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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
July 7, 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: Koch, McCarthy, and Plechash. Also present: City Manager Dahl, Interim Community Development Director Zweber, Assistant Planner Kieser, and City Attorney Schelzel.

**AGENDA ITEM 4. Approve Agenda.**

Mrs. McCarthy made a motion, seconded by Mr. Plechash, to approve the agenda, as presented. Upon roll call vote, the motion carried 4/0.

**AGENDA ITEM 5. Public Forum.**

**a. Proposed Tree Ordinance Changes**

Cathy Iverson, 220 Central Avenue S, wanted to discuss Wayzata's current tree ordinance. She talked about recent developments and the impacts the tree ordinance had. She also showed photos of tree removal at recent developments. Ms. Iverson asked the Council to look at the ordinance and proposed changes.

Mayor Willcox said the Council was looking at the tree ordinance over the next year as part of the planned updates to the Zoning Code. He thought the developer that Ms. Iverson was referring to had received penalties for clear cutting. Ms. Iverson said the cutting was done by the property owner. Mayor Willcox agreed there needed to be a balance between protecting private property rights and saving the tree canopy.

Mr. Dahl confirmed that after development was completed, property owners could clear cut without any type of permit under the current ordinance. He said the Council would have an opportunity to look at the ordinance more thoroughly as a part of the Zoning Code update.

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

Mr. Koch said in light of the recent increase of reported cases of COVID-19 and with increased concern from residents, he wanted to address the issue of requiring masks in all indoor spaces. He said it was best addressed at the state level for uniformity, but in the absence of direction from the Governor he thought the City should consider the requirement. He suggested getting input from businesses and residents and studying the information that exists from the State and County Health Boards. He said the Council

1 should weigh the pros and cons and make the decision possible for the health and safety of  
2 the community.

3 Mayor Willcox said the City had been looking into this already and had been in  
4 contact with Wayzata's Chamber of Commerce to get its help polling their members. He  
5 said he had also heard that the Governor would weigh in on this within a week. He said  
6 the Council should be able to discuss the topic at the next meeting if the Governor did not  
7 put anything out first.

8 Mrs. McCarthy agreed it was worth a conversation.

9 Mr. Plechash said he had an opposing view, but was willing to move forward with  
10 the discussion.

11 Mr. Dahl asked if there was any specific data the Council wanted. Mr. Koch said  
12 feedback from residents and businesses, recommendations and information from medical  
13 professionals, and enforcement. Mrs. McCarthy was concerned with enforcement and  
14 added that she wanted to hear from the Police Chief.

15 Mr. Dahl said he received contact from Council Member Buchanan indicating that  
16 he was strongly in support of requiring masks.

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18 **AGENDA ITEM 7. Consent Agenda.**

19 Mayor Willcox read the items on the consent agenda and asked if any Council member  
20 wished to pull an item for further discussion.

21 Mayor Willcox, referencing Item 7.g., said the City was responsible for purchasing  
22 the planting material, but asked if the plan was created by the City or by the Minnesota  
23 Department of Transportation. Mr. Dahl said it was a City plan created by the volunteer  
24 committee with oversight by Public Works. The plan was approved by the Minnesota  
25 Department of Transportation because they would reimburse the City.

26 Mayor Willcox asked for a motion to approve the Consent Agenda as presented.  
27 Mr. Koch made a motion, seconded by Mrs. McCarthy, to approve the consent agenda:

- 28 a. Approval of City Council Special Meeting Minutes of May 29, 2020, Workshop
- 29 and Regular Meeting Minutes of June 2 and June 16, 2020
- 30 b. Approval of Check Register
- 31 c. Approval of Municipal Licenses
- 32 d. Acceptance of the Membership of the Partners in Energy Action Team
- 33 e. Approval of Agreement for CMT Janitorial Services
- 34 f. Adoption of Resolution 30-2020 Accepting Public Safety Donation
- 35 g. Adoption of Resolution 31-2020 Authorizing to Execute a Cooperative
- 36 Landscaping Agreement with MnDOT for Plant Materials to be Placed at Off-
- 37 ramps at Central Avenue
- 38 h. Approval of Amendment to the 2020-2022 Police Union Contract with Law
- 39 Enforcement Labor Services
- 40 i. Approval of Revised 2020 Meeting Calendar

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

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43 **AGENDA ITEM 8. New Business.**

- 44 a. **Consider Approval of Amended and Restated Donation Agreement and Public**
- 45 **Access Easement Agreement for Ventana Apartments at 253 Lake Street East**

1 Mr. Zweber explained that on June 2, 2020, the City Council approved an amendment to a  
2 residential Planned Unit Development project consisting of 25 apartments units within a  
3 three-story building, named Ventana Apartments. As a condition of approval, Lot 3 would  
4 be donated to the City for the construction of a public parking facility and a portion of Lot  
5 2 would be provided as a public access easement to allow for the construction of a joint  
6 access drive for the public parking facility, the Ventana Apartments, and the Melvin office  
7 building to the west. The donation agreement addressed the transfer of Lot 3 to the City  
8 that would become part of the public parking facility and a public access easement  
9 agreement to allow for the construction of the joint drive over a portion of Lot 1. Mr.  
10 Zweber talked about the items that would still need to be considered for approval in the  
11 future and action steps.

