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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
October 6, 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, Community Development Director Goellner, Assistant Planner Kieser, Public Works Director/City Engineer Kelly, Administrative Services Director Yager, and City Attorney Schelzel.

**AGENDA ITEM 4. Approve Agenda.**

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

**AGENDA ITEM 5. Public Forum.**

**a. Introduction of Diane Weidler, Administrative Assistant**

Mr. Dahl said this would be the City's first virtual staff introduction, but because Wayzata was a small community, he thought it was important for the community to meet every new employee. Ms. Weidler joined the staff at a difficult time because of the pandemic and election, but she was fitting in already. Mr. Dahl said she had a great personality and was a team player. He talked about her work background.

Ms. Weidler said she was very, very happy to have joined the staff. She loved the small town feel and welcomed the interactions with the community.

Mayor Willcox asked how early voting was going. Ms. Weidler said it had been very busy. He asked what her function in the school district had been. She explained she handled payroll and vacations.

Mr. Koch said thanked Ms. Weidler for stepping into the role so quickly. He said she was thrown straight into the fire because she had started during election season.

Mrs. McCarthy welcomed Ms. Weidler to the City and thanked her for providing exceptional service.

Mr. Plechash added his welcome and asked how Wayzata felt differently from other places she had worked. Ms. Weidler said Wayzata had a great, small town feeling.

Mr. Buchanan extended a warm welcome and commented that it seemed like she fit in beautifully.

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

None.

1  
2 **AGENDA ITEM 7. Consent Agenda.**

3 Mayor Willcox read the items on the consent agenda and asked if any Council member  
4 wished to pull an item for further discussion. Mrs. McCarthy requested to pull Item 7.f.

5 Mr. Koch made a motion, seconded by Mr. Plechash, to approve the consent  
6 agenda, as amended:

- 7 a. Approval of City Council Regular Meeting Minutes of September 15, 2020  
8 b. Approval of Check Register  
9 c. Approval of Municipal Licenses  
10 d. Approval of Assessment Service Agreement with Hennepin County for  
11 Commercial Properties  
12 e. Adoption of Ordinance 802 Authorizing the Issuance of \$4,360,000 General  
13 Obligation Refunding Bonds, Series 2020B  
14 ~~f. Adoption of Resolution 41-2020 Approving a Conditional Use Permit for Gate~~  
15 ~~Height at 405 Bushaway Road~~

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

17  
18 **f. Adoption of Resolution 41-2020 Approving a Conditional Use Permit for Gate**  
19 **Height at 405 Bushaway Road**

20 Mr. Kieser presented the request from applicant, Lorelei Ritter, and property owner,  
21 Carolyn Taylor, for a Conditional Use Permit to allow installation of a 5'6" fence gate and  
22 mounting structure. Mr. Kieser discussed the surrounding neighborhood zoning, 2040  
23 Comprehensive Plan land use, the Conditional Use Permit, the proposed gate plan and  
24 rendering, Planning Commission discussion and recommended unanimous approval, and  
25 questions for the Council to consider.

26 Mrs. McCarthy asked about the elevation of the proposed wall verses the house.  
27 Mr. Kieser was unsure, but said it was five to six feet from the top of the wall to the bottom  
28 elevation of the house. Mrs. McCarthy asked if the berms in front of the house were new.  
29 Mr. Kieser said they were pretty new. The house was under construction and some of the  
30 topography was updated with landscaping. Mrs. McCarthy asked if the house was roughly  
31 200 feet from the edge of the street to the front of the house. Mr. Kieser confirmed. Mrs.  
32 McCarthy said the applicant was requesting a gate that had a level of opaqueness that would  
33 not mitigate light or sound. She asked what other solid stone fencing or walls were on  
34 Bushaway Road. Mr. Kieser said there were none that height, but there were some solid  
35 stone retaining walls.

