WAYZATA CITY COUNCIL
MEETING MINUTES
January 7, 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, Police Chief Risvold, and City Attorney Schelzel.

Mr. Willcox announced the Council met in closed session prior to tonight's meeting to discuss the City's labor negotiation strategy pursuant to Minnesota Statute Section 13D.03.

AGENDA ITEM 2. Approve Agenda.
Mr. Tanner made a motion, seconded by Mr. Amdal, to table consideration of Agenda Item 5.d., Consider Approval of Development Agreement Amendment at 700 Lake Street, to the January 21, 2013 meeting. The motion carried 5/0.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the agenda, as revised. The motion carried 5/0.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).
a. Update Regarding Lake Minnetonka Conservation District
Dan Baasen, Wayzata's representative on the Lake Minnetonka Conservation District (LMCD), provided updates relating to activities of the LMCD including the relocation of the LMCD office from Shorewood to Mound to attain a significant cost savings; its Strategic Vision for Lake Minnetonka; 2013 Boater Safety Education Pilot Program goals, level of participation, and launch of the 2014 Program; LMCD's perspective of the Wayzata Lake Effect Project; Invasive Species Eradication Programs; and, Save the Lake proposals. Mr. Baasen advised of the opportunity to purchase a picture of Wayzata Bay.

Greg Nybeck, LMCD Executive Director, described the use of Zequanox in open water and indicated he will provide staff with additional information.

The Council thanked Mr. Baasen for his presentation and service to Wayzata.

b. Presentation by Chace Anderson and Jim Westrum, Wayzata Public Schools, School Funding Question on 02-25-14 Ballot
Chace Anderson, Wayzata Public School Superintendent, showed a video presentation that provided an overview of their building and technology needs, and expressed the District's appreciation to the City for its partnership. The two bond questions that will be on the February 25, 2014, ballot were presented. Mr. Anderson described the phenomenal growth that is anticipated within the District and need for $109.6 million in bonding to accommodate that growth. In addition, the second question, if approved, would raise $2.7 million annually for a ten-year period to address technology. It was noted that if the first ballot question is approved, it would result in a tax increase of $123 annually ($10/month) for a home valued at $334,000. Approval of the second ballot question would result in no tax increase as it is an existing levy.

At the request of the Council, Jim Westrum, Wayzata Public School Executive Director of Finance and Business, provided commentary on the District's land acquisitions and sale. He explained the original land was located in the northeast portion of the District but they were required to swap the land with land that was adjacent to the High School. The Council asked Mr. Westrum to provide the City with K-12 school enrollment for Wayzata proper, both historical and projected.

Mr. Anderson advised that the District has been mostly closed to open enrollment and the projections are based on resident growth. He advised that this District is one of the few experiencing this level of growth, which they view to be a positive response to what is offered by the District and communities.

The Council thanked Messrs. Anderson and Westrum for their work to assure good stewardship and fiscal responsibility.

<u>AGENDA ITEM 4. Consent Agenda.</u>

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

a. Approval of Workshop Minutes of December 17, 2013 and Minutes of December 17, 2013
b. Approval of Check Register
c. Consider Resolution No. 02-2014 Approving Appointment of Fire Department Officers for 2014
d. Municipal licenses which received administrative approval (informational only)
e. Consider Resolution No. 04-2014 Approving Communications Board Appointment
f. Consider Approval of Yard Waste Site Agreement with Plymouth

The motion carried 5/0.

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

a. Consider Resolution No. 04-2014 Bushaway Road Final Plan Approval

Mr. Kelly reviewed past consideration of the Bushaway Road project and agreement reached on some of the elective items: 1. Use of natural stone on the street face of all retaining walls; 2. Inclusion of ornamental railing on Wall G adjacent to Locust Hills; and, 3. Construction of "Moderne"-style bridge. Mr. Kelly reviewed a list of outstanding issues.

