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**WAYZATA CITY COUNCIL
MEETING MINUTES
June 16, 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, and Plechash. Council Member absent: McCarthy. Also present: City Manager Dahl and City Attorney Schelzel.

Mr. Plechash read the following statement.

As an elected member of this Council with a bit of a bully pulpit, I am taking this opportunity to address an issue that has been at the forefront of everyone's mind ... and which I feel obligated to address.

It is the senseless death of George Floyd and the devastating aftermath which followed ... not only close-by here in the Twin Cities Metro area where it all began, but across the country as well

As I studied and reflected on the issue of racism, talking to many people, it became personal for me ...

as I feel it should be for everyone who ponders it as well. If anything positive comes from these recent events, I hope it an awakening.

There is not one person who is listening tonight ... or who may watch the recording later ... or who may even read the transcript ... who should be exempt from having ownership in this issue. No one.

For the purposes of tonight's city council meeting, I would like my statement to be read into the record in its entirety as I believe this is about as consequential a topic as has ever been addressed by this body.

Although I believe my views represent those of the entire council, I am speaking for myself. I have not consulted with any of my colleagues and I have not crafted my comments to adhere to any particular point-of-view. What I am about to say is not political, but it is heartfelt.

The events of the past two weeks have stirred up emotions in me which have been hard to put into words, but I will try. These are my words and no one else's.

Let me start by stating the obvious. I am an old white guy.

However, I have strived to be as unbiased as I could be. I have failed many times, for sure, but I keep trying. It has been a journey. And the older I get, the more aware I am to that sensitivity.

Although I have made many blunders, I always try to treat people fairly and with respect. To borrow a phrase from Martin Luther King's famous "I Have a Dream" speech, I really have tried to judge people by the content of their character and not by the color of

1 *their skin. Those words have always resonated with me and I have never forgotten them.*
2 *I felt they were a part of my core ethic.*

3 *I was naïve.*

4 *Watching the news coverage of the past two weeks prompted me to delve into the*
5 *immediate facts and the larger issues. How could this have happened? Especially here in*
6 *Minnesota, the land of “Minnesota Nice.”*

7 *Here in Wayzata, we were essentially buffered from the violence. Just a few miles*
8 *away, however, Minneapolis was in total chaos being descended upon by radicals and*
9 *anarchists from outside our state who proceeded to destroy much of the city and it was*
10 *frightening to watch. I know that many of our residents and business owners were fearful*
11 *that it might even reach our city.*

12 *What was behind all of it? Was there a bigger picture, or was it just a bunch of*
13 *criminals and anarchists acting with impunity?*

14 *I wanted to talk to people. I wanted to listen and understand what could cause such*
15 *an upheaval in our society. As a leader, not only as an elected official here in Wayzata,*
16 *but also as a Naval Academy graduate and Marine officer where we were taught about*
17 *leading from the front and by example and where we were taught to treat all people with*
18 *dignity and respect, I felt compelled to dig deeper into these events.*

19 *For the past five days I have been in deep dialogue with many people within the*
20 *Naval Academy Alumni Association, both locally and nationally as we grapple with this*
21 *same issue on a national scale. I also reached out to some of my black friends going back*
22 *many years and read about the experiences of others ... virtually all of whom were*
23 *educated, accomplished, and respected in their communities. I discovered things I never*
24 *knew. It has been eye-opening.*

25 *I discovered that racism, at its core, is not a class or economic issue ... even though*
26 *it would seem so to many.*

27 *Racism is certainly not a police issue either, as many have claimed. Here in*
28 *Wayzata, we have some of the finest police officers one can find and they are members of*
29 *our community. They are our friends and our protectors. They are not racists and they*
30 *are not the enemy.*

31 *It is also not a City of Minneapolis issue ... or any particular institution for that*
32 *matter. Racism is not political. It is neither a result of the Left nor the Right.*

33 *Racism is a deep-seeded cultural and pervasive structural issue which has been*
34 *unrecognized, overlooked, misunderstood, ignored, pushed to the side and in some cases*
35 *maybe even willfully fostered. It has got to stop and rhetoric is not enough. Even my*
36 *commentary here tonight is not enough.*

37 *To make a statement or craft a policy saying we will not tolerate racism or identity*
38 *bias in any way is easy to do ... even though I am sure everyone here would agree with*
39 *doing so. However, they are just words.*

40 *Actionable, substantive and permanent change of heart needs to happen and we*
41 *are ALL in this. For there to be a real change, it has to come from within and not some*
42 *policy or directive, as necessary as they may be.*

43 *I am calling on every member of our community to look into their soul and to reach*
44 *out to other members of the community and talk about what we can do to change our hearts.*
45 *Talk and get to know people who do not look like you. Be honest and let them be honest*

1 *too. Look at people as individuals with intrinsic worth who are ALL made in the image of*
2 *God. Every last one of us.*

3 *I read an article that I am going to encourage everyone to read. It's titled*
4 *"Reflections From a Token Black Friend." Google it and you'll find it. It is written by a*
5 *recent Naval Academy graduate and now Marine Officer. He is black and he is the kind*
6 *of person everyone would want as a friend. It will open your eyes and perhaps your heart*
7 *as well.*

8 *Fixing the issue of racism starts with us. Each one of us.*

9 Mayor Willcox noted he issued a statement on June 5th supporting the Police
10 Department and staff recognizing that all of Wayzata's departments were fair and
11 respectful of everyone. He said he wanted to make sure the City upheld the highest
12 standards.

