

**APPROVED**  
**Minnetonka Beach Planning Commission Meeting Minutes**  
**December 17, 2024 – 7 pm**

**1. Call to Order**

Chair Breazeale called the meeting to order at 7 pm.

**2. Roll Call**

Present: Commissioners Breazeale, Finnegan, Gamble, Steinfeld, Swanson, Whitely, Wortman; Council Liaison Halverson

Absent:

Staff in attendance: City Administrator Heidi Honey

**3. Approve Agenda**

**Swanson motion, Wortman second to approve the December 17, 2024 meeting agenda; all ayes, motion passed.**

**4. Approve Minutes - Regular Meeting of November 25, 2024**

Whitely noted two minor edits.

**Steinfeld motion, Finnegan second to approve the Regular Meeting Minutes of October 28, 2024 as amended. Vote: Breazeale – aye, Finnegan – aye, Gamble – aye, Steinfeld – aye, Whitely – aye, Wortman – aye; Swanson abstained because she was absent last month, motion passed.**

**5. Zoning Code Review**

**5.1. Tree Preservation Ordinance Work Group – Survey**

Breazeale stated they will be providing Council their interpretation of the survey data and what they should look at and recommend any modifications regarding the tree ordinance. The survey results in the packet were summarized and translated into pie charts by Breazeale and distributed. Breazeale recommended presenting the visual representation of the data (charts) to Council. The charts were broken into categories of heritage, significant, smaller than significant, dead/diseased/dying, and arborvitae. The results show whether they should be regulated and if the current regulations are too restrictive or too lenient.

Breazeale used the term supermajority (60%+) and reviewed the charts:

Heritage trees – 69% favored regulation

Hardwoods/Deciduous - 63% think current regulations are about right to too lenient on hardwoods.

Coniferous – the split was closer to 50/50 but conifers that are 30 ft are 30-40 years old and deciduous trees would be much older which may seem inconsistent and cause confusion.

Breazeale stated that although a supermajority favored regulation, the comments were interesting and some questioned the size of conifers to be protected. Breazeale researched tree size and age on the DNR website. Swanson stated if that is the height limit of the conifer, it could be valid. Breazeale recommended Planning looking into it.

Gamble referenced comments related to the survey question, specifically if council needs to be involved in decision making regarding trees and difference between coniferous and deciduous trees age to size. They could review how other cities do this.

Significant trees – 53% favored regulation, 34% did not

Hardwood/Deciduous - 34% think they should not be regulated.

Coniferous - 12 ft should not be considered significant, so look at definition

Cottonwoods - 69% did not think cottonwoods should be considered significant

Replacement policy – there was strong support of a replacement policy.

Comments around the definition of significant and appropriate size. Planning should look into definitions and also review cottonwoods. Planning should also check other cities. People supported a tree replacement policy.

Smaller than significant trees – 82% supported current non-regulation

Dead/Diseased/Dying – supermajority prefers non-regulation but then split on current permitting process. Planning should look at feedback and how other communities address these trees. There was discussion about differences between heritage and significant trees. There was also discussion about if the city can rely on people to do the right thing. There are many steps to go through for a dying tree. There was also discussion that many tree vendors are arborists also and they want the work. Honey stated that currently when an arborist gives an opinion on a tree, Hilgers inspects to verify. It is not a good use of his time and sometimes it is difficult to determine the condition of the tree. For dead trees, an arborist is not required and Hilgers inspects it. Honey then stated that most people have trees that they have been trying to care for and they don't want to remove trees. Breazeale stated that the Planning Commission should look into it.

There was a discussion that city staff understand the ordinance but some residents do not and that is reflected in some of the survey comments.

Arborvitae – 59% think the regulation is ok. There was discussion about the question discussing hedges and arborvitae as part of hedges. Arborvitae are considered trees. The interpretation of the answers was that people agreed that the city should not regulate cutting down hedges and that arborvitae should be considered trees. There was discussion that arborvitae that are 30 ft tall aren't hedges. There was consensus that they should be considered trees. Honey suggested the city could determine their intention because arborvitae don't really add to the canopy but they do provide the benefit of soaking up water. Breazeale stated the ordinance language has already gone through a lot of review, and nobody has a problem with the way it is written. There was additional discussion about planting arborvitae to offset removing large trees. They all agreed to leave the restrictions as is.

