

WAYZATA CITY COUNCIL MEETING AMENDED AGENDA

Wayzata City Hall Community Room, 600 Rice Street
Tuesday, October 16, 2018

4:45 p.m. Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

1. Capital Improvements Plan (CIP) Upddate (5:15-6:45 p.m.)

7:00 PM - CITY COUNCIL MEETING

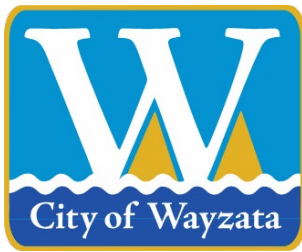
ITEM	DESCRIPTION	PRESENTER	DK	ST	KW	JM	AP	VOTE	PAGE #
1	Call to Order								
2	Pledge of Allegiance								
3	Roll Call								
4	Approve Agenda								
5	Public Forum - 15 Minutes (3 min/person)								
a.	Introduce Elijah Renn, Kitchen Manager	Pietrini							
b.	Lake Effect Update	Mullin							
6	New Agenda Items (3 min/councilmember) - 1. Councilmember suggest item to add; 2. Must be seconded by another Councilmember; 3. Determine staff resources, scheduling & timeframe; 4. Discuss & vote to add to future agenda								
a.									
7	Consent Agenda								2
a.	Approval of City Council Workshop Meeting Minutes of October 2, 2018 and City Council Regular Meeting Minutes of October 2, 2018								
b.	Approval of Check Register								
c.	Approval of Municipal Licenses								
d.	Police Activity Report								
e.	Building Activity Report								
f.	Approval of Second Reading of Ordinance No. 785 Rezoning the Property at 235 and 239 Lake St E								
g.	Approval of Resolution 60-2018 Amending the Fee in Lieu of Parking (FILOP) Policy								
8	Public Hearing								
a.	Public Hearing on Special Assessment Roll for Unpaid Delinquent Utility Bills and Consider Approval of Resolution No. 58-2018 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges	Dahl							57
9	New Business								
a.	Approval of Development and Fee in Lieu of Parking (FILOP) Agreement for Broadway Place at 326 and 332 Broadway Avenue South	Thomson							60
b.	Consider Agreement and Authorization for Services with Civitas to Explore Design Alternatives for Lake Street	Dahl							133
c.	Consider Adoption of Resolution 59-2018 Supporting the Wayzata Community Sailing Center (WCSC) in their Grant Request to Hennepin County Youth Sports Program	Dahl							137
10	City Manager's Report and Discussion Items								
11	Public Forum (as necessary)								
12	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 - Nov 7 & Nov 20
Planning Commission - Oct 29 & Nov 19
HRA - Oct 25



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 7a
TITLE: Approval of City Council Workshop Meeting Minutes of October 2, 2018 and City Council Regular Meeting Minutes of October 2, 2018	
PROPOSED MOTION: To Approve the City Council Workshop Meeting Minutes of October 2, 2018, and City Council Regular Meeting Minutes of October 2, 2018	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached draft minutes.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Draft City Council Workshop Meeting Minutes of October 2, 2018
2. Draft City Council Meeting Minutes of October 2, 2018

WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
October 2, 2018

5:00 p.m. Parks & Trails Master Plan Status Report and Discussion

Mayor Willcox called the meeting to order at 5:00 p.m. in the Community Room at Wayzata City Hall. Council Members present: Koch, McCarthy, Plechash and Tyacke. Also present: City Manager Dahl, City Engineer/Director of Public Works, Brad Aldrich and Emily Neuenschwander from Confluence (City Consultant), Parks and Trails Board Members Baasen, Borg Babcock, Bader, Cunningham, McWethy, Purdy, Randolph, and Showalter.

Mr. Kelly discussed the objective of the meeting was to highlight the community engagement, to date; present preferred alternatives for each of the parks; discuss the preferred alternatives; and outline next steps. Kelly reminded the Council that one of the strategic initiatives for the 2017-2020 Strategic Plan is to develop a comprehensive park and trails plan for the community.

Confluence recapped the community engagement summary presented to the Parks and Trails Board meeting on September 19 and worked with the Board to refine alternatives for each park in a single, preferred alternative.

The Mayor and Council provided comments on the community engagement process and offered comments on the alternatives for each park. Most of the comments pertained to activity level in Klapprich Park and Dahl suggested the Master Plan include a plan for the "Little Beach" next to the Wayzata Sailing Center.

Next steps will be for Confluence to prepare a draft of the overall Master Plan and present it to the Parks & Trails Board, hopefully in November. The Master Plan will then be presented to the City Council for adoption.

6:30 p.m. Request from Wayzata Community Sailing Center for Support for Hennepin Youth Sports Grant Application

Council Members present: Koch, McCarthy, Plechash and Tyacke. Also present: City Manager Dahl, Director of Planning and Building Thomson, and Director of Public Works/City Engineer Kelly. Rob Hunt represented the Wayzata Community Sailing Center (WCSC).

Mayor Willcox introduced this item at 6:30 p.m.

Mr. Dahl stated the objectives of the work shop will be to discuss details of the project proposed for the grant application; the city's role in the project; previous Hennepin County Youth Grant requests and other potential requests in the future; and identify next steps.

Mr. Dahl discussed the request for the grant application. The WCSC is in the process of making significant improvements to their facility on Lake Minnetonka off of Eastman Lane and Arlington Circle. While their fundraising efforts continue, enough funds have been raised to move forward with design of a new building and grounds. The City will consider their development plans this fall and the WCSC hopes to commence construction within the next few months.

There was consensus on the Council that the WCSC should submit the grant application and the City would consider supporting a resolution of support at the next Council Meeting.

The workshop meeting were adjourned at 6:55 pm.

Respectfully submitted,

1
2
3 Kathy Leervig
4 City Clerk

DRAFT

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
October 2, 2018

AGENDA ITEM 1. Call to Order.

Mayor Willcox called the meeting to order at 7:00 p.m.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members present: Koch, McCarthy, Plechash and Tyacke. Also present: City Manager Dahl, Director of Planning and Building Thomson, Public Works Director/City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mayor Willcox gave a brief update as to the items discussed in the Council work session held prior to the Council meeting.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. Hennepin County Sheriff Rich Stanek

Mr. Stanek gave an overview on the work of the Hennepin County law enforcement, its leadership and responsibilities, and the four public safety partnership areas.

Mrs. McCarthy stated that for National Night Out, the Detera bags were a smashing success. She asked who people can contact to get more of those bags. Mr. Stanek explained that the drug disposal bags were made by a local company called Detera and if the City was interested in providing a display rack at City Hall where they would be available, they can assist Police Chief Risvold in getting that set up.

Mr. Tyacke asked if special training was needed for the officers in the Narcan program. Mr. Stanek noted that the Sheriff's office provided 4 hours of initial training when a different delivery system was used. He noted that the new delivery system is really easy, costs about \$40 each and a prescription isn't needed to get one.

Mr. Plechash noted that the statistics presented showed the City was down in everything except the crime lab investigations and asked if that was indicative of the entire County. Mr. Stanek stated it indicated that the Wayzata police force was taking advantages of the services that are available to them through the crime lab.

Mr. Koch asked how the department keeps up morale and has success with recruiting, considering the fact that the media has been painting the department in a bad light recently. Mr. Stanek stated that it has been tough. He noted that they try to bring people in from all backgrounds and if they have common sense and public service in their heart, he can teach them every other skill they will need to succeed.

Mayor Wilcox expressed his appreciation to Mr. Stanek and his department for the work they do in the City as well as their support in memorializing Officer Mathews.

AGENDA ITEM 6. New Agenda Items.

No new items were added.

1 **AGENDA ITEM 7. Consent Agenda.**

2 With regard to Item 7(d), Mr. Plechash stated that there was a discrepancy for the Surface Water
3 Management Plan in the background section that states “this plan is required to be completed by
4 the end of 2018” yet in the Stantec document, on page 30, it says that “Stantec anticipates providing
5 the completed draft Surface Water Management Plan for City review within four months of the
6 authorization to proceed.” He noted that four months from today would be in 2019 and he wanted
7 to make sure there was feedback on why this discrepancy exists. City Manager Dahl stated that his
8 understanding that the annual report is due at the end of the year to the State and a separate report
9 is the supplemental information required by Met Council which may extended beyond 2018.

10 With regard to Item 7(d) Mr. Tyacke noted that there was a lump sum to Stantec of \$38,900
11 but it says it is governed by a master agreement. He asked if the master agreement was clear in
12 terms of engineering levels and rates. Public Works Director/City Engineer Kelly stated that the
13 master agreement does not cover fees. Mr. Dahl stated that the City is in the process of updating
14 the master agreements with the primary consultants.

15 With regard to Item 7(e), Mr. Tyacke asked if the City would be reimbursed from the
16 developers for the costs. Mr. Dahl stated that City will receive complete reimbursement.

17 With regard to Item 7(g), Mr. Tyacke asked if the plans on the Council desk were the same
18 ones that are in the book or if there had been revisions. Director of Planning and Building Thomson
19 stated that the plans on the Council desk are revised building elevations only and they are slightly
20 reducing the height of the building to comply with the height requirement in that zoning district.

21
22 Mr. Tyacke made a motion, seconded by Mr. Plechash, to approve the consent agenda:

- 23 a. Approval of Workshop Minutes of September 18, 2018 and Minutes of September 18, 2018
- 24 b. Approval of Check Register
- 25 c. Approval of Municipal Licenses
- 26 d. Consider Approval of Proposal and Authorization of Contract with Stantec and for 2040
27 Comp Plan Services and Surface Water Management Plan Update
- 28 e. Approval of Contract for Professional Services with LHB for Blight Study Analysis
- 29 f. Approval of House Plans at 1406 Holdridge La
- 30 g. Approval of House Plans at 321 Wise Avenue S
- 31 h. Approval of Second Reading of Ordinance Rezoning the Property at 253 Lake St. E
- 32 i. Approval of Resolution No. 56-2018 Approving an Extension of PUD for Beacon Five at
33 529 Indian Mound East
- 34 j. Approval of a Change Order in the Professional Services Contract with AEM for CIP
35 Services
- 36 k. Approval of 2019 Fire Protection Agreement with City of Woodland

37 The motion carried 5/0.

38
39 **AGENDA ITEM 8. New Business.**

40 **a. Approval of Development and Fee in Lieu of Parking (FILOP) Agreement for**
41 **Broadway Place at 326 and 332 Broadway Avenue South**

42 Mr. Thomson presented background and financial/budget considerations for the Fee in Lieu of
43 Parking Agreement. He recommended Council approve the Development Agreement.

44 Mr. Tyacke noted the resolution that was passed in July had a provision that stated the
45 alleyway in the back of the building would revert back to the City if the building was not built
46 within 24 months. He asked if that provision was covered in the Development Agreement.

47 Mr. Thomson stated the Development Agreement is covering the public improvement parts
48 of the project and any other terms of the resolution remain, but they are not re-codified in the
49 development agreement itself.

50 Mr. Tyacke asked if the interest rates for the installment payment would be governed by
51 the federal prime rate for the fee in lieu of parking. Mr. Thomson stated that this was correct.

1 Mr. Tyacke asked whether the sidewalk would be built out into the roadway for the
2 Broadway Avenue improvements. Mr. Thomson answered that the curb line on Broadway Avenue
3 will not change.

4 Mr. Koch noted that the information the Council received shows the interest rate being
5 fixed at 3.75%. He asked that staff makes sure this is adjusted to reflect that it is governed by the
6 federal prime rate.

7 Mr. Plechash asked about the sidewalk on the south side of Mill Street and whether the
8 developer is responsible for doing all the work, but will only be responsible for paying for the
9 portion that goes to the 701 property. Mr. Thomson stated this was correct and the City will
10 reimburse the developer for the cost of the sidewalk east of the 701 building.

11 Mr. Plechash asked for an explanation of the potential for the number of parking spaces to
12 change and the difference this means in cost. Mr. Thomson explained the calculation and stated
13 that the determination is consistent with City policy that was adopted in 2016.

14 Mr. Plechash stated his follow up question relates to something found later in the packet.
15 He asked if there was a payment for dedicated parking that the developer isn't going to do himself,
16 but will utilize the parking that the City provides. He asked if the City was keeping track of what
17 parking stalls are essentially tagged. He also asked if there was a point where the City no longer
18 had parking stalls that could be dedicated. Mr. Thomson stated the City is tracking this information
19 and staff believes the City has enough parking.

20 Mrs. McCarthy asked about the interest rate calculation and stated she thought the Council
21 would look at it annually. She also asked why this looks like it is a fixed rate for the entire term of
22 the loan. City Attorney Schelzel stated that the City looks at the fee each year, but this applicant
23 will pay the entire fee now for the approved use, so this is based on the fee that is in our schedule.

24 Mayor Willcox confirmed that if a different restaurant than the one planned ends up coming
25 in and needs additional parking, they would have to come to the City for an amendment and the
26 City would not be bound by this deal. Mr. Thomson confirmed that if there is ever a use that goes
27 above 92 parking stalls, the CUP would need to be amended.

28 Mayor Willcox stated he feels the City should take another look at this policy, because he
29 feels it is kind of a sweetheart deal with the ability to finance \$10,000 a stall over 30 years when it
30 costs the City an average of \$22,000/stall. He stated he would like to see the policy reflect the
31 City's true costs.

32 Peter Coyle, attorney with Larkin Hoffman, 8300 Norman Center Drive, Bloomington,
33 stated he was here on behalf of Beltz Enterprises. He stated their goal is to make this as fair of an
34 agreement as possible and they think this one isn't as fair as it could be. He stated they believe the
35 fee is inappropriate, but they are not here tonight to challenge it. In lieu of paying the fee, they are
36 entitled to 92 theoretical parking stalls someplace within the mobility district and there is no
37 guarantee the stalls will be available. He referenced paragraph 3(a). in the document they had
38 proposed that this policy would be binding on the developer once they actually received a certificate
39 of occupancy for their building but City staff is insisting that the policy be binding on the developer
40 upon their submission of a building permit. He stated when they submit their building permit, they
41 may not know who their users will be so they feel it makes more sense for the policy to be binding
42 when they actually have their uses locked in. They are asking for the language staff has stricken to
43 be reinstated. Mr. Coyle stated in connection with subparagraph 3(b), they had asked that if the
44 City modifies its policies such that the fees required of developers goes down or the parking
45 requirements of developers are diminished such that if they had been there at the time, they would
46 have benefitted from the changes. He stated they would like a "most favored nation clause" which
47 would give them the benefit of those changes. He noted that staff has also declined this request
48 and he is asking the Council, as a measure of fairness to the developer, to include this language.

49 Mayor Willcox asked if Mr. Coyle felt it would be similarly fair if the City increased the
50 rates subsequent to this project and the developer be subject to the new higher rate. Mr. Coyle
51 stated that they would respectfully decline that opportunity.

1 Mr. Schelzel stated the City would not issue a building permit to anyone without having a
2 development agreement in place.

3 Mr. Thomson stated that the City's rationale was that when the City issues a building
4 permit, it has essentially authorized this project to be constructed and completed under the terms
5 of the Council's approval. He stated that staff was concerned about the position the City could
6 potentially be in if it had issued a building permit for the construction but we didn't have any
7 obligation that this fee would be paid to the City.

8 Mr. Schelzel stated that this is an accommodation to the developer and the City recognizes
9 that they do not know exactly whether they will need all those parking spaces or not, which is the
10 reason for allowing that to be set when the certificate of occupancy was issued for the actual uses.

11 Mayor Willcox asked what the risk would be to the applicant if the language remains as it
12 is. Mr. Coyle stated that the risk to the developer is if, for some reason, the tenant mix doesn't get
13 resolved once the building is under way, then they are obligated to pay the City \$920,000 without
14 knowing for sure who the tenants will be. He stated they do not see a down side to the City with
15 their recommendation.

16 Mr. Thomson reiterated staff's concerns about issuing a permit for construction of a project
17 to which there is not an obligation to pay the fee until they are ready for the City to issue the
18 certificate of occupancy.

19 Mayor Willcox asked if considering this change would set a bad precedent for the City.
20 Mr. Schelzel stated staff would advise and recommend the current language because it is consistent
21 with how staff would like to handle this moving forward. He stated that what the Council decides
22 to do with this agreement would set a precedent.

23 Mr. Thomson noted that on page 141 of the packet, item C., it states the developer shall
24 make the first installment of the parking fee prior to the date of the issuance of the certificate of
25 occupancy. He believes this says they are obligated to pay the City the fee, but not actually have
26 to pay the money until the certificate of occupancy is issued.

27 Mr. Coyle stated that 2008 is not too far in the rearview mirror and it is possible that this
28 project could suffer financial distress between the time of being issued a building permit and a
29 certificate of occupancy. He reiterated they do not feel this adds more risk to the City but does add
30 more risk management to the developer.

31 Mayor Willcox stated if there was financial distress, he would assume there wouldn't be a
32 certificate of occupancy issued, so the developer wouldn't have to pay the fee.

33 Mr. Plechash asked when the first payment would actually be due. Mr. Thomson stated it
34 would be required before the permit was issued and if it was not paid, the City would not issue the
35 certificate of occupancy.

36 Mr. Tyacke asked what period of time the developer was expecting between the building
37 permit and the certificate of occupancy. Mr. Coyle stated they are planning on about 9 months.

38 Mr. Tyacke asked if it was common for a developer to move forward with a building permit
39 when they haven't gotten a good idea of who their tenants will be. Mr. Coyle stated that is often
40 the case, particularly with a mixed-use property.

41 Mr. Tyacke asked for details of what the developer expected to significantly change
42 between the issuance of the building permit and the certificate of occupancy.

43 Jimmy Beltz, 430 Peavey Road, Wayzata, stated the potential changes are related to the
44 first floor because the second and third floor are office spaces. He stated there is a big difference
45 in calculation of stalls for a retail use, commercial service use, and a restaurant. He understands
46 that the 92 parking stalls is just a placeholder until it can be more accurately determined once they
47 get their tenants. He stated that the obligation starting at the time of the building permit could
48 create a perpetual obligation if there is an issue with financing.

49 Mr. Koch suggested setting the requirement at the minimum parking requirement up front
50 so they are bound to the minimum standard and can adjust it upwards at the certificate of occupancy.

1 Mr. Tyacke suggested giving the applicant a range based on the minimum number of spaces
2 necessary for retail versus the maximum for a restaurant.

3 Mr. Schelzel stated that the City could look into that but he is at a loss to see what the risk
4 to the developer would be if the payments don't kick in until the certificate of occupancy when the
5 occupancy has actually been determined and can be adjusted to a more minimal amount needed,
6 which in turn would mean a smaller payment. He stated he can take another look if that is Council's
7 direction, but he does not want to do it on the fly at tonight's meeting.

8 Mr. Plechash stated this property cannot be effectively used for anything until a certificate
9 of occupancy has been issued which to him, seems like the trigger point for an obligation.

10 Mr. Dahl stated that regardless of the circumstances, it is generally more difficult to get
11 money on the back end of a project than on the front end.

12 Mayor Willcox asked for the general feeling from the Council.

13 Mr. Plechash stated he felt the City should make the suggested change to the obligation for
14 payment to be tied with the certificate of occupancy and move forward tonight.

15 Mr. Tyacke stated that he cannot remember an agreement coming before the Council where
16 the terms have not already been fully negotiated and agreed to. He feels this should go back to
17 negotiations to have both of the issues brought up by Mr. Coyle resolved before it comes before
18 the Council.

19 Mayor Willcox stated he thinks there is a legitimate point about not negotiating the
20 agreement on the fly

21 Mr. Tyacke stated that to Mr. Coyle's request, he would prefer the agreement have a range
22 of parking stalls from minimum to maximum.

23 Mr. Koch stated if the City gives the applicant what they want, even in the worst-case
24 scenario if they are not able to lease out the space, the City won't get a nickel out of them so he
25 doesn't feel the City is taking an extraordinary risk in that situation.

26 Mr. Schelzel stated he would like to have a little bit of time to consider the possible
27 ramifications from this potential change in the agreement. He noted the whole land use approval
28 is premised on the applicant paying for this amount of parking. He cautioned against changing
29 something on the fly without having a more thorough analysis of the implications.

30 Mrs. McCarthy stated she agrees and thinks a vote would be premature.

31 Mayor Willcox stated he feels the City should adhere to its policy. He asked what the
32 ramifications will be if this agreement goes back into negotiation. Mr. Thomson stated staff can
33 talk to the applicant and it will likely be back on the Council agenda in two weeks. He does not
34 think it will delay the building permit for the project.

35 Mr. Tyacke made a motion, seconded by Mr. Plechash, to table the Development and Fee
36 in Lieu of Parking (FILOP) Agreement for Broadway Place at 326 and 332 Broadway Avenue
37 South, with direction to staff and the City Attorney to work on the timing of the payment and that
38 staff present options and implication to give more clarity on their recommendation at the next
39 Council meeting. The motion carried 5/0.

40
41 **b. Consider Resolution No. 53-2018 Approving PUD General Plan, Design Review,**
42 **Variance, and Shoreland Impact Plan/Conditional Use Permit and Ordinance No. 785**
43 **Hughes Redevelopment at 235 and 239 Lake Street East**

44 Mr. Thomson presented the background for the application, the Planning Commission review, and
45 updated parking plans. He indicated staff recommended Council adopt the Resolution approving
46 the Development Application as recommended by the Planning Commission.

47 Mr. Tyacke asked what the height limit is in a PUD district. Mr. Thomson stated that it is
48 35 feet. Mr. Tyacke stated that this applicant will then be asking for a variance in the height of 4.7
49 feet.

1 Mr. Plechash asked staff to remind him what the Council had approved for the property
2 located to the east. Mr. Thomson stated that variance was approved for 40 feet; however, he thinks
3 the final building came in about 6 inches less than what was approved.

4 Mr. Plechash stated that project also put in underground parking and ran into troubles with
5 the wetland, which was the reason for the variance. He assumes that is the same circumstances for
6 this project since they are in close proximity to each other.

7 Mayor Willcox asked if the two buildings will be the same height. He also asked if there
8 were other buildings along Lake Street that had high water tables that buildings have had to work
9 around to put in underground parking. Mr. Thomson stated they are similar in size.

10 Mr. Kelly stated an example he can think of for having to work with the high-water table
11 for underground parking is the 445 building that has a pretty significant water removal system in
12 their building.

13 Mayor Willcox stated his concern is in setting a precedent and asked if future buildings
14 along Lake Street would come with the same kind of request and the City will end up with taller
15 and taller buildings that they do not want. Mr. Thomson stated staff focused on the unique aspects
16 of this property when making the recommendation to the Council. He noted that this is also
17 providing public parking which is a very unique aspect that is not normally seen in the
18 redevelopment projects.

19 Mr. Koch asked if there were other properties in town that used the fiber cement siding.
20 Mr. Thomson stated Presbyterian Homes has used this material as well as Meyer Place.

21 Tom Dillon, 2540 Westin Lane N, Plymouth, stated he and Pat Hughes are the applicants
22 for this project. He stated they have been trying to secure office tenants for about a year and found
23 that they need to provide underground parking, but the water table is high which is pushing the
24 height of the building up by about 4 feet 7 inches. He stated their tentative time schedule would
25 be to take the building down by year end, drive piles in early 2019, and start full-scale construction
26 in March of 2019.

27 Mr. Tyacke stated the concept plan with the parking was approved 6 months ago and asked
28 if Mr. Dillon was unaware of the need for underground parking at that time. Mr. Dillon stated they
29 knew that they needed parking but as they spent time in the marketplace talking to potential tenants,
30 it became clear they needed to provide underground heated parking which drove the increased
31 height.

32 Mr. Tyacke asked how many of the tenants would park in the underground lot versus the
33 surface lot behind the building. Mr. Dillon stated they expect the tenants to be mostly executive
34 or financial type firms and all 29 stalls underground will be filled.

35 Mayor Willcox asked if the applicant had taken a look to see what other buildings in the
36 vicinity had done with regard to the water table. Mr. Dillon stated that they had not fully designed
37 the building at this point.

38 Mayor Willcox asked for the justification for the material deviation that the applicant is
39 requesting and why the east elevation does not match the west elevation.

40 Brian Gadiant, Architect with Momentum Design Group, explained the non-glazed or glass
41 portions drive up the percentage of material. He stated that the difference in elevation is a design
42 decision and not an economic decision.

43 Mr. Plechash asked if the City was putting an aesthetic limit on this property and how staff
44 came up with 10%. Mr. Thomson stated there isn't anything magic to the 10% number. He noted
45 that it was intended to differentiate between the primary and accessory materials and was set at
46 90/10.

47 Mr. Plechash stated that he doesn't understand why it matters in this case because the west
48 side will be blocked and the north side will be visible to the parking lot.

49 Mayor Willcox stated that he feels it is a deviation that ought to have a practical difficulty
50 behind it. He noted the City set the standard where it wanted it to be and in order to deviate, there

1 should be at least a quasi-compelling reason. He understands that the metric put on this is somewhat
2 subjective and put in place by a previous Council.

3 Mr. Tyacke stated that he is very troubled by the variance request for the height of the
4 building and thinks the underground parking was added due to economic reasons and not a practical
5 difficulty. He stated that he does not believe the Ventana building set a precedent for this case
6 because that was for residential tenants to have underground parking. He stated he is not as troubled
7 by the material deviation request, but isn't sure that either request meets the practical difficulty
8 requirements either.

9 Mr. Schelzel clarified that design standard deviations are not variances and are not under
10 the practical difficulty requirements.

11 Mr. Plechash stated he is not troubled by either request and found the design deviation is
12 just an aesthetic thing. He stated if the height variance is approved, the City will get a building that
13 adds more parking to the City. He stated the practical difficulty for the variance is due to the water
14 table.

15 Mr. Koch stated he agrees with Mr. Plechash, doesn't think the extra height will be very
16 noticeable, and is okay with the design standard deviation as well. He suggested the City may need
17 to update its design standards to include some of the new materials that are both aesthetically
18 pleasing and of high quality.

19 Mrs. McCarthy stated she sees both sides, but respectfully disagrees with Mr. Plechash and
20 Mr. Koch with regard to the height requirements. She stated if this variance is approved, it will set
21 a precedent for other buildings. She stated she understands there is a parking benefit but is not
22 willing to sell her soul for the aesthetic of Lake Street. She stated the City needs to find a balance
23 and perhaps look at how to reconfigure the parking in back or lose some ceiling height. She stated
24 with regard to the material deviation, the applicant should remember that Lake Street is the City's
25 showcase and the materials need to be the highest quality and design that they can come back with.

26 Mayor Willcox stated generally he is a hawk on building height because of the
27 Comprehensive Plan and the goal of maintaining a small-town character. He noted the Council
28 just granted a similar variance to the building next door and he is inclined to grant the height
29 variance in this instance.

30
31 Mr. Plechash made a motion, seconded by Mr. Koch to Approve Resolution No. 53-2018
32 Approving PUD General Plan, Design Review, Variance, and Shoreland Impact Plan/Conditional
33 Use Permit. The motion carried 3/2 (Tyacke and McCarthy)

34
35 Mr. Koch made a motion, seconded by Mr. Plechash, to Approve Ordinance No. 785 Hughes
36 Redevelopment at 235 and 239 Lake Street East. The motion carried 4/1. (McCarthy)

37
38 Mayor Willcox recessed the Council meeting at 9:05 p.m. and reconvened the meeting at 9:11 p.m.

39
40 **c. Consider Approval of Resolution 55-2018 Approving Preliminary and Final Plat**
41 **Subdivision for Benton Harbor at 310 Benton Avenue North and 1023 Gardner Street**
42 **East**

43 Mr. Thomson presented the financial/budget consideration, background, and Planning Commission
44 review. He recommended Council adopt the Resolution approving the development application as
45 recommended by the Planning Commission.

46 Mr. Tyacke asked if a drainage, grading and erosion control plan had been submitted to the
47 City. Mr. Kelly stated it had been and was deemed acceptable to the City. He stated construction
48 will be unique and will be slab on grade rather than a full or half basement.

49 Mr. Plechash stated he trusts that the Planning Commission did all the pertinent homework
50 but he has one question from page 292 of the Council packet regarding tree preservation that states,
51 "There are ten trees located on the property with a total size of seventy-six inches". He stated that

1 the very next sentence states, "All nine trees are defined as significant trees." He asked if there
2 were nine or ten trees on the site. Mr. Thomson stated that he was fairly certain the correct number
3 is ten trees.

4 Mrs. McCarthy stated typically when there is an application for a subdivision there are
5 conceptual drawings for the proposed homes but none were included in the packet. She asked if
6 subsequent drawings will have to come before the Council for approval. Mr. Thomson explained
7 the intent is for custom designed homes, so there are no conceptual drawings. He stated the City
8 is really being asked to approve the subdivision of the land and noted the zoning ordinance will
9 dictate what can be built on the property.

10 Mrs. McCarthy stated she is not willing to step away from having some type of concept of
11 what the City will be asked to allow to be built. She feels the City needs to refine its zoning
12 ordinance because the new subdivision applications coming in do not match the existing housing
13 stock in the City.

14 Mayor Willcox stated one of the criteria for a subdivision is that it not change the character
15 of a neighborhood.

16 Mrs. McCarthy asked how large these homes were and the expected occupancy.

17 Mike Sharratt, architect, stated that they are not sure how many occupants will be in the
18 homes. He explained that their plans are to use a somewhat discarded piece of land in the City and
19 use it in a positive manner. The homes will be custom built on slab on grade. Mr. Sharratt stated
20 they are also building two homes across the street from this property and expect the new homes
21 will be in the same vernacular as traditional one-and-a-half story homes that will match the
22 neighborhood.

23
24 Mr. Plechash made a motion, seconded by Mr. Tyacke, to approve Resolution 55-2018 Approving
25 Preliminary and Final Plan Subdivision for Benton Harbor at 310 Benson Avenue North and 1023
26 Gardner Street East. The motion carried 5/0.

27
28 **d. Approval of Resolution 57-2018 Supporting Minnesota Municipal Beverage**
29 **Association (MMBA) Legislative Position Regarding Off-Sale Liquor**

30 Mr. Dahl presented the background information and financial/budget considerations.

31 Mr. Tyacke asked if there were cities that have liquor sales that would allow the sale of
32 strong beer and alcohol in grocery stores. Mr. Dahl stated it would be doubtful.

33 Mr. Tyacke questioned why this organization would be promoting this on behalf of the
34 municipal owned liquor stores. Mr. Dahl stated the MMBA is opposing legislation that would
35 allow off-sale to come into any grocery store.

36 Mr. Koch confirmed that the City ordinance already prohibits this type of thing from
37 happening, so this resolution isn't anything other than a sign of support for the MMBA.

38 Mr. Plechash stated he wonders why this is being pushed on the City and asked if there
39 was anything upcoming in front of the legislature that will be addressing this issue or is this a pre-
40 emptive strike. Mr. Dahl stated he feels it is a pre-emptive strike because it is likely this will be
41 brought to the floor at the next session.

42 Mayor Willcox stated that he doesn't care for the last "whereas" and would recommend
43 striking that language.

44 Mr. Dahl stated one of the Council Members had also pointed out to him the second
45 "whereas" should state that it "does not align" with the City ordinance. He explained it currently
46 incorrectly states that it "does align" with the City ordinance. He recommended if the Council
47 considers this resolution, they make the change suggested by Mayor Willcox and also correct the
48 language in the second "whereas" statement.

