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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
April 20, 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.

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

**AGENDA ITEM 3. Roll Call.**

Council Members present: Buchanan, Iverson, MacDonald, and Plechash. Also present: City Manager Dahl, Community Development Director Goellner, 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. Swearing in of Sergeant Jason Gehrman**

Mr. Dahl shared Officer Gehrman's biography and administered the oath of office.

Interim Police Chief Schultz congratulated Officer Gehrman on his promotion to the rank of Sergeant of the Wayzata Police Department. Chief Schultz talked about his career, accomplishments, and family.

Sergeant Gehrman shared with the Council what the job meant to him.

Mayor Mouton thanked Sergeant Gehrman and the entire Police Department for their service and dedication.

The meeting was recessed at 7:18 p.m.

Mayor Mouton reconvened the meeting at 7:22 p.m.

**b. Update of Parks and Trails Board Activities**

Mr. Dahl introduced Tory Schalkle, Parks and Trails Board Chair. Mr. Schalkle provided the Quarterly update for the Parks and Trails Board.

Mr. Dahl mentioned the Council was scheduled to discuss some of those items at its next meeting.

Ms. Iverson thanked Mr. Schalkle for the information. She asked about the plans for the small park by the sailing school. Mr. Schalkle said it was included in the Master Plan, but would be discussed in more detail. The discussion involved grading the beach and adding a bench and kayak rack. It was originally planned for five years, but the Board was discussing moving it to next year.

1 Mayor Mouton thanked the Parks and Trails Board for all of its hard work. She  
2 was excited to see the new playground equipment.

3  
4 **AGENDA ITEM 6. New Agenda Items.**

5 None.

6  
7 **AGENDA ITEM 7. Consent Agenda.**

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

10 Ms. Iverson, referencing Item 7.e., noted that building inspections and rental  
11 inspections had both decreased by about 50% from 2020 to 2021. Ms. Goellner said she  
12 had spoken with the Building Official, Jason Wagner, and he did not have a definitive  
13 answer. It was possible an affect of the Pandemic. She said she would follow up on the  
14 rental inspections as she did not have any information at that time.

15 Mayor Mouton asked for a motion to approve the Consent Agenda as presented.  
16 Mr. Buchanan made a motion, seconded by Ms. Iverson, to approve the consent agenda:

- 17 a. Approval of Joint Planning Commission/City Council Workshop Minutes of April  
18 5, 2021 and City Council Workshop, Local Board of Appeal and Equalization, and  
19 City Council Regular Meeting Minutes of April 6, 2021
- 20 b. Approval of Check Register
- 21 c. Approval of Municipal Licenses
- 22 d. Receipt of Police Activity Report
- 23 e. Receipt of Building Activity Report
- 24 f. Adoption of Resolution 14-2021 Amending the 2021 Fee Schedule for Pedicab  
25 License

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

27  
28 **AGENDA ITEM 8. New Business.**

29 **a. Consider Adoption of Emergency or Interim Ordinance Imposing a**  
30 **Development Moratorium**

31 Mr. Dahl explained that this item was a follow up to a workshop discussion of the Planning  
32 Commission and joint workshop of the Planning Commission and City Council.

33 Ms. Goellner provided the Council with some background information. Based on  
34 the discussion at the joint workshop and the current timeline of the updates to the design  
35 guidelines, staff recommended further discussion of alternatives and had drafted an  
36 emergency ordinance imposing a three-month moratorium to allow completion of the  
37 design guidelines and an interim ordinance imposing at least a six-month moratorium to  
38 address inconsistencies between the current Zoning Code and the 2040 Comprehensive  
39 Plan. The Zoning Study Task Force, which consisted of two Council Members, members  
40 of boards and commissions, and at-large residents was in the process of leading the City  
41 through a multi-year Zoning Study. The Study was addressing many sections of the zoning  
42 code that required updates to match the Comprehensive Plan. Ms. Goellner provided  
43 examples of the zoning code and Comprehensive Plan conflicts. She presented the Council  
44 with four options and spoke more in depth about each option. She also shared a history of  
45 moratoriums in Wayzata and public comments.

