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**WAYZATA CITY COUNCIL
MEETING MINUTES
January 5, 2021**

AGENDA ITEM 1. Call to Order.

Mayor McCarthy called the meeting to order at 7:00 p.m. Pursuant to Minnesota Statute Sec. 13D.015 and because of the COVID-19 pandemic, the City Council Meeting was being held remotely by electronic means using the audio and video conferencing platform, Zoom. Mayor McCarthy shared the multiple options for members of the public to submit comments or questions.

City Manager Dahl administered the oaths of office to Mayor McCarthy and Council Members Plechash and Iverson in person at City Hall.

Mr. Dahl explained the Council would take a short recess at 7:08 p.m.

Mayor McCarthy reconvened the meeting virtually at 7:24 p.m.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members present: Buchanan, Iverson, and Plechash. Also present: City Manager Dahl, Public Works Director/City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mr. Buchanan made a motion, seconded by Mr. Plechash, to approve the agenda, as presented. Upon roll call vote, the motion carried 4/0.

AGENDA ITEM 5. Public Forum.

Mr. Dahl noted there was an anonymous letter posted on the door of City Hall concerning illegal signage. He said he would forward the letter to the Council and the Police Department.

Mayor McCarthy asked what type of signage was at issue. Mr. Dahl said there were also signs dropped off for new construction, but staff needed to look into the complaint and City Code to follow up.

AGENDA ITEM 6. New Agenda Items.

Ms. Iverson wanted to discuss the giving or taking of public land for private business use. She talked about setting precedence in the future. She was concerned about one particular business which appeared to be intruding into another retail space. She was curious if that was part of the agreement agreed to with the City.

Mr. Dahl said the City had a number of encroachment agreements where public land was being utilized for business use. City staff had been getting a number of complaints concerning Gianni's patio. He clarified that patio, in addition to McCormick's patio, were approved by the City Council. The applicants of these agreements were the property owners and it was the property owner's responsibility to handle those communications

1 appropriately. He said staff would more than likely recommend approving additional patio
2 permits as long as the criteria of right-of-way was met; however, taking a look at it was a
3 reasonable request.

4 Ms. Iverson said technically it was public land and she had received a lot of
5 concerns about the five-foot sidewalks not meeting social distancing requirements.

6 Mayor McCarthy said there were a couple of different issues here that did warrant
7 more conversation in a workshop. She said the Council had directed staff to give the
8 businesses as much flexibility as possible due to the Pandemic, but she saw Ms. Iverson's
9 point of looking at it moving into the future.

10 Mr. Buchanan said he was confused about what was being addressed. The
11 applications had been vetted and approved. The Council had tried to support the City's
12 businesses. He was unwilling to look at applications that had been previously approved,
13 but he was open to a conversation about how to handle it in the future.

14 Ms. Iverson asked what precedent had been set by approving the requests. Mr.
15 Schelzel said the City had a process for regulating outdoor cafes. It was a special right-of-
16 way permit that allowed them. He said each application had to meet the criteria and had
17 to be approved by Council. The applications were also reviewed at renewal. If there were
18 issues, the City could address those issues. He said he did not have concerns about setting
19 a precedent as long as Council continued to follow the process spelled out in City Code. It
20 was similar to a land use application where each application was considered on the
21 particulars of that property. In this situation, if the application met the criteria of City Code,
22 Council could issue a permit. If there were issues, particularly safety issues, staff could
23 talk to the permit holder and ensure those were rectified. If the permit holder did not
24 comply, the permit could be denied or revoked.

25 Mr. Plechash commented that the Council had spent 10 minutes discussing
26 something that was not on the agenda. He was okay with the issue being added to a
27 workshop, but did not think the Council should continue the discussion tonight.

28 Mayor McCarthy said it seemed like the majority of the Council was willing to add
29 the issue to a workshop in the future.

30 Mr. Plechash said he had two ideas about parking to discuss. He recommended an
31 ordinance change to allow overnight parking. He said this would help someone make the
32 decision to leave their car and choose to not drink and drive. He also wanted to discuss the
33 parking meters at public docks.

34 Mr. Dahl suggested providing more information about each of those items to the
35 Council so they could then decide whether to discuss it further at a workshop.

36 Mayor McCarthy suggested discussing the meters at a workshop since it was a
37 broader conversation that involved revenue. Mr. Dahl recommended adding it to a list of
38 discussion points at the Council's strategic planning session coming up in a couple of
39 months. Mayor McCarthy confirmed that the rest of the Council was in agreement.

40
41 **AGENDA ITEM 7. Consent Agenda.**

42 Mayor McCarthy read the items on the consent agenda and asked if any Council member
43 wished to pull an item for further discussion. Hearing no such request, she asked for a
44 motion to approve the Consent Agenda as presented. Mr. Buchanan made a motion,
45 seconded by Mr. Plechash, to approve the consent agenda:

- 1 a. Approval of City Council Regular Meeting Minutes of December 1, 2020; and City
- 2 Council Workshop and Regular Meeting Minutes of December 15, 2020
- 3 b. Approval of Check Register
- 4 c. Approval of Municipal Licenses
- 5 d. Approval of Homestead Application User Agreement with Hennepin County
- 6 e. Award of Contract for Hollybrook Pond Cleanout Project

7 Upon roll call vote, the motion carried 4/0.

8

9 **AGENDA ITEM 8. New Business.**

10 **a. Consider Adoption of Resolution 01-2021 Designating Appointments and**

11 **Assignments for 2021**

12 Mr. Dahl explained that at the first meeting of every year, the City was required to make

13 official appointments and assignment per the City Charter. He presented the background

14 and action requested.

15 Mayor McCarthy opened the opportunity for questions from the Council. There

16 were none.

17 Mayor McCarthy asked for a motion on the draft resolution. Mr. Plechash made a

18 motion, seconded by Mr. Buchanan, to Adopt Resolution No. 01-2021 Designating the

19 City Appointments and Assignments for 2021. The motion carried 4/0.

20

21 **b. Consider Appointment Process to fill Remaining Council Term of Mayor**

22 **McCarthy**

23 Mr. Dahl shared that as a result of former Council Member McCarthy's election as Mayor,

24 the remaining term, which expires in December 2022, needed to be filled. Staff had

25 assembled three options to fill the remaining term including: a limited process (14 days),

26 expedited process (28 days), and standard process (42 days).

27 Mr. Buchanan said the Charter talked about filling the vacancy forthwith. He asked

28 the City Attorney for further clarification on forthwith. Mr. Schelzel said he had used the

29 words immediately or without delay because it was the actual definition since the Charter

30 did not clarify.

31 Mayor McCarthy asked how many rounds of voting the Charter mentioned. Mr.

32 Dahl said three rounds.

33 Mr. Plechash said he was for expeditious, but also believed in transparency. He

34 was in favor of the expedited process because it provided both and gave the community

35 the option to apply.

36 Ms. Iverson agreed. She wanted a chance to interview the candidates and

37 understand why they were interested.

38 Mr. Buchanan said he did not believe that someone should be appointed to the

39 Council that had not invested time in running for office previously. He leaned toward the

40 limited process because the Council had two people who had done the hard work of running

41 for office. He said he was okay with the expedited process, but would not vote for anyone

42 that had not done the hard work.

43 Mayor McCarthy said her preference was to keep it as simple as possible, but have

44 the greatest transparency. She was in favor of the expedited process. She encouraged her

45 colleagues to think about their predecessors and how each came to the Council. She

1 thought there was a majority for the expedited process and asked if the Council was
2 comfortable with the proposal that staff put forward.

3 Ms. Iverson said she thought the interview process was important.

4 Mr. Dahl said the way the staff proposal was outlined was similar to Boards and
5 Commissions and would be open to the public.

6 Mayor McCarthy asked if the Council was comfortable with the application as
7 presented.

8 Mr. Plechash suggested conducting the interviews and voting at the workshop. Mr.
9 Dahl said the discussion needed to be public whether it was at the workshop or the Council
10 Meeting. Mr. Plechash said he did not want to end up in a character debate and encouraged
11 the Council to keep it positive.

12 Mayor McCarthy said she did not see it as who was wrong for the job, but more
13 who was right. She said there was a pool of candidates and it would be an important
14 discussion. Mr. Buchanan commented that he was unaware of a pool of candidates. Mayor
15 McCarthy said staff had four or five people express interest. Mr. Dahl clarified that they
16 were not candidates, they were residents who had expressed interest.

17 Mayor McCarthy said she did not hear any concerns about the application and asked
18 where it would be published. Mr. Dahl said staff would get the word out everywhere it
19 could.

20 Mr. Schelzel suggested taking a formal vote on the process.

21 Mayor McCarthy asked for a motion on the application. Mr. Plechash made a
22 motion, seconded by Ms. Iverson, to adopt the outlined Expedited Process (28 days) to fill
23 the vacant City Council Member position to expire December 2022. Upon roll call vote,
24 the motion carried 4/0.

25
26 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

27 **a. Upcoming Events/Announcements**

28 Mr. Dahl said the Klapprich Park & Field ice rink officially opened yesterday thanks to
29 Public Works. He noted a couple of complaints about Mediacom concerning Channel 11.
30 And thanked the community for being patient while City Hall and the Motor Vehicle
31 Department were closed. They were both re-opened yesterday.

32
33 **b. Council Member Updates/Announcements**

34 None.

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

37 There were no comments.

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39 **AGENDA ITEM 11. Adjournment.**

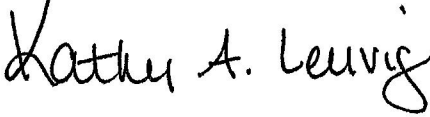
40 There being no further business, Mayor McCarthy asked for a motion to adjourn. Mr.
41 Buchanan made a motion, seconded by Mr. Plechash to adjourn. Upon roll call vote,
42 Mayor McCarthy adjourned the meeting at 8:30 p.m.

43
44 Respectfully submitted,

45
46 Kathy Leervig

1 City Clerk

2

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

3

4 Drafted by Sarah Peterson

5 *TimeSaver Off Site Secretarial, Inc.*