Wayzata City Council Workshop Meeting Agenda
Wayzata City Hall Community Room, 600 Rice Street
Tuesday, August 15, 2017

WORKSHOP TOPICS FOR DISCUSSION:

1. Update on Telecom Negotiations (5:45 PM) Page 3

2. Tree Ordinance Amendment (6:15 PM or immediately following) Page 4

City of Wayzata Public Works
299 Wayzata Blvd. W
Wayzata, MN 55391

Director Of Public Service
David Dudinsky

City Engineer/Assist. Public Works Director
Mike Kelly

Public Works Superintendent
Jim Eibensteiner

Public Works Secretary/Utility Billing Clerk
Rebecca Jones

Memorandum

TO: City Council and City Manager Jeff Dahl
FROM: David Dudinsky; Director of Public Service and City Attorney Paul Kaminski
DATE August 9, 2017
SUBJECT: Update on Telecom Negotiations

City Attorney Paul Kaminski and I will verbally update the Council regarding telecom negotiations at the workshop.

In preparation for the update, I've requested an update from three of our four existing telecom tenants. Each inquiry to each tenant was specific to where we are in our negotiations with them. Below is a generalization of the questions I asked them to respond to.

Hi (AT&T, Sprint, & Verizon)

The Mono Pole Tower showed up on site today and will be erected by end of the day tomorrow (Tuesday, August 8th) at the Wayzata West Middle School Site.

In anticipation of the Mono Pole Tower going up tomorrow, the City Council has requested I update them at the August 15th council meeting as to the relocation status of each of our existing tenants. Since the driver behind the whole relocation process was the residents near the water tower demanding an end to the telecom operations at that site, they anticipate being asked, when our tenants will actually relocate to the new Wayzata West School Telecom site, now that it is erected. It is the council's wishes that all our tenants relocate to the Wayzata School Telecom site before the end of this year (2017).

If you would, please respond to the following questions as best you can. I want to relay your responses to the City Council at a workshop before the council meeting next Tuesday, August 15th.

1. *Procedurally, what steps are left to complete before the new (tenant) Antenna Mono Pole Agreement (and associated exhibits) are complete on your end?*
2. *When do you anticipate the City will receive a signed copy of the new Antenna Mono Pole Agreement from (tenant) (and associated exhibits) we have negotiated (or are in the process of doing so) so I can place the Antenna Mono Pole Agreement on a city council agenda for approval?*
3. *What is the anticipated date (tenant) plans to start the relocation from our existing water tower site to the Wayzata School District Telecom site?*

The City Council and I Thank You in advance for taking the time to respond to the inquires above.

Dave

City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Dan Koch
Johanna McCarthy
Alex Plechash
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: August 11, 2017

To: The Honorable Mayor and Members of the City Council

From: Jeff Thomson, Director of Planning and Building

Subject: Tree Ordinance Amendment

During the Council's review of the tree ordinance amendment, the Council asked staff to review alternatives to a tree removal permit requirement. During the ordinance review, the Council indicated that they support the "clean-up" amendments to the tree ordinance. There was also general consensus that mass tree removal or clear cutting of properties is not a wide spread issue in the City, but the City should consider tools to prevent tree removal in advance of a development application or the mass clearing of property in the worst-case scenarios. However, the Council indicated that the solutions should not overly burden property owners, or create unnecessary regulatory and permit requirements.

Based on the feedback and direction of the Council, City staff has outlined the following options for the Council's consideration regarding tree removal permits and enforcement.

Tree Removal Permit Options

- Option A: No permit required for any tree removal
  - Difficult to enforce City's licensing requirement for tree removal contractors
  - Difficult to administer and enforce ordinance requirements during construction or development

- Option B: Permit required for construction or development projects (A permit would not be needed to remove trees if no construction or development is proposed)
  - Able to administer and ensure compliance with new tree preservation requirements for construction or development projects
  - Able to ensure compliance with tree preservation plans approved by the Council as part of a development application

- Option C: Permit required for tree removal beyond an established threshold
  - Potential thresholds include removal of heritage trees (significant tree removal would not require a permit), or a maximum removal threshold before a permit is required based on the percentage of inches or number of trees being removed
  - Would provide notice to the City of mass tree removal or clear cutting of property, but would not prevent mass tree removal or clear cutting of property
  - Would allow tracking of some tree removal prior to a development application
  - More complicated determination of whether permit is needed

- Option D: Permit required for any tree removal
    - Removal of any tree, whether or not for construction or development, would require a permit from the City
    - Specific tree removal could be exempted from permit requirement or from permit fee, such as removing dead, diseased, dying, or hazard trees

- Other benefits of tree removal permit:
    - Enforcing tree contractor license requirement
    - Preventing tree removal on City property or City right of way
    - Ensuring tree removal is occurring on owner's property
    - Enforcing other tree preservation requirements in the ordinance, e.g. Shoreland District

Enforcement Considerations

Maximum Tree Removal Threshold

The City's prior tree ordinance (before the 2016 amendment) included a maximum tree removal threshold for all properties. The prior ordinance allowed tree removal up to 32 inches of trees per acre of property in any 12 month period. This threshold was removed in the 2016 amendment, so the current tree ordinance does not prohibit mass tree removal or clear cutting trees on a property if no development or construction is proposed. Even if the City required a permit for tree removal beyond a certain threshold, it would not prohibit the removal since it is not prohibited in the current ordinance. Therefore, if a property owner clear cut a property, the City could take enforcement action for not obtaining a tree removal permit, but not for the tree removal itself.

Trees Removed Prior to Development Application

The current tree ordinance also does not prohibit a property owner from removing trees in advance of a development application. To address this issue, City staff had recommended adding a look-back clause for development applications. The look-back clause could be administered two ways. First, a tree removal permit requirement for any tree removal would allow the City to track tree removal over time. Therefore, when a development application is submitted to the City, the City would be aware of any tree removal that occurred within the look-back period. The second option is include the look-back clause, but not require a tree removal permit. In this case, the look-back clause would be a deterrent to a property owner removing trees prior to development, and the City could still enforce the look-back clause during review of the development application if we obtained documentation of the tree removal when it occurred.

Discussion Questions

The goal of the workshop is for the City Council to provide feedback on enforcement and the tree removal permit requirement. Based on the feedback from the Council, City staff will draft an ordinance amendment for review at an upcoming regular City Council meeting.

- Does the Council want to consider a tree removal threshold for properties in which construction or development is not proposed?

- Does the Council want to consider adding a look-back for tree removal that occurs prior to a development application?

- Which tree removal permit option does the Council support?