WAYZATA CITY COUNCIL
MEETING MINUTES
JANUARY 23, 2024

AGENDA ITEM 1. Call to Order.
Mayor Pro-Tem Plechash called the meeting to order at 7:00 p.m. Mayor Pro-Tem 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: Iverson, MacDonald, Plechash, and Parkhill. Also present: City Manager Dahl, Community Development Director Goellner, and City Attorney Schelzel.

Council Members absent: Mayor Mouton

AGENDA ITEM 4. Approve Agenda.
Mayor Pro-Tem Plechash explained that the agenda has been amended to include item 8.d., Consider a Special Event Permit Request for Amended Chilly Open Event by the Greater Wayzata Area Chamber of Commerce.

Ms. MacDonald made a motion, seconded by Mr. Parkhill, to approve the agenda, as revised with the addition of item 8.d. The motion carried 4/0.

AGENDA ITEM 5. Public Forum.
a. Recognition of the Retirement of Rich Holm, Firefighter
City Manager Dahl explained that it was bittersweet to say goodbye and happy retirement to Rich Holm who has served the community for 37 years. He stated that Mr. Holm and his family are the epitome of a community servant and explained that he wanted to personally thank Mr. Holm for serving the community in so many different ways over the years and he would be missed. He stated that he will miss attending meetings with Mr. Holm because he knew that he would always present him with a good, challenging question or a really funny, challenging comment. He noted that Mr. Holm was never afraid to speak up, which meant that this organization was better as a result of that.

Fire Chief Klapprich explained that he had a tough time talking Mr. Holm into even coming to receive this recognition from the City. He stated that he will do what Mr. Holm asked him to do, so he would just say that City Manager Dahl just said everything that he had planned to say already and extended his thanks to Mr. Holm. He shared some background information about Mr. Holm and his experience as a firefighter, a pump operator/driver, filled in as a lieutenant, Fire Department President, Fire Department Relief Association President, and explained that Mr. Holm had just made this a better place all around. He stated that he would agree with Mr. Dahl that Mr. Hold was never afraid to speak up and was always there when you needed him. He presented him with the gift of a clock from the City on behalf of his years of service to the Fire Department and the City.

Mr. Holm thanked his wife and his family for their support because to do this job successfully, you have to have your family behind you. He also expressed his appreciation to the Fire Department, both past and present as well as the Police Department for their support. He encouraged anyone interested to join the Wayzata Fire Department because they are the most awesome organization that you can imagine.

There was a round of applause for Mr. Holm.

Chief Klapprich thanked the members of the Fire Department, including those that had just received a call for service and other members of the community for being here to support Mr. Holm and the Fire Department.

Ms. Iverson stated that Mr. Holm's and the Fire Department's service has been so important to the City in what they do on a daily basis. She thanked him for his 37 years of service to the City and agreed that he would be missed.

Mayor Pro-Tem Plechash stated he had served on the Fire Department with Mr. Holm and noted that it was a testament to his contributions to see how many people showed up to honor him tonight from the Fire Department, Police Department, as well as family and friends. He noted that he was not exaggerating to say that Mr. Holm has been a real value to the Department and a real value to him personally because he was one of the individuals who acted as a mentor for him when he served on the Department.

AGENDA ITEM 6. New Agenda Items.

AGENDA ITEM 7. Consent Agenda.

Mayor Pro-Tem Plechash read the items on the consent agenda and asked if any Council member wished to pull an item for further discussion.

Ms. Iverson stated that she would like to have a quick discussion regarding item k. She stated that the Council had decided that they would go ahead and fund the special type of Kebony wood for the docks which resulted in an additional cost of $200,000. She noted that the City moved forward with the understanding that the Conservancy would fund those additional costs and wanted to clarify that this item was for that purpose. She stated that she wanted it known that if the Conservancy was unable to raise the necessary funds, the residents would be liable for paying these additional costs. She explained that her preference is to have the money in the bank before they move forward, so she is not comfortable approving that particular thing, but believes she was in the minority, which was why she did not want to actually pull it from the Consent Agenda.

Mayor Pro-Tem Plechash stated that he would like to pull item j. for separate discussion.

