



**Wayzata City Council Workshop Meeting Agenda
Wayzata City Hall Community Room, 600 Rice Street
TUESDAY, MAY 21, 2024**

WORKSHOP TOPICS FOR DISCUSSION:

1. Update of Environmental Health Delegation Agreement with the City of Minnetonka (5:00-5:15 p.m.)
2. Discussion of Proposed Updates to Franchise Fee Ordinance for Gas and Electric Utilities (5:15-6:00 p.m.)
3. Review of Draft Special Event Ordinance (6:00-6:30 p.m.)



City Council Workshop City Council Agenda Report

MEETING DATE: May 21, 2024	WORKSHOP AGENDA ITEM: 1
TITLE: Update of Environmental Health Delegation Agreement with the City of Minnetonka (5:00-5:15 p.m.)	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

DISCUSSION OBJECTIVE:

To receive an update on the status of the City's Environmental Health Delegation Agreement with the City of Minnetonka and discuss preferences for future partnerships.

2024-2026 STRATEGIC PLAN PRIORITIES RELEVANCE:

Achieve & Sustain Operational Excellence

The City strives to provide excellent services including health inspections in order to keep the public safe.

BACKGROUND:

The City has contracted with the City of Minnetonka for Health Inspection services for over ten years for food, pool and lodging inspections via a delegation agreement with the Minnesota Department of Health (MDH).

During the recent program evaluation process, MDH determined the City did not meet the required agreement terms by contracting with Minnetonka. A Community Health Board may enter a contract for services to carry out regular duties in the delegation agreement with approval from MDH. The City of Wayzata is not a Community Health Board, and therefore, is not authorized to enter a contract for services related to the delegation agreement.

Staff explored options for hiring qualified staff but determined that it would require hiring two part-time employees to allow for backup coverage for the health inspector and each inspector would be less than .25 FTE and likely would not be feasible due to staffing and financial reasons.

Other options include assigning responsibility for licensing, inspecting, and enforcement of food, beverage, and lodging to MDH (state) or Hennepin County. MDH has contacted Hennepin County and they have capacity to assume this responsibility for the City. The City requested an effective date of December 31, 2025 for termination of the delegation agreement with MDH. MDH responded stating an effective date of December 31, 2024 provides adequate time for the transition of the program to Hennepin County, or the other options, assuming all responsibilities for the delegated activities within the City of Wayzata on January 1, 2025. Staff is still working on understanding financial considerations for the various options.

Staff provided a letter to MDH to reconsider the timing of the termination date and allow the City and Minnetonka an exception to maintain their relationship until December 31, 2025. The final determination from MDH is pending at the time of packet distribution.

ATTACHMENTS:

None



City Council Workshop City Council Agenda Report

MEETING DATE: May 21, 2024	WORKSHOP AGENDA ITEM: 2
TITLE: Discussion of Proposed Updates to Franchise Fee Ordinance for Gas and Electric Utilities (5:15-6:00 p.m.)	
PREPARED BY: Aurora Yager, Deputy City Manager	
REVIEWED BY: Jeffrey Dahl, City Manager	

DISCUSSION OBJECTIVE:

To discuss and provide feedback regarding imposing new and/or increasing existing utility franchise fees.

2024-2026 STRATEGIC PLAN PRIORITIES RELEVANCE:

Diversify Revenue

Increasing revenue from franchise fees is a Strategic Initiative in the Strategic Plan.

BACKGROUND:

Minnesota Statute 216B.36 allows cities to charge a utility fee to both electric and gas companies for operating in the right-of-way. Franchise fees are intended to reimburse the city for direct and indirect costs incurred from utility companies' activity within the right-of-way and compromising the city's infrastructure. Most cities in Hennepin County have both electric and gas franchise fees. The benefits and criticisms of franchise fees are summarized in the following table:

Benefits	Criticism
Diversifies revenue sources	Raises customer bill
Collected from more users and from ones that may not directly pay property taxes (apartments, businesses who rent, institutions)	Perception by public as "another tax"
Like users pay similar fees	Flat rate for all homes, regardless of value
Growth in revenue proportional to growth in business activity and development	No exclusions
New construction contributes immediately	Opposition from non-profits
Local control	Not tax deductible
Easy to administer	Requires periodic review/adjustment

The City currently has franchise agreements with CenterPoint Energy (gas) and Xcel Energy (electric). However, the City only has a franchise fee imposed for electric service, not for gas. Since Wayzata implemented an electric franchise fee in 2011, there have been no increases. The City previously considered imposing a franchise fee on the gas utility in 2019, but at that time there was not enough support for the Council to move forward.

