

WAYZATA CITY COUNCIL MEETING AMENDED AGENDA

Wayzata City Hall Community Room, 600 Rice Street
Tuesday, December 18, 2018

4:00 p.m. Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

1. Discuss Extension of Dakota Rail Trail in Wayzata (4:30 p.m.)
2. Boards and Commissions Interviews (5:00-6:50 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.	Heritage Preservation Board Presentation of Centennial House Award								
b.	Heritage Preservation Board Presentation of the Mayor's Best Historic Restoration Award 2018								
c.	Introduction of Sgt. Dustin Edberg								
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 Month December 4, 2018 and City Council Regular Meeting Minutes of Month December 4, 2018								
b.	Approval of Check Register								
c.	Approval of Municipal Licenses								
d.	Police Activity Report								
e.	Building Activity Report								
f.	Approval of Revised Development Agreement for Ventana Condos at 253 Lake St E								
g.	Approval of Resolution 72-2018, Approving Appointment of Fire Department Officers for 2019								
h.	Accept Jeff Buchanan's Resignation from the Planning Commission								
8	New Business								
a.	Consider Approval of Wetland Replacement Plan for Lake Street/Barry Avenue Parking Facility	Kelly							69
b.	Consider Request to Construct a Public Street to Access 445 Bovey Road Property	Dahl							96
c.	Award Contract for Wayzata Blvd/Superior Blvd Intersection Improvement Project	Kelly							109
d.	Review of Construction Management Plan	Thomson							114
e.	Consider Resolution No. 77-2018 Approving Concurrent Preliminary and Final Plat at 153 Peavey La	Thomson							118
f.	Consider Approval of Resolution No. 73-2018, Appointing Planning Commissioners	Dahl							162
g.	Consider Approval of Resolution No. 74-2018, Appointing Parks & Trails Board Members	Dahl							165
h.	Consider Approval of Resolution No. 75-2018, Appointing Heritage Preservation Board (HPB) Member(s)	Dahl							168
i.	Consider Approval of Resolution No. 76-2018, Appointing a Housing and Redevelopment Authority Commissio	Dahl							171
9	City Manager's Report and Discussion Items								
a.	Update of 2018 Wayzata Police Department Alcohol Compliance Checks	Dahl							
10	Public Forum (as necessary)								
11	Adjournment								

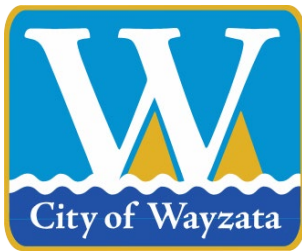
Meeting Rules of Conduct:

Turn in white card for public forum and blue card for agenda item
Give name and address
Indicate if representing a group
Limit remarks to 3 minutes

Upcoming Meetings:

City Council - Jan 8 & Jan 22
Planning Commission - Jan 7 & Feb 4

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



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 7a
TITLE: Approval of City Council Workshop Meeting Minutes of December 4, 2018 and City Council Regular Meeting Minutes of December 4, 2018	
PROPOSED MOTION: To Approve the City Council Workshop Meeting Minutes of December 4, 2018, and City Council Regular Meeting Minutes of December 4, 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 December 4, 2018
2. Draft City Council Meeting Minutes of December 4, 2018

WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
December 4, 2018

5:30 p.m. Draft 2040 Comprehensive Plan Update

Mayor Willcox called the meeting to order at 5:30 p.m. in the Community Room at Wayzata City Hall. Council Members present: Koch and Tyacke. Also present: City Manager Dahl, Director of Planning and Building Thomson, and Director of Public Works/City Engineer Kelly, and SRF Consultant Marie Cote. Members from the Comprehensive Plan Advisory Committee Buchanan, Douglas, Plantan, Ambrose, and Baase.

Mr. Dahl presented background information on the Draft 2040 Comprehensive Plan Update and stated the objective of the meeting is to review the key components of the plan, specifically the areas that are changing—affordable housing, land use, and transportation. Next steps include sending the draft plan out to neighboring and other local jurisdictions so they have their six months to review. In the Spring, there will be a Public Hearing by the Planning Commission and ultimately, consideration for approval of the plan by the Council in June.

Mr. Thomson highlighted the changes in land use and answered many questions regarding changes in land use from the previous plan.

Mr. Kelly highlighted the utility sections of the draft plan.

Ms. Cote highlighted the transportation section of the draft plan.

The workshop meeting was adjourned at 6:55 pm.

Respectfully submitted,

Kathy Leervig
City Clerk

**WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
December 4, 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 and Tyacke. Council Members absent: McCarthy and Plechash. Also present: City Manager Dahl, Director of Planning and Building Thomson, Public Works Director/City Engineer Kelly, Consultant Finance Director McDonald, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mr. Tyacke made a motion, seconded by Mr. Koch, to approve the agenda, as presented. The motion carried 3/0.

AGENDA ITEM 5. Public Forum.

a. Shady Lane Power Lines

Paul Breckner, 928 E Shady Lane, discussed a concept the residents had for Shady Lane. He described the very old, overhead power lines and how the residents would lose power several times per year. The residents were interested in having Xcel Energy bury the power lines. Mr. Breckner talked about possibilities and implications and asked for guidance and help from the City.

Mr. Tyacke noted that Xcel was regulated by the state and suggested making a complaint to the Public Utilities Commission.

George Stickney, 340 Peavey Road, thought easements would not be needed.

Mr. Kelly shared that the City had not prioritized burying power lines, but he would be happy to share expertise.

Mr. Dahl said the City would need to look at it holistically and complete a preliminary analysis prior to the next Capital Improvement Planning discussion; however, in the meantime the engineering office could help Mr. Breckner with some administration of the project.

AGENDA ITEM 6. New Agenda Items.

None.

AGENDA ITEM 7. Consent Agenda.

Mr. Tyacke noted a typographical error on Page 5 Line 7 of the City Council Regular Meeting Minutes of November 20, 2108. Concerning Item 7.g., Mr. Tyacke asked a question about complaints that come through the City. Mr. Dahl explained that the City forwards those complaints to Mediacom's government relations person. Concerning Item 7.i., Mr. Tyacke asked a question about the financial security piece. Mr. Thomson explained that the City had a standard letter of credit that developers were required to use.

Mr. Koch made a motion, seconded by Mr. Tyacke, to approve the consent agenda, with an amendment to Item 7.a.:

- a. Approval of City Council Workshop Meeting Minutes of November 20, 2018 and City Council Regular Meeting Minutes of November 20, 2018
- b. Approval of Check Register
- c. Approval of Municipal Licenses
- d. Approval of Resolution No. 69-2018, Designating a Precinct and Polling Place for 2019
- e. Approval of 2019 Liability Insurance Coverage Waiver Form

- f. Approval of Resolution No. 67-2018, Adopting the 2019 Wayzata City Council Meeting Schedule
 - g. Mediacom Quarterly Customer Service Report
 - h. Approval of Resolution No. 70-2018, Approving an extension of Zoning Approvals 309 & 341 Ramsey Road
 - i. Approval of Development Agreement for Ventana Condos at 253 Lake Street E
- The motion carried 3/0.

AGENDA ITEM 8. Public Hearings.

a. Consider Resolution No. 61-2018, Certifying to the County Auditor the Final Property Tax Levy Payable for 2018 and the Final General Budget for Taxes Payable 2019

Mr. Dahl introduced Steve McDonald, the City's Consultant Finance Director and Certified Public Accountant for Abdo, Eick & Meyers.

Mr. McDonald reviewed the budget process and talked about the 2019 levy compared to 2018, levy comparison and tax rates from 2014 to 2019, City share of taxes if home value was at \$609,000 (average 2019 market value), market value change, key changes to the general fund, and the Council's recommended action.

Mr. Tyacke asked if the budget took into account the possible financial ramifications from a pending lawsuit. Mr. Dahl said the lawsuit was being handled by the City's insurance company and would be covered through the City's insurance premiums.

Mayor Willcox asked Mr. Dahl to talk about the pressures that have led to the need for staff and police additions. Mr. Dahl answered that the Administrative Services Director was needed for more management and guidance due to an increase overall administrative activity, especially in Human Resources, Finance, Communications, and IT. A tangible example of the overall increase in activity in this town comes from the Police Department. It had an increase of activity in town, especially 911 phone calls, of 30% over the last five years.

Mayor Willcox opened the public hearing at 7:39 p.m. No one spoke. Mayor Willcox closed the public hearing at 7:39 p.m. He commended staff for working to bring the levy down from the proposed 4.3% to the current 3.18%.

Mr. Dahl said Mr. McDonald would be working with staff to look five to ten years in the future for staff needs and levy increases if any.

Mr. Koch thanked the staff for working on the budget and decreasing the levy.

Mr. Tyacke made a motion, seconded by Mr. Koch, to Adopt Resolution No. 61-2018 Certifying to the County Auditor the Final Property Tax Levy Payable for 2018 and the Final General Fund Budget for the Taxes Payable Year 2019. The motion carried 3/0.

b. Consider Resolution No. 71-2018, Vacating Drainage and Utility Easement and Resolution No. 68-2018, Approving Preliminary and Final Plat Subdivision and Variances at 450 and 460 Highcroft Road

Mr. Thomson presented the development application from the applicant and the property owners at 450 and 460 Highcroft Road. The applicant was proposing to adjust the shared lot line between the properties. The application requested approval of a preliminary plat, final plat, variances for lot size, and vacation of the existing easements. The Planning Commission unanimously recommended approval of the development application. The easement did not require Planning Commission review, but did require the City Council to hold a public hearing. Staff recommended approval of the drainage and utility easement vacation because the new easements would be dedicated along the new property lines.

Mr. Tyacke asked about comments or concerns from the neighbors. Mr. Thomson said there were not any.

1 Mayor Willcox opened the public hearing at 7:47 p.m. No one spoke. Mayor Willcox
2 closed the public hearing at 7:47 p.m.