49 Mr. Plechash stated that he is not comfortable with this because the City has a monopoly
50 within the City and is planning to vote on a resolution to say that the City should maintain that

1 monopoly. He reiterated that he is not comfortable with this resolution, nor does he want to be
2 another lemming lining up to support it. He will vote against it.

3 Mr. Tyacke stated he thinks this may help the competition and also it does not make sense
4 to him for different reasons that Mr. Plechash stated.

5 Mr. Dahl stated that the main issue is to keep alcohol away from youth and at-risk adults.

6 Mr. Koch asked if our local ordinance would overrule State law if the State passed the
7 legislation. Mr. Dahl stated the City can have a rule that is more restrictive than State law.

8
9 Mrs. McCarthy made a motion, seconded by Mr. Willcox, to Approve Resolution 57-2018
10 Supporting Minnesota Municipal Beverage Association (MMBA) Legislative Position Regarding
11 Off-Sale Liquor, with the following changes: correcting the wording in the second paragraph to
12 say “does not” and strike the third paragraph. The motion carried 3/2. (Plechash and Tyacke)

13
14 **e. Discuss Exploration of Lake Street Design Alternatives**

15 Mayor Willcox read an opening statement about the reasons this item was placed on the agenda.

16 Mr. Dahl presented the background information and financial/budget considerations. He
17 recommended Council further explore the Lake Street Design Alternative and approve the proposed
18 motion.

19 Mr. Tyacke asked what the current right-of-way width is for Lake Street. Public Works
20 Director/City Engineer Kelly stated it varies because of the lake and is anywhere between 60 feet
21 and 80 feet.

22 Mr. Tyacke asked what the reason for the differing width. Mr. Kelly stated that is because
23 it was originally a County highway.

24 Mr. Tyacke asked if the City reduced the footprint if there is any right-of-way that will
25 need to be vacated as part of that process. Mr. Kelly stated the City would not need to vacate any
26 right-of-way because it would all be public space, similar to Wayzata Boulevard.

27 Mrs. McCarthy stated she would like to make sure the intent is to also talk about the specific
28 areas that the City would like to see the designers look at. She noted this is a significant amount of
29 money and it was not budgeted. She asked if anything else was taken off the table in order to pay
30 for this. Mr. Dahl stated that there are sufficient funds in the City’s lakefront fund.

31 Mayor Willcox shared some concerns that he has heard from residents and area business.

32 Mr. Koch stated that he tried to find other cities that had a similar design to this street and
33 went to downtown Hopkins because they have a similar setup. He showed pictures of Hopkins’
34 Main Street with his car parallel parked with his door open. He stated that traffic flowed well and
35 was safe. He noted the Hopkins street measured 22 feet from the edge to the center stripe. He
36 stated that he thinks the proposal from Civitas at 19 feet is too narrow so he would like to get the
37 width up to about 21 feet wide. He likes Mrs. McCarthy’s suggestion to give Civitas some
38 direction and include this information as a working example. He stated that he does not want to
39 get rid of the biking and walking path and felt there was already adequate parking area.

40 Mr. Tyacke stated he thought they were going to propose an alternative design that would
41 maintain the center lane and modify the width of the sidewalks and bike paths. He stated he didn’t
42 think the Council was making a decision tonight, but just getting an alternative that would preserve
43 the center lane.

44 Mr. Dahl stated Civitas will explore two alternatives, one with a reduced center lane and
45 one with the width as Mr. Koch was discussing for the Council to choose from.

46 Mr. Plechash stated he feels the key issue is whether the City wants a center lane
47 maintained or not. He stated Civitas has told the City that if it chooses to maintain the center lane,
48 the bike and pedestrian lanes will be lost. Mr. Plechash stated he has received feedback supporting
49 both sides and if the City decides to spend money on this and move forward, he would like staff to
50 look at the pros and cons of angled parking. He would also like to know what the City would lose
51 if it went back to a center lane. He questioned what impact this may have on the 9/11 Memorial

1 Park. Mr. Dahl stated that he is sure Civitas will be happy to look into angled parking and give
2 details about keeping a center lane.

3 Mrs. McCarthy stated her suggestion is to tell the experts what the problem is and have
4 them come back with their proposal. She doesn't want to pigeonhole the experts but would like to
5 incorporate the feedback the Council Members have received from residents. She stated she
6 believes the City is in the final tweaking mode with the plans.

7 Mayor Willcox reiterated the concerns residents have raised on losing the width on Lake
8 Street. He would like to see Civitas respond to what the City has heard that people are concerned
9 about losing the width of the roadway and ask how the City can maintain adequate width that
10 addresses those concerns and also has a balance with biking and walking. He is concerned about
11 the Tivoli light poles and preserving the lake view.

12
13 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to direct staff to work with Civitas to
14 Develop Lake Street Design Alternatives that further address concerns regarding the bike lane and
15 center lane removal.

16
17 Stacy Carisch, representing the 600 block, the Marquis building, thanked the Council for revisiting
18 this issue and hearing the concerns that have been raised. She stated she has concerns about using
19 Civitas because she has done some research and found the owner has a certain bent that she feels
20 trickles down to the company. She also has not heard how the City will replace the 40+ parking
21 spots that will be taken away when the greenspace is put in. She stated it appears as though the
22 Council is trying to look at the unintended consequences of the design which she appreciates. She
23 would like to see what directions were given to the company that conducted the traffic study. She
24 would also like to see the guidance given to Civitas revealed to the public. She reiterated that she
25 feels specific instruction should be given to Civitas because they are in Denver which is very
26 different than Wayzata. She mentioned a comment that Mrs. McCarthy had made in the past and
27 how it upset her.

28 Mrs. McCarthy stated that she did not remember the specific comment she was referring
29 to but would be happy to sit down one on one with Ms. Carisch and discuss her concerns.

30 Ms. Carisch stated anytime a project comes into the heart of the City like the one proposed
31 by Mr. Beltz, it causes them to have to scramble and now that the parking ramp has gone semi-
32 private, it is very important to them.

33 Mrs. McCarthy asked what the intent of the ramp is moving forward because that could
34 impact Lake Street. Ms. Carisch stated there isn't a plan and at this point, they are just watching
35 what the City and other developers will do.

36 Mayor Willcox stated that Civitas was selected from national firms that competed for the
37 job and were picked because they seemed to know the City better and be able to address the
38 situation better than the other finalist firm from New York. He explained the selection committee
39 process.

40 Mr. Plechash noted the Council has been elected in order to look at the bigger, broader
41 picture. He stated they have been elected to listen to the stakeholders, gather the facts, and then
42 make decisions. He stated no matter what decision is made in this situation, the Council is making
43 the best decision for the City as a whole and not just a certain group of people. He stated he has
44 been vilified for the opinions he has publicly made surrounding this issue and he doesn't appreciate
45 it because the Council really is looking to make the best decision for the City.

46
47 The motion carried 5/0.

48
49 **f. Update on East Neighborhood Traffic Items**

50 Mr. Kelly presented the background information and financial/budget considerations. He indicated
51 he was providing an update and requested a discussion for future potential action items.

1 Dan Gustafson, stated the City has been talking about this since 2008. He noted that he
2 goes back to the master development agreement amendment that said there was talk about \$500,000
3 of improvements in this area for buffer and street improvements. He stated he didn't agree with
4 some of the conclusions Mr. Kelly shared in his presentation. He referenced meeting minutes from
5 a October 6, 2015 meeting and presented them for Council review regarding the buffer and
6 boardwalk. He stated there seems to be a disconnect between what happened at the October 6,
7 2015 meeting and now having a neighborhood meeting without any preliminary plans. He stated
8 he understands that staff changes and the Council has even changed, but feels this has been set
9 aside and forgotten. He felt this presents a unique opportunity to increase the buffer. He stated the
10 neighbors have taken over the circle with plantings, Adirondack chairs, and bonfires which means
11 the citizens are creating more buffer on their own. He noted there appears to be money available
12 and there hasn't really been good options given to the neighborhood. He believed this buffer is
13 about safety and noted that there are young children there and no buffer in the winter when the
14 leaves have fallen. He asked the Council to take another look at this and study the past minutes, as
15 well as the development agreements.

16 Mr. Dahl stated staff couldn't find any specific action that moved forward with boardwalk
17 or plantings. He stated staff knows that there were never any approved plans to move forward.

18 Gordy Straka, 130 Huntington, stated he had a question about an earlier item on the agenda.
19 He asked where the money that comes in from the designated parking stalls goes and who watches
20 over it. Mayor Willcox stated that staff watches over it. Mr. Dahl stated that it goes into a new
21 fund called the Downtown Parking Fund with the objective to pay the capital costs of additional
22 parking.

23 Mr. Straka stated, with regard to the roundabout, the speed humps were petition driven and
24 the roundabout was Council driven. He had reviewed all the federal standards for roundabouts and
25 could not find one that is like the one that has been built in the City. He stated this roundabout was
26 built in a 90-degree corner and not a crossing intersection and was done primarily for the Bay
27 Center project. He stated when Mr. Mullin was on the Council he came up with the plan to change
28 the entering and exiting and now the residents are suffering from it. He described the difficult
29 ways he has to travel over many speed humps to get to his home. He noted the traffic studies show
30 the City does not have cut through traffic and he has lived here for 50 years. He stated if there is
31 cut through traffic now, it is because the City is promoting it with these additions. He believes this
32 roundabout is not up to standards and creates a hazard.

33 Mayor Willcox asked staff where the City is with the roundabout. Mr. Kelly stated the
34 speed hump issue has always been a resident driven process and doesn't think the City has ever
35 installed or removed a speed hump without a resident petition. He stated until the City hears from
36 the neighborhood about the speed humps, he would recommend leaving that topic alone. He was
37 a big proponent of a full access roundabout back in 2013 and if he was building it today, he would
38 also recommend a full access roundabout; however, that was not the decision made in 2013 and the
39 roundabout was constructed to be restricted. He stated if the City were to look at reconstruction,
40 the cost would be around \$140,000.

41 Mayor Willcox stated in 2016, the Council stated that they were in favor of opening the
42 roundabout up and they heard from the neighborhood at the meeting, but did not hear from the rest
43 of the population of the City. He stated the population blew back at the City when the roundabout
44 was first put in because they did not want to see access closed off. He noted whenever a decision
45 is made about the roundabout, the Council has to consider both the neighborhood and the rest of
46 the population of the City.

47 Mr. Kelly stated the other item is the reconstruction of Circle E and he feels that
48 reconfiguration of the roundabout should be done at the same time. He stated they could also
49 consider Circle A since they will be in the area. He stated in giving the update to the Council
50 tonight he would love feedback if the Council has strong feelings about what needs to be a priority.

1 He stated one of the big questions is whether the roundabout in its current configuration is right for
2 the neighborhood and for the overall community.

3 Mr. Tyacke stated that there is not money in the CIP budget for the coming year to cover
4 reconstructing the roundabout. Mr. Kelly noted that the City has \$140,000 set aside.

5 Mr. Dahl stated this will be discussed in two weeks at the workshop where the Council can
6 try to plan for these types of CIP improvements.

7 Mr. Tyacke stated that he would like to hold a public hearing in advance of a decision on
8 the roundabout.

9 Mayor Willcox agreed the Council needs to hear from the rest of the City.

10
11 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

12 **a. Upcoming Events/Announcements**

- 13 • Depending on weather, Hennepin County will move forward with their mill and overlay of
14 Wayzata Boulevard.
15 • The Commissioners Advisory and Boards packet for 2019 is on-line and encouraged
16 everyone to check it out and consider applying.
17 • Pull It Day will be Saturday, October 13, 2018, at the Public Works building.
18 • The fall bulb planting event is looking for volunteers at the post office park at 8:30 a.m. on
19 October 20, 2018
20 • At least one Council Member will need to go through the Board of Appeal and Equalization
21 education process within the next few months.

22
23 **b. Council Member Updates/Announcements**

24 Mrs. McCarthy stated the planting of the interchange this past weekend was a smashing success
25 despite it being cold and rainy. She expressed her deep appreciation to Public Works staff because
26 there were at least six of them there with smiles on their faces and they had everything ready for
27 people to come in and plant. She stated about 40 volunteers showed up.

28
29 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

30 There were no comments.

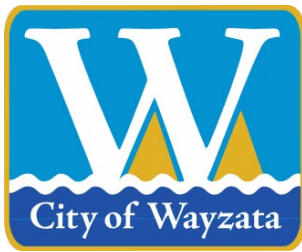
31
32 **AGENDA ITEM 11. Adjournment.**

33 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further
34 business, Mr. Willcox adjourned the meeting at 11:12 p.m.

35
36 Respectfully submitted,

37
38
39
40 Kathy Leervig
41 City Clerk

42
43 Drafted by Kayla Rokosz
44 *TimeSaver Off Site Secretarial, Inc.*



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 7b
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks for September 2018	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached check register for September 2018.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Check Detail Register – September 2018

***Check Detail Register©**

September 2018 to October 2018

		Check Amt	Invoice	Comment
10100 Anchor Bank				
Paid Chk#	110751	10/2/2018	ABLE SEEDHOUSE & BREWERY	
E 640-47000-253	Beer For Resale	\$240.00	7451	BEER
Total	ABLE SEEDHOUSE & BREWERY	\$240.00		
Paid Chk#	110752	10/2/2018	ARTISAN BEER COMPANY	
E 640-47000-253	Beer For Resale	\$377.20	3291731	BEER RESALE
E 640-47000-253	Beer For Resale	\$161.00	3293340	BEER RESALE
Total	ARTISAN BEER COMPANY	\$538.20		
Paid Chk#	110753	10/2/2018	BAKER, BRIAN	
E 640-48000-499	Miscellaneous	\$190.00	JJHILL2018	JJ HILL DAYS 2018
Total	BAKER, BRIAN	\$190.00		
Paid Chk#	110754	10/2/2018	BERNICK'S WINE	
E 640-47000-254	Soft Drinks/Mix For Resale	\$34.00	451653	MISC.BEV
E 640-47000-253	Beer For Resale	\$408.90	451654	BEER
E 640-47000-254	Soft Drinks/Mix For Resale	\$93.70	453114	MISC.BEV
E 640-47000-253	Beer For Resale	\$286.75	453115	BEER
Total	BERNICK'S WINE	\$823.35		
Paid Chk#	110755	10/2/2018	BOURGET IMPORTS	
E 640-47000-252	Wine For Resale	\$240.00	154200	WINE
E 640-47000-259	Freight	\$3.00	154200	FREIGHT
E 640-47000-252	Wine For Resale	\$184.00	154409	WINE
E 640-47000-259	Freight	\$1.50	154409	FREIGHT
Total	BOURGET IMPORTS	\$428.50		
Paid Chk#	110756	10/2/2018	BREAKTHRU BEVERAGE	
E 640-47000-251	Liquor For Resale	\$3,017.57	1080856795	LIQUOR
E 640-47000-252	Wine For Resale	\$72.00	1080856795	WINE
E 640-47000-259	Freight	\$17.51	1080856795	FREIGHT
E 640-47000-252	Wine For Resale	\$990.00	1080856796	WINE
E 640-47000-259	Freight	\$8.70	1080856796	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$197.46	1080856797	MISC.MDSE.
E 640-47000-259	Freight	\$2.90	1080856797	FREIGHT
E 640-48000-251	Liquor For Resale	\$216.00	1080859930	LIQUOR
E 640-48000-252	Wine For Resale	\$163.37	1080859930	WINE
E 640-47000-251	Liquor For Resale	\$1,825.03	1080860354	LIQUOR
E 640-47000-259	Freight	\$17.64	1080860354	FREIGHT
E 640-47000-252	Wine For Resale	\$2,606.24	1080860355	WINE
E 640-47000-259	Freight	\$22.95	1080860355	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$80.50	1080860356	MISC.MIX
E 640-47000-259	Freight	\$2.90	1080860356	FREIGHT
E 640-47000-252	Wine For Resale	\$504.00	1080863543	WINE
E 640-47000-259	Freight	\$4.35	1080863543	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$22.00	1080863664	MISC.MIX
E 640-47000-259	Freight	\$1.45	1080863664	FREIGHT
E 640-48000-251	Liquor For Resale	\$216.00	1080863797	LIQUOR
E 640-48000-252	Wine For Resale	\$244.27	1080863797	WINE
E 640-47000-251	Liquor For Resale	(\$50.01)	2080213002	LIQUOR
Total	BREAKTHRU BEVERAGE	\$10,182.83		
Paid Chk#	110757	10/2/2018	BREAKTHRY BEVERAGE BEER	
E 640-47000-253	Beer For Resale	\$3,576.55	1090908210	BEER
E 640-47000-253	Beer For Resale	\$2,563.95	1090911313	BEER
E 640-47000-253	Beer For Resale	\$411.95	1090914181	BEER
E 640-48000-253	Beer For Resale	\$539.00	1090914260	BEER

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September 2018 to October 2018

			Check Amt	Invoice	Comment
Total	BREAKTHRY BEVERAGE BEER		\$7,091.45		
Paid Chk#	110758	10/2/2018	CAPITOL BEVERAGE SALES		
E 640-47000-253	Beer For Resale		\$2,179.05	2159856	BEER
E 640-47000-253	Beer For Resale		\$1,261.15	2162981	BEER
E 640-47000-253	Beer For Resale		(\$10.20)	2162985	BEER
E 640-48000-253	Beer For Resale		\$1,244.00	2163467	BEER
E 640-47000-253	Beer For Resale		\$2,341.85	2166231	BEER
E 640-48000-253	Beer For Resale		\$590.00	2166519	BEER
Total	CAPITOL BEVERAGE SALES		\$7,605.85		
Paid Chk#	110759	10/2/2018	CARRIERE, JEAN MARIE		
E 640-48000-499	Miscellaneous		\$189.00	JJHILL DAYS2	JJ HILL DAYS 2018
Total	CARRIERE, JEAN MARIE		\$189.00		
Paid Chk#	110760	10/2/2018	CINTAS CORPORATION		
E 640-48500-210	Operating Supplies (GENERAL)		\$70.02	4009872052	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$17.28	4009872052	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$62.53	4009872052	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$17.28	4010119115	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$56.47	4010119115	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$76.08	4010119115	BAR SUPPLIES
Total	CINTAS CORPORATION		\$299.66		
Paid Chk#	110761	10/2/2018	COZZINI BROS., INC.		
E 640-48500-415	Other Equipment Rentals		\$125.80	C5556752	KNIFE EXCHANGE
Total	COZZINI BROS., INC.		\$125.80		
Paid Chk#	110762	10/2/2018	DAHLHEIMER DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale		\$283.50	1370970	BEER
E 640-48000-253	Beer For Resale		\$553.00	1375027	BEER
E 640-48000-253	Beer For Resale		\$414.00	1375083	BEER
E 640-47000-253	Beer For Resale		\$770.40	188603	BEER
Total	DAHLHEIMER DISTRIBUTING CO.		\$2,020.90		
Paid Chk#	110763	10/2/2018	DECKER, ERIC		
E 640-48000-499	Miscellaneous		\$270.00	JJHILL2018	JJ HILL DAYS 2018
Total	DECKER, ERIC		\$270.00		
Paid Chk#	110764	10/2/2018	DECKER, EVAN		
E 640-48000-499	Miscellaneous		\$270.00	JJHILL 2018	JJ HILL DAYS 2018
Total	DECKER, EVAN		\$270.00		
Paid Chk#	110765	10/2/2018	DEPUTY REGISTRAR 126		
E 409-43100-550	Vehicles		\$373.65	TRAILER	TITLE & REGISTRATION NEW TRAILER
Total	DEPUTY REGISTRAR 126		\$373.65		
Paid Chk#	110766	10/2/2018	ENKI BREWING COMPANY		
E 640-47000-253	Beer For Resale		\$157.50	9600	BEER
E 640-48000-253	Beer For Resale		\$162.75	9664	BEER
Total	ENKI BREWING COMPANY		\$320.25		
Paid Chk#	110767	10/2/2018	GRAPE BEGINNINGS, INC.		
E 640-47000-252	Wine For Resale		\$342.00	MN00045413	WINE RESALE
E 640-47000-259	Freight		\$1.50	MN00045413	FREIGHT
Total	GRAPE BEGINNINGS, INC.		\$343.50		
Paid Chk#	110768	10/2/2018	HANSEN, NICHOLAS		
E 640-48000-499	Miscellaneous		\$110.00	JJHILL2018	JJ HILL DAYS 2018

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September 2018 to October 2018

			Check Amt	Invoice	Comment
Total HANSEN, NICHOLAS			\$110.00		
Paid Chk# 110769	10/2/2018	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale	\$567.50	988951		BEER RESALE
E 640-48000-253	Beer For Resale	\$100.00	990466		BEER RESALE
Total HOHENSTEINS INC.		\$667.50			
Paid Chk# 110770	10/2/2018	INBOUND BREWCO			
E 640-47000-253	Beer For Resale	\$209.75	2584		BEER
Total INBOUND BREWCO		\$209.75			
Paid Chk# 110771	10/2/2018	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253	Beer For Resale	\$164.50	2870507		BEER
E 640-47000-253	Beer For Resale	\$1,771.75	2870513		BEER
E 640-47000-253	Beer For Resale	\$2,087.78	2870549		BEER
E 640-48000-253	Beer For Resale	\$835.20	2895855		BEER
E 640-48000-253	Beer For Resale	\$304.00	2895915		BEER
E 640-48000-253	Beer For Resale	\$329.10	2895925		BEER
Total JJ TAYLOR DISTRIBUTING OF MN		\$5,492.33			
Paid Chk# 110772	10/2/2018	JOHNSON BROS.-ST.PAUL			
E 640-47000-251	Liquor For Resale	\$3,578.66	1096148		LIQUOR
E 640-47000-259	Freight	\$27.53	1096148		FREIGHT
E 640-47000-251	Liquor For Resale	\$2,419.77	1101985		LIQUOR
E 640-47000-259	Freight	\$38.63	1101985		FREIGHT
E 640-47000-252	Wine For Resale	\$164.00	1101986		WINE
E 640-47000-259	Freight	\$2.52	1101986		FREIGHT
E 640-47000-251	Liquor For Resale	\$3,431.02	1102256		LIQUOR
E 640-47000-259	Freight	\$24.57	1102256		FREIGHT
E 640-47000-252	Wine For Resale	\$128.92	1102257		WINE
E 640-47000-254	Soft Drinks/Mix For Resale	\$74.00	1102257		MISC.MIX
E 640-47000-259	Freight	\$5.04	1102257		FREIGHT
E 640-47000-252	Wine For Resale	\$189.26	1104595		WINE
E 640-47000-251	Liquor For Resale	\$344.50	1106545		LIQUOR
E 640-47000-259	Freight	\$3.78	1106545		FREIGHT
E 640-47000-252	Wine For Resale	\$1,454.95	1106546		WINE
E 640-47000-259	Freight	\$21.52	1106546		FREIGHT
E 640-47000-251	Liquor For Resale	\$1,445.00	1107767		LIQUOR
E 640-47000-259	Freight	\$15.12	1107767		FREIGHT
E 640-47000-252	Wine For Resale	\$289.95	1107768		WINE
E 640-47000-254	Soft Drinks/Mix For Resale	\$19.00	1107768		MISC.MIX
E 640-47000-259	Freight	\$6.30	1107768		FREIGHT
E 640-47000-252	Wine For Resale	\$322.60	1110398		WINE
E 640-47000-259	Freight	\$2.52	1110398		FREIGHT
E 640-47000-251	Liquor For Resale	\$260.00	1110670		LIQUOR
E 640-47000-259	Freight	\$1.26	1110670		FREIGHT
E 640-47000-252	Wine For Resale	\$2,602.64	1111809		WINE
E 640-47000-259	Freight	\$26.87	1111809		FREIGHT
E 640-47000-252	Wine For Resale	\$17.70	1113071		WINE
E 640-47000-259	Freight	\$0.43	1113071		FREIGHT
E 640-47000-251	Liquor For Resale	(\$85.26)	501050		LIQUOR
E 640-47000-251	Liquor For Resale	(\$85.26)	501051		LIQUOR
E 640-47000-251	Liquor For Resale	(\$138.30)	501738		LIQUOR
E 640-47000-254	Soft Drinks/Mix For Resale	(\$38.26)	501739		MISC.MIX
Total JOHNSON BROS.-ST.PAUL		\$16,570.98			
Paid Chk# 110773	10/2/2018	KARLSBURGER FOODS, INC.			
E 640-48500-255	FOODIngredients For Resale	\$370.25	000478017		FOOD

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Total KARLSBURGER FOODS, INC.			\$370.25		
Paid Chk# 110774	10/2/2018	KEEPSAKE CIDERY LLP			
E 640-47000-253	Beer For Resale		\$60.00	WAYZATA914	BEER
Total KEEPSAKE CIDERY LLP			\$60.00		
Paid Chk# 110775	10/2/2018	KROPP, PATRICK			
E 640-48000-499	Miscellaneous		\$310.00	JJHILL2018	JJ HILL DAYS 2018
Total KROPP, PATRICK			\$310.00		
Paid Chk# 110776	10/2/2018	LIBATION PROJECT			
E 640-47000-252	Wine For Resale		\$1,080.00	17201	WINE RESALE
E 640-47000-259	Freight		\$18.00	17201	FREIGHT
Total LIBATION PROJECT			\$1,098.00		
Paid Chk# 110777	10/2/2018	M.AMUNDSON LLP			
E 640-47000-256	MISC.MDSE.RESALE		\$1,369.58	265805	CIGARETTES
E 640-47000-256	MISC.MDSE.RESALE		\$1,025.46	266194	CIGARETTES
Total M.AMUNDSON LLP			\$2,395.04		
Paid Chk# 110778	10/2/2018	MIDWEST GREASE			
E 640-48000-409	Maint services & Improv		\$200.00	219656	GREASE TRAP SERVICE
Total MIDWEST GREASE			\$200.00		
Paid Chk# 110779	10/2/2018	MODIST BREWING CO. LLC			
E 640-47000-253	Beer For Resale		\$182.25	11764	BEER
E 640-47000-253	Beer For Resale		\$168.75	11990	BEER
Total MODIST BREWING CO. LLC			\$351.00		
Paid Chk# 110780	10/2/2018	NEGOCE, LLC			
E 640-47000-252	Wine For Resale		\$687.72	229335	WINE
E 640-47000-259	Freight		\$6.00	229335	FREIGHT
E 640-47000-252	Wine For Resale		\$159.96	230070	WINE
E 640-47000-259	Freight		\$1.50	230070	FREIGHT
Total NEGOCE, LLC			\$855.18		
Paid Chk# 110781	10/2/2018	NEW FRANCE WINE COMPANY			
E 640-47000-252	Wine For Resale		\$900.00	135295	WINE RESALE
E 640-47000-259	Freight		\$7.50	135295	FREIGHT
Total NEW FRANCE WINE COMPANY			\$907.50		
Paid Chk# 110782	10/2/2018	NORTHWESTERN FRUIT COMPANY			
E 640-48500-255	FOODIngredients For Resale		\$281.10	890920	FOOD
E 640-48500-255	FOODIngredients For Resale		\$240.85	891009	FOOD
E 640-48500-255	FOODIngredients For Resale		\$42.15	891065	FOOD
E 640-48500-255	FOODIngredients For Resale		\$358.75	891148	FOOD
E 640-48500-255	FOODIngredients For Resale		\$340.10	891408	FOOD
Total NORTHWESTERN FRUIT COMPANY			\$1,262.95		
Paid Chk# 110783	10/2/2018	PAUSTIS & SONS			
E 640-47000-252	Wine For Resale		\$1,213.00	23725	WINE RESALE
E 640-47000-259	Freight		\$7.00	23725	FREIGHT
E 640-47000-252	Wine For Resale		\$443.00	24468	WINE RESALE
E 640-47000-259	Freight		\$8.75	24468	FREIGHT
Total PAUSTIS & SONS			\$1,671.75		
Paid Chk# 110784	10/2/2018	PHILLIPS WINES & SPIRITS			
E 640-48000-251	Liquor For Resale		\$1,037.10	2392854	LIQUOR
E 640-47000-251	Liquor For Resale		\$171.25	2421520	LIQUOR

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E 640-47000-259	Freight		\$2.52	2421520	FREIGHT
E 640-47000-252	Wine For Resale		\$600.75	2421521	WINE RESALE
E 640-47000-259	Freight		\$6.30	2421521	FREIGHT
E 640-47000-251	Liquor For Resale		\$145.35	2424672	LIQUOR
E 640-47000-259	Freight		\$2.52	2424672	FREIGHT
E 640-47000-252	Wine For Resale		\$1,803.00	2424673	WINE RESALE
E 640-47000-259	Freight		\$15.44	2424673	FREIGHT
E 640-48000-251	Liquor For Resale		\$422.58	2427182	LIQUOR
E 640-47000-252	Wine For Resale		\$803.00	2428480	WINE
E 640-47000-259	Freight		\$8.82	2428480	FREIGHT
E 640-48000-251	Liquor For Resale		\$392.50	2431003	LIQUOR
Total PHILLIPS WINES & SPIRITS			\$5,411.13		
Paid Chk# 110785	10/2/2018	PIETRINI, KRISTA			
E 640-48000-499	Miscellaneous		\$189.00	JJHILL2018	JJ HILL DAYS 2018
Total PIETRINI, KRISTA			\$189.00		
Paid Chk# 110786	10/2/2018	ROOTSTOCK WINE COMPANY			
E 640-47000-252	Wine For Resale		\$192.00	18-05075	WINE RESALE
E 640-47000-259	Freight		\$3.00	18-05075	FREIGHT
Total ROOTSTOCK WINE COMPANY			\$195.00		
Paid Chk# 110787	10/2/2018	RUE 38			
E 640-47000-252	Wine For Resale		\$88.00	3941	WINE
E 640-47000-259	Freight		\$1.50	3941	FREIGHT
Total RUE 38			\$89.50		
Paid Chk# 110788	10/2/2018	SADLER, SUSAN			
E 640-48000-499	Miscellaneous		\$126.00	JJHILL2018	JJ HILL DAYS 2018
Total SADLER, SUSAN			\$126.00		
Paid Chk# 110789	10/2/2018	SANDBERG, PAUL			
E 640-48000-499	Miscellaneous		\$380.00	JJHILL2018	JJ HILL DAYS 2018
Total SANDBERG, PAUL			\$380.00		
Paid Chk# 110790	10/2/2018	SCOTT, LIVIA			
E 640-48000-499	Miscellaneous		\$196.00	JJHILL2018	JJ HILL DAYS 2018
Total SCOTT, LIVIA			\$196.00		
Paid Chk# 110791	10/2/2018	SHAMROCK GROUP			
E 640-47000-254	Soft Drinks/Mix For Resale		\$114.92	2283852	ICE
E 640-47000-254	Soft Drinks/Mix For Resale		\$99.50	2284854	ICE
E 640-47000-254	Soft Drinks/Mix For Resale		\$155.94	2286042	ICE
E 640-48000-210	Operating Supplies (GENERAL)		\$86.00	2289515	ICE
E 640-47000-254	Soft Drinks/Mix For Resale		\$21.40	2290308	ICE
Total SHAMROCK GROUP			\$477.76		
Paid Chk# 110792	10/2/2018	SIGNS NOW			
E 640-47000-210	Operating Supplies (GENERAL)		\$96.50	32774	BUS.CARDS - CASTELLANO
Total SIGNS NOW			\$96.50		
Paid Chk# 110793	10/2/2018	SMALL LOT MN			
E 640-47000-252	Wine For Resale		\$384.00	23617	WINE
E 640-47000-259	Freight		\$6.15	23617	FREIGHT
Total SMALL LOT MN			\$390.15		
Paid Chk# 110794	10/2/2018	SOUTHERN GLAZER'S OF MN			
E 640-47000-252	Wine For Resale		\$136.00	1728705	WINE RESALE
E 640-47000-259	Freight		\$1.28	1728705	FREIGHT

