



WAYZATA CITY COUNCIL

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Friday, May 29, 2020

7:30 AM - CITY COUNCIL SPECIAL MEETING

Pursuant to Minnesota Statute Sec. 13D.015 and because of the COVID19 pandemic, this City Council Special Meeting is being held remotely by electronic means using the audio and video conferencing platform, Zoom. Members of the public may listen but comments will not be accepted at the meeting. Members of the public may submit comments or questions about items on the agenda in advance by emailing PublicComment@wayzata.org, calling City staff, or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comments). The meeting is available for members of the public to listen via phone by calling 312-626-6799 and enter Zoom Meeting ID 983 5880 3309.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
 - a. Consider Adoption of an Emergency Ordinance Granting City Manager Authority to Review Applications and Issue Permits for Temporary Outdoor Patios
5. **Adjournment**

Meeting Rules of Conduct:

Turn in white card for public forum and blue card for agenda item
Give name and address
Indicate if representing a group
Limit remarks to 3 minutes

Upcoming Meetings:

City Council - June 2, 2020



City of Wayzata City Council Agenda Report

MEETING DATE: May 29, 2020	AGENDA ITEM: 4.a
TITLE: Consider Adoption of an Emergency Ordinance Granting City Manager Authority to Review Applications and Issue Permits for Temporary Outdoor Patios	
PROPOSED MOTION: To Approve the Preamble and to Adopt Emergency Ordinance Granting City Manager Authority to Review Applications and Issue Permits for Outdoor Patios.	
PREPARED BY: Jeff Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends approval of the preamble and adoption of the emergency ordinance.

FINANCIAL OR BUDGET CONSIDERATION:

Given the circumstances due to COVID-19, staff does not propose charging a fee for these permits. There would, as a result, be some admin time to process that would not be compensated through fees.

BACKGROUND:

Governor Walz's "Stay Safe" Executive Order allows restaurants to open for dining on June 1st under the following main conditions:

- Patrons must make reservations;
- The restaurant must create a COVID-19 Preparedness Plan; and
- Seating area may not hold more than 50 people.

The Governor Walz has asked local government to be more flexible to restaurants in order to accommodate these new and temporary parameters. As a result, the City Attorney has drafted the attached draft Ordinance which would authorize the City Manager, through staff, to approve Temporary Outdoor Patio Permit Applications which, under normal circumstances, may not be allowed by code, or at a minimum, need Council approval.

Staff has requested a special meeting in order to approve permit applications prior to the June 1st opening.

ATTACHMENTS:

1. Emergency Ordinance on Outdoor Patio Permitting (Draft 5.27.20)
2. 2020 Temporary Outdoor Patio Permit (2)
3. Temporary Outdoor Patio Permit Application Checklist_05272020

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE
GRANTING CITY MANAGER AUTHORITY TO REVIEW APPLICATIONS AND
ISSUE PERMITS FOR TEMPORARY OUTDOOR PATIOS

PREAMBLE:

Pursuant to City Council Resolution 12-2020 Adopting and Extending the Mayor's Declaration of Local Emergency Under Minnesota Statutes Section 12.29, 12.37 and 13D.021 (the "Local Emergency") related to the Novel Coronavirus Disease 2019, commonly known as COVID-19, and based on the recommendations of the City Manager and the acute need for the restaurants in the City to reopen on June 1, 2020 as permitted by the Governor's Executive Order 20-56, the City Council hereby declares that an emergency exists to immediately preserve and protect the public peace, health, safety and welfare related to the swift, orderly, and safe reopening and operation of the City's restaurants and other establishments that may operate in a lawful manner after June 1, 2020.

THE CITY OF WAYZATA ORDAINS:

Section 1. Administrative Review and Approval of Temporary Outdoor Patio Permits during Local Emergency. Notwithstanding any other provision of City Code, and pursuant to the Local Emergency Declaration and Executive Order 20-56, until the end of the Local Emergency or December 31, 2020, whichever is sooner, the City Manager is hereby authorized and directed to modify or suspend normal notice, hearing, and City Council review and approval procedures for City- issued permits and licenses related to Outdoor Patios, and to grant such licenses and permits for the safe and lawful operation of Outdoor Patios in conformance with Executive Order 20-56 and the operational standards of Wayzata City Code.

Section 2. Effective Date. This Ordinance will become effective immediately upon passage.

Adopted by the City Council this ____ day of _____, 2020.

Ken Willcox
Mayor

VOTE ON PREAMBLE:*

VOTE ON ORDINANCE:

** affirmative vote of at least four-fifths of the members of the council required*

ATTEST:

Jeffrey Dahl
City Manager



City Council
Mayor Ken Willcox
Jeff Buchanan
Dan Koch
Johanna McCarthy
Alex Plechash

City Manager
Jeffrey Dahl

2020 Temporary Outdoor Patio Permit

In response to the COVID-19 pandemic and the Governor's Executive Order 20-56, the City of Wayzata has created a Temporary Outdoor Patio Permit that allows for temporary and/or expanded outdoor dining areas within the right-of-way adjacent to the business or within the business' property. If your business has a liquor, wine, or beer license with the City, the Temporary Outdoor Patio Permit can be used for temporary and/or expanded outdoor dining areas. Executive Order 20-56 allows outdoor dining areas limited to 50 persons and must provide 6 feet between tables. With the completion and submittal of this application, the business and/or property owner acknowledges the requirements and limitations of the Minnesota Governor's Executive Orders. Additional requirements for the outdoor service areas can be found at <https://mn.gov/deed/newscenter/covid/safework/>.

The 2020 Temporary Outdoor Patio Permit requires all the documents and items listed on the City's website at www.wayzata.org/236/Planning.

