

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

**WAYZATA CITY COUNCIL
MEETING MINUTES
March 19, 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: Koch, McCarthy, and Plechash. Council Members absent: Buchanan. Also present: City Manager Dahl, Director of Planning and Building Thomson, and City Attorney Schelzel.

Mayor Willcox informed the audience of the closed meeting held earlier at 5:00 p.m. The meeting was closed because of the attorney client privilege exception to the open meeting law. The purpose of the meeting was to discuss a lawsuit brought against the City of Wayzata and others in Minnesota District Court.

AGENDA ITEM 4. Approve Agenda.

Mr. Thomson announced that the applicant in Item 8.a. had submitted a formal withdrawal request.

Mrs. McCarthy made a motion, seconded by Mr. Koch, to approve the agenda, as amended to remove Item 8.a. The motion carried 4/0.

AGENDA ITEM 5. Public Forum.

a. Planning Commission Annual Update

Chair Greg Flannigan had been on the Planning Commission for three years, but this was his first year as Chair. He said the three new members for a total of seven members provided a great mix of residents. Mr. Flannigan reported on 2018 accomplishments and said the Commission was committed to continue vetting development applications.

Mrs. McCarthy was really excited about the current structure, dedication, and experience of the Planning Commission.

Mayor Willcox asked if the Commission was aware of any zoning lapses. Mr. Flannigan answered that specifically the fence piece came into play. Design standards and the evolution of building products evolved at a quicker pace than design standards; however, the relationship of the Planning Commission and the City Council allowed the City to react to some of those issues. Mayor Willcox stated that the Planning Commission was the most demanding volunteer work in the City and took judgement, hard work, and dedication. He thanked the Commission for the key role it played in the City.

b. Introduction of Assistant Planner

Mr. Thomson introduced Nick Kieser as the new Assistant Planner. He talked about his prior work experience and education. Mr. Kieser was completing a Masters Degree in Urban and Regional Planning and would be a huge help in Comprehensive Plan implementation, reviewing development applications, and the day to day functions at City Hall.

1 Mr. Kieser was excited to have the chance to be part of the community growth and
2 planning atmosphere.

3
4 **c. Swearing in of Police Officer Jason Gehrman**

5 Mr. Dahl administered the oath of office for Officer Gehrman.

6 Chief Risvold shared Officer Gehrman's biography and welcomed him.

7 Officer Gehrman thanked the community, his family, the City Council, and Chief
8 Risvold. He was happy to be home.

9
10 **d. Heritage Preservation Board**

11 Chair Nate Leding invited everyone to attend the next Board meeting on Tuesday, March
12 26th. The meeting would start in the community room at 11:00 a.m. and then move to the
13 Section Foreman House to survey the conditions.

14
15 **AGENDA ITEM 6. New Agenda Items.**

16 None.

17
18 **AGENDA ITEM 7. Consent Agenda.**

19 Mr. Koch noted a check for a water main break in Item 7.b. He asked if there were
20 sufficient funds in the Capital Improvement Plan to cover breaks and road repairs. Mr.
21 Dahl answered that the City did budget for breaks at about \$30,000 per year. The goal was
22 to upgrade the system and to have less breaks and issues.

23 Mr. Plechash commented on Item 7.f. He asked staff to look back at the last
24 strategic meeting and measure the results.

25 Mayor Willcox asked if the documents in Item 7.g. demonstrated the "but for"
26 requirement. Mr. Dahl responded it was in the documents when the Tax Increment
27 Financing District was originally established. Staff reviewed proformas to ensure the funds
28 were needed and the costs were eligible for reimbursement.

