Minutes
Minnetonka City Council
Monday, May 23, 2016

1. Call to Order

Mayor Schneider called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members Patty Acomb, Brad Wiersum, Tony Wagner, Bob Ellingson, Dick Allendorf, and Terry Schneider were present. Tim Bergstedt was excused.

4. Approval of Agenda

Acomb moved, Wagner seconded a motion to accept the agenda with an addendum to item 14A. All voted “yes.” Motion carried.

5. Approval of Minutes: April 25 and May 9, 2016 regular council meetings

Wiersum moved, Acomb seconded a motion to approve the April 25, 2016 regular council meeting minutes, as presented. Acomb, Wiersum, Wagner, Ellingson, and Schneider voted “yes.” Allendorf abstained. Motion carried.

Wiersum moved, Acomb seconded a motion to approve the May 9, 2016 regular council meeting minutes, as presented. Acomb, Wiersum, Ellingson, Allendorf and Schneider voted “yes.” Wagner abstained. Motion carried.

6. Special Matters:

A. Retirement recognition of Engineering Construction Coordinator Keith Rude

Schneider read the recognition.

Rude said he truly enjoyed his career with the city. He was looking forward to the new adventures that await him and his family.

B. Retirement recognition for Police Chief Jeff Sebenaler

Schneider read the recognition.
Sebenaler said the city had been a tremendous place to work for the past 26 years. He said it had been an enjoyable having the opportunity to serve the city.

Police Officer Brent Johnson said Sebenaler was his FTO sergeant, his sergeant on the street, his sergeant in investigations, his captain, and his chief. He said having worked for nine chiefs, Sebenaler was far beyond any of them.

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming meetings and events.

Schneider noted the legislative session ended without action on several items including a comprehensive transportation bill that might have included funding for the Southwest Light Rail. He said it was yet to be known how things would evolve. There were several meetings scheduled for the next few days to discuss the next steps.

8. Citizens Wishing to Discuss Matters not on the Agenda

Cathy Rude said she was a parent with three kids in the Minnetonka School District. Blake Northrup and Rainer Erani from the Minnetonka Student Government introduced themselves. Luke Vansanten said he was a Minnetonka resident who lives on Sheridan Hills Road. Rude said a parent group was formed concerned about the safety of walking and biking around the high school. The group would like the inadequate infrastructure that exists along the frontage road and some of the crossings over Highway 7 to be addressed. The group created an online petition with 227 responses and 100 percent support for improving the safety. Northrup read a couple of responses including one from a parent with a son who has Autism and walks home from school. Another responder indicated they live across Highway 7 from the high school and frequently see kids jump over the raised median. Erani read a response from a person who noted there was no bike lane from Highway 101 going west to the high school. Another responder noted other neighboring schools all seem to have sidewalks leading to school buildings.

Rude said the group would like the city to revisit some of the past studies that have been done. She invited staff to come and observe release time to see what was happening. She asked other data be collected including how many kids were impacted who might have the ability to walk or bike if there were safer conditions. The parents wanted to work with the city to find safer solutions both short term and long term. Once a plan was agreed upon, funding options would need to be identified. She said long term the group would like the Safe Routes to School
program to be looked at. The petition responses indicated concerns about all schools in the district, not just the high school.

Vansanten said he would like to work with staff to get the issue resolved.

Barone noted staff was meeting with Rude and other parents later in the week. A representative from the school district would be at the meeting as well.

Schneider said the number of people biking has grown significantly over the past 10 years. He thought awareness of the issues had increased as efforts were made to try and increase bike and walking access to commercial areas. This included the county and state being more aware of the issues. There might be funding opportunities that were not available 10-15 years ago.

9. Bids and Purchases:

A. Bids for Oakland Road Rehabilitation Project

City Engineer Will Manchester gave the staff report.