Electric Service Franchise Fee

The existing franchise fee for electric service is a flat amount that is charged to each customer and coded to the General Fund. A summary of revenues collected in the last five years is below.

Year	2019	2020	2021	2022	2023
Electric Franchise	\$ 85,108	\$ 86,086	\$ 86,290	\$ 87,436	\$ 88,002

% change		1%	0%	1%	1%
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Staff conducted an analysis of the franchise fees in surrounding cities for electric service charged per month (see below).

City	Residential	Small CI Non-demand	Small CI Demand	Large CI	Public Street Lighting	Municipal Pumping Non-Demand	Municipal Pumping Demand	Franchise Expiration Date
Plymouth	\$2.52	\$3.79	\$12.65	\$50.61	N/A	N/A	N/A	7/9/2027
Shorewood	\$4.00	\$8.00	\$10.00	\$25.00	N/A	N/A	N/A	6/24/2038
Excelsior	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	8/3/2032
Mound	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	12/31/2025
Minnetonka	\$4.50	\$4.50	\$13.50	\$45.00	N/A	\$4.50	\$4.50	5/14/2038
Minnetrista	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Orono	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Average	\$3.25	\$4.31	\$8.28	\$25.17	\$2.63	\$3.25	\$3.25	
Wayzata	\$2.06	\$4.64	\$4.64	\$15.45	\$1.03	\$1.03	\$1.03	11/30/2026
Wayzata (Below) avg	\$(1.19)	\$0.33	\$(3.64)	\$(9.72)	\$(1.60)	\$(2.22)	\$(2.22)	

Source: Xcel Energy 2024 Rate Book

Wayzata's fees are below other surrounding cities which is because fees have not increased since implementation and Wayzata is nearing the end of the existing franchise agreement term. Given that, staff recommend the following changes to the electric franchise fee:

City	Residential	Small CI Non-demand	Small CI Demand	Large CI	Public Street Lighting	Municipal Pumping Non-Demand	Municipal Pumping Demand
Proposed Wayzata Fee	\$3.25	\$4.75	\$8.25	\$25.00	\$2.50	\$3.25	\$3.25
\$ increase	\$1.19	\$0.11	\$3.61	\$9.55	\$1.47	\$2.22	\$2.22
% increase	58%	2%	78%	62%	143%	216%	216%

In the last two years, expenses in the Boulevard Lighting budget in the General Fund, which pays for things like repair and maintenance of our street lighting poles along with their electrical costs, exceeded the revenue from electric franchise fees.

Year	Revenue Generated	Boulevard Lighting Actual Costs	Difference
2022	\$87,436.34	\$96,760.62	\$(9,324.28)
2023	\$88,001.53	\$107,011.99	\$(19,010.46)

Based on projections from Xcel Energy, increasing the franchise fees to what is proposed above is predicted to bring in about \$132,000 a year, an increase of about 50%.

The intent of this fee has historically been to offset the costs of public street lighting, staff time to review their permits for right of way work, and to help pay for future street light replacement projects. The revenues from this fee are proposed to remain in the General Fund as that's where the costs associated with engineering time and streetlights are expensed. All other things being the same, the increase in franchise fees, if they had been instituted in 2024, would have reduced the City's levy by \$44,000 or 0.75%.

Therefore, staff feel it is appropriate to increase the fees to align more with other cities, align more with actual costs of street lighting, and to achieve the strategic plan goal to diversify revenues.

Gas Service Franchise Fee

While Wayzata has a franchise with CenterPoint for gas service, it has not imposed a franchise fee. Staff conducted an analysis of the franchise fees in surrounding cities for gas service charged per month (see below).

