfort for this project because it would be going on her side of the street and these were her neighbors. However, she also knows that she has spoken with a lot of neighbors and there was some level of support for the project. She discussed the need for safer travel along Baker Road for children getting to school. She reiterated that each household along Baker Road would be working with Three Rivers on how to proceed with the property in front of their home. She understood there was always room for improvement when it came to communication and she indicated COVID made communication efforts difficult for the past year. It was her hope that the neighbors could come to some sort of mutually satisfactory agreement as this project moves forward.

Schack commented she understood and appreciated Councilmember Coakley's point of view. She indicated she also saw 13 contacts referencing this project that the city made with the residents along Baker Road, along with two articles in the *Minnetonka Memo*. She explained she struggled with this situation because she knew the city was working to engage with the public in numerous ways but also wanted residents to keep their eyes open for these things. She stated Minnetonka residents continue to demand more trails and she believed this was a needed trail connection. She discussed the use of the trail in front of her home along Plymouth Road. She anticipated the new trail would improve safety and she would be offering her support at this time.

Kirk stated the city sends out a lot of information and noted this project was in his ward. He reported he has attended all of the virtual meetings that were hosted by Three Rivers and believed these meetings were well attended. He discussed the proposed trail alignment explaining this would be an important north/south connection for the city to have in place. He was of the opinion this trail would provide traffic calming measures along Baker Road. He commented he did want to learn more about the engineering of this project, such as how snow storage would be managed. He noted this project would take five or six years to complete and the council would be working through these concerns with the Three Rivers Park District. He indicated he would be supporting the completion of this trail connection because he believed in the end it would be a value add.

Calvert commented three of the councilmembers served on the planning commission prior to serving on the city council. She discussed how important it was for the council to take into consideration the needs of the entire community. She noted she had to back out onto Baker Road from her driveway in rush hour in order to get to work. She stated she had faith that this trail was a greater good for the community. For this reason, she would be offering her support to the trail. She encouraged her neighbors to contact her with any other comments or concerns they may have.



Kirk encouraged Three Rivers to consider how the trail would navigate through the intersection of Baker Road and Excelsior Boulevard because this was a busy intersection.

Wiersum reported the council would be offering their support of the trail this evening, but noted the city would continue to work on the trail details and design elements over the coming months and years. He believed this trail would take cars off the road. He indicated this was good for both the community and the environment. He discussed how the trees that were removed for the trail would be replaced. He understood this was a hard decision because it would impact residents but he believed the city would be better off with this amenity. He reported north/south trails were in demand by Minnetonka residents.

Kirk understood Three Rivers needed to receive funding in order to move this project forward. He requested that when preliminary design work is done that Three Rivers come back to the city for additional feedback. City Manager Geralyn Barone reported the city would be considering a cooperative agreement with Three Rivers and this request could be written into this document. Mr. Fleming stated the city could take this action and noted Three Rivers would work with residents to minimize the impact of the trail.

Kirk moved, Schack seconded a motion to adopt Resolution 2021-067. All voted "yes." Motion carried.

## **B. Resolution for the Shady Oak Lake Outlet Project**

City Engineer Phil Olson gave the staff report.

Kirk explained he has been following this project since the first neighborhood meeting. He thanked staff for doing a great job helping the neighbors understand the numbers. He discussed how milfoil was taking over this lake and questioned how a screen could help mitigating the spread of milfoil in the future. Olson explained the screen was very fine and would be installed in a manhole. He noted there would be sensors in the manhole to alert the city if a blockage were to occur. He reported the watershed district had other screens in place to assist with mitigating the spread of milfoil along the creek.

Calvert commented she would like the council to further discuss what the city was doing regarding the conditions of water bodies in the community at a future worksession meeting.

Wiersum questioned how frequently the screen would have to be cleaned and inquired if Shady Oak Lake could be treated with chemicals to address the milfoil concerns. Olson reported the mesh was sized so that it could be plugged 50% and still operate. He indicated the lake had limited boat usage which meant there would be larger particles traveling through the outlet, which would be easier to

clean. He explained milfoil was a tricky plant to treat and noted the city does not have a plan to treat the lake at this time. He noted Nine Mile Creek was mapping the milfoil in the lake at this time.

Wiersum discussed the number of trees that have died because of the rising water levels. He asked staff to address what the city will and will not do when trees die due to high water levels. Olson reported the city does not remove trees that die due to high water levels.