3 Mayor Willcox confirmed that the variances were for lot size.
4

5 Mr. Tyacke made a motion, seconded by Mr. Koch, to Adopt Resolution No. 71-2018 Vacating
6 Drainage and Utility Easement at 450 and 460 Highcroft Road. The motion carried 3/0.
7

8 Mr. Koch made a motion seconded by Mr. Tyacke, to Adopt Resolution No. 68-2018 Approving
9 Preliminary and Final Plat Subdivision and Variances at 450 and 460 Highcroft Road. The motion
10 carried 3/0.
11

12 **AGENDA ITEM 9. New Business.**

13 None.
14

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

16 **a. Upcoming Events/Announcements**

- 17 • Thanked Senior Accountant Kathy Ovshak for her work on the budget.
- 18 • Santa and his reindeer at Colonial Square on December 8th from 2:00 to 4:00 p.m.
- 19 • Shop with a Purpose on December 14th
- 20 • Wayzata Chamber of Commerce's Holly Jolly Trolley
- 21 • Interviews for boards and commission at Council's next workshop
- 22 • Sending off Council Member Tyacke on December 11th from 5:00 to 7:00 p.m.
23

24 **b. Council Member Updates/Announcements**

25 Mayor Willcox thanked the Fire Department for its parade of lights at the Light Up the Lake
26 Celebration on November 23rd.
27

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

29 There were no comments.
30

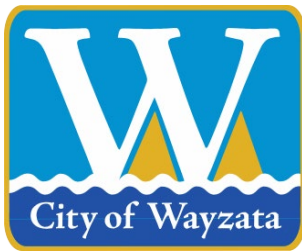
31 **AGENDA ITEM 11. Adjournment.**

32 Mr. Tyacke made a motion, seconded by Mr. Koch to adjourn. There being no further business,
33 Mr. Willcox adjourned the meeting at 7:55 p.m.
34

35 Respectfully submitted,
36
37

38
39 Kathy Leervig
40 City Clerk
41

42 Drafted by Sarah Peterson
43 *TimeSaver Off Site Secretarial, Inc.*
44



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 7b
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks for November 2018	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

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

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Check Detail Register – November 2018

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	111385	12/3/2018	ABLE SEEDHOUSE & BREWERY		
E 640-47000-253	Beer For Resale		\$90.00	E-8151	BEER
Total	ABLE SEEDHOUSE & BREWERY		\$90.00		
Paid Chk#	111386	12/3/2018	ARTISAN BEER COMPANY		
E 640-47000-253	Beer For Resale		\$443.75	3306337	BEER RESALE
Total	ARTISAN BEER COMPANY		\$443.75		
Paid Chk#	111387	12/3/2018	BELLBOY BAR SUPPLY CORP.		
E 640-47000-251	Liquor For Resale		\$81.00	0067104700	LIQ RESALE
E 640-47000-259	Freight		\$2.52	0067104700	FREIGHT
E 640-47000-251	Liquor For Resale		\$326.00	0067147000	LIQ.
E 640-47000-259	Freight		\$5.10	0067147000	FREIGHT
Total	BELLBOY BAR SUPPLY CORP.		\$414.62		
Paid Chk#	111388	12/3/2018	BERNICK'S WINE		
E 640-47000-253	Beer For Resale		(\$661.40)	458668	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$99.40	464257	MISC.BEV
E 640-47000-253	Beer For Resale		\$659.60	464258	BEER
Total	BERNICK'S WINE		\$97.60		
Paid Chk#	111389	12/3/2018	BOURGET IMPORTS		
E 640-47000-252	Wine For Resale		\$322.00	155797	WINE
E 640-47000-259	Freight		\$3.50	155797	FREIGHT
E 640-47000-252	Wine For Resale		\$80.00	156035	WINE
E 640-47000-259	Freight		\$1.75	156035	FREIGHT
Total	BOURGET IMPORTS		\$407.25		
Paid Chk#	111390	12/3/2018	BREAKTHRU BEVERAGE		
E 640-47000-252	Wine For Resale		\$409.51	1080886714	WINE
E 640-47000-259	Freight		\$0.24	1080886714	FREIGHT
E 640-47000-251	Liquor For Resale		\$3,128.79	1080886964	LIQUOR
E 640-47000-259	Freight		\$28.87	1080886964	FREIGHT
E 640-47000-252	Wine For Resale		\$907.64	1080886965	WINE
E 640-47000-259	Freight		\$9.65	1080886965	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$288.90	1080886966	MISC.MIX
E 640-48000-251	Liquor For Resale		\$216.00	1080890936	LIQUOR
E 640-48000-252	Wine For Resale		\$407.52	1080890936	WINE
E 640-48000-251	Liquor For Resale		\$438.04	1080893374	LIQUOR
E 640-48000-252	Wine For Resale		\$78.00	1080893374	WINE
Total	BREAKTHRU BEVERAGE		\$5,913.16		
Paid Chk#	111391	12/3/2018	BREAKTHRY BEVERAGE BEER		
E 640-47000-253	Beer For Resale		\$2,239.90	1090933643	BEER
E 640-48000-253	Beer For Resale		\$826.00	1090936211	BEER
Total	BREAKTHRY BEVERAGE BEER		\$3,065.90		
Paid Chk#	111392	12/3/2018	CAPITOL BEVERAGE SALES		
E 640-47000-253	Beer For Resale		\$309.14	2184494	BEER
E 640-47000-253	Beer For Resale		\$1,246.45	2188089	BEER
E 640-48000-253	Beer For Resale		\$985.00	2190636	BEER
Total	CAPITOL BEVERAGE SALES		\$2,540.59		
Paid Chk#	111393	12/3/2018	CASH - OLD NATIONAL		
G 640-10150	ATM		\$9,000.00	ATM FILL12/3/	ATM FILL 12/3/18
Total	CASH - OLD NATIONAL		\$9,000.00		

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
Paid Chk#	111394	12/3/2018	CINTAS CORPORATION		
E 640-48500-210	Operating Supplies (GENERAL)		\$79.95	4011832260	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$22.28	4011832260	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$65.53	4011832260	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$79.95	4012117012	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$22.28	4012117012	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$65.53	4012117012	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$79.95	4012458062	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$22.28	4012458062	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$65.53	4012458062	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$79.95	4012796207	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$22.28	4012796207	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$65.53	4012796207	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$168.46	5012332531	KITCHEN SUPPLIES
	Total CINTAS CORPORATION		\$839.50		
Paid Chk#	111395	12/3/2018	CLEAR RIVER BEVERAGE CO.		
E 640-47000-253	Beer For Resale		\$141.85	130-2568	BEER
	Total CLEAR RIVER BEVERAGE CO.		\$141.85		
Paid Chk#	111396	12/3/2018	COCA-COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$504.80	3609207098	MISC MIX
	Total COCA-COLA		\$504.80		
Paid Chk#	111397	12/3/2018	COZZINI BROS., INC.		
E 640-48500-415	Other Equipment Rentals		\$55.91	C5794071	KNIFE EXCHANGE
	Total COZZINI BROS., INC.		\$55.91		
Paid Chk#	111398	12/3/2018	DAHLHEIMER DISTRIBUTING CO.		
E 640-48000-253	Beer For Resale		\$180.00	1384767	BEER
E 640-48000-253	Beer For Resale		\$93.00	1388806	BEER
E 640-47000-253	Beer For Resale		\$1,755.60	192875	BEER
	Total DAHLHEIMER DISTRIBUTING CO.		\$2,028.60		
Paid Chk#	111399	12/3/2018	DAILEY DATA & ASSOCIATES		
E 640-47000-210	Operating Supplies (GENERAL)		\$15.63	101940	FREIGHT ON DELIVERY
	Total DAILEY DATA & ASSOCIATES		\$15.63		
Paid Chk#	111400	12/3/2018	ENKI BREWING COMPANY		
E 640-47000-253	Beer For Resale		\$315.00	9902	BEER
	Total ENKI BREWING COMPANY		\$315.00		
Paid Chk#	111401	12/3/2018	FLAHERTY S HAPPY TYME CO.		
E 640-47000-254	Soft Drinks/Mix For Resale		\$114.00	35196	MISC.MIX
	Total FLAHERTY S HAPPY TYME CO.		\$114.00		
Paid Chk#	111402	12/3/2018	GRAPE BEGINNINGS, INC.		
E 640-47000-259	Freight		\$7.50	00048358	FREIGHT
E 640-47000-259	Freight		\$1.50	00048359	FREIGHT
E 640-47000-259	Freight		\$1.50	00048360	FREIGHT
E 640-47000-259	Freight		\$1.50	00048840	FREIGHT
E 640-47000-252	Wine For Resale		\$1,054.00	MN00048358	WINE RESALE
E 640-47000-252	Wine For Resale		\$150.00	MN00048359	WINE RESALE
E 640-47000-252	Wine For Resale		\$216.00	MN00048360	WINE RESALE
E 640-47000-252	Wine For Resale		\$192.00	MN00048840	WINE
	Total GRAPE BEGINNINGS, INC.		\$1,624.00		
Paid Chk#	111403	12/3/2018	HEGGIES PIZZA		

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
E 640-48500-255	FOODIngredients For Resale		\$49.80	128626680	FOOD
	Total HEGGIES PIZZA		\$49.80		
Paid Chk# 111404	12/3/2018	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale		\$1,007.70	105471	BEER RESALE
E 640-48000-253	Beer For Resale		\$130.00	106952	BEER RESALE
	Total HOHENSTEINS INC.		\$1,137.70		
Paid Chk# 111405	12/3/2018	INBOUND BREWCO			
E 640-47000-253	Beer For Resale		\$214.00	2871	BEER
E 640-47000-253	Beer For Resale		\$46.00	2874	BEER
	Total INBOUND BREWCO		\$260.00		
Paid Chk# 111406	12/3/2018	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253	Beer For Resale		\$2,269.55	2870148	BEER
E 640-48000-253	Beer For Resale		\$1,260.80	2919293	BEER
	Total JJ TAYLOR DISTRIBUTING OF MN		\$3,530.35		
Paid Chk# 111407	12/3/2018	JOHNSON BROS.-ST.PAUL			
E 640-47000-251	Liquor For Resale		\$855.00	1149148	LIQUOR
E 640-47000-259	Freight		\$1.26	1149148	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,180.00	1151772	LIQUOR
E 640-47000-259	Freight		\$5.04	1151772	FREIGHT
E 640-47000-252	Wine For Resale		\$1,201.65	1151773	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$24.00	1151773	MISC.MIX
E 640-47000-259	Freight		\$20.16	1151773	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,756.09	1152027	LIQUOR
E 640-47000-259	Freight		\$17.85	1152027	FREIGHT
E 640-47000-252	Wine For Resale		\$715.65	1152028	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$37.00	1152028	MISC.MIX
E 640-47000-259	Freight		\$17.64	1152028	FREIGHT
E 640-47000-252	Wine For Resale		\$270.22	1155870	WINE
E 640-47000-259	Freight		\$2.52	1155870	FREIGHT
E 640-47000-251	Liquor For Resale		\$508.71	1157543	LIQUOR
E 640-47000-259	Freight		\$2.73	1157543	FREIGHT
E 640-47000-252	Wine For Resale		\$914.50	1157544	WINE
E 640-47000-259	Freight		\$12.60	1157544	FREIGHT
E 640-47000-251	Liquor For Resale		(\$856.26)	511640	LIQUOR
	Total JOHNSON BROS.-ST.PAUL		\$7,686.36		
Paid Chk# 111408	12/3/2018	KARLSBURGER FOODS, INC.			
E 640-48500-255	FOODIngredients For Resale		\$245.00	000481666	FOOD
E 640-48500-255	FOODIngredients For Resale		\$499.35	000482975	FOOD
	Total KARLSBURGER FOODS, INC.		\$744.35		
Paid Chk# 111409	12/3/2018	LIBATION PROJECT			
E 640-47000-252	Wine For Resale		\$280.00	18364	WINE RESALE
E 640-47000-259	Freight		\$1.50	18364	FREIGHT
	Total LIBATION PROJECT		\$281.50		
Paid Chk# 111410	12/3/2018	LUPULIN BREWING			
E 640-47000-253	Beer For Resale		\$130.00	16844	BEER
	Total LUPULIN BREWING		\$130.00		
Paid Chk# 111411	12/3/2018	M.AMUNDSON LLP			
E 640-47000-256	MISC.MDSE.RESALE		\$1,821.88	269500	CIGARETTES
	Total M.AMUNDSON LLP		\$1,821.88		
Paid Chk# 111412	12/3/2018	MAIN STREET BAKERY			