29 Mr. Plechash made a motion, seconded by Mr. Koch, to approve the consent
30 agenda:

- 31 a. Approval of City Council Workshop Minutes of March 5, 2019 and Regular
32 Meeting Minutes of March 5, 2019
- 33 b. Approval of Check Register
- 34 c. Approval of Municipal Licenses
- 35 d. Police Activity Report
- 36 e. Building Activity Report
- 37 f. Approval of Proposal from Rapp Consulting Group for Strategic Planning
38 Facilitation Services
- 39 g. Approval of Tax Increment Financing Agreement between the City of Wayzata and
40 Swan's Corner, LLC at 305 – 309 Lake Street East
- 41 h. Approval of Professional Services Agreement between the City of Wayzata and
42 Goff Public

43 The motion carried 4/0.

44
45 **AGENDA ITEM 8. New Business.**

1 ~~a. Consider Resolution No. 14-2019 Denying a Variance at 143 and 151~~
2 ~~Westwood Lane~~

3
4 **b. Consider Resolution No. 11-2019 Approving Design Review for Chase Bank at**
5 **1022 Wayzata Boulevard E**

6 Mr. Thomson presented the development application from Core States Group and Monaco
7 Fuel, LLC to construct a one-story retail bank on the property at 1022 Wayzata Boulevard
8 E. The new development consisted of a 3,500 square foot, single story commercial
9 building; 19-stall parking lot; and, drive-up ATMs. The applicant had submitted revised
10 plans for the ATM relocation, screening, and reduced lighting levels. The Planning
11 Commission and staff recommended approval.

12 Mrs. McCarthy asked if the sign on the south side of the property was required to
13 be illuminated. Mr. Thomson explained that the City's ordinance does not require sign
14 illumination. Mrs. McCarthy asked what the City prescribed in terms of proper
15 illumination. Mr. Thomson answered the City did not require a parking lot to be lit, but if
16 it was lit the bulbs could not be visible from other properties and there was a max
17 illumination at the property line. Mrs. McCarthy asked if there was a barrier at the top of
18 the retaining wall to ensure a car would not go over. Mr. Thomson answered there would
19 be curb and gutter as well as 20-25 feet of landscaping.

20 Mr. Plechash asked about the applicant's proposed plan for the south-side sign. Mr.
21 Thomson said the sign would be lit internally from 6:00 a.m. to 10:00 p.m. as recommended
22 by the Planning Commission. Mr. Plechash thought the sign did not need to be illuminated
23 at all.

24 Mr. Koch asked about the location of the dumpster and how the City would ensure
25 the landscaping was maintained. Mr. Thomson said the trash would be serviced weekly
26 and held within the building. The landscaping had a two-year guarantee and was required
27 to be irrigated. Mr. Koch asked if the applicant would meet the transparency ration of the
28 spandrel glass was included. Mr. Thomson answered that they would still be slightly short.

29 Mrs. McCarthy asked if the location of the ATMs would affect the curb cuts. Mr.
30 Thomson explained the applicant moved the exit as far west on the site as possible which
31 added a 12-14-foot landscaped area between the two drive aisles.

32 Patrick Bennett, Civil Engineer for Core States Group, thanked staff for its help
33 throughout the project. Chase Bank was interested in being a good neighbor and was open
34 to working with the City concerning the illumination of the south-side sign.

35 Mrs. McCarthy asked if the slope roof was on one side or all four sides. Mr. Bennett
36 answered all four sides.

37 Mayor Willcox asked if the plantings could be increased to a greater height. Mr.
38 Bennett asked if eight feet was acceptable.

39 Mr. Schelzel asked staff about the landscaping plan and if it was subject to review
40 of the City. Mr. Thomson said the City did not have the final plan. Mr. Schelzel suggested
41 subjecting approval to final review in order to ensure there was an ideal balance between
42 height and healthy trees.

43 Mayor Willcox asked about the fence height. Mr. Thomson explained that the
44 proposed fence height was six feet which was the limit of the ordinance. Mayor Willcox
45 asked what else could be done to reduce the ambient glow. Mr. Thomson answered that
46 the windows and sign would be the only things illuminated at night other than the parking

1 lot lighting for safety. The fixtures illuminated the ground level and were shielded on the
2 side of the neighborhood. Mrs. McCarthy asked about the use of bollards. Mr. Bennett
3 said that bollards would not project far enough out and would be a safety issue. Mayor
4 Willcox asked why the bollards would not work closer to the fence. Mr. Thomson agreed,
5 but reminded the Council that the fixtures were hooded to the south for this reason. Mayor
6 Willcox suggested shorter poles. Mr. Bennett said the lights could be shorter, but more
7 fixtures would be needed.

