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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
March 22, 2022**

**AGENDA ITEM 1. Call to Order.**

Mayor Mouton called the meeting to order at 7:00 p.m. Mayor Mouton shared the multiple options for joining remotely and submitting comments or questions.

**AGENDA ITEM 2. Pledge of Allegiance.**

**AGENDA ITEM 3. Roll Call.**

Council Members present: Mouton, Iverson, MacDonald, and Plechash. Council Member absent: Buchanan. Also present: Administrative Services Director Yager, Community Development Director Goellner, Director of Public Works/City Engineer Kelly, and City Attorney Schelzel.

Mayor Mouton noted earlier this evening, the City Council participated in a workshop. The following items were on the agenda:

- Discussion of Lake Street “Open Streets” Initiative
- Discussion of the Analysis of the City’s Municipal Liquor Operations

**AGENDA ITEM 4. Approve Agenda.**

Mr. Plechash made a motion, seconded by Ms. MacDonald, to approve the agenda, as presented. The motion carried 4/0.

**AGENDA ITEM 5. Public Forum.**

**a. Introduction of Permit Technician Megan McCrady**

Ms. Yager was pleased to introduce Megan McCrady who had joined the staff in October 2021. She was friendly, responsive, and a great team player.

Ms. Goellner said their department had grown from three to five people and Ms. McCrady contributed a lot to the office.

Ms. McCrady shared some of her background.

Mayor Mouton said Ms. McCrady’s level of service was impeccable and she always had a smile.

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

Ms. Iverson asked for an update on the tree ordinance. Ms. Goellner said their intention was to bring back the tree ordinance at the Council’s next workshop on April 5<sup>th</sup>.

**AGENDA ITEM 7. Consent Agenda.**

Mayor Mouton read the items on the consent agenda and asked if any Council member wished to pull an item for further discussion. Hearing no such request, she asked for a motion to approve the Consent Agenda as presented. Ms. Iverson made a motion, seconded by Ms. MacDonald, to approve the consent agenda:

- a. Approval of City Council Special Meeting Minutes of March 1, and Workshop and Regular Meeting Minutes of March 8, 2022

- 1 b. Approval of Check Register
- 2 c. Approval of Municipal Licenses
- 3 d. Receipt of Police Activity Report
- 4 e. Receipt of Building Activity Report
- 5 f. Approval of Seasonal Lease Agreement with Wai Nani Surf and Paddle for
- 6 Wayzata Beach Recreational Equipment Rentals
- 7 g. Approval of the Prorated 2022 Use Agreement and License Agreement with the
- 8 Lake Minnetonka Conservation District (LMCD)
- 9 h. Approval of Proposal from FRSecure to Conduct a Cyber Security Assessment
- 10 i. Award of Contract for 2022 Bituminous Seal Coat Project to Allied Blacktop Co.
- 11 in the amount of \$174,675

12 The motion carried 4/0.

13

14 **AGENDA ITEM 8. Public Hearings.**

15 **a. Consider Approval of On-Sale Wine and On-Sale 3.2% Malt Beverage Liquor**

16 **Licenses for 740 E Lake Street LLC dba Stalk & Spade at 740 Lake Street**

17 **East**

18 Ms. Yager presented the application for liquor licenses from 740 E Lake Street LLC dba

19 Stalk & Spade. She discussed the background and process.

20 Mayor Mouton opened the public hearing at 7:13 p.m. There being no one wishing

21 to speak, Mayor Mouton closed the public hearing at 7:13 p.m.

22 Mayor Mouton invited the applicant to speak.

23 Meredith Bauer, Chief Business Officer, appreciated the Council's time. She said

24 she was attending virtually because she was battling a cold. She provided the background

25 on the intent of the application.

26 Mayor Mouton asked if the Council had questions or further discussion. There

27 being no further discussion, Mayor Mouton asked for a motion. Ms. MacDonald made a

28 motion, seconded by Mr. Plechash, to Approve the On-Sale Wine and On-Sale 3.2% Malt

29 Beverage Liquor Licenses for 740 E Lake Street LLC dba Stalk & Spade at 740 Lake Street

30 East. The motion carried 4/0.

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32 **AGENDA ITEM 9. New Business.**

33 **a. Consider Proclaiming the Month of May as Arbor Month within the City of**

34 **Wayzata**

35 Mr. Kelly presented the background information and announced Earth Day Tree Giveaway

36 on Saturday, April 23<sup>rd</sup> in Klapprich Park from 1:00 – 3:00 p.m.

37 Mayor Mouton read the Proclamation Designating Arbor month in Wayzata and

38 asked for a motion. Mr. Plechash made a motion, seconded by Ms. MacDonald, to

39 Proclaim the Month of May as Arbor Month within the City of Wayzata and to affirm the

40 proclamation. The motion carried 4/0.

41

42 **b. Consider Adoption of Resolution 10-2022 Approving a Driveway Setback**

43 **Variance at 445 Bovey Road**

44 Ms. Goellner presented the development application from 688 Bryant LLC for a driveway

45 setback variance at 445 Bovey Road. She discussed the surrounding neighborhood zoning

46 and land use, street view and aerial map, existing conditions, site history, proposal, request

1 and questions for consideration, Planning Commission public comments and findings of  
2 approval, and action steps.

3 Mayor Mouton asked if the Council had questions for staff.

4 Mr. Plechash asked if the Bovey Road extension had been approved then this would  
5 not require a variance. Ms. Goellner said correct. Mr. Plechash said approval did not  
6 guarantee that it would happen. Ms. Goellner said it did not guarantee the applicant would  
7 complete the permitting process even with approval of the variance. Mr. Plechash asked  
8 about ice and snow. Mr. Kelly said it would be challenging. The Engineering Department  
9 recommended that driveways be less than 10% in grade. This was closer to 7.5% so it was  
10 below the maximum.

11 Ms. Iverson asked about the grade change overall. Mr. Kelly said the elevation at  
12 Bovey Road was 962 feet and the garage elevation was about 942 feet so somewhere  
13 around 20 feet. Ms. Iverson asked about fill. Mr. Kelly said it would be kind of like  
14 constructing a land bridge that would be built between two retaining walls so there was not  
15 a lot of fill except for the location of the driveway.

16 Mayor Mouton said that the drawings show the tallest peak of the walls at 20 feet.  
17 Mr. Kelly said a driver would see three feet of walls and below the driveway would be the  
18 rest of the height.

19 Ms. MacDonald asked about the right-of-way entrance and the environmental  
20 impacts. Mr. Kelly said there was a significant grade and a sanitary sewer system that ran  
21 along the eastern boundary of the right-of-way that would have significant utility impacts.  
22 The applicant was proposing to replace the force main in the area.

23 Mayor Mouton talked about the denial of the easement vacation in the past. She  
24 could not recall who was responsible for paving the access. Mr. Kelly said it was a very  
25 convoluted situation. He discussed the location of the fire lane and the history of the site.  
26 Mayor Mouton asked if the property owner could improve the section of the road it needed  
27 to traverse and access the property on the fire lane. Mr. Kelly said they could improve the  
28 portion of the roadway, but they did not have the rights to use the fire lane across the two  
29 adjacent parcels.

30 Mr. Plechash said 430 Peavey Road had access to the fire lane to get to their  
31 property. He thought that was the most logical way to do this. Mr. Kelly said because the  
32 430 Bovey Road driveway and the fire lane co-exist on private property, permission from  
33 the private property was needed to obtain access. Mr. Schelzel said it was difficult to see,  
34 but 430 Peavey Lane was a flag lot so the fire lane easement was part of the property. Mr.  
35 Kelly added that they were originally under the same ownership, but when they were  
36 parceled into two separate lots the easement to be granted to 445 Bovey Road was lost in  
37 the process.

38 Mayor Mouton commented that there was potential access with an easement from  
39 465 Bovey Road. Ms. Goellner agreed. Mayor Mouton said the property had not changed  
40 since the previous denial and there was now a request for a variance. Normally an  
41 application would have concept plans and more information about the intended use. Her  
42 biggest concern was that there would be more hurdles down the road. She asked why the  
43 Council was considering this without a full view of the plans. Ms. Goellner said the  
44 applicant chose to move forward in this manner and she recommended sticking closely to  
45 the request and questions for consideration with the information provided.

46 Mayor Mouton asked if the Council had thoughts to share.

1 Mr. Plechash said he did not like the plan for access to the house and did not think  
2 it was workable; however, he did not have a problem with the variance.

3 Ms. MacDonald agreed. She did not have a problem with the variance, but she was  
4 uncomfortable with the incomplete plans.

5 Ms. Iverson thought Mayor Mouton had raised some really good points. She said  
6 there were really big unknowns. The length and scale of walls were out of character.

7 Mayor Mouton said in terms of practical difficulties, the lot had been the same for  
8 40 years. It was a difficult lot, but it was a known factor. She did not think it rose to the  
9 level of practical difficulty. It was not reasonable to construct a 296-foot wall. She thought  
10 there were other options to explore.

11 Mr. Plechash said he really did not like the idea, but the Council was not  
12 considering future applications. He thought denying the variance would take away some  
13 leverage to work with the other properties. He was not in favor of denial.

14 Mr. Schelzel said without the variance, the property owner could still find options  
15 for access to the property. In addition to working with the owners to the north and south,  
16 the third option did not require a variance. Mr. Kelly said the third option included  
17 additional tree removal, significant utility impacts, and a longer wall.

18 Ms. Iverson asked if the applicant was able to get an easement from the neighbors,  
19 would the retaining wall still be required. Mr. Kelly said a wall might still be required, but  
20 it would be much smaller.

21 Mayor Mouton asked for a motion on the draft resolution. Mr. Plechash made a  
22 motion, seconded by Ms. MacDonald, to Adopt Resolution No. 10-2022 Approving  
23 Driveway Setback Variance at 445 Bovey Road. Upon roll call vote, the motion failed 2/2  
24 (Iverson, Mouton).

25 Mr. Schelzel said the split vote was tricky, but findings supporting the denial were  
26 needed. Ms. Goellner said the 60-day rule had been extended to 120 days which was April  
27 22<sup>nd</sup>. Mr. Schelzel recommended tabling action until five Council Members were present.

28 Mr. Plechash made a motion, seconded by Ms. MacDonald, to table Resolution 10-  
29 22 Approving a Driveway Setback variance at 445 Bovey Road to the April 19 City  
30 Council meeting. The motion carried 4/0.

31  
32 **AGENDA ITEM 10. City Manager's Report and Discussion Items.**

33 **a. Upcoming Events/Announcements**

34 Ms. Yager reminded everyone of the Earth Day Tree Giveaway on Saturday, April 23<sup>rd</sup> in  
35 Klapprich Park from 1:00 – 3:00 p.m. The street crew had been out sweeping and working  
36 on potholes. Property valuation notices had gone out. More information could be found  
37 on the City's website. Last, the community survey was wrapping up. Thank you to  
38 everyone who responded.

39  
40 **b. Council Member Updates/Announcements**

41 Mayor Mouton noted that Rolf Erickson was the City's residential assessor. He handled  
42 multiple cities so it could take a day or two for him to get back to people. If a resolution  
43 could not be found with the assessor, residents could reserve their spot to appeal.

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

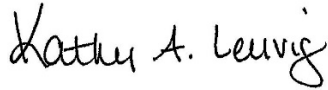
46 There were no comments.

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**AGENDA ITEM 12. Adjournment.**

There being no further business, Mayor Mouton asked for a motion to adjourn. Ms. MacDonald made a motion, seconded by Ms. Iverson to adjourn. Mayor Mouton adjourned the meeting at 8:12 p.m.

Respectfully submitted,



Kathy Leervig  
City Clerk

Drafted by Sarah Peterson  
*TimeSaver Off Site Secretarial, Inc.*