Wagner moved, Wiersum seconded a motion to award contract to Dave Perkins Contracting, Inc. for the Oakland Road Rehabilitation Project No. 16402 in the amount of $1,628,881.25. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution approving agreement with MnDOT

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-038 authorizing the traffic control signal maintenance agreement with the Minnesota Department of Transportation, Hennepin County, and the city of Eden Prairie. All voted “yes.” Motion carried.

B. Resolution approving a conditional use permit for Partner’s in Excellence, a school in an industrial district, at 5501 Feltl Road

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-039 approving the request. All voted “yes.” Motion carried.

C. Request to install additional temporary signs on the Civic Center Campus for the Minnetonka Farmer’s Market at 14600 Minnetonka Boulevard


Allendorf moved, Acomb seconded a motion to approve two temporary signs associated with the Minnetonka Farmer’s Market to be displayed along Minnetonka Boulevard on the Civic Center Campus. Signs may be displayed every Tuesday from Tuesday, June 28, 2016 to Tuesday, September 20, 2016. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:

A. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Café, 3310 Co Rd 101

Community Development Director Julie Wischnack gave the staff report.

Wiersum said the council packet showed a picture of a small fountain. He noted for outdoor patios where liquor was served the only way in and out had to be through the building. He thought people would use the fountain area to go in and out on occasion such as to retrieve something they left in their car. He asked if a fence should be installed to prohibit this.

Wischnack said there was an allowance for landscaping features to be part of the separation. She said if the council felt it was not enough of a separation something else could be added. Wiersum said the fountain would provide a pretty convenient way for people to step in and out.

Schneider said patio areas had to be secured but also had to allow for an exit in emergency situations. Almost all of the patios had a gate of some kind. This was a little different because one could see over the fountain.

Robert Callan, 3325 Breconwood Circle, said he was against granting the license. As a neighbor, he was concerned about an increase in drinking, alcohol impaired driving and drunk driving. Physiologically speaking after one works out, a person is much more susceptible to becoming impaired much more quickly when consuming alcohol as the body is trying to replace its glucose. In addition, often when people work out, they haven’t eaten recently. He noted there was an elementary school nearby.

Linnea Benson, 3325 Breconwood Circle, said she was adamantly opposed to the request for the liquor license. She said she was a psychiatric nurse clinician who works in the mental health and substance abuse field. It was a fact that physiologically a person was much more
likely to become intoxicated more quickly after working out. She wasn’t aware of many health clubs that serve alcohol. It seemed counterintuitive for a health club to serve alcohol. Alcoholism was a major issue in society. She felt bad as a Minnetonka resident that the city was promoting a liquor license like this.

Sally Trucker said she lived next door to Benson and Callan. She agreed with her neighbors’ comments. She noted Spasso was just across the street.

Adam Luebke, corporate counsel for Lifetime Fitness, and Suzanne Egan Larson, the general manager, introduced themselves. Luebke said bids are being taken to complete the fence around the fountain. The area would be closed off and include emergency exits. Egan Larson said the facility was a community and the staff cared about its customers. It would not be a bar or a nightclub and the patrons would have a glass of wine or beer. Luebke said other Lifetime locations serve alcohol and it was an attempt to create more of a country club type atmosphere. The profit from alcohol sales was less than one percent of the total café’s profits.

Acomb asked for information about how the servers will be trained. Egan Larson said the company has certain protocols. Luebke said Lifetime has created its own training because it found other outside training was inadequate. Other states have certified Lifetime’s training as being equally good or better as that particular state’s training. Egan Larson noted staff are certified in many areas including CPR. Safety is engrained in Lifetime’s brand and culture.

Schneider closed the public hearing at 7:17 p.m.

Wagner said he supported the application. He’s been to a Lifetime Fitness that served alcohol. There was a group outing he attended and people had one glass of wine or beer. He didn’t see this as a location people would go to as a bar and restaurant. If issues arise, they can be addressed through the best practices program. He understood the neighbors’ concerns but he had more concern when there was an issue with the outdoor speakers that was in violation of the conditional use permit.