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E 640-47000-251	Liquor For Resale		\$3,548.51	1728706	LIQUOR
E 640-47000-259	Freight		\$25.92	1728706	FREIGHT
E 640-47000-252	Wine For Resale		\$840.00	1728707	WINE RESALE
E 640-47000-259	Freight		\$18.13	1728707	FREIGHT
E 640-47000-252	Wine For Resale		\$304.00	1731450	WINE
E 640-47000-259	Freight		\$2.56	1731450	FREIGHT
E 640-47000-251	Liquor For Resale		\$3,319.85	1731451	LIQUOR
E 640-47000-259	Freight		\$23.15	1731451	FREIGHT
E 640-47000-252	Wine For Resale		\$2,209.00	1731452	WINE
E 640-47000-259	Freight		\$28.16	1731452	FREIGHT
E 640-47000-252	Wine For Resale		\$1,170.00	1734429	WINE
E 640-47000-259	Freight		\$33.28	1734429	FREIGHT
Total SOUTHERN GLAZER'S OF MN			\$11,659.84		
Paid Chk# 110795	10/2/2018	STEEL TOE BREWING			
E 640-48000-253	Beer For Resale		\$330.00	23584	BEER
Total STEEL TOE BREWING			\$330.00		
Paid Chk# 110796	10/2/2018	SUNBURST CHEMICALS, INC.			
E 640-48500-415	Other Equipment Rentals		\$92.58	0010977	DISHWASHER LEASE
Total SUNBURST CHEMICALS, INC.			\$92.58		
Paid Chk# 110797	10/2/2018	T.D. ANDERSON INC.			
E 640-48000-409	Maint services & Improv		\$105.00	687219	BEER LINE SERVICE
Total T.D. ANDERSON INC.			\$105.00		
Paid Chk# 110798	10/2/2018	THE AMERICAN BOTTLING COMPANY			
E 640-47000-254	Soft Drinks/Mix For Resale		\$171.76	3575506222	MISC.MIX
Total THE AMERICAN BOTTLING COMPANY			\$171.76		
Paid Chk# 110799	10/2/2018	TRI TECH DISPENSING			
E 640-48000-404	Repairs/Maint - Machin/Equip		\$560.85	56194	ICE MACHINE REPAIRS
Total TRI TECH DISPENSING			\$560.85		
Paid Chk# 110800	10/2/2018	TRIMARK			
E 640-48500-210	Operating Supplies (GENERAL)		\$115.29	99RMBX	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$57.19	99RP74	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$360.18	99RP75	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$93.30	99RP75	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$291.63	99RS9F	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$54.02	99RS9F	BAR SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$49.99	99RS9H	BAR SUPPLIES
Total TRIMARK			\$1,021.60		
Paid Chk# 110801	10/2/2018	TRUE BRANDS			
E 640-47000-254	Soft Drinks/Mix For Resale		\$257.72	385959	MISC MDSE
E 640-47000-254	Soft Drinks/Mix For Resale		\$9.90	388352	MISC.MDSE
E 640-47000-254	Soft Drinks/Mix For Resale		\$83.76	389251	MISC MDSE
E 640-47000-210	Operating Supplies (GENERAL)		\$282.34	389251	SUPPLIES
Total TRUE BRANDS			\$633.72		
Paid Chk# 110802	10/2/2018	TRUSTED EMPLOYEES			
E 640-48000-306	Personnel Expense		\$40.00	09201812035S	BACKGROUND CHECK SERVICE
Total TRUSTED EMPLOYEES			\$40.00		
Paid Chk# 110803	10/2/2018	UNITED CLEANING MANAGEMENT			
E 640-48000-409	Maint services & Improv		\$2,595.19	1023147	MONTHLY CLEANING
Total UNITED CLEANING MANAGEMENT			\$2,595.19		

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Paid Chk#	110804	10/2/2018	UNMAPPED BREWING COMPANY	
E 640-47000-253	Beer For Resale	\$225.00	178	BEER
Total UNMAPPED BREWING COMPANY		\$225.00		
Paid Chk#	110805	10/2/2018	US FOODS	
E 640-48500-255	FOODIngredients For Resale	(\$36.55)	5317456	FOOD
E 640-48500-255	FOODIngredients For Resale	\$4,432.59	5452279	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$31.90	5452279	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$197.14	5452279	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$97.42	5452279	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$232.74	5452279	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$177.73	5452279	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$2,984.38	5488808	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$340.76	5488808	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$36.06	5488808	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$97.42	5488808	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$65.00	5488808	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$30.53	5488808	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$4,105.28	5540521	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$50.95	5540521	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$31.53	5540521	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$225.80	5540521	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$58.28	5540521	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$5,096.62	5585246	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$179.51	5585246	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$308.56	5585246	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$97.42	5585246	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$262.06	5585246	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$90.74	5585246	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$4,879.78	5619939	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$104.20	5619939	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$99.00	5619939	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$136.18	5619939	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$138.23	5619939	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$68.86	5619939	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$3,672.66	5672200	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$50.37	5672200	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$96.02	5672200	BAR SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale	\$266.41	5672200	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$71.10	5672200	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$307.44	5716105	FOOD
E 640-48500-255	FOODIngredients For Resale	\$4,055.92	5716106	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$381.18	5716106	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$247.25	5716106	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$96.88	5716106	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$171.12	5716106	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$111.50	5716106	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$72.53	5717883	FOOD
Total US FOODS		\$34,220.50		
Paid Chk#	110806	10/2/2018	VAN PAPER COMPANY	
E 640-48500-210	Operating Supplies (GENERAL)	\$754.30	475940-00	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	(\$93.98)	476489CI	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$89.51	476844-00	SUPPLIES
Total VAN PAPER COMPANY		\$749.83		
Paid Chk#	110807	10/2/2018	VINOCOPIA	

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E 640-47000-252	Wine For Resale		\$264.00	0215880	WINE RESALE
E 640-47000-254	Soft Drinks/Mix For Resale		\$120.00	0215880	MISC.MIX
E 640-47000-259	Freight		\$16.00	0215880	FREIGHT
Total VINOCOPIA			\$400.00		
Paid Chk# 110808	10/2/2018	WAYZATA CHAMBER OF COMMERCE			
E 640-48000-341	General Promotions		\$9,149.00	JJHILLDAYS2	JJ HILL DAYS 2018 PROFIT SHARING
Total WAYZATA CHAMBER OF COMMERCE			\$9,149.00		
Paid Chk# 110809	10/2/2018	WINE COMPANY			
E 640-47000-252	Wine For Resale		\$576.00	82638	WINE RESALE
E 640-47000-259	Freight		\$6.30	82638	FREIGHT
E 640-47000-252	Wine For Resale		\$474.00	83345	WINE RESALE
E 640-47000-259	Freight		\$6.30	83345	FREIGHT
E 640-47000-252	Wine For Resale		\$3,082.00	84009	WINE RESALE
E 640-47000-259	Freight		\$11.55	84009	FREIGHT
E 640-47000-252	Wine For Resale		\$1,472.00	84027	WINE RESALE
E 640-47000-259	Freight		\$18.15	84027	FREIGHT
Total WINE COMPANY			\$5,646.30		
Paid Chk# 110810	10/2/2018	WINE MERCHANT			
E 640-47000-252	Wine For Resale		\$2,113.71	7200009	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$123.00	7200009	MISC.MIX
E 640-47000-259	Freight		\$25.63	7200009	FREIGHT
E 640-47000-252	Wine For Resale		\$4,843.88	7201058	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$46.00	7201058	MISC.MIX
E 640-47000-259	Freight		\$19.11	7201058	FREIGHT
E 640-47000-252	Wine For Resale		\$180.00	7201405	WINE
E 640-47000-259	Freight		\$1.22	7201405	FREIGHT
E 640-48000-252	Wine For Resale		\$1,665.30	7201406	WINE
E 640-47000-252	Wine For Resale		\$850.00	7201507	WINE
E 640-47000-259	Freight		\$2.52	7201507	FREIGHT
E 640-48000-252	Wine For Resale		\$145.22	7201942	WINE
E 640-47000-252	Wine For Resale		\$2,892.17	7202030	WINE
E 640-47000-259	Freight		\$13.66	7202030	FREIGHT
E 640-48000-252	Wine For Resale		\$427.88	7202399	WINE
E 640-47000-252	Wine For Resale		(\$842.96)	722338	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		(\$24.26)	722545	MISC.MIX
Total WINE MERCHANT			\$12,482.08		
Paid Chk# 110811	10/10/2018	AAA STRIPING SERVICE CO.			
E 101-43100-409	Maint services & Improv		\$2,029.12	105860	LAKE STREET MARKING
Total AAA STRIPING SERVICE CO.			\$2,029.12		
Paid Chk# 110812	10/10/2018	ABSOLUTE MECHANICAL			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$640.00	10277	CITY HALL & FD QUARTERLY MAINT.
Total ABSOLUTE MECHANICAL			\$640.00		
Paid Chk# 110813	10/10/2018	AEM FINANCIAL SOLUTIONS			
E 101-41500-301	Auditing and Acct g Services		\$4,817.00	405055	CONTRACTED FINANCE DIRECTOR SERVICES
E 610-49100-309	Contractual Services		\$785.33	405452	CIP MGMT.SERVICES
E 620-49100-309	Contractual Services		\$785.33	405452	CIP MGMT.SERVICES
E 430-40000-309	Contractual Services		\$785.33	405452	CIP MGMT.SERVICES
E 404-40000-309	Contractual Services		\$785.33	405452	CIP MGMT.SERVICES
E 408-40000-309	Contractual Services		\$785.33	405452	CIP MGMT.SERVICES
E 640-49100-499	Miscellaneous		\$785.35	405452	CIP MGMT.SERVICES
Total AEM FINANCIAL SOLUTIONS			\$9,529.00		

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Paid Chk# 110814	10/10/2018	ARCHETYPE		
E 401-40000-309	Contractual Services	\$19,200.00	84056	TOWN DIRECTORY SIGNS
Total ARCHETYPE		\$19,200.00		
Paid Chk# 110815	10/10/2018	ARMSTRONG CRANE		
G 101-20300	Deposits Payable	\$1,019.00	REFUND	STREET CUT DAMAGE DEPOSIT
Total ARMSTRONG CRANE		\$1,019.00		
Paid Chk# 110816	10/10/2018	AT&T MOBILITY		
E 101-41940-321	Telephone	\$379.89	287250190047	SERVICE
Total AT&T MOBILITY		\$379.89		
Paid Chk# 110817	10/10/2018	BATTERIES + BULBS		
E 610-40000-210	Operating Supplies (GENERAL)	\$26.40	P6581254	SUPPLIES
E 620-40000-210	Operating Supplies (GENERAL)	\$26.40	P6581254	SUPPLIES
Total BATTERIES + BULBS		\$52.80		
Paid Chk# 110818	10/10/2018	BERKLEY RISK ADMINISTRATORS CO		
E 101-49200-361	General Liability Ins	\$280.11	64650	ACCIDENT CLAIM
otal BERKLEY RISK ADMINISTRATORS CO		\$280.11		
Paid Chk# 110819	10/10/2018	BERKLEY RISK ADMINISTRATORS CO		
E 101-49200-365	Workers Comp Ins	\$112.65	00048600	W/C CLAIMS
E 101-49200-365	Workers Comp Ins	\$213.30	00064326	W/C CLAIMS
otal BERKLEY RISK ADMINISTRATORS CO		\$325.95		
Paid Chk# 110820	10/10/2018	BERRY COFFEE COMPANY		
E 101-45200-200	Office Supplies (GENERAL)	\$57.98	594780	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)	\$57.98	594780	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)	\$28.99	594780	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)	\$29.00	594780	SUPPLIES
Total BERRY COFFEE COMPANY		\$173.95		
Paid Chk# 110821	10/10/2018	BEST & FLANAGAN		
E 101-41500-304	Legal Fees	\$675.00	493067	CITY COUNCIL
E 101-41500-304	Legal Fees	\$405.00	493067	ORDINANCES
E 101-41500-304	Legal Fees	\$180.00	493067	CONTRACTS
E 101-41500-304	Legal Fees	\$270.00	493067	GENERAL
E 101-41500-304	Legal Fees	\$585.00	493067	DATA PRACTICES
E 305-40000-304	Legal Fees	\$481.25	493067	TIF#6
E 101-41500-304	Legal Fees	\$90.00	493067	PUNCH PIZZA TREE INCIDENT
E 101-41500-304	Legal Fees	\$495.00	493067	BOARDWALK
E 101-41500-304	Legal Fees	\$400.00	493067	NORDQUIST SIGNS
Total BEST & FLANAGAN		\$3,581.25		
Paid Chk# 110822	10/10/2018	BRAVO PROTECTION PRODUCTS		
E 437-40000-401	Repairs/Maint Buildings	\$364.00	12543	LIBRARY WINDOW TINT
Total BRAVO PROTECTION PRODUCTS		\$364.00		
Paid Chk# 110823	10/10/2018	CENTERPOINT ENERGY		
E 101-41940-383	Fuel, oil and natural gas	\$602.60		SERVICE
E 610-40000-383	Fuel, oil and natural gas	\$25.55		SERVICE
E 640-47000-383	Fuel, oil and natural gas	\$154.55		SERVICE
E 640-48000-383	Fuel, oil and natural gas	\$618.18		SERVICE
E 101-41940-383	Fuel, oil and natural gas	\$11.56		SERVICE
E 101-42200-383	Fuel, oil and natural gas	\$60.18		SERVICE
Total CENTERPOINT ENERGY		\$1,472.62		
Paid Chk# 110824	10/10/2018	CINTAS CORPORATION		

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E 101-41940-210	Operating Supplies (GENERAL)	\$56.45	5011786287	FIRST AID SUPPLIES	
E 101-41940-210	Operating Supplies (GENERAL)	\$33.74	8403829982	FIRST AID SUPPLIES	
	Total CINTAS CORPORATION	\$90.19			
Paid Chk# 110825	10/10/2018	CLAREY S SAFETY EQUIPMENT			
E 101-42200-210	Operating Supplies (GENERAL)	\$200.00	179310	FD SUPPLIES	
E 101-42200-240	Small Tools and Minor Equip	\$8.00	179334	FD TOOLS	
	Total CLAREY S SAFETY EQUIPMENT	\$208.00			
Paid Chk# 110826	10/10/2018	COMMERCIAL ASPHALT CO.			
E 430-40000-309	Contractual Services	\$761.11	180930	ASPHALT	
	Total COMMERCIAL ASPHALT CO.	\$761.11			
Paid Chk# 110827	10/10/2018	COMMISSIONER OF TRANSPORTATION			
E 408-40000-499	Miscellaneous	\$2,206.80	MEMORIAL SI	BILL MATHEWS MEMORIAL HIGHWAY SIGN	
	Total COMMISSIONER OF TRANSPORTATION	\$2,206.80			
Paid Chk# 110828	10/10/2018	CONFLUENCE			
E 404-40000-302	Consultants	\$4,201.74	16070	P&T MASTER PLAN	
	Total CONFLUENCE	\$4,201.74			
Paid Chk# 110829	10/10/2018	CULLIGAN-BOTTLED WATER			
E 101-41940-210	Operating Supplies (GENERAL)	\$179.70	2279274	SUPPLIES	
	Total CULLIGAN-BOTTLED WATER	\$179.70			
Paid Chk# 110830	10/10/2018	DIAMOND VOGEL PAINTS			
E 101-43100-226	Sign Repair Materials	\$84.09	802183382	PAINT & SUPPLIES	
E 101-43100-226	Sign Repair Materials	\$154.80	802183460	PAINT & SUPPLIES	
	Total DIAMOND VOGEL PAINTS	\$238.89			
Paid Chk# 110831	10/10/2018	ECM PUBLISHERS, INC.			
E 610-40000-350	Printing & Publishing	\$47.60	635251	DELINQUENT UTILITY BILLS HEARING NOTICE	
	Total ECM PUBLISHERS, INC.	\$47.60			
Paid Chk# 110832	10/10/2018	EMERGENCY AUTOMOTIVE			
E 101-42100-404	Repairs/Maint - Machin/Equip	\$85.00	JOR46	PD REPAIRS	
	Total EMERGENCY AUTOMOTIVE	\$85.00			
Paid Chk# 110833	10/10/2018	EMPLOYEE DATA FORMS			
E 101-41500-200	Office Supplies (GENERAL)	\$35.00	19-30438	EMPLOYEE FORMS	
	Total EMPLOYEE DATA FORMS	\$35.00			
Paid Chk# 110834	10/10/2018	ESS BROTHERS & SONS INC.			
E 408-40000-402	Sidewalk Replacement	\$696.00	YY7627	SIDEWALK REPAIR/REPLACEMENT	
	Total ESS BROTHERS & SONS INC.	\$696.00			
Paid Chk# 110835	10/10/2018	FASTENAL			
E 101-43100-210	Operating Supplies (GENERAL)	\$69.99	106184	SUPPLIES	
E 610-40000-210	Operating Supplies (GENERAL)	\$69.98	106184	SUPPLIES	
E 620-40000-210	Operating Supplies (GENERAL)	\$69.98	106184	SUPPLIES	
E 101-45200-210	Operating Supplies (GENERAL)	\$69.99	MNPLY106184	SUPPLIES	
E 620-40000-210	Operating Supplies (GENERAL)	\$27.23	MNPLY106460	SUPPLIES	
	Total FASTENAL	\$307.17			
Paid Chk# 110836	10/10/2018	FERNANDEZ, NICHOLE			
E 101-42100-331	Mileage & Expense Account	\$113.36	MILEAGE	MILEAGE - BCA CONF.	
	Total FERNANDEZ, NICHOLE	\$113.36			
Paid Chk# 110837	10/10/2018	FISHER, CHERYL			

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E 630-40000-331	Mileage & Expense Account		\$63.78	MILEAGE	3RD QTR.2018 MILEAGE
	Total FISHER, CHERYL		\$63.78		
Paid Chk# 110838	10/10/2018	FLEET FARM			
E 101-45200-240	Small Tools and Minor Equip		\$42.92		SUPPLIES
	Total FLEET FARM		\$42.92		
Paid Chk# 110839	10/10/2018	GOPHER STATE ONE CALL			
E 610-40000-313	Permit Fees/Gopher State		\$108.00	8090811	MONTHLY LOCATES
E 620-40000-313	Permit Fees/Gopher State		\$108.00	8090811	MONTHLY LOCATES
	Total GOPHER STATE ONE CALL		\$216.00		
Paid Chk# 110840	10/10/2018	GROTH SEWER & WATER			
G 101-20300	Deposits Payable		\$1,019.00	REFUND	STREET CUT DEPOSIT LESS DEGRADATION FEE
R 101-00000-34190	Charges for Services/Gen Gov		(\$210.00)	REFUND	STREET CUT DEPOSIT LESS DEGRADATION FEE
	Total GROTH SEWER & WATER		\$809.00		
Paid Chk# 110841	10/10/2018	HATZ, KIM			
E 630-40000-331	Mileage & Expense Account		\$56.69	MILEAGE	3RD QTR.2018 MILEAGE
	Total HATZ, KIM		\$56.69		
Paid Chk# 110842	10/10/2018	HAWKINS, INC			
E 610-40000-216	Chemicals and Chem Products		\$3,147.74	4365060	CHEMICALS
	Total HAWKINS, INC		\$3,147.74		
Paid Chk# 110843	10/10/2018	HENN.CNTY.ACCTG.SERVICES			
E 101-42120-308	Prisoner Care		\$291.00	1000116473	PRISONER PROCESSING
	Total HENN.CNTY.ACCTG.SERVICES		\$291.00		
Paid Chk# 110844	10/10/2018	HENNEPIN COUNTY TREASURER			
G 650-20818	Garbage Sales Tax		\$1,512.90	9% REFUSE T	9% REFUSE TAX - SEPT.2018
	Total HENNEPIN COUNTY TREASURER		\$1,512.90		
Paid Chk# 110845	10/10/2018	HOLIDAY			
E 640-47000-212	Motor Fuels		\$19.79		FUEL
	Total HOLIDAY		\$19.79		
Paid Chk# 110846	10/10/2018	HOME DEPOT			
E 101-43100-210	Operating Supplies (GENERAL)		\$101.65		SUPPLIES
	Total HOME DEPOT		\$101.65		
Paid Chk# 110847	10/10/2018	ICMA			
E 101-41500-433	Dues, Licensing & Seminars		\$20.00	261415-1	PUBLICATIONS
	Total ICMA		\$20.00		
Paid Chk# 110848	10/10/2018	JONES, REBECCA			
E 610-40000-499	Miscellaneous		\$31.78	REIMB.	SUPPLIES
	Total JONES, REBECCA		\$31.78		
Paid Chk# 110849	10/10/2018	KD & COMPANY			
E 101-43100-229	Dirt, Sand and gravel		\$175.00	13544	ASPHALT DISPOSAL
	Total KD & COMPANY		\$175.00		
Paid Chk# 110850	10/10/2018	LASER TECHNOLOGY INC.			
E 409-42100-540	Equipment		\$1,995.00	164432	PD RADAR
	Total LASER TECHNOLOGY INC.		\$1,995.00		
Paid Chk# 110851	10/10/2018	LIND, JODI			
E 630-40000-331	Mileage & Expense Account		\$63.78	MILEAGE	3RD QTR.2018 MILEAGE

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Total LIND, JODI		\$63.78		
Paid Chk# 110852	10/10/2018	LOFFLER COMPANIES, INC.		
E 409-40000-540	Equipment	\$932.00	2917236	SERVER HARD DRIVES
E 101-41500-311	Data Processing	\$4,905.00	2924254	NETWORK SUPPORT
Total LOFFLER COMPANIES, INC.		\$5,837.00		
Paid Chk# 110853	10/10/2018	LONG LAKE TRU VALUE		
E 101-43100-210	Operating Supplies (GENERAL)	\$51.68		SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)	\$28.75		SUPPLIES
E 101-42100-210	Operating Supplies (GENERAL)	\$38.48		SUPPLIES
E 101-42200-240	Small Tools and Minor Equip	\$235.75		SUPPLIES
E 610-40000-210	Operating Supplies (GENERAL)	\$33.22		SUPPLIES
E 620-40000-210	Operating Supplies (GENERAL)	\$46.72		SUPPLIES
E 610-40000-242	Well & F.P. Equipment	\$22.99		SUPPLIES
E 640-47000-404	Repairs/Maint - Machin/Equip	\$9.50		SUPPLIES
Total LONG LAKE TRU VALUE		\$467.09		
Paid Chk# 110854	10/10/2018	MACQUEEN EQUIPMENT, INC.		
E 620-40000-224	Repair & Maint - Motor Equip	\$220.63	P15281	PARTS
Total MACQUEEN EQUIPMENT, INC.		\$220.63		
Paid Chk# 110855	10/10/2018	MANSFIELD OIL COMPANY		
E 101-49200-212	Motor Fuels	\$607.93	20986683	FUEL
E 101-49200-212	Motor Fuels	\$2,073.38	20998638	FUEL
Total MANSFIELD OIL COMPANY		\$2,681.31		
Paid Chk# 110856	10/10/2018	MARCO		
E 610-40000-200	Office Supplies (GENERAL)	\$48.00	5497972	COPIER MAINT.
E 620-40000-200	Office Supplies (GENERAL)	\$47.99	5497972	COPIER MAINT.
E 630-40000-404	Repairs/Maint - Machin/Equip	\$182.11	5607443	COPIER MAINT.
Total MARCO		\$278.10		
Paid Chk# 110857	10/10/2018	MARKWOOD CONSTRUCTION		
E 640-49100-401	Repairs/Maint Buildings	\$20,200.00	2018-255	STORE/BAR BUILDING MAINT.
Total MARKWOOD CONSTRUCTION		\$20,200.00		
Paid Chk# 110858	10/10/2018	MCKOWN, HEATHER		
E 101-42100-331	Mileage & Expense Account	\$136.26	MILEAGE	BCA CONF.MILEAGE
Total MCKOWN, HEATHER		\$136.26		
Paid Chk# 110859	10/10/2018	METRO GENERAL SERVICES		
G 101-20300	Deposits Payable	\$1,019.00	REFUND	STREET CUT DEPOSIT REFUND LESS DEGRADATION FEE
R 101-00000-34190	Charges for Services/Gen Gov	(\$245.00)	REFUND	STREET CUT DEPOSIT REFUND LESS DEGRADATION FEE
Total METRO GENERAL SERVICES		\$774.00		
Paid Chk# 110860	10/10/2018	METROPOLITAN COUNCIL		
G 101-20831	MWCC (SAC)	\$2,485.00		SAC CHARGES
R 101-00000-34190	Charges for Services/Gen Gov	(\$24.85)		ADMIN.DISCOUNT
Total METROPOLITAN COUNCIL		\$2,460.15		
Paid Chk# 110861	10/10/2018	MINNETONKA BARGEMAN		
E 233-40000-309	Contractual Services	\$300.00	2631	SWIM BUOY REMOVAL
Total MINNETONKA BARGEMAN		\$300.00		
Paid Chk# 110862	10/10/2018	MINT ROOFING		
E 437-40000-401	Repairs/Maint Buildings	\$309.18	781282	LIBRARY ROOF LEAK

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			Check Amt	Invoice	Comment
E 101-41940-401	Repairs/Maint Buildings		\$382.64	781289	CITY HALL ROOF LEAK
	Total MINT ROOFING		\$691.82		
Paid Chk# 110863	10/10/2018	MN BATTERY LLC			
E 101-42200-404	Repairs/Maint - Machin/Equip		\$684.00	20569	FD REPAIRS
	Total MN BATTERY LLC		\$684.00		
Paid Chk# 110864	10/10/2018	MN CHIEFS OF POLICE ASSOC.			
E 101-42100-434	Training and schools		\$135.00	8561	OFFICER SEMINAR
	Total MN CHIEFS OF POLICE ASSOC.		\$135.00		
Paid Chk# 110865	10/10/2018	NAPA AUTO PARTS-WATERTOWN			
E 101-43100-210	Operating Supplies (GENERAL)		(\$104.48)	504488	PARTS
E 101-43100-210	Operating Supplies (GENERAL)		\$26.77	504795	PARTS
E 101-45200-210	Operating Supplies (GENERAL)		\$37.80	504866	PARTS
E 610-40000-210	Operating Supplies (GENERAL)		\$33.99	505239	PARTS
E 620-40000-210	Operating Supplies (GENERAL)		\$33.99	505239	PARTS
	Total NAPA AUTO PARTS-WATERTOWN		\$28.07		
Paid Chk# 110866	10/10/2018	NORTHERN TOOL & EQUIPMENT			
E 101-45200-210	Operating Supplies (GENERAL)		\$34.95	4061103157	SUPPLIES
	Total NORTHERN TOOL & EQUIPMENT		\$34.95		
Paid Chk# 110867	10/10/2018	OFFICE DEPOT			
E 101-41500-200	Office Supplies (GENERAL)		\$38.01	206903730001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$3.39	206906076001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$64.96	210309000001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$6.78	210309804001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$6.70	210309805001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$33.98	210309806001	SUPPLIES
	Total OFFICE DEPOT		\$153.82		
Paid Chk# 110868	10/10/2018	RETREAT, THE			
E 101-41500-331	Mileage & Expense Account		\$300.00	10/3/18	STRATEGIC PLANNING SESSION
	Total RETREAT, THE		\$300.00		
Paid Chk# 110869	10/10/2018	RISVOLD, MICHAEL			
E 101-42100-434	Training and schools		\$100.36	REIMB.	PUBLIC SAFETY DAY SUPPLIES
E 101-42100-331	Mileage & Expense Account		\$10.00	REIMB.	PARKING
	Total RISVOLD, MICHAEL		\$110.36		
Paid Chk# 110870	10/10/2018	SCHANKE, SUZIE			
E 101-42200-409	Maint services & Improv		\$145.00	SEPT.2018	FD MONTHLY CLEANING
	Total SCHANKE, SUZIE		\$145.00		
Paid Chk# 110871	10/10/2018	SCHARBER & SONS			
G 101-20300	Deposits Payable		\$1,019.00	REFUND	STREET CUT DEPOSIT LESS DEGRADATION FEE
R 101-00000-34190	Charges for Services/Gen Gov		(\$600.00)	REFUND	STREET CUT DEPOSIT LESS DEGRADATION FEE
	Total SCHARBER & SONS		\$419.00		
Paid Chk# 110872	10/10/2018	SCHUMANN, JEN			
E 610-40000-241	Safety equip/testings		\$30.60	REIMB.	SAFETY APPAREL
E 620-40000-241	Safety equip/testings		\$30.60	REIMB.	SAFETY APPAREL
	Total SCHUMANN, JEN		\$61.20		
Paid Chk# 110873	10/10/2018	SIGNS NOW			
E 101-41500-200	Office Supplies (GENERAL)		\$141.00	I-32830	NAME BADGES
	Total SIGNS NOW		\$141.00		

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Paid Chk# 110874	10/10/2018	STATE OF MINNESOTA			
E 101-42100-323	Radio Units		\$270.00	00000503828	PD SERVICES
	Total STATE OF MINNESOTA		\$270.00		
Paid Chk# 110875	10/10/2018	STREICHER S			
E 101-42100-217	Uniforms		\$259.98	11333352	PD UNIFORMS
	Total STREICHER S		\$259.98		
Paid Chk# 110876	10/10/2018	SUMMIT FIRE PROTECTION			
E 233-40000-401	Repairs/Maint Buildings		\$50.00	1303119	BEACH SHACK FIRE SYSTEM
	Total SUMMIT FIRE PROTECTION		\$50.00		
Paid Chk# 110877	10/10/2018	THE LAWN FIRM			
E 232-40000-210	Operating Supplies (GENERAL)		\$765.00	9/24/18	CEMETARY SUPPLIES
	Total THE LAWN FIRM		\$765.00		
Paid Chk# 110878	10/10/2018	THOMSON, JEFFREY			
E 101-41910-433	Dues, Licensing & Seminars		\$373.38	REIMB.	CONF.REGISTRATION
	Total THOMSON, JEFFREY		\$373.38		
Paid Chk# 110879	10/10/2018	TIME SAVER			
E 101-41100-302	Consultants		\$353.00	M24159	MTG.MINUTES
	Total TIME SAVER		\$353.00		
Paid Chk# 110880	10/10/2018	TRI-CITY			
E 610-40000-309	Contractual Services		\$63.00	1800259	WATER ANALYSIS
	Total TRI-CITY		\$63.00		
Paid Chk# 110881	10/10/2018	TROPHIES BY LINDA			
E 101-41100-499	Miscellaneous		\$51.25	43372	COUNCIL RECOGNITION
	Total TROPHIES BY LINDA		\$51.25		
Paid Chk# 110882	10/10/2018	TWIN CITY SEED CO.			
E 101-45200-210	Operating Supplies (GENERAL)		\$195.00	43567	SUPPLIES
	Total TWIN CITY SEED CO.		\$195.00		
Paid Chk# 110883	10/10/2018	UPS STORE			
E 101-42100-350	Printing & Publishing		\$38.50	2296	PD PRINTING
E 101-42200-434	Training and schools		\$78.40	2326	FD PRINTING
E 101-41100-493	Volunteer program		\$76.60	2442	VOLUNTEER INVITES
E 101-42100-350	Printing & Publishing		\$49.90	4925	PD PRINTING
	Total UPS STORE		\$243.40		
Paid Chk# 110884	10/10/2018	US BANK			
E 610-49100-621	Fiscal Agent s Fees		\$500.00	5125379	PAYING AGENT FEES
E 315-40000-621	Fiscal Agent s Fees		\$500.00	5125380	PAYING AGENT FEES
E 620-49100-621	Fiscal Agent s Fees		\$500.00	5125382	PAYING AGENT FEES
E 310-40000-621	Fiscal Agent s Fees		\$500.00	5131184	PAYING AGENT FEES
	Total US BANK		\$2,000.00		
Paid Chk# 110885	10/10/2018	VERIZON WIRELESS			
E 101-42200-323	Radio Units		\$12.41	9814985514	FD SERVICE
	Total VERIZON WIRELESS		\$12.41		
Paid Chk# 110886	10/10/2018	VILLAGE CHEVROLET			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$340.72	314280	PD REPAIRS
E 101-42100-404	Repairs/Maint - Machin/Equip		\$119.39	314284	PD REPAIRS
	Total VILLAGE CHEVROLET		\$460.11		

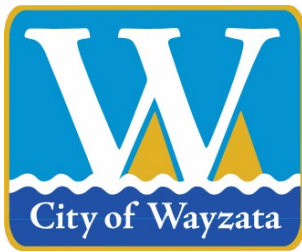
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			Check Amt	Invoice	Comment
Paid Chk#	110887	10/10/2018	WALT S GARAGE		
E 640-47000-404	Repairs/Maint - Machin/Equip		\$50.00	8512	MUNI DELIVERY REPAIRS
	Total WALT S GARAGE		\$50.00		
Paid Chk#	110888	10/10/2018	WARNING LITES		
E 101-43100-415	Other Equipment Rentals		\$3,610.10	204465	TRAFFIC CONTROL EQUIP.
	Total WARNING LITES		\$3,610.10		
Paid Chk#	110889	10/10/2018	WAYZATA FIRE RELIEF ASSOC.		
E 101-42200-438	Payment to Fire Relief 2% Aid		\$75,008.09		2% INS.PREM & CITY CONTRIBUTION
E 101-42200-437	Payments to Organizations		\$68,000.00		2% INS.PREM & CITY CONTRIBUTION
	Total WAYZATA FIRE RELIEF ASSOC.		\$143,008.09		
Paid Chk#	110890	10/10/2018	WSB & ASSOCIATES		
E 430-40000-303	Engineering Fees		\$2,845.00	R-010640-000-	WAYZ/SUPERIOR PROJECT
	Total WSB & ASSOCIATES		\$2,845.00		
Paid Chk#	110891	10/10/2018	XCEL ENERGY		
E 101-45203-381	Electric Utilities		\$4,645.74		SERVICE
E 101-41940-381	Electric Utilities		\$6,315.63		SERVICE
E 101-42200-381	Electric Utilities		\$391.43		SERVICE
E 610-40000-381	Electric Utilities		\$7,178.81		SERVICE
E 640-47000-381	Electric Utilities		\$1,667.33		SERVICE
E 640-48000-381	Electric Utilities		\$3,890.44		SERVICE
E 620-40000-381	Electric Utilities		\$1,587.41		SERVICE
E 101-41940-381	Electric Utilities		\$10.90		SERVICE
	Total XCEL ENERGY		\$25,687.69		
	10100 Anchor Bank		\$424,800.91		

Fund Summary

10100 Anchor Bank	
101 GENERAL FUND	\$189,888.72
232 CEMETARY	\$765.00
233 LAKFRONT IMPROVE	\$350.00
305 DOWNTOWN TIF DISTRICT 6	\$481.25
310 SUPERIOR/LAKE REALIGNMENT	\$500.00
315 BIG WOODS	\$500.00
401 PERM IMPROVEMENT	\$19,200.00
404 PARK AND TRAIL CIP	\$4,987.07
408 GENERAL CIP	\$3,688.13
409 EQUIP REVOLVING	\$3,300.65
430 STREET CIP	\$4,391.44
437 LIBRARY/COMM.ROOM CIP	\$673.18
610 WATER FUND	\$12,181.98
620 SEWER FUND	\$3,513.28
630 MOTOR VEHICLE	\$366.36
640 LIQUOR	\$178,500.95
650 SOLID WASTE	\$1,512.90
	\$424,800.91



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 7c
TITLE: Approval of Municipal Licenses	
PROPOSED MOTION: To Approve the Municipal Licenses as attached	
PREPARED BY: Lori Krismer, Administrative Assistant	
REVIEWED BY: Kathy Leervig, City Clerk	

ACTION REQUESTED:

Staff recommends approval of the Municipal Licenses.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. List of Municipal Licenses Which Received Administrative Approval (informational only).

