WAYZATA CITY COUNCIL
MEETING MINUTES
March 17, 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, Administrative Services Director Uram, City Engineer/Assistant Director of Public Works Kelly, and City Attorney Schelzel.

AGENDA ITEM 2. Approve Agenda.

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

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

a. Change of Policy for Opening Patios

Terri Huml, 293 Grace Pointe Court, urged the Council to change the ordinance addressing when dining patios are allowed to open to read: 'weather permitting' instead of on a specific date. She explained business could be lost and once lost, could not be recaptured.

AGENDA ITEM 4. Consent Agenda.

Mrs. McCarthy requested to pull Item 4.a. Approval of Workshop Minutes of March 3, 2015 and Minutes of March 3, 2015. Mrs. McCarthy also requested to add clarification to Item 4.c. Approval of Resolution No. 04-2015 Cooperative Construction Agreement with Minnesota Department of Transportation for Eastbound Ramp to Trunk Highway 12.

Mrs. McCarthy noted that "down to the 28 feet" on Page 3, Line 11, of the Minutes of March 3, 2015 was incorrect and asked staff to correct the height. (Staff later checked the video recording and corrected the minutes to state "down very close to the 28 feet".)

Mrs. McCarthy requested that staff look into exploring possibilities for a safer route to and from the medical building parking lot in regard to the Eastbound Ramp closure.

Mayor Willcox asked Mr. Kelly to talk about what was expected for the ramp closure. Mr. Kelly reported that the project added an auxiliary lane from the on ramp adjacent to the BP to the off ramp at the Carlson Parkway exit. This would widen the roadway by approximately eight feet and provide safer routes for drivers. The project would impact drivers during the middle of August for two to three weeks. Mr. Kelly described the detour route and staff's request for additional directional signage.

Mrs. Anderson made a motion, seconded by Mr. Tyacke, to approve the consent agenda, with the revision to the minutes:

a. Approval of Workshop Minutes of March 3, 2015 and Minutes of March 3, 2015, as revised above
b. Approval of Check Register
c. Approval of Resolution No. 04-2015 Cooperative Construction Agreement with Minnesota Department of Transportation for Eastbound Ramp to Trunk Highway 12
d. Municipal licenses which received administrative approval (informational only)
e. Police Activity Report
f. Building Activity Report
g. Approval of Resolution No. 14-2015 In Support of Legislation Establishing an Early Voting Process

The motion carried 5/0.

AGENDA ITEM 5. New Business.

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

Ms. Nelson reported that Jim Lasher of LSA Design would present a report and recommendations in regard to downtown parking. The Council had authorized six projects in the scope of work, but the plan was to formalize the first four tasks and then seek Council's direction for proceeding to the last two tasks.

Mr. Lasher presented the results of the informal survey that had been passed out at the Chamber of Commerce meeting. Mr. Lasher answered a question of the Council relating to the size of the survey explaining that a larger survey could be done if the Council desired it.

Mr. Lasher presented Phase 1 of the Pilot Projects including employee parking, valet parking, and two hour parking.

The Council noted that the City's peak season was June through August instead of May through July and suggested that the timeframe for gathering data should reflect the peak season.

Mr. Lasher explained that Phase 2 of the Pilot Projects was to expand and formalize some or all of the Pilot Projects based on data gathered and to expand the trolley to access remote parking and connectivity for residents. Phase 1 for the Carisch Ramp was to negotiate a new long-term parking agreement. The Carisches were unsure if they were willing to negotiate a new agreement. If a long-term agreement was not possible, then an annual lease could be considered, but the City would not have an interest in expending public funds to improve the ramp. Mr. Lasher talked about a Parking Ordinance and a Parking District and the need to adjust the parking ratio. Mr. Lasher answered a question from the Council relating to the shared cost of the public parking.

Mr. Lasher presented the last two projects including wayfinding and a new parking structure. The new parking structure would add 300 additional parking stalls in the downtown area, which would be a 19% increase.

The Council asked questions relating to the total number of parking stalls on Mill Street and in Wayzata, if the parking structure would include a retail element, and if going below grade was a possibility.

