

**WAYZATA CITY COUNCIL
MEETING MINUTES
October 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, Public Works Director Dudinsky, 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. Invite to Wayzata Basketball Champions of 1959 Tribute

Sue Sorrentino, Wayzata Historical Society, invited all to attend the unveiling of the podia honoring the Wayzata Basketball Champions of 1959 on October 19, 2014 at 3:30 p.m. There will be a reception to follow.

Mayor Willcox shared the history of winning the championship.

AGENDA ITEM 4. Consent Agenda.

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

- a. Approval of Minutes of September 16, 2014 and Workshop Minutes of September 16, 2014, September 29, 2014, and September 30, 2014
- b. Approval of Check Register
- c. Municipal licenses which received administrative approval (informational only)
- d. Approval of Municipal Licenses

The motion carried 5/0.

AGENDA ITEM 5. Public Hearing.

a. Public Hearing for Wellhead Protection Plan Part 2, and Submittal of Plan to MDH

Mr. Dudinsky introduced Mark Janovec, Professional Geoscientist from Stantec, who shared that the City of Wayzata was officially entered into the Minnesota Department of Health's wellhead protection program in 2010. Wellhead protection planning is a means by which to identify the area of the underlying aquifer that is supplying water to the City's wells over a 10-year time span and develop a means to protect that aquifer from contamination. The City of Wayzata completed the Wellhead Protection Plan Part 1 in February 2014. Based on the results of the Part 1 plan, the City retained Stantec Consulting Services, Inc. to assist with the completion of the Part 2 Wellhead Protection Plan. The Part 2 plan includes an inventory of potential contamination sources located within the wellhead protection area that could potentially impact the quality of the water in the aquifer, if not managed appropriately. The plan also established management strategies in order to mitigate the risk of contaminating the aquifers within the 10-year capture zone. Management strategies fall under seven main categories:

1. Continue monitoring aquifer water quality and maintain required well isolation distances for potential contaminants around each wellhead.
2. Educate the public about wellhead protection planning and local water quality issues.
3. Locate and manage other groundwater wells identified within the 10-year capture zone.
4. Manage storage tanks identified within the 10-year capture zone.
5. Inform the public about regulations regarding shallow disposal wells.

6. Collect data relevant to local groundwater issues, including identification of spills and other potential contamination sources.
7. Include wellhead protection planning in future land use planning decisions.

Management strategies for wells and storage tanks will largely be concentrated on educating well/tank owners of the importance of keeping their structures up to code. The plan is also written to take advantage of available grant money, should landowners need financial assistance in sealing unused wells.

The Council asked if surrounding communities should share their plans with Wayzata. Mr. Janovec answered that they should and that Wayzata had submitted its plan to the surrounding communities as well.

Mayor Willcox opened the public hearing at 7:16 p.m. There being no input, Mayor Willcox closed the public hearing at 7:17 p.m.

Mrs. Anderson made a motion, seconded by Mr. Amdal, to approve the Wellhead Protection Plan Part 2 and submittal of the plan to the Minnesota Department of Health for review and approval. The motion carried 5/0.

b. Continue Public Hearing for Business Subsidy Criteria & Public Financing Policy

Ms. Nelson reported that this public hearing was continued from the September 16, 2014 City Council meeting to allow the City Council to gather additional feedback from the Housing and Redevelopment Authority. She also shared that Staff had received a request from Interfaith Outreach and Community Partners, Outreach Development Corporation and Community Legacy Homes, LLC to utilize the City's existing Tax Abatement Program to receive back the local share of property taxes for the Maggie's Manor project at 110 Grand Avenue South. However, due to legal noticing requirements, the Council cannot formally review the request until the October 21, 2014 City Council meeting. Ms. Nelson introduced Dr. David McGill, secretary for the Housing and Redevelopment Authority.

Dr. McGill shared that public assistance will not be provided where project costs are inflated as a result of overpayment for land. He shared that the main issue is how to determine if a price is inflated and answered that the City employs a financial advisor and is well equipped to make that judgment. Dr. McGill also discussed whether or not public assistance should be provided for rental housing. He explained that 52% of housing in Wayzata falls into the rental category and stimulation is unnecessary.

The Council asked why the tax abatement request from Interfaith Outreach and Community Partners was requested after the build instead of before. Kim Vohs, Outreach Development Corporation, answered that Outreach Development Corporation was simply utilizing a policy that was there and had done it the same way in the past.

The Council discussed the process and requested Staff look into creating a measure or base line of improvements required for reinvesting in existing housing stock. The Council discussed the language of Policy Item 5.A.9.

Mayor Willcox opened the public hearing at 8:05 p.m.

Chris Pearson, Outreach Development Program, suggested it was a bad idea to draft policy language in public and requested the Council wait until its following meeting when the request from Interfaith Outreach and Community Partners will be reviewed.

There being no further input, Mayor Willcox closed the public hearing at 8:07 p.m.

