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**WAYZATA CITY COUNCIL
MEETING MINUTES
June 7, 2022**

AGENDA ITEM 1. Call to Order.

Mayor Pro-Tem Plechash called the meeting to order at 7:00 p.m. and 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: Buchanan, Iverson, MacDonald, and Plechash. Also present: City Manager Dahl, Community Development Director Goellner, Administrative Services Director Yager, Assistant Planner Quarles, Planning Consultant Zweber, and City Attorney Schelzel.

Mayor Pro-Tem Plechash noted on May 21, 2022 the City Council participated in a closed session meeting, pursuant to Minn. Stat. 13D.05, Subd 3.d. to discuss security and emergency procedures and training.

Mayor Pro-Tem Plechash noted that earlier this evening the Council held a workshop meeting in which the following items were on the agenda:

- Update of Parks Maintenance and Staffing
- Discussion of Municipal Marina Operations and Accounting Structure

AGENDA ITEM 4. Approve Agenda.

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

AGENDA ITEM 5. Public Forum.

a. Swearing in of Firefighters Joel Friese, Luke Malm, Chris Mattson, and John Kenney

City Manager Dahl stated that the fire department is the heart and soul of the community and noted that it was a true honor for him to be able to swear in the firefighters. He commended them for their desire to serve the community and administered the oath of office for each firefighter. There was a round of applause.

Chief Klapprich shared background, education, work history, and experience about each of the firefighters. He noted that all four had been through the following training programs: Firefighter 1, Firefighter 2, Hazmat, and also have their EMR certifications.

Mayor Pro-Tem Plechash stated that because he also serves on the Fire Department, he knows the training that they have undertaken for their roles and commended them for making this sacrifice to serve the community.

Chief Klapprich oversaw the pinning of the badges for the firefighters by their friends and family.

AGENDA ITEM 6. New Agenda Items.

1 Ms. Iverson requested that the Council revisit discussion surrounding when permits come
 2 in to ask that people to recycle 20-25% of the home rather than having it go to a landfill.
 3 She asked how the Council felt about this idea and if it could be discussed a future
 4 workshop meeting. Mr. Dahl noted that when it had been brought up previously the thought
 5 was that it would be a conversation for the Energy and Environment Committee.
 6 Community Development Director Goellner explained that she believes it was brought up
 7 with the Committee but does not remember there being an action item that they wanted to
 8 bring forward to the Council.

9 Mr. Buchanan stated that he did not believe it had been on the Energy and
 10 Environment Committee agenda, but would support the idea and would like to see the City
 11 give some guidance and its preference for these practices. He stated that he would like to
 12 see it placed on one of the next agendas of the Energy and Environment Committee.
 13

14 **AGENDA ITEM 7. Consent Agenda.**

15 Mayor Pro-Tem Plechash read the items on the consent agenda and asked if any Council
 16 member wished to pull an item for further discussion. Hearing no such request, he asked
 17 for a motion to approve the Consent Agenda as presented. Mr. Buchanan made a motion,
 18 seconded by Ms. MacDonald, to approve the consent agenda:

- 19 a. Approval of the Local Board of Appeal and Equalization Meeting, City Council
 20 Regular Meeting minutes from May 3,2022 and Workshop and Regular Meeting
 21 Minutes of May 17, 2022
- 22 b. Approval of Check Register
- 23 c. Approval of Municipal Licenses
- 24 d. Approval of Professional Services Agreement with Van Meter Williams Pollack for
 25 Wayzata Boulevard Corridor Study
- 26 e. Approval of Amended Agreement for Environmental Health Services with the city
 27 of Minnetonka
- 28 f. Approval of Second Reading and Adoption of Ordinance 812 Zoning Ordinance
 29 Amendment to Create New Parks and Open Space Zoning District and to Rezone
 30 Certain Properties to Such District
- 31 g. Adoption of Resolution 24-2022 Accepting Donation from the Wayzata Crime
 32 Prevention Coalition to Purchase a K-9 and Certification Training

33 The motion carried 4/0.
 34

35 **AGENDA ITEM 8. New Business.**

- 36 **a. Consider Approval of the First Reading of an Ordinance Granting a Franchise**
 37 **to Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC to**
 38 **Construct, Operate, and Maintain a Cable System in the City of Wayzata**

39 Mr. Dahl introduced the City's Telecommunications Attorney, Brian Grogan of Moss and
 40 Barnett to give an overview of the draft agreement.

