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**WAYZATA CITY COUNCIL
MEETING MINUTES
February 2, 2021**

AGENDA ITEM 1. Call to Order.

Mayor Mouton 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 Mouton shared the multiple options for members of the public to submit comments or questions.

City Manager Dahl administered the Oath of Office to newly appointed Council Member Molly MacDonald in person at City Hall.

Mr. Dahl explained the Council would take a short recess at 7:03 p.m.

Mayor Mouton reconvened the meeting virtually at 7:16 p.m.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members present: Buchanan, Iverson, MacDonald, and Plechash. Also present: City Manager Dahl, Administrative Services Director Yager, City Clerk Leervig, Community Development Director Goellner, Public Works Director/City Engineer Kelly, Police Chief Risvold, Deputy Chief Schultz, Fire Chief Klapprich, Assistant Planner Kieser, Bar & Grill Manager Pietrini, Liquor Store Manager Castellano, 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 5/0.

AGENDA ITEM 5. Public Forum.

a. Introduction of New Employee Olivia “Liv” Laskey, Communications Coordinator

Ms. Yager noted Ms. Laskey joined staff on November 16, 2020. She had previously worked for the Chamber of Commerce as the Communications Coordinator. Ms. Yager said she was motivated, talented, and had a positive attitude. She managed communications internally and externally and was a great addition to the team.

Ms. Laskey said she was thrilled to be there. She fell in love with Wayzata during her three years at the Chamber. She said she already felt like she was part of the team.

Mayor Mouton opened the floor for questions or comments from the Council.

Ms. Iverson wished her a warm welcome.

Mr. Plechash said communications was the most important thing the City did and also welcomed her to the team.

Mayor Mouton asked Ms. Laskey about her background. Ms. Laskey said she grew up in Buffalo, but her family was from the area so they often visited. She moved to Wayzata after attending Concordia College in Moorhead, Minnesota. Mayor Mouton said

1 the first time they talked Ms. Laskey had a lot of amazing and bold ideas that were
2 impressive.

3
4 **b. State of Restaurants in Minnesota due to COVID-19**

5 Mayor Mouton asked Mr. Dahl if anyone from the public wished to speak. Mr. Dahl shared
6 that Terri Fox had raised her hand.

7 Ms. Fox said she was testifying at the Capitol tomorrow as the representative for
8 the hospitality industry for the State of Minnesota. 50% of all the restaurants in Minnesota
9 would not survive the pandemic. Another 25% would not survive the first quarter of the
10 year. She said anything that cities could do to offer flexibility to allow businesses to
11 operate was more than appreciated. She shared a heartbreaking experience of laying off
12 50 employees. Ms. Fox said the worst part was being unable to tell them if or when they
13 were coming back to work. She thought the same rules and regulations should not be used
14 because of the 100-year pandemic. On behalf of every restaurant, she asked for the
15 Council's help.

16 Mayor Mouton said staff was looking at coming back to the Council with ordinance
17 changes and what the community could be doing for all of the businesses in Wayzata.

18
19 **AGENDA ITEM 6. New Agenda Items.**

20 None.

21
22 **AGENDA ITEM 7. Consent Agenda.**

23 Mayor Mouton read the items on the consent agenda and asked if any Council member
24 wished to pull an item for further discussion.

25 Mr. Dahl, referencing Item 7.e., said staff determined it should add language to the
26 agreement in the case that services were halted or delayed due to COVID-19 that the
27 amount would be pro-rated. The Minnetonka School District had agreed to the terms. He
28 requested that the Council authorize approval subject to a revision considering impacts of
29 COVID-19. Ms. Iverson asked why Minnetonka and not Wayzata Community Education.
30 Mr. Dahl said Wayzata does not provide lifeguard services.

31 Mr. Schelzel wanted to clarify that if the Council agreed and directed staff to revise
32 the contract that staff would add language which allowed the City Manager to terminate
33 the service for any reason to the pandemic and that the City would only pay for services
34 rendered.

