

WAYZATA CITY COUNCIL

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Wednesday, January 18, 2023

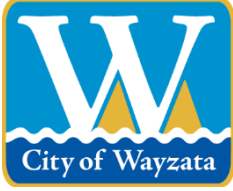
7:00 PM

ZOOM INFORMATION

[Click here to join Zoom Mtg](#)

[Meeting ID: 876 2834 8345](#) [Passcode: 354996](#)

Members of the public may watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV.



Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel.** You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

7:00 PM - CITY COUNCIL MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approve Agenda**
5. **Public Forum (3min/person)**
6. **New Agenda Items**
7. **Consent Agenda**
 - a. Approval of Check Register
 - b. Approval of Municipal Licenses
 - c. Receipt of Police Activity Report
 - d. Receipt of Building Activity Report
 - e. **Adoption of Resolution 04-2023 Approving Grant Agreement for Funding a Wayzata DWI and Traffic Safety Officer for Fiscal Year 2023**
8. **New Business**
 - a. Consider Adoption of Resolution 03-2023 Approving Variance at 247 Central Avenue South
 - b. Consider Adoption of Resolution 05-2023 Approving Variance at 507 Rice Street East
 - c. Consider Adoption of Resolution 06-2023 Supporting the Authority to Impose a Special Local Food and Beverage Sales Tax to Fund Operational and Capital Improvements Providing a Regional Benefit
9. **City Manager's Report and Discussion Items**
10. **Public Forum (as necessary)**
11. **Adjournment**

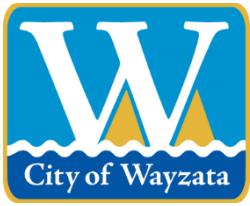
Meeting Rules of Conduct:

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 - February 7, 2023
Planning Commission - January 23, 2023

Members of the City Council and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event.
All members of the public are welcome.



City of Wayzata City Council Agenda Report

MEETING DATE: January 18, 2023	AGENDA ITEM: 7.a
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks and Electronic Fund Transfers (EFT's) for December 2022 and January 2023	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager, Aurora Yager, Deputy City Manager	

ACTION REQUESTED:

Staff recommends the approval of checks and EFT's.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Detail Check & EFT Register

INVOICE DISTRIBUTION REPORT FOR CITY OF WAYZATA

POST DATES 01/06/2023 - 01/11/2023

POSTED
PAID

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 101 GENERAL FUND							
Department: 00000 ALL DEPARTMENTS							
101-00000-20310	ESCROW	DMC MANAGEMENT, LLC	RELEASE OF SCHE	1-2023	01/11/2023	2,880.00	126585
						Total Department 00000 ALL DEPARTMENTS	2,880.00
Department: 41500 Administration & Finance							
101-41500-00350	PRINTING & PUBLISHING	ECM PUBLISHERS, INC.	2023 BUDGET PUB	927812	01/11/2023	121.60	126586
						Total Department 41500 Administration & Finance	121.60
Department: 41940 Building Operations & Maint.							
101-41940-00321	TELEPHONE	AT&T - FIRSTNET	PW SERVICE	X010320223	01/11/2023	338.75	126572
101-41940-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	012023	01/11/2023	4,140.84	126579
						Total Department 41940 Building Operations & Maint.	4,479.59
Department: 42100 Police							
101-42100-00404	REPAIRS/MAINT - MACHIN/EQUIP	DEPUTY REGISTRAR 126	TAB RENEWALS	012023	01/11/2023	44.00	126584
						Total Department 42100 Police	44.00
Department: 43100 Streets							
101-43100-00210	OPERATING SUPPLIES (GENERAL)	GOPHER ACE TRU VALUE	PARTS	014223	01/11/2023	2.19	126591
						Total Department 43100 Streets	2.19
						Total Fund 101 GENERAL FUND	7,527.38
Fund: 307 WAYZ.BLVD/SUPERIOR REALIGNMENT							
Department: 40000 General Department							
307-40000-00621	FISCAL AGENT S FEES	BOND TRUST SERVICES COR	PAYING AGENT FE	77149	01/11/2023	475.00	126574
						Total Department 40000 General Department	475.00
						Total Fund 307 WAYZ.BLVD/SUPERIOR REALIGNMENT	475.00
Fund: 318 PANOWAY							
Department: 40000 General Department							
318-40000-00621	FISCAL AGENT S FEES	BOND TRUST SERVICES COR	PAYING AGENT FE	77150	01/11/2023	475.00	126575
						Total Department 40000 General Department	475.00
						Total Fund 318 PANOWAY	475.00
Fund: 430 STREET CIP							
Department: 40000 General Department							
430-40000-00499	MISCELLANEOUS	TRAFFIC LOGIX CORPORATI	ANNUAL MAINT SU	SIN19115	01/11/2023	1,800.00	126615
						Total Department 40000 General Department	1,800.00
						Total Fund 430 STREET CIP	1,800.00
Fund: 610 WATER FUND							
Department: 00000 ALL DEPARTMENTS							
610-00000-37110	W/S/STORM SALES	AAMOTH, MARY	OVER PAYMENT ON	01102023	01/11/2023	1,616.26	126570
610-00000-37110	W/S/STORM SALES	ROBERTS, SEAN	OVER PAYMENT ON	1615 CROSBY	01/11/2023	100.00	126613
						Total Department 00000 ALL DEPARTMENTS	1,716.26
Department: 40000 General Department							
610-40000-00224	REPAIR & MAINT - MOTOR EQUIP	NAPA AUTO PARTS-LONG LA	LIGHT BULGS - 3	3270-558767	01/11/2023	5.55	126607
610-40000-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	012023	01/11/2023	259.47	126579
						Total Department 40000 General Department	265.02

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GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 610 WATER FUND						Total Fund 610 WATER FUND	1,981.28
Fund: 620 SEWER FUND							
Department: 40000 General Department							
620-40000-00386	SEWER SERVICE	METROPOLITAN COUNCIL	SEWER SERVICE	0001150305	01/11/2023	44,945.69	126605
						Total Department 40000 General Department	44,945.69
						Total Fund 620 SEWER FUND	44,945.69
Fund: 630 MOTOR VEHICLE							
Department: 00000 ALL DEPARTMENTS							
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	01092023	01/11/2023	350,174.76	2285
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	01062023	01/09/2023	45,353.48	2280
630-00000-20812	DNR REG	MN DNR	MV DNR EFT	01062023	01/09/2023	7,090.40	2275
630-00000-20812	DNR REG	MN DNR	MV DNR EFT	01092023	01/09/2023	102.00	2276
						Total Department 00000 ALL DEPARTMENTS	402,720.64
						Total Fund 630 MOTOR VEHICLE	402,720.64
Fund: 640 LIQUOR							
Department: 00000 ALL DEPARTMENTS							
640-00000-10150	ATM	CASH - OLD NATIONAL	ATM FILL	01102023	01/11/2023	9,000.00	126578
						Total Department 00000 ALL DEPARTMENTS	9,000.00
Department: 47000 Off-Sale							
640-47000-00253	BEER	DAHLHEIMER DISTRIBUTING	BEER	1810845	01/11/2023	799.00	126582
640-47000-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	012023	01/11/2023	498.32	126579
						Total Department 47000 off-Sale	1,297.32
Department: 48000 On-Sale							
640-48000-00210	BAR SUPPLIES	TRIO SUPPLY COMPANY	KITCHEN & BAR S	812678	01/11/2023	310.49	126617
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	440292	01/11/2023	147.13	126610
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	437261	01/11/2023	118.10	126610
640-48000-00251	LIQUOR	TRIO SUPPLY COMPANY	KITCHEN & BAR S	812678	01/11/2023	23.50	126617
640-48000-00252	WINE	WINE MERCHANT	WINE	7411525	01/11/2023	997.45	126618
640-48000-00253	BEER	BREAKTHRU BEVERAGE	BEER	347287882	01/11/2023	1,324.00	126576
640-48000-00253	BEER	BREAKTHRU BEVERAGE	BEER	347287883	01/11/2023	145.00	126576
640-48000-00253	Beer For Resale	CAPITOL BEVERAGE SALES	BEER	2782583	01/11/2023	483.00	126577
640-48000-00253	BEER	MODIST BREWING CO. LLC	BEER	37782	01/11/2023	175.00	126606
640-48000-00254	MISC.BEV.	PERFORMANCE FOOD GROUP,	FOOD	440292	01/11/2023	219.87	126610
640-48000-00254	MISC.BEV.	PERFORMANCE FOOD GROUP,	FOOD	437261	01/11/2023	167.54	126610
640-48000-00254	MISC BEV	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6526029	01/11/2023	443.60	126611
640-48000-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	012023	01/11/2023	1,993.27	126579
						Total Department 48000 on-Sale	6,547.95
Department: 48500 Kitchen							
640-48500-00210	KITCHEN SUPPLIES	CINTAS CORPORATION	KITCHEN SUPPLIE	4142112876	01/11/2023	288.46	126581
640-48500-00210	KITCHEN SUPPLIES	PERFORMANCE FOOD GROUP,	FOOD	440292	01/11/2023	40.26	126610
640-48500-00210	KITCHEN SUPPLIES	PERFORMANCE FOOD GROUP,	FOOD	437261	01/11/2023	13.27	126610
640-48500-00210	KITCHEN SUPPLIES	TRIO SUPPLY COMPANY	KITCHEN & BAR S	812678	01/11/2023	822.19	126617
640-48500-00217	KITCHEN UNIFORMS	CINTAS CORPORATION	KITCHEN SUPPLIE	4142112876	01/11/2023	50.03	126581
640-48500-00255	FOOD	AMERICAN FISH & SEAFOOD	FOOD	196183	01/11/2023	560.80	126571
640-48500-00255	FOODINGREDIENTS FOR RESALE	BILL'S IMPORTED FOODS	FOOD	136506	01/11/2023	408.05	126573

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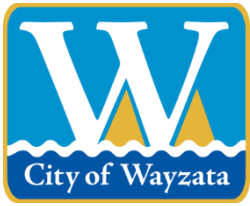
GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 640 LIQUOR							
Department: 48500 Kitchen							
640-48500-00255	FOOD RESALE	MAIN STREET BAKERY	FOOD	443874	01/11/2023	228.11	126600
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	440292	01/11/2023	3,272.99	126610
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	437261	01/11/2023	3,316.06	126610
Total Department 48500 Kitchen						9,000.22	
Total Fund 640 LIQUOR						25,845.49	

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GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number	
--- TOTALS BY FUND ---								
		101	GENERAL FUND			7,527.38		
		307	WAYZ.BLVD/SUPERIOR REALIGNMENT			475.00		
		318	PANOWAY			475.00		
		430	STREET CIP			1,800.00		
		610	WATER FUND			1,981.28		
		620	SEWER FUND			44,945.69		
		630	MOTOR VEHICLE			402,720.64		
		640	LIQUOR			25,845.49		
		Total For All Funds:					485,770.48	



City of Wayzata City Council Agenda Report

MEETING DATE: January 18, 2023	AGENDA ITEM: 7.b
TITLE: Approval of Municipal Licenses	
PROPOSED MOTION: To Approve the Municipal Licenses as Attached	
PREPARED BY: Lori Krismer, Administrative Assistant	
REVIEWED BY: Jeffrey Dahl, City Manager, Kathy Leervig, City Clerk	

ACTION REQUESTED:

Staff recommends approval of Municipal Licenses.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

01/18/2023

LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

Recommended for approval, pending staff review for completeness of application materials

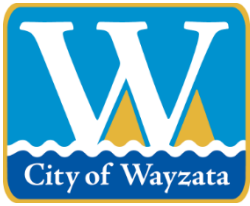
WERE APPROVED ADMINISTRATIVELY

2023 Gas Fitter's License

Countryside Heating & Cooling Solutions LLC	Maple Plain, MN
Riccar Heating & Air Conditioning	Andover, MN
Fireside Hearth & Home	Lakeville, MN
Air Mechanical, Inc.	Ham Lake, MN
Schulties Plumbing, Inc.	Blaine, MN
Tim's Quality Plumbing Inc.	Osseo, MN
Genz-Ryan Plumbing & Heating	Burnsville, MN
City View Plumbing & Heating	Long Lake, MN

2023 Tree Removal & Treatment License

Shadywood Tree Experts	Hopkins, MN
Birch Tree Care, LLC	St. Paul, MN
Aaspen Tree Service, LLC	Wayzata, MN
Midwest Tree Experts MN Inc.	Maple Grove, MN
Viking Land Tree Care, Inc.	Delano, MN
The F.A. Bartlett Tree Expert Company	Minnetonka, MN
Huston's Tree Services, LLC	Eden Prairie, MN



City of Wayzata City Council Agenda Report

MEETING DATE: January 18, 2023	AGENDA ITEM: 7.c
TITLE: Receipt of Police Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Emily Marker, Police Records Supervisor	
REVIEWED BY: Jeffrey Dahl, City Manager, Marc Schultz, Police Chief	

ACTION REQUESTED:

The attached Activity Report December 2022 is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Activity Report December 2022



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake



ACTIVITY REPORT—DECEMBER 2022

Identity Theft**Reported: 12-28-2022 1200**

Report of an identity theft. Unknown loss at this time.

Addresses Involved

600 block of Rice St E, Wayzata, MN 55391

Theft of Vehicle**Reported: 12-26-2022 1521**

Report of a motor vehicle theft. Vehicle entered into NCIC as stolen.

Addresses Involved

1800 block of Wayzata Blvd E, Wayzata, MN 55391

Theft**Reported: 12-23-2022 1540**

Report of a theft from building. Loss of over \$30,000.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Recovered**Reported: 12-23-2022 1516**

Report of recovered stolen snowmobiles.

Addresses Involved

600 block of Rice St E, Wayzata, MN 55391

DWI**Reported: 12-18-2022 2139**

42-year-old female from Maple Grove, arrested for DWI. Tested .19.

Addresses Involved

Wayzata Blvd E & Central Ave S, Wayzata, MN 55391

Names Involved

(Arrested) Miller-Incili, Carly Anne (Age: 42)

Theft of Vehicle**Reported: 12-13-2022 1036**

Report of a theft of a trailer. Trailer and license plates entered into NCIC as stolen. Loss of around \$10,000.

Addresses Involved

2300 block of Daniels St, Long Lake, MN 55356

Tampering with MV**Reported: 12-11-2022 1327**

Report of a tampering with motor vehicle. Unknown loss amount.

Addresses Involved

900 block of Lake St E, Wayzata, MN 55391

Theft by Swindle**Reported: 12-08-2022 1411**

Report of a theft by swindle. Loss of around \$490.95.

Addresses Involved

1800 block of Symes St, Long Lake, MN 55356



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake



ACTIVITY REPORT—DECEMBER 2022

Forgery**Reported: 12-07-2022 1726**

Report of a check forgery. Loss of around \$4,500.

Addresses Involved600 block of Rice St E, Wayzata, MN 55391

DWI**Reported: 12-06-2022 2147**

38-year-old male from Hopkins arrested for DWI. Tested .08.

Addresses Involved

Wayzata Blvd E & Central Ave, Wayzata, MN 55391

Names Involved(Arrested) Cook, Andrew James (Age: 38)

Damage to Property - Criminal**Reported: 12-02-2022 2013**

Report of damage to property. Egg thrown at vehicle. Unknown loss at this time.

Addresses InvolvedBushaway Rd & Locust Hills Trl, Wayzata, MN 55391

Damage to Property - Criminal**Reported: 12-02-2022 1824**

Report of damage to property. Tree lights cut. Loss of around \$30.

Addresses Involved300 block of Margaret Cir, Wayzata, MN 55391

Financial Transaction Card Fraud**Reported: 12-01-2022 1727**

34-year-old male arrested for financial transaction card fraud and identity theft.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Names Involved(Arrested) Stefan, Mihai Viorel (Age: 34)

Theft**Reported: 12-01-2022 1335**

Report of a shoplifting. Loss of around \$290.53. All merchandise recovered.

Addresses Involved1000 block Wayzata Blvd E, Wayzata, MN 55391

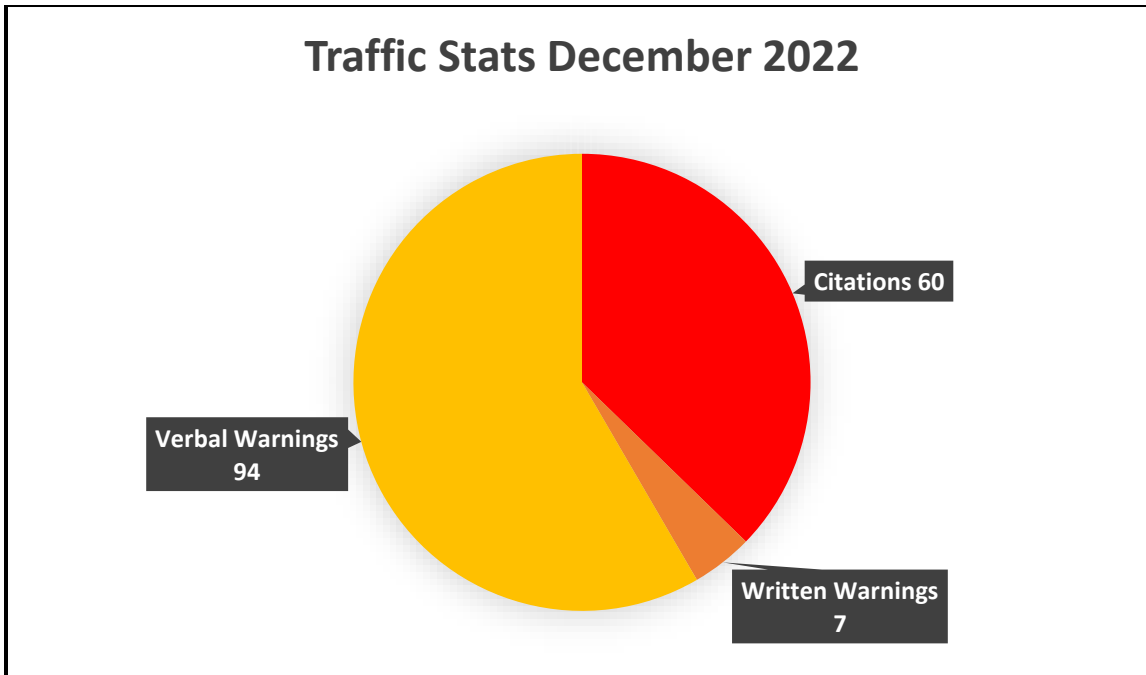


WAYZATA POLICE DEPARTMENT

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ACTIVITY REPORT—DECEMBER 2022



NON-CRIMINAL ACTIVITY	DECEMBER 2022
VANDALISM/PROPERTY DAMAGE	2
MISSING/LOST PROPERTY	1
FOUND PROPERTY	3
RECOVERED STOLEN PROPERTY	1
OTHER ACCIDENTS	3
PIMV	2
PDMV	20
H & R PDMV	6
OTHER FIRE/SMOKE	3
FIRE ALARM	3
GAS LEAK/SMELL	1
HAZ ROAD CONDITION	9
SUDDEN DEATH	1
OTHER MEDICAL	47
MEDICAL ALARM	1
72 HOUR HOLD/EMERGENCY ADMISSION	2
WELFARE CHECK - ADULT	15
WELFARE CHECK - JUV	2



WAYZATA POLICE DEPARTMENT

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ACTIVITY REPORT—DECEMBER 2022

MENTAL HEALTH ISSUE	12
INFO REC'D	7
VERBAL DOMESTIC	2
CIVIL MATTER	1
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	12
RECEIVE COURT ORDER/OFP	2
SUSPICION	17
OPEN DOOR/WINDOW	3
MISC. JUVENILE PROBLEM	4
DRIVING/TRAFFIC COMPLAINT	13
PARKING COMPL	5
HOUSE/BUSINESS CHECKS	17
RECORD CHECKS	8
OTHER PERMITS	14
FIREARM PERMIT	3
HC SHERIFFS PERMIT TO CARRY	2
LIQUOR LICENSE CHECKS/PERMIT	8
PARKING PERMIT	4
OTHER ORD VIOL (JUNK CARS, ETC)	2
ANIMAL COMPLAINT/CHECK	7
DISPATCH ANIMAL	1
KENNEL APP/LICENSE	1
PATROL REQUEST	2
ADULT PROTECTION ASSIST	3
MOTORIST ASSIST/STALL	16
UTILITY PROBLEM	7
PUBLIC ASSIST	28
LOCKOUT	11
BUSINESS ALARM	17
HOME ALARM	10
911 HANG-UP	5
ASSIST OTHER DEPT	25
WARRANT/ATTEMPT/ARREST	1
TRAFFIC CONTROL / DIRECT ENFORCEMENT	13
RIDE-ALONG	3



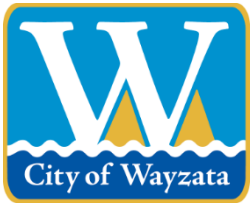
WAYZATA POLICE DEPARTMENT

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ACTIVITY REPORT—DECEMBER 2022

CRIMINAL ACTIVITY	DECEMBER 2022
DOM ASLT-STRANGLE-UNK NA-NO WEAP-ADLT-ACQ	1
FORGERY-FE-UTT-POSS-PLACE-CHK-OV 2500-PER	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-UNK	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-NOT APP	1
DRUGS-DRUG PARAPH-POSSESS-UNK-NOT APPLICABLE	1
CRM AGNST FAM-GM-ENDANGER CHLD-OTHER	1
TRAFFIC-GM-OTHER-MV	1
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	1
TRAF-AC-GM-3RD DEG DWI-10 OR MORE WIN 2 HRS-MV	1
TRAF-AC-GM-3RD DEG DWI-08 OR MORE -MV	1
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
TRAF-ACC-MS-4TH DEG DWI-08 OR MORE -MV	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	1
MS-VIOL ORDER FOR PROTECTION	1
PROP DAMAGE-MS-PRIVATE-UNK INTENT	1
PROP DAM-MS-PRPDMG-PRIVATE-REDUCE VAL 500 LESS	1
THEFT-OVER 5000DLRS FE-BLDG-OTHER PROPERTY	1
THEFT-OVER 5000 DLRS FE-STREETLOTDRWAY-OTH PRO	1
FRAUD-FE-FIN-TRAN-CARD-NO-CONTEST-20000-MOR	1
THEFT-FE-IDENTITY THEFT-UNK LOSS	2
THEFT-MS-BY SWINDLE OR TRICK-500 DLRS OR LESS	1
THEFT-MS-SHOPLIFTING-500 DLRS OR LESS	1
VEH-UNKNOWN-MS-TAMPER WITH-ENTER-AUTO	1
VEH-MORE 2500-FE-MOT VEH USE-NO CONSENT-AUTO	1



City of Wayzata City Council Agenda Report

MEETING DATE: January 18, 2023	AGENDA ITEM: 7.d
TITLE: Receipt of Building Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Megan McCrady, Permit Technician	
REVIEWED BY: Jeffrey Dahl, City Manager, Emily Goellner, Community Development Director, Jason Wagner, Building Official	

ACTION REQUESTED:

The attached December 2022 Building Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

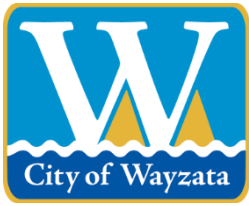
1. 2021-2022 Building report December

2022

	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-23	2022-YTD
BUILDING													
NUMBER OF BLDG. PERMITS	11	13	13	25	18	20	14	19	10	13	9	10	175
PROJECT VALUE	\$274,537.00	\$2,215,807.00	\$3,170,300.00	\$3,857,297.00	\$1,074,087.00	\$2,574,024.00	\$1,437,395.00	\$9,945,975.00	\$931,886.00	\$1,232,406.00	\$278,400.00	\$2,991,451.00	29,983,565
BUILDING PERMIT FEE	\$3,473.25	\$17,644.00	\$20,130.75	\$29,083.50	\$10,598.25	\$20,282.00	\$11,205.50	\$52,693.00	\$7,612.75	\$11,232.75	\$3,573.50	\$20,347.00	207,876
PLAN CHECK FEE	\$1,361.10	\$8,813.79	\$12,067.09	\$16,746.39	\$3,777.96	\$12,760.40	\$6,464.91	\$33,137.81	\$4,900.35	\$4,276.84	\$499.66	\$12,363.02	117,169
EXTERIOR													
NUMBER OF PERMITS	1	1	5	2	3	6	5	2	5	9	3	5	47
PROJECT VALUE	\$5,329.00	\$14,628.00	\$284,196.00	\$26,253.00	\$18,429.00	\$180,276.00	\$107,656.00	\$25,000.00	\$111,397.00	\$600,000.00	\$23,842.00	\$43,981.00	1,440,887
PERMIT FEE	\$ 132.75	\$ 265.50	\$ 3,213.50	\$ 486.75	\$ 409.75	\$ 2,461.00	\$ 1,692.75	\$ 457.25	\$ 1,738.00	\$ 3,956.75	\$ 501.50	\$ 899.75	16,213
MECHANICAL													
NUMBER OF PERMITS	14	16	15	14	16	22	20	13	13	7	19	9	178
PROJECT VALUE	102,007.00	185,869.00	210,202.00	345,826.00	103,237.00	701,935.00	205,541.00	395,484.00	310,164.00	62,495.00	200,432.00	53,736.00	2,876,928
PERMIT FEE	2,081.64	3,652.36	4,189.04	6,573.92	2,088.74	12,378.70	4,091.15	7,222.26	5,770.20	1,256.40	4,018.80	1,092.72	54,416
PLUMBING													
NUMBER OF PERMITS	8	13	7	17	13	8	18	19	8	10	11	3	135
PROJECT VALUE	\$38,518.00	\$123,914.00	\$72,000.00	\$184,794.00	\$74,664.00	\$106,879.00	\$130,800.00	\$170,000.00	\$73,211.00	\$273.99	\$167,545.00	\$7,400.00	1,149,999
PERMIT FEE	\$796.36	\$2,478.28	\$1,466.00	\$3,732.88	\$1,513.38	\$2,035.52	\$2,644.56	\$3,412.00	\$1,464.22	\$5,145.70	\$3,321.40	\$160.00	28,170
TOTAL # OF PERMITS	34	43	40	58	50	56	57	53	36	39	42	27	535
TOTAL INCOME	\$7,845.10	\$32,853.93	\$41,066.38	\$56,623.44	\$18,388.08	\$49,917.62	\$26,098.87	\$96,922.32	\$21,485.52	\$25,868.44	\$11,914.86	\$34,862.49	\$423,847.05
INSPECTIONS													
BUILDING	30	66	35	42	53	61	57	51	78	43	51	32	599
EXTERIOR	2	0	1	2	1	4	1	3	2	4	5	1	26
HVAC	29	45	42	35	22	45	39	35	27	15	26	19	371
PLUMBING	17	20	23	30	24	27	24	35	23	17	19	13	272
OTHER													
TOTAL # OF INSPECTIONS	78	131	101	96	123	131	117	116	130	79	101	65	1268
RENTAL													
INSPECTIONS	6	37	78	37	12	0	6	3	1	0	1	0	181

2021

	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	21-Oct	Nov-21	Dec-21	2021-YTD
BUILDING													
NUMBER OF BLDG. PERMITS	9	11	15	19	14	25	13	17	15	21	18	10	187
PROJECT VALUE	\$1,337,913.00	\$964,800.00	\$11,351,717.00	\$3,192,683.00	\$1,319,900.00	\$3,213,389.00	\$2,916,093.00	\$10,116,408.00	\$3,394,485.00	\$5,245,655.00	\$2,496,890.00	\$421,567.00	\$45,971,500.00
BUILDING PERMIT FEE	\$8,620.50	\$8,848.75	\$52,593.00	\$20,794.00	\$11,009.50	\$24,041.75	\$16,897.00	\$52,016.75	\$21,826.00	\$30,855.75	\$19,085.50	\$4,367.50	\$270,876.00
PLAN CHECK FEE	\$5,212.19	\$4,813.59	\$32,909.77	\$12,058.53	\$4,967.66	\$13,645.26	\$10,777.91	\$32,819.70	\$13,211.91	\$18,758.12	\$10,634.91	\$1,554.32	\$161,363.87
EXTERIOR													
NUMBER OF PERMITS	1	3	4	18	5	4	8	3	9	4	6	2	67
PROJECT VALUE	\$3,895.00	\$51,483.00	\$552,700.00	\$287,513.00	\$66,856.00	\$89,428.00	\$307,641.00	\$83,664.91	\$198,783.00	\$47,939.00	\$77,441.00	\$154,930.00	\$1,922,273.91
PERMIT FEE	\$ 103.25	\$ 898.50	\$ 4,483.50	\$ 4,801.75	\$ 1,239.00	\$ 1,383.75	\$ 3,651.25	\$ 1,185.00	\$ 3,057.00	\$ 914.50	\$ 1,445.50	\$ 1,466.00	\$24,629.00
MECHANICAL													
NUMBER OF PERMITS	12	8	15	11	13	19	25	13	18	19	19	19	191
PROJECT VALUE	206,482.00	242,992.00	142,301.00	903,172.00	195,951.00	503,265.00	570,670.00	104,387.00	522,112.82	610,891.00	224,761.00	1,314,733.00	\$5,541,717.82
PERMIT FEE	3,909.64	4,091.34	2,862.02	14,683.44	3,809.52	8,803.19	10,208.58	2,101.74	9,287.09	10,811.16	4,300.22	21,412.56	\$96,280.41
PLUMBING													
NUMBER OF PERMITS	9	11	14	6	8	11	7	11	22	11	15	12	137
PROJECT VALUE	\$359,103.00	\$408,302.49	\$76,193.00	\$211,505.00	\$44,592.00	\$178,367.00	\$133,841.00	\$90,100.00	\$357,309.00	\$202,007.00	\$207,363.00	\$129,157.00	\$2,397,839.49
PERMIT FEE	\$5,958.06	\$6,970.25	\$1,591.86	\$3,750.10	\$945.84	\$3,360.87	\$2,586.40	\$1,890.00	\$7,172.43	\$3,833.81	\$4,174.26	\$2,589.14	\$44,823.02
TOTAL # OF PERMITS	31	31	48	34	40	59	53	44	64	55	58	43	582
TOTAL INCOME	\$23,803.64	\$25,622.43	\$94,440.15	\$56,087.82	\$21,971.52	\$51,224.82	\$44,121.14	\$90,013.19	\$54,554.43	\$65,173.34	\$39,560.39	\$32,389.52	\$598,972.30
INSPECTIONS													
BUILDING	52	53	52	57	63	69	45	54	43	72	87	52	700
EXTERIOR	0	0	0	6	15	5	3	6	1	7	2	0	45
HVAC	33	16	28	28	33	27	29	28	25	28	42	18	335
PLUMBING	14	16	22	25	22	37	17	25	19	37	37	16	269
OTHER													
TOTAL # OF INSPECTIONS	99	85	102	116	133	138	95	105	94	126	168	86	1349
RENTAL													
INSPECTIONS	0	0	17	5	0	1	0	0	0	0	0	0	23



City of Wayzata City Council Agenda Report

MEETING DATE: January 18, 2023	AGENDA ITEM: 7.e
TITLE: <u>Adoption of Resolution 04-2023 Approving Grant Agreement for Funding a Wayzata DWI and Traffic Safety Officer for Fiscal Year 2023</u>	
PROPOSED MOTION: To Adopt Resolution 04-2023 Approving the Grant Agreement for Funding a Wayzata DWI and Traffic Safety Officer for Federal Fiscal Year 2023	
PREPARED BY: Marc Schultz, Police Chief	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends adoption of Resolution 04-2023 Approving Grant Agreement for Funding a Wayzata DWI/Traffic Safety Officer for the remainder of Federal Fiscal Year 2023.

