WAYZATA CITY COUNCIL
MEETING MINUTES
October 15, 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. Also present: City Manager Dahl, Public Works Director/City Engineer Kelly, Community Development Director Goellner, and Acting City Attorney Pratt.

AGENDA ITEM 4. Approve Agenda.

Mrs. McCarthy made a motion, seconded by Mr. Plechash, to approve the agenda, as presented. The motion carried 4/0.

AGENDA ITEM 5. Public Forum.

a. Introduction of New Firefighters Steynar Anderson, Hunter Brennan, and Neil Karg

Fire Chief Klapprich introduced new firefighters Steynar Anderson, Hunter Brennan, and Neil Karg. September had been a very busy month and the rookies had done very well.

Mayor Willcox asked each firefighter to tell a little about themselves. Steynar Anderson said he was in school. His father was on the Wayzata Fire Department and told him about the open positions. Hunter Brennan graduated from school in St. Cloud and returned to join the Fire Department. Neil Karg's father was a firefighter and he was following his footsteps.

Chief Klapprich said the new firefighters brought the department's numbers to twenty-seven, but the department was still aiming for thirty. Mrs. McCarthy suggested having an open house for interested candidates.

Mayor Willcox congratulated and welcomed the new firefighters.

AGENDA ITEM 6. New Agenda Items.

Mayor Willcox noted Item 9.a. required a four-fifths vote. He thought it should only require a majority vote and suggested the Charter Commission should look into it. Mr. Dahl noted that it was an error and said staff would double-check.

AGENDA ITEM 7. Consent Agenda.

Mr. Plechash, referencing Item 7.d., noted the many outstanding warrant requests and asked if there was a new effort. Mr. Dahl was unsure and said he would gather the information from Police Chief Risvold.

Mr. Plechash, referencing Item 7.g., asked how the report was generated, how it was produced, and if the City monitored. Mr. Dahl said the City produced the report, the comments come through email, and it was monitored. Mr. Plechash asked if the 24 hours to resolve an outage was based on a single home or system wide. Mr. Dahl said his understanding was system wide. Mrs. McCarthy mentioned the franchise agreement was for cable and suggested parsing out the internet. She also wanted Mediacom to be present at the meetings to answer questions concerning the report. Mr. Dahl said staff was pursuing three items concerning Mediacom. One was to hold an open house. Another was to create a Frequently Asked Questions concerning Mediacom, which had been completed and added to the City's website. Last, was to have Mediacom attend a Council meeting. Mediacom asked to attend a meeting with staff instead and one was scheduled. Mr. Dahl asked the Council to attend.

The Council further discussed the Mediacom Quarterly Customer Service Report and considered whether to accept receipt of the report. Mr. Pratt said it was not an issue to accept the report as the Council's discussion would be reflected in the minutes. He said the Council could choose to not accept the report as well. The Council agreed to pull Item 7.g. from the Consent Agenda and vote on the item later in the meeting.

Mrs. McCarthy, referencing Item 7.f., noted there was only one submission and asked if staff was comfortable with the firm. Mr. Dahl said the firm was very reputable and confirmed that staff was comfortable moving forward.

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

a. Approval of City Council Workshop and Regular Meeting Minutes of October 1, 2019
b. Approval of Check Register
c. Approval of Municipal Licenses
d. Receipt of Police Activity Report
e. Receipt of Building Activity Report
f. Consider Selection of a Construction Management Firm for City Hall Remodel Project
~~g. Receipt of Mediacom Quarterly Customer Service Report~~
h. Approval of Resolution 43-2019 Designating a Precinct and Polling Place for 2020
i. Adoption of First Reading of Stormwater Ordinance 792 related to the City's 2019 Update of the Local Surface Water Management Plan

The motion carried 4/0.

AGENDA ITEM 8. Public Hearing

a. Consider Approval of Resolution 44-2019 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges

Mr. Dahl discussed the history and explained the process. He noted the only difference this year was the increase of fees which reflect the burden of the process on staff. A service fee of fifty dollars would be applied to each account and would bear an interest rate of six and one-half percent. The properties still had two weeks to pay.

Mr. Plechash asked what, if anything, the properties had in common. Mr. Dahl said a large portion were rental properties. The rest were snowbirds or new construction.

Mrs. McCarthy said she had received a lot of complaints for the code violation at a specific property on the list and asked about the next steps. Mr. Dahl said the City could do the work to correct the violation and bill the property. The other option was to pester the property owner until he/she complies. He noted the property had a new owner who had met with the building official and established a plan.

