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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
May 29, 2020**

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

Mayor Willcox called the meeting to order at 7:30 a.m. Pursuant to Minnesota Statute Sec. 13D.015 and because of the COVID-19 pandemic, the City Council Special Meeting was being held remotely by electronic means using the audio and video conferencing platform, Zoom. Mayor Willcox shared that members of the public may listen but comments would not be accepted during the meeting. He shared how to submit comments and join the meeting to listen.

**AGENDA ITEM 2. Pledge of Allegiance.**

**AGENDA ITEM 3. Roll Call.**

Council Members present: Buchanan, Koch, McCarthy, and Plechash. Also present: City Manager Dahl, Interim Community Development Director Zweber, and City Attorney Schelzel.

**AGENDA ITEM 4. New Business.**

**a. Consider Adoption of an Emergency Ordinance Granting City Manager Authority to Review Applications and Issue Permits for Temporary Outdoor Patios**

Mr. Dahl said Governor Tim Walz issued a Stay Safe MN Executive Order on May 13<sup>th</sup> eliminating the Stay at Home Executive Order. It included a slow process back to normal operations for businesses. Restaurants would be allowed to reopen outdoor patios on June 1<sup>st</sup>; however, the patios must comply with social distancing guidelines. Mr. Dahl explained that a lot of restaurants do not currently have outdoor seating or space. After talks with the restaurant community, it was agreed they would need flexibility. Restaurants were very important to Wayzata's livelihood. The emergency ordinance would do two things. It would allow the City Manager and staff to approve permits quickly and it also allowed more flexibility in how they were approved. Staff recommended adoption of the emergency ordinance so it could begin approving requests today allowing restaurants to open on June 1<sup>st</sup>.

Mr. Dahl asked the City Attorney if the emergency ordinance would need a second reading. Mr. Schelzel explained because it was an emergency ordinance under the charter it would become effective immediately. Procedurally the Council would take two votes. First, there would be a Preamble acknowledging the emergency ordinance. Then the emergency ordinance would become effective immediately upon the second vote of adoption.

Mr. Plechash asked if inspections would be triggered when restaurants added outdoor seating. Mr. Dahl said food inspections would occur in the normal course of business. He did not anticipate any additional inspections being required. Mr. Plechash asked if the Governor's decree that restricted restaurants to a maximum of 50 people would be constraining. Mr. Dahl thought it would, but said the restaurant industry was working with the Governor on increasing that number. Mr. Schelzel said that because the 50-person limit might be changed, the Council should consider a change in the ordinance. He

1 suggested the emergency ordinance should reference the most current Executive Order  
2 instead of the current one since it might change.

3 Mr. Plechash asked if the emergency ordinance included the authority to deal with  
4 tents. Mr. Dahl said that tents as part of the patios could be reviewed by the building  
5 official; however, tents as part of a special event would take more time. Mr. Plechash  
6 suggested granting that authority to staff as well. Mrs. McCarthy agreed. She said the  
7 whole purpose of the ordinance was to cut through the red tape, allow restaurants to expand,  
8 and grant staff the authority to execute the permits and requests quickly.

9 Mr. Buchanan supported what Mrs. McCarthy was proposing and wanted to allow  
10 restaurants to do what they needed to be up and running.

11 Mr. Zweber talked about tents. He said he thought they would receive requests for  
12 tents and staff had received guidance from the building official on what could be approved.  
13 He said if the tent was located on business property it was a building permit and staff had  
14 the authority to approve those requests. However, this did not give staff the authority to  
15 temporarily remove on street parking to accommodate a tent request.

16 Mrs. McCarthy thought the Council should look bigger. She wanted to temporarily  
17 suspend all constraints for the issuance of permits. Mr. Schelzel said the emergency  
18 ordinance granted the City Manager the power to issue permits and licenses related to  
19 outdoor patios. He said anything that would normally come before Council for a license  
20 or permit could be reviewed and issued by the City Manager. The ordinance did not modify  
21 parking requirements or change City Code. Mr. Dahl said he felt that the emergency  
22 ordinance did not allow a big closure of a City street without Council review. He said if  
23 the Council wanted to do that, he would like more time to look at it. Mr. Schelzel said  
24 some cities had temporarily closed streets for pedestrian use, but they would need to take  
25 a closer look and follow up at the next Council meeting.

