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WAYZATA CITY COUNCIL
MEETING MINUTES
January 19, 2016

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: Interim City Manager Reeder, Director of Planning and Building Thomson, City Engineer Kelly, and City Attorney Schelzel.

Mayor Willcox reported that Council met in Workshop prior to the meeting and discussed the Mill Street Parking Ramp and the Lake Effect Project timeline.

AGENDA ITEM 2. Approve Agenda.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).

a. Minnesota State Representative Jerry Hertaus – Update on Legislative Issues

This item was taken up following Item 6a.

b. Annual Report from Charter Commission

Dr. David McGill, 355 Lake Street West, Charter Commission Chair, and Brian Botham, 387 Margaret Circle, Charter Commission Vice-Chair, presented the Annual Report. They reported the Charter Commission met in May 2015 for their Annual Meeting and took the following actions: 1) Approved the policy for communication between Boards, Commissions, and Committees as requested by the City Council; 2) Reviewed and determined there was no need to change the Charter language and process for the election of the Mayor Pro Tem and the Council could continue the practice of establishing a succession plan during the same meeting the Mayor Pro Tem is elected; and 3) Determined there were no additional changes, recommendations or concerns with the Charter that should be discussed.

Mayor Willcox asked how many Council actions in the Charter require a four-fifths affirmative vote of Council. He suggested reviewing the actions that require a four-fifths vote to see if it is still appropriate to require it since recent actions of the State Legislature have suggested more majority votes and less super majority votes. Mr. Schelzel stated that under State law, some issues still require a super majority and others are left to the discretion of cities.

Dr. McGill reported that under the Charter, a four-fifths affirmative vote is required for a special election, preamble for emergency ordinances, approval of contingency expenses, adjustment of salaries or appropriations, transfer of funds among purposes, issue of bonds, certificates of indebtedness, granting of franchises, and amending comprehensive ordinances. Mr. Schelzel stated he was not sure that all these issues are mandated by state statute to require a super majority, but that it could be reviewed.

Mrs. Anderson asked if a unanimous vote was needed to change the Charter. Mr. Schelzel stated it depends on the manner in which the amendments are made, and state statute provided several ways to amend a city's charter. Dr. McGill stated a unanimous vote is required for an amendment to the Charter made by an ordinance proposed by the Charter Commission, which is one of several methods to amend the Charter.

Dr. McGill stated the Commission could look at the actions requiring a four-fifths vote in the Charter to see if that threshold is still required or advisable with those actions, and then make a recommendation to the Council in the form of a proposed ordinance. Mr. Schelzel confirmed that the adoption of an ordinance to amend the Charter in this manner would need to be by a unanimous affirmative vote of the entire Council.

1 Mrs. McCarthy stated she would like to understand the legislative history behind why
2 certain actions originally required a four-fifths vote.

3 The Council asked that the Charter Commission look into the Council actions that require
4 a four-fifths affirmative vote of the Council and try to determine the 1) origin/historical basis for
5 each, to try and determine why do we have the ones we have, such as which are mandated by State
6 law or were based on a phenomenon in Wayzata history, if they can determine that; 2) Present
7 recommendations on which actions only need a majority vote versus a four-fifths vote. The
8 Council stated that the Commission may report back on their findings when convenient.

9 Mr. Tyacke asked about the required number of members on the Charter Commission.
10 Dr. McGill stated they currently have eight members, with one member pending. The State
11 Statute requires between 7 and 15 members.

12 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, directing the Charter
13 Commission to examine the four-fifths vote requirements within the Charter, as discussed, and
14 report back to Council with their recommendations. The motion carried 5/0.

15
16 **AGENDA ITEM 4. New Agenda Items.**

17 None.

18
19 **AGENDA ITEM 5. Consent Agenda.**

20 **a. City Council Workshop Meeting Minutes of December 15, 2015 and City Council**
21 **Regular Meeting Minutes of January 5, 2015**

22 Mrs. Anderson referred to the January 5 regular meeting minutes with regard to Item No. 6b,
23 stating there is a part missing where she thanked the Parks and Trails Board and requested that be
24 added. She also referred to Item No. 6e, stating the minutes do not include the details of
25 background summary that she requested as to why the Council is pursuing additional design
26 options with HGA, and requested this be added to the minutes.

