

**WAYZATA CITY COUNCIL
MEETING MINUTES
September 5, 2017**

AGENDA ITEM 1. Call to Order.

Mayor Willcox 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. Also present: City Manager Dahl, City Engineer Kelly, and City Attorney Schelzel.

Mayor Willcox stated the Council met in Workshop prior to the meeting and discussed the redevelopment plan along Lake Street West of Manitoba and received an update from the Honors Plaza Committee.

AGENDA ITEM 4. Approve Agenda.

Mrs. McCarthy made a motion, seconded by Mr. Koch, to approve the agenda. There was no further discussion. The motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. J. J. Hill Days Update

Becky Pierson, Wayzata Area Chamber of Commerce, reported the 43rd Annual James J. Hill Days will take place on September 8-10, 2017. She highlighted some of the events and noted that the music stage will be moved to the area at Minnetonka and Lake Street. She thanked the Council, City staff, and sponsors that support this event.

Mayor Willcox inquired when the streets will be closed for set up.

City Engineer Kelly responded the area from Barry Avenue to Edgewood will be closed beginning on Wednesday, Lake Street to the municipal parking lot will be closed after the Farmer's Market on Thursday, and Lake Street will close on Friday at 3:00 p.m.

Alan Miller, 639 Bushaway Road, stated he has made many attempts over the past 13 months to get a response from the City on how the property entrances along Bushaway Road will be restored now that the road is completed. He has hired a lawyer and is prepared to sue the City, if needed. He inquired how and when the job will get done, and requested pedestrian signage or a crosswalk be installed in order to access the trail.

City Manager Dahl commented he only heard of this issue regarding landscaping recently. They heard from the County ten days ago and are in the process of using their subcontractor to finish up the sodding and seeding. However, it appears that work is still not being done. If the County Project Manager does not get it done, they will have to move up the ladder and communicate with a different contact within the organization. He guaranteed that the County will finish the last significant portion of the project, which includes sodding and seeding, by the end of the year.

Mr. Kelly stated he previously provided the County's response to Mr. Miller regarding the requested crosswalk. The County does not feel there are an adequate number of people crossing in that area to justify a pedestrian crossing. He has replied to the County requesting either a formal crossing or a pedestrian warning, but has not yet heard a response. The City cannot put up any signs because it is the County's jurisdiction.

Mayor Willcox stated it is a significant failure to people who live on the other side of the road from the trail. He advised Mr. Miller they will work on this issue and get it fixed.

Jane Cole, 181 Ridgeview Drive East, expressed concern on behalf of Wayzata citizens and others regarding what is happening to Wayzata. She requested a moratorium be placed on both sides of Lake Street from Barry Avenue to Ferndale Road, with the exception of Meyer Place, towards any new development or destruction until the new Comprehensive Plan has been completed. This will allow the community to determine the direction and vision of that area rather than having it determined for them by developers. She inquired what God would want the Council to do with the gift of Lake Minnetonka and if they have asked Him.

Mayor Willcox requested City staff look into the pros and cons of a moratorium and provide an update to the Council. City Manager Dahl agreed.

Lynn McCarthy, Wayzata Volunteer Coordinator, 307 Margaret Circle, announced they need men, women, high school students, and master gardeners to help plant trees, perennials, and shrubs on Saturday, September 30, 2017 from 9:00 a.m. to 1:00 p.m. at the intersection of Gleason Lake and Highway 12. This is Phase One of the Wayzata Gateway Landscape Project, which will beautify entrances into the City, and is done in partnership with the Public Works Department and Mn/DOT's Community Landscape. She requested people contact her at volunteers@wayzata.org.

At the request of the Council, Ms. McCarthy further explained this work will take place at the loop that comes off Highway 394, which is referred to as the interchange at Gleason Lake Road. Mn/DOT provides the plantings and the City provides the labor.

AGENDA ITEM 6. New Agenda Items.

None.

AGENDA ITEM 7. Consent Agenda.

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

- a. Approval of City Council Workshop Meeting Minutes of August 14, 2017 and August 15, 2017; and City Council Regular Meeting Minutes of August 15, 2017
 - b. Approval of Check Register
 - c. Approval of Municipal Licenses
 - d. Approval of Resolution No. 35-2017 Approving an Extension of Zoning Approvals at 630 Bushaway Road
 - e. Approval of Resolution No. 34-2017 Approving an Extension of the Zoning Approval, and Re-approving the Final Plat for Broadway Place at 326 and 332 Broadway Avenue South
 - f. Approval of a Utility Rate Study Proposal from AEM Financial Solutions, LLC
- There was no further discussion. The motion carried 5/0.

