

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
May 20, 2024 – 7 pm

1. Call to Order

Chair Breazeale called the meeting to order at 7:00 pm.

2. Roll Call

Present: Commissioners Blodgett, Breazeale, Finnegan, Steinfeld, Swanson, Wortman and Council Liaison Halverson.

Absent: Commissioner Whitely

Staff in attendance: City Administrator Honey

3. Approve Agenda

Breazeale asked to add Recommendation for a Special Volunteer to the agenda.

(Steinfeld motion, Finnegan second to add Recommendation for a Special Volunteer to the agenda and approve it with this amendment; all ayes.) Motion passed.

4. Approve Minutes - Regular Meeting of April 22, 2024

(Steinfeld motion, Finnegan second to approve the Regular Meeting Minutes of April 22, 2024; Aye: Blodgett, Breazeale, Finnegan, Steinfeld, Wortman; Swanson abstained because she was absent from the meeting.) Motion passed.

5. Recommendation for a Special Volunteer

Breazeale stated that in the past there have been circumstances where there was not an open seat on a commission but a person who was very interested in working with the commission was named a special volunteer and worked on a work group or helped as needed. Bill Whitely served in this capacity in the past where he worked with the Planning Commission but was not able to vote. This would help educate prospective members and they could be considered for appointment once there is an opening. They could participate in the discussions but not vote. They would understand the process, issues, and city code prior to being appointed to an open seat.

(Swanson motion, Wortman second to recommend that City Council appoint Scott Gamble as a special volunteer to the Planning Commission in a non-voting participatory capacity; all ayes.) Motion passed.

6. Zoning Code Amendments

6.1. Wetland District Update

Breazeale stated that as they were going through zoning code amendments with DNR, they were informed that MN Board of Water and Soil Resources (BWSR) administers the Water Conservation Act, and that the Minnehaha Creek Watershed District (MCWD) had been given authority by the City in 2009 to administer and govern the wetland related regulations for the City. The City's Wetland District falls under these regulations. Finnegan will review the Wetland Overlay District code and compare the language with the main code. She will review the definitions, references to administrative roles and the 2009 agreement, and look for redundancy with the main code. The Wetland Overlay District impacts three properties in the City. The intent is to simplify the code and direct any property in the wetland district to contact the MCWD for guidance.

7. New Business

7.1. Review of Tree Protection Ordinance

Breazeale stated that he met with Mayor Pagano, Council Member Halverson, and Administrator Honey about reviewing the tree protection ordinance since it has been in effect for approximately 18 months. Part of council governance is evaluation. He added that there has been some feedback received to date and some residents think the ordinance may be overreaching or overly restrictive. He stated there is an idea to put out a survey to gather resident input and some residents have also reached out privately to council members expressing their concerns. Breazeale has a few of his own concerns. He stated they need volunteers for a work group to review the code, and also to work on a survey. Breazeale would like to participate in creating the survey. He stated it is important to hear from people who both support and oppose the ordinance, to hear from city staff about how the ordinance process works for them, and to send out a survey to find out what people think is important. It is important to try to get as many responses as possible with the survey. The results of the survey will help guide the review of the ordinance. There will be a public hearing on proposed code amendments. Breazeale summarized the process as: they would familiarize themselves with the issues, obtain community feedback, meet to discuss what they learn, and make recommendations on proposed modifications to the code with a public hearing. Swanson stated this seems to her that this is reinventing the wheel, and the previous task force worked long and hard on evaluating this and drafting a recommendation, which then went to public hearings, and before Planning and Council. She stated people had a chance to speak up previously, and it seems like they are creating work. Steinfeld agreed with Swanson and stated there is a process to apply for a variance to the ordinance. Breazeale stated this was a significant ordinance and going back and evaluating is a good process. Swanson stated fine tuning is fine but doing a survey and assigning another task force is creating work. Wortman stated that if there are administrative processes that need to be streamlined, that is a different intent than evaluating the ordinance.

Halverson referred to Council's scope for this project in the packet and stated that Council feels strongly about doing the evaluation. Council appreciates the work that was put into the ordinance, and they feel it is a good idea to evaluate it now that it has been in effect for a while and people are responding to it. She added that they need to give it a critical eye. She provided a comparison of the city tree ordinance with other surrounding cities' ordinances, which was done during the drafting of the ordinance but now includes updated information. The city attorney supported evaluating it as well. Breazeale stated Council directed Planning to evaluate the ordinance, so they need to follow Council's directive and also determine the best way to conduct the evaluation. Halverson stated there is a petition with 45 signatures on it and it is their job to serve the entire community and hear residents. Breazeale added that the Planning Commission hasn't heard what Council has heard. Swanson stated they need to limit the scope of the evaluation. Breazeale stated that most people don't pay attention until something directly affects them. Often when people feel strongly for or against something, they muster support for their opinion and that is the reason it is good to get a wide base of opinions to find out what the 80% in the middle think. Wortman asked the time frame for the evaluation. Halverson referred to the proposed timeline in the packet but added that Council is flexible based on what Planning recommends. Breazeale stated the timeline is aggressive and two months should be added. Breazeale stated a subset of the Planning Commission would create the survey and Council would approve it. Blodgett asked what the concerns are. Halverson stated there have been concerns expressed about the city regulating private property and some want the ordinance to go away. Swanson stated the city regulates private property in many ways with the zoning code. A lot of people support protecting heritage trees. Steinfeld stated maybe they would like more flexibility. Halverson stated a survey would help determine the concerns.

Halverson stated that Council must listen to residents and the evaluation has been on their agenda regardless of comments by residents. Breazeale stated that Council directed Planning to do this evaluation.

The petition will be part of the resident comment review. Swanson asked if money is allocated for the survey. Breazeale stated they plan to do it in house. Steinfeld stated they could solicit input on the present ordinance in the Weekly Splash!. Initial input would provide a general idea of what the issues are, and survey questions can be formulated from that. The Planning Commission supported the following message to be sent to residents: Since the tree preservation ordinance has been in effect for 18 months, and the Planning Commission and City Council are seeking public comments on the ordinance. Please send comments to City Hall at info@ci.minnetonka-beach.mn.us and give them two weeks to respond.

Breazeale summarized the process as solicit input via the Beachcomber and Splash!, review comments already received to date and new input, review the information and understand the issues, draft a survey based on the understanding of the issue, council approve the survey, send out the survey, and evaluation by the work group. They recommended adding two months to the process with the intention of completion by year end. Honey will email the comparison spreadsheet of the surrounding cities tree protection ordinances.

Breazeale stated a subset of the Planning Commission would meet as a work group outside the regularly scheduled meetings. The meetings will be noticed as there may be a quorum. Breazeale and Wortman offered to serve on the work group. There was discussion about Bill Whitely possibly being interested to be on the work group. Swanson offered to review the draft survey.

7. Reports

Honey submitted all zoning code amendments to the DNR for final approval. The DNR will forward the flood plain section to FEMA and work with them on approval. Honey handed out an email and added it to the packet. It was addressed to Planning and Council and was asking if an ordinance is legal if a process was not followed. Honey did not have any additional information to better understand the email. It will be included with the other input at the appropriate meeting.

8. Adjournment

(Steinfeld motion, Swanson second to adjourn; all ayes.). Motion passed.

Chair Breazeale adjourned the meeting at 8:00 p.m.

PUBLIC IN ATTENDANCE – John Rosendahl, Fred Koehler, Signe Koehler

Minutes respectfully submitted by City Administrator Heidi Honey

Heidi Honey, City Administrator