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**WAYZATA CITY COUNCIL
MEETING MINUTES
September 20, 2016**

AGENDA ITEM 1. Call to Order and Roll Call.

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

AGENDA ITEM 2. Approve Agenda.

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

Mr. Willcox advised the Council met in Workshop prior to the meeting and discussed the 253 Lake Street development concept and the potential Mobility District and Parking Policy.

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

a. Presentation of Wayzata Chamber of Commerce Exceptional Service Award to “Lunds & Byerlys Kitchen”

Becky Pierson, Greater Wayzata Area Chamber of Commerce, and Mayor Willcox presented the Wayzata Chamber’s Exceptional Service Award to Anessa Novasio, from Lunds and Byerlys Kitchen. Mayor Willcox thanked them for all the contributions they make to the City.

Ms. Novasio stated they are honored and grateful to receive this award.

b. Recap of James J. Hill Days

Becky Pierson, Greater Area Wayzata Chamber of Commerce, commented James J. Hill Days was a great success and thanked the staff and Council for making the event possible. David Plummer was the Grand Marshall and Eat Street was reconfigured and enjoyed along with music all day Saturday.

Peter Hitch, James J. Hill Steering Committee, commented on the events and thanked the City for their cooperation in all areas. They have great sponsors that make it all possible.

Mr. Willcox thanked the Chamber of Commerce for their amazing work.

c. Lake Effect Update

Mary deLaitre, Lake Effect Project Coordinator, commented they are wrapping up Phase 1 of the organizational development with the Conservancy. All applications for 501(c)(3) have been submitted. The official Board of Officers are: Dan Koch, Chair; Joanne Birkholz, Vice-Chair; Ty Purdy, Treasurer; and, Sarah Showalter, Secretary. The Council will be approving the agreement between City and Conservancy on October 4 and information regarding the Lake Effect Conservancy can be found at lakeeffectconservancy.org.

Ms. deLaitre reported Phase 2 consists of budget planning and strategic hiring. They are looking for an Executive Director to be the ‘face’ of the Lake Effect and raise funds for the project. They have begun fundraising, working with the City to look at public funding, and work on the Environmental Assessment Worksheet (EAW) has been begun.

Ms. deLaitre summarized the role of the Conservancy and phases involved with Lake Effect.

d. Mill Street Parking Ramp Design

Nate Pearson, Tegra Group, commented he was hired by the City to oversee the parking ramp construction. The base design includes 385 stalls, three entrances into the ramp, and three stairwells. The alternates include a roof, a design on the retaining wall, a Broadway entrance

portal, and an enhanced landscape design. On September 30, HGA will have documents available on these designs and they will be posted on October 4. Bids will be due from potential contractors on October 21, and they will provide a recommendation to the Council the following week. They hope to break ground in November so that construction can be completed around Memorial Day.

City Manager Dahl stated regarding the plan of finance, they plan to call for a public hearing on November 1 for the bond sale, which will be done in early December. The HRA will also transfer the property over to the City and pledge the tax increment financing for the project. All the projections show the tax increment from the Presbyterian Homes project, specifically The Landing development, will pay for the entire base ramp. The roof would have to be paid for by an alternate revenue source.

Director of Building and Planning Thomson commented on the zoning approvals and design review. The design review is to make sure the proposed design complies with the City's design standards. The Institutional zoning district amendment is on the Council agenda tonight and the design review will go before the Planning Commission at their next meeting.

Mr. Tyacke inquired if there will be any pre-bid meetings with the bidders. Mr. Pearson responded there will be a meeting two to three days after the bid documents are out to the public.

d. Norrie Thomas, candidate for House of Representatives

Norrie Thomas, 1620 Locust Hills Place, announced she is running for the Minnesota House of Representatives and is DFL endorsed. She is a grandmother and retired pharmacist, and her platform is healthcare, education, and transportation.

AGENDA ITEM 4. New Agenda Items.