The resolution and grant agreement will be included in the amended packet next week prior to the council meeting.

FINANCIAL OR BUDGET CONSIDERATION:

Funding for this grant was procured through Federal NHTSA (National Highway Traffic Safety Administration) funds under Section 405D (Impaired Driving) and Section 402PT (Police Traffic Services). The grant provides \$93,750, which applies to general funding rules including the DWI/Traffic Safety Officer salary, overtime, and fringe benefits while performing the duties related to this grant. These funds will positively impact the general fund budget as they will offset one officer's salary through 9/30/2023. Various traffic enforcement training opportunities for the DWI/Traffic Safety Officer are also eligible for reimbursement under this grant.

BACKGROUND:

For many years, The Minnesota Department of Public Safety (DPS), Office of Traffic Safety (OTS) has sought proposals from law enforcement agencies interested in being selected for grant opportunities that provide funding for a full-time DWI/Traffic Safety Officer. In December of 2022, staff learned that additional unused funding was being made available to Minnesota Law Enforcement agencies through a "Second chance" grant. This particular second chance opportunity funds a full-time DWI/Traffic Safety Officer from January 1, 2023 through September 30, 2023. Deputy Chief Baker applied for, and subsequently the Wayzata Police Department was awarded, this grant for the remainder of the 2023 Federal fiscal year. This grant provides \$93,750 to support the salary, overtime and fringe benefits of an officer who's focus is DWI and traffic safety enforcement. NHTSA requires recipients of the grant to adopt a resolution approving the grant agreement. The draft resolution and agreement is attached.

Traffic safety is a major focus of the Police Department. This grant award allows the Police Department to provide the community with a more directed focus on traffic safety, as well as community engagement and education opportunities surrounding traffic safety, without having much of the financial obligations associated with designating an officer to this position.

Furthermore, it is the staff's intent to re-apply for this grant opportunity for the following fiscal year. Proceeds of this grant could be allocated to fund an additional officer, in an effort to more quickly meet future police department staffing needs or offset a portion of the costs of the additional 2023 officers already approved by the Council.

ATTACHMENTS:

1. Resolution 04-2023
2. Grant agreement
3. Exhibit A
4. RFP Second Chance DWI_TS Officer final

CITY OF WAYZATA

RESOLUTION NO. 04-2023

**RESOLUTION APPROVING GRANT AGREEMENT FOR MINNESOTA
DEPARTMENT OF PUBLIC SAFETY FUNDING A WAYZATA DWI/TRAFFIC
SAFETY OFFICER**

WHEREAS, the City of Wayzata has applied to the Minnesota Department of Public Safety Office of Traffic Safety for a “second chance grant” that would provide federal funding for a full-time DWI/Traffic Safety Officer for the 2023 Federal fiscal year (the “Grant”); and

WHEREAS, the Minnesota Department of Public Safety Office of Traffic Safety has given notice to the City that the City’s application has been approved, and the Grant has been awarded to the City, subject to the City’s agreement to the terms and conditions therefor, with which the City can comply; and

WHEREAS, the amount of the Grant is \$93,750.00.

NOW THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota that the City of Wayzata does hereby accept the Grant and agree to the terms and conditions therefor, including those found in Minnesota Statute, section 16B.98 and the agreement for the Grant (the “Agreement”), and will pay any additional costs associated with a full-time DWI/Traffic Safety Officer in Wayzata for the 2023 Federal fiscal year that exceed the amount of the Grant; and

BE IT FURTHER RESOLVED that the Mayor and City Manager are authorized to execute the Grant Agreement with the Minnesota Department of Public Safety in the form presented to Council.

Adopted by the Wayzata City Council this 18th day of January, 2023.

Johanna Mouton, Mayor

Attest: _____
Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution Adopted:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 04-2023 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 18, 2023.

Kathy Leervig, City Clerk

SEAL



Minnesota Department of Public Safety (“State”) Office of Traffic Safety 445 Minnesota Street, Suite 1620 Saint Paul, MN 55101	Grant Program: 2023 NHTSA: 2023 DWI / Traffic Safety Officer Grant Contract Agreement No.: A-OFCR23-2023-WAYZPD-004
Grantee: Wayzata Police Department 600 Rice Street East Wayzata, MN 55391-1734	Grant Contract Agreement Term: Effective Date: 01/01/2023 Expiration Date: 09/30/2023
Grantee’s Authorized Representative: Jamie Baker, Deputy Chief 600 Rice Street East Wayzata, MN 55391-1734 (952)404-5345 jrbaker@wayzata.org	Grant Contract Agreement Amount: Original Agreement \$93,750.00 Matching Requirement \$ 0.00
State’s Authorized Representative: Duane Siedschlag Impaired Driving Program Coordinator 445 Minnesota Street, Suite 1620 Saint Paul, MN 55101 (651)201-7078 Duane.siedschlag@state.mn.us	Federal Funding: CFDA 20.616 & CFDA 20.600 FAIN: 69A3752130000405DMNL & FAIN: 69A7521300005020MNO State Funding: None Special Conditions: None

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant contract agreement.

Term: The creation and validity of this grant contract agreement conforms with Minn. Stat. § 16B.98 Subd. 5. Effective date is the date shown above or the date the State obtains all required signatures under Minn. Stat. § 16B.98, subd. 7, whichever is later. Once this grant contract agreement is fully executed, the Grantee may claim reimbursement for expenditures incurred pursuant to the Payment clause of this grant contract agreement. Reimbursements will only be made for those expenditures made according to the terms of this grant contract agreement. Expiration date is the date shown above or until all obligations have been satisfactorily fulfilled, whichever occurs first.

The Grantee, who is not a state employee will:
Perform and accomplish such purposes and activities as specified herein and in the Grantee’s approved 2023 NHTSA: 2023 DWI / Traffic Safety Officer Application (“Application”) which is incorporated by reference into this grant contract agreement and on file with the State at 445 Minnesota Street, Suite 1620, Saint Paul, MN 55101. The Grantee shall also comply with all requirements referenced in the 2023 NHTSA: 2023 DWI / Traffic Safety Officer Guidelines and Application which includes the Terms and Conditions and Grant Program Guidelines (<https://app.dps.mn.gov/EGrants>), which are incorporated by reference into this grant contract agreement.

Budget Revisions: The breakdown of costs of the Grantee’s Budget is contained in Exhibit A, which is attached and incorporated into this grant contract agreement. As stated in the Grantee’s Application and Grant Program Guidelines, the Grantee will submit a written change request for any substitution of budget items or any deviation and in accordance with the Grant Program Guidelines. Requests must be approved prior to any expenditure by the Grantee.

Matching Requirements: (If applicable.) As stated in the Grantee’s Application, the Grantee certifies that the



matching requirement will be met by the Grantee.

Payment: As stated in the Grantee’s Application and Grant Program Guidance, the State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services and in accordance with the Grant Program Guidelines. Payment will not be made if the Grantee has not satisfied reporting requirements.

Certification Regarding Lobbying: (If applicable.) Grantees receiving federal funds over \$100,000.00 must complete and return the Certification Regarding Lobbying form provided by the State to the Grantee.

1. ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. § 16A.15.

Signed: _____

Date: _____

3. STATE AGENCY

Signed: _____
(with delegated authority)

Title: _____

Date: _____

Grant Contract Agreement No./ P.O. No.: A-OF23-2023-WAYZPD-004 / 3000084480

Project No.: 23-03-03

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

Signed: _____

Print Name: _____

Title: _____

Date: _____

Signed: _____

Print Name: _____

Title: _____

Date: _____

Distribution: DPS/FAS
Grantee
State’s Authorized Representative

Organization: Wayzata Police Department

Budget Summary

Budget			
Budget Category	State Reimbursement	Local Match	
Salary			
Salary	\$93,750.00	\$0.00	
Total	\$93,750.00	\$0.00	
Operating Expenses			
Operating Expenses	\$0.00	\$0.00	
Total	\$0.00	\$0.00	
Total	\$93,750.00	\$0.00	

State of Minnesota - Department of Public Safety

Request for Proposal - Federal Fiscal Year 2023

DWI/Traffic Safety Officer



- Responses must be received not later than 4:00pm, on December 2, 2022.
- Late responses will not be considered.

Overview

The Minnesota Department of Public Safety (DPS), Office of Traffic Safety (OTS) is seeking proposals from law enforcement agencies for a Second Chance full-time DWI/Traffic Safety Officer. The DWI/TS officer will work the peak nights and times when data indicates impaired driving is most likely to occur. While primarily seeking to detect and interdict impaired drivers, the DWI/TS Officer will also focus on the dangerous driving behaviors of speeding, distracted driving and occupant protection.

The Minnesota DPS-OTS has a mandate to promote the safety of those who use public roadways. The National Highway Traffic Safety Administration (NHTSA) provides federal funding to the DPS-OTS to design and implement Minnesota's highway safety program to reduce traffic crashes and the deaths, injuries, and property damage resulting from those crashes to fulfill this mandate. The DPS-OTS and NHTSA seek to support a traffic safety program which:

- prevents injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits,
- encourages the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles,
- prevents injuries and deaths resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance,
- to prevent crashes and reduce injuries and deaths resulting from crashes involving motor vehicles and motorcycles,
- prevents injuries and deaths resulting from crashes involving school buses,
- prevents crashes resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles),
- improves law enforcement services in motor vehicle crash prevention, traffic enforcement supervision, and post-crash investigation procedures,
- increases driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities,
- improves driver performance through
 - driver education,
 - driver testing to determine proficiency to operate motor vehicles, and
 - driver examinations (physical, mental, and driver licensing),
- improves pedestrian performance and bicycle safety, and
- provides for
 - an effective record system of crashes (including resulting injuries and deaths),
 - crash investigations to determine the probable causes of crashes, injuries, and deaths,
 - vehicle registration, operation, and inspection, and
 - emergency services.

NHTSA requires the DPS-OTS to develop performance measure targets in key traffic safety behavior areas and report yearly on progress toward achieving our goals. These performance standards measure the level of Minnesota's success in moving the bar Toward Zero Deaths.

Enforcement Directives

The 2020 Minnesota Motor Vehicle Crash Facts data shows the hours between 5:00 p.m. and 5:00 a.m. as having the highest concentration of alcohol-related crashes. For that reason, to generate the greatest impact, the DWI TS Officer's work shift must be between those hours. Because the FY23 DWI TS Officer is expected to also focus on the dangerous driving behaviors of speeding, distracted driving and occupant protection, the FY23 DWI TS Officer's shift may start at 2:00 p.m. The DWI TS Officer will be required to be on active patrol a minimum of two Fridays and two Saturdays per month as part of the DWI TS Officer's impaired driving enforcement. The FY23 DWI TS Officers must use the Real-Time Officer Activity Reporting to log their grant activities. The FY23 DWI TS Officers are expected to utilizing the eCharging system for processing impaired drivers. The DPS-OTS encourages the DWI TS Officer to wear a High Visibility Enforcement safety vest during patrol activities. The DPS-OTS encourages the DWI TS Officer (when on duty) to participate alongside officers engaged in Saturation Enforcement Grant activities within the DWI TS Officer's home county. *Note: The grant funding covers personnel only, equipment will not be included with the 2023 DWI TS Officer grant, but will be a match amount criteria.*

The following days are required to be worked, unless the DWI TS Officer is on paid leave:

- February 12, 2023 (Super Bowl)
- March 17 or 18, 2023 (St. Patrick's Day)
- May 12 or 13, 2023 (MN Fishing Opener)
- One of July 1, 2, 3 or 4, 2023 (Independence Day)

Earned Media

Through earned media, the public can become aware of your agency's full-time DWI TS Officer and the consequences of driving while impaired. If your agency would like to propose a publicity plan using earned media, please include a detailed narrative with the application. The earned media plan is optional, however, if one is proposed, it will be included in the evaluation of your application.

Available Funding

Funding will be allocated through a competitive process with review by a committee representing content and community specialists with regional law enforcement knowledge. We expect to announce selected grantees in late December, 2022. If selected, you may only incur eligible expenditures when the grant contract agreement is fully executed and the grant has reached its effective date.

Type of Federal/State Funds

Funding provided by NHTSA includes the following types of funding:

- Section 405D – Impaired Driving (CFDA # 20.616)
For impaired driving enforcement.
- Section 402 PT – Police Traffic Services (CFDA # 20.600)
For speed, distracted and move over enforcement. These funds can also be used to support other campaigns as needed when approved by the DPS-OTS grant coordinator.

Amount of Grant Funds

Up to \$93,750.00per grantee

Approximate number of grants intended

6

General Funding Rules

DWI/TS Officer salary, including OT and fringe while performing duties related only to this grant.

Agency Match

Expenses that are paid for with state, county, municipal and/or private funding demonstrate a vested interest and commitment to the program and should be reported. Agencies should claim matching funds such as:

- Vehicle mileage calculated at the current IRS rate of (currently \$0.625/mile, but subject to change on 1/1/2023)
- Any time the DWI/TS Officer is on duty but is prompted to assist other officers
- Any agency expense incurred in support of this project (i.e., purchase of a dedicated patrol vehicle and/or equipment for a dedicated patrol vehicle)

Equipment

The project does not allow for the reimbursement of equipment.

Reimbursement of Funds

The grant will coincide with the federal fiscal year which begins October 1, 2022 and ends September 30, 2023, but will begin on January 1, 2023, and will cover funding for the salary of one full time DWI/TS Officer up to \$93,750.00. NHTSA guidelines stipulate that general types of police services normally provided to the public, cannot be reimbursed through grant funds (supplanting).

Agencies with a currently funded DWI/TS Officer are eligible to apply for a continuation and will be evaluated using the stated application data and on past performance. In order to receive any funding for the Federal Fiscal Year 2023, the agencies must submit an application. Applicant agencies must have a complement of at least 15 sworn peace officers.

The grant funds are to be used for DWI and Traffic Safety enforcement and are available on a cost reimbursement basis. Costs are reimbursed after they are incurred and paid by the grantee

agencies. As a result, applicant agencies must have “start-up” monies available. Recipients must submit invoices for reimbursement on a quarterly basis.

Officer time and fringe benefits that are reimbursed through this grant must be for actual hours spent on DWI and Traffic Safety enforcement and other eligible time as discussed on page 2.

Only the employer’s portion of fringe benefits is eligible for reimbursement. The State has an obligation to determine if costs to be reimbursed by this grant contract are reasonable. If requested, the grantee must furnish an explanation of the basis for such rates. Reimbursement requests will use the 2023 DWI/TS Officer invoice spreadsheet.

Administration of Grant

Administrator time will not be covered by the grant and should be calculated as agency matching funds.

Eligibility

Eligible applicants for this RFP are Minnesota city police departments, county sheriff’s offices, University police departments and Native American Tribal police agencies with a compliment of at least 15 sworn peace officers. Private companies and organizations are not eligible. Agencies applying must utilize the state’s e-Charging platform for processing impaired drivers.

County Population, VMT and Behavioral Measures from 2017-2021 crash data will be used to identify counties with the greatest need for FFY23 DWI/TS Officer grant funds. For greater impact in preventing traffic-related serious injuries and deaths, applications from counties with traffic deaths and serious injury yearly averages that are at or above 2017-2021 state averages will be given additional consideration.

Training Requirements

Officers and Deputies working enforcement activities funded by this grant must have at least 2 years-experience as a licensed peace officer and shall have completed the following training prior to working:

- IACP’s 16-hour Standardized Field Sobriety Testing (SFST) course
- IACP’s Advanced Roadside Impaired Driving Enforcement (ARIDE) or Drugs That Impair Driving (DTID)
- Minnesota’s Occupant Protection Usage and Enforcement (OPUE) course

Refreshers

Officers who last completed an SFST course of any kind before January 1, 2018, must complete an SFST Update class, the online ARIDE course and the online OPUE by January 1, 2023.

ARIDE Online – 6 POST credits

This course will instruct officers on the difference between alcohol and drug impaired drivers; how they are detected and what can be expected. Officers will learn the observable signs of seven major drug categories, medical conditions that mimic drug influence, and what they will see when they encounter drivers under the influence of specific drugs. This course may be used as ARIDE refresher.

- [Course access instructions](#)
- [Frequently asked questions.](#)

[OPUE Online](#)

This course is approximately three hours and will address seat belt, child restraint and air bag history and development. Officers will learn the engineering designs that makes these safety devices an important part of motor vehicles. Officers will be guided through the specifics about these safety devices and how they are protected both when they are occupants as well as when they respond to crashes.

If officers in your agency are unable to satisfy these training requirements, contact your DPS-OTS enforcement grant coordinator to request an exception. Potential reasons for exceptions include (but not limited to):

- Training is not available within a reasonable travel distance
- Low staffing levels
- Reduced training budget

The Office of Traffic Safety strongly supports enhanced traffic enforcement training. Given the current challenges several law enforcement agencies are facing, we realize these training requirements may prevent some officers from working grant-funded shifts during a time that traffic enforcement is needed more than ever. Any exception to the training requirements will only be for this federal fiscal year. ***The DWI/TS Officer/Deputy time for SFST, ARIDE, OPUE and their updates will be a reimbursable cost under this grant.***

Allocating Time

Straight Time – Shift time the DWI TS Officer spends working dedicated to impaired driving enforcement. This does not include time (beyond 15 minutes) to assist another officer.

15-Minute Rule – If a DWI TS Officer backs up a law enforcement partner during a call for service, which exceeds 15 minutes, the DWI TS Officer must close their ROAR log. A new log must be created when the DWI TS Officer returns to their grant-related duties. When the time exceeds fifteen successive minutes, it is an unallowable grant expense.

Overtime – will be included if it was required to complete a DWI TS Officer shift, (e.g., the DWI TS Officer is in the process of charging someone at regular shift ending time and needs to continue to work to complete the procedure, including reporting writing, property security, etc.)

Court time – is an acceptable use of funds for the agency's acting DWI TS Officer to attend court time outside of normal work schedules as long as it pertains to an incident that took place during the DWI TS Officer's tenure in this project.

SFST, ARIDE & OPUE training – Time for the DWI TS Officer to take required training to remain eligible to work enforcement activities.

Training – any training that is mandated for licensure and/or is required of all sworn personnel assigned to the agency's patrol division will be reimbursed.

Leave time – sick leave and vacation earned prior to the beginning of a DWI TS Officer's assignment to this project cannot be paid for with grant funds. Leave time accrued after the DWI TS Officer's tenure begins for this project are eligible for reimbursement

Compensatory time (comp time) will not be reimbursed with grant funds – The amount incurred at time earned, could potentially be expensed at a different rate. Also, there is no way of knowing when the DWI TS Officer will use comp time earned. Because of these reasons, compensatory time is not a reimbursable expense.

Community Education and Outreach – Up to three hours each month for community outreach and media opportunities are an allowable expense provided the DPS-OTS Grant Manager is consulted and gives approval.

OTS Required Meetings – Time for the DWI TS Officer to attend OTS required meetings requested by the DPS-OTS Grant Manager are reimbursable.

Reporting and Invoicing

Invoices and Progress Reports are required to be submitted via E-grants to the OTS on the following schedule:

- Jan. 23, 2023: All project activity between Oct. 1 and Dec. 31, 2022
- April 17, 2023: All project activity between Jan. 1 and March 31, 2023
- July 16, 2023: All project activity between April 1 and June 30, 2023
- Oct. 22, 2023: All project activity between July 1 and Sept. 30, 2023

Final Report Requirement

A final report provides a summary of grant activity during the federal fiscal year. The final report is due Oct. 22, 2023, and should include the following:

- Review of activity
- Review of goals and objectives
- Review of the budget and performance measures
- Media and community outreach activities
- Describe successes and challenges

Collaboration

Grantees are required to meet (either in-person or virtually) with their DPS-OTS grant coordinator during the grant period. Successes and challenges will be discussed and well as a review of progress made toward meeting agency goals.

Problem Identification

The State submits a Highway Safety Plan (HSP) to the National Highway Traffic Safety Administration (NHTSA). The HSP documents the State's highway safety program that is data-driven in establishing performance targets and selecting the countermeasure strategies, planned activities and projects to meet performance targets. The HSP includes a description of the data sources and processes used by the State to identify its highway safety problems. The OTS uses several crash data sources to determine a county's problem identification.

Minnesota’s Commitment to Diversity and Inclusion

The State of Minnesota DPS/OTS values diversity and inclusion and will take that into consideration. [County Population, VMT Behavioral Measures](#) (2017-2021) see equity tab.

State and County Crash Data

Review [Crash Facts 2020](#) and [County-Specific Fact Sheets](#). This will help to determine your DWI/TS Officer. Additional [Reports and Statistics](#) can help plan your grant activities. If your county’s data differs from statewide data, contact your grant coordinator to discuss changes to your work plan.

DWI Dashboard

Maps DWI’s, severe and fatal crashes throughout Minnesota which helps law enforcement agencies coordinate and plan enforcement efforts. DWI Dashboard can be found on MyBCA.

Additional Crash Data Resources

- [County Population, VMT Behavioral Measures](#) (2017-2021)
- [Worst Alcohol Counties](#) (2017-2021)

Occupant Protection

- In the past five years (2017-2021) 1,345 motor vehicle occupants died on Minnesota roads
Of those fatalities, 463 (34%) did not use their seat belt
- Of occupants who were ejected from their vehicle and killed, 67% were unbelted
- Recent year-over-year unbelted trends are alarming
 - 2020 was up 44% from 2019
 - 2021 was up 8% from 2020
- Unbelted fatalities occur almost equally between daytime/sunrise (50.2%) and sunset/nighttime (48.7%)
- Of MVO fatalities occurring at nighttime, 41% were unbelted
- Seatbelt usage is higher in daytime hours.

Killed MVOs by Belt Status and Light Condition

Belt Status	Daylight		Sunrise		Sunset		Dark		Other/Unk		Total (2017-2021)	
	N	%	N	%	N	%	N	%	N	%	N	%
Not Used	217	29.0%	15	44.1%	17	34.7%	208	41.4%	5	50.0%	462	34.4%
Unknown	106	14.2%	7	20.6%	8	16.3%	109	21.7%	2	20.0%	232	17.3%
Used	425	56.8%	12	35.3%	24	49.0%	186	37.0%	3	30.0%	650	48.4%
	748	100.0%	34	100.0%	49	100.0%	503	100.0%	10	100.0%	1,344	100.0%

Grant Monitoring

[Minn. Stat. §16B.97](#) and [Policy 08-10](#) Grant Monitoring require the following:

- One monitoring visit during the grant period on all state grants of \$50,000 and higher
- Annual monitoring visits during the grant period on all grants of \$250,000 and higher
- Conducting a financial reconciliation of grantee's expenditures at least once during the grant period on grants of \$50,000 and higher. For this purpose, the grantee must make expense receipts, employee timesheets, invoices, and any other supporting documents available upon request by the State.

Application Process

The application and 2023 Work Plan (link to your grant's work plan) can be found in E-Grants, and completed in its entirety.

If the application is accepted, the agency's authorized representative and/or financial officer will be responsible for compiling information and submitting plans, reports, and invoices to the DPS-OTS.

Certifications

Program guidelines and federal audit requirements must be distributed and acknowledged by subcontractors or Partner Agencies. Subcontractors and partner agencies must sign that they agree to the certifications and assurances for federal highway safety grants.

A section within E-grants application will be provided for the information needed from applying agencies.

- Program Guidelines (Attachment A)
- Terms and Conditions (Attachment B)
- Federal Audit Requirements (Attachment C)

Risk Assessment

If the grantee will distribute the funds it receives from this grant to another entity for a purpose not related to procurement, the grantee must provide the DPS-OTS Coordinator with a risk assessment of that entity to be reviewed and signed by DPS-OTS.

Resolution Process

Before a grant may be executed, the lead agency mentioned in the application must provide the DPS-OTS with a resolution from the appropriate city council or county board authorizing its participation in the program. This agency must obtain a resolution from their city council or county board authorizing them to participate in the grant and indicate who is authorized to sign the grant agreement unless the officials below are signing the grant agreement:

- Statutory Cities - Mayor and City Clerk
- Counties - Board Chair and Clerk of the Board

The sample resolution (link to sample resolution) will ensure acceptability by DPS-OTS and quicker processing of awarded grants. Including a grant dollar amount in the resolution will cause problems if the amount awarded is different than the amount requested. If your council or board requires a specific amount, include "or a lesser amount as awarded by the Department of Public Safety" added after the amount is specified. Including the proper name of an authorized official, rather than just a title, will cause problems if the person in that position or

office changes. If your council or board requires a specific name as well as title, include “or (his or her) successor (on staff or in office)” added after the name is specified.

Selection Criteria and Weight

Each application will be reviewed by a team at the DPS-OTS. The review committee will review each applicant on a 100-point scale. Items that will be evaluated in the review process include:

- Problem Identification (25/100)
- Performance measures outlined in the work plan (30/100)
- Equity Score by County (10/100)
- Previous grant performance if/when applicable (25/100)
- Additional program-specific criteria (10/100)

Negotiations on applications may occur; clarification may be needed, hours, plans, or budgets may be modified. Applications must be submitted to the DPS-OTS via [e-grants](#) by 4:00 p.m. on (Friday, December 2, 2022).

Review Process and Timeline:

Once the applications are submitted via e-Grants, the review committee has approximately 2 weeks to evaluate the grant applications, and will respond via email to the applicant no later than (Friday, December 16, 2022).

Questions regarding the application and evaluation process must be directed to Duane Siedschlag, by 10:00 a.m., (Friday, November 25, 2022). Answers to questions that are not specific to a proposal will be posted to the DPS-OTS [Website](#) within approximately three business days.

Termination of a Grant

A grant may be cancelled by the DPS-OTS if any of the following occur:

- The grantee failed to have activity during a complete quarter unless approved in advance by the DPS-OTS grant coordinator
- The Financial Status Reports (invoices) were submitted one month late at least two times during the grant year unless the grantee was given prior approval from the DPS-OTS coordinator
- Two Financial Status Reports were submitted that included ineligible costs.
- Other breaches of laws, requirements, rules or procedures by the grantee.

A grantee is responsible for letting the DPS-OTS coordinator know whenever the project director will be away from work for fourteen consecutive days or more and for providing the coordinator with contact information on an interim project director during that time period.

These rules will not be in effect in the case of a grantee agency affected by an emergency or natural disaster (such as a major fire, flood or tornado). Having a critical staff person or project director quit or otherwise leave is not a natural disaster. If a critical person leaves, the grantee is responsible for notifying their DPS-OTS coordinator and working out a timeline by which duties, reports, and invoices will be resumed with him or her and obtaining that coordinator’s written approval of the plan.

Grant Application Instructions

Responses to the RFP will be submitted as an application through [e-grants](#). If you are new to the system click on the [New User link](#), on the E-Grants log in page, fill out the form and save. Your request will be reviewed by DPS within a day or two. Instructions on how to use E-Grants are located on the E-Grants home page under Training Materials.

Complete the following sections in the application:

Certifications - Complete the form in e-Grants

By submitting the application, the authorized representative for the applicant organization acknowledges that the following documents have been read in their entirety and acknowledges that the documents will be incorporated in the grant agreement if funds are awarded to the organization:

- 2023 DWI/TS Officer Second Chance Request for Proposal
- Grant Program Guidelines (Attachment A)
- Terms and Conditions (Attachment B)
- Federal Audit Requirements (Attachment C)
- Approved Work Plan
- Approved Budget

Agency Information - Complete the form in e-Grants

The fiscal lead of the grant is the agency that is applying to enter into the grant agreement with the DPS-OTS and is the legal applicant responsible for fiscal oversight of the project.

Pre Award Risk Assessment (Grantee) - Complete the form in e-Grants

The federal government requires a pre-award risk assessment for all agencies receiving funds as part of the grant.

Pre Award Risk Assessment (OTS Coordinator) – Your DPS-OTS Coordinator will complete this section.

Entity SAM Snapshot - Your DPS-OTS Coordinator will complete this section.

A System for Award Management (SAM) registration is required for businesses to do federal contracting and for nonprofits to receive grants. The fiscal lead agency must be registered in the sam.gov website.

Budget

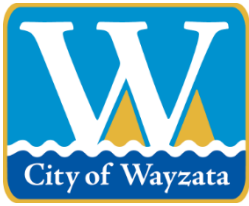
These budget amounts from the work plan must be entered into the budget page in e-Grants. In e-Grants, there are two amounts to enter for each budget item. One is the budgeted amount and the other is the amount for match; funding provided by local agencies for costs not covered by the grant including mileage. Fill in a \$0.00 in the match line, but you will still be able to report match during the quarterly invoicing process.

Budget Summary

This page is populated from the information entered into the budget in e-Grants.

Signature Option

The DPS allows acceptance of grant agreements and amendments using several signature options. Indicate the type of signature you will use to sign the grant agreement if funds are awarded.



City of Wayzata City Council Agenda Report

MEETING DATE: January 18, 2023	AGENDA ITEM: 8.a
TITLE: Consider Adoption of Resolution 03-2023 Approving Variance at 247 Central Avenue South	
PROPOSED MOTION: To Adopt Resolution 03-2023 Approving Variance at 247 Central Avenue South	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director, Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff and the Planning Commission recommend adoption of Resolution 03-2023 Approving Variance at 247 Central Avenue South

FINANCIAL OR BUDGET CONSIDERATION:

Other than associated building permit fees, there are no budget considerations.

BACKGROUND:

Owner Olivia Adams, with applicant's representative Amanda Adams, have submitted an application to reduce the front yard setback of the home at 247 Central Ave S in order to facilitate a covered porch to be built on an existing deck. While the deck is allowed to encroach five feet into the setback, a covered porch would not, necessitating the variance.

A public hearing was conducted at the Planning Commission meeting on December 5, 2022. The Planning Commission unanimously recommended approval of the application. Supporting documents of the recommended approval are attached.

ATTACHMENTS:

1. Resolution 03-2023
2. 247 Central Ave S - Planning Commission Report and Recommendation
3. 247 Central Ave S - Staff Report
4. 247 Central Ave S - Planning Commission Meeting Minutes Excerpt
5. 247 Central Ave S - Narrative
6. 247 Central Ave S - Proposed Site Plan
7. 247 Central Ave S - Home Plans

RESOLUTION NO. 03-2023**RESOLUTION APPROVING VARIANCE,
AT 247 CENTRAL AVENUE SOUTH**

WHEREAS, Olivia Adams (the “Applicant”) has submitted a development application (the “Application”) requesting a 5.5 foot variance from the applicable front yard setback (the “Variance”) to enable a covered porch to be added to the existing home on the property at 247 Central Avenue South, which is legally described on Attachment A of this Resolution (the “Property”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application on December 6, 2022, and adopted a Report and Recommendation to the City Council to approve the Application on January 4, 2023, a copy of which is attached to this Resolution as Attachment B (the “PC Report and Recommendation”).

NOW THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

A. Based on the Application materials, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Zoning Ordinance, and the findings and recommendations of the PC Report and Recommendation, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application meets the applicable standards and requirements of Wayzata’s Zoning Ordinance.

B. Based on the foregoing, the Variance is hereby **APPROVED**, subject to satisfaction of the following conditions:

1. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes, tree preservation and land use regulations, and City Code and policies applicable to days and times of work, and construction management.
2. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 18th day of January 2023.

Johanna Mouton, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 18, 2023.

Kathy Leervig, City Clerk
SEAL

Attachment A
Legal Description of Property

Attachment B
PC Report and Recommendation

Attachment A
Legal Description and Property Information

Address	247 Central Ave S., Wayzata, MN 55391
PID	0611722410039
Legal Description	Lot 2, Block 54, Minnetonka Arlington Heights
Abstract or Torrens?	Abstract
Certificate No.	N/A

DRAFT

Attachment B
PC Report and Recommendation

DRAFT

WAYZATA PLANNING COMMISSION

January 4, 2023

**REPORT AND RECOMMENDATION OF APPROVAL
OF FRONT YARD SETBACK VARIANCE
AT 247 CENTRAL AVENUE SOUTH**

SUMMARY OF RECOMMENDATION

Approval* of Variance from Front Yard Setback

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. The applicant and Property owner, Olivia Adams, (the “Applicant”) has submitted a development application (the “Application”) requesting a 5.5 foot variance from the applicable front yard setback to enable a covered porch to be added to the existing home on the property at 247 Central Avenue South (the “Property”).
- 1.2 Application Request. The Applicant is requesting approval of a variance of five and a half (5.5) feet from the twenty (20) foot front yard setback requirement of Section 955.06.B.A of the Zoning Ordinance to allow a covered porch fourteen and a half (14.5) feet from the east (front) property line (the “Front Yard Setback Variance”).
- 1.3 Property. The street address, property identification number and owner of the Property are as follows, and the legal description of the Property is attached.

247 Central Ave S	06-117-22-41-0039	Olivia A Adams
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- 1.4 Land Use. The Property is zoned and guided as follows:

Zoning:	R-3A / Single and Two Family Residential District
Comp Plan:	Central Core Residential
Overlay District:	N/A

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on November 24, 2022 and mailed to all property owners and renters located within 500 feet of the Property on November 22, 2022. The public hearing on the Application was held at the December 6, 2022 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Front Yard Setback Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
 - F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff report, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Setback Variance. The Front Yard Setback Variance requested is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. The following conditions are met for the Front Yard Setback Variance:
- A. The Front Yard Setback Variance requested is reasonable, due to circumstances related to the unique conditions of the Property noted below; the size, topography and orientation of the lot relative to adjacent lots; and a desire to improve but maintain the character of the Property.
 - B. The Property's unique topography including steep grade, smaller lot size, and position of the existing home on the lot, all create practical difficulties in complying with the applicable front yard setback.
 - C. If granted, the Front Yard Setback Variance would not alter the essential character of the locality that includes two other similar properties with smaller historic, single family homes, and a variety of larger single family residences in the neighborhood. The Front Yard Setback Variance would only allow for covering a deck that already exists on the Property and a covered porch would add unique architectural character to the home and neighborhood.
 - D. The practical difficulties necessitating the Front Yard Setback Variance are not solely economic in nature. The unique conditions of the Property noted above, and a desire to maintain the smaller home on the Property, are all significant factors in the practical difficulty of meeting the ordinance requirements.
 - E. The proposed uses of the Property are permitted within the R-3A District.
 - F. The Applicant has provided the reasons that the Front Yard Setback Variance is justified under applicable criteria in order to make reasonable use of the land, structures and building on the Property.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of the Front Yard Setback Variance, subject to the following conditions:
- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes, tree preservation and land use regulations, and City Code

and policies applicable to days and times of work, and construction management.

- B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 4th day of January 2023.

DRAFT

Attachment A
Legal Description of Property

Address	247 Central Ave S., Wayzata, MN 55391
PID	0611722410039
Legal Description	Lot 2, Block 54, Minnetonka Arlington Heights
Abstract or Torrens?	Abstract
Certificate No.	N/A

DRAFT



**Staff Report
Wayzata Planning Commission
December 5, 2022**

Project Name: 247 Central Home Addition
Addresses of Request: 247 Central Avenue South
Approval Request: Setback Variance
Property Owner: Olivia Adams
Contact Person: Amanda Adams
Prepared by: Valerie Quarles, Assistant Planner
“120 Day” Decision Deadline: March 10, 2023

Development Application Introduction

The owner at 247 Central Ave S has submitted an application for a front yard setback variance of 5.5 feet. The setback variance would enable a screened porch to be added to the existing home.

The property identification number and owner of the properties are as follows:

Address	PID	Owner
247 Central Ave S	06-117-22-41-0039	Olivia A Adams

The current zoning and comprehensive plan land use designation for the property is as follows:

Current Zoning:	R-3A Single and Two Family Residential
Comprehensive Plan Designation:	Central Core Residential
Overlay Districts:	N/A
Design District:	N/A

Project Location

The parcel is located on the west side of Central Avenue South, between Circle Drive East and Wise Avenue South/Lasalle Street.

Map 1: Project Location



Source: Hennepin County

Application Requests

As part of the development application, the applicant is requesting approval of the following item:

1. Variance – Front Yard Setback (§955.06.B.A): The applicant is requesting a variance of 5.5 feet from the required front yard setback of 20 feet in order to build a covered porch 14.5 feet from the east (front) property line.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on November 24, 2022. The public hearing notice was mailed to all property owners and renters located within 500 feet of the subject property on November 22, 2022.

Neighborhood Notification

The applicant sent a neighborhood notification letter regarding the proposal to all property owners within 500 feet from the subject property in Wayzata on November 28, 2022 due to logistics surrounding the Thanksgiving holiday. (Typically, the applicant's neighborhood notice is mailed 10 days ahead of the public hearing.) A neighborhood meeting was not required per the Neighborhood Notification and Meeting Policy.

Public Comment

As of December 1, one public comment has been received from a neighbor in support of the project.

Existing Conditions

The existing developed lot is 6,927 square feet (0.16 acres) in area. The existing home was built in 1947 and is a one story structure with a basement. An addition to the rear of the house is in progress and a deck on the front of the home was constructed in 2022. The finished space on the first floor of the home will total 728 square feet and the unfinished basement is 410 square feet in area. The existing lot coverage is 11.4%, and the existing impervious surface (excluding the deck) is 17.3%.

The property is also in the process of executing Land Disturbance and Right of Way Encroachment permits issued in October of this year, which permits improvements to the right of way in front of the home. Because the home has no garage, occupants park directly next to the street in a flat area adjacent to a retaining wall. Neither these permits nor the building permit for the addition have reached the final inspection stage.

Zoning District

The site is zoned R-3A Single and Two Family Residential. The purpose of this district is to provide for high-density single-family dwelling units in the community's oldest neighborhoods. Single family detached dwelling units are permitted uses.

Land Use Designation

The 2040 Comprehensive Plan land use designation for the site is Central Core Residential. This category represents the single-family residential development located in the central core of Wayzata. This category includes smaller lot sizes, with densities of 3 to 6 units per acre. Single-family units are the primary use within this land use designation.

Project Proposal

The applicant is proposing to enclose a recently built deck on the front of their home to create a screened porch. The current deck extends 8 feet in front of the home, spanning the length of the home (32.7 feet), and extends 5.5 feet into the front yard setback of 20 feet. While the deck is permitted to encroach upon the front yard setback up to 5 feet, a roofed structure is not permitted to encroach without a variance. Therefore, enclosing the deck requires a setback variance. The deck also currently encroaches 6 additional inches into the required setback.

The current deck sits upon posts and no support changes are anticipated for the porch. Any proposed eaves on the structure are permitted to encroach a maximum of 2.5 feet into the approved setback. The stairs as proposed are also permitted within the setback.

	Requirement (R-3A)	Current Home	Proposed
Lot Size	9,000 square feet	6,927 square feet	No change
Lot Width	60 feet	70 feet (max.) 56 feet (min.)	No change
Lot Depth	100 feet	126 feet (max.) 94 feet (min.)	No change
Front Setback	20 feet	22.7 feet (home) 14.5 feet (deck)	14.5 feet (home)
Side Setback	10 feet	13.0 feet (north) 18.9 feet (south)	No change
Lot Coverage	30%	11.36%	15.14%
Impervious Surface	35%	17.27%	21.83%

Trees

No trees are proposed to be removed for this project.

Stormwater

No new stormwater mitigation techniques are proposed as the sites comply with hardcover limits.

Engineering Department Comments

The deck, covered or uncovered, does not impact the right of way (ROW) and the recently approved Encroachment Permit (for retaining walls, stairs, and driveway in the ROW). The plan submitted generally shows grading that is consistent with the recently approved Land Disturbance Permit, which authorized grading around the addition on the west side of the existing house and changes to the retaining walls, stairs, and driveway in the Central Avenue right of way.

Standards of Planning Commission Review of Application Requests

Primary Questions to Consider:

1. Is the proposal consistent with the Comprehensive Plan?
2. Is the variance reasonable?
3. Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?
4. Would the variance alter the essential character of the locality?

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the proposed variance, for review and adoption at the next Planning Commission meeting.

Attachments

1. Narrative
2. Survey of Existing Property and Proposed Site Plan
3. Home Plans

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. Staff has highlighted in **bold** the criteria that may require additional discussion with the Planning Commission.

2040 Comprehensive Plan – Residential Goals

- **Maintain and enhance the character, diversity, and livability of all residential neighborhoods.**

Variance Criteria (§905.01.C)

The purpose of this Section is to provide for deviations from the literal provisions of this Ordinance in instances where strict enforcement of the provisions of this Ordinance would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when the variances are in harmony with the general purposes and intent of this Ordinance, and the variances are consistent with the Comprehensive Plan.

1. Variances shall only be permitted when they are:
 - a) In harmony with the general purposes and intent of this Ordinance; and
 - b) Consistent with the Comprehensive Plan.
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - a) **The property owner's proposal for the property is reasonable but not permitted by this Ordinance;**
 - b) **The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
 - c) **The variance, if granted, will not alter the essential character of the locality.**
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, Subd. 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

1
2 **a) Consider Development Application for Front Yard Setback Variance at 247**
3 **Central Avenue South**
4

5 Assistant Planner, Valerie Quarles, stated that the property owner, Olivia Adams had submitted a
6 development application for a Front Yard Setback Variance at 247 Central Avenue South. Planner
7 Quarles reviewed the project location, the zoning and land use in the surrounding neighborhood,
8 existing conditions, and the plan to cover and screen the recently built deck which requires a front
9 yard setback variance. She reviewed the comments given by City Engineering, the neighborhood
10 notification methods, and the questions the Commission should consider as they review this
11 variance request.

12
13 Chair Parkhill asked if the Commission had any questions for Staff.

14
15 Commissioner Douglas asked about the plans for screening the porch and if modifications were
16 made in the future, if they would have to come back before the Commission for approval.

17
18 Planner Quarles stated that they would not need to come back before the Commission and
19 explained that when the City does variances for encroachments, it does not matter either way. She
20 explained that the City would still require this variance even if there were no walls at all because
21 the variance is needed mostly because there is a roof. She clarified that they could enclose it and
22 have it become part of the house, and they would not need to come back before the City for
23 approval because it would not change the request.

24
25 Commissioner Stockton asked if the foundations for the deck were existing.

26
27 Assistant Planner Quarles stated that the foundations exist because the deck was just built within
28 the City's building permit process. She stated that if this variance request is not approved, the
29 house would just have a deck.

30
31 Commissioner Severson asked about what size this lot 'should be' since Assistant Planner Quarles
32 had noted that it was undersized.

33
34 Assistant Planner Quarles explained that this is a tough neighborhood because there is not really a
35 'should be' size as there are so many different sized parcels. She noted that the minimum for R-
36 3A is 9,000 square feet, and stated that the parcel generally meets all the other requirements for
37 things like width and depth.

38
39 Commissioner Sorensen asked about the roof line, and if the intent was still to enclose the space.

40
41 Assistant Planner Quarles stated that was correct and, if approved, there would be a slightly more
42 shallow roof structure that goes over the deck, and that they will not need to make many
43 modifications to the existing roof.

44
45 Commissioner Merriam stated that it appears that the current deck, as built, encroaches into the
46 setback and asked if they needed permission from the City in order to do that. She asked if this

1 process was handled correctly and asked if it should have actually gone through an approval
2 process.

3
4 Assistant Planner Quarles admitted that it may have been an error on her part during the plan
5 review. She explained how she had reviewed the setback and that it was off by 6 inches.

6
7 Chair Parkhill asked about the mailed notifications. He stated that his understanding is that they
8 need to be mailed out ten days prior to the public hearing and with these being mailed out
9 November 28, 2022, that would not have been ten days between that date and today.

10
11 Assistant Planner Quarles explained that due to the Thanksgiving holiday, the City was still
12 coordinating the mailing with the applicant before City Hall was closed. She stated that the mailing
13 did go out late, but the other City notifications and details went out a few days before
14 Thanksgiving.

15
16 Chair Parkhill asked about the legal requirements for the Commission in this situation.

17
18 Assistant Planner Quarles explained that the City's legal requirement is to get notification out ten
19 days in advance, which did happen, but the notification from the applicant went out a few days
20 late. She noted that the notification from the applicant going out ten days in advance is a City
21 policy.

22
23 City Attorney Schelzel stated that he believes Assistant Planner Quarles summarized the
24 notification requirements correctly and noted that he would be concerned if the City was not
25 following the statutory requirements of giving ten days-notice. He explained that there is less of
26 a concern with the City's policy and noted that as far as City staff knows, the neighbors did receive
27 notice of the public hearing from the City and have the opportunity to speak at the public hearing.

28
29 Assistant Planner Quarles reiterated and clarified that the City sent out their notice of this public
30 hearing ten days in advance, but the notification from the applicant to neighbors was sent out a
31 few days late.

32
33 Commissioner Schwalbe asked if the deck had already been constructed.

34
35 Assistant Planner Quarles stated that construction is in progress.

36
37 Commissioner Sorensen asked if there was a time limit on when a variance can be incorporated
38 into their actions.

39
40 Assistant Planner Quarles explained that she believes it is one year.

41
42 There being no further questions for staff, Chair Parkhill invited the Applicant to address the
43 Commission.

44
45 Mandy Adams, 309 Ramsey Road, stated that the applicant is her daughter, Olivia. She explained
46 that this home is one of three little fish houses in the neighborhood. She stated that prior to the

1 addition, the home was just 459 square feet. She noted that because the house is perched up on a
2 hill, there is quite a nice vista which is where the thought came about for having a screened porch
3 instead of just a deck. She explained that her daughter has no desire to live in a larger home and
4 enclosing this space, but noted that she could not speak for any future owners of the property.

5
6 Commissioner Schwalbe asked if Ms. Adams' daughter was currently living in the home.

7
8 Ms. Adams stated that the home is currently not livable so she has not yet moved in.

9
10 Commissioner Merriam asked if, in the future, someone who purchases the property and decides
11 that they want to start over, whether they would be held to the original setback or not.

12
13 Assistant Planner Quarles stated if a new owner decided to tear down and rebuild, they would be
14 held to the original setbacks.

15
16 Community Development Director Goellner stated that this variance request is very specific to the
17 porch and would suggest that the Commission look at it from that point of view because that is the
18 application that is in front of them.

19
20 There being no additional questions from the Commission for the Applicant, Chair Parkhill opened
21 the public hearing on the application at 7:22 p.m.

22
23 Bruce Feik, 1113 LaSalle Street, stated that the note he has is that this porch would encroach by 5
24 feet, not 6 inches and asked for an explanation.

25
26 Chair Parkhill explained that the variance request is for 5.5 feet.

27
28 Commissioner Merriam stated that a deck is allowed to encroach by 5 feet, so the error was that
29 the encroachment measurement was off by 6 inches.

30
31 Mr. Feik stated that the retaining wall that has been built is fairly massive and if you look at
32 screening in the deck with the potential to fully enclose it at a later date, he feels the massing will
33 be quite a bit more than what the photos show. He expressed concern that this is not a 'normal'
34 homeowner because they are developers/builders and his understanding is that this property will
35 be used as a VRBO and not be owner occupied. He stated that the home next door is also a VRBO
36 that is frequently rented. He stated that he may feel differently if this variance was being done for
37 an owner occupied resident. He stated the applicant purchased this house with the knowledge that
38 it was a small lot and explained that he had done a large renovation on his own property a few
39 years ago and was able to stay within all the zoning requirements. He stated that he does not see
40 a reason for the City to allow this request and urged the Commission to vote in favor of denial.

41
42 Steve Niehaus, 310 Wise Avenue, stated that he is in support of approving this variance because
43 the first renovation at 247 was an outstanding renovation that added character, quality, and value
44 to the neighborhood. He stated that as stated by Mr. Feik, it is a VRBO, but is high quality at
45 \$3,600/month that is always rented out and they have never had any issues with the renters. He
46 stated that he assumes that the renters have been well-screened and noted that he had talked to

1 some of them and explained that they have been outstanding individuals. He stated that he is going
2 on the assumption that this second house, and eventually the third house, will be the same. He
3 stated that he felt the proposed plans would just add more character and value to the neighborhood.
4 He stated that a small variance like this is not a big issue when it will add charm, character, and
5 value to the neighborhood, but noted that he would like to make sure the City Council addresses
6 VRBOs in the City. He explained that the three in the area handled by Ms. Adams have had
7 excellent renters due to their screening process, but noted that there are about 4-5 others in the area
8 that do not follow the same screening process and have not had such good renters and issues with
9 upkeep of the properties. He stated that it is fairly obvious that the problem renters have been
10 there for bachelor parties or weddings, and it is obvious that they are to party. He stated that these
11 are all within a few blocks of their neighborhood and does not want one bad apple to ruin the whole
12 thing, and reiterated that this is an issue that the City Council needs to address.
13

14 Applicant's representative Ms. Adams returned and explained that their daughter did not buy the
15 house as a VRBO ,and noted that it is only advertised on Airbnb. She explained that her daughter
16 had lived in that house but is currently in graduate school in California. She stated that the home
17 allows people to come and visit Wayzata in order to see their family, and explained that the renters
18 have mostly been older people. She explained that the current upstairs guest is there for 7 months,
19 and the downstairs guests are there for 5 months. She explained that the downstairs guests were
20 building a home in the City, and the upstairs guest is an older women who is here to spend time
21 with her family. She stated that to her knowledge, there are not as many Airbnb properties as was
22 mentioned by Mr. Niehaus. She clarified that this application does not have anything to do with
23 Airbnb because their daughter, Olivia, grew up in the City and would like to have a home in the
24 City. She explained that while her children are in college or graduate school, they are unable to
25 live in the houses. She stated that many of the homes in the area are rentals, and gave examples
26 of some that have had frequent police visits even though they are renting the homes on a yearly
27 basis. She clarified that she does not own the properties and was just here representing her
28 daughter.
29

30 Commissioner Schwalbe asked if Ms. Adams daughter intended to live in this house.

31 Ms. Adams stated that, at some point, her daughter intends to live in this home.
32
33

34 Commissioner Schwalbe stated that one of the gentlemen mentioned the three homes and asked if
35 Ms. Adams' family owns all three homes.
36

37 Ms. Adams explained that she has three children and those children own these properties
38 separately. She reiterated that she does not own any of these properties. She clarified that she has
39 no ownership in them, nor does she run them or have any say in decisions made for the properties.
40 She stated that the only thing she is involved in is the work for the renovations.
41

42 Assistant Planner Quarles stated there were no people that called in to the meeting that have asked
43 to speak at the public hearing.
44

45 There being no one else wishing to provide public comments on the application, Chair Parkhill
46 closed the public hearing at 7:33 pm.

1
2 Chair Parkhill asked for the Commission to share their questions and feedback on the application.

3
4 Commissioner Douglas stated that this request has turned out to be more complicated than when
5 she studied it and asked if the property owner had to submit the application for the property.

6
7 Assistant Planner Quarles stated that was correct, and confirmed that the property owner did
8 submit the application. She explained that many times with this type of application, the owner
9 will sign off on the development application and have a representative for the application that
10 handles the majority of the speaking on behalf of the applicant.

11
12 Commissioner Douglas asked how in a case like this, the Commission would know the owner's
13 intention would be if they are not here to speak.

14
15 Assistant Planner Quarles explained that the representative was here to represent the applicant and
16 their intention. She reiterated Community Development Director Goellner's reminder that the
17 only thing being considered today is the front yard setback variance for a porch. She explained
18 that at the end of the day, the owners intention does not particularly matter when they are restricted
19 to staying within the bounds of whatever the variance is or isn't.

20
21 Commissioner Stockton asked if it would need to be a 3 foot covered porch in order to comply
22 with the City requirements.

23
24 Assistant Planner Quarles stated that this was correct.

25
26 Commissioner Severson asked if the applicant could come back at another time and ask for a
27 variance, and whether a no now would mean no forever.

28
29 Assistant Planner Quarles stated that if a variance request is denied and they want to come back
30 with a similar request there is a waiting period of one year. She stated that if they apply for a
31 variance that is substantially different then there is no waiting period for that request.

32
33 Commissioner Schwalbe asked if there was any plan in place for the City to take a look at the
34 VRBO and rental issue that was brought up by Mr. Niehaus.

35
36 Assistant Planner Quarles explained that it has been discussed and came up mostly when the Super
37 Bowl was in town. She noted that staff has been waiting for direction from the Council on whether
38 to examine this issue more closely, which has not happened.

39
40 Community Development Director Goellner stated that Council did discuss the topic earlier this
41 year when they took a look at Accessory Dwelling Unit regulations, and they found there were
42 really not enough active listings that were causing a large enough conglomeration of short term
43 rentals to flip a neighborhood from being mostly owner-occupied to short term rentals. She stated
44 that essentially the message from Council was that it had not risen to the point where it needed to
45 be something that the City should regulate. She stated that if there is any resident experiencing
46 problems, she would encourage them to call the police to address the issue.

1
2 Commissioner Sorensen stated that he has not been surprised by the conversation that has taken
3 place along with this application. He stated that he understands keeping the variance request
4 separate from the rental issue may be difficult, but he feels the rental issue may be more of a policy
5 issue. He stated that he feels the Commission should be careful, in general, of approving variances,
6 but in this particular case, he would applaud the applicant because he feels the improvements that
7 have been made in the house have been very positive and have much improved the neighborhood.
8 He stated that this home is elevated from the street and he may feel differently if it were right down
9 at street level, but he feels this is a reasonable request. He stated that the concerns raised about
10 the rentals are valid because in this case there are owners who are carefully screening renters, but
11 that may not always be the case, so he is in favor of encouraging the City Council to discuss this
12 issue in more detail. He reiterated that he does not have a problem with this variance request.
13

14 Commissioner Schwalbe stated that she stopped by the property today and did not know that there
15 was any relationship to the home next door. She stated that she took a look at the other home and
16 thought that they had done a great job remodeling that property. She stated that she is impressed
17 by Ms. Adams being involved in the remodeling and making sure that this is a quality project. She
18 stated that she agreed with the sentiment shared by Commissioner Sorensen about the house being
19 elevated making a difference, because it minimizes the impact of the setback issue. She stated that
20 she does not have an issue with the request and if it ends up looking as good as the one next door,
21 she feels it will be a real asset to the area.
22

23 Commissioner Douglas stated that she agreed with the comments that have already been made and
24 was also glad the City is keeping the smaller homes. She stated that it meets a need and also meets
25 the guidance of the Comprehensive Plan. She agreed with the comments made that there is some
26 charm to what is being done to improve the property and can vote in favor of the variance request.
27 She stated that she lives in a townhome association and they just held their annual meeting. She
28 explained that they discussed the trend of single family home ownership decreasing. She stated
29 that there is a trend of companies buying these properties and renting them out and believes it is
30 something that the City needs to take a closer look at. She explained that her townhome association
31 allows rentals, but noted that the monthly cost is over \$4,000. She stated that the rentals have
32 brought in nice people, but feels that it does not bring with it a feel of community as it would with
33 someone who owns a home. She stated that she would also urge the Council to take a look at this
34 issue more closely. She stated that with the concentration of rental units in this particular
35 neighborhood, she feels some of that community feeling is lost.
36

37 Commissioner Severson stated that she agreed with the comments that have already been made.
38 She explained that she did not love the idea of adding more VRBO properties to the neighborhoods,
39 but understands that is not the issue that the Commission is here to discuss. She noted that one of
40 the speakers at the public hearing brought up a concern about massing, but across the street, there
41 are very large, brand-new homes, so she does not feel that massing is in issue with this request and
42 she likes saving old homes in the City.
43

44 Commissioner Merriam stated that she agreed with a lot of what has already been said. She stated
45 that she feels the renovation will add charming character and allows for a variety of housing
46 options in the City. She stated that this home preserves a small single family home which is what

1 she feels is lacking most in the City. She stated that she would also recommend approval of this
2 request.

3
4 Commissioner Stockton stated that she agreed with everything already shared by the Commission
5 and thinks this is a beautiful project.

6
7 Chair Parkhill stated that he also feels the Commission should be very careful with variances. He
8 stated that he loves the idea of allowing younger people being able to come in and have a small
9 home in the City.

10
11 There being no further discussion, Chair Parkhill asked for a motion on the application.

12
13 Commissioner Stockton made a motion, seconded by Commissioner Douglas, to direct staff to
14 prepare a draft Planning Commission Report and Recommendation with appropriate findings
15 reflecting a recommending approval for the Front Yard Setback variance at 247 Central Avenue
16 South for review and adoption at the next Planning Commission meeting.

17
18 The motion carried unanimously.

19
20 **b) Consider Development Application for Front Yard Setback at 507 Rice Street**
21 **East**

22
23 Assistant Planner Quarles stated that the owner, Kathleen Nash, has submitted a development
24 application for a Front Yard Setback for property located at 507 Rice Street East. She reviewed
25 the project location, the zoning and land use in the surrounding neighborhood, existing conditions,
26 the application for the front yard setback variance. She explained that the applicant would like to
27 create a one-story addition with a basement on the northside of the existing home to expand
28 accessible living space. She gave a brief overview of the Engineering comments and the
29 neighborhood notifications.

30
31 At the conclusion of Assistant Planner Quarles summary, Chair Parkhill asked if the Commission
32 had any questions for Staff.

33
34 Commissioner Schwalbe asked about the species of trees along the west side.

35
36 Assistant Planner Quarles stated that she believed they are yew trees.

37
38 Commissioner Schwalbe noted that she had driven by and felt the trees were a nice divider between
39 the street and this property, and asked if staff felt this addition would impact those trees.

40
41 Assistant Planner Quarles stated that it is not anticipated that this proposed project would impact
42 those trees, but if it does the City would look at replacing them through the tree ordinance. She
43 stated that she cannot guarantee that those trees would be planted in the same spot so if that was
44 something important to the Commission, she would suggest an additional condition to that effect.
45

Olivia Adams

247 Central Avenue S
Wayzata, MN 55391

October 12, 2022

City of Wayzata
Planning
600 Rice Street
Wayzata, MN 55391

To Whom It May Concern:

I am seeking a variance for my home located at 247 Central Avenue S. The existing square footage of my home is 496 square feet. I have been able to add an additional 256 square feet to the rear of the home giving a total interior living space of 752 square feet.

I am requesting a variance of 5' in the front yard across the front of my home to accommodate a front porch to give the feeling of more space and openness, and charm in keeping with the neighborhood. My home is 3 feet front the front yard set back.

The existing hardcover calculations for my home are 1,178 square feet (17.01%). With the proposed addition, the hardcover calculations would be 1512 square feet (21.83%).

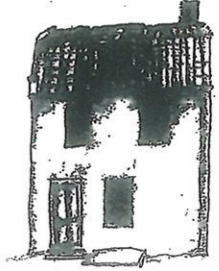
This property is a nonconforming lot of 6927 square feet, very close to neighbors on both sides, and a steep grade all the way around. I feel as if I have made these best use of the space that is available within the limitations of a challenging lot.

My home is one of the original cottages that still remains in Wayzata, and the improvements that I have made and the porch will add to the character and charm of “old” Wayzata.

Olivia Adams

KEY:

1. Front Elevation - existing
 2. Back Elevation - existing
 3. Left Elevation - existing
 4. Right Elevation - existing
 5. Floor Plan - Main Level - existing/demo
 6. Floor Plan - Main Level - proposed
 7. Basement - existing/demo
 8. Basement - Proposed/foundation Plan
 9. Front Elevation - Proposed
 10. Back Elevation - Proposed
 11. Left Side Elevation - Proposed
 12. Right Side Elevation - Proposed
- Measurement 1. Field Measurements of Main Level Plan
- Measurement 2. Field Measurements of Basement Level



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A residential design studio
Pamela Vazquez
2720 Gale Road
Wayzata, MN 55391
952-334-0603

Designed By: PAV/
MA

Dec 15, 2021

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KEY



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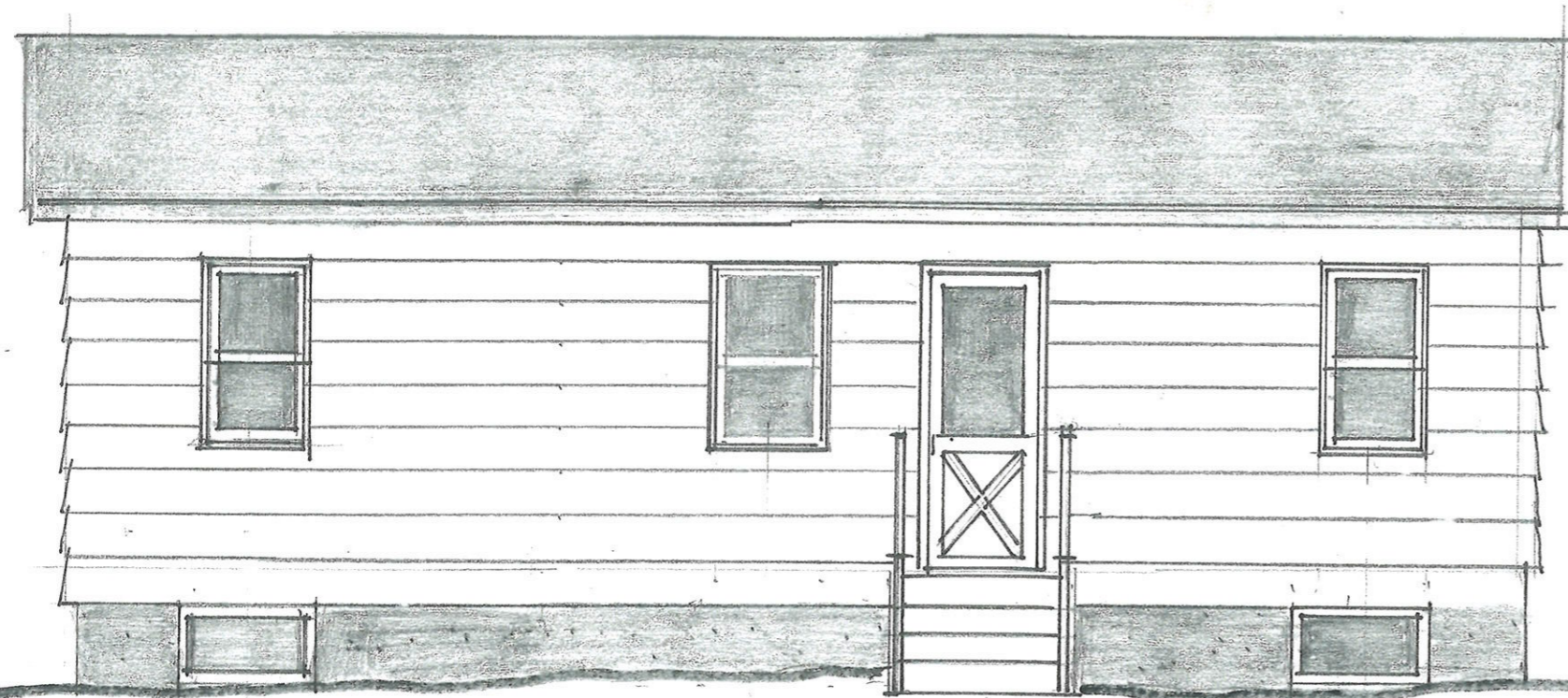
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952-334-0603



REMOVE ROOF, WINDOWS & DOOR
& FRONT STOOP



FRONT SIDE • EXISTING

1/4" = 1'-0"

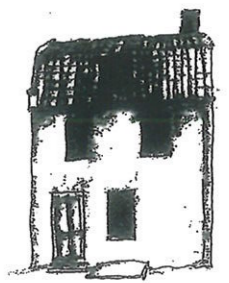
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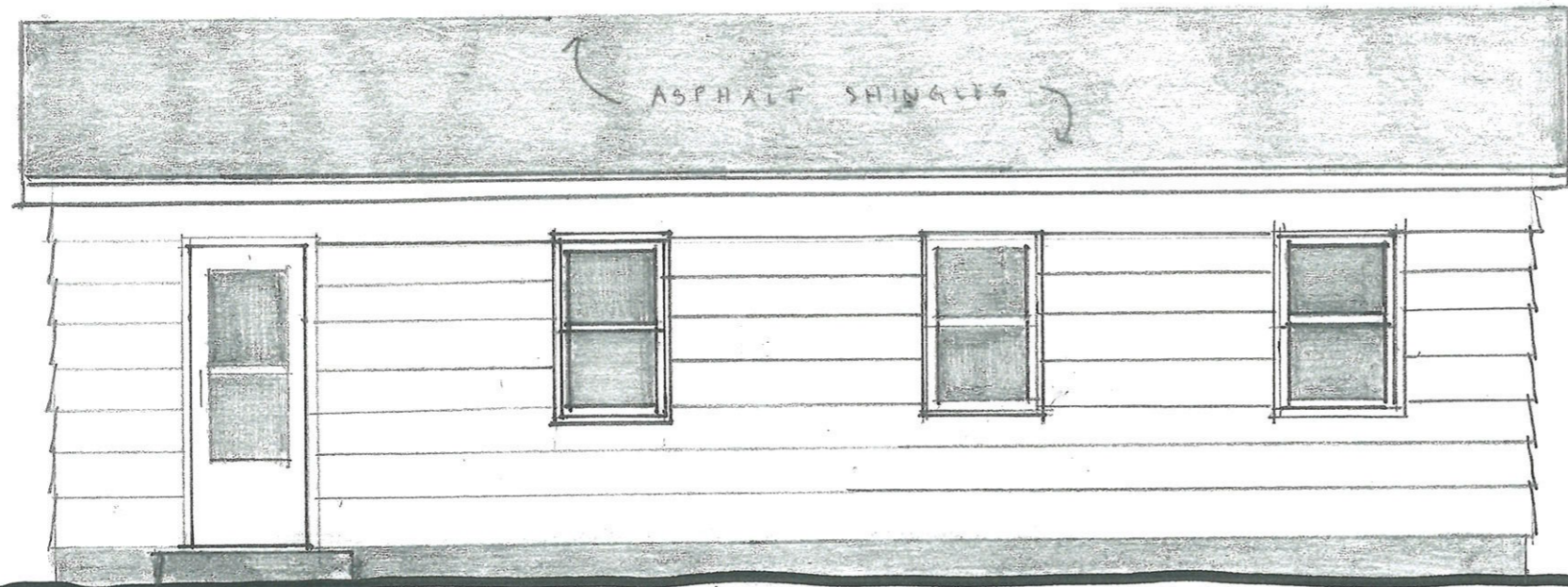
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* REMOVE ROOF, WINDOWS, DOOR
& BACK STOOP

BACK SIDE EXISTING $\frac{1}{4}'' = 1'-0''$

Designed By: PAV

DEC 8, 2021

DEC 16, 2021

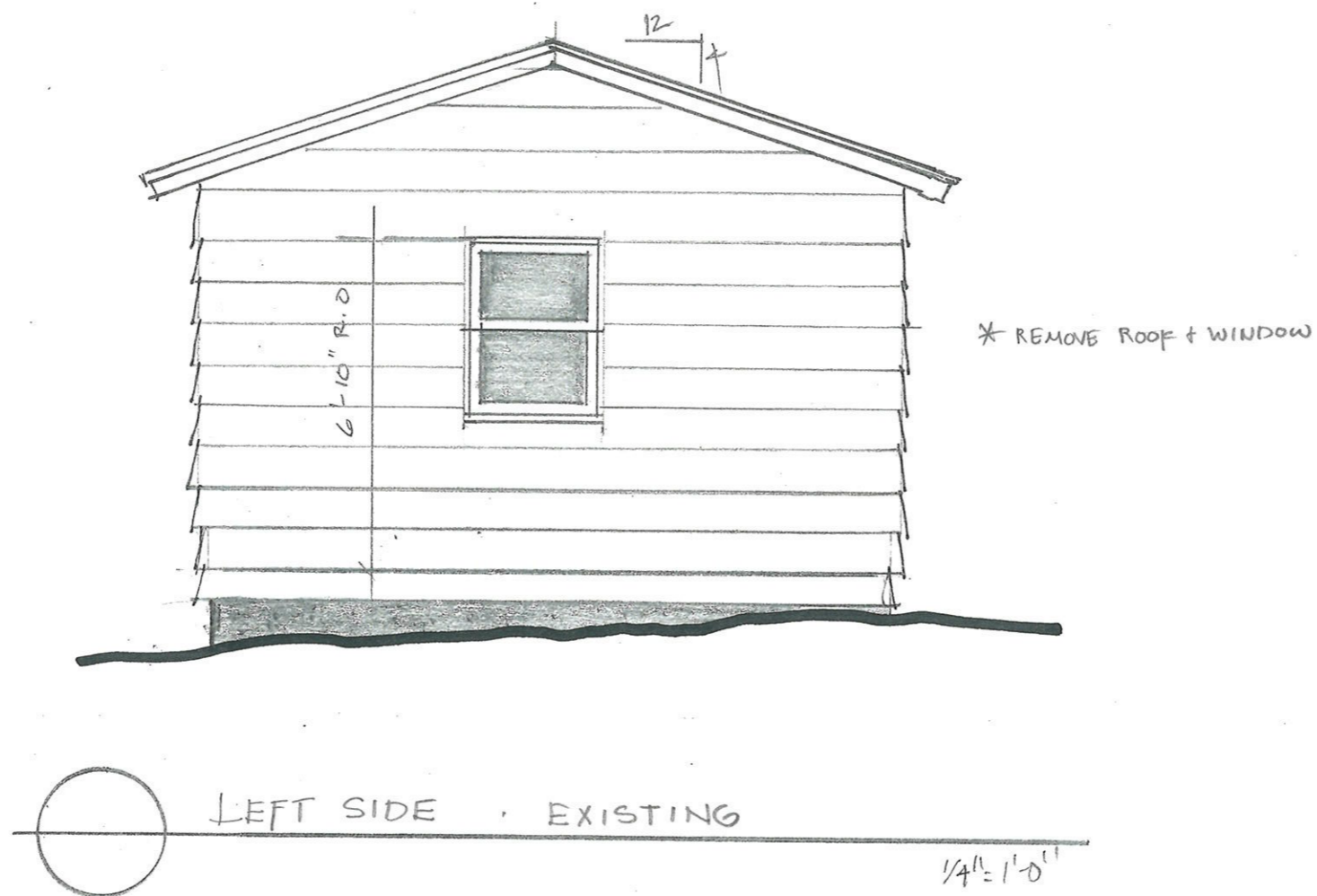
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3



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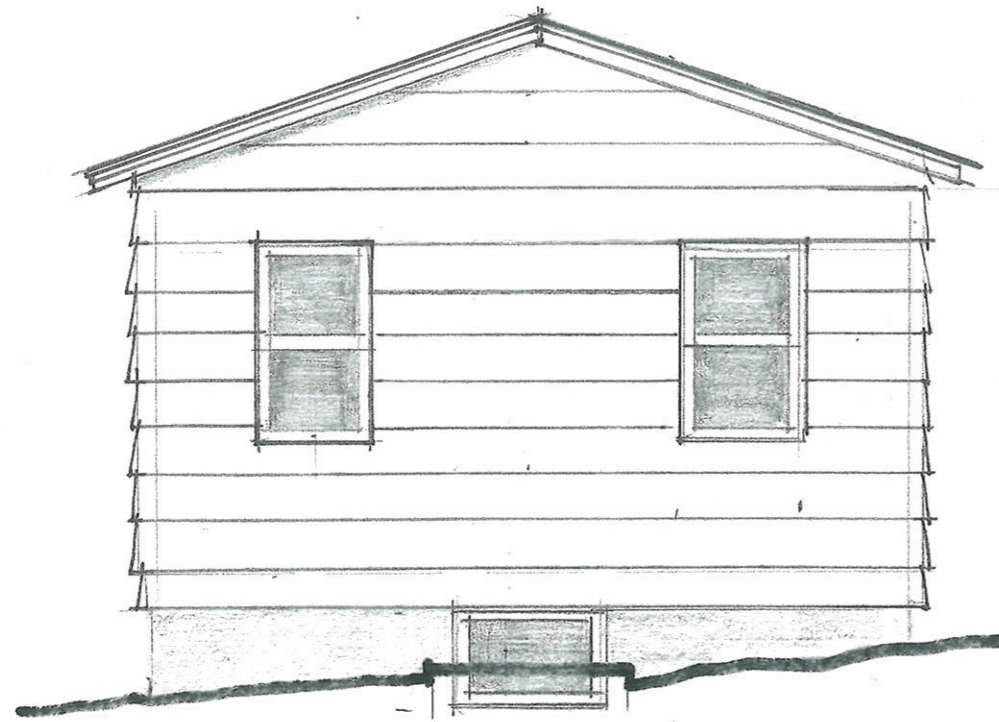
A residential design studio

Pamela Vazquez

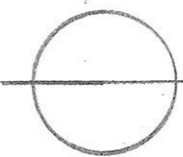
2720 Gale Road

Wayzata, MN 55391

952-334-0603



* REMOVE ROOF + WINDOWS



RIGHT SIDE - EXISTING

1/4"=1'-0"

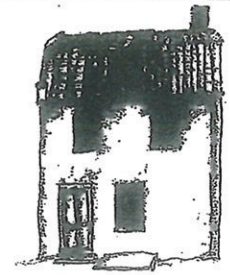
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DEC 16, 2021

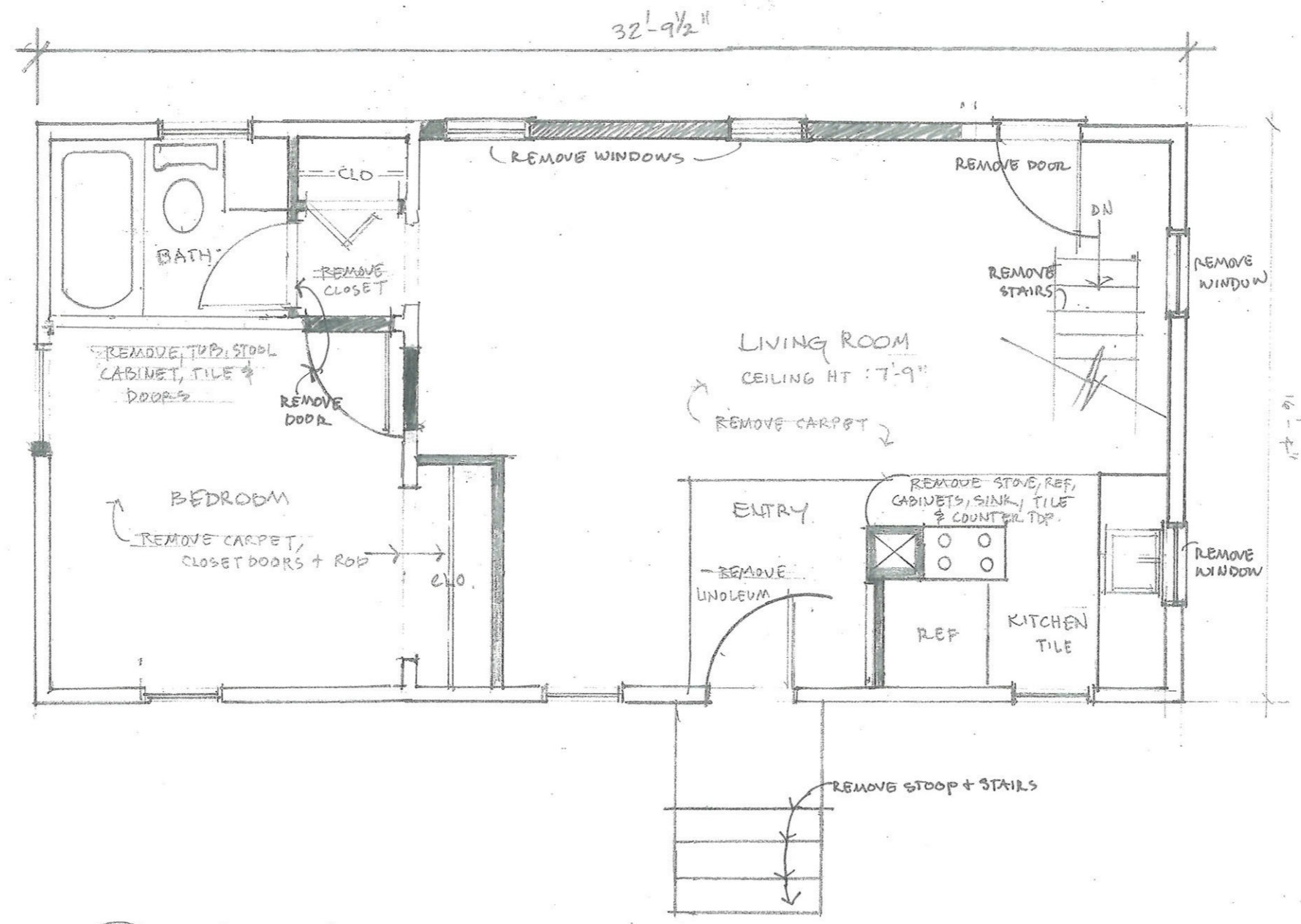
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KEY:
 [Solid line] = EXISTING WALLS
 [Hatched line] = WALLS TO BE DEMOLISHED



FLOOR PLAN - EXISTING / DEMO
 1/4" = 1'-0"

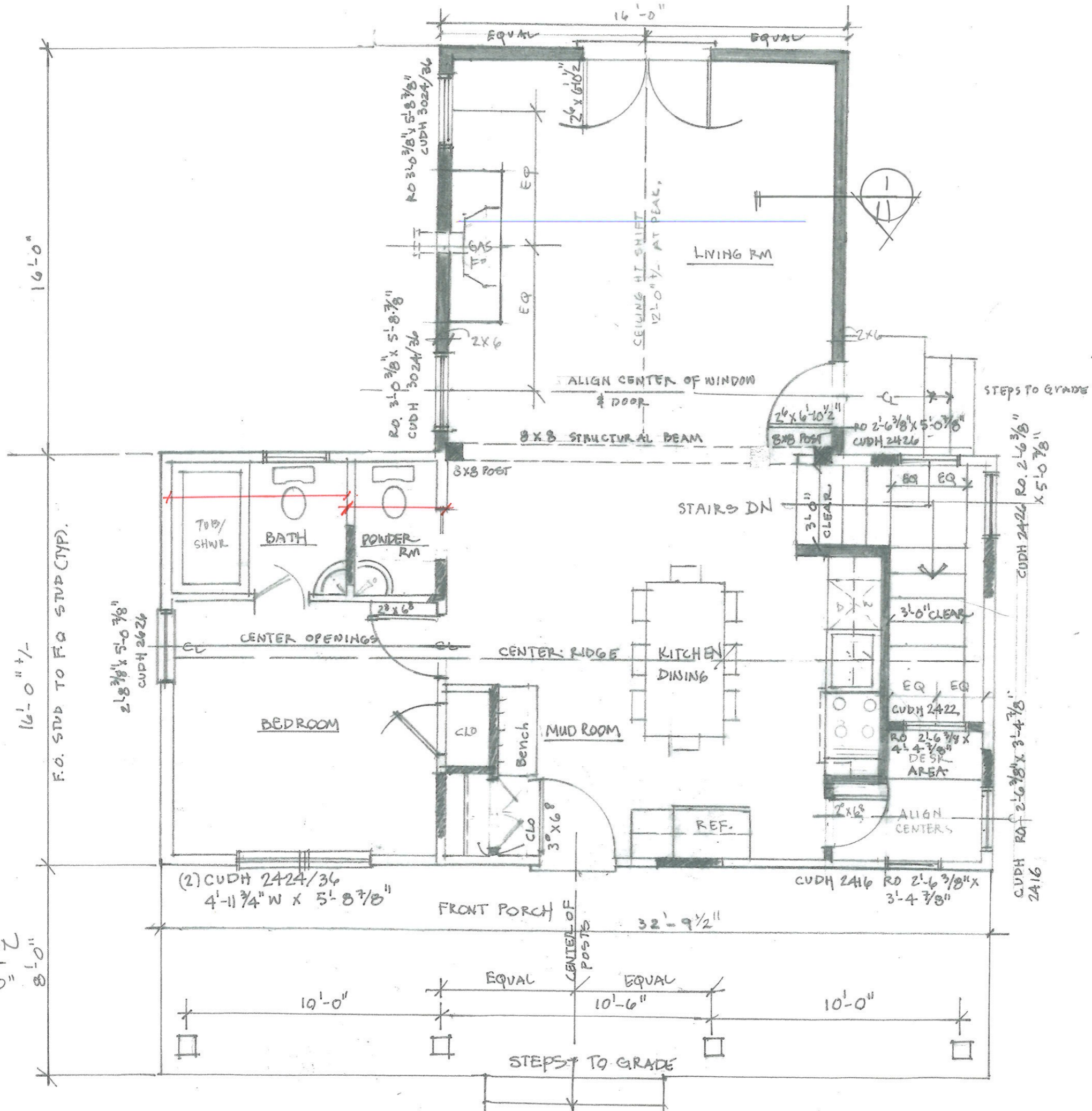
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 Revised: Dec 15 '21

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MAIN FLOOR PLAN =
 PROPOSED 1/4" = 1'-0"

