

**WAYZATA CITY COUNCIL
MEETING MINUTES
October 18, 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, Anderson, and Tyacke. Council Member absent: Mullin (excused). Also present: City Manager Dahl, City Attorney Schelzel, City Engineer Kelly, and Director of Planning and Building Thomson.

AGENDA ITEM 2. Approve Agenda.

Mr. Tyacke made a motion, seconded by Mrs. Anderson, to approve the agenda. The motion carried 4/0.

Mr. Willcox advised the Council met in Workshop prior to the meeting and discussed a draft fee in lieu of parking policy, new design concepts for the Wayzata Community Sailing Center improvements, CIP with Parks and Trails, and received a telecom facilities relocation update.

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

None.

AGENDA ITEM 4. New Agenda Items.

Mrs. Anderson requested future discussion regarding completion of the west end of Wayzata Boulevard.

Mr. Willcox stated Wayzata Boulevard was completed as far as the money from the CARD TIF would allow, and there is nothing in the CIP for future development.

City Engineer Kelly noted that an evaluation of Wayzata Boulevard was done in 2011. In response to the evaluation, the widest part of the road was made into a boulevard. From Minnetonka Avenue to Ferndale Road, pedestrian improvements were made, and there is no additional room for medians or boulevard treatments.

The item was not moved forward for a future agenda.

AGENDA ITEM 5. Consent Agenda.

Mrs. McCarthy inquired about the Mediacom reports in the Consent Agenda regarding residents who have not received resolution to their complaints.

City Manager Dahl stated the report that is included in the meeting packet is from the City, and Mediacom did not submit their report to the City like they were supposed to. The City has sent them a notice of violation of their agreement. All issues with Mediacom are reviewed by staff and a determination is made if they should be sent to the City Attorney. The strategy is to make it clear to Mediacom when they are in default, and hold them to the agreement.

Mr. Willcox inquired about fines that were established when Mediacom was in default of the agreement. City Attorney Schelzel stated these fines are enforceable as they are part of the agreement.

Mrs. McCarthy expressed concern that the City is only hearing a fraction of the actual number of complaints and encouraged people to contact the City.

Mrs. Anderson stated the complaints are being tracked for additional enforcement at a higher level. City Manager Dahl stated the City is following up on every detail of the franchise agreement.

Mrs. McCarthy referred to item No. 5(h) of the Consent Agenda. She noted many of the same properties seeking municipal licenses have delinquent utility bills each year, and inquired if licenses are withheld until the bills are paid.

1 City Manager Dahl stated some property owners use the assessment process to allow the
 2 City to include the charge with their taxes and prefer to pay it that way. He noted there is a delay
 3 in payment and an additional fee when it is paid this way. Mrs. McCarthy stated this should not
 4 be allowed with rental property owners in town.

5 Mrs. Anderson made a motion, seconded by Mrs. McCarty, to approve the items on the
 6 consent agenda, which included:

- 7 a. Approval of City Council Workshop Meeting Minutes of October 4, 2016 and City
- 8 Council Regular Meeting Minutes of October 4, 2016
- 9 b. Approval of Check Register
- 10 c. Municipal Licenses which received administrative approval (informational only)
- 11 d. Mediacom Quarterly Customer Service Report
- 12 e. Police Activity Report
- 13 f. Building Activity Report
- 14 g. Approval of Second Reading of Ordinance No. 764 Floodplain Ordinance Amendment
- 15 h. Approval Resolution No. 39-2016 Adopting Municipal Fees for 2017
- 16 i. Approval of Resolution No. 41-2016 for Pflaum Home at 630 Bushaway Road
- 17 j. Approval of Final Plat for UUCM at 2030 Wayzata Boulevard East

18 The motion carried 4/0.

19
 20 **AGENDA ITEM 6. Public Hearing.**

21 **a. Public Hearing on Special Assessment Roll for Unpaid False Alarm Charges and**
 22 **Delinquent Utility Bills and Consider Approval of Resolution No. 40-2016 to**
 23 **Approve Special Assessment Roll**

24 Mayor Willcox opened the public hearing at 7:20 p.m. There being no one wishing to comment,
 25 Mayor Willcox closed the public hearing at 7:20 p.m.

26 City Manager Dahl noted he was unable to provide an updated report to the Council prior
 27 to the meeting, and there may be some bills on the roll that have been paid since the meeting
 28 packet went out last week.

29 Mrs. Anderson made a motion, seconded by Mr. Tyacke, to adopt Resolution No. 40-
 30 2016 certifying to the County Auditor assessments for unpaid delinquent utility bill charges and
 31 unpaid false alarm charges, as updated by City Manager.