27 Mr. Willcox stated there is a difference between minutes that outline the proceedings and
28 verbatim minutes, and it was discussed that it was better to have minutes that contain the required
29 record of discussion and actions taken, rather than verbatim minutes. Mr. Schelzel stated that is
30 true and the recommended approach to the minutes, and that minutes should not be a transcript of
31 the meeting. If a significant item is missed, like a Council action or a point made by a
32 Councilmember, those should be incorporated into the minutes prior to Council approval, and
33 could also be transcribed verbatim at the Council's request.

34 Mr. Willcox referred to the Workshop minutes of December 15 and stated it was his
35 understanding the Council direction was for the neighborhood to meet with the Country Club to
36 try to reach a compromise on the gun range issue. If a compromise could be reached, the City
37 would not be involved any further. If that failed, the issue would come back to the Council for
38 consideration of a permitting process to evaluate the situation annually. However, the Workshop
39 minutes state when a compromise is reached, staff should use the information as a basis for a
40 permit. Mr. Schelzel referred to page 9 of the January 5 Regular Meeting Minutes and asked
41 Council if staff should use the language under item No. 7a, third paragraph, to amend the
42 Workshop minutes to reflect this understanding.

43 Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to amend and bring back for
44 Council approval, the City Council Workshop Meeting Minutes of December 15, 2015 as noted,
45 as well as the City Council Regular Meeting Minutes of January 5, 2015 to reflect the
46 acknowledgement of the Parks and Trails Board and include more detail on the background
47 summary as to why additional design options are being pursued with HGA. The motion carried
48 5/0.

49 Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the consent agenda
50 as amended:

- 1 a. ~~City Council Workshop Meeting Minutes of December 15, 2015 and City Council~~
 2 ~~Regular Meeting Minutes of January 5, 2015~~
 3 b. Approval of Check Register
 4 c. Municipal Licenses Which Received Administrative Approval (Informational Only)
 5 d. Police Activity Report
 6 e. Building Activity Report
 7 f. Approval of Resolution No. 05-2016 Approving Appointment of Fire Department
 8 Officers for 2016
 9 The motion carried 5/0.

10
 11 **AGENDA ITEM 6. New Business.**

12 **a. City Council Project Progress Reports**

13 Mrs. McCarthy updated the Council on the cell tower transition project. A timeline has been
 14 drafted for the project that includes pushing the refurbishment of the existing site on the City
 15 water tower from 2018 to 2020. A Letter of Intent was signed by the School District for a ground
 16 lease for a new tower at the Middle School. The regulatory approvals are not in process and were
 17 put on hold due to the additional time needed to evaluate the implications of the soil conditions at
 18 the Middle School. Staff and consultants are currently putting together a financial analysis based
 19 on the second report of the soil borings. The cost is anticipated to be higher, the total cost of the
 20 project around \$800,000, and the estimate will be before the Council by early March.
 21 Construction could take place in summer 2016.

22 Mr. Tyacke updated the Council on the Mill Street Parking Ramp. The City has received
 23 some additional designs from HGA/Walker to screen the view from above the ramp. A Steering
 24 Committee was formed to help communicate the design needs with HGA/Walker. The Steering
 25 Committee includes two Council members, Mrs. McCarthy and Mr. Tyacke; two staff members,
 26 Mr. Reeder and Mr. Thomson; and two citizen advisors, Jack Amdal and Chris Morrison/Steve
 27 Fox. After several upcoming meetings in February and March, a predesign concept will come
 28 before the Council at the first meeting in April.

29 Mrs. Anderson reported on the Bushaway Road landscaping. The Bushaway Landscape
 30 Committee consists of people from the previous Bushaway Task Force, representatives from both
 31 North and South Bushaway, Jack Amdal, and others that were active in the preservation of the
 32 trees along the roadway. The group is working on the existing concept plan from SRF and
 33 making sure it is in line with the group's mission. This includes working toward reforestation as
 34 well as preservation of native habitat, and selecting low maintenance plants. The Task Force also
 35 makes sure the corridor transitions are done well and have identified the hard costs involved.
 36 They will present to Council at a future date the hard costs of the North Gateway, South Gateway,
 37 and The Crossroads. The group is working to identify other sources for funding. The planting
 38 will take place in 2017.

39 Mrs. McCarthy asked what the budget was for this landscaping project. Mrs. Anderson
 40 replied about \$272,000 and that the City authorized additional funds for the use of real stone,
 41 upgraded rails, and the burying of utility lines. The Minnehaha Creek Watershed District has
 42 stated it will help with some funding for work with the storm water basins.

