

**Minutes  
Minnetonka City Council  
Monday, May 9, 2022**

**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 Shack, Kimberly Wilburn, Deb Calvert, Bradley Schaeppi, Kissy Coakley, Brian Kirk and Mayor Brad Wiersum were present.

**4. Approval of Agenda**

Kirk moved, Calvert seconded a motion to accept the agenda with addenda to Item 14.A. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. April 11, 2022 LBAE minutes**

Calvert moved, Kirk seconded a motion to approve the minutes. All voted "yes." Motion carried.

**B. April 25, 2022 LBAE minutes**

Calvert moved, Kirk seconded a motion to approve the minutes. All voted "yes." Motion carried.

**C. April 25, 2022 regular meeting minutes**

Calvert moved, Kirk seconded a motion to approve the minutes. All voted "yes." Motion carried.

**6. Special Matters:**

**A. Hennepin County Update**

Hennepin County Commissioner Chris LaTondresse provided the council with an update from the county. He discussed how local government was built on strong

partnerships and described how the county was working on behalf of the residents of Minnetonka. He commented on how the pandemic has impacted the county and how the county board was discussing the allocation of ARP funding. He reported the county was focusing on housing stability, public safety and mental health, supporting the small business community, and addressing climate change. He thanked Minnetonka for their continued leadership in the community and for forming a sustainability commission. He commented further on the county's initiatives surrounding sustainability and asked for comments or questions.

Schaeppi asked if the county would consider offering more grants to assist cities with improving county road infrastructure and pedestrian safety. Mr. LaTondresse stated these investments tend to occur every 25 to 30 years. He noted as part of the climate action work a modal hierarchy policy was also being drafted that would prioritize pedestrians and other users.

Schack thanked Commissioner LaTondresse for his presentation and stated she appreciated his leadership on affordable housing. Commissioner LaTondresse stated affordable housing could not occur without public subsidy whether through the state or federal government. He believed a better total funding solution had to be put in place to address the affordable housing crisis. He thanked the city council for their leadership and partnership for affordable housing.

Calvert thanked Commissioner LaTondresse for attending this meeting. She commented on a Zoom call she attended with Commissioner LaTondresse last summer where crisis housing was discussed in the west metro. She encouraged the county to continue to partner with the City of Minnetonka in order to assist those in crisis. Commissioner LaTondresse stated the current system was designed for those that live in an urban context and not a suburban context. He reported he was working to drive discussions to address the unique barriers for families in crisis in the suburbs.

Wiersum thanked Commissioner LaTondresse for his presentation. He explained he appreciated the partnership the city had with the county to address mental health and public safety. He stated he greatly appreciated the efforts of Dan Sweeney, the embedded social worker working within the Minnetonka Police Department.

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

Acting City Manager Mike Funk reported on upcoming city events and council meetings.

Coakley stated she toured the Vantage program at the Minnetonka High School last week. She noted she would be joining the Vantage advisory board and she looked forward to further the partnership the city has with the school district.

Calvert indicated she attended a Southwest Suburban Cable Commission meeting where the Comcast franchise renewal was discussed.

Calvert reminded the public that there was a lot of strife in the world at this time and encouraged residents to support their neighbors across the street and in Ukraine.

Wiersum reported on Thursday, May 5 he attended a groundbreaking ceremony for the Minnetonka School District's Vantage building.

**8. Citizens Wishing to Discuss Matters not on the Agenda:**

Tom Madden, 14645 Excelsior Boulevard, stated he owns a small business in Minnetonka and has done so for the past nine years. He noted he just signed a long term lease with his landlord and his landlord encouraged him to come and speak with the council regarding the products he sells. He reported he owns E-Cig Pod next to Unmapped Brewing and noted he sells essential oils, CBD and electronic liquid. He explained he has helped hundreds of seniors quit smoking. He commented on the point of sale system he has in place to check ID's.

Acting City Manager Mike Funk provided the council with feedback on the items that were brought to the council under Citizens Wishing to Discuss Matters Not on the Agenda at their April 25 meeting.

**9. Bids and Purchases: None.**

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

Wiersum stated he would like to pull Item 10.D from the consent agenda for further discussion.

**A. Resolution to approve master partnership contract with MnDOT**

Calvert moved, Wilburn seconded a motion to adopt Resolution 2022-037. All voted "yes." Motion carried.

**B. Approve traffic signal agreement at various intersections with Hennepin County**

Calvert moved, Wilburn seconded a motion to adopt the agreement. All voted "yes." Motion carried.

**C. Resolution committing Ice Arena special revenue fund revenues**

Calvert moved, Wilburn seconded a motion to adopt Resolution 2022-038. All voted "yes." Motion carried.

**D. Fund agreement for Metropolitan Council Local Housing Incentives Account (LHIA) Funds for Homes Within Reach**

Wiersum explained after having a discussion with the city attorney, he needed to abstain from voting on this item.

Coakley reported the city would be receiving a grant in the amount of \$180,000 for Homes within Reach and she questioned if the city's matching funds were previously approved. Community Development Director Julie Wischnack reported the city had previously approved these matching funds.

Calvert moved, Kirk seconded a motion to approve the agreement and sub-recipient agreement. Schack, Wilburn, Calvert, Schaeppi, Coakley and Kirk voted "yes." Wiersum "abstained". Motion carried.

**11. Consent Agenda – Items requiring Five Votes: None.****12. Introduction of Ordinances:****A. Ordinance amending City Code 805 regarding swimming pools and spas**

Community Development Director Julie Wischnack gave the staff report.

Schaeppi requested further information regarding the fencing requirements for hot tubs. Wischnack discussed the research staff did to see how other communities addressed latching requirements for hot tubs/spas. She reported staff did not support requiring fencing around a self-contained spa.

Wiersum suggested a size or certain square footage be recognized on when fencing would be required for a pool. Wischnack explained staff had went away from the size language and more descriptive language to differentiate between a spa and pool.

Schack moved, Calvert seconded a motion to introduce the ordinance. All voted "yes." Motion carried.

**13. Public Hearings:**

**A. Temporary on-sale liquor licenses for Unmapped Brewing, LLC, 14625 Excelsior Blvd**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

Megan Park, owner of Unmapped Brewing, thanked the council for considering her temporary on-sale liquor license requests. She stated she was excited to host several outdoor events again this summer. She noted the first event would be held on June 18 and would celebrate Unmapped Brewing's five year anniversary.

Wiersum thanked Ms. Parks for hosting these community gatherings and commended her for doing them well.

There being no further comments from the public, Wiersum closed the public hearing.

Calvert moved, Kirk seconded a motion to hold the public hearing and grant the licenses. All voted "yes." Motion carried.

**B. Temporary on-sale liquor license for Immaculate Heart of Mary Church, 13505 Excelsior Blvd**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

Kellie Dennehy, representative for Immaculate Heart of Mary Church, thanked the council for considering her request. She noted the planned event would celebrate the churches 75<sup>th</sup> anniversary on Saturday, June 25.

There being no further comments from the public, Wiersum closed the public hearing.

Schack moved, Kirk seconded a motion to hold the public hearing and grant the license. All voted "yes." Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

**14. Other Business:****A. Three Rivers Park District Regional Trails Master Plan**

Matt Kumka provided the council with an update on the Three Rivers Park District Regional Trails Master Plan.

Schaeppi asked if a trail along McGinty Road was part of the master plan. Kumka noted this was off the timeline at this time.

Kirk discussed the LRT line and questioned how the biking trails would be impacted by LRT. Kumka stated the regional trails would not be impacted by the LRT line, but noted the local trails may be.

Kirk inquired when the trail past Shady Oak Road would be reopened. Kumka indicated he was uncertain at this time. Community Development Director Julie Wischnack stated she attended a meeting recently and was told this trail would reopen in 2023.

Wiersum commented on the data charts and demographics information that was provided within the presentation. Kumka commented the trail improvement plan will hopefully widen the circle and create more access to the regional trail overall.

Kirk asked if motor assisted bikes were included in the Three Rivers Master Plan and recommended that they fall under the non-motorized category for future planning purposes. Kumka thanked Councilmember Kirk for this suggestion noting e-bikes were a non-car-centric mode of transportation.

Schaeppi reported state statute regulates what type of e-bikes can be ridden on trails.

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-039 and letter of support as amended. All voted "yes." Motion carried.

**B. Appeal of planning commission denial of a floor area ratio and building height variances for a new home at 4299 Annika Court**

City Planner Loren Gordon gave the staff report.

Schaeppi requested comment from staff regarding Mr. Lavoy's letter. Gordon stated this letter gets to the two options that were brought forward by staff. He discussed the options for this lot, which were changing it from a walkout to a full basement.

Wilburn asked if drainage was a concern for this property. Gordon explained staff wouldn't fully understand this until the housing type was chosen for this lot.

Schack commented the practical action would be to tweak the housing design to make the house one foot shorter and 310 feet smaller. Gordon stated this was correct.

Wiersum discussed the issues for the houses within the neighborhood noting several required revision in order to satisfy the R-1A zoning district. He asked staff to speak to the revisions that were required. Gordon explained for this builder two of the three homes came in larger than was allowed. He stated the majority of the changes have been minor to the roof pitch and room configurations.

Calvert indicated the lot was graded as a walkout and asked what would be involved in prepping this lot for a home with a full basement. Gordon stated the process would be quite involved and expensive to regrade the lot for a full basement home.

Aaron Clark, 1635 Oregon Avenue South in St. Louis Park, thanked the council for their time. He noted he was appealing the variance decision made by the planning commission. He stated he has agreed to reduce the building height to 25 feet and noted the drawings were being amended. He indicated he was appealing decision because he believed he met the reasons for granting a variance based on the three standards. He believed the variance was in harmony with the general purpose and intent of the ordinance. He encouraged the council to see that he was proposing to build a home that would provide diversity to the city's housing stock. He was of the opinion the lot created the issue and this puts him outside the required FAR, and not the proposed house size. He believed the variance was consistent with the comprehensive plan. He discussed how the house next to him was already an outlier and noted his proposed home would be the third largest on the third largest lot, not the largest in the neighborhood. He addressed the practical difficulty language and reported the proposed use would be reasonable and the need was due to the fact the lot could not be regraded. He commented the main problem with turning this lot into a full basement was due to the fact the neighboring homes were already constructed. He discussed how the neighboring homes would be impacted by water runoff if his lot were regraded. He believed his proposed home would not alter the character of the neighborhood and stated a permitting error has already changed the character of the neighborhood. For all these reasons, he requested that his home be allowed to move forward.

Wiersum indicated the planning commission denied the variance request for Mr. Clark. He clarified Mr. Clark has reduced the variance request from two

variances to one, noting the home would meet the city's height requirement, but has not met the FAR requirements.

Schack stated the discussion regarding converting the lot to a full basement was a concern to her. She noted the obvious solution would be to reduce the size of the home. She indicated the trouble she was having was that the R-1 standards were not being met. She reported she was not hearing a compelling reason to grant a variance. She stated the applicant may not have the right lot for the home they wish to build. She explained she trusted the decision made by the planning commission and the recommendation from staff.

Kirk commented part of the original battle for this development was to approve it under the R-1A zoning regulations. He stated the trees were blocking this neighborhood from the highway and were lost for the stormwater retention pond. He explained he had difficulty with approving a variance for this lot because the development was approved with smaller lot sizes for smaller homes. He indicated the development has turned into one with smaller lots and quite large homes. He reiterated that this lot was always graded for a walkout. He stated the person at fault was the developer for not communicating clearly with the architect and not understanding the limitations of the lot. He encouraged the applicant to reconsider the plans for his home that would take three feet of the length of the home in order to comply with the city's R-1A standards.

Wilburn requested further comment on the outlier home within this neighborhood. Gordon stated one of the homes had a square footage miscalculation and the home was larger than should have been allowed. He explained that just because there was a staff error this did not mean other homes should get to be constructed outside the size limits.

Calvert commented she agreed with Councilmember Schack. She indicated she felt very strongly that the R-1A requirements should have been well understood by the developer and the architect for this lot. She stated she felt bad for Mr. Clark, but explained she would be supporting staff's recommendation. She encouraged Mr. Clark to make an adjustment to the home plans in order to meet the city's FAR requirements.

Wiersum agreed with his fellow councilmembers comments. He noted the R-1A zoning district was designed to have smaller lots and smaller houses. He indicated the council could not make an exception for this home. He reported the good news was Mr. Clark had not started construction on his home and therefore could sell his lot in order to find the proper lot for his home.

Kirk moved, Calvert seconded a motion to adopt Resolution 2022-040. All voted "yes." Motion carried.



15. **Appointments and Reappointments: None.**

16. **Adjournment**

Calvert moved, Kirk seconded a motion to adjourn the meeting at 8:33 p.m. All voted "yes." Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Becky Koosman". The signature is written in a cursive, flowing style.

Becky Koosman  
City Clerk