Minutes
Minnetonka City Council
Monday, Oct. 8, 2018

1. Call to Order

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

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Councilmembers Mike Happe, Rebecca Schack, Deb Calvert, Tim Bergstedt, Bob Ellingson, Patty Acomb, and Brad Wiersum were present.

4. Approval of Agenda

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

5. Approval of Minutes: None

6. Special Matters:

A. Proclamation for Extra Mile Day

Acomb read the Proclamation.

7. Reports from City Manager & Council Members

Barone reported on upcoming city events and council meetings.

Acomb attended the Municipal Legislative Committee Board meeting on behalf of the mayor. She shared that it was a great opportunity where she met other members.

Calvert attended an unveiling of a Little Free Library at West Ridge Apartments on behalf of the mayor.

8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases:
A. **Bids for City Hall Office Remodeling**

Barone gave the staff report.

Happe moved, Schack seconded a motion to award the construction portion of the city hall remodeling project to RAM General Contracting, Inc. in the amount of $1,810,648. All voted “yes.” Motion carried.

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

A. **Resolution adopting revised Hennepin County Hazard Mitigation Plan**

Ellingson moved, Bergstedt seconded a motion to adopt resolution 2018-133 approving the revised Hennepin County Hazard Mitigation Plan. All voted “yes.” Motion carried.

B. **Order for liquor license stipulation**

Wiersum pulled item 10B. He shared that this was Nordstrom, Inc.’s second violation with a three-day suspension penalty. He noted that the city had a best practices program which would have allowed one extra strike.

Wiersum moved, Ellingson seconded a motion to issue the Findings of Fact, Conclusion, and Orders for Nordstrom, Inc. (DBA Nordstrom Ruscello). All voted “yes.” Motion carried.

C. **Resolution authorizing the Minnetonka Police Department to enter into a Towards Zero Death Traffic Enforcement grant agreement**

Ellingson moved, Bergstedt seconded a motion to adopt resolution 2018-134 authorizing execution of Towards Zero Death Traffic Enforcement grant agreement. All voted “yes.” Motion carried.

D. **Solar garden subscription agreement with New Energy Equity, LLC**

Acomb pulled item 10D.

Public Works Director Brian Wagstrom shared that public works along with energy management services searched for solar garden subscriptions because there was a need to increase the subscription from seven million kilowatt hours to ten million kilowatt hours for a total savings of $66,000.00 this year.
Acomb asked if the need had changed given the new public safety building. Wagstrom answered that the need would go up; however, the city had the ability to subscribe to more than actual need.

Acomb moved, Ellingson seconded a motion to approve the agreement, subject to the city manager's and city attorney's approval of the final language. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Ordinance repealing and replacing City Code 325, Sign Regulations

Assistant City Planner Susan Thomas gave the staff report.

Calvert noted that the changes made a great deal of sense and would help the council make decisions in the future.

Wiersum said that signs were hard to manage and that the changes made the ordinance more user friendly.

Calvert moved, Schack seconded a motion to introduce the sign ordinance and refer it to the planning commission. All voted “yes.” Motion carried.

B. Ordinance authorizing the sale of city property adjacent to 2430 Winter Circle

City Attorney Corrine Heine gave the staff report.

Calvert asked about the wetlands being filled in. Heine explained that there had been some filling in, but it had already been rectified. Calvert asked if a resident had built a sport court would they need a variance. Heine answered that the location of the sport court was not in violation of the ordinance.

Wiersum asked if this property would be developable under different circumstances. Heine answered that it was not developable because it did not have separate access.

Calvert moved, Happe seconded a motion to introduce the ordinance and approve the purchase agreement, subject to nonmaterial changes as approved by the city manager and city attorney, and authorize the mayor and city manager to execute the final purchase agreement. All voted “yes.” Motion carried.
13. Public Hearings:

A. Resolution vacating public drainage and utility easements at 2932 Beechwood Avenue

Barone gave the staff report.

Wiersum opened the public hearing at 7:08 p.m. No one spoke. Wiersum closed the public hearing at 7:09 p.m.

