Minutes
Minnetonka City Council
Monday, September 26, 2016

1. Call to Order

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 Tony Wagner, Patty Acomb, Brad Wiersum and Terry Schneider were present. Tim Bergstedt and Dick Allendorf were excused. Bob Ellingson arrived prior to review of the consent agenda item.

4. Approval of Agenda

Wagner moved, Wiersum seconded a motion to accept the agenda with an addendum to Item 13 C to include a comment that was received after the agenda was distributed. Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” Motion carried.

5. Approval of Minutes: None

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported that:

- In-person absentee voting has begun at city hall and 210 voters have already cast their ballot.
- Entries for the photo contest are due September 30, 2016.
- The city-wide open house will be Tuesday, October 4, 2016 from 5 p.m. to 8 p.m.
- The next Imagine Minnetonka meeting will be October 12, 2016 at the community center at 7 p.m. and the next regular city council meeting will be October 10, 2016.

Schneider stated that councilmembers will be doing what they can to address safety concerns on Highway 7 and County Road 101 where the tragic death of a teenager recently occurred.
Schneider met with MNDot representatives and learned that the road work being done now is in preparation for Interstate 35W from Minneapolis to Burnsville being under construction for four years starting after the Super Bowl in 2018. It will be completely closed for one of those four years.

Wagner listed county roads in Minnetonka that could use left-hand turn lanes to help accommodate increased traffic levels. Schneider stated that there will be a committee created to meet with cities to identify those issues. Wagner recommended staff work with MNDot on those issues.

8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution approving the final plat of Highview Place at 4301 Highview Place and an adjacent, unaddressed parcel.

Wagner moved, Wiersum seconded a motion to adopt resolution 2016-104 approving the final plat of Highview Place with the conditions of the preliminary plat. Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Items concerning The Enclave at Regal Oak at 3639 Shady Oak Road and 3627 Regal Oak Lane:

1) Ordinance rezoning properties from R-1 to PUD;
2) Master development plan;
3) Site and building plan review; and
4) Preliminary and final plats.

City Planner Loren Gordon provided the staff report.

Roger Anderson, representing the owner of the property, stated that:

- R-1A zoning would require the applicant to build a road, so the application is requesting to rezone the parcel to a planned unit development (PUD). The public benefit would be met. He knows that three lots could meet all R-1
requirements, but that is not what the applicant has in mind. The floor area ratio (FAR) requirement would be met.

- PUD zoning would allow the site to have a pond, save more trees, and utilize a conservation easement.
- The proposal would improve water quality by routing runoff into the pond to be treated. A rain garden would be added to the front.
- The trend is to reduce lot sizes.
- A neighbor requested a duck pond and the proposal would have a pond in that area.
- He requested that the application be approved.

Schneider invited anyone else to speak. No one responded.

Wagner looked forward to hearing the planning commission’s discussion.

Acomb thought single-level living has a broader appeal to more people than just seniors. Persons with a disability would benefit greatly. She looked forward to hearing the planning commission’s discussion regarding the proposal’s public benefit. She acknowledged that the city has limited new, single-level living residences, but noted that there are numerous older, single-level ramblers.

Wiersum felt that the proposal is consistent with the direction that the council gave the applicant. He supported keeping the standard high as to what would qualify as a public benefit. He noted that the standards for R-1A zoning would be met except for the street. The expanded notice area would make sense to make sure that the proposed density would fit with the neighborhood. There is a real need and demand for single-level living. It is not just a senior market. Empty nesters can be 50 years of age.

Ellingson thanked the developer for listening to councilmembers’ comments. He felt that it boils down to a choice between three lots that would follow R-1 regulations or four lots that would provide a public benefit. There would be no requirement for the houses to have one-level living.

Schneider confirmed with Anderson that there would be no age restriction on the buyers or residents of the proposed houses.

Wagner moved, Acomb seconded a motion to introduce the ordinance and refer it to the planning commission. Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” Motion carried.
13. Public Hearings:

A. **Resolution vacating a portion of a drainage and utility easement at 4273 Manor Court Road.**

City Engineer Will Manchester provided the staff report.

The public hearing was opened. No testimony was submitted and the hearing was closed.

**Acomb moved, Wiersum seconded a motion to adopt resolution 2016-105 approving the vacation.** Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” **Motion carried.**

B. **Off-sale liquor license for Fernriver Enterprises, LLC at 11048 Cedar Lake Road.**

Community Development Director Julie Wischnack provided the staff report.

The public hearing was opened. No testimony was submitted and the hearing was closed.

**Wagner moved, Acomb seconded a motion to continue the public hearing to October 24, 2016.** Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” **Motion carried.**

C. **Off-sale brewer’s taproom and Sunday liquor license and off-sale liquor license (for growlers) for Unmapped Brewing Company, LLC, 14625 Excelsior Boulevard.**

Community Development Director Julie Wischnack provided the staff report.

Acomb asked for the difference between a taproom and a brew pub. Wischnack explained that a brew pub is a brewery with a restaurant. Granite City Brewery is a good example. A taproom is restricted to sell only what is made on site.

Wiersum clarified that no food is allowed to be sold in a taproom. Wischnack agreed.
Wagner asked if a food truck could be parked near a taproom with permission from the property owner. Wischnack invited the applicant to comment.

Schneider stated that taprooms may serve snacks such as pretzels or popcorn. He thought that it would be a good idea to have a food truck or another source of food nearby.

Schneider confirmed with Wischnack that a conditional use permit would also be required. He noted that the concerns submitted by a resident could be addressed during review of the conditional use permit. Wischnack explained that concerns with noise could be addressed during the liquor license review and conditional use permit review processes. The issue of odor will be reviewed by the planning commission next week.

J.D. Park, 3941 Brown Lane, stated that he and his wife, Megan, are founders of Unmapped Brewing Company. Park stated that they want Unmapped to be a positive force in the Glen Lake community and city. As residents of the city, they plan to be supportive of local organizations and causes and hope that their success would transfer to other businesses. By not selling food themselves, they can build a stronger bottom line for the restaurants in the area. The brewery would be a community gathering place for people of all ages, not just adults. There will also be non-alcoholic beverages for sale at all times and lots of indoor and outdoor games for adults and children. They did not want this brewery to be a bar. They want it to be a place for friends and family to gather. He and Megan love exploring the outdoors. The brewery’s name and brand represents their love of nature. “Unmapped” represents trying something new and different. He and his wife grew up in Minnetonka. They are excited to continue the tradition of a family-run business at the location. He appreciated the councilmembers’ time and consideration.

The public hearing was opened.

Anne Malm-Hossfeld, 14616 Glendale Street, stated that:

- The applicant did not mention the neighbors.
- She was concerned with an outdoor patio.
- Her property line is located 10 or 20 feet to the shopping center.
- She wants her property rights weighed equally with a business that may be a benefit to the community.
- The site’s use has always been retail with a restaurant and pizzeria.
• She questioned if a brewery would be an appropriate use next to residential houses. There would be no barrier between her property and the parking lot.
• She opposed live music and food trucks due to the noise, smells, and nuisance activity and potential crime.
• She asked for heightened scrutiny of the application.
• She was concerned with the smell a brewery would create. She asked what would be done to contain the smell.
• She opposed events occurring so close to her house.
• Her property is wooded and feels secluded. She has had squatters, trespassers, and two incidents of a drunk person on her property. The police have searched her property and outbuildings looking for suspects and runaways. Teenagers tried to break through the ice on her pond. She was concerned a business that would serve alcohol would increase that type of activity.

Schneider encouraged neighbors to work with staff and the applicant to address concerns and provide options to be considered during the planning commission review and next city council review of the application.

Chris Novak, 10327 West 34th Circle, potential buyer of the site, stated that he looked forward to meeting with neighbors and solving as many problems in advance as possible. He and the applicant are proud of the proposed business and look forward to working with the business community, residential neighbors, and staff. He was available for questions.

Wagner moved, Wiersum seconded a motion to continue the hearing to October 24, 2016. Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” Motion carried.

D. Resolution vacating drainage and utility easements at 283 and 287 Bellwether Path.

Gordon provided the staff report.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Wiersum moved, Acomb seconded a motion to adopt resolution 2016-106 approving the vacation of easement. Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” Motion carried.
14. Other Business:

A. Southwest LRT In-kind Land Contribution.

Wischnack provided the staff report.

Wagner suggested including language to require the land to be returned to the city if the project would not be built. Wischnack and Heine agreed.

Wagner moved, Acomb seconded a motion to adopt resolution 2016-10 taking action to transfer the property rights of the city land to the Metropolitan Council for the SWLRT project. Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Wiersum moved, Wagner seconded a motion to adjourn the meeting at 7:53 p.m. Wagner, Ellingson, Acomb, Wiersum, and Schneider voted “yes.” Motion carried.

Respectfully submitted,

Lois T. Mason
Deputy City Clerk