Wiersum said he agreed with Wagner. Looking at the Lifetime business model, they were not opening a bar but were opening an opportunity. He said this was similar to what Chipotle does. Serving beer and wine makes the market a little bigger.
Schneider agreed the character and atmosphere wasn’t as a bar but rather a place people might get beer or wine while there for other activities. He said when Breconwood was developed there was a bar/restaurant in the Lifetime location that likely had much higher liquor sales than Lifetime will have.

Allendorf moved, Wiersum seconded a motion to grant the licenses with the condition that future noise complaints could impact the liquor license renewal each year if staff and/or council determine that the complaints are a violation of the noise ordinance. All voted “yes.” Motion carried.

14. Other Business:
   A. Consideration of a park board recommendation to develop a park in the Robinwood neighborhood

Street and Parks Operations Manager Darin Ellingson gave the staff report.

Wagner noted there was a letter in the council packet raising issues about drainage and the floodplain. He asked staff to comment. Ellingson said the drainage was looked at when the feasibility study on the western portion was conducted. There was an existing swale that takes drainage off of Royzelle and drainage from this property would also go into the swale. The swale would either be maintained in its current location or shifted a bit away from the container.

Allendorf said given the size of the park and what would be put into the park, the expectation seemed to be that people would mostly walk or bike to the location. He asked if people drove to the park what the parking capacity would be. Ellingson said the residences with driveways were on the south and west side of the cul-de-sac. Parking would be available along the north side of the cul-de-sac. Theoretically eight or nine cars could park in the area but the park wasn’t big enough for that many people.

Wiersum said as far as the drainage he was glad to hear about the swale. He pointed to a tan area on the map of the park layout and asked what the anticipated surface would be. Ellingson said the container would generally match the existing elevation of the ground. The inside of the container would be wood fiber. The only impervious surface that will be added would be the pathway to the street.
Acomb noted there was screening on the east side but a letter included in the council packet expressed concern from a resident who lived along the cul-de-sac. She asked if potentially screening could be added for residents to the southwest. D. Ellingson said that area of the proposed playground was heavily wooded and no trees were being removed.

Schneider said assuming the council approved the park he could see the scenario where a grandparent would want to drive their grandchildren to the park. He said it would be prudent to look at adding a couple of parking spaces tucked into the green space. This would also provide a place for an ambulance to park in an emergency. He understood the screening issue but he thought keeping the area open would improve the safety.

Carol Stewart, 3630 Robinwood Terrace, said she was concerned about the park. She chose to move to the neighborhood 28 years ago because it was very wooded and quiet. When she moved in there were many children in the neighborhood who were able to walk safely to friends’ homes. The park would bring in extra traffic. She said there was great joy in watching the wildlife in the area. This would disappear with the park. She suggested a better use of the funding would be at the high school making the safety improvements discussed earlier in the meeting. She thought it was too much money to spend for the small number of children the park could accommodate.

Ashley Bakke, 3525 Robinwood Terrace, read a letter from Scott and Julie Menk, 11326 Friar Lane. The Menks supported the park because it would be beneficial for community building and engagement and provide a safe place for children to play. They encouraged the council to approve creating the park sooner rather than later. The Menks wrote studies showed property values increased when parks are nearby. Bakke said she and her husband also favored the mini-park. Being active was important and parks provided economic benefits. She said currently to get to a park from her home, she had to cross an extremely busy street, Minnetonka Boulevard. The park across Hopkins Crossroads was owned by the Hopkins School District and had school hours. She has a two year old son and her family currently drive when they visit parks. She hoped the park would be built sooner than 2021 and suggested the families in the neighborhood could help with the work.