Bergstedt moved, Calvert seconded a motion to adopt resolution 2018-135 approving the vacation of drainage and utility easements. All voted “yes.” Motion carried.

B. Temporary on-sale liquor license for Episcopal Parish of St. David, 13000 St. David Road

Barone gave the staff report.

Wiersum opened the public hearing at 7:10 p.m.

Bill Jacobs, 4771 Hamilton Road, shared that the annual outreach gala was scheduled for Saturday, November 10th. The proceeds would benefit St. David and the Intercongregation Communities Association food shelf.

Wiersum closed the public hearing at 7:13 p.m.

Schack moved, Calvert seconded a motion to hold the public hearing and grant the temporary liquor license for the annual gala at St. David’s. All voted “yes.” Motion carried.

C. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for DelSur L.L.C., 14725 Excelsior Blvd.

Barone gave the staff report.

Wiersum continued the public hearing from the August 27, 2018 City Council meeting at 7:14 p.m. No one spoke. Wiersum closed the public hearing at 7:15 p.m.

Bergstedt noted that this was a fine addition to the Glen Lake area.
Acomb asked whether Del Sur was participating in the city’s best practices program. Barone answered yes for the applicant who was present in the audience.

Bergstedt moved, Happe seconded a motion to grant the licenses. All voted “yes.” Motion carried.

D. On-sale intoxicating liquor license for Olive Garden Holdings, LLC, at 11390 Wayzata Blvd.

Barone gave the staff report.

Wiersum opened the public hearing at 7:18 p.m. No one spoke.

Acomb moved, Calvert seconded a motion to continue the public hearing to Nov. 5, 2018. All voted “yes.” Motion carried.

14. Other Business:

A. Items concerning VILLAS OF GLEN LAKE at 5517 and 5525 Eden Prairie Road:

1) Ordinance rezoning the property from B-1 and R-1 to R-3; and
2) Resolution approving preliminary and final plats, with variances.

Thomas gave the staff report.

Schack asked if there was a connecting sidewalk south of the property. Thomas confirmed.

Ellingson asked if there was a sidewalk on the other side of the street was it likely that the city would put one in on the other side. Gordon answered that it wasn’t likely. Ellingson asked if the applicant needed to show a hardship in order to get a variance. Thomas answered that the applicant needed to show practical difficulty. Ellingson asked if the applicant had proven practical difficulty. Thomas said that the applicant request was reasonable because of the unique circumstances and general character of locality.

Blaine Waters, Quest Development, Inc., said that staff had done a thorough job on the presentation and he did not have anything to add.
Calvert asked about trees missing from the tree inventory as referenced by a concerned neighbor. Thomas said that staff fact checks the tree inventory.

Waters addressed the neighbor’s concerns, the drive aisle, and presented a rendering of what the site might look like.

Acomb discussed the orientation of backyards facing the road and asked how the two westerly lots would be oriented. Waters answered that those homes would back up towards County Road 4.

Wiersum asked about the driveway shown on Eden Prairie Road. Waters answered that the driveway was not achievable.

Anne Hossfeld, 14616 Glendale Street, said that she lived directly west of this development and had no major objections. She voiced a concern over water management and showed photos of her property during a rain storm.

Acomb thought the use was appropriate, but was concerned with the lack of a sidewalk.

Calvert thought that rezoning was appropriate and understood the need for orienting the homes towards each other, but she struggled with having the backyards against the road. She shared the concern about the sidewalk and did not want to lose trees.

Ellingson raised an objection from former council member Tony Wagner concerning the backyards of homes facing the street. Ellingson was also concerned about tree loss and the lack of practical difficulty that justified the variance.

Bergstedt thought that squeezing five-units on the site seemed generous. He noted that if there were only four-units then more trees could be preserved. He discussed the benefits of a sidewalk versus losing trees.

Barone noted that page three of the resolution talked about the practical difficulties.

Acomb asked if there had been conversations with Hennepin County concerning the strict rules concerning sidewalks. City Engineer Will Manchester discussed the requirements of the county for sidewalks. He noted that the county was open to discussion about the rules.
Happe noted that there was a sidewalk across the street so he was in favor of preserving trees over a sidewalk.