City	Residential	Com A	Com/Ind B	Com/Ind C	SVDF A	SVDF B	Large Volume Firm & Dual	Effective Date
Plymouth	\$2.52	\$3.79	\$12.65	\$50.61	\$50.61	\$50.61	\$50.61	3/13/2023
Shorewood	\$4.00	\$4.00	\$10.00	\$25.00	\$25.00	\$25.00	\$25.00	3/1/2018
Excelsior	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	7/13/2013
Mound	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	1/1/2014
Minnetonka	\$4.50	\$4.50	\$13.50	\$45.00	\$45.00	\$45.00	\$45.00	1/1/2019
Minnetrista	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Orono	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Average	\$3.25	\$3.51	\$8.28	\$25.17	\$25.17	\$25.17	\$25.17	

Source: CenterPoint Gas Rate Book

SVDF: Small Volume Dual Fuel

LVDF: Large Volume Dual Fuel

Since Wayzata does not currently impose a fee, it is below what many other communities are charging. Given that, staff recommends the following changes to the franchise fee:

City	Residential	Com A	Com/Ind B	Com/Ind C	SVDF A	SVDF B	Large Volume Firm & Dual	Effective Date
Proposed Wayzata Fee	\$3.25	\$4.75	\$8.25	\$25.00	\$25.00	\$25.00	\$25.00	9/7/2004
Wayzata (Below) avg	\$(0.00)	\$1.24	\$(0.03)	\$(0.17)	\$(0.17)	\$(0.17)	\$(0.17)	

Based on projections from CenterPoint, imposing franchise fees to what is proposed above are predicted to bring in the following amount of revenue:

Rate Class	# Of Meters	Flat Rate Fee Per Month	# Months	Franchise Fee Revenue (Yearly)
Residential	1,468	3.25	12	\$57,252
Com - A	122	4.50	12	\$6,588
Com/Ind-B	84	8.25	12	\$8,316
Com/Ind-C- SVDF-A	102	25.00	12	\$30,600
TOTAL	1,776			\$102,756

The intent of this fee would be to offset the costs associated with disruption to the road from right of way activity and to provide a diverse revenue source. Staff propose revenues from the fee are held in the Street Capital Improvement Fund. As this fund is primarily funded by property taxes, adding in a new revenue source would decrease the reliance on property taxes. All else being equal, if the gas franchise fees were instituted in 2024, they would have reduced the City's levy by 1.75% by reducing the infrastructure levy which transferred \$252,994 to the Streets Fund. As the Streets Fund is predicted to have a deficit in 2032, finding an additional revenue source to offset and/or increase resources to pay for street repairs is important. Therefore, staff feel it is appropriate to increase the fees to align more with other cities, align with fees already charged on a similar utility provider, and to achieve the strategic plan goal to diversify revenues.

Community Input

Very little community engagement has been done on this topic. At the recent State of the City Event, attendees were invited to participate in a poll about which diverse revenue sources they were most supportive of. They had options of a Local Food and Beverage Sales Tax, Franchise Fees, and Paid Parking. Of the 23 people who voted, zero voted for Franchise Fees as the option they were most supportive of.

Next Steps and Tentative Schedule

The City's existing franchise with Xcel expires in 2026 and the existing franchise with CenterPoint expires in 2024. Given that, staff recommends pursuing updates to the ordinances for both franchises and their respective franchise fees at the same time.

Staff has notified both Xcel and CenterPoint of the city's intent to potentially increase or establish franchise fees effective January 1, 2025. The schedule below outlines the estimated timelines.

Step	Estimated Completion Date
Ordinances drafted	6/30/2024
Utility companies review	7/7/2024
Ordinances finalized	7/31/2024
Public Hearing and Ordinance approval	8/7/2024
Second Reading	8/20/2024
Utility companies notified	8/21/2024
Utility companies 60-day notification period concludes	10/20/2024
Utility companies notify users with insert/note on bill	Last week of October or November
Bill increase in effect	1/1/2025

ATTACHMENTS:

None



City Council Workshop City Council Agenda Report

MEETING DATE: May 21, 2024	WORKSHOP AGENDA ITEM: 3
TITLE: Review of Draft Special Event Ordinance (6:00-6:30 p.m.)	
PREPARED BY: Not Applicable.	
REVIEWED BY: Jeffrey Dahl, City Manager	

DISCUSSION OBJECTIVE:

To review and provide direction on the draft special event ordinance.

