

**WAYZATA CITY COUNCIL
MEETING MINUTES
June 16, 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, City Planner Gadow, City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 2. Approve Agenda.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the agenda, as presented. The motion carried 5/0.

Mr. Willcox announced the Council met in Workshop prior to the tonight's meeting to discuss the possibility of reviewing zoning regulations to preclude oversized homes from coming into otherwise harmonious neighborhoods and to discuss an historical house on Wise Avenue that will be moved to another site off Minnetonka Boulevard and preserved by K.C. Chermak, owner of Pillar Homes.

Mr. Willcox commented on an incident that occurred last Thursday during which two of the City's Police squads were damaged as well as physical injury to the officers and urged residents to not take Wayzata Police Officers for granted. Ms. Nelson extended the thanks of the Police Department for the notes and letters of support and agreed it was fortunate the situation was resolved with all being able to go home at the end of their shifts. Ms. Nelson extended the City's appreciation to the City of Plymouth who has loaned Wayzata a squad car.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).

a. Bushaway Update

Zach Rothstein, Hennepin County Highway Department, provided an update on the Bushaway Road project, answered questions of the Council relating to how the project will improve sight lines and safety, and indicated a 12-foot access lane has been maintained for residents at all time.

Mr. Kelly stated the new watermain is complete on Eastman Lane and Bushaway Road and announced that on the third Thursday of June, a Bushaway Road listening session is scheduled with members of the Chamber and County staff.

b. Tour de Tonka Bike Ride Presentation

Tim Litfin, representing Tour de Tonka Bike Ride, presented Council Members with a bell and thanked the Council, staff, and downtown businesses for their support. He provided an update on the success of last year's Ride and plans for this year. Mr. Litfin also thanked this year's sponsors and encouraged people to volunteer for the August 1, 2015, Ride.

In response to the Council's question, Mr. Kelly indicated that Bushaway Road will be open by August 1, 2015, to accommodate this year's Ride.

c. Presentation of Chamber Exceptional Service Award

Becky Pierson, Greater Area Wayzata Chamber of Commerce, and Mr. Willcox presented the Exceptional Service Award to Billy (Enkhbileg Tserenbat), owner of Sushi Fix. Billy thanked the City and Chamber for this recognition.

d. Introduction of Jason Peters, Management/Planning Intern

Ms. Nelson introduced Management/Planning Intern Jason Peters, a summer intern who will be paid through a grant. Mr. Peters described his personal and professional background as well as

his education. He thanked the Council, staff, and community for this opportunity to serve Wayzata.

AGENDA ITEM 4. New Agenda Items.

None.

AGENDA ITEM 5. Consent Agenda.

Mr. Tyacke asked to remove Item 5b, Cooperative Agreement with Hennepin County.

Dan Gustafson, 1040 Circle Dr. E., requested to remove Item 5a, Minutes of June 2, 2015, to allow for comment. With regard to the eastern buffer, he noted the minutes indicate the traffic and parking study would be a one-time meeting; however, it was his understanding it was an ongoing issue that the City, contractor, and residents would continue to work on.

Mr. Mullin agreed and stated he had added a clause to the resolution to assure an ongoing dialogue between the City, developer, and residents around the issues of landscaping and traffic concerns. Mr. Schelzel recommended the Council remove the minutes from the Consent Agenda, correct the meeting minutes so they are accurate, and if needed correct the resolution.

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

- a. ~~Approval of Workshop Minutes of June 2, 2015 and Minutes of June 2, 2015~~
- b. ~~Consider Cooperative Agreement with Hennepin County for Bushaway/LaSalle Lighting~~
- c. Approval of Check Register
- d. Approval of Municipal Licenses
- e. Municipal licenses which received administrative approval (informational only)
- f. Police Activity Report
- g. Building Activity Report

The motion carried 5/0.

AGENDA ITEM 6. Public Hearing.

- a. **Public Hearing for an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License at District Restaurant LLC DBA "District Fresh Kitchen & Bar" at 300 Superior Boulevard**

Ms. Nelson presented the request of District Fresh Kitchen & Bar for an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License and recommended approval as the background investigation was in satisfactory order.

In response to Council's question, Ms. Nelson explained the liquor license is confined to the premise, which comprises indoor as well as outdoor areas that are physically controlled to delineate where liquor service can be provided. The business is responsible for making sure that alcohol is confined to the premises.

