

**Minutes
Minnetonka City Council
Monday, November 28, 2022**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members, Brian Kirk, Rebecca Schack, Kimberly Wilburn, Deb Calvert, Bradley Schaeppi, Kissy Coakley and Brad Wiersum were present.

4. Approval of Agenda

Kirk moved, Calvert seconded a motion to accept the agenda, as amended moving Item 14.C after Item 15.A. All voted "yes." Motion carried.

5. Approval of Minutes:

A. October 24, 2022 regular meeting minutes

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

B. November 14, 2022 regular meeting minutes

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

6. Special Matters:

A. Recognition of 2022 Minnetonka Police Academy graduates

Police Chief Boerboom gave the staff report and thanked all of the members of the public that participated in the 2022 Minnetonka Police Academy.

Wiersum commented on how important citizen engagement was to the community. He explained being a police officer has become increasingly difficult in recent years and he stated he was really proud of the great work being done

by the Minnetonka Police Department. A round of applause was offered from all in attendance.

B. 2022 Sustainability commission progress report and 2023 work plan

City Planner Loren Gordon gave the staff report.

Calvert stated she was pleased to see this group was looking to plan events for Earth Day. She questioned how frequently the sustainability commission was meeting. Gordon explained this group would be meeting more in 2023 versus 2022 where the group met every other month.

Calvert encouraged the sustainability commission members to assist with grant writing given their many areas of expertise. She stated she was super excited about the work this group would do on the city's energy action and climate action plans.

Coakley questioned who was attending the different events that were being sponsored around town. She asked if staff was looking into the demographics of who was attending and who was not attending. Gordon stated this was a very important part of the groups outreach. He explained staff was looking to better organize the city's website and was always open to hear how to reach new groups in the community.

Wilburn reported she attended a solar webinar through the city which was very well done. However, she still found the process somewhat confusing. She explained she would like to see the process of accessing sustainability programs and possible funding assistance simplified for residents.

Kirk questioned how much crossover there was between the sustainability commission and the park and trail board, such as neighborhood buckthorn removal. He stated he appreciated the educational pieces within the *Minnetonka Memo* and how these pieces marketed the city. He indicated it would be nice to better understand how these articles impact the community and who was being reached. He thanked staff for all of their efforts to address energy conservation and sustainability.

Schack recognized the sustainability commissioners and thanked them for their efforts on behalf of the community.

Schaeppi thanked the sustainability commissioners and staff members for their great work. He suggested the council hold a joint meeting with the sustainability commission in the future.

Wiersum thanked the sustainability commission for all of their hard work. He commented on how there were small measures each resident could take to be mindful of their energy use and to use less water. He supported the city providing residents with reminders on how to be sustainable and eco-friendly.

Schack moved, Calvert seconded a motion to accept the Sustainability Commission progress report and 2023 work plan. All voted "yes." Motion carried.

7. Reports from City Manager & Council Members

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

Schack stated there has been a tremendous amount of antisemitism in the media and pop culture and she encouraged the public to understand the fear and stress this places on the Jewish community. She explained she abhorred any antisemitism and encouraged the community to rally around all folks, particularly those of the Jewish faith.

Calvert thanked Councilmember Schack for her comments.

Calvert reported she attended the National League of Cities Summit in Kansas City, Missouri prior to the Thanksgiving holiday. She stated this conference had a session that focused on how to deal with misinformation and disinformation, as well as how to cope with instability in society. She noted the National League of Cities was also looking at how to tackle bias and hate and how this affects public officials. She implored people to be kind during the upcoming holiday season.

Calvert encouraged residents to check their smoke detectors to ensure their house is protected against a home fire.

Calvert encouraged residents to consider making a donation to the local food shelf because there were people in this community that were in need.

Wilburn stated she was able to attend DEI Coordinator Keith Clarke's funeral in Florida, along with Assistant City Manager Moranda Dammann. She indicated his death was a great loss for his family and the Minnetonka community.

