WAYZATA CITY COUNCIL
MEETING MINUTES
December 16, 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, Mullin and Tanner. Also present: City Manager Nelson, City Planner Gadow, City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 2. Approve Agenda.
Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).
a. Recognition of Holiday Lighting and Decorating Contest Winners
Becky Pierson, Wayzata Chamber of Commerce, reported on the 2014 Holiday Window Contest. Ms. Pierson thanked all of the businesses who participated and especially thanked the sponsors that included Anchor Bank, CCL, Schuler Shoes, the City of Wayzata, and the Wayzata Chamber of Commerce. She announced the winner for each category including: CoV for Most original, Wayzata Bar and Grill for Best Theme, Lindblom Jewelers for Best Arrangement, and Grace Hill Design for Best Overall Presentation.

b. Recognition of Outgoing Council Members Amdal and Tanner
Mayor Willcox announced an open house in honor of departing Wayzata City Council Members Jack Amdal and Tom Tanner on December 18, 2014, at 5:00 p.m. Mayor Willcox read a proclamation recognizing Tom Tanner for his dedicated service to the City of Wayzata. Mayor Willcox also read a proclamation recognizing Jack Amdal for his dedicated service to the City of Wayzata. Mayor Willcox, Mr. Mullin, and Mrs. Anderson each shared personal experiences and thanked Mr. Amdal and Mr. Tanner for their years of service.

c. Safety Grate at Telecom Site
Steve Carlson, T-Mobile representative, stated that T-Mobile needed to replace some antennas on the water tower, but had an issue with the safety grate on top of the equipment on the ground. T-Mobile had been asked to remove the grate, but shared that the grate was needed for safety from ice and other falling debris. Mr. Carlson shared that three different options had been offered for screening and requested further consideration to keep the grate.

d. Telecom Site
Cathy Carlson, 226 Minnetonka Avenue North, shared that an article had been published in the *Star Tribune* on December 4, 2014, about the cellular compound. The article mentioned that the Federal Communications Commission laws require adequate not maximum coverage. Ms. Carlson requested the Council consider other options to relocate the cell compound.

AGENDA ITEM 4. Consent Agenda.
Mr. Amdal made a motion, seconded by Mrs. Anderson, to approve the consent agenda:
a. Approval of Workshop Minutes of December 2, 2014 and Minutes of November 18, 2014 and December 2, 2014
b. Approval of Check Register
c. Consider Second Reading of Ordinance No. 749 – 165 and 213 Central Avenue North and 1015 Cross Street Subdivision
d. Approval of Municipal Licenses

e. Municipal licenses which received administrative approval (informational only)
f. Approval of Memorandum of Understanding for the Law Enforcement Labor Services 2015 Union Contract for 2015 Health Insurance Contribution
g. Approval of the Fire Services Contract with the City of Woodland and with the City of Orono for 2015
h. Approval of the 2015 Lease Agreement with the Wayzata Chamber of Commerce for the Wayzata Depot at 402 Lake Street East
i. Police Activity Report
j. Building Activity Report
k. Consider Resolution No. 40-2014 Granting Cable Franchise Extension through April 30, 2015

The motion carried 5/0.

AGENDA ITEM 5. New Business.

a. Consider Approval of 324 Bushaway Road Review of House Design

Mr. Gadow reported that on March 6, 2012, the City Council voted to approve a five-lot subdivision at 310 and 324 Bushaway Road. One of the conditions was that the applicant should submit building plans for review and approval. A new owner was purchasing Lot 1 and had a different building design than was previously proposed. Mr. Gadow presented the proposed plan and drawings.

The Council asked if this home would look similar to the other homes in the subdivision. Mr. Gadow responded that it was similar in height, but would not look the same.

Bob Carlson, 201 Lake Street Unit 100, presented materials to be used on the new home.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the proposed Lot 1 building plans for 324 Bushaway Road. The motion carried 5/0.

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

Mr. Gadow shared that at the December 2, 2014, City Council meeting, the Council reviewed a development application from White Birch Properties and Development Group for a three-lot subdivision at 151 Westwood Lane. The Council was split on adopting the draft Resolution for approval and directed staff to prepare an alternative draft denial resolution for consideration, along with the original draft approval resolution, for consideration when all five Council Members were present. Mr. Gadow presented the drawings of the subdivision.

The Council suggested that the proposed screening for Lot 3 be subject to staff review and approval and asked if the owner was willing to place a conservation easement for the existing trees on the west side of the property.

Scott Roe, White Birch Properties, stated that he was willing to plant mature trees with staff review and approval and to place a conservation easement on the referenced trees.

The Council discussed the application and each shared an opinion for or against. Mr. Amdal stated that the Council had approved divisions like this one before and that he supported the approval resolution with the additional conditions for landscaping on Lot 3 subject to staff review and approval and a conservation easement on the existing trees on the west side of the property. Mrs. Anderson shared that she had reviewed the Comprehensive Plan numerous times and could not conclude that this application did not meet zoning guidelines. She supported the approval resolution, but suggested reviewing the codes and using stronger language to protect the character of the neighborhoods.

Mr. Tanner made a motion, seconded by Mr. Mullin, to Adopt Resolution No. 39-2014, Denying an Application for Concurrent Preliminary and Final Plat Subdivision at 151 Westwood Lane, as modified to add "Potential for adverse economic impact" to Section 3. Findings. The motion carried 3/2 (Amdal, Anderson).

Mrs. Anderson asked the Council if it was willing to review the codes to possibly change some of the language to protect the character of the neighborhoods. The Council agreed.

c. Consider Resolution No. 42-2014 – 253 and 259 Lake Street East Variance and Planned Unit Development

Mr. Gadow stated that Continental Property Group had submitted an application for approval of a Planned Unit Development – Concept Plan and a Variance from the 35 foot height requirement to redevelop 253 and 259 Lake Street East into a 61-foot mixed use building, incorporating 148 luxury rental housing units, 6,281 square feet of retail, and more than 300 parking spaces. The Planning Commission recommended denial of the application on December 15, 2014, on a vote of seven to zero. Mr. Gadow reviewed the plans, showed drawings of the floor plans, and sketches of the building.

Michael Mergens, EntrePartner Law Firm, reported that Continental Property Group just wanted to find a plan that it could build. If the Concept Plan was approved, a General Development Plan would then be completed based on the Council's and staff's recommendations. Mr. Mergens shared some of the difficulties with the property such as poor soil, wetlands, and the water table. He noted that there were physical and legal limits that would not allow a three-story building and this was why he believed a variance was warranted. The essential character of downtown was not one of small buildings and single-family homes. In addition, an independent market study showed that the best use was apartments because of a large under supply of apartments in Wayzata.

Michael Krych, BKV Group, discussed the affected views of neighboring properties.

Mr. Mergens discussed traffic concerns. The Council asked what type of retail was planned. Mr. Mergens responded that the retail would be service oriented. Mr. Mergens noted that the main issue was the height and stated that the variance was correct and consistent with the Zoning Ordinance and Comprehensive Plan.

William Skolnick, Skolnick and Shiff, stated that the Minnesota Supreme Court said the highest and best use for the property was redevelopment. Mr. Skolnick shared the City's tax assessor's values for the property from the last two years and suggested that the City cannot tax the property as if it was ready for development, and then not allow the builders to build on it. Mr. Skolnick added that the City would be liable to purchase the property if it did not approve the application.

The Council asked questions concerning how traffic would enter and exit and about a previous plan for redevelopment on the property. Brad Hoyt, owner Continental Property Group, responded relating to the previous plan stating that it was approved with conditions and that the conditions made the project unviable.

The Council discussed the application and agreed that the requested variance for height massively exceeded the Zoning Ordinance and was not allowable. The Council expressed a desire for redevelopment of this property and suggested decreasing the height and adding a public parking element.

Mr. Tanner made a motion, seconded by Mayor Willcox, to Adopt Resolution No. 42-2014, Denying an Application for Planned Unit Development Concept Plan and Height Variance at 253 and 259 Lake Street East. The motion carried 5/0.

d. Consider Approval of Compensation and Classification Plan

Ms. Nelson reported that the City of Wayzata retained Springsted Incorporated to conduct a Classification and Compensation Study in the spring of 2014. The Study included a review of the internal relationships of City positions, a thorough market analysis of equivalent positions in comparable organizations, and a review of the City's current compensation plan to ensure internal equity and market competitiveness. The proposed Compensation Plan was designed to be competitive with the external market and internally consistent and equitable.

The Council noted that it had reviewed the Plan thoroughly at a workshop prior to the meeting and found it to be a big improvement.

