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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
MAY 16, 2023**

**AGENDA ITEM 1. Call to Order.**

Mayor Mouton called the meeting to order at 7:00 p.m. Mayor Mouton 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, Iverson, MacDonald, Plechash, and Parkhill. Also present: City Manager Dahl, Parks Planner Kieser, Assistant Planner Quarles, City Forester Myhran, and City Attorney Schelzel.

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

- Update on boat slip Ordinance and policy
- Update of the Zoning Study status and Discussion of future priorities

**AGENDA ITEM 4. Approve Agenda.**

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

**AGENDA ITEM 5. Public Forum.**

**a. Update of Hennepin County Operations by Commissioner Chris LaTondresse**  
Mayor Mouton welcomed Hennepin County Commissioner for District 6, Chris LaTondresse.

Commissioner LaTondresse reviewed the Hennepin County operations, including a \$2.7 billion annual budget on behalf of 1.2 million residents, or 1 in 5 Minnesotans. He stated the County is facing a housing crisis related to affordable housing and homelessness, which surged when the pandemic moratorium ended. He added one third of Hennepin County households pay more than 30% of their income on housing costs; family homelessness has doubled over pre-pandemic levels; and the gap of available affordable homes is widest for lowest income households at approximately 50,000 units less than what is required. He noted national attention has been given to Hennepin County initiatives and investments related to affordable housing, and residents can be proud to live in a County that is a national leader in housing innovation, but there is more work to be done.

Commissioner LaTondresse stated public safety is a top priority, and resources for law enforcement are critical to support public safety training facilities and embedded social workers in partnership with cities and local law enforcement. He added, as of 2023, Hennepin County has 45 social workers supporting every city including Wayzata Police Department. He noted the County is committed to addressing mental health issues of youth and students, with 1 in 3 students experiencing poor mental health after the pandemic. Hennepin County has provided mental health support services to more than 6600 students annually, and as of 2023, expanded programming to every district and school. He noted

1 this is a key policy priority that he has championed, and he expressed his gratitude for  
2 partnerships with schools.

3 Commissioner LaTondresse stated support for small businesses is also a vital  
4 priority, and important to Wayzata. He added Hennepin County provided \$70 million  
5 County-wide to support small businesses, including \$600,000 in Wayzata. He noted  
6 Elevate Hennepin, a resource hub, has been established to connect local entrepreneurs to  
7 the resources they need at no cost. Over 2300 businesses have been involved in Elevate  
8 programs.

9 Commissioner LaTondresse thanked the City of Wayzata for Public Works teams  
10 partnerships.

11 Mayor Mouton expressed her gratitude for Commissioner LaTondresse's  
12 partnership, which has been phenomenal since he was elected. She thanked him for his  
13 attendance and presentation.

14  
15 **b. Update of 2023 Public Safety Initiatives by Police Chief Marc Schultz**

16 Mayor Mouton welcomed Police Chief Marc Schultz.

17 Police Chief Marc Schultz gave a review of public safety initiatives in Wayzata.  
18 He stated violent crime in Minnesota has increased by 22% in 2021, and 24% in Hennepin  
19 County. He added, in Wayzata, there has been a 77% increase in assaults, mostly domestic-  
20 related, as well as a high amount of graffiti. He noted the Police Department is being  
21 proactive and taking steps to create force multipliers and bolster street strength in creative  
22 ways, with the help of a grant from the Department of Public Safety for a dedicated Public  
23 Safety Officer.

24 Chief Schultz stated two officers are completing bike patrol certification, which  
25 will be extremely effective in providing a better presence in busy areas, create a more  
26 approachable atmosphere, and increase citizen engagement. He added Toward Zero  
27 Deaths (TZD) Month outreach is planned for special events and holidays in June. He noted  
28 9 new automated license plate readers have been installed in Wayzata in areas of heaviest  
29 traffic, which is an efficient and effective way to help keep the community safe.

