

**WAYZATA CITY COUNCIL
MEETING MINUTES
August 2, 2017**

AGENDA ITEM 1. Call to Order.

Mayor Pro Tem Tyacke called the meeting to order at 7:00 p.m.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members present: Koch, McCarthy, Plechash and Tyacke. Council Member absent and excused: Mayor Willcox. Also present: City Manager Dahl, Director of Planning and Building Thomson, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mayor Pro Tem Tyacke stated the Council met in Workshop prior to the meeting and discussed the 2018 General Fund and Fee Schedule budget.

The agenda was approved by consensus.

AGENDA ITEM 5. Public Forum.

None.

AGENDA ITEM 6. New Agenda Items.

Mrs. McCarthy requested additional discussion on short-term rentals in the community, such as Airbnb and VRBO. The City ordinance currently covers rental dwellings but not short-term rentals. She also requested a member of the Wayzata school board or the Superintendent provide additional information at a future Council meeting regarding the proposed tax levy. She would like to have a better understanding of the term, what they are asking for from the citizens, and how the money will be used to benefit the school district. Mr. Plechash seconded Mrs. McCarthy's request for these new agenda items.

City Manager Dahl stated he is already working to schedule these items on a future agenda. He has contacted the Superintendent and is waiting to hear back from him. He hopes to have him at a meeting in September or October, as the levy will be on the ballot in November. He also advised the topic of short-term rentals will be part of a workshop session in the next two months.

AGENDA ITEM 7. Consent Agenda.

Mr. Plechash requested additional discussion on item No. 7(f) (Approval to Purchase Kiosk for Mill Street Parking Ramp). He stated the proposed placement of the kiosk is in the center exit, but people tend to go left or right, not down the center. He inquired if the center exit is the best placement, or if they should consider having three kiosks.

City Manager Dahl advised they put conduit in all three entryways to allow for a kiosk in any location, but determined for now a kiosk would be best on the Broadway side, with a smaller directory in the middle that would point to the walkway. They can always add more kiosks in the future.

Mr. Koch referred to a correction to item No. 7(b) (Approval of Check Register), that he brought up to Mr. Dahl prior to the meeting. Mr. Dahl explained there was a coding error with the Check Register that was corrected for the Consent Agenda.

Mayor Pro Tem Tyacke referred to item No. 7(e) (Approval of Professional Services Agreement with The 106 Group for Lake Effect EAW for Archaeological Study) and commented

the staff report on the agreement was somewhat ambiguous. He inquired if the approval is for the agreement for the Phase 1 study and the \$6,510 fees, or the entire Phase 1 and Phase 2 study.

Mr. Dahl responded they are requesting the Council authorize staff to move forward with an agreement for Phase 1 of the Archaeological study, which includes moving forward with Stage 1, and if necessary, Stage 2. Mr. Koch explained the Phase 1 study/report includes Stage 1 and Stage 2.

Mrs. McCarthy inquired if this expense is being taken on by the City or coming out of the funds set aside for the Lake Effect initiative.

Mr. Dahl explained it is part of the EAW which has always been funded out of the City's Lake Front fund and is a City approved expenditure. The Lake Effect Conservancy is raising funds for the actual project.

Mr. Koch inquired if this was part of the EAW budget.

Mr. Dahl responded it is an additional expense, but there is room in the Lake Front fund.

City Attorney Schelzel referred to item No. 7(a) (Approval of City Council Meeting Minutes of the July 18, 2017) and requested the typographical error on page 5, line 29, be corrected to read "...following typographical error be ~~made~~ corrected..."

Mrs. McCarthy made a motion, seconded by Mr. Koch, to approve the consent agenda, with items No. 7(a) and (b) corrected as noted:

- a. Approval of City Council Workshop Meeting Minutes of July 18, 2017 and City Council Regular Meeting Minutes of July 18, 2017
- b. Approval of Check Register
- c. Approval of Municipal Licenses
- d. Acceptance of Mediacom Quarterly Customer Service Report
- e. Approval of Professional Services Agreement with The 106 Group for Lake Effect EAW Archaeological Study
- f. Approval to Purchase Kiosk for Mill Street Parking Ramp
- g. Approval of 2017/2018 Community Room and Cable Studio License Agreements with ISD #284

There was not further discussion. The motion carried 4/0.

AGENDA ITEM 8. New Business.

a. Update and Launch of "Wayzata 2040, Sailing Ahead" Community Engagement Process for the 2040 Comprehensive Plan Update

City Manager Dahl introduced Juliana Panetta and Heather Branigin from the City's consulting firm, Future iQ.

Juliana Panetta, Future iQ, P.O. Box 24687, Minneapolis, reported she will be the primary contact for the Wayzata 2040, Sailing Ahead project, the City's community engagement and visioning process for the 2040 Comprehensive Plan update. She highlighted the following five areas related to the process:

1. Project Timeline: She provided key dates that are listed on page 10 of the meeting packet, and announced the Community Survey will be available on project website starting on August 3rd.
2. Advisory Committee: The advisory committee met on August 1, and recommended adding three additional at-large members. These members will include a community member, a member representing Presbyterian Homes, and a member of the school district.
3. Benchmark Analysis: This process will collect information over the next few months, compare it to other communities nationwide that are similar to Wayzata, and provide a report in mid-September.
4. Think Tank Workshop: This highly participatory workshop will involve 70-100 members of the community that will include residents, business owners, and others who work in the community. She requested nominations be emailed to her at juliana@future-iq.com.

- 1 5. Wayzata 2040, Sailing Ahead Lab Web Page: Everything related to the project will be on
2 this page. The community survey is the first stage of public engagement, and will provide
3 information from the community on what is important to them and what will potentially
4 impact Wayzata over the next 20 to 30 years.

5 Mrs. McCarthy asked for clarification on which member of the school district they hope to
6 engage for the advisory committee. She expressed concern that a majority of the students served
7 by the school district live outside of the City. It is important to get the perspective of people who
8 live in Wayzata currently and intend to live here in the future.

9 Mayor Pro Tem Tyacke responded that the Advisory Board discussed having someone who
10 could speak to the perspective of the public schools, and provide input to the Comprehensive Plan.

11 Mr. Koch commented the reason for this suggestion is that the school is an important part
12 of the community, and the committee does not want to lose sight of the input they can provide. It
13 may be a parent of a student, or possibly a student to give a student's perspective.

14 Mr. Dahl stated there are other components of the community engagement where students
15 could be involved.

16 Mayor Pro Tem Tyacke noted it is important that people pay attention to and complete the
17 surveys, as they will be implemented into this process for the Comprehensive Plan update.

18 Mr. Plechash commented the City recently went through a similar community engagement
19 process with the Lake Effect project, and it may be a good resource to use the feedback received
20 from the Lake Effect project in the Comprehensive Plan update.

21 Mr. Koch stated the Lake Effect process involved many community meetings, but not a
22 formal survey. There are some similar things, however, and they will build off of those things.

23 Ms. Panetta explained the Lake Effect project was focused on the lakefront. The Wayzata
24 2040 project will take all that information and incorporate it into the vision for the whole City.

25 Ms. Panetta continued her presentation and encouraged residents to participate in the
26 survey, as well as business owners and visitors. She explained once the Think Tank is complete,
27 they will have 15 to 20 visioning workshops with different stakeholder groups.

28 Mr. Dahl advised there will be a link to the survey on the City's website and they will be
29 utilizing social media to remind people to participate.

30 Mrs. McCarthy inquired what they hope the success rate will be.

31 Ms. Panetta responded Wayzata residents seem to be proud to be part of this community.
32 This survey is an important part of public engagement with the Comprehensive Plan and if people
33 want their voices heard, this is the way to do it.

34 Mr. Dahl agreed that Wayzata community members are engaged, and he is hoping for
35 several hundred responses. The City recently circulated another survey for a different topic, and
36 were impressed with the participation.

37 Mrs. McCarthy inquired if there are opportunities to partner with Wayzata businesses and
38 the Muni, possibly entering people into a drawing to encourage them to complete the entire survey.

39 Mr. Dahl advised he will forward that idea to Kristin Classey, their Communications
40 Specialist.

41
42 **b. Consider Resolution No. 29-2017 Approving a Conditional Use Permit for**
43 **Telecommunications Facility at 800 Wayzata Boulevard East**

44 Henry Miles, 746 Widsten Circle, asked to speak and commented that he spoke at Planning
45 Commission during the public hearing on the application on June 19. He again raised questions
46 about why T-Mobile was not using the City's new monopole tower and suggested a plan for the
47 City to table the application and engage in an effort to get T-Mobile to move to the City's new
48 tower.

49 Director of Building and Planning Thomson reported the applicant, Buell Consulting, on
50 behalf of T-Mobile, has submitted a development application for a Conditional Use Permit (CUP)

1 to construct a telecommunication facility for cellular antennas and associated equipment on the
2 building located at 800 Wayzata Boulevard East.

3 Mr. Thomson provided an overview on the City's Telecommunications ordinance and
4 reported on the three types of telecommunications facilities allowed by a CUP. He noted the City
5 has specific standards associated with these three types of facilities.

6 Mr. Thomson provided a rendering of the site and elevation drawings. The property is
7 zoned C-1, and the building is located within 300 feet of Wayzata Boulevard East. He reported the
8 total height from the top of the roof to the top of the antennas is 14 feet. The antennas would not
9 be visible from below, as they are mounted behind the screening wall designed to match the exterior
10 of the building, and the ground equipment would be enclosed on three sides with a wood fence.
11 The proposed antennas will not project out from the side of the building.

12 Mr. Thomson reported the Planning Commission recommended approval of the
13 conditional use permit application by a vote of five in favor and two opposed. He highlighted two
14 of the conditions recommended by the Planning Commission in its Report:

- 15 1. Ongoing operation and maintenance must comply with the City's telecommunications
16 ordinance.
- 17 2. Service vehicles must be parked on the site, and may not be parked on public streets
18 adjacent to the property.

19 Mr. Plechash stated he'd like to know why the requested telecommunications facility
20 should be allowed, since the City is constructing a monopole.

21 City Attorney Schelzel reported that the City would like to have full occupancy of its new
22 monopole, and negotiations with other telecom service providers are going well. T-Mobile has
23 elected to discontinue negotiations with the City at this point, and has submitted this CUP
24 application. Staff does not know exactly why T-Mobile has decided to do this, but with the
25 application before them, the Council needs to focus on whether or not it meets the standards of the
26 CUP and Telecom Ordinance.

27 Mayor Pro Tem Tyacke inquired if the City has any jurisdiction over cell phone towers, or
28 if it is preempted by Federal law.

29 Mr. Schelzel responded the City does have jurisdiction to regulate land uses, including
30 telecommunications facilities, which are included in the zoning ordinance. However, the City
31 cannot force telecommunication service providers to locate their facilities at a certain location. If a
32 telecom service provider can meet the standards of the Telecom Ordinance, and complies with the
33 CUP process, they can consider a different location.

34 Mr. Koch inquired how high the screen will be on the roof.

35 Mr. Thomson responded it will be the screen wall would be the same height as the antennas.

36 Mayor Pro Tem Tyacke recalled a detailed study that was done by the City, and that
37 involved all the City's current carriers, to make sure the new monopole was constructed in a good
38 location with comparable service to when they were on the water tower. He inquired if T-Mobile
39 was violating any good-faith obligations to negotiate with the City and locate on the tower, by
40 breaking off negotiations.

41 City Manager Dahl responded he did not think they were in violation of any contractual
42 obligation, but will look into it.

43 Mr. Schelzel responded he has not been a part of the discussions with T-Mobile for the
44 new monopole, but that City staff has been in discussions with them, and T-Mobile is not actively
45 engaging in discussions right now. He added he is not aware of any contractual obligations to
46 relocate to a new location that any leaseholders made in relation to the study referenced by Mayor
47 Pro Tem Tyacke. Mr. Dahl agreed.

48 Jake Soper, 1360 Energy Park Drive, St. Paul, from Buell Consulting and representing T-
49 Mobile, commented they feel that the location is a good site for T-Mobile, it helps to continue to
50 cover the citizens of Wayzata in lieu of losing the water tower site, meets all aspects of the code,
51 and is a priority site. This site had been a wireless installation in early 2000. T-Mobile will be

1 removing the old equipment on the ground, installing their new equipment and adding a fence,
2 which is an improvement to what is currently there. He requested the condition recommended by
3 the Planning Commission, that T-Mobile not park on the public street, be removed. The east side
4 of Chicago Avenue is currently public parking, and the T-Mobile maintenance technicians typically
5 access the site four to six times a year for regular maintenance. It will be less frequent than the
6 water tower, which had multiple carriers on it and more exposed equipment. If the technicians park
7 on Chicago Avenue, they will only have to walk about 50 feet directly to the site. If they are required
8 to park on the building owner's site, they will have to walk around the building or through it, which
9 is much farther.

10 Mr. Plechash inquired why T-Mobile decided to pursue this site when the City just
11 constructed a monopole for this purpose.

12 Mr. Soper stated he is unable to answer questions regarding the monopole site. His firm
13 has been retained by T-Mobile to submit this application and is not involved directly with the
14 negotiations between T-Mobile and the City. He respectfully requested the application be
15 considered on its merits.

16 Mrs. McCarthy inquired if this site is a macro or micro site, if the types of antennas
17 proposed would be the same as what was on the water tower, how many antennas they will need,
18 and how long that capacity will meet the needs of the area.

19 Mr. Soper responded it is a macro site that will cover a large amount of downtown. He
20 confirmed the antennas are very similar to what is on the water tower. They will be between four
21 and eight feet tall and between six and 22 inches wide. They are proposing six antennas for
22 installation, and capacity needs continue to grow throughout the wireless community. He is unsure
23 when they may need more, but this proposed amount will cover the loss in coverage once the
24 existing antennas come off the water tower.

25 Mrs. McCarthy stated the loss in coverage is due to them choosing not to go on the
26 monopole. During the questionnaire period when asked about possible sites, all of the carriers said
27 the preferred alternate location is where the City built the monopole.

28 Mr. Soper responded there are a lot of factors involved in any cell site, and this site meets
29 the code and fits in with the goals outlined by the community.

