WAYZATA CITY COUNCIL
MEETING MINUTES
February 3, 2015

<u>AGENDA ITEM 1. Call to Order and Roll Call.</u>
Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, Mullin (arrived at 7:53 p.m.), and Tyacke. Also present: City Manager Nelson, Director of Planning and Building Gadow, and City Attorney Schelzel.

<u>AGENDA ITEM 2. Approve Agenda.</u>
Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the agenda, as presented. The motion carried 4/0.

Mayor Willcox reported that a closed session was held that day at 5:30 p.m. pursuant to Minnesota State Statute concerning attorney client privilege. The meeting concerned an appeal filed to the Minnesota District Court by Continental Property Group LLC concerning the denial of a Planned Unit Development concept plan and height variance at 253 and 259 Lake Street.

<u>AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).</u>
a. Update on Legislative Session – State Senator David Osmek
This item was considered following Agenda Item 5a upon Senator Osmek's arrival.

b. Planning Commission and Charter Commission Service Awards
Mayor Willcox shared that Todd Pearson had served on the Planning Commission from 2012-2014. The Mayor thanked Mr. Pearson for his service and presented him with a nameplate and plaque.

Mayor Willcox also shared that Steven Tyacke had served on the Planning Commission in 2014 and on the Charter Commission from 2012-2014. The Mayor thanked Mr. Tyacke for his service and presented him with a nameplate and plaque.

<u>AGENDA ITEM 4. Consent Agenda.</u>
Mrs. Anderson requested that Item 5.e. in the Minutes of January 20, 2015 be verbatim. Mr. Schelzel advised that meeting minutes should be summarized and should accurately reflect the meeting. He also noted that recordings of the meetings were available to all and were part of the public record. Mrs. Anderson requested to pull the Minutes of January 20, 2015 so that she could review them and request specific revisions.

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

a. Approval of Workshop Minutes of January 20, 2015 ~~and Minutes of January 20, 2015~~
b. Approval of Check Register
c. Municipal licenses which received administrative approval (informational only)
d. Approval of Second Reading of Ordinance 751 Rezoning 236-240 Minnetonka and 519 Indian Mound
e. Consider First Reading of Ordinance 750 Allowing Installment Payments of City's On-Sale Liquor License Fees in Years 2015 and 2016
f. Consider Resolution No. 11-2015 Adopting Revised Municipal Fees for 2015

The motion carried 4/0.

<u>AGENDA ITEM 5. New Business.</u>
a. Consider Resolution No. 10-2015 Approval of CōV Southeast Dining Room Expansion

Mr. Gadow shared that CōV Restaurant was requesting to expand its existing dining space by adding an enclosed dining space at the rear of the building where there was currently an outdoor waiting area. In addition, CōV was requesting the use of City right-of-way adjacent to the restaurant to the east for the location of two enclosed storage structures for wood and empty kegs. Mr. Gadow discussed parking impacts and presented photos of proposed changes, concept plan, and action steps.

Mr. Gadow answered a question from the Council, indicating that the changes would not impact the railroad's right-of-way. The Council asked about impacts to Steele Fitness next door. Mrs. Anderson presented a photo of the rear of the buildings where the additional storage would be added.

Neal Weber, Weber Architects, explained that there was already one canvas covered storage area for firewood due to health codes and they were requesting to duplicate it for a place to store items that were being picked up on a daily basis.

Dean Vlachos, CōV, answered a question from the Council, indicating that he believed the extra storage would be adequate space during peak season for the items that get picked up including empty kegs, laundry bin, and grease storage.

The Council noted an e-mail from Steele Fitness that did not approve the extra storage facility in the rear of the building.

The Council each discussed their opinion and a possible payment for use of public right-of-way. Attorney Scehlzel suggested directing staff to think about temporary encroachment permits. Mr. Gadow noted that there was currently a fee of $750.00. The Council approved of the wood storage, noting it was a health code concern, but was concerned with the precedence of allowing storage on public right-of-way and the concerns of Steele Fitness.

Mr. Mullin arrived at the meeting at 7:53 p.m.

The Council discussed the addition of the private dining room. The Council's main concern related to parking issues that the additional seating could cause.

The Council directed staff to encourage participation in the Pilot Parking Program and maintain the obligation for additional stalls. Mrs. Anderson explained the Pilot Parking Program including valet, employee parking, and the Trolley program.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to direct staff to revise Resolution No. 10-2015 to reflect approval of expansion of dining facility, to deny the additional outdoor storage, to allow the wood storage in public right-of-way, and to reevaluate language to make sure it covers future parking plans. The motion carried 5/0.

<u>AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person) – continued.</u>

3.a. Update on Legislative Session – State Senator David Osmek

Senator Osmek arrived and presented updates on current legislative issues. Senator Osmek shared that he served on the Energy and Environment Committee, the Economic Development and Environment Division, and the Public Safety and Transportation Committee. He discussed Highway 12 improvements, a proposal to change how Metropolitan Council representatives were appointed, and an overview on the 2014 request for bonding.

The Council asked questions concerning improvements to highway signage and Sunday liquor sales. Senator Osmek asked the Council to send him specifics concerning the highway signs and discussed Sunday liquor sales noting that he was a proponent.

