WAYZATA CITY COUNCIL
MEETING MINUTES
December 2, 2014

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Amdal, Anderson, and Tanner. Council Member absent: Mullin. Also present: City Manager Nelson, City Planner Gadow, City Engineer Kelly, City Attorney Schelzel, and Administrative Services Director Uram.

AGENDA ITEM 2. Approve Agenda.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the agenda, as presented. The motion carried 4/0.

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

a. Annual Report on Volunteer Efforts

Lynn McCarthy, Communications Board, shared that the established volunteer program was new, but the concept of volunteering in Wayzata was age old. The City of Wayzata Volunteer Committee was created in 2009 at the suggestion of Mayor Willcox. Ms. McCarthy noted that Wayzata Garden volunteers had been going strong since creation with too many sponsors for the adopt-a-garden program. In October, the volunteers, under the direction of Pat Broyles, readied all the flowerbeds and the United States Postal Service pocket park was going to be beautiful under the direction of Merrily Babcock. The Big Woods initiative went well with volunteers from Keller Williams Realty, Wayzata High School football team, and local boy scouts. Next year there would be a Citywide initiative to eliminate Emerald Ash Borer in the area. Ms. McCarthy also shared that there were two volunteers doing clerical operations at public works and volunteers do many things such as write grant applications, attend leadership training, participate in monthly meetings, and have memberships on community and area senior boards. The 269 volunteers completed 8,600 hours of work during 2014 that saved the City approximately $178,000. Ms. McCarthy thanked all of the volunteers and Mrs. Anderson as the volunteer liaison.

Mrs. Anderson described the many things that Ms. McCarthy does as the volunteer coordinator and thanked her for her service.

Mayor Willcox thanked Ms. McCarthy and talked about all the different benefits of having a volunteer committee.

AGENDA ITEM 4. Consent Agenda.

Mrs. Anderson requested to pull Item 4.a., Approval of Workshop Minutes of November 18, 2014, and Minutes of November 18, 2014, from the consent agenda. Mrs. Anderson noted that Item 5.b., Telecom Site Next Steps was overly summarized and requested the section be redrafted in the style of the Planning Commission minutes due to the sensitive nature of the subject.

Mr. Tanner noted that Mr. Mullin was included for some items in the Workshop Minutes of November 18, 2014, but was absent.

Ms. Nelson stated that the Workshop Minutes of November 18, 2014 could be amended, but the Minutes of November 18, 2014, would be redrafted and resubmitted to the Council.

Mr. Tanner requested to pull Item 4.b., Approval of Check Register, from the consent agenda for discussion.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the consent agenda:

a. Approval of Workshop Minutes of November 18, 2014, as amended ~~and Minutes of November 18, 2014~~

~~b. Approval of Check Register~~

c. Approval of Amendment to On-Sale Liquor License – Addition to Dining Room and Outdoor Patio at McCormick's

d. Approval of Municipal Licenses

e. Municipal licenses which received administrative approval (informational only)

The motion carried 4/0.

b. Approval of Check Register

Mr. Tanner shared an example from the Check Register of Johnson Brothers with liquor resale of $50.00 and a freight of $0.71. He shared that there were quite a few with minimal amounts for freight and asked why the freight was so inexpensive.

Mr. Uram answered that the City preferred to purchase in bulk, but it was not always possible such as a single case of brandy would inadvertently get left off and this would result in the small freight cost. The City does its best to balance sales and bulk purchases, but there were over 6,000 SKUs and 30 different sales representatives.

Ms. Nelson added that the invoices were broken down by product, such as wine, beer, liquor, and miscellaneous, and then freight was calculated.

Mayor Willcox asked if the invoices were paid individually or a single bottom line and Ms. Nelson answered that the invoices were not paid individually.

Mrs. Anderson asked about the high number of SKUs and the possibility of reducing that number to decrease the amount of random products. Mr. Uram answered that the process was still in the early stages, but that streamlining was a goal.

Mr. Tanner made a motion, seconded by Mrs. Anderson, to Approve the Check Register. The motion carried 4/0.

<u>AGENDA ITEM 5. New Business.</u>

a. Consider Resolution No. 35-2014 Final 2015 Property Tax Levy and Budget

Mr. Uram presented the 2015 final budget. The budget process began on July 9, 2014, with a review of the preliminary budget. On September 16, 2014, the preliminary budget and tax levy was approved by the City Council. Mr. Uram discussed the tax levy and shared that the total City tax levy would increase by 1.92%. Mr. Uram presented a levy comparison, tax capacity by property type, and tax capacity rates from 2010 through 2015. He discussed the General Fund budget and source of General Fund revenues, adding that the main source was property tax.

Mayor Willcox asked Mr. Uram to explain transfers under the General Fund expenditures. Mr. Uram explained that there were several capital improvement funds and the City budgeted for transfers to those funds such as the equipment fund for purchasing vehicles. Mr. Uram shared that the Other Budgets category included Special Revenue: community television and Enterprise: water, sewer, solid waste, storm water, motor vehicle, and liquor. Mr. Uram explained that the next steps were to adopt the final levy and budget resolution and certify the levy to the County.

The Council asked why, under the City's tax capacity, apartments went from $592,676 to $1,338,978 and if it was due to Maggie Manor and Presbyterian Homes being included. Mr. Uram confirmed that was the case.

Mayor Willcox talked about the increased valuation of Wayzata's residential as compared to the County. He explained that the tax burden shifts from those that are increasing less to those that are increasing more. Wayzata had benefited from this for the last couple of years and the burden was now shifting back.

The Council asked if funds had been set aside for Telecom as discussed and where that was located in the budget. Mr. Uram responded that funds had been allocated for 2014 and it would be a line item in the funds for 2015 as well.

The Council discussed the additional funding request of $2,000 from the Heritage Preservation Board. Mrs. Anderson stated she was comfortable granting the funds with the information presented. Mayor Willcox asked staff to request more information from the Heritage Preservation Board on what the funds would be used for.

Ron Morris, 663 Harmony Circle, asked if this was the correct time to discuss his personal property valuation increase. Ms. Nelson responded that this resolution concerned the City as a whole and that individual properties were dealt with in the spring, but offered to speak with Mr. Morris about his property valuation.

Mayor Willcox discussed some of the items driving the increases for the City such as contract negotiations with the police and public works unions at a 2% increase, health insurance premiums increase at 10.57%, minimum wage increase, and staffing increases and additions.

Mr. Tanner made a motion, seconded by Mr. Amdal, to Adopt Resolution No. 35-2014, certifying to the County Auditor the Final Property Tax Levy Payable for 2015 and the Final Budget for the Taxes Payable Year 2015. The motion carried 4/0.

b. Lake Effect Next Steps Recommendations

Mr. Gadow shared that Mary deLaittre, Groundworks Consulting, presented the Implementation Strategy for the Lake Effect Framework at the November 18, 2014, Council meeting. The plan was back before the Council for consideration and adoption.

Ms. deLaittre presented the final draft of the Implementation Strategy for the Lake Effect Framework for approval. The strategy included a three-pronged approach. Step One was to identify priority projects which were ten projects already completed or underway; Step Two was to create a comprehensive signature project based on a singular concept to include all of the smaller projects; and, Step Three was to develop a supporting organization to raise money and offer longevity during political change. Ms. deLaittre added that a fiscal agent could be set up immediately.

The Council thanked Ms. deLaittre, staff, and the Lakefront Task Force. It was noted the original goal was to move the project forward without spending taxpayer money. The Council asked if the City would need to match funds in order to get private funding and grants. Ms. deLaittre replied that yes, the City would need to decide how much it was willing to put forward and then individuals, foundations, or government bodies could be approached to contribute or match funds. The Council asked staff if there was a designated fund where the funding would come from. Ms. Nelson answered that the funding would come from the Lakefront Capital Improvement Fund.

The Council asked how boards and committees would work with the jury and who would have final say. Ms. deLaittre replied that the first step would be to hire a consultant who would work closely with the Council and staff. Next, a jury would be selected. The jury could work with other committees sharing information on current projects.

Mayor Willcox discussed why the City Council was still talking about and studying the Lake Effect next steps. He explained that it would be a ten-year project and because Council members would come and go during that time, the Council wanted to create an outside organization for continuity and longevity.

Mr. Tanner made a motion, seconded by Mr. Amdal, to Approve the Implementation Strategy for the Lake Effect Framework. The motion carried 4/0.

c. Consider Resolution No. 38-2014 165 and 213 Central Avenue North and 1015 Cross Street

Mr. Gadow presented an application from Crossdale Development LLC for a concurrent preliminary and final plat subdivision and Concept/General Plan Planned Unit Development for a six-lot subdivision at 165 Central Avenue North, 213 Central Avenue North, and 1015 Cross Street. If approved, six single-family residences would be built that meet the requirements of the R-3A Zoning District. The applicant was proposing private access from Byrondale Avenue North that would terminate with a cul-de-sac within the property. Mr. Gadow presented the possible residential design concepts.

The Council expressed concern over the 20-foot roadway versus the normal 26-foot roadway. Mr. Gadow replied that the Fire Marshal had reviewed the plans and was comfortable with the 20-foot roadway. The Council asked questions concerning the fencing and landscaping and whether it was outside of the 15 feet the City requires. Mr. Gadow answered it would be a 6-foot tall board-on-board fence with vegetation to soften the sight lines.