30 Mayor Mouton thanked Chief Schultz for his hard work and efforts on behalf of the  
31 community.

32  
33 **c. Introduction of Joe Pietrzak, Wayzata High School Compass Student**

34 Mayor Mouton welcomed Wayzata High School Student Joe Pietrzak.

35 City Manager Dahl stated Joe Pietrzak participated in Wayzata High School's  
36 Compass Program, a semester-long profession-based learning program available to  
37 seniors, which pairs high school students with mentors.

38 Joe Pietrzak stated he has been fortunate to have had Mr. Dahl as his mentor, and  
39 he has learned a lot about what a City Manager does. He added he plans to attend the  
40 University of Minnesota next year and seek a degree in Finance or Accounting. He noted  
41 the Compass program participants meet for three hours every school day from January-  
42 June.

43  
44 **AGENDA ITEM 6. New Agenda Items.**

45 Councilmember Plechash stated he would like to explore the idea of having the City  
46 Council appoint an ad hoc committee to consider ways of bringing public art into Wayzata.

1 He added the committee could review locations that would be suitable for public art, as  
2 well as costs and standards.

3 Mr. Dahl agreed, stating the City Council will be considering strategic priorities in  
4 the near future.

5  
6 **AGENDA ITEM 7. Consent Agenda.**

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

9 Mr. Plechash requested that Consent Agenda Item G be moved to the Regular  
10 Agenda for further discussion.

11  
12 Mayor Mouton asked for a motion to approve the Consent Agenda Items A-K with the  
13 exception of G. Mr. Plechash made a motion, seconded by Ms. MacDonald, to approve  
14 the consent agenda:

- 15 a. Approval of City Council Workshop and Regular Meeting Minutes of May 2, 2023  
16 and the Reconvened Local Board of Appeal and Equalization Hearing Minutes of  
17 April 19, 2023
- 18 b. Approval of Check Register
- 19 c. Approval of Municipal Licenses
- 20 d. Receipt of Police Activity Report
- 21 e. Receipt of Building Activity Report
- 22 f. Approval of Professional Services Agreement with Alpha Video & Audio Inc. for  
23 City Council Chambers Audio/Visual Equipment Improvements
- 24 g. ~~Adoption of Resolution 31-2023 Establishing a Tree and Plantings Fund~~ (moved to  
25 Regular Agenda Item 8d)
- 26 h. Approval of Engagement Letter Agreement with Baker Tilly to Conduct a  
27 Compensation Study
- 28 i. Receipt of Memorandum of Understanding (MOU) with the Wayzata Conservancy  
29 for Panoway Phase 2a Maintenance and Operations
- 30 j. Approval of Professional Services Agreement with WSB for Design Services  
31 Related to the Replacement of the Broadway Avenue/Wayzata Blvd Traffic Signal  
32 System
- 33 k. Approval of Second Reading and Adoption of Ordinance 826 Amending Chapters  
34 902, 916, 917, 919, and 920 of the Zoning Ordinance (Definitions and Performance  
35 Requirements Updates)

36 The motion carried 5/0.

37  
38 **AGENDA ITEM 8. New Business.**

- 39 a. **Consider Adoption of Resolution 29-2023 Approving Rooftop Mechanical  
40 Design Deviations and First Amendment to Development Agreement for 900  
41 Wayzata Blvd East**

42 Assistant Planner Quarles reviewed the project background of a mixed-use redevelopment  
43 approved by the City Council in 2022. She noted that the approved plans did not include  
44 specific details regarding locations of mechanical equipment; however, no further  
45 deviations are anticipated besides the deviations being considered this evening. The  
46 current proposal would include the addition of rooftop mechanical equipment both the bank

1 and office buildings. No rooftop equipment is allowed on Lake Street or the Bluff District  
2 while there is limited allowance on Wayzata Boulevard with size limitations required by  
3 City Code. The proposed equipment units for this development meet rooftop equipment  
4 standards with the exception of size. Other locations for the mechanical equipment were  
5 reviewed by the project team but found to be inferior to the rooftop location.

6 The Planning Commission discussed this project at their last meeting, and  
7 recommended City Council approval on a unanimous vote, due to visibility from the street,  
8 preservation of green space, and practicality of adherence to design standards.

9 A Public Hearing notice was published in the Sun Sailor on April 6, 2023, and  
10 notices were sent to properties within 500 feet. No neighborhood meeting was required.  
11 One public comment was received in favor of the deviations.