Hearing no additional requests, he asked for a motion to approve the Consent Agenda items a-i, and k, as presented. Mr. Parkhill made a motion, seconded by Ms. MacDonald, to approve the consent agenda:

a. Approval of City Council Workshop and Regular Meeting Minutes of January 9, 2024
b. Approval of Check Register
c. Approval of Municipal Licenses
d. Receipt of Police Activity Report
e. Receipt of Building Activity Report
f. Approval of Professional Services Agreement with NEOGOV for Recruitment and Onboard Software and Implementation Services

g. Adoption of Resolution 08-2024 Approving Closure and Transfer of Funds
h. Authorization to Solicit Bids for the 2024 Mill & Overlay Project
i. Authorizing to Solicit Bids for the 2024 Seal Coat Project
~~j. Adoption of Resolution 07-2024 Denying PUD Amendment and Shoreland PUD/CUP at 825 Mill Street East~~ (pulled for separate discussion)
k. Receipt of Memorandum of Understanding (MOU) with The Wayzata Conservancy for Panoway Dock Funding

Ms. Iverson noted that she was not comfortable pulling item j. from the Consent Agenda and explained that she would not be changing her vote. She stated that she felt that everything was clearly discussed at the last Council meeting.

Mayor Pro-Tem Plechash explained that he had wanted to pull that item because he was the sole vote in favor of the last version and did not want it to be part of the Consent Agenda because he intends to vote against that item.

City Attorney Schelzel clarified that the motion on the floor at the moment is to approve the Consent Agenda with item j. pulled. He explained that whenever a Councilmember either wants to have further discussion or a separate vote, it is their right to have it pulled from the Consent Agenda.

The motion carried 4/0.

Consent Agenda Item j: Adoption of Resolution 07-2024 Denying PUD Amendment and Shoreland PUD/CUP at 825 Mill Street East

Mr. Parkhill stated that he thinks everyone on the Council is trying to do what is best for Wayzata and Mayor Pro-Tem Plechash had asked him to rethink his vote on this item. He stated that he thinks it is very important for the Council to be very thorough when they make these decisions and wanted to acknowledge how much he thought the change in the street presence in the new design really made it a lot more inviting. He explained that he really wanted to do what was right for the City on this item which was why he has gone back and really given this some additional thought. He noted that he had heard second hand, through Mayor Pro-Tem Plechash, that some people felt the Council made the wrong decision on this item. He stated that the two questions that came to mind for him were whether the City needed more residential units that commercial units right now and has Presbyterian Homes thought creatively enough and done all they could to market their space to lease it for commercial use. He reviewed various developments in the City including Wells Fargo, Moments of Wayzata, Cantissimo, Westway Condos, TCF buildings last proposal, and Rice/Broadway condo units which totals 120 senior living, 79 rentals, 70 condos for a total of 269 new units in the next few years. He stated that 12 more nice units like those proposed by Presbyterian Homes would certainly get absorbed, but he questions if they are really needed. He stated that 825 Mill Street would be on the way for 79 of the units for people to walk between their units and Lake Street and felt it would be really nice if there were some coffee shops or some amenity retail in that location to bring them down that way. He stated that the thing that has kept this parcel from being leased is that it is big, deep, and looks like a big brick wall which is not very inviting. He asked if Presbyterian Homes had considered 12 retail spaces rather than 12 residential spaces and using the back areas for the amenities that they wanted to add to their existing community. He asked if they had considered mixed use, such as 6 residential and 6 retail spaces. He suggested that they may be able to use the same design they had worked on for the residences to brighten up the place and put 6 retail spaces in the middle and flank them with the residential units. He stated that it is also possible that what they were asking for in rental and CAM costs were too high for this spot because it is limited. He suggested that they could also invest in the building and make it look inviting to customers and explained that he agreed with Mayor Pro-Tem Plechash that large format stores and retail will not work in this location and the single hair salon that had occupied the space was a bit lonely, nor did it perform very well. He explained that his main point is that real estate is sometimes about investing in fringe areas to bring them into the mainstream and this is just one block off the mainstream. He stated that he believes once there are 3 or 4 businesses there, the other spaces would fill up rather quickly. He reiterated that the City has a lot of residences that will be coming on line very soon and believes that the City will need this retail space and that the owners will need to take a risk to make something the City needs happen. He clarified that he was glad that they were having additional discussion on this item, but his vote has not changed.

Mayor Pro-Tem Plechash stated that Mr. Parkhill presented some very compelling arguments. He noted that he hopes that he will be proven wrong in this vote and that a few years from now this space will be filled with commercial or retail. He explained that his fear is that it will not be because this has already been a ten-year experiment that has failed. He stated that he has to believe the Presbyterian Homes has been searching for ways to fill this space, because it is expensive remaining vacant.

