

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

4. Approval of Agenda

Kirk moved, Carter seconded a motion to accept the agenda with addenda to Items 10.A, 10.B, and 14.A. All voted “yes.” Motion carried.

5. Approval of Minutes:

A. October 18, 2021 regular meeting

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

6. Special Matters: None

7. Reports from City Manager & Council Members

Acting City Manager Mike Funk reported on upcoming city events and council meetings.

Schack thanked staff for all of their efforts on the Spooktacular event.

Kirk thanked staff for taking care of the Shady Oak sidewalk so quickly.

Kirk apologized to Calvert for taking several statements out of context last week at the park board/city council meeting.

Carter thanked staff for all of their educational efforts on ranked choice voting. She asked if there would be any follow up conversations with residents regarding

RCV and the experience voters had. Funk reported a follow up study session would be held next year to discuss RCV. Acting Assistant City Manager Moranda Dammann indicated staff was also interested in conducting a survey after the New Year.

Calvert thanked Councilmember Kirk for his words.

Calvert encouraged the public to participate in Spooktacular next year because this was a wonderful community event.

Schaeppi thanked staff and the entire election team for pulling off a seamless election.

Schaeppi commented on the joint meeting the council held with the park board. He encouraged residents to view the park and open space plan, along with the post planned community engagement summary on the city's website. He thanked the consultants for all of their efforts on this summary.

Coakley thanked staff for making sure the election ran smoothly. She congratulated Mayor Wiersum and Councilmember Calvert on their reelection. She commended all the members of the public who ran for office and congratulated Kimberly Wilburn on being elected to the city council.

Coakley provided the council with an update from the DEI task force. She reported this group was reaching out to community organizations asking for participation and partnerships.

Wiersum thanked staff for a well run election. He stated while he was campaigning, he was asked about RCV often. He was pleased to see how well RCV went during the recent election.

Wiersum discussed the inspirational display at city hall and thanked all veterans for their service.

Wiersum reported on October 28 the DEI task force met and he thanked Councilmember Coakley for stepping in and chairing that meeting for him. He explained a community survey would be coming out from the DEI task force and he encouraged all residents to participate in this survey.

Wiersum stated on November 15 a community conversation would be held at the Ridgedale Library. He noted this would be an opportunity for residents to come together and discuss diversity, equity and inclusion efforts in the community.

Wiersum congratulated Kimberly Wilburn for being elected to the city council. He congratulated Councilmember Calvert on her reelection and thanked the voters for supporting him again as mayor of Minnetonka.

8. Citizens Wishing to Discuss Matters not on the Agenda

Laurie Frahm, 4318 Kings Drive, stated she has lived in her home for 21 years. She discussed concerns she had with the Wood Hill Road and County Road 7 intersection. She noted she no longer has an entrance to Kings Drive and had to utilize Wood Hill Road. She indicated this intersection was very dark which was dangerous. She stated she had emailed MnDOT and requested the council address this concern.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Certification of Delinquent Fire Alarm Response Fees to the Hennepin County Auditor.

Kirk moved, Calvert seconded a motion to adopt Resolution 2021-114. All voted “yes.” Motion carried.

B. Certification of delinquent utility charges to the Hennepin County Auditor and approve writing-off uncollectible accounts.

Kirk moved, Calvert seconded a motion to adopt Resolution 2021-115. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Resolution approving a shoreland setback variance, bluff setback variance, and bluff impact zone conditional use permit for recreational items at 5724 Seven Oaks Court.

Schack moved, Kirk seconded a motion to adopt Resolution 2021-116. All voted “yes.” Motion carried.

12. Introduction of Ordinances: None

13. Public Hearings:

A. Resolution supporting an application to the Department of Employment and Economic Development (DEED) for funding through the Job Creation Fund.

Community Development Director Julie Wischnack gave the staff report.

Coakley requested further information regarding the partnership between the business and the city. She believed that the city was acting as a fiscal agent. She questioned if the city will oversee the funds. Wischnack explained staff would receive no administrative dollars and noted there was only a small amount of effort on staff's part to make payments twice a year to the company.

Coakley asked if the city helped apply for the DEED funding. Wischnack reported the city applied for the funds with assistance from the company and Greater MSP.

Wiersum opened the public hearing.

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

Schack thanked staff for being willing to engage in these types of investments in the community.

Calvert concurred noting this venture sounded very exciting.

Wiersum stated it was exciting when a company wanted to come to Minnetonka to grow and expand its business. He appreciated the fact that the city would be gaining new jobs for residents of the community.

Coakley asked how often does the city help businesses to help with job expansion and how is this information advertised to new and upcoming businesses in the city. Wischnack reported this information was advertised on the city's website and has been featured in the Thrive newsletter. She commented when companies contact the Chamber or Greater MSP meetings are held to discuss funding potentials.

Kirk moved, Schack seconded a motion to hold the public hearing and adopt Resolution 2021-117. All voted "yes." Motion carried.

B. On-sale intoxicating liquor license for Kazoku Minnetonka, LLC., located at 5445 Eden Prairie Road

Community Development Director Julie Wischnack gave the staff report.