Mr. Anoush Ansari, District Fresh Kitchen & Bar, introduced himself and described the locally sourced healthy high-quality foods that will be offered at this location starting August 4, 2015. Mr. Ansari announced the Wine on Wayzata Bay wine tasting event on Friday, June 19, 2015, and invited all to attend.

Mr. Willcox opened the public hearing at 7:43 p.m. There being no comment, Mr. Willcox closed the public hearing at 7:44 p.m.

- b. **Consider Approval of an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License at District Restaurant LLC DBA "District Fresh Kitchen & Bar" at 300 Superior Boulevard**

Mrs. Anderson made a motion, seconded by Mr. Tyacke, to approve an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License at District Restaurant LLC DBA "District Fresh Kitchen & Bar" at 300 Superior Boulevard. The motion carried 5/0.

AGENDA ITEM 7. New Business.

a. Consider Resolution No. 25-2015 Approving Shoreland CUP and Variances at 532 Ferndale Road W.

Mr. Gadow presented the request for a Front Yard Setback Variance to allow the construction of a new attached garage to replace a detached non-conforming garage; a Shoreland Conditional Use Permit to exceed the 25% hardcover rule; Impervious Surface Variance above 25% hardcover as this property is located in the R-1 District that has a cap on hard cover at 25% even with stormwater mitigation measures; and, Front Yard and Side Yard Variances for installation of a tennis court at 532 Ferndale Road West. The Planning Commission reviewed this multi-part application at its June 1, 2015, meeting and unanimously recommended approval of the Front Yard Setback Variance to construct the new garage but tied 3-3 on the votes relating to the Shoreland CUP, Impervious Surface Variance, and tennis court Variances so there is not a formal recommendation from the Planning Commission relating to those three items.

The Council noted the existing hardcover is at 25.7%. If the application is approved as proposed the hardcover would be at 38.8%, and if the application is approved without the tennis court the hardcover would then be under the 25% threshold.

With regard to the criteria for granting a Shoreland Impact Plan and CUP, that the overall lot coverage shall not exceed the surplus development capacity for impervious surfaces calculated for Lake Minnetonka, Gleason and Peavy Lakes, Mr. Gadow stated in discussions with Minnehaha Creek Watershed District the proposal, if approved, is not over that capacity criteria. It was noted the City Engineering Department has reviewed the proposed stormwater management and infiltration systems. Mr. Gadow stated he is aware of several pervious products for tennis court construction but the challenge is the level of maintenance required to assure they continue to properly function. Mr. Gadow explained the stormwater management system would treat 1.5 inches of rainwater, which is more than required under the Minnehaha Creek Watershed District rules.

Philip Soran, 5625 Interlachen Circle, Edina, applicant, introduced his project team and stated they have designed something that is better than existing, noting the infiltration system is designed to collect 1.5 inches of rain from the roof, driveway, and tennis court, bringing it from 26% down to 16%. Mr. Soran explained the garage is currently a safety concern so they want to move it off the street line.

Chuck Hanna, engineer representing the applicant, stated the 16% was calculated by ADS, the engineers that designed the system to capture 4,500 gallons from the tennis court and 680 gallons from the rooftop. He advised that turf grass is not considered 100% pervious due to grade issues. Mr. Soran stated the stormwater system is similar to what is used at the TCF Bank Stadium and Target Field.

Margaret Soran, 5625 Interlachen Circle, Edina, applicant, stated the tennis court chain link fence would be 10 feet high at the ends and much shorter on the sides, with possibly no fence along the house side. Mr. Soran stated the neighbor to the west has submitted a letter in support as have four or five other neighbors they contacted.

The Council reviewed standards to consider setback variances and asked questions of Mr. Gadow. It was acknowledged that the four requests can be considered separately.

Following discussion, a majority of the Council indicated support for the Front Yard Variance to move the garage as it would eliminate a non-conforming building but expressed a reluctance to consider the CUP and Variances requested for the tennis court, as it was considered a recreational amenity. Mr. Mullin stated his support for the full application as it preserves the historical home; pulls the garage away from the lot line, which improves on the existing condition; and, the applicant has gone to great lengths to mitigate the impact of the tennis court. Mr. Willcox stated this is a difficult consideration, as evidence by the Planning Commission deadlocking in its vote. He noted the current neighbors support the requests and while he has

1 concerns with a chain link fence and wind screen around the tennis court that would appear to be
 2 a wall, he would reluctantly favor the requests to accommodate a tennis court due to the
 3 additional storm water treatment that would be provided and protect the Lake. Mr. Soran
 4 clarified the windscreen on the ends of the chain link fence would be rolled up when not in use.

