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**WAYZATA CITY COUNCIL
MEETING MINUTES
September 15, 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, Assistant Planner Kieser, Administrative Services Director Yager, Community Development Director Goellner and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mr. Dahl explained the agenda was amended to update an attachment to Item 7.f., but there was not a change in the recommended action.

Mrs. McCarthy made a motion, seconded by Mr. Buchanan, to approve the amended agenda. Upon roll call vote, the motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. Proclamation Commemorating the 233rd Anniversary of the Drafting of the Constitution and Designating September 17-23, 2020 as Constitution Week

Michelle White, Daughters of the American Revolution – Lake Minnetonka Chapter, thanked the Mayor and Council for bringing awareness to Constitution Week through the Proclamation.

Mayor Willcox read the proclamation commemorating the 23rd anniversary of the drafting of the Constitution and designation September 17-23, 2020 as Constitution Week in the City of Wayzata.

AGENDA ITEM 6. New Agenda Items.

Mr. Plechash requested to look at establishing a community garden in Wayzata. He thought it would add beautification, health and wellness.

Mr. Buchanan suggested that the Energy and Environment Committee take that on as a possible project and make a presentation or proposal at a future Council workshop.

The Council agreed.

AGENDA ITEM 7. Consent Agenda.

Mayor Willcox read the items on the consent agenda and asked if any Council member wished to pull an item for further discussion. Hearing no such request, he asked for a motion to approve the Consent Agenda as presented. Mr. Plechash made a motion, seconded by Mrs. McCarthy, to approve the consent agenda:

- 1 a. Approval of City Council Workshop and Regular Meeting Minutes of September
- 2 1, 2020
- 3 b. Approval of Check Register
- 4 c. Approval of Municipal Licenses
- 5 d. Receipt of Police Activity Report
- 6 e. Receipt of Building Activity Report
- 7 f. Approval of Amended TIF Agreement with Ventana, LLC
- 8 g. Approval of Amended and Restated Development Agreement, Sidewalk Easement
- 9 Agreement, Temporary Construction Agreement and Crane License Agreement for
- 10 Ventana Apartments at 253 Lake Street East
- 11 h. Approval of Revised 2020 Meeting Calendar

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

13

14 **AGENDA ITEM 8. New Business.**

15 **a. Consider Re-Allocation of Panoway Construction Impact Mitigation Funds**

16 Mr. Dahl presented the recommendation to re-allocate the Panoway Construction

17 Mitigation Impact Funds including fee waivers/reimbursements for 2020 liquor licenses,

18 health and food inspection licenses, outdoor patio permits and water/utility bills. He

19 discussed context, engagement, the solution and recommendation.

20 Mayor Willcox asked about communication. Mr. Dahl said the communication

21 piece includes Navigate Wayzata, signage, email blasts and website content.

22 Mr. Plechash noted that some businesses had paid fees while others had not. Mr.

23 Dahl said that was correct. The fees could be reimbursed or waived as a result of a City

24 cost. Many businesses don't pay City fees so there is nothing to reimburse/waive. Plechash

25 asked if only the restaurants would benefit. Mr. Dahl said most of the benefiting businesses

26 are restaurants but the City and the Chamber of Commerce both felt this was the best use.

27 Bringing business to restaurants would bring business to the retailers. He also said there

28 were not really any other fees the City charged.

29 Mayor Willcox asked for a motion on the re-allocation. Mr. Buchanan made a

30 motion, seconded by Mr. Plechash, to approve the re-allocation of Panoway Construction

31 Mitigation Impact Funds including Fee Waivers/Reimbursements for 2020 Liquor

32 Licenses, Health and Food Inspection Licenses, Outdoor Patio Permits and Water/Utility

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

34

35 **b. Consider Resolution 38-2020 Approving a Lot Coverage Variance at 460**

36 **Peavey Road**

37 Mr. Kieser presented the request from Andrew Levin, property owner, for a lot coverage

38 variance to add a cabana in the rear of the home that was not part of the building permit

39 previously issued. He discussed the surrounding neighborhood zoning, the 2040

40 Comprehensive Plan land use, the Development Application, the proposed survey, the lot

41 coverage variance, three public comments provided in support of application from

42 neighbors, renderings, Planning Commission discussion and questions to consider.

43 Mayor Willcox asked about lot coverage verses impervious surface. Mr. Kieser

44 said lot coverage dealt with massing and scale while impervious surface dealt with

45 stormwater issues.

1 Mrs. McCarthy asked where the lots below 80,000 square feet were located. Mr.
2 Kieser said of the eleven lots on Peavey Road, 8 were below 80,000 square feet. Mrs.
3 McCarthy asked how many exceeded the 10% lot coverage. Mr. Kieser said none
4 according to his calculations.

5 Mr. Koch said the issue seemed to be the roof over the patio. He asked if there was
6 not a roof, could the applicant build the wall on the north side and be in compliance. Mr.
7 Kieser said yes, only the area of the wall would be included in the calculation.

8 Mayor Willcox asked if the applicant wished to address the Council. Mr. Levin
9 reiterated that he was only asking for a roof over the patio and had received support from
10 the neighbors.

11 Mr. Koch asked if the cabana would be screened from Ferndale Road and
12 neighboring properties. Mr. Levin said yes. Mr. Kieser confirmed.