36 Mr. Dahl, after checking, informed the Council that the applicant had not joined the  
37 meeting.

38 Mr. Koch noted there was a lot of landscaping that would shield the walls on either  
39 side of the gate. He asked if there were any regulations for height of landscaping. Mr.  
40 Kieser answered there was not a height limit on landscaping. He said for grading purposes  
41 the Public Works Department would review the application and there was limits on  
42 grading. Mr. Koch said this was somewhat consistent with the retaining walls the County  
43 put on Bushaway Road. He was unsure how much it would block light or sound, but he  
44 was okay with the aesthetics because the landscaping muted the effect.

1 Mayor Willcox said the Council had not favored gated communities as a general  
2 rule. The Council had approved other fences along Bushaway Road, but it was usually  
3 where homes were closer to the road. He did not see a compelling reason to approve.

4 Mrs. McCarthy said according the Minnesota Department of Transportation the  
5 best way to mitigate light and sound was by using berms. She was not in favor of approval.

6 Mrs. McCarthy made a motion, seconded by Mayor Willcox, to deny the  
7 Conditional Use Permit for an Entrance Gate and Stone Wall at 405 Bushaway Road.

8 Mr. Schelzel said the Council would need contemporaneous findings to support a  
9 motion to deny. He thought voting on Resolution 41-2020 based on the Planning  
10 Commission's findings was possibly a better course of action.

11 Mrs. McCarthy withdrew her motion. Mayor Willcox withdrew his second.

12 Mayor Willcox asked for a motion on the draft resolution. Mr. Buchanan made a  
13 motion, seconded by Mr. Koch, to Adopt Resolution No. 41-2020 Approving Conditional  
14 Use Permit for an Entrance Gate and Stone Wall at 405 Bushaway Road.

15 Mr. Plechash said he had not thought of the arguments presented by Mrs.  
16 McCarthy. He said he was unsure whether it rose to the level of granting a variance. He  
17 said the ordinance was to prevent a gated community atmosphere, but he did not think the  
18 property gave that feel. He said the points made were good and he wished the Planning  
19 Commission would have considered the application more thoroughly.

20 Mr. Dahl clarified that the request was for a Conditional Use Permit and not a  
21 variance.

22 Upon roll call vote, the motion carried 3/2 (McCarthy, Willcox).

23  
24 **AGENDA ITEM 8. Public Hearings.**

25 **a. Receive Public Comment on Proposed Policy to Implement Body Cameras**  
26 **(Portable Recording Systems)**

27 Mr. Dahl said the purpose of the Public Hearing was to meet the requirement to take public  
28 comment. A lot of work had gone into the program and he was excited to hear about it.

29 Police Chief Risvold said the Police Department had been working on a body  
30 camera policy for a long time, but they wanted to sit back and see other City's experiences  
31 first. Transparency, accountability, and protection were key. He said they had been  
32 studying it for years and budgeted for it in 2020. The policy was based on the League of  
33 Minnesota Cities and would be implemented next month.

34 Mayor Willcox asked how much input had been received so far. Ms. Yager said  
35 the survey was still open, but the City had received 48 responses so far. Mayor Willcox  
36 asked about cost. Chief Risvold said \$12,300 had been budgeted and the cost came in at  
37 \$11,700 per year.

38 Mr. Plechash thought it was protection for the City and protection for the police  
39 officers as well. He was in favor, but asked if the system was secure. Chief Risvold said  
40 the product the City was using had been used by the city of Minneapolis for many years  
41 with no issues. Mr. Plechash noted Section 125.9.11 on access to date seemed to imply  
42 there was the capability to erase data. Deputy Chief Schultz explained there were retention  
43 periods for certain types of video and after the required time they were purged. He said he  
44 was unaware of any way to purposefully delete video. He said the product also allowed  
45 permissions to be granted to certain officers and administration staff so there was an  
46 external and internal way to mitigate that possibility.

