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**WAYZATA CITY COUNCIL
MEETING MINUTES
March 5, 2019**

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: Buchanan, Koch, McCarthy, and Plechash. Also present: City Manager Dahl, Director of Planning and Building Thomson, Public Works Director/City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mrs. McCarthy made a motion, seconded by Mr. Koch, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. Section Foreman House Conditions

Dan Gustafson, 1040 East Circle Drive, as a member of the Heritage Preservation Board, talked about the conditions of the Section Foreman House. He talked about the history and future plans for the house, but questions remained over funding and purpose. Volunteers had expressed an interest in cleaning up the house and Mr. Gustafson suggested that painting, landscaping, etc. could be completed in the interim to maintain the integrity of the home until renovations could be completed.

Mr. Dahl explained that the Heritage Preservation Board was working with the Historical Society, the Lake Effect Conservancy, and the City on developing an interim plan which would come before the Council some time over the next couple of months.

AGENDA ITEM 6. New Agenda Items.

None.

AGENDA ITEM 7. Consent Agenda.

Mr. Koch expressed disapproval for Item 7.f. He understood that the City did not have control over this, but wondered why it went up significantly. Mr. Kelly explained that the increase was only 6.5%. Mr. Dahl noted that the increase was to boost the environmental and recycling operations of the Council. Mayor Willcox asked staff to contact the County Commissioner's Office to come and talk about the fees. Mr. Dahl answered that staff would contact Commissioner Callison's office for an update.

Mrs. McCarthy pulled Item 7.d. for further discussion.

Mr. Plechash notified staff that Item 7.h. listed options. He encouraged staff to look at the options and exercise the right to add those if it deemed necessary. Mr. Kelly acknowledged the authorization and said that if the change was significant it would come back to the Council.

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

- a. Approval of City Council Workshop Minutes of February 19, 2019 and City Council Regular Meeting Minutes of February 19, 2019
- b. Approval of Check Register
- c. Approval of Municipal Licenses
- d. ~~Adopt Resolution 09-2019 Approving Conditional Use Permit and Variances at 231 Manitoba Avenue South~~ This item was considered following Item 8c.

- 1 e. Approval of Design Services Agreement with Three Rivers Park District for Dakota Rail
- 2 Regional Trail Extension
- 3 f. Adopt Resolution 08-2019 Amending the 2019 Fee Schedule to Reflect Hennepin County
- 4 Solid Waste Tax Increase
- 5 g. Adopt Resolution 12-2019 Approving Amended Post-Issuance Debt Compliance Policy
- 6 and Procedures for Tax-exempt and Tax-advantages Government Bonds
- 7 h. Approve Proposal and Authorize Professional Service Contract with Stantec for Design of
- 8 Parking Lot at 235-275 Lake Street East
- 9 The motion carried 5/0.

10
11 **AGENDA ITEM 8. New Business.**

12 **a. Consider Resolution 13-2019 Approving Schematic Design for the Realignment of the**

13 **Dakota Rail Regional Trail from Ferndale Road South to Barry Avenue South**

14 Mr. Dahl provided a brief recap of the project, previously explored options, and a summary of

15 feedback received as a result of the community engagement.

16 Scott Jordan, Civitas, talked about some of the past reiterations, Ferndale intersection

17 options, Dakota Rail Regional Trail Extension existing conditions, and the two new options.

18 Jonathan Vlaming, Associate Superintendent of Three Rivers Park District, thanked the

19 City for working with the Park District and said the District would respect the City’s decision on

20 eliminating the “pork chop” median at Ferndale Road and Lake Street.

21 Mr. Buchanan asked about actual tree loss for Option 1C. Mr. Jordan answered that 17

22 existing trees remained in Option 1C. Mr. Buchanan also asked about the importance of car

23 stacking. Mr. Kelly talked about the current traffic conditions and stacking. Mr. Jordan added that

24 some things like car stacking and tree preservation would be nailed down during the design process.

25 Mr. Plechash asked about the differences between Option 1C and 1D. Mr. Jordan

26 explained that everything west of Barry Avenue was the same, in terms of the road and trail

27 alignments, are the same. .

28 Mr. Koch asked for staff’s feedback on the “pork chop” median, traffic flow, and

29 converting the yield sign to a stop sign. Mr. Kelly said the only concern was providing adequate

30 turning movements for large vehicles. Mayor Willcox asked if there was an issue with stacking

31 backing up to the railroad track. Mr. Kelly said that it was not a concern because of the mechanized

32 gates. Mayor Willcox was concerned that the City was accommodating bikes and pedestrians at

33 the expense of cars along this corridor.

34 Mr. Dahl noted that staff recommended Option 1C and eliminating the “pork chop”

35 median. He reminded the Council and audience that the Park District was paying for both the

36 design and the project.

