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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
July 21, 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, Administrative Services Director Yager, Assistant Planner Kieser, 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. The motion carried 5/0.

**AGENDA ITEM 5. Public Forum.**

**a. Gretchen Piper for State Senate**

Ms. Piper said she was running for State Senate to represent the people of District 33. She lived in Wayzata and felt compelled to run to put shared values into action at the Capitol. She talked about her work history, values and goals. Because she could not go door to door due to the pandemic, she encouraged everyone to reach out to her at her website: [www.gretchenpiper.com](http://www.gretchenpiper.com)

Mrs. McCarthy thanked her for running and acknowledged that it was a huge commitment. She thought Ms. Piper would be a great advocate.

Mr. Buchanan congratulated Ms. Piper on the endorsement and wished her the best of luck.

Mayor Willcox noted that he had previously suggested she run for City Council and wished her luck.

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

Mrs. McCarthy recommended the Council explore the idea to invite the Hennepin County Commissioner and Sheriff along with Wayzata's Police Chief to discuss the broader implications of defunding the Minneapolis Police Department. She was concerned about the impact to Wayzata's Police Department, budget issues, and increase costs to the County.

Mayor Willcox asked the Council for its thoughts.

Mr. Plechash thought it was very forward thinking and worth having a discussion.

Mr. Buchanan and Mr. Koch both agreed.

1 Mayor Willcox also agreed and asked the City Manager to plan the topic for a future  
2 meeting or workshop.

3  
4 **AGENDA ITEM 7. Consent Agenda.**

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

7 Mr. Plechash, referencing Item 7.b., noted some duplicate entries. He said it was a  
8 technical glitch in case a member of the public was looking closely.

9 Mr. Buchanan, referencing Item 7.e., asked how the year to date income compared  
10 to 2019. Mr. Dahl said the City was pretty close to where it was last year. He said the City  
11 had started off hot, tapered off some, and now there were a couple of projects about to start.

12 Mayor Willcox, referencing Item, 7.g., asked about the composition of the group.  
13 He wondered why there was a member of the Energy & Environment Committee, but not  
14 a member of the Parks & Trails Board. Mr. Dahl said the Parks & Trails Board did not  
15 normally get into the weeds of zoning. He said a member from the Energy & Environment  
16 Committee was included because they deal with best practices for impervious surface,  
17 stormwater, solar and wind, etc.

18 Hearing no other comments, Mayor Willcox asked for a motion to approve the  
19 Consent Agenda as presented. Mr. Buchanan made a motion, seconded by Mr. Koch, to  
20 approve the consent agenda:

- 21 a. Approval of City Council Workshop and Regular Meeting Minutes of July 7, 2020
  - 22 b. Approval of Check Register
  - 23 c. Approval of Municipal Licenses
  - 24 d. Receipt of Police Activity Report
  - 25 e. Receipt of Building Activity Report
  - 26 f. Approval of Second Amendment to Panoway Funding Partnership with Three  
27 Rivers Park District
  - 28 g. Approval of Zoning Ordinance Overhaul Task Force Membership and Timeline
- 29 Upon roll call vote, the motion carried 5/0.

30  
31 **AGENDA ITEM 8. New Business.**

32 **a. Consider Receipt of Mediacom Quarterly Customer Service Report**

33 Ms. Yager reminded the Council the Franchise Agreement between the City and Mediacom  
34 allowed for requests by the City for quarterly customer service reports. In addition, staff  
35 reviewed complaints received from the form on the City's website. Staff had been working  
36 with Mediacom over the last year to request additional data that better reflected the  
37 technical issues they were hearing about from residents. Mediacom's legal team issued a  
38 letter on July 15, 2020 informing staff they were meeting the requirements of the Franchise  
39 Agreement and would not fulfill further requests for additional data. If the Council wanted  
40 to pursue issues with Mediacom further, the City Attorney would need to review options  
41 for next steps. Staff recommended rejecting receipt of the Customer Service Report from  
42 Mediacom for First Quarter 2020.

43 Mr. Plechash said it did not matter how long it took Mediacom to answer the phone  
44 if they were not resolving customer's problems; however, he was unsure the report merited  
45 rejection.

1 Mrs. McCarthy agreed with staff's recommendation to reject the report. She was  
2 pleased they had added infrastructure and thought the best option was to continue to go  
3 back to Mediacom to whatever extent possible. She also thought that the City needed to  
4 be looking long term in terms of broadcasting on other platforms and how to do that in the  
5 future.

6 Mr. Koch said he wasn't sure that rejecting the report made a difference one way  
7 or the other. He also thought the City needed to work on building out competitive  
8 infrastructure, but in the meantime needed to play nice with Mediacom.

9 Mrs. McCarthy said Comcast was internet only. She clarified that when she said  
10 other platforms, she was referring to internet capabilities for streaming.

11 Mayor Willcox said what originally got the attention of the Council were the awful  
12 stories of residents being without service for long periods of time. He said the City was  
13 not hearing about those types of complaints anymore. He also thought the report was  
14 useless. He asked staff if it had been made clear to residents that if they had issues, the  
15 City wanted to hear about it. He suggested relieving Mediacom of submitting the report in  
16 exchange for addressing the egregious claims.

17 Mr. Schelzel said the Council could ask or suggest whatever it wished. A formal  
18 letter could be sent explaining that the Council wanted to work with Mediacom by relieving  
19 them of the obligation of the quarterly report in exchange for other information. He said  
20 as long as staff knew what was important to Council, it could articulate that. He added it  
21 may require an amendment, but doubted that Mediacom would be interested because of the  
22 time and expense.

23 Mr. Dahl said staff had tried to work with them, but he thought they were getting  
24 bogged down by the time it took to address the expectations.

25 Mayor Willcox asked about the clause that allowed the City to fine them. Mr.  
26 Schelzel said there was a provision that required them to have a security fund that the City  
27 could draw on if Mediacom failed to correct deficiencies. The City would need to give  
28 notice that Mediacom was in violation and then Mediacom would have 30 days to response.  
29 It was a tool the Council could use, but staff would need to gather facts, send a letter, and  
30 Mediacom would have a chance to remedy and respond. Mr. Schelzel added that it would  
31 have to be tied to Mediacom's obligations per the franchise agreement.

32 Mayor Willcox added that the City may also be reacting to historical data and  
33 needed to remind residents to let City Hall know about issues.

34 Mr. Dahl said if he was just looking at complaints then it did seem like Mediacom  
35 was doing a better job. He said staff would get the word out and make sure the good trends  
36 continued to hold true.

37 Mayor Willcox said staff would continue to communicate to the public that the City  
38 was an avenue for issues and send a letter back to Mediacom saying it was willing to relieve  
39 them of the quarterly reports in exchange for addressing big problems. Mr. Schelzel asked  
40 if the direction was to do those things and accept the report or reject the report. Mayor  
41 Willcox thought the Council should reject the report. Mr. Dahl said if the Council rejected  
42 the report, staff could send a letter indicating the rejection and commenting on their letter  
43 and the Council's overall objection.

44 Mr. Plechash commented that there had been far fewer complaints. He also thought  
45 the data in the report was what was originally agreed upon. He was not sure that the current

1 report merited rejection. He suggested accepting the report, relieve Mediacom of the  
2 responsibility to provide it, and ask for the information the Council wanted.

3 Mrs. McCarthy asked if relieving Mediacom of the reports required amending the  
4 franchise agreement. Mr. Schelzel said it would not, but would check the agreement to be  
5 sure.

6 Mr. Buchanan agreed with Mr. Plechash. He thought it made more sense to accept  
7 the report and then ask for something that was more relative.

8 Mr. Koch agreed, but he was unsure of totally relieving Mediacom of the report.  
9 He thought some of it was relative.

10 Mayor Willcox asked if a motion was needed. Mr. Schelzel said a motion to accept  
11 or reject the report and to direct staff to communicate with Mediacom the Council's wishes.

12 Mayor Willcox asked for a motion. Mr. Koch made a motion, seconded by Mr.  
13 Plechash, to accept the Customer Service Report from Mediacom for First Quarter 2020  
14 and to direct staff and the City Attorney to communicate with Mediacom about future  
15 changes to the reporting requirement. Upon roll call vote, the motion carried 5/0.

16  
17 **b. Consider Adoption of Resolution 33-2020 Denying a Subdivision at 15610**  
18 **Holdridge Road East**

19 Mr. Kieser presented the request from property owners, Anna Ovsyannikova and Yengenyi  
20 Orgranovich, to subdivide the property at 15610 Holdridge Road E into two single-family  
21 residential lots. Mr. Kieser discussed surrounding neighborhood zoning; 2040  
22 Comprehensive Plan Land Use; Development Application; background on the 2016  
23 request; tree inventory; proposed lots and renderings; Planning Commission discussion and  
24 recommended denial on a 6/0 vote; and questions for consideration and action steps.