The Council asked about the property line dispute with a property owner north of the property. Mr. Gadow invited Jennifer Haskamp, Swanson Haskamp Consulting, to the podium. Ms. Haskamp answered that the property line had been verified by Hennepin County and contact had been made with the property owner. She added that a garden would need to be moved.

Pat Broyles, 212 Benton Avenue, stated that she was against the project and expressed concern that there were too many homes for the amount of land.

Mayor Willcox invited residents who had completed a comment card to provide input; however, each declined to comment.

The Council discussed the project further noting that the main argument had been whether or not the road should cut through and decided that the road configuration worked in this situation. Mr. Tanner expressed concern for emergency vehicles accessing the neighborhood and that there were too many homes for the size of the property. The Council asked questions concerning the trail, who would maintain it, and park dedication fees. Mr. Gadow responded that the trail was on private property with an easement and would be maintained by the City. The property would have a park dedication in lieu of fees. The Council asked about the possible home designs that had been presented and if the developers planned on mixing up the designs. Ms. Haskamp replied that the houses would have cohesive elements, but each home would be different. The Council requested that the landscaping plans (which were to be approved by staff) be approved by staff in consultation with the surrounding neighbors.

Mr. Gadow shared that the Planning Commission requested to add a statement to Section 3.2.B.11 indicating: "Hennepin County Public Works has reviewed the plat that is part of the application and has provided the City with a letter dated November 12, 2014, that states that the County believes that the proposed plat for the Planned Unit Development adequately addresses the County's original concerns related to access and trail opportunities." Mr. Gadow also stated that "Lot 5 and" should be inserted in front of "Lot 6" in Section 4.1.G.

Mr. Schelzel noted that "and" in the second line of Section 4.1.E. should be changed to "or if a different idea is proposed."

Mrs. Anderson made a motion, seconded by Mr. Amdal, to Adopt Resolution No. 38-2014, approving an Application for Concurrent Preliminary and Final Plat Subdivision, Concept/General Plan Planned Unit Development and Rezoning at 165 and 213 Central Avenue North and 1015 Cross Street, as modified above. The motion carried 3/1 (Tanner).

Mrs. Anderson made a motion, seconded by Mr. Amdal, to Approve the First Reading of a Draft Ordinance Amending the Official Zoning Map of the City to Rezone 165 and 213 Central Avenue North and 1015 Cross Street from R-3A Single and Two Family Residential to PUD Planned Unit Development District. The motion carried 4/0.

d. Consider Resolution No. 39-2014 151 Westwood Lane – Three Lot Subdivision

Mr. Gadow presented a request from White Birch Properties and Development Group for a concurrent preliminary and final plat subdivision approval for a new three-lot subdivision at 151 Westwood Lane. The project would require the removal of the existing structure on the property and a subdivision of the parcel. Access to the subdivision would be through a public road with a cul-de-sac designed to protect as many of the existing trees as possible. Building plans were not available, so approval should include a condition requiring the future owners to provide building plans to the Planning Commission and City Council prior to receiving building permits. Mr.

Gadow presented a map of the project location, existing conditions, preliminary and final plats, tree inventory plan, and storm water plan. The project planned two roadways, one in and one out, but the Planning Commission requested an alternative plan with only one road to reduce hardcover. The State Archaeologist was consulted because of a burial ground on the site. The State Archaeologist recommended either having a qualified archaeologist on site during construction or having a qualified archaeologist complete a full survey of the site prior to construction.

The Council asked if there was a slope disparity that would require landfill. Mr. Gadow replied that there was a steep slope at the rear of the property but the grading would occur away from the steep slope, which would require a grading permit.

Scott Rowe, property owner, shared that he had tried to reach out to the neighbors and that this project had not been without challenge. But, he had tried to be thoughtful and mindful of the existing neighborhood. Mr. Rowe added that he and his family were planning to move into one of the homes.

Steve Poling, 159 Westwood Lane, inquired about screening of the third home. Mr. Gadow answered that the Planning Commission had recommended additional landscaping be planted between to screen the adjacent property. Mr. Poling stated that he was against the development, but not the developer. He found the proposed development was out of character and disruptive to the neighborhood. The neighborhood relies on the woods to buffer the noise from the highway.

Bob Mueffelmann, 172 Birch Lane West, stated that he was opposed to the development and thought it did not meet all of the requirements of the Wayzata Subdivision Ordinance. With regard to the Ordinance, the design of the site does not reflect the existing neighborhood.

The Council asked if the public road meant opportunity for the adjacent properties to access public right-of-way. Mr. Gadow responded that yes, absent any conservation easement for the trees. The Council asked about specific landscaping plans for Lot 3 to screen the adjacent property. Mr. Rowe replied that thoughts had been for a berm with evergreens and he was open to doing that in consultation with the existing neighbors. The Council discussed the different road configurations and mentioned the opportunity to use the existing driveway in order to save the hedge, but angling it to the North to mitigate headlight intrusions. Mr. Kelly noted that angling the driveway could cause traffic safety concerns to the south.

