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**WAYZATA CITY COUNCIL
MEETING MINUTES
August 3, 2022**

AGENDA ITEM 1. Call to Order.

Mayor Mouton 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: Mouton, Buchanan, Iverson, and MacDonald. Also present: City Manager Dahl, Community Development Director Goellner, and City Attorney Schelzel.

Council Member absent: Plechash

Mayor Mouton noted earlier this evening, the City Council participated in a workshop. The following items were on the agenda:

- Discussion of Proposals Received for Residential Assessing Services
- Annual Review of Long-Term Financial Plan
- Review of 2023 Preliminary General Fund Budget and Draft Fee Schedule

AGENDA ITEM 4. Approve Agenda.

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

AGENDA ITEM 5. Public Forum.

Lindsey Bashioum, 461 Peavey Lane, expressed her disappointment that the elected officials have not upheld the core principals of the Comprehensive Plan. She cautioned the Council not to take the lack of participation as being in favor of ignoring the height and density guidelines and explained that she felt people were simply fed up and tired of fighting this never ending battle. She explained that a constant fight over the attempts to develop every square foot of space is exhausting. She stated that the Council was elected to safeguard the town and its rules and she feels this Council has let the residents down. She noted that she also questioned what precedents were being set by their actions.

Merrily Babcock, stated that she is here on behalf of the Parks and Trails Board to help promote the first of the Music in the Park events coming up on August 7, 2022. She stated that this the fifth year for this event and thanked the Council for their support in funding this event. She stated that the first band will be the West Wings Swing Band and reminded residents that these are free concerts that are open to the public.

Ms. MacDonald offered to have posters/flyers available in her store for the Music in the Park events.

Ms. Iverson expressed her appreciation to Ms. Babcock and the Parks and Trails Board for their hard work on this event.

1 Chris Hickman, 484 Highcroft Road, stated that he will be unable to attend the
2 meeting on August 16, 2022, but his colleagues will be here. He stated that they had started
3 the process in January on working to set up the Enterprise Fund. He stated that he feels it
4 has created transparency and also given them an idea of how profitable the lagoon has been
5 for the City. He expressed concern about the potentially delay in the dredging project and
6 the potential difficulty in getting boats out of the water with low levels. He noted that he
7 had written to the Council today with some details regarding measuring some of the depths
8 and stated that he thinks it needs to be taken care of in 2023 and explained that he felt the
9 City needs to set aside money for this purpose. He stated that they are asking that some
10 reserve funds be set aside in case they have to do some maintenance.

11 Mayor Mouton asked if dredging was originally intended to occur in 2023.

12 City Manager Dahl stated that he did not have that information in front of him but
13 knows that the Enterprise Fund budgets will be discussed on August 16, 2022. He noted
14 that typically the Council will go over the CIP sometime in October so projects can be
15 adjusted at that time, if necessary.

16
17 **AGENDA ITEM 6. New Agenda Items.**

18 There were no new agenda items discussed.

19
20 **AGENDA ITEM 7. Consent Agenda.**

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

23 Ms. Iverson asked to make a statement on item c, the Wells Fargo development.
24 She read aloud a statement and noted that she wanted to recognize the developer and staff
25 for the time they have put into this project. She noted that she does have concerns with it
26 in relation to the 2040 Comprehensive Plan and felt that was not given significant weight
27 in deciding whether to approve the project, as proposed. She asked why the City had not
28 thoroughly discussed the overall design, massing, or density of the project and its impact
29 on the City. She stated that this project represents the gateway to the City and she feels it
30 falls short of meeting the key guiding principal of charm. She read aloud a portion of the
31 2040 Comprehensive Plan related to fostering charm and the small town character. She
32 stated that in her opinion, this project lacks charm and will set the standard for charm
33 moving forward. She asked the Council to consider whether they think that this building
34 represents charm and character for the City. She noted that she feels it is important for the
35 Council to evaluate all the projects that come before them using the same guiding principles
36 that the Comprehensive Plan clearly lays out. She stated that she has been involved in the
37 City for eleven years and in that time has never seen a project of this size approved without
38 any changes to the design, scaling, or massing. She stated that she is also struggling to find
39 a way to tell the residents about what the public benefits are of this project. She stated that
40 this project will be here long after this Council is gone and was baffled that there were no
41 conversations about design, massing or density. She stated that she believes the utmost
42 priority for the Council is to make the City charming. She reiterated that she felt the
43 Council has fallen down in their duties because they have failed to follow the guidance
44 from the 2040 Comprehensive Plan.

45

1 Hearing no additional requests, Mayor Mouton asked for a motion to approve the Consent
2 Agenda as presented. Mr. Buchanan made a motion, seconded by Ms. MacDonald, to
3 approve the consent agenda:

- 4 a. Approval of Check Register
- 5 b. Approval of Municipal Licenses
- 6 c. Approval of Second Reading and Adoption of Ordinance 814 Amending the
7 Official Zoning Map of the City to Rezone Property at 900 Wayzata Boulevard East
- 8 d. Adoption of Resolution 34-2022 Designating Deputy City Manager
- 9 e. Approval of Professional Services Agreement with WSB & Associates, Inc. for
10 Zoning Ordinance Update

11
12 The motion carried 3/1 (Ms. Iverson opposed).