8 Mr. Plechash thought the shielding was adequate to shield the light from the
9 neighbors, but was still concerned with the south-side sign being lit. He recommended no
10 illumination. Mayor Willcox agreed.

11 Mr. Koch was comfortable with the light poles and shielding, but agreed that the
12 sign on the south side should not be lit.

13 Mrs. McCarthy agreed that the south side sign should not be lit, preferred the height
14 of the trees be at least nine to ten feet, and wanted any reduction in the height of the light
15 poles. She also recommended being careful with the ATM lighting.

16 Mayor Willcox noted that this was the classic Wayzata problem because all of the
17 neighborhoods were next to commercial areas. The issues were always to find the right
18 balance. He agreed the sign should not be lit, wanted the trees at a minimum of eight feet,
19 and thought the lower the better for the light poles.

20 Mr. Plechash made a motion, seconded by Mr. Koch, to Adopt Resolution No. 11-
21 2019, Approving Project Design for Chase Bank at 1022 Wayzata Blvd E, adding the
22 requirement that the landscaping trees be a minimum of eight feet and the sign on the south
23 side not be lit. The motion carried 4/0.

24
25 Mrs. McCarthy asked staff about the possibility of requiring applicants to provide sketches
26 where different light fixtures, landscaping, etc. could be added and/or taken away given
27 today's technology.

28
29 **c. Consider Approval of Fifth Amendment to Antenna Lease Agreement between**
30 **the City of Wayzata and AT&T Mobility Corporation**

31 Mr. Dahl discussed the initiative of the City to move all of the telecommunication
32 equipment off the water tower near Klapprich Park. AT&T was the only entity that did not
33 have plans to permanently relocate off the tower. Their existing lease did not expire until
34 April 2021. The City and representatives of AT&T had agreed to terms due to AT&T's
35 need to move off the tower during rehab and the City's willingness to not require an upfront
36 capital contribution. The lease amendment moved AT&T's equipment to the monopole,
37 extended the lease to April 2025, and the existing lease rate was maintained.

38 Mrs. McCarthy asked why AT&T was required to provide notice by 2021 if it
39 wanted to extend the agreement from 2025 to 2030. Mr. Dahl agreed that there was usually
40 a shorter notice time. Mr. Schelzel suggested approving the amendment subject to final
41 review by the City Attorney in order to review that requirement.

42 Mr. Koch asked about the financial risk to the City. Mr. Dahl answered the worst-
43 case scenario was less money to the street fund, but the risk was the same with the other
44 carriers.

45 Mr. Koch made a motion, seconded by Mrs. McCarthy, to approve the draft Fifth
46 Amendment to Antenna Lease Agreement between the City of Wayzata and AT&T

1 Mobility Corporation, subject to final review by the City Attorney. The motion carried
2 4/0.

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

5 **a. Upcoming Events/Announcements**

- 6 • State of the City Luncheon on Wednesday, March 27th at 11:30 a.m. at the Wayzata
7 Country Club.
8 • Verizon had still not constructed the required screening walls on the Edina Realty
9 building and had been fined.

10
11 **b. Council Member Updates/Announcements**

12 None.

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

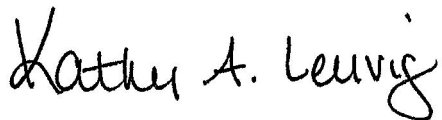
15 There were no comments.

16
17 **AGENDA ITEM 11. Adjournment.**

18 Mr. Koch made a motion, seconded by Mr. Plechash to adjourn. There being no further
19 business, Mr. Willcox adjourned the meeting at 8:35 p.m.

20
21 Respectfully submitted,

22
23 Kathy Leervig
24 City Clerk

Handwritten signature of Kathy A. Leervig in black ink. The signature is written in a cursive style. There are small handwritten marks above and below the signature.

30 Drafted by Sarah Peterson

31 *TimeSaver Off Site Secretarial, Inc.*