13
14 **AGENDA ITEM 4. Approve Agenda.**

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

17
18 **AGENDA ITEM 5. Public Forum.**

19 **a. Update of LMCD from Dan Baasen**

20 Dan Baasen, Lake Minnetonka Conservation District Board of Directors, updated the
21 Council. He discusses a pending lawsuit; the Wayzata Yacht Club change in dockage;
22 aquatic invasive species, harvesting and a Master Plan; communications; lake usage; the
23 Lake Minnetonka Conservation District's budget; Own Your Wake; high water; and
24 firework permits.

25 Mr. Koch thanked Mr. Baasen for his tireless support and work on the City's behalf.
26 Mr. Baasen was proud to represent Wayzata.

27 Mayor Willcox asked about the Wayzata Yacht Club's permit and whether the
28 District checked the length of the slips. Mr. Baasen said they did and were very mindful
29 of how the Club affects the City. Mayor Willcox thanked Mr. Baasen and the Lake
30 Minnetonka Conservation District for the work they did on aquatic invasive species and
31 harvesting. He noted that Big Island continued to be a concern and wished good luck to
32 the water patrol with its work on the lake.

33
34 **b. Presentation of Wayzata Chamber of Exceptional Service Award to Steve**
35 **Langsdale, Mohawk Moving & Storage**

36 Sarah Kaelberer, Business & Estate Advisors, Inc., talked about the award and how it came
37 to be. She said Mohawk Moving & Storage was a great business in the community who
38 did not miss a beat during the shutdown. She congratulated Mr. Langsdale and thanked
39 him for the great service to the Chamber and the Wayzata area.

40 Mr. Langsdale said it really was an honor from a great City. Mayor Willcox said
41 one could always count on seeing Mr. Langsdale volunteering at every Chamber event. He
42 was very reliable and made a big difference in the community.

43
44 **AGENDA ITEM 6. New Agenda Items.**

45 None.

46

1 **AGENDA ITEM 7. Consent Agenda.**

2 Mayor Willcox read the items on the consent agenda.

3 Mr. Dahl requested that the Council consider Items 7.a. through e. and h. Then pull
4 Items 7.f and g. to be tabled. There were some pending items that needed to be worked out
5 prior to the development agreement.

6 Mayor Willcox asked if any Council member wished to pull any other item for
7 further discussion. Hearing no such request, he asked for a motion to approve Items 7.a.
8 through e. and h. on the Consent Agenda. Mr. Koch made a motion, seconded by Mr.
9 Buchanan, to approve the consent agenda:

- 10 a. Approval of City Council Workshop and Regular Meeting Minutes of May 19, 2020
11 b. Approval of Check Register
12 c. Approval of Municipal Licenses
13 d. Receipt of Police Activity Report
14 e. Receipt of Building Activity Report
15 h. Approval of Lease for Beach Concession Operation with McCormick Hospitality
16 Group, LLC
17 ~~f. Approval of Amended and Restated Development Agreement, Donation~~
18 ~~Agreement, and Temporary Construction Easement for Ventana Apartments at 253~~
19 ~~Lake Street East~~
20 ~~g. Approval of Development Agreement, Donation Agreement, and Temporary~~
21 ~~Construction Easement for Melvin's Office Building at 235 and 239 Lake Street~~
22 ~~East~~

23 Upon roll call vote, the motion carried 4/0.

24
25 Mr. Koch made a motion, seconded by Mr. Buchanan, to table Item 7.f. Approval of
26 Amended and Restated Development Agreement, Donation Agreement, and Temporary
27 Construction Easement for Ventana Apartments at 253 Lake Street East to the July 7, 2020
28 City Council meeting. Upon roll call vote, the motion carried 4/0.

29
30 Mr. Buchanan made a motion, seconded by Mr. Plechash, to table item 7.g. Approval of
31 Development Agreement, Donation Agreement, and Temporary Construction Easement
32 for Melvin's Office Building at 235 and 239 Lake Street East to the July 7, 2020 City
33 Council meeting. Upon roll call vote, the motion carried 4/0.

34
35 **AGENDA ITEM 9. New Business.**

36 **a. Consider Adoption of COVID-19 Preparedness Plan**

37 Mr. Dahl provided the background and action requested to the Council.

38 Mr. Plechash was hopeful that the COVID-19 pandemic would be behind the City
39 in short order and wondered how much of the plan would be useful in the future. Mr. Dahl
40 said the City had a Continuation of Operation Plan that was the template for the COVID-
41 19 Preparedness Plan. He said the pandemic had been a learning experience for staff and
42 would provide an even better template for the future for any type of crisis or disaster.

43 Mayor Willcox asked if staff was able to use other sources to write the Plan. Mr.
44 Dahl said they were able to use a template from Roseville; however, it was a large
45 document and every page needed to be adapted for Wayzata.