1 Mayor Mouton opened the floor for questions from Council. Ms. Iverson asked if  
2 it was possible to include the study in Option No. 3 and extend it to nine months. Ms.  
3 Goellner said extensive public engagement was needed and the Comprehensive Plan  
4 amendment would need to be submitted to the Metropolitan Council which would extend  
5 the timeline.

6 Ms. MacDonald asked how the Wayzata Boulevard study would be looped into  
7 this. Ms. Goellner said the Wayzata Boulevard Corridor Study was to plan for future  
8 development of the corridor in relation to future construction of that street. She thought  
9 the study would take quite a bit of time, possibly a year.

10 Mr. Buchanan asked if there were any applications in the queue currently that  
11 would need design standard consideration. Ms. Goellner said two were received in the last  
12 couple of weeks. One was incomplete and returned to applicant. The second had not been  
13 reviewed yet.

14 Mayor Mouton invited Terri Fox, 293 Grace Pointe Court, who had raised her hand,  
15 to speak. Ms. Fox asked about the east edge of the Wayzata Boulevard corridor. Ms.  
16 Goellner said the study intended to encompass the whole roadway from City boundary to  
17 City boundary. Ms. Fox said she was surprised to see the acceptance for the three-month  
18 moratorium around the City. She expressed a two-fold concern. She asked if it was simply  
19 a matter of remodeling and not reconstructing, was there a need for City approval. She  
20 suggested ranking applications during the moratorium.

21 Mayor Mouton asked staff to address the question about remodeling. Ms. Goellner  
22 shared a list of items from City code that were subject to the design standards. She said  
23 staff was sensitive to projects that needed to meet timelines. Meridian Manor, which Ms.  
24 Fox referenced, would require a Planned Unit Development and was subject to the design  
25 standards. They would be subject to the three-month moratorium, but not the six-month  
26 moratorium.

27 Mayor Mouton noted the purpose was not to address specific properties, but to  
28 address how it would impact the City as a whole. She turned it back to the Council for  
29 discussion.

30 Ms. MacDonald said in observing the Planning Commission meeting it seemed they  
31 were quite close in completing the design standards. Ms. Goellner agreed, she said they  
32 were three quarters of the way there. She thought they would be completed by the end of  
33 June. Ms. MacDonald said the design standards seemed very thorough. She was confident  
34 those would be completed and well accepted. She said she was having a hard time with  
35 Option Nos. 3 and 4. She thought speeding up the timeline would cause things to be pushed  
36 to the side.

37 Mr. Plechash agreed. He thought Option No. 1 was not a viable option. He said  
38 Option No. 4 was mostly driven by construction fatigue and would take too long. Option  
39 No. 3 had no defined or expected outcome and would also bump up against the recently  
40 approved Comprehensive Plan. He thought Option No. 2 made sense because there was a  
41 clear outcome and realistic timeline.

42 Mr. Buchanan said Mr. Plechash did a great job summarizing the options. He had  
43 not changed his opinion from the workshop. He thought it made sense to have a  
44 moratorium to let design standards catch up, but thought the other options were too vague.

45 Ms. Iverson was concerned about the density in the 2040 Comprehensive Plan. She  
46 said moratoriums were not unusual and small-town character was important to the

1 residents. She thought Option No. 3 would provide time to study and review. She thought  
2 the most important thing was the long-term impacts to the City. She thought the work done  
3 would protect property values and wanted the opportunity to hold a couple of town  
4 meetings. She also discussed traffic and affordable housing. Ms. Iverson was in favor of  
5 Option No. 3.

6 Mayor Mouton asked staff to provide a high-level explanation of how the  
7 Comprehensive Plan, Zoning ordinances, and design standards work or fit together. Ms.  
8 Goellner said an example might be a development application proposing 25 units per acre.  
9 The Comprehensive Plan said the City could consider up to 30 units per acre. Next, would  
10 be the Zoning Code which contained a more detailed list of uses. Once the application met  
11 those requirements then it would move into design standards. Mayor Mouton asked if it  
12 would be fair to say the Comprehensive Plan was more of a guiding document and then it  
13 funneled down to zoning which got into more particulars such as land uses. Then design  
14 standard was even more specific about the building itself. Mayor Mouton asked when the  
15 last time zoning was addressed. Ms. Goellner said changes had been made, but a full  
16 rewrite was done every ten years following the Comprehensive Plan.

17 Mr. Schelzel addressed the question raised concerning the three documents. He  
18 said the Zoning Ordinance contained the City's rules for land use, sometimes called official  
19 controls. The Comprehensive Plan said what type of zoning ordinance there should be.  
20 The Zoning Ordinance was meant to implement the guidance of the Comprehensive Plan.  
21 When the City received a development application, staff looked at the zoning code. The  
22 zoning code should reflect the Comprehensive Plan. He explained that when updates were  
23 made, there could be a disconnect. For the next year or so, the zoning code would be  
24 updated to comply with the latest version of the Comprehensive Plan. The design standards  
25 were a subset which sit within the Zoning Ordinance. They were part of it, but more  
26 particularized when it came to aesthetics, etc. Mr. Schelzel said in an ideal world, all of  
27 these things would work together, but the City was in a transition period.

28 Mayor Mouton said that explanation was very helpful. She said it was also why  
29 she thought a moratorium would be helpful. She asked if the Council had additional  
30 thoughts or questions.

31 Mr. Schelzel made some procedural comments on the draft ordinances. He said the  
32 work would continue whether there was a moratorium or not. He explained that Option  
33 No. 1 would allow development to continue under existing codes and design standards.  
34 The Emergency Ordinance would take affect immediately and would require two votes.  
35 The six-month moratorium would apply to different types of development. Mr. Dahl added  
36 that the Emergency Ordinance for Option No. 2 was a function of timing.

37 Ms. Iverson said the explanation from the City Attorney was very helpful. She  
38 reiterated that her main concern was the mixed use residential.

39 Ms. MacDonald asked about completing the study prior to 90 days. Mr. Schelzel  
40 said the Council could contemporaneously pass the new ordinance and terminate the  
41 moratorium.

42 Mayor Mouton said it sounded like there was a split Council. She thought hitting  
43 pause to ensure there was alignment between the new Comprehensive Plan and the City's  
44 Zoning Code was important. Mixed use residential and commercial were key areas that  
45 needed hyper focus. She was in favor of the six-month moratorium to relieve pressure and  
46 get it right.

1 Ms. Iverson agreed, she thought it was more complicated than just the design  
2 standards.

3 Ms. Iverson made a motion, seconded by Mayor Mouton, to Approve the First  
4 Reading of the Ordinance Imposing a Six-Month Moratorium on New Construction and  
5 Development within Areas of the City Guided Mixed Use Residential/Commercial in the  
6 2040 Comp Plan pending Study and Consideration of Amendments to the City's  
7 Regulations and Official Controls.

8 Mr. Plechash noted that all the concerns listed were valid, but he did not think this  
9 was the right solution. He thought the Planning Commission and Council already had the  
10 tools to address those concerns.

11 Upon roll call vote, the motion failed 2/3 (Buchanan, MacDonald, Plechash).

12 Mr. Plechash made a motion, seconded by Mr. Buchanan, to Adopt the Preamble  
13 to the Emergency Interim Ordinance Imposing an Immediate Three-Month Moratorium on  
14 all Development in the City subject to Chapter 909 of City Code ("Design Standards")  
15 pending completion of Ongoing Study and Consideration of Amendments to the City's  
16 Regulations and Official Controls. Upon roll call vote, the motion failed 3/2 (Iverson,  
17 Mouton).

18 Mayor Mouton asked if there was anything the Council would like to further  
19 explore. Mr. Plechash said the Council defaulted to Option No. 1.

20 Mayor Mouton asked if there was an opportunity to change the property types. Mr.  
21 Schelzel said staff would need clear direction on what to draft to bring back to the Council.  
22 Mr. Dahl added that anything more than design standards would take more than three  
23 months. Ms. Goellner agreed. She said they would need at least six months to do more.

24 Mayor Mouton said Option No. 2 only addressed one of several facets.

25 Mr. Dahl wondered if there was any direction from the Council to allow staff to  
26 move quicker. Ms. Goellner said the best resource would be to utilize more time from the  
27 planning firm, WSB, already on contract. WSB could help with the zoning study and with  
28 reviewing development applications.

29 Mayor Mouton said that was a direction she was not comfortable with. She said  
30 her colleagues should be aware of the financial ramifications to the City and the workload  
31 of staff.

32 Mr. Plechash said the debate had come to consensus wisdom. The moratorium was  
33 not moving forward and the City would do things as it normally had. He said he would  
34 like staff to explore how to accelerate and come back to Council with costs. Mayor Mouton  
35 noted the moratorium stopped development applications and the work that staff had to do.  
36 Mr. Plechash said nevertheless, there was not a moratorium.

37 Mr. Buchanan said the Council could bring people in to speed things up if it saw  
38 value in that. He appreciated all the dialogue.

39 Ms. MacDonald agreed, but wondered if the zoning study timeline was realistic.  
40 She also said she was not made aware that this was an issue of staff workload. Mr. Dahl  
41 said staff did not see any changes with the zoning study timeline. Consultant time could  
42 be added if needed and approved by the Council. He added that staff workload did not  
43 drive this discussion, but it is a factor.

44 Ms. Iverson said the zoning study timeline went into 2022. She said there were  
45 ramifications of not having that in place.

1 Mayor Mouton thanked everyone for the good conversation and thanked the  
2 Planning Commission for all of their hard work and consideration.

3  
4 **b. Consider Adoption of Resolution 15-2021 Appointing a Planning**  
5 **Commissioner for the Remaining Term Expiring December 31, 2021**

6 Mr. Dahl stated that the Council accepted Planning Commissioner Gregory Flannigan's  
7 resignation on April 6<sup>th</sup>. His term expired on December 31, 2021. Six members on the  
8 Planning Commission was not ideal so staff recommended appointing one of last year's  
9 applicants to fill the remaining term. The City Council had a chance to review the  
10 applications and provide feedback. The consensus was to move forward with Ken  
11 Sorensen.

12 Mayor Mouton said there was a plethora of amazing people last time. She asked  
13 for a motion on the draft resolution. Mr. Buchanan made a motion, seconded by Mr.  
14 Plechash, to Adopt Resolution No. 15-2021 Appointing Ken Sorenson as Planning  
15 Commissioner to serve the remaining term to expire on December 31, 2021. Upon roll call  
16 vote, the motion carried 5/0.

17  
18 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

19 **a. Upcoming Events/Announcements**

20 Congratulations to Wayzata High School Boys' Basketball for winning the 4A State  
21 Championship!

22  
23 **b. Council Member Updates/Announcements**

24 Mayor Mouton said Episode Three of the Mayor Minutes Podcast was out and she was  
25 very excited about it. She also said she appreciated each of her colleagues and tonight's  
26 dialogue.

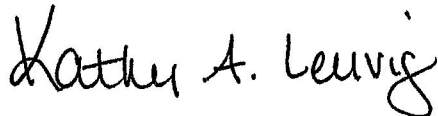
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28 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

29 There were no comments.

30  
31 **AGENDA ITEM 11. Adjournment.**

32 There being no further business, Mayor Mouton asked for a motion to adjourn. Mr.  
33 Buchanan made a motion, seconded by Ms. MacDonald to adjourn. Mayor Mouton  
34 adjourned the meeting at 9:23 p.m.

35  
36 Respectfully submitted,



37  
38  
39  
40 Kathy Leervig  
41 City Clerk

42  
43 Drafted by Sarah Peterson  
44 *TimeSaver Off Site Secretarial, Inc.*