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
E 640-48500-255	FOOD	Ingredients For Resale	\$62.66	347442	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$61.00	347484	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$131.00	347559	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$61.00	347646	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$54.00	347683	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$78.32	347826	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$36.50	347953	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$85.32	347998	FOOD RESALE
Total MAIN STREET BAKERY			\$569.80		
Paid Chk# 111413	12/3/2018	MODIST BREWING CO. LLC			
E 640-47000-253	Beer For Resale		\$149.00	12962	BEER
E 640-48000-253	Beer For Resale		\$390.00	12973	BEER
E 640-48000-253	Beer For Resale		\$165.00	E-1060	BEER
E 640-47000-253	Beer For Resale		\$182.25	E-1069	BEER
Total MODIST BREWING CO. LLC			\$886.25		
Paid Chk# 111414	12/3/2018	NEGOCE, LLC			
E 640-47000-252	Wine For Resale		\$655.92	247460	WINE
E 640-47000-259	Freight		\$1.50	247460	FREIGHT
Total NEGOCE, LLC			\$657.42		
Paid Chk# 111415	12/3/2018	NEW FRANCE WINE COMPANY			
E 640-47000-252	Wine For Resale		\$336.00	137134	WINE RESALE
E 640-47000-259	Freight		\$4.00	137134	FREIGHT
Total NEW FRANCE WINE COMPANY			\$340.00		
Paid Chk# 111416	12/3/2018	NORTHWESTERN FRUIT COMPANY			
E 640-48500-255	FOOD	Ingredients For Resale	\$636.65	894341	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$433.60	894539	FOOD
E 640-48000-251	Liquor For Resale		\$247.80	894671	LIQUOR
E 640-48500-255	FOOD	Ingredients For Resale	\$302.90	894759	FOOD
Total NORTHWESTERN FRUIT COMPANY			\$1,620.95		
Paid Chk# 111417	12/3/2018	PAUSTIS & SONS			
E 640-47000-252	Wine For Resale		\$480.00	30282	WINE RESALE
E 640-47000-259	Freight		\$8.75	30282	FREIGHT
E 640-47000-252	Wine For Resale		\$1,454.12	31477	WINE RESALE
E 640-47000-259	Freight		\$13.75	31477	FREIGHT
E 640-47000-252	Wine For Resale		\$563.00	32231	WINE RESALE
Total PAUSTIS & SONS			\$2,519.62		
Paid Chk# 111418	12/3/2018	PEPSI -COLA			
E 640-47000-254	Soft Drinks/Mix For Resale		\$277.50	80086308	MISC.BEV
Total PEPSI -COLA			\$277.50		
Paid Chk# 111419	12/3/2018	PHILLIPS WINES & SPIRITS			
E 640-47000-251	Liquor For Resale		\$1,013.25	2456622	LIQUOR
E 640-47000-259	Freight		\$7.56	2456622	FREIGHT
E 640-47000-252	Wine For Resale		\$883.00	2456623	WINE RESALE
E 640-47000-259	Freight		\$11.34	2456623	FREIGHT
E 640-47000-252	Wine For Resale		\$170.00	2456755	WINE
Total PHILLIPS WINES & SPIRITS			\$2,085.15		
Paid Chk# 111420	12/3/2018	REINHART FOODSERVICE			
E 640-48500-255	FOOD	Ingredients For Resale	\$23.25	515352	FOOD
Total REINHART FOODSERVICE			\$23.25		
Paid Chk# 111421	12/3/2018	SHAMROCK GROUP			

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
E 640-47000-254	Soft Drinks/Mix For Resale		\$112.78	2305513	ICE
	Total SHAMROCK GROUP		\$112.78		
Paid Chk# 111422	12/3/2018	SMALL LOT MN			
E 640-47000-252	Wine For Resale		\$168.00	25285	WINE
E 640-47000-259	Freight		\$5.00	25285	FREIGHT
	Total SMALL LOT MN		\$173.00		
Paid Chk# 111423	12/3/2018	SOUTHERN GLAZER'S OF MN			
E 640-47000-251	Liquor For Resale		(\$20.25)	0044314	LIQUOR
E 640-47000-251	Liquor For Resale		(\$9.30)	0044315	LIQUOR
E 640-47000-251	Liquor For Resale		(\$15.75)	0044316	LIQUOR
E 640-47000-259	Freight		\$2.56	1750295	FREIGHT
E 640-47000-252	Wine For Resale		\$1,178.00	1752979	WINE RESALE
E 640-47000-259	Freight		\$2.77	1752979	FREIGHT
E 640-47000-251	Liquor For Resale		\$4,361.77	1752997	LIQUOR
E 640-47000-259	Freight		\$30.50	1752997	FREIGHT
E 640-47000-259	Freight		\$0.21	1752998	FREIGHT
E 640-47000-259	Freight		\$1.28	1752999	FREIGHT
E 640-47000-252	Wine For Resale		\$826.00	1753000	WINE RESALE
E 640-47000-259	Freight		\$3.84	1753000	FREIGHT
E 640-47000-252	Wine For Resale		\$2,245.42	1753001	WINE
E 640-47000-259	Freight		\$24.53	1753001	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$135.00	1753002	MISC.BEV
E 640-47000-259	Freight		\$6.40	1753002	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$29.00	1755619	MISC.BEV
E 640-47000-259	Freight		\$1.28	1755619	FREIGHT
E 640-47000-252	Wine For Resale		\$998.01	1755620	WINE RESALE
E 640-47000-259	Freight		\$1.28	1755620	FREIGHT
E 640-47000-251	Liquor For Resale		\$959.09	1755621	LIQUOR
E 640-47000-259	Freight		\$4.70	1755621	FREIGHT
E 640-47000-251	Liquor For Resale		\$240.52	1755622	LIQUOR
E 640-47000-259	Freight		\$0.21	1755622	FREIGHT
E 640-47000-251	Liquor For Resale		\$6,623.75	5034914	LIQUOR
E 640-47000-259	Freight		\$88.32	5034914	FREIGHT
	Total SOUTHERN GLAZER'S OF MN		\$17,719.14		
Paid Chk# 111424	12/3/2018	STEEL TOE BREWING			
E 640-47000-253	Beer For Resale		\$387.00	24456	BEER
E 640-48000-253	Beer For Resale		\$330.00	24624	BEER
	Total STEEL TOE BREWING		\$717.00		
Paid Chk# 111425	12/3/2018	SUNBURST CHEMICALS, INC.			
E 640-48500-415	Other Equipment Rentals		\$92.58	0011169	DISHWASHER LEASE
	Total SUNBURST CHEMICALS, INC.		\$92.58		
Paid Chk# 111426	12/3/2018	T.D. ANDERSON INC.			
E 640-48000-409	Maint services & Improv		\$105.00	809218	BEER LINE SERVICE
E 640-48000-409	Maint services & Improv		\$105.00	809250	BEER LINE SERVICE
	Total T.D. ANDERSON INC.		\$210.00		
Paid Chk# 111427	12/3/2018	TOLL GAS & WELDING SUPPLY			
E 640-48000-210	Operating Supplies (GENERAL)		\$100.97	10273593	SUPPLIES
	Total TOLL GAS & WELDING SUPPLY		\$100.97		
Paid Chk# 111428	12/3/2018	TRIMARK			
E 640-48000-210	Operating Supplies (GENERAL)		\$229.26	99SKXN	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$270.62	99SKXP	KITCHEN SUPPLIES

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
E 640-48000-210	Operating Supplies (GENERAL)		\$144.11	99SKXP	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$26.12	99SKXP	PROMO FOOD
E 640-48000-210	Operating Supplies (GENERAL)		\$49.33	99SKXQ	BAR SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$38.49	99SLMQ	BAR SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$28.77	99SMGL	BAR SUPPLIES
Total TRIMARK			\$786.70		
Paid Chk# 111429	12/3/2018	TRUE BRANDS			
E 640-47000-254	Soft Drinks/Mix For Resale		\$74.22	414155	MISC MDSE
Total TRUE BRANDS			\$74.22		
Paid Chk# 111430	12/3/2018	TRUSTED EMPLOYEES			
E 640-47000-306	Personnel Expense		\$50.00	11201812035S	BACKGROUND CHECK SERVICE
E 640-48000-306	Personnel Expense		\$20.00	11201812035S	BACKGROUND CHECK SERVICE
Total TRUSTED EMPLOYEES			\$70.00		
Paid Chk# 111431	12/3/2018	US FOODS			
E 640-48500-255	FOODIngredients For Resale		\$3,399.46	3879022	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$428.89	3879022	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$94.22	3879022	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$55.49	3879022	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$163.44	3879022	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$92.14	3879022	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$66.95	3895559	FOOD
E 640-48500-255	FOODIngredients For Resale		\$2,612.03	3934030	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$19.34	3934030	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$59.88	3934030	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$144.93	3934030	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$82.35	3934030	MISC.BEV.
E 640-48500-255	FOODIngredients For Resale		\$209.21	3942420	FOOD
Total US FOODS			\$7,428.33		
Paid Chk# 111432	12/3/2018	VAN PAPER COMPANY			
E 640-48500-210	Operating Supplies (GENERAL)		\$529.98	482481-00	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$264.93	483002-00	KITCHEN SUPPLIES
Total VAN PAPER COMPANY			\$794.91		
Paid Chk# 111433	12/3/2018	VINOCOPIA			
E 640-47000-251	Liquor For Resale		\$352.87	00220243	LIQUOR
E 640-47000-254	Soft Drinks/Mix For Resale		\$24.00	00220243	MISC.BEV
E 640-47000-259	Freight		\$10.00	00220243	FREIGHT
E 640-47000-252	Wine For Resale		\$480.00	0219840	WINE RESALE
E 640-47000-259	Freight		\$12.50	0219840	FREIGHT
Total VINOCOPIA			\$879.37		
Paid Chk# 111434	12/3/2018	WINE COMPANY			
E 640-47000-252	Wine For Resale		\$944.00	89190	WINE RESALE
E 640-47000-259	Freight		\$11.55	89190	FREIGHT
Total WINE COMPANY			\$955.55		
Paid Chk# 111435	12/3/2018	WINE MERCHANT			
E 640-47000-252	Wine For Resale		\$11,148.00	7209277	WINE
E 640-47000-259	Freight		\$41.58	7209277	FREIGHT
E 640-47000-252	Wine For Resale		\$1,380.00	7209696	WINE
E 640-47000-259	Freight		\$13.42	7209696	FREIGHT
E 640-47000-252	Wine For Resale		\$1,938.00	7210099	WINE
E 640-47000-259	Freight		\$6.30	7210099	FREIGHT
E 640-48000-252	Wine For Resale		\$1,022.20	7210536	WINE