1 Mr. Koch was in full support. He said the accountability piece helped with trust.  
2 He asked about the burden to turn the camera on in a quick moving situation. Deputy Chief  
3 Schultz said the best practice was to make it simple by using the cameras seatbelt to  
4 seatbelt. He said there were also triggers that turned the cameras on automatically such as  
5 lights, speed, and other cameras in the vicinity. He said training would cover a lot of those  
6 issues.

7 Mayor Willcox opened the public hearing at 7:57 p.m. Mr. Dahl reviewed  
8 instructions on how to join the meeting to provide comment. No one called in or joined  
9 the meeting. There being no one wishing to speak, Mayor Willcox closed the public  
10 hearing at 8:03 p.m.

11 Mayor Willcox thanked the Police Department noting that it had been a difficult  
12 period. He said the Police Department had stepped up and been ready with a contingency  
13 plan.

14  
15 **AGENDA ITEM 9. New Business.**

16 **a. Consider Direction on Lake Street and Barry Avenue Public Parking Facility**  
17 Mr. Kelly said a primary objective of establishing the Downtown West Tax Increment  
18 Financing district was to provide off-street public parking for the community in the back  
19 of the new development at the northwest corner of Lake and Barry. At the June 16, 2020  
20 City Council Workshop, staff presented several options for construction of the parking  
21 facility. The Council directed staff to move forward with preparation of plans for a basic  
22 surface lot for approximately \$1.5 million and a more expensive option with foundations  
23 for a future upper level for approximately \$4.1 million. At the August 4, 2020 Workshop,  
24 Council consensus again preferred a surface lot, but requested additional information on  
25 timing of construction, updated costs, parking demand, other eligible Tax Increment  
26 Financing projects, and resolution of environmental issues. Mr. Kelly discussed the  
27 location, the proposed parking lot configuration, environmental issues, the timing of  
28 construction and costs, parking demand, and other Tax Increment Financing projects. Staff  
29 recommended pursuing final design, engagement, funding plan, and construction of the  
30 surface public parking lot option based on the high per stall cost to build a parking deck.

31 Mr. Koch said RJRyan Construction's proposal for construction cost for the surface  
32 lot included a disclaimer that the proposal excluded a lot of expenses. He asked what was  
33 not included and how much could it add up to. Mr. Kelly explained most of the exemptions  
34 were items they were not responsible for and were just in case. Mr. Koch asked what else  
35 the Tax Increment Financing could be used for such as sewer. Mr. Kelly said he would  
36 have to look at eligible expenses. He added there was some lighting that had not been  
37 updated on this part of Lake Street.

38 Mr. Dahl asked Mr. Kelly to go over soft costs that were not included. Mr. Kelly  
39 said the proposal only included construction costs. He explained that Stantec did include  
40 a 10% contingency for just in case items. There was also a 15% contingency for soft costs  
41 related to design, inspection, administration, and legal fees. Those were built into the  
42 overall budget.

43 Mr. Plechash asked if the overall cost of adding the second deck was \$5.5 million.  
44 Mr. Kelly said it was approximately \$6.2 million. Mr. Plechash said he did not think the  
45 parking study reflected that the additional parking was needed. He did not think building  
46 the second deck was justified.

1 Mayor Willcox said he was not in favor of building ahead of demand and thought  
2 the surface parking lot was more than adequate.

3 Mr. Koch agreed. He said he did not see this end of Lake Street converted to retail  
4 and restaurant. He thought redevelopment would be multi-family or office. He said the  
5 parking would probably be used by Dakota Trail and Panoway visitors and thought the  
6 surface lot was adequate.

7 Mayor Willcox asked the City Manager what further guidance was needed from the  
8 Council. Mr. Dahl asked the Council to consider a motion directing staff to pursue final  
9 design engagement, funding plan, and construction of the surface public parking lot option.