Planning Commission input:

Breazeale thought coniferous definition are too small for the age of the trees.

Swanson asked if requiring a site plan is too arduous. Honey stated they are only required for construction activity and actual counting is done for other tree removal requests.

Look at neighboring communities ordinances.

City staff requested that the following be considered:

Count trees smaller than 6" toward minimum density. If a 2" tree is considered appropriate for replacement, that size or larger should be counted in minimum density. Swanson discussed that extremely large trees maybe should be counted as more toward density. It would be a special request if someone cannot plant more trees.

Check for duplication with city code regarding abatement, enforcement, nuisances (diseased trees).

Look at other cities' ordinances to see if Minnetonka Beach ordinance could be shorter or simpler, compare tree size definitions.

For trees removed within 75 ft of the lake, require the stump to remain to prevent erosion or engage the engineer to discuss. He does not need to be involved in every tree removal request.

Heritage arborvitae that are overgrown landscape. If the definition for significant and heritage changes, that will help.

Honey suggested the city could determine the intention of the ordinance. Many cities look for a goal tree canopy percentage. Minnetonka Beach currently has a bit over 50% and the regulations should support maintaining the current canopy percentage if that is the intention. Planning can look into this to tie regulations in with comp plan guidelines for trees and tree canopy. There was discussion about what someone can do versus what they cannot. Wortman talked about concerns of clear-cutting with construction. Halverson suggested if a deciduous tree is removed, it could be recommended to plant another deciduous tree to encourage canopy. Look at other cities' ordinances to see if they talk about canopy.

Breazeale summarized the recommendations:

Heritage – should council be involved in decision making, how do other communities deal with them

Arborvitae - Definition for heritage and significant, what are other cities doing with them

Leave arborvitae as is besides definition.

For minimum tree density, should we count the size of replacement trees (2.5") instead of significant or larger

Look at duplication in city code and zoning code with enforcement and nuisance

Option of leaving a stump within 75 ft of lake for erosion control, no engineering required

Look at other cities' ordinances and why theirs are shorter  
Canopy language and determine city intentions. Do we want to build this in the code?

There was discussion about the survey layout and how it provided clarifying results and the way it was presented was very helpful. Appreciation to Gamble and Breazeale on their work.

**Whitely motion, Steinfeld second that the Planning Commission recommends that Chair Breazeale go to City Council and present the graphical summary of results as modified at this meeting with recommendations for follow up actions by the work group. All ayes, motion passed.**

There was discussion about how long it will take to complete the amendments. Adding the tree canopy discussion and researching other cities may take a bit longer. One work group member could look at this separately. The project may take until the first half of 2025.

Swanson spoke to comments from people that they should be trusted to take care of their properties responsibly and don't need to be told what to do. It would be nice if everyone could be trusted and do the right thing, but there are many examples where people do not do the right thing. Gamble stated as they amend the code, they should talk about this. He added that there are comments about individual property rights. He asked if that needs to be discussed. Breazeale stated that is a Council discussion. Gamble also highlighted some citizens' suggestions that a better approach to tree preservation would emphasize "carrots over sticks".

6. Planning Commission Meeting Dates for 2025

Change Planning Commission meeting dates as follows: March 24 to 17, November 24 to 17, December 22 to 15.  
Work Group meeting will meet January 21 at 5:00pm. The work group will be Wortman, Gamble, Breazeale and Kevin Dunphy has offered to help.

7. Reports

7.1. Chair Report – no report

7.2. Commissioner Reports – no reports

7.3. Council Liaison – Halverson reported on the council meeting. Water treatment plant update was they may work through Christmas. Both wells need to be replaced which is a financial issue. The city is identifying future infrastructure needs along with determining how to finance them. Council had a split vote on eliminating 2 slips by attrition and relocating them from the swim beach to somewhere else and requiring that all canopies be green. Mayor Pagano cast a vote in favor.

7.4. Building Permit Report – received and filed

8. Adjournment

**Steinfeld motion, Swanson second to adjourn; all ayes, motion passed.**

Chair Breazeale adjourned the meeting at 8:15 p.m.

PUBLIC IN ATTENDANCE – none

Minutes respectfully submitted by City Administrator Heidi Honey

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Heidi Honey, City Administrator