Nick Peterson, Hennepin County Transportation Department and project manager for the Bushaway Road project, addressed outstanding issues. He presented the January 2, 2014 recommendation of the Landscape Committee as follows: 1. Wall I should be left in but modification of the wall steps should be considered; 2. The cable guard rail presented for the west side of the causeway is accepted; 3. The cable railing on the east side of the causeway, adjacent to the trail, is accepted; and, 4. A "shoebox" light fixture should be used for the intersection with all posts and mast arms painted black.

Mr. Kelly stated staff has held discussions with Locust Hills representatives who are requesting additional landscaping enhancements, which would require a future agreement.

The Council asked about potential project impacts as a result of State Aid agreeing to a reduction of guardrail heights, specifically relating to Wall G adjacent to Locust Hills that can now be a 48-inch wall. Mr. Peterson explained that the ability to shrink sizes will be reflected in the project plans and the City Engineer will have the opportunity for review prior to signing the title sheet. On the railing design, they will try to implement something that is complementary to the bridge aesthetic.

The Council discussed the desired "Moderne"-style bridge elements and asked whether the reduced height will result in loss of bridge detail. Mr. Kelly stated the issue is whether to take advantage of the six-inch height reduction and he did not think there would be a loss of design elements if the height of wing walls is reduced from 54-inch to 48-inch. Mr. Peterson explained that retaining walls are easier to modify vertically but the bridge is more complex and that design needs to be set. He stated the Committee is willing to defer the railing aesthetic decision to Mr. Amdal. Mr. Kelly displayed and described the three railing design images, noting the cable would meet Building Code standards yet allow for visibility. He found the 8-inch or 12-inch design to be similar to the existing ornamental fencing.

Mr. Peterson stated the County will make the decision on bridge height. Greg Brown, Engineer of Record for construction documents with URS, stated from a structural perspective it is good to go to a 48-inch height and while the "Moderne"-style still works, it is heavier than the shorter parapet style. He assured the Council it will still be of a pleasing design and allow more view. With Wall G, it appears discussions support lower elements so he would tend to suggest a 48-inch height. Mr. Kelly stated these details will be resolved in the Construction Cooperative Agreement.

The Council discussed its preference for the resolution to also address undergrounding of utility lines and enhanced landscaping throughout the project corridor within Wayzata. Mr. Kelly explained that both will be a separate City projects so they do not need to be designed within the Hennepin County plans. It was explained that the draft resolution addressed terms between the City of Wayzata and Hennepin County only on the scope of the County's project so the undergrounding of utility lines and enhanced landscaping projects should be addressed within separate documentation.

Ms. Nelson suggested adding WHEREAS statements stating the City is committed to further enhancing the landscaping elements within Wayzata's corridor of the project by working with Hennepin County to leverage public and private resources. This language could also address the undergrounding of utilities within the corridor. The Council agreed with this suggestion.

With regard to precondition surveys and existing elements such as the entrance monuments, Mr. Kelly noted the prior resolution contained conditions for final approval and Hennepin County has agreed to include those elements within the project plans, including precondition surveys. That prior resolution will be attached as an Exhibit. The Council expressed concern that over time, such an exhibit may be lost. To address that concern, Mr. Kelly suggested including prior resolution conditions as an additional WHEREAS. The Council supported that suggestion.

James Wisker, Minnehaha Creek Watershed District (MCWD) Director of Planning and Projects, provided their assessment of the stormwater management and causeway shoreline design. He stated the MCWD has reviewed the entire project corridor, location of stormwater basins, landscaping, and stormwater management. The MCWD developed modeling, and found the MCWD requirement of no net increase of pollutant loading, post project, will be met. In fact, there will actually be a small reduction post project. With regard to the causeway shoreline, the MCWD Board of Managers passed a resolution directing staff to work with Hennepin County and Wayzata to explore a collaborate solution to the proposed seawall through the causeway. They support a vegetated reinforced soil slope, and will work through a design. Mr. Wisker stated the permit application from Hennepin County to the MCWD will be considered at its January 23, 2014 meeting and a condition will be for Hennepin County to enter into a cooperative agreement with the MCWD to collaboratively construct a seawall design that is negotiated. He reviewed the permit application process, noting it will include a public hearing.