25 Mr. Buchanan asked if the lot size met the R-2 zoning requirements. Mr. Kieser  
26 said they did.

27 Mr. Orgranovich commented about Mediacom and past service issues. He talked  
28 about the subdivision of the property. He said one thing that had changed since 2016 was  
29 that a number of similar applications were approved by the Council. He said the lot size  
30 would be smaller, but the curb appeal would be similar. He also addressed neighbor  
31 concerns and said there was false and misleading information. Mr. Orgranovich discussed  
32 building on the sloped hill, wetland safety, and comparable subdivisions.

33 Mayor Willcox asked the Council for questions or comments. He asked how the  
34 driveway would operate. Mr. Orgranovich said vehicles would make a left turn and the  
35 space was wide enough to get in and out of the garage. Mayor Willcox asked what the  
36 grade would be. Mr. Kieser said 10% which was the maximum. Mayor Willcox asked if  
37 the City had a no build clause on slopes that were over a certain number. Mr. Kieser said  
38 the City did not. Mrs. McCarthy noted the ordinance said nothing over 18%. Mr. Kieser  
39 clarified that the ordinance was discouraging development on those types of slopes. They  
40 required more information, more engineering, and more building.

41 Mrs. McCarthy asked what the slope was. Mr. Kieser said the average was 18%,  
42 but the building area was around 20%.

43 Mr. Koch asked if there was room to move the house back on the lot. Mr. Kieser  
44 said the house had to stay out of the wetland buffer, but it was possible to move it back  
45 some.

1 Mayor Willcox asked how much overall alteration of the terrain was needed. Mr.  
2 Kieser said the City Engineer had reviewed the project. The proposed plans have 140 –  
3 150 square feet of fill. Work would be needed around the driveway for a retaining wall  
4 and the home would need to be cut into the slope. The City Engineer did not have any  
5 concern that it could be done.

6 Mayor Willcox asked Mr. Kieser to summarize the Planning Commission's  
7 concerns. Mr. Kieser said the Planning Commission had concerns about the slope and its  
8 impacts on the wetland and trees, the size of the proposed lots, and the public comments  
9 and opposition.

10 Mr. Koch asked as proposed, what was the distance between the proposed home  
11 and the homes on either side. Mr. Kieser said 40 feet and 220 feet.

12 Mrs. McCarthy asked what was substantially different from 2016. Mr. Kieser said  
13 the proposed new lot was larger.

14 Mr. Dahl noted a member of the public requested to speak.

15 Alex Calingaert, 15804 Holdridge Road E, said the survey presented in 2016 had  
16 48 trees. The current survey says 49. Mr. Calingaert, said currently there were only 30  
17 trees and a number of trees that were removed were listed as good by the arborist. He  
18 discussed the comparables and said two of the other properties had vastly different terrain.  
19 He agreed that a number of neighbors oppose the project to their benefit, but said the  
20 character of the neighborhood would change.

21 Anthony Shink, 15600 Holdridge Road E, said he was the neighbor directly east of  
22 the proposed subdivision. He said he was feeling annoyed that the same project was back  
23 three years later. He said his driveway was heated because of the slope and thought it was  
24 cost prohibitive to add a home with a heated driveway given the small lot size. Mr. Shink  
25 also said he had seen an extreme change to the amount of water run off that came onto his  
26 property since they made changes to their property. He enjoyed having them as neighbors,  
27 but building a home was not the right thing to do for the neighborhood.

28 Mayor Willcox asked for the Council's thoughts.

29 Mrs. McCarthy fully supported the Planning Commission's findings and  
30 recommendations. She said the application was the same as 2016 other than a slight shift  
31 in the lot line. She did not support it in 2016 and did not support it today.

32 Mr. Plechash agreed. He said he was not present in 2016 and thought the owner  
33 made an interesting case, but ultimately, he supported the Planning Commission and the  
34 motion to deny.

35 Mr. Buchanan thanked the applicant for the thorough application and presentation.  
36 He said the lot size did meet the requirements for R-2; however, so many other things did  
37 not meet City Code. He supported the Planning Commission's recommendation for denial.

