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**

Council Members Rebecca Schack, Susan Carter, Tim Bergstedt, Bob Ellingson, Deb Calvert and Brad Wiersum were present. Mike Happe was excused.

4. **Approval of Agenda**

Schack moved, Carter seconded a motion to accept the agenda, as amended with addenda to Item 13.B. All voted “yes.” Motion carried.

5. **Approval of Minutes:**

A. **June 24, 2019 regular council meeting**

Calvert moved, Bergstedt seconded a motion to accept the minutes, as presented. Carter, Bergstedt, Ellingson, Calvert and Wiersum voted “yes”. Schack abstained. 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.

Schack thanked staff for their assistance with the pollinator day event.

Calvert reported she attended the Boards and Commission Dinner. She commented on the speaker who spoke about community leadership.

Calvert noted she recently attended Metro Cities and League of Minnesota Cities meetings.
8. Citizens Wishing to Discuss Matters not on the Agenda: None

9. Bids and Purchases:
   A. Agreement for police and fire facility project construction manager services

   City Engineer Will Manchester gave the staff report.

   Bergstedt moved, Schack seconded a motion to approve the agreement. All voted "yes." Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:
    A. Minnetonka Firefighters Relief Association By-Laws amendment

    Ellingson moved, Calvert seconded a motion to adopt Resolution 2019-061. All voted "yes." Motion carried.

    B. Ordinance amending various sections of city code related to pollinators

    Ellingson moved, Calvert seconded a motion to adopt Ordinance 2019-16. All voted "yes." Motion carried.

    C. Resolution approving a conditional use permit for an accessory apartment at 3518 Hopkins Crossroad

    Ellingson moved, Calvert seconded a motion to adopt Resolution 2019-062. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:
    A. Ordinance authorizing sale of city property adjacent to 1013 Ford Road

    City Attorney Corrine Heine gave the staff report.

    Wiersum explained this was an introduction of the ordinance and nothing would be final until the second reading was held and the ordinance was being approved. Ms. Heine reported this was the case. She commented further on the contingencies that had to occur before the land transfer would be complete.
Calvert moved, Carter seconded a motion to introduce the ordinance and approve the purchase agreement. All voted “yes.” Motion carried.

13. Public Hearings:

A. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for My Burger Operations, LLC., 10997 Red Circle Dr

City Manager Geralyn Barone gave the staff report.

Wiersum opened the continued public hearing. No one spoke. Wiersum closed the public hearing.

Schack moved, Calvert seconded a motion to continue the public hearing from June 24 and grant the licenses. All voted “yes.” Motion carried.

B. Off-sale liquor license for Target Corporation, 4848 County Road 101

Community Development Director Julie Wischnack gave the staff report.

Bergstedt commented this item has been before the council two times already and neither time was it approved. He noted in order to approve this off-sale liquor license the request would require five affirmative votes from the council. Ms. Wischnack reported this was the case.

Wiersum opened the public hearing.

Mark Kenny, 18211 58 Place North in Plymouth, explained he was the Vice President of Adult Beverages for Target. He requested approval of the liquor license request for the Target located at the intersection of County Road 101 and Highway 7. He stated for nearly 40 years Target has been located in Minnetonka. He discussed the number of Target employees that worked in Minnetonka and described the positive impact these employees had on the community. He commented further on how competitive the retail market was these days and how important one-stop shopping was for his patrons. He explained Target had applied for an off-sale liquor license on two other occasions. He requested the council reconsider his request and noted his application was based on council feedback. He discussed Target’s security procedures for liquor sales. He reported the number of liquor stores in Minnetonka would not change. He discussed how he had reached out to the Minnetonka High School principal and superintendent, noting that they did not oppose Target’s request. He noted that Target had also reached out to Tonka CARES, to understand how Target could partner with the organization. He indicated that the liquor store would be convenient for Target’s guests and would provide a unique shopping experience. He noted that Target offers a smaller
assortment than some competitors but that it reflects local preferences. He stated he would continue to work with the community if any concerns were to arise.

Gerard Ouedraogo, Minnetonka Target Store Director, requested the Council reconsider the off-sale liquor license for the Super Target in Minnetonka. He explained an adult beverage shop would greatly benefit those visiting Super Target by offering one-stop shopping. He commented time was valuable and convenience was significant. He reported 86% of Target stores, nationwide, offer adult beverages and overwhelmingly the experience was positive. He stated he had the pleasure of leading an amazing team at the Minnetonka Super Target. He discussed how seriously Target took the sale of alcohol and noted he has not had any infractions in the sale of 3.2 malt liquor at his establishment since sales started in 2002. He summarized the training required for team members and the features of Target's point of sale system. He requested the council reconsider his request and approve the off-sale liquor license for the Super Target in Minnetonka.

Wiersum closed the public hearing.

Carter clarified for the record that while the school district did not oppose a liquor store, the school district also did not support a liquor store. She commented the school district did not take a position to support or oppose the requested liquor license. She noted she was a member of Tonka CARES and it was her understanding Target was just recently made aware of this organization. She also indicated she had spoken to her fellow board members and no one had been contacted by Target.

Schack commented Target was a great steward in the community and she appreciated all Target brought to the community. She had no concerns there would be an issue with security or sales to minors. She discussed the criteria that guide the council in approving a liquor license. She stated she did not see that it offered a distinctive specialty service. In terms of offering a complementary service that benefits the community, she stated that there are liquor stores in the area. This store would be in a village center that is already served. She expressed concern about how adding liquor to the Target store might prompt a similar request from the Cub Foods across the street. She does not want to see the area saturated with liquor stores.

