

**WAYZATA CITY COUNCIL
MEETING MINUTES
December 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 and Tyacke. Absent and Excused: Plechash. Also present: City Manager Dahl, Director of Planning and Building Thomson, Director of Public Services Dudinsky, City Attorney Schelzel, and the City's Contracted Finance Director McDonald.

AGENDA ITEM 4. Approve Agenda.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke to approve the agenda. There was no further discussion. The motion carried 4/0.

AGENDA ITEM 5. Public Forum.

None.

AGENDA ITEM 6. New Agenda Items.

Mr. Tyacke suggested the Council discuss adding one or two additional members to the Parks and Trails Board, given the depth and quality of candidates.

The Council agreed this would be a good discussion to have at a future meeting.

AGENDA ITEM 7. Consent Agenda.

Mr. Tyacke requested staff provide Council with a redlined copy of the 7(g), Massage Services ordinance so the Council can better track changes.

City Attorney Schelzel noted this was an amended and restated ordinance and a redlined copy would be of limited use, but staff would keep this in mind in the future.

Mr. Tyacke asked about item 7(l), specifically the status of the other three carriers moving their antennas off the water tower.

Director of Public Services Dudinsky reported the City has been negotiating with the four tenants in earnest. The Verizon negotiations were just completed. AT&T has two approval processes, and the first one has been completed. It is expected that AT&T's and Verizon's leases will be in place in the next couple of months. Discussions with T-Mobile are still in progress.

Mrs. McCarthy asked about the agreement with the school about no work being done on the tower while school is in session.

Director of Public Services Dudinsky reported that nothing has changed. The agreement provides 24-hour, 7-day-a-week access to the site. However, there is an agreement with the school district. During bus loading and unloading, contractors may not drive through the area. That request has been honored. Otherwise, whenever the contractor wants to do work on the water tower, the City receives 48-hour notice, and then the school district is notified. With all the major work each tenant will do, their plans must meet the security needs of the school district. This agreement has worked well so far. He noted the site has to be secured and monitored when there is activity.

Mr. Koch asked about elevations on the monopole.

Director of Public Services Dudinsky noted the elevations are the same as on the water tower.

1 Major Willcox noted the land use issues on the consent agenda are not controversial, and
2 the Planning Commission did a thorough job vetting them.

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

- 4 a. Approval of City Council Special Workshop Meeting Minutes of November 15, 2017, City
- 5 Council Workshop Meeting Minutes of November 21, 2017, and City Council Regular
- 6 Meeting Minutes of November 21, 2017
- 7 b. Approval of Check Register
- 8 c. Approval of Municipal Licenses
- 9 d. Approval of Resolution No. 65-2017, Approving Preliminary and Final Plat Subdivision
- 10 and Variances at 309 and 349 Ramsey Road
- 11 e. Approval of Resolution No. 63-2017, Approving Conditional Use Permit at 392 Ferndale
- 12 Road South
- 13 f. Approval of Resolution No. 64-2017, Approving Conditional Use Permit at 372 Ferndale
- 14 Road South
- 15 g. Approval of Second Reading of Ordinance 777, Amending Chapter 523 of Wayzata City
- 16 Code (Massage Services)
- 17 h. Approval of Resolution No. 62-2017, Amending the City of Wayzata 2018 Fee Schedule
- 18 for Massage Services
- 19 i. Approval of Second Reading of Ordinance No. 776, Authorizing the Issuance and Sale of
- 20 \$2,905,000 G.O. Water Revenue Refunding Bonds, Series 2017A
- 21 j. Approval of Resolution No. 58-2017, Designating Precinct and Polling Place for the 2018
- 22 Election
- 23 k. Approval of Addendum to Recording Secretary Service Agreement with TimeSaver Off
- 24 Site Secretarial, Inc., extending the agreement to December 31, 2018
- 25 l. Approval of Spring Antenna Monopole Agreement
- 26 There was no further discussion. The motion carried 4/0.

27
28 **AGENDA ITEM 8. Public Hearing.**

29 **a. Public Hearing and Consider Approval of Resolution No. 67-2017, Consenting to and**
30 **Approving the Issuance by the City of Hopkins of its Revenue Obligations and Taking**
31 **Other Actions with Respect Thereto**

32 City Manager Dahl reported staff has reviewed the request and approval of the resolution creates
33 no impact on the City's debt capacity or bond rating. This is a refinancing request for The Blake
34 School, for past and future improvements to the campuses, of which one is located in Wayzata. He
35 noted The Blake School and Kennedy & Graven have representatives present.

36 Dan Kelly, CFO of The Blake School, thanked the City for its 2005 bond issuance for the
37 Wayzata campus.

38 Mrs. McCarthy asked for clarification on what "host approval" means, given the number
39 of campuses existing in The Blake School and what protection mechanisms are in place.

40 Gina Fiorini, Kennedy & Graven, explained the conduit revenue obligations, which means
41 the City of Hopkins is acting as a conduit for the borrower. All of the debt service payments and
42 liability lie with the borrower. The Blake School's refinance of their debt in Wayzata is the reason
43 for host approval, which is required by state and federal law.

44
45 Mayor Willcox opened the public hearing at 7:23 p.m.

46
47 There being no input, Mayor Willcox closed the public hearing at 7:23 p.m.

48
49 Mr. Tyacke made a motion, seconded by Mrs. McCarthy to adopt Resolution No. 67-2017
50 Consenting to and Approving the Issuance by the City of Hopkins of its revenue obligations and
51 taking other actions with respect thereto. There was no further discussion. Motion carried 4/0.

AGENDA ITEM 9. New Business.

a. Consider Resolution No. 57-2017, Certifying the County Auditor The Final Property Tax Levy Payable for 2018 and the Final General Fund Budget for Taxes Payable 2018

City Manager Dahl recalled the timeline of the Council's previous considerations of the proposed 2018 tax levy.

Financial Consultant McDonald provided an overview of the proposed tax levy. Council approval is required by December 30, 2017. He noted the levy represents an increase of 1.55% in the total City levy. He detailed the City's revenues and expenditures.

Mr. Tyacke asked for clarifications on projected cost-of-living increases. Financial Consultant McDonald responded the numbers are tied to what other communities are doing.

The Council discussed that future research should also be tied to a government index. It was noted that union contracts and non-union contracts are also a factor in projecting ahead.

Mayor Willcox noted that page 213, about three-quarters down the page, noting a typo about charges to other "fun" rather than "fund."

Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adopt Resolution No. 57-2017 Certifying to the County Auditor the final property tax levy payable for 2018 and the final general fund budget for the taxes payable for 2018. There was no further discussion. Motion carried 4/0.

b. Consider Approval of Resolution 66-2017, Denying PUD Amendment for Walgreens at 1055 Wayzata Boulevard East

Director of Planning and Building Thomson reported that Walgreens has requested an amendment to the PUD conditions, to expand store hours until midnight from Thanksgiving to Christmas, and to allow deliveries beginning at 5 a.m. at least one day per week. No changes would be made to the physical development or site itself. He reported that the Planning Commission reviewed this issue, including a public hearing. The proposed PUD amendment was denied, with the denial based on the close proximity to the single-family homes.

Mrs. McCarthy asked about the open and close times for adjacent businesses.

Director of Planning and Building Thomson pointed out the chart included in the packet, illustrating the self-imposed hours of operations on adjacent businesses.

Mrs. McCarthy asked about the original development agreement requiring Walgreens to place historical images in their windows.

Director of Planning and Building Thomson noted that has been brought to staff's attention, and staff has followed up with the business on many, many occasions to gain compliance with that condition. The response generally received is that the property ownership has changed and the developer is no longer involved. Formal action can be taken against the application, through the City Attorney's office. The applicant has noted that the delivery truck arrival during peak customer hours inhibits employees' ability to tend to the business and stock shelves. Walgreens has stated it is a corporate policy to be open until midnight during the month of December.

Mr. Tyacke asked if a separate resolution should be issued to compel enforcement of the historical images in the windows.

Director of Planning and Building Thomson responded that formal resolution is not required, but staff will proceed with the City Attorney.

Mayor Willcox noted the Code requires the protection for homeowners adjacent to commercial areas. The non-compliance with the windows overshadows this issue.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adopt Resolution No. 66-2017 Denying PUD Amendment for Walgreens at 1055 Wayzata Boulevard East. There was no further discussion. Motion carried 4/0.

c. Consider Approval of Resolution 61-2017, Appointing Parks and Trails Board Members

City Manager Dahl reported that additional interviews with a variety of excellent candidates were conducted prior to the Council meeting.

Mr. Koch made a motion, seconded by Mrs. McCarthy to adopt Resolution No. 61-2017, Appointing Mary Bader for a 3-year-term, Jim McWethy for a 3-year-term, Sarah Schowalter for a 3-year-term, Dan Bassen as Executive Board Chair for a 1-year term as Parks and Trails Board Members.

Mr. Tyacke noted that the Council will be considering expanding the number of members on the Parks and Trails Board.

There was no further discussion. Motion carried 4/0.

d. Consider Approval of Resolution No. 59-2017, Suggesting Charter Commission Nominees to Fourth Judicial District Court of the State of Minnesota

Mr. Koch made a motion, seconded by Mr. Tyacke to adopt Resolution No. 59-2017, Appointing Elaine Ambrose for a 4-year-term, David Bergerson for a 4-year-term, Dan Day for a 4-year term, Kent Howe for a 4-year term, and Mary Bader for a 4-year term, as Charter Commission Nominees to Fourth Judicial District Court of the State of Minnesota. There was no further discussion. Motion carried 4/0.

e. Consider Approval of Resolution No. 60-2017, Appointing Heritage Board Preservation Board (HPB) Members

Mr. Koch made a motion, seconded by Mr. Tyacke to adopt Resolution No. 60-2017, Appointing Nate Leding for a 2-year-term and Dan Gustafson for a 2-year term, as Heritage Board Preservation Members.

Mrs. McCarthy asked about the third Board opening and what would the process be if someone watching the Council meeting decided to apply for the opening.

City Manager Dahl responded the applicant would have a brief interview and the Council could consider an appointment at a future meeting.

There was no further discussion. Motion carried 4/0.

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

a. Upcoming Events/Announcements

- City Manager Dahl thanked the community members and organizations for the recent Light up the Lake event.
- The City is hosting a Visioning session on December 12, 2017, for all the stakeholders in the community to weigh in on what they want Wayzata to be and review the engagement process as Wayzata 2040 wraps up. It is not too late for residents and business owners to take the survey on the City website.
- On December 13, 2017, there will be a Think Tank Reconvene, followed by a draft report.
- The December 19th Council workshop will include a discussion with staff members Jeff Pietrini (Wayzata Bar & Grill Manager) and Kevin Castellano (Wayzata Wine & Spirits Manager) to discuss plans for 2018 and review what did and did not work for 2017.
- Congratulations to Police Officer Anders Seeland, who had his first day today in the police department.
- The Wayzata Fire Department recruitment video, about 90 seconds long, is now available on the city website.
- The Mayor passed along an email about Bellecour and appearing in a major article in the review section of the *New York Times*. Additionally, the Travel Channel will be showcasing 6Smith as an outdoor lakeside dining area.

- 1 • The Mill Street parking ramp won an honors award through the American Institute of
- 2 Architects. Almost 100 applicants were received, and Mill Street was one of 13 selected. The
- 3 award ceremony is this Friday.
- 4 • Director of Planning and Building Thomson reported that the Park District had a kickoff
- 5 meeting today regarding future trail corridors. The extension of the Dakota Rail Trail is from
- 6 Minnetonka to the City Hall. Significant feedback was given to the Park District during the
- 7 meeting.

8
9 **b. Council Member Updates/Announcements**

10 Mayor Willcox reported two successful fundraisers have been completed for Officer Matthews.

11 The Light up the Lake was also very successful.

12 Mrs. McCarthy commented that the choice of candidates for Boards and Commissions was

13 outstanding. She thanked every person who reapplied and chose to continue the work, as well as

14 those new people who applied.

15
16 **AGENDA ITEM 11. Public Forum Continued (if necessary).**

17 There were no comments.

18
19 **AGENDA ITEM 12. Adjournment.**

20 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further

21 business, Mr. Willcox adjourned the meeting at 8:10 p.m.

22
23 Respectfully submitted,

24
25 *Becky Malone 12-19-2017*

26
27 Becky Malone

28 City Clerk

29
30 Drafted by Allison Burr

31 *TimeSaver Off Site Secretarial, Inc.*