

**WAYZATA CITY COUNCIL
MEETING MINUTES
October 17, 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, Tyacke, McCarthy, and Plechash. Also present: City Manager Dahl, City Attorney Schelzel and Director of Planning and Building Thomson.

AGENDA ITEM 4. Approve Agenda.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 5. Public Forum – 15 Minutes (3 minutes per person).

a. Introduction of New Firefighter Sam Nierman

Fire Chief Kevin Klapprich introduced Sam Nierman, Wayzata Fire Department's newest Firefighter. He added Mr. Nierman, a recent graduate of Wayzata High School, is studying Construction Management at Dunwoody Institute. He noted Mr. Nierman will attend Firefighter Basic Training Courses 1 and 2 in November 2017, as well as First Responder training.

Mrs. McCarthy asked whether there is still a Training Officer, and whether firefighters-in-training are assigned to a partner for calls and drills. Chief Klapprich confirmed that a mentor is assigned to each new firefighter during training and probation. He added the training program itself is specific to Wayzata Fire Department and its existing equipment, so mentors teach and model current practices.

Mr. Willcox welcomed Mr. Nierman to the Wayzata Fire Department, and expressed his thanks and appreciation to Chief Klapprich. Mr. Willcox noted there are several Firefighter vacancies. He encouraged interested residents to contact the Wayzata Fire Department.

b. Recognition of Lynn Gruber's service on the Planning Commission

Mr. Willcox presented a plaque to retiring Planning Commissioner Lynn Gruber in appreciation for her service on the Planning Commission. He added Ms. Gruber has been an important member of the Planning Commission during two terms: 2009-2011 and 2015-2017. He noted Ms. Gruber is moving away from the community of Wayzata.

Ms. Gruber stated it has been an honor and a privilege to serve the wonderful community of Wayzata, of which she has been a resident for 30 years. She added she is sad to leave the Planning Commission. She noted her thoughts and prayers are with Joe and Lynn McCarthy and their family, as Joe suffered a severe stroke a few weeks ago. Joe McCarthy has been her mentor for many years.

1 Mr. Willcox encouraged other residents who are interested in getting involved in
2 City issues to join one of the various commissions and help shape the future of the City of
3 Wayzata.

4
5 **c. Recognition of the 20 Year Anniversary of Bashioum Cosmetic Surgery**
6 **Center**

7 Mr. Willcox presented a Certificate of Appreciation to Bashioum Cosmetic Surgery Center,
8 for 20 years of business in the City of Wayzata.

9 Dr. Ralph Bashioum stated his family has lived in Wayzata for 20 years, and moved
10 their business to the community because of its walkability, and the fact that he could walk
11 to work. He expressed his appreciation to the City Council for their efforts and progress
12 toward making Wayzata a walkable community. He thanked Sandy Hanson for her support
13 and contributions to the success of Bashioum Cosmetic Surgery Center.

14 Mr. Willcox commended Dr. Bashioum and Bashioum Cosmetic Surgery Center
15 for its 20 years of business, and best wishes for its continued success.

16
17 Mr. Willcox expressed his thanks to Lyndsay Bashioum, who has been a member of the
18 Public Art Committee, which commissioned a public sculpture that was installed today,
19 October 17, 2017, in the roundabout.

20
21 **d. Lake Effect Conservancy Update**

22 Mr. Willcox introduced Andrew Mullin, representing Wayzata Lake Effect Conservancy,
23 and invited him to address the City Council. Mr. Mullin stated the Conservancy Board
24 was established in partnership with the City of Wayzata to educate and advocate on behalf
25 of the City-approved initiative to enhance the public space along the City's Lake
26 Minnetonka lakeshore. The initiative includes plans for a beautiful lake walk boardwalk,
27 which could be one of the best opportunities for the City's lakeshore and the entire
28 community.

29 Mr. Mullin stated the Conservancy Board has concentrated throughout the summer
30 on public outreach and donor cultivation, and recently surpassed the \$1 million pledge
31 mark. Community outreach efforts included meetings with the Wayzata Chamber of
32 Commerce and the Rotary Club, as well as several public meetings, to educate the public
33 on the project and its benefits to the community. The Conservancy Board is also focused
34 on individual donor cultivation to reach the critical mass of private fundraising to initiate
35 the project.