13
14 Mayor Mouton stated that while she welcomed the comments made by Ms. Iverson, she
15 did not feel tonight was the appropriate time to share them. She stated that she felt Ms.
16 Iverson made some very good points but would have liked to hear them when the
17 application was before the Council. She stated that she thinks it was an unfair statement to
18 make that this Council was not willing to entertain discussion about many of the items
19 raised by Ms. Iverson, because they were discussed. She stated that if Ms. Iverson had
20 brought them forward for debate and discussion she would have found a Council that was
21 receptive to hearing her point of view, even if they were not in agreement with her. She
22 reiterated that she was disappointed that Ms. Iverson chose to make a statement at this
23 juncture that she felt the Council had not done its job. She stated that she felt the Council
24 did do their job and feels they are being cast in an unfair light given the work that staff and
25 Council have done to prepare for those meetings. She stated that she is disappointed in the
26 venue this was brought forward in and in the light that Ms. Iverson cast on the Council
27 because she feels it is unfair and an inaccurate representation of the work that has gone into
28 this project. She stated that she would be remiss if she did not mention that at the
29 conclusion of the vote at the last meeting, Ms. Iverson stormed out of the meeting and
30 neglected her duties as a Council Member to be in this seat regardless of how difficult a
31 conversation may be. She stated that by storming out she feels Ms. Iverson let down her
32 constituents because the expectation is that the Council will sit in these seats and have
33 open, frank, and sometimes tough conversations. She stated that for Ms. Iverson to come
34 back into the Council Chambers two weeks later and essentially shake her finger at the
35 Council, in her opinion, requires some personal reflection on Ms. Iverson's part. She stated
36 that Ms. Iverson was given the opportunity to share her point of view at the prior meeting,
37 which just ended up being in the minority that night. Mayor Mouton reiterated that she
38 appreciated Ms. Iverson for sharing her point of view, but noted that she respectfully
39 disagreed with her opinion.

40 Ms. Iverson stated that she would disagree with the statement that she was given
41 the opportunity to have an open discussion because she felt she tried and that it did not
42 happen. She stated that she had received feedback from multiple people regarding the
43 meeting. She explained that the decision for her to have this discussion and to put
44 something on paper did not come lightly. She stated that in all her years of service to the
45 City she has never seen anything work the way this process did. She explained that her
46 decision to walk out may not have been a professional decision, but it was a reflection of

1 her view of the Council continuing to dismiss her opinion and her design expertise on this
2 proposal. She encouraged anyone who may be watching tonight’s meeting, to go back and
3 watch the other meeting so they can see the process and judge the situation for themselves.
4 She stated that apparently she and Mayor Mouton both have different views of what took
5 place at that meeting.

6 Mayor Mouton stated that she did not feel that there had been any time when anyone
7 at the dais had attempted to limit another Council Member’s point of view. She feels there
8 is a level of professionalism that should be addressed in a separate forum. She noted that
9 she would agree that it appears as though she and Ms. Iverson are seeing how this process
10 played out in very different ways. She stated that if Ms. Iverson or others do not feel that
11 she gave her an adequate amount of time to speak, she would welcome having that
12 conversation and to try to understand how she could have handled it better. She stated that
13 it has never been her intention to not allow everyone the time address their point of view
14 equally on every issue. She stated that there is the opportunity at every Council meeting
15 for them to state their point of view and argue the merits and facts of the application. She
16 stated that she welcomes those comments during meetings, but also welcomes them
17 individually.

18
19 **AGENDA ITEM 8. New Business.**

20 **a. Consider Adoption of Codes of Conduct for Wayzata City Council, Boards,**
21 **and Commissions, and Public Meetings**

22 Mr. Dahl gave an overview of the conversations that began last fall regarding the overall
23 code of conduct for the various boards and commissions in the City to ensure public
24 meetings are safe, welcoming, and professional. He gave a brief overview of the process
25 staff had taken to draft the various Codes of Conduct. He asked if the Council had any
26 questions about any of the draft information.

27 Mr. Buchanan stated that he supports the idea of an official Code of Conduct. He
28 asked what the remedy would be for an infraction of the Codes.

29 Mr. Dahl explained that these documents are for the Council, Boards/Commissions,
30 and the public. He stated that if there is an issue with a member of the public, they may be
31 asked to leave, which is usually led by someone in a position of higher authority. He stated
32 that the Council Code of Conduct is designed for them to hold each other publicly
33 accountable. He explained that with Boards and Commissions there is more authority by
34 the Council because they appoint members to those groups so members could be removed
35 if they are not following the Code of Conduct. He reiterated that he expects this to be
36 something that only arises on very rare occasions but they felt it would be nice to have a
37 clear policy to ensure everyone knows what the expectations are and, if needed, they can
38 be held accountable.