Ms. Iverson thanked Mr. Parkhill for his well thought out description of his thought process. She explained that she had gone out and talked to quite a few of the tenants that are out there that also believe retail brings retail and by having more it will become an area that thrives. She stated that she is hopeful that the City can successfully work with Presbyterian Homes in order to figure out what that mix should be. She reminded everyone that one of the perks in this area are the heated sidewalks.

Hearing no additional discussion, Mayor Pro-Tem requested for a motion to approve Consent Agenda items j, as presented. Mr. Parkhill made a motion, seconded by Ms. MacDonald, to approve item j. of the consent agenda, as presented.

The motion carried 3/1 (Plechash opposed).

<u>AGENDA ITEM 8. New Business.</u>

a. Consider Adoption of Resolution 05-2024 Appointing Parks & Trails Board Member

Mr. Dahl stated that when the Council made various appointments to Boards and Commission in October 2023, there were still a few vacancies on the Parks & Trails Board. He explained that there were two really qualified candidates who had expressed interest in serving on the Planning Commission and were also interested in this Board.

Mayor Pro-Tem Plechash asked for a motion on the draft resolution. Ms. Iverson made a motion, seconded by Ms. MacDonald, to Adopt Resolution No. 05-2024 Appointing Parks

& Trails Board Member Blake Cameron to a three-year term expiring December 31, 2026. The motion carried 4/0.

b. Consider Approval of First Reading of Ordinance 835 Amending City Code Chapter 716 Related to Charitable Gambling

Mr. Dahl reviewed some background information on the current ordinance and the request to amend the ordinance in order to allow charitable gambling at an additional location. He noted that the Council had discussed this at their January 9, 2024 Work Session meeting where they gave staff the direction to limit expansion of charitable gambling to two locations in the City: Wayzata Muni and American Legion. He noted that if this ordinance is passed, it will still need to have a Second Reading and upon that being published, then the American Legion could go through the necessary license and registration process through the state that will allow them to have pull tabs.

Mr. Parkhill asked if this would involve getting an annual license or was it in perpetuity.

Mr. Dahl stated his understanding is that the licensing is annual so there would be a reapplication process.

Mr. Parkhill confirmed that the American Legion already had a gambling license and this would allow for pull tabs. He asked if the City ever denied licenses.

Mr. Dahl stated that he does not believe they have ever had to deny a license, but if the City had reason to not feel comfortable with the operation and/or it was not consistent with their code or community values, they would look at it more closely.

Mr. Parkhill stated that this was sounding like more of a permanent change.

Mr. Dahl confirmed that it would essentially be a permanent change.

Mayor Pro-Tem Plechash stated that there was information discussed that one of the options that the City has is to institute a 10% revenue share or fee from the establishment and that has not been mentioned yet in the discussion. He stated that his understanding is that this is the City's option and they could go ahead and do that tonight and if they do it for this organization they would have to do it for others.

Mr. Dahl stated that was correct.

Greg Greffin, 1539 Claire Lane, stated that he was here as a speaker for the Wayzata Lions Club. He explained that he had been a Lion for 45 years and noted that Lions is actually an acronym for Liberty Intelligence Our Nations Security. He stated that the Wayzata Lions Club has been licensed to operate pull tabs since May of 1988 at the Municipal Wayzata Bar & Grill and since that time they have contributed $1,316,000 to the Wayzata Fire Department capital equipment fund and the same dollar amount has gone to numerous local charities. He stated that their goal moving forward is to generate equivalent revenues in order to continue to contribute to the Wayzata Fire Department capital equipment fund. He stated that if the American Legion Post #118 is allowed to offer lawful gambling pull tabs, they ask for the City's consideration that their voluntary contribution be congruent to a similar good faith agreement in line with the 50% benchmark that the Wayzata Lions have historically contributed. He noted that the Lord created Wayzata to be a town of abundance, not scarcity and he believes that there is plenty of revenue to do around for both and reiterated that they were just asking that they have the same level, equal, playing field in terms of contributions to the City and the Fire

Department. He explained that they were deeply grateful to the City for granting their club over 36 years the exclusive right to sell pull tabs.