***Check Detail Register©**

November 2018 to December 2018

		Check Amt	Invoice	Comment
E 640-48000-252	Wine For Resale	\$383.66	7211737	WINE
E 640-47000-252	Wine For Resale	(\$3,865.20)	723520	WINE
Total WINE MERCHANT		\$12,067.96		
Paid Chk# 111436	12/3/2018	WRS IMPORTS LLC		
E 640-47000-252	Wine For Resale	\$757.00	2017	WINE
Total WRS IMPORTS LLC		\$757.00		
Paid Chk# 111437	12/3/2018	Z WINES USA LLC		
E 640-47000-252	Wine For Resale	\$60.00	20886	WINE RESALE
E 640-47000-259	Freight	\$5.00	20886	FREIGHT
E 640-47000-252	Wine For Resale	\$424.00	20906	WINE RESALE
E 640-47000-259	Freight	\$10.00	20906	FREIGHT
E 640-47000-252	Wine For Resale	\$144.00	20921	WINE RESALE
E 640-47000-259	Freight	\$5.00	20921	FREIGHT
Total Z WINES USA LLC		\$648.00		
Paid Chk# 111438	12/6/2018	AEM FINANCIAL SOLUTIONS		
E 101-41500-302	Consultants	\$4,984.75	405710	PAYROLL CONSULTING
Total AEM FINANCIAL SOLUTIONS		\$4,984.75		
Paid Chk# 111439	12/6/2018	AIRTECH		
E 437-40000-404	Repairs/Maint - Machin/Equip	\$55,357.50	34593	LIBRARY BOILER
E 408-40000-540	Equipment	\$55,357.50	34594	CITY HALL BOILER
Total AIRTECH		\$110,715.00		
Paid Chk# 111440	12/6/2018	ALBERS, STEVE		
G 802-20384	224 BROADWAY NORTH-ALBERS	\$585.50	RE-ISSUE	RE-ISSUE FOR LOST CK#111197
R 101-00000-39400	Misc.Revenues	(\$35.00)	RE-ISSUE	STOP PAYMENT FEE
Total ALBERS, STEVE		\$550.50		
Paid Chk# 111441	12/6/2018	AT&T MOBILITY		
E 101-41940-321	Telephone	\$165.71	287250008232	SERVICE
E 101-41940-321	Telephone	\$380.78	287250190047	SERVICE
Total AT&T MOBILITY		\$546.49		
Paid Chk# 111442	12/6/2018	BANYON DATA SYSTEMS		
E 101-41500-433	Dues, Licensing & Seminars	\$1,590.00	00158307	FUND ACCTG.& PAYROLL SUPPORT
Total BANYON DATA SYSTEMS		\$1,590.00		
Paid Chk# 111443	12/6/2018	CENTERPOINT ENERGY		
E 101-41940-383	Fuel, oil and natural gas	\$1,111.38		SERVICE
E 610-40000-383	Fuel, oil and natural gas	\$0.00		SERVICE
E 640-47000-383	Fuel, oil and natural gas	\$150.61		SERVICE
E 640-48000-383	Fuel, oil and natural gas	\$602.45		SERVICE
E 101-41940-383	Fuel, oil and natural gas	\$0.00		SERVICE
E 101-42200-383	Fuel, oil and natural gas	\$0.00		SERVICE
Total CENTERPOINT ENERGY		\$1,864.44		
Paid Chk# 111444	12/6/2018	CHARLIE & COMPANY DESIGN LTD		
G 802-20387	405 BUSHAWAY - TAYLOR	\$540.50	REFUND	405 BUSHAWAY RD VARIANCE PROJECT ESCROW REFUND
Total CHARLIE & COMPANY DESIGN LTD		\$540.50		
Paid Chk# 111445	12/6/2018	CLASSEY, KRISTIN		
E 101-41500-331	Mileage & Expense Account	\$44.69	MILEAGE	MILEAGE - NOV.2018
Total CLASSEY, KRISTIN		\$44.69		
Paid Chk# 111446	12/6/2018	CORE & MAIN		

***Check Detail Register©**

November 2018 to December 2018

		Check Amt		Invoice	Comment
E 610-40000-225	Repair & Maint - System	\$3,256.42	J824765		HYDRANT REPLACEMENT
E 610-40000-225	Repair & Maint - System	\$227.03	J843361		PARTS
Total CORE & MAIN		\$3,483.45			
Paid Chk# 111447	12/6/2018	CUMMINS NPOWER, LLC			
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$369.80	E4-60599		SUPPLIES
Total CUMMINS NPOWER, LLC		\$369.80			
Paid Chk# 111448	12/6/2018	DIRECTV			
E 640-48000-415	Other Equipment Rentals	\$316.87	35474584375		SERVICE
Total DIRECTV		\$316.87			
Paid Chk# 111449	12/6/2018	DISPLAY SALES			
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$449.00	017356		HOLIDAY LIGHTS
Total DISPLAY SALES		\$449.00			
Paid Chk# 111450	12/6/2018	DRIVER & VEHICLE SERVICES DIV.			
E 101-42100-404	Repairs/Maint - Machin/Equip	\$12.00	POLICE PLAT		POLICE PLATES
Total DRIVER & VEHICLE SERVICES DIV.		\$12.00			
Paid Chk# 111451	12/6/2018	ECM PUBLISHERS, INC.			
G 802-20390	153 PEAVEY - KIRT	\$59.50	646966		153 PEAVEY
G 802-20392	450 & 460 HIGHCROFT RD	\$47.60	648822		450 HIGHCROFT
G 802-20394	353 FERNDAL RD SO - ANKENY	\$59.50	650849		353 FERNDAL
G 802-20395	ST.BARTS CHURCH 630 WAYZ.BLV	\$59.50	650850		ST.BARTS
E 101-41500-350	Printing & Publishing	\$53.55	650851		1517 HOLLYBROOK RD
G 802-20374	235 LAKE ST. - HUGHES	\$59.50	650852		LEGAL NOTICES
E 101-41500-350	Printing & Publishing	\$83.30	652568		ORDINANCE #786-FIRE PREVENTION CODE
Total ECM PUBLISHERS, INC.		\$422.45			
Paid Chk# 111452	12/6/2018	FLEET FARM			
E 101-45200-241	Safety equip/testings	\$143.25			PARKS SUPPLIES
Total FLEET FARM		\$143.25			
Paid Chk# 111453	12/6/2018	FUZZY DUCK DESIGN			
E 101-41910-492	HPB	\$300.00	18-8376214		HPB LOGO DEVELOPMENT
Total FUZZY DUCK DESIGN		\$300.00			
Paid Chk# 111454	12/6/2018	GRAINGER, INC.			
E 610-40000-225	Repair & Maint - System	\$92.90	9939277704		PARTS
Total GRAINGER, INC.		\$92.90			
Paid Chk# 111455	12/6/2018	HEMSLEY, MATTHEW			
G 802-20363	649 FERNDAL RD - Hemsley	\$1,928.30	REFUND		649 FERNDAL ESCROW PROJECT REFUND
Total HEMSLEY, MATTHEW		\$1,928.30			
Paid Chk# 111456	12/6/2018	HENNEPIN COUNTY PROPERTY SERV			
E 101-41500-350	Printing & Publishing	\$496.46	TNT NOTICES		TNT NOTICES
otal HENNEPIN COUNTY PROPERTY SERV		\$496.46			
Paid Chk# 111457	12/6/2018	HENNEPIN COUNTY TREASURER			
G 650-20818	Garbage Sales Tax	\$1,510.42	9% REFUSE T		9% REFUSE TAX - NOV.2018
Total HENNEPIN COUNTY TREASURER		\$1,510.42			
Paid Chk# 111458	12/6/2018	HOLIDAY			
E 640-47000-212	Motor Fuels	\$39.08			FUEL
Total HOLIDAY		\$39.08			
Paid Chk# 111459	12/6/2018	HOME DEPOT			

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
E 101-43100-210	Operating Supplies (GENERAL)		\$36.35		SUPPLIES
E 610-40000-242	Well & F.P. Equipment		\$427.95		SUPPLIES
E 101-41940-210	Operating Supplies (GENERAL)		\$34.70		SUPPLIES
E 101-43300-210	Operating Supplies (GENERAL)		\$22.55		SUPPLIES
E 101-42200-434	Training and schools		\$268.25		SUPPLIES
E 101-41940-404	Repairs/Maint - Machin/Equip		\$159.14		SUPPLIES
E 101-41940-404	Repairs/Maint - Machin/Equip		(\$191.39)		SUPPLIES
E 101-41940-404	Repairs/Maint - Machin/Equip		\$24.58		SUPPLIES
Total HOME DEPOT			\$782.13		
Paid Chk# 111460	12/6/2018	JACOBS TELECOMMUNICATIONS INC			
G 802-20367	1000 SUPERIOR BLVD-VERIZON		\$1,941.00	REFUND	1000 SUPERIOR BLVD ESCROW PROJECT REFUND
Total JACOBS TELECOMMUNICATIONS INC			\$1,941.00		
Paid Chk# 111461	12/6/2018	L.CRAMEER DESIGNERS & BUILDERS			
G 802-20388	623 BUSHAWAY - GREENWAY		\$540.50	REFUND	623 BUSHAWAY RD ESCROW PROJECT REFUND
Total L.CRAMEER DESIGNERS & BUILDERS			\$540.50		
Paid Chk# 111462	12/6/2018	LEAGUE OF MN.CITIES			
E 101-41100-433	Dues, Licensing & Seminars		\$225.00	284471	TRAINING REGISTRATION
Total LEAGUE OF MN.CITIES			\$225.00		
Paid Chk# 111463	12/6/2018	LEXISNEXIS RISK DATA			
E 101-42100-309	Contractual Services		\$66.00	121455020181	PD SERVICE
Total LEXISNEXIS RISK DATA			\$66.00		
Paid Chk# 111464	12/6/2018	LOFFLER COMPANIES, INC.			
E 101-41500-311	Data Processing		\$4,905.00	2978225	NETWORK SUPPORT
E 409-42200-540	Equipment		\$866.25	CW85592	PD LAPTOP
Total LOFFLER COMPANIES, INC.			\$5,771.25		
Paid Chk# 111465	12/6/2018	MANSFIELD OIL COMPANY			
E 101-49200-212	Motor Fuels		\$1,138.58	21081536	FUEL
Total MANSFIELD OIL COMPANY			\$1,138.58		
Paid Chk# 111466	12/6/2018	MARCO			
E 101-41500-404	Repairs/Maint - Machin/Equip		\$148.34	INV5785992	COPIER MAINT.
E 630-40000-404	Repairs/Maint - Machin/Equip		\$101.17	INV5792945	COPIER MAINT.
E 101-41500-404	Repairs/Maint - Machin/Equip		\$3,623.12	INV5799070	COPIER MAINT.
Total MARCO			\$3,872.63		
Paid Chk# 111467	12/6/2018	MCCARTHY, RONAN			
E 640-48000-103	Part-Time Employees		\$70.20	PR CK REPLA	PR CK REPLACED
Total MCCARTHY, RONAN			\$70.20		
Paid Chk# 111468	12/6/2018	MINNESOTA EQUIPMENT			
E 101-45200-222	Repair & Maint - Equip		\$21.60	P75544	PARTS
E 101-45200-222	Repair & Maint - Equip		\$25.84	P75550	PARTS
Total MINNESOTA EQUIPMENT			\$47.44		
Paid Chk# 111469	12/6/2018	MN BATTERY LLC			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$114.00	20911	PARTS
Total MN BATTERY LLC			\$114.00		
Paid Chk# 111470	12/6/2018	MN CHIEFS OF POLICE ASSOC.			
E 101-42100-434	Training and schools		\$60.00	5244	EDBERG TRAINING
Total MN CHIEFS OF POLICE ASSOC.			\$60.00		
Paid Chk# 111471	12/6/2018	MN DEPT.OF AGRICULTURE			

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
E 101-45200-433	Dues, Licensing & Seminars		\$225.00	NURSERY CE	NURSERY CERTIFICATE RENEWAL
Total MN DEPT.OF AGRICULTURE			\$225.00		
Paid Chk# 111472	12/6/2018	MN NCPERS LIFE INSURANCE			
G 101-21715	PERA Term Life		\$32.00	12/2018	LIFE INS.
Total MN NCPERS LIFE INSURANCE			\$32.00		
Paid Chk# 111473	12/6/2018	NOLAN PROPERTIES			
G 802-20378	1330 WAYZATA BLVD.- NOLAN		\$2,233.00	REFUND	1330 WAYZ.BLVD ESCROW PROJECT REFUND
Total NOLAN PROPERTIES			\$2,233.00		
Paid Chk# 111474	12/6/2018	NORTHERN TOOL & EQUIPMENT			
E 101-41940-210	Operating Supplies (GENERAL)		\$65.97	4061107633	SUPPLIES
Total NORTHERN TOOL & EQUIPMENT			\$65.97		
Paid Chk# 111475	12/6/2018	OFFICE DEPOT			
E 101-42100-200	Office Supplies (GENERAL)		\$99.98	234717125001	SUPPLIES
E 630-40000-200	Office Supplies (GENERAL)		\$9.87	234717518001	SUPPLIES
Total OFFICE DEPOT			\$109.85		
Paid Chk# 111476	12/6/2018	PARK NICOLLET FOUNDATION			
E 640-48000-341	General Promotions		\$250.00	DONATION	BE PINK BAR PROMO - 2018 DONATION
Total PARK NICOLLET FOUNDATION			\$250.00		
Paid Chk# 111477	12/6/2018	PIRTEK			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$248.87	S2835938.001	PARTS
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$188.18	S2836738.001	PARTS
Total PIRTEK			\$437.05		
Paid Chk# 111478	12/6/2018	POPP TELECOM			
E 640-47000-321	Telephone		\$0.00		
E 640-48000-321	Telephone		\$0.00		
E 101-41940-321	Telephone		\$0.00		
E 610-40000-323	Radio Units		\$0.00		
E 620-40000-323	Radio Units		\$0.00		
E 101-42100-309	Contractual Services		\$32.02		PD/LONG LAKE SERVICE
Total POPP TELECOM			\$32.02		
Paid Chk# 111479	12/6/2018	PURCHASE POWER			
E 101-49200-322	Postage		\$3,600.00	800090001157	POSTAGE
Total PURCHASE POWER			\$3,600.00		
Paid Chk# 111480	12/6/2018	SCHANKE, SUZIE			
E 101-42200-409	Maint services & Improv		\$145.00	NOV.2018	FD MONTHLY CLEANING
Total SCHANKE, SUZIE			\$145.00		
Paid Chk# 111481	12/6/2018	SHAKE & BAKE LLC			
G 802-20381	BENEDICTS		\$1,635.50	RE-ISSUE	RE-ISSUE FOR LOST CKS #109614 & 110481
G 802-20381	BENEDICTS		\$3,000.00	RE-ISSUE	RE-ISSUE FOR LOST CKS #109614 & 110481
R 101-00000-34110	Planning Charges		\$1,200.00	RE-ISSUE	RE-ISSUE FOR LOST CKS #109614 & 110481
R 101-00000-39400	Misc.Revenues		(\$70.00)	RE-ISSUE	STOP PAYMENT FEES
Total SHAKE & BAKE LLC			\$5,765.50		
Paid Chk# 111482	12/6/2018	SPRINT			
E 101-42200-323	Radio Units		\$408.60	523093316-20	FD SERVICE
Total SPRINT			\$408.60		
Paid Chk# 111483	12/6/2018	STREICHER S			
E 101-42100-210	Operating Supplies (GENERAL)		\$13.98	I1341143	PD SUPPLIES

***Check Detail Register©**

November 2018 to December 2018

			Check Amt	Invoice	Comment
E 101-42100-210	Operating Supplies (GENERAL)		\$34.95	I1341261	PD SUPPLIES
E 101-42100-210	Operating Supplies (GENERAL)		\$29.99	I1341866	PD SUPPLIES
Total STREICHER S			\$78.92		
Paid Chk# 111484	12/6/2018	TESSMAN SEED CO.			
E 101-45200-216	Chemicals and Chem Products		\$552.50	S284299	CHEMICALS
Total TESSMAN SEED CO.			\$552.50		
Paid Chk# 111485	12/6/2018	THOMSON, JEFFREY			
E 101-41910-210	Operating Supplies (GENERAL)		\$46.74	REIMB.	PARKING & SUPPLIES
Total THOMSON, JEFFREY			\$46.74		
Paid Chk# 111486	12/6/2018	TIME SAVER			
E 101-41100-302	Consultants		\$467.05	M24315	MTG.MINUTES
Total TIME SAVER			\$467.05		
Paid Chk# 111487	12/6/2018	USA BLUE BOOK			
E 610-40000-241	Safety equip/testings		\$31.96	742773	SUPPLIES
E 620-40000-241	Safety equip/testings		\$31.96	742773	SUPPLIES
E 620-40000-210	Operating Supplies (GENERAL)		\$36.98	744012	SUPPLIES
Total USA BLUE BOOK			\$100.90		
Paid Chk# 111488	12/6/2018	VANDERHEYDEN, THOMAS			
G 802-20389	105 WALKER-VANDERHEYDEN		\$315.50	REFUND	105 WALKER ESCROW PROJECT REFUND
Total VANDERHEYDEN, THOMAS			\$315.50		
Paid Chk# 111489	12/6/2018	VERIZON WIRELESS			
E 101-42200-323	Radio Units		\$12.62	9818747169	FD SERVICE
Total VERIZON WIRELESS			\$12.62		
Paid Chk# 111490	12/6/2018	WAYZATA BAY CAR WASH			
G 802-20383	WAYZ.BAY CAR WASH 143 LAKE S		\$1,590.50	REFUND	143 LAKE ESCROW PROJECT REFUND
Total WAYZATA BAY CAR WASH			\$1,590.50		
Paid Chk# 111491	12/6/2018	WAYZATA CHAMBER OF COMMERCE			
E 101-49200-496	Contigencies		\$3,054.00	9130	TREE LIGHTING EVENT
Total WAYZATA CHAMBER OF COMMERCE			\$3,054.00		
Paid Chk# 111492	12/6/2018	XCEL ENERGY			
E 101-45203-381	Electric Utilities		\$453.24		SERVICE
E 101-41940-381	Electric Utilities		\$5,102.96		SERVICE
E 101-42200-381	Electric Utilities		\$224.27		SERVICE
E 610-40000-381	Electric Utilities		\$4,828.91		SERVICE
E 640-47000-381	Electric Utilities		\$1,373.60		SERVICE
E 640-48000-381	Electric Utilities		\$3,205.06		SERVICE
E 620-40000-381	Electric Utilities		\$1,425.80		SERVICE
E 101-41940-381	Electric Utilities		\$16.03		SERVICE
Total XCEL ENERGY			\$16,629.87		
10100 Anchor Bank			\$277,003.22		

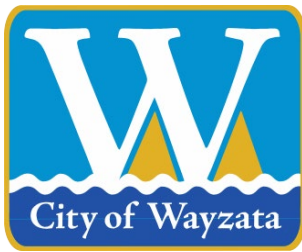
***Check Detail Register©**

November 2018 to December 2018

Check Amt Invoice Comment

Fund Summary**10100 Anchor Bank**

101 GENERAL FUND	\$37,015.28
408 GENERAL CIP	\$55,357.50
409 EQUIP REVOLVING	\$866.25
437 LIBRARY/COMM.ROOM CIP	\$55,357.50
610 WATER FUND	\$8,865.17
620 SEWER FUND	\$1,494.74
630 MOTOR VEHICLE	\$111.04
640 LIQUOR	\$101,829.42
650 SOLID WASTE	\$1,510.42
802 ESCROW PROJECTS	\$14,595.90
	\$277,003.22



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 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 for City Council Approval and Municipal Licenses Which Received Administrative Approval (informational only).
2. Police Department Memo for a Residential Kennel License - Parel
3. Police Department Memo for a Residential Kennel License - Wallack

12/18/2018

LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

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

2019 Kennel License	
Jodi Parel	Wayzata, MN
Andrea Wallack	Wayzata, MN

**THE FOLLOWING MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY**

2019 Gas Fitter's License	
Air Mechanical, Inc.	Ham Lake, MN
Linn Star Transfer, Inc	Eden Prairie, MN
Metro Air	Prior Lake, MN
Sabre Plumbing Heating & A/C, Inc.	Plymouth, MN
Wenzel Heating & A/C	Eagan, MN
2019 Tree Removal and Treatment License	
Hawkin's Tree & Landscaping, Inc	Shakopee, MN
Tim's Tree Service, LLC	Crystal, MN



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

600 Rice Street

Wayzata, MN 55391-1734

(952) 404-5340

Fax: (952) 404-5359

To: Jeff Dahl

From: CSO Vogel

Date: November 30th, 2018

Re: New Dog Kennel License

The Wayzata Police Department received a Kennel License Application from Jodi Parel. This application is for a kennel license renewal.

Parel has 3 dogs, all of which are currently licensed in the City of Wayzata. Per city ordinance an inspection of the home and yard was completed on 11/30/18. The interior of the home was found to be clean and sanitary and food and water was accessible to the dogs. The yard was clean and free of hazards. There is a fenced enclosure in the backyard that Parel stated the dogs run around in. I have no areas of concern for approving the application.

On 01/30/2017 a neighbor called regarding Parel's dogs running on their property, which Parel later admitted to. The same neighbor called about the same issue on 11/27/2018. This time, however, there was unsubstantial evidence.



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

600 Rice Street

Wayzata, MN 55391-1734

(952) 404-5340

Fax: (952) 404-5359

To: Jeff Dahl

From: CSO Vogel

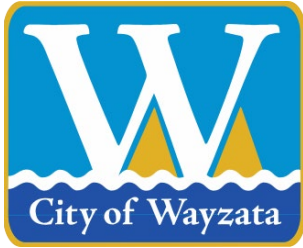
Date: November 30th, 2018

Re: New Dog Kennel License

The Wayzata Police Department received a Kennel License Application from Andrea Wallack. This application is for a kennel license renewal.

Wallack has 4 dogs, all of which are currently licensed in the City of Wayzata. Per city ordinance an inspection of the home and yard was completed on 11/30/18. The interior of the home was found to be clean and sanitary and food and water was accessible to the dogs. The yard was clean and free of hazards. I have no areas of concern for approving the application.

There have been no previous calls regarding Wallack's dogs since 2009.



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 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 November 2018 Police Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. November 2018 Police Activity Report

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

Alcohol

Reported: 11-30-2018 2007

Report of a suspected underage male attempting to purchase alcohol and urinating outside. Charges pending.

Addresses Involved

2000 block of Wayzata Blvd W, Long Lake, MN 55356

Domestic

Reported: 11-30-2018 1806

Report of a domestic. Male was transported to a nearby residence.

Addresses Involved

300 block of Dexter Dr, Long Lake, MN 55356

Theft of Vehicle

Reported: 11-30-2018 1251

Report of a burglary and theft of a vehicle. 19 year old male from Plymouth arrested and transported to jail.

Addresses Involved

300 block of Ferndale Rd W, Wayzata, MN 55391

Names Involved

(Arrested)Gibson, Lewis Bediaba (Age:19)

Theft of Vehicle

Reported: 11-29-2018 1618

Report of a theft of a vehicle. Loss \$16,000.

