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 Tony Wagner, Bob Ellingson, Patty Acomb, Deb Calvert and Mayor Wiersum were present. Tim Bergstedt was excused.

4. **Approval of Agenda**

Wagner moved, Acomb seconded a motion to accept the agenda with addenda to items 3, 13A, 14B, and 14C. All voted “yes.” Motion carried.

5. **Approval of Minutes: Dec. 4 and 18, 2017 regular council meetings**

Acomb moved, Wagner seconded a motion to approve the minutes of the Dec. 4, 2017 regular council meeting and the minutes of the Dec. 18, 2017 regular council meeting, as presented. Wagner, Ellingson, Acomb and Wiersum voted “yes.” Calvert abstained. Motion carried.

6. **Special Matters:**

7. **Reports from City Manager & Council Members**

City Manager Geralyn Barone reported on upcoming city council meetings and city events.

Wiersum congratulated Acomb and Calvert for winning their elections.

Calvert said she was excited to be working with such a principled and hard working group. She hopes to continue the legacy of good governance that the city enjoys. There is a reason Minnetonka is one of the top 100 cities in the country to live in. She thanked the voters and her family.

Acomb said the fact there has not been a lot of turnover on the council led to good governance and consistent leadership. She was honored to be part of the council and thrilled to be back.

Wiersum said he was excited to step into the mayor’s role. He promised to do his best to fulfill the Minnetonka legacy of good governance and regional leadership. He thanked the voters and departing Councilmember Dick Allendorf and Mayor Terry Schneider. He also thanked the city’s staff, other councilmembers as well as his family.
8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases:

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution designating an Acting Mayor and Alternate Acting Mayor for 2018

Acomb moved, Calvert seconded a motion to adopt resolution 2018-001 designating Councilmember Wagner as Acting Mayor and Councilmember Bergstedt as Alternate Acting Mayor for the year 2018. All voted “yes.” Motion carried.

B. Designation of the city’s official newspaper for 2018

Acomb moved, Wagner seconded a motion to designate Lakeshore Weekly News as the city’s official newspaper for 2018 legal notices. All voted “yes.” Motion carried.

C. Joint Powers Agreement with I-494 Corridor

Acomb moved, Wagner seconded a motion to approve the proposed version replacing the original agreement. All voted “yes.” Motion carried.

D. Resolution correcting polling place information that was adopted in Resolution 2017-136

Acomb moved, Wagner seconded a motion to adopt resolution 2018-002 approving correction of Resolution 2017-136. All voted “yes.” Motion carried.

E. Participation in the Government Alliance on Race and Equality

Wiersum pulled the item from the consent agenda.

Assistant City Manager Perry Vetter gave a staff report.

Wiersum said he supported participating in the Government Alliance on Race and Equity (GARE) and urged the other councilmembers to support it as well. He first became aware of GARE while serving on the League of Minnesota Cities Board of Directors. He found it to be an excellent, objective organization. It has made him much more mindful of the importance of increasing awareness and sensitivity to race in society. He said the biggest thing GARE has helped him with was becoming more conscious of his personal biases. Everybody has biases and what GARE has taught him was how to constructively deal with his biases. Understanding his own biases enables him to be more considerate and respectful to people who are different than himself. He thought participating in GARE would benefit the city and help the city to continue to foster an attitude of respect to all people in the city.
Acomb moved, Calvert seconded a motion to authorizing and supporting city staff participation in the 2018 League of Minnesota Cities and Government Alliance on Racial Equity Introductory Cohort Program. All voted “yes.” Motion carried.

F. Cooperative agreement with City of Bloomington regarding 2018 National Football League Super Bowl event

Acomb moved, Wagner seconded a motion to approve the agreement. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

12. Introduction of Ordinances:

13. Public Hearings:

A. On-sale intoxicating liquor license for Copper Cow, LLC, at 5445 Eden Prairie Rd

Barone gave the staff report.

Wiersum opened the public hearing at 6:50 p.m.

The applicants, Chris and Danielle Bjorling, 2515 Nicollet Ave, introduced themselves. Chris Bjorling said they were the owners of the Copper Hen restaurant in Minneapolis. They were looking forward to partnering with the city in expanding their business.

Joan Charnas, 14457 Stewart Lane, noted a newspaper article about the restaurant indicated it would be selling shakes with liquor in it. She questioned if the shakes would be available at the takeout window and how this would be different from driving with an open bottle. Community Development Director Julie Wischnack said the shakes would not be available at the takeout window. If the idea was to run a delivery service that included the shakes, then further permitting and licensing would be required. The applicants were not asking for that at this time.

Mike Roth, 14485 Stewart Lane, said the newspaper article indicated there would be indoor and outdoor seating at the restaurant. He said when the nearby now closed Dairy Queen put in a drive through window, he was concerned about the noise. The owners were willing to work with him to adjust the volume on the speaker. He was concerned about the outdoor area of the Copper Cow especially if music was allowed. Wischnack said there would be a couple more meetings, including a neighborhood meeting, where the details of the plan would be discussed.

