WAYZATA CITY COUNCIL
MEETING MINUTES
November 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: Buchanan, Koch, McCarthy, and Plechash. Also present: City Manager Dahl, Public Works Director/City Engineer Kelly, Community Development Director Goellner, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.
Mr. Buchanan made a motion, seconded by Mr. Plechash, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. Update of Lake Effect Conservancy Efforts

Andrew Mullin, Lake Effect Conservancy Chair, talked about the goals of the Conservancy. He discussed the public private partnership and introduced Beth Pfeifer of Assembly MN LLC. Ms. Pfeifer explained that the company she was with considered themselves full-service real estate advisors. She talked about her experience and said she was excited about the project.

Mr. Mullin presented a project update, major milestones, advocacy, history and communication. He said the Conservancy was contracted with the firm Latitude.

Mr. Dahl gave an update on construction.

Mayor Willcox explained the Conservancy was an organization the Council set up to manage the entire project and orchestrate fundraising. There was a road bump when the project went to bid. He asked if there was an update. Mr. Dahl said staff was confident that it could get the price down significantly. Staff had a much smarter plan to deal with budgeting concerns. Mr. Mullin added that work continued on Phases Two and Three. Mayor Willcox asked, referring to Panoway, why it was important to move to more effective marketing. Mr. Mullin answered that people do not know what Lake Effect means. Shifting the name to Panoway helps define the “why” in driving the project that was the beautiful, picture window of the lake front.

Mr. Dahl thanked the Conservancy board and especially Mr. Mullin for dedicating so much time to the project. Mr. Mullin thanked the fourteen volunteer board members.

b. Pool Fence Code

Byron Hixon, 236 Central Avenue S, reminded the Council he had submitted a proposal regarding City code for fencing as it pertains to private pools. Mayor Willcox asked him to explain the proposal for the public who had not read it. Mr. Hixon explained that City code required all pools to be enclosed by a fence. Technology allowed a pool to be fully sealed by a cover. He thought that met the requirements of a fence and wanted the City code to be updated.

Mr. Dahl suggested a workshop to look at both sides if the Council was interested in considering the proposal.

Mr. Plechash wanted to move the proposal forward and commended the amount of research Mr. Hixon had done.

Mr. Buchanan also thought the proposal was worthy of a workshop.

Mrs. McCarthy asked if there were pros and cons for the Council to consider the proposal. Ms. Goellner mentioned that urban areas do generally require a fence; however, staff could look at what other cities were doing. Mr. Dahl recommended moving it to a workshop setting so all those questions could be looked into.

Mr. Koch agreed it was worth looking into.

AGENDA ITEM 6. New Agenda Items.

Mayor Willcox mentioned the No Turn on Red sign at the bridge was no longer there now that the bridge was reopened. Mr. Dahl explained there was a sign that was triggered in certain situations; however, staff was looking into what the triggers were and would be in touch with the Minnesota Department of Transportation.

AGENDA ITEM 7. Consent Agenda.

Mayor Willcox, referencing Item 7.g., asked if the Superintendent's pick-up truck listed under Reimbursables was normal. Mr. Dahl confirmed it was. Mayor Willcox asked if Stahl would give reports to the Council. Mr. Dahl explained that part of the Communications Plan included public meetings.

Mayor Willcox, referencing Item 7.h., noted that Reimbursable Expenses included an additional 4.95% of the expenses incurred. He asked why the City would pay a 4.95% mark up incentivizing RJM to increase its expenses. Mr. Dahl thought it was probably overhead cost, but said staff could double check. Mr. Schelzel was not sure exactly what the expense was, but said if the Council disagreed with the expense then the City could go back to negotiations. Mr. Kelly said the fees were similar to Stahl, but were in a different format. Mr. Schelzel added procedurally the Council could approve the item subject to staff working with RJM to lower or get rid of the fee if it was significant.

Mr. Buchanan made a motion, seconded by Mr. Plechash, to approve the consent agenda, amended to reflect Item 7.h. contingent upon staff reviewing the additional 4.95% fee as part of Reimbursable Expenses for best outcome.

a. Approval of City Council Workshop and Regular Meeting Minutes of November 6, 2019
b. Approval of Check Register
c. Approval of Municipal Licenses
d. Receipt of Police Activity Report
e. Receipt of Building Activity Report
f. Receipt of Third Quarter Financial Report
g. Approval of Agreement with Stahl Construction for a Construction Management Services for Lake Street and Lake Street Plaza Construction Project

h. Approval of Agreement with RJM Construction for a Construction Management Services for City Hall Remodel Project, contingent upon staff reviewing the additional 4.95% fee as part of Reimbursable Expenses for best outcome.

i. Approval of Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc. extending the agreement to December 31, 2020

j. Approval of Joint Powers Agreement with the City of Plymouth for the Mill and Overlay of Ferndale Road North

The motion carried 5/0.

AGENDA ITEM 8. Public Hearing.

a. Public Hearing to Consider Approval of On-Sale Wine and On-Sale 3.2% Malt Liquor Licenses for The Grocer's Table at 326 Broadway Avenue South

Mr. Dahl presented the request from The Grocer's Table for an On-Sale Wine and On-Sale 3.2% Malt Liquor License. He talked about what they would serve, where they would serve, operating hours, and the process to obtain a liquor license.

Mayor Willcox opened the public hearing at 7:47 p.m. No one spoke. There being no further input, Mayor Willcox closed the public hearing at 7:48 p.m.

Mr. Koch mentioned Utah had repealed its 3.2 beer law leaving Minnesota as the only state still operating under the 3.2 beer rule.

Mrs. McCarthy made a motion, seconded by Mr. Buchanan, to approve the On-Sale Wine and On-Sale 3.2% Malt Beverage Liquor Licenses for The Grocer's Table at 326 Broadway Ave S. The motion carried 5/0.

AGENDA ITEM 9. New Business.

a. Consider Approval of an Encroachment Permit on Public Right-of-Way for The Grocer's Table at 326 Broadway Avenue South

Mr. Kelly presented the request from The Grocer's Table for an Encroachment Permit on public right-of-way at 326 Broadway Avenue South. He talked about the application process and action steps.

Mrs. McCarthy mentioned the slope on Broadway was listed as a challenge. She asked how the restaurant directly across the street was different. Mr. Kelly explained the grade across the street was almost flat. Mrs. McCarthy asked if the patio furniture would be moved in the winter. Mr. Kelly answered the ends of the patio were enclosed with movable planters. The planters and furniture would be moved during the winter so that pedestrians could walk on either side of the permanent planters. Mrs. McCarthy asked how wheelchairs would enter since there were stairs. Mr. Kelly said he thought there was a north entrance, but would let the applicant answer to be sure.

Mr. Buchanan asked if the width of the sidewalk was standard for Broadway. Mr. Kelly said it was larger than average.

Mayor Willcox asked if approval would set a precedence. Mr. Schelzel explained every application for encroachment needed to be evaluated closely based on its location. He said there would not be a precedent because each location was evaluated individually.

Mr. Koch asked if the permit ran in perpetuity or could be changed. Mr. Kelly said the City did have the right to revoke the permit.

Mr. Plechash asked when the planters would be moved and why stairs were needed. Mr. Kelly answered seasonally and due to a two-foot grade difference between the patio and street.

b. Consider Approval of Outdoor Sidewalk Café Permit for The Grocer's Table at 326 Broadway Avenue South

Ms. Goellner presented the additional request from The Grocer's Table for an Outdoor Sidewalk Café Permit. She discussed the Café permit criteria.

Stacy Carisch, Carisch, Inc., talked about the challenges of staff parking and garbage in the area.

Lindsay Pohlad, Owner The Grocer's Table, said she had been working on this project for five years. It would be a café, market, and wine bar. She discussed the outdoor café and issues that had been raised. Mayor Willcox asked if she had identified where the employees would park. Ms. Pohlad said employees would park at the new parking ramp.

Mrs. McCarthy was concerned about clutter mentioning an ice cream cart, bench, and fixed concrete planters. Mr. Kelly explained the ice cream cart was movable and would be stored at night. The only permanent item was the planter curb. Ms. Pohlad said the ice cream cart was a separate application. It was not powered and would be stored at night during the summer season and permanently stored in her garage during the winter season. Ms. Goellner said the ice cream cart was part of the City Clerk's review process.

Mr. Koch made a motion, seconded by Mr. Buchanan, to approve an Encroachment Permit at 326 Broadway Avenue South, as amended to direct staff to draft a resolution approving the Encroachment Permit. The motion carried 5/0.

Mr. Buchanan made a motion, seconded by Mrs. McCarthy, to approve an Outdoor Sidewalk Café Permit for The Grocer's Table at 326 Broadway Avenue South. The motion carried 5/0.

c. Consider Approval of Contract with Wayzata Public Schools for Community Education Services Related to Recreational Programming

Mr. Kelly presented the contract with Wayzata Public Schools for Community Education Services related to recreational programming. He discussed the history, highlights of proposal, fees, and action steps.

Jenni Ebert, Director of Community Education for Wayzata Public Schools, keyed in on their ability to connect with Wayzata residents. She said they offered 800 classes, camps, and activities.

Mayor Willcox mentioned the low percentage of Wayzata residents participating. Dan Baasen, Chair Parks & Trails Board, said 65-80% were residents. He thought the contract and plan was creative and covered multiple generations.

Mr. Plechash said he really appreciated what the Parks & Trails Board did for the City. He asked where the equipment would be stored. Mr. Kelly answered Public Works where cold storage would be expanded.

Mr. Plechash made a motion, seconded by Mr. Buchanan, to approve the Contract with Wayzata Public Schools for Community Education Services related to Recreational Programming. The motion carried 5/0.

<u>AGENDA ITEM 10. City Manager's Report and Discussion Items.</u>

a. Upcoming Events/Announcements

- City Offices Closed on November 28-29 for Thanksgiving Holiday
- Light up the Lake Celebration on Friday, November 29th from 4:30 – 7:00 p.m.

b. Council Member Updates/Announcements

None.

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

There were no comments.

AGENDA ITEM 12. Adjournment.

Mrs. McCarthy made a motion, seconded by Mr. Plechash to adjourn. There being no further business, Mayor Willcox adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Kathy A. Leervig

Kathy Leervig
City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.