37 Mr. Buchanan made a motion, seconded by Mr. Koch, to Adopt Resolution No. 13-2019,

38 Approving Schematic Design for the Realignment of the Dakota Trail from Ferndale Rd S to Barry

39 Ave S. The motion carried 4/1 (Willcox).

40

41 **b. Consider Resolution 10-2019 Approving a Conditional Use Permit for Penny’s Coffee**

42 **at 800 Lake Street East**

43 Mr. Thomson presented the development application from the applicant, Foley Schmidt of Penny’s

44 Coffee, and the property owner, The Dietrich Co. Family Limited Partnership, to construct a coffee

45 shop within the existing mixed-use building at 800 Lake Street East. The application requested

46 approval of a Conditional Use Permit for joint parking facilities. Mr. Thomson discussed the

47 Parking Study prepared by Westwood Professional Services.

48 Mrs. McCarthy asked how parking would be handled if the tenant mix changed in the

49 future. Mr. Thomson explained that there were three options to meet the City’s parking requirement

50 for future tenant changes: provide the parking on-site parking, provide an agreement with an

51 adjacent property that has surplus parking, or utilize the City’s fee in lieu of parking policy.

1 Mayor Willcox noted the parking study was completed in January. He asked if staff was
2 concerned about peak season. Mr. Thomson thought it was still representative of what would be
3 expected and felt comfortable because there was still a cushion between expected parking demand
4 and available supply.

5 Mayor Willcox asked if employees would be allowed to park in the Municipal Parking.
6 Mr. Thomson said as the conditions were current drafted, employees would not be restricted from
7 parking in the City lot. Mayor Willcox suggested adding a condition that prohibited employee
8 parking in the municipal lot. Mr. Thomson agreed the Council could add that condition.

9 Mayor Willcox thought traffic movement in the parking lot was tight and was concerned
10 with the additional cars. Mr. Thomson said the study did not look at circulation, but noted that the
11 drive aisles were wider than the City required.

12 Mr. Plechash noted that the zoning standards required 44 parking spaces. The traffic study
13 said there was adequate parking. Mr. Plechash suggested taking a closer look at zoning standards
14 in the future to see if changes needed to be made.

15 Foley Schmidt, Chief Executive Officer of Penny's Coffee, spoke to the questions of
16 seasonality, menu, traffic, and how long the average person spends at Penny's.

17 Mayor Willcox asked if Penny's differentiated itself from standard coffee shops. Mr.
18 Schmidt answered absolutely. Penny's goal was to be part of the communities it served and
19 believed the brand promise stacked up well.

20 Mayor Willcox asked if there was any concern with in and out traffic. Mr. Kelly thought
21 there would be a period of adjustment when the business was new, but it would level off. Mayor
22 Willcox asked about the Council's options if traffic became an issue. Mr. Thomson explained that
23 the conditions were added to address the issue before it became a problem.

24 Mrs. McCarthy was concerned with parking and thought most people would stay longer
25 than ten minutes. Mr. Koch thought there was sufficient parking between this parcel and the other
26 parcel owned by the same property owner. Mayor Willcox thought that it was more likely that
27 people would park in the municipal parking lot. Mr. Thomson mentioned that since the peak time
28 for the coffee shop was 7:00 to 10:00 a.m., there would generally be parking available in the
29 municipal lot.

30 Mrs. McCarthy asked about the days chosen for the parking study. Mr. Thomson explained
31 that Friday and Saturday represented the highest volume week day and weekend day.

32 Mayor Willcox asked the Council to weigh in.

33 Mr. Plechash was concerned about the parking, but trusted the Planning Commission. He
34 said the food and service at Penny's was great.

35 Mrs. McCarthy thought the space was wonderful with a lot of history and was happy to
36 have new tenant. She wanted to add a condition that employee parking not be allowed on the lot
37 across the street,

38 Mr. Koch was satisfied with parking because the property owner had two parking lots. He
39 also noted that the other tenants were very supportive. He agreed with not allowing the employees
40 to park in the municipal parking lot.

41 Mr. Buchanan had attended the Planning Commission meeting and was supportive.

42 Mayor Willcox said Penny's was a welcome addition to Wayzata. He wanted to put a cap
43 on the menu and restrict employees from parking across the street.

44 Mr. Plechash made a motion to Adopt Resolution No. 10-2019, Approving Conditional
45 Use Permit for Joint Parking at 800 Lake Street St E, with the added requirement that employees
46 not park in the municipal Parking lot.