Mr. Amdal made a motion, seconded by Mrs. Anderson, to Adopt Resolution No. 04-2014 Bushaway Road Final Plan Approval, as revised to add three WHEREAS paragraphs to address undergrounding of utilities; construction of enhanced landscaping and to seek public/private funding; and, listing the conditions as contained in the 2012 Resolution; and revise language to reflect the landscape plan dated <u>January 6, 2014</u> (rather than the landscape plan dated December 31, 2013), subject to review by the City Attorney.

Mr. Amdal commented on his work with this project for more than five years and thanked Wayzata residents and Hennepin County staff for working through that long process. He felt this project would result in something different and historic within Wayzata of which all will appreciate and be proud.

The motion carried 5/0.

Mr. Willcox added the Council's appreciation and thanks to all who worked on the development of the Bushaway Road project. Mr. Kelly thanked Mr. Amdal and former Councilmember Bangert for their participation.

b. Review Wayzata Yacht Club Request to LMCD for Island Dock Modifications

Mr. Gadow presented the request of the Wayzata Yacht Club (WYC) that will be considered by the LMCD to modify the length of boat slip docks 1 through 10 on the eastern end of the island (Site 3) from 24 feet to 28 feet to match the existing dolphin poles located in the water adjacent to each dock. It was noted the number of existing Boat Storage Units (BSUs) on the eastern end of the island will remain unchanged at ten. If approved by the LMCD, the WYC would reconfigure and reconstruct the permanent docks on the east side of the island. It was noted that these docks are all used for sailboats owned by Club members.

Jonathan McDonagh, WYC Rear Commodore, stated the project would replace old dock structure (J24 dock) and run dock 'fingers' to the dolphin poles. He explained this project was not presented with the Master Plan because they did not understand, at that point, that dock structures are built differently and that the dolphin pole provides support for the end of the dock structure. He explained that dolphin poles are used to tie up the boats so they do not hit the dock.

The Council discussed the project and expressed concern that the size of boat slips will be extended to accommodate larger-sized boats.

Greg Nybeck, LMCD Executive Director, reviewed the establishment of dolphin poles and clarified that the length of BSUs does not go to the end of the dock/slips, but to the dolphin poles that will remain. He explained the LMCD qualifies this project as a minor change so it could be approved by the administration; however, the LMCD wanted to first obtain the Council's comments to assure there is no concern.

The Council emphasized that the City's concern relates to parking and it does not want this dock change to result in larger and more boats and additional parking problems.

Mr. McDonagh assured the Council that it will not and explained there will be similar dock replacements in the future that will be brought before the Council prior to LMCD consideration. He stated the Sailing Center has been raising funds to pay off their debt on the property and will begin raising funds for a new building and parking lot improvements. Mr. McDonagh reported on upcoming projects, maintaining the same number of motor boats, and sailing activity. With regard to landscaping the boat storage area, he reported it has been completed by the Sailing Center and approved by staff.

Consensus of the Council was reached to direct staff to prepare a letter to the LMCD relating to this project and indicating the dock extensions must not result in accommodating larger boats.

c. Consider First Reading of Ordinance No. 742 Amending Chapters 502-505 of the City Code (Intoxicating Liquor, Wine, 3.2% Malt Liquor, Private Club Liquor)

Ms. Nelson stated the amendments bring the ordinance into current practice with the liquor industry and compliance with State statute.

Attorney Schelzel provided a review of the proposed ordinance amendments and indicated the changes fall into the areas of clean-ups to provide readability, consolidation of redundant language, updating provisions for modern business practices, and to assure chapters are consistent with current State law. He recommended deletion of typo language within Section 505.05 referencing on-sale wine licenses.

Police Chief Risvold stated this ordinance was reviewed because during compliance checks, it was found that beer and wine was being sold, and identification checked, by under-aged employees. He explained that the employee needs to be 18 years of age to sell, check identification, and serve intoxicating liquor.

Attorney Schelzel and Ms. Nelson provided a summary and rationale of recommended amendments. It was indicated that this ordinance would not address brewpubs but that regulation could be added in the future should it be supported by the Council. Attorney Schelzel advised that of the City's seven on-sale intoxicating licenses (not including restaurants), five have been issued plus the Muni. This leaves two available such licenses. With regard to the limited number of caterers offering liquor, it was explained it is State regulated, a temporary permit is issued for a specific event, and the City is notified.