41 Brian Grogan, Moss and Barnett, gave a presentation that reviewed the Federal
 42 Cable Act, existing cable franchising, goals of the franchise negotiations, franchise terms,
 43 and the proposed ordinance that would grant a franchise to Comcast.

44 Karly Werner, Senior Director of Government Affairs with Comcast, Twin Cities,
 45 gave a brief overview of Comcast, since they are a new entity to the City.

1 Mayor Pro-Tem Plechash stated that Wayzata is a small City and asked what
2 prompted Comcast to make such an enthusiastic commitment to Wayzata. Ms. Warner
3 stated that they serve Minnetonka and with the work that was done on Lake Street, they
4 decided to take the opportunity to lay some fiber for this possible opportunity in Wayzata.
5 She explained that they are committed to building out the entire City in phases working
6 closely with the Public Works Department starting in the business district near the lake and
7 expanding from there to cover every neighborhood in the City.

8 Mr. Dahl noted language included in the agreement surrounding communications
9 to allow people to be made aware of what is going on prior to construction so there should
10 not be any surprises.

11
12 Mayor Pro-Tem Plechash asked for a motion. Ms. Iverson made a motion, seconded by
13 Mr. Buchanan, to Approve the First Reading of an Ordinance Granting a Franchise to
14 Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC to Construct,
15 Operate, and Maintain a Cable System in the City of Wayzata. The motion carried 4/0.

16
17 **b. Consider Adoption of Resolution 19-2022 and First Reading of Ordinance 811**
18 **Amending Zoning Ordinance Provisions on Residential, Institutional, and**
19 **Commercial Zoning Districts**

20 Ms. Goellner gave an overview of the work that had been done, thus far, in the Zoning
21 Study as a way to help manage thoughtful development within the City and align the code
22 with the Comprehensive Plan.

23 Assistant Planner Valerie Quarles gave an overview of the work that was done to
24 clean up the code by working with the Zoning Task Force and WSB. She gave an overview
25 of the community engagement process and briefly reviewed the more significant policy
26 updates that arose from this process.

27 Ms. Goellner stated that after discussion at five meetings, the Planning Commission
28 unanimously recommended approval. She noted that the meeting minutes had been
29 included in the packet so the Council could see their discussion. She explained that there
30 are still some outstanding questions including inconsistencies with some of the definitions
31 and staff is planning to begin work on this following the changes to the Zoning Districts.
32 She stated that other outstanding questions were related to firearm sales, vacation rentals
33 and also policy documents. She expressed her appreciation to Planning Consultant Eric
34 Zweber for the detailed work he and his team at WSB did on the Zoning Ordinance
35 amendments

36 Ms. Iverson thanked staff for their work and noted that it was very helpful to have
37 the Planning Commission minutes so she could read through some of the questions and
38 their discussions. She asked about their discussion about inconsistency in heights for
39 ADUs. Ms. Quarles stated that the discussion that came out of this was that the height limit
40 for homes in rambler style neighborhoods are not any lower because they are ramblers and
41 explained that there is a two-story height limit in all residential neighborhoods. She
42 clarified that the City would not limit someone from adding a second level to their home
43 because it would be considered 'out of character' with the neighborhood. Ms. Iverson
44 stated that she has some concerns about the setbacks for ADUs because she thinks 5 feet
45 is very small and would like to see it stay at 10 feet. Ms. Quarles explained that their
46 thought process was around whether the City should regulate this accessory structure just

1 because it has people in it any differently than they would a shed or a detached garage and
2 staff felt that the setback should not be limited just because there were people in the
3 structure.

4 Ms. Iverson asked about enforcement for these changes and the examples given
5 during discussion about someone who may want to operate a yoga studio or other small
6 business out of this space. Ms. Quarles acknowledged that this is part of the Code that is a
7 bit weak. She stated that the way the City handles home businesses is not up to par with
8 how many other cities handle it. She stated that right now, if someone tells the City that
9 they have a home business the City says they would like it if they did not disturb other
10 people, cause a lot of traffic, and limit it to daytime hours. She stated that right now there
11 is not a lot of regulation currently in place. She stated that she feels it would be something
12 worth a separate discussion by the Council.

13 Ms. Iverson stated that there was discussion about drive-thru service and suggested
14 that there be a discussion about having a 500 foot setback from residential neighborhoods.
15 She explained that she took this specific setback distance from ordinances put together by
16 both Maple Grove and Plymouth. Planning Consultant Zweber stated that there is currently
17 not a specific standard for distances from a drive-thru to a residential property or structure.
18 He gave an overview of the proposed language and explained using the example of a bank
19 needing a permit, but also needing a separate permit for the drive-thru as a Conditional
20 Use. Ms. Goellner noted that the idea of a setback for a drive-thru could also be something
21 that is included in the Wayzata Boulevard Corridor Study for further study.

22 Ms. Iverson asked about references within the document to things such as the
23 Sustainability Policy and noted that she does not think she had seen that policy. Ms. Quarles
24 explained that this was one of the outstanding questions referenced by Ms. Goellner and
25 noted that part of their future work would be to write those policies.

26 Ms. Iverson noted that in the C3-A District, her personal preference would be to
27 see it be two-stories and not three-stories because of safety and traffic reasons. She stated
28 that she thinks allowing this on that corridor would take away any small-town that they
29 have left and is just too dense. She stated that her other thought is rather than putting the
30 35 feet into the document now, perhaps they wait until the Corridor Study has been
31 completed.

32 Mr. Buchanan asked if staff was confident that these revisions are in keeping with
33 the Comprehensive Plan. Ms. Goellner confirmed that staff is confident that these
34 amendments are in keeping with the Comprehensive Plan.

35 Mr. Buchanan stated that he loves the table because it solves a lot of the problems
36 with having to mess around and look for information. He stated that he and Mayor Pro-
37 Tem Plechash have served on the Zoning Task Force. He stated that the issue brought up
38 by Councilmember Iverson regarding ADUs brings up a good point because if someone is
39 living in there it is a lot different than just having a shed that close so he would agree with
40 her on her recommendation for a setback limitation but wonders how that would apply to
41 someone who builds on a garage. He stated that the Zoning Task Force had a lot of
42 discussions about Airbnb and VRBOs as well as conversations about the City losing its
43 charm, but noted that he did not believe that there were any short term rentals in the City.
44 Ms. Goellner stated that from her recent research, she found that there are about 12 that are
45 scattered throughout the City with a slight conglomeration in the southeastern portion of
46 the City. Mr. Buchanan stated that he appreciates the concern expressed by Council

1 Member Iverson, but he thinks it may be a situation where they are looking for a solution
2 without a problem, at this point. Ms. Goellner stated that none of the short-term rentals in
3 town are currently required to hold a license and they would typically have police respond
4 to complaints, but noted that there have not been many complaints. Mr. Buchanan noted
5 that the City may want to look at a permitting process for short-term rentals in the future.

6 Ms. MacDonald stated that she appreciated the work that went into this document
7 and noted that she agreed with Council Member Buchanan about the inclusion of the table.
8 She stated that related to the question regarding drive-thru distances, she explained that she
9 was okay with its inclusion because it could be addressed down the line following the
10 Corridor Study, because they are only allowed in certain spaces. She stated that with
11 relation to the setbacks for ADUs, she is going back and forth between the 5 foot and 10
12 foot setback distance, because 5 feet seems very low, but she can see the reasoning behind
13 that distance so people can actually put in an ADU if they have a smaller lot, but would
14 trust the recommendation made by staff and the Planning Commission. She noted that she
15 likes the idea of having the new District in place and because the City has not yet
16 determined where these will go, she would be okay with inclusion of the three stories.

17 Mayor Pro-Tem Plechash stated that he wanted to applaud everyone that has been
18 involved in the creation of this document because he felt the outcome was amazing. He
19 stated that he knows that there were countless hours spent by many people that were put
20 into this document. He noted that he would agree with the sentiments already expressed
21 that the table is a brilliant addition. He stated that the point brought up by Council Member
22 Iverson was a good one because he would agree that there is a substantive difference
23 between an ADU occupied by people and one that is not. He stated that his opinion is that
24 if it is a new structure that is meant for people, then he thinks a 10 foot setback is
25 appropriate, and if it is an existing structure, such as a garage, then the existing setback
26 would be fine, even if it was just 5 feet.

27 Ms. Iverson stated that she would support that idea.

28 Mayor Pro-Tem Plechash stated that the idea of a 500 feet setback for a drive-thru
29 is an interesting notion, however he thinks what is in front of the Council is probably okay
30 because he thinks there is enough flexibility built in, so it can be addressed when those
31 applications come before the Council. He stated that he also finds inclusion of the three
32 stories acceptable because, for him, Wayzata Boulevard is a different part of the City and
33 feels different than other areas. He stated that, to him, it feels like it can support a bit more
34 mass than other parts of the City. He stated that if the Council has concerns with this when
35 applications are before them, he feels it can be addressed at that time.

36 Ms. Iverson asked if the Council moves forward with this document including three
37 stories, how the City could regulate that with a developer.

38 Ms. Quarles explained that right now, they are not proposing to rezone anything on
39 Wayzata Boulevard, so all of the properties would remain C-3, which is still just two
40 stories. She stated that if a developer wanted to have a third story, they would have to come
41 before the Council and ask for a rezoning for their project, which means the Council would
42 have a pretty high discretion over developments that may seek the third story. She noted
43 that part of the Corridor Study would look at the best way to implement the third story.
44 City Attorney Schelzel reiterated Ms. Quarles' point and explained that if a property along
45 Wayzata Boulevard is rezoned C-3A, then that is currently drafted as a permitted height
46 but clarified that, right now, no properties are being rezoned.

1 Mayor Pro-Tem Plechash asked if there was consensus of the Council to approve
2 this resolution with the tweak that had been discussed regarding the ADU setbacks. City
3 Attorney Schelzel asked staff to articulate the language that would change within the code.
4 Mr. Schelzel stated that he would like to make sure that it is stated with precision for the
5 record and cite the section of the Code that will be amended from what was included in the
6 packet. Mr. Zweber referenced Code section 973.03A and staff will add subsection 8 which
7 will address the language, as discussed. Ms. Quarles clarified that the suggested language
8 would be, ‘ADUs will follow principle structure setbacks, except when improvements to a
9 structure built before the effective date of the ordinance.’

10 Mayor Pro-Tem noted the letter that had been included in the packet regarding
11 situations where there would be a request for an ADU in a basement which is larger than
12 960 square feet. He stated that he felt the idea raised in the letter was reasonable and
13 suggested that the Council also tweak that portion of the ordinance. He suggested that there
14 is a 960 square feet maximum restriction for a new structure, but if it is an ADU that is
15 going to go into an existing structure, for example the top of a garage or in a basement, that
16 there be some flexibility in that maximum size so they are not arbitrarily requiring the
17 property owner to put in a wall.

18 Ms. Iverson stated that she would agree with that revision.

19 Mr. Zweber stated that one thing in the existing code that is not called out in the
20 ordinance is that the 960 square foot cap is only applied to the R-2, R-2A, R-3, and R-3A.
21 He noted that the 960 square foot size is the minimum square footage for a two-bedroom
22 unit in the City Code.

23 Mayor Pro-Tem Plechash gave the example of a 1,200 square foot house that has a
24 1,200 square foot basement and noted that this may be another situation where he is
25 proposing a solution when there isn’t really a problem, but felt the letter made a pretty good
26 point. Ms. Quarles noted that in Mayor Pro-Tem Plechash’s example, she does not see how
27 that would be different than a duplex and would be a situation where she would be more
28 comfortable with a variance if it went above the ADU cap. She explained that the way they
29 have defined ADUs is to ensure that they are subordinate and smaller than the main
30 structure. She noted that she believes it may be difficult to try to set a flex-cap for existing
31 structures because of the differing sizes in basements, attics, and garages. Mayor Pro-Tem
32 Plechash stated that he agreed that the approach would make a lot of sense and withdrew
33 his suggestion for revision.