Calvert applauded Target for their exemplary record in preventing sales to minors and noted they have been a great partner to the community. She stated she agreed with Schack, noting Target did not meet the threshold for having the off-sale liquor license approved. It is not a distinctive specialty service. She noted this would be a complimentary part of Target's business but is directly across the street from a liquor store. This is a village center that is already served.
Bergstedt indicated he has always supported a free market for these types of uses. He understood the council had more discretion when approving off-sale liquor licenses. He stated since 2002 Target has been selling beer across the street from MGM. He explained he was not concerned that this liquor store would be located too close to a school because both the school and MGM have been at their locations forever and there have not been problems. He reported 86% of Target's nationwide now sell liquor. He believed Minnetonka was somewhat of an outlier. He reported Minnetonka had 10 standalone liquor stores at this time and with the purchase of Strong Liquor, the City would still have 10 liquor stores. He commented because Target now sells groceries, it would be convenient for the Minnetonka Super Target to also sell liquor. He stated it was his opinion this complimentary business would add positively to the community and noted he would be voting in support of the request.

Carter appreciated the comments that have been made and stated she agreed with Calvert and Schack. She did not believe the criteria in the policy had been sufficiently met.

Wiersum indicated Target makes a strong case in terms of their responsibility when selling alcohol. He noted he has been on the council for quite some time and has been a tough vote on liquor licenses. He commented on his record when approving liquor licenses and questioned what type of city Minnetonka should be when it comes to the number of liquor stores. He explained he valued Target and understood Target was an outstanding retailer in the community. He indicated the council had broad discretion when granting liquor licenses. He agreed with his fellow council members that Target was offering greater convenience to their patrons but is not offering a unique or distinctive service. The question he always asks is whether the city is adequately served, and he believes the city is adequately served. He found it ironic that closing Strong Liquor would take convenience away from an area that is not particularly well served and would add concentration to a different village center that is served. He stated he was not counting votes at this time but he wasn't seeing the votes to approve the license. Wiersum requested a motion to deny the request.

Calvert moved, Schack seconded a motion to deny the off-sale liquor license.

Mayor Wiersum explained Target could withdraw their request. Bergstedt asked if the City Manager and the City Attorney felt the council had supported the reasons this request was being denied. Ms. Heine commented the statements that have been made by the council have been adequate.

Schack, Carter, Ellingson, Calvert and Wiersum voted “yes”. Bergstedt voted “no”. Motion carried.
14. Other Business:

A. Resolution approving the preliminary plat of CONIFER HEIGHTS, 6-lot subdivision of existing properties at 5615 Conifer Trail and 5616 Mahoney Avenue

Assistant City Planner Susan Thomas gave the staff report.

Seth Landon, Capital Development, thanked the council for their consideration.

Calvert asked if there has been a neighborhood meeting. Mr. Landon stated a consultant has knocked on every door on Conifer Trail and talked to many of the neighbors. He explained there was one neighbor with a child with special needs that needs access 24 hours a day that has not been contacted. He indicated he would continue to reach out to this neighbor.

Calvert reported she visited the property yesterday to better understand how the property would develop. She discussed the erosion that has occurred on the site from the recent rain events. She questioned how the applicant would address this concern. Mr. Landon commented on the location of the stormwater pond and how water runoff would be addressed within the subdivision.

Wiersum requested further information on the stormwater plans for this development. Jack Ammerman, Project Engineer for Wenck Associates, discussed the stormwater plans for the subdivision and commented all drainage coming from Conifer Trail would be addressed.

Calvert indicated this was a heavily wooded area and understood there would be significant tree loss. She stated the project was called Conifer Heights and questioned if the city could require tree replacement when granting approval. Ms. Thomas explained because the project meets all subdivision requirements it would be difficult for the city to add a condition requiring something above and beyond the regulations in place. Community Development Director Wischnack agreed with this and noted this property was not in a Woodland Preservation Area.

Calvert explained this proposal does meet all city requirements and the planning commission supported the proposal given the large lot homes that would be created. She then commented on the tremendous benefits trees offer to the city and encouraged the developer to spare as many trees as possible.

Schack stated she was pleased the stormwater in this area would be improved and encouraged the developer to consider planting additional trees, given the significant trees that would be lost.
Bergstedt commented on the issues that were raised by the neighbors at the planning commission meeting. He thanked the planning commission for thoroughly discussing and recommending approval of this plat.

Bergstedt moved, Calvert seconded a motion to adopt Resolution 2019-063 approving the preliminary plat for Conifer Heights. All voted “yes.” Motion carried.

B. Goose management plan

City Engineer Will Manchester gave the staff report.

Ellingson stated he read the plan and found it very interesting. He commented on how the population of Canadian Geese has changed over the past 50 years. He asked if the plan would have to be approved on a yearly basis. Darren Ellingson explained the plan would only have to be approved once.

Ellingson questioned if geese in the city were removed or relocated. Mr. Ellingson explained the geese are trapped and removed and the geese were not relocated.

Bergstedt understood that the residents of Minnetonka appreciated its wildlife. He commented on how important it was for the city to manage both deer and geese. He stated he was pleased the DNR was requiring the city to have a management plan in place.

Calvert indicated as geese are removed, she requested the geese be donated to a local food program.

Wiersum stated he read the goose management plan in its entirety and believed it was thorough and very well done. He supported the plan as presented.

Carter moved, Schack seconded a motion to approve the goose management plan. All voted “yes.” Motion carried.

15. Appointments and Reappointments: None
16. Adjournment

Schack moved, Calvert seconded a motion to adjourn the meeting at 8:04 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk