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**WAYZATA CITY COUNCIL
MEETING MINUTES
September 7, 2021**

AGENDA ITEM 1. Call to Order.

Mayor Mouton called the meeting to order at 7:00 p.m. Due to expiration of the State of Emergency on July 1st by Governor Tim Walz, the City is now complying with the State of Minnesota's "Open Meeting Law" in which in person public meetings shall resume. The public will be allowed to participate in the meetings in person or remotely. Mayor Mouton shared the multiple options to join the meeting or submit comments and 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, Public Works Director/City Engineer Kelly, Administrative Services Director Yager, Parks Planner Kieser, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mr. Buchanan made a motion, seconded by Mr. Plechash, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. Update of Lake Minnetonka Conservation District Activity by City Liaison Dan Baasen

Mr. Dahl introduced Dan Baasen, Lake Minnetonka Conservation District representative. Mr. Baasen talked about Lake Minnetonka and the formation of the Conservation District. He discussed the partners and strategy.

Vickie Schleunig, Executive Director, talked about the budget and highlighted projects and activities.

Mr. Baasen noted some things happening in Wayzata such as unlicensed charters.

Mayor Mouton thanked them for the work they were doing on the Lake. She asked if there were things the City could partner with the Conservation District on for the boardwalk project. Mr. Baasen said the District would love to be a part of anything involving the lake. He also added that they would have a booth at James J. Hill Days.

b. Introduction of Public Works Employee Casey Staniger

Mr. Dahl shared why the City introduces new full-time employees.

Mr. Kelly introduced Casey Staniger as a new employee in the Utility Department who had been with the City since July. He was part of the crew that helped manage the City's water supply and stormwater systems.

Mr. Staniger provided his background and said he loved the community and his co-workers. He planned to be around for a long time.

Ms. Iverson asked where his hometown, Esko, was located. Mr. Staniger said it was north of Duluth.

1 Mayor Mouton thanked him for his work and welcomed him to Wayzata.

2

3 **c. The Moments**

4 Elizabeth Wright, The Moments Owner, requested the Council table the consent agenda
5 item to deny because they had submitted extensive changes to staff and staff had not had a
6 chance to review.

7 Mayor Mouton said the item was on the Consent Agenda with a recommendation
8 to deny based on the application that was reviewed. She asked if they had submitted a new
9 application. Mr. Dahl said the applicant had submitted revised plans, but not a new
10 application. Mr. Schelzel discussed the Council's options to act on the denial, to table, or
11 to send it back to the Planning Commission.

12

13 Mayor Mouton asked if there were public comments on Zoom. Ms. Goellner confirmed
14 there were none.

15

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

17 Ms. Iverson said there was an urgency to bring the tree ordinance before the Council. She
18 suggested setting a timeline. She also suggested requiring a percentage of items be
19 recycled when a property was demoed.

20 Mayor Mouton said the tree ordinance was in process. Mr. Dahl confirmed that
21 staff was in the feedback stage and the plan was that the revised ordinance would be up for
22 consideration with six months.

23 Ms. Iverson said six months was too long and the sense of urgency was now.

24 Mayor Mouton asked if the Council supported shifting things around. Mr.
25 Buchanan said the City was in the midst of extensive outreach and public engagement, he
26 did not think speeding up the process was in the City's best interest.

27 Ms. Goellner talked about the current process.

28 Mr. Plechash thought the topic was important, but said it was already on its way.

29 Ms. MacDonald agreed.

30 Mayor Mouton said she was concerned that speeding up the process would do more
31 harm than good. She asked about the suggestion to require recycling.

32 Mr. Buchanan thought it was a great idea and thought it should be added, but did
33 not know where it should fit in the timeline. Ms. Goellner said it could be added to the
34 renewable energy study. She said hiring consultants was the best way to execute quickly.

35 Mayor Mouton suggested adding it to the Zoning Task Force and letting the Energy
36 and Environment Committee to look at it with the renewable energies study. Ms. Iverson
37 agreed, but noted that she was disappointed about the trees.

