Minutes
Minnetonka City Council
Monday, Aug. 5, 2019

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:32 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members Mike Happe, Tim Bergstedt, Deb Calvert, Bob Ellingson (arrived at 6:54 p.m.) Rebecca Schack and Brad Wiersum were present. Susan Carter and Bob Ellingson were excused.

4. Approval of Agenda

Schack moved, Happe seconded a motion to accept the agenda with addenda to Item 14.A. All voted “yes.” Motion carried.

5. Approval of Minutes:

A. July 8, 2019 regular council meeting

Bergstedt moved, Schack seconded a motion to accept the minutes, as presented. All voted “yes.” Motion carried.

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings. She noted National Night Out would be celebrated on Tuesday, Aug. 6 and explained the city would have over 160 neighborhood gatherings.

Calvert stated she attended the Elections Task Force Subcommittee of the Improving Services Committee for the League of Minnesota Cities.

Wiersum commented on the recent tragedies that occurred in Gilroy, California; El Paso, Texas and Dayton, Ohio. He sent his condolences to the injured, the families who lost loved ones and to the impacted residents of these cities. He extended his deepest sympathies from the City of Minnetonka. He asked that all
residents consider what can be done to be kinder and more accepting of one another regardless of our differences. He encouraged residents to build relationships one at a time and embrace others as individual human beings. He suggested people not tolerate intolerance and that the only thing people hate be hatred itself. He challenged residents to think of one way to take positive action to make tragedies less likely to occur in this community.

8. Citizens Wishing to Discuss Matters not on the Agenda: None

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

   A. Items concerning the construction of a new home at 11405 Timberline Road:

      1) Front yard setback variance; and

      2) Conditional use permit for an accessory apartment

   Happe moved, Schack seconded a motion to adopt Resolution 2019-064 approving the request. All voted "yes." Motion carried.

   B. Resolution approving a conditional use permit for a fitness facility at 15400 Minnetonka Industrial Road

   Happe moved, Schack seconded a motion to adopt Resolution 2019-065 approving the request. All voted "yes." Motion carried.

   C. Resolution approving the final plat of HIGHCROFT MEADOWS at 14410 Orchard Road

   Happe moved, Schack seconded a motion to adopt Resolution 2019-066 approving the final plat. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

   A. Ordinance authorizing the sale of city property adjacent to 11700 Wayzata Boulevard

   Community Development Director Julie Wischnack gave the staff report.
Happe moved, Calvert seconded a motion to introduce the ordinance and approve the purchase agreement. All voted “yes.” Motion carried.

13. Public Hearings:

A. Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 14350 County Road 62

City Manager Geralyn Barone gave the staff report.

Wiersum opened the public hearing.

Chris Rosenlund, Minnetonka Rotary Foundation representative, introduced himself to the council and discussed the great work being done by the Minnetonka Rotary Club. He explained the requested liquor license was for the group’s annual golf fundraiser which would be held on Thursday, Sept. 12. He invited the city council to attend an upcoming Rotary meeting noting the group meets at the Eisenhower Community Center from 7:15 a.m. to 8:30 a.m. every Wednesday.

Wiersum thanked the Rotary Club for the great work they do in the community.

Wiersum closed the public hearing.

Bergstedt moved, Calvert seconded a motion to hold the public hearing and grant the license. All voted “yes.” Motion carried.

B. House moving permit application to move a structure from 2333 Hopkins Crossroad to 11021 Hillside Lane

City Planner Loren Gordon gave the staff report.

Schack asked if the house could be moved without damaging additional trees. Gordon commented the applicants show a tree loss that was the same as the loss for the Chabad project.

Calvert indicated there were some very mature oaks close to the home that would be moved. She questioned if these trees would survive with the new foundation. Gordon deferred this question to the applicant.

Happe inquired if both properties had the same owner. Gordon deferred this question to the applicant as well.

Wiersum asked if the home that would be moved would have improved setbacks on the new lot. Gordon reported the home would have a conforming setback.
Wiersum opened the public hearing.

Mordechai Grossbaum, 3301 Robinwood Lane, explained he would like to move this home because it was solid and had plenty of life left in it. He thanked Mr. Blackburn for being patient with him during the purchase of this home. He indicated it would take a week to load and a day to move the home. He reported the mover was tremendously experienced. He stated no trees would be removed that were not currently marked.

Ellingson arrived at the meeting.

Wiersum closed the public hearing.

Schack stated she appreciated the environmentally conscience approach that was being taken with this home.

Wiersum agreed, stating he was pleased this home would be saved and brought back to life.

Schack moved, Calvert seconded a motion to hold a public hearing and approve the permit. All voted “yes.” Motion carried.