The Council decided to change Item 5.A.9. to read: In most cases, public financing will not be generally utilized exclusively for the construction of new rental housing units. The City may consider public financing for the preservation and reinvestment in the existing housing stock. The goal of such financing would be to preserve and promote affordability and/or alleviate blight conditions.

1 Mr. Mullin made a motion, seconded by Mr. Tanner, to Adopt Resolution No. 27-2014
 2 Adopting a Policy and Criteria for Granting Business Subsidies, as amended above. The motion
 3 carried 5/0.

4
 5 **AGENDA ITEM 6. New Business.**

6 **a. Consider Resolution No. 28-2014 - Agar Request for Conveyance of City Land -**
 7 **1611 Hollybrook Road**

8 Mr. Gadow reported that at the August 6, 2014 Workshop meeting Marc Agar, owner at 1611
 9 Hollybrook Road, requested the City convey a parcel of land owned by the City. Mr. Agar
 10 requested conveyance of the parcel to construct an expansion of his garage. The parcel is
 11 adjacent to his property and is a small triangle of land that was formerly State of Minnesota land.
 12 Mr. Gadow added that Mr. Agar and his attorney, Richard Salmen, were present to answer
 13 questions.

14 Mr. Gadow and City Attorney Schelzel answered question concerning the title, legal
 15 documents, easements, zoning, and the subdivision process.

16 Mr. Agar asked Staff to clarify the steps of the subdivision process. Mr. Gadow
 17 answered that the process was a lot combination under the City's subdivision ordinance and
 18 would include Staff review of the application, a public hearing before the Planning Commission,
 19 and a public hearing before the City Council. Mr. Agar stated that all of those steps were
 20 unnecessary and asked Council to approve everything today.

21 The Council asked Staff if there were any other options. Ms. Nelson answered that the
 22 subdivision process requirement was included in order to follow guidance from the Council that
 23 discouraged smaller slivers of land. City Attorney Schelzel stated that there was not a legal
 24 requirement for the subdivision process and the Council could leave it out.

25 The Council discussed all of the options and each shared an opinion. Mr. Mullin
 26 recommended approving the conveyance, leaving out the subdivision process requirement, and
 27 allowing the applicant to work with Staff if an application for construction on the property is
 28 submitted in the future. Mr. Tanner voiced his opinion to include the subdivision process
 29 requirement so that there is one piece of property instead of two.

30 Mr. Mullin made a motion, seconded by Mr. Amdal, to Adopt Resolution No. 28-2014
 31 Approving Conveyance of City Property as amended to remove Item (i) from the fourth
 32 paragraph. The motion carried 4/1 (Tanner).

33
 34 **b. Consider Utilizing Section Foreman's House BNSF Grant for Report/Study**

35 Mr. Gadow shared that \$7,000 in grant funds had been received in 2010 to complete a Historic
 36 Context Study on the Wayzata Section Foreman's House. The next step in the process is to
 37 conduct an Historic Assessment Report/Reuse Study to physically evaluate the building to
 38 determine its current condition and what options may be available for its future reuse. Wayzata
 39 Historical Society applied for and received a \$10,000 grant from the Burlington Northern Santa
 40 Fe Railway Foundation to offset the cost. Wayzata Historical Society has received a proposal
 41 from Charles Liddy of Miller Dunwiddie to complete the study for a not to exceed number of
 42 \$10,000.

43 Mrs. Anderson made a motion, seconded by Mr. Amdal, to approve utilizing the received
 44 grant money to complete a Historic Structures Report/Reuse Study with Miller Dunwiddie. The
 45 motion carried 5/0.

46
 47 The Council thanked the Wayzata Historical Society, Staff, Bernie Kline, and Sue Sorrentino for
 48 their efforts.

49
 50 **c. Consider Award of Bid for Replacement of Klapprich Park Hockey Boards**

1 Mr. Dudinsky reported that the plastic hockey board system that was installed in 2010 failed due
 2 to degradation from the sun. The contractor that supplied and installed the plastic system in 2010
 3 agreed to purchase back the damaged system in the amount of \$24,320 and remove the system.
 4 Mr. Dudinsky shared that Staff had considered various types of replacement systems, but decided
 5 on a wooden system similar to what the City had in place for over 35 years before the plastic
 6 system was installed. Enhancements were added including a half inch sheet of plywood added to
 7 the exterior and a trim board added to the top. Bids were accepted by Public Works on
 8 September 30, 2014 for the replacement of Klapprich Park hockey boards. The Staff
 9 recommends award to the low bidder, Finley Brothers, Inc., in the amount of \$26,783.

10 Mr. Dudinsky answered questions from the Council concerning the size of the boards, the
 11 pros and cons of the other options, and the required maintenance of the wooden system. The
 12 Council expressed concern over going backwards on improvements by going back to the old
 13 system instead of moving forward. Mr. Mullin suggested upgrading to a pure oval at an increased
 14 cost of \$3,500.