1 Mayor Willcox asked for a motion on the draft Preparedness Plan. Mr. Plechash
2 made a motion, seconded by Mr. Buchanan, to approve the City of Wayzata's COVID-19
3 Preparedness Plan with the condition that staff would continue to update the plan and
4 communicate those updates to the public. Upon roll call vote, the motion carried 4/0.

5
6 **b. Consider Approval of Right-of-Way Agreement with Comcast**

7 Mr. Dahl said for any right-of-way access the Council needed to approve a right-of-way
8 agreement. He provided the background information to the Council.

9 Kate Hensing, Comcast Senior Manager Government Affairs, said Comcast was
10 excited about making the initial investment to bring Comcast business service to Wayzata.
11 She said it would reach about 400 businesses in downtown Wayzata. She said Comcast
12 was not currently looking at a franchise agreement, but was interested at a later date.

13 Mr. Plechash asked what technology was being used. Ms. Hensing answered that
14 it was fiber. She said the businesses would have access to ten gigabytes.

15 Mr. Koch asked how long it would take to be more long reaching into residential
16 areas. Ms. Hensing said it depended on funding, but it was currently moving pretty quick.
17 She said Comcast was very interested in moving into Wayzata.

18 Mr. Buchanan asked about the location of construction. Ms. Hensing said she had
19 provided Mr. Dahl a map that was confidential, but he could share it with the Council.

20 Mr. Plechash asked about speeds compared to DSL or cable. Ms. Hensing said
21 comparisons were hard, but she would provide a handout that explained the differences.

22 Mr. Dahl said the Agreement needed a couple of small tweaks that were not
23 substantive. He asked that the motion authorize the City Attorney finalize the Agreement.

24 Mayor Willcox asked for a motion on the Agreement. Mr. Plechash made a motion,
25 seconded by Mr. Koch, to approve the Right-of-Way Agreement with Comcast and
26 authorize the City Attorney to finalize the Agreement. Upon roll call vote, the motion
27 carried 4/0.

28
29 **c. Consider Resolution 30-2020 Extending Deadline for Land Donation Related
30 to 253 Lake Street East Development Project (Ventana Apartments)**

31 Mr. Dahl explained that a Planned Unit Development agreement approved earlier in the
32 spring had a deadline for the property owner to donate land in order to move the project
33 forward. The deadline expired shortly and the applicant requested an extension in order to
34 amend its Tax Incremental Financing agreement.

35 Mayor Willcox asked when the new deadline would be. Mr. Dahl said July 14th.
36 Mr. Schelzel explained the extension would provide everyone more time. He said the
37 Council would see the Tax Incremental Financing agreement and the items it tabled earlier
38 at the following Council meeting. Mayor Willcox asked what the degree of confidence
39 was to have the project nailed down by July 14th. Mr. Dahl said it was based on the viability
40 of the development. He said because the applicant was now confident in the product, he
41 thought it would move forward quickly. Mr. Schelzel added they were hearing from both
42 developers that it was the do or die time. He thought it would be done within the next
43 month or it would not happen at all.

44 Mr. Plechash made a motion, seconded by Mr. Buchanan, to Adopt Resolution No.
45 30-2020, Extending Deadline for Land Donation Related to 253 Lake Street East Project
46 (Ventana Apartments). Upon roll call vote, the motion carried 4/0.

1
2 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

3 **a. Upcoming Events/Announcements**

4 Mr. Dahl discussed the possibility of City Council meetings returning to City Hall.
5 He said he would develop a recommendation to present to the Council. The first layer of
6 asphalt had been poured on the 600-block of Lake Street. Mr. Dahl also shared the State
7 government was working on the local government distribution of the CARES Act.
8 Wayzata was projected to get \$355,000 to help offset COVID-19 related expenses;
9 however, the City could not reimburse lost revenue.

10 Mr. Schelzel said meeting in person had also come up at the Planning Commission
11 meeting and some were uncomfortable with doing so. He said the Planning Commission
12 and City Council could legally meet using a hybrid form of meeting where some were in
13 person and some were online.

14 Mayor Willcox said thank you to one and all, the City would continue to push
15 forwards. Thank you to City Manager for his leadership and thank you to City staff for
16 their perseverance.

17
18 **b. Council Member Updates/Announcements**

19 None.

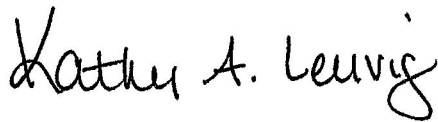
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21 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

22 There were no comments.

23
24 **AGENDA ITEM 11. Adjournment.**

25 There being no further business, Mayor Willcox asked for a motion to adjourn. Mr. Koch
26 made a motion, seconded by Mr. Buchanan to adjourn. Upon roll call vote, Mayor Willcox
27 adjourned the meeting at 8:14 p.m.

28
29 Respectfully submitted,

30


31
32 Kathy Leervig
33 City Clerk

34
35 Drafted by Sarah Peterson
36 *TimeSaver Off Site Secretarial, Inc.*