C. Items concerning The Kinsel at Glen Lake at 14317 Excelsior Boulevard:

Land Use

1) Right-of-way vacation;

2) Preliminary and final plats;

3) Rezoning from R-1, low-density residential, to PUD, planned unit development;

4) Master development plan; and

5) Site and building plan review

Affordable Housing

1) Affordable housing recommendation

City Planner Loren Gordon gave the staff report.
City Engineeer Will Manchester discussed the traffic study.

Community Development Director Julie Wischnack commented on the affordable housing portion of this project.

Tim Whitten, Whitten Associates, discussed the history of this project and noted he did not start with the Ron Clark Group. He explained a residential use on this site was the way to go. He described how the project was retooled given the fact the county would only support access to the project from Stewart Lane. He commented on how the concerns of the neighbors were taken into consideration, with respect to traffic, parking and the mass or scale of the building. He described how the setbacks were adjusted and noted additional landscaping would be planted. He commented further on the proposed units noting the amenities that would be provided in the complex. It was noted he was proposing to construct a three story building and not a four story building. He discussed the proposed parking and asked how much proof of parking was necessary. He stated if less proof of parking was required, more trees and greenspace could be maintained on the site.

Mike Waldo, Ron Clark Construction, introduced himself to the council and stated he was excited to bring this project forward. He explained he felt good about the proposed use and the long term viability of the project. He commented on the trees that would be lost and noted he would be replanting larger sized trees. He discussed how this development would support the local Glen Lake businesses. He noted the proposed use would bring a lower amount of traffic than any other type of development. He encouraged the council to support the proposed development as it would be a great development.

Wiersum opened the public hearing.

David Steingas, 21500 Fairview Street in Excelsior. He expressed concern with the fact the apartment building would only have 51 underground parking stalls for a 58 unit structure.

Nancy Bresnahan, 14319 Stewart Lane, explained she lived directly behind the proposed structure. She asked if the circular area would be used for moving vehicles. She questioned if a continuous sidewalk would be installed.

Allen Wehr, 14301 Stewart Lane, thanked the developer for considering further tree preservation. He discussed concerns he had regarding the proposed stormwater system and encouraged the city to further consider traffic and pedestrian safety at Stewart Lane. He recommended the city consider taking action now before any pedestrians were hurt.
Bill Sorem reported he was a resident of Zvago. He explained the proposed development would seriously impact traffic problems and pedestrian safety. He indicated the city was not concerned with the traffic problems but rather just kept making it worse. He believed this request was a case of developer greed exceeding common sense. His biggest problem with the request was that the building was too large for the property.

Sally Gullock, stated she was a resident of Zvago. She questioned how the garbage and trash would be collected. She feared the site was too small to allow for garbage trucks to access the site.

Roger Herman stated he was a resident of Zvago. He noted he had concerns with parking. He questioned how one acre of land could support 58 units. He stated Zvago had 58 units on three acres and still had parking concerns. He asked where snow would be stored and where the residents would park. He commented it was difficult to walk in his neighborhood given the high level of traffic already in the area. He recommended the developer reconsider the request given how incredibly dense this development would be.

Jim Stroble, 14319 Stewart Lane, explained his building was located immediately across from the proposed development. He supported the proposed project. He believed the project met the city's goals and noted residential was an appropriate use for the property. He commented the building mass and noted the proposed building was similar to the surrounding developments. He recommended the council not require this developer to standards that were not used on previous developments. He explained his only concern was with how pedestrian safety has been impacted along Stewart Lane. He supported the council approving the project while also resolving to make necessary infrastructure changes for both vehicles and pedestrians using Stewart Lane. He stated he wanted to see Stewart Lane safe again.

Wiersum closed the public hearing.

City Manager Geralyn Barone requested staff address the questions raised by the public.

Gordon discussed the stormwater management plans for the site noting this site would meet all city and watershed district requirements.

Mr. Waldo noted all moving trucks would use the front circular area for move ins. He reported the garbage would be rolled out of the lower level garage for pickups. He clarified for the record the building would have 63 underground parking stalls. He stated excess snow would be hauled away from the site if required.
Happe stated he believed the building looked great and provided a nice transition between the larger building and the adjacent townhomes. He explained there was a great deal of concern with vehicular and pedestrian safety. He asked what else could be done to address this concern. Gordon stated after the planning commission meeting staff reviewed the traffic report from 2005. He reviewed the numbers from 2005 compared to 2019 and noted traffic was less than it was previously during peak traffic times. Manchester indicated he understood there were traffic concerns.

Calvert questioned if staff was aware of the problems with the Zvago stormwater system. Gordon stated he was not aware of any problems with the Zvago stormwater system. He understood there were some planting issues. He explained the Kinsel property would have an underground system and not an open pond.