12 The proposed amendment to the development agreement is an administrative  
13 update. City Staff recommends adoption of Resolution 29-2023 approving rooftop  
14 mechanical design deviations and an amendment to the development agreement for 900  
15 Wayzata Blvd E.

16 Matt Mithun, the applicant, stated significant time and resources have gone into  
17 this project which has been under consideration for 3 years. He added no additional Code  
18 deviations are required for the development, and the rooftop mechanicals will not be visible  
19 from the street. He noted this is the only viable alternative plan for this project.

20 Ms. MacDonald asked where the mechanical equipment will be located for the  
21 apartment building. Mr. Mithun stated they will be single family home units, so the  
22 dimensions will not be the same.

23 Mark McLane, 4296 Gadwall Court, Eagan, stated the mechanical systems for  
24 residential property will be located inside the building. He added it would take about 500  
25 of those same units for the office building.

26 Ms. Iverson asked why there are 5 units on the bank building. Mr. McLane stated  
27 that is a different size building which requires a different system.

28 Megan Rogers, Larkin Hoffman, stated the bank tenant requires 5 mechanical units  
29 to provide adequate circulation for an interior vault system. She added the vault system is  
30 a mandatory requirement that is unique to that use.

31 Ms. Iverson stated this issue was previously discussed by the City Council, and she  
32 had asked specifically where the rooftop mechanicals would be placed. She added she was  
33 told they would be placed inside the building. Mr. Mithun stated the plan has always been  
34 rooftop mechanicals with parapets.

35 Mayor Mouton stated she agrees that the rooftop mechanicals were unexpected,  
36 especially with the height variance requested for the other building. She asked whether  
37 there will be additional equipment on the ground. Ms. Quarles stated there will be no  
38 mechanical equipment on the ground.

39 Mr. Mithun stated this is an important project, and mechanical units that would be  
40 seen and heard would be an inferior product. He added the properties should be landscaped  
41 and walkable. He added a condenser would still be required outside if the mechanical  
42 equipment were to be located inside the building.

43 Ms. Quarles stated the building has 3 front yards and is visible from all sides. She  
44 added mechanicals on the ground cannot be accommodated without visibility.

45 Mayor Mouton requested clarification regarding the proposed height of rooftop  
46 screening parapets. Nat Shea, Tanek Architecture Design, stated that the parapet screening

1 units would be 7 feet tall stone-look metal panels. He added the rooftop units will not be  
2 visible from ground level.

3 Mayor Mouton requested clarification regarding City Code requirements for  
4 maintenance of screening parapets. Ms. Quarles stated maintenance is covered under the  
5 City's building Code. Mr. Shea stated the parapets will be maintained by the building  
6 owners.

7 Mr. Plechash stated the 9 square foot restriction is not realistic, as the Zoning Code  
8 was established for sight line conditions, and this proposal is in compliance with sight lines.  
9 He commended the applicant for the time and effort that has been devoted to design and  
10 other considerations. He added this project will not have an effect on adjacent properties  
11 and he is very much in favor of moving forward with the project.

12 Mr. Parkhill stated he concurs with Mr. Plechash's comments and the Planning  
13 Commission's report. He added the City Council could consider reviewing Code  
14 requirements.

15 Ms. MacDonald stated she agrees with the comments of her colleagues, and the  
16 project seems reasonable.

17 Ms. Iverson stated some thought should have been put into locating the mechanicals  
18 inside the building. She added she cannot support the project as she remembers being told  
19 that mechanicals would not be situated on the rooftop.

20 Mayor Mouton stated she is pleased that parapets have been included in the design  
21 and will not exceed maximum height restrictions. She added the applicant and team are  
22 committed to delivering a great project. She expressed concern that the bank building will  
23 be too high related to future adjacent development. She thanked the Planning Commission  
24 and City Staff for their hard work and efforts.

25  
26 There being no further discussion, Mayor Mouton asked for a motion on the draft  
27 Resolution. Mr. Plechash made a motion, seconded by Ms. MacDonald, to Adopt  
28 Resolution 29-2023 Approving Rooftop Mechanical Design Deviations and First  
29 Amendment to Development Agreement for 900 Wayzata Boulevard East. The motion  
30 carried 4/1 (Iverson opposed).