30 Mrs. McCarthy inquired if staff could provide a side-by-side comparison of the existing
31 coverage.

32 Mr. Thomson provided three renderings. He explained the first one represents the current
33 coverage based on the water tower location, and the second rendering shows coverage without the
34 water tower site. The third rendering shows coverage with two facilities, one of which represents
35 the application being discussed, and the other which represents an application that was submitted
36 to the City but is not complete.

37 In response to Mrs. McCarthy, Mr. Soper stated he does not know what sites T-Mobile had
38 in Wayzata prior to the water tower.

39 Mrs. McCarthy inquired why the antennas are on top of the rooftop versus on a façade, and
40 noted that she does not consider a fence around the antennas to be stealth. There have been other
41 carriers that have gone to great expense to blend them into a façade, and a person would never
42 know they were there.

43 Mr. Soper responded the reason for the rooftop location is because Wayzata is a difficult
44 area to cover because there are not a lot of tall buildings. The code limits new applications to within
45 a certain distance of Wayzata Boulevard, and along that span and in areas that would meet T-
46 Mobile's coverage objectives, there have not been any buildings tall enough to get the signal over
47 the trees and still be mounted on the façade.

48 Mrs. McCarthy inquired about the footprint of the cabinets, and where a generator would
49 be placed in the event of a power outage. She expressed concern with how loud the generators can
50 be.

1 Mr. Soper responded the concrete pad is 10 feet by six feet and the equipment lease area is
2 eight feet by 19 feet. In the event of a power outage, T-Mobile has backup batteries on site that last
3 six to eight hours. If the outage is anticipated to be longer, a temporary generator would be brought
4 in to the northwest corner of the site and plugged into an Appleton plug. He confirmed the area of
5 the generator is not an enclosed space that would provide sound or sight mitigation.

6 Mr. Plechash stated he found Mr. Soper's comment ironic about finding a site tall enough
7 to have adequate coverage for Wayzata when the monopole is about the tallest thing in the City.
8 He agreed with Mr. Miles that it may prejudice negotiations with other telecommunications
9 providers.

10 Mayor Pro Tem Tyacke inquired what changes would have to be made on the building to
11 upgrade it to 5G.

12 Mr. Roper responded they are still determining what type of equipment will be needed for
13 the 5G rollout. With past upgrades, carriers are typically able to modify their existing installations
14 by changing out antennas and adding an antenna. This stealth enclosure gives T-Mobile some
15 flexibility within if they need to add anything in the future. Ideally, they would not need to expand
16 the enclosure; but, if they did, they would have to go through additional permitting with the City
17 and request an amendment to this CUP.

18 Mayor Pro Tem Tyacke stated a T-Mobile representative present at the Planning
19 Commission meeting commented the water tower is the best site for the City's topography. Mayor
20 Pro Tem Tyacke explained the Council is obligated to explore possible adverse effects to granting
21 this CUP, and expressed concern with gaps in coverage if they go with an antenna on this building.
22 He inquired who reviewed the coverage quality for this site, and if they will need any other macro
23 sites beside what it being requested on this building.

24 Mr. Roper responded T-Mobile reviewed the coverage quality. He pointed out that just
25 because one carrier has good coverage in one area does not mean that another carrier will too. Each
26 carrier has their own network they have designed and must fit it into a market the best way they
27 can. T-Mobile is choosing to supplement their coverage with this application and another one to
28 the east, which will be before the Council soon.

29 Mr. Thomson pointed out the application before the Council been drafted to only approve
30 and include this particular project and configuration. If additional changes are needed in the future,
31 the applicant would need to come back to the City and amend the CUP or apply for a new one.

32 Mrs. McCarthy inquired when the current lease will expire with T-Mobile on the water
33 tower, and what the Comprehensive Plan states in relation to telecommunication equipment and
34 towers.

35 Mr. Dahl advised the lease will expire at the end of this year.

36 Mr. Thomson responded telecommunication facilities are not addressed in the
37 Comprehensive Plan because the ordinance was adopted after adoption of the Comprehensive Plan.
38 The Comp Plan addresses general uses, but nothing specific about telecommunication facilities.

39 Mayor Pro Tem Tyacke requested the Council provide their view on the application.

40 Mr. Plechash stated he is concerned and conflicted. He believes the applicant has met the
41 requirements of the ordinance. However, the City has spent a lot of time and money on the new
42 monopole, and if T-Mobile steps away from it, it may negatively impact the City. The City could
43 have an empty monopole if other carriers decide to do that as well. He stated he would reluctantly
44 vote in favor of it, but would also support tabling it to get more information as to why T-Mobile
45 made the decision to pursue this CUP. He recommended they have a meeting with the top people
46 at T-Mobile to understand why they made this decision.