Schaeppi encouraged residents to volunteer or commit random acts of kindness throughout the holiday season. He discussed how valuable the ICA food shelf was to members in the community.

Wiersum noted he attended the NLC conference in Kansas City. He discussed how the NLC worked to help cities to be better and more effective. He commented on the sessions he attended and stated he was proud of the great work the sustainability commission was doing on behalf of the community.

Wiersum thanked Councilmember Wilburn and Assistant City Manager Dammann for attending DEI Coordinator Keith Clark's funeral.

Wiersum commented on the negativity that erupts during the election season. He encouraged residents to be civil and kind to one another in the coming weeks and months. He encouraged residents to be generous, kind and helpful to one another throughout the holiday season and to make this a priority in the new year.

Schack stated it was her understanding Councilmember Wilburn paid to attend Mr. Clark's funeral with personal funds. She asked if the council could make a motion to have these expenses reimbursed by the city. Funk reported staff has been in contact with Councilmember Wilburn and would be bringing an item before the council for consideration at a future meeting.

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

Larry Quinn, 16603 Norwood Drive, stated a lot of the city's park property were only marginally maintained. He commented on how some of the ponds were turning a dark green, which was occurring because of runoff. He suggested better plantings be considered for these park areas.

Wiersum encouraged Mr. Quinn to speak with staff regarding these concerns.

Rod Kern, 20236 Cottage Wood Avenue in Deephaven, noted he was a member of a committee that was tasked to try and save Ruth Stricker's Marsh. He reported none of the members have shared the vision for the Marsh with the city council. He stated he would like to spend some time with the council or staff to further discussion the vision for this area.

9. Bids and Purchases: None.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road

Wilburn moved, Calvert seconded a motion to adopt Resolution 2022-107. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes: None.

12. Introduction of Ordinances:

A. Housekeeping ordinance amending various sections of Chapter 3, Zoning Regulations, of the Minnetonka City Code

City Planner Loren Gordon gave the staff report.

Kirk commented on the language regarding small cell towers. He asked if this language should include high density residential. Gordon reported the proposed language was for clarifying purposes only.

Wiersum questioned if small cell facilities were permitted within the right-of-way in front of a single household residence or would this require a conditional use permit. Gordon stated he would investigate this further and would report back to the council.

Kirk moved, Calvert seconded a motion to introduce the ordinance and refer it to the planning commission. All voted "yes." Motion carried.

13. Public Hearings: None.

14. Other Business:

A. Concept plan for Walser Kia at 15700 Wayzata Boulevard

City Planner Loren Gordon gave the staff report.

Dave Phillips, Philips Architects, explained he was a representative for the applicant who was Walser Automotive Group. He noted Walser has been working for the past two years to coordinate the leases on this site, including the billboard. He indicated the site currently had a one-story strip mall that was built over 50 years ago. He stated the proposed redevelopment of the site would meet all stormwater requirements and would greatly increase the value of the property. He anticipated the project could be completed without the loss of any high value trees. The building setbacks were discussed, along with the proposed buffering to the north. He explained that this would be a new business to the community that would bring 50 high paying jobs to Minnetonka. He stated he believed this was a good location for the Kia dealership, as it would be next to the BMW dealership. He thanked the council for considering his request and asked for comments or questions.

Wiersum opened the meeting for public comment.

Jim Murdock, 121 Ranchview Lane S, stated he lived directly north of this property. He indicated he went through this process with the BMW dealership. He explained he was worried about the light pollution that would be created by the proposed car dealership and how this development would impact the wildlife

population. He discussed how Parkers Lake Road has become a drag strip for individuals testing their new cars and requested the city look into the speed of traffic along this roadway. He requested the berm along the north property line be as high as possible in order to screen the dealership from the adjacent residential neighbors.

Larry Quinn, 16603 Norwood Drive, asked where the water would go from this site.