10 Mayor Willcox asked for a motion to that effect. Mr. Koch made a motion,  
11 seconded by Mr. Buchanan, to direct staff to pursue final design engagement, funding plan,  
12 and construction of the surface public parking lot option. Upon roll call vote, the motion  
13 carried 5/0.

14  
15 **b. Consider Adoption of Resolution 42-2020 Approving a Preliminary and Final**  
16 **Plat at 320 Hampton Street South**

17 Mr. Kieser presented the development application from Pillar Homes Partner, Inc.,  
18 property owner, and KC Chermak, applicant, to subdivide the property at 320 Hampton  
19 Street South into two single-family residential lots. Mr. Kieser discussed the surrounding  
20 neighborhood zoning, 2040 Comprehensive Plan land use, background, proposed  
21 subdivision, aerial view, Planning Commission discussion and recommendation for  
22 approval with a 6/1 vote, requests for preliminary and final plat, and questions for  
23 consideration.

24 Mr. Buchanan asked Mr. Kieser to characterize the one dissenting vote on the  
25 Planning Commission. Mr. Kieser said the Planning Commission member was not  
26 confident the grading, draining, and stormwater runoff issues would be addressed. Mr.  
27 Buchanan asked if staff was satisfied those objections had been addressed. Mr. Kieser said  
28 yes, staff was confident those issues were addressed. He also said all of those issues would  
29 be reviewed and answered at the time of a building permit to ensure there was adequate  
30 stormwater management.

31 Mr. Koch asked if the improvements and mitigating efforts such as rain garden and  
32 drain tiles would improve the drainage on site. Mr. Kieser answered it was hard to say.  
33 He said the natural drainage would stay in effect, but with the implementation of grassy  
34 depressions less stormwater runoff would go to the wetlands.

35 Mayor Willcox asked how much fill would be used and what effect it would have  
36 on topography. Mr. Kieser said soil corrections would be needed on the site, but that was  
37 relatively common in Wayzata. The current proposal included 18-23 loads of dirt, but the  
38 applicant was proposing to reduce the amount of fill on the northern lot. Mayor Willcox  
39 asked why fill was needed on the northern lot. Mr. Kieser answered it was to ensure the  
40 natural drainage continued to flow.

41 Mayor Willcox invited the applicant to speak. KC Chermak, Pillar Homes Partner,  
42 Inc., said he had investigated this site for a long time for safety. He had looked at fire  
43 hydrants and a cul-de-sac so fire trucks could turn around. The site was in the shoreland  
44 overlay district. He said he chased best practices for water management including grassy  
45 depressions, pavers, and biofilters.

46 Mayor Willcox opened the floor for Council to comment.

1 Mrs. McCarthy thought the subdivision was in keeping with the surrounding  
2 properties and neighborhood. Given the Planning Commission's finding, she supported  
3 the recommendation for approval.

4 Mr. Koch agreed. He thought it met all of the criteria for the subdivision and  
5 matched the character of the neighborhood.

6 Mayor Willcox said subdivisions required a high standard and he thought this  
7 application met the requirements. He expressed some concern over the wetland area, but  
8 thought steps had been taken to mitigate any issues.

9 Mayor Willcox asked for a motion on the draft resolution. Mr. Plechash made a  
10 motion, seconded by Mr. Buchanan, to Adopt Resolution No. 42-2020 Approving  
11 Combined Preliminary and Final Plat Residential Subdivision at 320 Hampton Street S.  
12 Upon roll call vote, the motion carried 5/0.

13  
14 **c. Consider Design Amendment to Restroom at Broadway Avenue and Lake**  
15 **Street as a part of Phase I – Panoway on Wayzata Bay**

16 Mr. Dahl said the design of the restroom building, as part of the first phase of Panoway on  
17 Wayzata Bay Project, was approved by the City Council in November 2018. However, as  
18 construction documents were created over the subsequent six months, the shade structure  
19 and restroom design were amended without City approval. Mr. Dahl discussed the  
20 background, update, recommendation and next steps with the Council.