Kirk Zahrbock, 1310 Holdridge Terrace, stated that he moved to the City in 1984 and joined the Fire Department in 1986. He stated that he, along with Brian Botham were the two firemen that served on the pull tab committee along with Bill Nelson and Ed Stanke and met monthly for several years. He stated that the Wayzata American Legion owns their building and has a lot of overhead and serve the Veteran's. He stated that the Lions have done a great job and expressed his appreciation for all they have done. He explained that the Legion has a lot of expenses in house, in addition to taking care of the Veteran's and serve the community. He stated that when Bill got hit, the fundraiser was held at the Legion. He stated that pull tabs are a legal thing to do and right now there is just one place in town that can sell them, but there are a number of places just beyond the City that also offer them which means that money is leaving town and going to other communities. He stated that this action gives the City the ability to keep more of that revenue here in town and thinks this will bring in even more people because he knows some people do not come because they do not offer pull tabs and noted that he did not think there was another American Legion that did not already offer pull tabs. He stated that with the restaurants in town, Wayzata is now a destination, so there are more people coming into town at night. He stated that the American Legion is planning to give the City what they can, but reiterated that they have a lot more overhead than the Lions has because they have a building to maintain. He stated that he wanted to assure the Council and Mr. Greffin that they have always given back to Wayzata and with this change, will still give back to Wayzata.

Mr. Dahl clarified that there is no requirement from the City that the Lions or other organization has to make a 50% contribution to the City. He stated that amount is something that the Lions Club is doing in good faith.

Kent Howe, 1600 Holdridge Lane, stated that there was a question raised about the 10% surcharge and if that took place, he cautioned that it would eat into the amount they give and would essentially reduce what they would be giving.

Mr. Parkhill stated that he feels that Wayzata is a bountiful community and there is a lot of generosity in the City. He stated he believed it was appropriate to allow the Legion to have pull tabs and thinks that both the Lions and the Legion have their mission giving in the amount that they want to give. He noted that he thinks it is really hard to make this an 'apples to apples' type comparison and equate one to the other and stated that it is also hard to dictate generosity but believes that both organizations are going to continue to be generous to Wayzata, the Fire Department, and the Boardwalk. He reiterated that it is difficult to dictate generosity and noted that he did not think the City should charge the surcharge.

Ms. Iverson stated that she agreed with Mr. Parkhill's comments. She noted that as a 'hockey mom' she found out pretty quickly about the whole pull tab community and would describe it as strong. She stated that she believes that this will continue to be a strong community that supports it in multiple locations. She noted that she thinks there are a bit of different demographics in the two locations and has seen people play pull tabs anywhere that they are available and did not feel it would deter one from the other and will benefit people who are seeking that activity. She stated that she has heard stories from groups of hockey parents who went to the Legion and was surprised that they did not have pull tabs. She stated that she also supports this action and also did not think the City should charge the 10% surcharge that was mentioned in the packet.

Ms. MacDonald stated that she also agrees with what has been stated and also supports amending the City code to allow another charitable gambling with pull tabs at the Legion. She expressed her gratitude as both a Councilmember and a community member for the generosity from the Lions and the Legion.

Mr. Plechash stated that he is a little conflicted because he is a Veteran and values what the Legion and other Veteran groups have done. He stated that he is also a Boy Stater and has certainly taken note of their contributions in the past, but especially noticed Tee it up for the Troops. He explained that he was President and Chairman of the Board for that organization for ten years. He stated that some of his concerns had already been touched on a bit such as cannibalization of contributions to the Fire Department but believed that is kind of an unknown. He stated that he was hopeful the contributions would continue from both organizations, but it was not a requirement from the City. He stated that he heard statements made tonight that referred to the high expenses in operating the Legion, but his understanding is that all of the money that is raised in pull tabs has to go for certain things so if the plan was to use it for operations, he would need to know that. He asked if he was correct that the pull tab money cannot be used for operational expenses.

Mr. Dahl stated that he did not think they could be used for operational expenses, but thinks capital improvements would be fine. He noted that the representatives from the Lions and Legion could probably answer that question more easily than he could.

Mr. Schelzel stated that the money raised from charitable gambling has to go towards charitable-eligible expenses and would note that the Legion is, itself, a charity.

Mr. Dahl explained that the Legion is audited every year and have to have qualified expenses.

Mayor Pro-Tem Plechash stated that it is very clear that these organizations do good things and have a history of doing good things going back a very long time. He stated that overall, he believes that this will be a value to the community and would hope that it is not just a matter of people going The Muni or the Legion to play pull tabs but that it create a more vibrant, attractive place for people to come from other places that wouldn't normally come to the Legion. He stated that he would agree with the comment made by Ms. Iverson that the clientele at the Legion is slightly different than at The Muni.