Mr. Uram presented a plan of finance including utilizing existing cash and sale proceeds from the Housing and Redevelopment Authority parcel on corner of Lake and Superior to "buy down" the cost of the ramp, working to secure grant sources as appropriate, and issuing tax-exempt tax abatement bonds to finance the gap. He identified possible funding sources for each project.

The Council asked questions relating to whether or not the TIF District funding had been double counted and how the bond gap would be paid. Stacy Kvilvang, Ehlers, answered questions of the Council relating to possible funding sources including a tax levy and TIF extension.

Mr. Lasher answered a question of the Council relating to the cost of the pre-design and programming phase explaining that the cost was set at $62,000.00.

Ms. Nelson answered a question of the Council indicating that staff was looking for direction from the Council to proceed with Tasks #5 and #6. It was noted that the Council was not approving any final plans or funding.

Mr. Tyacke made motion, seconded by Mr. Mullin, to proceed with Downtown Parking Improvement Project Tasks #5 Wayfinding and #6 New Parking Structure with LSA Design.

Mrs. Anderson expressed concern over the timeline. She stated that she was uncomfortable with approving the ramp in May before the data from the Pilot programs is analyzed. Mrs. Anderson noted that the Lake Effect program was ongoing and would create an overall vision that would incorporate modality and walkability elements. She also expressed concern over the components of financing that were not guaranteed. Mrs. Anderson requested the Council conduct a public referendum so that the public could vote on the parking structure and tax levy.

The Council discussed the concerns and each shared their opinion. Mrs. McCarthy stated that she was comfortable with the first four tasks, but was not ready to approve Task #5 and #6.

Mr. Lasher informed the Council that it would get design concept plans for the parking structure in May, 2015, and could then decide to move forward, delay, or reject the plans.

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

b. Consider Scope of Work for Lake Effect Next Steps

Mr. Gadow shared that on December 2, 2014, the Council adopted a set of next step recommendations and an Implementation Strategy for the Lake Effect project through the assistance of Ms. Mary deLaittre of Groundworks Consulting. At the January 20, 2015, Workshop the Council discussed whether it wanted to continue its work with Ms. deLaittre or if other consulting options should be explored for project implementation. The Council directed staff to proceed with defining a scope of work with Ms. deLaittre for moving forward with the Lake Effect project. The Council reviewed a draft of an extended services agreement on February 17, 2015, and directed staff to work with Ms. deLaittre to provide additional detail on the jury and initiative board selection process for the scope of work for the next phase of implementation.

Ms. deLaittre presented a revised extended services agreement that included three phases. She outlined the role of the Council through Phase 1 and Phase 2 and presented a full work plan.

The Council asked questions relating to the timeline, referencing the original contract agreement in the extended services agreement, and the jury selection process.

Mrs. McCarthy made a motion, seconded by Mr. Mullin, to approve the extended services agreement with Mary de Laittre of Groundworks Consulting.

Mr. Schelzel noted that he would ensure the extended services agreement cross referenced the master services agreement.

The motion carried 5/0.

The Council recessed at 8:51 p.m.

The Council reconvened at 8:56 p.m.

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

Mr. Gadow shared that at the March 3, 2015, Council meeting the Council had considered an application for subdivision approval at 637 Harmony Circle. The Council discussed and considered several alternative actions but ultimately adopted a motion to continue consideration of the application to another Council meeting. Mr. Gadow presented an aerial photo and project summary. There were three different design concepts for the two homes. The Planning Commission recommended the second set of plans. Mr. Gadow recommended that the Council direct staff to draft a resolution reflecting its findings and decisions.

Mr. Gadow answered a question of the Council relating to procedure and timeline concerns. He then presented the revised preliminary plat noting that setback was changed from 23.9 to 27.9 on Lot 2 and 30 feet to 40 feet from the garage to the property line on Lot 1.

Todd Holmes, 260 Wayzata Boulevard E., representing Applicant Fritz Gullickson, noted that the original design had been lowered to 28 feet and the homes needed to run parallel on the north and south.

Mr. Kelly addressed a concern of the Council stating that the plans read that it was 28 feet from the street and that the designs would be reviewed by the City's Building Department before construction.

Gordy and Nancy Engel, 645 Harmony Circle, shared that Mr. Gullickson had addressed all of their concerns and asked the Council to approve the third set of plans.

Cheri Morris, 663 Harmony Circle, expressed concern over the new plans and thought the second set of plans fit the character of the neighborhood.

Jeanne Osterby, 636 Harmony Circle, read excerpts from Chapter 4 of the Comprehensive Plan and asked the Council to stand by the Comprehensive Plan and go with the design that fit the neighborhood and to save the oak tree.

Mr. Holmes shared that if the property was not being subdivided, the owner could build a large two-story home without a variance.

The Council considered its discussion at the March 3, 2015, meeting and explained the Locust Hills verbiage for a one-and-a-half story in the front and two stories in the back. The Council discussed the three different designs, setback, height, and the oak tree.

Mr. Gadow answered a question from the Council relating to park dedication fees associated with the property.

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to direct staff to prepare a draft resolution approving the subdivision, the second or alternative design plans, the Planning Commission's recommendations in regard to height and setback, the requirement to save the oak tree, and revised preliminary and final plats. The motion carried 5/0.

d. Consider Design Modification for Roof of Wayzata Community Church Project

Mr. Mullin disclosed that he was a member of Wayzata Community Church. Attorney Schelzel advised membership was not a conflict per se. Mr. Mullin indicated he was comfortable voting on this consideration.

Mr. Gadow presented the proposed roof modification for Wayzata Community Church. The Planned Unit Development required approval for any significant changes. Mr. Gadow presented renderings and construction drawings of the proposed changes.

Dick Minor, Co-Chair Wayzata Community Church Capital Campaign, shared that the church had hit its goal for raising capital for the project; however, construction cost had increased and this was a value engineering option to save money.

Mrs. Anderson made a motion, seconded by Mr. Tyacke, to approve Wayzata Community Church proposed roof design changes. The motion carried 5/0.

e. Consider Resolution No. 15-2015 Approving Grant Agreement with Minnesota Department of Transportation for Funding of Peavey Bridge Replacement

Mr. Kelly shared that the Council approved a bid on December 12, 2014, for the Peavey Bridge Replacement Project. The project involved the reconstruction of the bridge over the Peavey channel, on Ferndale Road West. The Minnesota Department of Transportation notified the City that a Local Bridge Replacement Program grant would be provided in the amount of $1,025,436.50. The City would be responsible for the remaining $157,675.50. The City would also be responsible for any cost incurred if the project ran over budget.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve Resolution No, 15-2015, Agreeing to State Transportation Fund Local Bridge Replacement Program Grant Terms and Conditions SAP 027-597-007. The motion carried 5/0.

f. Consider Policy on Outdoor Sidewalk Café Operations

Mr. Gadow presented a draft policy statement for the Council's consideration that would provide direction and authority for the City Manager to allow outdoor sidewalk café Conditional Use Permit holders to begin operations prior to April 1st weather permitting.

The Council asked questions relating to sidewalk extenders, snow removal, and possible difficulties for staff. The Council discussed setting specific dates for no earlier than or no later than, but decided to leave it flexible and at the City Manager's discretion. The Council directed staff to add the word "structures" after the word "furniture" in the final paragraph of the policy.

Mr. Mullin made a motion, seconded by Mr. Tyacke, to approve Resolution No. 16-2015, a Resolution on Outdoor Sidewalk Café Operations, as revised. The motion carried 5/0.

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

a. Update on Lake Minnetonka Conservation District

Ms. Nelson reported that the City was slated to go back to the Lake Minnetonka Conservation District on April 8, 2015, and finalize the dock application.

b. Upcoming Dates

Ms. Nelson reported that the Local Board of Appeal and Equalization was April 7, 2015, at 5:30 p.m. Strategic Planning was at the Retreat on April 30 and May 1, 2015. Spring clean up was May 2, 2015. The Dig It to plant flowers was May 16, 2015.

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

There were no comments.

AGENDA ITEM 8. Adjournment.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 10:26 p.m.

Respectfully submitted,

Becky Malone 4/7/2015

Becky Malone
Deputy City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.