38

39 **AGENDA ITEM 7. Consent Agenda.**

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

42 Mr. Plechash, regarding Item 7.f., asked how the Council pulling the item would
43 differ from the applicant submitting a new application. Mr. Dahl said if the applicant
44 withdrew the application, they would have to go back through the whole process. Mr.
45 Schelzel reiterated that the Council had options. The Council could adopt the denial and
46 the applicant had the option to go through a new application process. There was also an

1 option to table the item and provide staff direction. The significant difference between the
2 two was timing.

3 Mayor Mouton asked if there was a possibility to table the item and send it back to
4 the Planning Commission. Ms. Goellner noted that sending it back to the Planning
5 Commission was not as clear to her. There was also the issue of the 120-day rule.

6 Mr. Buchanan asked if that option took less time. Mr. Dahl said that is why staff
7 preferred going back through the process so the requirements were clearer.

8 Ms. Iverson thought it was important to the residents so it should go back through
9 the process. She did not want to see it rushed.

10 Ms. MacDonald agreed and preferred the community to have the proper notice.

11 Elizabeth Wright, The Moments Owner, requested to clarify the timing issue.
12 Mayor Mouton said it was not the appropriate time. Ms. Wright said there was a new
13 assisted living licensure law so if it was denied, the building would have to come down.
14 Mayor Mouton asked her to take her seat.

15 Mr. Plechash requested to vote on Item 7.f. separately.

16 Mayor Mouton asked for a motion to approve the Consent Agenda as amended.
17 Mr. Buchanan made a motion, seconded by Mr. Plechash, to approve the consent agenda:

- 18 a. Approval of City Council Workshop and Regular Meeting Minutes of August 24,
19 2021
- 20 b. Approval of Check Register
- 21 c. Approval of Municipal Licenses
- 22 d. Adoption of Resolution 36-2021 Authorizing Submittal of Legacy Grant
23 Application to Minnesota Historical Society for Design Construction Documents
24 for the Section Foreman House
- 25 e. Approval of School Resource Officer Agreement with Wayzata School District
- 26 ~~f. Adoption of Resolution 34-2021 Denying PUD Amendment and Design Deviations~~
27 ~~for Moments of Wayzata at 163 Wayzata Boulevard West~~

28 Upon roll call vote, the motion carried 5/0.

29
30 **f. Adoption of Resolution 34-2021 Denying PUD Amendment and Design**
31 **Deviations for Moments of Wayzata at 163 Wayzata Boulevard West**

32 Mayor asked for a motion on the draft resolution. Mr. Buchanan made a motion, seconded
33 by Ms. Iverson, to Adopt Resolution No. 34-2021 Denying PUD Amendment and Design
34 Deviations for Moments of Wayzata at 163 Wayzata BLVD W.

35 Mr. Plechash asked for more detail concerning process and timeline. Mr. Schelzel
36 again shared the Council's options. Mr. Plechash asked about the downside to denying
37 and reapplying. Mr. Schelzel again explained it was an issue of timing.

38 Mayor Mouton asked about the new legislation concerning assisted living facilities.
39 Ms. Goellner said the City did not have a complete understanding of the process because
40 it was administered by the Minnesota Department of Health for assisted living services.
41 She was unsure whether denial or withdrawal would affect the new application. She said
42 it did go into effect on August 1st. Mayor Mouton said she preferred to table the item with
43 the requirement that it go back through the Planning Commission.

44 Mr. Plechash agreed. He wanted more information about the legislation.

45 Mr. Buchanan asked if the application was made prior to the legislation going into
46 effect. Ms. Goellner said the City did not administer the specific standards. She said what

1 staff understood was that the wood frame allowed renovations, but if enough time passed
2 a steel frame may be required.

3 Mr. Buchanan withdrew his motion.

4 Mr. Schelzel suggested tabling the item and referring it back to the Planning
5 Commission for further review.

6 Ms. Iverson said maybe there was a reason that steel was required and wanted to
7 understand any safety issues. Mr. Schelzel recommended asking the applicant to provide
8 more information on the legislation to the Planning Commission.

9 Mr. Buchanan made a motion, seconded by Mr. Plechash, to table Item 7.f. to the
10 next reasonable meeting and to refer the application back to the Planning Commission for
11 review, public input, and a new report and recommendation.

12 Mr. Buchanan asked if the City could ask the applicant to extend the deadline. Ms.
13 Goellner said yes.

14 Upon roll call vote, the motion carried 4/1 (Iverson).

15
16 **AGENDA ITEM 8. New Business.**

17 **a. Consider Adoption of Resolution 38-2021 Certifying to the County Auditor the**
18 **Preliminary Property Tax Levy for Taxes Payable 2022 and Resolution 41-**
19 **2021 Approving 2022 Preliminary General Fund and Enterprise Fund Budgets**

20 Ms. Yager presented strategic priorities, 2022 total budget, 2022 general fund revenue
21 overview, budget goals, key changes to general fund expenditure budget, 2022 levy,
22 historical tax rates, impact to residents, and recommended actions.

23 Mayor Mouton asked how the commercial taxes impacted the levy. Ms. Yager said
24 they saw a 6% decline in commercial value last year.

25 Mayor Mouton asked for a motion on the draft resolution. Ms. MacDonald made
26 a motion, seconded by Mr. Buchanan, to Adopt Resolution No. 38-2021 Certifying to the
27 County Auditor the Preliminary Property Tax Levy Payable for 2022.

28 Ms. Iverson said the budget increases were police, administration, public works,
29 and public safety. She believed they were a direct impact from the Panoway project which
30 meant the residents were funding Panoway. Mayor Mouton said that was inaccurate.

31 The motion carried 5/0.

32 Mayor Mouton asked for a motion on the second draft resolution. Mr. Plechash
33 made a motion, seconded by Mr. Buchanan, to Adopt Resolution No. 41-2021 Adopting
34 the 2022 Preliminary General Fund and Enterprise Fund Budgets.

35 Mr. Buchanan complemented Ms. Yager on a great and easy to understand
36 presentation.

37 The motion carried 5/0.

38
39 **b. Consider Adoption of Resolution 40-2021 Adopting the 2022 Fee Schedule**

40 Ms. Yager discussed the fee schedule, utility rates, and boat slips.

41 Mayor Mouton noted the projected deficit in the parks and trails funds. She asked
42 if staff was anticipating the same level of deficit in the fund going forward. She also asked
43 about Ferndale Road and how it would affect the fund overall. Ms. Yager said it would go
44 down significantly. Mayor Mouton asked if the boat slip increase had historically fallen in
45 the 3-5% range. Ms. Yager said yes. Mayor Mouton asked staff to talk about how the City
46 was able to establish fees. Ms. Yager said the charges must be related to the benefit so

1 boat slip fees go toward the maintenance of the slips, staff time, and bigger projects such
2 as dredging. Mayor Mouton asked if the City had done a detailed analysis of costs. Ms.
3 Yager said not since she had been there and thought it was something staff could do. Mayor
4 Mouton said the City was not in the business of losing money, but was not looking to profit.
5 She asked what it would take to do an analysis. Ms. Yager said she, Mr. Kelly, and City
6 Clerk Leervig could spend a couple of hours and put something together.

7 Mr. Plechash asked if the boat slip fees which went into the parks and trails funds
8 could be used for other things. Ms. Yager said technically, yes, but the fund did have some
9 restricted uses. She said the City could make it a restricted use and account for it separately.

10 Mr. Buchanan suggested tabling the boat slip fee schedule for further review, and
11 approving the rest of the fees.

12 Ms. MacDonald agreed, she also wanted to look at scaling the fees.

13 Mr. Plechash also agreed and thanked the public for their input. He thought the
14 marina had needs that were different than the other parks. He liked the idea of establishing
15 a separate fund. He also discussed safety concerns.

16 Ms. Iverson agreed. She said the Council needed to look at how to find funds for
17 the Parks Department moving forward. She also noted the lagoon was in disrepair.

18 Mayor Mouton noted that there was not a public hearing, but said the Council would
19 hear public comment.

20 Scott Frost, 122 Broadway Avenue N, appreciated the Council's comments. He
21 was interested in making sure the fees would not go to fund other projects, noting that some
22 of the other projects were needed.

23 Christina McCullough, 240 Ridgeview Drive, enjoyed having their boat there for
24 the last six years. She shared some of her safety concerns.

25 David Nitz, 431 Peavey Lane, appreciated the Council's comment. He suggested
26 a workshop or committee that included boat slip owners to discuss the issues.

27 Mayor Mouton said including the improvements the boat owners wanted to see
28 when the costs were calculated would be helpful.

29 Eric Brindley, 1809 Crosby Road, said most of what he wanted to say had been
30 covered and thought the Council was doing a good job.

31 Terri Huml Fox, 293 Grace Pointe Court, said her main concerns were safety,
32 parking, and cost of operations. She thought the actual costs of running the marina would
33 be helpful to know. She said if improvements were made, she would love to see the rates
34 held to 2-3% of market rates.

35 Mayor Mouton said it sounded like the Council supported option two. She asked
36 if staff had questions of Council as to direction. Ms. Yager asked if the Council wanted to
37 see a workshop, a committee, etc. Mayor Mouton thought initially the Council could get
38 the information back from staff in the form of a workshop. Then a phase two for major
39 improvements could be a working group. Mr. Dahl confirmed a workshop within the next
40 month or so to figure out costs and fees for this year and then develop a plan that would
41 involve engaging boat slip owners, in the future.

42 Mayor Mouton asked for a motion on the draft resolution. Mr. Plechash made a
43 motion, seconded by Mr. Buchanan, to Adopt Resolution No. 40-2021 Adopting Municipal
44 Fees for 2022, as amended to exclude boat slips and direct staff to bring boat slip fees to a
45 future Council meeting. The motion carried 5/0.

1 Dahl – comment just came in, but I believe it’s about a different issue so we can come back
2 to that for public comment.

3
4 **c. Consider Adoption of Resolution 37-2021 Allowing the Keeping of Chickens**
5 **and Approval of First Reading of Ordinance 808 Amending City Code**
6 **Chapter 930 (Animals)**

7 Mr. Kieser presented the proposed properties, proposed requirement and regulations,
8 Planning Commission discussion and public comments, and action steps.

9 Mayor Mouton asked if the Council wished to make any changes, could it stipulate
10 those changes tonight. Mr. Schelzel said if the Council specified changes and made a
11 motion to approve the first reading with that amendment, then that would become part of
12 the ordinance.

13 Mr. Plechash asked if other cities had the lot restrictions. Mr. Kieser discussed
14 restrictions in other cities. Mr. Plechash asked how staff came up with 40,000 square feet.
15 Mr. Kieser said it was a compromise to see how the keeping of chickens on larger lots
16 worked.

17 Mr. Buchanan asked if staff had spoken to other cities. Mr. Kieser said he spoke to
18 one other city, but spent a good deal of time researching other city’s codes. Mr. Buchanan
19 asked about enforcement mechanisms. Mr. Kieser said the first would be the permit and
20 annual renewal, but the majority of the City’s code was complaint based. Mr. Buchanan
21 asked if there was a provision for neighbors to provide consent. Mr. Kieser said staff
22 looked at that and one other city did require it.

23 Ms. Iverson asked if staff provided resident’s notice for inspection. Mr. Kieser said
24 staff would typically work with the property owner.

25 Ms. MacDonald said she had concerns that the required conditions were too
26 subjective. She asked about the demand and if it the zoning was too restrictive. Mr. Kieser
27 noted that the Planning Commission shared the same concerns and recommended more
28 community outreach.

29 Mayor Mouton asked if removing the language “farm animals” would ultimately
30 allow for other animals. Mr. Schelzel said if an animal was not listed than you cannot keep
31 it. Mayor Mouton said her concern was the size limitation. She said she was in favor of
32 chopping it in half to 20,000 square feet. She also recommended providing more
33 information to anyone who applies. Mr. Kieser said other cities attach educational
34 information to the permit and Wayzata could certainly do that.