10/16/2018

LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

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

None to Report

**THE FOLLOWING MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY**

2018 Gas Fitter's License	
Northwest Heating & Cooling, Inc.	Anoka, MN
2018 Tree Removal and Treatment License	
Dehn Tree Company, Inc.	Rogers, MN



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 7d
TITLE: Police Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Nichole Fernandez, Administrative Records Specialist	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

The attached September 2018 Police Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. September 2018 Police Activity Report

**WAYZATA POLICE DEPARTMENT
ACTIVITY REPORT – SEPTEMBER, 2018**

Damage to Property - Criminal **Reported: 09-30-2018 1202**

Report of damage to property. Unknown loss at this time.

Addresses Involved

900 block of Lake St E, Wayzata, MN 55391

Tampering with MV **Reported: 09-30-2018 1158**

Report of a motor vehicle tampered with. No loss reported.

Addresses Involved

200 block of Harrington Dr, Long Lake, MN 55356

Theft from Vehicle **Reported: 09-29-2018 0815**

Report of a theft from vehicle. Loss \$2700.

Addresses Involved

200 block of Harrington Dr, Long Lake, MN 55356

Domestic Assault **Reported: 09-28-2018 1918**

Report of a domestic assault. Charges pending.

Addresses Involved

Ferndale Rd S & Lake St W, Wayzata, MN 55391

Theft **Reported: 09-28-2018 1519**

Report of a theft. Unknown loss at this time.

Addresses Involved

2400 block of Industrial Blvd W, Long Lake, MN 55356

Theft **Reported: 09-28-2018 1119**

Report of a theft. Loss \$50.

Addresses Involved

500 block of Wayzata Blvd W, Wayzata, MN 55391

Theft **Reported: 09-27-2018 0900**

Report of a theft. Loss \$2500.

Addresses Involved

600 block of Lake St E, Wayzata, MN 55391

Burglary-Commercial **Reported: 09-26-2018 0945**

Report of a burglary. Loss \$5000.

Addresses Involved

2300 block of Daniels St, Long Lake, MN 55356

Theft **Reported: 09-25-2018 2243**

Report of a theft. Loss \$175.

Addresses Involved

1400 block of Wayzata Blvd E, Wayzata, MN 55391

Theft **Reported: 09-24-2018 1521**

Report of a theft. Unknown loss at this time.

Addresses Involved

400 block of Arlington Circle S, Wayzata, MN 55391

Theft **Reported: 09-23-2018 1406**

Report of a theft. Loss \$1000.

Addresses Involved

100 block of Wayzata Blvd E, Wayzata, MN 55391

Forgery **Reported: 09-22-2018 0800**

Report of a forged check. Loss \$1000.

Addresses Involved

1100 block of Wayzata Blvd E, Wayzata, MN 55391

Controlled Substance **Reported: 09-21-2018 2344**

34 year old male from Minneapolis was arrested for driving under the influence of alcohol. Tested .12.

Addresses Involved

Bushaway Rd & Hwy 12, Wayzata, MN 55391

Names Involved

(Arrested) Austin, Charles Edward (Age: 34)

Burglary-Residential **Reported: 09-19-2018 1610**

Report of a residential burglary. Loss \$225.

Addresses Involved

100 block of Ridgeview Dr, Wayzata, MN 55391

Theft **Reported: 09-19-2018 1441**

Report of a theft. This case is under investigation.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Burglary-Commercial **Reported: 09-17-2018 1021**

Report of a commercial burglary. This case is under investigation.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Theft **Reported: 09-17-2018 0913**

Report of a theft. Loss \$300.

Addresses Involved

1500 block of Stoneridge Circle N, Long Lake, MN 55356

Burglary-Residential **Reported: 09-16-2018 2149**

Report of a residential burglary. Unknown loss at this time.

Addresses Involved

100 block of Grand Ave S, Wayzata, MN 55391

Domestic Assault**Reported: 09-15-2018 2229**

51 year old male from Wayzata arrested for domestic assault. Transported to jail.

Addresses Involved

400 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved

(Arrested) Dupont, Troy Allan (Age: 50)

Damage to Property - Criminal**Reported: 09-15-2018 2056**

Report of damage to property. Unknown loss at this time.

Addresses Involved

1800 block of Wayzata Blvd W, Long Lake, MN 55356

Order Violation**Reported: 09-15-2018 1621**

Report of a violation of a Domestic Assault No Contact Order. Charges pending.

Addresses Involved

100 block of Grand Ave S, Wayzata, MN 55391

Damage to Property - Criminal**Reported: 09-15-2018 0857**

Report of damage to property. Loss \$610.

Addresses Involved

200 block of Grove Lane E, Wayzata, MN 55391

Theft from Vehicle**Reported: 09-15-2018 0808**

Report of a theft from a vehicle. Loss \$355.

Addresses Involved

100 block of Orchard Circle N, Long Lake, MN 55356

Warrant**Reported: 09-12-2018 2315**

37 year old female from Bloomington arrested on an outstanding warrant. Transported to jail.

Addresses Involved

600 block of Lake St E, Wayzata, MN 55391

Names Involved

(Arrested) Bowen, Helene Elizabeth (Age: 37)

Controlled Substance**Reported: 09-11-2018 2334**

31 year old male from Montrose arrested for 5th degree possession of controlled substance.

Addresses Involved

Wayzata Blvd W & Willow Dr, Long Lake, MN 55356

Names Involved

(Arrested) Krugerud, Matthew Alan (Age: 31)

Theft**Reported: 09-11-2018 1710**

Report of a theft. Loss \$100.

Addresses Involved

600 block of Lake St E, Wayzata, MN 55391

Burglary-Commercial**Reported: 09-10-2018 1146**

Report of a commercial burglary. Loss \$1300.

Addresses Involved

500 block of Willow Dr, Long Lake, MN 55356

Assault**Reported: 09-08-2018 1906**

Report of an assault. Charges pending.

Addresses Involved200 block of Grove Lane E, Wayzata, MN 55391

Trespass**Reported: 09-05-2018 0935**

Report of a former client harassing staff. Female was trespassed from property.

Addresses Involved1400 block of Wayzata Blvd E, Wayzata, MN 55391

DWI**Reported: 09-04-2018 2359**

20 year old female from Mound arrested for driving while impaired. Pending Test results.

Addresses Involved

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

Names Involved(Arrested) VanBuren, Brianna Nell (Age: 20)

Theft**Reported: 09-03-2018 2313**

75 year old female from Edina arrested for theft of services. Loss \$256. Transported to jail.

Addresses Involved

900 block of Lake St E

Names Involved(Arrested) Montgomery, Diane Brooks (Age: 75)

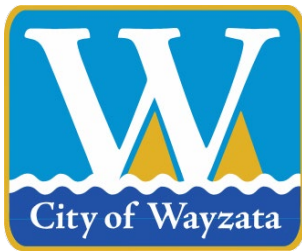
TRAFFIC – SEPTEMBER 2018

CITATIONS	
WRITTEN WARNINGS	
VERBAL WARNINGS	

Description	Sept 2018
MISSING PERSON	3
MISSING ANIMAL	2
MISSING/LOST PROPERTY	6
FOUND ANIMAL	1
FOUND PROPERTY	13
ABANDONED VEHICLE	1
SAFEKEEPING & DISPOSAL	1
PIMV	1
PDMV	9
PDMV & DEER	1
ANIMAL BITE	1
Other Fire/Smoke	4
Grass/Brush Fire	1
FIRE ALARM	12
GAS LEAK/SMELL	3
HAZ ROAD CONDITION	14
SUICIDE	1
SUDDEN DEATH	1
OTHER MEDICAL	51
Medical Alarm	1
72 Hour Hold/Emergency Admission	2
WELFARE CHECK - ADULT	10
WELFARE CHECK - JUV	7
INFO REC'D	17
VERBAL DOMESTIC	2
CIVIL MATTER	7
Trespass Warn/Order	6
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	18
RECEIVE COURT ORDER/OFP	1
SUSPICION	33
FIREWORKS COMPL / WARN	4
DRIVING/TRAFFIC COMPLAINT	28
PARKING COMPL	4
HOUSE/BUSINESS CHECKS	2
RECORD CHECKS	11
FIREARM PERMIT	3
HC SHERIFFS PERMIT TO CARRY	1
PARKING PERMIT	4

SOLICITATION	1
ZONING VIOLATION	1
ANIMAL COMPLAINT/CHECK	13
Potential Dangerous Dog Notices	1
DOG LICENSE ISSUED	2
PATROL REQUEST	1
POLICE ESCORT/STAND-BY	3
ADULT PROTECTION ASSIST	4
FINGERPRINTS	5
ASSIST CHILD PROTECTION	2
MOTORIST ASSIST/STALL	14
UTILITY PROBLEM	5
PUBLIC ASSIST	32
LOCKOUT	4
BUSINESS ALARM	17
HOME ALARM	17
911 HANG-UP	8
ASSIST OTHER DEPT	30
WARRANT/ATTEMPT/ARREST	1
SPECIAL EVENT	1
TRAFFIC CONTROL / DIRECT ENFORCEMENT	10
TRANSPORT	1
CASE FOLLOW UP	1
ASLT 5-MS-THRT BODILY HARM-KNIFE ETC-CHLD-STR	1
ASLT-DOMESTIC-FE-INFLT BODLY HRM-HNDS-ADLT-ACQ	1
ASLT-DOMESTIC-MS-INFLT BODLY HRM-HNDS-ADLT-AC	1
BURG-UNK DEG-UNOCC RES FRC-D-UNK WEAP-UNK ACT	1
BURG 1-OCC RES NO FRC-D-UN WEAP-COM THEFT	1
BURG 1-UNOCC NRES FRC-N-UNK WEAP-COM THEFT	1
BURG 1-UNOCC NRES FRC-U-UNK WEAP-COM THEFT	1
BURG 4-UNOCC NRES NO FRC-D-UNK WEAP-UNK ACT	1
FORG-FE-UTT-POSS-PLACE-CHK-251-2500-PERSON	2
DRUGS-SMALL AMOUNT MARIJUANA-POSSESSION	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-UNK	1
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	6
CON SUB 5-POSSESS-HEROIN-UNK	1
CON SUB 5-POSSESS-MARIJUANA-UNK	1
CON SUB 5-POSSESS-AMPHET-UNK	1
ESC-MS-FLEE AN OFFICER OTHER THAN MTR VEH	1

TRAF ACCIDENT-MS-FAIL STOP-DRVR CAUSED	1
TRAFFIC-MS-OTHER-MV	2
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
TRAF-ACC-M-4TH DEG DWI-UI CONTROLLED SUB-MV	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	3
DISTURB PEAC-MS-VIOL DOM ABUSE NO CONTACT ORD	1
DISTURB PEACE-MS-INT W EMERGENCY COM-NA OR UNK	1
OBSENIITY-MS-INDECENT EXPOSURE-TO MINOR	1
PROP DAMAGE-UNK LVL-BUSINESS-UNK INTENT	1
PROP DAMAGE-UNK LVL-BUSINESS-OTHER INTENT	1
PROP DAMAGE-FE-PRIVATE-UNK INTENT	1
PROP DAMAGE-GM-PRIVATE-RISK BODILY HARM-DEATH	1
PROP DAM-GM-PRPDMG-PUB-REDUCE VAL 501-1000	1
THEFT-UNK LVL VAL-FRM BUILDING-OTH PROP	2
THEFT-UNK LVL VAL-FRM WATERCRAFT-OTH PROP	1
THEFT-1001-5000 DLRS FE-PERSON-OTHER PROPERTY	1
THEFT-1001-5000 DLRS FE-BLDG-MONEY NEGOTIABLES	1
THEFT-1001-5000 DLRS FE-MTR VEHICLE-OTH PROP	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	1
THEFT-500 OR LESS MS-YARDS-OTH PROP	1
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	1
THEFT-500 OR LESS MS-OTHER-SERVICES	2
THEFT-FE-BY SWINDLE-TRICK-501-2500	1
VEH-UNKNOWN-MS-TAMPER WITH-ENTER-AUTO	2
WEAPONS-MS-CARRYING PISTOL INF ALC-CONTRL SU	1
CRIM AGNST ADMN JUST-MS-OBST LEGAL PROCESS	1



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 7e
TITLE: Building Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Jason Wagner, Building Official	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

The attached September 2018 Building Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. September 2018 Building Activity Report

Jan-18	Feb-18	Mar-18	Apr-18	May-18
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BUILDING CONSTRUCTION

NUMBER OF BLDG. PERMITS	13	12	9	11	20
PROJECT VALUE	\$2,276,265.00	\$1,547,265.00	\$534,500.00	\$931,468.00	\$1,627,680.00
BUILDING PERMIT FEE	\$16,570.00	\$12,942.75	\$5,280.00	\$8,581.00	\$13,480.50
PLAN CHECK FEE	\$10,496.35	\$7,807.69	\$2,618.16	\$4,403.11	\$6,808.96

EXTERIOR REPAIR

NUMBER OF PERMITS	44	2	6	2	5
PROJECT VALUE	\$1,998,122.38	\$10,218.00	\$88,422.00	\$9,204.00	\$170,229.00
PERMIT FEE	\$ 28,045.00	\$ 250.75	\$ 1,519.75	\$ 236.00	\$ 2,225.75

MECHANICAL

NUMBER OF PERMITS	15	24	17	14	14
PROJECT VALUE	164,684.84	263,524.00	258,075.00	114,930.00	86,821.00
PERMIT FEE	3,226.72	5,244.34	5,173.60	2,310.60	1,756.42

PLUMBING

NUMBER OF PERMITS	13	19	14	13	10
PROJECT VALUE	\$222,680.00	\$204,904.88	\$183,453.00	\$181,270.71	\$53,728.66
PERMIT FEE	\$4,503.60	\$4,229.90	\$3,708.86	\$3,424.82	\$1,149.08

TOTAL # OF PERMITS	85	57	46	40	49
TOTAL INCOME	\$62,841.67	\$30,475.43	\$18,300.37	\$18,955.53	\$25,420.71

NUMBER OF INSPECTIONS

BUILDING	52	44	34	64	57
EXTERIOR	2	2	1	5	6
HVAC	42	25	48	33	29
PLUMBING	27	25	25	19	23
OTHER					
TOTAL # OF INSPECTIONS	123	96	108	121	115

RENTAL HOUSING INSPECTIONS

INSPECTIONS	7	6	79	34	26
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Jun-18	Jul-18	Aug-18	Sep-18	2018-YTD
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21	16	16	19	137
\$8,032,155.00	\$2,207,169.00	\$10,742,891.63	\$2,830,500.00	\$30,729,893.63
\$44,375.00	\$18,014.00	\$53,278.50	\$20,768.75	\$193,290.50
\$27,577.06	\$9,669.55	\$33,668.22	\$12,319.16	\$115,368.26

10	9	14	7	99
\$136,679.00	\$169,574.00	\$170,771.00	\$560,181.00	\$3,313,400.38
\$ 2,316.50	\$ 2,757.00	\$ 3,154.00	\$ 4,835.50	\$ 45,340.25

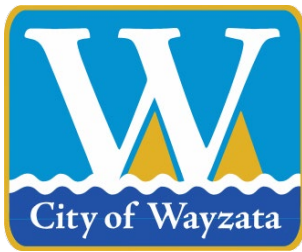
21	19	18	14	156
124,275.00	219,067.00	97,498.00	388,560.00	\$ 1,717,434.84
2,502.50	4,238.84	2,016.96	6,775.70	\$ 33,245.68

16	9	13	11	118
\$101,833.00	\$108,022.50	\$212,916.84	\$1,252,235.00	\$2,521,044.59
\$2,111.66	\$2,228.46	\$3,796.34	\$19,781.70	\$44,934.42

68	53	61	51	510
\$78,882.72	\$36,907.85	\$95,914.02	\$64,480.81	\$432,179.11

75	65	69	99	559
7	10	6	10	49
46	27	39	47	336
27	20	25	29	220
155	122	139	185	1042

34	14	24	2	226
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City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 7f
TITLE: Approval of Second Reading of Ordinance No. 785 Rezoning the Property at 235 and 239 Lake St E	
PROPOSED MOTION: Adopt the Second Reading of Ordinance No. 785	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

City staff recommends that the City Council adopt the second reading of the ordinance.

FINANCIAL OR BUDGET CONSIDERATION:

The development application does not have any impact on the City's 2018 general fund budget.

BACKGROUND:Application Overview

The applicant, Pat Hughes and Tom Dillon, and the property owner, Melvin's 235, LLC, have submitted a development application to redevelop the properties at 235 and 239 Lake Street East. The applicant is proposing to demolish the existing office building and construct a three story, 37,879 square foot office building. The development application is the second phase for the PUD rezoning, and requests approval of the PUD general plan, design review, building height variance, and a conditional use permit/shoreland impact plan for the building height.

City Council Review

On October 2nd, the City Council adopted the resolution approving the PUD general plan, design review, building height variance, and conditional use permit/shoreland impact plan, and adopted the first reading of the ordinance rezoning the property. The draft ordinance finalizing the rezoning is attached for the Council's consideration of the second reading. There have been no changes to the draft ordinance since the Council adopted the first reading.

ATTACHMENTS:

1. Draft Ordinance 785

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 785

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE PROPERTY AT 235 AND 239 LAKE ST E TO
PUD PLANNED UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolutions 13-2018 and 53-2018 (the “Resolutions”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolutions, to PUD Planned Unit Development District.

Section 2. Effective Date

- 2.1 This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 16th day of October 2018.

Ken Willcox
Mayor

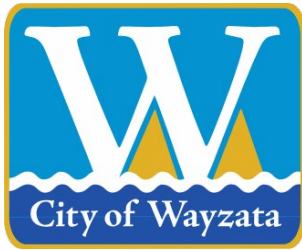
ATTEST:

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Wayzata, Minnesota, at duly authorized meetings held on October 2, 2018 and October 16, 2018.

Kathy Leervig City Clerk

SEAL

First Reading: October 2, 2018
Second Reading: October 16, 2018
Publication:



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 7g
TITLE: Approval of Resolution 60-2018 Amending the Fee in Lieu of Parking (FILOP) Policy	
PROPOSED MOTION: To Adopt Resolution 60-2018 Amending the FILOP Policy	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

City staff recommends that the City Council adopt the resolution amending the FILOP Policy.

FINANCIAL OR BUDGET CONSIDERATION:

The FILOP fee is currently \$10,000 per parking stall. The fees paid under the FILOP policy are dedicated to the City's downtown parking CIP. The proposed amendment would not increase the fee, but would allow the City to increase the fee in the future. The amendment would also eliminate the City's financing of the fee, which would increase the upfront fees collected by the City.

BACKGROUND:

In November 2016, the City Council adopted the Fee in Lieu of Parking (FILOP) Policy. The goals of the policy include: (1) providing greater flexibility to developers and property owners proposing projects in downtown that would not meet the City's minimum parking requirements; (2) establishing a uniform policy applicable to all properties that benefit from the City providing public parking; (3) reduce number of variance applications; (4) provide well-designed and more efficient downtown parking system; and (5) encourage consolidated and shared parking.

The City Council has approved one application for use of the FILOP Policy for the Broadway Place development at 326 and 332 Broadway Ave S. During the review of the FILOP agreement for the Broadway Place development, the City Council indicated that the City should reconsider the ability for the fee to be financed by the City.

The City attorney and City staff have drafted an amendment to the FILOP policy which makes the following changes:

- Fee: The amended policy states that the City may change the fee from time to time, which would allow the City to increase the fee in the future.
- Expands the District: The policy currently applies only to properties on the east side of downtown, from Walker Ave to Circle A Drive. With the development plans for the west side of downtown including public parking, the proposed amendment would expand the district to include all non-residential properties along Lake St.

- Eliminates the City Financing: The current policy allows developers and property owners to finance the fee with the City, with a term up to 30 years, which limits the City's use of the FILOP fees to make parking improvements in downtown. In order to provide the City with greater flexibility and discretion to make improvements identified in the downtown parking CIP, the amended policy would require the fee to be paid in full at the time the City issues the building permit for the project.

ATTACHMENTS:

1. Draft Resolution 60-2018
2. Resolution 47-2016

RESOLUTION NO. 60-2018

RESOLUTION AMENDING THE FEE IN LIEU OF PARKING (FILOP) POLICY

WHEREAS, the City Council of Wayzata, Minnesota, pursuant to Resolution 47-2016, has adopted a Fee In Lieu of Parking Policy (“FILOP Policy”) to provide greater flexibility, via a uniform policy, to developers and property owners proposing projects in the downtown area that would not fully meet the City’s minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown, a copy of which is attached to this Resolution as Attachment A; and

WHEREAS, the City wishes to extend the benefits of the FILOP Policy to developers and property owners proposing projects in both the east and the west parts of the downtown area; and

WHEREAS, the City wishes to modify certain terms of the FILOP Policy that relate to payment of the FILOP fee, to lessen the City’s administrative burdens and costs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the “Mobility District” referenced in the FILOP Policy is hereby established to include both the east and west parts of the downtown area, as depicted on the map attached to this Resolution as Attachment B.

BE IT FURTHER RESOLVED, that Section B of the FILOP Policy shall be amended as follows (~~struck~~ text deleted; underlined text added):

B. Fee. The amount of the fee-in- lieu of parking paid under this policy shall be established, and may be updated from time to time, by a resolution of the City Council, based on its projection and/or calculation of the costs of constructing the parking facilities, improvements identified in the Downtown District CIP, and the value to applicants of satisfying the City's minimum parking requirements. The fee ~~may~~shall be paid in full as a one-time payment, prior to issuance of a building permit for the project~~over a period of time in the manner of an assessment, with a term of twenty (20) years for projects paying fees for twenty-five (25) or less parking spaces, and thirty (30) years for projects paying fees for more than twenty-five (25) parking spaces, and set to an interest rate equivalent to the Federal Prime Rate.~~.

Adopted by the Wayzata City Council this 16th day of October 2018.

Ken Willcox, 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 October 16, 2018.

Kathy Leervig, City Clerk
SEAL

ATTACHMENTS:

A: FILOP Policy

B: Map Depicting Mobility District

CITY OF WAYZATA

November 15, 2016

FEE-IN-LIEU OF PARKING POLICY

Background and Purpose

To address the need for additional parking and parking-related services, and make both on and off street parking improvements in the downtown area, the City is pursuing the construction of a municipal parking ramp at Mill Street (the "Mill Street Ramp"), the establishment of a new designated capital improvement plan for future downtown parking improvements ("Downtown District CIP"), and the establishment of a downtown parking and mobility district (the "Mobility District"), a special services district under Minn. Stat. Ch. 428A. The City has also amended its parking ordinance to reduce the minimum amount of parking stalls required for uses in the downtown area to recognize (i) changes in parking demands associated with certain uses, (ii) differing parking demands for different days and hours, (iii) consolidated and shared parking opportunities, and to maximize the overall efficiency of available parking spaces.

The purpose of this policy is to provide greater flexibility to developers and property owners proposing projects in the downtown area that would further the City's goals for the area but not fully meet the City's minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown.

Paying a fee in lieu of parking under this policy would not sell spaces or grant exclusive rights to parking spaces in the Mill Street Ramp or other parking facilities in the Mobility District, but would allow uses on property in the Mobility District that would otherwise fail to meet the City's parking requirements.

Criteria for Considering a Fee in Lieu of Parking

If warranted by the standards outlined in this policy, the City Council may, but shall not be required to, grant approval of a reduction in the number of parking spaces actually constructed at the time of site development or occupancy of a building under the following criteria:

A. Eligible Properties and Projects. Any new use on a property (a "Project") that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid as specified in Section B of this policy; and (2) a conditional use permit is approved based upon the requirements of Section 801.04 of the City Code and the following additional criteria:

1. The Project is located within the "Mobility District" as established by City Council.
2. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
3. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.

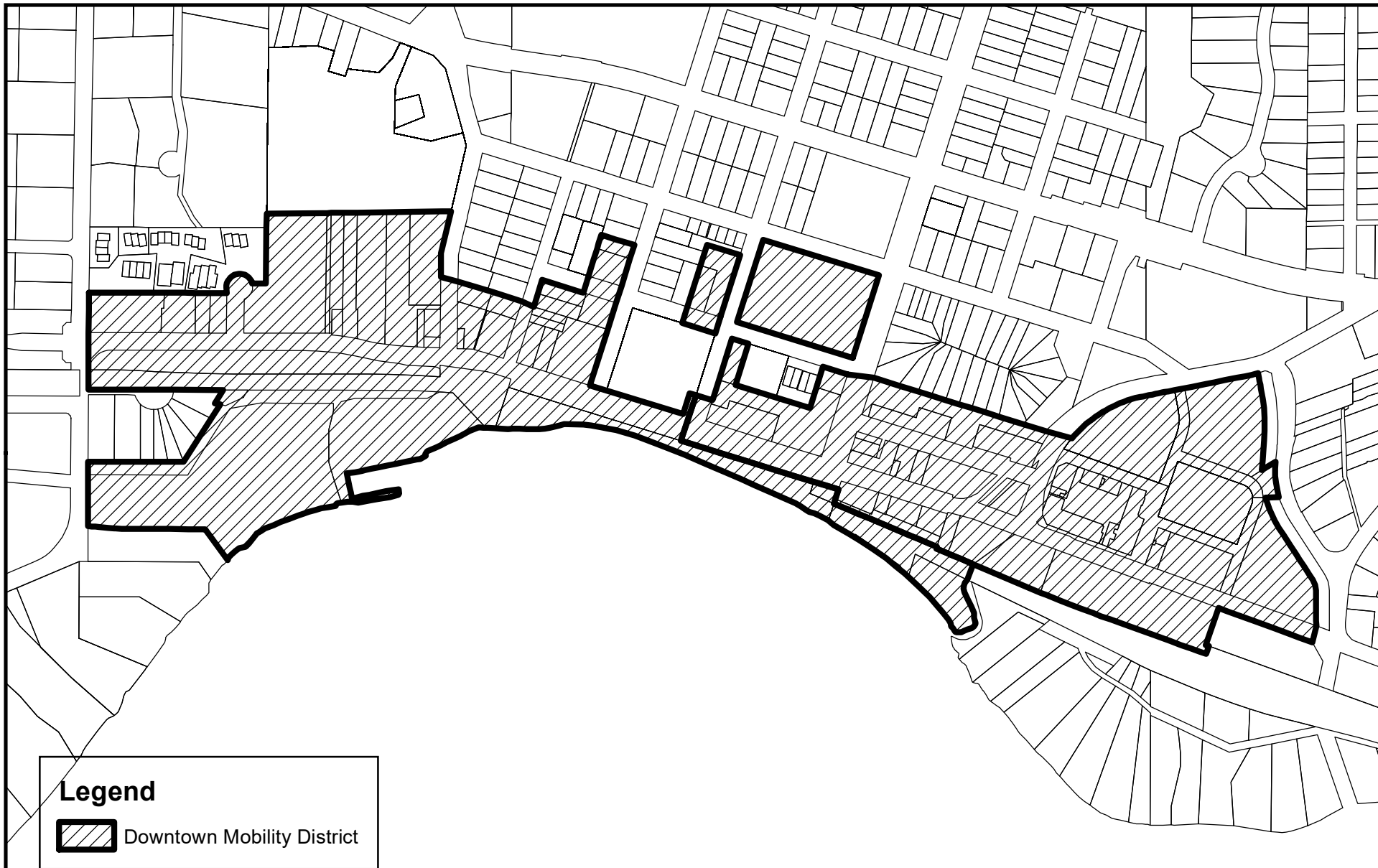
For purposes of this policy, "available capacity" shall be the number of parking spaces available for use by applicants for new fee-in-lieu of parking conditional use permits. This number shall be determined by the City Council based on an analysis of the use of the City's parking facilities. The City's "parking facilities" shall be the Mill Street Ramp and any other public parking facility in the Mobility District.