Acomb moved, Wagmer seconded a motion to continue the public hearing to Feb. 26, 2018. All voted “yes.” Motion carried.
14. Other Business:

A. Resolution declaring vacancy in the council seat for Ward 3

Barone gave the staff report.

Wagner moved, Calvert seconded a motion to adopt resolution 2018-003 declaring vacancy in the council seat for Ward 3. All voted “yes.” Motion carried.

Wagner what the process would be once the council called for a special election. City Clerk David Maeda indicated staff was working on a calendar that would identify key dates for the election including when candidate filing and absentee voting would occur. This would be provided to the council at its Jan. 22 meeting.

B. Concept plan review for The Villas of Glen Lake at 5517 and 5525 Eden Prairie Road

City Planner Loren Gordon gave the staff report.

Acomb asked what the different requirements were for a private drive and a public street. Gordon said the two primary differences were who owns it and who maintains it. For access reasons, the city generally likes to have the streets built to pretty similar standards. The city code standard is for a 24 foot wide road and that standard was what was proposed for the private street. He said staff generally prefers a public street over a private street because long term there was more benefit to the residents who would otherwise incur more costs over time.

Ellingson asked what restrictions existed for building in the bluff area. Gordon presented a graphic that showed the restrictions. A twenty foot buffer represented what the setback would be from the top. Ellingson asked if the council could grant a variance. Gordon indicated a variance could be granted to minimize the impacts.

The developer, Blaine Waters, 5068 Holiday Circle, said the five units were consistent with the city’s overall vision for the area. The plan was also in line with the city’s housing goals and bringing in a variety of housing stock. The hope was to bring in five units that would provide mostly main level living to the Glen Lake area.

Wagner asked Waters to explain why he chose the layout he did. Waters said there were multiple iterations of what a layout might look like with the type of unit in mind. One of the bigger reasons he ended up with this concept was based on the bluff line. A topographic survey and tree inventory were done. He said it wasn’t entirely clear through the process where the actual bluff line was. He came to find there was a defined equation on determining the bluff line. This plan took that into account. Wagner said, similar to this plan, there was a development on Williston Road that he shudders every time he drives by because the home’s back porch faces a major county road. This make it feel less residential. This combined with the setback gave him pause about the concept plan. He said the
proposed use was a needed use in the city. He liked that the plan protects a sensitive natural area. He had concerns with the setbacks because five feet felt too close. He wasn’t sure he could support the current layout.

Acomb said she shared some of Wagner’s concerns in large part with the setback to the north. She thought the layout could be done differently. The homes were close together because the whole width of the property could not be used. She said she would like to see a sidewalk along County Road 4. This would help address some of the concerns that were raised at the planning commission meeting. She appreciated the woodland preservation area. She hoped the builder would be mindful of some of the existing trees in the building area.

Calvert noted she was on the planning commission when the concept plan was presented. She shared all the concerns that were raised. She was appreciative of the mindfulness of the woodland preservation area. She also would like to see the sidewalk. She said in some ways the plan was a nice transition from the very large lot single family homes to the more commercial area. However the proximity to Eden Prairie Road when the rest of the homes were set so far back felt strange. She shared the concern about having the back of the house up against County Road 4. She also heard the business owner’s concern about not having adequate buffer between the development and his business.

Ellingson said he was concerned about the tree loss and the grading that would happen. He noted another property on Williston Road north of the daycare where the houses were removed and all the trees are gone. Because of the topography of the area, he was apprehensive that everything would be leveled from Eden Prairie Road back to the bluff line.

Wiersum said the need for this type of housing made the plan attractive. He was concerned about the five foot setback. He said this was the classic Minnetonka development proposal because the city had challenging sites with the topography and trees. He liked the woodland preservation and bluff preservation area but he thought there was a lot trying to be squeezed on to the rest of the property. If there were fewer units the developer would have more space to work with but he understood the reality of the cost of land in the city and the challenge of making it all work. He said this was a good location for this type of housing.

Greg Olson, the owner of the neighboring dental office, distributed information about the trees in the area. He noted generally developers calculate setback using the foundation not the soffits. In this case using measurement from the soffits, it would mean the homes would be two to three feet from his property line and not five feet. He said there was also a water issue with the whole terrain going down to his property. He was worried about the amount of hard surface. He said there needed to be some type of barrier between the properties to prevent the residents from walking through as well as dumping garbage on to his property. Because there was no sidewalk on the east side of Eden Prairie Road it was dangerous for pedestrians. Currently the pedestrians walk through his property to avoid walking on the road. He was concerned about the increase in
traffic from the development, snow removal and the amount of trees that would be removed.

C. Concept plan review for Ridgedale Executive Apartments at 12501 Ridgedale Drive

Robert Weinstine, an attorney with the Winthrop & Weinstine law firm, said he represented the property owner. Since the council last saw the concept plan, the property owner seriously considered all the feedback he received from the council. Neighborhood issues were reflected upon. Earlier in the day there was a neighborhood meeting that was attended by five or six people and also city staff. He said the plan was generally well received. As a result of listening to the neighbors, the building height was reduced from six stories to five stories. This was a significant financial contribution from the property owner given all the amenities that were being included to make it a first class development. For comparison, he noted the building at 1700 Plymouth Road was six stories. The building southeast of the YMCA was four stories and was much closer to residential homes and the topography was much higher. In addition to reducing the size of the building, the building was moved further back on the property. As a result the closest home would be 423 feet away. The area was wooded and the plan would not affect the trees in any way. The design of the building has been softened. The proposed path was removed. He said the development would be very attractive to empty nesters and young professionals.

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

Wagner noted the reduced height was about seven feet while most apartment buildings a story was eight to 12 feet high. He asked if part of the reason for this was the amount of parking, which was 250 parking spots for 93 units. He asked if this was discussed at the neighborhood meeting. Gordon said the information Wagner was referencing was a staff interpretation and not from the architect. He said the concept plan indicated floor to ceiling heights around 10 feet. There would also be around two to three feet between floors. As far as the parking, he noted the office building was part of the site. The plan was for two to three spots per unit, visitor parking spots, plus spots for the office building. Staff would do more analysis on the parking if an application was submitted.

Jesse Hamer, from Momentum Design Group, the architect for the project, said the revised height of the building would be about 65 feet, about a nine foot reduction. The current plan met the city’s full parking requirement. There were two spaces per units and 57 spaces for the office building. He said in addition to moving the building back, there was an effort to increase the connection to the pedestrian walk area. There also was a plaza area added in front of the building.

Dr. Mark Stesin, 2000 Norway Pine Circle, said he was speaking on behalf of a coalition of neighbors. None of the coalition attended the neighborhood meeting earlier in the day and they remain opposed to the project. They do not oppose bringing in new residents to the city with high density apartment buildings as long as they comply with the comprehensive plan and do not encroach on neighbors
who have lived in the city for decades. He said the change in the height of the building doesn't get at the core issues discussed at the previous council meeting. The building was still too big, bulky and dense for the property. There still were balconies facing the neighborhood, a pool, a recreation area and now an outdoor barbeque area. The trees may buffer the building from being seen but they would not buffer the noise. The entire character of the neighborhood abutting the property would change. There was not enough buffer for going from high density to low density.

Acomb said she appreciated the developer making changes to address concerns but looking at a drawing of the building it looks like a big wall along Ridgedale Drive. While there had been some accommodations she liked, she didn't think there were enough. She noted some developments had stepped things down to break up the look of the building. She didn't know if this was an option for this plan. She appreciated Stesin's comments about transitioning from single family homes to high density. She thought high density was appropriate for the site although five stories still might be too high. She noted there was a lot of the development in the Ridgedale area and none of it included affordable housing. This put the city in the situation of not having any affordable housing in a commercial area. She encouraged the developer to look at including affordable housing and for the council to hold developers to the standard especially for a commercial area.

Calvert said this also was a project she reviewed as part of the planning commission. She appreciated the reduction in height. She said there seemed to be some changes in the design that helped break up the blank wall feel. She liked the materials being used and that they were really attractive. She noted the view from the east Ridgedale Drive perspective made it look like the building was almost sitting on the road. She appreciated the developer moving the building as far away from the residential property as possible, but in doing so it placed the building close to the road. This gave it a claustrophobic feeling. It also robbed the site of a suburban feeling and gave it a very urban feeling. She was concerned this might create issues given some of the changes to Ridgedale Drive. She agreed with Acomb's comments about affordable units. She also thought the city needed to be mindful as it promoted its values and priorities, in promoting sustainability. She had not heard that discussed much for this concept plan.

Wagner said he continued to believe high density housing was appropriate for the site. While he recognized the removal of a story from the building, he encouraged the developer to evaluate concepts associated with how the parking was treated on the site. In general the council's comments indicated although it was an appropriate use being looked at, the mass with the existing office building remained too much. Even though the look was softened, the wall along Ridgedale Drive was a concern.

Ellingson said the building was attractive and it was appropriate to have high density housing on the site. He thought it was unfortunate such a high density building was right next to a single family residential neighborhood. He noted such an abrupt situation existed with the Best Buy site so he understood and
appreciated the concerns from the neighbors. He questioned what might be acceptable for the site.

Wiersum agreed the building was an attractive building but as he considered the location and the amount of buildable land, he thought it was an overly ambitious project. The mass was still too much. A high end building built to high standards with a lot of amenities on such a small footprint next to a single family residential neighborhood with no real buffer was too ambitious. He appreciated the changes that were made to the plan, but he thought it still needed to be downscaled.

15. Appointments and Reappointments:

A. Appointment of representatives to various advisory boards, commissions and committees

Barone gave the staff report.

Wiersum said he would serve on the charter commission and advised staff to proceed with the appointment process with the district court. He indicated he wanted to discuss a few specific assignments with individual councilmembers. He said he had discussed with Calvert her serving as the alternate to Wagner on the EDAC. Calvert agreed to serve. She indicated she also was interested in serving on the Southwest Cable Commission. Wiersum agreed to that appointment.

Wiersum moved, Wagner seconded a motion to approve the appointments to various advisory boards, commissions and committees. All voted “yes.” Motion carried.

16. Adjournment

Acomb moved, Wagner seconded a motion to adjourn the meeting at 8:06 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk