WAYZATA CITY COUNCIL
MEETING MINUTES
January 20, 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, and City Attorney Schelzel.

AGENDA ITEM 2. Approve Agenda.

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

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

a. Remember John Berryhill

Mayor Willcox shared that long time Wayzata resident, John Berryhill, had passed away after a lengthy illness. He had been a wonderful asset to Wayzata, a dedicated volunteer, and a regular visitor to the City Council meetings.

b. Bushaway Road Update

Trudy Richter, Outreach representative for Shafer Contracting Construction team, reported that work had continued through the winter. Thirty-one hotline calls had been received and responded to concerning complaints, local traffic concerns, utilities, etc. Seven updates in November and four in December had been sent out. McGinty Road and Eastman Road should be open next week and new signage would be put up to alert drivers. The road should stay open until Spring when the work would be finished and the road permanently open.

The Council asked questions concerning the placement of the signage and the negative effects on the local businesses.

AGENDA ITEM 4. Consent Agenda.

Mrs. Anderson requested to pull Item 4.c., Approval of Addendum to Recording Secretary Service Agreement, from the consent agenda for discussion.

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

a. Approval of Minutes of January 6, 2015
b. Approval of Check Registers
~~c. Approval of Addendum to Recording Secretary Service Agreement~~
d. Approval of Lease Agreement for 2015 with Wayzata Historical Society for the Wayzata Depot at 402 Lake Street East
e. Approval of Resolution No. 03-2015 Approving Hennepin County Law Enforcement Personnel and Equipment Mutual Aid Agreement
f. Municipal licenses which received administrative approval (informational only)
g. Police Activity Report
h. Building Activity Report

The motion carried 5/0.

AGENDA ITEM 5. New Business.

a. Consider Resolution No. 06-2015 Approval of Lot Combination at 227 Walker Avenue North and 529 Park Street

Mr. Gadow presented a Development application for approval from Joseph and Mary Kiser for a Concurrent Preliminary/Final Plat Lot Combination at 227 Walker Avenue North and 529 Park Street. The applicants own both properties. The 227 Walker Avenue North lot was only 7,260 square feet and the 529 Park Street lot was only 5,500 square feet. The minimum lot area in the R-3A District was 9,000 square feet. The resulting lot combination would remove the non-conformities and create one conforming lot of 12,760 square feet. Mr. Gadow presented sketch drawing of the lots and shared that the Planning Commission had recommended unanimously approve the request.

The Council asked why the lot combination had not been done previously. Mr. Gadow responded that it was built in the 1980s and remodeled in the 1990s, but he was unaware of why it had not been previously combined.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to Adopt Resolution No. 06-2015, Approving an Application for Concurrent Preliminary and Final Plat Lot Combination at 227 Walker Avenue North and 529 Park Street. The motion carried 5/0.

b. Consider Resolution No. 07-2015 Approval of Planned Unit Development and Associated Approvals at 236 and 240 Minnetonka Avenue and 519 Indian Mound

Mr. Gadow presented a request from John Adams, representing John Kraemer and Sons, and Haglund's Corner LLC, for approval of a concurrent Concept and General Plan Planned Unit Development, Project Design Review, a concurrent preliminary and final plat for a lot combination of commercial property, a Shoreland Conditional Use Permit, a variance for building height above the thirty-five feet in Planned Unit Development District, building and site setback variances, and a Conditional Use Permit for an elevator penthouse above forty feet to redevelop the properties at 236 Minnetonka Avenue, 240 Minnetonka Avenue, and 519 Indian Mound. The request proposed a mixed use building of 45,227 square feet with 3,000 square feet of retail located half below grade and ten residential condominium units in three stories. Mr. Gadow shared that the current zoning was C-1 and that the Planning Commission had voted 4/3 to recommend in favor. Mr. Gadow then presented aerial photos, the existing conditions survey, preliminary and final plats, the site plan, the parking plans, and Council action steps.

Mr. Adams explained that the project had evolved over the last six months with input from the neighbors, City staff, the Planning Commission, and the City Council. He noted that the team had done its best to not deviate from the City's ordinances and asked the Council for its approval.

The Council asked if it was the low elevation or the retail addition that was responsible for the height variance and Mr. Adams responded that it was a combination of both. The Council also asked about the association and who would be responsible for maintaining the public spaces. Mr. Adams replied that the tenants would be responsible for the tables and grills in the park and the retail component would be responsible for the front tables and chairs.

Lisa Richardson, Tanek Architects, discussed the screening on the East side of the property with crab apple trees.

Daniel Goldman, 520 Indian Mound Street, and Polly Grose, 540 Indian Mound Street, shared that the neighbors were in favor and strongly endorsed it.

Bette Hammel, 101 Promenade Avenue #413, shared that she was happy to see the Post Office being preserved. She felt the architect had done a good job with this residential project and it fit well in the neighborhood.

The Council discussed the request and the resolution and each shared concerns. Mrs. McCarthy was concerned with the height of the elevator, the lack of natural light for the park, and the lack of articulation between floors of the building. Mayor Willcox was concerned that a large portion of the variances were in violation of the City's ordinances, but had the most trouble with the height of the building.

Mr. Adams informed the Council that the architect could commit to decreasing the tower height by at least two feet, but the elevator was necessary for handicap use.

Mr. Mullin made a motion, seconded by Mr. Tyacke, to Adopt Resolution No. 07-2015, Approving and Application for Concept/General Plan Planned Unit Development and Rezoning, Concurrent Preliminary and Final Plat, Shoreland Conditional Use Permit, Building Setback Variances, Conditional Use Permit for Elevator Penthouse, Project Design Review and Site Plan Review at 236 Minnetonka Avenue South, 240 Minnetonka Avenue South, and 519 Indian Mound, with the following conditions and amendments:

- The last sentence of Item 3.7.D. should read, "The Project could meet the City's Zoning Ordinance standards without the need for variance with a residential and commercial office building."
- Add to Item 4.1.C., The height of the elevator shaft shall be no more than 11 feet from the parapet wall and will be screened with Boston Ivy."
- Add to Item 4.1.F., Incorporating additional screening of garage door and North wall.
- Add Item 4.1.M., The applicant must enter into a development agreement with the City in a form acceptable to the City Attorney covering all of the approvals, restrictions, and conditions noted above.
- Add Item 4.1.N., The applicant is encouraged to diversify tree stock in the landscaping plan.
- Add Item 4.1.O., The building height plus parapet wall cannot exceed 40 feet.
- Add Item 4.1.P., The applicant must maintain public spaces in the park and retail space.

The motion carried 3/2 (McCarthy, Willcox).

Mr. Mullin made a motion, seconded by Mr. Tyacke, to Approve the First Reading of Ordinance No. 751, Rezoning the property, 236 Minnetonka Avenue South, 240 Minnetonka Avenue South, and 519 Indian Mound to a Planned Unit Development District. The motion carried 4/1 (Willcox).

The Council requested that staff look into more detail about storm water management and how it was working for staff to check and maintain pavers.

c. Consider Resolution No. 08-2015 Wayzata Brew Works LLC and Boatworks II LLC Microbrewery and Distillery

Mr. Gadow reported that Boatworks II LLC and Wayzata Brew Works LLC had previously submitted and received approval for a similar application in August of 2014, but withdrew and rescinded the Application to allow the operators an opportunity to make some modifications to their business plan. The applicant had resubmitted a new application requesting the same approvals for an amendment to an existing Planned Unit Development Conditional Use Permit and new Conditional Use Permit to allow the operation of a microbrewery/taproom and distillery facility at 294 Grove Lane. Mr. Gadow presented an aerial photo; site layout; interior design concepts; parking calculations and parking layout; and operation items such as trash, hours of operation, special events, and brewery operations. The Planning Commission voted unanimously to recommend approval of the application.

The Council discussed the flow analysis for sewer discharge, parking concerns, and the possibility of moving the trailhead.

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to Adopt Resolution No. 08-2015, Approving Planned Unit Development Amendment, Conditional Use Permit, and Site Plan for 294 Grove Lane, as amended to require employees to park at the 259 site and valet to utilize off-site parking first. The motion carried 5/0.

d. Consider 2015 Legislative Priorities

Ms. Nelson shared that at the end of the 2014 legislative session, the City of Wayzata began discussions with local legislative representatives regarding funding for the Lake Effect. She requested Council direction with regard to continued discussions with the legislative representatives in pursuing funding.

The Council asked questions concerning other funding sources and having the legislative representatives visit. The Council also asked about a timeline for more specific plans and cost estimates. Ms. Nelson replied that a framework with cost estimates was all that was needed currently and specifics would come later. The Council noted that the framework was not binding, but more of an example.

Ms. Nelson discussed the issue of Sunday liquor sales noting that it seemed likely to receive serious consideration this session. She asked for Council feedback regarding the issue of Sunday liquor sales. The Council expressed concern over the amount of revenue it would earn, but believed Sunday liquor sales were inevitable.

The recessed for Council five minutes and then reconvened.

e. Consider Resolution No. 05-2015 Designating Additional City Appointments and Assignments for 2015 to Include Council Liaison Positions for Boards and Commissions

Ms. Nelson reported that at the January 6, 2015 City Council meeting, the Council decided to postpone consideration of the appointments of the Council Liaison positions for boards and commissions. Staff recommended the Council consider moving away from the Council liaison format move towards "independently-functioning boards and commissions and create a process for communication between the various board chairs and the Council.

Mr. Willcox stated his understanding of what he thought the role of liaison was created to do in the past in respect to boards and commissions. Mrs. Anderson asked if any of the other members of the Council had been Council Liaisons. None of the council members responded. Mrs. Anderson stated her experiences as Council Liaison on 2 boards for 2 years and 1 board for 1 year. Mrs. Anderson recommended asking the boards and commissions for input before making a choice that would affect them. She stated that if the boards and commissions are seen having value by the Council then their opinion on the role of liaison should be valued, as well. Mrs. Anderson stated how the role was described to her when she started in the position as not directly a group that was lost, but rather being supportive and answering questions around what was happening in the community. She also was in favor of the liaison roles stating that the role provided value to the various boards by saying they had worth. Mrs. Anderson questioned why this topic was being brought up since there was no declared dissatisfaction with role as it was currently executed by any of the boards or commissions. Mrs. Anderson stated that she saw the boards and commissions as already "independently-functioning" in the their current state.

Mr. Tyacke stated that he saw the structure as Council being a Board of Directors of a corporation and didn't feel that directors should sit on operating committees or the like. He was in favor of the role stated in report and felt that Council members should just dedicate 100% of their time to their elected responsibilities and not be diluted with boards and commissions. Mrs. Anderson informed Mr. Tyacke that was not the case.

Mr. Mullin stated that he would like to see consistency among the boards and commissions. He would like to see the boards and commissions act with more autonomy to formulate their own ideas, perspecitives and opinions. Mr. Mullin stated that if the goal is to form better relations with boards and commissions they he could support a quarterly rotation of council to the role. However, he does not see the need for the role in any of the boards and commissions.

Mrs. McCarthy believed the liaison roles were important when large initiatives were happening. Mrs. McCarthy also stated that best business practices would be to have a definition around the role of Council Liaison and to have, at minimum, the Chair/Vice Chairs come before the Council on a regular basis to keep communication open.

Mrs. Anderson asked staff if the staff liaison role was formally described in any of the boards and commissions resolutions. Staff did not provide answer. Mrs. Anderson suggested that if it was the desire of the Council to allow the boards and commissions to function independently, staff liaison roles should be removed as well. She offered that under that structure the chairs/vice chairs of the boards and commissions can then reach out when they need assistance to staff or council.

Mr. Willcox stated that he thinks it is the staff that executes the direction of the boards. Mrs. Anderson stated her disagreement to that statement. She stated that it is the Chair that executes and gives direction as well as the entire board offering up recommendations to Council. Mrs. Anderson also argued that it is not an efficient use of staff's time to be at all the meetings of the various boards and commissions.

The Council discussed the role of staff concerning boards and commissions. Mrs. Anderson stated that staff's role is not necessary at all or any of the boards and commissions' meetings if they are to "independently function" and at times the staff role has had an influencing effect. Staff's role should be that as supportive. Mr. Mullin acknowledged that he has experience with that occurring in the past and proposed that the boards and commissions be allowed to meet without staff at their discretion.

Mr. Mullin noted that the intent of removing the liaison positions was to give the boards and commissions more structure and face time with the entire Council.
Ms. Nelson thought that staff attendance was necessary at the meetings to answer questions concerning City resources, etc.

Mrs. Anderson stated that was the same role Council Liaison played when attending boards and committee's meetings. Mrs. Anderson asked Council if anyone on Council had heard differently in how she had conducted herself while performing her job, then they should state so at that point in time in the meeting. No one on Council or staff responded with any such accountings.

Mr. Mullin made a motion, seconded by Mr. Tyacke, to direct staff to adjust the Communications Board's resolution to reflect removal of the formal Council role and to not appoint a Council Liaison to the Parks and Trails Board or the Volunteer Committee. The motion carried 3/2 (Anderson, McCarthy).

4.c. Approval of Addendum to Recording Secretary Service Agreement

Mrs. Anderson shared that she had requested staff calculate the amount spent on recording services over the past five years and that the total was approximately $45,000. The City Council meeting minutes and workshop minutes were not verbatim like the Planning Commission minutes. Mrs. Anderson suggested that the minutes should be verbatim in an effort to be more transparent and the cost could be reduced greatly by using recording software for dictation. The process would be more efficient and the minutes more thorough.

The Council discussed whether or not both the City Council meeting minutes and workshop minutes should be verbatim. Mr. Mullin was in favor of exploring alternate paths, but did not believe the workshop meetings should be recorded because there was not any formal action taken in workshops. Mr. Tyacke preferred minutes to a transcript of the meeting, but noted that the Planning Commission minutes regularly had typos or errors. Mrs. Anderson suggested that a transcript was not different than a recording and was against the summary style of minutes because it required paraphrasing and the tone or point of view could be misconstrued.

Mr. Schelzel cautioned against a transcript approach to the minutes and noted that there was a difference between meeting minutes and the meeting recording. The minutes should accurately reflect discussions. Mr. Schelzel encouraged the Council to review the minutes carefully and request revisions when needed.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the 2015 Addendum to Recording Secretary Service Agreement. The motion carried 5/0.

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

a. Chilly Open

Ms. Nelson shared that Chilly Open was scheduled for February 7, 2015. There would be a Cinema and Skates family event on Friday night.

b. Update on Special Event Permit Fees

Ms. Nelson shared that the City had reviewed and approved fifty special event permits for Wayzata over the last year and that the $200 permit fee was not covering the cost. The Council had previously approved a tiered schedule for event permits based on the size of the event. Staff had received feedback requesting that the increases be phased in.

The Council discussed the phase-in approach and agreed to reduce the increases for 2015 and revisit the prices again for 2016.

c. Liquor Licenses

Ms. Nelson shared that liquor license renewals were due in April, but a restaurant had requested to make a partial payment in April and final payment in July. The restaurant attributed its struggles to Bushaway Road.

The Council supported allowing the partial payment.

<u>AGENDA ITEM 7. Public Forum Continued (if necessary).</u>

There were no comments.

<u>AGENDA ITEM 8. Adjournment.</u>

Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Becky Malone

Becky Malone
Deputy City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.