

**WAYZATA CITY COUNCIL  
MEETING MINUTES  
October 4, 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. Anderson 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 2017 Budgets for Enterprise Funds, Fee Schedule, and CIP's.

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

**a. Wayzata Library Update**

Gwen Wasmund with the Wayzata Library, reported on programs, classes, and resources offered at the Wayzata library.

Mr. Mullin inquired how many people use the Wayzata Library and how it compares to other libraries in the surrounding area. Ms. Wasmund stated they are busier than the library in Long Lake and less busy than the Ridgedale Library.

Mrs. Anderson asked if there is a plan to incorporate more computers for internet users. Ms. Wasmund stated they have fewer computers since they remodeled.

Mayor Willcox inquired about the Friends of the Library. Ms. Wasmund commented it is a group of volunteers that fundraises and provides programs for the library.

Mr. Tyacke inquired about programming for kids. Ms. Wasmund responded there are story times, book clubs, literacy education, and teaching parents how to read with kids.

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

Mr. Mullin stated a youth nonprofit requested to meet with the Council regarding pull tabs and requested it be added to an upcoming Workshop agenda. The Council agreed.

**AGENDA ITEM 5. Consent Agenda.**

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

- a. Approval of City Council Workshop Meeting Minutes of September 20, 2016 and City Council Regular Meeting Minutes of September 20, 2016
- b. Approval of Check Register
- c. Municipal Licenses which received administrative approval (informational only)
- d. Approval of Municipal Licenses
- e. Approval of Second Reading of Ordinance No. 761 Opting-Out of Temporary Healthcare Dwelling Units Statute
- f. Approval of Second Reading of Ordinance No. 762 Amending Institutional Zoning District
- g. Approval of Scope of Services with UrbanWorks, Inc. for Facilitation of Special Services District (Mobility District)

The motion carried 5/0.

**AGENDA ITEM 6. New Business.**

- a. Consider Resolution No. 37-2016 Dissolution of Communications Advisory Board

1 City Manager Dahl reported in response to Council discussion at the September 6 Workshop  
2 meeting, the City Attorney has drafted a resolution to dissolve the Communications Advisory  
3 Board.

4 Mr. Dahl reported on the history, role and accomplishments of the Communications  
5 Advisory Board as well as the future goals for City communications. The hiring of a  
6 Communications Specialist now takes the place of the Communications Advisory Board.

7 Mr. Dahl thanked all the current and previous members of the Board.

8 Mr. Tyacke asked who the Communications Specialist reports to. Mr. Dahl stated they  
9 report to him.

10 Mrs. Anderson acknowledged everyone who worked on projects that were assigned to  
11 them as well as Mary Bader's efforts to formulate the Communications Board.

12 Mr. Willcox commented the Board did a great job, got the job done, and that is why they  
13 are no longer needed.

14 Mr. Mullin stated he would have preferred this Board stay together. He hopes one of the  
15 first things to be addressed by a task force is the special service district and the opportunity to  
16 pool dollars to promote Wayzata. The primary reason for dissolving the Board was not a lack of a  
17 quorum for the group.

18 City Attorney Schelzel referred to page 48 of the meeting packet, final paragraph, and  
19 stated no final report is needed and the Date of Dissolution is October 4, 2016.

20 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 37-  
21 2016 to Dissolve Communications Advisory Board, as amended. The motion carried 5/0.

22  
23 **b. Consider Resolution No. 38-2016 Beacon Five Project at 529 Indian Mound E**

24 Director of Planning and Building Thomson reported Beacon Five, LLC and R.E.C. Inc.  
25 have applied to construct a three-story building with five residential condominium units and 600  
26 square feet of office space on the first floor. The proposed building would have a 5,445 square  
27 foot footprint on a 10,897 square foot lot. The application requests include a PUD General Plan of  
28 Development and Design Review with the following deviations: 1) Street level landscaped  
29 courtyards and outdoor seating areas; 2) Building recession for third story; 3) Roof Color; and, 4)  
30 Exterior building materials. The Planning Commission recommends approval of this application.

31 Mr. Tyacke inquired about on-site parking, lack of replacement trees in the concept plan,  
32 and the step back with the second and third stories. Mr. Thomson responded based on the small  
33 size of the office space and the peak usage of residential and office uses, the required number of  
34 parking spaces is ten. The site does not have a lot of room for additional plantings and the  
35 conditions of all the trees will be assessed during the final permit review. Regarding the step  
36 backs, there was not a detailed design review with the PUD concept plan application. The  
37 Planning Commission recommended approval of the design deviation for the reduced step backs  
38 because the building itself is set back from the property line. The second and third stories are then  
39 set back as well and meet the massing principle of the design standards. The comments of  
40 residents at the public hearing were related to parking.