31  
32 **b. Consider Approval of First Reading of Ordinance 825 Approving Zoning Text**  
33 **Amendments to Chapter 936 - Tree Preservation Ordinance, Chapter 918 -**  
34 **Fencing/Screening, and Chapter 902 - Rules and Regulations**

35 Mr. Kieser reviewed Zoning Code text amendments related to the City's tree removal  
36 permit process that went into effect in 2023. He stated City Staff have issued 23 tree  
37 removal permits since January 24, 2023, and denied 1 application. He added City Staff  
38 have discovered additional updates that would help enforce the Tree Protection Ordinance  
39 as intended.

40 City Forester Myhran reviewed proposed changes that would clarify the definition  
41 of a Heritage tree which must be a healthy tree; update the tree removal permit to include  
42 any tree with diameter of six inches or more, regardless of condition; and include all tree  
43 removals in the past two years in the current Tree Preservation Plan.

44 Mayor Mouton requested clarification regarding the size of a significant tree. Mr.  
45 Myhran stated the definition of a "significant" tree differs depending upon the species, as  
46 rapid growth trees would be 12 inches or greater, while standard growth trees would be 6

1 inches or greater. He added the Ordinance amendment would add a definition for the  
2 structural root zone of a tree and ban preservation of trees with a compromised structural  
3 root zone. He noted it will be necessary to review the critical root zone on a case-by-case  
4 basis.

5 Ms. Iverson stated the proposed language is a significant change from the City's  
6 past practices. She added she supports the changes, and for the record, the definition of  
7 structural root zone will be more accurate.

8 Mr. Kieser stated other changes are proposed that will bring the Ordinances in line  
9 in terms of language. He added minimum tree and plant sizes will be removed, and  
10 language will be added to prohibit or restrict plantings following Minnesota Department of  
11 Agriculture guidelines. He noted the Planning Commission unanimously approved the  
12 amendments at their last meeting.

13 Ms. Iverson stated she supports a clear definition of clear cutting. She added she  
14 received calls about a property that was clear cutting trees, which would require a forestry  
15 application. She stressed the importance of deterring clear cutting and then reviewing the  
16 situation later rather than the other way around.

17 Mr. Myhran stated percentages of tree canopies can be different depending upon  
18 their location. He added enforcement would be difficult and would involve a tree inventory  
19 requirement, which could be burdensome. He noted some cities have an inch limit with  
20 regard to clear cutting.

21 Mayor Mouton stated she would support tabling this issue for future discussion.  
22 She added she does not want to see healthy trees cut down, but residents should be able to  
23 have proper use of their own property.

24 Mr. Myhran stressed the importance of replacement of trees at the front end.

25 Mr. Dahl stated City Staff plans to review the process after the first year to  
26 determine best practices and provide recommendations on clear cutting.

27 Michael Trevanti, 16218 Holdridge Road, Wayzata, stated a renovation project has  
28 been scheduled on his residential property, and they are dealing with issues related to the  
29 Tree Ordinance. He added there are 2 heritage trees close to their existing home that cannot  
30 be preserved, and one of the trees has fees and liability exceeding \$10,000. He noted he is  
31 asking for some direction from the City Council regarding reduction or elimination of the  
32 fees. He noted residents should be able to renovate or expand their home without such  
33 major tree-related expenses.

34 Mr. Dahl stated there is a variance process in the Zoning Code, and Mr. Trevanti  
35 can move forward with that process. He added City Staff can review the fee schedule and  
36 suggest changes.

37 Mr. Schelzel stated the resident would need to show practical difficulties. He added  
38 the most efficient plan would be to review the fee schedule. He noted that would not take  
39 place at tonight's meeting. Mr. Dahl stated there is an option for escrow from residents  
40 which could be reduced.

41 Mayor Mouton requested that City Staff work with the resident and to find a  
42 solution. Mr. Dahl and Mr. Schelzel agreed.

