WAYZATA CITY COUNCIL
MEETING MINUTES
March 3, 2015

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Pro Tem Mullin called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, and Tyacke. Council Member absent and excused: Mayor Willcox. Also present: City Manager Nelson, Director of Planning and Building Gadow, Public Works Director and City Attorney Schelzel.

AGENDA ITEM 2. Approve Agenda.

Mr. Tyacke made a motion, seconded by Mrs. Anderson, to approve the agenda, as presented. The motion carried 4/0.

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

a. Parks and Trails Proposal

Merrily Babcock, Parks and Trails Board Member, explained that the goal of the Parks and Trails Board was to introduce people to all the many wonderful parks using demonstrations and activities. The Parks and Trails Board offered a proposal to the City Council to approve tree tapping in Shaver Park. Tree tapping had been done in the Big Woods, but the Board wanted to add another site. The event that could last one to three weeks depending on the season and would be open to everyone.

Mrs. Anderson reported that her family took part last year and encouraged others to try it. The Council offered its support.

AGENDA ITEM 4. Consent Agenda.

Mr. Schelzel requested to pull Item 4.a. Approval of Workshop Minutes of February 17, 2015 and Minutes of February 17, 2015, from the Consent Agenda for revisions.

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

~~a. Approval of Workshop Minutes of February 17, 2015 and Minutes of February 17, 2015~~

b. Approval of Check Register

c. Approval of Minutes of January 20, 2015 with Council Member Anderson's edits

d. Approval of Municipal Licenses

e. Municipal licenses which received administrative approval (informational only)

The motion carried 4/0.

a. Approval of Workshop Minutes of February 17, 2015 and Minutes of February 17, 2015

Mr. Schelzel requested that Page 1 starting at Line 42 of the Meeting Minutes of February 17, 2015 be revised to read, "Mr. Schelzel commented that the City had the authority to change the parking requirements in the future and assess benefited properties under City Code and State Statute and staff would carefully engineer the language of the future development agreement." Also, Page 4 beginning at Line 39 be revised to read, "Mr. Schelzel advised that the City could request that information under a confidentiality agreement, and there was an exception in the Data Practices Statute for Trade Secrets and he assumed this would fall under that category."

Mr. Tyacke noted that on Page 2 Line 13, "stated" should be added following Mr. Kelly.

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to approve the Workshop Minutes of February 17, 2015 and Minutes of February 17, 2015, as revised. The motion carried 4/0.

AGENDA ITEM 5. New Business.

a. Update on Downtown Parking Improvement Project (Tasks 1-4)

Ms. Nelson updated the Council on the Downtown Parking Improvement Project, noting the four initial tasks including: Pilot Projects, Parking District and Parking Ordinance, the Carisch Ramp, and a Plan of Finance.

Jim Lasher, LSA Design, presented the most recent activities of Phase One projects and discussed the Plan of Finance and the Parking District including the Ordinance and management tools.

Mr. Lasher answered a question of Council indicating that the City does not currently have a parking district, but had two fields of parking including the Mill Street parking lot and a relationship agreement with the Carisch parking ramp. The City also owns the parking lot adjacent to CōV and all on-street parking in downtown. Mr. Lasher also answered questions of the Council concerning the necessity of Phase Two and parking issues at the Boatworks building and Presbyterian Homes.

Mr. Lasher discussed parking ratios explaining that the goal was to reduce parking ratios within the Parking District. He also explained that the proposal would be a "go forward" policy and that current parking agreements would be maintained until revisions were requested.

The Council discussed whether the City should leave existing agreements in place. Ms. Nelson communicated the intent was that the Parking District would become the governing document to allocate parking for the downtown district. Mr. Lasher encouraged the Council to keep the current development agreements in place and when revisions were needed or requested, then the new parking ratios would be applied.

The Council requested that staff look at different scenarios and provide recommendations on how to apply the new parking ratios uniformly.

Mr. Lasher continued with his presentation and discussed possible pilot projects including enforcing two-hour street parking downtown, designated employee parking, formalized valet locations, a downtown metro transit bus stop, and updates to the trolley route and schedule.

The Council asked questions concerning feedback from business owners and late night safety concerns for employee parking.

Mr. Lasher reported on options for the Carisch Ramp including updates such as a new access system and renegotiating a 20-30 year agreement.

The Council discussed the option of changing downtown street parking to diagonal to increase the number of spaces, but Mrs. Anderson responded that it had been explored and was deemed unsafe for pedestrians and bicyclists.

The Council discussed where to go from there and if the process should be broken down further. Ms. Nelson responded that the presentation at the March 17, 2015, Council meeting would be informational and that the Council would not need to take any action.

Mr. Lasher presented the project timeline.

The Council recessed at 8:14 p.m. and reconvened at 8:19 p.m.

b. Consider Resolution No. 13-2015 Subdivision at 637 Harmony Circle

Mr. Gadow presented a request from Fritz Gullickson for concurrent preliminary and final plat subdivision approval to divide a 37,565 square feet parcel into two new lots at 637 Harmony Circle. Mr. Gadow noted that the Planning Commission recommended adding a new condition to Section 4.1 of Resolution No. 13-2015 stating, "O. Applicant must consider new information available regarding the abandonment of the existing sewer line and take the steps necessary to preserve the existing Burr Oak Tree on Lot 1 in consultation with the City Forester and the City Tree Consultant." Mr. Gadow presented an aerial photo, existing conditions survey, preliminary plat, R-3 Standards, lot analysis, proposed residences, alternative house designs, and action steps for the Council. He explained that two-story homes had originally been presented to the Planning

Commission, but that the Planning Commission had requested a revised 1½-story design to match the character of the neighborhood.

The Council inquired about the addition of Condition O. to Section 4.1. Mr. Gadow explained that after the Planning Commission meeting in February, the Planning Commission asked the City engineer to determine if the sewer line could not be removed to save the Burr Oak tree and asked the City's tree consultant to suggest measures to protect the tree. The sewer lines could be abandoned and the tree consultant suggested moving the tree preservation fencing to the edge of branches, to conduct radial trenching, to not prune the tree, and to keep construction out of the area by utilizing bio logs and orange construction fencing.

Fritz Gullickson, 3443 Crystal Place, presented revised two-story plans that reduced the overall height down very close to the 28 feet and explained that he would prefer to build two-story homes because they sell. Mr. Gullickson stated that he had been asked to fill the old sewer lines and he had spoken to building inspectors who had never heard of this process.

Mr. Dudinsky responded that it was a normal practice to fill sewer lines with concrete slurry or sand. Mr. Gullickson stated that he would still prefer to remove the tree and presented another single home option that could be used instead of the subdivision request.

Jeanne Osterby, 636 Harmony Circle, expressed shock that the developer was requesting to go back to the two-story design and encouraged the Council to follow the Comprehensive Plan and set precedence by protecting the character of the neighborhood. She noted that her daughter's suggestion was to place a rambler home next to the Burr Oak to allow more room for it.

Mary Lou Persian, 648 Harmony Circle, shared that she had lived in the same home for 48 years and people like her husband, who was a volunteer firefighter, needed affordable and comfortable housing.

Mary Olson, 623 Harmony Circle, stated she has lived on Harmony Circle for 46 years and shared that the neighbors wanted to preserve the look of the neighborhood. Ms. Olson expressed her gratitude for the work the Planning Commission had done and her surprise that the request was back to two stories.

Merrily Babcock, 337 Reno Street, addressed the Council concerning the 150-year-old Burr Oak tree. She discussed the many benefits of a single mature tree.

Gordy and Nancy Engel, 645 Harmony Circle, thanked Mr. Gullickson for working with the neighbors and shared that their main concern was privacy. They preferred for the Burr Oak to be removed if it meant more privacy between the homes.

The Council discussed the different options and home designs, and each shared their opinion.

The Council discussed sending the request back to the Planning Commission because the request had changed and inquired about time constraints. Mr. Gadow answered that the Council had until April 7, 2015, to make a decision.

The Council considered reviewing the preliminary plat only, instead of reviewing the preliminary and final plat concurrently. Mr. Gadow explained that the preliminary plat presented reflected the first and third building plans and that according to the Subdivision Ordinance, the Council could impose such restriction as it deemed appropriate or require such revisions or modifications in the preliminary or final plat. Mr. Schelzel further clarified that two sets of plans had been submitted to the Planning Commission. The Planning Commission had found that the first set of plans did not meet the criteria of the subdivision Ordinance and that the second set did meet the criteria.

The Council discussed its views and opinions on height, style, setback, and preservation of the Burr Oak. The Council also discussed adding extra conditions such as requiring the grading plans to be reviewed and approved by the City Engineer and for the City Arborist to check on the tree during construction.

The Council was split on several issues and conducted a straw poll on each issue to try to determine consensus stood. Mayor Pro Tem Mullin suggested someone make a motion or that the Council table the request until the next meeting when it would have a full Council.

