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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
September 18, 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, Public Works Director/City Engineer Kelly, and City Attorney Schelzel.

**AGENDA ITEM 4. Approve Agenda.**

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

**AGENDA ITEM 5. Public Forum.**

**a. Senator David Osmek Presentation**

Senator Osmek summarized the end of the legislative session last year. Mr. Willcox thanked Senator Osmek for supporting the City.

Public Works Director/City Engineer Kelly gave an update on signage. Senator Osmek requested Mr. Kelly send him an email on the status of signage and he would speak with MnDOT.

Mr. Koch asked for assistance with MN LARS. Senator Osmek stated this would be on the first agenda.

**b. Chamber of Commerce Exceptional Service**

Ms. Pearson awarded the Exceptional Service Award to Anita Volkenant with Pleasant View Gardens. Ms. Volkenant thanked her staff.

**c. Introduction of Firefighter Hunter Bohl**

Fire Chief Klapprich introduced Hunter Bohl as the newest Firefighter to the City.

Mr. Hunter Bohl stated he was honored to be member of the Wayzata Fire Department and looked forward to serving the City.

Fire Chief Klapprich thanked everyone who stopped at the bridge on September 11. He gave an update on the Pancake Breakfast.

**d. Introduction of City Clerk Kathy Leervig and Oath of Office**

City Manager Dahl introduced Ms. Kathy Leervig in her new position as City Clerk and administered the Oath of Office.

Ms. Leervig stated it was a pleasure to serve the City and she was looking forward to the opportunity and challenge.

**e. Other**

Ms. Lynn McCarthy updated the Council on volunteers and the outdoor gardening season. She noted they were looking for late summer volunteers to beautify the entrances to the City. She indicated on September 29 they would be working at the end of the ramp of 394 and Highway 12 for the Gateway Project. She stated the Annual Pull It would be on October 13 at 9:00 a.m. meeting at Public Works. She noted the Park and Trails Board was also looking for volunteers to plant tulip

1 bulbs in the Post Office Park on Minnetonka Avenue on October 20 at 8:30 a.m. She noted anyone  
2 who wanted to volunteer or any of the events to email [volunteers@wayzata.org](mailto:volunteers@wayzata.org).

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4 **AGENDA ITEM 6. New Agenda Items.**

5 Mr. Willcox requested a discussion on whether they would like Civitas to take another look at what  
6 was proposed for Lake Street as a part of the Lake Effect and look at additional alternatives  
7 regarding the bike lane and width of Lake Street. Mr. Tyacke agreed and noted he also had received  
8 a lot of comments regarding this. Mr. Dahl indicated he would place this item on the Oct 2<sup>nd</sup> Council  
9 Agenda for the Council to discuss.

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11 **AGENDA ITEM 7. Consent Agenda.**

12 Mrs. McCarthy requested Item 7f be pulled from the Consent Agenda.

13 Mr. Tyacke requested Item 7h be pulled from the Consent Agenda.

14 Mr. Koch stated with respect to Item 7d he noted there had been a high number of bicycle  
15 thefts in front of Caribou. He asked if this was a normal occurrence and believed they should look  
16 at ways to address it. Mr. Dahl responded he believed this was an anomaly, but he would talk to  
17 the Police Chief to see if there was something more to it.

18 Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the consent agenda  
19 as amended:

- 20 a. Approval of City Council Workshop Meeting Minutes of September 4, 2018 and City  
21 Council Regular Meeting Minutes of September 4, 2018  
22 b. Approval of Check Register  
23 c. Approval of Municipal Licenses  
24 d. Police Activity Report  
25 e. Building Activity Report  
26 ~~f. Approval of Resolution 50-2018 Approving a Conditional Use Permit for a Fence at 217~~  
27 ~~and 223 Byrondale Avenue North~~  
28 g. Approval of Resolution 51-2018 Approving a Conditional Use Permit for a Fence at 105  
29 Walker Avenue North  
30 ~~h. Approval of Professional Services Agreement with Fer Pal Construction USA, LLC for~~  
31 ~~City Watermain Repairs at Ferndale Road and BNSF Railroad~~

32 The motion carried 5/0.

33  
34 **AGENDA ITEM 8. New Business.**

- 35 **a. Consider Resolution No. 52-2018 and Ordinance 784 Approving PUD General Plan**  
36 **and Design Review for Ventana Condos at 253 Lake Street East**

37 Mr. Thomson reviewed the background for the PUD. He noted the Planning Commission  
38 unanimously voted to adopt the report and recommendation of approval of the development  
39 application.

40 Mr. Tyacke requested staff confirm there has been no changes from the Concept Plan to  
41 the Final Plan. Mr. Thomson responded that was correct, except for the height reduction.

42 Mrs. McCarthy asked what the distance between the Wayzata Blue property and this  
43 property was, how would they ensure water would not be an issue and would the entrance to the  
44 Hughes property be on Lake Street. She stated she was concerned about the entrance being moved  
45 from the front to the side with the access to the parking in the back. Mr. Thomson responded he  
46 did not know the exact distance, but it was probably ten feet and there would be a walkway  
47 connection on the private property. He noted there would be a flat roof and the water would be  
48 directed so the adjacent property would not be impacted. He indicated the access to the  
49 underground parking garages were all in the back of the building with access on Lake Street and  
50 on Barry Avenue behind Wayzata Blue so there would be two ingress and egress along with one  
51 sidewalk from that public parking area.

1 Mr. Willcox asked if the building were to change ownership or purpose, was the City  
2 hurting themselves by having the entryway on the side. Mr. Thomson believed it would be feasible  
3 to add a walkway connection up into the retail spaces if they were every converted.

4 City Attorney Schelzel stated because these were going to be residential higher priced  
5 condos there would be a lot of individuals with high investments that would probably put a damper  
6 on change.

7 Mr. Plechash stated this made sense to him to be on the side. He asked about the different  
8 square footage on the condos for the same units. Mr. Thomson responded he was not sure why  
9 there was a difference and he would defer this question to the architect for clarification.

10 Mr. Koch asked what mechanical equipment would be in the closets next to the sidewalk  
11 and what kind of noise would be on the sidewalk. Mr. Thomson responded those would be  
12 plumbing and fire alarms, along with other systems that did not require vents so there would be no  
13 noise coming from them.

14 Neil Weber, Architect, stated the square footages of the units would be changing. He noted  
15 some of them had plans drawn and some did not, but they all had plans sketched for marketing. He  
16 stated they needed to design the units, so the exterior was set. He noted the most accurate numbers  
17 were the numbers on the plan that matched the footprint. He stated they already had potential  
18 buyers that wanted additional units, so things would change. He indicated the important thing for  
19 the approval was the exterior of the building and the footprint which would not change.

20 Mrs. McCarthy expressed concern about communication of the information with the  
21 residents and businesses in the area. Mr. Weber responded it was up to them do to the  
22 communication with coordination from staff.

23 Mr. Plechash asked if the residents would have access to their units from the garage and  
24 only needed to go outside if they wanted. Mr. Weber responded that was correct and he believed  
25 most access would be from the garage.

26 Mr. Tyacke made a motion, seconded by Mr. Koch, to Adopt Resolution No. 52-2018  
27 Approving PUD General Plan and Design Review. The motion carried 5/0.

28 Mr. Tyacke made a motion, seconded by Mr. Plechash, for First Reading of Ordinance No.  
29 784 for Ventana Condos at 253 Lake Street East. The motion carried 5/0.

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31 **AGENDA ITEM 7. Consent Agenda - continued.**

32 **7f. Consider Resolution 50-2018 Approving a Conditional Use Permit for a Fence at 217**  
33 **and 223 Byrondale Avenue North**

34 Mrs. McCarthy asked what the stipulation was with respect to the fencing and with the land  
35 dedicated as a path. She was concerned about the gate at the end of the path and cutting off the  
36 public access. Mr. Thomson responded as part of the original PUD approval there was a discussion  
37 of fences within the development and they were showing on the plans at the time a solid fence  
38 along Central Avenue and because that fence was along backyards it was allowed. He noted there  
39 was not a specific inclusion for a fence along the back of the properties along Cross Street and  
40 Wooddale. He stated they were proposing to add fence along the west side of the development.  
41 He outlined what Council had previously approved with respect to the trail and the gate.

42 Mrs. McCarthy inquired about snow removal plan. Mr. Thomson replied the fence had to  
43 be at least 5 feet from the edge of the pavement for snow removal.

44 Mr. Koch asked if five feet would be far enough from the street to clear snow without  
45 damaging the fence. Mr. Kelley responded it was a challenging area, but they knew there would  
46 be development of the properties and it was expected.

47 Mr. Koch asked if there was liability to the City with something like this. Mr. Schelzel  
48 responded there generally would not be liability to the City if it was general street maintenance as  
49 long as the City was not negligent.

50 Mr. Plechash asked why there is a trail going through the complex where it was located  
51 instead of it being on the South end going to Central Avenue. Mr. Thomson replied he believed

1 the original plans originally showed the street as a through street, but when it ended up as a cul-de-  
 2 sac the trail was proposed as a safer way to get to Benton Avenue instead of walking on Central  
 3 Avenue.

4 Mr. Willcox stated he did not like solid fencing, but in some areas, it made sense such as  
 5 along Central Avenue, but in general he did not like these requests.

6 Mr. Tyacke made a motion, seconded by Mr. Koch, to Adopt Resolution No. 50-2018  
 7 Approving a Conditional Use Permit for a Fence at 217 and 223 Byrondale Avenue North. The  
 8 motion carried 5/0.

9  
 10 **7h. Approval of Professional Services Agreement with Fer-Pal Construction USA, LLC**  
 11 **for City Watermain Repairs at Ferndale Road and BNSF Railroad**

12 Mr. Tyacke asked why was this is not competitively bid. Mr. Kelley responded this was for  
 13 watermain work and the liner that was used in watermain was different than liner used in sanitary  
 14 sewer. He noted the company they requested the information from specializes in the installation  
 15 of watermain liners and due to the nature of this watermain and the adjacency under the railroad,  
 16 they wanted to have someone who had some expertise. He noted this watermain needs to be  
 17 repaired before the end of the season and this company could get it done in that timeframe.

18 Mrs. McCarthy asked if the immediacy was the reason the equipment was there already.  
 19 Mr. Kelley responded that was correct. He stated there were challenges of getting the work  
 20 completed with the various schedules.

21 Mrs. McCarthy asked if it was necessary that traffic was not allowed through the area. Mr.  
 22 Kelley responded it was necessary and he did not want to risk having traffic next to the open areas.  
 23 He indicated the anticipated timeline was to have this completed by the end of next week,  
 24 depending on weather.

25 Mr. Plechash made a motion, seconded by Mr. Tyacke, to Approve the Professional  
 26 Services Agreement with Fer-Pal Construction USA, LLC for City Watermain Repairs at Ferndale  
 27 Road and BNSF Railroad. The motion carried 5/0.

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

30 **a. Upcoming Events/Announcements**

- 31 • At the beginning of October Council will help the Muni in bagging at the liquor store and
- 32 hosting in the bar/grill.
- 33 • A Wayzata High School student Aashna Sheeth was now at City Hall two days a week to
- 34 help with some projects during the school year.

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 36 **b. Council Member Updates/Announcements**

37 Mr. Koch thanked the Chamber for James J. Hill Days.

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

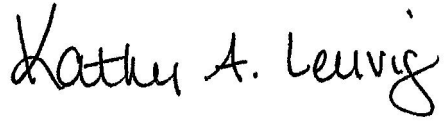
40 There were no comments.

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 42 **AGENDA ITEM 11. Adjournment.**

43 Mr. Tyacke made a motion, seconded by Mrs. McCarthy to adjourn. There being no further  
 44 business, Mr. Willcox adjourned the meeting at 8:59 p.m.

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1 Respectfully submitted,  
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A handwritten signature in black ink that reads "Kathy A. Leervig". The signature is written in a cursive style with a distinct dot over the 'i' in "Leervig".

4  
5 Kathy Leervig  
6 City Clerk  
7

8 Drafted by Kathy Altman  
9 *TimeSaver Off Site Secretarial, Inc.*  
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