



Wayzata City Council Workshop Meeting Agenda
Wayzata City Hall, 600 Rice Street
Meeting Held Remotely
TUESDAY, FEBRUARY 2, 2021

Pursuant to Minnesota Statute Sec. 13D.015, and the Executive Orders and Emergency Declarations related to the COVID19 pandemic, this City Council Workshop meeting is being conducted by electronic means using the audio and video conferencing platform, Zoom. Members of the public may watch and listen to the meeting by logging into Zoom, or by calling 312-626-6799 on a phone, and entering Zoom Meeting ID 927 4815 6436, Passcode 955347.

WORKSHOP TOPICS FOR DISCUSSION:

1. Update and Discussion of 2021 Legislative Priorities (5:15 pm to 5:30 pm)
2. Presentation and Discussion of Draft Panoway on Wayzata Bay Roadmap with Updated Phase II Costs, Funding, and Prioritization (5:30 pm to 6:15 pm)
3. Discussion of Outdoor Café Permits on Publicly Owned Right of Way (6:15 pm to 6:30 pm)



City Council Workshop City Council Agenda Report

MEETING DATE: February 2, 2021	WORKSHOP AGENDA ITEM: 1
TITLE: Update and Discussion of 2021 Legislative Priorities (5:15 pm to 5:30 pm)	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY: Jeff Dahl, City Manager	

DISCUSSION OBJECTIVE:

To discuss proposed legislative priorities and receive direction on efforts of lobbyist.

BACKGROUND:

The City hired lobbyist, Lockridge, Grindal, and Nauen (LGN), through a professional services agreement in the Summer of 2019 to help assist in the City's state bonding efforts for Panoway on Wayzata Bay. Unlike many cities, this was the first time the City has entered into this kind of relationship for Wayzata-specific lobbying efforts.

The City was successful in receiving \$4 mil of the \$10 mil bonding request. While not the full amount, the unusual fast traction the bonding request received, and ultimately the amount awarded in a highly politically volatile climate, was the result of a hard working partnership primarily through the City, LGN, and Sen. Osmek and Rep. Hertaus.

Given the success of the bonding bill, and of course the merits of the project, staff recommends continuation of the relationship with LGN and direct them to continue to work towards the rest of the bonding bill (\$6 mil).

In addition, staff recommends that LGN work on three additional Wayzata-specific initiatives at the Capitol. These are summarized in the attached draft Legislative Priorities Document for 2021. Staff recommends discussing legislative priorities on an annual basis.

Please note that the City is also a member of organizations like Metro Cities and the League of Minnesota Cities which advocate for us on and other cities on more broader/regional issues.

Next steps would be to amend an updated professional services agreement with LGN that recognizes this year's priorities.

ATTACHMENTS:

1. Draft 2021 Legislative Priorities - City of Wayzata



DRAFT

2021 LEGISLATIVE PRIORITIES

EXECUTIVE SUMMARY

The City of Wayzata participates in the League of Minnesota Cities and Metro Cities and the City generally supports their legislative platforms. This legislative agenda is intended to advocate specifically for projects and policies that support the City's mission, vision, values, and initiatives in its Strategic Plan.

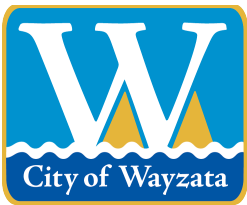
PRIORITIES

Bonding Requests. Bonding was pursued for Panoway in 2020. Of the \$10 million requested, \$4 million was secured. There is an opportunity to pursue further bonding support for future phases of Panoway or other projects. The Legislature has indicated their interest in funding multi-phase projects where funding has already been secured.

Sales Tax Exemption on Construction Materials. The City supports a sales tax exemption for the purchase of construction materials for Panoway. The City could seek a sales tax exemption on construction materials for public construction projects. There is no statewide policy to grant the exemption, but communities are able to pursue an exemption on an individual project basis.

Roadway Funding. Cities with populations under 5,000 like Wayzata do not receive Municipal State Aid (MSA) funds for roadway improvements. Instead, these city governments may receive funds through the Small Cities Assistance Program. Because Wayzata receives heavy traffic from people outside its community, the City would seek an exemption to be considered above 5,000 which will allow Wayzata to receive MSA roadway funding.