2024-2026 STRATEGIC PLAN PRIORITIES RELEVANCE:

Sustain Community Character & Safety

Development of a Special Event Ordinance is a strategic plan initiative which would ensure any needed parameters on size and number of events align with community wants and staff capacity.

Achieve & Sustain Operational Excellence

Development of a Special Event Ordinance is a strategic plan initiative that would ensure a more streamlined approval process.

Diversify Revenue

Development of a Special Event Ordinance is a strategic plan initiative that could provide an opportunity for the City to collect fees to offset the direct and indirect costs of events on the organization and community.

BACKGROUND:

Last fall, after the Council approved its 2024-2026 Strategic Plan with the prioritization of "Adoption of a Special Event Ordinance," staff began working in earnest on drafting an ordinance with the following objectives in mind:

- Not creating an overly bureaucratic process that would dissuade future community-building events;
- Providing a more streamlined and transparent approval process for sizes of events to eliminate surprises from both the City and applicants;
- Putting parameters on the total number and size of events permitted to ensure event activity is aligned with staff capacity as well as the desired character and traffic of the community;
- Diversifying revenue sources by ensuring application fees cover administrative costs and any ticketed events on public property are assessed a reasonable fee to offset the impact on public land.

With these objectives, the City Attorney, City Manager, and Director of Public Works/City Engineer, who oversees Special Event approvals, prepared a draft that met the aforementioned objectives by using the City of Excelsior's ordinance as a template. Once a draft was created, it has been updated to reflect comments heard from other staff members as well as the main community partners who submit special event permits--- the Greater Wayzata Area Chamber of Commerce and RBA, Inc.

Staff will provide an overview of all comments received from the aforementioned community partners and will invite them to the workshop as well.

Attached is a draft ordinance to review and discuss at the workshop. Ultimately, because there are still several steps to take, including writing a comprehensive policy with more details, drafting application forms, and updating the fee schedule, staff suggests that the ordinance go into effect January 1, 2025.

ATTACHMENTS:

1. ORD Special Event Permits (Draft 5.14.24)
2. Ticketed Event Examples

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 514 OF CITY CODE
TO REGULATE SPECIAL EVENTS**

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 514. Chapter 514 of the Wayzata City Code (Shows, Exhibits and Races) is hereby amended and restated to read in its entirety as follows:

CHAPTER 514 – SPECIAL EVENTS

514.01 - Purpose.

The City of Wayzata encourages special events in the City that contribute to the character, vitality, health and welfare of the community. The purpose of this Chapter is to make special events in the City run as safely and smoothly as possible, and to balance the costs and other impacts of an event (such as street closures, amplified music, admission charges and retail, alcohol, and large numbers of people) with the benefits of the event to those participating and as well as all of the community of Wayzata.

514.02 - Definitions.

For the purpose of this Chapter, the following terms shall be defined as follows:

“Air supported amusement structure” means any device that incorporates a structural and mechanical system and employs a high-strength fabric or film that achieves its strength, shape, and stability by pre-tensioning with internal air pressure (inflation). It carries or conveys or permits persons to walk, run or jump along, around or over a fixed or restricted route or course or within a defined area including the entrances and exits thereto, for the purpose of enjoyment.

“Commercial enterprise” means a business that charges a fee for participation in activities operated by the business including fitness or other group activities.

“Community athletic events” means athletic events sponsored or organized by local youth athletic associations, community education entities, or other community groups.

“Downtown” means the downtown business district including Lake Street between Ferndale Road and Circle Drive E, public parking lots and ramps behind the buildings that front on Lake Street, and adjacent blocks.

“Fundraising event” means an event that charges a fee and donates a portion of its proceeds to charity.

“Home tour event” means real estate events during which residential properties are open to the general public for viewing for marketing, entertainment, or charitable purposes, or to showcase property

features. Home tour events shall include the parade of homes, remodeler's showcase, luxury home tour or other similar events. Home tour events do not include an open house or showing of a single home or property.

"Level 1 Event" means a special event that is anticipated to have 20-99 participants and/or spectators.

"Level 2 Event" means a special event that is anticipated to have 100-499 participants and/or spectators.

"Level 3 Event" means a special event that is anticipated to have 500 or more participants and/or spectators.

"Parade" means any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park, or other public place in the City.