5 Mr. Gadow stated if the Council supports the garage Setback Variances but not the other
 6 components of the application, the resolution can be revised to strike all language relating to the
 7 tennis court application. Mr. Schelzel concurred and noted because the applicant wants to move
 8 forward with the garage as soon as possible, the resolution could be revised and considered
 9 tonight.

10 Messrs. Gadow and Schelzel advised of the tennis court references that would be
 11 removed from Resolution No. 25-2015 including the Title, Background, Sections 1.2A., 1.2C.,
 12 1.2D, 2.1, 2.3, 2.4, Section 3 second and third lines to delete the words ‘...Shoreland CUP,
 13 Impervious Surface Variance, and Tennis Court Variances...’, 3.1, 3.2A. deleting the last two
 14 sentences, 3.2B. revise last line to indicate, ‘...complying with the front yard setback.’ 3.2C
 15 deleting the last sentence, 3.2E deleting words ‘tennis court’ in second line, 4.1 second and third
 16 lines to delete the words ‘Shoreland CUP, Impervious Surface Variance, and Tennis Court
 17 Variances...’ and 4.1B.

18 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to Adopt Resolution No. 25-
 19 2015 as revised above to approve only the Front Yard Setback Variance for the new attached
 20 garage. The motion carried 5/0.

21 A poll of the Council indicated two members (Mullin and Willcox) in support and three
 22 members (Anderson, Tyacke, McCarthy) against the tennis court Variances.

23 Mrs. Anderson made a motion, seconded by Mr. Tyacke, to direct staff to draft a
 24 resolution of denial of the Shoreland CUP, Impervious Surface Variance, and Tennis Court
 25 Variances at 532 Ferndale Road West for consideration at the next Council meeting. Upon a roll
 26 call vote, the motion carried 4/1 (Willcox).

27 **b. Review of TIF Analysis for 239-259 Lake Street Concept**

28 Mr. Gadow reviewed that on May 19, 2015, the Council met with three Lake Street property
 29 owners in Workshop to discuss potential redevelopment. At the conclusion, staff was directed to
 30 engage Ehlers & Associates to conduct preliminary TIF analysis for potential redevelopment.

31 Jason Aarsvold, Ehlers & Associates, presented their TIF analysis for potential
 32 development including an 80,000 square foot office building, mixed use that included housing
 33 and retail components, and a redevelopment district. Mr. Aarsvold summarized the analysis for
 34 each of the three properties including tax rates, base values, tax capacity pre- and post-
 35 development, maximum potential tax increment to offset redevelopment project costs, present
 36 value number on each site, available increment, and development values.

37 In response to questions of the Council, Mr. Aarsvold stated they did not look at a
 38 scenario with majority office and retail at ground level but he expects it would be very close to
 39 the \$3 million number. Mr. Gadow stated the purpose of this analysis is to assist with parking for
 40 the redevelopment of the site and engage the Three Rivers Park District for capital, given the
 41 proximity of its trails. He stated at the Workshop, there was discussion of three office buildings
 42 with a parking ramp behind but there are other possibilities including mixed use so Ehlers was
 43 asked to analyze other development scenarios.

44 Ms. Nelson stated the Council adopted a policy relating to public subsidy and one of the
 45 components was to support the demand for public parking. To the extent tax increment can be
 46 utilized to help support the project for the provision of parking, a daytime office use would create
 47 the greatest opportunity for a share of public parking. Staff found the site is ready for
 48 redevelopment, the analysis shows enough increment would be generated to offset parking, so
 49 staff thinks there is a viable project worth further exploration.
 50

1 With regard to the parking agreement and easement with the Boatworks, Mr. Schelzel
2 stated that easement burdens one of the three properties and will need to be honored unless the
3 two property owners negotiate something different.

4 Brad Hoyt, 253 East Lake Street, stated Ehlers' analysis did not include office,
5 apartments, and retail, which he thinks will generate closer to \$4.8 million to \$4.9 million in
6 increment. Mr. Hoyt clarified they are not proposing a development with TIF assistance but for
7 the City to issue General Obligation Bonds to build a ramp and own it. Mr. Hoyt felt the parking
8 ramp would have to be a City initiative, offered to put in whatever resources staff needs to create
9 a plan, and indicated support to expand the district to include other properties that would benefit.
10 Mr. Hoyt asked for an indication from the Council that they support buying into that process so
11 he can decide whether to hold the property.

12 Pat Hughes, 235 and 239 East Lake Street, stated he does not think Ehlers included all of
13 the property in the analysis. He agreed with Mr. Hoyt that parking is needed on the west side,
14 there is an opportunity to develop, but without parking it will be a significant challenge. Mr.
15 Hughes stated he is ready and able to redevelop his two small lots and does not want to lose the
16 opportunity. He asked for a collective indication from the Council whether they support moving
17 quickly toward something that works for the three property owners and the City.

18 In response to Council's question, Mr. Aarsvold stated Ehlers' analysis did not calculate
19 parking needs based on proposed uses or what the source of revenue would be used for (public
20 parking ramp). The analysis included the addresses of 253, 239 and 259 Lake Street. 235 Lake
21 Street was not considered and may or may not provide more increment if included. Mr. Aarsvold
22 stated Ehlers has been before the Council previously about the City issuing General Obligation
23 Bonds for a parking structure but that was for a parking ramp that was purely public. The
24 question in this case would be use of publicly funded parking purely to support a developer's gap.

25 The Council acknowledged that if the TIF district expanded to Ferndale Road or included
26 different parcels and uses, the TIF analysis would be different. It was noted the question was
27 whether the Council supported using TIF and other partnership dollars to facilitate a partnering
28 stance for redevelopment on the west end of Wayzata. It would not be just for the benefit of these
29 three properties but, rather, provide parking for the public as well as an entire development area
30 on the west side as defined in a Parking District. The Council noted the Three Rivers Park
31 trailhead has also created a parking need.

32 A poll of the Council acknowledged this is a unique opportunity and supported moving
33 forward to further explore the project, gather more information, follow the successful 'playbook'
34 being used on Mill Street, consider public benefit of investing in a parking capacity for the entire
35 district to avoid having to react to parking needs on a parcel-by-parcel basis, and to look for
36 parking solutions for the entire west end of Wayzata.

37 38 **c. Discussion of Mill Street Parking Ramp Site Planning**

39 Ms. Nelson stated at the June 2, 2015, Workshop the Council discussed the Mill Street parking
40 ramp and the intent of this agenda item is to provide an update and gain the Council's direction
41 on policy.

42 Jim Lasher, SRF Consulting, provided an update on activity since the Council's June 2
43 discussion, noting two-hour parking enforcement and valet service have begun. He
44 recommended updating the 2007 traffic projections and suggested a scope of work that should be
45 included to understand the measurement and functionality of intersections today and determine
46 whether additional traffic can be accommodated. If approved, the study will also address traffic
47 patterns, points of access into the parking ramp, and project potential traffic based on future
48 development within the corridor as a result of the ramp.

49 The Council asked what would be done differently with the updated traffic projections
50 that show an increase in traffic, noting this is an additional budget item. Mr. Lasher explained
51 how the projections will determine impacts of circulation from the ramp that may result in a

1 decision to place the ramp exit onto a different roadway to avoid creating additional congestion
2 during peak times.

3 The Council reviewed the aerial photographs, noting that depending on the location of the
4 entrances and exits of the parking ramp, the preliminary design allowed for traffic on the east side
5 of Mill Street where there is considerable foot traffic to the Muni.

6 The Council discussed whether the traffic projections needed to be updated, noting that in
7 the next two years there will be a dramatic change in traffic levels so a study conducted today
8 would be ephemeral. However, such a study would gather data on potential future uses, address
9 pedestrian traffic east of Mill Street, and increased traffic projections as a result of the ramp.

10 Mr. Lasher stated the analysis included the new restaurant across the street from the
11 Muni, the new intersection at Superior and Wayzata Boulevards, revisions to the Presbyterian
12 Homes plan, and proposed development. He stated with regard to conflicting pedestrian use of
13 the space, if there is not a ramp entrance on Superior Boulevard, it will impact the location of
14 ramp signage within and outside the core area. Mr. Lasher stated he understands the comments of
15 the Council but felt the traffic analysis would gather the data needed to make a wise choice about
16 how to unload and load a 450 car parking structure.