Tax Increment Financing Flexibilities. Tax Increment Financing (TIF) is a tool that can be used by local governments to assist in economic development in a targeted geographical area. Various forms of new TIF legislation can promote flexibility with this financial tool.



City Council Workshop City Council Agenda Report

MEETING DATE: February 2, 2021	WORKSHOP AGENDA ITEM: 2
TITLE: Presentation and Discussion of Draft Panoway on Wayzata Bay Roadmap with Updated Phase II Costs, Funding, and Prioritization (5:30 pm to 6:15 pm)	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY: Jeff Dahl, City Manager	

DISCUSSION OBJECTIVE:

To receive an update, ask questions, and provide direction on prioritization of future Phases of Panoway.

BACKGROUND:

Now that Phase I is substantially complete, staff has updated information regarding Phase II that will be presented in the form of the attached draft Roadmap to Implementation of Panoway on Wayzata Bay.

Staff will be walking through the document at the workshop. The Wayzata Conservancy assisted in creating this document; Chair Andrew Mullin and Consultant Beth Pfeifer will be present to provide an update on private fundraising.

Ultimately, the Roadmap recommends prioritizing the Boardwalk and Community Docks as #1. Potential next steps for 2021 would be to move forward with design, update all associated costs, and continue to partner with the Conservancy on filling the funding gap.

ATTACHMENTS:

1. 21_0127 Panoway Roadmap to Implementation Future Projects Draft R1



Panoway Roadmap to Implementation DRAFT Future Projects

City of Wayzata
February 2, 2021
Council Work Session

Prepared by:
Jeffrey Dahl, City Manager
Emily Goellner, Community Development Director
Andrew Mullin, Wayzata Conservancy Board Chair
Beth Pfeifer, Project Coordinator

Contact:
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INTRODUCTION

The purpose of this Road Map is provide City leadership with a tool to align around project goals and outcomes including outlining the major steps or milestones required to move forward on Panoway. It also serves as a communication tool, a high-level document that helps articulate strategic thinking—the why—behind both the goal and the plan for getting there. The report includes a recommended step-by-step approach, which helps to guide City elected official and staff actions for Panoway over the next 24 months.

BACKGROUND

Panoway on Wayzata Bay grew out of a 2011 Wayzata City Council-appointed Lakefront Task Force charged to research and provide recommendations for the future of the City's lakefront. This initiative, subsequently dubbed "Lake Effect", included years of community-based visioning and recommendations, culminating in "Lake Effect: A Development Framework for the City of Wayzata" (April 2014) and the "Implementation Strategy for the Lake Effect Framework," (December 2014). See links to both documents in the Appendix.

The Implementation Strategy laid the path "to create one umbrella project, with a comprehensive, integrated design approach, to create a well connected year-round civic destination" on Wayzata's lakefront. It was anticipated that this one project would be completed in two phases, with Phase I focusing on street side improvements and Phase II focusing on shoreline amenities. Between 2014 and 2019 the City and its non-profit partner the Wayzata Conservancy put that strategy into action, laying the foundation for construction to begin on this signature project.

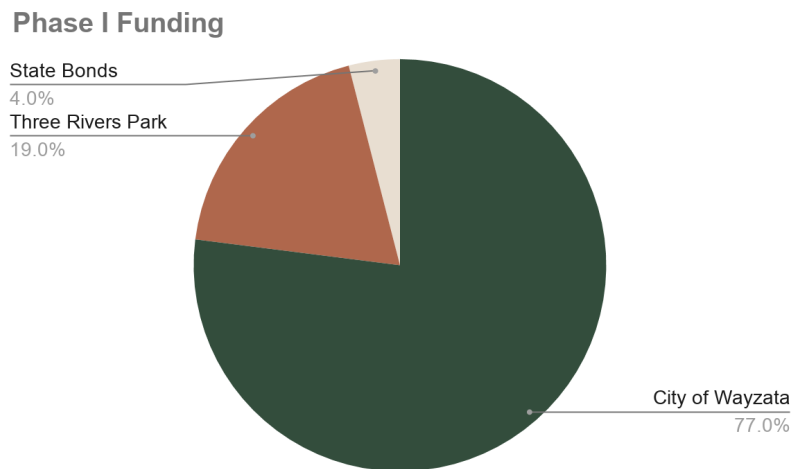
Phase I

In 2019 the City and Conservancy transitioned to the name "Panoway on Wayzata Bay" (Panoway) to differentiate between the Lake Effect visioning process and the built project. Phase I of Panoway was completed by the City in the Fall of 2020, transforming the former lakeside parking lot into numerous community amenities that have been embraced by local and regional



residents alike. (see Exhibit A: Phase I Projects)