Wiersum closed the meeting for public comment.

Calvert discussed how many of the trees would be lost near the wetland. She explained she was curious as to why a bridge was being installed from the building to the parking lot. Gordon stated he did not have enough data to address this and noted a variance may be required.

Calvert stated this was an interesting concept, but she would like more information regarding how the bridge would be constructed and how it would impact the wetland. She noted she had questions regarding the hydrology on the site. She commented she was concerned about how the snow melt and salt would impact the adjacent wetlands. She reported the building design as well done and encouraged the developer to work with the neighbors to address the neighbors concerns regarding the berming and light pollution.

Mr. Phillips clarified that the red dots on the site plan were the trees that would be saved.

Schaeppi reported he lived north of the proposed site. He thanked the applicant for having a Zoom open house several weeks ago for the neighbors. He believed the applicant was on the right track. He stated he welcomed the investment in Minnetonka from the developer and encouraged the developer to focus on the berm plantings and buffering so the residents to the north are not adversely impacted by headlights. He requested the applicant provide the council with further information on how the berming and tree buffering would work given the elevation change to the north.

Schack stated this concept was an improvement over the current strip mall. She noted the developer was proposing an attractive building, but she was concerned with the fact that every square foot of useable space would be blacktopped. She understood a portion of the area was a swamp and was not buildable. She was of the opinion the proposed plans were a good start, but she was pushing the limits with what she was comfortable with.

Kirk agreed the strip mall was out of date and out of place. He stated he agreed with the proposed land use, but indicated he was struggling with how much

buildable area was being occupied by the development. He commented he was confused by the number of trees that would be lost. He anticipated this project would need a number of variances for the parking lot bridge and the drive aisle width. Due to the number of variances that would be requested, he stated he would be requesting a fair amount of buffer on the north side of the property. He stated he liked the land use noting there was a car dealership to the west, but noted he would not sacrifice the land use for the environment on this property.

Coakley commented she was sad about losing this bait store but she understood the car dealership would fit well into this area. She encouraged the developer to take into consideration the comments of the council when coming up with plans for this site.

Wiersum discussed how challenging car dealerships were for cities. He agreed some setback variances would be required for this site and noted the developer would have to consider innovative tradeoffs when bringing this request forward in order to lessen the impact of this project on the environment. He anticipated the neighbors would remain concerned about the number of test drives that would occur in the neighborhood.

Mr. Phillips explained he would bring a sophisticated plan back to the council for their consideration.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

B. Concept plan for Minnetonka Partners, LLC at 15407 and 15409 Wayzata Boulevard

City Planner Loren Gordon gave the staff report.

Josh Brandsted, President and Owner of Greco, thanked the council for their time and consideration. He introduced himself and his company to the council and commented on the number of projects he has completed in the metro area. He explained he has received a lot of feedback from residents, neighbors and the planning commission over the past few weeks. He then commented on the assisted living and full continuum of care development proposed for the site. He reviewed photos of other developments and described what the interior of the building would look like for future tenants.

Wiersum opened the meeting for public comment.

Robert Britain, 1527 Clarendon Drive, explained his family was the previous - part-owner of this property and he was the administrator of the nursing home

years ago. He noted he still worked in the industry as he was a licensed nursing home administrator. He indicated he spoke on behalf of himself and his neighborhood on Clarendon Drive. He indicated his neighborhood supports the current master plan for the property and does not support a rezoning or change of use for the property. He believed there was a need for the project with assisted living, memory care and skilled nursing. He reported there was not a need for the independent living portion of the project. He stated the developer was not an experienced senior living developer which meant they would have to bring in another operator to manage this property. He indicated traffic was a concern for him, along with parking. He reiterated that he supported the project moving forward without the independent living apartments. He believed this property, if done correctly, could be redeveloped and profitable.

Greg Greffin, 1539 Clare Lane, explained his neighborhood was full of great families. He introduced his wife and neighbors to the council. He understood Hill Crest would not sit vacant forever. However, he would like the council to consider how challenging this site was given the fact only six of the nineteen acres were buildable. He commented on the amount of pilings that would be needed to support the building and parking lot given the fact it would be constructed on top of a landfill. He requested the council not allow a large three story structure and associated parking lot in his neighborhood. He stated he could support the existing building be repurposed.

Wiersum closed the meeting for public comment.

Wilburn stated she believed the proposed building would be too close to the existing homes.

Schack explained there was a need for senior housing in the community, along with transitional housing to assisted living. She indicated she did not oppose the site having independent living, but she understood there were challenges. She suggested the large apartment building be reoriented. She stated she appreciated the reuse of the site and she liked the concept, noting the building was attractive.

Kirk explained he liked the idea of the reuse as well. However, he noted he was struggling with the mass and scale of the independent living building and how close it was to the adjacent residents. He anticipated the value of this site would continue to increase as time goes on. He indicated he would like to better understand how shadows from the proposed building would impact the neighbors. He anticipated the senior living facility has been in operation since the mid-1960's, which meant the neighbors were used to this use. He stated if this project were not pursued, the council and neighbors should consider what could come to the site.

Calvert commented at the moment, independent living units were needed for seniors, especially when partnered with memory care units. She encouraged the developer to reconsider the orientation of the buildings on the site, given their size and mass. She believed the buildings were too impactful to the neighbors at this time. She stated she appreciated the proposed reuse of the building and understood the senior facility fit in well with the quietness of this neighborhood. She indicated her concerns were mostly with the building mass, density of the independent living area and how it was oriented on the site. She stated if tradeoffs were to be considered the developer should find ways to make the site sustainable and less impactful on the neighbors.

Schaeppi questioned if the exit had to use both sides of the horseshoe to get to the frontage road. He encouraged the developer to consider this further in order to lessen the traffic impact for the neighbors. He indicated he does not like to discourage development based on emotions, but rather based upon feedback. He explained he was genuinely supportive of the concept and encouraged the developer to reconsider the height of the building adjacent to the residential homes. He reported typically these types of senior housing facilities were adjacent to one another or were housed within the same building. He stated as a community, we had to decide what the city was open to. He indicated he would welcome an application noting he would like to see continued revision of the project.

Wiersum commented there was as lot he liked about the development, but he also had some concerns. He stated the type of care that was offered here with steps, from independent to memory care, was a product that was hard to find and was greatly needed. He appreciated the fact that the developer was proposing to repurpose the existing building. He indicated the challenge with this property was the location of the existing building. He suggested the independent living units be adjacent to Wayzata Boulevard. He stated he was not sure if this was economically feasible, but should be considered. He recommended that if the independent living were placed next to the residential homes that the building be creatively reduced in size and that it be properly screened in order to lessen the impact on the neighbors.

15. Appointments and Reappointments:

A. Appointment of young adult to the sustainability commission

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

14. Other Business: CONTINUED

Kirk read a written statement in full for the record and stated he would be recusing himself from discussing Item 14.C.

C. Closed Session. Section 13D.05, Subd. 3(c) of the Open Meeting Law, allows the city council to close a meeting to develop an offer to purchase the properties at 15000 and 15208 Minnetonka Boulevard

Wiersum reported the council would be meeting in closed session per Section 13D.05, Subd. 3(c) of the Open Meeting Law which allows the city council to close a meeting to develop an offer to purchase the properties at 15000 and 15208 Minnetonka Boulevard.

Calvert moved, Wilburn seconded a motion to convene in closed session. Schack, Wilburn, Calvert, Schaeppi, Coakley and Wiersum voted "yes." Kirk "abstained. Motion carried.

16. Adjournment

Schack moved, Calvert seconded a motion to adjourn the meeting at 10:38 p.m. All voted "yes." Motion carried.

Respectfully submitted,



Becky Koosman
City Clerk