17 Mr. Lasher stated this small site has a significant change in soil qualities so he
18 recommended a geotechnical investigation to drill four borings at a cost of \$9,000. The results of
19 those borings will get directly at the type and cost of construction for the parking structure.
20 Depending on the boring results, another set of soil borings may be required to determine the type
21 of foundation needed.

22 Mr. Lasher described the option to repurpose Mill Street as a Woonerf, a livable and
23 useable street and asked the Council if this is a reasonable approach. Following discussion, the
24 majority of the Council indicated it generally favored exploring this concept as Mill Street is a
25 historic roadway and to consider the parking structure front more as a storefront/street image,
26 subject to better understanding those options. Mr. Tyacke questioned whether creating a
27 Woonerf would be worthwhile as lost parking spaces would have to be replaced with higher cost
28 ramp spaces, it may appear as a 'dark canyon,' and may negatively impact Mill Street businesses.

29 Mr. Lasher next addressed the creation of a green roof, stating they met with the
30 Minnehaha Creek Watershed District, which has \$750,000 per year to fund stormwater
31 management concepts in their District. He asked the Council whether creating a green roof has
32 merit for continued exploration.

33 Mrs. Anderson supported exploration of other grant opportunities as it will benefit the
34 viewshed for residents above. Mr. Tyacke stated while he would not object to further
35 exploration, leans more towards consideration of a solar application that would have cost benefit
36 implications. Mr. Mullin preferred to use the resources instead to address engineering of the
37 parking structure into the hill. Mrs. McCarthy stated overall, she favors any opportunity to soften
38 or integrate the structure as much as possible. She asked if there are opportunities to recreate the
39 hill to better camouflage the structure. Mr. Lasher reviewed diagrams depicting ramp locations
40 and described the view from above depending on how the structure is sited. Mr. Willcox
41 supported making the view as acceptable as possible from above but did not support a green roof,
42 as they are expensive to construct and maintain. He suggested planting short trees or shrubs
43 along the upper slope that would not impact the lake view but still shield the view of the parking
44 structure. A poll of the Council revealed three in support of continued consideration of a green
45 roof.

46 Mr. Tyacke stated his belief there is a good business case for considering a solar roof so
47 he would like to have that discussion with staff. Mr. Lasher clarified that the solar panels will be
48 positioned to not create reflectivity to the north.

49 Mr. Lasher reported on potential future developments including Beltz
50 constructing a 20,000 square foot building addition, which will have an impact on the parking
51 ramp and could include a bridge archway entrance to the Woonerf on Mill Street.

1 The Council indicated such an expansion could require 212 parking stalls so the cost
2 would have to be included in the ramp, which may cost more than the property. With the
3 Wayzata Bay development sale, the Council preferred an open green space that is modified for
4 pedestrian use.

5 Mr. Lasher presented additional parking structure concepts, points of access, building
6 footprint, and resulting impact on commercial development. Mr. Lasher stated the parking
7 analysis planned two expansions (70' x 100' Beltz expansion and an additional 15,000 to 20,000
8 square foot use) in the parking ratio. However, it does not allow adding a structure needing an
9 additional 212 parking spaces. He asked whether the Council supported consideration of a retail
10 or commercial building on the Broadway side.

11 The Council discussed the option of locating a commercial building along the west edge
12 of the parking structure. Mr. Tyacke supported considering the concept for the Beltz building to
13 bridge over depending on the mass and scale, as long as the parking capacity is incorporated.

14 Mr. Lasher stated he understands the area is zoned for two stories so Beltz would need a
15 CUP for a three-story structure. He stated the proposal is for some kind of bridge (one-story or
16 two-story) but the grade may force it to be only a one-story bridge to keep down the building
17 mass. He stated they will bring back drawings to show that concept.