Heather Markert, 11503 Friar Lane, said she was in full support of the park. The closest parks require crossing busy roads. Adding this park would provide a safe place to explore and play as well as a great gathering spot for neighbors to develop a sense of community. Since it would be a mini-park, it would have little traffic from outside the neighborhood. She
has two children and the sad thing was when she tells them they are going to a park, they automatically go to the car.

Becky Perkins, 3534 Robinwood Terrace, said the current plan provides no screening for her property leaving it vulnerable for people cutting through to get to the park. Kids take the shortest route possible. This would reduce security and increase liability for her. She said it was an irresponsible and wasteful use of tax dollars. There were maybe 20 kids in the neighborhood and with the $100,000 cost it would equate to $4,000 to $5,000 per kid. It was ridiculous that the city would spend the money on a park that only 6-8 kids could use at a time. She said drainage issues were a concern. The people most affected, the homes facing the park, were all opposed.

John Brandt, 3528 Robinwood Terrace, said he thought the drainage issue was significant. Last week was the first time he could cut his grass because it had been so wet. The water badly saturates the area. The park would take away the nice quiet neighborhood that was out of the way for those who bought their homes for those reasons. He said one problem for him was kids climbing his fence to use his pool. It’s happened in the past. He questioned the cost given the amount of children who would use the park. He said mosquitoes would be an issue. He crosses Minnetonka Boulevard with his grandchildren at least once a week. There were other parks in the area. He thought the money could be used for better things.

Mary Barron, 3601 Robinwood Terrace, said cars have a difficult time going up the Royzelle Lane hill if there was too much snow or ice. This points to the drainage issue. When the park was first proposed she worried about the security given how secluded the area was. She was concerned about construction noise. The park was supposed to bring unity to the neighborhood but instead it has created a wedge. She encouraged a no vote.

Nora Wojciechowski, 3423 Robinwood Terrace, said she was in full support of the park. She and her husband have a two year old and are expecting their second child shortly. She doesn’t feel safe walking along Minnetonka Boulevard. She thought the neighbors would make great use of the park.

Lindsey Turk, 3501 Robinwood Terrace, said she and her husband do not have kids but plan on starting a family in the near future. They live in their forever house. She supported the park. Currently, there was no good park to walk to. It was not safe for kids to cross Minnetonka Boulevard.
Wiersum asked what the staff recommended action to consider the project in the 2017-2021 Capital Improvement Program (CIP) would do and what further action had to be done if the council approved moving the funding sooner than 2021. Barone said the idea behind the recommended action was if the council approved the recommendation staff would include the park in the CIP and look for funding. The council would officially approve the funding when the CIP was approved later in the year. The council could also at that time decide not to fund the park.

Acomb said looking at the neighborhoods and her experience with raising kids in the city, she thought having a park in the neighborhood was a great way to get to know other families. Unlike 30 years ago when all the kids in the neighborhood went to the same school and rode the bus together, now days kids in the same neighborhood go to a lot of different schools. She thought it was really important to have a place where kids can get to know other kids in the neighborhood. She said the park would offer this neighborhood that opportunity and would be a great way to attract young families. She thought the parks nearby were truly ones people drive to. Being active at a younger age was a good thing.

Allendorf said the project reminded him of almost every project involving either a new development or a redevelopment in an existing neighborhood. The people very close have fears including noise, traffic, etc. These were well founded fears but as he looked at a development like this one he had to take a broader look than just the people nearby. He thought it would be a good addition for the broader neighborhood. He said those neighboring this property should work with city staff to shield their property if appropriate, and to make sure the runoff is handled properly. Given the size of the area and the size of the park, not all the wildlife would be driven away.

