WAYZATA CITY COUNCIL
MEETING MINUTES
December 6, 2016

AGENDA ITEM 1. Call to Order and Roll Call.
Mayor Willcox called the meeting to order at 7 p.m. Council Members present: McCarthy, Mullin, Anderson, and Tyacke. Also present: City Manager Dahl, City Attorney Schelzel, and Director of Planning and Building Thomson.

AGENDA ITEM 2. Approve Agenda.
Mayor Willcox requested item Nos. 6(h),6(a), 6(g) and 6(f) be moved to the beginning of the agenda under New Business.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to approve the agenda as revised. The motion carried 5/0.

Mr. Willcox advised the Council met in Workshop prior to the meeting to discuss pull-tabs, CenturyLink Fiber Optic infrastructure, and conducted interviews for boards and commissions.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).
None.

AGENDA ITEM 4. New Agenda Items.
None.

AGENDA ITEM 5. Consent Agenda.
Mr. Tyacke referred to page 35 of the meeting packet and inquired if the background check for the Solicitor's License satisfied the requirement of the Council to investigate the moral character and business background of the applicant. City Manager Dahl responded it does, and if the background check or other businesses the applicant had worked with were flagged, staff would conduct a more detailed internet search on the applicant.

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

a. Approval of City Council Special Workshop Meeting Minutes of November 15, 2016 and City Council Regular Meeting Minutes of November 15, 2016
b. Approval of Check Register
c. Municipal Licenses Which Received Administrative Approval (Informational Only)
d. Approval of Municipal Licenses
e. Approval of Resolution No. 53-2016 Adopting the City Council Meeting Schedule
f. Approval of House Plans for 143 Westwood Lane
g. Approval of Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc.
h. Approval of Site Land Lease to Construct a Telecom Mono Pole Tower on the Wayzata West Middle School Property
i. Approval of the 2017 Lease Agreement with the Wayzata Chamber of Commerce for the Wayzata Depot at 402 Lake Street East
j. Approval of the Fire Service Contract for 2017 with the City of Woodland

The motion carried 5/0.

AGENDA ITEM 6. New Business.

h. Consider First Reading of Ordinance #765 Authorizing Sale of Bonds for Mill Street Parking Ramp

City Manager Dahl reported the City needs to take three major steps in order to move through the financing process for the Mill Street Parking Ramp: 1) Adopt an ordinance amendment authorizing issuance of bonds; 2) Hold a rating call to get a lower bond rate; and, 3) Hold a public hearing to amend the TIF plan, adopt reimbursing solutions, hold bond sales, and award bonds.

Mr. Tyacke inquired how the issuance of bonds will affect the City's bond rating. City Manager Dahl responded the bond rating is done before issuance. The City's additional development and overall improved financial health will have the most impact.

Jay Lindgren, Dorsey and Whitney, commented the City's bond rating will be minimally affected because the City's debt service will be covered by TIF and the good financial health of the City.

Mr. Willcox inquired how it affects the City's total bonding capacity. Mr. Lindgren stated this does not apply to the City's debt capacity limitation.

Mr. Mullin made a motion, seconded by Mr. Tyacke, to accept the First Reading of Ordinance #765 Authorizing the Issuance of General Obligation Tax Increment Bonds, Series 2016A. Upon roll call vote with McCarthy, Mullin, Tyacke and Willcox voting yes, and Anderson voting no, the motion carried 4/1.

a. Consider Resolution No. 52-2016 Adopting 2017 Final Property Tax Levy and Budget

City Manager Dahl reported the budget process has been going on for the last six months. The Council met a couple of times prior to this meeting to discuss the 2017 budget and levy, and adopted the preliminary budget in September 2016. It will be available on the website after final approval by the Council.

Mr. Steve McDonald of AEM, Financial Consultant, advised the 2017 budget includes a 2.17 percent increase. He reported on 2016 legislative impacts, presented a levy comparison and tax rates from 2012 through 2017, and reviewed changes in revenue and expenditures.

Mr. Tyacke inquired how the recently approved bond impacts the budget for 2017. Mr. McDonald advised it will not have an effect on the general fund budget because the repayment of it comes from TIF.

Mr. Willcox inquired if the budget included a consultant for comprehensive plan development. Director of Planning and Building Thomson stated money is transferred annually from the building permit fund to a special fund to serve this purpose.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 52-2016 Adopting 2017 Final Property Tax Levy and Budget.

Mr. Mullin stated he supports the resource allocation and conclusions reached as a Council, but is not in favor of a levy increase and will not support this resolution.

The motion carried 4/1. (Mullin)

g. Lake Effect Annual Report and Introduction of Conservancy Consultant Director

City Manager Dahl reported the Conservancy is in the process of transitioning Mary deLaittre's consultant services to the new Executive Director. Staff has reviewed Ms. deLaittre's outstanding contract and concluded that the Executive Director's duties can be paid for from the existing funding from Ms. DeLaittre's contract.

Ms. deLaittre thanked the Conservancy Board for all their work. This Board consists of the following people: Dan Koch, JoAnn Birkholz, Sarah Showalter, Tyler Purdy, Andrew Mullin, Sharon Lim, Rick Born, and Meredith Howell.

Mrs. McCarthy requested clarification on the role of the Executive Director and expressed concern with running out of money before the Conservancy can raise money for the Lake Effect. Mr. Dahl stated there is about $50,000 left over from the contract with Ms. deLaittre and the focus will be on fundraising, cultivating, and coordinating for the Lake Effect

Conservancy. The Conservancy is hopeful to raise money in the next few months before the existing money runs out so they do not have to come back to the Council.

Mr. Mullin pointed out the Conservancy Board recognizes the City is not funding them, they are a non-profit startup entity, and it is their intent to become self-sustaining. Mrs. McCarthy stated the City wants to be a good partner through the process, but it is important it does not deviate from its original plan.

Mr. Tyacke inquired if the Executive Director is an employee of the Conservancy. Ms. deLaittre stated the Executive Director is a consultant.

Mr. Mullin stated Ms. deLaittre notified staff and the Council that her firm is taking on an additional project and that this transition would have to occur. Ms. deLaittre stated her firm lays the groundwork for significant projects and the new Executive Director has unparalleled experience with capital campaigns.

Mrs. Anderson commented the Conservancy Board was made up of people that could get the job done without hiring an Executive Director. There is a lot of expectation that there will not be any additional taxpayer money spent on this after the existing money is used up.

Dan Koch, Lake Effect Conservancy Chair, thanked the staff, Council, and community for their work on the Lake Effect. The Board is a hands-on group that intends to be self-sufficient, and they recognize the concern in finding additional funding. He introduced Kathy Coward, consulting Executive Director for the Conservancy.

Kathy Coward, consulting Executive Director, stated she is excited for this project. She has a background in fundraising and a landscape architect degree. She loves energizing people around great ideas and is looking forward to working with the Conservancy Board and the City. They have talked about increasing the Board, creating a more formalized plan for the capital campaign, creating a communications plan, and getting some seed money.

Mr. Willcox asked Ms. Coward if she has looked at any recommendations provided by Civitas. Ms. Coward stated she had not. This Conservancy needs to address how construction will be paid for. In the future, it can address how it can become a permanent endowed conservancy for the City with supplemental support for operations.

At the request of Council, Ms. Coward commented on her experience. She started the fundraising and public affairs programs for the 12-state region of the Trust for Public Land, ran the Minnesota Public Radio capital campaign, worked with Minneapolis Parks Foundation, is president of the local Garden Club of America, was involved with Grays Bay restoration, and worked with Minnehaha Creek Watershed District and the Department of Natural Resources.

The Council welcomed Ms. Coward and thanked Ms. deLaittre and her firm for their work with the Lake Effect.

Mr. Mullin reread the Joint Powers Agreement that exists between the Council and Conservancy and advised staff will need to provide names to serve on a committee to help steer the joint process between the Council and the Conservancy.

Mrs. McCarthy inquired how the agreement works with Mr. Koch who is the Conservancy Chair, a Wayzata resident, and an incoming Councilmember. Mr. Mullin stated it was discussed and Mr. Koch left it up to the Council whether he would continue to serve with the Conservancy.

