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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
May 18, 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, Administrative Services Director Yager, Community Development Director Goellner, and City Attorney Schelzel.

**AGENDA ITEM 4. Approve Agenda.**

Ms. Iverson made a motion, seconded by Mr. Buchanan, to approve the agenda, as presented. Upon roll call vote, the motion carried 5/0.

**AGENDA ITEM 5. Public Forum.**

**a. Introduction of Wayzata High School Compass Student**

Mr. Dahl introduced Adrian Contreras as an incredible Wayzata High School senior who had participated in the mentor program.

Mr. Contreras said he felt lucky to have been paired with Mr. Dahl. It was very interesting to see some of how the City runs. He said he was headed to warmer weather at the University of Miami to major in finance or business administration.

Mayor Mouton said it was a proud moment for her as she'd known Adrian for a long time. He was a great student and basketball player. She wished him the best of luck when he headed off to college.

Mr. Dahl noted that he had received an email requesting a waiver for a variance application from Cindy Warnert.

Mayor Mouton said she received a copy of that email and confirmed that staff would follow up with the resident.

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

Ms. Iverson wanted to take a moment to thank all of the volunteers who spent time planting the planters along Wayzata Boulevard and Central Avenue. Specifically, Merrily Babcock, Lynn McCarthy, Jan Himan, as well as the Public Works Department.

**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.

1 Ms. Iverson asked a question regarding Item 7.j. She asked if the work would be  
 2 completed in 10 days and about the dates of construction. Mr. Dahl said the timing would  
 3 be based on completing the memorial by September 11, 2021 for the 20<sup>th</sup> anniversary. He  
 4 said the construction would probably be late July to August. The construction manager  
 5 would help mitigate conflicts.

6 Ms. McCarthy asked for a motion to approve the Consent Agenda as presented. Mr.  
 7 Buchanan made a motion, seconded by Ms. MacDonald, to approve the consent agenda:

- 8 a. Approval of City Council Workshop and Regular Meeting Minutes of May 4, 2021
- 9 b. Approval of Check Register
- 10 c. Approval of Municipal Licenses
- 11 d. Receipt of Police Activity Report
- 12 e. Receipt of Building Activity Report
- 13 f. Approval of 2021-2022 Assessing Contract with Southwest Assessing
- 14 g. Adoption of Resolution 17-2021 Authorizing Submittal of Grant Application to  
 15 Hennepin County and Execution of Associated Grant Agreements for Wayzata  
 16 Boulevard Corridor Planning
- 17 h. Approval of Agreement with Hennepin County Sheriff's Office for Regionwide  
 18 Public Safety Radio Communications System
- 19 i. Approval of Agreement with Hennepin County for Nearmap Imagery Software  
 20 System
- 21 j. Approval of Professional Services Agreement with SourceGroup for 9/11 Memorial  
 22 Construction Management Services.

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

24  
 25 **AGENDA ITEM 8. New Business.**

26 **a. Consider Acceptance of City's 2020 Audited Financial Reports**

27 Ms. Yager said State Statutes require the City's financials to be audited annually by June  
 28 30<sup>th</sup> of the following year.

29 Bill Lauer, City's Auditor from MMKR, presented the Audited Financial Reports  
 30 to the Council. He discussed the auditor's role, audit process, audit summary,  
 31 recommendations, governmental funds change in fund balances, general fund financial  
 32 position, water fund, sewer fund, solid waste fund, stormwater fund, liquor fund, licensing  
 33 fund, and government-wide net position.

34 Ms. Iverson asked about the total dollars spent on Panoway in 2020 and the debt  
 35 associated with that spending. Ms. Yager said the total capital outlay in 2020 from the  
 36 lakefront fund for Panoway was about \$9.6 million. She thought it was about \$3.7 million  
 37 in Tax Incremental Financing bonds. Ms. Iverson asked if the money allocated by the  
 38 Housing and Redevelopment Authority was included. Mr. Lauer said there was \$1.3  
 39 million in private sources and \$1.1 million from the Housing and Redevelopment  
 40 Authority.

41 Ms. MacDonald wondered about cybersecurity mentioned in other  
 42 recommendations. She asked if the new accounting software would address some of those  
 43 concerns. Ms. Yager said the control component of processing invoices could be improved  
 44 with the new software. In terms of banking software, there were secure protocols to access  
 45 the system. Ms. Yager and the Senior Accountant were also reviewing the accounting  
 46 policy. Ms. MacDonald asked what steps were being taken to keep the City safe from

1 ransomware. Ms. Yager said the City employed an IT company to mitigate those risks.  
2 Staff was also planning a cybersecurity study.

3 Mayor Mouton asked if the vendor was able to provide attestation for hours worked  
4 with the new payroll system. Ms. Yager said staff was working with the vendor to build  
5 that into the system. Mayor Mouton thanked Mr. Lauer and staff.

6 Mayor Mouton asked for a motion on the City's audited financial reports. Mr.  
7 Buchanan made a motion, seconded by Mr. Plechash, to Accept the City's 2020 Audit  
8 Report.

9 Mr. Plechash said it was an outstanding audit and commended City staff.  
10 Upon roll call vote, the motion carried 5/0.

11  
12 **b. Consider Approval of Cooperative Agreement for a Police Mental Health**  
13 **Program with Hennepin County Human Services Department**

14 Mr. Dahl introduced Interim Police Chief Schultz. Chief Schultz said that mental health  
15 crisis intervention was a hot topic. The Police Department was the first call in any type of  
16 mental health situation and those interactions could turn volatile at any moment. The  
17 Department was working on training with the purpose of de-escalation; however, there was  
18 little the Police Department could do in terms of long-term help. He presented the numbers,  
19 the proposal, roles, goals, and requested actions.

20 Mr. Plechash said he was very supportive of this program. He asked if the person  
21 already existed among other agencies or if this would be a new hire. Chief Schultz said it  
22 was a new 2022 position that had not been hired yet. Mr. Plechash asked if they would be  
23 called out during a crisis or more of an office role to help with referrals, etc. Mr. Schultz  
24 said the role would be used primarily as a follow-up point of contact for Police Officers  
25 and persons in crisis. However, they could be called to the scene if it was safe and the  
26 person was available. Mr. Plechash asked if there was history of this type of program being  
27 successful. Mr. Schultz said that locally Plymouth, Minnetonka, and New Hope had all  
28 successfully used this type of program.

29 Ms. Iverson applauded the Department for its initiative in bringing this forward.  
30 She thought it was definitely a need in the community.

31 Mayor Mouton asked if the social worker would work with both minors and adults.  
32 Chief Schultz said they would. The benefit of the position would be to act as a conduit for  
33 the County to the right resources. Mayor Mouton asked where the person would be located.  
34 Chief Schultz said South Lake Minnetonka had offered to house the person, but Wayzata  
35 had an office space available and would advocate for face time as well. Mayor Mouton  
36 thought it was a very good proposal.

37 Mayor Mouton asked for a motion on the agreement. Mr. Plechash made a motion,  
38 seconded by Ms. MacDonald, to Approve the Cooperative Agreement between the City  
39 and the Hennepin County Human Services Department to fund an embedded social worker  
40 position supporting the Police Mental Health Program. Upon roll call vote, the motion  
41 carried 5/0.

42 Mr. Dahl noted that this might come back from Hennepin County in a different  
43 form such as a joint powers agreement.

44  
45 **c. Consider Approval of First Reading of Amendments to Ordinance 805**  
46 **(Chapter 203) Fire Department**

1 Ms. Yager explained that in 2018 the City Council held a workshop with Fire Chief  
2 Klapprich and members of the Fire Department to discuss concerns with the existing  
3 structure, review best practices and possible changes to the structure, discuss the need for  
4 additional resources, and outline next steps and engagement. The next steps from this  
5 meeting were to transition away from the Fire Department's bylaws to personnel policies.  
6 This would allow for a merit-based appointment process for leadership positions instead of  
7 holding internal elections. Since 2018, staff had been meeting with a committee from the  
8 Fire Department to review potential new personnel policies. The new Policies and  
9 Procedures were approved by the Fire Department and then administratively approved by  
10 the City Manager in March of 2021. With new Policies and Procedures in place, the City's  
11 Ordinance Chapter 203 - Fire Department needed to be updated to officially repeal the  
12 bylaws. The attached amendments remove all mentions of the bylaws and elections and  
13 clarify the City Manager's role in overseeing this department.

14 Mayor Mouton asked how much liberty the Council had for amendments tonight.  
15 Mr. Schelzel said the Council was free to make clarifications as long as it was clear in the  
16 motion; however, if the changes were substantive the Council should table action so the  
17 Fire Department and City Manager could consider the suggested changes. Mayor Mouton  
18 said "ing" should be added to the word maintain in 203.06. She also noted the 203.03 said  
19 "shall be". She wondered if that was too specific and did not offer enough flexibility. Mr.  
20 Schelzel said the Ordinance established the offices, but there could be vacancies at different  
21 times. He thought it did not mean that the Fire Department had to have all of the offices  
22 active. His concern if "shall" was changed to "may" was that the Fire Department would  
23 not be required to have a Chief.

24 Mr. Dahl said he thought it approved the position, but not the individual. The  
25 position could be left vacant. He preferred the addition of one word, "The officers of the  
26 Department shall [generally] be a Chief, Assistant Chiefs, Captains, and Lieutenants." He  
27 thought it would provide good guidance, but leave some flexibility.

28 Mr. Schelzel asked if there were positions that would always be filled. He was  
29 thinking about setting a minimum. Mr. Dahl suggested tabling the amendments if the  
30 Council wanted to go that direction. Mayor Mouton thought adding "generally" was in  
31 keeping with what she wanted to accomplish.

32 Captain Berns agreed with what the Council was trying to do. He did not see a  
33 reason to lock the Department into a bunch of Officers, but noted that it was a struggle  
34 when the Department was shorthanded.

35 Mayor Mouton asked the City Attorney if he was comfortable with the language.  
36 Mr. Schelzel said he was comfortable if the City Manager agreed and was comfortable  
37 administering the policy. Mr. Dahl agreed.

38 Mayor Mouton asked for a motion on the First Reading. Ms. MacDonald made a  
39 motion, seconded by Mr. Buchanan, to Approve the First Reading of Ordinance No. 805  
40 Amending Wayzata City Code Chapter 203 (Fire Department), amending Section 203.06  
41 to insert "ing" after maintain and Section 203.03 to add the word "generally" after  
42 Department. Upon roll call vote, the motion carried 4/0/1 (Plechash).

43 Fire Chief Klapprich thanked Mr. Dahl and Ms. Yager for all of the work that went  
44 into this. Captain Berns thanked Mr. Schelzel, Mr. Dahl, and Ms. Yager. He appreciated  
45 each of them for listening and working with the Department. He said the Fire Department  
46 had a good relationship with City Hall and that was good for the community.

1  
2 **d. Consider Adoption of Resolution 19-2021 Establishing Ad-Hoc Downtown**  
3 **Advisory Committee and Appointments**

4 Mr. Dahl said since last year, downtown Wayzata had seen a significant increase in activity  
5 due to the completion of Phase I of Panoway and the societal impacts of the COVID-19  
6 Pandemic. As a result, staff was proactively moving forward with many initiatives to  
7 manage downtown appropriately such as: increased trash pickup, hiring of additional staff,  
8 Police Department bike patrol, updated study on maintenance and operations, etc. At the  
9 April 6<sup>th</sup> Council Workshop, staff discussed the benefits of taking a proactive and  
10 collaborative approach to management of this space by establishing an advisory committee  
11 to provide input and perspective on four key areas of interest: Public Safety, Operations  
12 and Maintenance, Events and Programming, and Planning and Community Engagement.

13 Mayor Mouton thought downtown Wayzata was pretty broad. She thought this was  
14 specifically for Panoway. Mr. Dahl said staff was leaning toward more than just Panoway,  
15 but he said he did agree that a line should be drawn so it was not too broad.

16 Ms. MacDonald said she was glad the Mayor brought this up. She said she thought  
17 it was supposed to cover Lake Street, not just Panoway. Ms. MacDonald said the scale  
18 should be clear.

19 Ms. Iverson asked how they could narrow it down. She recommended Panoway  
20 and the beach. She thought the beach tended to get left out, but was very busy. Mayor  
21 Mouton asked if the beach area should fall under the purview of the Parks and Trails  
22 Department. Mr. Dahl said yes, and Public Works.

23 Mr. Dahl continued his presentation. He said staff had met internally and spoken  
24 with key community stakeholders. He talked about the following parameters for the  
25 committee: purpose, goals, structure, and suggested community members/representatives.

26 Ms. Goellner said there was a long list of current concerns. The committee would  
27 help prioritize that list. The goal being to have more voices.

28 Mayor Mouton said the areas of concerns included Panoway, Lake Street, and the  
29 spill over from those; but, generally speaking this related to Panoway and the activity it  
30 created. She said downtown Wayzata was so broad and she wanted to ensure this was  
31 manageable.

32 Mr. Buchanan recommended calling it the Panoway District to include all of the  
33 areas that Panoway activity affected.

34 Mr. Plechash agreed. He asked who would be on the committee. Mr. Dahl said  
35 because it was an ad hoc committee it did not have to be formal. He recommended leaving  
36 it up to staff so it could get off and running quickly.

37 Ms. MacDonald, referencing the list on page 254 of the Council packet, talked  
38 about how the Council planned to leave Panoway alone for one year. She said the list  
39 included special events, performances, etc. She asked if the point of the committee was  
40 mainly to deal with people's complaints. She said it was a big list of things to do and  
41 wondered if she was missing the overall goals. Mr. Dahl said those were just possible  
42 topics and staff was getting a lot of complaints. The group was meant to provide feedback  
43 on what was currently happening. Ms. MacDonald asked if there was a general theme of  
44 complaints regarding Panoway. Ms. Goellner said the issues that were rising to the top  
45 included bicycle/pedestrian conflicts, trash removal, and loud vehicles. She expected the

1 situation to evolve over the summer. She said topics like special events were not urgent,  
2 but other issues were. The committee could help prioritize the concerns.

3 Ms. Iverson said the list was very broad, but she thought it could be prioritized by  
4 the group. She thought a lot of observation and talking to people needed to happen. She  
5 wanted to see more residents, new and old, involved. She also said as a cyclist she had  
6 concerns for safety and planned to be the voice for other cyclists.

7 Mayor Mouton thought the list of committee members was too big. She also said  
8 six staff members attending monthly was costly to the City. She thought the most  
9 important topics rising to the surface were health, safety, and enjoyment of the space. She  
10 wanted the Council to see the list before it was approved and thought two Council Members  
11 was a good idea.

12 Mr. Plechash said letting Panoway play out for one year was logical at the time, but  
13 it was not smart to let issues develop. His concern was that the committee needed to be  
14 well led so it was constructive. He said the group needed to be diverse and forward  
15 thinking.

16 Mayor Mouton asked what staff members would lead the initiative. Ms. Goellner  
17 said she would begin leading the meetings, but Communications Coordinator Laskey also  
18 could take over. They would also bring in Parks and Trails, the Police Department, and  
19 Public Works. Mr. Dahl added that Ms. Goellner or himself would be needed initially, but  
20 other staff would be able to take off with it later.

21 Mayor Mouton asked if the resolution was still appropriate based on the Council's  
22 feedback. Mr. Schelzel recommended directing staff to come back with a revised  
23 resolution based on the Council's feedback.

24 Mayor Mouton asked for a motion. Mr. Buchanan made a motion, seconded by  
25 Mr. Plechash, to direct staff to bring back a revised resolution reducing the size of the  
26 committee, naming the area as the Panoway District, and clarifying the focus areas. Upon  
27 roll call vote, the motion carried 5/0.

## 28 29 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

### 30 **a. Upcoming Events/Announcements**

31 Mr. Dahl offered his condolences to the family of Bill Nelson, long time charitable  
32 contributions manager of the Wayzata Lions. He also said the City had aligned itself with  
33 the State's current Stay Safe Plan / COVID-19 lifting restrictions and mask mandates. The  
34 Council was holding its first Strategic Planning Session of the year on May 24 from 2:00  
35 – 5:00 p.m.

### 36 37 **b. Council Member Updates/Announcements**

38 Mr. Buchanan wished City Manager Dahl Happy Birthday. Mr. Dahl said it was also his  
39 5<sup>th</sup> anniversary of working here for a great City.

40 Mayor Mouton said the Council and staff received an email regarding Police  
41 Officers Carlson and Haapoja providing assistance to a family of ducks crossing a major  
42 road. They were grateful for their service to all of the community.

## 43 44 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

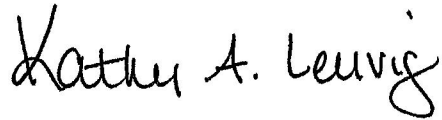
45 There were no comments.

1 **AGENDA ITEM 11. Adjournment.**

2 There being no further business, Mayor Mouton asked for a motion to adjourn. Mr.  
3 Buchanan made a motion, seconded by Mr. Plechash to adjourn. Mayor Mouton adjourned  
4 the meeting at 9:31 p.m.

5  
6 Respectfully submitted,

7  
8



9  
10 Kathy Leervig  
11 City Clerk

12  
13 Drafted by Sarah Peterson  
14 *TimeSaver Off Site Secretarial, Inc.*