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**WAYZATA CITY COUNCIL**  
**MEETING MINUTES**  
**January 17, 2017**

**AGENDA ITEM 1. Call to Order.**

Mayor Willcox called the meeting to order at 7:00 p.m.

**AGENDA ITEM 2. Pledge of Allegiance.**

**AGENDA ITEM 3. Roll Call.**

Council Members present: Koch, McCarthy, and Plechash. Also present: City Manager Dahl, City Attorney Schelzel, City Engineer Kelly, and Director of Planning and Building Thomson.

Council Member absent and excused: Tyacke.

**AGENDA ITEM 4. Approve Agenda.**

Mr. Koch made a motion, seconded by Mr. Plechash, to approve the agenda. The motion carried 4/0.

Mr. Plechash recognized Martin Luther King Jr. Day and read several of his quotes.

**AGENDA ITEM 5. Public Forum.**

**a. Presentation of Planning Commission, Heritage Preservation Board, Parks and Trails Board, and Communications Board Service Awards**

Mayor Willcox recognized the Board and Commission members whose terms expired on December 31, 2016. He reviewed the accomplishments of each Board or Commission and recognized Communications Board members Bruce Biser, Richard Diercks, Sue Farrell, Nancy Gnos, Dan Gustafson, and Susan Shank; Heritage Preservation Board members Bruce Biser and Elizabeth Blaufuss; Planning Commission member Graham Gnos; and, Parks and Trails Board member Holly Evans. He thanked each for their dedication and presented a Commission Service Award to Communication Board members Richard Diercks and Dan Gustafson who were in attendance.

**b. Presentation of Wayzata Chamber of Commerce Exceptional Service Award to "Wayzata Home Laundry"**

Becky Pierson, Wayzata Chamber President, presented the Chamber Exceptional Service Award to Kevin and Janet Dynan from Wayzata Home Laundry.

**c. Chilly Open Update**

Becky Pierson, announced the 33<sup>rd</sup> Chilly Open will take place on February 10 and 11 and advised all information regarding the event is available at [www.wayzatachillyopen.com](http://www.wayzatachillyopen.com).

**AGENDA ITEM 6. New Agenda Items.**

None.

**AGENDA ITEM 7. Consent Agenda.**

Mr. Willcox referred to item No. 7(k), and requested an update. Mr. Dahl stated there was concern about restricting parking on the east side of Walker Avenue and the City will wait on this restriction until the land use for that site has changed.

Mrs. McCarthy made a motion, seconded by Mr. Koch, to approve the following Consent Agenda:

- 1 a. Approval of City Council Regular Meeting Minutes of January 3, 2017
- 2 b. Approval of Check Register
- 3 c. Municipal Licenses Which Received Administrative Approval (Informational Only)
- 4 d. Police Activity Report
- 5 e. Building Activity Report
- 6 f. Approval of 5:30 p.m. on April 4, 2017 as the Date for the 2017 Local Board of Appeal
- 7 and Equalization Meeting
- 8 g. Approval of Resolution No. 05-2017 Authorizing Residential Recycling Grant
- 9 Agreement with Hennepin County
- 10 h. Approval of Resolution No. 04-2017 Approving a Heritage Preservation Board
- 11 Appointment
- 12 i. Approval of Least Agreement for 2017 with Wayzata Historical Society for the Wayzata
- 13 Depot at 402 Lake Street
- 14 j. Approval of LMCD Community Room Agreement and Cable TV Video Production
- 15 Studio License Agreement for 2017
- 16 k. Approval of Resolution No. 03-2017 Restricting Parking on a Portion of Walker Avenue
- 17 South
- 18 l. Authorize Ad for Bid for 2017 Sanitary Sewer Lining Project
- 19 The motion carried 4/0.
- 20

21 **AGENDA ITEM 8. New Business.**

22 **a. Presentation of 2016 City of Wayzata Annual Report**

23 City Manager Dahl provided a 2016 Annual Report on Lake Effect milestones, downtown  
 24 parking, and areas of Planning, Building and Inspections, Administration, Communications,  
 25 Finance, Motor Vehicle, Fire, Police, Public Works, Wayzata Wine and Spirits, and Wayzata Bar  
 26 and Grill. He thanked City staff for all that was accomplished in 2016.

27 The Council thanked City staff, the Mayor, and previous Council for all the work that  
 28 was done in the past year and requested the accomplishments of the Boards and Commissions be  
 29 included in future annual reports. The Council also requested a report towards the end of each  
 30 year that includes what each City department will work on in the coming year.

31  
 32 **b. Consider First Reading of Ordinance #767 to Amend Chapter 205 and Chapter 504**  
 33 **(Off-sale of 3.2 Percent Malt Liquor) of Wayzata City Code**

34 City Manager Dahl reported upon going through the liquor licensing process for 2017, staff  
 35 noticed the existing ordinance allows 3.2 percent Malt Liquor off-sale licenses at premises other  
 36 than the City's off-sale liquor store, the "Muni". Given the precedence of this operation being the  
 37 only proprietor of all off-sale liquor in the community, staff requested an ordinance amendment  
 38 to prohibit further licensing of 3.2 Malt Liquor off-sale, with the exception of one existing license  
 39 to be "grandfathered" in.