"Private event" means an event that is being held exclusively on private property including, but not limited to graduation open houses, weddings and receptions, dinner parties and church events which will likely obstruct, delay, or interfere with the normal flow of pedestrian or vehicular traffic, or may significantly impact neighboring properties.

"Special event" means an event or happening organized by any person, group or organization which will generate or invite considerable public or private participation and/or spectators, for a particular and limited purpose and time, including, but not limited to: athletic events, private events, home tour events, boat shows, bicycle rides, business events on sidewalks or parking lots, carnivals, circuses, concerts, dances, fairs, farmer's markets, festivals, fireworks display, flea markets, parades, parties, reunions, runs, walks, and vehicle shows. For purposes of this chapter, special events do not include events held exclusively on private property that are unlikely to obstruct, delay, or interfere with the normal flow of pedestrian or vehicular traffic, or significantly impact neighboring properties. City-sponsored events conducted pursuant to a contract between the City and the event organizer are also not special events for the purposes of this Chapter. Special events are categorized and regulated by levels, as specified in this Chapter, according to anticipated attendance and related impacts of the type of event.

"Special event permit" means a permit for a particular special event issued pursuant to this Chapter.

"Ticketed event" means a special event that has a perimeter and requires a ticket to enter the event.

514.02 - Permit Required.

A. Permit Required for Special Events. No person shall organize, sponsor, assist, participate in, or conduct any special event unless a permit for such special event has been approved and issued by the City under this Chapter.

B. Exceptions. The following activities are exempt from the permit requirements of this Chapter:

- (1) Funeral processions, provided they are conducted in conformance with the requirements of the Wayzata Police Department.
- (2) Parades of the Armed Forces of the United States or the state of Minnesota.
- (3) Special events attracting attendance of less than 20 people, provided such events do not (i) include ancillary equipment (such as air supported amusement structures, motorized vehicles, or

other equipment that needs to be tethered to the ground or transported to and from the event site via a motorized vehicle, such as food trucks); (ii) require a permit from a local, state, or federal agency (including fire department and district); (iii) include the service of alcohol or cannabis product; (iv) have any significant impact to the flow of traffic, or (iv) include the participation of a commercial enterprise.

514.03 - Permit Fees.

- A.** All permit fees shall be in an amount to be determined from time to time by Resolution of the City Council.
- B.** Special events that require public safety or public works resources shall pay separate fees to the Wayzata Fire Department and/or Police Department, or Public Works Department, as determined by those departments.
- C.** Special events that require specialized equipment (such as barricades, lights, personalized signage, etc.) shall pay 100 percent of the staff and equipment costs, including any applicable rental fee.

514.04 - Application Review and Approval Procedures.

A. Application Review, Approval and Revocation. All permits issued under this Chapter shall be issued in conformance with the licensing provisions of Chapter 501 of City Code and this Chapter, and require the approval of City Council except for those types of events listed under 514.04.B, which may be approved by the City Manager. Conditions may be attached to the issuance of permits that are reasonably related to the nature of the event and the associated health, safety and welfare considerations and costs. City Council may deny or revoke any permits issued under this Chapter when, in the judgment of City Council, an application has failed to meet the requirements of this Chapter.

B. Types of Events that May Be Approved by City Manager. Permits for the following types of events shall require the approval of the City Manager only unless, in the determination of the City Manager, City Council review and approval is warranted due to the nature of the event:

- (1) Level 1 Events with:
 - No road closures (but may need No Parking Sign postings)
- (2) Level 2 Events on City Property with the following parameters:
 - One day event or multi-day events that do not leave anything on City property overnight
 - No road/multi-block sidewalk closures/traffic control involved
 - Limited City services needed

C. Criteria for Reviewing All Special Event Permit Applications. In addition to the other provisions of this Chapter, an application for a special event permit may be denied or revoked for any of the following reasons:

- (1) The applicant has failed to meet all the requirements for applying for a special event permit.
- (2) The proposed date of the event is available but will be a hardship on the City due to other events and/or activities already scheduled on the selected date.
- (3) The applicant has failed to comply with any term of this Chapter, or with any condition of a special event permit previously issued to the applicant or for the event.
- (4) The special event will create the possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage.