43 Councilmember Plechash requested clarification regarding inch requirements and  
44 City fees for removal of trees. Mr. Dahl stated the fees, and replacement escrows, are based  
45 on inches.

1 Ms. McDonald stated this entire process can be very difficult for a resident to  
2 navigate, as opposed to a developer. Mr. Myhran agreed, especially when a property is  
3 already so heavily wooded. He added situations are handled the same way in City  
4 Ordinance.

5  
6 Mayor Mouton asked for a motion on first reading of the Ordinance. Mr. Parkhill made a  
7 motion, seconded by Mr. Plechash, to Approve First Reading of Ordinance 825 Amending  
8 City Code Chapter 936 Related to Tree Preservation, Section 918.03 Related to Fencing,  
9 Screening, and Landscaping, and Section 902.02 Related to Definitions. The motion  
10 carried 5/0.

11  
12 **c. Consider Adoption of Resolutions 33-2023 and 34-2023 Approving a**  
13 **Conditional Use Permit for Municipal Solar at 600 Rice Street East and 747**  
14 **Mill Street East**

15 Mr. Kieser reviewed proposed Conditional Use Permits (CUP) for solar energy  
16 installation at 600 Rice Street East, the City Hall, Library and Fire Station; and 747 Mill  
17 Street East, the Municipal Liquor Store and Municipal Bar and Grill (Muni). Both  
18 properties are in the Bluff District, and a CUP is required to install solar panels on the  
19 roofs. The Energy & Environment Committee's recommendation for a solar energy  
20 project proposal from Blue Horizon energy was approved by the City Council. The total  
21 project cost of approximately \$650,000 represents a net savings of \$853,918 and solar  
22 production would offset one third of energy usage of the buildings noted.

23 Mr. Kieser stated the Planning Commission reviewed the plan and recommended  
24 unanimous approval, as solar energy is in line with environmental sustainability efforts as  
25 outlined in 2040 Comprehensive Plan. No public comments have been received.

26 Mr. Parkhill asked whether the Muni building can be removed from the proposal,  
27 and whether a contract has already been signed for the entire project. Mr. Kieser stated  
28 the agreement has been approved and signed, but the CUP process is now required. He  
29 added they are two separate CUPs and resolutions which allows for separate approval of  
30 each property.

31 Mr. Parkhill stated he does not like the solar panels on the Muni, and the aesthetic  
32 trade-off is too great for the savings. Mr. Kieser stated the E&E Committee fully  
33 supported solar panels on the muni building due to the education and visibility  
34 components. He added the visual impact could be reviewed further.

35 Mayor Mouton asked whether there is a way to make the panels more uniform  
36 and not zig-zagged. Mr. Kieser stated ways to unify the panels can be reviewed to make  
37 them look more pleasing. He added the image that was shown was the municipal liquor  
38 store in Morris, which has more of a pitched roof on the side which differs from the Muni  
39 roof which has uniform sides.

40 Ms. MacDonald stated the photo of the building in Morris was taken from above,  
41 so the panels appear more pronounced. Mr. Kieser agreed.

42 Mayor Mouton stated the Widsten residences would look out on the solar panels,  
43 so the City may receive feedback and comments from them.

44 Mr. Plechash asked whether the muni could be removed from the contract for  
45 further review. Mr. Kieser stated City Staff could work with the installation company to  
46 amend the contract.

1 Mr. Plechash asked whether it would be a conflict of interest for the City Council  
2 to table a CUP after approving a contract for services on one of its own buildings. Mr.  
3 Schelzel stated the City is following the Zoning Ordinance process as stipulated by law.  
4 He added the City Council has the prerogative to table the CUP until more information  
5 can be provided and aesthetic concerns are addressed.

6 Mayor Mouton stated she is in favor of solar panels on the Muni if it is  
7 aesthetically pleasing and there are no issues for Widsten residents. She added she does  
8 not like the jagged look.

9 Mr. Dahl stated a condition could be added that the final design of solar  
10 installation on the Muni would require final review by the City Council, with depictions  
11 of the roof.

12 Mayor Mouton stated the City Council approved the proposal and should move  
13 forward in a constructive way that is representative of the ultimate goal. Ms. Iverson  
14 stated she voted against it.

