**WAYZATA CITY COUNCIL**
**MEETING MINUTES**
**April 21, 2015**

## AGENDA ITEM 1. Call to Order and Roll Call.
Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Nelson, Director of Planning and Building Gadow, Public Works Director Dudinsky, Administrative Services Director Uram, and City Engineer/Assistant Director of Public Works Kelly.

## AGENDA ITEM 2. Approve Agenda.
Mr. Tyacke made a motion, seconded by Mrs. Anderson, to approve the agenda, as presented. The motion carried 5/0.

## AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).
**a. Volunteer Activities**
Lynn McCarthy, Volunteer Coordinator, shared that April was National Volunteer month and talked about upcoming opportunities: April 28, 2015 there would be a Emerald Ash Borer public forum in conjunction with Public Works; May 2, 2015 the Wayzata High School football team would be volunteering to pull buckthorn; May 13, 2015 a Boy Scout troop would be volunteering to pull garlic mustard in the Big Woods; May 16, 2015 was the annual Dig It; and, June 6, 2015 training related to the Emerald Ash Borer. Ms. McCarthy presented Elizabeth Bremer as the newest member of the Volunteer staff who would be coordinating the Emerald Ash Borer efforts.

**b. Emerald Ash Borer Announcement**
Ms. Bremer shared that the Emerald Ash Borer (EAB) had killed millions of ash trees in the United States and was working its way toward Wayzata. The volunteer staff in conjunction with Public Works were developing a management plan to get ahead of this issue.

Kyle Morris, Public Works Department, presented a brief summary on the EAB that nested specifically in ash trees. Currently, EAB has been found nine miles from Wayzata. This is a concern as Wayzata has 430 ash trees on public property and an estimated 2,000 on private property. As part of the City's EAB management plan, Public Works with the help of trained volunteers would begin an ash tree inventory of the City.

Ms. Bremer noted that the news about EAB was dismal, but the more prepared the City was, the better off it would be to mitigate damages and rebuild the canopy. Ms. Bremer encouraged everyone to attend the public forum on April 25, 2015 and to volunteer.

**c. Water Tower/Telecom Site**
Lucy Bruntjen, 402 Gardner Street, shared that she was excited and appreciative of the efforts the City had taken thus far in regard to removing the telecom site from the water tower. However, Ms. Bruntjen noted that business as usual continued at the site. She presented pictures of the work being conducted over the last couple of weeks and reiterated why a change of course was so crucial and timely.

Ms. Nelson shared that the drone fly over had been completed and a meeting was scheduled with the tenants to review the data. The tenants had agreed to have their radio frequency engineers at that meeting. The City had also notified its tenants that the leases would not be renewed at the water tower upon current lease expirations.

## AGENDA ITEM 4. Consent Agenda.
Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the consent agenda:
a. Approval of Workshop Minutes of April 7, 2015 and Minutes of April 7, 2015

b. Approval of Check Register
c. Municipal licenses which received administrative approval (informational only)
d. Police Activity Report
e. Building Activity Report

The motion carried 5/0.

Mr. Wilcox reviewed the items discussed by the Council at its workshop held earlier tonight.

**AGENDA ITEM 5. New Business.**

**a. Section Foreman's House Update**

Mr. Gadow introduced Ms. Ekman and Mr. Liddy who would present the Historic Structures Report on the Section Foreman's House. It was noted that the City, along with the Wayzata Historical Society, had received a grant in the amount of $7,000 to complete a Historic Context Study from the Minnesota Arts and Cultural Heritage Fund Legacy Grant. Hess, Roise and Company completed the study and recommended further architectural studies. Miller Dunwiddie Architecture was contracted to complete a Historic Structures Report/Reuse Study. In addition, Wayzata Historical Society received a grant from BNSF Railway Foundation in the amount of $10,000 to offset this cost.

Melissa Ekman, Miller Dunwiddie Architecture, presented a location map of the property, historical background and context, timeline of modifications, general building description, summary of findings for the exterior and interior conditions, evaluation of significance and historic integrity for potential eligibility for the National Register, benefits and obligation for listing in the National Register, and recommendation for possible reuses of the property.