Ms. Nelson noted that minimum wage tip credit was a concern. Senator Osmek responded that it had been addressed, but did not go through.

<u>AGENDA ITEM 5. New Business – continued.</u>

b. Consider First Reading of Ordinance No. 752 Moratorium on Medical Cannabis Facilities

Mr. Gadow reported that in 2014, Minnesota Legislature adopted new legislation to allow medical cannabis or marijuana for use to treat certain medical conditions. No dispensary locations had been selected, but staff found that the potential location of a distribution facility had broad implications with respect to facility location, zoning requirements, traffic, hours of operation, etc. Staff and the City Attorney's office prepared a draft twelve-month moratorium ordinance on medical cannabis facilities for consideration by the Council. The twelve-month period would allow staff time to prepare a study assessing the need to amend the City's official controls for these facilities. Mr. Gadow explained that in order for the draft ordinance to take effect immediately, the Council would need to make a motion on the preamble and a second motion on the entire ordinance.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the Preamble of Ordinance No. 752, and Interim Ordinance Imposing a Twelve Month Moratorium on Medical Marijuana Facilities Pending Study and Consideration of Amendments to the City's Regulations and Official Controls. The motion carried 5/0.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to Approve Ordinance No. 752, an Interim Ordinance Imposing a Twelve Month Moratorium on Medical Marijuana Facilities Pending Study and Consideration of Amendments to the City's Regulations and Official Controls. The motion carried 5/0.

The Council recessed at 8:58 p.m.

The Council reconvened at 9:05 p.m.

c. 2014 City of Wayzata Annual Report

Ms. Nelson presented the 2014 City of Wayzata Annual Report including updates on Strategic Planning; Strategic Direction; Lake Effect; Downtown Parking; Communications; Fire; Inspections; Planning; Police; Public Works including Engineering, Utilities, and Streets and Parks; Finance; Motor Vehicle; Wayzata Wine and Spirits; and Wayzata Bar and Grill.

Ms. Nelson answered a question from the Council concerning Bond schedules and working capital.

The Council asked for financial management reports that showed cash flow so that it would have better insight and a better look at finances.

d. Consider Resolution 09-2015 Amending Membership of the Communications Board and Consider Establishing a Policy for Communication between Boards/Commissions/Committees and the City Council

Ms. Nelson shared that the Council directed staff to amend the membership of the Communications Board to remove the Councilmember seat on the Board. In addition, staff was recommending that the City Manager or designee be removed as a voting member from the Board. In recent years, the City Manager or designee had been functioning in a staff liaison role, which staff feels was more appropriate. The resolution also established a regular communication process between the Board and the Council to advise the City Council on their policy recommendations and initiatives. Staff also drafted a policy for Council to consider that would establish a regular communication process between the Boards that would be directed by each Board through the Board chair.

The Council communicated support for the policy and suggested an extra requirement for the Boards to report to the Council at least twice per year. Mrs. Anderson stated that the Communication Policy was a step in the right direction and noted that she was against the action of removing the Council liaison roles from the Boards. If the reasoning was so that the Boards could function independently, then staff liaison roles should be removed as well. Mrs. Anderson also shared that the Council should have approached the Boards for their opinions prior to taking action.

Mr. Tyacke made a motion, seconded by Mr. Mullin, to Adopt Resolution No. 09-2015, Amending Resolution No. 26-2010 Amending Membership of the Communications Board for the City of Wayzata. The motion carried 4/1 (Anderson).

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

a. Update on 151 Westwood Lane Subdivision

Mr. Gadow reminded the Council of the application at 151 Westwood Lane that had been denied subdividing into three lots. Mr. Gadow informed that Council that the applicant had now expressed interest in submitting an application for two lots.

b. 227 Walker and 529 Park Street

Mr. Gadow noted that the Council had recently approved a lot combination for 227 Walker and 529 Park Street. The owners were interested in adding a small addition on the back of the existing home that met all zoning requirements.

The Council expressed concern that the owners had stated they were not planning any additions. Mr. Gadow responded that the owners had communicated willingness to come before the Council to present their plans.

c. Farmers Market Concept

Ms. Nelson reported that the City and the Chamber of Commerce had been approached by a group operating a farmers market in Excelsior that was interested in operating a market in Wayzata on Thursday evenings from 2:00 – 6:00 p.m. Ms. Nelson noted that parking was a major concern as well as unwanted competition for the local businesses. She discussed the possibility of using the outer area of the municipal parking lot.

The Council expressed an interest, but wanted to find a better spot for it that didn't conflict with other parking needs for the downtown.

d. Chilly Open

Becky Pierson, Wayzata Chamber of Commerce, announced that the Chilly Open would begin Friday, February 6, 2015, with a free family-fun event called Cinema and Skates. Ms. Pierson noted that they were still hoping for enough ice for the main golfing event on Saturday.

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

There were no comments.

AGENDA ITEM 8. Adjournment.

Mrs. Anderson made a motion, seconded by Mr. Mullin to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Becky Malone

Becky Malone
Deputy City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.