The Council reviewed the draft language and asked questions of Attorney Schelzel.

Mr. Amdal made a motion, seconded by Mr. Tanner, to approve First Reading of Ordinance No. 742 Amending Chapters 502-505 of the City Code (Intoxicating Liquor, Wine, 3.2% Malt Liquor, Private Club Liquor), with correction to Section 505.05. The motion carried 5/0.

d. Consider Approval of Development Agreement Amendment at 700 Lake Street

This item was removed from the agenda upon adoption.

e. Consider Second Reading of Ordinance No. 742 for Street Vacation of Certain Portions of Former Superior Boulevard

Mr. Amdal recused himself from consideration of this agenda item.

It was noted that Ordinance No. 742 received First Reading on December 17, 2013.

Mr. Tanner made a motion, seconded by Mr. Mullin, to Adopt the Second Reading of Ordinance No. 742 Vacating Certain Portions of Superior Boulevard. The motion carried 4/0. Mr. Amdal did not vote on this motion.

f. Consider Resolution No. 01-2014 Designating Appointments and Assignments for 2014

The Council discussed the appointments. Ms. Nelson advised that the new Long Lake Administrator Scott Weske started yesterday and she will address the Long Lake/ Wayzata Shared Services Study Group with him.

Mr. Tanner made a motion, seconded by Mr. Mullin, to Adopt Resolution No. 01-2014 Designating Appointments and Assignments for 2014. The motion carried 5/0.

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

Ms. Nelson reported on upcoming activity and meetings.

Mr. Gadow provided an update on the Lake Effect, recapped activity of the past few weeks to present Scenario D before the City’s Boards/Commissions and jurisdictional agencies, and stated those meeting minutes will be provided to the Council and Steering Committee.

Mr. Gadow reviewed the Lake Effect meeting schedule and expectation that the Draft Framework would be reviewed by the Steering Committee and Advisory Committee and additional public comment obtained prior to Council consideration on February 18 and March 4, 2014.

a. Update on Grant Opportunity

Mr. Gadow advised of an opportunity for a Transportation Alternatives Program Solicitation grant, a federal pass through, with funds available in 2017. The Three Rivers Park District is working as a conduit to prepare a bundled grant application with municipalities within their jurisdiction for pedestrian/bicycle connections. Mr. Gadow stated locally, it would include a cycle track component of the Lakefront Plan to connect the Dakota Trail to Bushaway Road and wayfinding signage and pavement marking on Ferndale Road to connect the Dakota Trail to the Luce Line Trail. He indicated a 20% match ($13,000 to $50,000 depending on design elements) is required in 2017 if the City is successful in obtaining a TAPs grant.

The Council noted this grant could also be used for elements (landscaping, preservation of historical elements, trails, scenic beautification, and scenic designated byways) of the Bushaway Road project. Mr. Gadow stated the Three Rivers Park District application is more focused on transportation connections; however, the City could make a separate application for the Bushaway Road project.

The Council discussed whether to have the City's name on two grant applications under the same Program. It was noted that in one application, Wayzata would be a component of a larger (Three Rivers Park District) application. The Council supported participating in both grant applications as the Bushaway Road project is short by more than $100,000 for elective elements.

Mr. Gadow stated staff is also preparing a DNR grant with Great River Greening for $20,000 that, if granted, would be used for native plantings/restoration near the Section Foreman's House. That grant requires a 5% match that could be met with in-kind services. Mr. Gadow advised of involvement by St. Paul Riverfront in grant preparation.

Nuisance Lot

The Council discussed a vacant lot in the Huntington area that contained weeds and construction debris and desire of the property owner to preserve the footprint of the home since it involved a variance. Mr. Gadow explained that this property owner pulled a building permit and staff is working with the property owner on maintenance of the vacant lot.

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 9:24 p.m.

Respectfully submitted,

Becky Malone
Deputy City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.