Mayor Willcox opened the public hearing at 7:37 p.m. No one spoke. There being no further input, Mayor Willcox closed the public hearing at 7:38 p.m.

Mrs. McCarthy made a motion, seconded by Mr. Koch, to Adopt Resolution No. 44-2019, Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges. The motion carried 4/0.

AGENDA ITEM 9. New Business.

a. Consider Adoption of First Reading of Ordinance 791 Amending City Code Section 311 and Amendment to the City Policy pertaining to Boat Slips

Mr. Kelly presented a summary of the changes including dates, permitted watercraft, slip use, consistency, and general understanding.

Mrs. McCarthy asked if any of the current owners would be adversely impacted. Mr. Kelly replied there were two boats that exceeded the length; however, those boats would be grandfathered in. Any new applications would have to meet the new criteria.

Mr. Plechash asked why two jet skis were not allowed in one slip. Mr. Kelly answered one boat per slip was a Lake Minnetonka Conservation District requirement.

Mr. Plechash made a motion, seconded by Mrs. McCarthy, to Approve the First Reading of Ordinance No. 791, Amending the Municipal Boat Slips Ordinance. The motion carried 4/0.

b. Consider Adoption of First Reading of Ordinance 793 Amending the Zoning Ordinance to Allow Animal Clinics in the C-2 District and Adoption of Resolution 46-2019 Approving a Conditional Use Permit for an Animal Clinic at 1125 Wayzata Boulevard East

Ms. Goellner presented the development application including zoning, 2030 Land Use Plan, Draft 2040 Land Use Plan, Colonial Square Shopping Center photos, Planning Commission review, Planning Commission findings for text amendment and Conditional Use Permit for Golden Vet Care, and Planning Commission recommendation.

Mr. Koch asked if staff had a sense of support from the other tenants. Ms. Goellner said one tenant was very excited and the other tenants had not come forward with complaints or concerns. The property manager had only positive feedback to report.

Mrs. McCarthy asked where the pet relief area would be. Ms. Goellner confirmed it would be in the back; however, the back would be used primarily for the clinic's use. There would be doggie bags at the front entrance for any accidents upon arrival. Mrs. McCarthy was also concerned about other patrons seeing animals eliminate when visiting the shopping center.

Mayor Willcox asked about approving the Conditional Use Permit when the Ordinance was only being considered as a First Reading. Ms. Goellner explained the Resolution would not be recorded until the Second Reading.

Mr. Plechash asked about noise. Carl Robertson, President Sjoquist Architects, Inc., said Sjoquist does a number of veterinary clinics. The walls would have insulation, sheetrock, green glue, a second layer of sheetrock, and top and bottom caulk.

Mr. Plechash made a motion, seconded by Mr. Koch, to Approve the First Reading of Ordinance No. 793, Amending Sections 902.2 and 976.05 of the Zoning Ordinance to Allow Animal Clinics in the C-2 District. The motion carried 4/0.

Mrs. McCarthy made a motion, seconded by Mr. Plechash, to Adopt Resolution No. 46-2019, Approving Conditional Use Permit for an Animal Clinic at 1125 Wayzata Blvd E. The motion carried 4/0.

c. Consider Adoption of Resolution 45-2019 Approving Variances for a New Single-Family Home at 639 Bushaway Road

Eric Zweber, WSB, presented the development application including property information; surrounding neighborhood; background; the first variance including shoreland setback, renderings, and Planning Commission findings; the second variance including Planning Commission findings; and the third variance including size of attached garage and Planning Commission findings; the Planning Commission review and recommendation; and the revised landscape plan.

Mrs. McCarthy asked if the subterranean garage was the same as an earth sheltered construction. Mr. Zweber responded no, but they were similar. An earth sheltered construction was typically occupied. Mrs. McCarthy asked if there needed to be additional language addressing the earth sheltered status. Mr. Pratt explained the subterranean garage was part of the impervious surface variance and earth sheltered construction would not apply. Mrs. McCarthy asked if the shared driveway was included in the impervious surface. Mr. Zweber confirmed, but explained the practical difficulties of the variance include the shared driveway.

Mr. Koch asked about the environmental impact of the impervious surface variance. He wondered if the impact was less due to the sloped lot. Mr. Zweber said his conclusion had merit. However, generally environmental factors applied more to the shoreland variance.

Mayor Willcox expressed concern over the multiple variances especially for new construction. He also expressed concern about the maintenance of the green roof and setting a precedent for impervious surface. He asked about the setback. Mr. Zweber replied the new home was requesting ninety-four feet, but the existing home was ninety-six feet.

Mr. Plechash said there were a lot of variances for one property, but he did not have a concern with any one variance. A percentage of the shared driveway should not count towards impervious surface. He was in favor.

Mr. Koch said he was not concerned over the setback variance because it was a peninsula. He was also okay with the garage. He was struggling with the impervious surface.

Mrs. McCarthy was not concerned with the shoreland setback and thought it was an improvement. She was interested in tackling the shared driveway issue.

Mayor Willcox was hung up on the impervious surface. He said if the garage was not maintained then it was no longer impervious surface and wondered if the City monitored it. Mr. Zweber said the City does not, but it was within the Council's authority to add a maintenance requirement. Mayor Willcox said the green roof needed to be operational and encouraged adding a requirement that it be maintained.

Mr. Plechash made a motion, seconded by Mrs. McCarthy, to Adopt Resolution No. 45-2019, Approving Variances for a New Residence at 639 Bushaway Road, amended to add a requirement that the green roof be maintained and operational. The motion carried 4/0.

d. Consider Selection of a Construction Management Firm for Phase 1 of the Lake Effect Project

Mr. Dahl presented the Lake Effect progress, background, recommendation, cost, and action steps.

Mr. Koch thanked everyone involved in the project. He was happy to see the three excellent firms that responded. He asked about the one firm that said the project could not be completed in one season. Mr. Dahl explained all three firms felt comfortable with the timeline once they understood that some items such as plantings could hang over. Mr. Kelly added the goal was to have Downtown functional in order to host James J. Hill Days.

Mrs. McCarthy said, having been part of the interview process, she felt really good about Stahl Construction. Mr. Koch asked if there were any potential conflicts when going out for bid because Stahl was also a general contractor. Mr. Dahl said he did not think so, but staff would ensure there were not any legal concerns.

Mayor Willcox said the construction management firm saved the City money through sourcing when Wayzata Wine & Spirits was constructed. Mr. Kelly said the same would be the case here. Stahl would be able to take advantage of their relationships and any materials the City could procure would also save costs.

Mr. Plechash asked if the construction percentage cost could be limited to a not to exceed number. Mr. Kelly confirmed and explained it would be negotiated as part of the overall contract.

Mrs. McCarthy made a motion, seconded by Mr. Plechash, to select Stahl Construction to provide construction management services for Phase 1 of the Lake Effect Project and authorize the City Manager and City Attorney to negotiate a draft contract for said services to be approved at a future City Council meeting. The motion carried 4/0.

AGENDA ITEM 7. Consent Agenda. (Continued)

g. Receipt of Mediacom Quarterly Service Report

Mayor Willcox was in favor of voting to reject receipt of the report as a way of sending a message.

Mr. Plechash asked if there were any ramifications if the Council rejected receipt of the report. Mr. Pratt answered that rejecting the report did not change any legal relationship with the vendor.

Mr. Koch thought the Council should send the message to Mediacom by rejecting receipt of the report even though it would not accomplish anything.

Mrs. McCarthy agreed. She wanted future reports to be given in person.

Mayor Willcox added the Council was rejecting the report because it did not adequately reflect customer service.

Mrs. McCarthy made a motion, seconded by Mr. Plechash, to reject receipt of the Mediacom Quarterly Customer Service Report and direct staff to meet with Mediacom. The motion carried 4/0.

AGENDA ITEM 10. City Manager's Report and Discussion Items.

a. Upcoming Events/Announcements

- Boo Blast & Boo Bash Dash on October 26th from 8:00 a.m. – 3:00 p.m.
- 2019 Wayzata School Board Election on November 5th

- Commission, Authority & Board Vacancies deadline on November 15th at 11:00 a.m.
- Bridge closing delay to Mid-November

b. Council Member Updates/Announcements

Mayor Willcox mentioned Wayzata's Annual Pull-it Day had been rained out.

AGENDA ITEM 11. Public Forum Continued (if necessary).

There were no comments.

AGENDA ITEM 12. Adjournment.

Mrs. McCarthy made a motion, seconded by Mr. Koch to adjourn. There being no further business, Mayor Willcox adjourned the meeting at 9:19 p.m.

Respectfully submitted,

Kathy A. Leervig

Kathy Leervig
City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.