Mayor Pro-Tem Plechash asked for a motion. Ms. MacDonald made a motion, seconded by Mr. Parkhill, to Approve the First Reading of Ordinance 835 Amending City Code Chapter 716 Related to Charitable Gambling. The motion carried 4/0.

c. Consider Adoption of Resolution 06-2024 Adopting Updated Panoway Signage Design Standards

Community Development Director Goellner outlined the existing City policy on naming and dedicating City-owned land and facilities. She reviewed the Panoway Design Standards that were adopted in March of 2021 and the amendment adopted in May of 2023. She explained the proposed amendment to update the Panoway Signage Design Standards and incorporated dock signage including a Depot Docks sign in Depot Park and a Broadway Docks sign at the Broadway rail crossing. She gave an overview of the review process prior to coming before the Council. She showed renderings of the proposed Depot

Docks and Broadway Docks sign. She explained that staff recommended approval as proposed.

Dan Koch, 205 Bushaway Road, representing the Wayzata Conservancy, thanked the City staff, Council, and community members for all their work on this proposed update. He stated that the Conservancy made a lot of great progress with fundraising in 2023 and noted that donations received totaled around $1.3 million. He explained that the donor recognition plaques are a very important tool for their fundraising efforts. He stated that the Conservancy felt strongly about keeping the wood on the docks as Kebony and understood that there was a shortfall that would have to be addressed. He noted that the Conservancy is prepared to do that but asked that they are given these signs as a way to help bring that money in and close the gap.

Mayor Pro-Tem Plechash asked if the contributor names that will appear on the signs would just be on one side or both. Mr. Koch stated that he believed it was just on one side.

Ms. Goellner confirmed that the names would just appear on the land side of the sign. She explained that the lake side of the signs will just be directions to places in the City.

Mr. Parkhill noted that he also serves on the Conservancy so he is pretty familiar with this proposal. He explained that he felt everyone had done a great job looking at this and this will give the Conservancy the tools they need to raise the money that is needed so he was in support of this update.

Ms. Iverson stated that she understands that the Conservancy had a very successful 2023 with their fundraising efforts and stated that he hoped that 2024 would be as successful. She explained that her concern was about when these changes would stop and noted that it feels as though there has been change, after change, after change. She noted that she has always been concerned about this and also has concerns about the size, scale, and visual clutter that these may bring. She expressed concern that if there is another shortage that they will come back with another request for additional changes. She stated that Wayzata is a wealthy community and wonders if there may be people who are willing to donate without having name recognition and reiterated that she was worried about visual clutter and visibility. She noted that she was not in support of moving forward and would love to see the Conservancy get other tools in their toolbox to raise money.

Ms. MacDonald stated that she likes these signs and explained that she was always wary about the amount of inventory of the naming opportunities in the park. She explained that she does like that these signs have a way finding aspect to them as well and noted that it feels like an appropriate place to point someone in the right direction. She stated that she likes the proposed size of the signs and understands that this type of recognition is probably a great tool for the Conservancy and she supports this update.

Mayor Pro-Tem Plechash stated that he also supports this request and explained that he does have some concerns, but not enough to override his support. He feels that the signage is down to a smaller number than what had originally been proposed and will also support this request.

Ms. Iverson referenced the sign depicted on page 127 of the packet and on the Boardwalk rail alone there are 735 messages. She stated that she would agree that the overall number of signs has decreased from what was originally proposed, but she would repeat her earlier comments about visual clutter because there are large quantities of these signs and message proposed for a small space.

Mayor Pro-Tem Plechash asked for a motion on the application. Ms. MacDonald made a motion, seconded by Mr. Parkhill, to Adopt Resolution 06-2024 Amending Design Standards for Panoway Naming & Dedication Signage to Include Dock Signage Standards. The motion carried 3/1 (Iverson opposed).

d. **Special Event Permit Request for Amended Chilly Open Event by Greater Area Chamber of Commerce**

Mr. Dahl explained that this agenda item had been added early this morning and reviewed the request. He noted that the previous request for an amendment to allow for an on-land option is no longer a viable option so they would like to propose a just in case option 'on ice' near the Wayzata Sailing School. He explained that staff has given them some preliminary feedback on their proposal and stated that while they feel they could probably make it work, there is some risk involved and were concerned about the timing and limited notice for people around the area. He noted that ultimately the 'gorilla' in the room is the weather and the ice and explained that staff is really trying to be accommodating, but for something like this, another option after extensive conversations two weeks ago, they feel strongly that it was done too quickly for them to give a recommendation of approval. He reiterated that staff is really concerned that there is not enough timing and that there is a viable Plan A option still there and feel they should stick to that.