Addresses Involved

1800 block of Symes St, Long Lake, MN 55356

False Info

Reported: 11-27-2018 1556

50 year old male from Montrose arrested for providing false information to a police officer. Charges pending.

Addresses Involved

Hwy 12 & Broadway Ave N, Wayzata, MN 55391

Names Involved

(Arrested)Swartzter, Stephen Jude (Age:50)

Tampering with MV

Reported: 11-27-2018 1440

Report of a vehicle tampered with. No loss occurred.

Addresses Involved

700 block of Wayzata Blvd E, Wayzata, MN 55391

Theft from Vehicle

Reported: 11-27-2018 1312

Report of a theft from a vehicle. This case is under investigation.

Addresses Involved

100 block of Birch Lane, Wayzata, MN 55391

Theft

Reported: 11-27-2018 1240

Report of a stolen boat motor. Loss \$2800.

Addresses Involved

2300 block of Daniels St, Long Lake, MN 55356

Theft from Vehicle

Reported: 11-27-2018 0905

Report of theft from vehicles. Loss \$230.

Addresses Involved

200 block of Barry Ave S, Wayzata, MN 55391

Tampering with MV **Reported: 11-27-2018 0516**
Report of three motor vehicles tampered with. No loss reported.
Addresses Involved
Rice St E and Grand Ave S, Wayzata, MN 55391

Fraud **Reported: 11-26-2018 2058**
Report of computer fraud. Loss \$299.
Addresses Involved
100 block of Promenade Ave, Wayzata, MN 55391

Damage to Property **Reported: 11-25-2018 1009**
Report of damage to a vehicle. Unknown loss at this time.
Addresses Involved
200 block of Glenbrook Rd, Wayzata, MN 55391

Assault **Reported: 11-21-2018 2322**
Report of an assault. This case is under investigation.
Addresses Involved
1300 block of Wayzata Blvd W, Long Lake, MN 55356

Theft from Vehicle **Reported: 11-20-2018 0755**
Report of theft of tires. Loss \$900.
Addresses Involved
2400 block of Industrial Blvd W, Long Lake, MN 55356

Fraud **Reported: 11-19-2018 1424**
Report of attempted identity theft. No loss occurred.
Addresses Involved
100 block of Westwood Lane S, Wayzata, MN 55391

Theft **Reported: 11-18-2018 1209**
Report of a gas drive off. Loss \$42.
Addresses Involved
1400 block of Wayzata Blvd E, Wayzata, MN 55391

Theft **Reported: 11-18-2018 0804**
Report of a gas drive off. Loss \$53.
Addresses Involved
1400 block of Wayzata Blvd E, Wayzata, MN 55391

Domestic Assault **Reported: 11-17-2018 2123**
Report of a domestic assault. Charges pending.
Addresses Involved
200 block of Benton Ave N, Wayzata, MN 55391

Domestic Assault **Reported: 11-17-2018 2014**
36 year old male from Wayzata arrested for felony Domestic Assault. Transported to jail.
Addresses Involved
100 block of Broadway Ave N, Wayzata, MN 55391
Names Involved
(Arrested) Painter, Keith Thomas (Age: 36)

Domestic Assault **Reported: 11-17-2018 2014**

Report of an aggravated assault with injuries. Charges pending.

Addresses Involved

100 block of Broadway Ave N, Wayzata, MN 55391

DWI **Reported: 11-17-2018 1552**

37 year old male from Plymouth arrested for driving while impaired. Tested .18

Addresses Involved

1600 block of Wayzata Blvd W, Long Lake, MN 55356

Names Involved

(Arrested) Baltes, Steven Patrick (Age: 37)

DWI **Reported: 11-17-2018 0032**

35 year old male from Wayzata arrested for Driving While Impaired. Refused to test.

Addresses Involved

200 block of Lake St E, Wayzata, MN 55391

Names Involved

(Arrested) Johnston, Charles Andrew (Age: 35)

Forgery **Reported: 11-16-2018 1143**

Report of a forged prescription. Charges pending.

Addresses Involved

200 block of Central Ave N, Wayzata, MN 55391

Theft from Vehicle **Reported: 11-16-2018 1035**

Theft of a cell phone from a vehicle. Loss \$900.

Addresses Involved

400 block of Wayzata Blvd E, Wayzata, MN 55391

Missing Person **Reported: 11-14-2018 1451**

Report of a missing person. Female was located safe and was reunited with her family.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Theft **Reported: 11-13-2018 1423**

Report of a theft of medication. Unknown loss at this time.

Addresses Involved

700 block of Lake St E, Wayzata, MN 55391

Burglary-Commercial **Reported: 11-12-2018 0819**

Report of a burglary. This case is under investigation.

Addresses Involved

500 block of Brimhall Ave, Long Lake, MN 55356

Traffic Offense **Reported: 11-07-2018 1623**

Report of a school bus stop arm violation. Charges pending.

Addresses Involved

200 block of Central Ave N, Wayzata, MN 55391

Theft**Reported: 11-03-2018 1520**

Report of theft by swindle. Loss \$1100.

Addresses Involved300 block of Wise Ave, Wayzata, MN 55391

DWI**Reported: 11-02-2018 2242**

47 year old male from Edina arrested for driving under the influence. Refused to test.

Addresses Involved

Shoreline Dr & Ferndale Rd W, Orono, MN 55391

Names Involved(Arrested) Lopinto, Gabriele (Age: 47)

DWI**Reported: 11-02-2018 2020**

63 year old female from Plymouth arrested for driving while under the influence. Tested .10

Addresses Involved

Central Ave N & 1st Ave N, Plymouth, MN

Names Involved(Arrested) Spohn, Mary Kathryn (Age: 63)

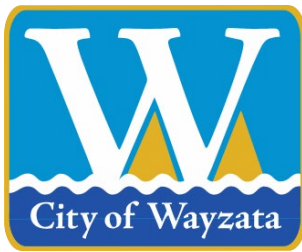
TRAFFIC – NOVEMBER 2018

CITATIONS	117
WRITTEN WARNINGS	1
VERBAL WARNINGS	117

Description	Nov 2018
MISSING PERSON	2
MISSING ANIMAL	3
MISSING/LOST PROPERTY	3
FOUND PROPERTY	3
RECOVERED STOLEN PROPERTY	1
SAFEKEEPING & DISPOSAL	1
PIMV	2
PDMV	11
H & R PDMV	4
PDMV & DEER	2
Other Fire/Smoke	1
Single Family Home Fire	1
Business/Commercial/Industrial Fire	1
Structure/Object Fire	1
FIRE ALARM	6
GAS LEAK/SMELL	2
HAZ ROAD CONDITION	8
RR Crossing Hazard	1
SUICIDE THREAT	1
OTHER MEDICAL	43
72 Hour Hold/Emergency Admission	1
WELFARE CHECK - ADULT	14
WELFARE CHECK - JUV	3
INFO REC'D	6
VERBAL DOMESTIC	2
CIVIL MATTER	7
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	8
RECEIVE COURT ORDER/OFP	4
SUSPICION	9
OPEN DOOR/WINDOW	1
SCAM/FRAUD ATTEMPT	1
BURNING COMPL	1
MISC. JUVENILE PROBLEM	2
DRIVING/TRAFFIC COMPLAINT	20
PARKING COMPL	9
HOUSE/BUSINESS CHECKS	3
RECORD CHECKS	20
OTHER PERMITS	6

FIREARM PERMIT	3
HC SHERIFFS PERMIT TO CARRY	2
LIQUOR LICENSE CHECKS/PERMIT	1
ALCOHOL COMPLIANCE CHECK	1
OTHER ORD VIOL (JUNK CARS, ETC)	1
BURNING VIOLATION	1
ANIMAL COMPLAINT/CHECK	10
DISPATCH ANIMAL	2
DOG LICENSE ISSUED	6
KENNEL APP/LICENSE	4
PATROL REQUEST	2
POLICE ESCORT/STAND-BY	2
Car Seat Install/Inspect	1
ADULT PROTECTION ASSIST	1
FINGERPRINTS	1
ASSIST CHILD PROTECTION	2
MOTORIST ASSIST/STALL	15
UTILITY PROBLEM	2
PUBLIC ASSIST	21
LOCKOUT	7
BUSINESS ALARM	23
HOME ALARM	3
911 HANG-UP	5
ASSIST OTHER DEPT	17
SPECIAL EVENT	1
TRAFFIC CONTROL / DIRECT ENFORCEMENT	3
Impound Release	1
ASLT 3-SUBSTANTIAL INJURY-OTH WEAP-ADLT-FAM	1
ASLT 5-MS-INFL OR ATTEMPT HRM-HANDS-ADL STR	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM	1
DOM ASLT-STRANGLE-INFL BOD HRM-HNDS-ADLT-FAM	1
BURG 2-UNOCC RES NO FRC-D-UNK WEAP-COM THEFT	1
BURG 2-UNOCC NRES FRC-D-UNK WEAP-COM THEFT	1
CNTRFT-FE-USES-US CURRNCY SCURTY-BUSINESS	1
DRUGS-SMALL AMOUNT MARIJUANA-POSSESSION	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-UNK	1
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	4
CON SUB 5-POSSESS-HEROIN-UNK	1
CON SUB 5-POSSESS-MARIJUANA-UNK	1

CON SUB 5-FG PRSCR-OPIUM-UNK	1
TRAFFIC-GM-OTHER-MV	1
TRAF-AC-GM-2ND DEG DWI-REFUSAL TO TEST-MV	1
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	1
TRAF-AC-GM-3RD DEG DWI-REFUSAL TO TEST-MV	1
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
LIQUOR - SELLING	2
LIQUOR-MS-MINOR PURCHASE OR ATTMPT TO PURCHASE	1
LIQUOR-UNDERAGE CONSUMPTION 18-21	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	2
PROP DAMAGE-UNK LVL-PRIVATE-UNK INTENT	1
THEFT-UNK LVL VAL-FRM MOTOR VEHICLE-MONEY	1
THEFT-OTHER-FE-BUILDING-SCH1 2 CT SU	1
THEFT-1001-5000 DLRS FE-YARDS-OTHER PROPERTY	1
THEFT-501-1000 DLRS GM-VEHICLE-OTHER	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	1
THEFT-500 OR LESS MS-SELF SERVE GAS-GAS ONLY	2
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	1
THEFT-FE-BY SWINDLE-TRICK-501-2500	1
COMPUTER CRIM-MS-FRAUD ACT-251-500	1
FRAUD-MS-FIN-TRAN-CARD-NO-CONSENT-251-2500	1
VEH-UNKNOWN-MS-TAMPER WITH-ENTER-AUTO	2
THEFT-FE-AUTO-MORE THAN 2500	2
VEH-501-2500-FE-PARTS-MOTOR VEH-AUTO	1
WEAPONS-GM-CARRY-PISTOL-LIC VIOLATION	1
CRIM AGNST ADM JUST-GM-GIVE FLSE NAM-POL	1



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 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 November 2018 Building Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. November 2018 Building Activity Report

Jan-18	Feb-18	Mar-18	Apr-18	May-18
--------	--------	--------	--------	--------

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
-------------	---	---	----	----	----

Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	2018-YTD
--------	--------	--------	--------	--------	--------	----------

