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**WAYZATA CITY COUNCIL
MEETING MINUTES
June 1, 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, Public Works Director/City Engineer Kelly, Community Development Director Goellner, Assistant Planner Kieser, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

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

AGENDA ITEM 5. Public Forum.

a. Presentation of 2021 Tour de Tonka Event

Mayor Mouton introduced Tim Litfin, Tour de Tonka Ride Director.

Mr. Litfin was excited to have a live event this Saturday, August 7th, after a two-year hiatus. He talked about sponsors, registration history, 2021 ride distances, and participation around the State.

Mayor Mouton was excited to welcome all of the participants back to Wayzata.

b. Mental Health Awareness

Nate Leding, 553 Maple Square, talked to the Council about mental health awareness especially concerning children. He commended Hennepin County and the City of Wayzata for installing the embedded social worker program. He thought it would help the Police Department provide long term solutions for those suffering a mental health crisis. All ages of people had suffered during the Pandemic, but Mr. Leding thought the most vulnerable were children. And it was the children who were struggling to get the help they needed. He asked the Council to consider forming a task force to look at how the community could better care for its kids. He also thought building psychiatric facilities was a good idea.

Mayor Mouton thanked Mr. Leding for bringing awareness to an important topic. She also commended Interim Police Chief Schultz for his coordination with Hennepin County for the new social worker position. She thought there was more that could be done in the community. Mayor Mouton asked City Manager Dahl if it was something staff could look into in conjunction with the Police Department.

1 Mr. Dahl recommended getting more information from the Police Department and
2 explore talking more with representatives at the County, State, and Federal level to inquire
3 about what they were currently doing.

4 Mayor Mouton suggested a Workshop once some of the ideas were flushed out, she
5 thought it was a conversation worth having.

6 Ms. Iverson volunteered to represent the Council if a taskforce was formed.

7 Mr. Dahl said the effort would involve a lot of community members, but the Police
8 Department should be the place to start.

9
10 **AGENDA ITEM 6. New Agenda Items.**

11 Ms. Iverson asked the Council to consider having a Workshop to discuss vacation rentals
12 by owners. She was unsure if any of the City's Ordinances dealt with the subject and she
13 wondered if it should be regulated.

14 Mayor Mouton said there were not any regulations currently and asked if the
15 majority of the Council was interested in talking about it.

16 Mr. Dahl said the Council had discussed it previously. The consensus was that
17 there was not a problem so why create a solution. He said staff could do some preliminary
18 research to see the current numbers.

19 Mayor Mouton asked staff to look into whether there were issues and where they
20 were occurring. Ms. Iverson said the communication she received from a resident
21 mentioned volume in a specific neighborhood.

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

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

26 Mr. Plechash requested to pull Item 7.g. He said as an active fighter he needed to
27 abstain from the vote.

28 Ms. Iverson asked if Item 7.d. had been previously discussed by the Council. Mr.
29 Dahl said yes, the study had evolved, but was approved by the Council two years ago.

30 Ms. Iverson, referencing Item 7.e., asked about the funding. Mr. Dahl said all of
31 the funding would be reimbursed by the Conservancy and the City was not financing any
32 part of it.

33 Mayor Mouton asked for a motion to approve the Consent Agenda. Mr. Buchanan
34 made a motion, seconded by Ms. MacDonald, to approve the consent agenda, as amended:

- 35 a. Approval of City Council Workshop and Regular Meeting Minutes of May 18, 2021
- 36 b. Approval of Check Register
- 37 c. Approval of Municipal Licenses
- 38 d. Approval of Proposal for Professional Services with SRF Consulting Group, Inc.
39 for Downtown Wayzata Parking Study
- 40 e. Approval of Professional Services Agreement with New History for Section
41 Foreman House Program and Design Coordination
- 42 f. Approval of Proposal for OPG-3 Online Permitting Solution
- 43 ~~g. Approval of Second Reading and Adoption of Amendments to Ordinance 805~~
44 ~~(Chapter 203) Fire Department~~

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

1 **g. Approval of Second Reading and Adoption of Amendments to Ordinance 805**
2 **(Chapter 203) Fire Department**

3 Mayor Mouton asked for a motion on Item 7.g. Ms. Iverson made a motion, seconded by
4 Mr. Buchanan, to Adopt Ordinance No. 805 Amending Wayzata City Code Chapter 203
5 (Fire Department). Upon roll call vote, the motion carried 4/0/1 (Plechash).

6
7 **AGENDA ITEM 8. New Business.**

8 **a. Consider Adoption of Resolution 20-2021 Approving Excess Reserve**
9 **Transfers**

10 Ms. Yager explained that after the 2020 Audit was completed, AEM prepared the working
11 capital calculation to determine the possible amount of excess reserves available in
12 accordance with the City's Fund Balance Policy. She discussed the purpose, excess
13 reserves, 2021 priorities, and the recommended action.

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

15 Ms. Iverson asked about the forecasted budget for the Parks and Trails Department.
16 She asked if more money was needed to update the playground at Klapprich Park. Mr.
17 Kelly said the Wayzata Beach and Klapprich Park playground equipment were both fully
18 funded in the Capital Improvement Plan. This offset opened up additional funding for
19 additional projects.

20 Mayor Mouton asked for a motion on the draft resolution. Mr. Buchanan made a
21 motion, seconded by Mr. Plechash, to Adopt Resolution No. 20-2021 Approving Excess
22 Revenue Transfers. Upon roll call vote, the motion carried 5/0.

23
24 **b. Consider Adoption of Resolution 22-2021 Approving New Design Standards**
25 **and Consider Approval of First Reading of Ordinance 806 Amending City**
26 **Code Chapter 909 (Design Standards)**

27 Mr. Dahl stated that he was really proud of the great work from the entire planning staff,
28 consultant, and community members on the task force that worked on the new design
29 standards. He said tonight's action was a culmination of all that work.

30 Ms. Goellner presented the action requested, the deliverables, goals of the work,
31 and background on the proposed new design standards. She introduced the City's
32 consultants on the project from Van Meter Williams Pollack.

33 Laura Shagalov, Van Meter Williams Pollack, said it had been a pleasure working
34 with the City on the design standards since last fall. She talked about all of the different
35 input they received, and how they worked to integrate it. She thanked the City for the
36 opportunity.

37 Andrew Faulkner, Van Meter Williams Pollack, said he was struck by the depth of
38 participation and thoughtfulness from the community. He talked about main aspects of the
39 new design standards, the three defined design districts, handbook organization, summary
40 of respondents, common threads through the standards, ground floor design standards, and
41 massing breaks requirement.

42 Mr. Faulkner lost his connection with the meeting. As he sought to reconnect, Mr.
43 Dahl reminded everyone that the Council was planning to go back to in person meetings in
44 July.

1 Mr. Faulkner reconnected and continued his presentation. He discussed the updated
2 standards for building recesses, upper floor stepbacks, roof design, material placement,
3 color and material transitions, usable open space design, and lighting.

4 Ms. Goellner talked about the changes to the design review process, public
5 comments received, Council action requested, and next steps.

6 Mayor Mouton thanked everyone for their hard work and opened the floor for
7 questions from the Council for staff.

8 Ms. Iverson thanked staff and everyone who participated. She asked about section
9 no. 4 under Minor Deviations on page 200 of the Council packet. Ms. Goellner said
10 significant deviations did need to be reviewed by the Planning Commission and City
11 Council; however, some deviations could be very administrative in nature, such as
12 rounding errors, and these were classified as minor. This would give staff the ability to
13 handle those administratively. Mr. Faulkner provided an example of when that might
14 happen.

15 Ms. MacDonald complimented everyone who worked so hard on this. She asked
16 about third story setbacks on Lake Street. Mr. Faulkner talked more about massing breaks
17 and upper floor setbacks.

18 Ms. Iverson said she would like to see something more specific in the standards in
19 regards to landscaping. She thought it felt too general. Mr. Faulkner talked about the links
20 within the document to more specific requirements. Ms. Iverson said requiring 250 square
21 feet of open space was too small. Mayor Mouton asked if it would depend on the size of
22 the project. Mr. Faulkner said it was a blanket requirement; however, no project would get
23 away with 250 total square feet because the zoning code required a specific amount of open
24 space per unit. Ms. Iverson said she would like to stipulate that bike racks were not allowed
25 in that open space.

26 Ms. Iverson said the standards required 10% setback for the third floor. She asked
27 if it would be better to have a set number. Mayor Mouton said she did not see that as the
28 most practical approach because it would be dependent on the depth of the building or lot.
29 Mr. Faulkner said he liked to err on the side of flexibility.

30 Ms. Iverson asked about a comment on page 160 of the Council packet regarding
31 masonry walls in parking lot. Mr. Faulkner said it had been revised to solid masonry wall
32 or decorative iron rod fence.

33 Ms. Iverson asked about neon signs. Mr. Faulkner said neon signs were prohibited.
34 Ms. Goellner said existing signs would be grandfathered in, and discussed under what
35 circumstances the existing signs would be required to be removed. Mayor Mouton asked
36 why they were not being allowed. Ms. Goellner said the idea was that signage should not
37 detract from the architecture and was based on feedback of the Planning Commission.
38 Mayor Mouton thought it was premature to eliminate all neon signs. Mr. Buchanan said
39 the City had a sign ordinance and thought it was best handled there. Mayor Mouton agreed,
40 but thought it was a problem if the documents did not agree with one another.

41 Mr. Schelzel said one tension was how the design standards related to the other
42 provisions of the zoning ordinance, and where the City would draw the lines. He thought
43 it was a good point that the draft prohibited certain types of signs but if the Council wanted
44 to deal with that in zoning, then there should not be a blanket prohibition in the design
45 standards. Mayor Mouton thought prohibiting those signs would be in direct conflict with

1 zoning. Mr. Schelzel stated he did not think there would be a conflict. He thought this
2 covered something that Council might want to leave to the sign ordinance.

3 Ms. MacDonald supported pulling the prohibition from this document and
4 addressing it in the sign ordinance. She said as a business owner, an interior illuminated
5 sign could make a big difference.

6 Ms. Iverson also agreed the sign ordinance was a better place.

7 Ms. Goellner said this was a simple revision to the proposed draft, but if there were
8 multiple revisions, staff would need to bring it back with those revisions. If the Council
9 wanted to remove the sign prohibition, it could simply remove 909.22 B.3. as shown on
10 page 194 of the Council packet, from the proposed draft.

11 Ms. Iverson said this was the first time the Council had the chance to review the
12 document, so she asked for patience as she still had more questions. She noted that the
13 section of the standards on page 111 dealt with standards for landscaping. She said the
14 City was not currently enforcing Section 2B5, S2 and said the City needed to think about
15 enforcement on the backend. She stated that she thought the landscaping document needed
16 more refining, and still felt the 5-foot minimum sidewalk requirement was too small.
17 Mayor Mouton said 5-feet in the Bluff District was very different than 12-feet on Lake
18 Street. Mr. Faulkner addressed sidewalks in different districts.

19 Ms. Iverson mentioned another resident comment about a building leaving hallway
20 lights on 24 hours per day. Mr. Faulkner said, as an architect, he believed this was a
21 building code issue. The portion of the building that was a means to egress was required
22 to be lit.

23 Mayor Mouton asked about requiring 3-dimensional drawings in the applications.
24 Mr. Faulkner said 3-dimensional perspective images were required from at least two
25 vantage points. Staff could waive that requirement for small projects.

26 The being no further questions for staff, Mayor Mouton opened the floor for
27 discussion from the Council.

28 Mr. Plechash thought striking the sign limitations from the design standards made
29 sense. Otherwise, he was in favor of the draft as presented. He said if there were more
30 revisions, the Council should review it.

31 Ms. MacDonald agreed. She said she was comfortable with the substance of the
32 document.

33 Mr. Buchanan said he was involved with all of the meetings on the proposed
34 standards. He said was in favor of kicking the sign issue to the sign ordinance, which
35 needed revising. He thought it was a wonderful document that modernized the standards
36 and provided flexibility.

37 Ms. Iverson said she would still like to see more work on the landscaping, and she
38 was not comfortable with the masonry wall standard.

39 Mr. Dahl recommended asking for public comment. The Mayor opened the floor
40 to public comment.

41 Polly Andersen, noted that she was the Energy and Environment Committee Chair.
42 She thanked the City for undertaking this important effort. She said this was a golden
43 opportunity to think about two things. First, to increase the percentage and description of
44 plants. She suggested referring to a dynamic list of native plants maintained by the
45 University of Minnesota. Second, to address pollinators and lighting. She said this was
46 the chance to be diligent about the environment.

1 Mayor Mouton asked if the City would typically deal with types of plants in the
2 design standards or in other parts of the zoning ordinance. Ms. Goellner said her
3 experience was to require minimum landscaping expectations within the tree preservation
4 ordinance. Mr. Faulkner said he also had seen landscaping requirements as part of the tree
5 preservation ordinance. Mayor Mouton asked if staff could take a look at that as the City
6 progressed through zoning changes.

7 Mr. Schelzel noted that the design standards were meant to last a long time, but that
8 the Council could revisit and revise them at any time when necessary. Mayor Mouton said
9 that was good advice, and thanked the Planning Commission and everyone who worked on
10 this.

11 Ms. Iverson said it was a missed opportunity if the Council did not take the time to
12 look at landscaping.

13 Mayor Mouton asked for a motion on the draft resolution. Mr. Buchanan made a
14 motion, seconded by Mr. Plechash, to Adopt Resolution No. 22-2021 as presented
15 approving New Design Standards, with an amendment to strike Sec. S3 from page 144 of
16 the design standards handbook page (page 194 of the agenda packet).

17 Mr. Plechash acknowledged Ms. Andersen's comments. He said he thought there
18 was great merit in them and wanted to take a look in whatever format was appropriate.

19 Upon roll call vote, the motion carried 4/1 (Iverson).

20 Mayor Mouton asked for a motion on the draft ordinance. Mr. Plechash made a
21 motion, seconded by Mr. Buchanan, to Approve the First Reading of Ordinance 806
22 Amending City Code Chapter 909 (Design Standards), as presented with an amendment to
23 strike Sec. 909.22 B.3. Upon roll call vote, the motion carried 4/1 (Iverson).

24
25 **c. Consider Approval of Wayzata Beach Playground Design and Authorization**
26 **to Proceed with Purchase of Equipment and Construction**

27 Mr. Kelly explained that a subcommittee of the Parks and Trails Board had been meeting
28 with the MN-WI Playgrounds about the design of the Wayzata Beach playground for
29 several months. The replacement of the playground was referenced in the Parks Master
30 Plan and had long been included in the Capital Improvement Plan. Mr. Kelly discussed
31 the new playground, budget, aerial and oblique views, primetime themed play unit, GT
32 wave net climber, swings, community engagement, community survey, area X, and
33 requested action.

34 Mayor Mouton asked about backing out the \$40,000. Mr. Kelly said staff was
35 looking for authorization to purchase the equipment. The cost estimate of \$272,000 would
36 more than likely increase June 3rd by 5%. The Parks and Trails Board wanted to find the
37 best way to recycle or reuse the old equipment. Staff would come back with
38 recommendations for demo and area X, but was requesting approval of \$232,000 for the
39 purchase of the equipment.

40 Mayor Mouton said she thought the mister was for those who could not access the
41 beach. Mr. Kelly showed the option for a mister feature. Mr. Buchanan asked if there
42 were any maintenance issues for the mister. Mr. Kelly said it was similar in function to
43 the water feature on Lake Street. It would need to be serviced and winterized.

44 Ms. MacDonald noted the requests for a taller slide. Mr. Kelly said the intent was
45 to provide a variety of equipment for many ages. He also thought a lot of the features that
46 were requested such as a tall slide and zip line would fit better at Klapprich Park.

1 Ms. Iverson said good work to the Parks and Trails Board and staff. She asked
2 about the addition of one more baby swing. Mr. Kelly said there would be an additional
3 baby swing. He also said the ADA swings were intended to provide an additional seat for
4 an adult. Ms. Iverson said she thought a misting feature would be nice. She asked about
5 switching out the canoe spring rider based on feedback. Mr. Kelly thought 2–5-year-olds
6 would use it and thought it should stay because of the theme.

7 Mayor Mouton asked if a member of the Parks and Trails Board wanted to speak.
8 Tory Schalkle, Parks and Trails Board Chair, talked about public input and asked for
9 Council input on area X.

10 Mr. Buchanan commended the Parks and Trails Board and Mr. Kelly. He supported
11 the ask and did not have a preference for area X.

12 Ms. MacDonald was also supportive. She said her instincts said water feature, but
13 she was happy to defer to their good judgment.

14 Ms. Iverson was also supportive and she was glad of the intention to recycle. She
15 thought a simple water mister for area X.

16 Mr. Plechash was in favor. He said he was far removed from that age and leaned
17 toward a STEM activity, but was happy to leave it up to the experts.

18 Mayor Mouton was also supportive. She leaned toward the water feature for the
19 little ones and those who could not get down to the beach.

20 Mr. Kelly appreciated the feedback. He said they planned to look at all of the
21 comments from the public as well. He said there was a group of ADA children who would
22 like to participate in the ribbon cutting. He also said the plan was for the current equipment
23 to stay through Labor Day and the new playground to be functional by next fall.

24 Mayor Mouton asked for a motion. Ms. MacDonald made a motion, seconded by
25 Mr. Plechash, to Approve the Wayzata Beach Playground Design and Authorization to
26 Proceed with Purchase of Equipment and Construction. Upon roll call vote, the motion
27 carried 5/0.

28
29 **d. Consider Adoption of Resolution 19-2021 Creating Ad-Hoc Panoway District**
30 **Committee and Appointments**

31 Mr. Dahl explained that staff presented Resolution 19-2021 creating an ad-hoc committee
32 focused on the downtown area of Wayzata at the May 18, 2021 City Council meeting. Mr.
33 Dahl presented the background, updates, and action requested.

34 Mayor Mouton asked for a motion on the draft resolution. Mr. Plechash made a
35 motion, seconded by Ms. MacDonald, to Adopt Resolution No. 19-2021 Creating Panoway
36 District Committee. Upon roll call vote, the motion carried 5/0.

37
38 **e. Consider Approval of COV Sidewalk Café Permit and Adoption of Resolution**
39 **21-2021 Approving the Encroachment Permit at 700 Lake Street**

40 Mr. Kieser presented the application from CōV restaurant for a sidewalk café permit. He
41 discussed the proposed sidewalk café area, review, and action steps.

42 Mr. Kelly explained the decking material, pergola, and planter boxes would
43 encroach on the City right-of-way. He thought the planters would be a great addition and
44 recommended approval.

1 Mr. Schelzel asked if the draft resolution approved the café permit and the
2 encroachment. Mr. Kelly explained that the draft resolution approved the encroachment
3 permit, the sidewalk café permit was separate.

4 Ms. Iverson asked about the storage on the southeast corner. Mr. Kieser showed
5 the location on the map. Mayor Mouton noted that it was previously moved. Mr. Kelly
6 said it was existing storage on City right-of-way. It would be included as documented
7 encroachments. Mayor Mouton asked if the restaurant would have to remove the storage
8 if the Council did not approve the permit. Mr. Kelly said when the storage was placed, the
9 City did not have a formal encroachment process. He wanted it to be noted as an existing
10 encroachment to be documented with the new encroachments.

11 Dean Vlahos, CōV Co-Owner, thanked the Council for the opportunity to speak.
12 He thought the addition would finish off that corner and said it would all be done first class.

13 Mayor Mouton asked, with regard to the materials, how tall the planters were and
14 whether they were fixed to the ground. Mr. Kieser said the planters needed to be temporary
15 and moveable. The pergola might need footings. Mr. Vlahos said the planters would be
16 counter height to allow customers to look out.

17 Mr. Plechash asked about the justification for the initial encroachment approval.
18 Mr. Dahl was unsure without looking at it. Mr. Kelly said it qualified as a café and did not
19 need encroachment approval.

20 Mayor Mouton opened the floor for Council discussion. Mr. Buchanan said the
21 Council had supported the hospitality industry throughout the City especially during the
22 Pandemic. He thought the application completed a beautiful patio experience.

23 Ms. Iverson continued to be concerned about the use of public land for private use.
24 She said the resident's tax dollars built the sidewalk and maintain it. She was not
25 comfortable with the application.

26 Mr. Plechash agreed with Council Member Buchanan. He said he was against the
27 last application because of alcohol and blocking views of the lake, but this application did
28 not have those problems. He thought it added to the vibrancy of the area and was in favor.

29 Ms. MacDonald supported the application as well. She said she liked that it did not
30 encroach on the 12-foot width of the Lake Street sidewalk.

31 Mayor Mouton said she like the design, but would like to see a straight line from
32 the existing patio to the new patio. She asked if there was any flexibility. Mr. Vlahos said
33 that was to try and save the landscaping along the wall, but he could bump it back.

34 Mr. Schelzel said if the majority of the Council agreed, the Mayor could entertain
35 a motion with that amendment. Mr. Kelly said if the Council agreed with that amendment,
36 staff could simply ask that the drawing be revised so it could be included.

37 Mayor Mouton asked for a motion on the application. Ms. MacDonald made a
38 motion, seconded by Mr. Plechash, to Approve the Sidewalk Cade Permit and Adopt
39 Resolution No. 21-2021 Approving Encroachment Permit for 700 Lake Street East, as
40 amended to bring the planters in line with the existing patio with the City Engineer's
41 approval. Upon roll call vote, the motion carried 4/1 (Iverson).

42
43 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

44 **a. Upcoming Events/Announcements**

45 Mr. Dahl said the all-City staff meeting was held last Tuesday, May 25th where six
46 employees were recognized for their length of service.

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b. Council Member Updates/Announcements

Mayor Mouton gave a shout out to American Legion Post 118 for putting on an amazing Memorial Day event. She thanked the Fire Department for keeping everyone safe and the community for coming out.

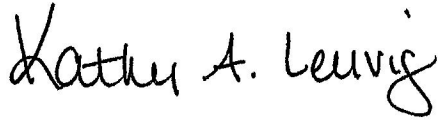
AGENDA ITEM 10. Public Forum Continued (if necessary).

There were no comments.

AGENDA ITEM 11. Adjournment.

There being no further business, Mayor Mouton asked for a motion to adjourn. Mr. Plechash made a motion, seconded by Mr. Buchanan to adjourn. Mayor Mouton adjourned the meeting at 11:20 p.m.

Respectfully submitted,



Kathy Leervig
City Clerk

Drafted by Sarah Peterson
TimeSaver Off Site Secretarial, Inc.