- (5) The applicant demonstrates an inability or unwillingness to conduct a special event pursuant to the terms and conditions of this Chapter.
- (6) The applicant has failed to obtain any other required permits and approvals of other agencies or authorities for the event.
- (5) The safety of event participants is at risk due to site conditions, the nature of the event, the weather or other changing conditions.
- (6) Public safety officials conclude that the event will place an undue burden on public safety resources.

D. Additional Criteria for Reviewing Applications for Level 2 and 3 Events. In addition to the other provisions of this Chapter, an application for a level 2 and 3 special event permit shall be evaluated based on impacts to police, fire, and medical resources, including the following:

- (1) The number of people anticipated to attend, the hours and days of the week during which the event is scheduled, and the number of attendees that are anticipated to be present at the same time;
- (2) The proximity in time of the event to other events requiring public safety resources;
- (3) Whether alcohol or cannabis product is being served at the event;
- (4) Impacts of the event on demand for public safety resources after the event has concluded;
- (5) The need for street closures or other traffic-related issues that lead to a need for increased police resources;
- (6) Public safety resources necessary to participate in event planning and preparation;
- (7) Special security concerns that place additional demand on public safety resources;
- (8) Special equipment requirements that place additional demand on public safety resources;
- (9) Any history of incidents during prior events of the same or a similar type;
- (10) Any additional factors that, in the judgment of public safety officials, would increase the need for public safety resources.

514.05 - Scope of permit. A special event permit shall authorize the requested special event and include any applicable conditions. Applicable conditions may include the number of persons authorized to be in attendance, the time during which the special event is permitted (including time for set up before and clean up after the special event), time and sound level limitations on the use of amplified sound, and the physical boundaries of the permitted special event. A permittee shall not allow the attendees to remain upon the permitted location later than the time set in the permit. Activities permitted by a special event permit shall not be carried on between the hours of 10:00 p.m. and 7:00 a.m. unless otherwise authorized by City Council. Activities prior to 7:00 am that are necessary to prepare for the event shall be subject to conditions of the applicable permit.

514.06 – Application Requirements.

- A. Time of Submittal.** An application for a special event permit shall be made to the City no more than 365 days prior to the event and unless otherwise approved by City Council, no less than the following days prior, based on level of event:
 - (1) Applications for level 1 special events (20—99 people) shall be submitted no less than ten days prior to the event unless such event requires staffing of public safety personnel, in which case the application shall be submitted no less than 30 days prior to the event.

- (2) Applications for level 2 special events (100—499 people) shall be submitted no less than 60 days prior to the event.
- (3) Application for level 3 special events (500 or more people) shall be submitted no less than 90 days prior to the event.

B. Information Related to the Event. An application for a special event permit shall include the following:

- (1) The name, mailing address, phone number(s), and email addresses of the primary contact person and event coordinator.
- (2) The proposed location of the parade or special event, which may be identified by a map attached to the special event permit.
- (3) The name and type of event.
- (4) The days and hours during which the special event is to occur, including set up and clean up time.
- (5) The number of persons anticipated to attend the event, including spectators.
- (6) Whether the event will be a fundraising event and/or a ticketed event and, if the event is a ticketed event, the maximum number and price of tickets to be sold.
- (7) The plans for the direction and control of vehicle traffic and pedestrians.
- (8) The plans for parking vehicles, including location of parking lots and any shuttle routes.
- (9) The specific route plan proposed for the parade or special event, if applicable.
- (10) The proposed number and location of barricades, fences, and gates to be furnished by the applicant.
- (11) The plans for concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.
- (12) Whether there will be alcohol or cannabis product served at the special event (and, if so, the names of any caterers who will be selling), a copy of the license authorizing the sale or the application for a temporary license if one is necessary, the dates when alcohol or cannabis product will be served, and the plans for controlling the use of alcoholic beverages and cannabis products. Police, fire, and/or security presence may be required for any events serving alcohol or cannabis products.
- (13) The plans for security, and the name of the security company, if necessary.
- (14) The name of an emergency medical services provider, if necessary.
- (15) The hours and type of sound amplification, if any, including the number of a contact person responsible for managing the volume during the event.
- (16) The plans for the prevention and cleanup of litter and waste.
- (17) Payment of permit fee as well as escrow deposit in an amount necessary to cover any fees associated with failure to comply with the terms of any permit issued by the city or public safety officials.
- (18) Such other information and conditions that are reasonably necessary for the conduct of the special event, including the requirement for the on-site presence of the event organizer or its designated representative for all special event coordination and management purposes.