AGENDA ITEM 8. Public Hearing.

a. Public Hearing and Consider Approval of Resolution No. 36-2017 Adopting the Modification to TIF District No. 3 (Widsten)

City Manager Dahl reported the modification of TIF District No. 3 will help fund the Mill Street Parking Ramp, up until when it is decertified in 2022. He explained the process of creating a TIF District, which includes HRA approval, a public hearing, and Council approval.

Mayor Willcox opened the public hearing at 7:36 p.m. There being no input, Mayor Willcox closed the public hearing at 7:37 p.m.

Mr. Tyacke inquired if there were any special conditions included in the legislation.

City Manager Dahl responded the special considerations in the legislation allowed for using the Mill Street Ramp as an eligible cost, and extending the District to 2022 without having to decertify it. The TIF plan amendments are consistent with the legislation.

1 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 36-2017
2 adopting a modification to the Tax Increment Financing Plan for Tax Increment Financing District
3 No. 3 within the Central Area Redevelopment District. There was no further discussion. The
4 motion carried 5/0.

5
6 **AGENDA ITEM 9. New Business.**

7 **a. Consider Approval of JW Anderson Memorial Concept Design and Authorization of**
8 **Staff to Solicit Bids**

9 City Manager Dahl provided a brief background on this item. He reported after working with
10 memorial designer Jim Cota, the JW Anderson Memorial Committee has agreed on a location and
11 design that will be within the \$50,000 budget. The memorial will be located just east of the
12 Community Room in the grassy area, and is meant to be a reflective area in a prominent location
13 where people can learn more about the story or reflect on the events that took place.

14 Ms. McCarthy thanked everyone involved for their work on this memorial. It appropriately
15 pays tribute to Sgt. Anderson and expresses gratitude to public safety officers.

16 Gayle Wilson, 135 Broadway, commented the Committee worked together to come up with
17 a fitting memorial to remember what Office Anderson did for this community. It meant a lot that
18 they listened to the community and police officers on what should be included in the memorial and
19 that they did not forget him. Officer Kenny Hatcher from Minnetonka Police Department was also
20 wounded that day, and she suggested they consider giving him a medal of valor. She thanked the
21 City for what is being done to honor Sgt. Anderson.

22 Mr. Plechash made a motion, seconded by Mr. Tyacke, to approve the JW Anderson
23 Memorial Concept Design and authorize staff to solicit bids. There was no further discussion. The
24 motion carried 5/0.

25
26 **b. Consider Approval of Resolution No. 32-2017 Certifying to the County Auditor the**
27 **Preliminary Property Tax Levy for 2018**

28 Steve McDonald of AEM, Financial Consultant, presented the 2018 preliminary budget. He
29 reported on the budget process, 2017 legislative impacts, and revenue and expenditures changes
30 that affect the budget. The overall proposed tax levy increase is 1.55% from 2017.

31 City Manager Dahl clarified the wage adjustments that include a pay grade market
32 adjustment to 11 positions and a 2.75% for cost of living increase applies to non-union workers.
33 Union workers are bound by the contract increase of 2.5%.

34 Mr. Tyacke inquired what was offsetting the additional expenditure that lowered the budget
35 in the general fund and government buildings. Mr. Dahl reported that there were two major areas
36 that lowered the budget, one was too high of a salary for a new building maintenance position and
37 the other was a reduced impact of the market adjustment.

38 Mr. Koch commented the \$500.00 increase in Mayor and Council expenses is going toward
39 volunteer programs.

40 Mayor Willcox inquired about the formula for tax rate calculations. Mr. McDonald
41 responded the numerator is the tax levy (\$4,700,000) and the denominator is the tax capacity
42 (\$25,508,000).

43 Mayor Willcox inquired if the earlier larger tax levy increases were due to rebuilding staff
44 after cutting back during the recession. Wayzata's 1.55% increase looks good compared to St.
45 Paul's proposed 24% increase. Mr. McDonald commented there was a definite cut back around
46 2008 and 2009, and licenses, permits, and charges were less then as well.

47 Mr. Tyacke made a motion, seconded by Mr. Plechash, to adopt Resolution No. 32-2017
48 certifying to the County Auditor the preliminary property tax levy payable for 2018. There was no
49 further discussion. The motion carried 5/0.

50
51 **c. Consider Approval of Resolution No. 33-2017 Adopting Municipal Fees for 2018**

1 City Manager Dahl reported the 2018 Fee Schedule represents a five percent increase, with the
 2 exception of boat slip fees and Planning Department Development Application Fees. Boat slip fees
 3 were increased a flat dollar amount and the Planning Department created a new fee structure for
 4 the various development applications. The increase in fees has not happened recently, and they are
 5 getting caught up on them to appropriately cover staff time in these areas. They are also proposing
 6 a five percent increase in utility rates, which will bridge the gap until the utility rate study is
 7 completed this fall and a plan is developed to get through the next five years.

8 Mrs. McCarthy inquired how much an average water bill would increase with the proposed
 9 rate increase. Mr. Dahl responded with a \$60.00 utility bill, it will increase between \$1.00 and
 10 \$2.00. It is an increase of dollars versus tens of dollars for the average user.

11 Mrs. McCarthy inquired if the five percent increase would be scaled back if the rate study
 12 showed it could be. Mr. Dahl agreed and explained it is an enterprise fund they are just trying to
 13 balance expenditures and revenues. If the expenses are lower, the revenues created by the fees could
 14 be lowered or plateaued depending of what the study shows.

15 Mayor Willcox recalled they lowered the water rates a few years ago after a study was
 16 completed because they were building up too much reserves in the water fund.

17 Mr. Tyacke inquired if they could automatically raise rates if the study shows five percent
 18 does not cover then.

19 Mr. Dahl responded they would prefer to raise the next year during the budget process. If
 20 there was an urgent need, it could be done sooner.

21 Mr. Tyacke inquired about the sewer access charge set by the Metropolitan Council. Mr.
 22 Dahl responded the Metropolitan Council gives them plenty of time to know what the next increases
 23 will be.

24 Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to adopt Resolution No. 33-2017
 25 adopting municipal fees for 2018. There was no further discussion. The motion carried 5/0.
 26

27 **d. Consider Approval of Proposal for Design Services for Superior/Wayzata Boulevard**
 28 **Intersection**

29 City Engineer Kelly directed the Council to the meeting packet that included a summary of the four
 30 responses they received for reconstruction of the Wayzata Boulevard and Superior Boulevard
 31 intersection and improvements on Superior Boulevard from Rice Street to Wayzata Boulevard.
 32 After review by the evaluation panel, they recommend approval of the proposal received from WSB
 33 & Associates in the amount of \$160,446. Presbyterian Homes will be financially responsible for
 34 these improvements as it is the final phase with its project.

35 Mrs. McCarthy referred to page 280 of the meeting packet where it explains that WSB will
 36 review their rates at the end of 2017. She inquired if the not-to-exceed amount quoted in the
 37 proposal will remain the same if their rates do indeed increase. Mr. Kelly responded the rates will
 38 not exceed the amount quoted in the proposal and the company will absorb the difference, if any.

39 Mrs. McCarthy inquired if WSB was the firm that did the paving on Wayzata Boulevard.
 40 Mr. Kelly confirmed they were the design firm that helped with plans and specifications for
 41 Wayzata Boulevard from Superior Boulevard out to the Public Works building. The issues with
 42 the paving for that project had nothing to do with WSB and they were helpful with resolving the
 43 issues.

44 Mr. Tyacke inquired about the construction schedule for the project and if Mr. Kelly will
 45 be involved with the Benton Avenue neighborhood meetings. Mr. Kelly confirmed he would be
 46 part of the neighborhood meetings. He stated they hope to have design work done by the end of
 47 January 2018, and open bids for construction in March, with construction beginning in mid-May.
 48 They anticipate construction to take about three months.

49 Mr. Dahl commented they will make sure the businesses are represented at the
 50 neighborhood meetings.

1 Mayor Willcox expressed concern that \$160,000 is not enough money to get this part of
2 the project done.

3 Mr. Kelly stated he spoke with WSB last week and they confirmed they were comfortable
4 with their proposal. They are familiar with the community and understands what the City expects.

5 Mayor Willcox inquired what clout the City has with WSB's performance. Mr. Kelly
6 confirmed it will not be an issue. WSB is excited about this project because of its prominence in
7 Wayzata and there have not been any issues with them on past projects.

8 Mr. Plechash stated he had the same concerns as Mayor Willcox due to the difference in
9 the submitted bid amounts. He stated WSB designed Highway 101 from Hutchins Drive to County
10 Road 62 and it is a crazy road to drive on. It makes him question their ability to design and he is
11 skeptical of going with WSB on this project.

12 Mr. Kelly responded all four of the companies that submitted proposals can do the work.
13 Presbyterian Homes is funding the project and they strongly suggested they go with the lowest bid.
14 Based on past work WSB has done for the City, he feels strongly that they can get the job done and
15 honor the prices they submitted with the proposal. Within the proposal they submitted, they have
16 less hours of work included and will do bidding for free compared to the other proposals submitted.

17 Mr. Koch commented that SRF proposal seemed more detailed in addressing the project
18 requirements compared to WSB's proposal, and inquired if there will be a more detailed contract
19 provided. He does value the work they have done with the City in the past and staff's confidence
20 in them.

21 Mr. Kelly confirmed the contract with WSB will document a detailed scope of services
22 requested by the City. WSB originally submitted its proposal information in a different format than
23 what was requested. After it was brought to their attention, they resubmitted it in the proper format
24 that made it easier to compare with the other proposals.

25 Mr. Tyacke made a motion, seconded by Mr. Koch, to approve the proposal submitted by
26 WSB & Associates, Inc. for design services not to exceed \$67,819, and construction inspection and
27 administrations services not to exceed \$92,627 for the reconstruction of the Wayzata
28 Boulevard/Superior Boulevard intersection, and authorize staff to enter into a contract with WSB
29 & Associates for said services. There was no further discussion. The motion carried 5/0.
30

31 **AGENDA ITEM 10. City Manager's Report and Discussion Items.**

32 **a. Upcoming Events/Announcements**

- 33 • The Fire Department's Annual Pancake Breakfast will take place on September 17
34 from 8:00 a.m. to 12:00 p.m. Kids five and under eat free and presale tickets are
35 \$6.00 in advance or \$7.00 at the door.
36

37 **b. Upcoming Neighborhood Meetings**

38 Mr. Dahl stated the opening of The Landing and Bushaway Road, they plan to meet with the
39 neighborhood of Old Holdridge regarding improvements to the roundabout and Circle A Drive.
40 They will provide an update to the neighborhood within the next month with updated traffic counts,
41 get neighborhood feedback, and then provide a report to the Council. The Council agreed with this
42 plan.

43 City Engineer Kelly commented they plan to meet with the Benton Avenue neighborhood
44 regarding their concerns with the Superior/Wayzata Boulevard intersection.
45

46 **c. Councilmember Updates/Announcements**

47 Mayor Willcox commented the roundabout sculpture will be ready in late September/early October.
48

49 Mrs. McCarthy inquired if the vines on Walgreens were part of the development agreement and
50 noted they may need a different variety. Mr. Kelly responded he will look into it.

1 Mayor Willcox inquired if Walgreens has included the photos in their windows. Mr. Dahl
2 responded they have tried to get in touch with the owner because Walgreens may also be requesting
3 an amended CUP. They are confident Walgreens will work with the City, but they have not heard
4 a response from them yet.

5
6 Mrs. McCarthy inquired when an audit will be done on the vegetation planted by Presbyterian
7 Homes in the buffer area, and the condition of it. Mr. Kelly responded they are due to have an
8 audit. In 2008, they presented an overall landscape and management plan, and are now at the point
9 establishing it and needing to maintain the northern portion. There is typically a two-year warranty
10 replacement on plants and trees that are installed. He does not know if any plants have died, but
11 there are some that are starting to become overgrown. He confirmed staff will look further into it.

12
13 Mayor Willcox encouraged residents to participate in the planting on September 30 that was
14 discussed at the beginning of the meeting.

15
16 Mr. Tyacke inquired if the survey for the Comprehensive Plan was still open online. Mr. Dahl
17 responded it is still open and Think Tank nominations are still being accepted. Information can be
18 found on the City's website. There have been over 100 responses to the survey at this time, and
19 they hope to have several hundred when it is all done.

20
21 **AGENDA ITEM 11. Public Forum Continued (if necessary).**

22 There were no comments.

23
24 **AGENDA ITEM 12. Adjournment.**

25 Mr. Koch made a motion, seconded by Mr. Tyacke to adjourn. There being no further business,
26 Mr. Willcox adjourned the meeting at 8:30 p.m.

27
28 Respectfully submitted,

29
30 *Becky Malone 09-19-2017*

31
32 Becky Malone
33 City Clerk

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