The approximately \$9.5 Million Phase I project was provided through a mixture of City, State and Regional Three Rivers Park District funds.



STRATEGY APPROACH

Future Projects

Building on the success of Phase I, the City and Conservancy are now recommending the next phase of planning efforts to implement the remaining projects envisioned for Panoway (see Exhibit B: Future Projects):

- Boardwalk & Shoreline Restoration
- Community Docks
- Section Foreman House Restoration
- Eco Park
- Depot Park



Project Budgets

Initially thought of as one Phase II project, the estimated project budgets illustrated below break down the components of a single Phase II into individual projects. These have been vetted with the projects' design and construction consultants to ensure that when completed the individual projects will appear complete, and that completion of additional projects at a separate time will

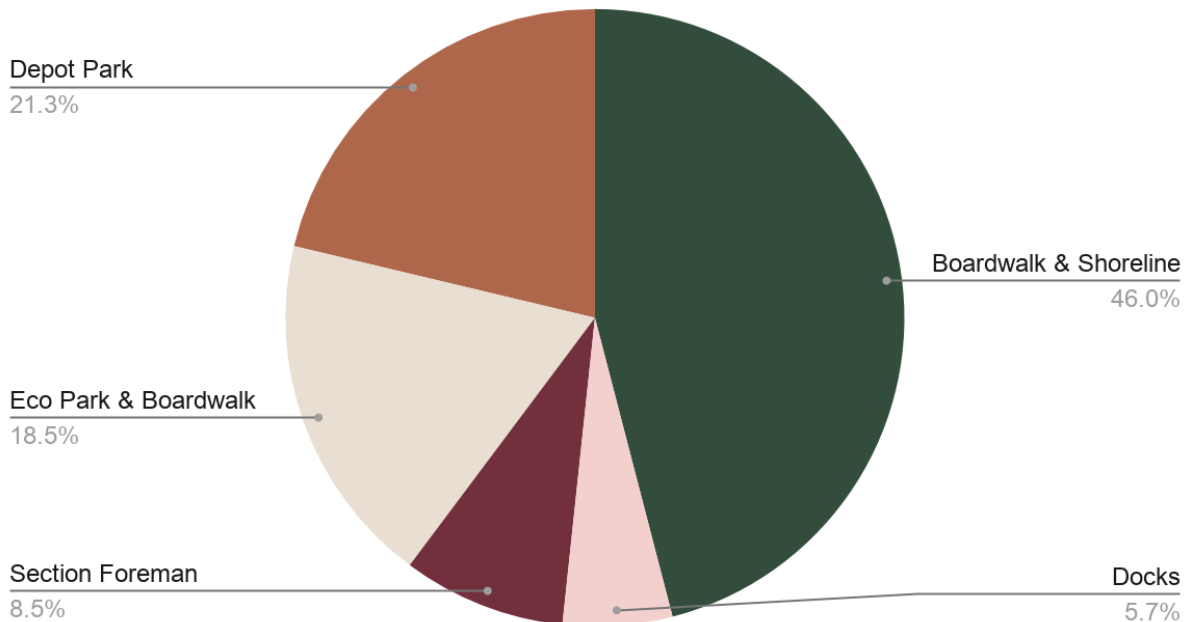
not negatively impact work already completed. Construction costs were updated in November 2020 by Stahl Construction (Construction Manager for Phase 1) and include a design contingency as well as escalation to a Spring 2022 potential construction start.

Design & Construction Costs

- Boardwalk & Shoreline Restoration: \$6,030,000
- Community Docks: \$750,000
- Section Foreman House Restoration: \$1,120,000
- Eco Park (including Boardwalk Loop): \$2,430,000
- Depot Park: \$2,790,000

Total all future Projects = \$13,120,000 (See Exhibit C: Future Project Costs for additional detail)

Future Project Budgets



Future Projects Funding

While Phase I construction was completed primarily through the use of public funds, future projects will be completed using a mix of public and private dollars.