32 Mr. Tyacke inquired about adding a right to discontinue service for continual non-
 33 payments. Mrs. McCarthy commented the City decided not to discontinue essential services.

34 Mr. Willcox stated the penalties are not enough of a deterrent for people to stop
 35 withholding payment. City Manager Dahl commented staff will look into which accounts show
 36 recurring delinquency over the last five years.

37 Mr. Tyacke requested clarification on accounts that are rolled over when homes are sold
 38 and agreed there should be a stronger penalty associated with delinquent accounts. Director of
 39 Planning and Building Thomson stated title companies are looking for special assessments and
 40 delinquent accounts associated with the property during a sale.

41 City Attorney Schelzel stated some utilities cannot be shut off during critical times, such
 42 as the cold winter months but that staff will assess if they can withhold approval of a license of a
 43 resident who has a delinquent account with the City as noted by Mrs. McCarthy.

44 The motion carried 4/0.

45
 46 **AGENDA ITEM 7. New Business.**

47 **a. Update on Bushaway Landscaping**

48 City Engineer Kelly reported the Bushaway Landscape Committee has been meeting for the past
 49 year and has completed a landscape plan for the Bushaway Road corridor.

50 Mrs. Anderson reported on the mission and goal of this Committee, and gave a detailed
 51 report on the landscape plan. At the eastern gateway to Wayzata, the intersection of Bushaway

1 and McGinty, there will be a rest stop for pedestrians that also includes maps and historical
2 markers. She announced on Earth Day, April 22, 2017, volunteers from Cargill, Great River
3 Greening, and the City will be planting along the corridor and invited everyone to help at this
4 event.

5 The Council stated they are excited to see the completed project and thanked the
6 Bushaway Landscape Committee for their time and work.

7 Mr. Kelly advised the Council will see bids for the landscaping project in early
8 December.

9
10 **b. Consider Resolution No. 44-2016 Approving Transfer of Mill Street Parking Lot**
11 **from Wayzata Housing and Redevelopment Authority**

12 City Manager Dahl reported the HRA determined the City was the best party to own and operate
13 the proposed ramp at Mill Street, and directed staff to initiate the transfer process of the Mill
14 Street property from the HRA to the City. The HRA has received no public comments and
15 unanimously approved a resolution to transfer their Mill Street Parking property for purposes of
16 building a parking ramp.

17 Mr. Tyacke thanked the HRA for their assistance with this project.

18 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 44-
19 2016 Approving Transfer of Mill Street Parking Lot from Wayzata Housing and Redevelopment
20 Authority. The motion carried 4/0.

21
22 **c. Consider Resolution No. 42-2016 for Mill Street Parking Ramp Design**

23 Director of Planning and Building Thomson reported that in July, Council accepted a schematic
24 design for the Mill Street Parking Ramp and authorized construction plans for the Mill Street
25 parking ramp project.

26 Mr. Thomson reported that the zoning ordinance requires design review for the project.
27 The proposed design includes one design deviation for the exterior building materials. The
28 proposed structure would consist of brick, wood, concrete and metal. While brick and wood are
29 permitted primary materials, concrete and metal are not and would comprise 4 percent of the west
30 elevation, 27 percent of the south elevation, and 7 percent of the east elevation. The precast
31 concrete is at the base of the ramp on the south side.

32 Mr. Thomson noted a subdivision to combine parcels comprising the Mill Street property
33 is not needed. The County's parcel records were inaccurate and it is one property.

34 The Planning Commission recommended approval of the ramp design.

35 Mrs. Anderson inquired about the color of the portal entrance and expressed concern that
36 a beige color would make it look dingy and dirty. She requested it be made a lighter white color.

37 Mrs. Anderson asked what was listed as options that went out for bid. Mr. Thomson
38 responded each alternate, including a base landscape plan, will be bid on separately.

39 Mr. Willcox inquired if any reasons were given as to why two members of the Planning
40 Commission voted against this design. Mr. Schelzel commented they did not state reasons at the
41 time of the vote, but at a previous meeting had stated they did not support any ramp at Mill Street.

42 Mr. Tyacke commented the reason for the specific deviations is to break up the 400-foot
43 length of it. He pointed out the specific parking ramp design standards have been met.

44 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 42-
45 2016 approving the Mill Street Parking Ramp Design. The motion carried 4/0.

46
47 **d. Consider Resolution No. 43-2016 for PUD Amendment for Enclave Development**

48 Director of Planning and Building Thomson reported the property owner, Crossdale
49 Development, LLC is proposing to amend the PUD concept and general plans for the Enclave at
50 Crossdale development at 202 to 217 Byrondale Avenue North. The proposed amendment would

1 remove a portion of the public trail that runs along the south side of the cul-de-sac and connects
2 Byrondale Avenue to Central Avenue.