Sue Sorrentino, Wayzata Historical Society, shared that the Heritage Preservation Board and the Wayzata Historical Society had spent many years thinking about this building. Their desire was to have it on the National Register to protect this property as only one of two in the State.

The Council asked questions relating to possible uses, work involved in restoration, cost estimates, other construction opportunities on the property to accommodate reuse, proximity of where other structures for reuse could be built, and available grants.

Mr. Gadow asked the Council to consider if it wanted staff to continue with the State level National Register of Historic Places nomination and reuse possibilities that the Council wanted to entertain.

The Council was in favor of pursuing the nomination and using a design process to discover all possible uses in line with the Lake Effect Plan.

Chuck Liddy, Miller Dunwiddie Architecture, answered a question of the Council relating to cost for pursuing nomination and other potential funding sources.

Mrs. Anderson made a motion, seconded by Mr. Tyacke, to accept the Historic Structures Report for the Wayzata Section Foreman's House. The motion carried 5/0.

**b. Consider Award of Bid for Transient Docks and Swimming Dock at the Beach**

Messrs. Dudinsky and Kelly reported on the 2015 Dock Expansion project. The City solicited bids for both the outright purchase of the dock systems as well as a five-year lease term; and, a "U" shaped swim dock or an "H" shaped swim dock. The City received one bid on April 16, 2015. Staff recommended the installation of the "H" shaped swim dock along with the Broadway and Depot dock expansions.

The Council asked questions relating to the number of bids, the type of docks, annual costs for installation and removal, warranty on the materials, number and placement of swimming ladders, winter storage in the outer lagoon, and support of the Parks and Trails Board for the "H" dock. The Council discussed the possibility of a shorter lease term since this was a pilot program and options for an outright purchase of the "H" dock as it had already been determined to be the best configuration.

Sue Sorrentino, 525 Queensland Lane, Plymouth, expressed concern over the placement of the Depot dock stating that people picnic in that area in order to look out over the water.

Ms. Nelson and the Council discussed the cost impact with a 3-year lease term, suitability of floating docks when providing access for all, and timing of the City's decision on a permanent solution.

Mrs. Anderson made a motion, seconded by Mr. Tyacke, to approve the purchase of the "H" shaped swim dock for $51,640.00, to direct staff to pursue a 3-year lease for the Broadway and Depot docks, and to approve the 5-year lease agreement for the Broadway and Depot docks only in the case that a 3-year lease agreement could not be negotiated, subject to approval by the Lake Minnetonka Conservation District. The motion carried 5/0.

**c. Consider Resolution No. 18-2015 Approving 2014 Year End Transfers**

Mr. Uram shared that at the April 7, 2015 Council meeting, staff presented an analysis of available fund balance that could be transferred to other funds in accordance with the City's Fund Balance Policy. The Council made the decision to transfer $312,000 to the Street Improvement Fund to eliminate the short-term deficit projected in the Street Capital Improvement Plan. The Council decided to delay allocating the rest of the $1,154,140 balance and discuss it further at the April 21, 2015 Workshop held earlier tonight. The City Council recommended the remaining funds be transferred to the Lakefront Fund in the amount of $400,000; Parks and Trails Fund in the amount of $240,000; General CIP Fund in the amount of $385,000; Cell Tower Fund in the amount of $129,140; and, Street Fund in the amount of $312,000 as previously directed on April 7, 2015.

Mr. Uram explained the overage in the fund balance is attributable to license and permit fees associated with development activity in the City. Revenues have exceeded what has been budgeted and these should be considered a one-time revenue source.

Ms. Nelson stated that even though much of the revenue is due to development activity occurring in the City that will eventually taper off, our Motor Vehicle Department generated a transfer of $196,000 in revenue, and our Liquor Operations generated a transfer of $275,000 in revenue. Profits generated from those operations are made available to fund capital projects in the City.

Mr. Tyacke made a motion, seconded by Mr. Mullin, to Adopt Resolution No. 18-2015, Approving 2014 Year End Transfers as follows: Lakefront Fund in the amount of $400,000; Parks and Trails Fund in the amount of $240,000; General CIP Fund in the amount of $385,000; Street Fund in the amount of $312,000; and, Cell Tower Fund in the amount of $129,140. The motion carried 5/0.