Public Funds

The primary source of Public Funds for future projects is anticipated to be through State Bonds and Grants. In 2020 the City requested \$10 Million and was awarded \$4 Million in State Bonds toward the creation of a Boardwalk and Shoreline Restoration. These funds are provided on a

cost reimbursement basis to the City and can apply to both design and construction. The City has already provided the required matching funds by funding Phase I.

While this contribution is substantial, additional public and private funds will be required.

Potential public sources of funding include:

- Minnesota Department of Natural Resources (DNR) Grants
 - Outdoor Recreation Grant Program
 - Conservation Partners Legacy Grant Program
- Hennepin County Grants
 - Opportunity Grant Program
- Minnesota Historical Society
 - Legacy Grants
- Allocation of City Lakefront funds
- Additional State Bonds

Private Funds

Private fundraising efforts by the Conservancy will be aimed at foundations, private grants, businesses, and individuals. Funds will be raised in a grassroots & capital campaign by the Conservancy. In early 2020, the Conservancy conducted a capital campaign feasibility study to better understand both fundraising capacity and which community benefits most inspire philanthropic support of the project. The results of the feasibility study set an informed private fundraising goal of \$5 million and a case to support the project focused on the following benefits:

- Improving the environment and lake ecology
- Historic preservation
- Furthering educational opportunities around history and the environment (STEM)
- Additional public access to the lake via a boardwalk

Operations & Maintenance Reserve

In addition to the estimated budgets above, a recommended \$2 Million from the “10 Year Maintenance and Operation Reserve” will be allocated to future projects as project budgets are confirmed and refined. An initial assessment of potential maintenance and operations costs for all phases of the project was created in March 2017 by ETM Associates, LLC. (See Appendix Link: Wayzata Lake Effect Operations + Maintenance Report).

Recommended Priority Projects - Assessment

In order to evaluate and recommend the next phase of implementation, City and Conservancy staff looked at both the physical and financial impacts of building the remaining projects in one phase or as individual stand-alone projects. This assessment included:

- **Design Review:** Reviewed all remaining projects with Civitas Landscape Architects (project designer) to determine how individual project scopes can be completed in their entirety, how projects can look complete and compatible with other projects, and how projects would not negatively impact future project construction

- **Cost Review:** Analyzed all remaining projects with Stahl Construction (construction manager of Phase I) to update project estimates and provide appropriate contingencies and cost escalation strategies, including the logical combination of projects for constructability
- **Timeline Review:** Reviewed a timeline scenario with City and Conservancy staff, design team, and construction team to create project timelines that include: all public entitlements, public review, design time, acquisition of all financing sources, and construction period
- **Funding Review:** Assessed the availability and likelihood of obtaining public and private funding that aligns with the mission and values of the project, compared current private pledges, reviewed perimetered of state bonding dollars received, and reviewed available regional and state funding sources
- **Community Input Review:** Reviewed the community input that led to the adoption of the “Wayzata 2040 Community Vision” (see link in Appendix). While broader in scope than Panoway, this six month visioning process built from community input reinforced the need for all aspects of the Panoway Project to move forward and highlighted the need for the City of Wayzata to continue supporting the project.



“Vision: Wayzata is a forward-thinking lakeside community that is socially connected, charming, walkable and pedestrian friendly. A multi-generational community with healthy, engaged, and active residents. A community that is in the forefront of sustainability, with a healthy environment, vibrant parks and enticing City spaces. It is a proud steward of its premier natural asset: Lake Minnetonka.”

The following “Vision in Action” initiatives are directly supported by the creation of future Panoway Projects:

- Look for historical designation opportunities of key Wayzata buildings, particularly City owned spaces.
- Ensure Section Foreman House is revitalized in a way that highlights Wayzata’s History
- Support the Materialization of the Lake Effect Parks
- Ensure that run off issues do not contribute to nutrient load or pollution in the lake, or in local wetlands.

