WAYZATA CITY COUNCIL
MEETING MINUTES
May 20, 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, and City Engineer Kelly.

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. Presentation of Mayor's Best Historic Restoration Award

Judy Starkey, Heritage Preservation Board (HPB), presented the Mayor's Best Historic Restoration Award to DeWalt and Margaret Ankeny, 553 Harrington Road, for their neoclassical revival home built in 1915. Margaret Ankeny displayed pictures of the house and property, explaining they had removed the third floor. DeWalt Ankeny said he purchased the house in 1968 and had been convinced by Carol Humphrey to not tear it down.

Mayor Willcox thanked the HPB for honoring the City's traditional homes and presented the Ankenys with a plaque to commemorate the Award.

b. Recognition of Matt Majka, Former Chair of the Communications Board

Mr. Willcox presented Matt Majka with a letter detailing his contribution to improve the City's communications and in recognition of his Chairmanship of the Communications Board. Mr. Majka stated it was his pleasure to help in these small ways and thanked the Council for this recognition. He also thanked former Councilmember Mary Bader and Councilmember Bridget Anderson for their assistance with the Communications Board.

c. Update on The Big Woods

John Berryhill, 229 Byrondale Avenue North, stated the Wayzata Football Team has an active community service program and for the past four years, the players have assisted in clearing Buckthorn from the Big Woods. He also thanked Craig Shaver III, an Eagle Scout from Deephaven, who has also helped for the past two years and the Boardwalk people who provided pizza for the volunteers.

AGENDA ITEM 4. Consent Agenda.

Mr. Tanner asked that Item 4c., Second Reading of Ordinance No. 745 – Adopting Annual Salary for Mayor and Council Members, be removed from the Consent Agenda and acted on separately.

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

a. Approval of Workshop Minutes of May 5, 2014, Workshop Minutes of May 6, 2014, and Minutes of May 6, 2014

b. Approval of Check Register

~~c. Second Reading of Ordinance No. 745 – Adopting Annual Salary for Mayor and Council Members~~ This item was considered as Item 5e.

d. Municipal Licenses which Received Administrative Approval (Informational Only)

e. Police Activity Report

f. Building Activity Report

g. Consider Approval of 2014 – 2015 Agreement for Independent Assessor Services – Dan Distel

h. Consider Approval of Resolution No. 13-2014 Extending Workers Compensation Coverage for Elected and Appointed Officials

The motion carried 5/0.

AGENDA ITEM 5. New Business.

a. Consider Resolution No. 14-2014 – 520 Ferndale Road West – Variances and CUPs

Mr. Gadow presented the request of Patricia Cavanaugh for zoning approvals to remove an existing 1,650 square foot structure at 520 Ferndale Road West and build a new single family residence. The owner also owns the adjacent property at 532 Ferndale Road West. Mr. Gadow presented details for the requested Conditional Use Permit (CUP) to redevelop a legal non-conforming lot; a Shoreland CUP for hardcover above 25% with stormwater mitigation; a Variance to the Lakeshore Setback; and, a Variance from the front yard setback. He stated the Planning Commission raised the option of moving the garage farther to the south. The applicant indicated that while it was considered, moving the house to the south would then impact three very large trees. Mr. Gadow displayed renderings of the proposed single-family residence and advised of action steps for the Council's consideration. He indicated that all actions require a simple majority vote as none impact the Subdivision Ordinance.

Mike Sharratt, Sharratt Design & Company, 464 2nd St. #100, Excelsior, stated this is a purposefully humble house, not a "show me/look at me" type of house. He indicated it will have 4,500 sq. ft. of finished space, which is small for Ferndale Road.

Mrs. Anderson commended the applicant for using real stone and brick, quality materials and a home design that does not push the limits.

Mr. Sharratt stated the house on the west side is 20 feet from the water and the house on the east side is 50 feet from the water so the owner decided the structure would be placed in context with the ground and the house was pushed towards the street to assure the trees would be saved. Because there can be no basement due to FEMA regulations, all mechanicals and storage must be housed on the first floor. The garage has only two stalls and will contain a concrete storm shelter. At the Planning Commission, it was indicated that the most crucial issue was that the side yard setbacks be respected, more so than lakeside or streetside. Mr. Sharratt stated they believe their request is reasonable.

The Council considered the application and agreed this is a reasonable solution for a difficult nonconforming property.

Mr. Amdal made a motion, seconded by Mrs. Anderson, to Adopt Resolution No. 14-2014 Approving Redevelopment CUP, Shoreland CUP, Lakeshore Setback, Variance Front Yard Setback Variance, and Lot Coverage Setback Variance at 520 Ferndale Road West. The motion carried 5/0.