The Council each shared their viewpoints on the project. Mr. Tanner stated that he had to respect the neighbors and their noise and light concerns and could not support this project. Mr. Amdal supported the project because it met or exceeded all of the guidelines. Mrs. Anderson stated that the project met of the City codes so she felt like her 'hands were tied' to support the project. She suggested that the codes needed to be changed. Mayor Willcox stated that the project met the Zoning Ordinance for lot size and setback, but did not meet the Subdivision Ordinance because it was not consistent with the character and pattern of the neighborhood.

The Council discussed tabling the item to next meeting when it could vote with a full Council. Mr. Schelzel suggested drafting a second denial resolution with the Council's findings.

Mr. Tanner made a motion, seconded by Mr. Amdal, to table consideration of Resolution No. 39-2014, Approving an Application for Concurrent Preliminary and Final Plat Subdivision at 151 Westwood Lane to the December 16, 2014, meeting, and directed staff to prepare a draft denial resolution for consideration at the December 16, 2014 meeting. The motion carried 4/0.

e. Consider Resolution No. 36-2014 Approving Planning Commission Appointments

Mr. Amdal made a motion, seconded by Mr. Tanner, to accept the resignation of Steven Tyacke from the Planning Commission. The motion carried 4/0.

Mr. Gadow reported there were six candidates for four available seats on the Planning Commission including Graciela Gonzalez, Lynn Gruber, Cathy Iverson, Todd Pearson, Peter Sellwood, and Steven Young. The Council cast a closed ballot vote that was tallied by Mr.

Gadow who announced the appointments as Graciela Gonzalez, Lynn Gruber, Cathy Iverson, and Steven Young. Mr. Gadow then explained that one of the four would complete the last two years of Mr. Tyacke's term while the other three would serve normal three-year terms. The Council decided to vote on who would complete the two-year term. The Council cast a closed ballot vote that was tallied by Mr. Gadow who announced that Steven Young would complete the two-year term.

Mrs. Anderson made a motion, seconded by Mr. Amdal, to Adopt Resolution No. 36-2014, approving Planning Commission Appointments of Graciela Gonzalez, Lynn Gruber, Cathy Iverson, and Steven Young. The motion carried 4/0.

f. Consider Resolution No. 37-2014 Approving Parks and Trails Board Appointments

The Council noted that Dan Baasen, who was running for reappointment, requested a one-year term. There were five candidates running for four available seats including Dan Baasen, Holly Evans, Jim McWethy, Tyler Purdy, and Sarah Showalter. The Council discussed appointing all five and allowing the one-year term for Mr. Baasen, but postponing adopting Resolution No. 37-2014, until the length of terms could be revisited.

Mrs. Anderson made a motion, seconded by Mr. Tanner, to postpone adopting Resolution No. 37-2014 and Approve the Parks and Trails Board Appointments of Dan Baasen, Holly Evans, Jim McWethy, Tyler Purdy, and Sarah Showalter, and sort out the details of the terms later. The motion carried 4/0.

AGENDA ITEM 6. City Manager's Report and Discussion Items.

a. Update on Tree Lighting

Ms. Nelson reported that the Tree Lighting event had been successful and thanked all of the sponsors including Anchor Bank, Park Nicollet, Schuler Shoes, C.E.L., the City of Wayzata, the Wayzata Chamber of Commerce, and the Wayzata Fire Department.

b. Update on Bushaway

Mr. Kelly reported that the Metropolitan Council force main was still being installed on Eastman Lane. Eastman Lane would be closed beginning December 3, 2014. The water main had been installed for the entire length of the project, but was not completed. McGinty Road had been paved and during the week of December 8, 2014, the Causeway would be closed.

The Council asked if cars would be able to drive on Eastman Lane and McGinty Road during the down time in the winter. Mr. Kelly answered yes, that was the goal. The Council asked if residents were able to navigate the area. Mr. Kelly replied that residents were being well informed and traffic problems were improving.

c. Upcoming Dates

On December 16, 2014, there will be workshops at 5:30 p.m. prior to the City Council meeting.

On December 18, 2014, there will be an open house from 5:00 to 7:00 p.m. for Mr. Tanner and Mr. Amdal whose Council terms expire at the end of the year.

The Council asked how announcement had been made. Ms. Nelson replied that it would be in the *Portal* and invitations had been mailed to the City's mailing list.

AGENDA ITEM 7. Public Forum Continued (if necessary).

There were no comments.

AGENDA ITEM 8. Adjournment.

Mr. Tanner made a motion, seconded by Mrs. Anderson to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 10:13 p.m.

Respectfully submitted,

Becky Malone

Becky Malone
Deputy City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.