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WAYZATA CITY COUNCIL
MEETING MINUTES
July 17, 2018

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, Plechash and Tyacke. Council Member absent: McCarthy. Also present: City Manager Dahl, Director of Planning and Building Thomson, Interim Public Works Director/City Engineer Kelly, Building Official Wagner, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Amended Agenda.

Mr. Tyacke made a motion, seconded by Mr. Koch, to approve the amended agenda, as presented. The motion carried 4/0.

AGENDA ITEM 5. Public Forum.

a. Introduction of Jason Wagner in his New Position as Building Official

Director of Planning and Building Thomson introduced the new Building Official, Jason Wagner. Building Official Wagner thanked the Council and indicated he was enjoying his new position.

Mr. Willcox asked for his thoughts about the building activity in the City. Mr. Wagner responded it was very busy and there were a lot of things going on in the City.

Mr. Willcox asked if he noticed any patterns or problems the Council needed to be aware of. Mr. Wagner replied nothing the Council needed to be aware of. He noted they needed to deal with redevelopment within an existing area and monitoring those redevelopments to see how they affected the neighborhoods around them was important.

The Council congratulated Mr. Wagner on his new position.

b. Workshop Update

Mr. Willcox noted the Council held a workshop prior to the regular meeting where they dealt with the Strategic Plan update, renewing their Police contract with the City of Long Lake, and discussing the Lake Minnetonka Trolley and how it was handled around the City. He indicated the Council then traveled to Long Lake for the unveiling of the sign memorializing the bridge by City Hall and Long Lake to Officer Matthews. He thanked the City of Long Lake for honoring Officer Matthews.

c. MnDOT Update on Replacement of Decking on County Road 101 Bridge

Aaron Tag, MnDOT, updated the Council on the replacement of decking on County Road 101 bridge and Highway 12 and Gleason Lake Road by the Green Star. He indicated they would need to close the bridge to remove the existing deck and build a new one. He stated the bridge would probably be closed for approximately four months, but they were still working on the details. He stated this would include the intersections on either side of the bridge. Mr. Tag noted they would have a public outreach campaign which would be started this winter to inform the public about the upcoming work and the detours that would be in place. He indicated they would also be doing work on the loop at Gleason Lake Road. He stated the letting for the project would be in February 2019, the ramp work in the spring 2019, and the bridge/intersection work in the Spring/Summer 2019. He stated there would also be a weekend closure of Highway 12 while the bridge deck was demolished.

1 With regard to the deck replacement closure, Mr. Tyacke asked why MnDOT would do a
2 bridge on 35W with a closure for one weekend and have the crossing closed for a short period of
3 time. Mr. Tag responded it takes a weekend to demolish the bridge, which was similar to what
4 they did on 35W, but it takes longer to install the bridge. He indicated they did not have bridges
5 that could be constructed in less than 3 or 4 months.

6 Mr. Tyacke believed the widening was good and asked if the pedestrian widening would
7 be on the west or east side. Mr. Tag responded he believed the widening would be on the west
8 side.

9 Mr. Willcox noted one other problem not related to the bridge was people coming off the
10 ramp westbound and turning right onto 101 north to go northbound. He indicated they were turning
11 on a red light, even though the signs indicated it was not allowed. He asked if MnDOT would get
12 involved in this. Interim Public Works Director/City Engineer Kelly responded this was MnDOT's
13 intersection so signage and enforcement would be part of MnDOT's project and could potentially
14 be enhanced by this project.

15 Mr. Willcox noted people tried to get out of the Hollybrook area to the north and the result
16 was turning right on red but there was no gap in the traffic so vehicles could not get out. He asked
17 Mr. Tag to investigate this issue. Mr. Tag responded they would look at this issue but that having
18 signage with enforcement was a difficult situation as there were always people willing to break the
19 law no matter how many signs were.

20 Mr. Dahl inquired about the process for City feedback regarding the design. Mr. Tag
21 responded if there were comments on design, they could be passed to Interim Public Works
22 Director/City Engineer Kelly as he was included in the PMP meetings.

23 Mr. Kelly stated he had been adamant with MnDOT to try and keep the intersections open
24 as long as they could, even with the bridge out of service.

25 Mr. Willcox asked whose responsibility would it be to communicate with the City's
26 residents. Mr. Tag replied MnDOT had the responsibility to communicate with the residents with
27 collaboration and partnership with the City.

28 Mr. Tyacke stated with respect to the interchange to the east on South 101, a citizens group
29 had done landscaping work to beautify the exit and he believed that group might be interested in
30 working on this area to make it more attractive as an entry point to the City. He asked if that group
31 would be able to work with MnDOT as part of this project. Mr. Tag responded he believed that
32 work was through a landscape partnership program and the group could work with that program at
33 any time. It did not need to be connected to a project.

34 Mr. Kelly noted it would only be a resurfacing project and the landscaping portion was
35 addressed in Item 7j under the Consent Agenda.

36
37 **d. Presentation of Lifesaving Award to Wayzata Police Officer Brandon Haapoja**

38 Police Chief Risvold presented the Lifesaving Award to Wayzata Police Officer Brandon Haapoja.
39 He indicated this was Officer Haapoja's second Lifesaving Award in two months.

40 Council expressed their gratitude to the Wayzata Police Department.
41

42 **e. Carisch Building on the 700 Block of Lake Street**

43 George Carisch stated he is representing the Carisch family and building they are
44 constructing in the 700 block. He asked Council to perform a test at Lake Street using the same
45 parameters which they were going to do and let them see the results. He indicated if Council was
46 right they could go ahead but if they were wrong they wanted to stop the project. He believed their
47 block would be the main block that would cause the most harm to the retail businesses. Mr. Carisch
48 stated they could not take parking away as the existing parking was full and there were 20
49 restaurants in the area. He believed the City needed to provide people the opportunity to view the
50 lake as they were not coming to Wayzata to see the City, but to see the lake. He indicated he did
51 not want to see a port-a-potty when he looked out his office windows and he has also seen several

1 people urinating in the parking ramp, which transfers the odor into the building. Mr. Carisch did
2 not believe the City wanted this either so it needed a real restroom that was clean. He recommended
3 if they needed a space for the bikes, they should go on Rice Street which would bypass the busy
4 downtown area.

5 George Daniels, 1285 Zircon Lane North, Plymouth, stated he was in attendance to fight
6 for the retail community. He indicated Mr. Carisch was what made the community successful. He
7 noted at the last meeting, the Council voted to proceed with the Lake Effect on the plans submitted.
8 He stated he took away from that meeting that it was not about the local economy, the local retail
9 community, or the Lake Street property owners, but rather accommodating the general population
10 of the metro area that wanted to visit the downtown Wayzata area to see the lake. He noted he was
11 in the community every day and they liked Wayzata. He believed this was all about the bikers
12 riding through the community, noting many bikers who did so got in the way of traffic and most
13 did not obey the traffic laws. Mr. Daniels stated most of the bikers would not spend any money at
14 any retail establishment in the City, with maybe the exception of a cup of coffee. He did not believe
15 bikers helped the community or retail tenants and asked why the City was catering to bikers. He
16 requested Council support do a 30-day test this summer that blocks off the center lane of Lake
17 Street for the number of blocks from Broadway East to however many blocks the designated bike
18 path would be, create the turn lanes, and block off the City parking lot in the 600 block. He believed
19 this test would replicate what the plan would do and provide answers as to how it would affect
20 people shopping, dining, and bikers riding through in the City. Mr. Daniels recommended they
21 spend \$5,000 rather than millions of dollars and stated he did not want to see the same mistake that
22 was made in the 500 block 30 years ago with the condominium. He stated the property owners he
23 spoke with indicated a willingness to pay for the cost of the test so there would be no cost to the
24 City.

25 City Manager Dahl stated as a matter of process for a private group that was interested in
26 utilizing a portion of City right-of-way, they could submit application for a right-of-way permit.
27 He indicated for the City to give them constructive feedback on the request, they needed to see
28 more details. He stated his concern was that this would not be a fair representation of what they
29 were going to build as it showed the negative impacts, but it did not show the positives. He stated
30 this could be done though if the Council supported it after an application was filed, reviewed, and
31 staff provided a recommendation to the Council.

32 Mr. Tyacke believed this was an idea worth pursuing. He stated his concern was the center
33 lane and the test having no cost to the City was a key component. He stated he would be in support
34 of this test.

35 Mr. Plechash stated he had concerns that the proposed test could not duplicate the final
36 result, noting the plan had wider sidewalks that would not be there. He stated it wouldn't seem fair
37 to put up cement barriers that would not allow for any variance. He believed it would delay the
38 project also. He did not think this would be a fair simulation of what was being proposed so he
39 would be against it.

40 Mr. Koch stated he was in favor of the concept and if he was confident the traffic would
41 flow well under the design without the center lane, he would be confident that would occur in a test
42 situation as long as it was a fair test. He stated he believed it would be a lot more work than just
43 putting up construction barrels.

44 Mr. Willcox stated on the face of it, it made sense to give it a trial run, but he did not think
45 it would be a fair trial run. He noted when this was ultimately done with two lanes without the
46 center lane, if they were blocked with traffic in front of them, all they had to do was wait for traffic
47 to go by and then they could swing out around it. However, if they had the center lane blocked off
48 with cones, traffic would be locked into the lane they were in. Mr. Willcox did not believe this test
49 would fairly simulate what the ultimate plan was. He stated the traffic engineers knew what they
50 were doing to rate the quality of the service and they continued to think that the quality of the road
51 would operate at the highest level of roads as it did now. He believed a test would be very disruptive

1 for the retailers. He did not believe the envisioned bike lane would accommodate the packs of
2 bikers that went through town and that they would continue to go through as packs and the City
3 would have to pull them over when they could. Mr. Willcox stated the bike lane they were looking
4 at would be a very small bike lane designed for families who wanted to ride into town. He stated
5 he did not favor the test but wanted to leave this to staff to determine if there were any merits in
6 doing a test.

7 Mr. Dahl stated staff would work with the group and come back to Council with a
8 recommendation.

9 Mr. Tyacke stated if the goal was to do the test this summer, he wanted staff to work with
10 the business owners to get the application filled out. He requested they do this as a dual track.

11
12 **AGENDA ITEM 6. New Agenda Items.**

13 None.

14
15 **AGENDA ITEM 7. Consent Agenda.**

16 With respect to Item 7h., Mr. Koch asked if there was a way to pursue a Judgment against Nordquist
17 Walker and the owners to attempt to recoup some of the funds. Mr. Dahl responded if the cost in
18 going after them outweighed the benefit, staff could come back to the Council, but staff's intention
19 was to recoup the funds as much as they could. He noted they were waiting to hear back from
20 them.

21 Mr. Willcox stated the initial quote for the sign was \$24,000 and this one was \$20,000. He
22 asked what the difference was. Mr. Dahl stated the sign consultant had said there was no mark-up,
23 all the shop drawings were done, so they did not have to take the time and utilize conceptual
24 drawings which saved on labor.

25 With respect to Item 7e., Mr. Tyacke asked whether the City charged the landlords for
26 rental housing inspections. Mr. Thomson responded the landlords were charged as a part of the
27 annual license for the rental housing inspections.

28 Mr. Tyacke asked how the total year did to date compared with the City's budget. Mr.
29 Thomson responded they were ahead of the budget for building construction activity year to date.

30 With respect to item 7j, Willcox stated this was a gateway into the City. He stated his
31 concern was the middle area where seed would be put out for prairie restoration since the City's
32 experience with prairie restoration had not been good. He stated prairie grass did not look
33 manicured so it would look like a field. He asked if MnDOT would provide the plant material,
34 how would it be maintained, and whether maintenance would be the City's expense. Mr. Willcox
35 also asked if there were any alternatives where MnDOT would cover the cost, it would look better,
36 and would not cost the City any money. Mr. Kelly responded cost wise, that area would be less
37 than \$1,000 of the \$10,000 that was being applied.

38 Mr. Willcox asked if it was included in the \$10,000 or was that additional. Mr. Kelly
39 responded the plant materials for the seeding would be included in the \$10,000. He noted the work
40 to get the area prepared and get rid of the weeds would be done by Prairie Restorations and they
41 would also seed and maintain the area. He stated as they moved forward, this area would be
42 maintained as the City maintained the two other prairie restorations in the City. He noted the fund
43 available in the CIPs would cover the cost of the items. Mr. Kelly explained that because of the
44 loss of the majority of the Mill Street prairie, funds were available in the CIP for future maintenance
45 for this area. If Council wanted to eliminate the prairie or wildflowers from this area, he suggested
46 they continue with the \$10,000 and eliminate the prairie from the plan but add trees or shrubs and
47 then apply for a future phase of potential planting in the center area.

48 Mr. Willcox stated he was concerned that Prairie Restorations would prepare the area, get
49 rid of the weeds, and then plant more weeds. He was also concerned with the maintenance costs
50 that would go along with it. Mr. Tyacke agreed with Mr. Willcox.

51 Mr. Willcox stated he would like to see an alternative to weeds.

1 Mr. Tyacke noted as the Dogwoods matured, they would not be able to see that area anyway
2 and it made more sense to have a higher planting behind the Dogwoods that would provide more
3 scenic landscaping. Mr. Kelly indicated the challenge was that it was a wet area so it would be
4 challenging to find the correct material that would survive in that area. He stated if Council was
5 not interested in wildflowers, they could be eliminated and that dollar amount put in an additional
6 plant or two with a more formal manicured landscape. Then the City could make another request
7 to MnDOT for a Phase 3 of the landscaping project.

8 Mr. Willcox stated he would like to know what MnDOT did in this type of situation. Mr.
9 Kelly responded the challenge was that the majority of the loop ramps seen throughout the Metro
10 area were ponds, but this one wasn't a pond. He stated he would check with MnDOT to see what
11 they would recommend.

12 Mr. Tyacke stated a raingarden was also a possibility. Mr. Kelly noted the Village Shops
13 had a raingarden but most people did not understand what a raingarden was or how it functioned.
14 He noted raingardens had deep root systems and did not typically look the best. They typically had
15 a lot of daylilies and wildflowers that would absorb the water. He indicated he would not
16 recommend a raingarden in this area and suggested modifying the Resolution to eliminate the
17 prairie from the plan. He noted that would not change the primary contact or change the manicured
18 plan for the rest of the planting along the gateway, and it did not change the budget. He requested
19 if modified, they removed the prairie planting and move forward with the Resolution as described.

20 Mr. Plechash stated he found the prairie look to be somewhat attractive and would like to
21 see pictures of what it would look like when mature. He stated he would be in favor of approving
22 it and getting further information.

23 Mr. Koch stated he was fine with Mr. Plechash's suggestion and they also wanted the area
24 to look as nice as possible.

25 Mr. Dahl asked if there was a time crunch or if staff could gather further information. Mr.
26 Kelly responded they were trying to move this forward in June, but MnDOT had not prepared a
27 plan yet. He noted MnDOT's funds were available and they were looking to secure those funds by
28 the Resolution.

29 Mr. Dahl stated staff would still need to come back to determine what alternate plantings
30 would be needed there. Mr. Kelly suggested, if Council was comfortable with the plan for the
31 larger tree and shrub plantings around the perimeter of the loop, that they ask MnDOT to consider
32 another phase where they could consider the center of the loop.

33 Mr. Willcox stated the Resolution would remain on the consent agenda and the only change
34 would be to this Resolution's hatched area with staff coming back to Council with photos and
35 additional information about the plantings.

36 Mr. Tyacke made a motion, seconded by Mr. Koch, to approve the consent agenda with
37 changes discussed:

- 38 a. Approval of Workshop Minutes of June 19, 2018 and City Council Regular Meeting
39 Minutes of June 19, 2018
- 40 b. Approval of Check Register
- 41 c. Approval of Municipal Licenses
- 42 d. Police Activity Report
- 43 e. Building Activity Report
- 44 f. Approval of Resolution No. 35-2018 Appointing Election Judges for the 2018 Elections
- 45 g. Approval of 2018/2019 Community Room & Cable Studio License Agreements with ISD
46 #284
- 47 h. Approval to Award Contract for Directory Sign Construction at the Mill Street Parking
48 Ramp
- 49 i. Approval of Resolution No. 33-2018 Amending the Wayzata City Council Meeting
50 Schedule for July 31, 2018 to August 31, 2018

- 1 j. Approval of Resolution No. 34-2018 Authorizing Application and Primary Contract for
2 Landscaping along the West Bound Loop from TH 12 to Wayzata Boulevard
3 The motion carried 4/0.
4

5 **AGENDA ITEM 8. New Business.**

6 **a. Consider Resolution No. 37-2018 Approving Preliminary and Final Plat Subdivision**
7 **at 253 Lake Street East**

8 Mr. Thomson stated the applicant had submitted a development application to subdivide the
9 property at 253 Lake Street East for approval of preliminary and final plat to subdivide the property
10 into three separate lots. He noted the front lot along Lake Street would be the future development
11 site, the rear lot would be donated to the City for public parking, and the second lot would also be
12 donated to the City for public parking after the applicant was able to obtain an access easement
13 from the owner of the adjacent property to the west. He indicated this application did not have any
14 impact on the City's 2018 general fund budget and as a condition of approval, the application would
15 be required to pay park dedication fees before the City would issue a building permit for the
16 construction of the condominium building. He stated the Planning Commission unanimously
17 recommended approval.

18 Mr. Plechash stated he was generally in favor of this but noted while the applicant was
19 donating the land to the City for a parking ramp or lot, there was not a clause in the document
20 binding the City to do the parking ramp or lot. He asked if the City did not build a parking lot,
21 would that break one of the requirements. Mr. Dahl responded he believed there was a section that
22 indicated if development fell through, the City did not have to build a parking lot only for the sake
23 of building a parking lot.

24 Mr. Willcox asked if the applicant was providing parking and did not need the City's
25 parking lot in order to make the development work. Mr. Dahl responded all the applicant's parking
26 was on the pad to the South (Lot 1).

27 Mr. Tyacke stated if the development did not go forward, the City was not obligated to
28 building the parking lot. He asked when the park dedication fees would be determined. Mr.
29 Thomson stated they were in the process of reviewing the park dedication fees and would be
30 proposing amendments to the park dedication fees. He believed the City was extremely high in
31 park dedication fees for a development of this type. Mr. Thomson stated park dedication fees were
32 not in the fee schedule but were in the Subdivision Ordinance, so it would require an amendment
33 to that ordinance and would be brought back to the Council soon.
34

35 Mr. Tyacke made a motion, seconded by Mr. Plechash, to Adopt Resolution No. 37-2018
36 Approving Preliminary and Final Plat Subdivision at 253 Lake Street East. The motion carried 4/0.
37

38 **b. Consider Approval of Land Donation Agreements between the City of Wayzata and**
39 **Berry & Co LLC for a portion of 253 Lake Street to be Utilized for Public Parking**
40 **Purposes**

41 City Manager Dahl noted as the property would be donated so there would be limited direct impact
42 to the City's budget aside from legal and recording fees. He indicated for site preparation costs in
43 relation to a future parking lot/ramp, the City had set up TIF District #6 to offset those costs as well
44 as a free-in-lieu of parking policy for development that would benefit from the public parking.

45 Mr. Tyacke inquired if staff was comfortable with \$50,000 as the maximum cost to the
46 City. Mr. Dahl responded he spoke with the environmental consultants today, a detailed analysis
47 was done on the borings taken, and he was confident with the information provided by the
48 consultants.

49 Mr. Tyacke noted the right of first refusal reference should be removed.

1 Mr. Koch made a motion, seconded by Mr. Tyacke, to Approve Land Donation
2 Agreements between the City of Wayzata and Berry & Co LLC for a portion of 253 Lake Street to
3 be Utilized for Public Parking Purposes.

4 Mr. Koch thanked the applicant for the land donation.

5 City Attorney Schelzel clarified there were two documents involved in the donation, the
6 Draft Donation Agreement and the Declaration of Covenants and the motion would be to approve
7 both of those the documents.