43 Mr. Tyacke asked if this project also included the roundabout and Lake Street. Mrs.
 44 Anderson stated it goes to the eastern entrance of the Wayzata Yacht Club parking lot. It includes
 45 the entire corridor, the southern part just past the turn into Grey's Bay, and all the way up to
 46 Wayzata Boulevard.

47 Mr. Mullin reported on the Lake Effect Project. He noted that the Lake Effect
 48 Conservancy board designees include Dan Koch, Tyler Purdy, Rick Born, and Mick Johnson, and
 49 a possible additional candidate is Sharon Lim. The goal is to have 8-9 board members.

50 Mr. Tyacke and Mrs. McCarthy stated Sharon Lim sounds like she would be an excellent
 51 and well-qualified candidate.

1 Mr. Mullin stated so far the designees have been educated on the project by staff and the
2 project team, debriefed with HRA on funding strategies, attended Steering Committee and public
3 meetings, and are building towards a recommendation on organizational structure and City
4 partnership. They will be working on organizational development and public/private funding
5 options through March. If a project is launched in April, they will work on fundraising options
6 and advocating regional public partners in the second half of 2016.

7
8 **AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person). (Continued)**

9 **a. Minnesota State Representative Jerry Hertaus – Update on Legislative Issues**

10 Representative Jerry Hertaus updated the Council on his work at the state legislature. He stated
11 the new legislative session will begin on March 8 and will be a short session due to the
12 reconstruction at the Capital building. The Special Session is looking at a \$1.2 billion projected
13 surplus with \$500 million of that likely to be spent on education. The final surplus number will
14 not be known until the end of the fiscal year. The Transportation and Tax bills did not get done
15 because the Governor insisted on raising the gas tax to increase revenue, but that is now dead.
16 The alternate plan to increasing revenue includes a combination of dedicated funding, general
17 fund spending, and some bonding. The House proposal is about \$7 billion, and the Senate, House,
18 and Governor agree it should be invested in roads, bridges and infrastructure over the next ten
19 years.

20 Rep. Hertaus stated he authored legislation in 2015 to extend Wayzata's Widsten TIF
21 District. In preparation to keep the TIF District alive to help with the parking ramp, Wayzata legal
22 counsel has introduced wording to be added to the bill as an amendment to promote the prospect
23 that the City could use TIF for the ramp. He requested several representatives from the City
24 attend the legislative hearing to testify when it comes before the Committee.

25 Mr. Tyacke asked about the federal mandate for driver's licenses that has been deferred
26 for two years. Rep. Hertaus stated it is not a partisan issue and only 23 States are fully compliant.

27 Mr. Willcox stated they learned the Governor is in favor of allocating funds for rail safety
28 and asked Rep. Hertaus whom they should contact about that. Rep. Hertaus stated it is a new
29 announcement and he is not yet sure who to contact.

30 Mr. Willcox thanked Rep. Hertaus for his work and for representing the City of Wayzata.

31
32 **AGENDA ITEM 6. New Business. (Continued)**

33 **b. Update on Process for Use of City Property for Valet Parking**

34 Director of Planning and Building Thomson reported on the process for use of City right of way
35 for valet parking, as requested by the Council at the January 5, 2016 City Council meeting. He
36 explained that the City requires a Special Event Permit, which the City processes to make sure
37 there are no safety and traffic issues associated with the proposed valet service.

38 Mrs. McCarthy asked why is a Special Event Permit used, and how the City determines
39 the fee associated with it. Mr. Thomson stated the special event permit is for events on City
40 property and the most applicable permit within the City Code that addresses a use like this
41 occurring on City property. It has been the City's practice for the past year to not charge a fee.

42 Mrs. McCarthy stated she wants to make sure all applicants and businesses applying for
43 the permit have the same level of availability and are paying the same fee. She stated there is a
44 disconnect when the City is hoping to build a parking ramp and there is no fee for a Special Event
45 Permit relating to valet parking. She suggested the Council look at having a different permit
46 process in place for valet parking and developing a different fee structure.

47 Mrs. Anderson stated she does not understand why one applicant was charged and others
48 were not, and has concern with inconsistencies and enforcement issues. She requested
49 recommendations and feedback from staff on how to become consistent in administering the
50 permit process, how to determine fees, and to let the businesses know how it works and that it is
51 available to them.

