



## CITY COUNCIL MEETING MINUTES September 6, 2023

### 1) Call to Order

Mayor Whalen called the meeting to order at 7:00 pm.

#### a) Pledge of Allegiance

**b) Introductions:** City Council: Mayor Lisa Whalen, Cathleen Reffkin, and Ann MacGregor Staff: City Administrator Jasper Kruggel, Finance Director Brian Grimm, Director of Public Safety Paul Falls, Community Development Director David Abel, Director of Public Works Gary Peters and Deputy City Clerk Angela Boll Consultants: City Attorney Ron Batty, Kennedy & Graven and City Engineer Alyson Fauske, WSB Engineering  
Absent: City Council: Claudia Lacy and Peter Vickery

#### c) Approval of Agenda

Motion by Reffkin, seconded by MacGregor to approve agenda as presented.  
Motion passed 3-0. Absent: Lacy and Vickery

### 2) Special Presentations

Andrew Meyers provided an overview of the Legislative highlights, impacts and updates.

### 3) Persons to Be Heard

No one spoke at Persons to be Heard

### 4) Consent Agenda

- a) Approve Work Session Meeting Minutes from August 21, 2023
- b) Approve City Council Regular Meeting Minutes from August 21, 2023
- c) Res. No. 75-23 Approve Claims
- d) Approve Conditional Offer of Employment to Ann Meyerhoff for the City Clerk Position
- e) Res No. 76-23 Approve Lakeshore Setback Variance at 3316 Williams Lane
- f) Res No. 77-23 Approve Guest Home Conditional Use Permit at 400 North Branch Road
- g) Res No 78-23 Approve Conditional Use Permit for Accessory Building over 1,000 sq. ft. at 905 Maple Crest Drive

Motion by MacGregor, seconded by Reffkin to approve the consent agenda as presented. Motion passed 3-0. Absent: Lacy and Vickery

### 5) Public Hearings

No Public Hearing

### 6) Business Items

- a) 2024 Budget Process Approval
- i) Res No 79-23 Approve 2024 Preliminary Tax Levy  
Finance Director Grimm provided information for overview.  
Highlights include:

- City Council and the Department Manager Budget Working Group had a full

presentation and discussion on August 7th regarding the setting of the Preliminary Tax Levy for 2024.

- The consensus at the August 21<sup>st</sup> City Council meeting was to bring back the general fund levy at 15.1% net levy.
- The levy would have an estimated \$18 per month impact on the median value home that had the average property valuation increase.
- As in previous years, the City's preliminary levy will have to be certified to the County by the end of September deadline. A factor to consider is the preliminary levy, once set, can only stay the same or be reduced at the time of final certification in December.

Motion by Reffkin, seconded by MacGregor to approve Res No 79-23 Approve 2024 Preliminary Tax Levy.

Motion passed 3-0. Absent: Lacy and Vickery

ii) Res No 80-23 Approve Debt Levy at 100% of 2024 Bond Payments

Finance Director Grimm provided information for overview.

Highlights include:

- Per Minnesota Statute 475.061, municipalities may levy up to 105% of the next year's debt payments.
- The City Council has historically levied for 100% of the next year's bond payments. Statute 475.061 provides for the council, at its discretion to authorize adopting a levy that is less than the 105% that is allowed.
- Adopting a policy where the Council levies for the additional 5% provided by statute would increase the debt levy by about \$50,000.

Motion by Reffkin, seconded by MacGregor to approve Res No 80-23 Approve Debt Levy at 100% of 2024 Bond Payments.

Motion passed 3-0. Absent: Lacy and Vickery

Motion by Reffkin, seconded by MacGregor to approve December 4, 2023 at 7:00 p.m. for the truth in taxation meeting and final 2024 budget approvals.

b) Review Concept/Sketch Plan for Outlot C, Woodland Cove Commercial Development Community Development Director, David Abel provided information for overview.

Highlights included:

- David Lau on behalf of Woodland Cove, LLC (the "Applicant") has submitted an application for a concept/sketch plan review of a possible commercial development of Outlot C, Woodland Cove; PUD – Planned Unit Development Zoning District; PID# 34-117-24-33-0052
- The Applicant approached City staff with a concept for Outlot C that included space for 3 separate business and wanted to get some feedback.
- This development was presented to the Planning Commission meeting on August 28, 2023 and the consensus of the commission is that this is a viable plan.
- Since a concept plan does not require any formal action from the City, the City Council should review the materials and information provided within this staff report and provide the Applicant with guidance on a future application submittal.

Applicant Daivd Lau, stated he is focused on the needs of the community and is aware of the traffic implications that various businesses may have. They hope to have a high-quality restaurant and business at this location.

Reffkin and Whalen stated they liked the proposed concept plan. Whalen suggested some vegetation as a buffer between the development and existing townhomes.

c) 3790 Enchanted Lane Variance Discussion

Community Development Director, David Abel provided information for overview.

Highlights included:

- Nathan Fair on behalf of Harriet A. Ellis Trust (the “Applicant”) has made a request for a lakeshore setback variance from the required 75 feet to 41 feet, a street side setback variance from 35 feet to 26.3 feet, and side yard setback variances from 15 feet to 6.1 feet and 10.1 feet to allow for a new single family home at 3790 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District
- The Applicant has a purchase agreement to purchase the Property, but among other things, it is contingent upon the review of their variance request.
- The request was presented to the Planning Commission on August 28, 2023 and after much discussion, the Planning Commission recommended the City Council deny the requested variances.
- City Council has three options: Approve the variance requests, as presented; Deny the variance requests, as presented; or approve one or more of the variance requests and deny one or more of the variance requests.
- City staff is asking the City Council to discuss the variance requests, including the testimony at the public hearing and the discussion from the Planning Commission, and provide direction as to which option they would like to see at their September 18, 2023 meeting

Abel did want to make a clarification that the City can not force property owners to combine lots.

