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**WAYZATA CITY COUNCIL
MEETING MINUTES
September 21, 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, Administrative Services Director Yager, Community Development Director Goellner, 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. Presentation of Greater Wayzata Area Chamber Exceptional Service Award to AmeriStar Insurance

Mr. Dahl said that once or twice a year the Chamber of Commerce recognized some great businesses that went above and beyond in providing service to customers.

Becky Pierson, Wayzata Chamber of Commerce President, introduced Sarah Kaelberer, Business & Estate Advisers, Inc. Ms. Kaelberer said it was her honor to recognize the Exceptional Service Award winners, Matt Schadow and Rick Kaufman with Ameristar Insurance. She said from personal experience and testaments they had received, both individuals went above and beyond during business hours and after hours.

Mr. Schadow thanked the Chamber for the recognition. He also thanked the City for recognizing businesses. Last, he thanked everyone in his office and said it would not be possible without them.

Mayor Mouton said it was wonderful to recognize people who live and work in Wayzata. She asked if there were any online public comments. Mr. Dahl indicated there were not.

AGENDA ITEM 6. New Agenda Items.

None.

AGENDA ITEM 7. Consent Agenda.

Mayor Mouton 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, she asked for a

1 motion to approve the Consent Agenda as presented. Mr. Plechash made a motion,
2 seconded by Mr. Buchanan, to approve the consent agenda:

- 3 a. Approval of City Council Workshop and Regular Meeting Minutes of September
4 7, 2021
- 5 b. Approval of Check Register
- 6 c. Approval of Municipal Licenses
- 7 d. Receipt of Police Activity Report
- 8 e. Receipt of Building Activity Report
- 9 f. Approval of First Amendment to Amended and Restated Development Agreement
10 for Ventana Apartments at 253 Lake Street East
- 11 g. Adoption of Resolution 42-2021 Accepting Donations in Memory of Bill Nelson
- 12 h. Adoption of Resolution 43-2021 Accepting Donations
- 13 i. Approval of 2022 Fire Protection Agreement with City of Woodland

14 The motion carried 5/0.

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

17 **a. Consider Approval of a Professional Services Agreement with Morris**
18 **Leatherman Company for Community Survey Research Services**

19 Ms. Yager presented the Professional Services Agreement with Morris Leatherman
20 Company for Community Survey Research Services. She discussed the purpose of
21 community surveys, reasons surveys were useful, the need for professional survey
22 expertise, the survey method, community survey research examples, and the potential
23 timeline.

24 Mayor Mouton asked the Council if anyone had questions for staff.

25 Mr. Buchanan said he originally had a lot of questions, but they had all been
26 answered in the presentation.

27 Mr. Plechash asked about the percentage of total households. Ms. Yager answered
28 about 40%. Mr. Plechash asked about the criteria. Ms. Yager said she did not know the
29 specific methodology, but they would compare the households to the census demographics.

30 Ms. Iverson asked if they would be speaking to 400 individuals or everyone in a
31 household. Ms. Yager said one individual from the household. Ms. Iverson said it was
32 10% then and not 40%. She asked if that was a large enough representation. Ms. Yager
33 said the minimum was 250 to get significant data.

34 Mayor Mouton said the total number of questions seemed high and asked if people
35 would be aware of the time commitment. Ms. Yager said the company would make contact
36 to schedule a time and they would also go over the number of questions and time
37 commitment. Mayor Mouton asked about cadence. Ms. Yager said it ranged from city to
38 city. Three years was pretty common, but some cities did every five. She recommended
39 every three or five years to align with strategic planning sessions.

40 Ms. Iverson asked what staff planned to do with the data. Ms. Yager said there
41 were some things staff would like to know such as parks services, police services, snow
42 plowing, etc. Ms. Iverson asked if there was a goal to put a plan in place. Ms. Yager said
43 they would receive a summary of data points and key findings and then the plan would be
44 to get with the Council to prioritize. Mayor Mouton added that was why future surveys
45 would be completed prior to strategic planning sessions.

1 Mayor Mouton asked for a motion on the agreement. Mr. Plechash made a motion,
2 seconded by Mr. Buchanan, to Approve the Professional Services Agreement with Morris
3 Leatherman Company for Community Survey Research Services. The motion carried 5/0.
4

5 **b. Consider Adoption of Resolution 44-2021 Approving the PUD Amendment for**
6 **Rice Street Townhomes at 520, 524, 530, and 534 Rice Street East**

7 Ms. Goellner presented the development application from the property owner and
8 applicant, Pillar Homes Partner Inc., for completion of the Rice Street Townhomes PUD
9 development at 520, 524, 530, and 534 Rice Street East. She discussed zoning, 2040
10 Comprehensive Plan land use, background, site plan, front elevations, height staggering,
11 rooftop access, front facades, front doors, rear decks, the landscape plan, building
12 materials, request and questions for consideration, and action steps.

13 Mayor Mouton asked the Council if anyone had questions for staff.

14 Ms. Iverson said she was not seeing the three-foot setback for the doors. Ms.
15 Goellner said the best comparison she had was to the 2005 General Plans which was a
16 three-foot setback. Ms. Iverson said she was referring to the way the doors were currently
17 setback from the step to the door and wanted to ensure they were the same.

18 Mayor Mouton asked if the intent was for building no. 2 to come down. Ms.
19 Goellner said her understanding was there would be a partial removal and then
20 reconstruction. Mayor Mouton asked if lawn furniture and hot tubs counted as rooftop
21 equipment. Ms. Goellner said it was difficult for a city to say what could be located on a
22 rooftop on a temporary basis. The City focused on permanent structures. Mayor Mouton
23 asked about a rooftop door facing Rice Street in building no. 3. Ms. Goellner said that was
24 in the 2005 plans, but the applicant was planning a change to keep the doors on the sides
25 to avoid facing Rice Street.

26 Mayor Mouton invited the applicant to speak.

27 K.C. Chermak, Pillar Homes, owner and applicant, said it had been quite a
28 collaboration with the neighbors and the previous developer. The previous application was
29 considered via Zoom, took about nine months, and then was revoked. He said staff had
30 done a wonderful job presenting and he did not have anything to add.

31 Mr. Plechash said the original PUD said no elevator access was permitted to the
32 rooftop. This PUD had no elevator access to the roof. He asked what happened in between
33 with the rooftop elevator. Mr. Chermak said it seemed appropriate to go to the fourth level
34 or rooftop early in the process, but then the permit was revoked. It was subsequently
35 determined that the rooftop access was an objection from the neighbors and I acquiesced
36 to their request. He said the big picture was a question for the Council.

37 Mayor Mouton asked if the PUD precluded an elevator within the building. Mr.
38 Chermak said the building would have an elevator inside to the third level.

39 Mayor Mouton opened the floor for Council's comments.

40 Ms. Iverson said she did want a resolution for the neighbors, but she also wanted it
41 done right. She did not think the City should make concessions to the developer. She
42 talked about the design. She wanted to see the builder complete the project, but with some
43 added conditions. She also said that she did not like the word similar and suggested
44 changing it to exact.

45 Mr. Plechash said he did not have a reason to not approve the PUD as it was
46 presented. He also thought changing the word similar to exact opened up a different can

1 of worms. He said he was having a hard time with the rooftop elevator access. He was
2 disappointed that the neighbors were opposed to it, but he did not think it would be
3 appropriate for the Council to add that condition.

4 Mr. Buchanan agreed. He was also disappointed about the elevator access, but
5 understood that it was left out in an effort to come to an agreement. He was in favor of the
6 PUD amendment.

7 Ms. MacDonald also agreed. She said it was comforting to see the builder and the
8 neighbors come together and supported the amendment. She added that she would have
9 supported an elevator, but was not comfortable adding it when it was not requested.

10 Mayor Mouton acknowledged that this had been a difficult process. She thanked
11 staff, Mr. Chermak, and the neighbors for coming together. She thought building nos. 2
12 and 3 would be as beautiful as building no. 1. She disagreed with using the word exact and
13 thought it was too restrictive given the passage of time. She supported the Planning
14 Commission's findings and supported the amendment as requested.

15 Mayor Mouton asked if there were any online comments. Mr. Dahl confirmed that
16 there were not.

17 Mayor Mouton asked for a motion on the draft resolution. Mr. Buchanan made a
18 motion, seconded by Ms. MacDonald, to Adopt Resolution No. 44-2021 Approving PUD
19 Amendment at 520, 524, 530, and 534 Rice Street E. The motion carried 4/1 (Iverson).

20
21 **c. Consider Adoption of Resolution 45-2021 Approving the Conditional Use**
22 **Permit for The Good Clinic at 803 Lake Street East**

23 Ms. Goellner presented the development application from Michael Howe, on behalf of The
24 Good Clinic LLC, requesting approval of a Conditional Use Permit for a primary care
25 wellness clinic on a property that was specifically permitted for only restaurant and retail
26 uses within the Promenade Planned Unit Development District. She discussed the
27 background, lease floor plan, parking, Planning Commission recommendation, request and
28 questions for consideration, and action steps.

29 Mayor Mouton asked the Council if anyone had questions for staff.

30 Mr. Plechash asked why medical uses required more parking than restaurants. Ms.
31 Goellner said medical was calculated by number of doctors; whereas, restaurant and retail
32 was calculated based on square footage.

33 Ms. MacDonald asked about vacancies for exterior properties verses interior. Ms.
34 Goellner showed vacancies on the map.

35 Mayor Mouton invited the applicant to speak.

36 Larry Diamond, Owner the Good Clinic, introduced himself and talked about The
37 Good Clinic.

38 Kimberly Yung, Director of Clinical Service the Good Clinic, introduced herself
39 and discussed their founders, the current situation, co-creating good health, and
40 preventative care.

41 Mayor Mouton asked the Council if they had questions for the applicant.

42 Mr. Buchanan asked how many clients they saw at each of the current clinics. Mr.
43 Diamond said they were still in the growth phase, but at capacity the Wayzata clinic would
44 be able to see 9,000-12,000 on an annual basis. Mr. Buchanan asked if the other locations
45 had the same visibility. Mr. Diamond said that was the design they were looking for, they
46 wanted to be on main streets.

1 Mr. Plechash said he was very intrigued with the philosophy and thought it would
2 be a great addition to the community.

3 Ms. MacDonald agreed.

4 Ms. Iverson thought it was a great concept and that it would be a great addition to
5 the community. Her concern was Lake Street and parking. She talked about some other
6 possible locations.

7 Mayor Mouton thought this was a welcome addition to Wayzata. She liked the
8 large windows and open concept. She said they had struggled with what could go in this
9 area, but had also struggled filling the spaces. She was not concerned about parking. She
10 asked if the lease was signed. Jenny Lindstrom, Chief Legal Officer Mitesco, Inc., said
11 they had signed a letter of intent and had the draft lease.

12 Ms. Iverson asked if this was one of the two locations that were open to a restaurant.
13 Ms. Goellner said it was one of the two locations, but restaurants were allowed anywhere
14 in the entire development.

15 Mayor Mouton asked for a motion on the draft resolution. Ms. MacDonald made
16 a motion, seconded by Mr. Plechash, to Adopt Resolution No. 45-201 Approving
17 Conditional Use Permit for the Good Clinic to Operate a Primary Care Wellness Clinic at
18 803 Lake Street East.

19 Ms. Iverson said she supported The Good Clinic, but still had concerns over
20 location.

21 The motion carried 4/1 (Iverson)

22
23 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

24 **a. Upcoming Events/Announcements**

- 25 • Tree Survey up on City's website
- 26 • Wayzata Wine & Spirits Mystery Wine Pull Fundraiser on September 30th
- 27 • Big thank you to everyone involved in the development, design, and dedication of
28 the 9/11 Memorial!

29
30 **b. Council Member Updates/Announcements**

31 Mayor Mouton thanked the Chamber of Commerce and Public Works for an incredible
32 James J. Hill Days.

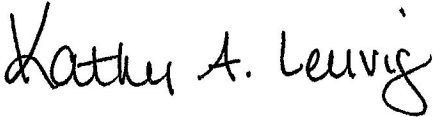
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34 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

35 There were no comments.

36
37 **AGENDA ITEM 11. Adjournment.**

38 There being no further business, Mayor Mouton asked for a motion to adjourn. Mr.
39 Plechash made a motion, seconded by Mr. Buchanan to adjourn. Mayor Mouton adjourned
40 the meeting at 8:54 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 letter 'i' in "Leervig".

4
5 Kathy Leervig
6 City Clerk
7

8 Drafted by Sarah Peterson
9 *TimeSaver Off Site Secretarial, Inc.*