8 The motion carried 4/0.

9
10 **c. Consider Approval of First Reading of Ordinance No. 781 and Ordinance No. 782**
11 **Regarding Right-of-way Management**

12 Mr. Thomson stated during the 2017 legislative session, the State enacted a new law amending
13 Minnesota's Telecommunications Rights-of-Way User Law to clarify whether wireless providers
14 are treated the same as other telecommunications right-of-way uses under State law. He noted the
15 law created a separate streamlined permitting system for placement of small wireless facilities on
16 city-owned structures in rights-of-way. To be consistent with the change in State law, the City
17 needed to amend its Right-of-way Ordinance. Mr. Thomson stated as a part of the review, staff
18 rewrote the entire Right-of-way Ordinance addressing sidewalk cafés, trees and landscaping,
19 encroachments, and vacation of right-of-way. He reviewed the Ordinance with the Council, noting
20 the Planning Commission reviewed and recommended approval of the Ordinance amendment as
21 drafted.

22 Mr. Tyacke asked if the pergola at Gianni's was grandfathered in. Mr. Thomson responded
23 all the patios that had been approved had been issued a Conditional Use Permit and would continue
24 to run with the land. He stated there was still an annual license requirement for those though. He
25 indicated they would not need to get a new annual license for the new standards but would need an
26 annual license for their existing patio. Mr. Thomson indicated if they did a new patio, they would
27 be subject to the Ordinance standards moving forward.

28 Mr. Plechash asked how did they come up with the fees for telecommunication rent. Mr.
29 Thomson responded those were the exact restrictions in the State Statute for what the City was
30 allowed to charge. He indicated the City could not charge anything different for that unless the
31 actual costs were higher under the electrical costs.

32 Mr. Plechash asked how was the degradation fee in lieu of restoration determined. Mr.
33 Thomson responded it was determined by the City's actual cost and any administrative fees for
34 them to restore the right-of-way should the applicant not do it to the City's satisfaction or what was
35 required by the permit.

36 Mr. Plechash inquired about the right-of-way vacation being governed by City Charter. He
37 asked if it was the City Charter that required them to have a unanimous vote on a vacation of right-
38 of-way, and how could that be changed if supported by the Council. Mr. Thomson responded it
39 was the City Charter that required a unanimous vote.

40 Mr. Dahl noted the Charter Commission had to vote to change the Charter. This had been
41 considered recently but was not approved for amendment. Mr. Willcox believed it was the Council
42 that needed to approve a Charter change and Council did not do it unanimously.

43 Mr. Schelzel noted there were a number of ways the City could amend a Charter and the
44 way it has usually happened in Wayzata was through a recommendation from the Charter
45 Commission which came to the Council. He recalled the Charter Commission had recommended
46 the change, but Council at the time decided against the change. Mr. Schelzel stated to change that
47 process, all on the Council would need to agree the Charter should be changed, but the
48 recommendation would need to be initiated by the Charter Commission.

49 Mr. Thomson stated staff would need to come back to Council with an amended fee
50 schedule also for the permit fees.

1 Mr. Plechash made a motion, seconded by Mr. Tyacke, to adopt First Reading of Ordinance
2 No. 781 and Ordinance No. 782. The motion carried 4/0.

3
4 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

5 **a. Upcoming Events/Announcements**

- 6 • The beach was closed due to water quality concerns.
7 • The Parks and Trails Board was working on the Parks Master Plan. There was an online
8 survey to be filled out and the link was on the City's website. Three community meetings
9 would also be held for feedback.
10 • They were still planning to have the Wayzata Boulevard/Superior Boulevard discussion at
11 the July 31 meeting.

12
13 **b. Council Member Updates/Announcements**

14 Mr. Willcox stated on July 4th, the Flying Pancake Breakfast was a success in spite of the rain. He
15 noted the founding family was easing out of this activity so if the City wanted this to be an ongoing
16 event, they would need to a different management and volunteers.

17
18 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

19 There were no comments.

20
21 **AGENDA ITEM 11. Adjournment.**

22 Mr. Tyacke made a motion, seconded by Mr. Koch to adjourn. There being no further business,
23 Mr. Willcox adjourned the meeting at 8:53 p.m.

24
25 Respectfully submitted,

26
27 *Becky Malone 07-31-2018*

28
29 Becky Malone
30 City Clerk

31
32 Drafted by Kathy Altman
33 *TimeSaver Off Site Secretarial, Inc.*

34