35 Mayor Mouton asked if Council had questions, hearing none she asked for a motion
36 to approve the Consent Agenda, as amended to authorize approval of Item 7.e. subject to a
37 revision considering impacts of COVID-19. Mr. Buchanan made a motion, seconded by
38 Mr. Plechash, to approve the consent agenda, as amended:

- 39 a. Approval of City Council Workshop and Regular Meeting Minutes of January 19,
40 2021
- 41 b. Approval of Check Register
- 42 c. Approval of Municipal Licenses
- 43 d. Approval of Plans and Authorization to Solicit Bids for the 2021 Street Mill &
44 Overlay Project
- 45 e. Approval of Contract with Minnetonka School District for 2021 and 2022 Lifeguard
46 Services

1 Upon roll call vote, the motion carried 5/0.

2
3 **AGENDA ITEM 9. New Business.**

4 **a. Presentation of 2020 Annual Report**

5 Mr. Dahl mentioned two key points. The presentation had been significantly upgraded into
6 a deliverable that could be put on the website and parts used for social media. Second, Mr.
7 Dahl planned to do the introduction and then have each Department Head provide a brief
8 update. Mr. Dahl said in addition to celebrating what had been accomplished the report
9 also looked forward. He shared Wayzata's vision, mission, and values. He also discussed
10 Wayzata's strategic priorities. He shared what all was accomplished for Panoway on
11 Wayzata Bay and also talked about impacts of COVID-19.

12 Ms. Yager provided a brief update on the Administration Department. She said
13 Administration was focused more internally and highlighted a couple of details concerning
14 Finance, Human Resources, Communications, and Motor Vehicle. Ms. Leervig provided
15 a brief update on the City Clerk's Office and the City Manager's Office. Ms. Yager talked
16 about looking ahead for the department.

17 Mr. Kelly shared an update for the Public Works Department. He talked about
18 services provided in 2020 and looking ahead.

19 Ms. Goellner updated the Council on the Community Development Department.
20 She talked about 2020 and looking ahead.

21 Police Chief Risvold talked about the Police Department. He shared some statistics
22 from 2020. Deputy Chief Schultz discussed how the pandemic changed how the Police
23 Department operated in 2020.

24 Fire Chief Klapprich talked about the Fire Department. He provided some numbers
25 from 2020 and talked about looking ahead.

26 Kevin Castellano gave an update on Wayzata Wine & Spirits. He talked about the
27 sales increase and thanked the staff for rolling with the changes.

28 Jeff Pietrini gave an update on Wayzata Bar & Grill. He said they had come closer
29 together as a team, but had suffered losses. He shared the year in review and talked about
30 looking ahead.

31 Mr. Dahl said on behalf of all of the Department Heads and all of staff, thanks to
32 the Council and broader community for the support.

33 Mr. Plechash shared that a Bar & Grill employee, had passed away. His family was
34 in the City's thoughts and prayers.

35 Mr. Buchanan asked what percentage of street lights were LED. Mr. Kelly said
36 maybe around 33%. Mr. Buchanan asked if Xcel Energy had funding for that. Mr. Kelly
37 was not sure, but said he would look into it. Mr. Buchanan also noted the Wine & Spirits
38 profits were up about \$400,000, but net income was only up about \$10,000. He asked if
39 they were more promotional or selling less profitable product. Mr. Castellano said they
40 redistributed full time wages a little bit differently, but their sales mix did not change much.
41 People were shopping less often, but purchasing more. He said the big success was to
42 maintain profit margin with the increase in sales. Mr. Buchanan complimented the report
43 and presentation. He appreciated all of the work that went into it.

44 Mayor Mouton said the format was fantastic. She said the staff were the unsung
45 heroes of keeping the City running. The last year had been a mess, but staff had worked
46 through it with incredible grace.

1
2 **b. Consider Adoption of Resolution 02-2021 Approving a Preliminary and Final**
3 **Plat at 555 Bushaway Road**

4 Mr. Kieser presented the development application for a proposed subdivision at 555
5 Bushaway Road. There were currently four separate lots that would be combined into two
6 lots. Mr. Kieser discussed the surrounding neighborhood zoning, 2040 Comprehensive
7 Plan land use, existing lots, proposed subdivision, and request and questions for
8 consideration.

9 Mayor Mouton opened the floor to Council for questions.

10 Mr. Plechash asked if there was a tax benefit to the easement dedication. Mr. Kieser
11 said essentially yes, the easement made the area unbuildable which reduced the property
12 value. Mr. Plechash asked if there was any benefit to the City. Mr. Kieser said any act to
13 preserve the natural area was helpful. It also significantly improved the storm water run-
14 off.

15 Mayor Mouton asked if the applicant wished to address the Council. David Baer,
16 Lake Properties LLC Counsel, expressed gratitude to Mr. Kieser, staff, and the Planning
17 Commission for helping them work through this process.

18 Mayor Mouton turned it back to the Council for discussion.

19 Ms. Iverson felt good about the application. The Planning Commission
20 recommended unanimous approval. She said she did hate to see the removal of so many
21 trees during grading and asked the applicant to be sensitive to tree removal moving
22 forward.

23 Mr. Buchanan agreed and supported the Planning Commission's recommendation.

24 Mr. Plechash thought it was a win-win for the City and the applicant.

25 Ms. MacDonald thought the Planning Commission did a great job and supported it
26 as well.

27 Mayor Mouton said the application made sense and was in keeping with the
28 surrounding properties. She asked for a motion on the draft resolution. Mr. Plechash made
29 a motion, seconded by Mr. Buchanan, to Adopt Resolution No. 02-2021 Approving
30 Combined Preliminary and Final Plat Residential Subdivision/Lot Combination at 555
31 Bushaway Road. Upon roll call vote, the motion carried 5/0.

32
33 **c. Consider Adoption of Resolution 03-2021 Approving a Conditional Use Permit**
34 **for a Fence at 600 Rice Street East**

35 Mr. Kieser presented the development application from the City for a proposed seven-foot
36 fence located in the rear parking lot at Wayzata City Hall. He discussed the surrounding
37 neighborhood zoning, 2040 Comprehensive Plan land use, aerial view, proposed survey,
38 proposed fence examples, proposed gate example, existing vegetation, and request and
39 questions for consideration.

40 Mr. Dahl noted the Council should not feel the need to go easy on the applicant, the
41 Police Chief!

42 Mayor Mouton opened the floor for questions from the Council.

43 Ms. Iverson said she felt bad the City was in this situation and asked if they had
44 looked at other ways to mitigate potential problems. Chief Risvold said there were cameras
45 that covered the parking lot. There had been incidents over the last year of people
46 photographing the inside of Police Officer's personal vehicles and police vehicles.

1 Wayzata was one of the only Police Departments in the Metro area that did not have
2 enclosed parking. Also, the Department stored most of their vehicles outdoors. He added
3 that other agencies, specifically Orono, had police vehicles destroyed by fire.

4 Mr. Plechash asked of the gate opening vertically was the proposed gate. Chief
5 Risvold said that design was recommended as the most efficient and best for maintenance
6 especially with snow. Mr. Plechash asked how high. Chief Risvold answered 16-feet. Mr.
7 Plechash asked if the fence would rise above the vegetation in summer months. Mr. Kieser
8 said it should be hidden during the warmer months. Mr. Plechash suggested replacing with
9 evergreens to help shield it year-round. Mr. Kieser said he talked to the City Forester and
10 it would take a while for them to grow tall enough to help because of the grade change. It
11 would also involve tree removal.

12 Mayor Mouton asked if anyone from the public wished to speak.

13 Catherine Robinson, future resident at 215 Walker Avenue S, explained that she
14 will be a new homeowner in one of the seven townhomes being built across the street. She
15 was concerned with the visual impacts of a seven-foot fence and a 16-foot gate. If the
16 fence moved forward, she preferred the fence without the curved top. She also mentioned
17 noise concerns.

18 Terri Fox thought Ms. Robinson did an excellent job discussing the concerns of the
19 new development. Ms. Fox lost connection with the meeting.

20 Mayor Mouton asked how much space there was on the westerly edge of the lot.
21 Mr. Kelly said two to three feet. Mayor Mouton said plantings there were not plausible.
22 Mayor Mouton asked about the elevation between Walker Avenue and the new
23 development. Mr. Kieser said the elevation change went from 956 to 970.

24 Ms. Fox reconnected and said she also understood the desire of the Police
25 Department to secure the area. However, she suggested that if the Council gave an
26 exception to the fence that it would open up Pandora's Box to other private property
27 requesting gates or fences.

28 Mr. Dahl explained the request was a Conditional Use Permit and not an exception
29 so the Council could place conditions to fit with the character of the neighborhood.

30 Ms. Iverson asked if other gate options could be explored to alleviate the tall gate
31 swinging into the air. Chief Risvold said the gate was recommended by the experts as most
32 efficient, but he was flexible.

33 Mayor Mouton talked about the limitations of the gate opening in or out because of
34 the adjacent parking stalls.

35 Mr. Buchanan asked about the frequency of use. Chief Risvold said a couple of
36 times per hour during the daytime and only when the two officers on duty come and go
37 during the evenings. Mr. Buchanan mentioned the storage facility he used had the same
38 gate and it was not offensive or loud.

39 Mayor Mouton asked about the procedures a Patrol Officer used before going on
40 patrol. Chief Risvold said they test lights, siren, and airhorns at the start of each shift.

41 Mr. Plechash said he was sensitive to the neighbor's concerns, but also committed
42 to the safety of the Police Officers. He asked if the fence would be taller than the building
43 and further obstruct the view. Mr. Kieser said the fence would not be taller than the current
44 sight line.

45 Ms. Robinson thought they were making assumptions and needed to be more
46 factual.

1 Ms. Iverson asked about the impacts during installation. Chief Risvold said his
2 goal was to have it installed in the spring as soon as the snow was gone and frost was out
3 of the ground.

4 Mayor Mouton opened the floor to the Council for discussion.

5 Mr. Plechash said the Council needed to balance the need for safety for the Police
6 Department with the neighbors' wishes. He suggested approving the fence with a condition
7 that it be shielded as much as possible with vegetation. He did not think it would impede
8 their vision more than the buildings already did.

9 Mr. Schelzel said he understood the spirit of that suggestion to say the City do as
10 much as reasonably possible to shield the fence.

11 Ms. Iverson thought the use of the iron fence reduced the impact to neighbors. She
12 supported using something more traditional than the curved top. She also requested that
13 when the City go into the design phase of the carport that it be a little creative with the roof
14 top to help with the visual impact. She said safety of the Police Department was very
15 important and the City should do what it could to provide a safe work environment.

16 Mr. Buchanan agreed with his colleagues. The fence was needed, but he was
17 sensitive to the neighbors. He supported mitigating the visual impact as much as possible.

18 Ms. MacDonald also agreed and thought the fence was really needed.

19 Mayor Mouton liked the idea of doing what the City could to reduce the impact.
20 She suggested assessing the needs for mitigation in the future when the development was
21 built and the fence was installed.

22 Mr. Dahl asked for clarification that she was suggesting putting off additional
23 buffering, but not the construction of the fence. Mayor Mouton confirmed. She said if
24 they waited until the homes were constructed, the City could work with them to mitigate
25 any issues.

26 Mr. Schelzel said it could be tricky to add a condition without knowing all of the
27 variables. He recommended not adding a condition, but instead directing staff to come up
28 with a reasonable plan to mitigate as much as possible.

29 Mayor Mouton asked for a motion on the draft resolution. Mr. Buchanan made a
30 motion, seconded by Mr. Plechash, to Adopt Resolution No. 03-2021 Approving
31 Conditional Use Permit for a Fence and Gate at 600 Rice Street East.

32 Mr. Plechash communicated that he did want to see a condition requiring vegetation
33 for screening. Mayor Mouton said the City Attorney recommended not adding a condition,
34 but instead directing staff to work with the neighbors in the future to mitigate as much as
35 reasonably possible. Mr. Dahl noted that the discussion would be on record in the minutes
36 and if there was consensus then staff would follow that direction.

37 Mr. Plechash seconded the motion as stated.

38 Upon roll call vote, the motion carried 5/0.

39 Mayor Mouton confirmed the Council's desire for staff to work with the neighbors
40 to address any concerns for visual impacts and noise as much as was reasonable possible.
41

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

43 **a. Upcoming Events/Announcements**

- 44 • Light Up the Lake Festival ongoing activities
- 45 • Mayor's Minutes

46

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

2 None.

3

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

5 There were no comments.

6

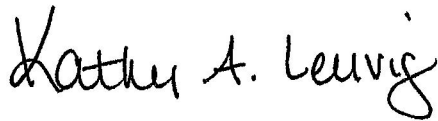
7 **AGENDA ITEM 12. Adjournment.**

8 There being no further business, Mayor Mouton asked for a motion to adjourn. Ms. Iverson
9 made a motion, seconded by Mr. Buchanan to adjourn. Mayor Mouton adjourned the
10 meeting at 9:57 p.m.

11

12 Respectfully submitted,

13



14

15

16 Kathy Leervig

17 City Clerk

18

19 Drafted by Sarah Peterson

20 *TimeSaver Off Site Secretarial, Inc.*