Mrs. Anderson made a motion, seconded by Mr. Amdal, to approve the Compensation and Classification Plan. The motion carried 5/0.

e. Consider Award of Bid for Peavey Bridge

Mr. Kelly shared the summary of the bids received by Hennepin County for the rebid of the Peavey Bridge Replacement project. The recommended low bidder was Lunda Construction Company at $1,183,111. The project involved the reconstruction of the bridge over the Peavey Channel, on Ferndale Road West. The project was proposed to start the first week of July 2015 to be completed on October 24, 2015. The local cost to the City was $157,675.50 plus construction inspection/administration cost of $65,000. The General Fund CIP had $269,200 budgeted for the project.

The Council asked if the City had worked with Lunda Construction previously. Mr. Kelly replied that Lunda Construction was currently working on the 101 project and would be constructing the bridge over the railroad.

Mr. Tanner made a motion, seconded by Mr. Amdal, to award the bid to the recommended low bidder, Lunda Construction Company at $1,183,111. The motion carried 5/0.

f. Consider Resolution No. 41-2014 Allowing Appointment of Executive Board Chair on Parks and Trails Board

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

Ms. Nelson shared that the City Council had previously appointed new members and reappointed returning members of the Parks and Trails Board. The Chair, Dan Baasen, had requested a one-year term and the Council decided to allow the one-year term and appoint a total of eight members for continuity of leadership.

Dan Baasen, Chair of Parks and Trails Board, shared that he had requested a one-year term with the option to renew. He explained the Board had some growing pains, but was working really well now. Mr. Baasen thought that increasing the members from five to eight would create difficulties.

Ms. Nelson explained that all but one of the recently appointed members would serve a full three-year term. One member would serve the remainder of a term set to expire on December 31, 2016. The Council cast a closed ballot vote. Ms. Nelson announced that Tyler Purdy had received a majority vote to serve the remainder of the term set to expire on December 31, 2016.

Mrs. Anderson made a motion, seconded by Mr. Amdal, to Adopt Resolution No. 37-2014, Approving Parks and Trails Board Appointments.

Mr. Amdal made a motion, seconded by Mrs. Anderson, to Adopt Resolution No. 41-2014, Amending Resolution No. 34-2012 and Resolution No. 42-2013 to Allow the Wayzata City Council to Appoint an Additional Member to Serve on the Parks and Trails Board as the Executive Board Chair for the City of Wayzata. The motion carried 5/0.

<u>AGENDA ITEM 6. City Manager's Report and Discussion Items.</u>

a. Discuss City Council Membership on Charter Commission

Ms. Nelson shared that Steven Tyacke, the newly elected Council Member, had resigned his position on the Planning Commission, but was interested in remaining on the Charter Commission. Ms. Nelson explained that the Charter Commissioners were appointed by a judge and not by the Council and there were not any conflicting interest. She asked the Council for its feedback on a Council Member remaining on the Charter Commission

The Council expressed some concern over serving in both roles as well as concern over the comfort of the other members of the Charter Commission.

Mr. Mullin made a motion, seconded by Mr. Amdal, to table the consideration and add this topic to the January 6, 2015 City Council meeting when the Council would be discussing participation as liaisons on other Boards and Commissions. The motion carried 5/0.

b. Discuss Heritage Preservation Board 2015 Budget Request

Ms. Nelson shared that the Council had previously considered a request from the Heritage Preservation Board for an additional $2,000 to its budget and asked for more information on what the money would be used for. Ms. Nelson shared a letter from the Board detailing the expenses for which the funds would be used.

The Council discussed the request and asked staff to clarify with Presbyterian Homes whether they were finished with their work on the log cabin.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to approve an additional $1,000 to the Heritage Preservation Board's budget for a total of $3,500. The motion carried 3/2 (Tanner, Willcox)

c. Bushaway Road

Ms. Nelson reported that the first business listening session would be held on Thursday, December 18, 2014, at 8:00 a.m. at Lunds and Byerlys Kitchen. The meetings would continue to be held the third Thursday of each month.

Ms. Nelson shared a media kit for the business community to use during the Bushaway Road reconstruction and asked if the Council was interested in partnering with the Wayzata Chamber of Commerce and local businesses to advertise during the reconstruction.

The Council suggested the possibility of donating $1,000 as the Municipal Liquor Store and asking for a five times match from other Chamber members.

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

There were no comments.

AGENDA ITEM 8. Adjournment.

Mr. Tanner made a motion, seconded by Mr. Amdal to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Becky Malone

Becky Malone
Deputy City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.