Coakley questioned if there was something the city would be doing in the future to address the milfoil. Olson indicated the city does not have a management plan in place for Shady Oak Lake. He reported milfoil was difficult to contain. He anticipated a larger conversation has to be held if a treatment plan were considered.

Coakley recommended a conversation be held on how the city will address the treatment of milfoil in Minnetonka.

Calvert stated there were a lot of comments in the packet and she wanted to make sure the public understand that when the water was pumped out of this lake in 2019 it was pumped into Nine Mile Creek. Olson discussed the pumping route noting the water went through Silver Maple Circle Pond directly to Nine Mile Creek.

Wiersum opened the meeting to the public.

There being no comments, Wiersum closed the meeting to the public.

Kirk thanked staff for their efforts on this project and commented he supported this project moving forward.

Calvert stated she supported this project moving forward as well.

Wiersum thanked Mr. Olson and his entire team for their efforts. He discussed the amount of controversy that arose when this issue came about. He indicated the high water had to be addressed and he appreciated the solution that had been brought forward by staff.

Kirk moved, Schack seconded a motion to adopt Resolution 2021-068. All voted "yes." Motion carried.

### **C. Items concerning ISLAND OAKS at 16509 McGinty Road West**

City Planner Loren Gordon gave the staff report.

Kirk questioned if pedestrian and utility easement access would be granted between through the two developments. Gordon stated this was the case.

Paul Robinson, Vice President of the Bancorp Group, provided the council with a presentation on the Island Oaks development. He explained he has worked diligently to notify residents of this project and held two neighborhood meetings. It was his hope he had addressed the majority of the issues from the neighbors. He described how he would be working with the topography on the land. The changes that were made to the plan from the concept phase were reviewed in detail with the council. He discussed how the through street would impact the development versus the proposed cul-de-sac. He requested the city keep the road at 40 feet so as to better accommodate the future home sites.

Gordon commented staff was recommending a 50 foot wide street because that was the city's standard street width.

Calvert requested further information on how the setbacks would be impacted if a 50 foot street were installed. Gordon explained this was a PUD which meant the requested setbacks are different than R-1. He provided further comment on the front, side and rear yard setbacks that would be required for this project.

Kirk questioned if there was anything the council could not decide on within the preliminary plat that could be finalized within the final plat. Gordon stated the right of way has an influence on the home placement and this would also impact the master development plan. He explained the clean way to move this project forward would be to adopt the resolution as drafted. He indicated another option would be for the council to adopt the master development plan with all of the conditions.

Kirk inquired if the council could come to an agreement on the cul-de-sac for Island Oaks.

Wiersum stated he was prepared to have a conversation regarding the cul-de-sac versus a through street. He commented the council does not negotiate from the bench and his inclination was to support staffs recommendation which was for a 50 foot wide street with a cul-de-sac. However, he wanted to understand what the preference of the council was at this time.

Calvert explained it made her uncomfortable to reject staff's recommendation but noted on this case she would be supporting the recommendation of the planning commission which was for a 40 foot wide through street.

Schack understood the concerns of the neighbors with respect to cut through traffic. However, she was less uneasy versus the value of the future homes and the entitlement of the adjacent neighborhood. She indicated this was a unique

situation and noted would be supporting the planning commissions recommendation.

Kirk explained he struggled with this request as well and noted the entitlement of the adjacent neighborhood did not set well with him either. However, after considering this request further there was a difference in the zoning between the two neighborhoods. For this reason, he recommended the cul-de-sac remain in place.

Coakley indicated she supported the recommendation of the planning commission.

Wiersum reported the consensus of the council was to support the recommendation of the planning commission. He reminded the neighbors on the adjacent cul-de-sac that the streets and trails were open to all residents of Minnetonka.

Wiersum opened the meeting for public comment.

Joann Hinnenthal 2401 Bantas Point Rd. stated she did not mind the cul-de-sac difference at all. She asked if there were two cul-de-sacs if this would make a difference in utility or public safety services.

Wiersum reported the city's cul-de-sacs were designed to support all utilities and public safety vehicles.

Ms. Hinnenthal explained she supported two cul-de-sacs for traffic safety reasons.

Wiersum closed the meeting for public comment.

Kirk moved, Calvert seconded a motion to adopt Ordinance 2021-13 and Resolution 2021-069 as revised allowing for two cul-de-sacs with a 50-foot roadway width. All voted "yes." Motion carried.

**15. Appointments and Reappointments: None**

**16. Adjournment**

Kirk moved, Calvert seconded a motion to adjourn the meeting at 10:20 pm. 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