Completed Temporary Outdoor Patio Permits can be sent to Nick Kieser at nkieser@wayzata.org or dropped off at Wayzata City Hall at 600 Rice Street East Wayzata, MN 55391.



2020 Temporary Outdoor Patio Permit

600 Rice Street East • Wayzata, MN 55391

952-404-5300 • 952-404-5318 (fax)

www.wayzata.org

REV: 5/27/20

Temporary Outdoor Patio Permit: In response to COVID-19 and Executive Order 20-56 a Temporary Outdoor Patio Permit is required to allow outdoor dining. The issuance of the 2020 Temporary Outdoor Patio Permit will expire on December 31, 2020. Additional information on this permit can be found on the City's website at www.wayzata.org/236/Planning.

PROPERTY INFORMATION							
SITE ADDRESS(ES)				PID #			
BUSINESS NAME							
APPLICANT INFORMATION							
APPLICANT NAME				APPLICANT E-MAIL ADDRESS			
APPLICANT COMPANY NAME				APPLICANT PHONE NUMBER			
APPLICANT ADDRESS				CITY STATE ZIP			
PROPERTY OWNER INFORMATION							
PROPERTY OWNER NAME				PROPERTY OWNER E-MAIL ADDRESS			
PROPERTY OWNER CONTACT PERSON (IF APPLICABLE)				PROPERTY OWNER PHONE NUMBER			
PROPERTY OWNER ADDRESS				CITY STATE ZIP			
I WOULD LIKE MY APPROVED PERMIT...							
☐ Emailed: _____ ☐ Mailed or ☐ Will pick up in person Please PRINT legibly							
DESCRIPTION OF SIDEWALK CAFÉ							
Applicant may attach other letter sized materials							
PERMIT CHECKLIST							
☐ Temporary Outdoor Patio Permit Application							
☐ Minnesota Business Tax Identification Law Form							
☐ Proposed Site Plan							
☐ Current Certificate of Liability Insurance Coverage							
☐ Review liability requirements listed on the City's website							
☐ If applicable, documents required for alcoholic establishments							
Please consult the City's website contains additional information regarding the checklist items listed above at: www.wayzata.org/236/Planning							
ACKNOWLEDGMENT AND SIGNATURE OF OWNER AND APPLICANT							
I, (WE) THE UNDERSIGNED, HAVE COMPLIED WITH ALL REQUIREMENTS OF THE CITY CODE OF THE CITY OF WAYZATA NECESSARY FOR OBTAINING THIS LICENSE. NOW, THEREFORE, I (WE) HEREBY MAKE APPLICATION TO OPERATE THE ABOVE NAMED ESTABLISHMENT SUBJECT TO ALL CONDITIONS AND PROVISIONS OF THESE CITY ORDINANCES AND THE MINNESOTA GOVERNOR'S EXECUTIVE ORDERS.							
PROPERTY OWNER SIGNATURE						DATE SIGNED	
APPLICANT'S SIGNATURE (if different than owner)						DATE SIGNED	
OFFICE USE ONLY							
DATE RECEIVED:	AUTHORIZATION TO ISSUE:	DATE OF ISSUE:	PROCESSED BY:	PERMIT #:	PERMIT SENT VIA:	SENT DATE:	PERMIT FEE:
	Approved Denied						

Temporary Outdoor Patio Permit Application Checklist (05/27/2020):

- Site plan of the proposed outdoor patio which includes:
 - ☐ Location of tables and seats with calculation of maximum number of customer seating
 - ☐ Location of pedestrian traffic routes with widths
 - ☐ Location of any electronically amplified sound devices
 - ☐ Location of any lights in the patio
 - ☐ Location and description of any patio covering structures
- Additional documents required for alcoholic establishments
 - ☐ Provide a complete description of the compact and contiguous area in accordance with Minnesota Rules 7515.0430, subpart 2.
 - ☐ Show how alcohol will be restricted with a barrier or other means between the outdoor patio and surrounding area.

Outdoor Patio Structures

Any temporary structure installed to provide protection from the sun and/or the weather must be open on all sides. The sum total of the area of all temporary structures for each permit shall not exceed 700 square feet or the minimum area needed to cover all of the outdoor patio seating, whichever is the smallest area. The time period of which these structures are installed cannot exceed 180 days. Additional questions regarding temporary structures within the outdoor patios should be directed to Jason Wagner, Building Official, at 952-404-311 or jwagner@wayzata.org.

Liability Requirements:

- The property owner, restaurant operator, and the City shall enter into a hold harmless agreement, as provided by the City, exempting the City from all liability claims associated with the patio use.
- The restaurant operator must develop and implement a COVID-19 Preparedness Plan in compliance with Emergency Executive Order 20-53 and any subsequent State guidance. Guidelines on preparing a COVID-19 Preparedness Plan can be located at <https://mn.gov/deed/newscenter/covid/safework/>.
- Maintenance of public right-of-way, including landscaping, for which the patio is located upon shall be the property owner's responsibility.
- Security of the patio area shall be the responsibility of the property owner.
- Property owner shall pick up litter within 100 feet of the patio on a daily basis.

Certificate of Liability Insurance

- General liability and/or liquor liability insurance coverage with minimum limits as provided for under Wayzata's City Code
- The City of Wayzata listed as a "Certificate Holder" on the certificate
- A minimum of ten (10) days written notice to the City in the event of policy cancellation
- The City must be listed as an "additional insured" on the policy and the policy must include coverage for the outdoor sidewalk café

Expiration

A Temporary Outdoor Patio Permit approved by the City expires on December 31, 2020 or upon the expiration of the Governor's Executive Orders regarding drinking and dining establishment, whichever event occurs first.