21	16	16	19	18	15	170
\$8,032,155.00	\$2,207,169.00	\$10,742,891.63	\$2,830,500.00	\$10,209,354.00	\$2,159,106.00	\$43,098,353.63
\$44,375.00	\$18,014.00	\$53,278.50	\$20,768.75	\$51,848.00	\$16,004.25	\$261,142.75
\$27,577.06	\$9,669.55	\$33,668.22	\$12,319.16	\$32,651.60	\$7,375.57	\$155,395.43

10	9	14	7	10	11	120
\$136,679.00	\$169,574.00	\$170,771.00	\$560,181.00	\$395,380.00	\$128,331.00	\$3,837,111.38
\$ 2,316.50	\$ 2,757.00	\$ 3,154.00	\$ 4,835.50	\$ 4,414.50	\$ 2,352.50	\$ 52,107.25

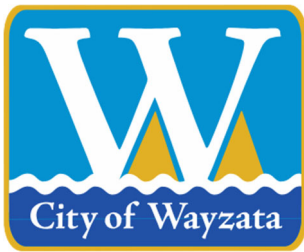
21	19	18	14	25	18	199
124,275.00	219,067.00	97,498.00	388,560.00	284,979.00	149,069.16	\$ 2,151,483.00
2,502.50	4,238.84	2,016.96	6,775.70	5,666.02	3,002.36	\$ 41,914.06

16	9	13	11	12	15	145
\$101,833.00	\$108,022.50	\$212,916.84	\$1,252,235.00	\$124,237.00	\$95,984.00	\$2,741,265.59
\$2,111.66	\$2,228.46	\$3,796.34	\$19,781.70	\$2,552.98	\$1,986.18	\$49,473.58

68	53	61	51	65	59	634
\$78,882.72	\$36,907.85	\$95,914.02	\$64,480.81	\$97,133.10	\$30,720.86	\$560,033.07

75	65	69	99	68	66	693
7	10	6	10	7	6	62
46	27	39	47	33	35	404
27	20	25	29	33	34	287
155	122	139	185	141	141	1324

34	14	24	2	3	4	233
----	----	----	---	---	---	-----



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 7f
TITLE: Approval of Revised Development Agreement for Ventana Condos at 253 Lake St E	
PROPOSED MOTION: To Approve the Revised Development Agreement for Ventana Condos at 253 Lake St E	
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 revised development agreement.

FINANCIAL OR BUDGET CONSIDERATION:

The development agreement does not obligate the City to pay for any of the project costs. Aside from building permit and park dedication fees, there will be no additional financial impact that hasn't already been approved as a part of the TIF agreement and Final Plat.

BACKGROUND:

On December 4th consent agenda, the City Council approved the development agreement for Ventana Condos at 253 Lake St E. After the Council approval, City staff discovered that the draft development included in the Council packet inadvertently omitted the agreed upon payment schedule for the park dedication fee. Attached for the Council's consideration is a revised development agreement that makes the following changes:

3. **Park Dedication Fee.** Developer shall be assessed a Park Dedication Fee of \$128,879.40 pursuant to City Code. The Park Dedication Fee shall be paid as the City issues the certificate of occupancy for each of the individual condominium units. Prior to the City issuing a certificate of occupancy for each of the individual condominium units, the Developer shall pay the City 1/16th of the Park Dedication Fee, until such time as the fee is paid in full. Payment in full shall be required prior to the City's execution and release of the Final Plat and the issuance of any building permits.

ATTCHMENTS:

1. Revised Development Agreement

**DEVELOPMENT AGREEMENT
(253 Lake Street East, Wayzata, MN)**

THIS DEVELOPMENT AGREEMENT (this “**Agreement**”) is made this _____ day of _____, 2018, by and between the City of Wayzata, a Minnesota municipal corporation (“**City**”), and Ventana, LLC, a Minnesota limited liability company (“**Developer**”), regarding the property located at 253 Lake Street East, legally described on Exhibit A attached hereto (the “**Property**”).

Pursuant to Section 801.33 of the City’s Code and the terms and conditions of Resolution No. 52-2018 adopted by the Wayzata City Council (the “**City Resolution**”), and Ordinance No. 784, adopted by the Wayzata City Council (the “**City Ordinance**”), copies of which are on file with and can be made available by the City, the parties agree as follows:

1. **Planned Unit Development.** Under the City Resolution, the City has granted Developer approval of a planned unit development (“PUD”) to demolish the existing commercial building on the Property, and construct a new three (3) story building consisting of sixteen (16) residential condominium units, one (1) level of underground parking (collectively, the “**Project**”) with access to public parking located on land owned, or to be owned, by the City. The Project shall be developed and the Property shall be operated and used in accordance with the terms of this Agreement and the City Resolution and the City Ordinance, 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 constructed, and the Property shall be operated and used in accordance with the plans and specifications listed on Exhibit B attached hereto, which shall include but in no way be limited to: (i) final civil engineering plans, (ii) a final site plan, (iii) a grading and drainage plan, (iv) a utility plan, (v) a stormwater management plan, (vi) a lighting plan demonstrating that all exterior light fixtures have been adequately coordinated with those located on the adjacent properties; and (vii) final landscaping plans (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, provided all such amendments must comply with the City Code, including without limitation ordinances regarding amendments to planned unit developments. 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. Developer acknowledges that the Plans must comply with all City Code and City design specifications, and must be reviewed and approved by the City Engineer, and in the case of the landscaping plans, reviewed by the City Forester, prior to the City’s issuance of a building permit for the Project.
3. **Park Dedication Fee.** Developer shall be assessed a Park Dedication Fee of \$128,879.40 pursuant to City Code. The Park Dedication Fee shall be paid as the City issues the certificate of occupancy for each of the individual condominium units. Prior to the City

issuing a certificate of occupancy for each of the individual condominium units, the Developer shall pay the City 1/16th of the Park Dedication Fee, until such time as the fee is paid in full.

4. **Final Plat.** Prior to the City's issuance of a building permit for the Project, the Final Plat of Ventana Addition shall have been approved by the Hennepin County Surveyor's Office, fully executed and the City shall have received proof of the Final Plat having been properly recorded with the Office of the Registrar of Titles of Hennepin County.
5. **Public Access Easement.** The City may elect, in its sole discretion, to construct a public parking facility or surface parking lot (the "Public Parking") in the future, which shall abut the Property. Developer shall obtain from the neighboring land owner (i) adequate property rights to validly grant a public access easement to the City permitting both vehicular and pedestrian ingress and egress to and from the Public Parking and Lake Street East over a portion of the Property of a width and location acceptable to the City in its sole discretion (the "**Public Access Easement**"), and (ii) execute the Public Access Easement attached hereto as Exhibit C.
6. **Public Improvements.** At its sole expense, Developer shall construct and complete all the improvements identified on Exhibit D ("**Public Improvements**") in accordance with the Plans 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 or Private Improvements or for the cost of any other improvements for or related to the Project.
7. **Private Improvements.** At its sole expense, Developer shall construct and complete all the improvements identified on Exhibit E ("**Private Improvements**") in accordance with the Plans before the issuance of a certificate of occupancy for the Project by the City. The City shall be 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.
8. **Maintenance Costs.** The Developer shall repair, replace and maintain, and be liable for the cost of repairing, replacing and maintaining the Public and Private Improvements installed by the Developer; provided, however, except 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.
9. **Warranty.** As to the 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 twenty-four (24) months after final completion is certified by the Developer's civil engineer. Any repairs or replacements shall be warranted for twenty-four (24) months from the time of construction or installation. For the Private Improvements, Developer shall also comply with the warranties set forth in Minn. Stat. § 327A.02, subd. 1 and in the Minnesota Common Interest Ownership Act. The warranties referred to in this Section shall hereinafter be referred to, collectively, as the "**Warranties**".

10. Security For Public and Private Improvements.

- A.** Prior to the issuance of any building permit for the Project, Developer shall deposit with the City an irrevocable letter of credit or cash deposit (in either case, the “**Security For Public and Private Improvements**”) in an amount equal to [\$ _____], being 125% of the estimated construction costs for all the Public Improvements and Private Improvements, with such costs being shown on Exhibit D and Exhibit E. 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 For Public and Private Improvements if the then current construction cost estimates for the Public Improvements or Private Improvements have increased from the date hereof. The Security For Public and Private Improvements shall secure all the Developer’s obligations under this Agreement. The Security For Public and Private Improvements shall be referred to herein, collectively and individually, as the “**Security**”.
- 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 and Private 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 under this Section, 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, provided under this Section with five (5) business days’ prior written notice to Developer, if the Developer fails to complete the Public Improvements or Private 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__].
- 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 and Private Improvements are satisfied. The amount of such reduction shall equal no more than 100% of the originally estimated cost of the particular Public Improvement or Private Improvements obligation satisfied, as shown on Exhibit D and Exhibit E; 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 or Private Improvements, as determined by the

City. Any Security on deposit with the City upon the expiration of all Warranties shall be released to Developer upon Developer's written request to the City.

11. **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 times until the City issues a final Certificate of Occupancy for the Project, 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 or Private 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 or Private Improvements.

12. **Responsibility for Costs.**

- A. The Developer shall hold the City and its elected officials, officers and 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 and hold the City and its elected officials, officers and employees harmless from all costs, damages or expenses, obligations, claims or liabilities, including reasonable attorneys' and other professional or consulting fees.
- B. The Developer shall reimburse the City for all reasonable costs incurred by the City in connection with processing the application that resulted in the City Resolution and the City Ordinance and the preparation and enforcement of this Agreement (and any amendment thereto), including engineering, building official, planning and attorneys' 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.

13. **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.

14. **Representations.** Developer warrants and represents, for the benefit of the City, that, as of the date hereof: (i) Developer, or its permitted assign, is the fee owner of the Property and 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 (iii) 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 F attached hereto, and any such Consent and Joinder shall be attached to the recorded/filed original of this Agreement as Exhibit G.

15. **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.

16. **Miscellaneous.**

- A. This Agreement 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 and/or obligations hereunder, in full or in part, without prior written consent from the City and any such consent shall be subject to any new owner or owners of the Property, in writing, assuming the obligations of the Developer hereunder in a document approved, in writing, by the City. Notwithstanding the foregoing, from and after the issuance of a certificate of occupancy for the Project by the City, the Developer may assign its rights and obligations under this agreement to a homeowners or common interest community association for the Project (“**HOA**”) provided: (i) the City has reviewed and approved the documents establishing and governing the HOA; (ii) the City has reasonably determined that the HOA will have the ability to perform the then remaining obligations of the Developer hereunder; and (iii) the HOA assumes the obligations of the Developer hereunder in a recordable document approved, in writing, by the City (“**HOA Assumption**”).
- B. This Agreement may not be terminated, amended, revoked or modified without the written agreement of the then current fee owner(s) of the Project and the City, in a document which is in recordable form; provided from and after the HOA Assumption this Agreement may be so terminated, amended, revoked or modified with the written agreement of the City and HOA in a document which is in recordable form without need for the consent of all the then current fee owner(s) of the Project.
- C. Nothing herein contained shall be deemed to be a gift or dedication of all or any portion of the Property to the general public or for any public use or purpose.
- D. All exhibits and attachments referred to herein and attached hereto shall be deemed part of the Agreement
- E. 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.

- F.** There shall be no third party beneficiaries to this Agreement and third parties shall have no recourse against the City under this Agreement.
- G.** 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.
- H.** 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. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- I.** This Agreement and any amendments thereto shall run with the Property, including, without limitation, any common interest community that may be created with respect to the Property, 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.
- J.** If the Developer endeavors to create a common interest community with respect to the Property, it shall disclose this Agreement, together with any amendment thereto, in any disclosure statement required under Minnesota Statute Section 515B.4-102 or any other applicable law.
- K.** 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;
 - (2)** The obligations of the Developer 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, including without limitation any HOA, 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.