41 At the request of Mrs. Anderson, Mr. Thomson explained a special fund will be set up for  
42 tree planting in the community from the fee-in-lieu of tree replacement.

43 Mrs. Anderson inquired about the building height, the front façade, and the signage  
44 allowance for the potential business. Mr. Thomson responded the building height maximum is 35  
45 feet and the applicant is requesting 37.4 feet, which includes the parapet. The surrounding  
46 buildings are around 39 feet in height. The signage for the business would be minimal and could  
47 not be more than 15 percent of the building elevation of the tenant.

48 Mr. Mullin inquired what the in-lieu-of fee amount would be. Mr. Thomson responded it  
49 would be around \$20,000.

50 Mr. Tyacke asked who owns the land between Beacon Five and Garrison Landing and  
51 stated he would like to see some trees in that area. Mr. Thomson responded the proposed building

1 is 10 feet from the property line and the land west of the site is part of the Garrison Landing  
2 project.

3 Mr. Willcox inquired about the building height, the removal of a sidewalk, the roof color,  
4 and the fiber cement used on the building. Mr. Thomson responded the sidewalk to be removed is  
5 near the parking lot of the Keller Williams building on the northeast corner. Regarding the roof  
6 color, the zoning requirements with building height would be the same for other buildings in the  
7 area and this building has parapets on it to block any views of the roof. A darker color roof will  
8 recede and requests for lighter roofs are increasing. The cement fiber board on the front of the  
9 building is an allowable material because it is high quality and durable, and its location on the  
10 building staff thought made sense from a design perspective.

11 Tim Whitten, Whitten Associates, 4159 Heatherton Place, commented they did their best  
12 to reduce the height of the building. With a flat roof, a darker color causes it to break down more  
13 quickly and that is why they are proposing a lighter color. It cannot be seen by Garrison Landing  
14 and they will probably be at the same height as Keller Williams. It is a rubber membrane and is  
15 not reflective. With the building access and slope, a bench is not possible. They could include one  
16 in another area, if needed. The cement board will be painted and decorative, and is only being  
17 used where there are bay windows. The building is set back 22 feet from the front property line,  
18 so the third floor step back is less of a concern. The office signage will be minimal and could be  
19 made a condition to keep it that way. They are willing to work with staff and the Garrison  
20 Landing property owner to discuss the addition of trees. The proposed building design is the same  
21 as what was introduced in the PUD concept plan application.

22 Mr. Tyacke recommended a condition be added for the applicant to work with staff and  
23 the Garrison Landing property owner to discuss the addition of trees along the shared property  
24 line.

25 Mrs. Anderson stated the design is improved given the limitations of the lot, and supports  
26 it. She suggested the applicant get creative with some kind of seating, but it is not a deal breaker.  
27 The design is positive and of high enough quality that matches what is in the neighborhood, but  
28 she appreciates the detail that was talked about with the cement board. The height has been  
29 reduced and given the topography, underground parking, and surrounding buildings, it should be  
30 allowed. The step backs should not be an issue since the entire building is set back off the  
31 property line. The roof color is fine since no one can see it and she suggested the Planning  
32 Commission update the design standards regarding roof color.

33 Mr. Willcox and Mrs. McCarthy stated they agree with Mrs. Anderson and support the  
34 application.

35 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt Resolution No. 38-  
36 2016 approving PUD General Plan of Development and Project Design for a PUD development  
37 at Beacon Five Project at 529 Indian Mound East, with an added condition that the applicant  
38 work with the developer of Garrison Landing to plant more trees along the west side of the  
39 property. The motion carried 5/0.

40  
41 **c. Consider First Reading of Ordinance #764 Floodplain Ordinance Amendment**

42 Director of Planning and Building Thomson reported the Federal Management Agency  
43 (FEMA) issued a Letter of Final Determination (LFD) that stated the Flood Insurance Rate Maps  
44 (FIRMs) for the City and the Hennepin County Flood Insurance Study are complete and will  
45 become effective November 4, 2016. In order to continue the City's eligibility in the National  
46 Flood Insurance Program (NFIP), the City is required to adopt floodplain management  
47 regulations that meet the NFIP regulations.

48 Mr. Thomson reported staff has drafted amendments to Section 801.02.2-Definitions and  
49 Section 801.93-Floodplain Regulations of the Zoning Ordinance related to the City's floodplain  
50 regulations.