26 Mayor Willcox expressed concern for granting too much authority. He encouraged  
27 the City Manager to use his judgment. He said Mr. Dahl knew what would create  
28 discontent in the community. He said a street closing was something the Council needed  
29 to weigh in on. Mr. Dahl agreed the Mayor's direction was consistent with what was  
30 currently drafted. He said staff would look at special event permits to see if more flexibility  
31 was needed.

32 Mrs. McCarthy said she looked at it not as a request of the restaurants, but as an  
33 initiative of the City. She wanted to open up the City's public space to allow the restaurants  
34 to open. She suggested removing special event permits altogether. She said leniency was  
35 important in the current environment.

36 Mayor Willcox asked Mr. Dahl to explain the reason for special event permits. Mr.  
37 Dahl said there were different thresholds for different events. A lot of events could be  
38 approved administratively. However, events that impacted property owners, streets, and  
39 rights-of-way had to approved by the Council. He said most people would probably agree  
40 that closing a street was okay right now, but there could be blow back.

41 Mrs. McCarthy asked who would file a special event permit for something like the  
42 600-block. Mr. Dahl said it could be staff, the property owner, or a group of businesses.

43 Mr. Koch didn't think it would be widespread. He said logistically it makes the  
44 most sense to consider the 600 and 700-blocks of Lake Street. He said for other properties  
45 like the Village Shops, how much say so did the landlord have concerning restaurants  
46 expanding into the parking lots. Mr. Dahl said the landlord would need to sign off on it.

1 Mr. Zweber said this was not about changing the outdoor patio ordinance, but about  
2 how to apply it and who makes the designation. He said within all the commercial districts  
3 from C-2 to C-4, there was an outdoor sidewalk café allowed as an accessory use which  
4 was the provision the City was operating under. He said the language could be modified  
5 from sidewalk café to business operations. He thought the more interesting permits would  
6 come from Wayzata Boulevard.

7 Mrs. McCarthy said that was an interesting point and more reason to temporarily  
8 relax the zoning. She was concerned that all of the City's regulations were going to inhibit  
9 the businesses from being able to survive.

10 Mayor Willcox asked about evacuating the outdoor patios for inclement weather  
11 since people could not be inside the restaurants. Mr. Dahl said people could enter the  
12 restaurants, but could not dine in so he thought people could shelter in the building if  
13 needed.

14 Mayor Willcox asked if the Council thought this gave the City Manager the  
15 flexibility and responsiveness needed to allow the restaurant to operate. Mrs. McCarthy  
16 said it only scratched the surface, but was a good first step. She wanted to look at lifting  
17 more restraints at the next City Council meeting. Mr. Koch agreed.

18 Mayor Willcox asked if the Council could pull this back if needed. Mr. Dahl said  
19 yes.

20 Mr. Buchanan also thought the Council should look at expanding the flexibility.

21 Mayor Willcox asked for a motion on the emergency ordinance. Mrs. McCarthy  
22 made a motion, seconded by Mr. Buchanan, to approve the Preamble to Emergency  
23 Ordinance No. 800.

24 Mr. Schelzel recommended taking a roll call vote. He also suggested a modification  
25 to Section 1. of the ordinance to read "current Executive orders" and to strike 20-56.

26 Upon roll call vote, the motion carried 5/0.

27 Mr. Buchanan made a motion, seconded by Mr. Koch, to Adopt Ordinance No. 800,  
28 An Emergency Ordinance Granting City Manager Authority to Review Applications and  
29 Issue Permits for Temporary Outdoor Patios, as amended.

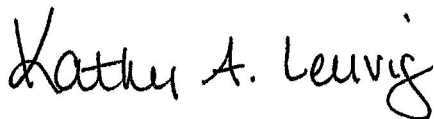
30 Mr. Dahl said this would allow the Council to get out of the way for patio dining  
31 on June 1<sup>st</sup>, but staff would look at the other items that were discussed.

32 Upon roll call vote, the motion carried 5/0.

33  
34 **AGENDA ITEM 5. Adjournment.**

35 There being no further business, Mayor Willcox asked for a motion to adjourn. Mrs.  
36 McCarthy made a motion, seconded by Mr. Buchanan to adjourn. Upon roll call vote,  
37 Mayor Willcox adjourned the meeting at 8:22 a.m.

38  
39 Respectfully submitted,



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42 Kathy Leervig  
43 City Clerk

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- 2 Drafted by Sarah Peterson
- 3 *TimeSaver Off Site Secretarial, Inc.*