- Develop pedestrian loops as part of a master pedestrian plan

RECOMMENDATION

Based on the assessments outlined above, this report recommends focusing efforts in 2021 on three Priority Projects:

1) Boardwalk and Shoreline Restoration - HIGHEST PRIORITY

- This project has the most dedicated funds available. With \$4 Million secured through State Bonds and a total project budget of \$6.03 Million, there remains a gap of \$1.7 Million that can be filled through grants and private fundraising.
- Minnesota DNR staff has noted that this project would compete well in two different grant programs. Applications can be submitted in 2021.
- Final design can be paid with the State Bonds already secured. The Final Design phase takes many months, so the ability to start that in 2021 makes it a logical priority. During the design phase, staff can continue engaging with agencies such as DNR, MCWD, and others.
- The boardwalk acts as the backbone of Panoway Phase II. It enables access between the Eco Park/Section Foreman House and Depot Park. Building the Eco and Depot Park first without access between them would make it more difficult to reap the maximum benefit from the spaces.
- The shoreline should be restored at the same time as the boardwalk construction from a cost and design perspective. The construction of the boardwalk is dependent on the shoreline restoration. These two project components should not be separated.

2) Community Docks

- The docks are best constructed as part of the boardwalk

3) Section Foreman House

- The Conservancy has three significant pledges committed to the Section Foreman house specifically.
- The Wayzata Conservancy Feasibility Study highlighted 'historic preservation' and 'education about history' as key attributes that make the project worthy of philanthropy. Those are the key elements of this project, making it more likely to secure private funds.
- The City of Wayzata, funded by the Wayzata Conservancy, has put forth an application for the building to be listed on the National Register of Historic Places. We have received a completed review from the State Historic Preservation Office and it is very likely that the Section Foreman house will be listed on the National Register.

- Listing on the National Register increases opportunities for public and private grant funding that can be used toward the project. (See Link in Appendix to New History Fundraising Memorandum for additional information on the sources listed below):
 - Minnesota Historical and Cultural Heritage Grants (Legacy Grants)
 - Jeffris Family Foundation - a fund dedicated to Midwestern Historic Preservation
 - National Park Service Grant Program
 - National Trust for Historic Preservation Grants
 - BNSF Foundation
 - McKnight Foundation
 - Knight Foundation
- Being listed on the National Registry, a vision for reuse as a Lakeshore Learning Center, momentum in fundraising towards a project element that requires a capital investment at the lower end of the scale, and several public and private funding sources identified support prioritization of this project.

ACTION STEPS

This report recommends the specific action steps, milestones and timeline providing staff and elected decision makers the tools necessary to initiate the recommended Priority Projects. For planning purposes we have identified a targeted completion date of Fall 2022 for the Priority Projects. If adequate funding levels are not secured for the Priority Projects, the timeline would be delayed.

Community Engagement

Upon approval for the Priority Projects to proceed, City staff would schedule a series of presentations and conversations with City Boards, Commissions, Committees, groups, and individuals. The goal of the conversations is to inform residents and business owners about the project, answer questions, keep track of the concerns and questions that are frequently raised, and ensure that ongoing communication efforts for Panoway are influenced by the input gained during these interactions. In 2022, staff would shift the focus of communication efforts to construction.

Timeline

This roadmap is a framework and will evolve over time based on available resources, timing, funding, and the direction of Wayzata City Council. Action steps will be geared toward executing these initial Priority Projects while continuing to pursue additional funding and resources for the future implementation of the Depot Park and Eco Park. The Council's approval of budgets, consultants, grant applications, and other important tasks are highlighted in Exhibit D - Recommended Timeline for Priority Projects.

APPENDIX

EXHIBIT A: Phase I Projects

EXHIBIT B: Future Projects

EXHIBIT C: Future Project Costs

EXHIBIT D: Recommended Timeline for Priority Projects

Link: [Lake Effect: A development framework for the City of Wayzata](#)

Link: [Implementation Strategy for the Lake Effect Framework](#)

Link: [Wayzata Lake Effect Operations + Maintenance Report](#)

Link: [Wayzata 2040 Community Vision](#)

Link: [New History Fundraising Memorandum for Section Foreman House](#)

PANOWAY

ON WAYZATA BAY

Panoway on Wayzata Bay will restore, protect and enhance a treasured asset for our community and broader region: Wayzata's downtown lakefront. This multi-phase initiative addresses critical infrastructure needs on Lake Street and along the Lake Minnetonka shoreline. It will also strengthen the connection between downtown Wayzata and Lake Minnetonka, creating a unique and welcoming experience for residents and visitors.