18 Mrs. Anderson expressed concern with the mass and scale of such a concept and stated
19 she is not comfortable considering it at this point as it is premature without additional information
20 from the traffic study to determine the best scenario for entrances. Mr. Mullin stated he remained
21 open to the concept of development, noting this parking structure will not fully resolve the City's
22 parking need. He stated why he supported modest development and a modest high-quality ramp
23 and reconfiguring the asphalt on the Muni side to improve aesthetics and functionality. Mrs.
24 McCarthy agreed it is premature to make some of these determinations. She supported
25 commercial and retail but does not yet know whether it is the best option to have a commercial
26 building on the west corner. If the Beltz building is not constructed, Mrs. McCarthy stated she is
27 willing to give up the concept of mixed use and focus on quality and aesthetics and assuring it has
28 a sense of place and purpose within Wayzata. Mr. Willcox stated he will need to be convinced
29 about a commercial building on the corner, noting it started as a parking structure and now mixed
30 use is being considered. He noted that would intensify the need for parking so less of the parking
31 need will be resolved. Mr. Willcox noted with the parking lot area in front of the Muni, it was
32 understood that it would be developed but as Presbyterian Homes has been constructed, he now
33 prefers preserving the parking in that area and leaving it as green open space.

34 A poll of the Council indicated support to reconsider the Superior site by the Muni, to
35 scrape it, and create a different layout with additional green space.

36 Mr. Lasher presented schedule options, noting the tremendous number of decisions that
37 need to be reached in option one (accelerated schedule) to construct in 2016, open the first level
38 by the peak parking season, and complete the structure by August. The Council discussed the
39 schedule options and consensus was reached that option two, extending the schedule by six
40 months, was more realistic.

41 Mr. Lasher requested authorization to engage a geotech engineer to conduct soil borings.
42 Mr. Willcox indicated the Council had already indicated a consensus to conduct that work. Ms.
43 Nelson stated those expenses will be paid as incurred and all costs are being tracked as a project
44 so if, in the future, a bond is issued those costs can be wrapped in.

45 The Council again considered whether the traffic projection needed to be updated. A poll
46 of the Council indicated three did not support updating the traffic projections.

47 Paul Webster, 726 Widsten Circle and an 85-year resident, suggested the consultant
48 consider whether parking should be at 90 degrees versus 45 degrees. He stated the issues relating
49 to the parking ramp are aesthetics, accessibility, financial stability, and the long-range objectives
50 are to increase parking, tax base, and value of Wayzata real estate. Mr. Webster stated he lives at
51 Widsten, noting those residents contribute \$525,000 in property taxes and when you include

Harrington House and the four townhouses the total is well over \$800,000 in property taxes. Those property owners will have to look at the parking ramp. Mr. Webster stated why he does not think the Muni parking lot is being used only by those customers. He stated his concern that aesthetically, some of the residential properties may be damaged if the parking ramp is not tastefully addressed, particularly those towards Walker if another retail building is considered.

Ms. Nelson stated staff will follow the Council's direction to push this forward and return on July 7, 2015, with another update.

d. Council Designation of Council Representatives for Key Initiatives: Parking, Cell Tower Site & Bushaway Road

Ms. Nelson explained that during the 2015 Strategic Planning Session the Council indicated interest in becoming more involved with key initiatives. She reported that former Councilmember Jack Amdal has volunteered to serve on the Bushaway Road initiatives, but not as the Chair. She requested direction on which key initiatives Members wish to serve as the Council's representative.

The Council discussed the key initiatives and consensus was reached on the following assignments: Cell Tower Site – Mrs. McCarthy; Downtown Parking – Mr. Tyacke; and, Bushaway Road Landscape Committee – Mrs. Anderson as Chair and Mrs. McCarthy as backup.

e. Council Selection of Lake Effect Selection Committee Appointments

Mr. Gadow advised of the three design professionals that have expressed interest in serving on the Lake Effect Selection Committee. In addition, membership will include representatives of the Three Rivers Park District, Lake Minnetonka Conservation District, Minnehaha Creek Watershed Board, Hennepin County representative, Planning Commission, Heritage Preservation Board, and the Park and Trails Board. The Railroad has been contacted and Ms. Mary deLaittre of Groundworks LLC will contact the Chamber of Commerce regarding representatives from the business community.

Council Members Mullin, Anderson, and Willcox each explained why they were interested in serving on the Lake Effect Selection Committee.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, that the Lake Effect Selection Committee be represented by two Council Members. The motion carried 5/0.

The Council Members cast two paper ballots that both resulted in a deadlock with three votes each. Mrs. Anderson clarified she is only interested in serving with the design selection element, not further phases of the Lake Effect. The Council cast a third paper ballot, which Mr. Gadow counted, and announced that Mr. Willcox and Mr. Mullin received the majority of votes.

f. Consider Cooperative Agreement with Hennepin County for Bushaway/LaSalle Lighting

Mr. Tyacke asked that consideration of the two Agreements be separated so he is able to recuse himself from action on the Excel Energy Agreement as he and his law firm have represented Excel Energy.