35 Mayor Mouton hearing no more questions for staff, opened the floor for Council
36 discussion.

37 Mr. Plechash said his biggest concern was lot size. He also suggested treating the
38 coops like accessory structures. He said the whole point was to be more of a sustainable
39 society and thought the City should be encouraging this. He also noted a petition in support
40 with 88 signatures.

41 Ms. Iverson agreed that the lot size was too large.

42 Mr. Buchanan thought the current proposal was too vague. He worried about
43 consent of neighbors and enforcement and thought there should be more community
44 engagement. He said he was not in favor, but thought the proposal could be more specific
45 if this was the way Council wanted to go.

1 Ms. MacDonald said she was not opposed to the keeping of chickens, but thought
2 the proposal was too broad. She thought neighborhood harmony was important so
3 permission from neighbors would be good. She also thought the education part was
4 important and should be required.

5 Mayor Mouton said her biggest concern was the size restriction. She was not sure
6 agreed with neighbor's consent and thought people should be able to do what they wanted
7 on their own property. She said it sounded like the Council was not ready for a first reading.
8 She asked if staff had enough information to bring something back or should this be added
9 to a workshop. Mr. Dahl asked if Council preferred more community engagement. Mayor
10 Mouton thought a formal community engagement mechanism was not necessary but
11 perhaps a short online survey would add value. Mr. Dahl said the City had received good
12 responses from online surveys and then staff could schedule a workshop before the end of
13 the year.

14 Ms. MacDonald made a motion, seconded by Ms. Iverson, to table Item 8.c. and
15 direct staff to solicit additional community engagement and conduct a future workshop.
16 The motion carried 5/0.

17
18 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

19 **a. Upcoming Events/Announcements**

20 Mr. Dahl noted the Electric Vehicle presentation on September 9th at 5:30 p.m. at City Hall.
21 On the same night there was an event at Minnetonka Center for the Arts that focused on
22 9/11 photography which opened to the public the following morning. James J. Hill Days
23 was the following weekend, September 10-12, 2021. There would also be a 9/11 memorial
24 dedication on Saturday morning.

25
26 **b. Council Member Updates/Announcements**

27 Mayor Mouton asked for an update on the applicant with a pool and fence in question. Mr.
28 Kieser said he had talked to the building official, but was not sure if he had been out to take
29 a look. Mr. Kieser said he would follow up this week. Mayor Mouton said a fence was
30 required so the City should use whatever mechanism to hold them accountable.

31 Mayor Mouton encouraged everyone to join for James J. Hill Days, but to use
32 patience and enjoy the festivities safely.

33
34 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

35 Ms. Goellner read a comment from Dan Gustafson, 1040 East Circle Drive. He asked if
36 the City would consider reviewing the proposed fee schedule agenda item to consider
37 reviewing the costs for a zoning code or City code text amendment. It was over \$5,000 for
38 an application in escrow for a code text amendment and far more expensive than other
39 cities. If I want to suggest a change allowing for less regulations related to boat storage on
40 a property in a lake town as an example, it's very expensive to have the City consider that.

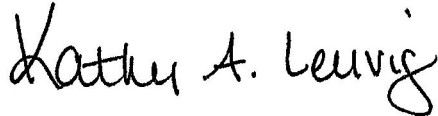
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42 Tori Schalkle, on behalf of the Parks & Trails Board, agreed with an earlier comment that
43 the Council comes up with creative solutions. He said there was a difference in philosophy
44 and difference in facts. He thought the recommendation to have a better wall between
45 funds was a good one. He also said some of the things like security were already on the

1 radar. He said there was a renter on the Board, but thought the subcommittee was a good
2 idea. He talked more about the deficit and unplanned projects.

3
4 **AGENDA ITEM 11. Adjournment.**

5 There being no further business, Mayor Mouton asked for a motion to adjourn. Mr.
6 Plechash made a motion, seconded by Mr. Buchanan to adjourn. Mayor Mouton adjourned
7 the meeting at 9:50 p.m.

8
9 Respectfully submitted,

10


11
12 Kathy Leervig
13 City Clerk

14
15 Drafted by Sarah Peterson
16 *TimeSaver Off Site Secretarial, Inc.*