Current Projects

Panoway Phase I was completed in the summer of 2020. This exciting new project includes:

Streetscape and Sidewalk Improvements along Lake Street - A newly reconfigured Lake Street, from Broadway to Ferndale, is improving accessibility and creating a safer environment for pedestrians, cyclists, vehicles and businesses. The project includes:

- A two-way off-street bike lane on the South side of the street, providing a seamless connection to the Dakota Rail Regional Trail
- Expanded sidewalks on the north side of the street to enhance shopping and dining experiences
- Dedicated turn lanes at the intersection of Barry and Lake Street, creating smoother traffic flow while preserving on-street parking spaces that supplement free public parking throughout downtown
- Upgraded railroad crossings at Barry, Broadway, and Ferndale to greatly enhance safety and accessibility to the lake
- Critical public works upgrades, including water main, storm sewer and water treatment infrastructure improvements

Broadway Plaza - Serving as the eastern gateway to the newly improved Lake Street, improvements to Broadway Plaza are enhancing safety and enjoyment of the lakeside. Features include:

- A new, fully-accessible restroom building on the west side of the plaza, including outdoor drinking fountains for public use
- Strings of tivol lights creating a softly lit canopy over a collection of terrace tables
- An improved railroad crossing to safely connect the plaza to the community docks and a future lakeside boardwalk

The Birch Grove - Just east of Broadway Plaza, the Birch Grove offers a place of quiet reflection, including a 9/11 memorial artifact that pays tribute to Gordy Aamoth, a Wayzata native who was killed in the attack on the World Trade Center.

Plaza Park - Located on the lakeside across from Wayzata Marquee Place, the Plaza Park offers a variety of gathering spaces under a shade pavilion. Residents can sit around one of two community hearths, relax in adirondack chairs, dine at the picnic tables, and enjoy the scenery of the lake. The plaza is flanked on both sides by large lawns with stone benches and decorative planters.

Fountain - A new fountain at the intersection of Lake and Walker features jets of water dancing from the ground, providing an opportunity for the young and young at heart to cool off on hot summer days. The fountain is surrounded by a garden rooms where benches originally along the shoreline have been reinstalled.

Refer to other side for "future projects."



PANOWAY

ON WAYZATA BAY



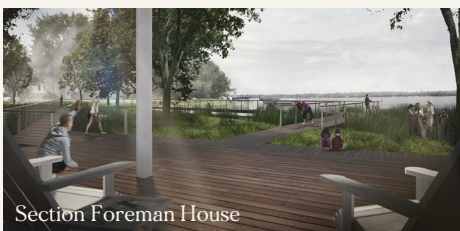
Future Projects

Panoway Future Projects are being planned now through a public-private partnership between the City of Wayzata and Wayzata Conservancy. They will be implemented as funding is secured. They include:



Boardwalk

Boardwalk - A new lakeside boardwalk will stretch approximately 1,500 lineal feet from the Historic Section Foreman House to the Depot. The boardwalk includes two lakeside overlook terraces, creating a beautiful way for the community to connect with the lake.



Section Foreman House

Shoreline Restoration - The growth of Wayzata and the popularity of the lakefront has taken a toll over the years, impacting water quality, plant and animal life, and the health and wellbeing of Lake Minnetonka. Shoreline restoration projects will reverse the contamination of Wayzata's holding ponds by reintroducing native plants, trees and pollinator habitat and by restoring 2,000 lineal feet of lake edge.



Eco Park

Section Foreman House - Situated just a few yards off the lake, this historic home is one of the last of its kind still standing in Minnesota. Built by the Great Northern Railroad in 1902 as a residence for railroad foremen and their families, this historic home will be restored and repurposed into a new lakefront learning center, providing indoor and outdoor classroom and community space.

Eco Park - A new park surrounding the Section Foreman house will restore shoreline marsh and improve water quality. The park includes a pier extension of the boardwalk and opportunities to create "Living Eco-Classrooms" along the lakeshore for STEM based learning.