514.07 – Insurance Requirements. As a condition of the issuance of a special permit for a level 2 or 3 event, Applicants must secure and maintain in full force and effect throughout the duration of the event permitted and all associated activities, commercial general liability insurance written on an occurrence basis with limits of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate to include bodily injury and property damage covering potential liability arising from the event. A certificate of insurance or similar proof of coverage shall be submitted prior to the event and shall name the City of Wayzata as an additional insured.

514.08 – Limits on the Number, Frequency and Times of Special Events.

A. Monthly and Seasonal Limitations. In order to achieve the purposes of this Chapter, and limit the impacts and burdens on the quality of life of City residents and resources, including police, fire and emergency medical services, the special events policy referenced in Sec. 514.10 will contain limits that apply to the number, frequency and times of special events and permits.

B. Home tour events. Home tour events may be held Thursdays through Sundays over a consecutive three-week period. Applicants are limited to obtaining one special event permit for a home tour event per calendar year at the same address.

C. Additional Limitations.

(1) *Street closures:* Street closures are not permitted within one day before and after a previously-scheduled street closure, and no more than two street closure events per week are permitted.

(2) *Daily limits:* No more than one special event permit shall be issued on any day for level 2 or 3 events in the City unless it is determined that the nature of one or more of the multiple events will not place an undue burden on City resources and public safety departments.

D. Priority of Applications. If more than one application for a level 2 or a level 3 special event permit is submitted for the same day or days, the following criteria shall be used to determine which event receives a permit (if more than one permit cannot be issued under this Chapter):

(1) Priority shall be given to applications that are complete, in order they are received and deemed complete by City staff.

(2) Recurring annual community-focused events that have taken place in the City for more than [x] years shall be given priority over other events, provided that the application for the recurring annual event is received within the time frames specified under Sec. 514.06.A of this Chapter.

(3) To the extent that the City receives two or more complete applications on the same day for level 2 or level 3 special event permits for the same day or days, priority will be given to events held on the same date or week the previous year, provided that the prior year's event complied with the special event permit and all applicable conditions.

(4) If all other circumstances are equal, prioritization of events will be given to the event that is more aligned with the City's mission, vision, values, and strategic priorities.

514.09 – Ticketed Events. For level 2 and 3 events that require tickets for entry and are held in whole or part on public property, \$1.00 or 3% of ticket price (whichever is greater) per ticket sold shall be paid to the City within two weeks after the event, given the closure of public access to public property and the associated impacts on such property. The City may reduce or waive this requirement for events that are charitable or have a significant fundraising component for a non-profit community or civic organization.

514.10 – Policy and Appeals.

A. Policy. A special event policy implementing the requirements of this Chapter, including the types of special event permits to be issued, related conditions, and application forms, may be adopted and amended from time to time by resolution of the City Council.

B. Appeals. An applicant may appeal any decision made under this Chapter or the policy adopted pursuant to it by filing a written appeal stating the reasons the applicant believes the decision was erroneous within ten days of the issuance of the decision. City Council shall make a determination on the appeal no later than 60 days following receipt of an appeal.

514.11 – Enforcement.

A. The provisions of this Chapter may be enforced by injunction in any court of competent jurisdiction.

B. The holding of a special event in violation of any provision or condition contained in this Chapter shall be deemed a public nuisance and may be abated as such.

C. Any violation of this Chapter shall be a misdemeanor and the violation shall be punished in accordance with City Code.

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

Adopted by the City Council this ____ day of _____, 2024.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:

Second Reading:
Publication:

DRAFT

Examples of Ticketed Event Fee Impact

Name of Event	Type of Event	Number of Attendees	Cost of Ticket	Total Fee**
WAAM Weekend	Level 3	7,000	\$100	\$21,000
Rails and Ales*	Level 2	400	\$20	\$400

*Depending on the objective of Rails and Ales, it could qualify as a charitable event and not be charged.

**Based on suggested ticketed event fee amount in 514.09 of the draft ordinance.