1 Mrs. McCarthy inquired if there are any changes from the previous floodplain map and  
2 the updated one. Mr. Thomson said there is one area of change where a floodplain area was  
3 reduced.

4 Mr. Thomson reported on the changes made to the ordinance:

- 5 • Purpose statements were updated to include: a) compliance with the National Flood  
6 Insurance Program; and b) preserve the natural characteristics and functions of the  
7 watercourses and floodplains.
- 8 • Adopts new FEMA floodplain maps
- 9 • Manufactured homes, manufactured home parks, and recreational vehicle parks or  
10 campgrounds would be prohibited within the floodplain
- 11 • Construction activities in the floodplain that require an administrative floodplain use  
12 permit would be expanded to include: a) construction of a dam, fence, or on-site septic  
13 system; b) relocation or alteration of a watercourse, including new or replacement  
14 culverts or bridges, unless the Minnesota DNR has approved a public water works  
15 permit; and c) any other type of development not specifically mentioned in the ordinance.
- 16 • Variance criteria would be added for any variance requests in the floodplain overlay  
17 district. The proposed variance criteria include reference to “exceptional hardship” even  
18 though the State variance statute includes a “practical difficulties” standard. The  
19 proposed language is required verbatim in order to meet FEMA requirements.
- 20 • Additional provisions added pertaining to non-conformities in the floodplain include: a)  
21 If the cumulative cost of improvements or additions to a non-conforming structure  
22 exceeds 50% of its market value, the entire structure would be subject to the floodplain  
23 ordinance requirements; b) If a non-conforming use or use of a non-conforming structure  
24 is discontinued for more than one year, any future use must conform to the floodplain  
25 ordinance requirements; c) If any non-conformity is substantially damaged, it may only  
26 be reconstructed in conformance with the floodplain ordinance requirements; d) If any  
27 non-conforming use or structure experiences repetitive loss, it may only be reconstructed  
28 in conformance with the floodplain ordinance requirements; and e) Any substantial  
29 improvement to a non-conforming structure would be subject to the floodplain ordinance  
30 requirements.

31 Mr. Thomson reported after DNR review, the City received a conditional Letter of  
32 Approval requesting the following changes be made: 1) the addition of a definition for “Flood  
33 Insurance Rate Map”; and, 2) the addition of requirement to Subdivision Section (801.93.8) that  
34 applies to subdivisions in flood prone areas.

35 Mrs. McCarthy commented the property owners affected by these changes should be  
36 notified by the City.

37 Mr. Thomson stated this ordinance applies only to the portion of someone’s property that  
38 is in the floodplain.

39 Mr. Mullin clarified this allows someone the ability to make a claim against the pooled  
40 resources and is useful if a person chooses to take out a preventative policy. It does not mean that  
41 every homeowner in the floodplain area will see a change to their insurance. It is an issue  
42 between the property owner and their insurance company.

43 Mr. Tyacke inquired who would be overseeing the permitting process and administration.  
44 City Attorney Schelzel stated it would be City Manager Dahl.

45 Mr. Schelzel advised the draft ordinance amendment that would be used is the one that is  
46 in the paper packet.

47 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt the first reading of  
48 Ordinance No. 764 amending Section 2 (Rules and Regulations) and Section 93 (Floodplain  
49 Regulations) of the City Code Chapter 801 (Zoning Ordinance) regarding the City’s Floodplain  
50 Regulations. The motion carried 5/0.

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

**a. Highway 12 Construction**

City Manager Dahl advised work on the median will begin on October 17 and take three weeks.

**b. Bushaway Landscaping Open House**

City Manager Dahl advised there will be an open house on October 13 at 6:30 p.m. to review the progress of the Landscape Committee.

Mrs. Anderson stated SRF will be there to answer questions and the installation will begin on April 22, 2017, and include volunteers from Cargill and Great River Greening for their annual Volunteer Day.

**c. Council Reports/Updates**

Mr. Mullin commented October is "Be Pink Wayzata" month.

Mr. Mullin recognized the Thomas Shaver family during this difficult time.

Mr. Willcox announced the Fire Department is looking for additional volunteer firefighters and announced the following events:

- Pull-It will take place on October 15
- Boo Blast will take place on October 29, 2016
- Person of the Year Luncheon will take place on October 13
- Bushaway Bridge will open on November 1

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

There were no comments.

**AGENDA ITEM 9. Adjournment.**

Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further business, Mayor Willcox adjourned the meeting at 8:34 p.m.

Respectfully submitted,

*Becky Malone 10-18-2016*

Becky Malone  
Deputy City Clerk

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