Mr. Tyacke made a motion, seconded by Mrs. Anderson, to direct staff to revise the resolution and direct the applicant to revise the preliminary plat, final plat, and associated building plans based upon the following items: that the City Council would adopt the conditions included in the Planning Commission's recommendations, inclusive of new Condition O., with the expectation that the setbacks should be established by the location of the former residence instead of the Planning Commission condition that they be moved back four to six feet; the Burr Oak should be preserved; the height and style of the home should appear as a one-story structure with a walk out level; the City Engineer should review and approve the grading plan to ensure that there were no adverse impacts for water runoff to other properties. The motion failed 1/3 (Anderson, McCarthy, Mullin).

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to direct staff to revise the resolution and direct the applicant to revise the preliminary plat, final plat, and associated building plans based upon the following items: that the City Council would adopt the conditions included in the Planning Commission's recommendations inclusive of new Condition O.; the style requirements of the home be the same as the Locust Hills Planned Unit Development; the maximum height be set at the Planning Commission's recommendation of 28 feet; the Burr Oak should be preserved with the City Arborist working closely; the front setback should be in line with the surrounding homes; the City Engineer should review and approve the grading plan to ensure that there were no adverse impacts for water runoff to other properties. The motion failed 2/1 (Mullin nay)/1 (Tyacke abstained).

Mr. Mullin made a motion, seconded by Mrs. Anderson, to table consideration of Resolution No. 13-2015 Subdivision at 637 Harmony Circle until the March 17, 2015 Council meeting.

Mrs. McCarthy encouraged Mr. Gullickson to consider incorporating some of the suggestions made by the Council.

The motion carried 4/0.

Mrs. Anderson thanked the neighbors for coming forward and encouraged others to do so.

c. Consider Approval of Ordinance – Wireless Facilities and Tower Six Month Moratorium

Ms. Nelson reported that at the February 17, 2015, Council meeting the Council decided to move toward decommissioning use of the Gardner Street water tower for telecommunication equipment. Ms. Nelson reviewed the seven items the Council directed staff to work on including: investigate alternate sites to determine the viability to relocate existing tenants to one or more telecommunication towers, perform an Aerial Video Flyover of potential telecommunication tower locations, investigate the possibility of constructing new telecom tower(s) as early as 2017, draft a letter to existing telecommunication tenants informing them that the existing water tower and ground site would no longer be available after lease expiration, hold further discussions with Wayzata School District officials regarding the possible agreement on use of its property for telecommunication purposes including construction of a telecommunications tower, draft Telecommunications Policy, and adopt Telecommunications Ordinance before the Telecommunication Moratorium expired. Staff recommended the adoption of a moratorium prohibiting the placement of any new commercial telecommunication facilities in order to avoid any third parties placing equipment/towers in locations that would not be allowed under the forthcoming Ordinance.

Mr. Schelzel explained that the moratorium was to give staff the time it needed to work on the Ordinance that would help guide the City in decisions moving forward. The moratorium was set up as an emergency Ordinance under the City Charter and as such would take effect immediately upon adoption.

The Council asked questions concerning the possible tower at Wells Fargo and whether the moratorium would allow it. Staff agreed that the moratorium would not allow it, but the moratorium was for a short period of only six months.

The Council inquired about the six-month timeframe. Mr. Gadow explained that the six-month timeframe was to ensure staff would have adequate time to complete the Ordinance, but they would aim for a shorter period.

Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt the Preamble of Ordinance No. 753, an Interim Ordinance Imposing a Six-Month Moratorium on New Wireless Communications Facilities and Towers Pending Study and Consideration of Changes to the City's Regulations and Official Controls. The motion carried 4/0.

Mrs. Anderson, seconded by Mr. Tyacke, to adopt the Authorization of Study and Moratorium of Ordinance No. 753, an Interim Ordinance Imposing a Six-Month Moratorium on New Wireless Communications Facilities and Towers Pending Study and Consideration of Changes to the City's Regulations and Official Controls. The motion carried 4/0.

The Council requested a timeline going forward through decommissioning of the water tower site. Ms. Nelson explained that staff was working with a consultant and a timeline was part of that work.

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

a. Upcoming Dates

Ms. Nelson reported that the next Business Community update for downtown parking would be held March 10, 2015, at 7:30 a.m.

The State of the City would be March 18, 2015, and delivered by Mayor Willcox as well as a panel of speakers.

The Strategic Planning meeting would be held on April 30 – May 1, 2015, possibly at the Retreat.

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

There were no comments.

AGENDA ITEM 8. Adjournment.

Mr. Tyacke made a motion, seconded by Mrs. Anderson to adjourn. There being no further business, Mr. Mullin adjourned the meeting at 10:43 p.m.

Respectfully submitted,

Becky Malone

Becky Malone
Deputy City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.