

**WAYZATA CITY COUNCIL
WORKSHOP MEETING MINUTES
August 15, 2017**

5:45 PM Update on Telecom Negotiations

Mayor Willcox called the meetings to order at 5:45 pm in the Community Room at Wayzata City Hall. Council Members present: Koch, McCarthy, Plechash and Tyacke. Also present: City Manager Dahl, Director of Planning & Building Thomson, Director of Public Service Dudinsky, City Attorney Schelzel, and City Attorney Kaminski.

Mr. Dudinsky updated the group on the contract negotiations with the four existing telecom tenants for relocation of their facilities from the water tower to the new mono pole tower. He stated that verbal agreements have been successfully negotiated, but not finalized, with Verizon, AT&T and Sprint. Discussions continue with T-Mobile.

6:15 PM (or immediately following) Tree Ordinance Amendment

Mayor Willcox introduced this item at 6:15 pm.

Mr. Thomson stated that 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.

Mr. Thomson stated that 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
- 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)
- Option C: Permit required for tree removal beyond an established threshold
- Option D: Permit required for any tree removal

Mr. Thomson reviewed other benefits of having a tree removal permit including:

- 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

Mr. Thomson reviewed the following 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

1 is proposed. Even if the City required a permit for tree removal beyond a certain threshold, it would not
2 prohibit the removal since it is not prohibited in the current ordinance. Therefore, if a property owner clear
3 cut a property, the City could take enforcement action for not obtaining a tree removal permit, but not for
4 the tree removal itself.

5
6 Trees Removed Prior to Development Application

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

16
17 The Council indicated support for a look-back clause being added to the ordinance, and updating the
18 ordinance so that a tree removal permit is not required for tree removal that is not being done as part of a
19 construction project that requires a grading or building permit.

20
21 The workshop meetings were adjourned at 6:55 pm.

22
23 Respectfully submitted,

24
25 *Becky Malone 09-05-2017*

26
27 Becky Malone
28 City Clerk