40 Mrs. McCarthy inquired if there was a federal regulation that required 3.2 Malt Liquor be  
 41 called out separately. Mr. Dahl commented 3.2 percent Malt Liquor is considered a non-  
 42 intoxicating liquor and is treated differently. City Attorney Schelzel commented the separation  
 43 tracks with the State Statute and regulation of alcohol sales.

44 Mr. Plechash inquired why only one additional store in the entire City carries 3.2 percent  
 45 Malt Liquor. Mr. Dahl stated it was opened up for any store that met the requirements, but  
 46 Holiday was the only business that thought it was of value.

47 Mr. Koch inquired if this creates any preferential treatment for other retailers in the City.  
 48 Mr. Schelzel commented Holiday has been licensed in previous years with no other businesses  
 49 pursuing it, and that is why they are being "grandfathered" in.

1 Mr. Plechash made a motion, seconded by Mrs. McCarthy, to approve the first reading of  
2 Ordinance #767 amending Chapter 205 (Municipal Liquor Dispensary), and Chapter 504 (3.2  
3 Percent Malt Liquor) of the Wayzata City Code. The motion carried 4/0.  
4

5 **c. Consider Resolution No. 06-2017 Approving CUP for Blue Water Theater**

6 Director of Planning and Building Thomson reported the applicant, Blue Water Theatre  
7 Company, and the property owner, Unitarian Universalist Church of Minnetonka (UUCM), have  
8 submitted a development application to change the use of the existing church building at 605 Rice  
9 Street East. Blue Water, a non-profit youth theater organization, has an agreement with the  
10 church to purchase the property. They would occupy the building and use the facility as a  
11 community theater.

12 Mrs. McCarthy stated she is excited about the application and inquired about handicap  
13 parking accommodations and the definition of the noise ordinance. City Engineer Kelly stated the  
14 sidewalk along Walker is not ADA compliant and handicap access is available via the driveway  
15 on the property and a ramp to the building. Mr. Thomson explained the City adopts the MPCA  
16 noise regulations that take into account hours, land uses, intensity and duration of the sound that  
17 are measured in decibel levels at the property line. Mrs. McCarthy requested the site closely  
18 follow the noise ordinance rules.

19 Mr. Willcox inquired why institutional zoning is proposed instead of commercial zoning.  
20 Mr. Thomson stated the proposed use is an educational-based programming focused around youth  
21 and the organization is a non-profit. The institutional zoning district allows other similar uses  
22 such as churches and community centers.

23 Mr. Willcox stated the CUP would go with property. He inquired who would be allowed  
24 to come in and use the CUP if Blue Water Theater went away. Mr. Thomson referred to page 112  
25 of the meeting packet, conditions of the proposed resolution, item B(1) and read, "the use of the  
26 property shall be strictly limited to a non-profit youth community theater company as outlined in  
27 the application."

28 Mr. Willcox inquired about shared parking with St. Bartholomew's and City Hall. Mr.  
29 Thomson stated parking is an item to be considered as part of the CUP request, but the  
30 application does not require additional parking by ordinance since the change in use from a  
31 church to a theater does not require additional parking. The application does not rely on St.  
32 Bartholomew's or City Hall to meet the City's parking requirements.

33 Charlie Leonard, 1900 Shenandoah Court, Plymouth, applicant, stated he is excited to  
34 bring this theater to the community.

35 Mr. Koch commented he supports the application and inquired how pickup will work  
36 after rehearsals. Mr. Leonard stated in their current location, there has not been a problem. Mr.  
37 Leonard stated that people carpool and come and go quickly during pick-up and drop-off.

38 Mrs. McCarthy commented the pick-up model that St. Bart's uses works well and should  
39 be used for Blue Water.

40 Mr. Willcox thanked Mr. Leonard for his work for the City over the years and stated he is  
41 also excited about this project.

42 Mrs. McCarthy made a motion, seconded by Mr. Plechash, to adopt Resolution No. 06-  
43 2017 Approving a Conditional Use Permit for Community Youth Theater at 605 Rice Street East.  
44 The motion carried 4/0.  
45

46 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

47 **a. Upcoming Dates**

48 City Manager Dahl announced a neighborhood meeting regarding the Wayzata and Superior  
49 Boulevard intersection will take place on Tuesday, January 31, at 7:00 p.m. in the Community  
50 Room at City Hall.  
51

1 **b. Council Updates**

2 Mrs. McCarthy requested an update from the Boards and Commissions at a future Council  
3 meeting and suggested they do staff recognition awards as well. She stated the J.W. Memorial  
4 Committee has met and is exploring ideas and locations for the new memorial.

5  
6 Mr. Willcox commented the Public Art Committee will receive proposals from three different  
7 artists for art in the roundabout.

8  
9 **AGENDA ITEM 10. Public Forum (as necessary).**

10 None.

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

13 Mrs. McCarthy made a motion, seconded by Mr. Koch to adjourn. There being no further  
14 business, Mayor Willcox adjourned the meeting at 8:44 p.m.

15  
16 Respectfully submitted,

17  
18 *Becky Malone 02-07-2017*

19  
20 Becky Malone  
21 Deputy City Clerk

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