Schack indicated she supported the proposed project given its density and the fact that it provided a nice transition from the surrounding developments. She reported this property has been ready for development for quite some time. She understood Stewart Lane was a problem and suggested a sidewalk be provided along the entire length of this roadway. She wanted to see this area remain safe as it was a vibrant and growing area of the community.

Calvert stated she was struggling with this development. She noted she met with Mr. Waldo last week. She indicated she liked Whitten & Associates and Ron Clark Construction and understood both of these businesses were high quality. She appreciated the fact the development was working to preserve greenspace and trees while also offering affordable units. She explained she was concerned with the density of the Glen Lake area and questioned how this new development would be absorbed. She indicated she was struggling with the mass of the proposed building given the small size of the property. She questioned how the proposed building would add character to the Glen Lake area. She stated she had concerns with traffic and parking as well.

Happe commented he was not concerned about the mass of this building. He believed this building provided a nice transition from the adjacent building to the townhouses. He stated the developer was proposing to construct a very nice building. He indicated he was concerned about pedestrian and vehicular safety.

Bergstedt explained he too was struggling with this project. He reported Ron Clark Construction was a very high quality developer. He stated Mr. Whitten had proposed a very attractive building. He commented on the number of trees that would be lost if this building were constructed. He indicated the city would have to address the traffic and safety concerns. He explained at this time he could not support the mass and density of the building.
Ellingson stated he appreciated the thoughtful comments of the council. He explained he lives near this area and he walks to Lund’s frequently. He indicated this area did have heavy traffic. He discussed how the area had changed over time, noting his wife grew up in Glen Lake. He understood that this property would redevelop at some point in time, but questioned if going from one single-family home to 58 units was the best decision. He feared the city was over developing the Glen Lake area given the traffic concerns that have been created. He suggested the project be scaled back in order to achieve a better development for the property.

Wiersum stated this was a challenging project for him as well. He noted the city had done a great deal of work with the Ron Clark Group and he understood this company delivered a high quality product. He believed the developer was proposing a high quality building that was attractive and the market would support the proposed units. He indicated the affordable units within the development were a plus. He explained the biggest challenge for him with this project was that the property was just over one acre in size and it would have a lot of building on it. He stated Glen Lake has become a very vital neighborhood in the community. He believed the comments and concerns raised by the neighbors were very valid. He feared that Glen Lake was at a tipping point and he did not want to see the city do too much. He was concerned with how this large dense building on this small property would impact Glen Lake. He stated he wanted Glen Lake to be walkable and he was concerned with the fact it was not. He indicated he would not be able to support this building tonight because he believed several things had to be fixed, such as Stewart Lane and access issues. He explained he was not saying no forever, but until his concerns could be addressed, he could not support the request.

Bergstedt asked how staff would recommend the council proceed. City Manager Geralyn Barone explained the request would require four affirmative votes for approval. She reported if the council were to move to deny the request, reasons for denial should be stated for the record.


Happe moved, Bergstedt seconded a motion to hold the public hearing and to recommend denial of Ordinance 2019-XX and Resolution 2019-XXX, Resolution 2019-XXX and Resolution 2019-XXX based on concerns regarding vehicle and pedestrian safety, density at this location, and the lack of greenspace within the development. Happe, Bergstedt, Ellingson, Calvert, and Wiersum voted "yes", Schack "opposed". Motion carried 5-1.
Wiersum recessed the city council meeting at 8:50 p.m.

Wiersum reconvened the city council meeting at 8:55 p.m.

14. Other Business:

A. Resolution approving a floodplain alteration permit and setback variances for construction of a new home at 17028 Grays Bay Boulevard

City Planner Loren Gordon gave the staff report.

Wiersum explained he discussed the differences between stormwater and flood plain with staff.

David Steingas, 21500 Fairview Street in Excelsior, explained he was the developer of this property. He stated he had worked hard with staff to reduce the amount of hardcover on this site and indicated the stormwater was well managed.

Ellingson indicated he did not object to the request but asked if the homes in this neighborhood would be in jeopardy if the city were to receive more rain this summer. City Engineer Will Manchester reported the proposed stormwater management plan would hold more water than was currently being done. City Manager Geralyn Barone explained Lake Minnetonka had an outlet to Minnehaha Creek.

Happe stated he has had conversations with the adjacent property owner and this gentleman was concerned with how water would impact his property. He explained the proposed stormwater management plan would be an improvement over the current situation.

Happe moved, Schack seconded a motion to adopt Resolution 2019-067 approving the requests with addenda. All voted “yes.” Motion carried.

B. Resolution affirming the planning commission denial of an amendment to the existing sign plan for Ridgedale Center at 12401 Wayzata Boulevard

City Planner Loren Gordon gave the staff report.