B. Fee. The amount of the fee-in-lieu of parking paid under this policy shall be established by a resolution of the City Council, based on its projection and/or calculation of the costs of constructing the parking facilities, improvements identified in the Downtown District CIP, and the value to applicants of satisfying the City's minimum parking requirements. The fee may be paid in full as a one-time payment, or over a period of time in the manner of an assessment, with a term of twenty (20) years for projects paying fees for twenty-five (25) or less parking spaces, and thirty (30) years for projects paying fees for more than twenty-five (25) parking spaces, and set to an interest rate equivalent to the Federal Prime Rate. .

C. Development Agreement. As a condition of approval of a conditional use permit issued pursuant to this policy, the applicant must enter into a development agreement with the City that includes an agreement to fully participate in and not contest the Mobility District and obligations thereof, and to pay the fee-in-lieu of parking. The development agreement shall be executed no later than the date on which a building permit for the Project is issued (or if no building permit is required, the date on which a certificate of occupancy is issued) and also include an agreement by the owner of the property for which the conditional use permit is issued authorizing the City to assess any unpaid fee-in-lieu of parking against the property as a special assessment and include a waiver of any right to object or appeal said assessment. The obligation to pay the fee-in-lieu of parking shall run with the property, and the development agreement shall be recorded against the property.

D. Expiration. A conditional use permit issued pursuant to this policy shall expire 12 months after being granted unless a development agreement (or amendment thereto) containing a fee-in-lieu of parking provision as described in subsection (C) above is executed by the permit holder.

E. Previous Obligations to Pay for Future Parking. Obligations in development agreements with the City, and conditions in previously granted land use approvals, that were agreed to or imposed prior to the adoption of this policy, that require a financial contribution to future City parking facilities to make up for parking shortfalls in Projects, may be satisfied upon (i) payment of the fee specified in Section B of this policy, and (ii) an amendment to the applicable development agreement as required by this policy.



Downtown Mobility District



Source:
City of Wayzata

Prepared By:
City of Wayzata



CITY OF WAYZATA

RESOLUTION NO. 47-2016

RESOLUTION ADOPTING FEE IN LIEU OF PARKING POLICY AND SETTING FEE

WHEREAS, the City recognizes the need for additional parking and parking-related services, and making both on and off street parking improvements, in the downtown area; and

WHEREAS, the City is pursuing the construction of a municipal parking ramp at Mill Street (the "Mill Street Ramp"), the establishment of a downtown parking and mobility district (the "Mobility District"), a special services district under Minn. Stat. Ch. 428A, and the establishment of a new designated capital improvement plan for future downtown parking improvements ("Downtown District CIP"); and

WHEREAS, the City has amended its parking ordinance to reduce the minimum amount of parking stalls required for uses in the downtown area to recognize (i) changes in parking demands associated with certain uses, (ii) differing parking demands for different days and hours, (iii) consolidated and shared parking opportunities, and to maximize the overall efficiency of available parking spaces; and

WHEREAS, the City wishes to further provide greater flexibility, via a uniform policy, to developers and property owners proposing projects in the downtown area that would not fully meet the City's minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the Fee In Lieu of Parking Policy attached to this Resolution ("FILOP Policy") is hereby adopted.

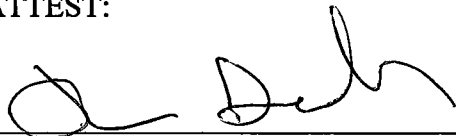
BE IT FURTHER RESOVLED, that based on the analysis and information presented by the City Manager at City Council workshops and meetings, the fee referenced in the FILOP Policy shall be ten thousand dollars (\$10,000) per parking space.

Adopted by the Wayzata City Council this 15th day of November, 2016.



Ken Willcox, Mayor

ATTEST:



Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: Mullin

Voted in favor of: Anderson, McCarthy, Mullin, Tyacke, Willcox

Voted against: None

Abstained: None

Absent: None

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 November 15, 2016.

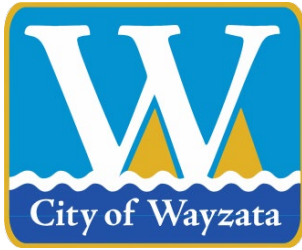


Becky Malone, Deputy City Clerk

ATTACHMENT:

Fee In Lieu of Parking Policy ("FILOP Policy")

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City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 8a
TITLE: Approval of Resolution No. 58-2018 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges	
PROPOSED MOTION: To Approve Resolution No. 58-2018 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

After the Public Hearing at which all interested persons have had the opportunity to be heard on this matter, staff recommends approval of Resolution No. 58-2018 certifying the assessment roll to the Auditor of Hennepin County for extension on the tax rolls against each property in the same manner as real estate taxes.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

The attached list of delinquent utility bill charges are more than thirty days past due and have remained unpaid despite attempts at collection. In order to ensure the City has enough time to get the assessment roll to the County for taxes payable in 2019, action must be made this time of year.

In order to cover City costs, a service fee of \$35 will be applied to each account and these charges shall bear an interest rate of five percent (5%).

ATTACHMENTS:

1. Draft Resolution No. 58-2018 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges
2. Assessment Roll

RESOLUTION NO. 58-2018

**RESOLUTION CERTIFYING TO THE COUNTY AUDITOR ASSESSMENTS FOR
UNPAID DELINQUENT UTILITY BILL CHARGES**

WHEREAS, the attached list of delinquent utility bill charges and unpaid false alarm charges have heretofore been levied pursuant to applicable ordinances of the City of Wayzata; and

WHEREAS, the attached list charges are more than thirty days past due and have remained unpaid despite attempts at collection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the attached list is made apart hereof and that the fees and charges contained therein are made a lien and assessment upon the premises served and benefiting by such services.

BE IT FURTHER RESOLVED that the City Manager is hereby directed to certify the attached assessments, which includes a \$35.00 service fee per account, to the Auditor of Hennepin County for extension on the tax rolls against the designated premises in the same manner as real estate taxes, for collection by the County Treasurer and payment upon collection to the City of Wayzata, at an interest rate of five percent (5%).

Adopted by the Wayzata City Council this 16th day of October 2018.

Kenneth Willcox, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

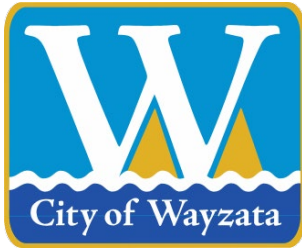
Resolution:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 16, 2018.

Becky Malone, City Clerk

SEAL

Balance	Admin Fee	Total Bal Due	PIDS	Serv Addr	Reason	Levy #
\$241.13	\$ 35.00	\$276.13	06-117-22-13-0065	128 BROADWAY AVE N	Utility Bill	
\$854.86	\$ 35.00	\$889.86	05-117-22-33-0022	305-307 RENO ST	Utility Bill	
\$389.56	\$ 35.00	\$424.56	06-117-22-41-0056	1042 CIRCLE DR E	Utility Bill	
\$1,029.56	\$ 35.00	\$1,064.56	06-117-22-14-0054	129 BENTON AVE N	Utility Bill	
\$373.29	\$ 35.00	\$408.29	05-117-22-41-0006	16104 HOLDRIDGE RD W	Utility Bill	
\$489.40	\$ 35.00	\$524.40	04-117-22-32-0008	15906 HILL RD	Utility Bill	
\$277.78	\$ 35.00	\$312.78	05-117-22-24-0027	1549 HOLLYBROOK RD	Utility Bill	
\$808.73	\$ 35.00	\$843.73	06-117-22-13-0057	117 BROADWAY AVE N	Utility Bill	
\$1,095.51	\$ 35.00	\$1,130.51	06-117-22-24-0079	233 WALKER AVE N	Utility Bill	
\$1,023.61	\$ 35.00	\$1,058.61	06-117-22-12-0025	245 WALKER AVE N	Utility Bill	
\$1,258.22	\$ 35.00	\$1,293.22	06-117-22-12-0027	309 WALKER AVE N	Utility Bill	
\$886.40	\$ 35.00	\$921.40	06-117-22-13-0025	314 BROADWAY AVE N	Utility Bill	
\$1,513.92	\$ 35.00	\$1,548.92	06-117-22-12-0005	521-523-525-527 BROADWAY AVE N	Utility Bill	
\$724.93	\$ 35.00	\$759.93	05-117-22-22-0111	408 PONDRIDGE CIR	Utility Bill	
\$1,371.26	\$ 35.00	\$1,406.26	05-117-22-22-0117	420 PONDRIDGE CIR	Utility Bill	
\$1,465.33	\$ 35.00	\$1,500.33	01-117-23-14-0025	199 LAKEVIEW LA S	Utility Bill	
\$375.72	\$ 35.00	\$410.72	06-117-22-32-0014	147 GROVE LA E	Utility Bill	
\$2,431.14	\$ 35.00	\$2,466.14	12-117-23-12-0032	308 FERNDAL RD W	Utility Bill	
\$1,094.42	\$ 35.00	\$1,129.42	06-117-22-21-0051	520 GARDNER ST E	Utility Bill	
\$790.63	\$ 35.00	\$825.63	06-117-22-21-0031	324 GARDNER ST E	Utility Bill	
\$532.07	\$ 35.00	\$567.07	31-118-22-33-0050	141 RIDGEVIEW DR E	Utility Bill	
\$19,027.47	\$735.00	\$19,762.47				



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 9a
TITLE: Approval of Development and Fee in Lieu of Parking (FILOP) Agreement for Broadway Place at 326 and 332 Broadway Avenue South	
PROPOSED MOTION: To Approve the Development and FILOP Agreement	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

City staff recommends the City Council approve the development agreement.

FINANCIAL OR BUDGET CONSIDERATION:

The development agreement does not obligate the City to pay for any of the private development costs.

The developer would be responsible for the majority of the costs for the public improvements. The City's cost responsibility would be for the Mill Street sidewalk adjacent to 739 Lake Street (Bellecour), 747 Lake Street (J. McLaughlin), and 755 Lake Street (Wuollet's), since that area is outside of the developer's project area. The City is working with the developer on the final cost estimate for the City's portion, which would be paid from the Downtown Parking Fund.

The developer would also be responsible for paying the FILOP to the City for the project's required number of parking stalls. The agreement allows up to 92 parking stalls, or \$920,000, to be paid to the City over 30 years. The funds would be paid into the City's Downtown Parking Fund.

BACKGROUND:

On July 31, 2018, the City Council approved the Broadway Place redevelopment project at 326 and 332 Broadway Avenue South. The redevelopment involves the demolition of the two existing commercial buildings on the property, and construction of a new three story mixed use building consisting of retail, service commercial, or restaurant uses on the first floor and office uses on the upper two floors.

As a condition of the development approval, the applicant is required to enter into a development agreement with the City for construction of the public improvements. The applicant is also required to enter into an agreement that is consistent with the City's FILOP policy. The City attorney and City staff have drafted the attached development agreement for the Council's consideration. The development agreement incorporates the public improvements that would be constructed as part of the project, and the terms for the FILOP agreement.

City Council Review

The City Council reviewed the draft agreement at its meeting on October 2nd. Council tabled action on approval of the agreement until its next meeting so that staff could take another look at alternative language proposed by developer's counsel related to the timing of the obligation to pay the FILOP fee. The Council requested that the agreement be brought back with staff and developer's agreed upon language, or alternative drafts if staff and developer could not agree.

The difference is over when the obligation to pay the FILOP fee becomes effective: either (i) before construction of the approved project begins, or (ii) after construction of the project is completed and is ready for occupation. Staff's recommendation is that the payment obligation should be set before construction begins. The Council resolutions approving the project essentially required agreement to pay the fee for required parking prior to the issuance of a building permit, and the FILOP contemplates this as well. The relevant language from the FILOP states:

As a condition of approval of a conditional use permit issued pursuant to this policy, the applicant must enter into a development agreement with the City that includes an agreement to fully participate in and not contest the Mobility District and obligations thereof, and to pay the fee- in- lieu of parking. The development agreement shall be executed no later than the date on which a building permit for the Project is issued (or if no building permit is required, the date on which a certificate of occupancy is issued) and also include an agreement by the owner of the property for which the conditional use permit is issued authorizing the City to assess any unpaid fee- in- lieu of parking against the property as a special assessment and include a waiver of any right to object or appeal said assessment. The obligation to pay the fee-in- lieu of parking shall run with the property, and the development agreement shall be recorded against the property.

It is worth clarifying that under the existing language in Para 3.C. and 3.E, the first installment of the parking fee is not due, and may be recalculated and lowered based on actual leased out uses, at the time a certificate of occupancy is issued for the building on the Property.

In addition to the FILOP policy, it is the City's standard practice to require all development approvals, agreements, and conditions of approval be met before the City issues a building permit for the project. When the City issues a building permit, it is confirming that the project meets all City requirements and is authorizing construction to commence. The risk to the City in making the proposed change is that the building could be fully constructed, for which up to 92 parking stalls are required by the ordinance, and the developer would not have an obligation to pay the FILOP fee.

Public Improvements

As part of the development project, the applicant will be constructing several public improvements. The public improvements include: (1) demolition of the existing sidewalk along Broadway Ave and Mill Street adjacent to the development site and the 701 Lake St E property; (2) construction of a sidewalk along Broadway Ave adjacent to the property; (3) construction of a public sidewalk, lighting, and landscaping along the south side of Mill St from Broadway Ave S to 755 Lake Street E/Wuollet's Bakery; and (4) the repair and replacement of any street, drive-aisle, or parking lot within the City's right of way that is impacted by construction.

The sidewalk on the south side of Mill Street was originally planned to be reconstructed by the City as part of the construction of the parking ramp. However, the City did not end up building the sidewalk due to the delay in the Broadway Place project and the future impacts to the sidewalk that would result from construction. The developer has agreed to construct the entire Mill Street sidewalk as part of their project. The developer would be responsible for the cost of the sidewalk, lighting, and landscaping from Broadway Ave to the end of the 701 Lake St E building, and the City would be responsible for the cost of the section adjacent to 739, 747, and 755 Lake St E since these areas would not be impacted by the project.

FILOP Agreement

The City Council approved the FILOP Conditional Use Permit to allow up to 92 parking stalls for the proposed project. Based on the FILOP policy, the developer would be responsible for paying for \$10,000 per stall for the number of parking stalls required by the uses in the building according to the City's zoning ordinance. Since the specific tenants have not been identified, the FILOP agreement would calculate the minimum parking requirement at the time the City issues the certificate of occupancy for the building, but not to exceed 92 stalls. Once the number of stalls has been determined, the agreement would not allow for a reduction in the fee, even if there is a change in use that requires less parking. If there is a future change in use that requires additional parking – for example larger restaurant space – the agreement would need to be amended and the applicant would be responsible for the additional parking under the City ordinance and FILOP policy. The final terms of the FILOP agreement are consistent with the City's FILOP policy.

Development Agreement

All of the other conditions and terms of the development agreement are standard requirements for the City's development agreements.

ATTACHMENTS:

1. Draft Development Agreement (w/ redlined changes requested by developer)

DEVELOPMENT AGREEMENT
(326 and 332 Broadway Avenue, Wayzata, MN)

THIS DEVELOPMENT AGREEMENT (“**Agreement**”) is made this ____ day of _____, 2018, by and between the City of Wayzata, a Minnesota municipal corporation, (the “**City**”) and Beltz Enterprises, LLC, a Minnesota limited liability company, and Broadway Place Wayzata, LLC, a Minnesota limited liability company (collectively, “**Developer**”) regarding the property located at 326 and 332 Broadway Avenue South, legally described on Exhibit A attached hereto (the “**Property**”).

Pursuant to the Section 801.33 of the City’s Code and the terms and conditions of Resolution Nos. 32-2016 and 39-2018, adopted by the Wayzata City Council (“**City Resolutions**”), copies of which are attached hereto as Exhibit B, the parties agree as follows:

1. **Planned Unit Development.** Under the City Resolutions, the City has granted Developer approval of a planned unit development to demolish two existing commercial buildings on the Property, and construct a new three-story mixed-use building on the Property (collectively, the “**Project**”), which may include retail, service commercial, and restaurant uses on the first floor and offices uses on the upper two floors, and which building shall be connected to the existing building located at 701 Lake Street East. The Project shall be developed and the Property shall be operated and used in accordance with the terms of this Agreement and the City Resolutions, the terms of which resolution are incorporated by reference in this Agreement as if fully stated herein.
2. **Definition and Amendment of Plans.** The Project shall be developed and the Property shall be operated and used in accordance with the plans and specifications which are listed on Exhibit C (collectively, the “**Plans**”). Such Plans are on file with the City and may be amended from time to time with the prior approval of the City. To the extent required by the City, the parties shall execute an agreement acknowledging any amendment to the Plans and record the same with the appropriate Hennepin County land records for the Property.
3. **Parking.**
 - A. Pursuant to the City Resolutions and the City’s Fee-In-Lieu Parking Policy dated November 15, 2016, attached hereto as Exhibit D (such policy, as may be amended, replaced or restated is hereinafter referred to as the “**Policy**”), the Developer shall pay the City a payment of nine hundred twenty thousand and No/100 Dollars (\$920,000.00) (“**Parking Fee**”) for the ninety-two (92) off-Property parking stalls (“**Parking Stalls**”) required under the City Resolution for use by the Project. The amount of the Parking Fee is determined in accordance with the Policy. In no event shall Developer be obligated to pay the Parking Fee unless and until it receives a [building permit OR final certificate of occupancy] for the Project from the City. Final certificate of occupancy

- B.** The City shall provide the Parking Stalls in any public parking facility within the Mobility District (as such term is defined in the Policy) on a non-designated basis such that no particular parking stall in any public parking facility will be reserved for the Project. The Developer shall have no ownership or property right in any of the Parking Stalls, except for the right to have the Parking Stalls available to satisfy Section 4.1.B of the City Resolutions, which right may not be severed from this Agreement and may not be transferred or applied to any other project or property. As a condition to the City providing the Parking Stalls, the Developer hereby agrees to fully participate in and not contest the Mobility District, the obligations thereof or property assessments imposed thereunder, with respect to the Property.
- C.** In accordance with the payment schedule attached as Exhibit E (“Payment Schedule”), the Developer shall pay the Parking Fee to the City in equal annual installments sufficient to amortize the Parking Fee over thirty (30) years calculated based on a fixed-interest rate of five and one-quarter percent (5.25%). The Developer shall make the first installment of the Parking Fee prior to the date a certificate of occupancy is issued for the building on the Property, and each annual installment thereafter shall be paid on or before January 31st of each successive year, with the entire unpaid balance of the Parking Fee and all accrued interest due and payable on January 31, 20[REDACTED]. The Developer may prepay the outstanding balance of the Parking Fee, and any interest accrued thereon, in full or in part, at any time with no penalty. Interest is computed on the actual number of days elapsed in a three hundred sixty (360) day year, but shall be charged for the actual number of days interest is unpaid. If the Parking Fee is prepaid, in part and not in full, this Agreement shall be amended to incorporate a revised Payment Schedule reflecting such prepayment.
- D.** If any installment of the Payment Fee and accrued interest thereon is paid more than ten (10) days after the stated due date, a late payment fee shall be immediately due and payable in the amount of five percent (5.00%) of the late paid installment. The foregoing late charge shall be applied individually to each overdue payment. In addition, any installment of the Payment Fee and accrued interest thereon which remains unpaid on the thirtieth (30th) day after the same is due, together with any unpaid late fees, shall accrue interest from the due date of said installment, until paid, at the annual rate of twelve percent (12%) or the maximum rate allowed by law, whichever is less. The City reserves the right to assess any unpaid installment against the Property as a special assessment. The Developer waives the right to appeal any such assessment.
- E.** If, after construction of the Project is completed but prior to a certificate of occupancy being issued therefor by the City, the actual Project uses change to require less than ninety-two (92) parking stalls, the Developer’s obligation to pay the Parking Fee shall be reduced to reflect the number of required parking spaces for the uses upon issuance of a certificate of occupancy, according to the

Policy and City Code. Any changes in use on the Property thereafter shall in no manner affect the Developer's obligation to pay the Parking Fee as provided herein, unless additional parking stalls are required as contemplated in the following section.

- F. If, after construction of the Project is completed and a certificate of occupancy is issued therefor by the City, a change in use on the Property is approved by the City which, under City Code, requires parking stalls in excess of the amount provided for herein under the Policy, this Agreement shall be amended accordingly, and the Developer shall be required to provide the additional parking stalls required under the City Code, pursuant to the Policy or otherwise.

4. **Stormwater Facilities Maintenance Agreement and Restrictive Covenant.** Developer shall have entered into a Stormwater Facilities Maintenance Agreement and Restrictive Covenant with the City in substantially the form as the attached Exhibit E, under which Developer shall have agreed to maintain, at its cost, all stormwater improvements located on or serving the Property.
5. **Encroachment Agreement.** Before a building permit is issued for the construction of any portion of the Project, the Developer must enter into an encroachment agreement with the City for the grease trap and stormwater treatment structure for the Project to be located with the City's right of way, with such agreement acceptable in form and substance to the City Engineer.
6. **Public Improvements.** At its sole expense, Developer shall design and construct all the improvements identified on Exhibit F ("**Public Improvements**") in accordance with the Plans on before the issuance of a certificate of occupancy for the Project by the City. The City shall have no responsibility for any costs for or related to the construction of the Public Improvements or for the cost of any other improvements for or related to the Project. Notwithstanding the foregoing, the City agrees it shall reimburse Developer for the costs of designing and construction the Mill Street sidewalk adjacent to 739, 743 and 755 Lake Street East upon completion thereof to the City's satisfaction.
7. **Maintenance of Public Improvements.** The Developer shall repair, replace and maintain, and be liable for the cost of repairing, replacing and maintaining the Public Improvements installed by the Developer until accepted by the City as provided below. To the extent of any warranty claims or repairs or replacements of construction defects, and except as otherwise provided for in this Agreement, the City will be responsible for the repair, replacement and maintenance of and own all Public Improvements once inspected, tested, approved and accepted in writing by the City.
8. **Private Improvements.** At its sole expense, Developer shall design and construct all the improvements identified on Exhibit G ("**Private Improvements**") in accordance with the Plans on before the issuance of a certificate of occupancy for the Project by the City. The City shall have no responsibility for any costs for or related to the construction of the

Private Improvements or for the cost of any other improvements for or related to the Project.

9. INTENTIONALLY OMITTED

10. **Warranty.** As to Public Improvements, the Developer warrants all such work required to be performed by it pursuant to this Agreement against poor material and faulty workmanship for a period of two (2) years after final completion is certified by the Developer's civil engineer. Any repairs or replacements shall be warranted for twelve (12) months from the time of construction or installation. The warranties referred to in this Section shall hereinafter be referred to, collectively, as the "**Warranties**".

11. **Security.**

- A. Prior to the issuance of any building permit for the Project, the Developer shall deposit with the City an irrevocable letter of credit or cash deposit (in either case, the "**Security**") in an amount equal to \$_____, being 125% of the estimated construction costs for all the Public Improvements, with such costs being shown on Exhibit F. If application for a building permit for the Project is not made within six (6) months following the date of this Agreement, the City shall have the right to reasonably adjust the amount of the Security if the then current construct cost estimates for the Public Improvements have increased from the date hereof. The Security shall secure all the Developer's obligations under this Agreement.
- B. If a letter of credit is deposited for the Security, the issuer of the Security, and the form and terms of such Security, shall be subject to the prior approval of the City. The letter of credit, if applicable, shall be in force until all of the Public Improvements have been fully completed, and fully tested, inspected and accepted by the City, and all warranty periods provided for by this Agreement have expired. The letter of credit, if applicable, shall be for at least a one-year term, provided it is automatically renewable for successive one-year periods from the present or any future expiration dates, unless sixty (60) days prior to an expiration date, the issuer notifies the City that it elects not to renew for an additional period. At least thirty (30) days prior to the expiration of any letter of credit provided hereunder, Developer shall provide the City with a replacement letter of credit, acceptable to the City, which shall extend at least one year beyond the expiration date of the letter of credit then in effect, or the City may immediately draw in full upon the letter of credit then in effect.
- C. The City may draw on the cash deposit or letter of credit, as applicable, with five (5) business days' prior written notice to Developer, if the Developer fails to complete the Public Improvements prior to the earlier of (i) the date on which the City is to issue a certificate of occupancy for the Project or (ii) _____, 20____; provided, however, the City shall not draw on such letter of credit or

cash deposit, if within such notice period, Developer commences and diligently pursues to completion a cure in a manner satisfactory to the City.

- D. With prior written approval from the City, the amount of the Security may be reduced from time to time as Developer's obligations with respect to the Public Improvements are satisfied. The amount of such reduction shall equal no more than 100% of the originally estimated cost of the particular Public Improvement obligation satisfied, as shown on Exhibit F; provided however, that after any such reductions the remaining amount of the Security shall be no less than 125% of the estimated cost to complete the remaining Public Improvements, as determined by the City. Any Security on deposit with the City upon the expiration of all Warranties shall be released to the Developer upon the Developer's written request to the City.

- 12. **License.** The Developer hereby grants the City, its agents, employees, officers and contractors a license to enter the Property during the development, including construction, and all time thereafter until a Certificate of Occupancy is granted, to perform all work and inspections applicable thereto and contemplated under this Agreement and/or under the City Code. If the Developer fails to pay or perform its obligations under this Agreement with respect to the Public Improvements after notice and expiration of any cure period, then the City may enter the Property and pay or perform such obligations and obtain payment for the expenses therefor from the proceeds of the Security. Among other expenditures, the City may draw upon the Security to satisfy the claims of contractors or suppliers which have not been paid or satisfied by the Developer with respect to the Public Improvements.

- 13. **Responsibility for Costs.**

- A. The Developer shall hold the City and its officers, employees and agents harmless from claims made by Developer and third parties for damages sustained or costs directly incurred resulting from development of the Project, construction and operation, except for such damages or costs resulting from the gross negligence, intentional misconduct or intentional violation of this Agreement or applicable laws and ordinances by the City. Except as limited by the preceding sentence, the Developer shall indemnify the City and its officers and employees for all reasonable costs, damages or expenses which the City may pay or incur in consequence of such claims, including reasonable attorney and other reasonable consulting fees.
- B. The Developer shall reimburse the City for reasonable costs incurred in the enforcement of this Agreement, including engineering, building official, planning and attorney's fees, and for the City's performance of the Developer's obligations under this Agreement in the event that Developer fails to commence or complete such obligations on a timely basis.

- C. The Developer shall pay in full all bills submitted to it by the City for obligations properly incurred under this Agreement within thirty (30) days after receipt. If the bills are not paid on time, the City may halt all development work and construction until the bills are paid in full, and may draw on the Security to discharge such obligations. Bills not paid within thirty (30) days shall accrue interest at the rate of twelve percent (12%) per year or the maximum rate allowed by law, whichever is less.

14. Events of Default.

- A. **Events of Default Defined.** The following shall be “Events of Default” under this Agreement:

- (1) Failure by the Developer to pay when due amounts required to be paid under any provision of this Agreement.
- (2) Failure by the Developer to observe and substantially perform any covenant, condition or obligation on its part to be observed or performed under this Agreement.

- B. **Remedies of Default.** Whenever any Event of Default occurs and the Developer fails to cure such default within (i) ten (10) days after notice of a monetary default by the City; or (ii) twenty (20) days after notice by the City of a non-monetary default or such longer period as may be reasonably necessary, provided Developer has acted promptly and pursued such cure with diligence; or (iii) in the case of an emergency, such shorter period of time as may be reasonable under all of the circumstances, then the City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take any one or more of the following actions:

- (1) Perform or hire a third party to perform for the account of the Developer any obligation of the Developer hereunder. The Developer shall promptly reimburse the City for any reasonable expense incurred by the City. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a Court order for permission to enter the Property or to act in accordance with this Agreement. When the City does any work as allowed herein, the City may, in addition to its other remedies, assess the cost in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the reasonable amount expended by the City to perform such work.
- (2) Withhold approval of any permit with respect to the Property, including building permits for the Property.

- (3) Require the Developer to discontinue work on the Property until such time as the Event of Default has been cured.
- (4) Assess against the Property any reasonable costs incurred or damages suffered by the City due to the breach of this Agreement by Developer, and the Property shall be deemed to have benefited by such amount.
- (5) Draw on any Security, or the proceeds thereof, to pay to cure the default.
- (6) Cease to provide the Parking Stalls.
- (7) Declare the entire unpaid balance of the Parking Fee due and payable, in which event the then entire unpaid balance of the Parking Fee shall be immediately due and payable.

15. **Representations.** Developer warrants and represents, for the benefit of the City, that, as of the date hereof: (i) each has all requisite power and authority to execute and deliver this Agreement, and to perform all of the obligations required of Developer hereunder; and (ii) each is not required to obtain any consent or approval of any person or entity as a condition to either entering into this Agreement, or if any such required consent or approval is required, it has been obtained. Developer warrants and represents, for the benefit of the City, that, as of the date hereof: (i) it is the fee owner of the Property Area; and (ii) if, as of the recording of this Agreement, any party has a mortgage lien against the Property with such lien having or purporting to have priority over this Agreement, such party has executed a Consent and Joinder by Mortgagee, in the form attached as Exhibit H attached hereto, and any such executed Consent and Joinder shall be attached to the recorded original of this Agreement.

16. **Conformance with Laws.** The Developer shall comply with the terms of this Agreement and all local, state, and federal laws and regulations applicable to the Project and Property.

17. **Miscellaneous.**

- A. This Agreement may not be terminated, amended, revoked or modified without the written consent of the then current fee owner(s) of the Project and the City, in a document which is in recordable form.
- B. All exhibits and attachments referred to herein and attached hereto shall be deemed part of the Agreement
- C. Notwithstanding anything to the contrary herein, this Agreement shall not limit the City's rights and powers under applicable law, including without limitation any rights to maintain public or City-owned property.
- D. There shall be no third party beneficiaries to this Agreement and third parties shall have no recourse against the City under this Agreement.