Mrs. Anderson asked whether staff tracks nonconforming lots and adjustments made to setback and sight lines. Mr. Gadow stated along Ferndale Road and Bushaway Road, the 'line' in most cases is the more restrictive.

b. Consider Peavey Bridge Bid Award

Mr. Kelly reported that three bids were opened on April 22, 2014, and ranged from $1,099,421.60 to $1,328,572.65, significantly higher than anticipated. The City and County are discussing with the State how to proceed. He explained that as part of the City's grant request in 2013, a cost estimate of $650,641 was submitted to the Minnesota State Aid Office to determine grant eligible costs. From that estimate, it was determined they would fund $577,123 and the City would be responsible for the remaining costs.

Mr. Kelly advised that the State Aid office prefers to reject the bids and rebid the project in an effort to reduce the overall project cost. It is felt that a September/October bid may result in more competitive costs and that this small piece of the bridge could be combined with other work to gain an economy of scale. Another consideration that may lower the cost is to allow the

channel to be closed for a period of time. Mr. Kelly stated staff will reconsider the bid to determine if anything can be trimmed to lower the cost and whether it can be bid with another 2015 project.

The Council considered whether any money will be saved as bidding the bridge project with a road project would probably involve two separate contractors. Mr. Kelly explained that mobilization on this bid was quite high (3-4 times the estimate) and with a larger project the mobilization costs may be lower.

The Council asked whether this project can be undertaken during fall/winter months. Mr. Kelly explained that winter project would involve a premium to heat the concrete, dewatering, and difficulty with plowing Ferndale Road to keep that area open. Mr. Kelly advised there were no concerns relating to the safety of Peavey Bridge, the issue is one of aesthetics.

Mr. Kelly answered questions of the Council relating to the funding of this bridge project. He explained it is being sponsored by Hennepin County and since State Aid funds are involved, those regulations must be followed. He stated he will ask Hennepin County whether specifications can be revised to open the project to more bidders.

Mrs. Anderson made a motion, seconded by Mr. Tanner, to reject the three bids, rebid in the fall of 2014 for a start of project in the spring of 2015, and direct staff to refine the project. The motion carried 5/0.

c. Update on Beach Concession Stand

Ms. Nelson reviewed staff's negotiation related to drafting an agreement for the beach concession stand. She stated estimates were received from the restaurant supply company for the equipment as well as the required build-out of the necessary improvements to the building. The draft agreement presumes that McCormicks would be responsible for the equipment needs for the concession operation and the City would be responsible for the permanent improvements to the building.

Ms. Nelson stated the estimate for improvements to the building is $29,858; upgrading the electrical service to the building is $22,000; and, equipment for the concession operation is $50,000 (McCormicks cost). She noted the draft agreement includes consideration of 12% of the gross revenue ($3,000 to $4,000) for use of the lease space.

The Council expressed concern that it may be August before this work is completed and the concession stand can be opened.

Tim McCormick, 1058 Loma Linda Avenue, Orono, agreed that the timing is not optimal but they think, if done right, this will be a lot of fun, good for the City, and beneficial for their enterprise. He stated this is an exciting opportunity, they want to work with the City, and are willing to be involved for the long haul.

Ms. Nelson stated the building improvements will support a concession operation and the agreement assumes a five-year term with some exit options should it not work out. She explained that if Mr. McCormick decides to not remain involved, someone else would have the opportunity.

The Council thanked Mr. McCormick for being willing to partner with the City in this initiative, even if it is late to market this year. It was noted the Parks and Trails Board brought forward this idea and it is expected a concession stand will be successful and draw people to the Park.

Ms. Nelson stated a lift station is also served by this electrical connection and if a brewery piece happens, that lift station may need to be upgraded. The Council noted there are other public benefits such as park amenities and power to the marina.

The Council acknowledged the improvements to this building are estimated to be over $200 per square foot. Mr. Amdal raised the option of locating the electric service/transformer nearer the building so the City does not have to pay the cost to obtain service from the Grove Street transformer. Ms. Nelson stated the kitchen exhaust/hood remains an open item as it may

be considered to be a structural item. Mr. Amdal asked staff to reconsider some lower-cost building finishes as time may permit.

Mr. McCormick stated if this building does not open this summer, they were committed to have a food service cart available.

Mary Anderson, 2222 Platwood Road, Minnetonka, stated her sons have interested in operating a hotdog cart at the beach and had contacted the City about a permit for that use. She stated they are supportive of the concession stand but would ask about the timeline for this summer and if it would be considered. Ms. Nelson stated staff had a conversation with Ms. Anderson and indicated the City was already down the road of the concession stand and preferred to not have multiple vendors offering the same.

The Council indicated support or furthering improvements to the concession stand as detailed by staff and finalizing the Beach Concession Agreement with McCormicks.

d. Yacht Club Dock Modifications

Mr. Gadow stated the Wayzata Yacht Club (WYC) and Wayzata Community Sailing School (WCSC) are scheduled to appear before the Lake Minnetonka Conservation District (LMCD) in the next few weeks to request approval to modify existing docks related to the WCSC operations. The request includes: installation of the narrow floating dock adjacent to the island for use by WCSC participants; lengthening of the second to the last dock off the WCSC site from 20 feet to 30 feet to match the last dock length; and combining Site 2 and Site 4 to allow storage of unrestricted watercraft on the WCSC property.