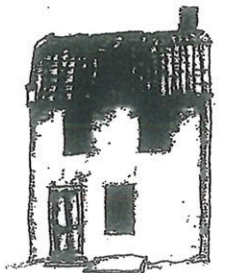


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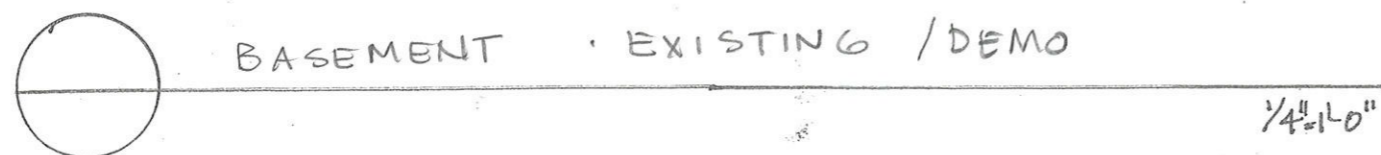
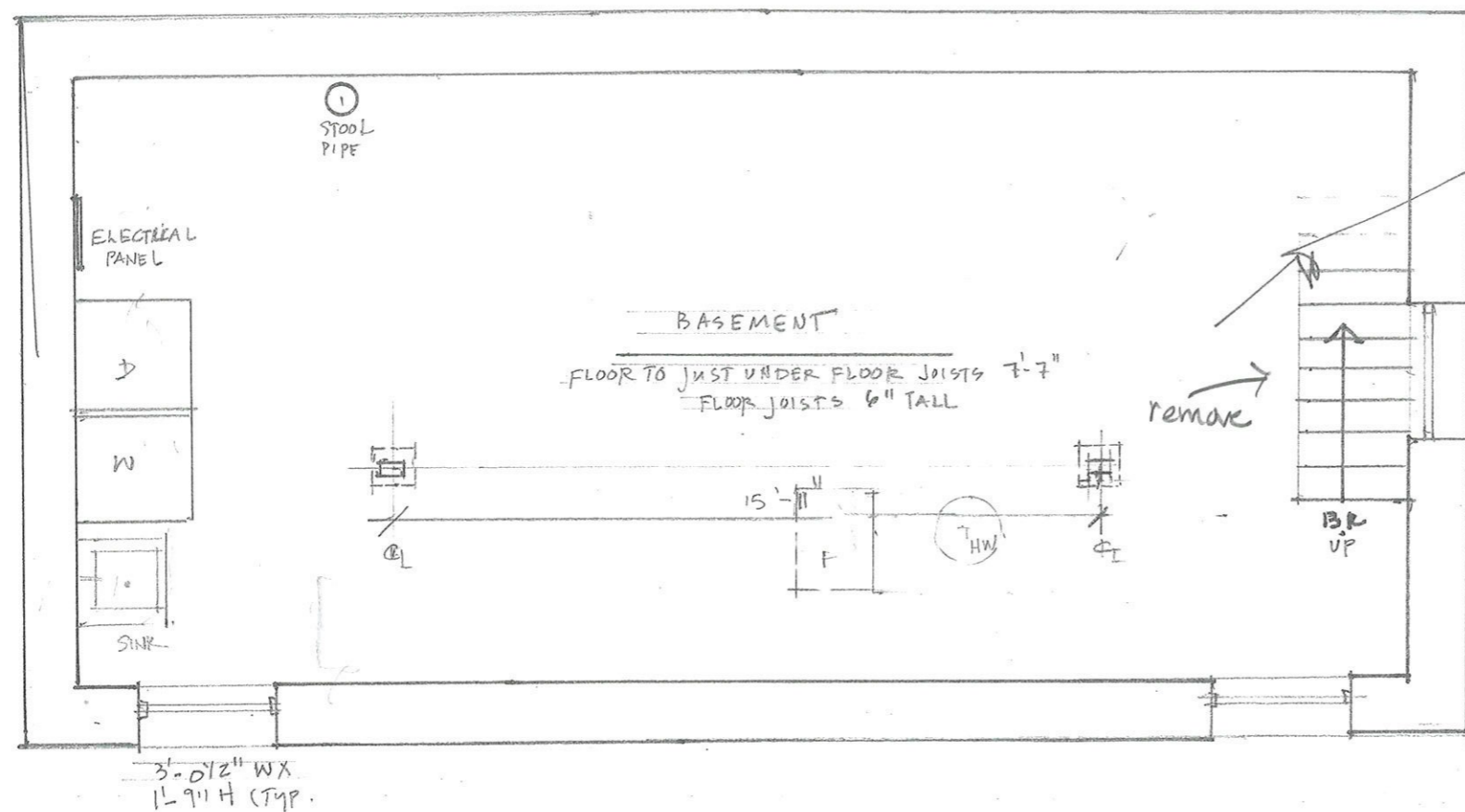
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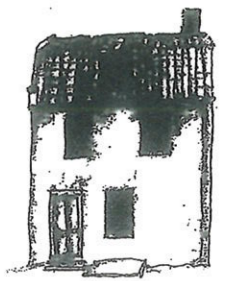


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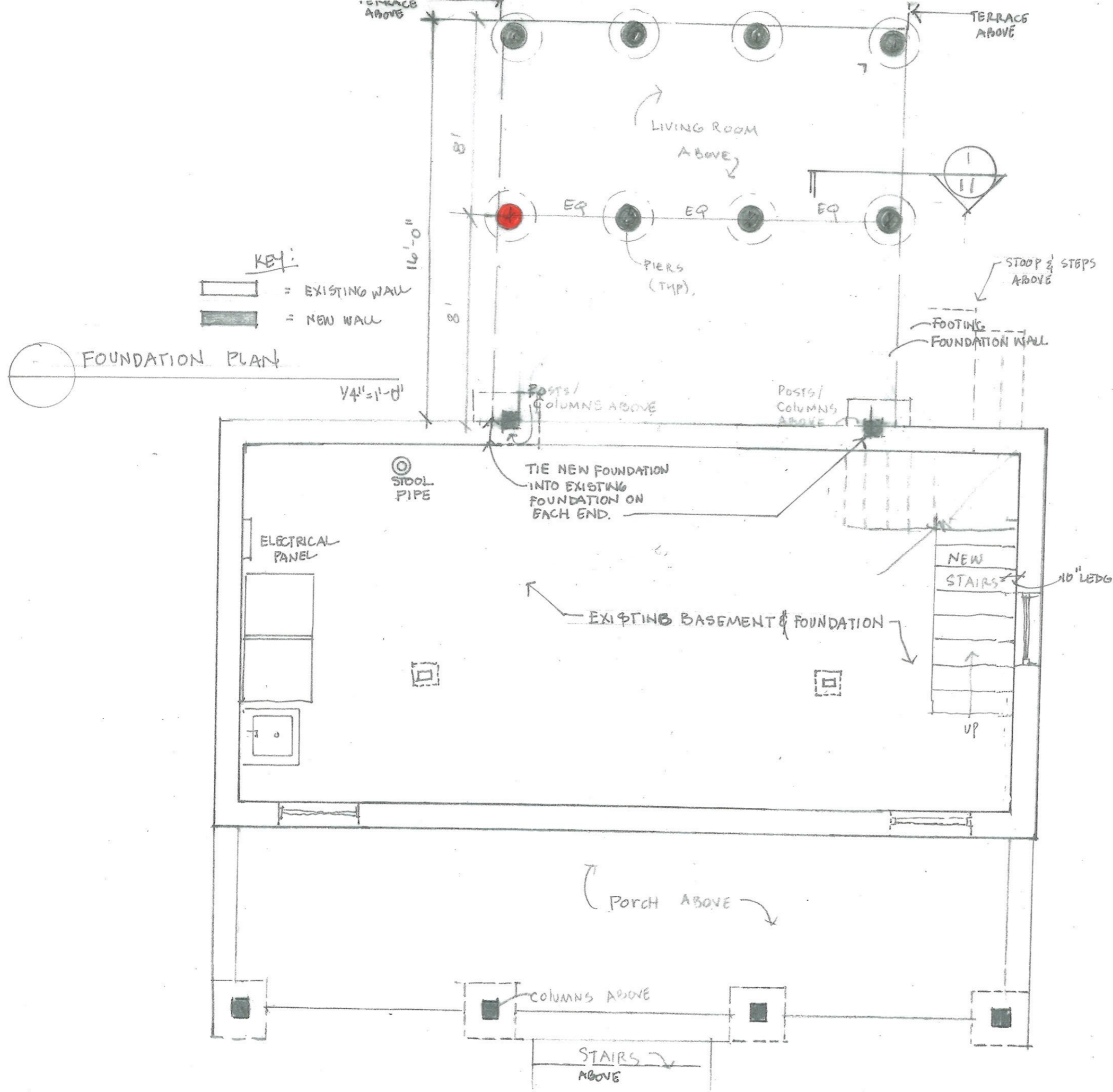
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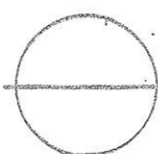
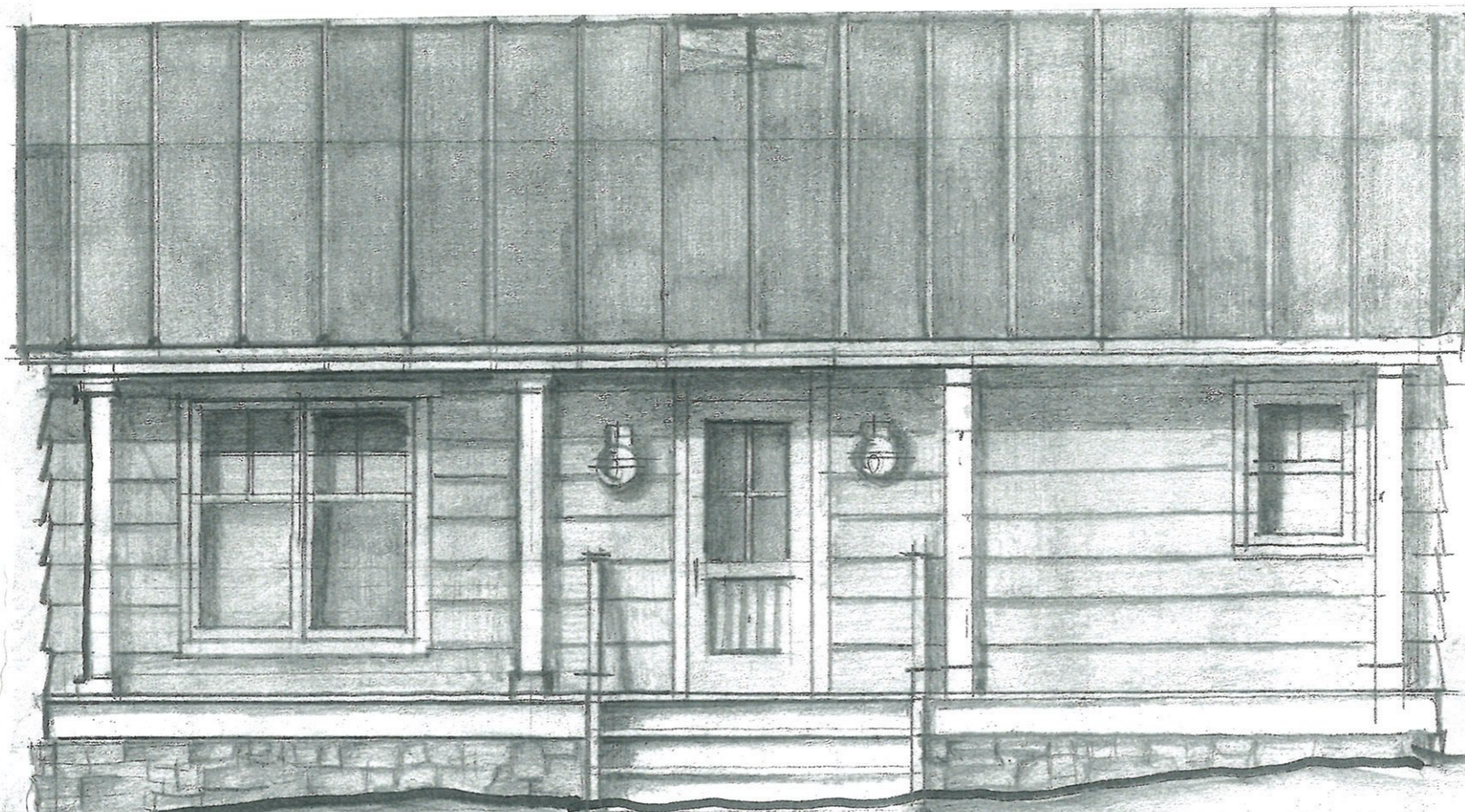
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Pamela Vazquez

2720 Gale Road

Wayzata, MN 55391

952-334-0603



ENTRY SIDE PROPOSED

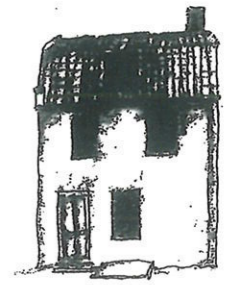
$\frac{1}{4}'' = 1'-0''$

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MA

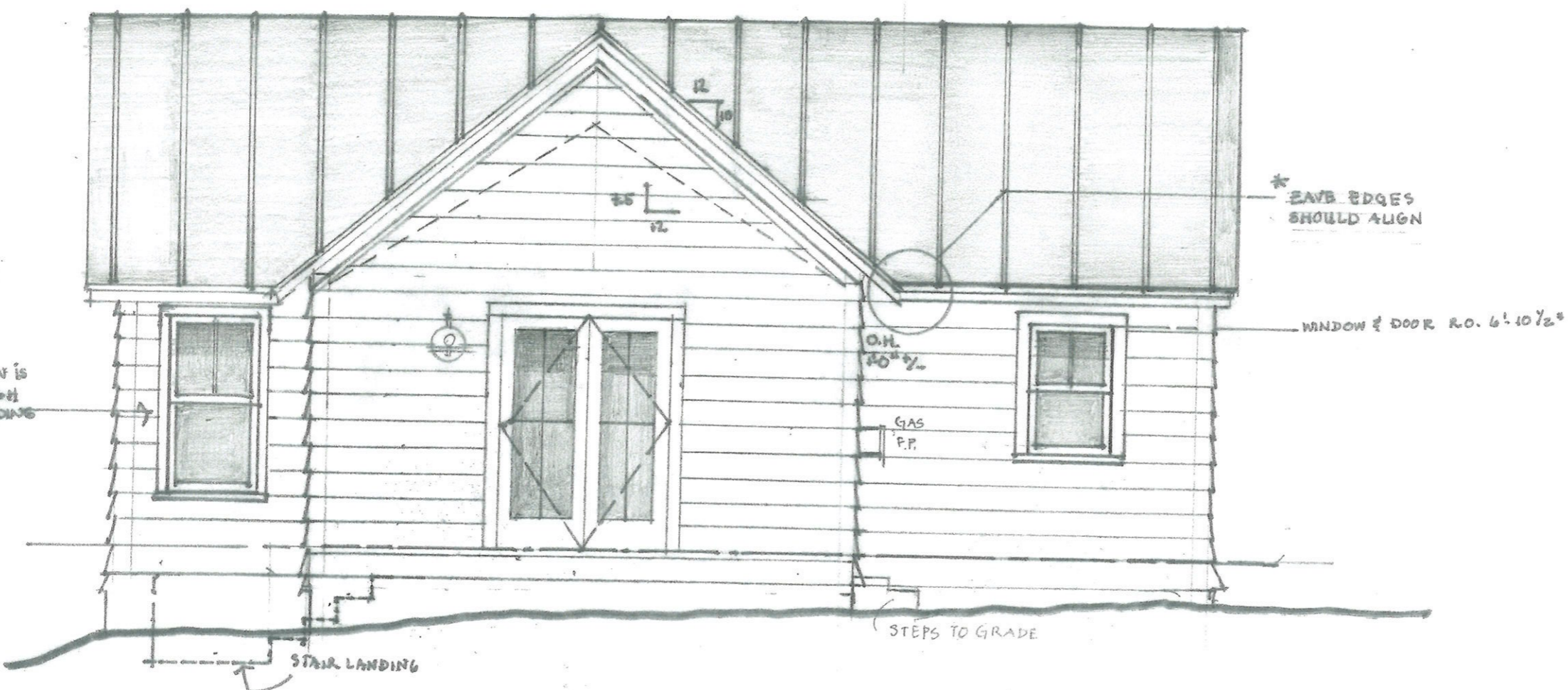
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○ — BACK SIDE ELEV. — PROPOSED
 1/4" = 1'-0"

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Dec 15, 2021

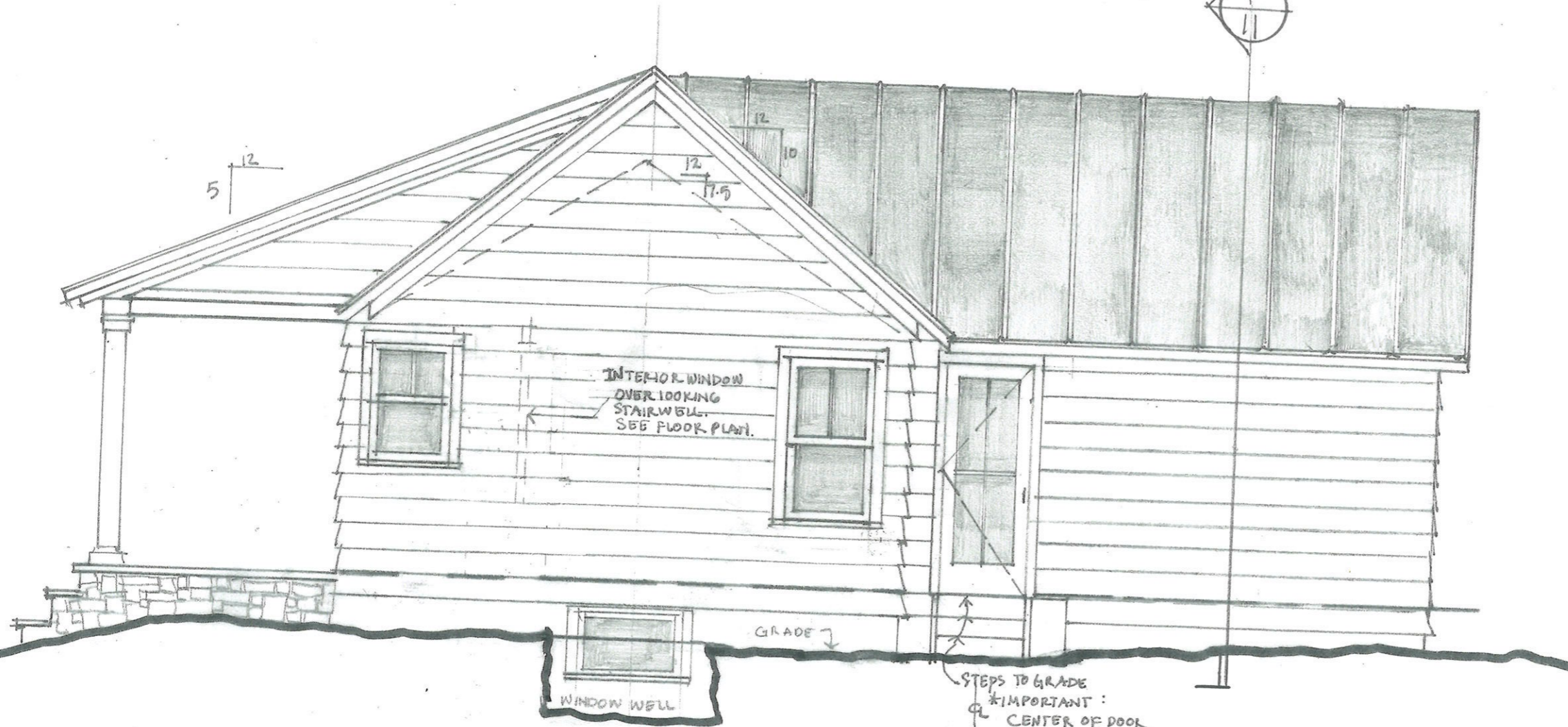
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LEFT SIDE ELEV. . PROPOSED

1/4" = 1'-0"

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11



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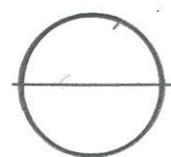
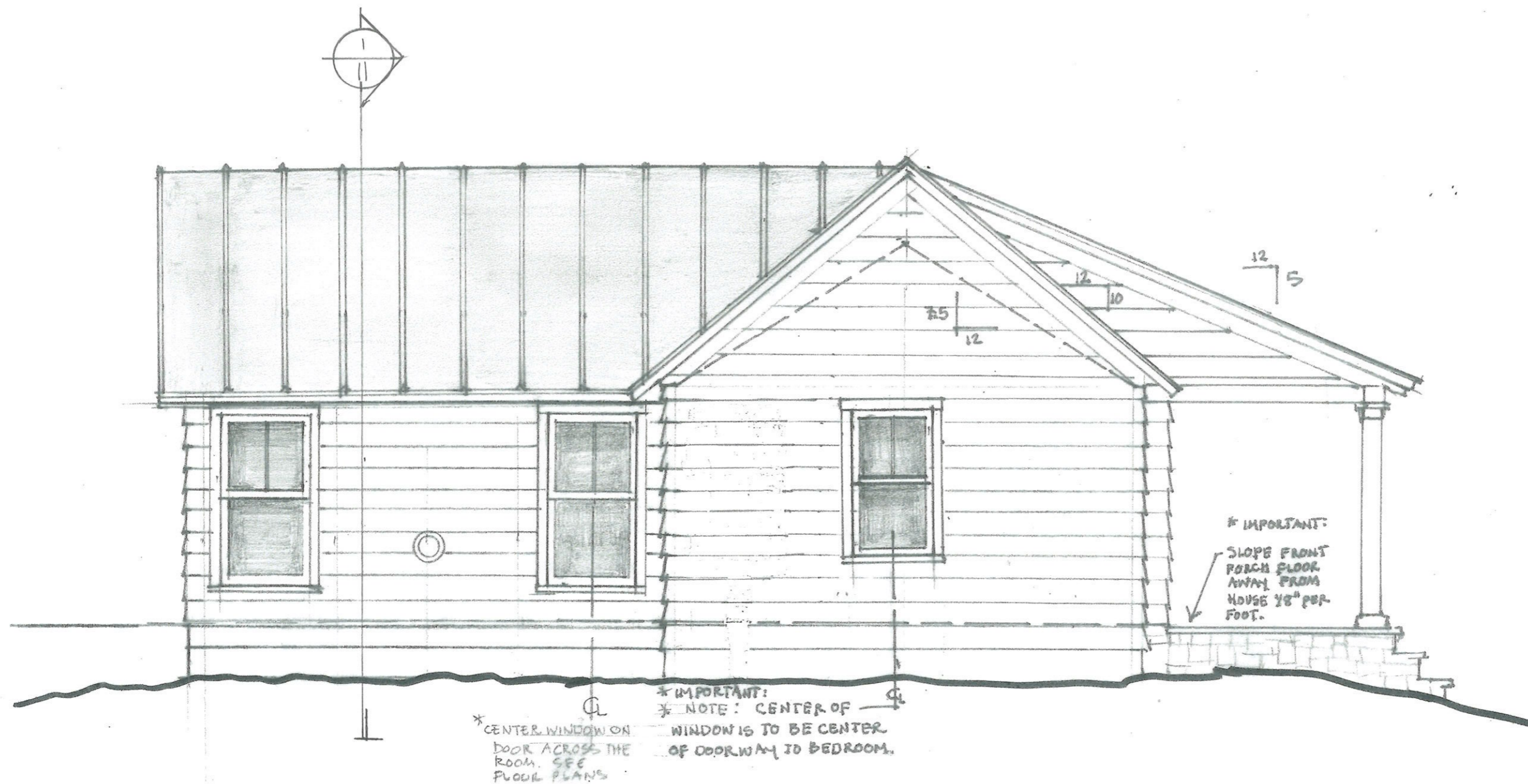
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Pamela Vazquez

2720 Gale Road

Wayzata, MN 55391

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RIGHT SIDE ELEV. • PROPOSED

1/4" = 1'-0"

Designed By: PAV/MA

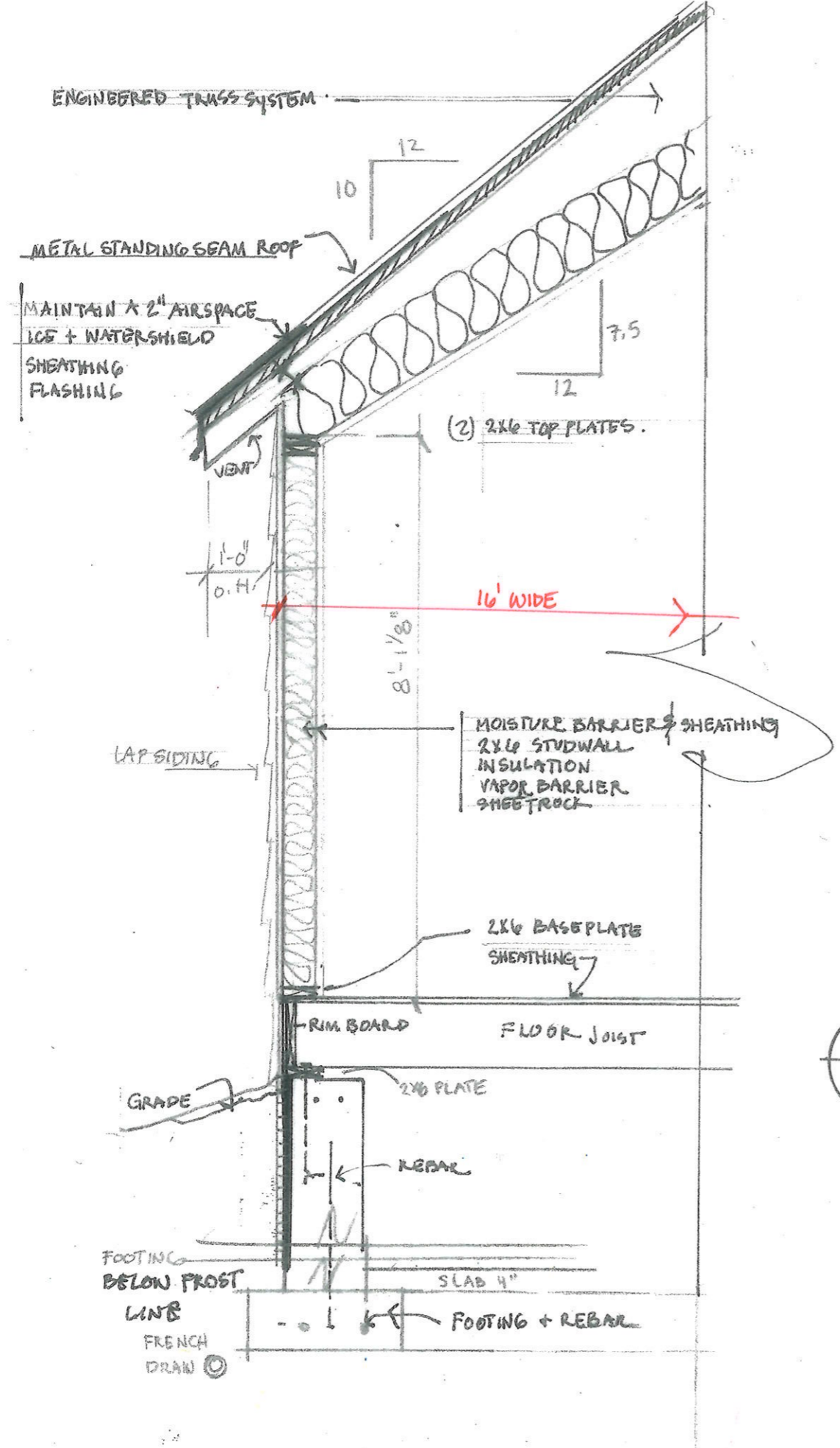
Dec. 15, 2021

Sheet No.