Councilmember Anderson requested a background report on the stoplight at Superior and Lake. The Council agreed and City Manager Dahl stated a report can be provided at an upcoming Council meeting in October.

AGENDA ITEM 5. Consent Agenda.

Mr. Tyacke referred to page 9 of the meeting packet and the check to HGA for \$64,000. He asked if the intent was to segregate and include those funds as part of the capital costs to the ramp and reimburse those out of the TIF bond. City Manager Dahl confirmed that was correct.

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

- a. Approval of City Council Workshop Meeting Minutes of September 6, 2016 and City Council Regular Meeting Minutes of September 6, 2016
- b. Approval of Check Register
- c. Municipal Licenses which received administrative approval (informational only)
- d. Approval of Municipal Licenses
- e. Police Activity Report
- f. Building Activity Report
- g. Approval of Second Reading of Ordinance No. 760 Rezoning Broadway Place Development at 326 and 332 Broadway Avenue South
- h. Approval of Resolution No. 36-2016 and Call for Public Hearing for Conduit Debt Financing
- i. Approval of First Reading of Ordinance No. 761 Opting-Out of Temporary Healthcare Dwelling Units Statute

The motion carried 5/0.

AGENDA ITEM 6. New Business.

- a. **Consider Resolution No. 34-2016 Certifying to the County Auditor the Preliminary Property Tax Levy for 2017**

1 City Manager Dahl introduced this item to the Council, noting final budget approval will be in
2 December.

3 Mr. Steve McDonald of AEM, Financial Consultant, presented the 2017 preliminary
4 budget. He reported on the budget process, 2016 legislative impacts, and revenue and expenditure
5 changes that affect the budget. The overall proposed tax levy increase is 2.24% from 2016.

6 Mr. Tyacke inquired if there was any projection of excess revenue for 2016. Mr.
7 McDonald stated preliminary projections show excess revenue of \$400,000 to \$500,000.

8 Mr. Willcox inquired if anything is budgeted for the comprehensive plan update process
9 and consultant. Mr. Dahl stated they have allocated previous excess fund transfers at the end of
10 the year for about \$150,000, but it would not be shown in the budget for 2017.

11 Mr. Willcox commented the 28% budgeted for police is a gross expenditure and does not
12 include the money received from Long Lake for police service. Mr. McDonald stated the net cost
13 would be reduced by \$285,000.

14 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt Resolution 34-2016
15 Certifying to the County Auditor the Preliminary Property Tax Levy for 2017.

16 Mr. Mullin stated he will voting no. He was hopeful during the budgeting process they
17 could use the windfall money the City received from the process of the building boom to provide
18 the taxpayer a 0% raise.

19 Mrs. Anderson stated the majority of the increases are personnel related due to so many
20 things going on in the City.

21 Mr. Willcox stated they are not yet back to the staffing levels of 2008 before the
22 recession.

23 Mr. Tyacke commented the 2.24% levy increase is reasonable.

24 The motion carried 4/1. (Mullin)

25
26 **b. Consider First Reading of Ordinance No. 762 Amending Institutional Zoning**
27 **District**

28 Director of Planning and Building Thomson reported this item is a result of Council's direction to
29 staff to initiate the zoning ordinance amendment for the Mill Street parking ramp project. The
30 Mill Street property is currently zoned Institutional and guided in the Comp Plan for
31 Institutional/Public.

32 Mr. Thomson stated the amendment would include public parking structures as a
33 principal and sole use as a specific type of publicly owned civic or cultural building and would
34 provide standards for the structure.

35 Mrs. Anderson inquired if they should set the height requirement to what is in the design
36 for the parking ramp instead of setting it at a 40-foot height maximum. The current ramp design is
37 not at 40 feet, none of the other buildings in the area are at 40 feet, and there are parameters that
38 are specific to this ramp in the ordinance. Mr. Thomson responded the maximum height could be
39 set at the proposed ramp height. The Mill Street property is also in the Shoreland District, which
40 has a 35-foot height maximum and is more restrictive.