47 Mrs. McCarthy asked if a shared parking agreement was part of the resolution. Mr.
48 Plechash asked the City Attorney about amending the motion. Mr. Schelzel explained that careful
49 thought should be given to the implications of requiring the applicant to have the shared parking
50 agreement. There was a concept in the zoning ordinance for shared parking for two separate
51 parcels. He thought the City could recognize that the properties were owned by the same owner so

1 shared parking might just be a practical benefit. A formal condition of approval of the Conditional
 2 Use Permit was a different matter. The agreement would be recorded against the property if it were
 3 sold. Staff would need to think through all of the issues if Council decided to go that direction.
 4 Also, the applicant would need to agree to the additional condition.

5 Mr. Plechash decided to keep his motion as stated. Mr. Buchanan seconded. The motion
 6 carried 5/0.

7
 8 **c. Consider Responses to 2019 Construction Impact Mitigation Strategy Request for**
 9 **Qualifications**

10 Mr. Dahl explained that Council had reviewed the Request for Quotation that was sent to a variety
 11 of communication firms. The firm would help increase communications throughout the community
 12 and mitigate negative impacts during the upcoming three major road construction projects. Staff
 13 recommended moving forward with a partnership between Goff Public and Fuzzy Duck. The first
 14 task would be to create a strategy,

15 Mr. Koch asked if the City did not get a matching grant would the \$60,000 budget be
 16 sufficient to complete a well-run media campaign. Mr. Dahl answered because funding was
 17 undetermined there would be different tiers of the plan. Mr. Koch asked when the City would find
 18 out if Hennepin County approved the matching grant. Mr. Dahl answered by the end of the current
 19 month.

20 Mrs. McCarthy asked who was on the committee that chose the marketing and
 21 communications firms from the Request for Quotation process. Mr. Dahl replied himself, Kristin
 22 Classey, Becky Pierson, Brooke Beyer, and Andrew Mullin.

23 Mayor Willcox thought it was very important to get as much information out as quickly as
 24 possible because there would be so much disruption.

25 Mrs. McCarthy made a motion, seconded by Mr. Koch, to direct staff to draft professional
 26 services agreement with Goff Public and Fuzzy Duck for marketing and communication services.
 27 The motion carried 5/0.

28
 29 **AGENDA ITEM 7. Consent Agenda - continued.**

30 **d. Adopt Resolution 09-2019 Approving Conditional Use Permit and Variances at 231**
 31 **Manitoba Avenue South**

32 Mrs. McCarthy explained that because this item requested both a Conditional Use Permit and
 33 Variance, she thought it best to ask staff to provide background and allow Council to consider.

34 Mr. Thomson presented the property information, zoning of surrounding neighborhood,
 35 the development application, and the unique circumstances to justify the variance. The Planning
 36 Commission had unanimously recommended approval.

37 Mayor Willcox noted the structure would meet requirements if it were single family home,
 38 but because it was two family home, it did not meet setback requirements. Mr. Thomson explained
 39 that the proposed addition does meet setback requirements, but the property does not meet lot
 40 area and lot width requirements for a two-family dwelling.

41 Mrs. McCarthy asked if any issues had been filed as a rental property. Mr. Thomson
 42 answered no.

43 Mr. Buchanan mentioned that the property was unique because it was an upper and lower.
 44 The ordinance that required a larger lot size dealt with side by side units.

45 Mayor Willcox asked if this would be rewarding non-compliant behavior. Mr. Thomson
 46 explained that the City allowed non-compliant properties to continue, but not to expand. However,
 47 in this case there was a unique situation compared to other properties in the City.

48 Mr. Buchanan made a motion, seconded by Mr. Plechash, to Adopt Resolution No. 09-
 49 2019, Approving Conditional Use Permit and Variances for Two-Family Dwelling at 231 Manitoba
 50 Avenue S. The motion carried 5/0.

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

2 **a. Upcoming Events/Announcements**

- 3 • State of the City Luncheon on March 27, 2019 at 11:30 a.m.
4 • Best wishes to former Fire Chief Paul Klapprich to get well.
5 • Thank you to Public Work’s great job on snow plowing/removal.
6

7 **b. Council Member Updates/Announcements**

8 Mrs. McCarthy asked staff for a future update on the eventual thaw, melting snow, and potential
9 flooding.

10 Mr. Kelly answered affirmatively and noted the Watershed District would be having
11 conversations internally and would soon address the communities it served.
12

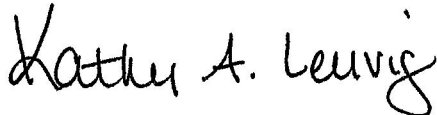
13 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

14 There were no comments.
15

16 **AGENDA ITEM 11. Adjournment.**

17 Mrs. McCarthy made a motion, seconded by Mr. Koch to adjourn. There being no further business,
18 Mr. Willcox adjourned the meeting at 8:41 p.m.
19

20 Respectfully submitted,
21



22
23
24 Kathy Leervig
25 City Clerk
26

27 Drafted by Sarah Peterson
28 *TimeSaver Off Site Secretarial, Inc.*
29