Ms. Iverson thanked the Chamber for the material they had submitted and noted that she believed there was a lot more information included this time than there had been last time. She noted that the pros and cons that were listed were very helpful because it helped her understand some of the issues they were facing. She stated that one of the cons in looking at the sailing school is the notification to the neighbors and asked if they could designate Lake Street, Lake Street Extension, East Circle Drive, Wise, Central, and LaSalle as 'No Parking'. City Engineer/Public Works Director Kelly stated that they could certainly do that and noted that this had come up earlier today when they were talking about it and he would consider that to be one of the conditions of approval.

Ms. Iverson stated that because this would involve such short notice, she thinks that would help alleviate many of the concerns that the neighbors may have. She noted that one of the other 'cons' that was listed was finding a place for 60 people for the Wayzata Yacht Club and asked if the Chamber had been able to work through that issue.

Becky Pierson, Wayzata Area Chamber of Commerce, stated that they have connected with a few different options on the displacement of 60 people, but because this is a last minute thing, they are just holding onto one in particular and do have another possibility. She thanked the Council for allowing her to be here and City staff for the time they have spent working with her. She stated that she thinks that the discussion they all had on their land proposal option at the last Council meeting was a good exercise and thinks that in the future that may be something that they move towards. She clarified that she did not think all the discussion and questions asked were for naught. She explained that the reason they got to the point with this new option was within the last 2 weeks, they were recognizing that the Wayzata Sailing Center was forming ice when the ice with the construction was still being disrupted every day. She stated that it ended up being sort of a 'light bulb' moment of that location perhaps being an option for them. She thanked the Wayzata Sailing Center for their willingness to partner with the Chamber in an attempt to make this event work. She explained that they have had indication from the Wayzata Sailing Center that they have a very strong relationship and communication with the residents in their area and have offered to help facilitate those efforts. She noted that there had been mention of the liquor license and explained that they have made some additional decisions related to that. She explained that Friday night typically they have had a live music event in the tent and they have decided not to have that this year and keep their focus on the golf tournament.

Mr. Parkhill asked if the currently have a liquor license for Friday and Saturday night and asked what they were planning to change. Ms. Pierson explained that, in the past, they have only utilized the liquor license on Friday night when they sold beer and wine inside the tent.

Mr. Parkhill confirmed that they do not sell beer and wine out of the tent on Saturday which meant that everything was BYOB.

Ms. MacDonald asked what the City requires for notification for large events like this for the neighborhood. Mr. Dahl stated that typically the notification takes place a significant time prior to the event.

Ms. MacDonald asked how they notify the neighbors. Mr. Dahl explained that it is left up to the applicant and many times they simply knock on doors, call, or sending something in the mail. He stated that the City can also contribute by using the newsletter and e-mail.

Ms. MacDonald asked if any of the neighbors had been notified yet. Ms. Pierson stated that was correct because they have not yet gotten approval to move down to that location. She explained that if they received approval tonight, and that location becomes the back-up plan, they could give them a heads up. She noted that she would probably look to Wayzata Sailing Center to give some guidance on the best approach for this communication.

Ms. MacDonald explained that she is torn about the process of informing the public because if the City approves this Special Event permit and then reaches out to the neighbors and they are unhappy with having thousands of BYOB golfers in their area, there really isn't any avenue for the residents to voice their concerns other than after the fact. She stated that she is a bit disappointed that a few phone calls hadn't already been made during this process. She asked if, as of right now, the Sailing Center ice looked different, thicker, or safer than what is at the beach right now. She explained that she was struggling with the question of whether there wasn't enough ice at the beach whether there would actually be enough ice at the Sailing Center. Ms. Pierson stated that as of today, the ice is measuring the same at both locations at 13 inches.

Ms. MacDonald stated that if that stays the same there would not be a need for the backup location with the Sailing Center. Ms. Pierson stated that was correct and explained that if the ice is equally safe in both locations and there is access to get out to a course off the beach, there will not be a need to change locations.