Wagner said looking at his neighborhood park he never sees more than two parked cars because people walk to the park. His family also uses the park at Tanglen Elementary School. He would not walk across Hopkins Crossroad with his children. He said the funding was a significant investment per child but for this neighborhood and what the city is trying to do in attracting young families he was supportive. He was concerned about the drainage issue. He said the city has heard people are concerned about the safety along county roads through the community survey, from tonight’s discussion about the high school and discussion on this item. He said he would advocate more funding in the CIP for investments in trails along county roads rather than waiting until those roads are reconstructed.
Wiersum said the city had a goal to attract young families into the community. Minnetonka was a community of parks but there were neighborhoods that did not have enough parks and this was one of those neighborhoods. He said this was not only a mini-park but it was the “miniest” of the mini-parks in the city. His kids grew up by a mini-park. His family felt it was an amenity that added a lot of value. He said staff would work with the neighbors who had concerns to mitigate the concerns as much as possible. He said when it comes time to sell their homes living near the mini-park would be something a realtor would point to as an amenity. Over time he thought the park would be an amenity appreciated by everyone in the neighborhood. The problems people fear rarely come true.

Bob Ellingson said his family lives by a park and have people walking on their property every day to get to the park. There are nearby parks with playground equipment and he walks his grandchildren across Excelsior Boulevard to get there. He said the council had to not only think about the people living here today but people who will live there in the future. This park would be used for a long time. It sounded like a lot of money but spread over generations it wasn’t that much. He appreciated the concerns that were raised but he is happy to see the people who walk through his backyard because it was a great way to meet neighbors.

Schneider said he was supportive of the park. He said this park would be an ideal candidate for stretching city resources with volunteer work from the neighbors. He originally got involved with the city as a member of the Jaycees who did two major park projects. In both cases the city provided the materials and all the labor was done by the neighbors who were Jaycees. This was part of community building. He thought this was an excellent opportunity to get back in that mode. It would allow the park to be built sooner based on getting some volunteer help.

Wiersum said there were a lot of Eagle Scouts looking for projects. He suggested they might be able to help with the park as well.

Acomb moved, Allendorf seconded a motion to consider the project in the 2017-2021 Capital Improvement Program. All voted “yes.” Motion carried.

B. Transit Cooperation Agreement Amendment

Wischnack gave the staff report.

Wagner said there had been discussion about snow removal issues. He said as staff works with the Met Council about some critical village center
high traffic areas, he would like the snow removal issue to be part of the conversation.

Wischnack said she has talked with Metro Transit about maintenance issues. They have indicated they will not remove snow from bus stops. There have been discussions about high ridership areas and where people stand to wait for the bus.

Schneider suggested an extension until December 2017 rather than December 2016. Wischnack suggested a one year extension until August 2017.

Allendorf moved, Wiersum seconded a motion to approve the Transit Cooperation Agreement Amendment extending the term of the agreement until July 31, 2017. All voted “yes.” Motion carried.

C. Amendment to the sign ordinance

City Planner Loren Gordon gave the staff report.

Allendorf noted the planning commission report included a sentence about content neutrality that read, “… this means if one must read the sign to know what it is, then by pure definition it does not meet neutrality standards.” He questioned the definition because one always had to read the sign to know what it was. City Attorney Corrine Heine said the statement was not precisely what the legal definition of what content neutrality was but it was a general statement to help people understand the court’s concern. The general idea on content neutrality was the city was not supposed to be regulating based on what someone says.

Wiersum said staff did a good job in getting toward content neutrality. The difficulty would be the next phase since technology was changing so fast.

Acomb said the current document and this proposed amendment it was a lot of information to read. She appreciated the efforts.

Schneider suggested moving into the next phase it might be better to break the document down into sections rather than trying to do it all at once.

Wagner moved, Wiersum seconded a motion to adopt ordinance 2016-08. All voted “yes.” Motion carried.

15. Appointments and Reappointments:
A. Amended reappointments to the senior citizen advisory board

Schneider moved, Wiersum seconded a motion to approve amended reappointments and appointment to the senior citizen advisory board. All voted “yes.” Motion carried.

16. Adjournment

Wiersum moved, Wagner seconded a motion to adjourn the meeting at 8:35 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk