

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

**WAYZATA CITY COUNCIL
MEETING MINUTES
May 19, 2020**

AGENDA ITEM 1. Call to Order.

Mayor Willcox 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 Willcox 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, Koch, McCarthy, and Plechash. Also present: City Manager Dahl, Assistant Planner Kieser, Administrative Services Director Yager, Interim Community Development Director Zweber, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mrs. McCarthy 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. Proclamation Recognizing LaDonna Hoy's Retirement from Interfaith Outreach and Declaring May 15th LaDonna Hoy Day

Mayor Willcox said Ms. Hoy had done wonderful things for homelessness and poverty in the community and was delighted that she was present. Mayor Willcox read the proclamation and offered an applause for her many accomplishments.

Ms. Hoy thanked Mayor Willcox, Council, and staff. She said this was very humbling; however, she thought of the proclamation as a statement of the community's shared values. She talked about the beginning and history of Interfaith Outreach and the many partnerships over the years. She said Interfaith was the gift of housing for kids and families that would keep on giving. Ms. Hoy talked about Greg Hilding, the new Executive Director. She said her time there had been a joy and privilege.

Mayor Willcox said it was her personality and leadership that ignited it all and kept it together and wished Ms. Hoy a wonderful retirement.

Mr. Koch noted that the first thing Ms. Hoy did was recognize those around her. He said he had never known anyone who had as big of an impact on a community as she had. He said she was the mother to all of Wayzata.

AGENDA ITEM 6. New Agenda Items.

None.

AGENDA ITEM 7. Consent Agenda.

Mayor Willcox 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, he asked for a

1 motion to approve the Consent Agenda as presented. Mr. Buchanan made a motion,
2 seconded by Mrs. McCarthy, to approve the consent agenda:

- 3 a. Approval of City Council Workshop and Regular Meeting Minutes of May 5, 2020
- 4 b. Approval of Check Register
- 5 c. Approval of Municipal Licenses
- 6 d. Receipt of Police Activity Report
- 7 e. Receipt of Building Activity Report
- 8 f. Approval of Development Agreement for North Lake Townhomes at 215 Walker
9 Avenue South and 529 Indian Mound East
- 10 g. Adoption of Resolution 21-2020 Approving Final Plat for North Lake Addition at
11 529 Indian Mound East and 215 Walker Avenue South
- 12 h. Approval of 2020-2021 Assessing Contract with Southwest Assessing
- 13 i. Adoption of Resolution 26-2020 Approving a Change Order for Asphalt Paving for
14 the Panoway Project

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

16
17 **AGENDA ITEM 8. New Business.**

18 **a. Review of 2019 Audit Report**

19 Ms. Yager explained State statutes require that the City's financials were audited annually
20 by June 30th of the following year.

21 Bill Lauer, MMKR Certified Public Accountants, presented the auditor's role
22 including opinion on financial statements and to test internal controls and compliance;
23 audit summary including basic financial statements, internal controls over financial
24 reporting, compliance, and Minnesota legal compliance; other recommendations including
25 Council approval of transactions, wellness program awards, and COVID-19; governmental
26 funds; general fund expenditures; enterprise funds change in net position; water fund;
27 sewer fund; stormwater fund; liquor fund; licensing fund; and government-wide net
28 position.

29 Mrs. McCarthy asked if Mr. Lauer felt comfortable with the City's segregation of
30 duties finding. Mr. Lauer said due to the size of staff it wasn't practical to implement
31 additional steps. He felt there were good controls, but there was additional risk because
32 one person was performing several functions of one transaction. Mr. Dahl noted that hiring
33 Ms. Yager provided an additional set of eyes and more capacity to update process and
34 controls.

35 Mrs. McCarthy asked if employees working off-site and dealing with financials and
36 protected information was a risk. Ms. Yager explained the City had secure Virtual Private
37 Network access for the Senior Accountant. However, payment of all transactions and
38 processing checks continued to happen only in the building.

39 Mrs. McCarthy asked about the late payments. She wondered if there was a
40 commonality or specific department. Ms. Yager said there was a trend by department and
41 those departments had been reminded of the importance of timely processing. She added
42 that when there was a dispute it was not always noted on the invoice which delayed
43 payment.

44 Mrs. McCarthy asked, in regard to the financial awards for the wellness program,
45 if the City could pay the tax for the gift cards on behalf of the individuals. Ms. Yager said
46 because it was counted as personal income, the City could not pay the taxes.

1 Mr. Plechash noted that audits never come back completely clean, but thought this
 2 was a very good audit. He asked Mr. Lauer to compare the audit to other cities. Mr. Lauer
 3 agreed it was a very clean audit with a smooth process. He said from a finding's standpoint,
 4 late payments were a very common finding.

5 Mayor Willcox said the report referenced two or three pension funds. He asked for
 6 an update on the pension funds and liabilities. Mr. Lauer said the City had two plans that
 7 City employees could participate in that were State-wide plans administered by Public
 8 Employees Retirement Association. There was the General Employee Retirement Fund
 9 and the Public Employee Police and Fire Fund. He said the funds had increased the
 10 employer/employee contribution rate and were both trending upward.

11 Mayor Willcox noted a 60% increase under General Government Expenditure for
 12 Mayor and Council and asked what that money was spend on. Mr. Dahl said he was unsure
 13 and would get back to the Council with the information.

14 Mayor Willcox asked for a motion. Mr. Koch made a motion, seconded by Mr.
 15 Buchanan, to accept the 2019 Audit Report. Upon roll call vote, the motion carried 5/0.

16
 17 **b. Consider Adoption of Resolution 22-2020 Approving Curb Cut Spacing**
 18 **Variance at 1611 Holdridge Terrace**

19 Mr. Kieser presented the request from Lecy Bros Homes for a curb cut spacing variance
 20 for a new curb cut for the driveway at 1611 Holdridge Terrace. He discussed the
 21 surrounding neighborhood zoning; 2030 Comprehensive Plan land use and draft 2040
 22 Comprehensive Plan land use; aerial view; development application; proposed survey; curb
 23 cut spacing variance; Planning Commission meeting and recommendation; questions to
 24 consider; and, action steps.

25 Mrs. McCarthy asked if the lots to the north and south also belonged to the
 26 applicant. Mr. Kieser said they were vacant and under different ownership. Mrs.
 27 McCarthy asked if it would create safety issues if one of those lots needed a driveway in
 28 close proximity. Mr. Kieser said it would not create safety issues. Mrs. McCarthy asked
 29 if the tree in question belonged to the City. Mr. Kieser said it was a City tree because it
 30 was located in the right of way; however, it would be included as part of the replacement
 31 requirement.

32 Matt Christensen, applicant representative, said if the tree was not an issue then the
 33 driveway would be located further south.

34 Mr. Koch asked if there were any trees or impediments to the north lot that would
 35 push its driveway back. Mr. Christensen said no, the construction driveway was 10 – 20
 36 feet from the lot line. Mr. Koch thought the request was reasonable due to the wetland and
 37 the tree.

38 Mayor Willcox agreed and thought the lot to the north had ample space for a
 39 driveway. He asked for a motion on the draft resolution. Mr. Plechash made a motion,
 40 seconded by Mr. Buchanan, to Adopt Resolution No. 22-2020, Approving Curb Cut
 41 Spacing for Driveway at 1611 Holdridge Terrace. Upon roll call vote, the motion carried
 42 5/0.

43
 44 **c. Consider Adoption of Resolution 23-2020 Approving a Design Review of**
 45 **Wayzata Medical Center at 1120 Wayzata Boulevard East**

1 Mr. Kieser presented the request from owner, Wayzata MB Partners, LLC and applicant,
2 Mark Davis for a Design Review for a new medical building at 1120 Wayzata Boulevard
3 E. He discussed the surrounding neighborhood zoning; 2030 Comprehensive Plan land
4 use and draft 2040 Comprehensive Plan land use; development application; proposed site
5 plan; parking; renderings; design deviation request; Planning Commission meeting and
6 recommendation; updated tree plan; questions for consideration; and, action steps.

7 Mr. Buchanan asked to what extent the tree issue was part of the design review.
8 Mr. Kieser said the Planning Commission did not add it as a condition because it was not
9 applicable to the design review. The applicant had worked on the tree issue and provided
10 an updated plan. Mr. Buchanan asked if the building was larger than the existing building.
11 Mr. Kieser did not know the exact square footage, but said it was more than likely a little
12 bigger.

13 Mr. Plechash asked why the material was not on the list of approved materials. Mr.
14 Kieser said the list had not been updated in a while. He said the Planning Commission
15 wanted to review and update the design standards, especially materials. Mr. Schelzel added
16 some of the materials may not have existed when the current design standards were
17 adopted. The Planning Commission planned to review the materials and update the zoning
18 ordinance in connection with the Comprehensive Plan updates. Mr. Plechash said he was
19 concerned about the tree removal, but it sounded like the applicant was doing what they
20 could to mitigate.

21 Mayor Willcox noted the Council was only being asked to approve the material,
22 but there were tree, fence, and lighting issues. Mr. Kieser said the site plan was approved
23 in 2015, but this was essentially a new project. He said in regard to the lighting there were
24 lighting requirements, but the lighting plan provided met all of the requirements. Fencing
25 was not a design standard, but was added to help with visual impact. Mayor Willcox asked
26 where the 488 inches of trees were being removed from. Mr. Kieser said the trees removed
27 were mainly from the west and south side of the property due to the parking lot expansion.
28 The applicant was proposing to put trees back in the parking lot and landscaped area.
29 Mayor Willcox asked if there were any restrictions the Council could put on the lighting.
30 Mr. Kieser said City Code states that lighting can not be over 15 feet as well as the glare
31 over property lines. The applicant had met those standards. Mayor Willcox asked if staff
32 knew anything about the material and if it was not approved what material would be used
33 in its place. Mark Davis, applicant, said the material in question was a new material. It
34 was the most expensive material in the project. They thought it was contemporary material
35 that would look good and be long lasting. He said it was wood grain and not shiny. He
36 also said they had agreed to add a fence to shield the light to the apartments. One restriction
37 was room to plant trees. They were not in favor of cutting down trees, but a lot of the trees
38 were large cottonwoods. He said they had worked hard to come up with a plan to replace
39 as many trees as possible.

40 Patrick Giordana, project architect, said he had worked with Mr. Davis for over 25
41 years and had great success throughout the Minneapolis/Saint Paul area. He said of all
42 materials that had leapt forward it was the metal panel industry. There was lots of variety
43 and flexibility and the longevity was better than most products. He said it was a great
44 opportunity using a traditional looking material in a contemporary way.

45 Mr. Koch asked about the second-floor setback requirement. Mr. Kieser agreed
46 that 25% of the frontage needed to be stepped back. He said staff had gotten its setback

1 calculation from the corner areas where the awnings are located. Mayor Willcox said the
2 purpose of the setback was to break up the façade, but also to make it a less looking
3 structure for pedestrians. He said anything that could be done would be good. Mr. Kieser
4 said he would talk with the applicant to ensure that requirement was met.

5 Mrs. McCarthy said the last plan was approved in 2015, but she did not remember
6 approving it so close to Wayzata Boulevard. Mr. Kieser said the same footprint, same
7 location, same parking configuration, and same use was approved in December, 2015. He
8 said the design district required that structures be close to Wayzata Boulevard with parking
9 in the rear. Mrs. McCarthy asked if the material was similar to the Unitarian Universalist
10 Church on Frontage Road. Mr. Dahl said yes, that church was metal.

11 Mr. Plechash asked if the calculation of 488 inches included smaller scrub trees.
12 Mr. Kieser said there is a minimum requirement for trees to be counted. Mr. Plechash what
13 type of trees were being taken out. Mr. Kieser said larger trees and dense vegetation that
14 incorporated smaller trees.

15 Mayor Willcox noted that in the future he wanted to be able to physically see the
16 material.

17 Mr. Dahl said there was a resident who wished to address the Council. Dr. Sarah
18 Rockswold, 208 Central Avenue South, said she was speaking for the Marshview
19 Townhomes. She said it would be devastating to lose the trees. There was cottonwood,
20 maple, ash, etc. She said there was also lots of wildlife. She said as a physician she did
21 not see the need for 6 parking spaces per doctor.

22 Mrs. McCarthy asked where and what type was the fencing. Mr. Kieser showed on
23 a map the location of the fence. He said the Planning Commission asked for a 100% opaque
24 fence and the applicant was amenable. Mrs. McCarthy talked about the existing fence and
25 conditions. She said something needed to be put in place to keep garbage from going into
26 the nature center. Mr. Kieser said the applicant was proposing a new trash enclosure on
27 the property to the east. Mr. Davis added that there had not been an occupant in the building
28 for four years. The building had not generated any trash. Mrs. McCarthy asked about
29 parking. Mr. Davis said the building would be severely under parked if there was less
30 parking than what was currently planned. He said it met, but did not exceed City Code for
31 parking. Mrs. McCarthy asked what the City's parking requirement was. Mr. Kieser said
32 it required 6 parking stalls per doctor.

33 Mayor Willcox asked for staff's recommendation. Mr. Kieser said the building
34 official had commented that the City's allowable materials were outdated and did not have
35 any concerns. Mr. Dahl said this was a high-quality material that met the objective of the
36 other materials that were acceptable. Mr. Zweber said it was an aluminum composite
37 material that eliminated the problems of other metals. Mayor Willcox said the question for
38 the Council was whether the material was a good substitute for brick, wood, or stone. He
39 asked how to address the concern about fencing and trees. Mr. Schelzel said the Planning
40 Commission talked a lot about that, but acknowledged that it could not make those
41 requirements a legally binding condition of approval. The Planning Commission gave
42 direction to staff to work with the applicant who seemed willing to address the concerns.
43 He recommended expressing in the record the Council's desires, but avoiding making the
44 requirements legally binding.

1 Mr. Dahl asked the applicant when he planned to begin construction. Mr. Davis
2 said he was hoping to start late summer. He also said he would drop off the material and
3 if the Council did not like it, they would find a new material.

4 Mayor Willcox asked for a motion on the draft resolution. Mr. Koch made a
5 motion, seconded by Mr. Plechash, to Adopt Resolution No. 23-2020, Approving Design
6 of New Building Project at 1120 Wayzata Blvd (Wayzata Medical), as amended to
7 encourage the replacement of as many trees as possible and adding opaque fencing.

8 Mrs. McCarthy thanked the applicant for the option of seeing the materials.

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

10
11 **d. Consider Adoption of Resolution 24-2020 Approving a Design Review of Lexus**
12 **of Wayzata at 16100 Wayzata Boulevard**

13 Mr. Kieser presented the request from EFN Wayzata Properties, LLC for a Design Review
14 for a remodel of the exterior façade of the Lexus of Wayzata dealership building at 16100
15 Wayzata Boulevard. He discussed the surrounding neighborhood zoning; 2030
16 Comprehensive Plan land use and draft 2040 Comprehensive Plan land use; development
17 application; survey; aerial image of the existing site; renderings of the proposed
18 renovations; the four design deviations requested; aluminum composite material; Planning
19 Commission meeting and recommendation; questions for consideration; and, action steps.

20 Katie Napleton, One Oakbrook Terrace Suite 600 Oakbrook Terrace, IL 60181,
21 explained that Lexus restricted what they could do, but thought it was a really nice-looking
22 design. She said it was franchise architecture; however, there were only two dealerships
23 in Minnesota.

24 Mr. Koch thought the request was justified. He said it would be a visual
25 improvement to the property.

26 Mr. Plechash was also in favor, but was surprised the City had a zoning ordinance
27 that prohibited franchise architecture. Mayor Willcox said the ordinance kept the
28 community from looking commercial. Mr. Plechash understood, but did not think the
29 Lexus architecture looked franchised.

30 Mayor Willcox asked for a motion on the draft resolution. Mr. Plechash made a
31 motion, seconded by Mr. Buchanan, to Adopt Resolution No. 24-2020, Approving Design
32 of Exterior Building Remodel at 16100 Wayzata Blvd (Lexus of Wayzata). Upon roll call
33 vote, the motion carried 5/0.

34
35 **AGENDA ITEM 10. City Manager's Report and Discussion Items.**

36 **a. Upcoming Events/Announcements**

37 Mr. Dahl provided an update on the City's response to the COVID-19 pandemic.

38 Mayor Willcox asked what would be different at City Hall once it opened. Mr.
39 Dahl said the public would see sneeze guards, masks, hand sanitizer, and six-foot
40 separation in lines. Mayor Willcox asked about future Council meetings. Mr. Dahl said
41 the Governor had limited gatherings to ten or less unrelated people. The City would need
42 to wait until that threshold was lifted to return to Council chambers. Mr. Dahl encouraged
43 everyone to check the City's website for updates.

44 Mr. Dahl provided an update on Panoway construction. The City had granted Stahl
45 approval to work overtime. Staff thought between good weather, efficient work, and
46 overtime the project was approximately half a month ahead of schedule.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

b. Council Member Updates/Announcements

Mrs. McCarthy asked if fishing was allowed at the marina. Mr. Dahl said fishing was only allowed at the drop off areas. Mrs. McCarthy asked about opening the beach and playgrounds. Mr. Dahl said the City was approaching all parks with the gathering restriction the Governor reiterated with the most recent Executive Order. He said parks and trails were open, but playgrounds and equipment were still closed. The beach would open as long as people followed guidelines. Mrs. McCarthy noted complaints about excessive speeding on Ferndale Road.

Mayor Willcox encouraged everyone to go to www.navigatewayzata.com for the most up to date information on Panoway construction. He also said the Memorial Day services hosted by the American Legion and 4th of July pancake breakfast had been cancelled.

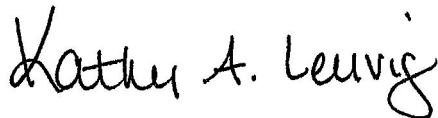
AGENDA ITEM 11. Public Forum Continued (if necessary).

There were no comments.

AGENDA ITEM 12. Adjournment.

There being no further business, Mayor Willcox asked for a motion to adjourn. Mrs. McCarthy made a motion, seconded by Mr. Plechash to adjourn. Upon roll call vote, Mayor Willcox adjourned the meeting at 9:54 p.m.

Respectfully submitted,



Kathy Leervig
City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.