Ms. Nelson noted that the Council had decided to remove the Admin/Planning Intern and Dock Master as possibilities for fund transfers because they represented potential operating expenses and should be funded through the contingency budget. It was noted the City had been awarded a $3,500 grant from the Minnesota Manager's Association for the intern program during the upcoming year. Ms. Nelson asked if the Council was comfortable with the Admin/Planning Intern and Dock Master being funded this year from the contingency budget. It was noted that a line item had been included for ongoing costs to provide dock personnel. The Council suggested staff talk with benefitting businesses about paying for a portion of those costs.

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to approve the Admin/Planning Intern and Dock Master with funding from the Contingency Budget. The motion carried 5/0.

**d. Update and Recommendations on Transcription of City Council Minutes and Environmental Health Inspections of Food, Lodging, and Public Swimming Pools**

Mr. Uram shared that at the January 20, 2015 Council meeting, the Council requested staff to look at other options and what other cities were doing for transcription of meeting minutes. Staff contacted neighboring municipalities and all reported that their minutes were either transcribed by a transcriptionist at the meeting or transcribed from an audio/video recording. In addition to providing services for Wayzata, TimeSaver Off Site Secretarial provides transcription services for an additional 24 municipalities. Mr. Uram noted the Office of the State Auditor's statement regarding meeting minutes that said the minutes need not record the discussion of the members and others, or information relating to the process by which a decision was made. However, there might be situations where the amount of detail varied. Staff recommended continuing to use TimeSaver for transcription services and to continue with the current summary-style meeting minute format.

Following discussion, the Council agreed to continue using TimeSaver and the current summary-style meeting minute format. The Council discussed creating standards for instances when more detail would be desired and decided direction could be provided to the transcriptionist during the actual meeting if there is a circumstance for which more detail should be captured in the minutes.

Mr. Mullin requested that a separate line item be added to the Communications Board to upgrade video delivery services.

Mr. Uram shared that the Council asked staff to evaluate the agreement for Environmental Health Inspections of food, beverage, lodging and public swimming pool facilities in Wayzata. Wayzata and Minnetonka have worked together to address the public health needs of Wayzata through an agreement that was approved by the Minnesota Department of Health (MDH) in August 2007. He explained the City could continue with the current program or transfer authority back to the MDH for Hennepin County to perform the inspections. A transfer back to the MDH would result in the loss of license fee revenue and possible loss in customer service and convenience to our Wayzata businesses. Staff recommended continuing the current program.

The Council asked questions relating to concerns expressed about the current program that had been addressed with Minnetonka. The Council decided to continue working with the City of Minnetonka, as it was fiscally responsible, and asked staff to continue providing feedback to Mr. Weinand, Environmental Health Supervisor with the City of Minnetonka.

**e. Update and Recommendations on Charitable Gambling**

Mr. Uram shared that staff had reviewed the City's Charitable Gambling Ordinance. City Code Chapter 716 regulated lawful gambling in the City. The ordinance was drafted in 1985 and revisions were made in 1988 that restricted the number of organizations selling pull tabs to one at a single location. The Lion's Club had the license to sell pull tabs at the Muni and it donated 50% of profits to the Wayzata Fire Relief Association. Minnesota Statute Chapter 349 governs lawful gambling in the State and allows municipalities to limit permits, require a 10% contribution to fund a number of things as listed in the Council packet, require that all or a portion of expenditures be spent within the City's trade area, and impose a local gambling tax. Mr. Uram shared what four other cities were doing in regard to these four options and asked the Council if it was interested in changing the ordinance to increase the number of organizations and locations to more than one or require the 10% contribution.

Kent Howe, 1600 Holdridge Lane, shared that he was the President of Wayzata Lion's Club and talked about the good the Lion's Club had been able to do with the pull tab profits. Mr. Howe thought that the cities referenced were not a good comparison because they were vastly larger and requiring the 10% contribution would decrease the amount the Fire Relief Association was receiving.