- E.** If any portion, section, sub-section, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Agreement.
- F.** The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. No building permit or certificate of occupancy shall be issued which conflicts with the requirements of this Agreement, and any such permit or certificate which does so conflict shall be void. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- G.** This Agreement, including the final stall count for the Project, shall be binding on and inure to the benefit of the City and the Developer, and their respective successors and assigns. The Developer may not assign this Agreement or any of its rights hereunder, without prior written consent from the City and any such consent shall not be unreasonably withheld subject to the new owner or owners of the Property, assuming in writing, without qualification, the obligations of the Developer hereunder; notwithstanding the foregoing, Developer may assign its rights and obligations under this Agreement to a wholly owned successor of Developer without approval by the City. In the event of assignment, the City may not impose new conditions on the assignee without the consent of assignee in writing.
- H.** This Agreement and any amendments thereto shall run with the land and shall be recorded against the title to the Property at the expense of the Developer. Developer shall provide the City with a recorded copy of this Agreement, and any amendments thereto, as soon as they are available. No building permits shall be issued for the Property until (i) evidence of such recording acceptable to the City has been provided by the Developer, and (ii) Developer has obtained and recorded agreements by all parties holding an interest in the Property, including but not limited to mortgage holders, agreeing to be subject to the terms and conditions of this Agreement.
- I.** After (i) the Developer has completed all of the Public Improvements required of it under this Agreement, (ii) the City has inspected, approved and accepted ownership of all Public Improvements, and (iii) all warranty periods provided for in this Agreement have expired, then, at the Developer's request, the City will execute and deliver to the Developer a Certificate of Completion in recordable form evidencing performance by Developer of its obligations hereunder with respect to the Public Improvements, subject to:

 - (1)** Any representation or warranties which may be in effect subsequent to the date of completion, and

- (2) The obligations of the Developer and the Property owner to retain the Public Improvements in the form described by the Plans referenced herein,
- (3) Any other obligations which are not specifically identified in such Certificate as having been performed.

Any obligations imposed by this Agreement not certified as having been satisfied in such Certificate of Completion, and all warranties and representations of the Developer, shall remain the ongoing obligation of the Developer and its successors and assigns. Any owner of the Property shall be subject to all the restrictions and obligations contained herein to the extent that such restrictions and obligations have not been satisfied by the Certificate.

- J. If the Developer shall consist of more than one party (each a “**Developer Party**”), then: (i) the obligations of each Developer Party hereunder are joint and several with any other Developer Party; (ii) a release of any one (1) or more Developer Party shall not in any way be deemed a release of or limitation in favor of or for the benefit of any other Developer Party not so released; and (iii) a separate action hereunder may be brought and prosecuted against one (1) or more Developer Party.
- K. Each right, power or remedy herein conferred upon either party is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to such party at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient to the party having such right, power and remedy and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.
- L. The City and Developer are not intended to become partners or joint venturers and nothing herein shall be construed or applied to constitute the Owner and Developer as partners or joint venturers.
- M. Notwithstanding any provision of this Agreement to the contrary, to the full extent permitted by law, any further development or construction of new improvements and any additions or alterations to existing improvements not expressly approved under this Agreement will require additional approvals from the City, as required by City ordinances, and in full compliance with any amendments to the City’s Comprehensive Plan or Code requirements enacted after the date of this Agreement.
- N. This Agreement may be executed in counterparts, all of which executed counterparts shall together constitute a single document. Signature pages may

be detached from the counterparts and attached to a single copy of this Agreement to physically form one document.

O. This Agreement shall be governed by and construed under the laws of Minnesota. To the extent Section 500.20 of the Minnesota Statutes (2016) applies to this instrument, this Agreement creates a public covenant, condition and restriction and the parties intend for it to be perpetual, except as expressly provided herein.

P. For the benefit of doubt, the Agreement has no impact on the Development Agreement dated _____ between Beltz Enterprises, LLC and the City as relates to the property located within the City at 701 East Lake Street East.

- 18. Notices.** Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified or registered mail at the following address:

Beltz Enterprises, LLC
Attn: James Beltz
447 Peavey Road
Wayzata, MN 55391

Broadway Place Wayzata, LLC
Attn: James Beltz
447 Peavey Road
Wayzata, MN 55391

With copies to:

Notices to the City shall be in writing and shall be either hand delivered to the City Manager, or mailed to the City by registered or certified mail in care of the City Manager at the following address:

Wayzata City Hall
600 East Rice Street
Wayzata, MN 55391
Attention: City Manager

[SIGNATURE PAGE(S) ATTACHED]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above written.

DEVELOPER:

Beltz Enterprises, LLC, a Minnesota limited liability company

By: _____

Name: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2018, by James Beltz, the President of Beltz Enterprises, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

Notary Public

SIGNATURE PAGE TO DEVELOPMENT AGREEMENT
FOR
326 AND 332 BROADWAY AVENUE

DEVELOPER:

Broadway Place Wayzata, LLC, a Minnesota limited liability company

By: _____

Name: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2018, by James Beltz, the President of Broadway Place Wayzata, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

Notary Public

SIGNATURE PAGE TO DEVELOPMENT AGREEMENT
FOR
326 AND 332 BROADWAY AVENUE

**City of Wayzata,
A Minnesota Municipal Corporation**

By: Kenneth Willcox
Its: Mayor

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

**City of Wayzata,
A Minnesota Municipal Corporation**

By: Jeffrey Dahl
Its: City Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Jeffrey Dahl, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

THIS INSTRUMENT DRAFTED BY:
Best & Flanagan LLP (AEL)
60 South Sixth Street, Suite 2700
Minneapolis, MN 55402-4452
Telephone: (612) 339-7121

EXHIBIT A

Legal Description

Lots 12, 13, and 14, Block 1, Stephens Second Addition to Wayzata, Hennepin County, Minnesota.

EXHIBIT B
Council Resolution
(Attached)

RESOLUTION NO. 32-2016

RESOLUTION APPROVING PUD CONCEPT AND GENERAL PLANS, PUD REZONING, PROJECT DESIGN, HEIGHT VARIANCE, SHORELAND HEIGHT AND IMPERVIOUS SURFACE CUPs, AND PRELIMINARY AND FINAL PLAT AT 326 AND 332 BROADWAY AVE S

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

Section 1. BACKGROUND

- 1.1 Project. Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC (collectively, the “Applicant”) have submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S (the “Property”). The proposed redevelopment involves the demolition of the two existing commercial buildings on the property, and construction of a new three story mixed use building consisting of retail uses on the ground level and office uses on the upper two levels (the “Project”).
- 1.2 Application Requests. The Application includes requests for approval of:
 - A. Concurrent PUD Concept and General Plan of Development (the “PUD” or “PUD Concept and General Plans”): The Project would be built according to an approved PUD for the proposed new building on the Property with ground level retail and upper level office use. The Applicant is requesting concurrent concept and general plan review and approval.
 - B. Rezoning from C-4B to PUD/Planned Unit Development (the “Rezoning” or “Zoning Amendment”): In connection with approval of the PUD, the Property would be rezoned from the current C-4B District to the PUD District.
 - C. Design (the “Design”): The newly constructed building of the Project is subject to the Design Standards. The Applicant is requesting approval of the design elements of the building as well as deviations from the Design Standards, further detailed in the Design Critique, that pertain to (i) building recession; (ii) exterior building materials; (iii) sidewalks and streetscape; and (iv) roof-top mechanical equipment (the “Deviations”).
 - D. Variance from the Maximum Building Height Limit (the “Height Variance”): The Project requires a variance from the maximum building height limit in the PUD Zoning District of 35 feet and 3 stories, whichever is less. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.

- E. Shoreland Impact Plan/Conditional Use Permit for the Building Height (the "Shoreland Height CUP"): The Project requires a shoreland impact plan/conditional use permit for a building in excess of 35 feet. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.
- F. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface (the "Shoreland Impervious Surface CUP"): The Project requires a shoreland impact plan/conditional use permit for having impervious surface coverage that exceeds 75% of the lot area. The proposed Project would have an impervious surface coverage of approximately 96%.
- G. Preliminary and Final Plat Subdivision to combine the Lots (the "Subdivision", "Preliminary and Final Plats" or "Lot Combination"): The Project would combine the two existing lots comprising the Property into a new single lot.

- 1.3 Property. The address, property identification numbers and owners of the Property involved in the Project are:

326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

- 1.4 Land Use. The Property is falls within the C-4B Central Business District, the Shoreland Overlay District, and the Lake Street Design District, under the Zoning Ordinance, and is guided Central Business District in the Comprehensive Plan. The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Mill Street Parking Lot	Institutional	Institutional/Public
East	701 Lake St E mixed use building	PUD/Planned Unit Development	Central Business District
South	COV restaurant mixed use building	C-4B/Central Business District	Central Business District
West	Marquee Place mixed use building	C-4B/Central Business District	Central Business District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on July 7, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 8, 2016.
- 1.6 Planning Commission Action. The Planning Commission held a public hearing and reviewed the Application on July 18, 2016. At its August 1, 2016 meeting, the Planning Commission adopted a Report and Recommendation recommending approval of all the requests in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

- A. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
 1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
 6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the

continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the

building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Zoning Ordinance Amendments / Rezoning.

In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property value in the area in which it is proposed.
- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

2.3 Design Standards. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment A). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City

Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.4 Building Height; Variances. Under Section 801.33.2.14, the maximum building height in the PUD Zoning District is thirty-five (35) feet and three (3) stories, whichever is less. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

- 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 for the variance establishes that there are practical difficulties in complying with this 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 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. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
 - F. 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.
 - G. 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.
 - H. 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.
- 2.5 Shoreland Impact Plan/Conditional Use Permit for Building Height. The maximum height of buildings in the Shoreland Overlay District is 35 feet. Building heights over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit. Section 801.91.10. Section 801.91.19 states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Section 801.04 of this Ordinance and a plan of development, referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

Conditional Use Permits. City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the

proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

2.6 Shoreland CUP for Impervious Surface Coverage. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a shoreland impact plan/conditional use permit.

2.7 Subdivision / Preliminary and Final Plat. Review and approval of subdivisions of property, combinations of two or more lots, and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 805.14.E:

- 1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
- 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
- 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to

minimize filing or grading.

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (i) Concurrent PUD Concept and General Plan of Development for New Retail and Office Development; (ii) Rezoning from C-4B to PUD/Planned Unit Development; (iii) Design of Project; (iv) Building Height Variance; (v) Shoreland Height CUP; (vi) Shoreland Impervious Surface CUP; and (vii) Preliminary and Final Plat Subdivision that are requested as part of the Application meet all of the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, Applicant's additional submittals, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

3.1 PUD. The PUD Concept Plan meets the purpose and intent of the PUD Ordinance.

- A. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- B. The PUD includes a mixed use building consisting of appropriate retail and unique office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
- C. The PUD creates a more desirable and creative environment than would be possible under the existing C-4B Central Business District. The ground floor retail spaces and upper stories of small office spaces creates a more desirable and creative environment.

In addition, the PUD meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance, except for the height requirement for which the Applicant has requested the Height Variance.

3.2 Zoning Ordinance Amendments / Rezoning. The Rezoning for the proposed use (the "Proposed Use") would not have an adverse effect on surrounding properties or the community, and meets the standards for a zoning ordinance amendment:

- A. The Proposed Use is consistent with the Comprehensive Plan land use designation of the Property, and meets the policies of the Comp Plan.
- B. The Proposed Use is consistent with current and future land uses in the area.
- C. The Proposed Use would meet the performance standards outlined in the Zoning Ordinance, except those for which the Variance and CUPs have been requested.

- D. The Proposed Use would not adversely impact surrounding properties.
- E. The Proposed Use would not impact property values in the area.
- F. The existing transportation facilities can meet the traffic demand of the Proposed Use.
- G. The Proposed Use would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

3.3 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations. Any negative impacts of the Deviations are outweighed by one or more of the following factors:

- 1. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
- 2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
- 3. The positive effect of the Project on the area in which the Project is proposed.

3.4 Height Variance. The Height Variance meets the standards for granting a variance:

- A. The Height Variance is in harmony with the purpose and intent of the zoning ordinance, and is consistent with the comprehensive plan.
- B. The Applicant has demonstrated that there are practical difficulties in complying with the applicable building height requirement.
- C. There are practical difficulties in complying with the maximum building height requirement in that the need for the increased building height for the Project is a result of the terrain and slope of the Property.
- D. The Height Variance is requested based on the topography and elevation of the property and adjacent public streets, not based on economic factors.
- F. The Applicant is not proposing earth sheltered construction.

- E. The Height Variance is from the building height, not from the use requirements of the zoning district.

3.5 Shoreland CUP for Building Height. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.
4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.
5. The proposed structure and associated use will not have a negative impact upon surrounding property values.
6. The proposed structure and associated use will not increase traffic.
7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.6 Shoreland CUP for Impervious Surface Coverage. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.

2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.
4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.
5. The proposed structure and associated use will not have a negative impact upon surrounding property values.
6. The proposed structure and associated use will not increase traffic.
7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.7 Preliminary / Final Plat Subdivision for Lot Combination.

1. The Subdivision is consistent with the Wayzata Comprehensive Plan.
2. The building pad that results from the Subdivision not impact sensitive areas on the Property.
3. The building pad that results from the Subdivision have been selected and located with respect to natural topography to minimize filling or grading.
4. Existing stands of significant trees will be retained where possible.
5. The building pad that results from the Subdivision is sensitively integrated into existing trees on the right of way.
5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

6. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
7. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in the surrounding neighborhood.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.
9. The building proposed for the Subdivision meets the applicable Design District and the Design Review Board/City Council review criteria and process outlined in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance with the exception of those for which a variance and CUPs are being requested.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution, the (i) Concurrent PUD Concept and General Plan of Development for New Retail and Office Development; (ii) Rezoning from C-4B to PUD/Planned Unit Development; (iii) Design of Project; (iv) Building Height Variance; (v) Shoreland Height CUP; (vi) Shoreland Impervious Surface CUP; and (vii) Preliminary and Final Plat Subdivision to combine the existing two lots into a single lot, as set forth in the Application, as revised and presented on the date hereof is hereby approved, subject to the following conditions and restrictions:
 - A. The Property Owner must comply with all current and future parking requirements for the uses associated with the Project.
 - B. The City will not issue a building permit for construction of the building

on the Property as proposed until the Property Owner provides 52 parking stalls for the Project, either through a Downtown Mobility District, City parking policy, and/or a separate agreement between the Property Owner and the City of Wayzata for use of parking stalls within the Mill Street parking lot (or future parking ramp) located on the north side of the site.

- C. Final Utility, Stormwater Management, Grading, Drainage, and Erosion Plans must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
- D. A stormwater facility maintenance agreement for maintenance of the stormwater management facilities on the Property must be executed for the Property in a form acceptable to the City Engineer.
- E. The Property Owner must enter into an encroachment agreement with the City for the grease trap and stormwater treatment structure located within the City's right of way.
- F. The final design of the sidewalks with the City's right of way must be reviewed and approved by the Director of Planning and Building, City Engineer, and Building Official for compliance with the City's engineering and design standards, State building code, and City's design for the sidewalk along the south side of Mill Street.
- G. Prior to the City issuing a building permit for the Project, the Applicant must submit evidence of a private easement or other agreement acceptable to the City Attorney for use of the trash and recycling facilities by the Project located with the existing building at 701 Lake St E.
- H. Prior to the City issuing a building permit for the Project, the Applicant must submit a construction management plan to City staff for review and approval. The construction management plan must outline locations of construction staging, construction-related parking, and employee parking. All construction-related and employee parking must be located off-site and may not be located within the Mill Street parking lot, Broadway Avenue, Lake Street, or the municipal parking lot located at Broadway Avenue and Lake Street.
- I. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
- J. 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 6th day of September, 2016.



Mayor Ken Willcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: Anderson

Voted in favor of: Anderson, McCarthy, Mullin, Tyacke, Willcox

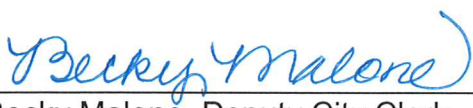
Voted against: None

Abstained: None

Absent: None

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 September 6, 2016.



Becky Malone, Deputy City Clerk
SEAL

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 760

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO
REZONE PROPERTY AT 326 AND 332 BROADWAY AVE S TO PUD PLANNED
UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolution 32-2016 (the “Resolution”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolution, to PUD Planned Unit Development District.

Section 2. Effective Date

- 2.1 This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 20th day of September, 2016.



Ken Willcox
Mayor

ATTEST:



Jeffrey Dahl
City Manager

First Reading: September 6, 2016
Second Reading: September 20, 2016
Publication: September 29, 2016

RESOLUTION NO. 39-2018

RESOLUTION APPROVING PUD AMENDMENT, UPDATED PROJECT DESIGN, PRELIMINARY AND FINAL PLAT SUBDIVISION, AND CONDITIONAL USE PERMIT AT 326 AND 332 BROADWAY AVE S

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

Section 1. BACKGROUND

1.1 Previous Approvals. On September 6, 2016, the City Council adopted Resolution No. 32-2016, which approved the following items pertaining to the redevelopment of 326 and 332 Broadway Ave S (the "Property" and legally described on Attachment A):

- A. Rezoning from C-4B to PUD/Planned Unit Development (the "Rezoning" or "Zoning Amendment"): The City Council approved a rezoning of the Property from C-4B to PUD/Planned Unit Development.
- B. Concurrent PUD Concept and General Plan of Development (the "Existing PUD" or "PUD Concept and General Plans"): The City Council approved the Existing PUD which includes demolition of the two existing commercial buildings and construction of a new three story mixed use building consisting of retail uses on the ground level and office uses on the upper two levels.
- C. Design (the "Design"): The City Council approved the building and site design with deviations from the design standards for: (i) building recession; (ii) exterior building materials; (iii) sidewalks and streetscape; and (iv) roof-top mechanical equipment (the "Deviations").
- D. Variance from the Maximum Building Height Limit (the "Height Variance"): The City Council approved a variance from the maximum building height limit in the PUD Zoning District of 35 feet and 3 stories, whichever is less. The approved Height Variance is 3-story, 38-foot tall building.
- E. Shoreland Impact Plan/Conditional Use Permit for the Building Height (the "Shoreland Height CUP"): The City Council approved the Shoreland Height CUP for a building height of 38 feet in the Shoreland Overlay District.
- F. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface (the "Shoreland Impervious Surface CUP"): The City Council approved the Shoreland Impervious Surface CUP for an impervious surface coverage of approximately 96%.

- G. Preliminary and Final Plat Subdivision to combine the Lots (the "Subdivision", "Preliminary and Final Plats" or "Lot Combination"): The City Council approved the Preliminary and Final Plat Subdivision to combine the two existing lots comprising the Property into a new single lot.
- 1.2 Extension and Re-Approval of Final Plat. On September 5, 2017, the City Council adopted Resolution No. 34-2017, which approved an extension of the zoning approvals and reapproved the final plat.
- 1.3 Proposed Change to Previously Approved PUD. Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC (the "Applicant") have submitted a development application (the "Application") for approval of an amendment to an existing Planned Unit Development (the "Existing PUD") on Property. The proposed redevelopment involves the demolition of the two existing commercial buildings on the Property, and construction of a new three story mixed use building consisting of retail, service commercial, or restaurant uses on the first floor and office uses on the upper two floors (the "Project"). The requested amendment to the Existing PUD is to: (1) allow service commercial and restaurant uses on the first floor; (2) connect the previously approved three story mixed use building to the existing building at 701 Lake St E; and (3) allow parking to be provided by paying a fee in lieu of on-site parking. The proposed PUD Amendment would not include any other significant changes to the Existing PUD, including to the general design, size, footprint, or height of the approved PUD Concept and General Plans. The PUD Amendment will require City Council action to vacate the public alley located between the new building on the Property and the 701 Lake St E property.
- 1.4 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
- A. PUD Amendment: Amendment to the PUD Concept and General Plans for the Existing PUD to (1) allow service commercial and restaurant uses on the first floor; (2) connect the previously approved three story mixed use building to the existing building at 701 Lake St E; and (3) allow parking to be provided by paying a fee in lieu of on-site parking, as depicted in the updated plans attached to this Resolution as Attachment B (the "PUD Amendment").
- B. Design Review: Updated design of the Project as depicted in the updated plans and the Design Critique attached to this Resolution as Attachment C (the "Updated Project Design").
- C. Preliminary and Final Plat Subdivision: The Project would combine the two existing lots comprising the Property and the alley located between the Property and the 701 Lake St E property into a new single lot (the

"Preliminary and Final Plat" or "Subdivision").

- D. Conditional Use Permit for Joint Parking Facilities: The zoning ordinance requires a conditional use permit for joint parking facilities, where the required off-street parking facilities for one or more uses is provided on one or more sites and the total number of spaces provided are less than the sum of the total required for each use. The applicant has requested a conditional use permit for joint parking facilities (the "Joint Parking Facilities CUP")
- E. Conditional Use Permit: The City Council adopted Resolution No. 47-2016 on November 15, 2016 which adopted a Fee in Lieu of Parking Policy (the "FILOP Policy"). The FILOP Policy states that any new use on a property that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid to the City; and (2) a conditional use permit is approved by the City. The Applicant is requesting a Conditional Use Permit under the FILOP Policy (the "Parking CUP").

- 1.5 Property. The address, property identification numbers and owners of the Property involved in the Project are:

326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

- 1.6 Land Use Designations. The Property falls within the following land use districts:

Current zoning:	PUD District
Comp Plan designation:	Central Business District
Overlay districts:	Shoreland
Design district	Lake Street District

- 1.7 Notice and Public Hearing. Notice of a public hearing on the PUD Amendment and Design Review components of the Application was published in the *Wayzata Sun Sailor* on June 7, 2018, and mailed to all property owners located within 350 feet of the Property on June 6, 2018. The required public hearing was held at the June 18, 2018 Planning Commission meeting.

Notice of a public hearing on the Preliminary and Final Plat Subdivision and Conditional Use Permit components of the Application was published in the *Wayzata Sun Sailor* on July 19, 2018, and mailed to all property owners located within 350 feet of the Property on July 19, 2018. The required public hearing was held at the July 30, 2018 Planning Commission meeting.

- 1.8 Planning Commission Action. The Planning Commission adopted a Report and Recommendation of approval of the PUD Amendment and Updated Project Design on July 16, 2018, based on the findings in the Report.

The Planning Commission adopted a Report and Recommendation of approval of the Preliminary and Final Plat Subdivision and Conditional Use Permit on July 30, 2018, based on the findings in the Report.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Process. Section 801.33.9 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD as is followed for a new PUD.
- B. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
 - 1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 - 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 3. More convenience in location and design of development and service facilities.
 - 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 - 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 - 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- C. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
 6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the

continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the

building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Design Standards.

- A. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" ("Attachment C").
- B. Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:
 1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
 2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
 3. The positive effect of the project on the area in which the project is proposed.
 4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
 5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
 6. A national, state or local historic designation.

7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.3 Subdivision / Preliminary and Final Plat. Review and approval of subdivisions of property, combinations of two or more lots, and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 805.14.E:

- A. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
- B. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
- C. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.
- D. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
- E. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
- F. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
- G. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
- H. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

- I. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
 - J. The proposed lot layout and building pads shall conform with all performance standards contained herein.
 - K. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
 - L. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.
- 2.4 FILOP Policy: The FILOP Policy states that any new use on a property that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid to the City; and (2) a conditional use permit is approved by the City based upon the requirements of Section 801.04 of the City Code and the following additional criteria:
- A. The Project is located within the "Mobility District" as established by City Council.
 - B. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
 - C. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.
- 2.5 Conditional Use Permits. City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's compatibility with present and future uses of the area.
 - C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).

- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (i) PUD Amendment; (ii) Updated Project Design; (iii) Preliminary and Final Plat Subdivision; (iv) Joint Parking Facilities CUP; and (v) Parking CUP requested as part of the Application meet all of the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, Applicant's additional submittals, staff reports, public comments presented at the public hearing, and the Report and Recommendation of the Planning Commission):

3.1 PUD. The PUD Amendment meets the purpose and intent of the PUD Ordinance.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance as previously stated for the Existing PUD:
 - 1. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 2. The PUD includes a mixed use building consisting of appropriate retail, service commercial, restaurant, and office uses. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
 - 3. The PUD creates a more desirable and creative environment than would be possible under the existing C-4B Central Business District zoning district. The street level retail, service commercial, and restaurant uses and upper stories of office uses creates a more desirable and creative environment.

- B. General Standards. The Amended PUD would not materially impact any of the fourteen (14) general standards listed in Section 801.33.2.A and in Section 2.1 of this Report, which would continue to be met as with the Existing PUD. The PUD Amendment would allow for certain desirable efficiencies in design and layout by connecting to the existing building on the site. The PUD Amendment would not include any other changes (except as noted in the Report) to the previously approved and Existing PUD, including to other aspects of the design, size, footprint, or height of the approved building and PUD plans.
- 3.2 Project Design. The Project meets the applicable provisions of the Design Standards as outlined in the Design Critique. Any negative impacts of the Deviations previously approved for the Project continue to be outweighed by one or more of the following factors:
- A. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
- C. The positive effect of the Project on the area in which the Project is proposed.
- 3.3 Subdivision / Preliminary and Final Plat. The Preliminary and Final Plat Subdivision meets the standards of the City's Subdivision Ordinance, Ch. 805 of City Code:
- A. The Subdivision is consistent with the Wayzata Comprehensive Plan.
- B. The building pad that results from the Subdivision not impact sensitive areas on the Property.
- C. The building pad that results from the Subdivision have been selected and located with respect to natural topography to minimize filling or grading.
- D. There are no significant trees on the Property. Therefore, the Project would not adversely impact existing stands of significant trees.
- E. The building pad that results from the Subdivision is sensitively integrated into existing trees on the right of way.
- F. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

- G. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
- H. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in downtown and in the immediate area.
- I. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood. The design of the Project is similar to the existing building at 701 Lake St E.
- J. The building proposed for the Subdivision meets the applicable Design District and the Design Review Board/City Council review criteria and process outlined in Section 9 of the Wayzata Zoning Ordinance.
- K. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance.
- L. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
- M. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

3.4 FILOP Policy. The Project meets the standards in the FILOP Policy:

- A. The Project is located within the Mobility District as established by the City Council.
- B. The Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District. The Project would increase the street vitality along Mill Street and Broadway Ave by providing retail, service commercial, or restaurant uses at street level, and would provide an improved building design that complements other buildings in downtown.
- C. The Mill Street parking ramp added approximately 200 additional parking stalls immediately adjacent to the Property. The parking stalls required by the City Code for the Project can be accommodated by these additional parking stalls.

3.5 Conditional Use Permit. The Project meets the conditional use permit standards of City Code Section 801.04.2.F:

- A. The Project is compatible with the specific policies and provisions of the official City Comprehensive Plan.
- B. The Project is compatible with present and future uses of the area.
- C. The Project conforms with all performance standards contained in the Zoning Ordinance.
- D. The Project would not have a negative effect upon the surrounding area.
- E. The Project would not have a negative impact upon surrounding property values.
- F. Traffic generated by the Project can be accommodated within the existing transportation system and street network.
- G. The Project would not impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in Section 3 of this Resolution, the (i) PUD Amendment; (ii) Updated Project Design; (iii) Preliminary and Final Plat Subdivision; (iv) Joint Parking Facilities CUP; and (v) Parking CUP are **APPROVED**, subject to the following conditions and restrictions:
- A. Before the City issues a building permit for the Project, the Applicant must submit the final civil engineering plans, including site plan, utility plan, stormwater management plan, and grading, drainage, and erosion control plans for review and approval by the City Engineer.
 - B. Before the City issues a building permit for the Project, the Applicant must submit the final landscape plans for review and approval by the City Forester.
 - C. The Applicant must enter into a Development Agreement with the City, in a form acceptable to the City Attorney, which covers construction within the City's right of way and the public improvements constructed as part of the Project.
 - D. The Applicant must pay the fee in lieu of parking for the number of parking stalls required by the Zoning Ordinance for the Project, and must enter into an agreement with the City that meets the requirements of the FILOP Policy. The agreement must also state that the Applicant must comply with all current and future parking

requirements for uses associated with the Project, and any change in use for which the Zoning Ordinance requires additional parking will require an amendment to the agreement.

- E. The Applicant must enter into a stormwater maintenance agreement with the City that meets with the approval of the City Engineer, covering the design, installation, maintenance, and inspection of all stormwater management systems approved as part of the Application, which must be recorded against the Property.
- F. The Applicant must enter into an encroachment agreement with the City for any private improvements located within the City's right of way.
- G. The final design of the sidewalks and streetscaping within the City's right of way of Broadway Ave and Mill St must be reviewed and approved by the Director of Planning and Building, City Engineer, and Building Official for compliance with the City's engineering and design standards, State building code, design standards, and City's design for the sidewalk along the south side of Mill Street. The sidewalk along Broadway must be 12 feet in width and located at the back of the existing curb, and the additional right of way between the sidewalk and the building face must be appropriately landscaped. In addition, the plans must include exterior lighting and wayfinding improvements at the entrance to the pedestrian walkway to Lake St in the 701 Lake St E building.
- H. The Applicant must submit evidence of a private easement or other agreement acceptable to the City Attorney for use of the trash and recycling facilities by the Project located with the existing building at 701 Lake St E.
- I. The Applicant must secure the vacation of existing alley right of way adjacent to the Property and must agree in the Development Agreement referenced above to grant such right of way back to the City if the Project is not completed within 24 months of the effective date of approval of the PUD Amendment.
- J. The Applicant must submit a construction management plan to City staff for review and approval. The construction management plan must outline locations of construction staging, construction-related parking, and employee parking. All construction-related and employee parking must be located off-site and may not be located within the Mill Street parking ramp, Mill Street parking lot, Broadway Avenue, Lake Street, or the municipal parking lot located at Broadway Avenue and Lake Street.

- K. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
- L. 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 31st day of July, 2018.



Mayor Ken Willcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: McCarthy

Voted in favor of: Koch, McCarthy, Plechash, Tyacke, Willcox

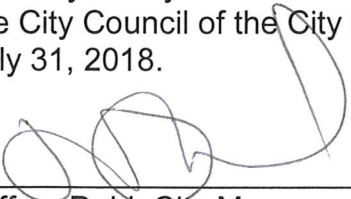
Voted against: None

Abstained: None

Absent: None

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 July 31, 2018.



Jeffrey Dahl, City Manager and Clerk

SEAL

Attachment A
Legal Description of Property

Lots 12, 13, 14, Block 1, Stephens' Second Addition to Wayzata.

And

That part of the alley as dedicated in Block 1, "Stephens' Second Addition to Wayzata" abutting Lots 11, 12, 13, 14 and 17, said Block 1 and lying between the northeasterly line of said block and the southeasterly extension of the southerly line of said Lot 14.

Attachment B
PUD Amendment Plans

EXHIBIT C

List of Plans

1. Architectural Renderings prepared by Shea and dated May 18, 2018
2. First Floor Plan prepared by Shea and dated May 17, 2018
3. Second Floor Plan prepared by Shea and dated May 17, 2018
4. Third Floor Plan prepared by Shea and dated May 17, 2018
5. Exterior Elevations prepared by Shea and dated May 18, 2018
6. Preliminary Plat prepared by Sathre-Bergquist and dated August 29, 2016 and revised July 10, 2018
7. Site Layout Plan prepared by HGA and dated August 24, 2018
8. Site Plan prepared by HGA and dated August 24, 2018
9. Site Grading and Utility Plan prepared by HGA and dated August 24, 2018

EXHIBIT D

Fee-In-Lieu of Parking Policy

(Attached)

CITY OF WAYZATA

RESOLUTION NO. 47-2016

RESOLUTION ADOPTING FEE IN LIEU OF PARKING POLICY AND SETTING FEE

WHEREAS, the City recognizes the need for additional parking and parking-related services, and making both on and off street parking improvements, in the downtown area; and

WHEREAS, the City is pursuing the construction of a municipal parking ramp at Mill Street (the "Mill Street Ramp"), the establishment of a downtown parking and mobility district (the "Mobility District"), a special services district under Minn. Stat. Ch. 428A, and the establishment of a new designated capital improvement plan for future downtown parking improvements ("Downtown District CIP"); and

WHEREAS, the City has amended its parking ordinance to reduce the minimum amount of parking stalls required for uses in the downtown area to recognize (i) changes in parking demands associated with certain uses, (ii) differing parking demands for different days and hours, (iii) consolidated and shared parking opportunities, and to maximize the overall efficiency of available parking spaces; and

WHEREAS, the City wishes to further provide greater flexibility, via a uniform policy, to developers and property owners proposing projects in the downtown area that would not fully meet the City's minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the Fee In Lieu of Parking Policy attached to this Resolution ("FILOP Policy") is hereby adopted.