1 The Council suggested staff look at other cities to see if they have ordinances addressing
2 valet parking.

3 Mr. Willcox stated he wants to be careful about charging too much of a fee for valet
4 parking, as it does not make sense to penalize a business for something that will potentially help
5 with the parking issues in the City. Mrs. Anderson stated the parking spaces that are being
6 reserved for valet parking are then only used by one business and other businesses need to be
7 respected. There needs to be a balance.

8 Mr. Mullin stated there may also be a valet service provided to the parking district as part
9 of the parking ramp structure. There could be a centrally controlled valet that benefits the district
10 and those costs flow through the cost allocation model that is defined in the mobility district.

11 Mrs. McCarthy suggested the Council make a decision regarding valet parking so that it
12 does not adversely impact the negotiations the businesses might be looking at for next year.
13

14 **c. Award Bid for Rehabilitation of Water Treatment Plant #2**

15 City Engineer Kelly reported six bids have been received for the Rehabilitation of Water
16 Treatment Plant #2. The project is proposed to be funded using the Water Capital Improvement
17 Program (CIP) and currently has a budget of \$1,065,000. The Public Works Department
18 recommends approval of the low bid of \$1,039,000 from Magney Construction, Inc.

19 Mr. Tyacke made a motion, seconded by Mrs. McCarthy to Award the bid of \$1,039,000
20 to Magney Construction, Inc., for Rehabilitation of Water Treatment Plant #2. The motion
21 carried 5/0.
22

23 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

24 **a. Charter Commission Appointment**

25 Interim City Manager Reeder reported Charter Commission Chair Dr. McGill requested the
26 Council allow the Charter Commission to take steps to appoint Dan Day to that Commission to
27 replace David Hill for the length of his unexpired term, which ends in December 2017.

28 The Council directed the Charter Commission to look at a procedure for appointing
29 members as needed for unfulfilled terms.

30 Mrs. Anderson made a motion, seconded by Mr. Mullin to allow the Charter Commission
31 to take the appropriate steps for the appointment of Dan Day to the Charter Commission to
32 replace David Hill for the length of his unexpired term. The motion carried 5/0.
33

34 **b. Met Council Shoreline Drive Project**

35 City Engineer Kelly reported Met Council has begun their work on Shoreline Drive. They had
36 planned to be in Wayzata in late May 2016 and closing the road for 10-12 weeks to install a
37 gravity line from Ferndale Road to the west end of the ramps to Highway 12. They are now
38 looking at pushing the Wayzata portion of the project to 2017 to allow for the completion of the
39 Bushaway Road Project, but the traffic impacts of the Shoreline Drive project would remain the
40 same. There could still be some discussion on having the project occur at different stages and
41 times. He suggested the Council and Met Council meet together in a Workshop session to gain a
42 better understanding of the issues involved.

43 Mrs. McCarthy requested all the projects going on in the City be mapped out on a
44 timeline.

45 Mrs. Anderson asked about the additional costs involved with delaying the project. Mr.
46 Kelly stated these would impact Met Council, not the City.

47 Mr. Tyacke stated there was a meeting where business owners expressed concern with
48 having this project begin with Bushaway Road not yet completed and suggested creating a bypass
49 instead of having a road closure. Mr. Kelly stated now that the project will not begin until after
50 Bushaway is completed, they plan to have a road closure. The bypass option would allow for one

1 lane, but the project would still require road closures, and the bypass option could possibly extend
2 the time needed to complete the Wayzata portion of the project.

3
4 **c. Other**

5 Mr. Tyacke stated there was another Highway 12 traffic death.

6
7 The Chamber's Chili Open will be on February 6.

8
9 **AGENDA ITEM 8. Public Forum Continued (if necessary).**

10 There were no comments.

11
12 **AGENDA ITEM 9. Adjournment.**

13 Mr. Tyacke made a motion, seconded by Mrs. McCarthy to adjourn. There being no further
14 business, Mr. Willcox adjourned the meeting at 8:40 p.m.

15
16 Respectfully submitted,

17 *Becky Malone 02-16-2016*

18
19 Becky Malone
20 Deputy City Clerk

21
22 Drafted by Shannon Schmidt
23 *TimeSaver Off Site Secretarial, Inc.*
24