Whalen asked the City Attorney Sonsalla about the process for approval or denial. Sonsalla stated that there are technically three variance applications for Council action. There would be separate resolutions prepared depending on the Council’s direction. The Council cannot approve different variances to the setbacks than presented, that would need to be a revision on the application.

Applicant, Nathan Fair, provided a visual presentation of the proposed homes that would go on the two individual lots. The foundation size on the smaller lot is 1,700 square feet. Fair stated that there are seven homes on the block, and six of those homes don’t meet the setbacks. Fair wanted to reiterate that these are two separate properties of record.

Fair wanted to address the parking issue and will be no additional parking on the street, as there is adequate parking in the driveway and garage. Fair stated they are open to doing a sprinkler system if that is a condition required for approval. He also stated they are below the 25% hard cover requirement and below the height requirement.

Whalen asked what the proposed total square footage of 3790 Enchanted Lane. Fair stated that the foundation is 2,546, and total square footage is 3,976.

Whalen commented that the ordinance does not allow short term rentals.

Whalen stated the Planning Commission was in favor of the lakeshore and street side setback.

Reffkin stated she is not in favor of the proposed side yard setback with the size of the home.

MacGregor asked if there is a possibility of building a narrower home to address the side yard setback concerns. Fair stated he does not believe a narrower home fits in with the neighborhood.

Ron Groat, 3850 Enchanted Lane, expressed his concerns regarding the proposed variances. He also stated that it is possible to build a narrower home.

Micki Krenn, 3830 Enchanted Lane, expressed her concerns regarding the proposed variances.

Nancy Rigelhof and Steve Shoop, 3780 Enchanted Lane, clarified their fence location and easement and expressed their concerns about the proposed variances.

Bruce Phillipson, 3740 Enchanted Lane, expressed his concerns regarding fire hazards and snow removal on the property.

Sarah Bennett, 60 South Sixth Street, Minneapolis MN, attorney representing the property owner, stated that it is not enough for the Council to deny the setback just because they don't like it. Bennett reviewed the circumstances on which a variance can be denied. Bennett stated that her clients are under no legal obligation to combine the two lots. Her client's intent is to keep the two parcels separate. Bennett stated there are practical difficulties with the property, and she feels her client has addressed the concerns presented by the Council and Commission. Bennett also commented that the current issues will keep presenting themselves.

Whalen stated she has concerns about the side yard setback as it will set precedent for future homes. Whalen also stated the practical difficulty is the size of the home, not the lot.

Reffkin stated that the Council has not asked the applicant to combine the lots.

Bennett asked how to proceed with city staff. Whalen stated the Council will provide staff with direction, and staff will do their best to provide guidance to the applicant based on Council's direction.

The Council directed staff to bring back a resolution to approve the lakeshore and streetside setbacks, and deny the side yard setback if the applicant does not wish to amend their request with the findings discussed.

- d) 3800 Enchanted Lane Variance Discussion  
Community Development Director, David Abel provided information for overview.

Highlights included:

- Nathan Fair on behalf of Harriet A. Ellis Trust (the “Applicant”) has made a request for a lakeshore setback variance from the required 75 feet to 39.1 feet, a street side setback variance from 35 feet to 26.3 feet, and side yard setback variances from 15 feet to 6 feet and 6.3 feet to allow for a new single family home at 3800 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District.
- The Applicant has a purchase agreement to purchase the Property, but among other things, it is contingent upon the review of their variance request
- The request was presented to the Planning Commission on August 28, 2023 and after much discussion, the Planning Commission recommended the City Council deny the requested variances.
- City Council has three options: Approve the variance requests, as presented; Deny the variance requests, as presented; or Approve one or more of the variance requests and deny one or more of the variance requests.
- City staff is asking the City Council to discuss the variance requests, including the testimony at the public hearing and the discussion from the Planning Commission, and provide direction as to which option they would like to see at their September 18, 2023 meeting

Motion made by Reffkin, seconded by MacGregor to direct staff to bring back a resolution to approve the lakeshore and streetside setbacks, and a resolution to deny the side yard setback for both 3790 Enchanted Lane and 3800 Enchanted Lane if the applicant does not wish to amend their request.

## 7) Administrative Items

- a) Staff Reports
  - i) City Engineer
    - Road Project Updates
- b) Council Reports
  - i) Mayor Lisa Whalen
    - Mound Fire Donation.
    - Northwest League
    - Mayor’s Meeting
  - ii) Cathleen Reffkin
    - Mound Fire Meeting
  - iii) Ann MacGregor
    - Gillespie Center

## 8) Adjournment

Motion by Reffkin, seconded by MacGregor to adjourn the meeting.  
Motion passed 3-0. Absent: Lacy and Vickery

Mayor Whalen adjourned the meeting at 8:28 pm.

Respectfully submitted,

**Angie Boll**  
**Deputy City Clerk**

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*The City of Minnetrista will deliver quality services in a cost effective and innovative manner; and provide opportunities for a high quality of life while protecting natural resources, maintaining a rural character, while effectively managing growth.*