Mr. Schelzel advised the Agreements can be considered separately. He stated they noticed some language inconsistencies in the County Agreement relating to indemnification and insurance requirements and recommended consideration subject to necessary revision.

Mr. Tyacke made a motion, seconded by Mr. Mullin, to approve the Hennepin County Cooperative Agreement, subject to revision to the extent necessary in the view of the City Attorney to be consistent with the terms of the Excel contract. The motion carried 5/0.

Mr. Mullin made a motion, seconded by Mrs. McCarthy, to approve the Excel Energy Cooperative Agreement. The motion carried 4/0/1 (Tyacke).

g. Approval of Workshop Minutes of June 2, 2015 and Minutes of June 2, 2015

1 Mr. Mullin stated the intent of his motion was not for one meeting but an on-going dialogue
2 around parking and the eastern buffer and he assumed staff had corrected the resolution to reflect
3 that intent.

4 Mr. Schelzel asked if the resolution was approved with that added condition. Mr. Gadow
5 answered in the affirmative and stated staff will verify whether the resolution references one
6 meeting or an ongoing conversation to reflect Mr. Mullin's intent.

7 Mr. Willcox stated his concern is that the Council not reinvent what happened, noting the
8 minutes cannot be changed if it was not actually stated. Mr. Schelzel suggested staff review the
9 recording and submit corrected meeting minutes, if needed.

10 Mr. Mullin polled the Council and asked if there is any concern with an open dialogue
11 around the eastern buffer. No objection was expressed.

12 The Council supported the recommendation of Mr. Schelzel and directed staff to review
13 the recording and assure the minutes are an accurate reflection of what happened for
14 consideration at the next Council meeting.

15 Mr. Mullin made a motion, seconded by Mr. Tyacke, to approve the Workshop Minutes
16 of June 2, 2015. The motion carried 5/0.

17
18 **AGENDA ITEM 8. City Manager's Report and Discussion Items.**

19 **a. Legislative Update on Widsten Amendment**

20 Ms. Nelson provided a legislative update, advising a tax bill was not acted upon so the Widsten
21 amendment was not considered. Because of the legislative impasse, the City has the option to
22 hold certification of the district and ask again during the next session. Ms. Nelson stated this will
23 be discussed during consideration of the budget.

24
25 **b. Update on Concession Agreement**

26 Ms. Nelson reported on the Concession Agreement and that the project is moving forward.

27
28 **c. Update on Park Maintenance**

29 Ms. Nelson described staff's difficulty in hiring Parks maintenance workers this summer. She
30 reviewed a list of items that have not yet been addressed and short-term solutions being
31 considered. The Council asked staff to look into contracting with a private landscaping firm to
32 complete some of the maintenance items. It was noted that other options were using volunteers
33 or social programs such as individuals needing to perform community service. Ms. Nelson stated
34 this will be rolled into the budget discussion.

35
36 **d. Other**

37 Ms. Nelson stated on July 2nd and 30th, 6 Smith will be hosting "Oake on the Water" events and
38 has made application for a special event permit.

39 Ms. Nelson reported on dock usage and stated staff will continue to track those numbers.

40 Mr. Willcox reviewed Fourth of July events.

41 Mr. Mullin announced this weekend is Wine on Wayzata Bay and one of the lead
42 sponsors is the Muni and Wayzata Wine and Spirits.

43 Mrs. Anderson congratulated the Heritage Preservation Board on its successful event for
44 the Trapper's Cabin.

45
46 **AGENDA ITEM 9. Public Forum Continued (if necessary).**

47 There were no comments.

48
49 **AGENDA ITEM 10. Adjournment.**

50 Mr. Tyacke made a motion, seconded by Mrs. McCarthy to adjourn. There being no further
51 business, Mr. Willcox adjourned the meeting at 11:06 p.m.

1
2 Respectfully submitted,

3
4 *Becky Malone* 07-07-2015
5

6 Becky Malone
7 Deputy City Clerk

8
9 Drafted by Carla Wirth

10 *TimeSaver Off Site Secretarial, Inc.*