36 Mr. Willcox stated the Conservancy Board has met with other organizations that
37 have an interest in plans for the lakefront area, and anticipate unique programming. These
38 include the Wayzata Section Foreman House, where the ecology restoration area will be
39 focused, as well as the Science Museum of Minnesota, the local YMCA, Wayzata Sailing
40 School, and Wayzata Public Schools.

41 Mr. Mullin confirmed this, adding Conservancy Board Member Mick Johnson is
42 spearheading that effort, as he has many contacts at those organizations. He added the
43 educational opportunities of the initiative's environmental aspects has great appeal for
44 these types of groups.

1 Mr. Willcox stated the head of curriculum for Wayzata Schools has indicated that
2 they hope to provide access to the lakefront project area to a few thousand students
3 annually.

4 Mrs. McCarthy asked whether there has been any progress toward recruiting an
5 Executive Director for the Conservancy Board. Mr. Mullin stated the Conservancy Board,
6 made up entirely of volunteers, decided as a group to reach their fundraising goals of \$1
7 million in pledges prior to adding staff. He was happy to report that they have met that
8 goal. He added that the Board will begin to focus on recruiting some assistance in the next
9 six months to help grow the organization.

10 Mr. Willcox stated fundraising activities have been very creative. Mr. Mullin
11 confirmed this, adding a silent auction during James J. Hill Days was very successful, and
12 generated a lot of public interest as well as donations.

13 Mr. Mullin stated, regarding the environmental worksheet, the Conservancy Board
14 has been working with Civitas to leverage resources and cultivate donors. He added that
15 has become a very successful partnership.

16 Mr. Koch expressed his thanks to Mr. Mullin and the Conservancy Board for their
17 volunteer efforts, and for keeping the momentum moving forward on this initiative.

18
19 **AGENDA ITEM 6. New Agenda Items.**

20 None.

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22 **AGENDA ITEM 7. Consent Agenda.**

23 Mr. Willcox requested clarification regarding Consent Agenda Item H – Environmental
24 Health Agreement. City Manager Dahl stated the City of Wayzata contracts with the City
25 of Minnetonka for health inspection services. He added that this agreement is for a public
26 health mutual aid agreement for the twin cities metro area for response in emergencies.
27 This agreement extends the mutual aid agreement for an additional five-year period.

28 Mr. Koch requested clarification regarding Resolution 49-2017, under Consent
29 Agenda Item G, related to TIF District 6, which states that consultant costs to set up the
30 TIF District will be paid proportionately by developers who want to join in. He asked what
31 would happen if there were no developers who wanted to join in, and how that would
32 impact the budget or General Fund.

33 City Manager Dahl stated the City has a five-year period for development to occur,
34 and City Staff is confident that there will be development in the area within that time frame
35 to pay off the consultant costs. He added TIF can also be redeemed from other TIF districts
36 within the City, and no General Fund dollars would be utilized in any case.

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

- 39 a. Approval of City Council Workshop Meeting Minutes of October 3, 2017 and City
- 40 Council Regular Meeting Minutes of October 3, 2017
- 41 b. Approval of Check Register
- 42 c. Approval of Municipal Licenses
- 43 d. Police Activity Report
- 44 e. Building Activity Report
- 45 f. Approval of Resolution No 47-2017 Amending the City of Wayzata Fee Schedule
- 46 for Burial Easements and Grave Opening Fee in City Cemeteries

- g. Approval of Resolution No. 49-2017 Calling for a Public Hearing on the Proposed Establishment of a TIF District No. 6, Downtown West Redevelopment, and Adoption of the TIF Plan
 - h. Approval of Twin Cities Public Health and Environmental Health Entities in Minnesota Mutual Aid Agreement for 2018 through 2022
 - i. Approval of First Reading of Ordinance 775 Vacating Certain City Right of Way Adjacent to 339 Barry Avenue South
- The motion carried 5/0.

AGENDA ITEM 8. Public Hearing.

a. Public Hearing on Special Assessment Roll for Unpaid Delinquent Utility Bills and Consider Approval of Resolution No. 46-2017 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges

City Manager Dahl reviewed the Special Assessment Roll for assessing property owners who are delinquent in paying their utility bills by over 30 days. He added property owners are charged the utility bill amount as well as an interest rate and \$35 administrative fee. He noted there are approximately 20 properties, and a public hearing is required

Mrs. McCarthy asked whether the special assessment is collected on a semi-annual basis as part of property tax bill.

City Manager Dahl stated the City receives two payments per year from Hennepin County.

Mrs. McCarthy stated rental property owners are required to obtain a rental license. She added she has requested in the past that City Staff review the possibility of denying rental licenses to property owners who are delinquent in paying their utility bills.

City Manager Dahl stated there are only a few violators and City Staff has contacted them on an individual basis.

Director of Planning and Building Thomson stated there would only be a month or two of utility bill history that would show a record of delinquency, as delinquent bills will have already been certified to taxes by year-end. He added rental licenses are renewed in January.

Mr. Plechash asked whether a utility bill amount plus interest and charges can be deducted or refunded, when a resident files their taxes.

City Manager Dahl confirmed this, adding he has heard that rental property owners may allow their utility bill to become delinquent for this reason. He added, however, he is certain that a utility bill is not an appropriate tax deduction.

Mr. Tyacke asked whether an increase in the service charge fee could be considered, or an increase in the fee based on a percentage of the total outstanding balance. He added a \$35 administrative fee is not enough.

City Attorney Schelzel noted that the City also charges five percent interest, which potentially could be increased. He added that is governed by Statute and would need to be reviewed to see if that interest rate could be increased. He stated that we could look into what tools we may have to make the penalties a little stiffer.

Mr. Tyacke stated he would like to request consideration of potentially increasing the sanction against property owners with delinquent utility bills. City Manager Dahl agreed to send forward a communication regarding the details about the process for delinquent utility bills.

1 Mr. Willcox opened public hearing at 7:35 p.m. There were no comments. Mr.
2 Willcox closed public hearing at 7:36 p.m.

3 Mr. Plechash asked whether the 5% interest rate could be raised at tonight's
4 meeting.

5 City Attorney Schelzel stated it would be best to allow staff time to review the
6 possibility of increasing the fees and interest rates, look at all the tools we are permitted to
7 impose, and, as requested by the City Council, report back to the Council with a proposal.
8 He said he would not want to take action on changing these rates and fees tonight without
9 the possibility of looking into it further.

10 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve Resolution
11 No. 46-2017 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility
12 Bill Charges. The motion carried 5/0.

13
14 **AGENDA ITEM 9. New Business.**

15 **a. Consider Approval of Resolution No. 37-2017 Approving Residential**
16 **Subdivision at 236 Central Avenue South and 1101 LaSalle Street**

17 Director of Planning and Building Thomson reviewed a request for a residential
18 subdivision, for two properties at the southeast corner of Central Avenue and LaSalle
19 Avenue. He noted the site is currently two separate lots with two 2-unit duplexes. He
20 stated the applicant is requesting to subdivide the properties into four lots. The proposal
21 includes tearing down the existing twin homes, and constructing four single-family homes.

22 Director of Planning and Building Thomson stated the Planning Commission
23 recommended denial of the application. At its meeting on September 19, the City Council
24 directed City Staff to draft a resolution of approval, which contains the findings of fact for
25 approval and the City's standard conditions of approval.

26 K.C. Chermak, 330 Wise Avenue, Wayzata, stated the proposed driveway lengths
27 are approximately 35-40 feet, and the right-of-way on Central Avenue is wide. He added
28 trees will be preserved and new landscaping done at the LaSalle Avenue curve.

29 Mrs. McCarthy stated it has been indicated at the City Council level that three lots
30 might be more appropriate. She expressed concern that the building pads for the
31 subdivision are pushed forward because of the number of lots, and the site layout as
32 proposed is not reflective of surrounding lots and neighborhood character.

33 Mrs. McCarthy stated she is also concerned about the placement of the driveway
34 that is third from the left, which is on the curve and could present safety issues. She added
35 she does not support moving forward with this application, but would be in favor of
36 exploring fewer lots and recessed house pads.

37 Mr. Plechash stated he supports the application, as there are no zoning issues and
38 the applicant meets all requirements. He added the planned homes would greatly improve
39 the neighborhood.

40 Mr. Tyacke stated the Planning Commission was split on this vote, but the City
41 Council approved it based on the 4-lot subdivision. He added he is comfortable voting in
42 favor of the application.

43 Mr. Koch stated the style of the homes is consistent with the neighborhood, and he
44 is comfortable with the application.

45 Mr. Willcox stated he initially voted against it, but the majority of the City Council
46 supports it, so he will support it.

1 Mr. Willcox expressed concern that the homes will look the same and will be lined
2 up at the setback. He added, however, the road descends at that location, which will stagger
3 the placement of the homes.

4 Mr. Plechash made a motion, seconded by Koch to adopt Resolution No. 37-2017
5 Approving Residential Subdivision at 236 Central Avenue South and 1101 LaSalle Street.

6
7 The motion carried 4/1 (McCarthy).
8

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

10 **a. Wayzata Chamber Person of the Year – Michael Lee**

11 City Manager Dahl stated the Wayzata Chamber of Commerce will be holding its Annual
12 Person of the Year luncheon on Thursday, October 19, 2017, from 11:30 a.m. 1:00 p.m.
13 This year's recipient is Michael Lee of David Lee Funeral Home. If any Council members
14 are interested in going, please contact Mr. Dahl.
15

16 **b. Public Art Installation**

17 City Manager Dahl stated the public art piece, "Big Water" by artist Foster Wiley, was
18 installed today at the roundabout. He expressed thanks to the Public Art Committee who
19 selected the artist and managed the artwork development process. He added a lighting plan
20 is being formulated, will be installed soon, and the sculpture will be lit from the inside as
21 well as the outside. He noted there are some directional signs at the location that will need
22 to be relocated.
23

24 **c. Mill Street Parking Ramp – Design Award**

25 City Manager Dahl stated Minnesota Concrete and Masonry Contractors Association has
26 announced that their 2017 Award in Excellence of Design and Construction will go to the
27 Mill Street Parking Ramp.
28

29 **d. Boo Blast – October 28, 2017**

30 City Manager Dahl stated the Boo Blast event in Wayzata will be held October 28, 2017,
31 from 11:00 a.m. – 3:00 p.m. Local kids can trick or treat at the businesses in town. A
32 barbecue, games and other treats will be in Colonial Square. He expressed his thanks to
33 the Chamber of Commerce and local businesses involved in planning this fun event.
34

35 **e. Mrs. McCarthy – Statement of Thanks**

36 Mrs. McCarthy expressed her thanks and appreciation to the many well-wishers who have
37 reached out to her and her family during a very difficult time. She added the support and
38 prayers of many people have uplifted them, and it is a true testament to the kindness and
39 care that residents of the wonderful community demonstrate for each other.
40

41 **e. "Pull It" Event – October 14, 2017**

42 Mr. Willcox thanked local volunteers for their hard work and efforts on Saturday, October
43 14, 2017, during the annual "Pull It" neighborhood event, pulling up flowers at the end of
44 the season.
45

46 **f. Benedict's – Open for Business**

Mr. Willcox stated Benedict's, a new restaurant in the downtown area, recently opened its doors for breakfast and lunch.

g. MnDOT Plantings

Mr. Willcox thanked resident volunteers who helped with Minnesota Department of Transportation (MnDOT) plantings in the City of Wayzata.

AGENDA ITEM 11. Public Forum Continued (if necessary).

None.

AGENDA ITEM 12. Adjournment.

Mrs. McCarthy made a motion, seconded by Mr. Koch to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 7:57 p.m.

Respectfully submitted,

Becky Malone 11-01-2017

Becky Malone
City Clerk

Drafted by Mary Mullen
TimeSaver Off Site Secretarial, Inc.