12 Mr. Koch asked why the public access easement did not go all the way to Lake  
13 Street. Mr. Zweber explained the sidewalk would be installed as part of the development  
14 of Ventana Apartments. It would be required, but it would come in a future request.

15 Mayor Willcox asked if the project was on schedule with all these moving pieces.  
16 Mr. Zweber said there was a meeting with the property owners. This donation was a major  
17 step to move forwards.

18 Mr. Dahl thanked the property owners who had been team players and appreciated  
19 their collaboration. Mayor Willcox also appreciated Mr. Dahl's creativity in putting all of  
20 this together.

21 Mayor Willcox asked for a motion on the agreements. Mr. Plechash made a motion,  
22 seconded by Mr. Koch, to approve the Amended and Restated Donation Agreement and  
23 the Amended and Restated Public Access Easement Agreement between the City of  
24 Wayzata and Berry & Co., Inc. for Ventana Apartments at 253 Lake Street East. Upon roll  
25 call vote, the motion carried 4/0.

26  
27 **b. Consider Approval of Historic Building Consulting Services by New History**  
28 **for the Section Foreman House.**

29 Mr. Kieser presented the background; New History's work to date including conditions  
30 assessment update, construction documents for stabilization, design framework and plan  
31 for reuse; draft agreement contracts with New History including prepare and submit an  
32 application for the National Register of Historic Places and assist the Conservancy in donor  
33 cultivation opportunities; costs associated with the agreement with New History; and action  
34 step. The Conservancy will cover all costs associated with this agreement.

35 Mayor Willcox asked what the City would give up as far as use if it was placed on  
36 the National Register of Historic Places. Mr. Kieser said that the application would look  
37 at future possibilities so the ideas so far would be included in the packet. He said the City  
38 was free to do what it wanted with the house, but could risk losing the designation.

39 Mr. Dahl said staff felt comfortable moving forward because the plan from New  
40 History did not involve changing the footprint.

41 Mr. Plechash was in favor as long as it would enhance Wayzata and provide better  
42 fundraising opportunities.

43 Mr. Dahl added the Conservancy was very excited about the project.

44 Mayor Willcox asked for a motion on the agreement. Mr. Plechash made a motion,  
45 seconded by Mrs. McCarthy, to approve the Professional Services Agreement between the

1 City of Wayzata and Preservation Design Works, LLC D/B/A New History for the Section  
2 Foreman House. Upon roll call vote, the motion carried 4/0.

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

6 **a. Upcoming Events/Announcements**

7 Mr. Dahl said it was an election year and shared there were two Council Member positions  
8 and one Mayoral position open. The filing date was July 28<sup>th</sup> through August 11<sup>th</sup>.

9 Mr. Dahl gave a Panoway Update. He said there was continued and consistent  
10 progress on Lake Street and the project was still on schedule and budget.

11 Last, Mr. Dahl said the City was pushing social distancing and encouraging mask  
12 usage. He said Wayzata was busy this time of year and encouraged everyone to be safe.

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14 **b. Council Member Updates/Announcements**

15 Mayor Willcox noted the staff was still meeting twice per week to discuss COVID-19 and  
16 asked Mr. Dahl to address the reimbursement the City received. Mr. Dahl explained the  
17 Federal CARES Act had made its way to the state and the Governor and State legislature  
18 had pushed the money forward to local governments for expenditure reimbursements. It  
19 could not be used to reimburse lost revenue. The Financial staff was working through all  
20 of the requirements. Mayor Willcox added that staff had been accounting for everything  
21 from the beginning.

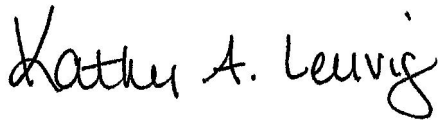
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23 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

24 There were no comments.

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26 **AGENDA ITEM 11. Adjournment.**

27 There being no further business, Mayor Willcox asked for a motion to adjourn. Mrs.  
28 McCarthy made a motion, seconded by Mr. Koch to adjourn. Upon roll call vote, Mayor  
29 Willcox adjourned the meeting at 8:04 p.m.

30  
31 Respectfully submitted,  
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35 Kathy Leervig  
36 City Clerk

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38 Drafted by Sarah Peterson  
39 *TimeSaver Off Site Secretarial, Inc.*