41 City Attorney Schelzel stated 40 feet is currently the existing height limit in the
42 Institutional district. To change it would require a special exception for parking ramps or it could
43 have unintended consequences on the rest of the Institutional District. It is a change to the zoning
44 ordinance that will apply to other potential parking structures in addition to the Mill Street ramp.

45 Mr. Tyacke stated if it is specific to the site, there is a covenant that states they cannot go
46 over 975 feet in elevation for the Mill Street ramp.

47 Mr. Mullin stated the Planning Commission abstained only because they do not think the
48 ramp even needs to exist. The current 40-foot standard exists today and he does not have any
49 concern with it. The City also does not own any other large parcel of land where a parking ramp
50 could be built.

51 Mrs. Anderson stated the 40-foot standard is for a church or a school, not a parking ramp.

1 Mrs. McCarthy asked if this would apply to the construction of a ramp that had joint
2 ownership. Mr. Thomson explained both the land and the ramp would have to be publicly owned.

3 Mr. Schelzel stated it could be argued if it is solely a public ramp and the City partnered
4 with a private entity, the standards may apply.

5 Mr. Thomson commented this could apply at a Metro Transit parking ramp.

6 Mr. Willcox inquired how tall three stories is on a parking ramp.

7 Mr. Mullin stated this ordinance is for City-controlled fee title ownership of land owned
8 by the citizens of Wayzata. Other hypothetical situations would require separate ordinances.

9 Mr. Willcox stated he is fine with it stating 40 feet.

10 Mr. Schelzel referred to page 87 of the meeting packet, Section 2, and requested it state
11 "...The amendments made hereby are based upon the findings set for in the draft Report and
12 Recommendation of the Wayzata Planning Commission..."

13 Mr. Tyacke made a motion, seconded by Mr. Mullin, to approve the first reading of
14 Ordinance No. 762 Amending Section 70 (INS Institutional District) of the zoning ordinance for
15 Public Parking Structures, as amended above.

16 The majority of the Council agreed they were troubled by the abstention of the Planning
17 Commission members and they support the findings and recommendations by staff. The
18 Planning Commission's role is to make recommendations, not to vote on difficult decisions.

19 The motion carried 4/1. (Anderson)

20
21 **c. Consider Resolution No. 35-2016 and First Reading of Ordinance No. 763 –**
22 **Frenchwood Third Addition**

23 Director of Planning and Building Thomson reported the applicant, Zev and Kristi Oman and
24 Robert Bolling, have submitted a development application to subdivide the properties at 250 and
25 270 Bushaway Road. They are proposing to subdivide two existing lots into four single-family
26 residential lots. The two existing homes would remain and two new single-family homes would
27 be constructed. The proposal requires rezoning to PUD, PUD concept and general plan review,
28 and preliminary and final plat review.

29 Mr. Thomson pointed out the Council voted 3-2 on a previous subdivision application on
30 this property, but the subdivision variance required a 4/5 vote and it did not pass. The same
31 subdivision plans have been submitted, but is now proposed as a PUD.

32 Mr. Tyacke commented he is concerned with meeting the purposes of the PUD
33 ordinance.

34 Mrs. McCarthy agreed with Mr. Tyacke and commented the application is not far enough
35 along to meet the highest standard of what is required to issue a PUD.

36 Mr. Mullin commented he supported the previous application, there are practical and
37 reasonable difficulties with the property, and he supports this application. He does not support the
38 burden of future Planning Commission and Council reviews of the new homes that would be
39 constructed on the lots.

40 Mrs. Anderson commented she also supported the previous application and still does,
41 noting other properties along that road have been allowed to pass with their difficulties and
42 standards. She stated if some of the requirements are imposed, it will negatively impact the road.
43 She stated if there is a greater benefit that staff can work with them on, then that should be looked
44 at. She would like to see the plans for the homes so everyone is comfortable with what is being
45 built.