Mr. Koch commented he is happy to serve as a representative, but would step down as Chair.

Mr. Dahl advised they will provide names for the Joint Powers Committee to the new Council in January.

f. Consider Resolution No. 35-2016 and Ordinance #763 Frenchwood Third Addition

Director of Planning and Building Thomson reported the applicant Zev and Kristi Oman and Robert Bolling have submitted a development application to subdivide the properties at 250 and 270 Bushaway Road into four single-family residential lots. The two existing homes would remain and two new single-family homes would be constructed. The proposal requires rezoning to PUD, PUD concept and general plan review, and preliminary and final plat review.

Mr. Thomson reported the City Council reviewed this application at its September 20, 2016 meeting, requested the applicant provide additional information on how the proposed PUD would meet the purpose of the PUD district, and asked staff to provide additional information on the private and public street requirements in the City's ordinances.

Mr. Thomson reported the City's subdivision regulations and PUD ordinance allow the City Council to approve private streets. The City's subdivision regulations state that private streets, except in the case of PUDs, shall be prohibited. The general standards of the PUD ordinance state that all streets shall conform to the design standards contained in the subdivision ordinance, unless approved by the City Council. The applicant is proposing the subdivision as a PUD in order to provide access to the new lots from the existing private street.

Mr. Tyacke inquired about the width of the existing private street, if parking would be allowed on the 26-foot public street, and the number of trees impacted with widening the street. Mr. Thomson stated the existing private street is 20 feet wide. Parking is not allowed on the existing private street because the 20-foot width is required for emergency access. The City Code allows parking on a public street, unless it is posted as a no parking zone. A detailed analysis on the number of trees impacted has not been done.

Mrs. McCarthy inquired about application requirements in requesting public street. Mr. Thomson stated an applicant would be required to pay for construction of a new street that serves a development. The City then accepts the ongoing operations and maintenance of that street after completion.

Mrs. McCarthy inquired if there are any other owners to the private road and if a portion of them can make an application to change the road without the residents in Enchanted Woods being part of the application. Mr. Thomson responded the applicant is not requesting changes to the existing private road. The only change would be providing two additional driveways to that private road. If a public street was considered, it would have to be on the properties that are owned and part of the subdivision application.

Mrs. Anderson inquired if the middle portion of the parcels could be subdivided in the future. Mr. Thomson said it could include two to three lots based on the acreage.

Mrs. Anderson inquired if it would be an additional burden on property owners to produce a public road and City staff who now need to maintain an additional private road. Mr. Thomson responded staff has not reviewed it in detail because they do not have an official street plan. If the public street is proposed by the applicant, there would need to be more analysis done on it.

Mr. Willcox inquired if the capacity of the private road would be pushed to the limit if the middle portion of the parcels were redeveloped in the future and if it will be a challenge to keep the road open with construction equipment. Mr. Thomson responded the homes to be constructed are located a significant distance off the private street and the City would not allow parking on the private road or on Bushaway Road. A condition of approval could include a parking management plan and require staging to take place on the construction site.

Mr. Mullin commented the applicant would have to go through a similar process to subdivide the middle parcel that would mitigate what is allowable and he is less concerned about implications on the landowner. He understands what the applicant is trying to do with a private road.

Mr. Willcox referred to page 167, item G and inquired about the non-conforming lots in the area. Mr. Thomson stated there are other lots without frontage on a public street and that is what this applicant is requesting.

Peter Benincasa, Executive Real Estate Professionals, 8749 Helswig Trail, Brooklyn Park, commented the applicant's home did have a road off Bushaway to their garages. The County closed off the road and put in a culvert with the road addition. If it still existed, the lots could have been reconfigured differently. In reference to the non-conforming lots in the area, they are all different shapes and do not meet the road frontage requirements. There is an association that shares in snow plowing and taking care of the road.

Kristi Oman, 250 Bushaway Road, commented their request conforms to what the neighborhood has evolved into and the frontage is the only issue. A public street would take away the aesthetic of the area and the neighbors would not approve.

Mrs. Anderson stated she supports the PUD option and keeping the private road. The goal of the Bushaway Landscape Committee is to preserve the topography of the area. Similar things have been allowed in the area and worked out well.

Mr. Tyacke stated he supports the application. The subdivision meets the purpose of the Comprehensive Plan, he does not want to take out additional trees, and more homes will add to the consistency of the area.

Mr. Mullin stated he supports the private road and agrees with Mrs. Anderson.

Mrs. McCarthy stated she does not support the application and expressed concern with the additional traffic counts on the private road. She likes the private road, but allowing more subdivisions creates more traffic. She does not want more curb cuts on Bushaway and it is not advantageous to create a public street.

Mr. Willcox stated the lots are not out of character for the area. It is important to maintain the private road, but he sees it to be a potential problem if the property owner with the middle parcel decided to subdivide. He supports the application, but would like a condition included that would keep construction traffic from blocking the road.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to adopt Resolution No. 35-2016 Approving Planned Unit Development and Preliminary Final Plat Subdivision at 250 and 270 Bushaway Road, with an additional condition that includes a construction plan to mitigate the impact of construction of the homes submitted by the applicant and approved by the City Manager. The motion carried 4/1. (McCarthy)

Mr. Mullin made a motion, seconded by Mrs. Anderson, to adopt the first reading of Ordinance No. 763 Amending the official zoning map of the City to rezone property at 250 and 270 Bushaway Road to PUD Planned Unit Development district. The motion carried 4/1. (McCarthy)

b. Consider Resolution No. 54-2016 Approving Planning Commission Appointments

The Council voted by ballot for the Planning Commission Appointments of Jeffrey Buchanan and Steven Young.

Mrs. Anderson made a motion, seconded by Mr. Mullin, to adopt Resolution No 54-2016 Approving Planning Commission Appointments. The motion carried 5/0.

c. Consider Resolution No. 55-2016 Approving Housing and Redevelopment Authority Board Appointments

The Council voted by ballot for the following HRA Appointments:

- Five-year term: Bob Ambrose
- One-year term: Steve Fox

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to adopt Resolution No 55-2016 Approving Housing and Redevelopment Board Appointments. The motion carried 5/0.

d. Consider Resolution No. 56-2016 Approving Parks and Trails Board Appointments

The Council voted by ballot for the following Parks and Trails Board Appointments:

- Three-year term: Tyler Purdy and Sarah Randolph
- One-year term: Mary Bader
- One-year term as Executive Board Chair: Dan Baasen

Mrs. Anderson made a motion, seconded by Mr. Tyacke, to adopt Resolution No 56-2016 Approving Parks and Trails Board Appointments. The motion carried 5/0.

e. Consider Resolution No. 57-2016 Approving Heritage Preservation Board Appointments

The Council voted by ballot for the following Parks and Trails Board Appointments:

- Two-year term: Jeffrey Buchanan
- One-year term: Kim Anderson

Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt Resolution No 57-2016 Approving Heritage Preservation Board Appointments. The motion carried 5/0.

AGENDA ITEM 7. City Manager's Report and Discussion Items.

a. Emergency Response Vehicle

City Manager Dahl reported the City was selected to receive a specialized emergency response vehicle in response to a grant application completed by the Police Department and Lake Minnetonka Emergency Managers.

b. Board Appointments

City Manager Dahl stated they will follow up with all the applicants to let them know the results.

c. Upcoming Dates

City Manager Dahl announced an open house recognition of outgoing Councilmembers Mullin and Anderson on December 15 from 5:00 p.m. to 7:00 p.m., with a presentation at 6:00 p.m.

d. Miscellaneous

City Manager Dahl commented the Light Up the Lake festival was well attended and thanked everyone involved with the event.

Mrs. McCarthy thanked Councilmembers Mullin and Anderson for their service on the Council.

AGENDA ITEM 8. Public Forum Continued (as necessary).

None.

AGENDA ITEM 9. Adjournment.

Mr. Tyacke made a motion, seconded by Mr. Mullin to adjourn. There being no further business, Mayor Willcox adjourned the meeting at 9:11 p.m.

Respectfully submitted,

Becky Malone 12-20-2016

Becky Malone
Deputy City Clerk

Drafted by Shannon Schmidt
TimeSaver Off Site Secretarial, Inc.