12



the new studio
 A residential design studio
 Pamela Vazquez
 2720 Gale Road
 Wayzata, MN 55391
 952-334-0603

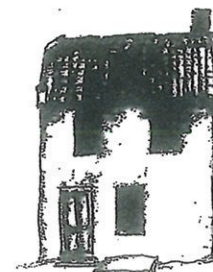


① SECTION
 1/2" = 1'-0"

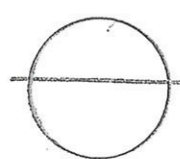
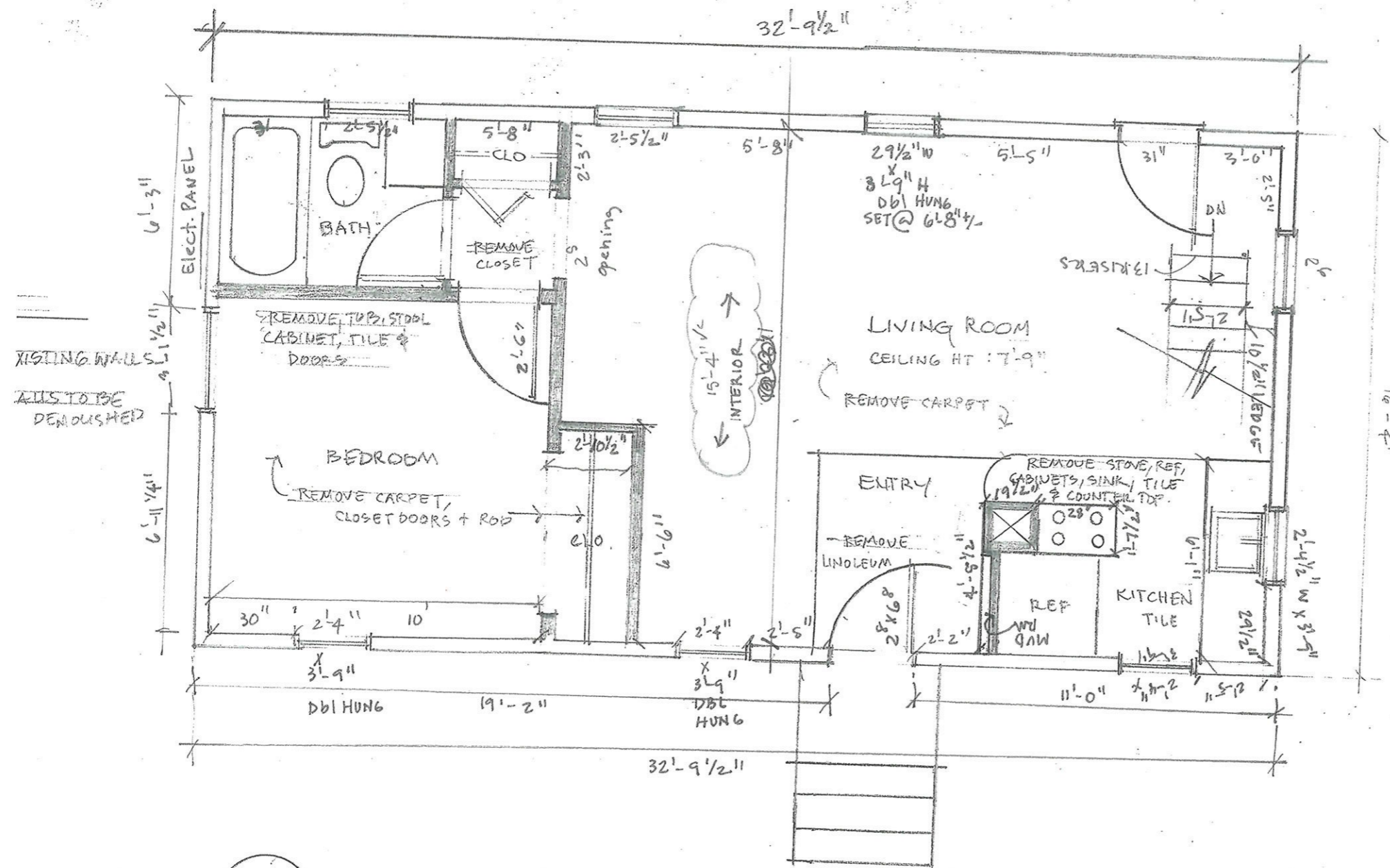
Designed By: PAV

Dec 8, 2021

Sheet No.
 13



the new studio
 A residential design studio
 Pamela Vazquez
 2720 Gale Road
 Wayzata, MN 55391
 952-334-0603



MEASUREMENTS
 DEC 2ND, 2021 for: M. Adams.

1/4" = 1'-0"

Designed By: PAV

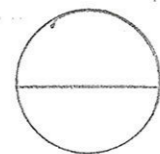
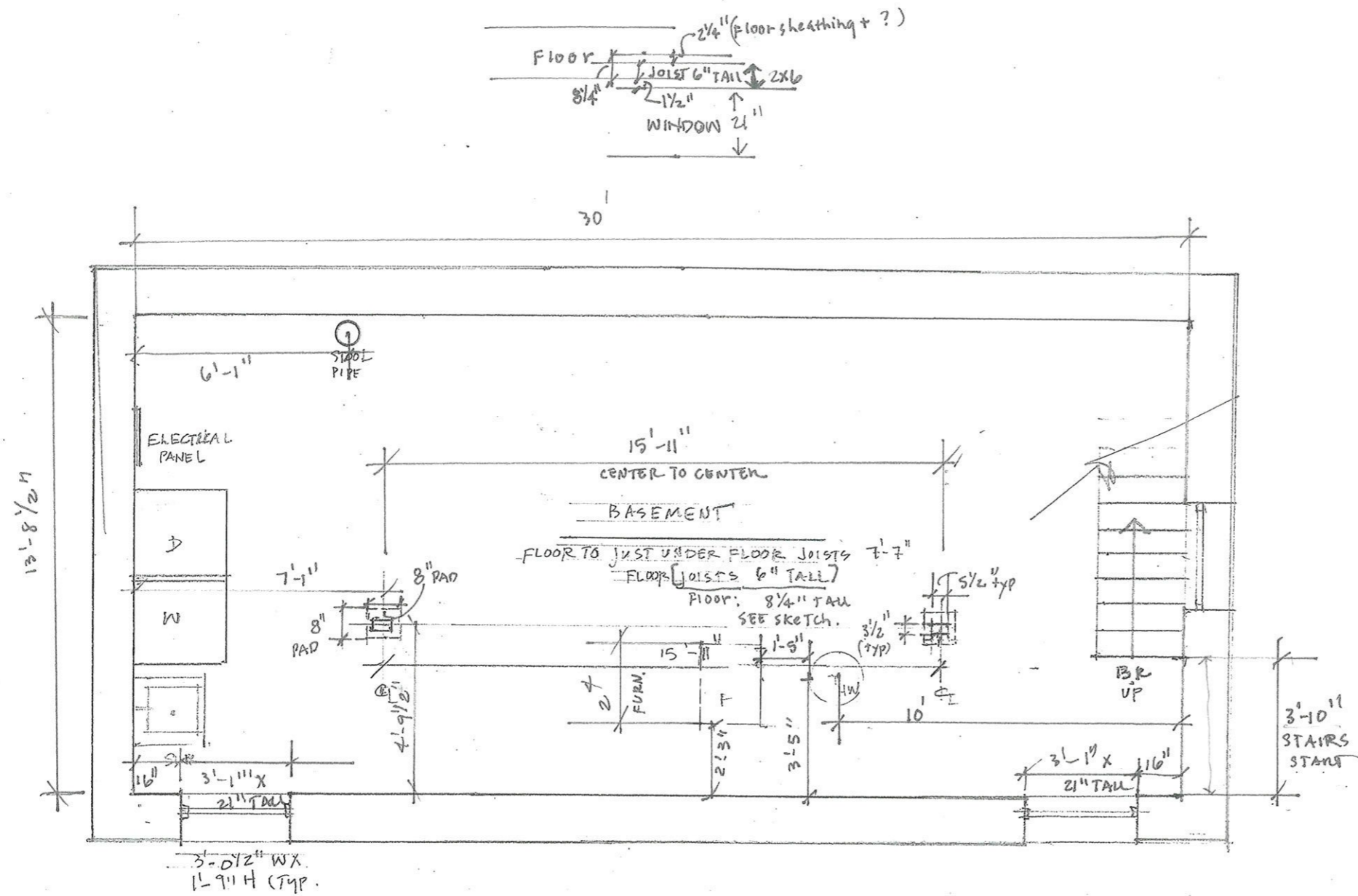
Dec 8, 2021

Sheet No.

MEASUR'T
 1



the new studio
 A residential design studio
 Pamela Vazquez
 2720 Gale Road
 Wayzata, MN 55391
 952-334-0603



MEASUREMENTS

DEC 2ND, 2021 for: MANDY ADAMS

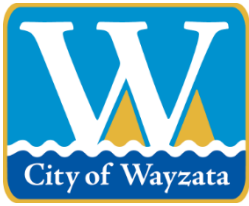
1/4"=1'-0"

Designed By: PAV

Dec 8, 2021

Sheet No.

MEASUR'T
2



City of Wayzata City Council Agenda Report

MEETING DATE: January 18, 2023	AGENDA ITEM: 8.b
TITLE: Consider Adoption of Resolution 05-2023 Approving Variance at 507 Rice Street East	
PROPOSED MOTION: To Adopt Resolution 05-2023 Approving Variance at 507 Rice Street East	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director, Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff and the Planning Commission recommend Adoption of Resolution 05-2023 Approving Variance at 507 Rice Street East

FINANCIAL OR BUDGET CONSIDERATION:

Other than associated building permit fees, there are no budget considerations.

BACKGROUND:

Owner Kathleen Nash, with design firm Locus Architecture, have submitted an application to reduce the front yard setback of the home at 507 Rice St E in order to facilitate an addition to their existing home.

A public hearing was conducted at the Planning Commission meeting on December 5, 2022. The Planning Commission unanimously recommended approval of the application. Supporting documents of the recommended approval are attached.

ATTACHMENTS:

1. Resolution 05-2023
2. 507 Rice St E - Planning Commission Report and Recommendation
3. 507 Rice St E - Staff Report
4. 507 Rice St E - Planning Commission Meeting Minutes
5. 507 Rice St E - Narrative
6. 507 Rice St E - Existing and Proposed Surveys
7. 507 Rice St E - Site Plan and Home Plans

RESOLUTION NO. 05-2023**RESOLUTION APPROVING VARIANCE
AT 507 RICE STREET EAST**

WHEREAS, Kathleen Nash (the “Applicant”) has submitted a development application (the “Application”) requesting an 11.2 foot variance from the applicable front yard setback (the “Variance”) to enable a single-story addition with basement to the existing home on the property at 507 Rice Street, which is legally described on Attachment A of this Resolution (the “Property”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application on December 6, 2022, and adopted a Report and Recommendation to the City Council to approve the Application on January 4, 2023, a copy of which is attached to this Resolution as Attachment B (the “PC Report and Recommendation”).

NOW THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

A. Based on the Application materials, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Zoning Ordinance, and the findings and recommendations of the PC Report and Recommendation, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application meets the applicable standards and requirements of Wayzata’s Zoning Ordinance.

B. Based on the foregoing, the Variance is hereby **APPROVED**, subject to satisfaction of the following conditions:

1. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes, tree preservation and land use regulations, and City Code and policies applicable to days and times of work, and construction management.
2. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 18th day of January 2023.

Johanna Mouton, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 18, 2023.

Kathy Leervig, City Clerk
SEAL

Attachment A
Legal Description of Property

Attachment B
PC Report and Recommendation

Attachment A
Legal Description and Property Information

Address	507 Rice Street E, Wayzata, MN 55391
PID	0611722240047
Legal Description	Lot 6, Block 13, Wayzata.
Abstract or Torrens?	Abstract
Certificate No.	N/A

DRAFT

Attachment B
PC Report and Recommendation

DRAFT

WAYZATA PLANNING COMMISSION

January 4, 2023

**REPORT AND RECOMMENDATION OF APPROVAL
OF FRONT YARD SETBACK VARIANCE
AT 507 RICE STREET EAST**

SUMMARY OF RECOMMENDATION

Approval* of Variance from Front Yard Setback

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. The applicant and Property owner, Kathleen Nash, (the “Applicant”) has submitted a development application (the “Application”) requesting an 11.2 foot variance from the applicable front yard setback to enable a single-story addition with basement to the existing home at 507 Rice Street (the “Property”).
- 1.2 Application Request. The Applicant is requesting approval of a variance of 11.2 feet from the 20 foot front yard setback requirement of Section 955.06.B.A of the Zoning Ordinance to allow an addition to the existing home 8.8 feet from the front (west) property line (the “Front Yard Setback Variance”).
- 1.3 Property. The street address, property identification number and owner of the Property are as follows, and the legal description of the Property is attached.

507 Rice St E	06-117-22-24-0047	Kathleen Nash
---------------	-------------------	---------------

- 1.4 Land Use. The Property is zoned and guided as follows:

Zoning:	R-3A / Single and Two Family Residential District
Comp Plan:	Central Core Residential
Overlay District:	Shoreland Overlay District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on November 24, 2022 and mailed to all property owners and renters located within 500 feet of the Property on November 22, 2022. The public hearing on the Application was held at the December 6, 2022 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Front Yard Setback Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
 - F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff report, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Setback Variance. The Front Yard Setback Variance requested is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. The following conditions are met for the Front Yard Setback Variance:

- A. The Front Yard Setback Variance requested is reasonable, due to circumstances related to the unique conditions of the Property noted below; the size and orientation of the lot as a corner lot; and a desire to improve but maintain the character of the Property.
- B. The Property's size, orientation to Rice Street rather than Minnetonka Avenue, and its position as a corner lot all create practical difficulties in complying with the applicable front yard setback.
- C. If granted Front Yard Setback Variance would not alter the essential character of the locality that includes similar properties with smaller historic, single family homes. The Front Yard Setback Variance would allow for maintaining a single family historic home with additional first floor accessibility in one of the City's oldest neighborhoods.
- D. The practical difficulties necessitating the Front Yard Setback Variance are not solely economic in nature. The unique conditions of the Property noted above, and a desire to maintain the smaller, historic home on the Property, are all significant factors in the practical difficulty of meeting the ordinance requirements.
- E. The proposed uses of the Property are permitted within the R-3A District.
- F. The Applicant has provided the reasons that the Front Yard Setback Variance is justified under applicable criteria in order to make reasonable use of the land, structures and building on the Property.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of the Front Yard Setback Variance, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes, tree preservation and land use regulations, and City Code and policies applicable to days and times of work, and construction management.

- B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 4th day of January 2023.

DRAFT

Attachment A
Legal Description of Property

Address	507 Rice Street E, Wayzata, MN 55391
PID	0611722240047
Legal Description	Lot 6, Block 13, Wayzata.
Abstract or Torrens?	Abstract
Certificate No.	N/A

DRAFT



**Staff Report
Wayzata Planning Commission
December 5, 2022**

Project Name: Nash/Kinghorn Home Addition
Addresses of Request: 507 Rice Street East
Approval Request: Setback Variance
Applicant: Kathleen Nash
Prepared by: Valerie Quarles, Assistant Planner
“120 Day” Decision Deadline: March 8, 2023

Development Application Introduction

Kathleen Nash, with design firm Locus Architecture, has submitted an application for a front yard setback variance of 11.2 feet off the required 20 foot setback to a proposed distance of 8.8 feet from the front (west) property line. The setback variance would enable a single-story addition with basement to the existing home at 507 Rice Street.

The property identification number and owner of the properties are as follows:

Address	PID	Owner
507 Rice St E	06-117-22-24-0047	Kathleen Nash

The current zoning and comprehensive plan land use designation for the property is as follows:

Current Zoning:	R-3A Single and Two Family Residential
Comprehensive Plan Designation:	Central Core Residential
Overlay Districts:	Shoreland Overlay District
Design District:	N/A

Project Location

The parcel is located on the northeast corner of Rice Street and Minnetonka Avenue.

Map 1: Project Location



Source: Hennepin County

Application Requests

As part of the development application, the applicant is requesting approval of the following item:

1. Variance – Front Yard Setback (§955.06.B.A): The applicant is requesting a variance of 11.2 feet off the required front yard setback of 20 feet in order to build an addition to their existing home 8.8 feet from the front (west) property line.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on November 24, 2022. The public hearing notice was mailed to all property owners located within 500 feet of the subject property on November 22, 2022.

Neighborhood Notification

The applicant sent a neighborhood notification letter regarding the proposal to all property owners and renters within 500 feet from the subject property in Wayzata on November 25, 2022. A neighborhood meeting was not required per the Neighborhood Notification and Meeting Policy.

Public Comment

No public comments have been received.

Existing Conditions

The existing developed lot is 10,874 square feet (0.25 acres) in area. The existing home was built in 1910 and is a two story structure. A detached garage and shed are located on the northeast corner of the property. The shed (83 square feet) is within the accessory structure setback and is nonconforming. The garage (763 square feet) conforms to side yard setbacks.

The lot is a corner lot and includes two front yards – one front yard is adjacent to Minnetonka Avenue and the other front yard is adjacent to Rice Street. The buildable area of the lot is approximately 36 feet wide and 126 feet deep. The other two property lines are considered side yard lines.

The existing home is in a nonconforming location, being 8.8 feet from the western property line instead of the required 20 feet. The existing impervious surface on the lot is 28.0%, which meets the R-3A requirement but does not conform to the Shoreland Overlay District requirement (25% without runoff mitigation). The existing lot coverage is 15.2%, which conforms to the zoning code requirement.

Zoning District

The site is zoned R-3A Single and Two Family Residential (§955) and the purpose of this district is to provide for high density single family dwelling units in the community's oldest neighborhoods. Single family detached dwelling units are permitted uses.

Shoreland Overlay District

Properties within 1,000 feet of Lake Minnetonka are located in the Shoreland Overlay District. Because the 1000' line runs through the middle of this property, it is subject to the regulations of the Shoreland Overlay District. In this district, projects proposing impervious surface totals between 25% and 75% are subject to the review of the City Engineer (§991.11).

Land Use Designation

The 2040 Comprehensive Plan land use designation for the site is Central Core Residential. This category represents the single-family residential development located in the central core of Wayzata. This category includes smaller lot sizes, with densities of 3 to 6 units per acre. Single-family units are the primary use within this land use designation.

Project Proposal

The applicant is proposing to build a one-story addition to their existing home with a basement. The addition is 30 feet long and 16 feet wide, with a 444 square foot footprint. Including the proposed basement, the addition would have 808 square feet of livable space. Both the surface and basement space are placed to be contiguous with the current home's floor plan. The western wall of the addition is proposed to match the existing

western wall of the home, which in effect lengthens the existing nonconforming wall from 33 feet to approximately 64 feet. About 71% of the addition is located in the front yard setback, compared with about 33% of the current home's footprint.

	Requirement (R-3A)	Current Home	Proposed
Lot Size	9,000 square feet	10,874 square feet	No change
Lot Width	60 feet	65.9 feet (approx.)	No change
Lot Depth	100 feet	165 feet (approx.)	No change
Front Setback (south)	20 feet	29.9 feet (home)	No change
Front Setback (west)	20 feet	8.8 feet (home)	8.8 feet (home)
Side Setback (east)	10 feet	28.5 feet (home)	No change
Side Setback (north)	10 feet	104 feet (approx.)	74 feet (approx.)
Lot Coverage	30%	15.2%	19.6%
Impervious Surface	R-3A: 35% Shoreland Overlay District: 25% without City Engineer approval	28.0%	30.16%

Trees

Two trees are proposed to be removed as part of the project: a dogwood tree and a crabapple tree that are both within the footprint of the proposed addition. Both trees are under the minimum size threshold for application of the City's Tree Ordinance. The line of yew trees on the west side of the property are located within the right of way and are not intended to be impacted as a result of the addition or the rain garden. If these trees are impacted, a separate right of way permit will be required through Public Works.

Stormwater

As mentioned, projects in the Shoreland Overlay District that request hardcover totals between 25% and 75% require additional City Engineer review and approval, regardless of whether they meet the hardcover requirements of their zoning district (§991.11). In this case, the proposed hardcover total is above 25% but below the zoning district limit of 35%. The Engineering Department has reviewed the proposed stormwater mitigation and found it acceptable, subject to their comments below. The applicant is proposing a rain garden on the west side of the proposed addition to capture excess stormwater.

Engineering Department Comments

- Detailed drawings of the proposed rain garden shall be submitted to the Engineering Dept. for review and approval. Drawings shall include details about grades, subsoil condition, and depths of the proposed rain garden, as well as

roof drain discharge locations and elevations and overflow locations for the rain garden.

- Inspections of the rain garden during and after construction will be required by the Engineering Department.
- An as-built survey will be required, showing the details of the rain garden, updated impervious surface calculations, and volume calculations for the proposed storm water treatment facilities.
- A formal Storm Water Facilities Maintenance Agreement (SWFMA) between the property owners and the City will be required. The Engineering Department will write the SWFMA, to be signed and recorded at Hennepin County following construction of the rain garden.

Standards of Planning Commission Review of Application Requests

Primary Questions to Consider:

1. Is the proposal consistent with the Comprehensive Plan?
2. Is the variance reasonable?
3. Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?
4. Would the variance alter the essential character of the locality?

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the proposed subdivision, for review and adoption at the next Planning Commission meeting.

Attachments

1. Narrative
2. Survey of Existing Property and Proposed Site Plan
3. Home Plans and Renderings

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. Staff has highlighted in **bold** the criteria that may require additional discussion with the Planning Commission.

2040 Comprehensive Plan – Residential Goals

- **Maintain and enhance the character, diversity, and livability of all residential neighborhoods.**

Variance Criteria (§905.01.C)

The purpose of this Section is to provide for deviations from the literal provisions of this Ordinance in instances where strict enforcement of the provisions of this Ordinance would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when the variances are harmony with the general purposes and intent of this Ordinance, and the variances are consistent with the Comprehensive Plan.

1. Variances shall only be permitted when they are:
 - a) In harmony with the general purposes and intent of this Ordinance; and
 - b) Consistent with the Comprehensive Plan.
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - a) **The property owner's proposal for the property is reasonable but not permitted by this Ordinance;**
 - b) **The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
 - c) **The variance, if granted, will not alter the essential character of the locality.**
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, Subd. 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

1 she feels is lacking most in the City. She stated that she would also recommend approval of this
2 request.

3
4 Commissioner Stockton stated that she agreed with everything already shared by the Commission
5 and thinks this is a beautiful project.

6
7 Chair Parkhill stated that he also feels the Commission should be very careful with variances. He
8 stated that he loves the idea of allowing younger people being able to come in and have a small
9 home in the City.

10
11 There being no further discussion, Chair Parkhill asked for a motion on the application.

12
13 Commissioner Stockton made a motion, seconded by Commissioner Douglas, to direct staff to
14 prepare a draft Planning Commission Report and Recommendation with appropriate findings
15 reflecting a recommending approval for the Front Yard Setback variance at 247 Central Avenue
16 South for review and adoption at the next Planning Commission meeting.

17
18 The motion carried unanimously.

19
20 **b) Consider Development Application for Front Yard Setback at 507 Rice Street**
21 **East**

22
23 Assistant Planner Quarles stated that the owner, Kathleen Nash, has submitted a development
24 application for a Front Yard Setback for property located at 507 Rice Street East. She reviewed
25 the project location, the zoning and land use in the surrounding neighborhood, existing conditions,
26 the application for the front yard setback variance. She explained that the applicant would like to
27 create a one-story addition with a basement on the northside of the existing home to expand
28 accessible living space. She gave a brief overview of the Engineering comments and the
29 neighborhood notifications.

30
31 At the conclusion of Assistant Planner Quarles summary, Chair Parkhill asked if the Commission
32 had any questions for Staff.

33
34 Commissioner Schwalbe asked about the species of trees along the west side.

35
36 Assistant Planner Quarles stated that she believed they are yew trees.

37
38 Commissioner Schwalbe noted that she had driven by and felt the trees were a nice divider between
39 the street and this property, and asked if staff felt this addition would impact those trees.

40
41 Assistant Planner Quarles stated that it is not anticipated that this proposed project would impact
42 those trees, but if it does the City would look at replacing them through the tree ordinance. She
43 stated that she cannot guarantee that those trees would be planted in the same spot so if that was
44 something important to the Commission, she would suggest an additional condition to that effect.

1 Commissioner Schwalbe reiterated that she felt the trees were a nice buffer, especially if there is
2 an addition to the home.

3
4 Commissioner Stockton stated that the overhang for the new roof is much larger than the existing
5 overhang.

6
7 Assistant Planner Quarles confirmed that the eave is a bit larger.

8
9 Commissioner Stockton asked what the setback requirement was along the west front of the
10 property.

11
12 Assistant Planner Quarles stated that is supposed to be 20 feet.

13
14 Commissioner Stockton asked about the setback for the existing structure without the bay window.

15
16 Assistant Planner Quarles stated that the wall is 11.1 feet from the property line.

17
18 Commissioner Merriam stated that in the project narrative on page 45, it states that if the subject
19 property were 60 feet wide or less, the same setback would be reduced to 10 feet. She asked if
20 there was something in the City's ordinance that says the width of the lot determines how much of
21 a setback you have.

22
23 Assistant Planner Quarles stated that she would have to research that question.

24
25 Commissioner Douglas asked if the side yard wasn't also considered a front yard, what the side
26 yard setback would be.

27
28 Assistant Planner Quarles stated that she believes that is 10 feet.

29
30 Commissioner Sorensen asked if there was a reason why the addition exterior wall was not aligned
31 with the existing exterior wall rather than aligned with the bay window.

32
33 Assistant Planner Quarles stated that would be a question for the applicant. She noted that she had
34 an answer to the earlier question from Commissioner Merriam. She stated that the City has a
35 provision within the R-3A zoning that says that lots fronting two principal streets are considered
36 corner lots and shall have a minimum of a 20 foot setback for both front and side yard which abut
37 a principal street; for corner lots that have less than 60 feet in width, the rear yard setback may be
38 reduced to 10 feet and the inside side yard may be reduced to 5 feet. She stated that because this
39 parcel is over 60 feet, this provision does not apply.

40
41 Chair Parkhill stated that if it looks like there will be a problem with the rain garden and those
42 trees, it appears that there will be plenty of other places where a rain garden could go. He asked
43 if there was a reason the rain garden was on the west side.

44

1 Assistant Planner Quarles stated that it was what the applicant had proposed, so she was not sure.
2 She noted that her guess would be because this was a portion of their yard that was not currently
3 being utilized.

4
5 Chair Parkhill stated that he was not completely sure he knew what a rain garden actually looked
6 like.

7
8 Assistant Planner Quarles explained that typically it is a depression where water will flow into and
9 people usually plant native plantings in them of varying heights and sizes.

10
11 There being no further questions for Staff, Chair Parkhill invited the applicant to address the
12 Commission.

13
14 Applicant and property owner, Kathleen Nash, 507 East Rice Street, introduced her representative,
15 Mr. Yelland.

16
17 Wynne Yelland, 4453 Nicollet Avenue, Minneapolis, architect and representative of the applicant,
18 stated that the rain garden will be a place where stormwater off of the roof will be stored and will
19 percolate into the ground so it doesn't sheet drain off of the lot. He stated that the amount of water
20 they need to mitigate will equate to a 5 foot wide garden that goes down about 1 foot deep and will
21 be the length of the addition. He stated that usually these places are filled with mulch and native
22 grasses and is not intended to be a stormwater pond where water just sits there. He stated that
23 plans are to maintain the 'green wall' on the west side of the property, but if any are damaged or
24 lost during construction, they will be happy to replace them. He explained that the reason for
25 aligning the addition with the bay window rather than the existing structure was because there is a
26 kitchen window that the homeowners were hoping to stay away from as much as possible. He
27 stated that the plan is for the homeowners to live in place during the construction. He explained
28 that the idea behind the addition was that if the homeowners ever got to the point where they could
29 not get up and down the stairs, that they would be able to live in the addition and could age in
30 place. He stated that he felt the provision about the setbacks being decreased for properties less
31 than 60 feet wide was relevant even though they are above 60 feet in width. He stated that the
32 addition and the rain garden are completely outside of the Shoreland District even though the lot
33 is within that zone. He noted that the homeowners have lived there for almost 30 years and are
34 anticipating living there another 30 years. He stated that they intend to maintain the green wall,
35 keep the architectural character and style consistent with the upper floor, and maintain nice
36 landscaping as they have done in the past.

37
38 Commissioner Douglas stated that she did not see a closet in the addition, and asked if it was a
39 requirement if it was to be a bedroom in the future.

40
41 Mr. Yelland stated that if this space was converted into a bedroom, the thought was that either the
42 middle section opposite the bathroom or the space opposite the entry door could be converted into
43 a closet.

44
45 There being no additional questions from the Commission for the applicant, Chair Parkhill opened
46 the public hearing on the application at 8:07 pm.

1
2 Mandy Adams, 309 Ramsey Road, stated that she was in favor of this request and noted that she
3 felt that this was one of the most charming homes in the City. She stated she would like to see the
4 City allow whatever they can in order to save the home with reasonable modifications.

5
6 Assistant Planner Quarles stated there were no people that called in to the meeting that have asked
7 to speak at the public hearing.

8
9 There being no one else wishing to provide public comments on the application, Chair Parkhill
10 closed the public hearing at 8:09 pm.

11
12 Chair Parkhill asked for the Commission to share their questions and feedback on the application.

13
14 Commissioner Severson asked if the Commission was supposed to focus on the wall line and not
15 the roof line.

16
17 Assistant Planner Quarles explained that typically when the Commission is looking at variances
18 they are looking at the footprint of the addition. She stated that within the Code they have built in
19 a bit of an allowance for things like eaves.

20
21 Commissioner Severson stated that this is another example of a home that is over 100 years old
22 and the homeowners want to be able to stay in the home, but noted that she was struggling a bit
23 with the massing on the Minnetonka side, and was a bit torn on her decision.

24
25 Commissioner Merriam stated that she is also a bit torn. She noted that she knows this home very
26 well because she used to live next door. She stated that she believed the City should allow them
27 to preserve this home and alter it so they can stay there long term, but she is having a hard time
28 with the alignment of the west wall. She stated that she somewhat understood the explanation
29 related to the kitchen window, but would like more information on that.