Wiersum discussed the parking on this site and questioned if the new restaurant would have different parking needs. Wischnack anticipated the new restaurant would be quite popular when it first opened and this would wane over time.

Wiersum opened the public hearing.

Calvert stated she put herself through college working at a sushi bar and she was very excited to see a sushi bar would be located next to Unmapped.

Calvert moved, Coakley seconded a motion to continue the public hearing to December 6, 2021, for final consideration. All voted "yes." Motion carried.

C. Items concerning Top Ten Liquors at 1641 Plymouth Road

1) Resolution approving the conditional use permit

2) On-sale intoxicating, Sunday on-sale, and off-sale intoxicating liquor licenses

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

Schaeppi asked what would happen if the restaurant were to downsize in the future. Wischnack explained if this were to occur, the applicant could request an amendment to the conditions for approval. She stated additional language could be written into the resolution to allow for future consideration of a change on the site.

Wiersum reopened the public hearing.

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

Schack commented she was in favor of the additional language being written into the resolution. She understood this was a unique concept and appreciated the flexibility being offered in order to make this project work.

Carter agreed this business should be given flexibility for unanticipated circumstances. She indicated she was very excited about the proposed concept and supported additional language being written into the resolution.

Kirk thanked the planning commission for properly vetting this item. He discussed how wine would be dispensed within this facility and questioned how this would be monitored by staff from the liquor store. Wischnack stated the city had another establishment in the city that had a similar dispensing system and described the process that was followed in order to ensure sales did not occur to minors.

Kirk explained he supported the language as written by staff and thanked them for their efforts on this application.

Schaeppi thanked the applicant for being willing to invest in the City of Minnetonka. He questioned what language staff would recommend should the site adjust over time without having to shut down. City Attorney Corrine Heine explained the conditions state the liquor license should be surrendered was for the benefit of the business operator. She reported any revocation of the liquor license has to be reported to all other municipalities where they hold liquor licenses and can be grounds for not getting approval in other cities. She stated the proposed language has the liquor license holder surrendering the license if the restaurant were to permanently close versus forcing a revocation.

Wiersum commented he appreciated the proposed language and understood if something were to come up, the applicant has the opportunity to come back before the council to request a modification. He was of the opinion Ridgedale did not need another liquor store, but supported this request moving forward because of the unique aspects within the project.

Schack moved, Calvert seconded a motion to adopt Resolution 2021-118 approving the conditional use permit. All voted "yes." Motion carried.

Schack moved, Calvert seconded a motion to continue the public hearing from October 4, 2021, and grant the licenses with the conditional language. All voted "yes." Motion carried.

14. Other Business:

A. Resolution certifying the results of the November 2, 2021 Municipal General Election

Acting Assistant City Manager Moranda Dammann gave the staff report.

Schaeppi asked why there were 11 defective ballots. Elections Specialist Kyle Salage described how defective ballots were defined which was a combination of under votes and over votes.

Kirk requested further information on how the rounds of analysis was completed by staff for the election results. Dammann discussed how staff tabulated the election results after receiving spreadsheets from the county.

Coakley reported she was asked why there was a limit on the number of yard signs that a property can host. She requested this be discussed by the council at a future meeting. Community Development Director Wischnack reported city code was amended four or five years ago to limit this to three signs per yard.

Calvert requested staff define over vote and under vote for those in attendance at the meeting. Dammann provided the council with a definition of these terms.

Calvert thanked Ms. Dammann for all of her efforts on the election. She stated she was so proud of this city, its staff and its election judges.

Calvert moved, Coakley seconded a motion to adopt Resolution 2021-119. All voted "yes." Motion carried.

B. Selection of office and precincts for the post-election review on November 10, 2021 at 9 a.m. in the Minnetonka Council Chambers with the selected office and precincts.

Acting Assistant City Manager Moranda Dammann, Elections Specialist Kyle Salage and City Clerk Becky Koosman gave the staff report. A drawing was held and it was noted a counting of the mayoral seat would be conducted by staff for precincts 2B and 1F.

Acting City Manager Mike Funk congratulated Mayor Wiersum and Councilmember Calvert on their reelection. He also welcomed Kimberly Wilburn to the city council.

C. Resolution approving the preliminary plat of MONSON MEADOWS, a two-lot subdivision with front yard setback variances, at 5500 Rowland Road, and an adjacent unaddressed parcel

City Planner Loren Gordon gave the staff report.

Kirk asked how the tree count was conducted. Gordon reported the entire property was counted.

Kirk discussed the tree loss for this property and noted a portion of the lot was undevelopable. He commented on the requested variance and noted these 10 feet would help protect the steep slope to the southwest of the property. He questioned if a two year look back should be conducted on this property in order to protect the trees on the slope. Gordon commented on this property and noted the regulatory protection areas included a wetland buffer area and a steep slope area.

Wiersum reviewed the front yard setbacks for the adjacent properties and noted the proposed setback was not dissimilar to the neighboring properties. He appreciated the fact that the setback was consistent.

Kirk moved, Calvert seconded a motion to adopt Resolution 2021-120. All voted "yes." Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Calvert moved, Schack seconded a motion to adjourn the meeting at 8:23 p.m.
All voted "yes." Motion carried.

Respectfully submitted,

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

Becky Koosman
City Clerk