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**WAYZATA CITY COUNCIL
MEETING MINUTES
January 22, 2019**

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: Buchanan, Koch, McCarthy, and Plechash. Also present: City Manager Dahl, Director of Planning and Building Thomson, Public Works Director/City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

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

AGENDA ITEM 5. Public Forum.

a. Lake Minnetonka Conservation District Update

Dan Baasen, Lake Minnetonka Conservation District Representative, City of Wayzata, discussed the district's harvesting program for dealing with aquatic invasive species in Lake Minnetonka. He also talked about the possibility of a master plan that would examine: starting a vegetation identification plan and map, reviewing the operation of the harvesting program, and initiating a program cost analysis to determine costs and funding alternatives.

Mayor Willcox asked why some people objected to harvesting. Mr. Baasen talked about the different options such as herbicide and why Lake Minnetonka Conservation District preferred harvesting. He also noted that the district was considering other options.

b. Recognition of Outgoing Board and Commissioners Patrick Murray, Joanie Cunningham, and Jeff Buchanan

Mayor Willcox acknowledged and thanked all of Wayzata's volunteers on various boards and commissions. He read the recognitions for Joanie Cunningham's service on the Parks and Trails Board, Patrick Murray's service on the Planning Commission, and Jeff Buchanan's service on the Planning Commission and Heritage Preservation Board.

c. Verizon Towers

Gordy Straka, 130 Huntington Avenue South, notified the Council that the Verizon towers were not completed and construction was currently stalled because Verizon was supposedly waiting on parts.

Mr. Thomson stated that he had emailed the contractor and received a response that the manufacturing of the screening walls was delayed and the contractor expected final completion in a couple of weeks.

Mrs. McCarthy asked when Verizon's building permit would expire and if staff would ask for a set date of competing. Mr. Thomson answered that the building permit was good for six months and that he would ask for a date of completion.

AGENDA ITEM 6. New Agenda Items.

Mr. Buchanan requested that the City form a sustainability commission. He visualized it being made up of volunteers and one council member. The commission would establish priorities whereby Wayzata could become more sustainable.

1 The Council thought it was worth looking into and asked staff how best to proceed. Mr.
2 Dahl suggested adding it as an action item as part of strategic planning that would happen in the
3 spring and also hashing through some of the details at a workshop during the next two months.
4

5 **AGENDA ITEM 7. Consent Agenda.**

6 Mayor Willcox addressed Item 7.f. He asked if the right turn on red issue would be solved by the
7 signal improvements. Mr. Kelly explained that it would be addressed by a dynamic sign that was
8 more visible during heavy traffic.

9 Mrs. McCarthy made a motion, seconded by Mr. Plechash, to approve the consent agenda:

- 10 a. Approval of City Council Regular Meeting Minutes of January 8, 2019
- 11 b. Approval of Check Register
- 12 c. Approval of Municipal Licenses
- 13 d. Police Activity Report
- 14 e. Building Activity Report
- 15 f. Approval of Resolution 03-2019, Authorizing Agreement with MnDOT for Traffic Control
16 Signal Improvements at Trunk Highway 12 and CSAH 101
- 17 g. Approval of Professional Services Agreement between the City of Wayzata and Davis
18 Communications for Interim Communications Services

19 The motion carried 5/0.
20

21 **AGENDA ITEM 8. New Business.**

22 **a. Consider Resolution Approving Preliminary and Final Plat Subdivision at 353**
23 **Ferndale Road South**

24 Mr. Thomson presented the development application from Sathre-Bergquist, Inc. to subdivide the
25 property at 353 Ferndale Road. The applicant was proposing to subdivide the one existing property
26 into two single-family residential lots. The application requested approval of preliminary and final
27 plat subdivision. During its first review of the application, the Planning Commission had tabled
28 the item until the applicant updated the proposal to include a narrative of the applicant's plans,
29 grading and fill plans, and public letters of support.

30 Mayor Willcox addressed some neighbor concerns about drainage. Mr. Kelly said he had
31 no concerns due to the lot's large size and the City's standards for hardcover. The buffer was a
32 benefit to the body of water and ultimately Lake Minnetonka. Mayor Willcox asked if there were
33 any special requirements for construction due to the wetlands. Mr. Kelly answered the
34 requirements were the same except that the silt fence would be at the buffer line.

35 Mr. Buchanan noted that he was still on the Planning Commission when this application
36 was considered and he had walked the property a couple of times. He thought the property was
37 very attractive and the applicant had been very thorough in answering each code provision.

38 Mr. Koch agreed, with no variances the Council lacked a reason to not approve.

39 Mr. Plechash said that he was not convinced that the wetland impact was completely
40 addressed, but after hearing all the evidence he thought it was okay.

41 Mrs. McCarthy thanked the applicant, Planning Commission, and staff for their diligence.
42 She felt the proposed subdivision was in keeping with the surrounding neighborhoods and was
43 supportive of it moving forwards.

44 Mayor Willcox agreed. He noted that subdivisions were a big deal and the Council always
45 wanted to be sure that a subdivision was not negatively impacting its neighbors.

46 Mr. Buchanan made a motion, seconded by Mr. Plechash, to Adopt Resolution No. 04-
47 2019, Approving Concurrent Preliminary and Final Plat Subdivision at 353 Ferndale Road S. The
48 motion carried 5/0.
49

50 **b. Consider Approval of Proposed Encroachment Permit at 373 Park Street East**

1 Mr. Kelly shared in October of 2018, the City revised its Rights-of-Way Management ordinance
2 (Chapter 315 of the City Code). Under the revised ordinance, private improvements and structures
3 encroaching onto City right-of-way required the review and approval of the City Council. The
4 Public Works department was made aware of the construction of boulder retaining walls in the
5 city's right-of-way at 373 Park Street East in November of 2018. Staff notified the property owners
6 that there was a violation of the ordinance and requested that construction be halted until the permit
7 was secured. The Public Works department received the Encroachment Permit Application on
8 November 26, 2018. Staff recommended approval pending further clarification by the applicant of
9 the exceptional circumstances pertaining to the application.

10 Mr. Plechash asked what benefits there were for the City. Mr. Kelly answered aesthetically
11 it would be more pleasing and improved slope maintenance.

12 Mrs. McCarthy asked how the front yard would look if the wall were not there. Mr. Kelly
13 explained the slope would need to be pushed back and some of the trees would be impacted.

14 Mr. Koch noted the two properties on Park Street appeared to have the same encroachment
15 issue. Mr. Kelly thought that one was approved as part of the building permit, but he was unsure
16 about the other.

17 Mayor Willcox asked if the applicant had requested the encroachment as part of the
18 building plan would staff have recommended approval. Mr. Kelly answered affirmatively.

19 Peggy Oppenheimer, applicant, shared with the Council that they had no idea that this
20 permit was needed. She thought the plan was aesthetically better and was in keeping with the
21 character of the neighborhood.

22 Mrs. McCarthy asked how the City could improve on communication to prevent this
23 happening in the future. Mr. Kelly explained the first line of defense was plan review, but there
24 was not a wall in the original plans.

25 Mayor Willcox suggested communicating with landscapers the importance of the right-of-
26 way.

27 Mr. Schelzel explained the next step was a motion to direct staff to draft a resolution
28 including fact findings that were required under the ordinance. The resolution could be on the
29 Consent Agenda at the following Council meeting.

30 Mr. Plechash cautioned everyone that ignorance of the law was not an excuse to break the
31 law; however, this was a nice improvement to the property and neighborhood.

32 Mr. Buchanan made a motion, seconded by Mrs. McCarthy, to direct staff to draft a
33 resolution approving the proposed Encroachment Permit at 373 Park Street East including findings
34 of fact required by the ordinance. The motion carried 5/0.

35 36 **c. 2018 End of Year Report**

37 Mr. Dahl presented the 2018 City of Wayzata Annual Report. He talked about administration
38 including the City Manager's Office, business licensing, elections, communications, finance,
39 human resources, and motor vehicles. He also discussed fire, liquor operations, planning and
40 building, police, and public works. He thanked his staff for its continued hard work in making the
41 organization and community what it is today.

42 Mayor Willcox was always surprised by the amount of activity and thanked staff for the
43 hard work and dedication.

44 Mr. Plechash asked Mr. Dahl to explain the high turn over numbers referenced in the report.
45 Mr. Dahl explained the majority of turn over was due to seasonal public works staff and "muni"
46 operations. Mr. Plechash also asked about the activities in the police report increasing. Mr. Dahl
47 said the biggest change was from 2013 to 2015. The catalyst was the construction of Presbyterian
48 Homes and Services. Mr. Dahl also noted that the police force was younger and more motivated.
49 Mr. Plechash wanted to see those numbers go down.

50 51 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

1 **a. Upcoming Events/Announcements**

2 Mr. Dahl thanked the Council for its leadership. The leadership and clear direction helped staff
3 accomplish plans and goals.

4
5 **b. Council Member Updates/Announcements**

6 Mayor Willcox reminded everyone that the ice rinks were open and of the upcoming Chilly Open
7 on February 8th and 9th.

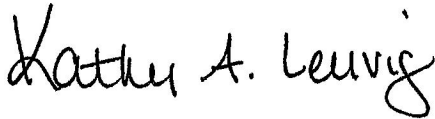
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9 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

10 There were no comments.

11
12 **AGENDA ITEM 11. Adjournment.**

13 Mrs. McCarthy made a motion, seconded by Mr. Plechash, to adjourn. There being no further
14 business, Mr. Willcox adjourned the meeting at 8:40 p.m.

15
16 Respectfully submitted,

17


22 Kathy Leervig

23 City Clerk

24

25 Drafted by Sarah Peterson

26 *TimeSaver Off Site Secretarial, Inc.*