15 Mr. Schelzel stated he recommends separating the motions, and tabling action on  
16 the Muni subject to City Council approval.

17 Ms. MacDonald stated the City Council originally debated this issue, and she  
18 supported the project as it is line with the City's sustainability goals, as outlined in the  
19 Comprehensive Plan. She added residents will see solar panels on City buildings, which  
20 will raise awareness and far outweighs aesthetic concern.

21  
22 Mayor Mouton asked for a motion on the two CUP applications. Ms. MacDonald made a  
23 motion, seconded by Mr. Parkhill, to Adopt Resolution 34-2023 Approving a Conditional  
24 Use Permit for Rooftop Solar Energy Systems at 600 Rice Street E. (City Hall, Fire Station,  
25 and Library). The motion carried 5/0.

26  
27 Mr. Parkhill made a motion, seconded by Mr. Plechash, to table Resolution 33-2023 to a  
28 future date for Rooftop Solar Energy Systems at 747 Mill Street E. (Municipal Liquor Store  
29 and Bar & Grill.) The motion carried 5/0.

30  
31  
32 **d. Consent Agenda Item G – Resolution 31-2023 Establishing Tree and**  
33 **Plantings Fund**

34 Mr. Plechash stated he pulled this item as he is in favor of the Resolution except for Item  
35 2, indicating priorities where funds will be spent. He added funding received by the City  
36 in lieu of planting trees would be used to remove or maintain trees. He noted he would  
37 support using those funds to plant more trees elsewhere. He asked whether that bulletin  
38 point can be removed.

39 Mr. Dahl stated the Resolution under consideration would determine how funds  
40 would be separated.

41 Ms. Iverson requested clarification regarding Item 5, which refers to activities that  
42 migrate the impact of tree removals on the subject property and fulfill the purpose and  
43 intent of Tree Preservation Ordinance.

44 Mr. Dahl stated this item can be tabled, and he can respond to the concerns in his  
45 Friday email update. He added the item can be added back to a City Council meeting  
46 agenda if necessary.

1  
2 Mayor Mouton asked for a motion on the Resolution. Mr. Plechash made a motion,  
3 seconded by Ms. MacDonald, for adoption of Resolution 31-2023 Establishing Tree and  
4 Plantings Fund. The motion carried 5/0.

5  
6 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

7 **a. Upcoming Events/Announcements**

8 Mr. Dahl stated National Police Week will begin May 15, 2023, with National Peace  
9 Officers Memorial Day, to celebrate and honor police officers and the great work they do.  
10 He remembered Wayzata's police officers who died in the line of duty: J.W. Anderson in  
11 1982 and Bill Mathews in 2017.

12 Mr. Dahl stated Dig it Day is planned for Saturday May 20, 2023, beginning at 8:30  
13 a.m. at the Public Works building. Interested volunteers can sign up on the City's website.

14 Mr. Dahl stated the Conservancy's Spring Splash will be held at the Panoway on  
15 Saturday, May 20, 2023, to promote summer programming around the lake.

16 Mr. Dahl stated an Open House for the Panoway is scheduled for June 8, 2023 from  
17 5:00-6:30 p.m. Boardwalk contractors will be there to answer questions and review the  
18 proposed logistics plan. A celebration to commemorate the beginning of boardwalk  
19 construction is being planned.

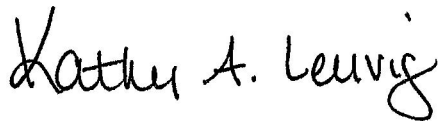
20  
21 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

22 There were no comments.

23  
24 **AGENDA ITEM 11. Adjournment.**

25 There being no further business, Mayor Mouton asked for a motion to adjourn. Ms.  
26 MacDonald made a motion, seconded by Mr. Parkhill to adjourn. Mayor Mouton  
27 adjourned the meeting at 9:42 p.m.

28  
29 Respectfully submitted,

30  
31 

32  
33 Kathy Leervig  
34 City Clerk

35  
36 Drafted by Mary Mullen  
37 *TimeSaver Off Site Secretarial, Inc.*