Depot Park

Depot Park - The expanded and remodeled park surrounding the historic Wayzata Depot will feature a new restroom building and expanded gardens. Visitors will enjoy new lawns, decks, and terraces with seating, picnic tables and a community hearth.

Community Docks - Two new community docks will allow more residents and visitors to access Wayzata from Lake Minnetonka.

Refer to other side for "current projects."

ALL FUTURE PROJECTS SOURCES & USES

	Proposed Together		Section Foreman House	Depot Park	Eco Park & Boardwalk Loop*	TOTAL Assuming Separated Construction
	Boardwalk & Shoreline	Docks				
HARD COSTS						
Construction - 11/17/20 Stahl Estimate	\$ 4,464,227	\$ 477,025	\$ 527,202	\$ 1,860,190	\$ 1,674,437	\$ 9,003,081
Additional Amenities not in current plan						
CM Fee	\$ 595,510	\$ 158,239	\$ 292,908	\$ 364,158	\$ 293,306	\$ 1,704,121
General Conditions	\$ 117,150	\$ 44,060	\$ 126,340	\$ 150,740	\$ 105,030	\$ 543,320
Escalation to 2022	\$ 258,844	\$ 33,971	\$ 47,323	\$ 118,679	\$ 108,409	\$ 567,226
Contingency	\$ 258,844	\$ 33,971	\$ 47,323	\$ 118,679	\$ 108,409	\$ 567,226
Subtotal Hard Costs	\$ 5,694,575	\$ 747,266	\$ 1,041,096	\$ 2,612,446	\$ 2,289,591	\$ 12,384,974
	TRUE	TRUE	TRUE	TRUE	TRUE	TRUE
SOFT COSTS						
Design	\$ 327,250	\$ -	\$ 72,877	\$ 173,600	\$ 136,800	\$ 710,527
Community Engagement						\$ 30,000
Subtotal Soft Costs	\$ 327,250	\$ -	\$ 72,877	\$ 173,600	\$ 136,800	\$ 740,527
TOTAL PROJECT COST	\$ 6,021,825	\$ 747,266	\$ 1,113,973	\$ 2,786,046	\$ 2,426,391	\$ 13,125,501
<i>Rounded and used in 2/2/21 Road Map Report</i>	<i>\$ 6,030,000</i>	<i>\$ 750,000</i>	<i>\$ 1,120,000</i>	<i>\$ 2,790,000</i>	<i>\$ 2,430,000</i>	<i>\$ 13,120,000</i>



February/March

- 1 Council Approval for Staff to proceed with Priority Projects
- 2 Board & Commission Presentations

May/June

- 6 Approval of Consultants
 - Design Team
 - Financial Consultants
 - Other

December

- 8 Begin Final Design

February/March

- 10 All Funding Secured
- 11 Designs Complete
- 12 Entitlements Secured Complete

May - September

- 15 Boardwalk & Shoreline Construction

2021 Planning

2022 Planning

2022 Implementation

April

- 3 Community Presentations
- 4 Budget Confirmation
- 5 State Historic Review Board
 - Approval of Section Foreman House application to National Register

August

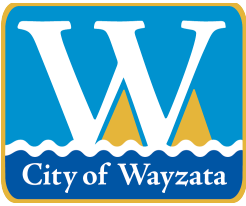
- 7 Begin Public Entitlements Discussions
 - Department of Natural Resources
 - MN Pollution Control Agency
 - Minnehaha Creek Watershed District
 - Lake Minnetonka Conservation District
 - BNSF
 - US Army Corp of Engineers

January

- 9 Section Foreman House Listing on National Register

April/May

- 13 Final Bidding
- 14 Permitting



City Council Workshop City Council Agenda Report

MEETING DATE: February 2, 2021	WORKSHOP AGENDA ITEM: 3
TITLE: Discussion of Outdoor Café Permits on Publicly Owned Right of Way (6:15 pm to 6:30 pm)	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY: Jeff Dahl, City Manager	

DISCUSSION OBJECTIVE:

To clarify City's existing ordinances and policies regarding outdoor patio spaces on public property and to discuss potential updates to the ordinance.