38 Mr. Koch also agreed. He thought the applicant presented some compelling points,  
39 but had concerns about drainage issues, the wetland area, and the amount of fill. He  
40 supported the Planning Commission's recommendation.

41 Mayor Willcox also complimented the Planning Commission and the applicant for  
42 their thorough work. He agreed the applicant made a compelling case. He thought a house  
43 could probably be built there and work. However, a subdivision request had to meet the  
44 standards of the Subdivision Ordinance which was a pretty tough hurdle. An application  
45 cannot change the neighborhood or be detrimental in any way. He agreed the Planning  
46 Commission's findings were accurate.

1 Mayor Willcox asked for a motion on the draft resolution. Mrs. McCarthy made a  
2 motion, seconded by Mr. Buchanan, to Adopt Resolution No. 33-2020, Denying  
3 Preliminary and Final Plat Subdivision at 15610 Holdridge Road. Upon roll call vote, the  
4 motion carried 5/0.

5  
6 **c. Consider Amending Local Emergency Order regarding Required Face**  
7 **Coverings**

8 Mr. Dahl explained the Council discussed whether it made sense to require face coverings  
9 in public indoor spaces in order to help slow the spread of COVID-19 at its July 7<sup>th</sup> meeting.  
10 He discussed what other neighboring communities were doing, the preferences of the  
11 business community, and how the requirement would be enforced.

12 Police Chief Risvold said from an enforcement perspective, it would be incumbent  
13 on the businesses. The Police Department would respond by complaint. The task was to  
14 educate owners and managers, educate again, and then take enforcement action which  
15 could include sanctions against business licenses.

16 Mr. Dahl talked about possible actions for the Council, but said staff would  
17 continue to ramp up encouragement of masks regardless. There were two drafted  
18 resolutions. One emergency ordinance requiring masks in all public indoor spaces and one  
19 emergency ordinance requiring masks in all City facilities. Both would require a 4/5 vote.

20 Mayor Willcox added that two neighboring communities had definitively not  
21 required masks.

22 Mr. Plechash had deep concerns considering this. He also had concerns about  
23 enforcement and forcing a policy on a community when a significant part of the community  
24 was against it. He thought it was a slippery slope and wanted to leave it up to the businesses  
25 to set their own mask policies. He said this was not a City level discussion and the State  
26 should not have a patchwork quilt of policies from one city to the next.

27 Mr. Koch believed this was an issue better dealt with at state level for consistency,  
28 but absent that he believed there was a responsibility to address it. He said the Council  
29 needed to consider health, safety, and wellbeing of residents, businesses, and visitors as  
30 one of its key civic responsibilities. No matter how the Council vote, he didn't doubt that  
31 each of the Council Members had the utmost concern for the health and safety of everyone  
32 in the community. He said he understood the concerns for personal choice and freedom,  
33 but thought times call for us to set aside a small portion of personal freedom. He talked  
34 about the consequences of the pandemic so far and thought face coverings was something  
35 simple the City could do to help mitigate the spread. He agreed that enforcement would  
36 not be perfect, but did not think that was a reason to give it up all together. He said it was  
37 a small sacrifice and he was in favor of requiring masks in all public indoor spaces.

38 Mr. Dahl noted at 9:08 p.m. that Mrs. McCarthy had lost connection at some point  
39 previously.

40 Mr. Buchanan believed it was the responsibility of the Council to keep the citizens  
41 and businesses health and safe. He said masks save lives and save money. In the absence  
42 of state wide mandate, he believed Wayzata should join neighboring communities and  
43 required masks in all places of public accommodation. He noted the economists at Golden  
44 Sachs estimate that requiring mask usage could prevent another shutdown which could be  
45 worth more than a trillion dollars to the U.S. economy. He said we can only assume a  
46 devastating impact to Wayzata as well. He also added the Centers for Disease Control and

1 Prevention said that if all Americans wore a mask the rising cases could be under control  
2 in four to eight weeks. He supported the mask ordinance requiring masks in all public  
3 places.

4 Mr. Dahl said Mrs. McCarthy was still not connected to the meeting, but relayed  
5 that she was not in support of a City-wide mask mandate.

6 Mayor Willcox asked if the Council could proceed with four members. Mr.  
7 Schelzel said the format was an emergency ordinance which would take effect immediately  
8 under the City's Charter. For an emergency ordinance, two votes were needed. The  
9 preamble required 4/5 vote.

10 Mayor Willcox thought the businesses would be behind the masks mandate so he  
11 was surprised to find that a slight majority was against the mandate. He thought you could  
12 make a good case for requiring masks and it was probably better to be safe rather than  
13 sorry. He said most people were wearing masks and the City was encouraging it. He said  
14 there were lots of regulations out there and he wasn't sure the City needed to weigh in  
15 further. He thought City facilities was a different argument. He thought it sent a message  
16 and set a good example.

17 Mr. Koch asked why City facilities were different. Mayor Willcox thought it said  
18 we are comfortable controlling ourselves, but we are not going to micromanage the rest of  
19 the businesses.

20 Mr. Buchanan said rather than do nothing, he supported the ordinance requiring  
21 masks in City facilities. He noted that it did fall short of what he preferred.

22 Mr. Dahl said staff had been talking about masks for some time and while there  
23 would be challenges, he thought it would benefit employees and keep the community safer.

24 Mr. Schelzel clarified that an emergency ordinance was not necessarily needed for  
25 a mask requirement in City facilities, but it meant the Council was behind it and would  
26 become effective immediately. Mr. Dahl agreed the Council could make a motion directing  
27 City Manager to require mask in City facilities with a simple majority.

28 Mayor Willcox did not think the Council had the 4/5<sup>th</sup> and thought the Governor  
29 would come out with direction soon. He was willing to give the City Manager the  
30 authority to make the determination on requiring masks in City facilities.

31 Mr. Plechash said the Council did not need to give the City Manager authority that  
32 he already had and was opposed.

33 Mr. Schelzel said the City Manager did have management authority of City  
34 facilities, but this was a matter of policy and Council set policy. He thought the City  
35 Manager would welcome the direction. Mr. Dahl agreed he would like to require masks in  
36 all City public indoor spaces and would like to have the Council's support.

37 Mayor Willcox thought it was appropriate to give the City Manager the authority  
38 to make the call.

39 Mr. Buchanan supported that as well.

40 Mr. Schelzel said Mayor Willcox could call the question and ask for a motion to  
41 direct the City Manager to implement rules for wearing face masks in those areas of public  
42 accommodation and City facilities.

43 Mayor Willcox made a motion to authorize the City Manager to implement mask  
44 policy for City facilities as he sees fit.

45 Mr. Plechash said he already has that authority. Mayor Willcox answered that the  
46 City Manager would like a sense of the Council to support him in whatever decision he

1 makes. Mr. Plechash said as a matter of policy, we should not be giving him authority that  
2 he already had.

3 Mr. Buchanan seconded the motion on the floor.

4 Mr. Dahl said he planned on requiring masks in City facilities and thought it would  
5 be nice to be able to say the Council was supportive.

6 Mr. Plechash suggested tabling the motion, allowing the City Manager to do what  
7 he needed to do, and not be seen mandating masks.

8 Mr. Koch said the Council was not mandating masks, but was showing its support.

9 Mayor Willcox asked for a vote. Upon roll call vote, the motion carried 3/1/1  
10 (McCarthy absent, Plechash nay).

11  
12 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

13 **a. Upcoming Events/Announcements**

- 14 • Mr. Dahl said the bonding bill was not approved. The next session was mid-August  
15 and he was hopeful Panoway Phase 2 would be part of that bill.  
16 • Wayzata Library was open by appointment only.  
17 • Council Member and Mayoral filing opens on July 28, 2020.

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

20 Mayor Willcox said after twelve years as Mayor he felt like it was time for new blood and  
21 will not be running for Mayor. He wished everyone good luck.

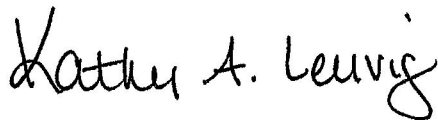
22  
23 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

24 There were no comments.

25  
26 **AGENDA ITEM 11. Adjournment.**

27 There being no further business, Mayor Willcox asked for a motion to adjourn. Mr.  
28 Buchanan made a motion, seconded by Mr. Koch to adjourn. Mayor Willcox adjourned  
29 the meeting at 9:46 p.m.

30  
31 Respectfully submitted,

32  


33  
34  
35 Kathy Leervig  
36 City Clerk

37  
38 Drafted by Sarah Peterson  
39 *TimeSaver Off Site Secretarial, Inc.*