13 Mr. Buchanan asked if the application met impervious surface. Mr. Kieser
14 answered yes.

15 Mayor Wilcox asked the Council to share their thoughts. Mr. Koch thought the
16 hardship could be proven by the fact that the lot size was smaller than what was normal
17 within the R1A district. He said the neighbor's support gave him comfort.

18 Mr. Plechash said this was in his neighborhood. He had no issues with the request
19 because all of the neighbors had offered support and it was not visible from any road. He
20 thought it would add to the property.

21 Mrs. McCarthy thought it did not meet the practical difficulty test. She said the
22 applicant knew the lot size and should have worked with the architect earlier.

23 Mr. Buchanan found the City's code surprising and was hopeful the new committee
24 could work on it. He thought having the neighbor's support helped and supported the
25 Planning Commission's recommendation.

26 Mayor Willcox said variances were meant to be a last resort. Ordinances did not
27 give general guidance, but gave specific guidance. He said the state legislature made
28 granting a variance easier by changing it from undue hardship to practical difficulty.
29 However, the property was a blank slate and anything could have been designed. He
30 thought the hardship was being created by the design. He did not favor approval.

31 Mayor Willcox asked for a motion on the draft resolution. Mr. Koch made a
32 motion, seconded by Mr. Plechash, to Adopt Resolution No. 38-2020, Approving Lot
33 Coverage Variance at 460 Peavey Road. Upon roll call vote, the motion carried 3/2
34 (McCarthy, Wilcox).

35
36 **c. Consider Adoption of Resolution 40-2020 Call for Sale of \$4,360,000 General**
37 **Obligation Refunding Bonds, Series 2020B and Approval of First Reading of**
38 **Ordinance 802 Authorizing Issuance**

39 Ms. Yager explained the plan to refinance two outstanding debts (Muni and Lake/Superior
40 realignment bonds) saving the City \$700,000.

41 Stacy Kvilvang, Ehlers and Associates, discussed the bond overview and rates and
42 savings. She said the new call date was February 1, 2029. The bonds would be rated by
43 Standard & Poors. The bond sale would be on October 20, 2020 and closing on November
44 10, 2020. The Charter required two readings of the Ordinance at consecutive meetings
45 prior to the sale.

1 Mr. Koch noted the City paid \$14,000 to receive an updated rating. He asked if the
2 total risk was \$14,000 if it did not make sense to refinance the bonds due to a lower rating.
3 Ms. Kvilvang said yes, but thought it a very low risk.

4 Mayor Willcox asked if the City would end up with the same total of outstanding
5 bonds. Ms. Kvilvang confirmed.

6 Mr. Dahl appreciated Ehlers staying on top of this saving the City money which
7 would trickle down to the tax payers.

8 Mayor Willcox asked for a motion on the draft resolution. Mr. Buchanan made a
9 motion, seconded by Mr. Koch, to Adopt Resolution No. 40-2020, Providing for the Sale
10 of \$4,360,000 General Obligation Refunding Bonds, Series 2020 B. Upon roll call vote,
11 the motion carried 5/0.

12 Mr. Plechash made a motion, seconded by Mr. Buchanan, to Approve the First
13 Reading of Ordinance No. 802, Authorizing the Issuance of General Obligation Bonds,
14 Series 2020B. Upon roll call vote, the motion carried 5/0.

15
16 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

17 **a. Upcoming Events/Announcements**

18 Mr. Dahl expressed appreciation for public safety, both the Police Department and Fire
19 Department. He said last week September 11th was remembered and wanted to thank them
20 for all they do for the community.

21 September 11, 2020 was also a key date for Lake Street. It was opened for both
22 vehicular and pedestrian traffic. He said it had been a long road, but thanked everyone for
23 their patience. He thanked the Council and past Councils for their vision and direction and
24 thanked staff for their hard work and dedication. Mr. Dahl said this was something the
25 City should be proud of and encouraged everyone to go enjoy it.

26 Mayor Willcox noted there were more amenities to come as loose ends were still
27 being tied up.

28 Mr. Dahl also noted that implicit bias training was planned for the fall consistent
29 with the City's values.

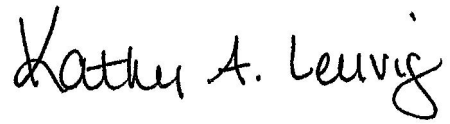
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31 **b. Council Member Updates/Announcements**

32 Mayor Willcox asked about staffing at the Fire Department. Mr. Plechash said the
33 Department was never full, but the numbers were up. He said there was a solid number of
34 new applicants and younger firefighters that should be around for a while. He encouraged
35 anyone interested to reach out. Mayor Willcox said the City was very grateful for all the
36 volunteer Fire Department did.

37
38 **AGENDA ITEM 10. Adjournment.**

39 There being no further business, Mayor Willcox asked for a motion to adjourn. Mr.
40 Plechash made a motion, seconded by Mrs. McCarthy to adjourn. Upon roll call vote,
41 Mayor Willcox adjourned the meeting at 8:11 p.m.

1 Respectfully submitted,
2

A handwritten signature in black ink that reads "Kathy A. Leervig". The signature is written in a cursive style with a distinct dot over the 'i' in "Leervig".

3
4 Kathy Leervig
5 City Clerk

6
7 Drafted by Sarah Peterson, *TimeSaver Off Site Secretarial, Inc.*