47 Mr. Koch agreed with Mr. Plechash. He stated the specific location of the monopole shows
48 him that not everyone else can go on a rooftop like T-Mobile. He noted the City is required by
49 federal law to provide sites in the City, and they cannot force T-Mobile to go on the monopole. The
50 application has met all the requirements of the CUP process; it is not ideal, but he would have to
51 vote in favor of it.

1 Mrs. McCarthy commented it is their responsibility to review the merits of the application
2 and whether it is appropriate to issue a CUP for this one particular location. She expressed concern
3 with residential areas being on two sides of this site, it being adjacent to two very narrow streets on
4 the north and west side, and because of all the visits by technicians, it is an industrial site. She
5 stated that because of the added traffic, the adverse impact it will have on surrounding businesses
6 and adjacent residential properties, traffic on Wayzata Boulevard, and negative impacts relating to
7 noise and parking, the application does not meet the criteria of the Ordinance standards noted in
8 items C, D, or F of the Report, and she does not support it.

9 Mayor Pro Tem Tyacke commented that the Planning Commission has thoroughly
10 reviewed the application, and they did not hear any complaints from the residents in the surrounding
11 neighborhood. The applicant has met the strict requirements of the CUP ordinance and the
12 Telecommunications ordinance. Regarding the monopole, if T-Mobile chooses not to be on it, the
13 City will have more space for competitors in the future, which could benefit the residents of
14 Wayzata. He still is concerned about the quality of service since the monopole seemed to be the
15 right height to address previous lapses in coverage. The parking limitation in the resolution is
16 reasonable because it is a good way to control the traffic and parking on the roads. He suggested
17 they add a condition that would allow periodic inspection by the City to make sure it is in
18 compliance with the ordinance. He does not favor tabling the resolution because Council does not
19 have a lot of time, and should not be involved in the direct negotiations with the carriers.

20 Mr. Dahl advised whether they vote to approve the resolution or not, it does not preclude
21 them from talking with T-Mobile about the other options within the City, including the monopole.

22 Mrs. McCarthy stated they are all aware of legislation at the forefront of many discussions
23 regarding small cell technology in City right of way. The last thing they want is to build something
24 that does not work, and if they have to build something else, the City becomes littered with
25 technology everywhere. The previous City studies were very specific with the difference in
26 coverage if they were to move the monopole tower one or two feet, and now this proposed T-
27 Mobile site is a quarter mile away. The proposed telecom facility is not in the best interests of the
28 residents or the City, and it is visual and technology clutter. She does not know if the Council
29 should believe what they were told months ago about location and coverage, or if they should
30 believe what they are told today. There are building height restrictions, and this is an accessory
31 structure on top of the roof that adds an additional 15 feet.

32 Mayor Pro Tem Tyacke inquired if there is any merit in tabling the application to pursue
33 additional conversations with the T-Mobile, since they have pursued this application and
34 discontinued conversations regarding the monopole.

35 Mr. Dahl responded if there was any additional information the Council needed in order to
36 act specifically on this application, then they should table it.

37 Mr. Plechash commented that he agrees with everything Mrs. McCarthy had previously
38 stated, and if the ordinance were written differently, he would not support this application. He
39 pointed out T-Mobile is planning to apply for a CUP at another location, which shows this may not
40 be a perfect location if another one is needed. He inquired what would happen if a variance is
41 needed with the second location, and the Council denies it. He suggested they table this application,
42 get more information with the second location, and meet with T-Mobile's top management.

43 Mr. Thomson responded they do not know if a variance will be needed at the other site
44 because they do not have a complete application for the other site yet.

45 Mrs. McCarthy inquired how the west end will be covered with the location of this site.
46 She agreed with Mayor Pro Tem Tyacke that there has been issues in the past with coverage. The
47 RF engineers told them the new monopole site would be the proper area and by moving to the east,
48 they may have a coverage gap to the west. She suggested they have the RF engineers provide a
49 map of how the area will be covered.

50 Mr. Roper commented he did show where the other site would be located, but he is unsure
51 if it will require a CUP. T-Mobile has not asked him to obtain permitting for that site. As the

1 coverage maps show, coverage is not as good at this new site as it was at the water tower and they
2 may need include micro sites in the City. Macro sites generally are used for coverage and capacity
3 and small cells are used as a capacity solution. Regarding the generator, T-Mobile would not want
4 to use a generator more than was necessary at the site and they would first rely on the battery
5 backup. In the event of a power outage that would require a generator backup, people are going to
6 want their cell coverage and may not be overly concerned with the noise from a generator.

7 Mr. Plechash inquired if they have adequate coverage in the City if this location was
8 approved and the other one was not.

9 Mr. Roper responded he did not know. He also did not know what type of zoning approvals
10 would be required for the other site.

11 Mayor Pro Tem Tyacke inquired if T-Mobile's application for the other site on the east end
12 of town would be rejected if it is not on a permitted site as part of the Telecommunications
13 ordinance.

14 Mr. Thomson responded the east location is more complicated because the location
15 requirements in the ordinance applies to new, not existing, facilities. The proposed location is on
16 an existing tower and a different section of the ordinance applies to it. They are allowed to make
17 certain upgrades to an existing facility before a CUP is required. It will depend on what the
18 upgrades are, how extensive they are, and what the existing tower can accommodate. He stated
19 they are missing a coverage map for just this site, and the Council could request it.

20 Mr. Koch inquired how much of an obligation it is for the City to provide adequate telecom
21 coverage, and how much of it is based on the business decision of each individual carrier.

22 Mr. Thomson responded from a planning perspective, the City establishes goals, objectives
23 and zoning to allow locations for this service to exist. They provide the structure to allow it, but it
24 is the private market that delivers it.

25 Mr. Schelzel responded federal law prohibits Cities from excluding telecom facilities from
26 the City, and ensures that local zoning does not prevent carriers from providing adequate coverage.

27 Mr. Tyacke commented the coverage map provided shows the potential second location,
28 and he wants to make it clear that if the Council approves this application, they are not authorizing
29 in concept the second location.

30 Mr. Dahl stated the street address for this proposed location is included in the resolution.

31 Mr. Thomson stated the resolution is very clear that the only thing being approved are plans
32 for the facility at 800 Wayzata Boulevard that were provided with the Application.

33 Mr. Schelzel explained that procedurally, the Council can send the CUP application back
34 to the Planning Commission for further evaluation, or request further information from the
35 applicant to help make a decision on this application. While it is a reasonable request, he cautioned
36 against requests that would fall outside the scope of this application.

37 Mr. Thomson advised the final date to make a decision on the application under the 120-
38 day rule is September 19, 2017.

39 Mr. Plechash made a motion to table Resolution No. 29-2017 Approving Conditional Use
40 Permit for Telecommunications Facility at 800 Wayzata Boulevard East, and direct staff to inquire
41 if this one location would be adequate coverage to replace what they are vacating on the water
42 tower. Motion failed for lack of a second.

43 Mrs. McCarthy commented she is not in favor of the application as proposed for reasons
44 she stated earlier. She would support putting the antennas on the façade, enclosing the cabinets or
45 putting them on the roof, and making sure the generators are self-contained. She still has concerns
46 with the residential area that borders this site. The purpose of the new monopole was to get it away
47 from the residential areas.

48 Mr. Roper responded the City did go to great lengths to carefully draft an ordinance, and it
49 is difficult to find a location in the City for a new wireless installation. They worked hard on this
50 application, and it meets the requirements of the code. He posed the question whether the Council
51 would approve this application if they did not have the monopole tower.

1 Mr. Koch made a motion, seconded by Mayor Pro Tem Tyacke, to Adopt Resolution No.
2 29-2017 Approving Conditional Use Permit for Telecommunications Facility at 800 Wayzata
3 Boulevard East. Mayor Pro Tem Tyacke asked for any discussion of the motion.

4 Mr. Schelzel advised if there is a tie vote among the Council on the motion to approve the
5 Application, the motion would fail, and the application would be denied under the 60 day rule and
6 could not be resubmitted for a period of time under the Zoning Ordinance, which he believes is one
7 year. If the application is tabled to a future meeting, there would most likely be five members of
8 the Council present where a vote would not result again in a tie.

9 Mayor Pro Tem Tyacke advised he is leaning toward approving it, but does see some
10 problems with it.

11 Mrs. McCarthy called the question. Mayor Pro Tem Tyacke allowed Mr. Roper to speak.

12 Mr. Roper stated they would prefer the Council table this application than to risk denial.

13 Mr. Dahl commented it would be good to have an odd number of Council members present
14 to avoid a tie vote, and to allow T-Mobile to provide additional information that would be helpful
15 to the Council.

16 Mrs. McCarthy disagreed with Mr. Dahl and stated they need to vote.

17 Mr. Plechash stated the motion to table failed for lack of a second and there is an active
18 motion on the table.

19 Mr. Koch stated this site is different than the water tower site where things were hanging
20 and falling off, and there was generator equipment and noise during power outages.

21 Mr. Dahl pointed out that tabling the motion would also allow them to draft an alternative
22 resolution of denial, with more comprehensive findings that the Council has discussed at this
23 meeting.

24 Mr. Schelzel explained the City is in a stronger legal position to have a denial upheld if
25 there are findings in the record that support the denial.

26 Mr. Plechash commented he will reluctantly vote in favor of this application because it is
27 his responsibility and the applicant met the conditions of the ordinance.

28 Mayor Pro Tem Tyacke called for a vote on the motion. The motion carried 3/1.
29 (McCarthy)
30

31 **c. Consider Resolution No. 28-2017 Approving a Variance for an Electronic Sign at**
32 **1325 Wayzata Boulevard East**

33 Director of Building and Planning Thomson reported the applicant, Holiday Stationstores, is
34 proposing to add a dynamic/digital wall sign at the Holiday gas station located at 1325 Wayzata
35 Boulevard East. A variance is being requested because the ordinance prohibits this type of flashing
36 sign. The Planning Commission unanimously recommended approval of the variance, subject to
37 conditions related to the content, character, duration, and transition time of messages, along with
38 brightness and illumination requirements.

39 Mrs. McCarthy inquired if the brightness of the sign is covered through the ordinance, and
40 what the content of the messages would include.

41 Mr. Thomson confirmed there are standards in the ordinance, and the applicant is proposing
42 some functional requirements on the sign that would adjust the illumination of the sign during the
43 day or night. He clarified each message would be up for 15 seconds before transitioning.

44 Mayor Pro Tem Tyacke inquired how staff determined this was a flashing sign. He also
45 inquired if this should be a variance for a non-permitted use on the property since the ordinance
46 prohibits flashing signs.

47 Mr. Thomson reported it is standard that Cities prohibit flashing signs in order to regulate
48 dynamic signs, and staff wanted to be more conservative on the definition. There are other signs in
49 the community that can only display text, but this sign also has video capabilities. Staff did not
50 believe this was a variance for a non-permitted use because signs are allowed uses. This is just a
51 variance from a standard applicable to permitted use of signage.

1 Mayor Pro Tem Tyacke asked where there are other CUP's in Wayzata for these types of
2 signs, and how the City will measure the brightness levels of them.

3 Mr. Thomson responded they are all located on Planned Unit Development properties and
4 include Wayzata Community Church, Walgreens, Anchor Bank, and Village Shops. If the
5 illumination exceeded the standards, the City would go and physically measure the sign through an
6 inspection and follow up with the property owner to make sure it meets the requirements. There is
7 a condition included in the draft resolution that relates to the brightness, which will be set by the
8 owner of the sign.

9 Mayor Pro Tem Tyacke referred to page 202 of the meeting packet, and inquired about a
10 setback variance.

11 Mr. Thomson confirmed it was a typographical error and there is no setback variance
12 associated with the application.

13 Mrs. McCarthy inquired how they monitor and regulate the content of the sign, and what
14 parameters the City has to enforce it.

15 City Attorney Schelzel commented the applicant suggested some voluntary content
16 standards they were willing to adhere to in connection to the variance, and those are incorporated
17 as conditions of approval. He would caution against additional conditions that further restricted the
18 content of the signs.

19 Mr. Thomson stated in the content regulations offered by the applicant, the sign would only
20 include products that are available on the site itself.

21 Michael Cronin, 8809 West Bush Lake Road, Bloomington, representative for Holiday
22 Station Stores, provided a document to the Council related to the application. He noted that the
23 growth and viability of gas stations is not going to rely on fuel sales. The purpose of the sign is to
24 introduce new products and get people to come into the store for grocery items. It will only advertise
25 for items in the store. Due to the proposed location of the sign, the primary audience will be people
26 pumping gas. The Applicant agreed on 15 seconds between transitions. Because it is not a flashing
27 sign, it gives more opportunity to include advertising, and it does not affect traffic on Wayzata
28 Boulevard.

29 In response to Mayor Pro Tem Tyacke, Mr. Cronin confirmed Holiday Stores have been
30 acquired by a Canadian Company called Couche-Tard, Inc. The conditions included in the
31 resolution make it so they cannot change the sign and operational standards without City approval.
32 The sign is about 25 square feet, and they are adding the word Holiday in addition to the sign for
33 which the variance is requested.

34 Mayor Pro Tem Tyacke commented this sign will be back from the road, so it will be less
35 distracting to drivers.

36 Mrs. McCarthy made a motion, seconded by Mr. Plechash, to Adopt Resolution No. 28-
37 2017 Approving Variance for Electronic Sign at 1325 Wayzata Boulevard East. There was no
38 further discussion, and the motion carried 4/0.

39
40 **d. Consider Resolution No. 30-2017 Approving an Amendment to PUD at 105 Lake**
41 **Street East**

42 Director of Building and Planning Thomson provided background information on this item and
43 reported the applicant, Meyer Place at Ferndale, has submitted a development application to amend
44 the existing PUD at 105 Lake Street East to increase the number of residential condominiums from
45 21 units to 22 units. The additional unit would be added by converting one of the larger units into
46 a smaller unit and would not include any changes to design, size, footprint, or height of the approved
47 building. The increase in density and required parking stalls associated with the request would still
48 meet ordinance requirements. In a vote of six in favor and one opposed, the Planning Commission
49 recommended approval of the amendment, subject to the original conditions of approval for the
50 application.

1 Mayor Pro Tem Tyacke inquired if there was any concern regarding increased traffic in
2 and out of the facility.

3 Mr. Thomson responded he does not see any concerns with additional traffic. With this
4 increase, they would see approximately nine additional trips in or out of the facility each day.

5 Applicant's representative, Tim Whitten, Whitten Associates, stated this is an internal
6 change. They have found that there is a demand for smaller units and this provides a broader range
7 for potential residents.

8 Mr. Koch inquired if density with the number of units was a contentious issue when it was
9 previously approved.

10 Mr. Thomson recalled there was concern about density in the first version of the project,
11 that did not get approved, but that was more related to the size and scale of the building. This is a
12 revised version of the building which has a much smaller footprint, and the scale and design
13 completely changed.

14 Mayor Pro Tem Tyacke inquired if this change has been reviewed by the townhouse
15 complex behind it and the owner of the land it will be on.

16 Mr. Whitten responded they are both aware of it and there were no negative reactions.

17 Mr. Koch inquired how many units have been presold.

18 Mr. Whitten responded they have presold seven units with another five pending. The
19 smaller units were already taken, so by making this change, there will be two more available.

20 Mayor Pro Tem Tyacke made a motion, seconded by Mr. Plechash, to Adopt Resolution
21 No. 30-2017 Approving an Amendment to PUD at 105 Lake Street East.

22 Mrs. McCarthy commented she will be voting against this amendment because she had
23 voted against the underlying PUD project. She had concerns with the original use and the deviation
24 from what that area was originally zoned for. It is wise to have smaller units, but the project itself
25 was not what was originally intended for that area.

26 There was no further discussion. The motion carried 3/1. (McCarthy)

27
28 **e. Consider Approval of Development Agreement for Meyer Place at Ferndale Project**
29 **at 105 Lake Street East**

30 Director of Building and Planning Thomson reported on the public improvements and public art
31 associated with the Development Agreement. The public improvements include: 1) street, utility,
32 streetscaping and landscaping along Lake Street East; 2) a public sidewalk and landscaping along
33 Ferndale Road from Lake Street to the southern curb of Edgewood Court; and, 3) a public plaza
34 with public art at the Lake Street and Ferndale Road Intersection. The applicant has hired Forecast
35 for Public Art and put together a selection committee to oversee the art selection process. They
36 have solicited designs from three artists and will be selecting a final design on August 9. The art is
37 on private land and will be privately maintained, but the public will have access to it.

38 Mr. Thomson advised the Development Agreement reflects the PUD amendment
39 previously approved by Council under item 8(d) of this meeting's agenda.

40 Mayor Pro Tem Tyacke inquired if the City is involved in approving the public art feature.

41 Mr. Thomson responded it is not technically public art since the City does not own it.
42 However, they did work with the developer to make sure there was a budget, process, and a means
43 of getting the project defined with some stakeholder engagement.

44 Mr. Plechash made a motion, seconded by Mr. Koch, to Approve the Development
45 Agreement for Meyer Place at Ferndale Project at 105 Lake Street East. There was no further
46 discussion. The motion carried 3/1. (McCarthy)

47
48 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

49 **a. Upcoming Events/Announcements**

50 Mr. Dahl highlighted the following items:

- 1 • Mill Street Parking Ramp Ribbon Cutting Ceremony will be held on August 10 at 9:00
- 2 a.m.
- 3 • Farmer's Market will take place on August 3 and will feature some community oriented
- 4 vendors and offer free roasted corn.
- 5 • Music in the Park will feature Blue Groove at Klapprich Park on August 6 and a symphony
- 6 brass band on August 13.
- 7 • A Blood Drive will take place on August 7 at the Fire Station from 3:00 p.m. to 6:00 p.m.
- 8

9 **b. Councilmember Updates/Announcements**

10 Mayor Pro Tem Tyacke commented that Night to Unite was a great success. There were 22 block
11 parties in Wayzata and 8 in Long Lake. He thanked all the block captains for arranging the parties,
12 and the Wayzata Fire Department, Police Department, and Crime Coalition for participating. He
13 announced Max Windmiller as the winner of the Jim Fish Crime Prevention Award.

14
15 Mayor Pro Tem Tyacke announced Tour de Tonka will be coming through Wayzata on Saturday,
16 August 5 from 7:00 a.m. to 9:00 a.m. Volunteers are still needed and they can sign up on the Tour
17 de Tonka website.

18
19 Mayor Pro Tem Tyacke announced the Wayzata Match Cup Races will take place August 9 -13.

20
21 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

22 There were no comments.

23
24 **AGENDA ITEM 11. Adjournment.**

25 Mrs. McCarthy made a motion, seconded by Mr. Plechash to adjourn. There being no further
26 business, Mr. Tyacke adjourned the meeting at 9:46 p.m.

27
28 Respectfully submitted,

29
30 *Becky Malone 08-15-2017*

31
32 Becky Malone
33 City Clerk

34
35 Drafted by Shannon Schmidt
36 *TimeSaver Off Site Secretarial, Inc.*