BACKGROUND:

On January 5, the City Council directed staff to prepare information for a discussion on the use of public right-of-way for private businesses like cafés. Public sidewalks are managed by the Public Works Department. Right of Way Management regulations are administered by Chapter 315 of the Wayzata Code of Ordinances.

This report outlines the:

- City Ordinances and Review Processes
- COVID-19 Impacts and Assistance to Businesses
- Vision for Public Spaces on Lake Street
- Potential Ordinance Amendments

City Ordinances and Review Processes

Outdoor Sidewalk Cafés Permits

There are five permitted Outdoor Sidewalk Cafés located on City-owned right of way (McCormick's, Gianni's, The Grocer's Table, COV, and Ben & Jerry's). There are also several outdoor cafes located on private property, such as Benedict's, American Legion, Starbucks, Punch, and Sakana. Only the cafés that are located on the public right-of-way need an annual permit approved by the Council. If it is on private property, like Sakana on Lake Street, an annual permit is not required. City staff reviews outdoor cafés on private property like an addition to a restaurant to ensure that it meets parking, setback, impervious surface, and other zoning regulations.

Encroachment Permits

Of the five sidewalk cafes, three have encroachment permits (Gianni's, McCormick's, Grocer's Table). There are encroachment permits for other things like retaining walls that are not relevant to this particular discussion. Encroachments require approval by Council through an agreement between the City and property owner. The agreement includes provisions like:

- How the structure can be removed if need be
- Indemnifies the City from liability for activity in that particular area
- Design components such as accessibility, valet parking, etc.
- Fees

COVID-19 Impacts and Assistance to Business

In 2020, the City Council directed staff to remove some roadblocks for businesses to temporarily expand their sidewalk cafés because of COVID. The approval process for these temporary permits is not the typical set of

procedures. Since the Pandemic is still occurring, it would be helpful to discuss this more holistically. There was interest from additional businesses to create temporary outdoor cafés, but this review process included areas that did not include the public right-of-way for restaurants such as the Wayzata Bar and Grill and Crisp & Green. Many of the interested parties did not ultimately create additional outdoor seating areas.

Vision for Public Spaces on Lake Street/Panoway

Outdoor sidewalk cafes are important to walkability and other pieces of the City's long-term vision. In 2018, through a six-month visioning process, a community vision was established that set the tone for the subsequent 2040 Comp Plan: *Wayzata is a forward-thinking lakeside community that is socially connected, charming, walkable and pedestrian friendly. A multi-generational community with healthy, engaged, and active residents. A community that is in the forefront of sustainability, with a healthy environment, vibrant parks and enticing City spaces. It is a proud steward of its premier natural asset: Lake Minnetonka.*

Many of the "Vision in Action" recommendations have already been implemented through Phase I of the Panoway:

- Revitalize Lake Street to de-emphasize cars, creating a pedestrian centric atmosphere with sidewalk cafes and wide sidewalks and bike access
- Enhance Wayzata's walkability
- Enhance recreational opportunities that allow residents to engage with nature and exercise
- Transform the parking lot along Lake Street into a Vibrant and Pedestrian Focused City Plaza
- Increase walkability and bike-ability in an effort to attract Millennials and Baby Boomers

Assuming it's consistent with the vision for Lake Street, outdoor sidewalk café permits will likely continue to receive permits as long as the criteria is met.

Potential Ordinance Amendments

The Right of Way Management regulations in Chapter 315 has not been updated in several years. Staff sees the potential for amendments that allowed the desired outcomes listed in the long-term vision. To begin this discussion, three policy questions arise:

1. *Removable Structures* – Should limits, parameters, or new definitions be established for "permanent" vs. "temporary/removable" structures? It can continue to be evaluated on a case-by-case basis and require that whatever gets built can also be removable. Now, that is generally left in the judgment of the City Engineer and removed at permit holder's sole expense.
2. *Year-Round Activity* – Is the City supportive of year-round operations in the right of way?
3. *Outdoor Bar Service* – Is the City comfortable with bar service and cooking areas in the right of way? Outdoor bars are prohibited in the right of way currently.

Next Steps

Based on the discussion from the aforementioned questions, next steps could be brining a proposed amended ordinance to the Council yet this Winter or early Spring.

ATTACHMENTS:

None