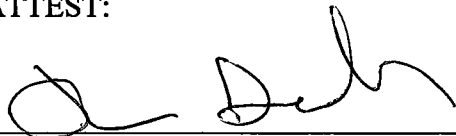
BE IT FURTHER RESOVLED, that based on the analysis and information presented by the City Manager at City Council workshops and meetings, the fee referenced in the FILOP Policy shall be ten thousand dollars (\$10,000) per parking space.

Adopted by the Wayzata City Council this 15th day of November, 2016.



Ken Willcox, Mayor

ATTEST:



Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: Mullin

Voted in favor of: Anderson, McCarthy, Mullin, Tyacke, Willcox

Voted against: None

Abstained: None

Absent: None

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 November 15, 2016.



Becky Malone, Deputy City Clerk

ATTACHMENT:

Fee In Lieu of Parking Policy ("FILOP Policy")

000043/203879/2490078_1

CITY OF WAYZATA

November 15, 2016

FEE-IN-LIEU OF PARKING POLICY

Background and Purpose

To address the need for additional parking and parking-related services, and make both on and off street parking improvements in the downtown area, the City is pursuing the construction of a municipal parking ramp at Mill Street (the "Mill Street Ramp"), the establishment of a new designated capital improvement plan for future downtown parking improvements ("Downtown District CIP"), and the establishment of a downtown parking and mobility district (the "Mobility District"), a special services district under Minn. Stat. Ch. 428A. The City has also amended its parking ordinance to reduce the minimum amount of parking stalls required for uses in the downtown area to recognize (i) changes in parking demands associated with certain uses, (ii) differing parking demands for different days and hours, (iii) consolidated and shared parking opportunities, and to maximize the overall efficiency of available parking spaces.

The purpose of this policy is to provide greater flexibility to developers and property owners proposing projects in the downtown area that would further the City's goals for the area but not fully meet the City's minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown.

Paying a fee in lieu of parking under this policy would not sell spaces or grant exclusive rights to parking spaces in the Mill Street Ramp or other parking facilities in the Mobility District, but would allow uses on property in the Mobility District that would otherwise fail to meet the City's parking requirements.

Criteria for Considering a Fee in Lieu of Parking

If warranted by the standards outlined in this policy, the City Council may, but shall not be required to, grant approval of a reduction in the number of parking spaces actually constructed at the time of site development or occupancy of a building under the following criteria:

A. Eligible Properties and Projects. Any new use on a property (a "Project") that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid as specified in Section B of this policy; and (2) a conditional use permit is approved based upon the requirements of Section 801.04 of the City Code and the following additional criteria:

1. The Project is located within the "Mobility District" as established by City Council.
2. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
3. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.

For purposes of this policy, "available capacity" shall be the number of parking spaces available for use by applicants for new fee-in-lieu of parking conditional use permits. This number shall be determined by the City Council based on an analysis of the use of the City's parking facilities. The City's "parking facilities" shall be the Mill Street Ramp and any other public parking facility in the Mobility District.

B. Fee. The amount of the fee-in-lieu of parking paid under this policy shall be established by a resolution of the City Council, based on its projection and/or calculation of the costs of constructing the parking facilities, improvements identified in the Downtown District CIP, and the value to applicants of satisfying the City's minimum parking requirements. The fee may be paid in full as a one-time payment, or over a period of time in the manner of an assessment, with a term of twenty (20) years for projects paying fees for twenty-five (25) or less parking spaces, and thirty (30) years for projects paying fees for more than twenty-five (25) parking spaces, and set to an interest rate equivalent to the Federal Prime Rate. .

C. Development Agreement. As a condition of approval of a conditional use permit issued pursuant to this policy, the applicant must enter into a development agreement with the City that includes an agreement to fully participate in and not contest the Mobility District and obligations thereof, and to pay the fee-in-lieu of parking. The development agreement shall be executed no later than the date on which a building permit for the Project is issued (or if no building permit is required, the date on which a certificate of occupancy is issued) and also include an agreement by the owner of the property for which the conditional use permit is issued authorizing the City to assess any unpaid fee-in-lieu of parking against the property as a special assessment and include a waiver of any right to object or appeal said assessment. The obligation to pay the fee-in-lieu of parking shall run with the property, and the development agreement shall be recorded against the property.

D. Expiration. A conditional use permit issued pursuant to this policy shall expire 12 months after being granted unless a development agreement (or amendment thereto) containing a fee-in-lieu of parking provision as described in subsection (C) above is executed by the permit holder.

E. Previous Obligations to Pay for Future Parking. Obligations in development agreements with the City, and conditions in previously granted land use approvals, that were agreed to or imposed prior to the adoption of this policy, that require a financial contribution to future City parking facilities to make up for parking shortfalls in Projects, may be satisfied upon (i) payment of the fee specified in Section B of this policy, and (ii) an amendment to the applicable development agreement as required by this policy.

EXHIBIT E

Stormwater Facilities Maintenance Agreement and Restrictive Covenant

**STORMWATER FACILITIES MAINTENANCE AGREEMENT
AND
RESTRICTIVE COVENANT**

This Stormwater Facilities Maintenance Agreement and Restrictive Covenant (this “Agreement”) is made this ____ day of _____, 2018, by and between the City of Wayzata, a Minnesota municipal corporation (the “City”), and Beltz Enterprises, LLC, a Minnesota limited liability company, and Broadway Place Wayzata, LLC, a Minnesota limited liability company (collectively, “Owner”).

R E C I T A L S

WHEREAS, Owner is the owner of fee title or a substantial beneficial interest in certain real property located in Wayzata, Minnesota, legally described in **Exhibit A** (hereinafter the “Property”), which is attached hereto and incorporated herein by this reference; and

WHEREAS, in connection with the Owner’s proposed development of the Property, the City has required and the Owner has agreed to construct a stormwater collection and drainage system; and

WHEREAS, the stormwater collection and drainage system is described and shown on the stormwater drainage plan prepared by the engineering firm Civil Engineering Site Design (hereinafter the “Drainage System Drawing”), for the Owner’s Property, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference; and

WHEREAS, as a condition of project approval, the parties have entered into this Maintenance Agreement and Restrictive Covenant, in order to ensure that the drainage system will be constructed and maintained in accordance with the approved plans and the City’s development standards;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the City hereby agree as follows:

T E R M S

1. Construction and Maintenance. Owner agrees to construct and maintain a stormwater collection and drainage system on its Property, as shown on the Drainage System Drawing, **Exhibit B**. The drainage system shall be maintained and preserved by the Owner until such time as the Owner and the City, its successors or assigns, agree that the system should be altered in some manner or eliminated.

2. No Removal. No part of the drainage system shall be dismantled, revised, altered or removed, except as necessary for maintenance, repair or replacement.

3. Access. The City shall have the right to ingress and egress over those portions of the Property described or depicted on **Exhibit B** in order to access the drainage system for inspection and to reasonably monitor the system for performance, operational flows or defects.

4. Reporting. The Property Owner shall be responsible for inspecting and maintaining the stormwater treatment and conveyance system, at minimum as follows:

- a. Gardens. Visually inspected annually for areas of compressed dirt. Areas of compressed dirt will be tilled.
- b. Lawn Areas. Visually inspected annually for areas of bare compressed dirt. Areas of bare compressed dirt will be aerated, raked and seeded.
- c. Parking Surface. Visually inspected annually for compressed areas that do not allow drainage. Compressed areas will be tilled until loose.
- d. Areas on plan designated as Bio-Swales (vegetated areas with a purpose of filtering and slowing surface water). Visually inspected yearly for full vegetation and continuous surface flow. Bare areas will be planted and areas of ponding will be regarded to establish surface flow.
- e. Areas on plan designated as “rain garden” (an area fully planted where water will sometimes stand and slowly filter through the earth below). Visually inspected annually for plantings, tested every five years for filtration. Bare areas will be planted with plantings designated on landscape plan. If properly working, silt will build up in the rain gardens reducing their effectiveness. If filtration testing indicates 12“ of standing water remains within the rain garden after 7 days, the rain garden will be excavated and restored to its original configuration. Standing water for test may be from natural stormwater during a rain event.
- f. Stormwater Structures. The grading plan indicates slot drains and drain tile at parking areas. Tested every 5 years for free flow of drain tile via introducing water at the high point and visually confirming outflow at the low point. Lack of flow will require investigation and removal of blockage

The Property Owner shall be responsible for providing a letter to the City Engineer, by September 1st of each year, stating that inspection and maintenance have been completed.

5. Repairs, Failure of Owner to Maintain. If at any time the City Engineer does not receive this inspection and maintenance report and the City determines that maintenance or repair work is required to be performed on the system, the City Engineer or his/her designee shall give notice to the Owner of the noted deficiency. The Engineer shall also set a reasonable time in which the Owner shall perform such work. If the repair or maintenance required by the Engineer is not completed within the time set by the Engineer, the City may perform the required maintenance and/or repair. Written notice will be sent to the Owner, stating the City's intention to perform such repair or maintenance, and such work will not commence until at least 15 days after such notice is mailed, except in situations of emergency. If, within the sole discretion of the Engineer, there exists an imminent or present danger to the system, the City's facilities or the public health and safety, such 15 day period will be waived and maintenance and/or repair work will begin immediately.

6. Cost of Repairs and/or Maintenance. The Owner shall assume all responsibility for the cost of any maintenance and for repairs to the drainage system. Such responsibility shall include reimbursement to the City within 30 days after the City mails an invoice to the Owner for any work performed by the City. Overdue payments will require payment of interest by the Owner at the current legal rate as liquidated damages.

7. Notice to City of Repairs and/or Maintenance. The Owner is hereby required to obtain written approval from the City Engineer prior to filling, piping, cutting or removing vegetation (except in routine landscape maintenance) in open vegetated drainage facilities (such as swales, channels, ditches, ponds, etc.), or performing any alterations or modifications to the drainage system.

8. Rights Subject to Permits and Approvals. The rights granted herein are subject to permits and approvals granted by the City affecting the Property subject to this Maintenance Agreement and Covenant.

9. Minnehaha Creek Watershed District Permit. The Owner has applied for a permit from the Minnehaha Creek Watershed District ("MCWD") pursuant to MCWD Rule N. The Owner agrees that any violation of the inspection and/or maintenance provisions of this Agreement will be a violation of the MCWD permit for the Property for which MCWD may take action against the Owner.

10. Terms Run with the Property. The terms of this Maintenance Agreement and Covenant are intended to be and shall constitute a covenant running with the Property and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

11. Notice. All notices required or permitted hereunder shall be in writing and shall either be delivered in person or sent by certified U.S. Mail, return-receipt requested, and shall be deemed delivered on the sooner of actual receipt of three (3) days after deposit in the mail, postage

prepaid, addressed to the City or the Owner at the addresses set forth below:

To the City:
City of Wayzata
Attn: City Engineer
600 Rice Street East
Wayzata, MN 55391

To the Owner:
Beltz Enterprises
Attn: James Beltz
447 Peavey Road
Wayzata, MN 55391

12. Severability. Any invalidity, in whole or in part, of any provision of this Maintenance Agreement and Covenant shall not affect the validity of any other provision.

13. Waiver. No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented.

14. Integration. This Maintenance Agreement and Covenant constitutes the entire agreement between the parties on this subject matter, and supersedes all prior discussions, negotiations, and all other agreements on the same subject matter, whether oral or written.

15. Modification. This Agreement may be terminated, amended or modified only by recording with the either the Office of the County Recorder or the Office of the Registrar of Titles, as the case may be, for Hennepin County, Minnesota, a document executed by the parties (or their respective successors and assigns) representing their unanimous consent to such amendment or modification. This consent may require City Council action.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties have caused this Maintenance Agreement and Covenant to be executed this ____ day of _____, 2018.

BELTZ ENTERPRISES, LLC,
a Minnesota limited liability company

By: _____
James Beltz
Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by James Beltz, President of Beltz Enterprises, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

By: _____

Notary Public, State of Minnesota
My Commission Expires _____

BROADWAY PLACE WAYZATA, LLC,
a Minnesota limited liability company

By: _____
James Beltz
Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by James Beltz, President of Broadway Place Wayzata, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

By: _____

Notary Public, State of Minnesota
My Commission Expires _____

CITY OF WAYZATA

A Minnesota municipal corporation

By: _____

Kenneth Willcox

Its: Mayor

By: _____

Jeffrey Dahl

Its: City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

By: _____

Notary Public, State of Minnesota

My Commission Expires _____

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Jeffrey Dahl, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

By: _____

Notary Public, State of Minnesota

My Commission Expires _____

[Signature Page to Stormwater Facilities Maintenance Agreement]

**EXHIBIT A
TO
STORMWATER FACILITIES MAINTENANCE AGREEMENT
AND
RESTRICTIVE COVENANT**

Legal Description of Property

Lots 12, 13, and 14, Block 1, Stephens Second Addition to Wayzata, Hennepin County, Minnesota.

**EXHIBIT B
TO
STORMWATER FACILITIES MAINTENANCE AGREEMENT
AND
RESTRICTIVE COVENANT**

[See Attached]

EXHIBIT F

Public Improvements

The Public Improvements are as follows:

- 1) Demolition of existing sidewalk along Mill Street from Broadway Avenue South to the northeast corner of the alley (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).
- 2) Construction of a public sidewalk along Broadway Avenue South adjacent to the Property in accordance with the Plans. (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).
- 3) Construction of public sidewalk, lighting, and landscaping along the north and south side of Mill Street from Broadway Avenue South to the northeast corner of the alley in accordance with the Plans. (estimated cost \$_____ [TO BE PROVIDED BY CITY]).
- 4) Reconstruction of the bituminous parking area within the Mill Street right-of-way as shown on the Plans. (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).
- 5) Construction of a public sidewalk along Mill Street South adjacent to 701 Lake Street E in accordance with the Plans. (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).
- 6) Construction of a public sidewalk along Mill Street South adjacent to 739, 747 and 755 Lake Street E in accordance with the Plans. (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]). The City will reimburse Developer for the costs associated with this improvement.

EXHIBIT G

Private Improvements

- 1) Design, construction and installation of landscaping features along Mill Street and Broadway Avenue South in accordance with the Plans (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).
- 2) Design, construction and installation of Mill Street sidewalk cafe in accordance with the Plans (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).

EXHIBIT H

Form of Consent and Joinder by Mortgagee

(Attached)

CONSENT AND JOINDER BY MORTGAGEE

_____ (the "Mortgagee"), is a mortgagee of all or a portion of the Property (as defined in the attached Development Agreement (the "Agreement")) under a Mortgage recorded in the real estate records for Hennepin County, Minnesota, as Document No. _____ (the Mortgage"). Mortgagee hereby consents to and joins in the Agreement and agrees that, from and after any foreclosure of the lien of the Mortgage, the Agreement shall continue in full force and effect and be binding on any then and future fee owner of the Property; provided that, prior to any such foreclosure, the Mortgage shall be and remain a lien on the Property until released or satisfied.

IN WITNESS WHEREOF, Mortgagee has caused this Consent and Joinder to be executed on the _____ day of _____, 201_.

By: _____

Its: _____

STATE OF _____)
) SS.
COUNTY OF _____)

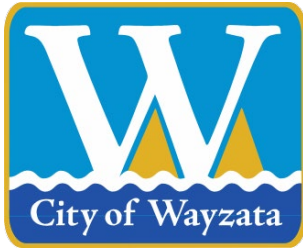
This instrument was acknowledged before me on _____, 201_, by _____, the _____ of _____, a _____, on behalf of said _____.

Notary Public

THIS DOCUMENT WAS DRAFTED BY:

Best & Flanagan LLP (AEL)
60 South Sixth Street, Suite 2700
Minneapolis, MN 55402-4452
Telephone: (612) 339-7121

000043/316022/5497614v2



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 9b
TITLE: Consider Agreement and Authorization for Services with Civitas to Explore Design Alternatives for Lake Street	
PROPOSED MOTION: To Approve the Agreement for Services by and between the City of Wayzata and Civitas, Inc.	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends approval of the attached agreement to allow Civitas to proceed with exploration of alternative designs for Lake Street.

FINANCIAL OR BUDGET CONSIDERATION:

Please see the attached proposal from Civitas for an amount not to exceed \$20,000. This proposal is needed because the attached services are outside of the original scope of design services for the Lake Effect Project. This amount would be paid by the City in its Lake Effect Capital Improvement Fund.

BACKGROUND:

At the October 2nd Meeting, the City Council directed staff to work with Civitas on a proposal to explore two alternatives that would address recent traffic and width-related concerns from community members about the proposed Lake Street plans. Upon approval, it is expected that Civitas will complete two design alternatives within the next four weeks and present them at the November 20 City Council Meeting.

In addition, as a part of the original contract, Civitas will explore changes and alternatives that address feedback regarding the “Tivoli lights” and diagonal parking.

We are currently in the Design Development Phase of the Lake Effect Project. Pausing the DD phase and exploring the aforementioned design alternatives will delay the process approximately two months. That means, construction documents would not be ready until Spring of 2019 rather than Winter. However, staff does NOT believe that a two month delay, at this point, would be an impediment to the project as construction is not recommended to start until late Summer or Fall of 2019 at the earliest.

ATTACHMENTS:

1. Draft Agreement for Services by and between the City of Wayzata and Civitas, Inc.

ADDITIONAL SERVICES WORK AUTHORIZATION

Project

Title: Wayzata Lake Effect

Location: Wayzata, MN

Project Number: 2-15-0032

Agreement and/or Authorization for Services by and between the City of Wayzata and Civitas Inc.

Services determined by: Scott Jordan

Services requested by: Jeff Dahl

Date: September 26, 2018

DESCRIPTION OF SERVICES

As a result of Council decision to explore additional roadway and multi-use trail alignments for the Lake Street portion of the Lake Effect project, Civitas and our subconsultants will be required to spend additional time completing the following tasks:

1. Design studies exploring alternative roadway alignments that incorporate a multi-use trail along the southside of Lake Street, and either expanding proposed traffic lanes, or adding back in the existing turn lane.
2. Preparing plan graphics and a presentation for Council
3. Following selection of a preferred alternative, updating the cad base files, roadway stationing, and grading to get them to a similar level of detail as the current alignment to facilitate completion of Design Development

This scope of work includes study and graphic preparation for two Lake Street layout alternatives.

Updated perspective renderings are not included in the scope of work but can be added for \$2,000 per rendering.

Additional fee will be allocated to Civitas and Solution Blue as part of this agreement.

1200 Bannock Street
Denver, CO 80204
T: 303.571.0053
F: 303.825.0438
www.civitasinc.com

It is anticipated that this scope of work will require 4 weeks to complete from the time of authorization.

METHOD OF BILLING

Services will be provided on the following basis:

Professional Services (Labor)

- ☐ Hourly, per standard rates
☐ Hourly, per standard rates, not to exceed \$
☒ Fixed fee of \$20,000
☐ Phased fixed fee of \$
☐ Other

REIMBURSABLE EXPENSES

- ☒ Reimbursable expenses and outside services are included in the fee.
☐ Reimbursable expenses are not included in the fee and will be billed at cost

COMPENSATION

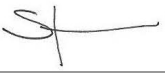
Total Compensation \$20,000 (including reimbursable expenses and outside services)

- ☐ Work is proceeding by verbal authorization or request from:
☒ Work will begin upon receipt of this authorization.

BILLING RATES

Per the original Agreement.

ACCEPTANCE

Signature		Signature	_____
Date	September 26, 2018	Date	_____
Name	Scott Jordan - Treasurer	Name	_____
Company	Civitas	Company	_____
	1200 Bannock Street		
	Denver, CO 80204		
Phone	(303) 571-0053	Phone	_____

Fax

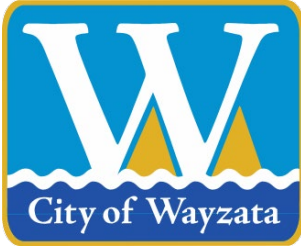
(303) 825-0438

Fax

Please sign and return a digital copy to Civitas Inc.

TERMS OF AGREEMENT

1. ORIGINAL AGREEMENT: The original Agreement for this project remains in effect with the exception of revisions to Scope and Fee agreed to within this Additional Services Authorization.



City of Wayzata City Council Agenda Report

MEETING DATE: October 16, 2018	AGENDA ITEM: 9c
TITLE: Consider Adoption of Resolution 59-2018 Supporting the Wayzata Community Sailing Center (WCSC) in their Grant Request to Hennepin County Youth Sports Program	
PROPOSED MOTION: To Adopt Resolution 59-2018 Supporting the Wayzata Community Sailing Center (WCSC) in their Grant Request to Hennepin County Youth Sports Program	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends approval of the attached resolution.

FINANCIAL OR BUDGET CONSIDERATION:

With the exception of a minor administrative burden for being the fiscal agent, there is no direct impact to the 2018 or 2019 General Fund Budget.

BACKGROUND:

At the October 2nd Work Shop, Rob Hunt, Board Chair of the WCSC updated the Council on its reconstruction plans and also indicated he had been working with City staff to put together a grant application to the Hennepin County Youth Sports Program to assist with improvements outside of the new building. As most of the grants come directly through the actual city, the WCSC wanted to understand if there were any other projects that the City would be pursuing as they did not want to compete with other city park-related projects. Consensus was received, at the work shop, that there were no other immediate City grant-eligible projects and thus Mr. Hunt and the WCSC was encouraged to apply for the grant.

Attached is a draft resolution of support for the grant application, the grant application, and a draft land covenant agreement, which is to be recorded to the property. The land covenant agreement, which has been reviewed by the City Attorney, ensures that the property use is not modified for a period of 15 years.

ATTACHMENTS:

1. Draft Resolution 59-2018
2. Hennepin County Youth Sports Program Grant Application by the WCSC
3. Letter of Support for Grant Request
4. Draft Land Covenant Agreement
5. Summary of Hennepin County Youth Sports Program Awards

RESOLUTION NO. 59-2018

RESOLUTION SUPPORTING THE WAYZATA COMMUNITY SAILING CENTER IN THEIR GRANT REQUEST TO HENNEPIN COUNTY YOUTH SPORTS PROGRAM FOR OUTDOOR CLASSROOM SPACE, SOIL REMEDIATION, AND ADA ACCESSIBILITY IMPROVEMENTS

WHEREAS, Hennepin County, via its Youth Sports Grant Program, provides for capital funds to assist local government units of Hennepin County for the development of sport or recreation facilities; and

WHEREAS, Founded in 1980, the Wayzata Community Sailing Center (WCSC) is a 501(c)3 non-profit organization offering small boat sailing youth education in Minnesota. It is one of the largest community sailing centers in the Midwest and serves the entire Twin Cities metro area with direct impact on four Hennepin County school districts currently serving over 1300 youth; and

WHEREAS, The sailing center provides programs for youth in the following areas: summer camp, summer race programs, high school & college racing, group & individual instruction, adaptive sailing and STEM education/curriculum; and

WHEREAS, A major part of the WCSC mission is to provide access for youth to safely enjoy boating related activities and outdoors focused events while learning about the lake, the environment, and the enjoyment of the lifelong sport of sailing as a connection to lake; and

WHEREAS, the WCSC will be constructing and maintaining a new facility at its current location in order to continue to fulfill its mission of providing "sailing for everyone." The existing building will be torn down and a new building will be constructed in its place; and

WHEREAS, in addition to the building improvements, a major priority of the reconstruction project will be to improve the grounds of the facility with three new outdoor classrooms, soil remediation, and a new ADA-compliant walking bridge; and

WHEREAS, the total cost of the project is \$275,000 and amount requested from Hennepin County Youth Sports Program is \$175,000 and the WCSC will assume responsibility for a match requirement of \$100,000; and

NOW, THEREFORE BE IT RESOLVED, that the City of Wayzata, Minnesota, that the City Council approves the resolution supporting the WCSC in their grant request to Hennepin County Youth Sports Program for improvements to their facility regarding ADA accessibility, soil remediation, and outdoor classroom space.

Adopted by the Wayzata City Council this 16th day of October 2018.

Kenneth Willcox, 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 a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 16, 2018.

Kathy Leervig, City Clerk

SEAL



Hennepin Youth Sports Program Facility Application Form

Name and address of project City of Wayzata in partnership with Wayzata Sailing Foundation d.b.a. Wayzata Community Sailing Center 456 Arlington Circle South Wayzata MN 55391
County Commissioner District Number where facility is located District 6 – Jan Callison
Local Government Unit (LGU) City of Wayzata
LGU Application contact (Name, mailing address, email and telephone) Jeffrey Dahl City Manager jdahl@wayzata.org 952-404-5309 600 Rice St E Wayzata, MN 55391 www.wayzata.org Rob Hunt Board Chair, Wayzata Community Sailing robhunt@mac.com 612-369-5882 456 Arlington Circle Wayzata, MN 55391 www.wayzatasailing.org
LGU Public Affairs contact (Name, email and telephone) Jeffrey Dahl City Manager jdahl@wayzata.org 952-404-5309 600 Rice St E Wayzata, MN 55391 www.wayzata.org

Minnesota Tax ID Number

7592304

Federal Employee ID Number

41-1986402

EXECUTION

IN WITNESS THEREOF, the applicant has caused this application to be executed on the

9th day of October, 2018.

Robert Hunt

Rob Hunt, Board Chair WCSC

By: (Name, Title)

Background

Founded in 1980, the Wayzata Community Sailing Center (WCSC) is a 501(c)3 non-profit organization offering the finest small boat sailing youth education in Minnesota. The WCSC is also one of the largest community sailing centers in the Midwest and serves the entire Twin Cities metro area with direct impact on four Hennepin County School Districts currently serving over 1300 youth.

The one and a half acre facility is conveniently located on the shores of Lake Minnetonka at the east end of Wayzata's downtown. The sailing center provides programs for youth in the following areas: Summer Camp, Summer Race Programs, High School & College Racing, Group & Individual Instruction, Adaptive Sailing and STEM education/curriculum. A major part of the WCSC mission is to provide access for youth to safely enjoy boating related activities and outdoors focused events while learning about the lake, the environment, and the enjoyment of the lifelong sport of sailing as a connection to lake.

The program has swelled to serve thousands year after year and we've outgrown our current facility. To fulfill our mission of providing "sailing for everyone" and to do more good in the community, we are upgrading our current building and campus with the following goals & objectives:

- Provide year-round public access to Lake Minnetonka through educational programs and special events, including a community space within the center which will allow us to annually serve 1900 youth (up from 1300 at present).
- Offer additional boats for education & racing, as well as launching capabilities for non-motorized small craft.
- Deliver programs that increase the understanding, and appreciation of sailing, the environment, and the importance of preserving the lake ecosystem
- Create a Lakeshore Learning Center which includes 3 outdoor learning areas
- Provide much needed access for persons with disabilities to the building and accompanying facility for the existing adaptive sailing including a new bridge that connects the site to the parking, dry sailing, and pick up area for our youth
- Expand the program and grow the numbers of youth who can take part in the adaptive sailing program
- Provide a safe and innovative facility for area high school and college teams to practice and race competitively
- Allow WCSC to further hone its programs and offerings to continue to be a nationally recognized for excellence
- Represent Wayzata from the shores of Lake Minnetonka with an attractive, eco-friendly, building whose design adheres to the WCSC history and mission

Existing Building



New Building



Project Summary

WCSC recently completed a fundraising campaign netting \$1.7 million dollars for the purpose of constructing and maintaining a new facility at its current location. The existing building will be torn down and a new building will be constructed in its place.

We are requesting \$175,000 in this grant application to be matched by \$100,000 from existing WSCS funds for a total project totalling \$275,000. This grant and resulting project will expand our reach by creating three new outdoor classrooms, soil remediation to improve the capacity and quality of our campus, and replace a walking bridge with an ADA compliant structure that connects our campus to the parking and youth pick up area.

1. New Pedestrian Bridge to Parking Lot
2. Outdoor Classroom (viewing platform on South Lawn)
3. Soil remediation
4. Outdoor Classroom (deck next to building 900sf)
5. Outdoor Classroom (STEM Lagoon Access)

Site Plan

456 Arlington Circle Wayzata (Current)





#1. New Pedestrian Bridge to Parking Lot



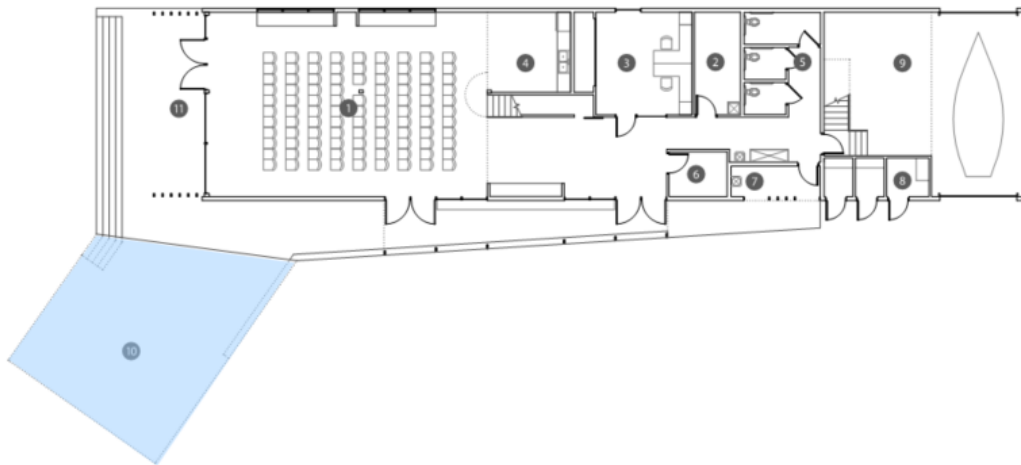
#2. Wayzata Community Sailing Center
Outdoor Classroom / Viewing Platform Concept



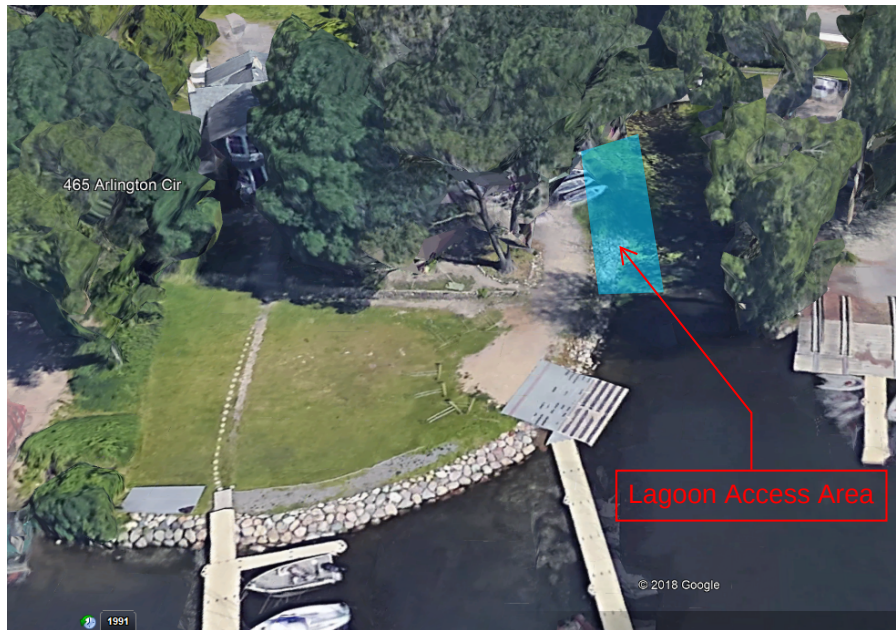
#3. Improve South Activity Lawn Drainage



#4. Outdoor Classroom Expansion (900SF)



#5. Outdoor Classroom STEM Lagoon Access



Timeline

Overall construction on the site will begin in November, 2018 with the demolition of our existing building and the construction of the new facility. The specific project elements outlined in this grant application would begin construction in the Spring of 2019 and would be completed in calendar year 2019.