Bill Nelson, 603 East Lake Street, Suite No. 210, representing the Wayzata Lion's Club offered to answer questions.

The Council asked questions relating to whether or not members could gamble, the difference with charitable gambling, and potential detrimental effects on the Lion's Club if other organizations were issued permits. Mr. Nelson commented on the importance of the Lion's maintaining the ability to give 50% of its profits to the Wayzata Fire Relief Association.

Richard Holm, 208 Chicago Avenue North, asked the Council what a comparable sized city requires of its pull tab operations. Staff explained the difficulty in finding a comparable sized city and answered that it only had the information for Plymouth, Golden Valley, Maple Grove, and Eden Prairie, which were all larger.

Fire Chief Klapprich reported that the Fire Department used the Lion's pull tab donation to purchase larger items such as updating equipment in its truck.

The Council asked questions relating to other organizations that might pursue a permit, marketing options to attract additional pull tab customers, additional types of gaming (raffling, and bingo) that could be considered, financial impact should another location be licensed, and whether or not the Council could designate what charities could be used.

Mr. Mullin referenced Minnesota Statute 349.214, Subdivision 1, that described all the types of charitable organizations that are eligible and how the 10% contribution could be used.

Mr. Nelson answered a question of the Council relating to the location and signage of the Lion's Club booth.

The Council requested additional information and research and agreed to discuss this topic again in the future.

**f. Update on Strategic Plan**

Ms. Nelson updated the Council on the City's 2014-2016 Strategic Plan. She shared the status of strategic initiatives for Financial Strength, Focused Community Engagement, Operational Effectiveness, Organizational Sustainability, Proactive Development and Redevelopment, and Maintain and Enhance Community Amenities. The Council and staff were scheduled to update the Strategic Plan for 2015-2017 on April 30-May 1, 2015.

The Council requested staff provide more regular updates so it could better monitor what was getting accomplished.

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

**a. Update on Public Art**

Ms. Nelson shared that the Wayzata Rotary Club had interest in providing the public art component at the East end of Lake Street and had available funds to do so.

**b. Update on Trolley and Presbyterian Homes**

Ms. Nelson discussed with the Council possible timing for an update on the Trolley and consideration of the East Block for Presbyterian Homes. The Council discussed the number of items that can be accommodated on Workshop agendas and asked staff to schedule a separate night to consider Presbyterian Homes. Staff was asked to schedule future Workshop consideration of the Harmony Circle petition and impact on local roads as a result of potential legislation to increase the truck weight limit.

**c. Update on Parking**

Ms. Nelson explained that the City had requested its legislators amend the Widsten TIF District to allow the City to continue utilizing those funds for the next seven years and had received positive feedback.

**d. Update on Eastman Lane Bike Trail**

Mrs. Anderson shared that the Council had received a letter from the Parks and Trails Board in regard to the Eastman Lane Bike Trail. Mr. Kelly updated the Council on the bike trail. Mr. Dudinsky explained that the letter was sent prior to the last meeting where the Parks and Trails Board were able to hear about the full scope of the project. The Council discussed other options that could be considered to accommodate bike traffic on City-owned land, even if it involved a change order. Mr. Kelly stated the cost implications might be high as two retaining walls are under construction to protect environmental resources that will restrict what can happen in those areas.

**e. Update on MACTA**

Mrs. Anderson reported on the offerings of the Minnesota Association of Community Telecommunication Administrators (MACTA) relating to cable and broadband, noting the membership fee was inexpensive. Ms. Nelson described her past experience with MACTA and commented on the benefit of working with the Brian Grogan, the City's cable attorney, on the renewal of the MediaCom franchise agreement. She asked whether the City had resources to dedicate to another organization. Mrs. Anderson stated MACTA does not involve monthly meetings or a huge time commitment but may be a resource the City could use.

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

There were no comments.

**AGENDA ITEM 8. Adjournment.**

Mrs. McCarthy made a motion, seconded by Mr. Mullin to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 10:09 p.m.

Respectfully submitted,

Becky Malone 05-05-2015

Becky Malone
Deputy City Clerk

Drafted by Sarah Peterson
*TimeSaver Off Site Secretarial, Inc.*