WAYZATA CITY COUNCIL
MEETING MINUTES
October 6, 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, Interim Planner Zweber, City Engineer Kelly, Management and Planning Intern Peters, 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 reported Council met in Workshop prior to the City Council meeting and discussed the proposed public art display in the roundabout at the east end of Lake Street, the special event permit policy and fees, and next steps on the Lake Effect project.

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

a. 2015 Trolley Season Recap

Mr. Jack Amdal and Mr. Russ Crowder from the Lake Minnetonka Trolley organization gave a presentation. Mr. Amdal reported on the details of 2015 trolley season and goals for the 2016 trolley season.

Mr. Crowder reported on the relevance of the trolley and how it attracts visitors and connects the community.

The Council asked what the long-term plan is for the Lake Minnetonka trolley and the surrounding communities. Mr. Amdal stated they are hoping to extend service to surrounding communities in the future.

The Council asked if data has been collected as to what days and times would be best to add to the route to fit the needs of the community. Mr. Amdal replied they have collected data and would like to share that with the Council at a future date.

The Council thanked the Lake Minnetonka trolley group for all of their hard work.

AGENDA ITEM 4. New Agenda Items.

Mrs. McCarthy requested Mr. Kelly and the contractor for the Ferndale Road Project be present at a future Council meeting to discuss milestones and deltas for the project. Council approved adding item to a future agenda.

AGENDA ITEM 5. Consent Agenda.

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

a. Approval of City Council Workshop Meeting Minutes of September 15, 2015 and City Council Regular Meeting Minutes of September 15, 2015
b. Approval of Check Register
c. Municipal licenses which received administrative approval (informational only)
d. Approval of Municipal Licenses
e. Approval of Personnel Policy Language Changes and Revised Personnel Policy

The motion carried 5/0.

AGENDA ITEM 6. New Business.

a. Lake Effect: Consider Contract with Civitas for Signature Project Design

Ms. deLaittre, Lake Effect Design Consultant, reported that on September 15 the Council directed staff to proceed to negotiate a contract with Civitas for the Lake Effect Signature Design Project.

Staff has worked over the past three weeks to negotiate the contract with Civitas and is requesting approval from Council of the contract presented, subject to final City Attorney approval.

The Council asked if Civitas' fees include all the other subcontractors, and who is going to manage the contract. Ms. deLaittre stated the fee includes all the subcontractor fees and the City Manager will manage the contract.

The Council asked about the timeline of the contract. Ms. Nelson stated the timeline will go from October until April. It is a sequential process where one component builds on the next.

The Council asked about community engagement with the project. Ms. Nelson stated Civitas will meet with the community three times.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the contract with Civitas for the Lake Effect: Signature Design Project, subject to final City Attorney approval. The motion carried 5/0.

Mrs. Anderson stated that about $500,000 of taxpayer dollars have been used for this project and going forward, it needs to be decided how many more taxpayer dollars will be used versus the funding available for the Lake Effect Project.

b. Review Downtown Parking Pilot Project Results

Management and Planning Intern Peters reported on the Downtown Parking Pilot Programs that ran between mid-June and mid-September. This focused on on-street two-hour parking enforcement, public valet parking, designated employee parking, trolley service, and new dock facilities. Staff created a survey for the public that was accessible through the City's website as well as mailings to downtown businesses. The survey received 185 responses.

Based on the results of the downtown parking pilot programs, City Manager Nelson recommended going from two-hour to three-hour parking in the areas of time-limited parking and to put a hold on public valet parking until there is an area dedicated to park the cars in, such as the proposed City parking ramp.

Mrs. Anderson commented she does not see enough evidence to go from two- to three-hour parking. The valet service is generally used by out of town visitors and this survey was completed by Wayzata residents. Ms. Nelson stated until there is a place designated for valet parking, it will continue to be a challenge.

Mr. Mullin asked if the City can mandate businesses to participate in the employee parking program. Ms. Nelson stated another city does require that of their businesses and the employees, but enforcement of such a requirement is a challenge.

Mrs. McCarthy stated she would support three-hour parking limits, that valet parking needs to continue to be discussed, and she would like more data on the docks.

Mr. Willcox views valet parking as a service, not a solution, and supports three-hour parking.

Mr. Dan Gustafson, 1040 Circle Drive, thanked the Council for their work. He commented on the no overnight parking limit and was surprised to see two-hour parking on the dock parking. He suggested the City see if they can cite people who are parked at the docks beyond the ordinary high water level.

The Council stated they support three-hour parking, but would like to include the Mill Street lot as well. Ms. Nelson explained there are some challenges with the Mill Street lot as there are designated contractual parking areas for businesses within that lot.

The Council still supported three-hour parking but decided to wait on including the Mill Street lot.

Mr. Peters stated all the parking survey results are available on the website.

c. Exterior Building Material Change Request for 143 Huntington Avenue

Interim Planner Zweber reported during an inspection at 143 Huntington Avenue South, Building Inspections staff observed that the exterior material installed on the residence was not the cedar shake that was depicted on the building plans and that was a condition of the variance granted for the project. Staff is not in favor of a change in materials and does not recommend that the City Council approve of the change, as it was an express condition in the original project approval.

The Council asked about the steps to enforce this requirement. City Attorney Schelzel stated because the cedar shake exterior was a condition of the variance approval, the landowner would need to comply with that condition or the variance would be revoked. Prior to revocation, the property owner would receive notice and be given an opportunity to remedy the problem. If he fails to do that, the matter would be brought back to Council for a formal action to revoke the variance. If that were to occur, the property would be in violation of the Zoning Ordinance, constituting a misdemeanor and involving a fine that would accrue each day until the violation was corrected.

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to not take action to revoke the condition of the variance with respect to the cedar shake exterior, and instead direct staff to enforce the condition and the provisions of the zoning ordinance with respect to the property. The motion carried 5/0.

d. Consider Resolution No. 36-2015 CōV Right-of-Way Encroachment Agreement

Interim Planner Zweber reported the applicant, CōV, is requesting a modification to a previously approved canvas storage bin on a City right-of-way (ROW) to allow for storage of wood, empty kegs, uniform bins and a grease recycling cart for the restaurant. It is not a request to expand the size of the area that has already been approved, but it is a request to include additional items in that area.

Mr. Tyacke noted a letter had been submitted from a neighboring landowner stating the additional items have a bad smell and block views of the lake.

The Council expressed concern that the owner would not keep all the items in the approved enclosure. Mr. Zweber stated if the owner does not keep the items in the approved enclosure, the City could use code enforcement.

Mr. Tyacke, Mr. Mullin, Mrs. McCarthy, and Mrs. Anderson indicated they do not support approval of the changes requested.

Mrs. Anderson made a motion, seconded by Mr. Tyacke, to deny the request to modify the storage item requirements as set forth in draft Resolution No. 36-2015 approving temporary encroachment permit at 700 Lake Street. The motion carried 4/1 (Willcox).

Mr. Mullin made a motion, seconded by Mrs. Anderson, to direct staff to work with the restaurant owner to find a way to deal with the restaurant waste internally, and to abide by the current condition of the ROW encroachment permit and only store wood outside in the ROW. The motion carried 4/1. (Willcox)

c. Exterior Building Material Change Request for 143 Huntington Avenue – continued

Mr. Gordy Straka, 130 Huntington Avenue South, addressed the Council on a previous agenda item 6c. Exterior Building Material Change Request for 143 Huntington Avenue. Mr. Straka stated his concerns about drainage on the property as everything is being drained onto Huntington Avenue.

City Attorney Schelzel stated drainage on the property was addressed in the conditions of the original approval of the variance, outlined on page 155 of the Council packet, specifically condition I, Nos. 3 and 4. He thanked Mr. Straka for bringing it to staff's attention.

The Council recessed at 9:08 p.m.

The Council reconvened at 9:15 p.m.

e. Consider Reconstruction of East City Parking Lot

City Engineer Kelly reported on the plan to reconstruct the municipal parking area located behind the Perkins building, Steele Fitness, and CoV restaurant. This project is proposed to be funded using the Street Capital Improvement Program (CIP) at a cost of $63,795. The Public Works Department requests authorization to proceed with this work and obtain quotes from a minimum of three contractors.

Mrs. Anderson inquired about only reconstructing the surface and not including concrete curbing because of other plans that may happen in that area. Mr. Kelly stated the cost of concrete curb versus asphalt curb is very similar, with the concrete curb being sturdier, and it would not produce a significant savings in cost.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to move forward with the reconstruction of the east City parking lot as proposed. The motion carried 5/0.

f. Discuss Pedestrian Connection Along Circle A/East Neighborhood and Timing of Landscaping in the East Buffer

City Engineer Kelly reported that City staff and representatives from Presbyterian Homes and the developer of the East Block held a neighborhood meeting on September 9. The discussion came down to consideration of three options: install only the short connection from Circle A Drive to the playground; install a sidewalk behind the curb; or install a boardwalk through/over the wetland. It was not clear from the meeting which option was preferred by those attending, but the majority affirmed and reiterated the goal to maximize the buffer plantings.

Mr. Kelly requested direction from Council on whether a pedestrian facility should be pursued this season, in order to allow the developer to proceed with a fall planting schedule as required.

The Council asked if a boardwalk is permissible through the wetlands under applicable regulations. Mr. Kelly reported staff has not applied for formal approval, but it appears that a boardwalk through the wetlands may be permissible.

By request of the Council, Mr. Kelly reported on the costs of the three different options: 1) the short connection from Circle A drive to the playground would cost a couple hundred dollars; 2) the sidewalk behind the curb is approximately $100,000; and, 3) the boardwalk through the wetlands is approximately $290,000.

Mr. Kelly stated the sidewalk along the road could be completed with no impact to the wetland. The boardwalk can be modified to go through the wetland and go around existing trees. If the boardwalk option was considered, there would have to be small sidewalks along the road connecting to the boardwalk to allow pedestrian access.

Mr. Tyacke asked about snow removal on the boardwalk. Mr. Kelly stated if it is determined to keep it open during the winter months, it would be maintained by hand with an electric broom or shovels.