Ms. MacDonald asked how many more inches of ice were necessary. Ms. Pierson stated that they have had an event, in the past, with no vehicles allowed on the ice in the 10-13 inch range. She stated that they have had conversations with the Hennepin County

Water Patrol to get some additional input on potential use of things like ATVs in a limited capacity.

Ms. MacDonald asked for reasons that would hinder them from using the beach location and if an example would be the dredging activity and equipment. She asked if, as of now, Ms. Pierson felt that equipment would be in the way. Ms. Pierson stated that knowing that there are Mother Nature things happening as well as some man-made things happening, they just wanted to have a backup option. She stated that something that has come up in the last 24 hours is some wind coming across the lake that has started to impact the ice in the beach area and there is a larger pressure ridge that has formed at the beach area. She stated that at midday today there was about 4 inches of standing water that was sitting on top of the good level of ice which could pose a problem for getting people across to the ice. She noted that the Wayzata Sailing Center location does not have any of that impact from the wind happening.

Ms. MacDonald stated that it sounds like most of the hindering factors are related to Mother Nature rather than the work the City is doing in the area.

Mr. Parkhill stated that the ice is 13 inches right now but believes there is 48 degree weather in the forecast over the next few week. He stated that his understanding is that the Chamber is going to make a final determination on cancellation tomorrow. Ms. Pierson stated that safety is very important to them and they will not hold the even on the ice unless they have indications from the appropriate people that they can hold the event.

Mr. Parkhill asked who would make the final decision and what the parameters were. Ms. Pierson stated that they get measurements for ice depth and work very closely with the Hennepin County Water Patrol.

Mr. Parkhill asked if they needed any snow to be able to successfully pull off this event. Ms. Pierson answered that they have created holes without snow in the past but it would not be their preferred method.

Mayor Pro-Tem Plechash noted that most of the questions he had have been asked and answered already. He stated that this all really boils down to the weather and the outlook for that does not look very bright because there are many days forecasted to be in the 40s. He stated that his major concern at this point is that the neighbors have not been notified about this. He stated that he thinks the if things work out so they are able to hold the event on the ice, he feels that their original location is the one that they would end up making work, but because there may be some strong opposition by the neighbors and they have not had the appropriate notice, he feels that is reason enough not to approve this request. He stated that it feels a bit like they are trying to push a rope.

Ms. MacDonald asked if this approval would nullify the original, second option of holding the event on land. Mr. Dahl stated that as long as they do not make that statement within their motion, that the previously approved on land location would still be kept as an option.

Ms. Iverson asked how late the event will go and how disruptive it may be at the end of the night. Mr. Kelly stated that event has three tee times, 10:00 a.m., 12:00 noon, and 2:00 p.m. He stated that he expects that it will end somewhere in the 4:00 to 5:00 p.m. time period.

Mayor Pro-Tem Plechash asked for a motion on the application. Mr. Parkhill made a motion, seconded by Ms. MacDonald, to Approve the Amended Special Event Permit for the secondary location option for an Amended Chilly Open Event, subject to No Parking signs placed on Shady Oak Lane, Lake Street, Lake Street Extension, East Circle Drive, Wise, Central Avenue and LaSalle Avenue in the adjacent neighborhoods, neighborhood notification by the Chamber, and authorizing staff to work with the Chamber on event details, as needed. The motion failed 2/2 (Plechash and Iverson opposed).

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

a. Upcoming Events/Announcements

- Thanked Public Works for filling Klapprich Park and have it ready for a skating rink, however, with the temperatures he thinks its days may be numbered. He encouraged people to get out and use the ice while it was still there.
- The Lakewalk is coming together near the shore and encouraged people to take a look at the progress.
- Dock work on Panoway will begin in March and they are on track to be open before Memorial Day, as planned.
- Marina dredging will begin on January 29, 2024

b. Council Member Updates/Announcements

AGENDA ITEM 11. Public Forum Continued (if necessary).

There were no comments.

AGENDA ITEM 12. Adjournment.

There being no further business, Mayor Pro-Tem Plechash asked for a motion to adjourn. Ms. MacDonald made a motion, seconded by Mr. Parkhill to adjourn. Mayor Pro-Tem Plechash adjourned the meeting at 8:49 p.m.

Respectfully submitted,

Kathy A. Leervig

Kathy Leervig
City Clerk

Drafted by Kayla Rokosz
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