30
31 Mr. Yelland noted that either alignment would require a variance request. He stated that they had
32 discussed this situation at length and also looked at it from the perspective of the neighbor across
33 the street and how far it would be from their house. He stated that they also felt that mitigating
34 the issue for people who were on the sidewalks was an appropriate way to handle this. He noted
35 that they had also chosen to go down with a floor rather than do a two-story addition. He stated
36 that taking into consideration all the details that were discussed, they settled on this location as the
37 best location. He noted that when they were making their plans, they went to the site with
38 cardboard to try to determine sight lines and felt that this location would be the best to allow for
39 the existing kitchen window.

40
41 Ms. Nash stated that another factor that they considered was inside their home in the way their
42 dining rooms aligns with what they have planned.

43
44 Commissioner Stockton asked about impervious surface if the addition was setback to the existing
45 foundation wall rather than the bay window. She stated that she is also torn on the same issue that
46 has been raised.

1
2 Commissioner Douglas stated that she loves this old home and has been inside many times. She
3 stated that there are two artistic people who live there and feels that whatever they do it will be
4 very attractive. She stated that because she has been inside she can understand why the
5 homeowners want the entrance from the dining room into the new addition. She stated that she
6 feels strongly that the hedge needs to be kept for a buffer and loves that that this will allow the
7 homeowners to stay in the home. She noted that the home has an old, steep, narrow staircase and
8 there is not a bathroom on the main floor so she is in favor of allowing this variance.

9
10 Commissioner Sorensen stated that he generally concurs with the statements already made. He
11 stated that he would be okay if the Commission recommended approval, as presented, but would
12 be a bit more encouraged to support it if the wall were moved back in alignment with the existing
13 structure. He reiterated that he would support this, as presented, or with the wall moved to align
14 with the structure.

15
16 Commissioner Schwalbe stated that she feels this is a very charming looking house. She stated
17 that the Minnetonka Avenue side feels more like a side yard than a front yard and did not feel an
18 encroachment when she drove by and reiterated that she felt the trees made all the difference. She
19 stated that she feels it would change everything if they were gone and stated that she feels they
20 need to stay put. She stated that how this is proposed does not bother her and she would support
21 the variance, as requested.

22
23 Chair Parkhill stated that it is a beautiful house with a lot of character, and he is thrilled that they
24 are making plans to be able to age in place. He stated that he is also glad that they are able to keep
25 100 year old homes in the community and not be torn down. He stated that he also wishes that it
26 was moved 3 feet to the east because it seems aesthetically a bit off and also seems to be an
27 additional 'ask' for the City because it doesn't line up with the house. He stated that he was glad
28 that the City Council would receive the minutes in order to read through their comments and
29 concerns prior to making a final decision.

30
31 There being no further discussion, Chair Parkhill asked for a motion on the application.

32
33 Commissioner Douglas made a motion, seconded by Commissioner Schwalbe, to direct staff to
34 prepare a draft Planning Commission Report and Recommendation with appropriate findings
35 reflecting a recommendation of approval for the Front Yard Setback Variance request at 507 Rice
36 Street East for review and adoption at the next Planning Commission meeting.

37
38 The motion carried unanimously.

39
40 **AGENDA ITEM 6. New Business Items**

- 41
42 **a) Consider Approval of Resolution Regarding Modification to the Redevelopment Plan**
43 **for the Central Area Redevelopment District and Modifications to the TIF Plans for**
44 **TIF Districts 3, 5, and 6**
45

Project Narrative

Variance Application - 507 Rice Street East

Homeowners Kathleen Nash and Bob Kinghorn are proposing a northern addition to their 110-year old home at 507 Rice Street East. Their home is in the R3A Zoning district; the lot dimensions are rectangular with the north and south edges at 66'-0" in length and the east and west edges at 165' in length. Rice Street is along the south side of the property, while Minnetonka Avenue is along the west. In the R3A district, the west side of the property is subject to a 20'-0" setback (Section 955.06.B.1.d) as it fronts a street. If the subject lot were 60'-0" wide or less, that same setback would be reduced to 10'-0".

The current structure is principally setback from the west Property Line at 11'-2", with a protruding bay window at 8'-10" from the Property Line. As such, close to one third of the existing structure does not comply with the City's current setback. The site is landscaped such that the principal outdoor seating areas are along the east side of the back yard, to provide separation from car traffic on Minnetonka. The west side of the lot is landscaped with screening, and will remain that way after the addition. We are seeking a variance to the Property Line setback to match the 8'-10" of the bay window on the current structure.

Kathleen and Bob would like to add first floor square footage to the house to meet their current needs, along the western edge of the property on the north, to both preserve the back yard spaces and to provide visual space to their eastern neighbor. Their proposal adds a bathroom and small room, which could be used in the future as an accessible bedroom, should they someday have difficulty navigating stairs. We believe the proposed design works well with the configuration of the home's interior floor plan, creates a visual and aural buffer to traffic on the street, and repeats the existing building setback location along Minnetonka Avenue.

Kathleen and Bob have lived at the address for almost 30 years, and want to remain in their home well into the future. They realize that present living circumstances, with bedrooms and bath on the second floor, may make it impossible to stay in the home in the future. Today, given the modest footprint, it is a challenge to host visiting family or one or two other couples for games or a meal. At the same time, it is important to them that any addition both preserve and respect the aesthetics and design characteristics of their historic home, as they feel their home positively contributes to the character and context of the community and the City. After considering a more robust remodel/addition project, we all agreed the proposed design - preserving the existing home, with a new

addition that references the home's color and material - was an approach which allowed us to keep more of the original structure intact.

We feel this proposal is in harmony with Wayzata's Zoning Ordinance and is consistent with the Comprehensive Plan. We feel the proposal is architecturally pleasing and will allow Kathleen and Bob to age in place. Given the location of the existing home, we feel the proposed addition is a reasonable request within the intent of Wayzata's Zoning Ordinance, provides a safe place for them to enjoy their backyard, and would be in keeping with the context of the site and neighborhood.

DESCRIPTION OF PROPERTY SURVEYED
 Lot 6, Block 13, WAYZATA, according to the recorded plat thereof, Hennepin County, Minnesota.

GENERAL NOTES:

1. **Site Address:** 507 Rice Street East, Wayzata, Minnesota.
2. **Flood Zone Information:** This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 0307E, effective date of September 2nd, 2004.
3. **Parcel Area Information:** The Gross land area is 10,874 +/- square feet or 0.25 +/- acres.
4. **Site Elevation:** TNIH @ the SW quadrant of Rice St E and Walker Ave S = 976.33.
5. **Zoning Information:** The current Zoning for the subject property is R-3A (Single and Two Family Residential District) per the City of Wayzata's zoning map dated January 8, 2012. The setback, height, lot coverage and impervious surface coverage restrictions for said zoning designation were obtained from The City of Wayzata's Zoning Ordinance, found on their web site on the date of March 31, 2015 and are as follows:

Principal Structure Setbacks - Front: 20 feet
 Side: 10 feet
 Rear: 20 feet
 Height: 32 feet
 Lot Coverage: 30% of lot area
 Impervious Surface Coverage : 35% of the lot area

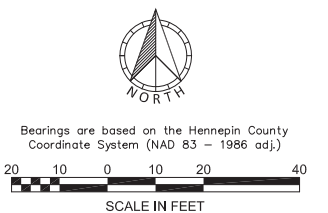
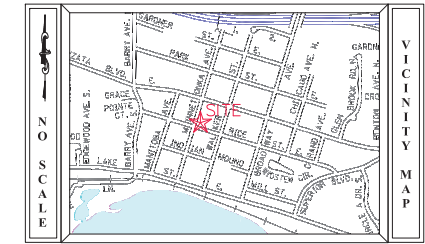
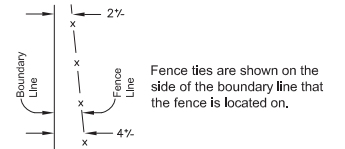
Accessory Structure Setbacks - Front: 20 feet
 Side: 5 feet
 Rear: 5 feet

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

Existing Hardcover	Proposed Hardcover
- Lot Area - 10,874 Sq.Ft.	- Lot Area - 10,874 Sq.Ft.
- Structure Area - 1,658 Sq.Ft.	- Structure Area - 2,115 Sq.Ft.
- Paver Area - 336 Sq.Ft.	- Paver Area - 336 Sq.Ft.
- Wood Patio Area - 120 Sq.Ft.	- Wood Patio Area - 120 Sq.Ft.
- Concrete & Bituminous Area - 932 Sq.Ft.	- Concrete & Bituminous Area - 709 Sq.Ft.
- Total Impervious Area - 3,046 Sq.Ft.	- Total Impervious Area - 3,280 Sq.Ft.

(Structural Area / Lot Area)	(Structural Area / Lot Area)
Total Lot Coverage - 15.2%	Total Lot Coverage - 19.6%
(Total Impervious Area / Lot Area)	(Total Impervious Area / Lot Area)
Total Impervious Coverage - 28.0%	Total Impervious Coverage - 30.16%

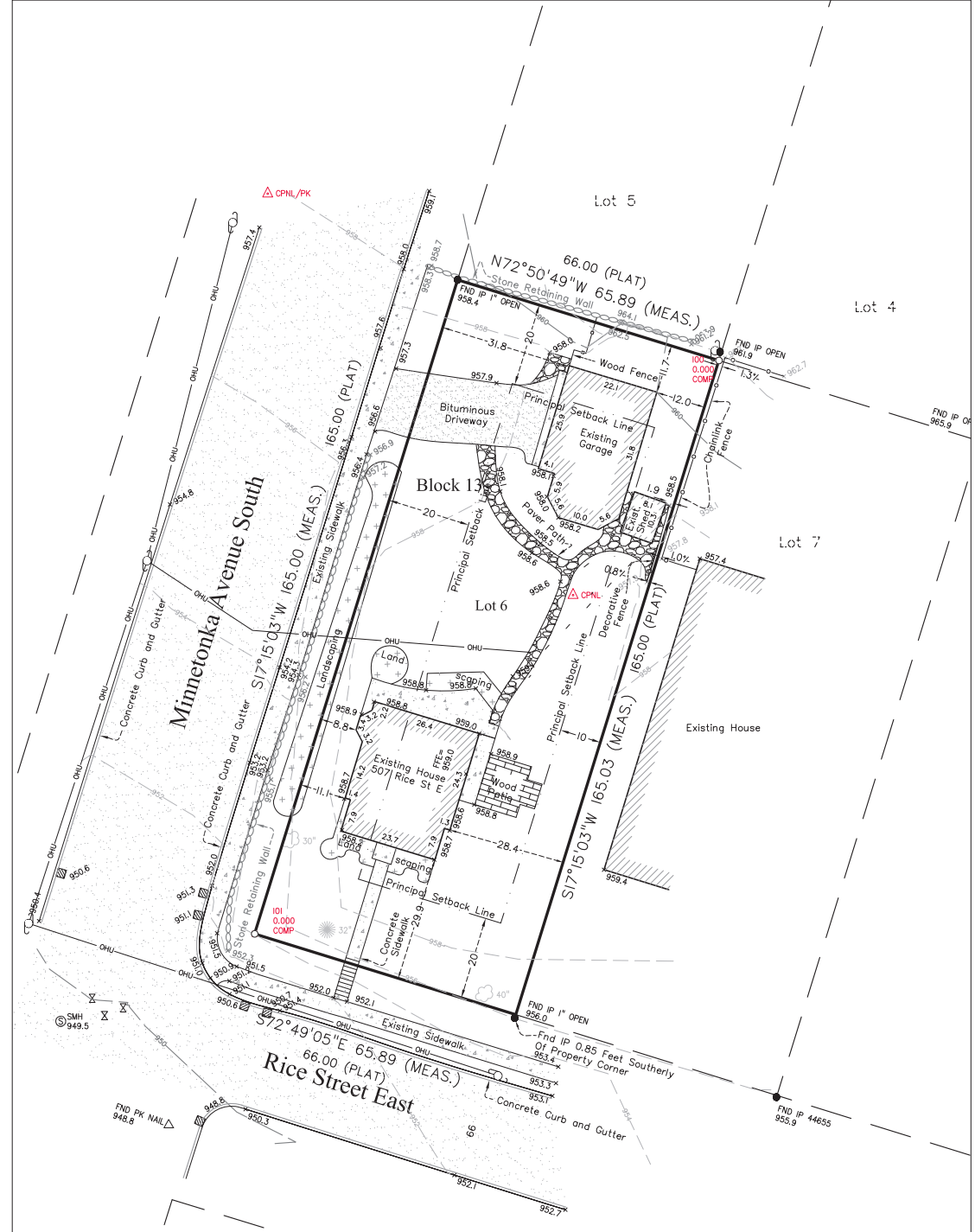
7. **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.



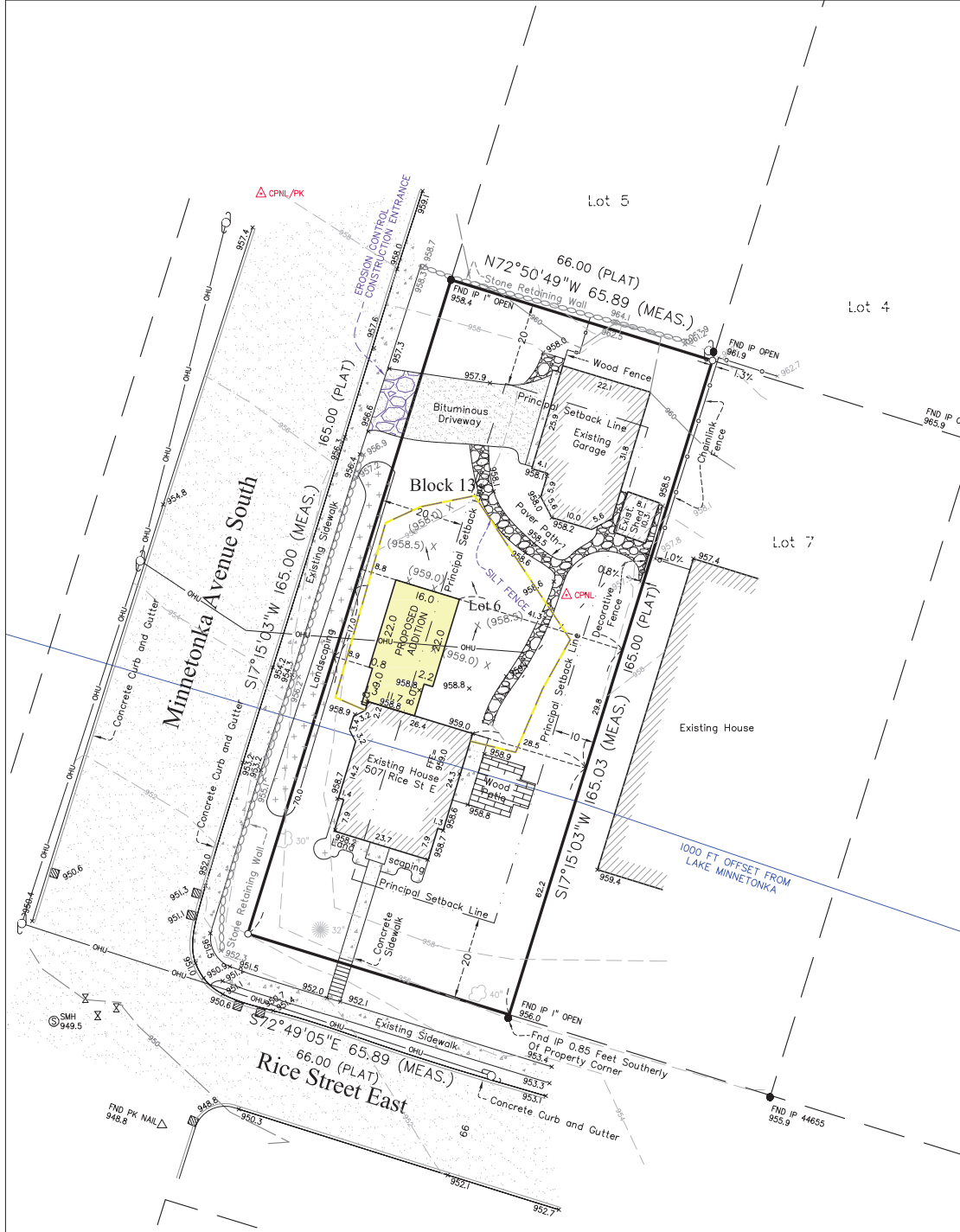
SURVEY LEGEND

CAST IRON MONUMENT	A/C UNIT	BITUMINOUS
CATCH BASIN	CABLE TV PEDESTAL	CABLE TV
FLARED END SECTION	ELECTRIC TRANSFORMER	CONCRETE CURB
GATE VALVE	ELECTRIC MANHOLE	CONCRETE
GUY WIRE	ELECTRIC METER	CONTOUR EXISTING
HYDRANT	GAS METER	CONTOUR PROPOSED
SURVEY MONUMENT SET	GAS VALVE	DT
SURVEY MONUMENT FOUND	GUARD RAIL	ELC
SURVEY CONTROL POINT	HAND HOLE	ELECTRIC UNDERGROUND
LIGHT POLE	SOIL BORING	FO
POWER POLE	TREE CONIFEROUS	FIBER OPTIC UNDERGROUND
SANITARY MANHOLE	TREE DECIDUOUS	GAS
SANITARY CLEANOUT	TELEPHONE MANHOLE	OHU
SIGN	TELEPHONE PEDESTAL	OVERHEAD UTILITY
GROUND ELEVATION	TRAFFIC SIGNAL	RAILROAD TRACKS
STORM DRAIN	UTILITY MANHOLE	SANITARY SEWER
STORM MANHOLE	UTILITY PEDESTAL	TELEPHONE UNDERGROUND
YARD LIGHT	WELL	UTILITY UNDERGROUND
		WATERMAIN

EXISTING CONDITIONS



PROPOSED CONDITIONS



FIELD CREW	NO.	BY	DATE	REVISION
DH/GH	1	EMW	10/19/2022	UPDATED PROPOSED ADDITION
DRAWN				
BDH				
CHECKED				
DBP				
DATE				
03/26/15				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 21st day of October, 2022.
Daniel L. Schmidt
 Daniel L. Schmidt, PLS
 schmidt@sathre.com
 Minnesota License No. 26147

SATHRE-BERGQUIST, INC.
 14000 25TH AVENUE NORTH, SUITE 120
 PLYMOUTH MN 55447 (952) 476-6000
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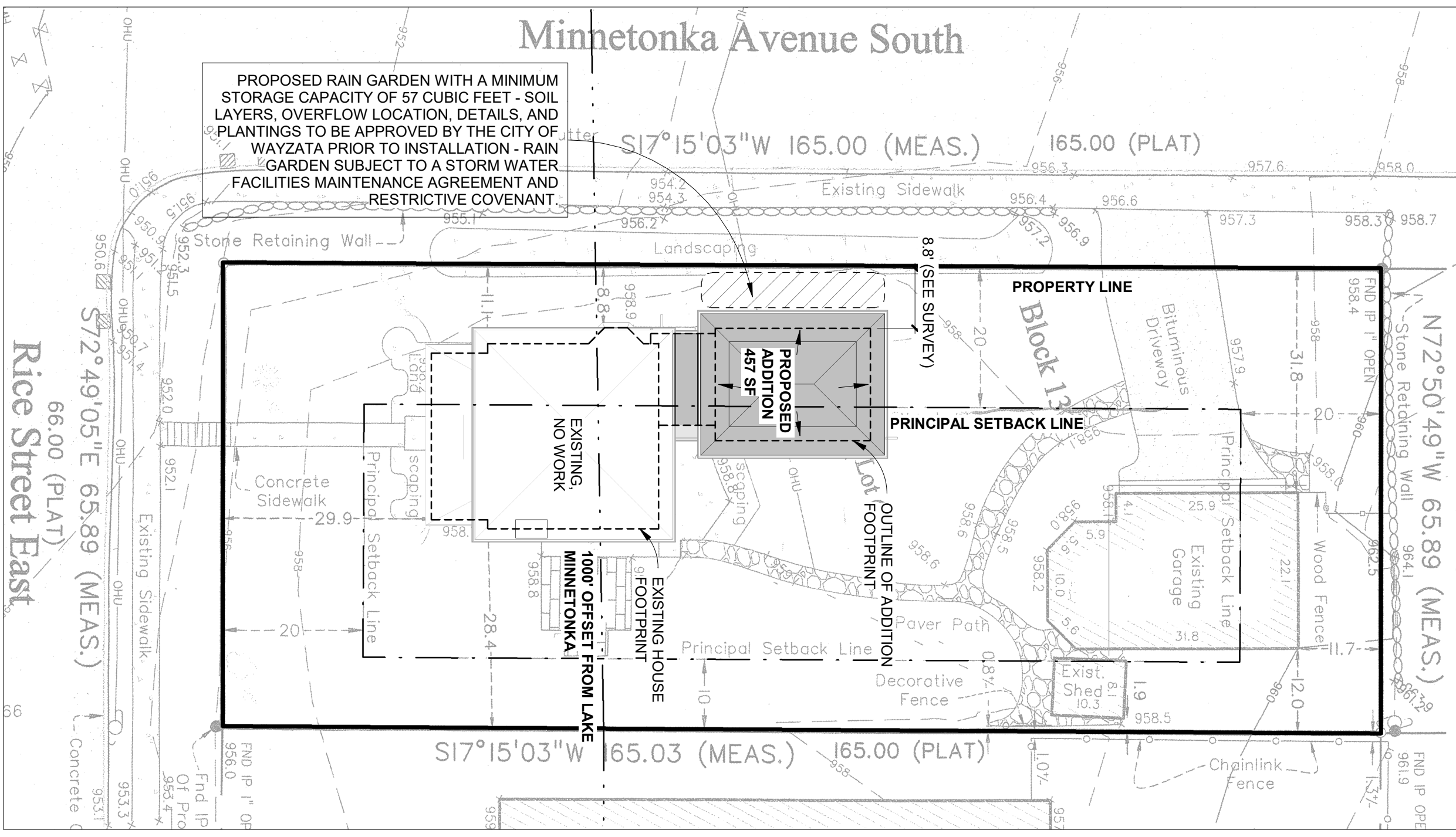
TWP.117 - RGE.22 - SEC.06
 HENNEPIN COUNTY
WAYZATA, MINNESOTA

CERTIFICATE OF SURVEY
 PREPARED FOR:
ROBERT KINGHORN

FILE NO.
 46158-002
1
1

Minnetonka Avenue South

PROPOSED RAIN GARDEN WITH A MINIMUM STORAGE CAPACITY OF 57 CUBIC FEET - SOIL LAYERS, OVERFLOW LOCATION, DETAILS, AND PLANTINGS TO BE APPROVED BY THE CITY OF WAYZATA PRIOR TO INSTALLATION - RAIN GARDEN SUBJECT TO A STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT.

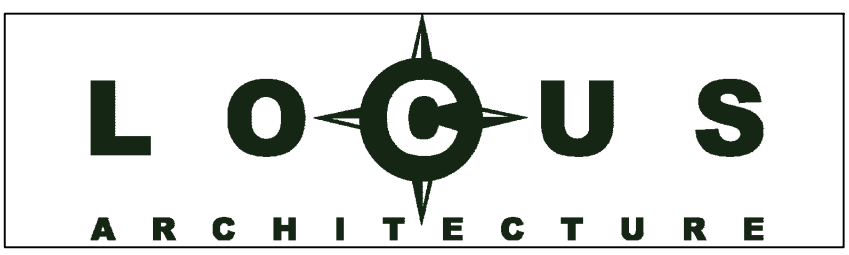
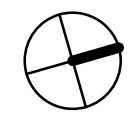


PROJECT ADDRESS: 507 RICE ST E, WAYZATA, MN 55391

GOVERNING JURISDICTION	CITY OF WAYZATA			
ZONING	R-3A (SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT)	CITY OF WAYZATA ZONING MAP		
CODE ANALYSIS	PROPOSED	PER CODE	REFERENCE	COMMENTS
LOT SIZE	10,874 SF	9,000 SF MINIMUM	956.06 CITY OF WAYZATA CODE OF ORDINANCES	
LOT COVERAGE	2115 SF / 10874 SF = 19.6%	30% OF LOT AREA	956.07 CITY OF WAYZATA CODE OF ORDINANCES	(1,658 SF (EXISTING) + 457 SF (NEW ADDITION)) / 10,874 SF (LOT AREA)
IMPERVIOUS SURFACE	3280 SF / 10874 SF = 30.16%	35% OF LOT AREA	956.07 CITY OF WAYZATA CODE OF ORDINANCES	(3,046 SF (EXISTING IMPERVIOUS AREA) + 457 SF (NEW ADDITION FOOTPRINT) - 233 SF (CONCRETE REMOVED)) / 10,874 SF (LOT AREA)
SETBACK	PROPOSED	PER CODE	REFERENCE	COMMENTS
FRONT YARD	29.9'	20'	956.06 CITY OF WAYZATA CODE OF ORDINANCES	NO CHANGE PROPOSED
INTERIOR SIDE YARD	28.4'	10'	956.06 CITY OF ORDINANCES	NO CHANGE PROPOSED
REAR YARD	72.5'	20'	956.06 CITY OF WAYZATA CODE OF ORDINANCES	PROPOSED ADDITION
CORNER SIDE YARD	8.8'	20'	956.06 CITY OF WAYZATA CODE OF ORDINANCES	PROPOSED ADDITION TO ALIGN WITH EXISTING WALL LOCATION

NOTE: ENTIRE PROPOSED ADDITION IS BEYOND THE 1,000 FT SHORELAND OFFSET FROM LAKE MINNETONKA

1 SITE PLAN
A-001 1/16" = 1'-0"



KINGHORN & NASH ADDITION

No.	Description	Date

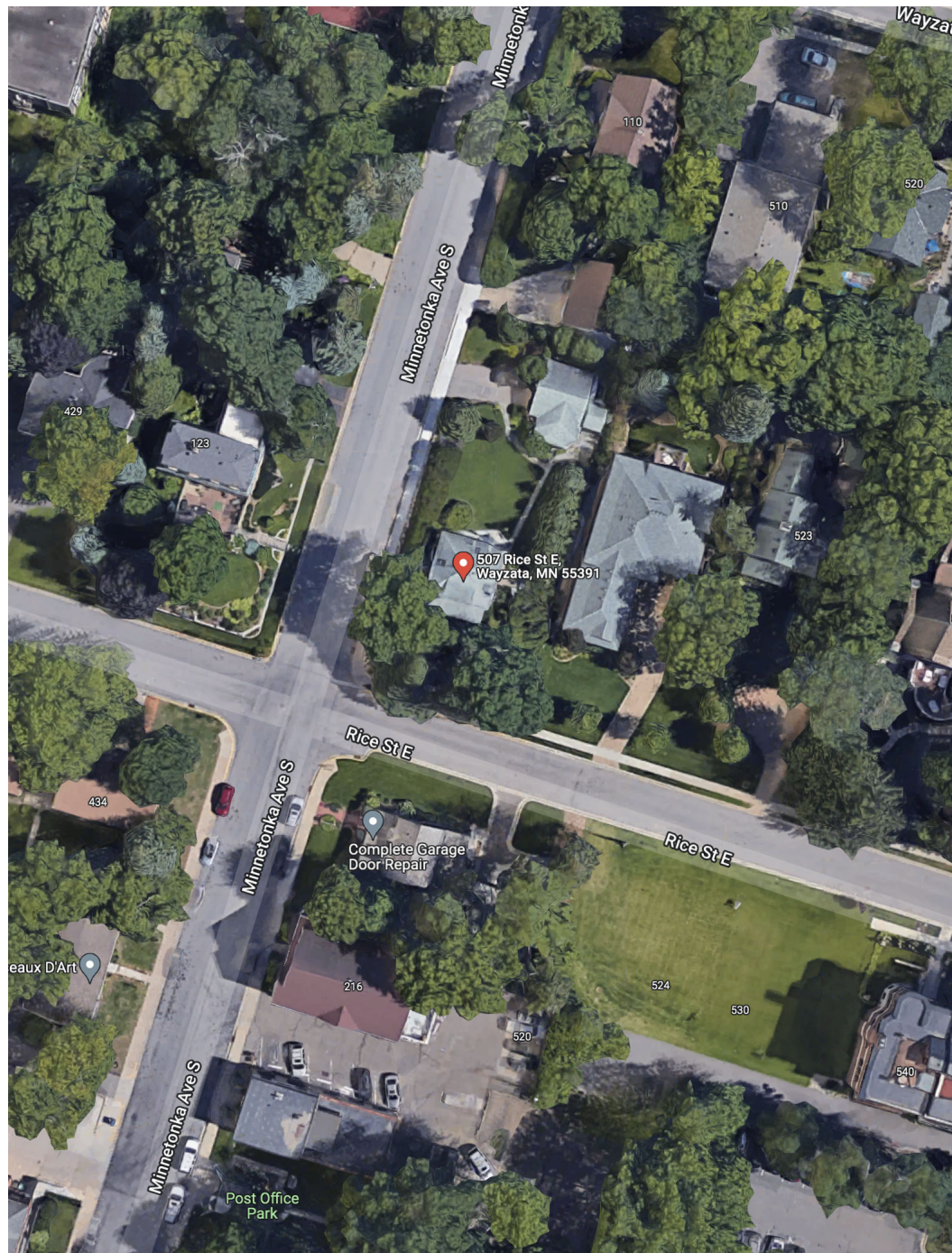
SITE PLAN

Date: 10/24/2022

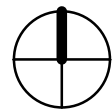
507 RICE ST E
WAYZATA, MN 55391

A-001

Scale 1/16" = 1'-0"