3 Mr. Thomson reported the Planning Commission recommends approval of this
4 amendment with the following conditions: 1) an amendment to the Development Agreement is
5 made; 2) the applicant pays a park dedication fee in lieu of the public trail; 3) the trail be
6 constructed as shown on the revised plans; and 4) the applicant pays the City's expenses related
7 to the project.

8 Jennifer Haskamp, 246 South Albert Street, St. Paul, representative for the applicant,
9 commented the trail in the approved plans seemed like a good idea at the time of initial approval.
10 After site construction began, they became concerned with safety regarding the grades and
11 steepness of the trail, as well as pedestrians cutting through the neighborhood.

12 Mr. Tyacke commented he was on the Planning Commission when this was approved,
13 and there was a lot of discussion regarding the trail which factored into the approval of the PUD.
14 The grades with the trail have not changed from the time the PUD plan was approved, and he
15 does not support the proposed amendment as the public trail connecting to Central Avenue was a
16 factor in approving the PUD.

17 Mrs. Anderson commented she respects the original intent of the PUD, but there are some
18 practical difficulties that were not intended. There are still other means for people to get to
19 Central Avenue and for safety concerns she supports the request.

20 Mrs. McCarthy requested clarification regarding the original proposed size of the houses
21 in the development. Mr. Thomson commented the lot lines did not change, but there were several
22 house design options. The choice of house on the lot near the trail did not cause problems with
23 the trail location.

24 Mrs. McCarthy commented that given the amount of discussion and concern at the time
25 of approval, this trail was an important part of the PUD for the residents and surrounding area,
26 Mrs. McCarthy stated that there are other design solutions that could address the grade issues and
27 provide a safe trail connection to Central Avenue. and she does not support the proposed
28 amendment.

29 Mrs. Anderson inquired if the grade is in line with ADA requirements. City Engineer
30 Kelly commented it would not qualify as an accessible route.

31 Mr. Willcox commented he recalled this trail was an important part of discussion when it
32 was approved, but it is clearly a steep incline and a safety concern. He inquired if there was
33 another solution besides removing the trail entirely, such as curving it to provide a safer and more
34 gradual connection to Central Avenue.

35 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to deny the requested PUD
36 amendment for the revised trail and not adopt Resolution No. 43-2016 approving an amendment
37 to Planned Unit Development at 202-217 Byrondale Avenue North, as presented, and to direct the
38 applicant address any safety issues with the trail.

39 City Attorney Schelzel clarified that the motion was made on based on the facts discussed
40 by Council related to the discussion and approval of the original PUD, and that the direction the
41 applicant address any safety issues with the trail would only go to meeting the requirements of
42 City Code, and would not impose any new conditions on the trail outside of that compliance,
43 unless the applicant agreed to them.

44 City Engineer Kelly stated there are a few alternatives that could be used to address
45 safety concerns.

46 Mr. Tyacke accepted the clarifications of the City Attorney, and the motion carried 3/1.
47 (Anderson)

48
49 **AGENDA ITEM 8. City Manager's Report and Discussion Items.**

50 **a. Applications for Boards and Commissions**

1 City Manager Dahl advised that October 31 is the deadline for Wayzata residents to apply for
2 City commissions and boards, and encouraged people to apply. Mr. Willcox stated it is a great
3 way to give back to the City, and is an educational and positive experience.
4

5 **b. Halloween Boo Blast**

6 City Manager Dahl announced the Boo Blast will be on October 29 from 11:00 a.m. to 3:00 p.m.
7

8 **c. Candidate Forum**

9 City Manager Dahl announced the Candidate Forum will take place on Thursday, October 27 at
10 7:00 p.m. for local officials and 7:40 p.m. for House officials at City Hall.
11

12 **d. Council Reports/Updates**

13 Mr. Willcox thanked the volunteers that helped with Pull-It and announced the following events:

- 14 • Light Up the Lake on November 25
- 15 • Open House on December 15 for outgoing Councilmembers Mullin and Anderson
16

17 **AGENDA ITEM 9. Public Forum Continued (as necessary).**

18 There were no comments.
19

20 **AGENDA ITEM 10. Adjournment.**

21 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further
22 business, Mayor Willcox adjourned the meeting at 8:19 p.m.
23

24 Respectfully submitted,

25
26 *Becky Malone 11-01-2016*
27

28 Becky Malone
29 Deputy City Clerk
30

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