Schack noted a concern about five-units being too many and did not like the backs of homes facing the road. She also preferred preserving trees over a sidewalk.

Wiersum said that the proposal was trying to add a lot in a small space, but that the type of house and transition was appropriate. He said that he would choose public safety over trees because putting in a crosswalk was difficult. He talked about storm water management and how requirements continued to change to keep up with changing weather patterns. He concluded that he was not comfortable with the proposal as it stood.

Acomb talked about the lack of sidewalk and didn’t believe that having to cross to the other side was safe. This prevented her from supporting the proposal.

Bergstedt said that five-units was too high for this site. He talked about his discomfort with backs of home facing the road. He was comfortable with staff’s recommendation to not require a sidewalk.

Calvert acknowledged the report and photos from Hossfeld. She encouraged staff and the developer to continue looking at stormwater management.

Wischnack suggested tabling the vote to give the developer a chance to revisit some of the issues that the council was concerned with.

Wiersum asked the council to lay out and prioritize issues.

Barone asked if the applicant wanted to approve an extension until November 5th, 2018.

Waters was agreeable to postponing, but asked the council to clarify what it wanted.

Schack noted that a sidewalk going to nowhere had its own safety issues. She stated that her priorities were four-units and to reorient some of the homes.

Happe agreed that the sidewalk was not necessary and also preferred four-units.
Bergstedt supported four-units for tree preservation and was against the sidewalk.

Calvert agreed that a sidewalk was not necessary because of the existing sidewalk and to preserve trees. She also agreed that four-units would allow for tree preservation and reorienting the homes.

Acomb leaned toward four-units, but supported the sidewalk in order to continue connecting Glen Lake.

Ellingson agreed about reducing the proposal to four-units. He thought it would be nice to have a sidewalk, but understood that it might not be possible.

Wiersum said that from a council perspective four-units was a pretty easy decision. He discussed the sidewalks versus trees issue, but in the end favored preserving the trees.

Bergstedt moved, Schack seconded a motion to table the items concerning VILLAS OF GLEN LAKE at 5517 and 5525 Eden Prairie Road until a future date decided on by staff and developer. All voted “yes.” Motion carried.

B. Revised concept plan for Marsh Run Two Redevelopment at 11650 and 11706 Wayzata Blvd.

Thomas gave the staff report.

Wischnack continued the staff report and discussed affordability.

Tony Kuechle, president of development, Doran Companies, asked for council input on the architecture. He said that Doran had made significant changes based on previous input. The unit count had been reduced by 45-units or 19%, two-stories had been eliminated from the side facing the town homes, one-story had been eliminated on the freeway side, the parking on the north side had been eliminated, the berm would be preserved, and the setback had been increased from 33 to 43-feet along the north property line.

Ben Lindau, senior architect, Doran Companies, talked about the exterior design. He said it was meant to complement the existing neighborhood and natural surroundings. He said the increased setback would allow for another row of trees and discussed the different materials that would be used.
Sara Maloney, 705 Fairfield Circle, Hopkins, said that board members from all three associations had formed a coalition. She discussed some of its concerns including 190-units on 2.5-acre parcel, size of building, proximity to Fairfield Road, traffic, architecture, and lost trees. She asked the council to oppose the project.

Wiersum clarified that this was not a proposal, but a concept plan. No action would be taken.

Don Knox, 921 Fairfield Way, Hopkins, talked about what he wanted to see at the site including a structure that was no higher than three stories, a setback with adequate green space, parking that was contained, and activity during the day time such as a senior apartment building or medical building.

Andrew Jackson, 1012 Fairfield Spur, Hopkins, shared that he would be most impacted. He agreed with previous commenters about the size of the building and voiced a concern over privacy and sunlight.

Gary Anderson, 943 Fairfield Way, Hopkins, discussed traffic impacts and the increased likelihood of accidents.

Charlie Ross, 992 Fairfield Court, Hopkins, shared that he was part of the Ridgedale Home Owners Association with only 20-units. He discussed the proposed reduction and argued that it was not significant enough. He asked if increased taxes were not considered during a proposal like this then what was the benefit. He suggested a park instead of a building and discussed affordable housing. He was concerned that the amenities were not essential. He also mentioned that he was an insurance adjuster and that renters don't take care of property.