Jonathan McDonagh, WYC Rear Commodore, concurred with staff's presentation and explained the floating dock will allow children to board smaller-sized Opti sailboats and, in the future, provide handicapped access. He stated the other slip was an oversight in the 2009 LMCD permit and they would like to put it back in. Because the LMCD does not allow storage of unrestricted watercraft at the WCSC without combining the two sites, they are seeking LMCD approval to store those boats as indicated in the CUP. Mr. McDonagh described the location of their four sites.

The Council discussed the request and whether the City had considered storage at the WCSC. Mr. Gadow explained the storage of unrestricted watercraft is regulated by the LMCD; however, the City did discuss screening and landscaping around that storage area. It was noted that once the new WCSC is constructed, it would accommodate storage of a number of unrestricted watercraft. In addition, the west parking lot had allowance for unrestricted watercraft in a designated area. Mr. Gadow stated the 187 Boat Storage Units for the properties would not be affected or modified by this request.

The Council asked whether the last two docks were in contention and the City did not want those two docks lengthened. Mr. McDonagh explained that the last two docks have always been shown to be of the same length but one is currently shorter. He clarified they are not asking for the docks to accommodate longer boats; they are requesting that one slip be longer.

Mr. McDonagh answered questions of the Council relating to the types of sailboats that are working well on Lake Minnetonka. The Council indicated it remained concerned with the impact of larger and longer boat use at the WYC as it may drive the need for parking. Mr. McDonagh assured the Council that the trend is for faster and lighter sailboats requiring less crew.

Mr. McDonagh advised that when the LMCD sends out its notice, it will indicate it is a new multiple dock license. He stated he has asked the LMCD to include additional information in that notice so recipients are aware this is not a new multiple dock.

Mr. Tanner made a motion, seconded by Mr. Amdal, to direct staff to draft a letter to the LMCD indicating the City has no objection to the three dock modifications as requested by the Wayzata Yacht Club. The motion carried 5/0.

e. Second Reading of Ordinance No. 745 – Adopting Annual Salary for Mayor and Council Members

Ms. Nelson stated this Ordinance had been discussed at several Council Workshops and was introduced at the Council meeting of May 6, 2014. She stated it had been 19 years since the salaries of the Mayor and Council Members had been adjusted upward.

Mr. Tanner stated he pulled this item from the Consent Agenda as his position had not changed. He stated when he ran for office he wanted to be one to make positive decisions for the community and did not know there was a salary for Council Members. He stated he did not want the salary or perks to be a reason to run for this office and he does not support this increase.

It was noted this increase will not go into effect until after the next municipal election (January 1, 2015). Mr. Willcox agreed with Mr. Tanner that the salary is not a reason to run for municipal office; however, he does think it is a mark of the community in how it values its City Council and value of the Council's work.

Mr. Amdal made a motion, seconded by Mrs. Anderson, to Adopt the Second Reading of Ordinance No. 745, Adopting Annual Salary for Mayor and Council Members. The motion carried 4/1 (Tanner).

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

Ms. Nelson stated LHB will present the east corridor landscape plan at the June 17, 2014, meeting and address connections with the neighborhood and Circle A Drive.

Mr. Kelly provided updates on the Bushaway Road project, noting plans are being prepared for bid. Mrs. Anderson stated the Communications Board is preparing information on communications flow to assure a collaborative effort. Mr. Kelly reviewed the coordination meetings that would occur prior to going out for bids. Then, in June, County staff will begin negotiating the Construction Cooperative Agreement and it is expected construction will start about August 6, 2014.

Mr. Kelly reported on the start of restoration work for the Holdridge Road project.

Mrs. Anderson reported on the work of volunteers, thanked sponsors, and advised of upcoming opportunities. The Council added their thanks to all of the volunteers including those who organized those efforts.

Mr. Gadow reported staff met with Mary deLaittre of Groundworks Consulting and suggested she be invited every six weeks to a Workshop to address the larger Lakefront efforts such as stewardship and fundraising. He stated the Council will be asked whether it is available June 25 or 26 for a first meeting with Ms. deLaittre.

Mr. Mullin expressed concern that the developer of 143 Huntington Avenue South had been unresponsive to his numerous attempts to contact him. Mr. Gadow stated he reached out to the contractor working with that applicant (Willi Abbott) and they will be mailing a letter to the neighborhood to inform them of the construction schedule.

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

a. Trapper's Log Cabin

Irene Stemmer, 205 Barry Avenue South, stated support for the site identified for the Trapper's log cabin and asked the Council to take formal action. Mr. Willcox stated the Council gave staff guidance at tonight's Workshop to locate the cabin in the southwest corner of Shaver Park.

Mr. Tanner made a motion, seconded by Mrs. Anderson, to locate the Trapper's Log Cabin in the southwest corner of Shaver Park. The motion carried 5/0.

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 9:02 p.m.

Respectfully submitted,

Becky Malone

Becky Malone
Deputy City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.