46 Mr. Willcox stated he opposed this application before, and still does, because the
47 subdivision was not in character with the rest of Bushaway. He is not concerned with connecting
48 to the private road, but the subdivision is tortured and does not achieve what they want along
49 Bushaway.

1 Mr. Mullin inquired what feedback the Council could provide the applicant, noting they
2 have property rights around using the right tools and steps to meet the subjective standards of a
3 lot subdivision or the objective standards of the PUD.

4 Mr. Thomson commented there is not a solution that could remove the substandard lot
5 widths. There is enough lot width on Bushaway Road for three lots. The challenge with
6 conforming to lot widths along Bushaway Road is the lot lines would then run through the
7 existing home. If the street along the south side of the property were made public, the lots would
8 likely meet the width requirement.

9 The Council discussed different options with dividing the property.

10 Mrs. McCarthy stated it is not the responsibility of the Council to redraw lot lines. The
11 applicant needs to meet with staff to figure it out.

12 City Attorney Schelzel directed the Council to page 99 of the meeting packet, and
13 encouraged them to focus on the criteria of a PUD.

14 Mrs. McCarthy stated it is hard to know if these are all met since there are not final plans
15 available.

16 Mr. Thomson stated there is no way for this property to be divided into four lots and meet
17 the lot width requirements unless the private street is made public. The conforming plan would
18 only subdivide the 250 Bushaway Rd property into two lots. He advised the application deadline
19 is October 30, but the City could extend that an additional 60 days.

20 Mr. Peter Benincasa, Executive Real Estate Professionals, 8749 Helwig Trail, Brooklyn
21 Park, commented all the lots meet the two-acre minimum requirement. The main house was the
22 first house on the property. The alternative is to bring a road through there, but that is what they
23 have been trying to avoid. These lots are not any different than any lot currently in the
24 development. He would support tabling the application for further discussion.

25 Mrs. Anderson made a motion, seconded by Mr. Mullin, to table Resolution No. 35-2016
26 Approving Planned Unit Development and Preliminary and Final Plat Subdivision at 250 and 270
27 Bushaway Road and Ordinance No. 763 Amending the Official Zoning Map of the City to rezone
28 Property at 250 and 270 Bushaway Road to PUD Planned Unit Development District, and direct
29 staff to work with the applicant to achieve a solution.

30
31 Mr. Tyacke stated he would like to see some discussion and history around not allowing private
32 roadways within residential PUDs. Mrs. Anderson commented they are not creating a private
33 road and there is already a PUD for the existing private road.

34 Mr. Mullin commented the cons of a private road have to do with safety reasons, but the
35 land owner does not want to tear up the trees and land.

36 The motion carried 5/0.

37
38 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

39 **a. Parking Ramp Design and Construction Update**

40 City Manager Dahl summarized that TIF will be paying for the entire base of the ramp. If there is
41 a roof, there will need to be some alternative financing for it.

42
43 **b. Upcoming Dates**

44 City Manager Dahl announced the Homecoming Parade for Wayzata will be Friday at 4:00 p.m.

45 Mr. Dahl reported Bushaway opened on Friday evening to McGinty/Eastman and the
46 bridge over the tracks will be open on November 1.

47
48 **c. Council Reports/Updates**

49 Mrs. McCarthy requested working with staff to form a committee for the Officer Anderson
50 Memorial.

1 Mr. Mullin announced the Be Pink Wayzata campaign kicks off on Thursday, September
2 29 at Wayzata Country Club to support breast cancer awareness.

3 Mr. Willcox encouraged people to sign up for Boards and Commissions. The opening
4 will be posted on the website soon.

5 Mr. Willcox announced Pull-It will take place on October 15.

6 Mr. Willcox announced Light Up the Lake will take place on November 25.

7
8 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

9 There were no comments.

10
11 **AGENDA ITEM 9. Adjournment.**

12 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further
13 business, Mayor Willcox adjourned the meeting at 9:04 p.m.

14 Respectfully submitted,

15
16
17 *Becky Malone 10-04-2016*

18
19 Becky Malone
20 Deputy City Clerk

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