15 Mr. Amdal made a motion, seconded by Mrs. Anderson, to award the bid to Finley
 16 Brothers, Inc. in the amount of \$26,783 for the replacement of Klapprich Park Hockey Boards.
 17 The motion carried 5/0.

18 Mr. Amdal made a motion, seconded by Mr. Mullin, to approve a change order to
 19 upgrade to a pure oval in the amount of \$3,500. The motion carried 5/0.

20
 21 **d. Consider Award of Bid for Fall of 2014 Tree Planting Project**

22 Mr. Dudinsky reported on the Fall Tree Planting Project, which includes removal and
 23 replacement of trees that perished and were part of a previous planting program; new tree
 24 plantings; and, tree replacement for trees lost in last year's spring storm. Mr. Dudinsky added that
 25 next year the City is planning to begin removing ash trees, because of the arrival of the Emerald
 26 Ash Borer, and replacing them with a diversified stock of suitable trees. Public Works received
 27 bids for the Fall Tree Planting Project on October 1, 2014 and recommends award to the low
 28 bidder, Fairs Nursery, at \$22,274.

29 The Council asked if this project included replanting at the beach and if conifers could be
 30 avoided along Babcock Lane because of the snow and salt damage. Mr. Dudinsky answered that
 31 planting at the beach was scheduled for next year and the conifers were being used along
 32 Babcock Lane because screening was also needed.

33 Mr. Tanner made a motion, seconded by Mr. Amdal, to award the bid to Fairs Nursery in
 34 the amount of \$22,274 for a Fall Tree Planting Project. The motion carried 5/0.

35
 36 **e. Consider 1st Reading of Ordinance 748 Amending Chapter 202 (Police Department)**
 37 **of City Code to Address Background Investigations**

38 Ms. Nelson reported that Chapter 202 of the Wayzata City code book (Police Department) was
 39 recently reviewed by Staff and City Attorneys. The chapter has been amended to comply with
 40 State Statute and mandates regarding background investigations.

41 The Council asked questions concerning rental properties and employment applicants.

42 Mr. Tanner made a motion, seconded by Mrs. Anderson, to Approve the First Reading of
 43 Ordinance No. 748, an Ordinance Amending Chapter 202 (Police Department) of the Wayzata
 44 City Code to Address Background Investigations. The motion carried 5/0.

45
 46 **f. Consider Selection of Owners Representative for Programming and Pre-Design for**
 47 **Mill Street Parking Structure**

48 Ms. Nelson reported that at the September 2, 2014 City Council meeting, the Council reviewed
 49 two drafts of a Request for Proposal for consultants to address downtown parking. After
 50 discussion, the Council directed Staff to proceed with a Request for Qualification for Owners
 51 Representative Services to address programming and pre-design for a parking structure on Mill

Street. Three firms responded and were interviewed. The City Council and the HRA representatives met on September 20, 2014 to discuss the interviews with the three firms. The consensus was to move forward with LSA Design. Staff has solicited a preliminary proposal from LSA Design. The preliminary proposal assumes that a final scope of services and fee will be negotiated and agreed to between both parties once the scope is clearly defined. Also, Staff recommended using Jay Lindgren with Dorsey Whitney for legal counsel for this project. Staff recommended that funding for this work be provided by the General Fund CIP with all project costs being tracked for the purposes of a future construction project.

The Council asked if there would be an opportunity to see grants to offset some of the cost. Ms. Nelson answered that Staff would put together a financial model that would include grants as a funding source. The Council also asked to be provided with all of the background information at Staff's earliest convenience.

Mr. Tanner made a motion, seconded by Mr. Mullin, to approve the selection of LSA Design as Owners Representative for Programming and Pre-Design for Mill Street Parking Structure. The motion carried 5/0.

AGENDA ITEM 7. City Manager's Report and Discussion Items.

a. Update on BNSF Replacement of Railroad Crossing at Barry Avenue

Mr. Dudinsky reported that the Railroad Crossing at Barry Avenue will be closed from 9:00 a.m. to 3:00 p.m. starting Monday, October 13, 2014 through Thursday. There will be a detour and temporary traffic signals.

The Council discussed the potential for traffic issues after the work is completed when the trains that have been held are all released. Mr. Dudinsky answered that he had expressed concern over this to the Railroad and would follow up on this issue.

b. Update on Bushaway Road Project

Ms. Nelson reported that through traffic on Bushaway Road will close Wednesday, October 8, 2014 to start the Bushaway Road Project.

The Council asked for a clarification on whether or not the extra cost due to winter weather will be charged to the City.

c. Announcements

Ms. Nelson announced that the Chamber of Commerce Person of the Year luncheon will be held Thursday, October 9, 2014 at 12:00 p.m. at the Wayzata Country Club.

Mayor Willcox announced that Boards and Commissions were looking for applicants. Ms. Nelson added that the recruitment period is open now and the deadline for applying is October 31, 2014. Mayor Willcox encouraged anyone who is interested to apply.

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 9:55 p.m.

Respectfully submitted,



Becky Malone, Deputy City Clerk