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**WAYZATA CITY COUNCIL
MEETING MINUTES
July 31, 2018**

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, Director of Planning and Building Thomson, Interim Public Works Director/City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

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

AGENDA ITEM 5. Public Forum.

a. Recognition of Retiring City Clerk Becky Malone

Mr. Willcox congratulated Ms. Malone on her retirement, stated the City's appreciation for her hard work throughout the years, and presented a retirement recognition clock. City Manager Dahl thanked Ms. Malone for 16 years of service to the community. City Clerk Malone thanked everyone and for the recognition and stated she enjoyed her 16 years of service to the community.

b. On-going Construction

Nancy Schussler stated she owned a duplex at 232 Central Avenue South. She expressed concern about ongoing construction since 2011 in their neighborhood as noise from the construction was year-round. She had spoken with over 70 people in the neighborhood about her concerns and many were also concerned about the constant noise, increased traffic, traffic safety rules not being followed, dust and vibration from the trucks, and parking issues. She indicated 55 people signed a petition requesting the City Council amend the current noise Ordinance. She also indicated people had requested the City develop a plan so one small area in a neighborhood was not inundated with construction on their block. Ms. Schussler noted the current noise Ordinance was not being followed by contractors and there was confusion as to whether construction itself can occur before 7:00 a.m. and after 6:00 p.m., or could construction happen during those hours, but it had to be "quiet construction." She wanted the noise Ordinance to be amended so contractors could work Monday through Friday with 8 hours being allowed on Saturday and no work on Sunday. She also requested the following: Ordinance language be clarified and specify whether contractors had to be off-site completely by 6:00 p.m. or whether only the noise had to stop at 6:00 p.m.; once the Ordinance is changed, that the City educate developers and the police on the details of the Ordinance; and, the City develop a more rigorous enforcement plan, so the residents didn't need to make the complaints. She requested stiffer consequences for violating the Ordinance such as fines for violations, a 3-strike rule, and that chronic offenders are prohibited from developing in the City. She also requested a task force be appointed to determine whether there is a viable plan, so a small area was not being hit constantly with new construction.

Mr. Dahl indicated his concern about changing the noise Ordinance to not allow activity after 6:00 p.m. because of the high number of owner home improvement projects, noting it would be difficult to enforce all construction type activities on private property.

Director of Planning and Building Thomson stated staff had been discussing an amendment to the fee schedule to specifically address violations and fines associated with it, which would be

1 brought forward at the next Council meeting. He noted under the Ordinance they could issue an
2 administrative citation and had recently done so on a project but discovered the fines in the
3 Ordinance were very limited and not sufficient.

4 City Attorney Schelzel stated a violation of any part of the City Code was a misdemeanor
5 and State Statutes defined fines and/or imprisonment. He indicated the City had discretion to
6 prosecute on that level. He stated for offenses such as this the City has used an administrative
7 citation. He stated the Code had tools, but needed to look closely at it, so they did not limit activities
8 they did not want to discourage.

9 Mr. Dahl stated staff has spoken with the developer and the residents separately, but they
10 have not had everyone together in trying to come up with an understanding or compromise. He
11 suggested they have everyone get together to discuss the concerns as the next step.

12 City Attorney Schelzel noted the licensing Ordinance was another way the City could
13 enforce compliance.

14
15 Cathy Iverson, 220 Central Avenue South, stated a resident home improvement project or minor
16 construction would probably not fit into this or be a concern, but a large development where there
17 was heavy construction being done should follow the same rules. She indicated the neighborhood
18 deserved to have some quiet time. She noted the contractor told City staff he would adhere to the
19 ordinance, but two days later he was on the job site after 6:00 p.m. She wanted additional
20 enforcement of the Ordinance and if the Ordinance was not going to be enforced, then it should go
21 away. Ms. Iverson felt developers continue to abuse the Ordinance and don't care because they
22 know the City won't do anything. She wanted her neighborhood to have one day of absolutely no
23 construction. She did not want it to be the neighborhood's responsibility to police the Ordinance.
24 She believed they would start to follow the Ordinance if someone get to know the developer, the
25 crews, and the job site.

26 Mr. Willcox pointed out that City staff was small and generally the Ordinances were
27 enforced by resident complaints, but he believed there were changes the City could make

28 Mr. Tyacke stated he would like this to be added as a future item and for staff to provide
29 the Council with recommendations and a revised fee schedule.

30 Mrs. McCarthy agreed with Mr. Tyacke and wanted to see this on the next agenda. She
31 stated her biggest concern was that complaints came from the same developer.

32 Mr. Plechash believed this was situational and this type of neighborhood was different than
33 in other parts of the City. He stated he was in support of no construction work on Sundays.

34 Mr. Koch stated this was in his neighborhood and he could confirm there was construction
35 noise. He stated he was not in favor of shutting down all development and if people wanted to
36 renovate their home, they should be allowed to do that as long as it was in compliance with the
37 Codes and Ordinances. He agreed the City should be stronger in enforcing the noise Ordinances
38 and was also in agreement with no construction on Sundays.

39 Mr. Dahl stated staff would look at the Ordinance and potential revisions, but he did not
40 believe this could be done by the next Council meeting. He recommended the next step would be
41 to meet with the parties and find common ground.

42 43 **c. Public Right-of-way Ordinance**

44 Dan Gustafson, 1040 Circle Drive, stated he understood Consent Agenda item 7d, Public Right-of-
45 way Ordinance, was designed to control telecom equipment installed in the City. He had talked
46 with City staff about his desire to install newspaper machines on the public right-of-way, but there
47 was a sentence in the Ordinance that the City was going to regulate newspaper vendor machines.
48 He asked if newspaper vending machines would be allowed on Lake Street or denied entirely, if
49 there were any circumstances in which a newspaper vending machine or newspaper rack would be
50 allowed, and what was the standard to be able to install private property on the right-of-way. Mr.
51 Gustafson presented examples of things currently in the public right-of-way including electrical

1 boxes, signs, statuts, and UPS drop boxes that had varying degrees of quality. He asked for
 2 clarification on whether a high-quality publication with a high-quality newspaper vending machine
 3 would be allowed to be installed on Lake Street.

4 Mr. Willcox read the sentence in the Ordinance addressing newspaper vending machines
 5 and stated he believed they were permitted, but it would be up to staff to approve where they were
 6 placed. Mr. Dahl stated the examples provided were all given permission to have their property on
 7 the public right-of-way and it would be no different for a newspaper vending machine. He indicated
 8 staff would work with Mr. Gustafson and he did not see this as an issue.

9 Mrs. McCarthy stated typically sandwich boards were not allowed; however, during the
 10 recession sandwich boards were encouraged. She asked what was planned now that the economy
 11 was better, noting sandwich boards were littering the right-of-way and the sidewalks so it was
 12 beginning to look cluttered and junky. Mr. Dahl responded last year the City went back to the
 13 original Ordinance language and enforced the signage. He noted sandwich boards were allowed
 14 on individual property for the business only and staff could take a more proactive approach with
 15 sandwich boards if it was becoming a problem.

16 Mrs. McCarthy asked if the City managed utility boxes that were in the right-of-way to
 17 ensure they looked good. Mr. Dahl indicated if staff was aware of something they would contact
 18 the utility company to get the utility box improved.

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

21 Mr. Tyacke made a motion requesting staff follow-up on the items discussed in the Public Forum
 22 regarding the noise Ordinance as well as a revised fee schedule for discussion by Council at a future
 23 meeting. He requested staff report back to Council at the next meeting regarding the
 24 neighborhood/contractor meeting recommended by staff. Mrs. McCarthy seconded.
 25 The motion carried 5/0.

26 Mrs. McCarthy requested discussion within the next month or two on the roundabout (i.e.
 27 speed bumps update and traffic with reopening of Bushaway Road). Mr. Dahl responded that was
 28 on a future agenda.

29 Public Works Director/City Engineer Kelly stated there would be a neighborhood meeting
 30 sometime in August to follow-up on traffic count results, proposed street reconstruction, and the
 31 impact on the roundabout reopening.

32
 33 **AGENDA ITEM 7. Consent Agenda.**

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

- 35 a. Approval of City Council Workshop Minutes of July 17, 2018 and City Council Minutes
 36 of July 17, 2018
 37 b. Approval of Check Register
 38 c. Approval of Municipal Licenses
 39 d. Approval of Second Reading of Ordinance No. 781 and Ordinance No. 782 Regarding
 40 Right of Way Management
 41 e. Approval of Resolution No. 41-2018 Approving Variance at 224 Broadway Avenue North
 42 f. Approval of Resolution No. 38-2018 Approving an Extension of Zoning Approvals at 630
 43 Bushaway Road

44 The motion carried 5/0.

45
 46 **AGENDA ITEM 8. Public Hearing.**

- 47 a. **Public Hearing and Consider Approval of First Reading of Ordinance No. 783**
 48 **Vacating Certain Right-of-way Adjacent to 326 and 332 Broadway Avenue South and**
 49 **701 Lake Street East**

1 Mr. Thomson reviewed the vacation request and recommended Council hold a public hearing for
2 the vacation request and consider adoption of Ordinance No. 783 vacating the right-of-way. He
3 indicated the adoption would require a unanimous decision of the Council.

4 Mr. Plechash reaffirmed there was no City use for the property. Mr. Kelly responded there
5 was no City use for the property now or soon. Mr. Thomson indicated staff had discussed using
6 the alley as a potential pedestrian connection to Lake Street through the building, but that need was
7 met when the 701 Building was built, so staff did not see the use for a pedestrian walkway in this
8 location.

9 Mrs. McCarthy stated when they approved this in 2016 they also discussed approved
10 signage from the Mill Street ramp to Lake Street. Mr. Thomson stated the City's parking ramp
11 project stopped at the south curb line of Mill Street and they had prepared plans to redo the sidewalk
12 on the south side of Mill Street from Lake Street to Wuollet Bakery, but ultimately did not construct
13 the sidewalk project with the ramp because they knew the Broadway Place project would likely
14 move forward and remove a significant segment of the sidewalk. He noted as a part of the project,
15 they would be improving Mill Street along their building face and then the City could consider
16 continuing all the way to Wuollet Bakery and any sort of pedestrian signage could be done as part
17 of that public project. He stated he did not recall if the signage would be attached to the building,
18 but he could work with the applicant on this.

19 Mr. Tyacke stated when a street or alley was vacated, he thought it was split and given to
20 the property owners on each side of the vacation. He asked, if this was the case, why was the
21 vacated area going to one development and not to the adjacent property owner. Mr. Schelzel
22 responded as a legal matter that was correct, but in this situation, it was because the properties
23 would be combined as a part of the second related action item at this meeting tonight.

24 Mr. Koch asked if there would still be deliveries allowed to Yogurt Lab or whoever is in
25 the building at the time through the rear of the property. Mr. Thomson deferred to the architect or
26 applicant to answer this question.

27 Mr. Willcox invited the applicant to come forward.

28 Mr. Jason Steiffel, Shea Design, stated currently the access for the Yogurt Lab was via the
29 alley and the proposed connection to the building would provide a shared corridor that the adjacent
30 buildings would access. The idea behind the expansion was to maximize the leasable area inside
31 the building and utilize efficiencies by connecting to the existing 701 Building. Mr. Thomson noted
32 by the Ordinance and practice the City would want to find there was a public purpose or reason as
33 to why the alley would be vacated. He stated that looking at how this benefited adjacent properties
34 was not part of the criteria the Council reviewed for vacation of right-of-way. The Council needed
35 to look at whether the City had a need for the right-of-way for public right-of-way purposes and if
36 the City did not, then whether vacation of the right-of-way was a benefit to the public.

37 Mr. Willcox opened the public hearing at 7:56 p.m. and invited the public to make comment.
38 There were no comments made the public hearing. Mr. Willcox closed the public hearing at 7:57
39 p.m.

40 Mr. Tyacke believed the vacation made sense as this was an area prime for development
41 and this would complete the development as well as being a nice addition to the downtown area.

42 Mr. Willcox noted this was a valuable piece of property that the City was being asked to
43 give to the applicant. He indicated his concern overall was the amount of parking it would generate
44 as the ramp was full at various times during the day. He noted this building would generate an
45 additional 62 spaces and if a restaurant went into the building, the number would be higher. He
46 noted when the alley was vacated that would make the building larger, which would drive more
47 parking requirements. He wanted a public reason for vacating a property and stated in this situation
48 there was a private reason for doing this, but the public value was not clear. Mr. Thomson indicated
49 that vacation of the right-of-way would add just under 4000 square feet of gross square footage to
50 the building between the three floors. He stated that would add about 10 required parking stalls, if
51 they looked at office/retail and not restaurant. He indicated with a restaurant it would vary on

1 different factors, but it would be greater than that. He noted the benefit for a mixed-use
2 restaurant/office is that typically office has a high parking demand during the daytime hours and
3 restaurants are higher in the evenings when the office use does not require as much parking.

4 Mr. Dahl stated from an economic development perspective, the additional land would be
5 a private benefit, but it did maximize and make the site more buildable and economically feasible
6 as well as contributing to the tax base which was ultimately a public benefit.

7 Mr. Willcox asked if they were to approve this request, could they put a condition around
8 it to include constraints around a restaurant. Mr. Dahl stated Council had the ability to place
9 conditions on the development amendment. Mr. Schelzel noted the vacation required a unanimous
10 vote. He stated they could put the condition in two readings and make the effective date at some
11 point in the future if there was a concern about getting certain agreements worked out on the
12 development side, but it would be best to put the conditions on the other approvals.

13 Mr. Koch noted he had the same concern with respect to parking, but viewed this as two
14 separate issues. He thought some of this was the mechanical area. Mr. Thomson responded the
15 current service corridor would shift into the right-of-way.

16 Mr. Plechash believed this was a separate issue. He indicated the right-of-way was
17 originally implemented for the public good, but in this case that something did not exist so why
18 have it. He stated he saw no reason why it should not be vacated.

19 Mr. Schelzel stated as the Ordinance was written, this would be effective on two readings
20 and publication. He stated they could add to the effective date and approvals of the development
21 if there was a concern about vacating before they know that the project and the conditions were
22 worked out. He stated if someone would make a motion to approve the First Reading that could be
23 an amendment. He recommended the following language to the effective date that the Ordinance
24 shall be in full force and effect after its passage and publication according to law and the approvals
25 of the project.

26
27 Mr. Tyacke made a motion, seconded by Mr. Plechash, to enact Ordinance No. 783 with the
28 amendment that the effective date would also be tied to the condition on the approvals of the project
29 as requirement by the City. Upon roll call vote, the motion carried 5/0.

30
31 **b. Public Hearing and Consider Approval of First Reading of Ordinance No. 780**
32 **Vacating Right-of-way for North Beach Road**

33 Mr. Thomson reviewed the vacation request and recommended Council hold a public hearing and
34 adopt the Ordinance vacating the right-of-way, subject to the reservation of a utility easement over
35 the vacated right-of-way area. He indicated this would require a unanimous vote of the Council.
36 He noted they had received an email from Mr. Hanlin removing his previous objection.

37 Mr. Tyacke asked if drainage was underground or would they use the surface area for
38 drainage as well as the land itself. Mr. Kelly responded a drainage utility was both underground
39 and surface drainage.

40 Mr. Willcox invited the applicant to make comment.

41 Mr. Tyacke asked when the applicant acquired the property was there a title insurance
42 notation about an easement on his property. Mr. Matt Hemsley, 649 Ferndale Road West,
43 responded the North Beach was not his property as it was owned by the City. Mr. Kelly noted that
44 was dedicated right-of-way and the request tonight was to vacate the right-of-way. Mr. Hemsley
45 noted the underlying land in fee title does belong to him and he was aware of this when he
46 purchased the property

47 Mr. Tyacke asked if the applicant went to the City to inquire if it would be used for a
48 roadway. Mr. Hemsley responded he did not and he bought the property knowing there was an
49 easement on the land.

50 Mr. Willcox opened the public hearing at 8:23 p.m. and invited the public to make
51 comment. There were no comments made. Mr. Willcox closed the public hearing at 8:23 p.m.

1 Mr. Koch stated his opinions had not been changed. He noted his initial hesitation was the
2 objection by Mr. Hanlin presented at the first meeting, but this was no longer a concern so he
3 supported the vacation.

4 Mr. Tyacke stated he was relying on the staff's analysis that the City did not need this for
5 any public purpose, except for the public utility rights on the right-of-way. He stated he was in
6 favor of the vacation.

7 Mrs. McCarthy stated the first time she voted against the vacation due to concerns she had
8 at that time. She stated now that Mr. Hanlin had removed his objection and staff had addressed her
9 concern about future costs, she was now in favor of the vacation.

10 Mr. Plechash stated staff did a good job of articulating the case as to why this was a good
11 idea. He thanked Mr. Hemsley for all the information provided and stated with that information
12 the decision was easier for him.

13 Mr. Schelzel noted Section 1 had revised language as well as an updated legal description
14 as Exhibit B in the Agreement.

15
16 Mr. Tyacke made a motion, seconded by Mr. Koch, to approve First Reading of Ordinance No. 780
17 Vacating Right-of-Way for North Beach Road and include the revised language. Upon roll call
18 vote, the motion carried 5/0.

19
20 **AGENDA ITEM 9. New Business.**

21 **a. Mediacom Quarterly Customer Service Report**

22 Mr. Dahl reviewed the background on the Finance Agreement between the City and
23 Mediacom. He recommended the Council accept the newly revised Customer Service Report from
24 Mediacom for the second quarter 2018.

25 Ms. Theresa Sunde, Mediacom, noted only three complaints were received.

26 Mr. Zach Raskovich, Mediacom, outlined the complaints received and how they were
27 resolved.

28 Mrs. McCarthy stated they needed some other type of tool to re-inform the citizens that
29 there is a mechanism at City Hall when they were not getting their issues resolved directly with
30 Mediacom. She summarized a recent issue when a couple of citizens complained about Mediacom.
31 Ms. Sunde requested that information so it could be addressed.

32 Mrs. McCarthy summarized her own personal dealings with Mediacom and the difficulties
33 she had with the company. Ms. Sunde stated she understood her concern and would have her
34 account looked at.

35 Mr. Tyacke stated he had personally had issues with his service as well.

36 Mr. Willcox asked if cold weather made a difference in terms of signal. Mr. Raskovich
37 responded extreme cold weather did affect the signal.

38 Mr. Dahl stated the first quarter had the same number of complaints, noting the trend was
39 that it was getting better, but staff would make a concerted effort to let citizens know if they had a
40 complaint or a positive experience, the City wanted to hear about it so it could be relayed to
41 Mediacom.

42 Mr. Willcox thanked Mediacom for responding to complaints when brought to their
43 attention.

44
45 **b. Consider Selection of Option for the Reconstruction of the Wayzata
46 Boulevard/Superior Boulevard Intersection**

47 Mr. Kelly reviewed the background and options for the reconstruction of the Wayzata
48 Boulevard/Superior Boulevard intersection. He also reviewed the design options and requested the
49 Council select a design.

50 Mrs. McCarthy asked how did option 2 initially get narrowed down and ultimately
51 designed. Mr. Kelly responded option 2 came out of traffic studies.

1 Mr. Plechash asked on option 1, for traffic heading west on Wayzata Boulevard, would
2 there be a right turn on red or an arrow. Mr. Kelly responded they had not received a full design
3 on option 1, but there would probably be a hybrid of a right on red or a no right on red depending
4 on the signal timing.

5 Mr. Plechash asked if there was no right turn on red for protection from Benton Avenue,
6 would that exacerbate traffic that was coming from the east and intending to go west. Mr. Kelly
7 responded it could. He noted with both options the center of the intersection was moved slightly
8 to the west, so it would provide more storage between the intersection and the Central Avenue
9 intersection. He indicated this would come down to a matter of timing at the right time of day. He
10 stated westbound am/pm hour would likely see a change in the signal timing to allow more free
11 flow to the west.

12 Mr. Plechash asked how vehicles existing Benton Avenue in option 1, are able to make a
13 left turn to go east. He believed this would be an unsafe turn to make. Mr. Kelly responded it
14 would be allowed. The intent is to install a loop detector or camera that would point at Benton
15 Avenue, so it would understand when vehicles wanted to exit Benton Avenue and trigger the signal.
16 He noted whether right turns were allowed or not, it would provide for a longer delay in the right
17 turn to allow residents from Benton Avenue to cross into the median. In addition, the median was
18 designed to handle a passenger vehicle, so they could get half way across and into traffic. He noted
19 they had accommodated the ability to get out, but he did not believe this was the best scenario
20 compared to option 2, which would directly be part of the signal and intersection. He noted this
21 continued to be an off-set roadway to the main intersection.

22 Mr. Plechash asked how pedestrians would cross from the north side to the south side. Mr.
23 Kelly indicated there would be crosswalks on all three legs of the intersection.

24 Mr. Plechash believed this was a complicated pedestrian access and it appeared if
25 pedestrians were to cross from the northeast to the southwest, they would be taking their life in
26 their hands. Mr. Kelly noted this was a longer crossing because it was at a diagonal rather than a
27 straight north/south alignment.

28 Mr. Koch stated one the concerns was the stacking of vehicles close to the Benton Avenue
29 neighborhood and now they were taking an intersection farther to the east and putting it farther to
30 the west and in front of the neighborhood. He asked how much closer the intersection was under
31 option 2 than under option 1. Mr. Kelly responded the center of the intersection was just south of
32 the sidewalk along Wayzata Boulevard with two lanes of traffic north of that. He indicated it would
33 be somewhere within the 30 to 35 feet compared to the center of the intersection with option 2.

34 Mr. Koch asked under option 3 could something be done to improve traffic signaling and
35 traffic flow beyond what is there today. Mr. Kelly responded it would be a matter of timing and
36 some minor tweaks could be made. He noted the biggest challenge was improvement in pedestrian
37 safety at the intersection but pedestrians would still need to cross more than 100 feet across four
38 lanes of traffic. He stated with option 3 they tried to provide a pedestrian refuge if someone
39 couldn't make it all the way across. He believed there were some minor improvements to the traffic
40 signal technology, but they were not significant.

41 Mr. Koch asked if there was a time set by law that a pedestrian had to cross an intersection.
42 Mr. Kelly responded he believed it was 3.5 feet per second. He anticipated this option would be
43 around 35 seconds. Mr. Koch asked what the typical time that the light cycled was. Mr. Kelly
44 replied it was based on the traffic flow and the need.

45 Mr. Koch noted both option 1 and option 2 took away one quarter access from the
46 businesses. He asked if staff had heard from the business regarding concerns/complaints about
47 limiting or taking away access to their properties. Mr. Kelly responded he had not heard from
48 Edina Realty or the owners of the building. He stated the previous owner of the gas station had
49 attended one of the neighborhood meetings and voiced some concerns, but he had not heard from
50 the new property owner.

51 Mr. Willcox invited Pat Broyles to the podium to make comment.

1 Pat Broyles, 212 Benton Avenue, believed this was money the Council could not take
2 advantage of and the City did not have to take Presbyterian Homes' money. She was under the
3 impression at the last meeting that nothing had changed in the traffic, so she did not understand
4 why they would consider option 2 as it was detrimental to Benton Avenue. She stated she has
5 never had a problem getting out of Benton Avenue and had lived there since 1970. Ms. Broyles
6 believed that putting in a stop light would affect the home values and it was irritating that City
7 decisions were being based on Presbyterian Homes giving the City money. She requested the
8 Council consider option 3 with directional arrows above the intersection instead of just on the street.
9 She indicated the only times they had traffic was morning rush hour, lunch time, and afternoon rush
10 hour.

11 Mr. Dahl explained the Presbyterian Homes arrangement was part of the Development
12 Agreement, Presbyterian Homes was not in a rush to do anything, the City did not have to proceed
13 forward, but a lot of planning had been done and there was a need. However, Presbyterian Homes
14 was willing to work with whatever the City wanted.

15 Mr. Willcox stated the perceived need to do something with the intersection went back
16 decades, Presbyterian Homes had agreed to pay for a lot of infrastructure in the City under the
17 Development Agreement, and this was the last piece the City had requested.

18 Mrs. McCarthy stated her position had not changed. She was not convinced that option 2
19 was the best one for the City, did not feel it was a good representation, and it lacked the approach
20 into the commercial core the City was trying to achieve in terms of the look and feel of a gateway.
21 She was not convinced they wouldn't push traffic onto Wayzata Boulevard with the Wayzata
22 alignment. Mrs. McCarthy stated she believed people would follow the path of least resistance and
23 this was putting cars onto Wayzata Boulevard instead of encouraging cars to go down Lake Street.
24 She did not like the industrial nature it would bring to the bottom of Benton Avenue, noting only
25 two people from Benton Avenue were in favor of option 2 while everyone else said they wanted
26 nothing done or were in favor of option 1. She stated another concern was the number of vehicles
27 that end up stacking between Central and Superior to turn with a stoplight there. She indicated
28 those cars would be stopped until the light turned green which would cause cars to be backed up
29 due to no natural turn where they could keep traffic flowing. She stated she would not vote for
30 option 2.

31 Mr. Plechash read from a prepared statement giving his options about each option and
32 debating the pros and cons on each. He believed option 2 was the best option for improving
33 pedestrian safety, it would accommodate traffic flow best among all three options, it improved
34 access into and out of Benton Avenue, drivers turning right on red would have a much clearer view
35 of westbound traffic, drivers turning east would have a much better view of cars heading their way,
36 and when the light was green cars existing Benton Avenue would have clear access west, east, or
37 straight ahead. He believed the exit out of Benton Avenue would be vastly improved with option
38 2 and he would propose and vote for option 2.

39 Mr. Tyacke thanked the residents and businesses for their opinions. He believed all points
40 of view were valid, did not think the current intersection was acceptable, and the right turn on red
41 was a problem. He believed option 3 made some minor improvements in the pedestrian crossings
42 and an improved signal light, but did not believe it would change the issues with the intersection
43 much. He stated his concerns with option 2 was the neighborhoods, speed of the traffic, and
44 increased traffic flow. He indicated option 1 addressed some of his concerns, but it did not solve
45 the issue of pedestrian safety. Mr. Tyacke stated the advantage with option 1 was that it would
46 require people travelling west on Wayzata Boulevard making a hard turn at the traffic light to slow
47 down, lowering the speed of traffic. In addition, option 1 would promote more traffic to the central
48 business district. He stated he was in favor of option 1 as it would increase pedestrian safety at the
49 crossing and increase the traffic storage. He recommended staff continue to pursue the new
50 interchange at Ferndale Avenue also.

1 Mr. Koch asked if there was any significant difference between the three options with
2 respect to travelling westbound on Wayzata Boulevard and making a left turn on Superior. Mr.
3 Kelly responded the movements would be similar, but the technology was going to be improved
4 along with the practice of the flashing yellow left turn. He indicated the option for a flashing yellow
5 left turn would work better with option 2.

6 Mr. Koch stated the intent of the new intersection was to improve traffic flow and
7 pedestrian safety. He thanked residents for their comments and opinions. He noted there was no
8 perfect solution though. He stated his concern was the impact on Benton Avenue neighbors,
9 concerns of pedestrian safety, traffic speed traveling westbound on Wayzata Boulevard to
10 Broadway and points west, impact to businesses and residents with construction during another
11 summer. He believed option 2 was the best option, but he did have concerns about the intersection
12 being too close to the neighborhood. He did not believe property values in the neighborhood would
13 be affected and stated he wanted to see enhanced safety measures on all the crosswalks.

14 Mr. Willcox stated there were pros and cons with all the options. He believed option 2 was
15 more intuitive due to the traffic flows and patterns. He recommended better signage directing
16 people through the City and stated he was against an exit on Ferndale.

17
18 Mr. Plechash made a motion, seconded by Mr. Koch, to move option 2 forward in an expedited
19 manner.

20 Mr. Dahl requested staff direction on timing, if there should be any additional public
21 engagement involved moving forward, and if there should be any additional studies.

22 Mr. Plechash stated they voted on this a year ago, were back at the same point today, and
23 he didn't see any reason except to move forward. He believed no additional task forces or meetings
24 were necessary, and stated he would not amend his motion.

25 Mr. Tyacke noted one of disadvantages with option 2 was that it required additional right-
26 of-way acquisitions which would add to the cost and time involved. Mr. Koch believed option 1
27 required a greater right-of-way acquisition.

28 Upon roll call vote, the motion carried 3/2 (Tyacke, McCarthy).

29 Mrs. McCarthy expressed concern about the entire City being under construction and asked
30 whether the City could handle it. Mr. Kelly responded the City had control of two of the three
31 projects. He indicated he had been adamant with MnDOT that they maintain access to the highway
32 as much as possible during the bridge project. He was confident the City could get the three projects
33 done, but it would be difficult for a period of time.

34
35 Mr. Willcox recessed the meeting at 9:49 p.m. and reconvened the meeting at 9:55 p.m.

36
37 **c. Consider Approval of Resolution No. 39-2018 Approving Broadway Place**
38 **Development at 326 and 332 Broadway Avenue South**

39 Mr. Thomson reviewed the property information and background for the Broadway Place
40 Development at 326 and 332 Broadway Avenue South. He recommended the Council adopt the
41 resolution approving the development application.

42 Mr. Tyacke inquired about the parking requirements if there was a restaurant in the
43 building. Mr. Thomson responded the policy was for all parking facilities in the downtown area
44 and it did not allocate stalls in any facility.

45 Mr. Tyacke asked if the design would be revised on the Broadway sidewalk and the
46 landscaping and whether it would require an additional condition in the resolution. Mr. Thomson
47 replied it would remove one of the previous deviations that was granted and he believed there was
48 already a condition in the resolution related to this.

49 Mr. Plechash asked if there would be enough parking spaces. Mr. Thomson responded a
50 parking utilization study was completed previously and it determined the Mill Street area was over
51 parked and that largely drove the construction of the parking ramp. He indicated capacity was

1 added for additional development in the downtown area and that was why the policy was adopted.
2 However, usages changed over time and the popularity of restaurants also changes. He stated it
3 was difficult to give the exact number of stalls they needed in the downtown area and the utilization
4 study provided more detail behind that. Currently they had 384 parking spaces including the Mill
5 Street lot which added roughly 200 new stalls on Mill Street.

6 Mrs. McCarthy asked if the building would be physically connected to the 701 Building
7 with one brick façade. She expressed concern this was going to be a very massive large building.
8 Mr. Thomson responded there was nothing in the design standards that said if they were building
9 this as an addition, the standards were different. He noted the Planning Commission had expressed
10 concern that the metal panel initially proposed would not look good, so that is why brick was
11 chosen.

12 Mr. Willcox stated his biggest concern was the parking and asked what options they had if
13 parking was not sufficient. Mr. Thomson responded once Council approved the number of parking
14 stalls, it would be followed up with an agreement between the City and the developer for the number
15 of stalls. He did not believe they could reduce the number of parking stalls. Mr. Thomson stated
16 the fee paid for the parking stalls would be used for parking purposes in the downtown area and
17 they had identified additional stalls that could be added by reconfiguring and restriping some areas,
18 if needed in the future.

19 Mr. Willcox asked if they could put limits on the type of restaurant. He also asked if there
20 was a problem, could the City require the restaurant to have valet parking. Mr. Thomson responded
21 they were both options for the Council to consider and would probably be helpful.

22 Mr. Willcox invited the applicant to make comment.

23 Mr. Jimmy Beltz, 430 Peavey Road, and Mr. Jason Steiffel, Shea Design, 10 South 8th
24 Street, Minneapolis, explained why the initial design was complicated and the new design was
25 better. In addition, they wanted flexibility for retail and restaurant. It was noted the use for the
26 buildings had not changed, but they wanted clarity on what was going in on every other area of
27 Lake Street to have continuity.

28 Mr. Willcox stated his observation was that on nice summer nights the ramp was full, and
29 this project would put another 60 parking spaces in town. He wanted a work around if there was a
30 problem and to make the CUP contingent on this. Mr. Beltz stated it would be hard to have a
31 potential future limitation and pay an upfront fee.

32 Mr. Koch inquired about the widening of the sidewalk. Mr. Beltz responded their goal was
33 to have this pedestrian friendly and an outdoor space for a restaurant or café would be a benefit.

34 Mr. Koch asked if the large oak tree would be preserved. Mr. Dahl responded the intent
35 was to keep the oak tree but their latest review indicated the tree would probably have to come
36 down. It was noted the oak tree, if removed, would need to be replaced with some other trees.

37 Mr. Koch asked if widening the sidewalk was impacting the tree as opposed to the original
38 plans. Mr. Thomson responded the tree would be impacted by construction of the building, but the
39 tree could be kept after construction. He indicated as a part of the original plan the tree would have
40 stayed and the sidewalk would have been narrower with green space between the sidewalk and
41 where the street was today. This was still an option. Mr. Thomson stated staff's thoughts with the
42 revised plan was that the Lake Effect and Mill Street ramp pedestrians would use this sidewalk as
43 their connection to Lake Street. He stated a sidewalk could not be located between the restaurant
44 and the outdoor café/restaurant. He noted right now, the sidewalk would need to go around the tree
45 which would be an odd alignment. He also indicated this was not an oak tree, but a silver maple.

46 Mrs. McCarthy asked if they had considered taking a portion of the alley for the outdoor
47 café. Mr. Steiffel responded the space adjacent to the alley would be for services and the
48 mechanical functions were in the back. He indicated the desirable restaurant location was along
49 Lake Street and there were design solutions so people were not looking at the parking structure.

50 Mr. Koch asked what would happen if they found another restaurant tenant and took up the
51 space. He also asked whether the City could charge an additional fee for the additional parking

1 stalls required. Mr. Thomson responded the City could charge an additional fee for additional
2 parking.

3 Jim Beltz, 447 Peavey Road, stated the restaurant they had contacted was a very casual
4 restaurant and would not compete with other restaurants in the area. He noted it was a New York
5 concept with a wine and beer bar and a lot of food to go, which is not the typical restaurant to which
6 the City was accustomed.

7 Dave Link, 2339 Wayzata Boulevard, stated one of the considerations given at the
8 beginning of the project was that the engineer hired to design the ramp was retained by Beltz to do
9 their civil engineering and would be the engineer who designed Lake Street and Mill Street to
10 ensure the design standards were met.

11 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve Resolution No. 39-
12 2018 Approving Broadway Place Development at 326 and 332 Broadway Avenue South.

13 Mr. Thomson noted the improvements to the existing pedestrian crossing were not in the
14 resolution and should be included.

15 Mr. Tyacke amended the motion to include that language.

16 Mr. Willcox stated he continued to have concerns about parking and one tool they might
17 have is to offer valet parking. He asked if that was a reasonable request. Mr. Schelzel stated CUPs
18 could include reasonable conditions and approval was subject to the parking policy which required
19 Council to decide that there was enough parking and some of that was unknown. He noted the
20 CUP ran with the land and not the restaurant. He believed it would be appropriate to add a condition
21 that if parking became an issue with the restaurant use, the applicant would agree to provide valet
22 parking.

23 Mrs. McCarthy stated she believed it needed to be broader than just valet parking. She did
24 not believe a valet was the answer and another solution may need exploring.

25 Mr. Willcox recommended an amendment to the motion to add a condition that if the City
26 Council determined there was not adequate parking for this concept, they would find a work around,
27 which might include valet parking.

28 Mr. Tyacke did not understand how the suggested amendment would be implemented. Mr.
29 Dahl agreed and it was up to the City to figure out how to provide additional stalls with the funds
30 received for parking. Mr. Schelzel indicated there was a draft resolution, the City Planner had given
31 an additional condition, and there would be a pool of funds to address any potential parking issues.

32
33 The motion carried 5/0.

34
35 **d. Consider Approval of Resolution No. 40-2018 Approving Interim Use Permit and**
36 **Shoreland Impact Plan/Conditional Use Permit at 143 Lake Street East**

37 Mr. Thomson reviewed the request for the Interim Use Permit and Shoreland Impact
38 Plan/Condition Use Permit at 143 Lake Street East. He recommended Council adopt the resolution
39 approving the development application, as recommended by the Planning Commission.

40 Mr. Willcox invited the applicant to make comment.

41 The applicant did not make comment.

42 Mr. Koch made a motion, seconded by Mrs. McCarthy, to approve Resolution No. 40-2018
43 Approving Interim Use Permit and Shoreland Impact Plan/Conditional Use Permit at 143 Lake
44 Street East. The motion carried 5/0.

45
46 **AGENDA ITEM 10. City Manager's Report and Discussion Items**

47 **a. Upcoming Events/Announcements**

- 48 • Parks and Trails was holding Open Houses for their Master Plan on August 1, August
49 6, and August 9
- 50 • Blood Drive sponsored by the Fire Department is on August 6 from 3:00 - 6:00 p.m.
- 51 • Next Council meeting is Thursday, August 9

- 1 • The beach is closed
- 2 • Council filing period started today and will go through August 14

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Mr. Willcox noted:

- Parks and Trails had an online survey to be filled out
- Next week is Night to Unite
- There is a Public Safety Luncheon on Tuesday
- One Planning Commissioner is resigning so a replacement will need to be appointed

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

11 There were no comments.

12

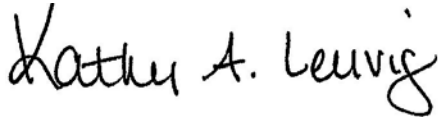
13 **AGENDA ITEM 12. Adjournment.**

14 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further
15 business, Mr. Willcox adjourned the meeting at 11:17 p.m.

16

17 Respectfully submitted,

18



19

20 Kathy Leervig

21 City Clerk

22

23 Drafted by Kathy Altman

24 *TimeSaver Off Site Secretarial, Inc.*

25