21 Mr. Plechash said he had concerns with the original design and preferred the new  
22 design.

23 Mrs. McCarthy said it was unfortunate there was a gap in communication, but the  
24 Council had brought up the same concerns with the original design. She preferred the new  
25 design as well and also liked the Wayzata logo and backlighting.

26 Mr. Koch echoed what had already been said. He was in favor of the new design,  
27 but was disappointed in the communication.

28 Mr. Buchanan was also disappointed with how it happened, but believed the new  
29 design was a better solution.

30 Mayor Willcox disagreed. He said the restroom was necessary in this location, but  
31 if a utilitarian structure was needed it should have architectural interest. He said the new  
32 design was utilitarian. He thought the stainless steel was architecturally interesting.

33 Mrs. McCarthy was open to the conversation about the lack of architectural interest.

34 Scott Jordan, Civitas, said he had visited the site with each Council member and  
35 presented a variety of options. He said as the architect got into more detail, they realized  
36 the reflectivity concern was valid. He apologized for the lack of communication and said  
37 there was no excuse for that. Mr. Jordan did not share the Mayor's concern from a design  
38 standpoint. He thought it was a modern and clean design that would be architecturally  
39 interesting when it was completed.

40 Mayor Willcox said it was supposed to be interactive. He thought the new design  
41 was not special and that was concerning because it would be permanent.

42 Mrs. McCarthy suggested putting smaller stainless-steel panels on the north and  
43 south ends of the building. Mr. Jordan said the north and south ends were his greatest  
44 concern for reflectivity.

45 Mr. Plechash said a restroom was utilitarian and not a piece of art. He thought the  
46 design was attractive for what it was. He also did not want to see stainless steel fins.

1 Mayor Willcox asked for a motion on the amendment. Mr. Plechash made a  
2 motion, seconded by Mr. Koch, to approve the design amendment to the restroom from  
3 stainless steel exterior with white fins to white metal exterior with anodized aluminum fins.  
4 Upon roll call vote, the motion carried 4/1 (Willcox).

5 Mr. Dahl said, based on the Council's feedback, staff would explore signage and  
6 bring options back to the Council at a later date.

7  
8 **AGENDA ITEM 10. City Manager's Report and Discussion Items.**

9 **a. Upcoming Events/Announcements**

- 10 • Sunday, October 4, 2020, Flags at federal and state buildings were flown at half-  
11 staff to honor firefighters who had been killed or injured in the line of duty.  
12 • Thank you for your 17 years of service to Friends of the Wayzata Library to Mary  
13 Ellen Gee.  
14 • Wayzata Bar & Grill currently closed due to COVID-19 testing.

15  
16 **b. Council Member Updates/Announcements**

17 Mayor Willcox congratulated, Paul Engelman, on being selected as the Wayzata Chamber  
18 of Commerce Person of the Year.

19 Mrs. McCarthy reminded everyone that Saturday, October 10, 2020, was the annual  
20 Pull It Day, a fall cleanup event for the City's public gardens.

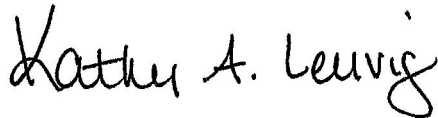
21  
22 **AGENDA ITEM 11. Public Forum Continued (if necessary).**

23 There were no comments.

24  
25 **AGENDA ITEM 12. Adjournment.**

26 There being no further business, Mayor Willcox asked for a motion to adjourn. Mrs.  
27 McCarthy made a motion, seconded by Mr. Buchanan to adjourn. Upon roll call vote,  
28 Mayor Willcox adjourned the meeting at 9:30 p.m.

29  
30 Respectfully submitted,

31  


32  
33  
34 Kathy Leervig  
35 City Clerk

36  
37 Drafted by Sarah Peterson  
38 *TimeSaver Off Site Secretarial, Inc.*