Budget

- \$275,000 Total Project
 - **\$175,000 HYSP Grant**
 - \$100,000 WCSC Matching Funds - from funds raised through the building capital campaign

Wayzata Community Sailing Center
 Minneapolis, Minnesota
 October 9, 2018
 Concept Estimate

**Grand Total For All 4 Items Below****\$275,165**

Item	Description	Unit	Quantity	UnitPrice	Target Value
#1	New Pedestrian Bridge				
	A new pedestrian bridge spanning the lagoon that separates the Sailing Center from the Yacht Club parking lot. Approx 75' long x 8' wide weathering steel parallel truss bridge with treated timber decking.				
	General Requirements	7.00%			6,837
	Grading	LS	1	1,200	1,200
	Exc/Backfill for Footings	LS	1	3,500	3,500
	Helical Anchors	EA	6	1,050	6,300
	Footings	CY	6	600.00	3,600
	Bridge Supply (Wheeler)	LS	1	50,400	50,400
	Bridge Install (with crane)	LS	1	8,000	8,000
	Power connections	LS	1	3,500	3,500
	Subtotal				83,337
	Permits, Insurance	2.10%			2,051
	Contingency	5.00%			4,269
	Design	5.00%			4,483
	Fee	3.75%			3,530
	Estimate Total				\$97,671
#2	Outdoor Classroom / Viewing Platform				
	Outdoor classroom with 250 SF of deck below and above. This structure will provide segregated space for small class gatherings and also provide a viewing area of for sailing activities.				
	General Requirements	10.00%			5,813
	Prepare Subgrade & Footings	SF	250	10.00	2,500
	Helical Anchors	Ea	6	1,050	6,300
	Footings/Piers	CY	6	350.00	2,100
	Lower Deck	SF	250	19.00	4,750
	Upper Platform	SF	250	19.00	4,750
	Wood Stair and Treads	VF	10	220.00	2,200
	Cable Railing	LF	82	48.00	3,936
	Power, Data, WiFi Connections	Ea	2	3,500	7,000
	Mounted Binoculars	Ea	1	5,000	5,000
	Furniture	Allow	1	2,500	2,500
	Subtotal				46,849
	Permits, Insurance	2.10%			1,221
	Contingency	5.00%			2,403
	Design	11.00%			5,552
	Fee	3.75%			2,101
	Total				\$58,126

Item	Description	Unit	Quantity	UnitPrice	Target Value
#3	South Activity Lawn Drainage Improvements				
	Provide drainage and grading improvements that provide a more suitable surface for sailing center activities.				
	General Requirements	10.00%			5,851
	Import & Place Sand to Balance	CY	450	38.20	17,190
	Import Sand/Compost Topsoil - 6" Depth over Sand Mound	CY	80	63.00	5,040
	Excavate	CY	100	35.00	3,500
	Finish Grade Sand/Compost Areas	SY	460	2.50	1,150
	Sod Crowned Area	SF	4,100	1.14	4,674
	Lakeshore rip rap improvements	LF	150	65.00	9,750
	Subtotal				47,155
	4 2.10%				1,229
	Contingency 5.00%				2,419
	Design 11.00%				5,588
	Fee 3.75%				2,115
	Total				\$58,505
#4	Expanded Outdoor Classroom Deck (900 SF)				
	Added deck extension to provide an additional 900 SF of outdoor classroom area with perimeter bench seating.				
	General Requirements	10.00%			4,646
	Deck Footings	EA	9	350.00	3,150
	Cedar Deck	SF	900	19.00	17,100
	Perimeter bench seating	LF	70	75.00	5,250
	Electrical	Allow	1	3,800	3,800
	Furniture	Allow	1	3,500	3,500
	Subtotal				37,446
	Permits, Insurance 2.10%				976
	Contingency 5.00%				1,921
	Design 11.00%				4,438
	Fee 3.75%				1,679
	Total				\$46,460
#5	Outdoor Classroom STEM Lagoon Access				
	Lagoon shoreline access for STEM class access				
	General Requirements	10.00%			1,440
	Lagoon Shoreline Improvements	LF	30	350.00	10,500
	Subtotal				11,940
	Permits, Insurance 2.10%				302
	Contingency 5.00%				612
	Design 8.00%				1,028
	Fee 3.75%				521
	Total				\$14,404

Partnership

WCSC has a number of community partners that have agreements to either use the facilities, co-create and co-manage programs, utilize the youth community space or are funding partners to WCSC.

Funding partners include - Hennepin County Environment and Energy (Green Partners), Hennepin County Aquatic Invasive Species, US Sailing, 11th Hour Racing, Wayzata Rotary, Wayzata Yacht Club, Wayzata Match Cup.

WCSC has a strong partnership with the City of Wayzata and many other community partners for activity programming including Hennepin County Green Partners, YMCA - Camp Kici-Yapi, Ridgedale, Camp Christmas Tree, Science Museum, University of MN, MDNR, Lake Minnetonka Conservation District, Interfaith Outreach & Community Partners, Courage Center, True Friends Camp, Open Door, Treehouse, and Birchview Kid's College, Wayzata Conservancy, Wayzata Youth Fishing, Wayzata Boy Scouts, Wayzata Yacht Club

WCSC partners with the following schools Wayzata ISD #287 Orono ISD #278, Chanhassen ISD #112, Minnetonka ISD #276 Benilde St Margaret's, Providence Academy, University of MN, & the University of St Thomas.

Increased Capacity

The ADA compliant bridge will allow participants of all abilities increased safe access and use of the facilities. The outdoor classrooms (3) allow for more unique learning areas. For example it will allow for the Kindergarten participants and High School participants to work at the same time. The soil remediation will improve the overall usable outdoor space on the property for outdoor programming. The focus of these outdoor classrooms will increase the capacity of the STEM program. Yearly capacity of 1300 youth served will increase to 1900 youth served due to a wider array of offerings and increased fall, winter, and spring use.

Improved Conditions

The outdoor classrooms, soil remediation, and ADA bridge will dramatically improve the experience of our students/youth. Our current outdoor facility is very wet and marshy, especially so following weather. The structures, decking, soil remediation will make for a much improved classroom environment and increase the usable square footage of the outdoor classroom space.

Matching Funds

- Total Project Cost is \$275,000
 - **HYSF Grant Request of \$175,000**
 - Sailing Center Matching Funds of \$100,000

Community Support

WCSC has a full time staff of 2 (Executive Director & Assistant Director), in peak season there are 20 seasonal sailing and STEM instructors in addition to supplied staff from partnering organizations like the YMCA. In addition, WCSC is reliant on volunteer hours of many in our community outlined below to both teach and support its programming. See Appendix for letters of support.

2017 Total Estimate: 4,885 hours

There will be volunteer hours to prepare and execute the reconstruction of the site estimate at 600 hrs

- HS Team Organization: 75 hrs (4 people)
- Adaptive Sailing instruction: 630 hrs (26 people)
- Equipment and Site Maintenance: 340 hrs (40 people)
- Racing Event Chaperones: 600 hrs (12 people)
- Volunteer Board of Directors and Committees: 850 hrs (10 people)
- Event Planning: 350 hrs (20 people)
- City and Community Events: 300 hrs (60 people)
- Wayzata Match Cup: 40 hrs (8 people)
- Wine on Wayzata Bay Fundraiser : 550 hrs (80 people)
- Youth Racing Events: 400 hrs (25 people)
- Wayzata Yacht Club Banquet Fundraiser: 120 hrs (15 people)
- Open Sailing: 30 hrs (2 people)

Number of Youth Served

@ 1300 Youth served today

- 615 Instructional Classes
- 26 J22 Camps
- 264 Sailboat Regattas
- 240 YMCA Camps
- 45 Boy Scouts Merit Badge Programs
- 25 Wayzata Fishing Team
- 45 Adaptive Sailing Classes

- 18 IOCP Camp Attendees

We expect to serve 1900 youth participants with new facility.

User Demographics

30% of all youth participants are from ethnically diverse backgrounds and 20% of all participants receive some sort of scholarship or financial aid. WCSC has two dedicated scholarship funds and also partners with Interfaith Outreach and Community Partners and the YMCA to provide more than 100 youth attendees at no charge and hundreds with scholarship.

70 % of youth participants are grades (K-8) and 30% of youth participants are grades (9-12)

Environmental Improvements

1. Restoring and protecting natural area along the channel next to bridge that will allow for classroom use and exploration by STEM students.
2. Creation of outdoor deck space to expand the classroom setting to nature while protecting three mature oak trees that would have been impacted (cut down) by the original building footprint design. Eliminates need for additional building space during peak summer loads.
3. Platform is placed on south lawn soil remediation, removes heavy clay and imports permeable fill to aid in the filtration of water run off before hitting Lake Minnetonka

Stewardship & Sustainability

Our existing structure was built in the late 1800s and has been in use by WCSC since 2006 and was received in a materially worn state. It has been both immensely complicated and expensive to bring up to operational code and to maintain. The materials chosen for this new project have a longer useful life expectancy. Steel has been selected for the bridge and natural decking material for the outdoor classroom spaces. The bridge's design calls for a single span that will not require mid-span footings that currently receive structural damage from ice each year. A clear span also reduces our impact to the valuable wetland below, especially since the current bridge requires yearly leveling and repiling. The soil remediation includes the addition of natural indigenous plantings that will require less landscaping maintenance, water and also help mitigate ice damage from the Lake freeze each year. Funds raised through the capital campaign will be set-aside to support ongoing maintenance of the property so that annual revenue can be reinvested in programming expansion. WCSC currently does not have any debt on the land.

Appendix

To: Wayzata City Council
From: Mick Johnson
Senior Fellow
University of Minnesota
214 Broadway Ave N Wayzata
Board Member YMCA

I have been working with the YMCA Ridgedale, University of Minnesota, Wayzata Lake Effect Conservancy, IOCP, Wayzata ISD 284 & The Science of Minnesota in partnership with the Wayzata Community Sailing Center. Together we have created the Lake Minnetonka Science collaborative which provides STEM education on the sailing center site. In addition my grandchildren have benefitted the last two summers from the programing at WCSC. Matt Thompson and Rob Hunt's leadership is excellent. The mission of Wayzata Community sailing Center is to put children first and provide access to all.

Mick Johnson

October 9th, 2018

To Whom it may Concern:

My name is Kate Bartel and my two kids, Samuel and Rachel, have been sailing out of the Wayzata Community Sailing Center for almost 10 years. They learned to sail as young kids in the summer camps, and then formed their own 7th - 12th grade Orono Sailing Team in the Fall of 2012. Their team has grown from just a few sailors to more than 20 sailors during the Fall and Spring race seasons. In fact the Midwest has witnessed a doubling and tripling of the number of kids taking up the sport of sailing.

Sailing in the Midwest requires Regional and sometimes National travel when local sailors have excelled in the sport and want to race at a higher level. Several years ago I was asked to act as a Team Liaison for the Orono Sailing team. This role involves being an intermediary between the coaches and director and the school. I spent most of my time planning travel opportunities for as many sailors as we can bring to each event. In addition to travel planning, I am responsible for helping find volunteers for our local regattas, fundraising events as well as chaperoning many regattas. Being Team Liaison has allowed me to see how hard our coaches are trying to make use of a very old building and consistently flooded green space that is designated for rigging and derigging of boats, play games, learning new skills and STEM activities in the Summer. On many occasions, our coaches have had to find new and creative ways to use the space. When they host a high school regatta with 60 plus sailors and 30 boats, they have to use a tiny green space in front of the house and down a small hill that is often flooded with water. It becomes a logistical nightmare to host a regatta or hold a large summer camp. In the summer, when that green space is flooded the sailing center can't use it to show the kids how to sail, or play games during their downtime. Even the STEM activities are significantly affected which reduces the number of activities available to the kids on an average camp day. All they have, when that space is flooded, is a small tent with a few picnic tables for hundreds of kids.

The new facility will be a safe place for our kids to congregate. They will have proper bathrooms inside a shelter where they can change out of their wet clothes and congregate, make new friends and enjoy the sport of sailing. The new facility will also be an attraction and destination to sailors from all over the country. We will be able to host more local, regional and even national events during the high school season. If we can host more events it will significantly reduce travel costs and give our sailors more opportunities. The STEM program will continue to grow and be many kids first encounter with science.

When I see the young kids at summer camp searching for bugs to investigate, or look into a microscopes at a drop of lake water for the first time, I know these kids deserve a clean and functional space to take risks, make new friends and learn the sport of sailing. I hope you will consider the Wayzata Community Sailing center for the Hennepin County Youth Sports Grant.

Sincerely,

Kate Bartel
Orono Sailing Team Liaison
katehyde@me.com



1 Roger Williams
University Way
Bristol, RI 02809

October 8, 2018

P 401.342.7900
F 401.342.7940
info@ussailing.org
www.ussailing.org

To whom it may concern:

My name is Stuart Gilfillen and I am the Director of Education for the United States Sailing Association (US Sailing). I am writing to our express our support for Wayzata Community Sailing in their campaign to develop Plant Sailing Center.

US Sailing is the National Governing Body for the sport of sailing and with a membership of over 45,000 individuals. We also provide services to well over 2,500 local sailing and boating organizations by way of our education and safety programs. In our capacity as the National Governing Body, we recognize certain organizations that meet the highest standards for education and access. It is just this type of designation that we provided to Wayzata Community Sailing when we recognized them as an Accredited US Sailing Community Sailing Center.

Under the leadership of Matthew Thompson, the organization has continued to grow and thrive and we strongly believe that having an improved facility would allow them expand on the good work that they're already doing.

We ask that you strongly consider the proposal. Please do not hesitate to contact us with questions.

Best regards,

A handwritten signature in black ink, appearing to read "S. Gilfillen", written over a horizontal line.

Stuart Gilfillen
Director of Education
D: 401.342.7967
C: 401.835.7714
educationdirector@ussailing.org



UNITED STATES SAILING ASSOCIATION • NATIONAL GOVERNING BODY FOR THE SPORT OF SAILING

October 8, 2018

Re: Grant funding

Dear Wayzata City Council,

I have been a social worker at Interfaith Outreach & Community Partners for the past eight years. I currently manage the Neighborhood Program (formerly known as C.O.N.E.C.T.), which provides family, children and senior services on-site to over 800 families living in nine multi-unit affordable housing neighborhoods in Plymouth and Medina. Our services focus on housing and family stability, youth success and community connections. Much of that work involves helping families access community resources and figuring out solutions to the various barriers that may get in the way of accessing those resources.

Each summer, for as long as I have worked at Interfaith Outreach, the Wayzata Community Sailing Center has partnered with us to extend the invitation to allow youth who are accessing Interfaith Outreach services (such as the food shelf, case management services, or housing support) to participate in their sailing programs. Together, Interfaith and WCSC have been able to eliminate the barriers that get in the way for youth to participate in the sailing program that is right in their own community. Many of the youth who have participated have never been to Lake Minnetonka before, let alone sailed a boat. This partnership continues to grow each year and more and more youth get to participate in the amazing programs that the WCSC offers to the community. The kids then get to go back to school in the fall, sharing with their teacher and peers that they learned how to sail a boat.

We look forward to planning for future summers with WCSC. Matthew and his team at the WCSC have been so generous sharing their time, talents, resources, and venue with the youth in our programs. We know that the expansion of their facilities will allow more community members to partake in their sailing program, and will continue to allow youth who are working with Interfaith Outreach to access even more programming and learning, creating more experiences and memories on the Wayzata Bay with WCSC.

Thank you for your consideration,

Katie Shepherd
Neighborhood Program Manager
Interfaith Outreach & Community Partners

Dear Grant Administrators

The YMCA of the Greater Twin Cities eagerly supports the Wayzata Community Sailing School and Andrea Dolan in their application for the Hennepin County Green Partners Environmental Program Grant to educate youth in Wayzata about Lake Minnetonka and its communal importance as a natural resource.

This past summer both the YMCA of the Greater Twin Cities and the Wayzata Community Sailing School joined the Wayzata Lake Effect Conservancy (LEC) collaborative to run three weeks of targeted programming on Lake Minnetonka. The collaborative is a strategic group of community members dedicated to a shoreline improvement project in downtown Wayzata. An important part of this project is demonstrating opportunities for place-based education at this site and on Lake Minnetonka in general.

Together with the Science Museum of Minnesota and the MN Department of Natural Resources, the Wayzata Community Sailing Center and the YMCA worked together to create a cohesive, in depth lesson plan for youth aged 9 to 16. The program known as Lake Explorer's camp focused on building a deeper connection to the Lake as a public resource by exploring its water quality and how we as humans may affect it. Topics covered throughout the week included Aquatic Invasive Species, Macro Invertebrates, Fisheries and Point vs. Non-Point Pollution. The 5-Day program culminated in a service project with the Minnehaha Creek Watershed Organization sweeping storm drains in the downtown Wayzata area.

The YMCA of the Greater Twin Cities is committed to exploring future programming opportunities with the Wayzata Community Sailing School. With our combined knowledge of youth programming and experience in STEM education, we are confident we can continue to deliver meaningful, life-changing camps for youth in Hennepin County.

Sincerely,

Hank Carlson
Mobile Camp and Outreach Coordinator
YMCA of the Greater Twin Cities

To whom it may concern,

Our 8-year-old daughter has attended summer STEM camp at the Wayzata Community Sailing Center for the last two summers. She has enrolled in ALL of the available sessions because she loves it so much! Andrea Dolan is an incredible educator—always excited to teach the kids, full of knowledge, ideas, patience & understanding and a skilled scientist (& sailor). Matt Thompson, the Director of WCSC, is an effective and easy-going leader—the kids love him for his humor and approachability. The environment/location speaks for itself, you step over the bridge and you're transported to an 'away' environmental/lake camp but you're close to home.

Andrea is always leading the campers in an exciting science project, sharing recycling awareness information and/or doing a small service clean-up project. The minute we approach camp there is something educational and fun going on (our 3-year-old and I want to stay too!). As a parent, I know our daughter is having fun, being challenged, learning, growing, gaining knowledge about how she can help make the world a better place with small everyday acts (recycling, picking up, educating others) and gaining valuable friendships! What more can you ask for?

Here's what our daughter has to say (in her words) about STEM camp at WCSC:

+ We learned that it's not okay to throw trash on the planet/in the lake/ocean because it can kill animals/fish (Fun Fact: it can't kill sharks because they can't ingest it).

+ We studied about invasive species like zebra mussels, curly leaf pond weed and coon tail. Invasive species were accidentally dumped/brought into our lakes. Zebra mussels make the lake clear but they're bad because they keep growing everywhere and nothing eats them. The lake will be covered in them.

+ Team work is the best thing to have when you're trying to help the planet. Be a little scientist!

+ We learned about the food chain. If there is something we eat too much of or we kill a species, then the food chain gets thrown off. It all depends on us to keep the food chain balanced—teeter totter (Ex: in France, they eat frog legs to even things out).

+ Andrea Dolan is really fun to learn with! She's helpful and makes fun games (like the food chain game with cards—photos of animals labeled). We look under the microscope at stuff from the swamp, in test tubes and trays, and then we put it back.

+ Matt Thompson is the funniest director and he's really fun! We do special celebrations like super hero, 4th of July, etc.

+ My camp experience overall is really fun because they're always giving people something to do, we're never bored and we're always learning something new! It's amazing! There are nice and good teachers and assistants that help us learn. We had a fun assistant that made camp light up!

What can we say—we highly recommend STEM camp at WCSC! In fact, we've been spreading the word to all our friends (many of them enrolled last summer) and now we need more classes because they fill up so quickly.

Sincerely,
Sara Johnson

October 9, 2018

To whom it may concern—

My name is Mark Ferry and I am an Assistant Scoutmaster with Wayzata Troop 283. In May, June and July this year, we held three troop meetings at the Wayzata Sailing Center to provide our scouts the opportunity to earn the Small Boat Sailing merit badge.

I had the opportunity to work with Matt Thompson to schedule, plan and execute these meetings and I was blown away by the work he and his crew of volunteers put in to host three of the best meetings our troop has ever had.

Before the meetings took place, Matt put together a comprehensive plan to help our Scouts earn the merit badge over the course of the three meetings. Matt and his crew worked with our troops' adult volunteers and more than 30 Scouts for three hours each meeting to teach them sailing terminology, sailing safety, how to build a float plan, sailing knots and their uses, wind awareness, boat parts and their functions, and most importantly, how to sail—coaching and teaching the boys while they sailed around a course set up by the sailing center.

The time and effort put given by Matt and his crew was unbelievable and inspirational. Our Scouts benefitted tremendously from these meetings and I know that quite a few signed up for summer sessions and took advantage of the free sailing nights offered by the Sailing Center over the summer due to the troop meetings we had at the Sailing Center. This was a badge that our Scouts could not have earned without their cooperation and commitment and I know this was the beginning of a long and successful relationship between Troop 283 and the Wayzata Sailing Center.

I am excited about the new Sailing Center, especially the planned addition of more outdoor classroom space, because I know this will allow other local Scout troops to use these facilities and to have similarly rewarding experiences.

Sincerely,

Mark Ferry
Assistant Scoutmaster
Troop 283 -Wayzata

Kevin Kenny
3109 Kentucky Avenue South
St. Louis Park, MN 55426

October 8, 2018

Wayzata City Council
City Hall
600 Rice Street East
Wayzata, MN 55391

Dear Wayzata City Council,

I am writing to request you support Wayzata Community Sailing's ("WCSC") application for a grant from Hennepin County to support their project for:

- a safe and compliant ADA approved bridge to WCSC's parking lot,
- completing two outdoor classroom spaces, and
- remediating WCSC's constantly waterlogged activity and rigging spaces.

I am a sailor, a member of Wayzata Yacht Club, WCSC volunteer, business lawyer and former resident of Wayzata.

As a youth, I learned to sail on Lake Minnetonka and later taught youth on Lake Minnetonka to sail while I was in high school and college. After law school, I joined the Wayzata Yacht Club Board of Directors and rented a townhouse in Wayzata.

My passion for sailboat racing has been lifelong, taking me to numerous national and international events, including events at San Diego, CA; San Francisco, CA; Miami, FL; Annapolis, MD; Newport, RI; and Medemblik, Netherlands.

I want today's youth to have the same opportunities I had. But to do so, in order to have a premier and outstanding program, WCSC needs facilities that permit them to do so.

The benefits of this project for the community permits them to do so including:

- More opportunity and better experience for adaptive sailing. For many years, Wayzata Yacht Club and WCSC have provided opportunity for disabled persons to sail, from beginner level to U.S. Paralympic aspirants. Sailing provides them a sense of accomplishment and independence, resulting in more positive perspectives on life.
- Better classroom spaces for students including:
 - kids from ages 5-16,
 - high school students,
 - college students,
 - disabled persons of all ages, and
 - adult students.

These outdoor classroom spaces permit students to learn about sailing and sailboats as well as Science Technology Engineering and Math (STEM) courses. I refer many parents to WCSC for their STEM courses, where the parents are as excited for it as the kids. And, there typically is a waiting list due to lack of space and resources.

- Better space for kids to rig boats and conduct activities in support of WCSC's mission.

My travels have taught me that WCSC is a 'jewel in the rough'. They have a top-notch director and quality staff, including a licensed teacher of biology on-staff to teach STEM classes. Wayzata Yacht Club members have fully embraced and donated funds for WCSC's new building and facilities.

Now, the City of Wayzata and Hennepin County have the opportunity to help. I hope you join me in choosing to do so, to make the best community sailing center in the country.

Thank you for your consideration and assistance in making this dream come true!

Sincerely,

Kevin Kenny

Covenant As To The Use Of Land
And Fiscal Agent Agreement

This restrictive covenant and fiscal agent agreement is made and entered into by and between Wayzata Sailing Foundation, a Minnesota nonprofit corporation ("Owner"), and the City of Wayzata ("City"), effective as of _____, 2018 (the "Effective Date").

WHEREAS, Owner's mission is to make sailing accessible to all and includes programming on providing sailing instruction to youth ages 5 through age 18;

AND WHEREAS, Owner is the owner of 456 ARLINGTON CIR S WAYZATA MN 55391 Minnetonka Arlington Heights, Block 62, THAT PART OF BLK 62 LYING WLY OF A LINE DRAWN PAR WITH AND 135 FT ELY FROM THE WLY LINE OF SAID BLK 62 EX PART LYING NLY OF A LINE DRAWN PAR WITH AND 20 FT SLY FROM NLY LINE OF SAID BLK TAKEN FOR RD" (the "Property");

AND WHEREAS, Owner intends to make capital improvements to the Property for the purpose of expanding program offerings to reach a larger group of youth constituents and improve accessibility of the Property for youth with disabilities and for other purposes consistent with Owner's mission;

AND WHEREAS, Owner is applying for a grant from Hennepin County to assist with the capital improvements necessary to support the above-described expansion;

AND WHEREAS, the City has an interest in maintaining and expanding sailing education within the City to ensure that youth of the City and other, surrounding areas of Hennepin County have access to the Lake Minnetonka and water related sports activities and education;

AND WHEREAS, the City supports Owner's grant application (a copy of which is attached hereto as "Attachment A"), finding it consistent with the public interest and the policies of the City, and is willing to act as the fiscal agent and assist in the administration of an approved grant from Hennepin County (the "County Grant") in accordance with the terms hereof.

NOW THEREFORE, in the event the County Grant is approved and used to improve the Property for the foregoing purposes, Owner and the City agree as follows:

1. Owner agrees not to modify the use of the Property from the purpose of providing programming consistent with Owner's mission, including educational programming for sailing, S.T.E.M. and other youth sports activities, or from the terms of the County Grant, without the consent of the City.

2. Owner agrees to allow local youth public access to the Property, as approved by the City, for reasonable periods of time, at reasonable hours and under reasonable use restrictions, to ensure the safety of said youth and the security of the Property, and to limit disruptions to the surrounding neighborhood.
3. Owner shall record this agreement with the appropriate Hennepin County officials within ten days of execution and provide a recorded copy to the City. Owner shall also provide written notice of any pending sale of the Property to the City, and shall provide written notice of the terms of the restrictive covenant described herein to all successor owners prior to the sale of the Property.
4. The above agreements in Paragraph 1 and 2 shall take effect as of the Effective Date and shall remain in effect for a period of fifteen (15) years or the expected life span of the public improvements funded by the County Grant, whichever is less (the "Effective Period").
5. If, during the Effective Period, Owner or its successor ceases to use the Property for the purposes described in Paragraph 1 or to make the Property reasonably available for public use as described in Paragraph 2, Owner agrees to repay the City the full amount provided pursuant to the County Grant.
6. For the purposes described herein, and under the terms hereof, the City agrees to act as the fiscal agent for the County Grant if approved, and further agrees to administer the County Grant in accordance with its terms and the terms of this Agreement.
7. The City hereby agrees that the above stated covenants by Owner do not violate the public policies of the City.
8. Both parties agree that the above stated covenants shall be interpreted so as to be in compliance with the County Grant and applicable law, including but not limited to local regulatory and statutory provisions as well as the public policies of the City.
9. This Agreement will be governed by and construed in accordance with the laws of the State of Minnesota.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the Effective Date:

Wayzata Sailing Foundation

By: _____
Robert Hunt, Board Chair

Date: _____

CITY OF WAYZATA
A Minnesota municipal corporation

By: _____
Kenneth Willcox
Its: Mayor
Date: _____

By: _____
Jeffrey Dahl
Its: City Manager
Date: _____

Attachment A

Application for Grant from Hennepin County (the “County Grant”)



Hennepin Youth Sports Program Summary

FACILITY AWARDS					
Year	Apps	Awards	\$ Awarded	\$ Matched	\$ Total
2009	36	18	\$ 2,475,933	\$ 2,946,084	\$ 5,422,017
2010	36	15	\$ 2,320,022	\$ 4,037,378	\$ 6,357,400
2011	21	10	\$ 1,906,550	\$ 5,516,728	\$ 7,423,278
2012	41	12	\$ 2,049,000	\$ 7,248,340	\$ 9,297,340
2013	32	14	\$ 1,955,465	\$ 4,934,035	\$ 6,889,500
2014	17	10	\$ 1,650,000	\$ 13,890,250	\$ 15,540,250
2015	21	14	\$ 1,849,665	\$ 10,837,500	\$ 12,687,165
2016	23	12	\$ 1,665,000	\$ 15,905,000	\$ 17,570,000
2017	19	14	\$ 1,815,000	\$ 14,434,000	\$ 16,249,000
2018	17	14	\$ 1,815,000	\$ 12,055,700	\$ 13,870,700
10 Rounds	263	133	\$ 19,501,635	\$ 91,805,015	\$ 111,306,650

EQUIPMENT AWARDS					
Season	Apps	Awards	\$ Awarded	\$ Matched	\$ Total
2012-Fall	20	16	\$ 105,452	\$ 61,511	\$ 166,963
2012-Spring	40	24	\$ 144,400	\$ 98,126	\$ 242,526
2013-Fall	25	21	\$ 148,531	\$ 33,592	\$ 182,123
2013-Spring	48	24	\$ 124,999	\$ 192,363	\$ 317,362
2014-Fall	27	19	\$ 124,958	\$ 93,230	\$ 218,188
2014-Spring	39	19	\$ 124,956	\$ 109,968	\$ 234,924
2015-Fall	30	16	\$ 124,955	\$ 74,898	\$ 199,853
2015-Spring	41	25	\$ 124,956	\$ 138,771	\$ 263,727
2016-Fall	38	25	\$ 125,000	\$ 77,696	\$ 202,696
2016-Spring	25	21	\$ 122,525	\$ 71,468	\$ 193,993
2017-Fall	34	21	\$ 125,000	\$ 67,224	\$ 192,224
2017-Spring	30	20	\$ 125,000	\$ 48,345	\$ 173,345
2018-Fall	26	19	\$ 124,999	\$ 193,092	\$ 318,091
2018-Spring	24	24	\$ 139,918	\$ 180,874	\$ 321,042
14 Rounds	447	294	\$ 1,785,649	\$ 1,441,158	\$ 3,227,057



Hennepin Youth Sports Program Summary

PLAYGROUND AWARDS					
Year	Apps	Awards	\$ Awarded	\$ Matched	\$ Total
2016	8	5	\$ 125,000	\$ 204,273	\$ 329,273
2017	8	5	\$ 125,000	\$ 484,970	\$ 609,970
2018	3	3	\$ 75,000	\$ 225,409	\$ 300,409
3 Rounds	19	13	\$ 325,000	\$ 914,652	\$ 1,239,652

TOTAL				
Apps	Awards	\$ Awarded	\$ Matched	\$ Total
729	440	\$ 21,612,284	\$ 94,160,825	\$ 115,773,359