Mr. Dan Gustafson, 1040 Circle Drive, stated he is in favor of the boardwalk because it would get people off Circle A. Also, because of the no parking on Circle A and Circle E, the only place to park is in front of his house and it causes a safety issues as people come down the street.

Mrs. Anderson and Mr. Mullin stated their support for a hybrid plan that would allow some sidewalk and some boardwalk. Mr. Kelly stated the cost of a hybrid plan would be around $220,000, but could be done in phases. Ms. Nelson stated this pedestrian connection is an obligation of the City, not the developer.

Mrs. McCarthy asked if it would be best to wait until the adjacent construction project is complete before making any decisions on how to proceed with the walkway. She noted people may change their mind as to what they want when they see the final completed structure.

Mr. Willcox stated he is concerned about the increased cost and winter maintenance, and would prefer a sidewalk along the road for the safety of pedestrians.

Mrs. Anderson made a motion, seconded by Mr. Mullin, to direct staff to move forward on gathering preliminary designs, information and regulatory approvals for a hybrid plan to provide the most buffer and address safety concerns along the East buffer.

Mr. Tyacke stated he is also concerned about the cost and maintenance.

Mrs. Anderson asked if this would be a TIF eligible expense with some of the funds coming from the Presbyterian Homes project. Ms. Nelson said it is possible and could be looked at as it relates to infrastructure.

Mr. Tyacke asked if a sidewalk on the other side of the road is an option. Mr. Kelly said it would be a very expensive option, as there is a very steep slope that would require a retaining wall that would run almost the full length of the roadway.

The motion carried 4/1. (Willcox)

Mr. Mullin made a motion, seconded by Mrs. Anderson, that the developer postpone the landscaping and plantings it was obligated to do this fall under its amended and restated development agreement with the City, and instead coordinate the timing of such landscaping and plantings with the final development plans for the buffer zone. The motion carried 5/0.

g. Consider Resolution No. 37-2015 Approving Contract with the Minnesota Department of Transportation

City Engineer Kelly reported on the Peavey Bridge testing and the Minnesota Department of Transportation Master Partnership Contract. The Public Works Department requests approval of draft Resolution 37-2015 approving the contract.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to Adopt Resolution 37-2015 Authorizing the Execution of a Master Partnership Contract between the City of Wayzata and the Minnesota Department of Transportation. The motion carried 5/0.

h. Consider Bid Award for Roundabout Landscaping

City Engineer Kelly reported the Public Works Department solicited quotes from three contractors for the Circle A/Lake Street East Roundabout Landscaping Project. They recommend approval of the low bid of $81,585 from Arteka Companies, LLC.

Mrs. McCarthy asked whether the lighting should be eliminated from the bid as it is not yet known what art will be included in the roundabout. She also expressed concern with planting landscaping so late in the season.

Mrs. Anderson asked if it is best to wait until spring to get more competitive bids. Mr. Kelly stated in delaying the bids, costs may go up over the winter.

Mr. Mullin stated he would be in favor of delaying the landscaping until spring.

Mr. Willcox and Mr. Tyacke stated they support going forward with the plan and the current lighting.

Mr. Kelly explained the flexibility of the project specifications.

Mr. Tyacke made a motion, seconded by Mrs. Anderson, to award the bid a presented for roundabout landscaping to Arteka Companies, LLC. The motion carried 5/0.

<u>AGENDA ITEM 7. City Manager's Report and Discussion Items.</u>

a. Heritage Preservation Board

City Manager Nelson reported on Thursday, October 8, at 7:00 p.m. the HPB will have a presentation featuring a local architect, builder, and residents who will share their renovating experiences.

b. Update on Bushaway Project

Ms. Nelson stated the next Bushaway update meeting will be Thursday, October 15, at 9:00 a.m.

City Engineer Kelly reported they will be walking through the north end of Bushaway Road with the landscape committee on Thursday, October 8.

c. Update on the Lawsuit brought by Continental Property Group for Denial of PUD Request

City Attorney Schelzel reported the City prevailed as expected in the lawsuit brought by Continental Property Group for the denial of its PUD request, but that Continental Property Group had appealed the decision to the court of appeals. He noted that it could be up to eight months or more until all appeals were exhausted.

d. Update on Unitarian Universalist Church of Minnetonka Settlement Obligations

Mr. Schelzel reported that in connection with the City's obligations under its settlement agreement with the Unitarian Universalist Church of Minnetonka over development of church property on the Hwy 12 frontage road, the City had negotiated for the purchase of one of the Mn/DOT properties next to the church, and the church had indicated it will accept the negotiated terms. Mr. Schelzel stated this item will be on a future Council agenda for approval.

<u>AGENDA ITEM 8. Public Forum Continued (if necessary).</u>

There were no comments.

<u>AGENDA ITEM 9. Adjournment.</u>

Mr. Tyacke made a motion, seconded by Mrs. Anderson to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 10:16 p.m.

Respectfully submitted,

Becky Malone 10/20/2015

Becky Malone
Deputy City Clerk

Drafted by Shannon Schmidt
TimeSaver Off Site Secretarial, Inc.