Zach Pettus, 2836 Colfax South in Minneapolis, thanked the council for their time and consideration. He indicated the request before the council was different than the request that was made two years ago. He explained he and his wife own and operate the Uptown Cyclebar which has been open for the past three years. He
indicated he would like to expand to the Ridgedale Center. He discussed the Cyclebar indoor fitness concept noting it was highly sought after. He described how Cyclebar gave back to local charities. He understood there was a concern with the proposed signage based on the sign ordinance that was on the books. He noted the city's sign ordinance was 30+ years old. He discussed how retail and malls have changed over the past 30 years. He requested the council consider how his cycling studio would positively impact the community and allow for his retail tenant business to move into the Ridgedale Center with the requested signage. He commented further on the requested signage noting he would not be installing a sign indoors.

Bergstedt stated he did not see a difference between this request and the sign request that was made in 2017.

James Varsamis, Brookfield Properties, introduced himself to the council and explained Zack Pettus was a great local business owner. He stated it was unfortunate that the sign code stated only restaurants and outdoor facing stores were allowed to have outdoor signage. He indicated he was advocating for the council to make a change to the sign code to allow for exterior signage for this use because this business would have an exterior entrance.

Ellingson asked if the Sears at the Mall of America was closed. Mr. Varsamis reported Sears had filed bankruptcy and was closing a significant number of their stores.

Schack questioned if an amendment was made to the Ridgedale sign plan if this update could be done recognizing the fact the sign plan will need to be updated when the plans for Sears were known. Community Development Director Wischnack stated staff had a great deal to consider with respect to how the mall would redevelop. She noted the mall entirely was being considered and not just the future plans for the Sears site. Gordon stated staff understood the mall was going to change and evolve, however staff also had to keep things fair when it came to outward facing signs.

Mr. Pettus stated he fully understood the need to evaluate the full plan for the mall. He commented his sign was in the full plan. He explained the planning commission has acknowledged the sign code needs to be addressed, staff has stated the sign looks great, the community wants this use at the mall and the mall owner wants to have a new tenant. He encouraged the council to grow the city in a positive manner and to assist the mall with evolving to meet changing times.

Schack indicated she felt for this applicant and noted he was a victim of lack of planning on the mall owner's part. She stated this was a problem. She feared what would happen if the council were to overturn the planning commission's
recommendation and explained this could set a dangerous precedent. For this reason, she could not vote to support the sign request.

Calvert concurred with Schack. She stated she was sympathetic with this franchisee and noted the city did want to work with this new tenant. She encouraged the business owner to understand why the city had standards in place.

Happe explained he would like to have this business and this business owner in the City of Minnetonka, however he would not be able to support the request at this time.

Bergstedt commented he too would love to have this business in Minnetonka at Ridgedale. He indicated staff has given them a Plan B and noted corporate would not approve this. He stated at this time he could not approve the request.

Wiersum explained this request was brought to the city two years ago with the same concerns. He stated the request was denied and the mall owner has yet to address the plans for the mall. He commented there should be no surprise here. He indicated signs were a big deal in Minnetonka and the city was not in to making exceptions. He reported if the sign code were revised it would have to be done over time and strategically, not piecemealed.

Calvert moved, Bergstedt seconded a motion to Adopt Resolution 2019-068 upholding the planning commission decision. All voted “yes.” Motion carried.

C. Metro Transit and Transit Link Service update

Community Development Director Julie Wischnack gave the staff report.

Nick Thompson, Director of Transportation Services for Metro Transit, introduced himself to the council. He described the shared ride services that were provided by Transit Link in Minnetonka throughout the seven county region. He explained the routes were not being used during the evening and weekend hours and described how the routes would change come September 1st.

Steve Mahowald, Metro Transit, discussed the plans for Route #614. He commented on how the elimination of this route would impact residents in Minnetonka. He described the alternative services that would be available via Transit Link. He provided further comment on how riders would be notified of the route change.

Wiersum asked what type of vans were used for the Transit Link rides. Mr. Thompson stated 10 to 14 passenger vans are used. He explained all vans were fully accessible.
Wiersum questioned how many of the Route #614 riders would convert to Transit Link riders. Mr. Mahowald stated the expectation would be a number of the trips are discretionary while other riders needed to get people to jobs on a daily basis. He anticipated some riders may seek new employment when this route is discontinued. He understood the ridership conversion would not be 100%. He commented further on how Uber and Lyft were impacting ridership.

Wiersum stated he appreciated the buses running but understood this route was no longer efficient.

Received an update on planned transit service adjustments.

15. Appointments and Reappointments: None

16. Adjournment

Calvert moved, Schack seconded a motion to adjourn the meeting at 10:10 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk