

**Minutes
Minnetonka City Council
Monday, January 30, 2023**

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

Council Member Rebecca Schack was excused.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Items 10.D, 14.A and 15.A. All voted "yes." Motion carried.

5. Approval of Minutes:

A. December 12, 2022 study session minutes

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

B. January 9, 2023 regular meeting minutes

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

6. Special Matters: None.

7. Reports from City Manager & Council Members

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

Calvert acknowledged there are people in the country that are hurting. She discussed the mass shootings that occurred in California, along with the other tragic events in the news. It was her hope that the people involved in these

events would be held accountable. She encouraged everyone to be kind to one another.

Schaeppi stated his family attended the family fun event at the fire station. He thanked staff for hosting this family friendly event.

Schaeppi encouraged residents interested in providing feedback on the proposed city-wide sales tax to be engaged with the city.

Schaeppi discussed several events that occurred in Minnetonka recently. He thanked the Minnetonka Police Department for their dedicated service to the community in these difficult times.

Wiersum thanked Councilmember Calvert and Councilmember Schaeppi for their comments. He explained he recently spoke with a retired school teacher about the rising number of mental health concerns among children. He encouraged everyone to think about how they can be more considerate and kind. He stated he was proud of the Minnetonka Police Department and how dedicated they were to keeping the community safe.

Wiersum stated last week he attended a mayors meeting for mayors that border the southwest rail line. He reported construction and status updates were provided to the mayors. He explained he challenged the Met Council Chair Charlie Zelle to provide safe and crime free transportation.

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

Virginia Berglund, 14424 Woodhaven Avenue, stated she moved into her home last year and has since learned she has wild turkeys roosting on her property. She reported she spoke to the police department, DNR and code enforcement officials regarding this concern and noted she was not feeding the turkeys. She encouraged the residents of Minnetonka to stop feeding the turkeys because she would like them off her property. She suggested the city consider regulating the wild turkeys because if left unchecked problems would only get worse. She proposed the city have a wild turkey hunt in order to assist with managing the population in the community.

Mary Ness, 11507 Old Bren Road, agreed the city had a turkey problem. She stated she had an excess of 30 turkeys on her property that approach her front door. She explained she had a problem with the amount of droppings in her front yard that could be brought into her home. She reported she was not feeding the turkeys but she still had in excess of 30 turkeys. She discussed how the turkeys had destroyed her landscaping and noted she would like to have them removed.

9. Bids and Purchases:**A. Bids for the Minnetonka Community Center project**

Public Works Director Will Manchester gave the staff report and recommended the council reject all bids.

Schaeppi explained he spoke with City Manager Funk today and noted the process going forward would involve engaging the senior community in order to prioritize all of the projects being pursued by the city.

Wiersum thanked the bidders for all of their work. He explained the city does not take the bid rejections lightly. He discussed how circumstances for the city have changed since requesting the bids, noting the city has recently purchased The Marsh. He encouraged bidders to please standby because the city would be rebidding this project in the future.

Calvert moved, Wilburn seconded a motion to reject all bids. Calvert, Wilburn, Coakley, Schaeppi and Wiersum voted “yes.” Kirk “abstained”. Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

Schaeppi requested Item 10.B be pulled from the consent agenda for further comment.

A. Resolution for the Smetana Road Trail project

Kirk moved, Calvert seconded a motion to adopt Resolution 2023-008 and authorization to execute an agreement. All voted “yes.” Motion carried.

B. Gleason Lake Road reconstruction project

This item was removed for further comment.

C. Resolution for the Red Circle Drive turn lane improvements project

Kirk moved, Calvert seconded a motion to adopt Resolution 2023-009. All voted “yes.” Motion carried.

D. 2023 Strategic Profile action steps

Kirk moved, Calvert seconded a motion to accept the action steps. All voted “yes.” Motion carried.

E. 2023 general liability insurance and workers’ compensation renewals

Kirk moved, Calvert seconded a motion to authorize renewal of policies as outlined. All voted “yes.” Motion carried.

F. Approve 2023 study session work plan

Kirk moved, Calvert seconded a motion to approve work plan. All voted “yes.” Motion carried.

G. Appointment of hearing officers for administrative citation hearing program

Kirk moved, Calvert seconded a motion to approve the appointment. All voted “yes.” Motion carried.

B. Gleason Lake Road reconstruction project

Schaeppi indicated he lives in the Gleason Lake Road neighborhood and understood this project was being done in conjunction with the City of Plymouth. He explained he spoke with staff regarding this project and asked if there was disappointment with the proposed crossings. Public Works Director Will Manchester stated three crossings were shown originally and during final design impacts were considered and only two crossings were included in the final plans. He reported rapid flashing beacons would be installed at the two crossings.

Schaeppi moved, Kirk seconded a motion to approve the updated intersection concept. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

Calvert stated she would like to pull Item 11.B for further comment.

A. Applications for renewed precious metal and secondhand dealer licenses for 2023

Calvert moved, Kirk seconded a motion to approve the license renewals. All voted “yes.” Motion carried.

B. Conditional use permit and site plan review, with variance and expansion permit for a drop-off and pick-up loop at Groveland Elementary at 17310 Minnetonka Boulevard

Calvert discussed Alternate A and Alternate B for this project. She encouraged the Minnetonka School District to complete Alternate B for this project because this was a better solution.

Wiersum agreed Alternate B would properly address the stacking along Minnetonka Boulevard.

Calvert moved, Kirk seconded a motion to adopt Resolution 2023-010. All voted "yes." Motion carried.

12. Introduction of Ordinances:

A. Items concerning Greystar at 10701 Bren Road East

City Planner Loren Gordon and Community Development Director Julie Wischnack gave the staff report.

Calvert encouraged the developer to have this project solar ready and to include EV charging stations. She stated she appreciated the mix of affordability within this project. She asked that the planning commission consider if the Opus area has capacity to support these new units.

Kirk explained he was concerned with how quickly the Opus area was developing. He indicated the AUAR gives him some level of comfort, but encouraged the planning commission to investigate this further. He suggested the parking lot placement also be considered given how it will impact the adjacent property.

Calvert reported there were really nice trees on this property and she asked that the mature trees be protected where possible.

Kirk agreed the mature trees should be protected within Opus.

Wiersum stated this was a big building that would utilize the entire lot. He understood Greystar was an experienced developer and he appreciated the number of affordable units that were included within this development. He encouraged the planning commission to consider the size of the building and how the new units will impact the surrounding area.

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

13. Public Hearings:

A. On-sale intoxicating and Sunday on-sale intoxicating liquor licenses for Novel Spirits, LLC, dba The Social Kitchen & Libations, located at 12411 Wayzata Boulevard

Community Development Director Julie Wischnack gave the staff report.

Kirk asked if the council was approving the on-sale liquor license at this meeting. Wischnack reported the council was being asked to grant the license.

Wiersum opened the public hearing.

Tom Leuer, representative from Macy's, thanked the council for considering his request.

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

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

14. Other Business:

A. Concept plan for Marsh Run II Development at 11816 Wayzata Boulevard

City Planner Loren Gordon gave the staff report.

Tony Kuechle, Doran Development, discussed the Marsh Run II development in further detail with the council. He commented on the design of this building, noting it would be similar to the Birke. He described how parking concerns would be addressed, noting there would be a larger surface parking lot. He noted 10% of the units would be affordable within this project.

Kirk stated he appreciated the feedback the planning commission provided to the developer regarding the parking concerns at the Birke and thanked the developer for being willing to address these concerns. He believed it would be helpful for this project to have additional surface parking. He encouraged the developer to have a stronger connection between the Marsh Run II and the Birke.

Coakley asked if the affordable units could be provided at 40% AMI. Mr. Kuechle explained there were a lot of affordable units at 40% AMI within the marketplace, which led him to provide units at other AMI levels (60% and 80%). Community Development Director Julie Wischnack stated there were 206 affordable units at 50% AMI in the Opus neighborhood and another 100 units of affordable single family housing. She reported the proposed affordable units would meet other needs in the community. She explained the council could opt to push the AMI down further, but this would create a greater TIF request from the developer.

Coakley stated she would like further information on how the TIF request would be impacted if the AMI percentages were decreased.

Wiersum opened the meeting for public comment.

Jane Gordon, 11460 Fairfield Road West, explained she was a city councilmember from 1980 to 1992 and she thanked the councilmembers for their service to the community. She reported she loved this city. She stated she met with the developers and encouraged the council to consider the mistakes that were made with the Birke building. She discussed how overflow parking was impacting the neighbors at the Birke building and encouraged the council to properly address this concern. She asked that the Marsh Run II building be properly parked.

Wiersum closed the meeting for public comment.

Gordon stated he has had many conversations with Jane Gordon over the years and noted for the record Jane is not his mother.

Calvert suggested the developer reconsider the parking fee schedule at the Birke in order to assist in addressing the parking concerns. She wanted to be assured residents could afford to pay their rent and be able to park on the property. She recommended the amenity deck overlook the wetland instead of the highway. She thanked the residents for voicing their concerns regarding the wetland and encouraged the city to ensure the wetland was protected throughout the development of this site. She requested the residents of Minnetonka do better to pick up after their pets. She encouraged the developer to have EV charging stations and a building that was prepped for solar. She noted she supported the proposed affordable housing units but discussed how much these new affordable units would cost the city.

Schaeppi explained he believed the concept plan process was difficult. He understood the metro area had a housing deficit at this time. He believed affordable housing should be provided through assistance from the government, but also by the private market. He thanked this developer for being willing to invest further in Minnetonka.

Kirk commented on how long it took for developments to be approved by the city. He understood this site would be eligible for redevelopment TIF funds. He discussed how the Opus area has changed over the past 10 to 15 years. He questioned if this building had enough of a buffer in place to separate it from the adjacent neighborhood. He requested the developer consider this further. He encouraged the developer to address the parking and dog concerns that have been voiced. He appreciated how the footprint of this building would match the

Birke and requested the developer save as many trees as possible on this parcel.

Wiersum stated parking was a concern for both this development and at the Birke. He explained he understood parking was not free and asked the developer to address this concern. He thanked Doran for offering some of their affordable units to people with disabilities. In addition, he thanked the developer for including affordable units within this development but stated he would like to see the cost of affordable housing shared between the city and the developer with a 50/50 split. He challenged the developer to consider the environmental impacts this development would have on the wetland. He encouraged the neighbors to stay involved in this development process.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

B. Concept plan for Ridgewood Road Villas located at 18116 Ridgewood Road

City Planner Loren Gordon gave the staff report.

Schaepfi requested further information regarding the capacity of Lindsey Lane. Gordon stated Lindsey Lane was a public road and was 26 feet wide with curb and gutter. He explained the city does not allow the interior of cul-de-sacs to be landscaped anymore, which was done on Lindsey Lane and Kylie Court.

Kirk asked if the north part of this parcel could be developed. Gordon stated he did not believe there was any opportunity to develop the property to the north.

Coakley questioned how common shared driveways were in Minnetonka. Gordon reported the city encourages public roadways for residential access, but noted private connections were also allowed for three driveways.

Kirk inquired what part of the development was public street and which part was private. Gordon reviewed the areas of the development that public and private.

Calvert asked how the affordable housing policy would apply to this development. Community Development Director Julie Wischnack reported the city's affordable housing policy applied to developments that had 10 or more attached units. She explained this development does not have attached units and therefore does not apply.

Wiersum stated he remembered when Lindsey Lane and Kylie Court developed. He understood this area was quite low and questioned if there were concerns

with poor soils and the hydrology of this area. Gordon stated the area where the homes are planned was upland.

Wiersum questioned what the public purpose was for this development. Gordon stated this was a fair question that has been posed to the developer. He recommended the developer speak to this further.

Mike Waldo, Ron Clark Construction, thanked the council for their time and consideration. He explained his expectation was that the street coming up to the cul-de-sac would be public and anything to the north would be private. He reported this development would have an HOA which would assist with the yard maintenance and snow removal. He reported full wetland delineation and soil borings have been completed on this property. He stated 6.1 of the 24 acres was upland. He indicated he would not be filling in any wetlands for this development. He commented further on the type of units this development would include. He reported he would be meeting or exceeding the city's tree ordinance. He explained he would be working to pursue HERZ ratings on the homes within this development.

Kirk questioned how many parcels were included in this development. Mr. Waldo reported his property includes two parcels. He stated the property to the north was owned by the city.

Kirk requested the developer report back to the council with further information on the density and size of the homes that would be constructed within this development.

Wiersum opened the meeting for public comment.

Jay Jenson, 4209 Lindsey Lane, explained he submitted a list of questions for the developer. He indicated he was concerned about protecting the environment and discussed how his neighborhood works diligently to protect the environment so as to reduce the impact on the ponds. He stated he was concerned with how this new neighborhood would interface with the existing homes. He reported he was concerned with how the construction equipment and grading would impact his ponds. He asked that further tree preservation be considered along Lindsey Lane or that a buffer be replanted with pine trees. He suggested further consideration be made on how water would flow into his neighborhood from this development. He recommended rain gardens be added to the yards. He suggested Ron Clark Construction put in place many of the environmental protection measures that his neighborhood had in place in order to reduce the impact on the surrounding property and wetlands.

Mary Ann Coleman, 18317 Kylie Court, stated she understands Ron Clark was a good builder. However, she was against the proposed development. She

discussed how unique her development was and stated she believed the proposed development was too dense. She discussed how the new homes, driveways and streets would flood Powderhorn and her neighborhood. She commented on the natural springs that were located in the pond behind her home. She explained she was shocked by the proposed development and noted she did not want a road going through the development on Outlot C. She discussed the roadway easement that was in place in her neighborhood and how this easement would adversely impact her neighborhood. She reported previous developers had tried to come in and develop this property, but have been unsuccessful. She begged the city to work with the neighbors in order to reduce the density within the proposed development. She encouraged the developer to keep as many trees as possible in order to reduce the impact on the eagle and trumpeter swan populations.

John Coleman, 18317 Kylie Court, reported he believed the proposed development was too dense. He asked who would take care of the property to the north and asked what the stewardship plan would be for the lake. He explained he was concerned with how this development would adversely impact the lake. While he understood this development did not have to match the existing neighborhood, he would like to see it blending in more with the existing neighborhood. He challenged the developer to build several affordable houses within this development, noting this was done within his neighborhood. He suggested the developer make a serious investment in trees in order to shield the development from oncoming traffic and headlight wash. He discussed how construction traffic and construction noise would impact the adjacent neighbors and requested the developer be considerate.

Joe Boyer, 4218 Lindsey Lane, discussed the topography and flood zone for this property. He explained he lives in the Purgatory Creek wetland water flow area. He commented on the amount of water that would flow through his neighborhood from one inch of rainfall. He indicated this neighborhood was surrounded by water and he would like further consideration to be given on how this development would impact the watershed. He was of the opinion this development was too dense and should be reconsidered so as not to adversely impact the ponds and lake. He reported the developer property was a flag lot that had no access unless granted an easement by the city. He encouraged the city to deny access in order to protect the trees, wetlands and land.

Pat Montgomery, 17833 Powderhorn Drive, stated he was concerned with how the natural flow of water would be impacted if this property was developed. He anticipated Powderhorn Drive and his property would be flooded. He reported his neighbors were being inundated with water runoff as the water table rises.

Wiersum closed the meeting for public comment.

Schaeppi stated he was familiar with this property, noting his wife's family lived in this neighborhood. He commented on the changing elevations in this neighborhood. He thanked the neighbors for coming forward and sharing their concerns. He anticipated the city had a history with this developer and could investigate his track record with previous developments.

Kirk thanked all of the neighbors who got up to share their concerns. He discussed the next steps for this project and noted the city has worked with Ron Clark in the past. He stated he appreciated how patient Mr. Waldo has been with the planning commission and city council in the past. He explained the city does not approach projects in a manner that holds one developer to the same covenants as another development. He explained he was concerned about the proposed density within this development. He stated he wanted to be confident the engineering, stormwater and hydrology would be properly addressed within this project. He stated he would like to have more information regarding the parking that was available based on the number of housing units to see if the neighborhood was under parked. He anticipated the project was too dense for him to offer his support.

Calvert stated she has appreciated working with Ron Clark in the past and how patiently they work with neighbors. She encouraged Ron Clark to live up to their reputation and to take the comments from the neighbors to heart. She reported this project was being proposed as a PUD and while she was seeing private good, she was failing to see the public good. She explained she had concerns with where snow would be stored and where visitors would park, especially during in the winter months. She appreciated the fact the developer was proposing one story villas because this was a much needed housing type in Minnetonka. It was her hope that any project developed on this property would improve and not hinder the stormwater management on the site. She encouraged the developer to take into consideration the practices at the Marshes and to minimize the impact on the wildlife and trees. She discussed how weather patterns were changing and indicated the developer would have to properly address the stormwater runoff on this property to ensure the neighboring properties were not impacted. Lastly, she encouraged the developer to reduce the density.

Coakley reported this development was taking up a great deal of space with the homes. She stated she had concerns with the amount of traffic that would be coming in and out of the development. She indicted she was also concerned with the proposed alignment of the public and private roadways. She explained she was also concerned with how water runoff would impact the neighboring properties.

Wiersum stated this is a challenging site. He commented on how weather patterns were changing and that properties would have to be prepared for

extremes. He explained he was concerned about the neighbor's comments and the changes they have seen over the years. He supported the city building in more resilience when consider new developments. He encouraged the developer to reconsider the density and to have more shared driveways in order to reduce the impact on this sensitive property.

15. Appointments and Reappointments:

A. Boards and commissions appointments and reappointments

Wiersum gave the staff report.

Wiersum moved, Wilburn seconded a motion to approve the appointments and reappointments. All voted "yes." Motion carried.

16. Closed session to conduct city manager performance evaluation; pursuant to Minnesota Statute § 13D.05, subd. 3(a)

Calvert moved, Kirk seconded a motion to meet in a closed session to conduct a performance evaluation on the city manager pursuant to Minnesota Statute 13D.05, subdivision 3(a). All voted "yes". Motion carried.

17. Adjournment

Calvert moved, Schaeppi seconded a motion to adjourn the meeting at 11:05 p.m. All voted "yes." Motion carried.

Respectfully submitted,



Becky Koosman
City Clerk