SITE LOCATION



EXISTING NORTH FACADE



EXISTING SOUTH FACADE



PROPOSED ADDITION, NORTH FACADE



PROPOSED ADDITION, AERIAL LOOKING SOUTH WEST



KINGHORN & NASH ADDITION

No.	Description	Date

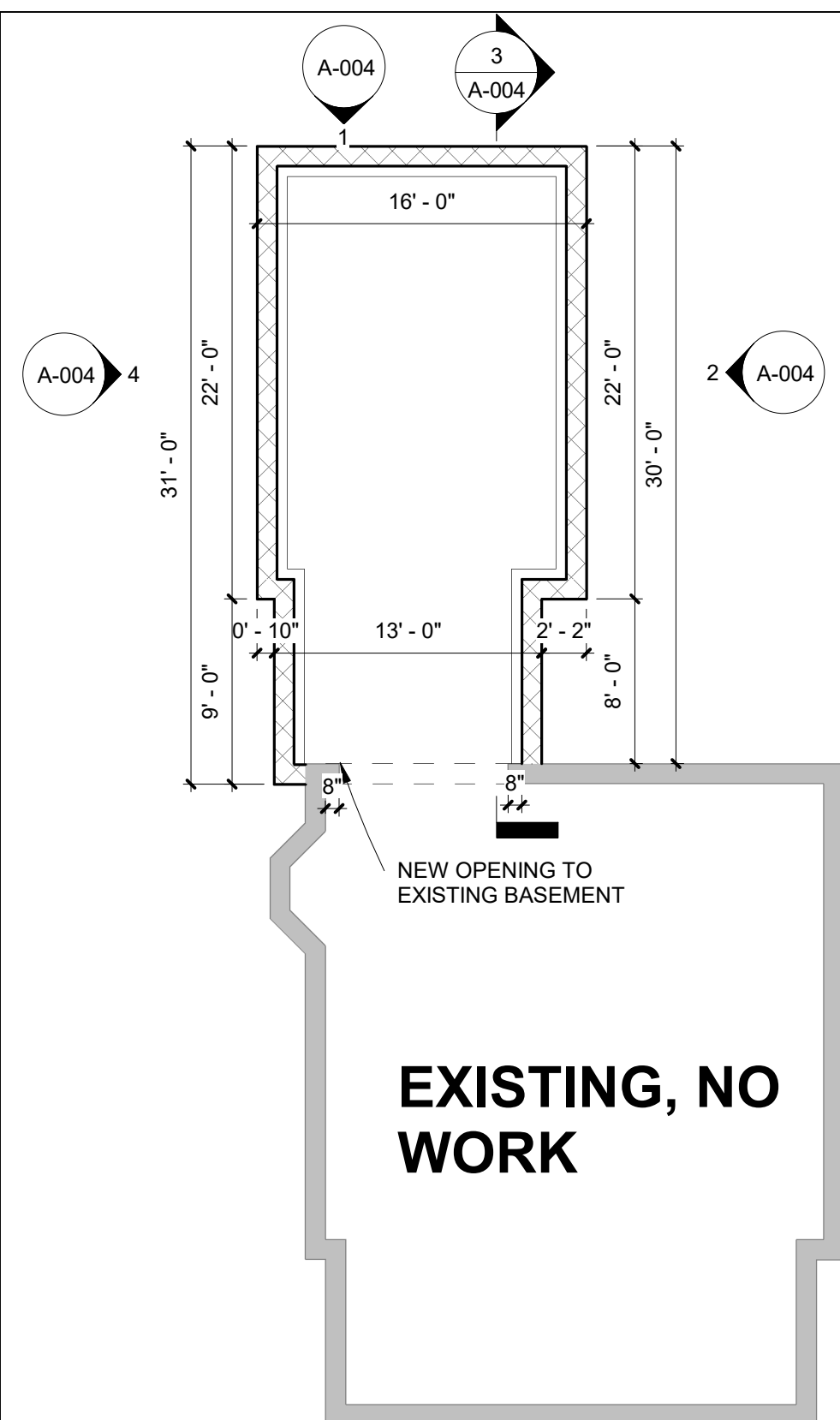
SITE LOCATION & VIEWS

Date 09/27/2022

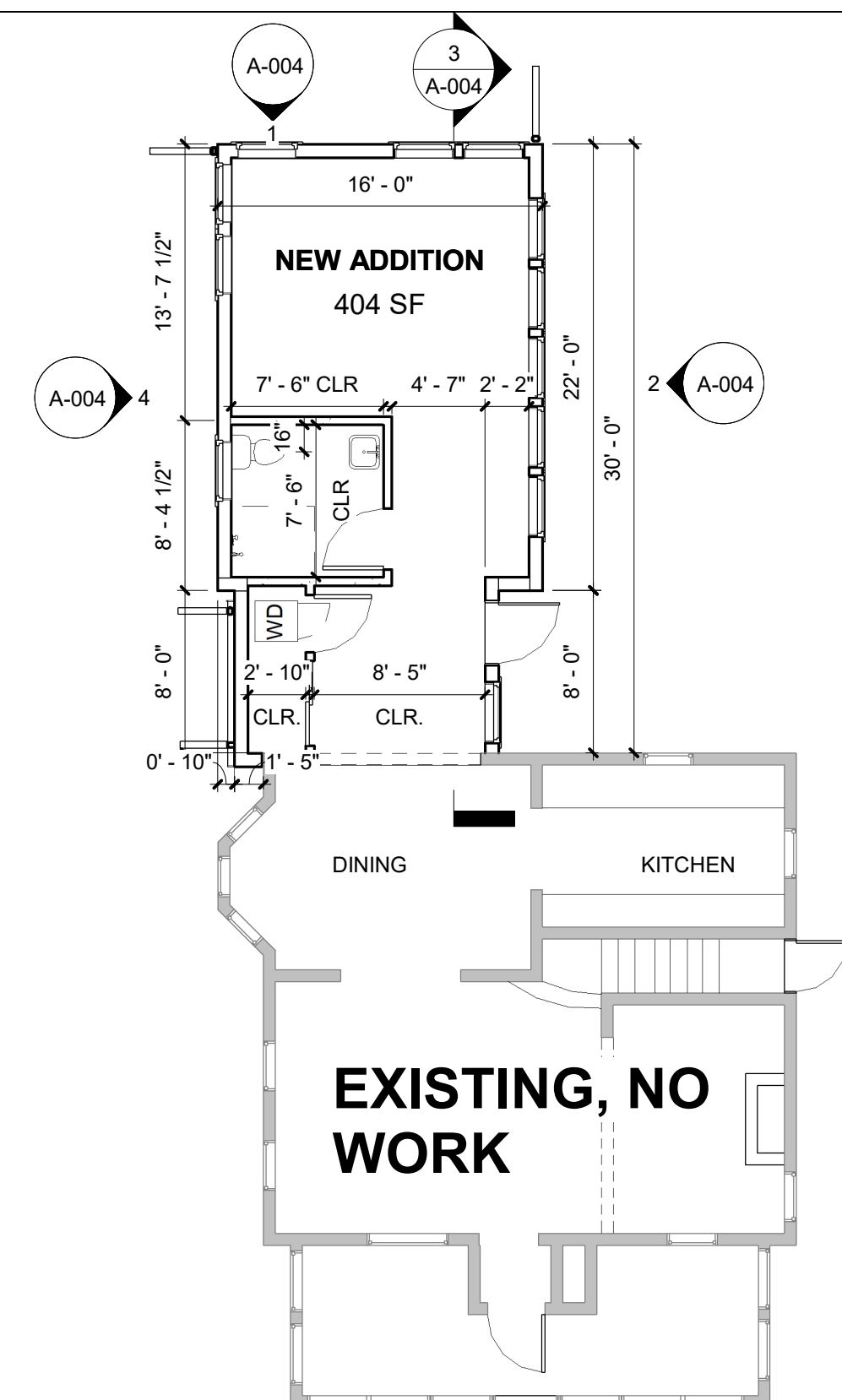
507 RICE ST E
WAYZATA, MN 55391

A-002

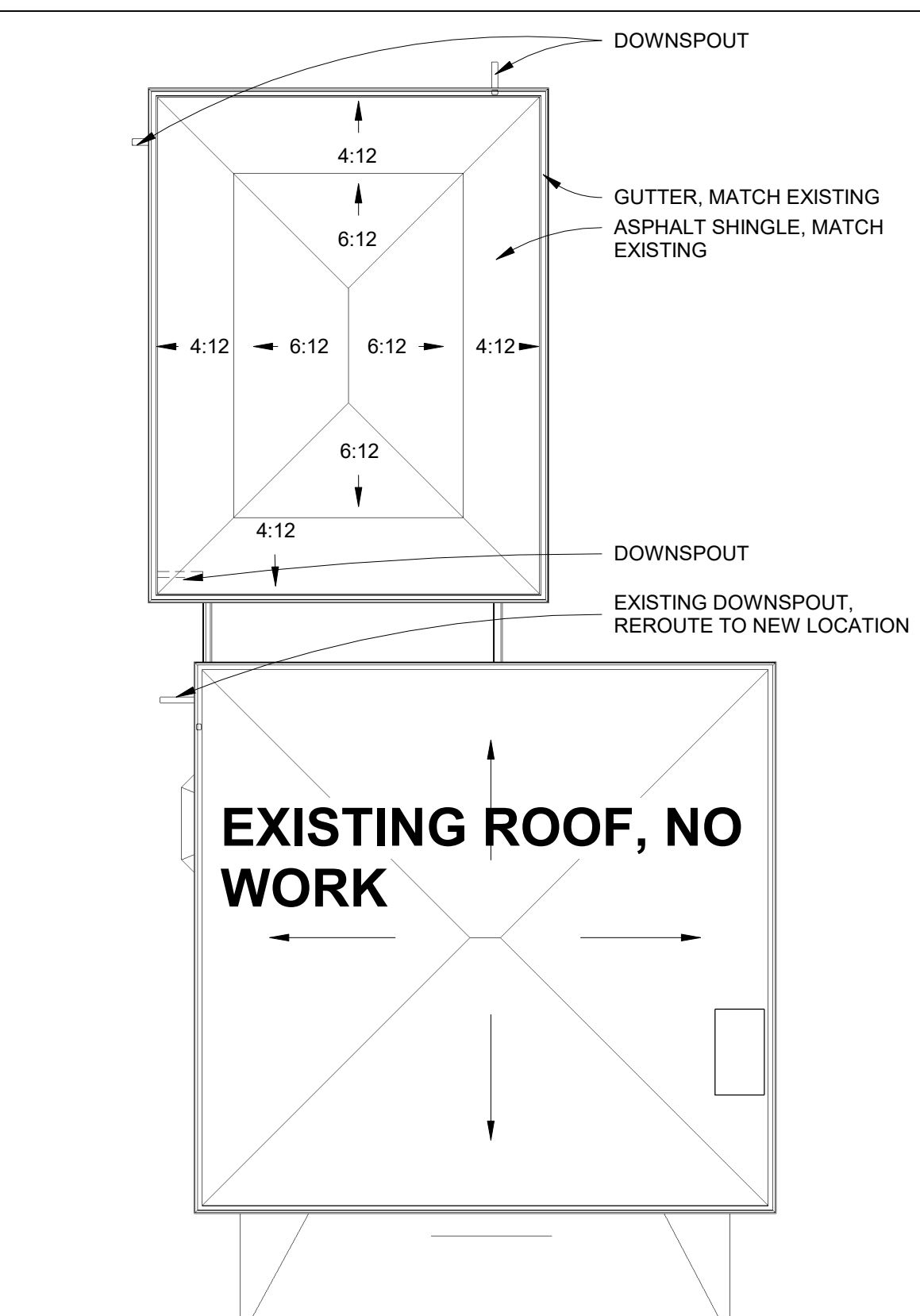
Scale



1 BASEMENT PLAN
1/8" = 1'-0"



2 FIRST FLR PLAN
1/8" = 1'-0"



3 ROOF PLAN
1/8" = 1'-0"



KINGHORN & NASH ADDITION

No.	Description	Date

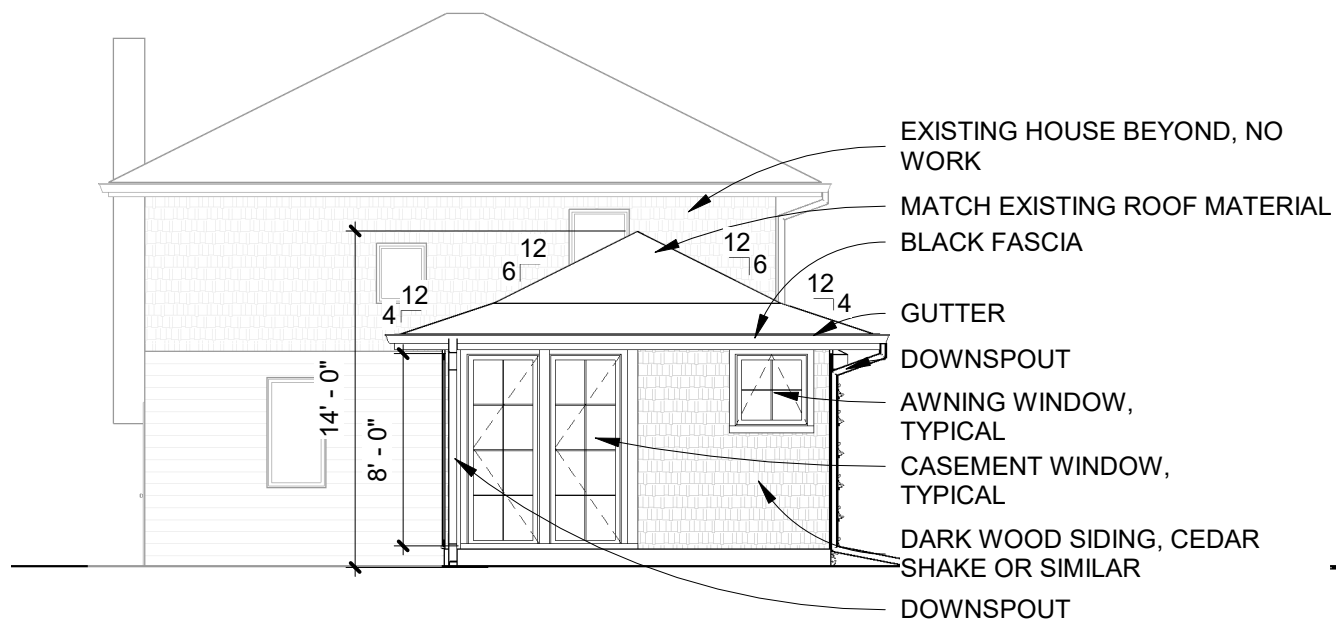
FLOOR PLANS

Date 09/27/2022

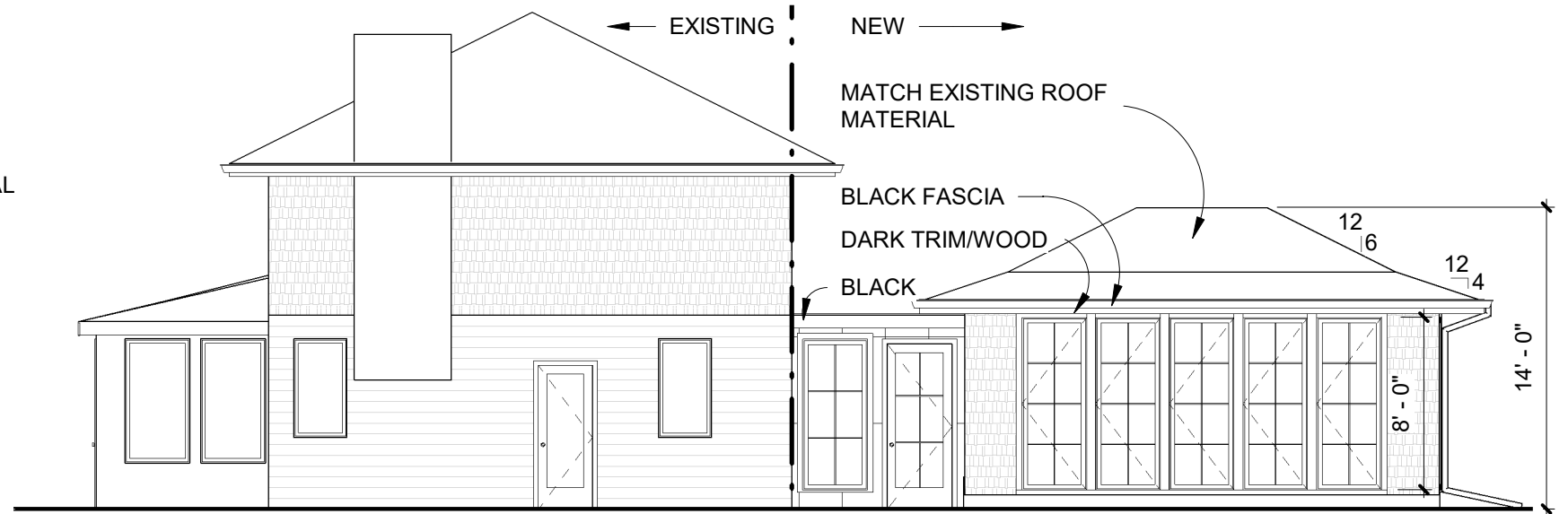
507 RICE ST E
WAYZATA, MN 55391

A-003

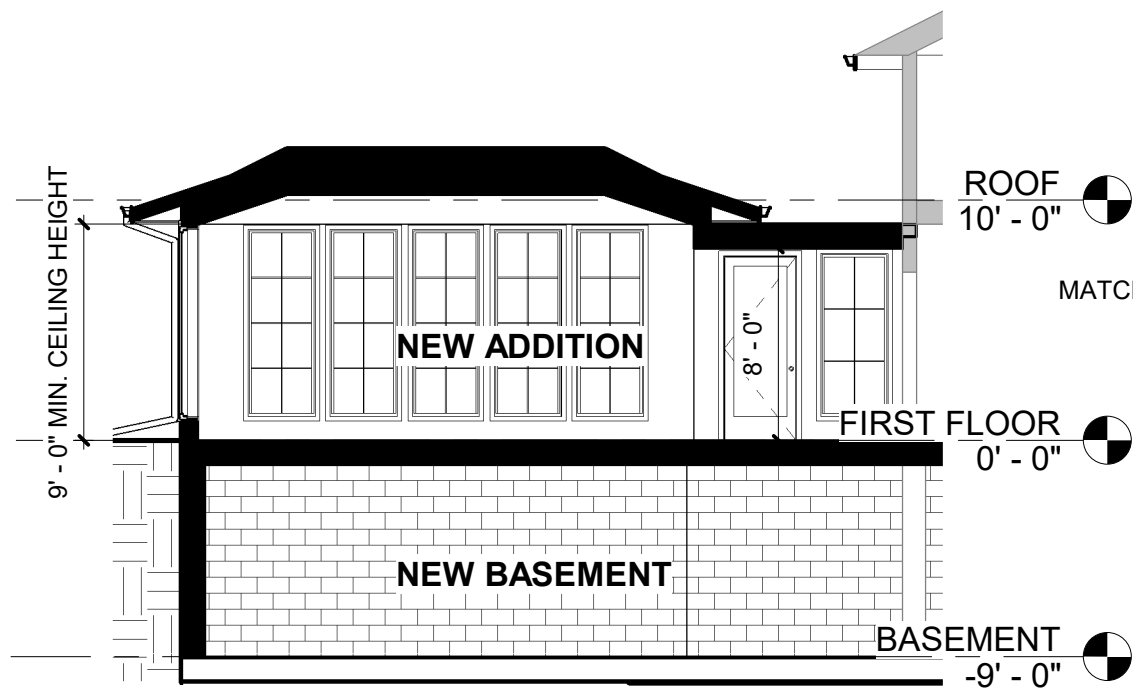
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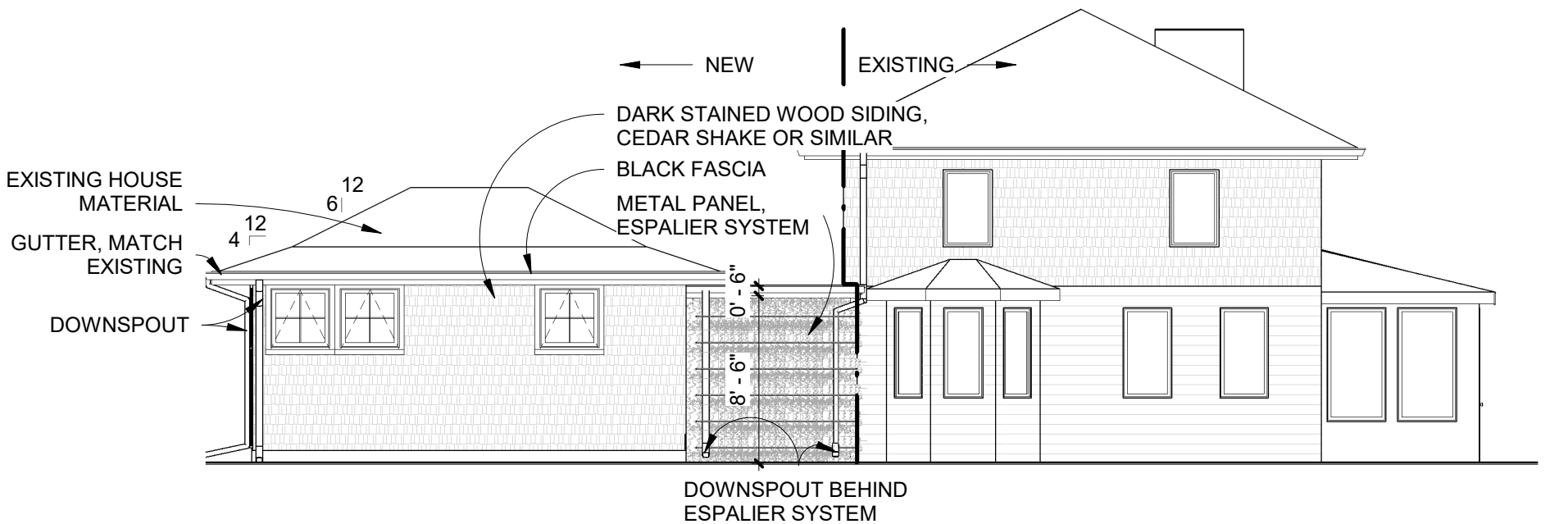
1 NORTH ELEVATION
1/8" = 1'-0"



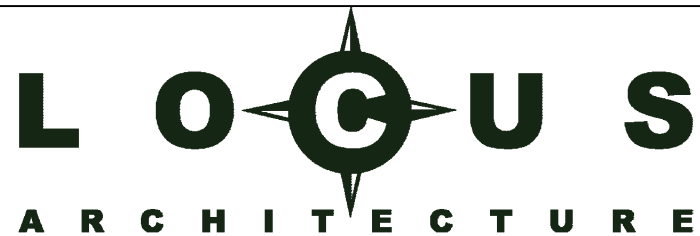
2 EAST ELEVATION
1/8" = 1'-0"



3 N/S SECTION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"



KINGHORN & NASH
ADDITION

No.	Description	Date

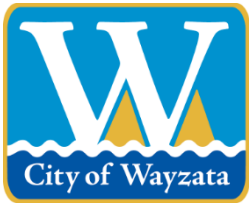
ELEVATIONS

Date 09/27/2022

507 RICE ST E
WAYZATA, MN 55391

A-004

Scale 1/8" = 1'-0"



City of Wayzata City Council Agenda Report

MEETING DATE: January 18, 2023	AGENDA ITEM: 8.c
TITLE: Consider Adoption of Resolution 06-2023 Supporting the Authority to Impose a Special Local Food and Beverage Sales Tax to Fund Operational and Capital Improvements Providing a Regional Benefit	
PROPOSED MOTION: To Adopt Resolution 06-2023 Supporting the Authority to Impose a Special Local Food and Beverage Sales Tax to Fund Operations and Capital Improvements Providing a Regional Benefit	
PREPARED BY: Aurora Yager, Deputy City Manager	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the Resolution as presented.

FINANCIAL OR BUDGET CONSIDERATION:

Based on conservative estimates from a 2021 U of M Extension Study, a 1% food and beverage sales tax could generate approximately \$750,000 per year in revenue. Based on identified operational needs for park maintenance, public safety, and business retention and attraction, a 1% sales tax would bring in an additional \$480,000 per year to support the general fund, which is the equivalent of almost 9% of the general fund operating levy in 2023. The remaining approximately \$270,000 would be used towards park capital improvements which would fully correct projected deficits in this capital fund.

BACKGROUND:

In December and January, the Council considered options for pursuing a local sales tax at a workshop, as a legislative priority, which would help the City meet its Strategic Plan initiative to diversify city revenues by reducing dependence on property taxes. As was mentioned in the 2021 U of M Extension Study, non-residents consist of an abnormally high percentage of food and beverage sales, one of the highest in the state, with about 90% of all sales coming from non-residents. Visitors, while needed to help our business community thrive, take a toll on our City services and infrastructure without bearing the financial responsibility for those services like our property owners do.

Council support for the draft resolution would be just the first step of many to establishing a local sales tax. If approved, some additional steps in the process would include:

1. Submitting a resolution of support along with any required supporting documentation to the State Legislature by January 31, 2023
2. Continuing to meet with key members of the Legislature to lobby for the request - January to May 2023
3. Engaging and informing members of the business community regarding the request - January to May 2023
4. Confirming the resolution of support and establishing an ordinance to collect the tax - Sometime after Legislative approval

The recommended action tonight **does not** mean the City will be imposing a sales tax, rather, it allows the City to start the process of exploring that possibility.

ATTACHMENTS:

1. Resolution 06-2023 Supporting a Sales Tax

CITY OF WAYZATA

RESOLUTION 06-2023

**A RESOLUTION SUPPORTING THE AUTHORITY TO IMPOSE
A SPECIAL LOCAL FOOD AND BEVERAGE SALES TAX TO FUND OPERATIONAL AND
CAPITAL IMPROVEMENTS PROVIDING REGIONAL BENEFIT**

WHEREAS, the City of Wayzata is a significant regional destination in the Twin Cities due to its easy access to a high concentration of restaurants and retail, employment opportunities, natural resources, and parks and recreation amenities; and

WHEREAS, based on the 2020 U.S. Census Wayzata's population is approximately 4,434, but increases exponentially each day as visitors travel into town to work, eat, shop, and play; and

WHEREAS, being a regional destination necessitates significant investment by the City for parks, natural amenities such as Lake Minnetonka, public safety, and downtown business attraction and retention to support the increased population and traffic; and

WHEREAS, the City's investment in park maintenance and capital improvements provides significant regional benefits to all who work, visit, and recreate in Wayzata; and

WHEREAS, the additional people impose a greater need for community-based policing to ensure the safety of such large influxes of visitors in the downtown corridor which the City has supported singlehandedly over the years; and

WHEREAS, meeting the increased service demand from visitors that are exponentially more than the population of residents, places an excessive strain on the City, and its small organization with limited resources, to meet these needs independently; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata supports the ability to impose a special local sales tax of 1% on food and beverages to raise approximately \$14.6 million over 16 years; and

BE IT FURTHER RESOLVED that proceeds from the tax would be used to fund operational costs for park maintenance and capital improvements, operational costs for public safety, and downtown business attraction and retention.

Adopted by the City Council of the City of Wayzata this 18th day of January, 2023.

Johanna Mouton, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 06-2023 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 18, 2023.

Kathy Leervig, City Clerk

SEAL