39 Mayor Mouton confirmed that this has been presented to all Boards and
40 Commissions for their review.

41 Mr. Dahl stated that they have given the Boards and Commissions a chance to have
42 a courtesy review and noted that they did get a few helpful comments back on areas that
43 could be tweaked, which they did. He stated that this is also very important for staff
44 because it helps them do their job and be as effective and efficient as they can be.

45 Mayor Mouton thanked staff for their work on the multiple iterations of these
46 documents.

1
2 Mayor Mouton asked for a motion on the Codes of Conduct. Ms. MacDonald made a
3 motion, seconded by Mr. Buchanan, to Adopt the Codes of Conduct for Wayzata City
4 Council, Boards and Commission, and Public Meetings as presented. The motion carried
5 4/0.
6

7 **b. Consider Need of Emergency Moratorium and First Reading of Ordinance 815**
8 **Declaring a Temporary Moratorium on Edible Cannabinoid Products Derived**
9 **from Hemp within the City of Wayzata**

10 Mr. Dahl explained that staff had moved quickly to get this item on tonight's agenda due
11 to a new law enacted in July that allows certain edible and beverage products infused with
12 THC to be sold. He stated that staff felt it was likely that the State may come out with
13 additional guidelines or licensing in the future, so the idea behind this moratorium is to
14 give the City time to study the issue more closely and temporarily prohibit the sale and
15 manufacturing of THC products. He explained the reasoning behind the declaration of an
16 emergency moratorium in this instance.

17 City Attorney Schelzel gave an overview of the need and procedures for an
18 emergency declaration to approve this moratorium without having to wait for the usual two
19 readings of the ordinance.

20 Mayor Mouton commended the League of Minnesota Cities for the document that
21 they distributed with the frequently asked questions on this topic. She stated that this was
22 enacted on July 1, 2022 and asked what would happen in a situation where someone in
23 town had already begun selling these products.

24 Mr. Dahl stated that if they had begun, they would need to cease those sales.

25 Mayor Mouton asked about the repercussions if someone violates this moratorium.

26 Mr. Dahl stated that he believes it would be whatever is consistent with the penalties
27 within the Code of Ordinances.

28 Mr. Schelzel stated that a moratorium like this is based on the planning act and land
29 use so this is saying that you cannot engage in this kind of activity from a zoning
30 perspective and noted that part of what they will study and consider is licensing or some
31 type of regulation. He stated that penalties would be the same that they could exercise for
32 somebody engaging in an illegal activity under the zoning code.

33 Mr. Buchanan asked if the State comes up with regulations after the City approves
34 this how it will affect the emergency status and the moratorium.

35 Mr. Schelzel stated that the moratorium will stay in affect within the City for one
36 year unless the Council rescinds it. He stated that the emergency piece of the equation is
37 just that it will have immediate effect as opposed to two readings. He stated that there is
38 nothing in the moratorium that would preclude staff from coming to the Council with an
39 update if the State passes new regulations and believe the City could pass a local ordinance
40 that would be consistent with those regulations.
41

42 Mayor Mouton asked for a motion on the application. Ms. MacDonald made a motion,
43 seconded by Mr. Buchanan, to Approve the Preamble of Ordinance 815 Declaring That
44 There is an Emergency Need to Place a Moratorium on the Manufacture, Distribution,
45 and/or Sale of Edible Cannabinoid Products Derived from Hemp, and the Construction,

1 Development, or Operation of a Business or Facility Involving those Activities. The
2 motion carried 4/0.

3
4 Mr. Buchanan made a motion, seconded by Ms. MacDonald to Adopt Ordinance No. 815
5 Declaring a Temporary Moratorium on Edible Cannabinoid Products Derived from Hemp
6 within the City of Wayzata. The motion carried 4/0.

7
8 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

9 **a. Upcoming Events/Announcements**

- 10 • Acknowledged the passing of long time community member, Gail See, at the age
11 of 94 and gave a brief list of the many ways she was involved in the community
12 along with her exceptional work in literature/libraries/books.

13
14 **b. Council Member Updates/Announcements**

- 15 • Mayor Mouton noted the recent Fire Department/Police Department charity
16 softball game which is always a very fun community event. She stated that there
17 was also Night to Unite events held on August 2, 2022 and thanked everyone who
18 participated and helped put this event together.

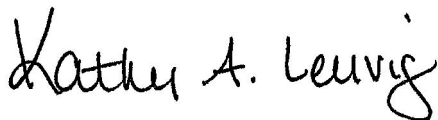
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20 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

21 There were no comments.

22
23 **AGENDA ITEM 11. Adjournment.**

24 There being no further business, Mayor Mouton asked for a motion to adjourn. Ms.
25 MacDonald made a motion, seconded by Ms. Iverson to adjourn. Mayor Mouton
26 adjourned the meeting at 8:03 p.m.

27
28 Respectfully submitted,

29


30
31
32 Kathy Leervig
33 City Clerk

34
35 Drafted by Kayla Rokosz
36 *TimeSaver Off Site Secretarial, Inc.*