Jamie Flaws, 994 Fairfield Court, mentioned that the entire area abutted wetlands and that the wetlands and animals would be affected.

Bob Uhlhorn, 907 Fairfield Way, addressed traffic safety and density concerns. He suggested that this was the wrong developer.

Pam Lewis, 980 Fairfield Court, reminded the council of some of its comments from the previous meeting concerning density. She thought that gargantuan had been reduced to humongous. She said she was for maintaining the current zoning, but that if it did change to residential then something that was comparable to what was there. She said if it had to be rental then she was for a pitched roof and a maximum of 60-units.
Acomb asked if this development would trigger a staff study. Thomas said that it would. Acomb asked if staff thought the road would be expanded. Manchester answered that there were not current plans to do so. Acomb asked if there were any sites that had similar density. Thomas answered 50 to 55-units, but that she could not think of any in this range off the top of her head.

Ellingson asked if there was any discussion of re-guiding this area in the Comprehensive Guide Plan. Wischnack answered that the area was considered for change with residential as a possibility.

Schack asked about the garbage procedures. Kuechle explained that there would be a tenant move in area off Wayzata Boulevard and that garbage would be contained inside until garbage day.

Acomb asked about the shadow effect. Kuechle answered that Doran was confident that it would not shadow, but a study would be done when the proposal was submitted.

Calvert asked what the price point would be if the project was reduced to 60-units. Kuechle said he didn’t have an answer. He said if the units were reduced below 190 then the project would lose all of its amenities. He noted that amenities were what hold people. The industry average for retention was 50% and Doran's average was mid-70s.

Happe thanked Doran for the changes and thought the building looked nice. He asked what the rent cost would be. Kuechle said a range of $1,400.00 to $3,600.00. Kuechle clarified that a flat roof did not affect density, but that a pitched roof was possible if preferred.

Wiersum asked about the density range in projects that Doran had completed over the last five years. Kuechle said a building in the northeast side of Minneapolis was approaching 140-units per acre, and Maple Grove was around 37-units per acre. Kuechle also noted that Doran had received requests from neighbors to make it higher.

Ellingson asked how people felt about living next to a freeway with so much noise. Kuechle answered that Doran reduces the noise on that side with insulation and triple pane windows.

Calvert said that it was very attractive building and materials if building was taken by itself, but it did not fit the neighborhood. She said that the property did present opportunity for some density, but she was still struggling with the size and traffic concerns.
Acomb said that no matter happened there it would be a big change for the neighbors. She discussed affordable housing, but was still struggling with 77-units per acre. She thought it was a good developer and project and was leaning supportive. She talked about being as respectful as possible to the neighbors to make the transition more palatable.

Schack said that she thought it was an appropriate site for high density residential, but that this project might be too dense. She was concerned about traffic and traffic management. She said that housing was a priority and too many office buildings were empty. She liked the design, but was concerned about mass.

Calvert shared that property rights do not extend to your view, but did allow land owners to develop. She said that as the council was struggling with size, height, and density, she was struggling with green space and losing mature trees.

Bergstedt said that it was a very nice building, but the parcel was too small for it.

Happe said that the good news was that there’s already sidewalks. He understood the neighbors’ concerns, but thought the building looked nice.

Ellingson agreed with Bergstedt’s comments.

Wiersum said that the issues were mass, density, traffic, and affordability. The developer had done a nice job of listening and adjusting the building, but unfortunately it was a big building on a small site. He recognized that density was needed to get affordability, but thought that maybe Doran was not the right developer for this site.

Wischnack reviewed what would happen next. She said the developer would take the council’s comments and decide whether or not to proceed with formal proposal. She reiterated that the council seemed comfortable with high density residential, but that the project, so far, was too dense.

15. Appointment and Reappointments: None

16. Adjournment

Happe moved, Calvert seconded a motion to adjourn the meeting at 10:17 p.m. All voted “yes.” Motion carried.

Respectfully submitted,
David E. Maeda
City Clerk