34 Mr. Dahl clarified that the consensus of the Council would be for ADUs in existing
35 structures would only be allowed if they were conforming, at this point in time, which
36 would mean they would have to meet the 5 foot setback at a minimum. Ms. Goellner noted
37 that there is a section about non-conforming structures and uses that implies that you cannot
38 expand a non-conforming structure, so that is already built into this language.

39
40 Mayor Pro-Tem Plechash asked for a motion on the application. Mr. Buchanan made a
41 motion, seconded by Ms. MacDonald, to Adopt Resolution 19-2022 Approving Zoning
42 Ordinance Amendments Related to Residential, Institutional, and Commercial Zoning
43 Districts as modified per discussion and outlined by staff; AND to Approve the First
44 Reading of Ordinance 811 Amending Zoning Ordinance Provisions on Residential,
45 Institutional, and Commercial Zoning Districts. The motion carried 4/0.

1 **c. Consider Approval of Professional Services Agreement with SRF Consulting,**
 2 **Inc. for Wayzata Boulevard Corridor Study**

3 Ms. Goellner gave an overview of the proposed Professional Services Agreement with SRF
 4 Consulting for the Wayzata Boulevard Corridor Study and outlined the study area. She
 5 reviewed the core project team and frequency of their meetings and noted that Council
 6 Members Buchanan and MacDonald will serve as Co-Chairs of the Corridor Study
 7 Committee. She reviewed the selection process and gave an explanation on why the
 8 recommendation was to select SRF Consulting. She reviewed the multi-disciplinary
 9 approach and schedule for the year-long study process. She noted that the 2022 CIP
 10 allocates \$128,000 for the Wayzata Boulevard Study and this service agreement is in an
 11 amount not to exceed \$74,984.25 and the remainder would be allocated towards the
 12 agreement that was approved on tonight's Consent Agenda with Van Meter Williams
 13 Pollack. She introduced Mike McGarvey, Project Manager with SRF Consulting.

14 Mike McGarvey, SRF Consulting Group, stated that they are happy to have the
 15 opportunity to continue their relationship with the City on this project.

16 Ms. Iverson stated that she wanted it on the record that she was not in agreement
 17 with this because, from a philosophic standpoint, she does not agree with the
 18 redevelopment down Wayzata Boulevard. She stated that it may be possible that her mind
 19 is changed through this process, but also because of the feedback she has gotten from
 20 residents, as of right now, she cannot support this overall project.

21 Mayor Pro-Tem Plechash stated that he does not see this Corridor Study as a
 22 foregone conclusion as to what Wayzata Boulevard will look like.

23
 24 Mayor Pro-Tem Plechash asked for a motion on the application. Mr. Buchanan made a
 25 motion, seconded by Ms. MacDonald to Approve the Professional Services Agreement
 26 with SRF Consulting, Inc. for Wayzata Boulevard Corridor Study. The motion carried 3/1
 27 (Iverson opposed).

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

30 **a. Upcoming Events/Announcements**

- 31 • Noted that Walk-Zata was held over the weekend. He explained that there have
 32 been a lot of comments and feedback that staff is currently gathering. He stated that
 33 a report will go through the Panoway District Committee and then to the Council.
- 34 • Stated that the City's search and rescue K-9, Loki, will be featured on KARE-11
 35 this evening.
- 36 • Extended his appreciation to the Fire Department and the other involved
 37 departments that were involved in fighting the significant grass fire last Friday.

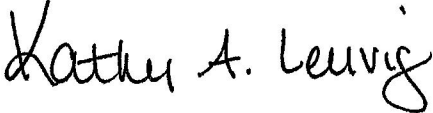
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 39 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

40 There were no comments.

41
 42 **AGENDA ITEM 11. Adjournment.**

43 There being no further business, Mayor Pro-Tem Plechash asked for a motion to adjourn.
 44 Ms. MacDonald made a motion, seconded by Mr. Buchanan to adjourn. Mayor Pre-Tem
 45 Plechash adjourned the meeting at 9:16 pm.

1 Respectfully submitted,
2

A handwritten signature in black ink that reads "Kathy A. Leervig". The signature is written in a cursive style with a distinct dot over the letter 'i' in "Leervig".

3
4
5 Kathy Leervig
6 City Clerk

7
8 Drafted by Kayla Rokosz
9 *TimeSaver Off Site Secretarial, Inc.*