- L.** 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.
- M.** 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.
- N.** 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.
- O.** 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.
- P.** 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.
- Q.** This Agreement shall be governed by and construed under the laws of Minnesota. To the extent Section 500.20 of the Minnesota Statutes 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.

17. **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:

Ventana, LLC
1907 Wayzata Boulevard
Suite 250
Wayzata, MN 55391
Attention: Bradley Hoyt

With copies to:

EntrePartner Law Firm, PLLC
3700 Campbell Mithun Tower
222 South Ninth Street
Minneapolis, MN 55402
Attention: Michael J. Mergens

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 PAGES ATTACHED]

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

DEVELOPER:

Ventana, LLC, a Minnesota limited liability company

By: _____

Name: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2018, by Bradley Hoyt, the Manager of Ventana, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public

[SIGNATURE PAGE TO DEVELOPMENT AGREEMENT FOR
253 LAKE STREET EAST]

CITY:

**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

[SIGNATURE PAGE TO DEVELOPMENT AGREEMENT FOR
253 LAKE STREET EAST]

CITY:

**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

EXHIBIT A
Legal Description

EXHIBIT B

List of Plans

1. Building Tabulations submitted by Weber Architects and Planners dated August 17, 2018
2. Site Tabulations submitted by Weber Architects and Planners dated August 17, 2018
3. Exterior Elevations prepared by Weber Architects and Planners dated August 16, 2018
4. Floor Plans by Weber Architects and Planners dated August 16, 2018
5. Preliminary Construction Plan by Sathre-Bergquist, Inc, dated July 3, 2018

EXHIBIT C

Public Access Easement

(Attached)

PUBLIC ACCESS EASEMENT AGREEMENT

THIS PUBLIC ACCESS EASEMENT AGREEMENT (this “Agreement”), is made effective as of this ____ day of _____, 2018, by and between the CITY OF WAYZATA, a Minnesota municipal corporation (hereinafter the “City”), and VENTANA, LLC, a Minnesota limited liability company (hereinafter the “Developer”).

W I T N E S S E T H:

WHEREAS, the City and the Developer have entered into a Development Agreement dated _____, 2018, which was recorded in the Office of the Registrar of Titles of Hennepin County, Minnesota on _____, 2018, as Document No. _____ (the “Development Agreement”), with respect to the development of the real property located at 253 Lake Street East, Wayzata, Minnesota (the “Property”); and

WHEREAS, the capitalized terms used, but not defined in the of this Agreement shall have the meanings given in the Development Agreement; and

WHEREAS, pursuant to the Development Agreement, the Developer has agreed to grant a non-exclusive public access easement to the City to provide the general public and the City with ingress and egress from Lake Street East to the to-be-constructed municipal parking facility or surface parking lot (the “Public Parking”) along the _____ boundary line of the Property; and

WHEREAS, the City and the Developer deem it to be in their vital interest to enter into this Public Access Easement Agreement (hereinafter this “Agreement”) with respect to those portions of the Property upon which the Developer will grant an easement to the City as more specifically described herein; and

NOW THEREFORE, in consideration of the premises and the mutual agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I

GRANT OF EASEMENT

Section 1.1. Public Access Easement. The Developer hereby grants and conveys to the City a non-exclusive easement (the “Public Access Easement”) over and across those portions of the real property described on Exhibit B, situated in the City of Wayzata, County of Hennepin, State of Minnesota (the “Public Access Easement Area”), for the purpose of providing the City and the general public with ingress and egress for vehicular and pedestrian traffic over and across the Public Access Easement Area to and from the Public Parking Area.

Section 1.2. Purpose. The Public Access Easement is granted for the purposes described in Sections 1.1, together with all appurtenances thereto and means of access from and to public rights of way and easements shown in the Plans or constructed by Developer; and include, but are not limited to, any and all sidewalks, streets, alleys, or public spaces immediately adjoining or contiguous to the Public Access Easement and all easements appurtenant.

Section 1.3. Releases and Reservations.

(a) The Developer reserves in, over, under, above, across and upon the Public Access Easement Area the right to use the Public Access Easement Area for any and all uses and purposes provided that such use does not obstruct or materially interfere with the intended purpose of the Public Access Easement, including without limitation:

(i) the right of access for ingress and egress through the Public Access Easement Area;

(ii) the right to bring utilities, materials, and other facilities through the Public Access Easement Area; and

(iii) the right to grant easements in, over, under and across the Public Easement Area for the purpose of installation, use and operation of utilities.

(b) All provisions in this Section 1.3 are subject to the terms of the Development Agreement, the Plans and the City Code with regard to public rights of way, including the requirements to obtain encroachment permits, obstruction permits or other City approvals to do work in or to public rights of way.

Section 1.4. Traffic Regulations and Enforcement. All vehicular and pedestrian traffic on the roadways on the Public Access Easement Area shall be subject to applicable local, state and

federal laws. The City shall have the right to regulate and enforce any and all traffic violations on the roadways on the Public Access Easement Area.

ARTICLE II

TERM

Section 2.1. Term. The Public Access Easement will become effective upon the date of this Agreement and shall be of perpetual duration unless otherwise provided herein.

ARTICLE III

UTILITIES

Section 3.1. Utility Charges. The Developer will pay, or cause to be paid, when the same become due, all charges for water, sewer usage, gas, electricity, and any and all other utility or similar services used, rendered, supplied, or consumed in, upon, at, from, or in connection with the Public Access Easement Area, or any part thereof.

ARTICLE IV

TAXES AND ASSESSMENTS

Section 4.1. Payment of Taxes and Assessments. The Developer must pay, or cause to be paid, before becoming delinquent, all real estate taxes, charges, assessments, and levies, assessed and levied by any governmental taxing authority against the Public Access Easement. Nothing contained in this Agreement requires the Developer to pay any franchise, estate, inheritance, excise, succession, capital levy, or transfer tax of the City or any income, excess profits or revenue tax payable by the City under this Agreement. The Developer has the right and option, at any time but solely at the Developer's expense, to pay any real estate taxes or assessments in installments or under protest or in a similar manner, or to contest the levy or amount of the same in appropriate legal or administrative proceedings.

ARTICLE V

USE OF PUBLIC ACCESS EASEMENT

Section 5.1. Construction of Public Access Easement. In accordance with the provisions of the Development Agreement and this Agreement, the Developer must develop and construct the Public Access Easement Area as a paved access way which is adequate for use by the City and the general public for vehicular and pedestrian access to and from Lake Street East, as depicted in the Plans and which shall seamlessly connect with the access way located on the neighboring property.

Section 5.2. Construction of Public Improvements. To the extent located on the Public Access Easement Area, the Developer must construct and complete the Public Improvements. The size, location, and design of the Public Improvements must be approved in the Plans. The

Developer will be the owner of the Public Improvements, except as otherwise provided in Article VII below.

Section 5.3. Liens. The Developer will not permit any mechanics' or materialmen's liens to stand against the Public Access Easement on account of improvements authorized by the Developer, provided, however, that the Developer may in good faith and at its expense contest any such lien in which event such lien may remain undischarged and unsatisfied during the contest and any appeal, provided the Developer file a bond or deposit cash or other reasonable security in the amount of such lien with the court or with a mortgagee of the Public Access Easement Area or with the City to secure the payment of such lien if finally determined to be valid.

Section 5.4. No Waste or Damage. Neither the City nor the Developer may knowingly or willfully commit or suffer to be committed any waste or damage in or upon the Public Access Easement Area. The Developer in its use and occupancy of the Public Access Easement Area, may not knowingly and willfully commit or suffer to be committed any act or thing which constitutes a nuisance or interferes with the public use and enjoyment of the Public Access Easement Area. Usual and normal wear and tear, damage by the elements, unavoidable casualty or depreciation and diminution over time will not be considered "waste," "nuisance," "damage," "disfigurement," or "injury."

ARTICLE VI

INDEMNIFICATION, INSURANCE

Section 6.1. Property Insurance. The Developer, at its sole cost and expense, must keep the Public Access Easement Area, and all alterations, extensions, and improvements thereto and replacements thereof, insured against loss or damage by fire and against those casualties covered by extended coverage insurance and against vandalism and malicious mischief and against such other risks, of a similar or dissimilar nature, as are customarily covered with respect to improvements similar in construction, general location, use, and occupancy to the Public Access Easement Area. Such policy of insurance will affirmatively include the full replacement cost measure of recovery.

Section 6.2. Indemnification of the City.

(a) The Developer hereby releases, covenants and agrees that the City shall not be liable for and the Developer shall indemnify and hold harmless the City from and against any loss or damage to property or any injury to or death of any person occurring at or about or resulting from any defect in the Public Improvements on the Public Access Easement Area to the extent not attributable to the negligence of the City.

(b) The City in no way waives its right to statutory liability caps under Minnesota Statutes, Section 466.04, as amended. The Developer's liability to the City equals, but does not exceed, the City's statutory liability limits under Minnesota Statutes, Section 466.04, as amended.

(c) The Developer agrees to indemnify and hold the City and its elected officials, officers and employees harmless from all costs, damages or expenses, obligations, claims or liabilities, including reasonable attorneys' and other professional or consulting fees arising from or relating to Developer's acquisition of any and all property rights to the land underlying the Public Access Easement for purposes of granting the Public Access Easement to the City.

(d) This provision will survive termination of this Agreement.

Section 6.3. Liability Insurance. The Developer, and any successor in interest to the Developer, shall obtain and continuously maintain insurance on the Public Access Easement Area and the Public Improvements and, from time to time at the request of the City, furnish proof that the premiums for such insurance have been paid and the insurance is in effect. The Developer must procure and maintain continuously in effect (or cause the same to occur), policies of insurance of the kind and minimum amounts as are customarily maintained with respect to the Public Access Easement Area and Public Improvements and, to be reviewed from time to time by the parties, such policies must meet the minimum requirements set forth in Minnesota Statutes Section 466.04, as amended, and must further include the following:

(a) Insurance against liability for injuries to or death of any person or damage to or loss of property arising out of or in any way relating to the condition of the Public Access Easement Area and Public Improvements. Such insurance must provide that the City is an additional insured.

(b) To the extent reasonably available, insurance coverage with respect to the indemnification expressed in Section 6.2 hereof.

Section 6.4. General Insurance Requirement. All insurance required in this Agreement must be placed with financially sound and reputable insurers licensed to transact business in the State of Minnesota. The Developer must furnish to the City policies evidencing all such insurance or a certificate or certificates of the respective insurers stating that such insurance is in force and effect. If Developer receives notification that any such insurance policies will be cancelled, Developer shall give written notice to the City before the cancellation becomes effective. All policies or certificates of insurance will be approved reasonably as to form and content by the City. The insurance coverage herein required may be provided by a blanket insurance policy or policies.

ARTICLE VII

ASSIGNMENT, SUBORDINATION

Section 7.1. Assignment by the City. The City may not assign or transfer its interest under this Agreement without the prior written consent of the Developer.

Section 7.2. Assignment by Developer. The Developer may not assign or otherwise transfer its interest under this Agreement, except (i) as provided in the Development Agreement, (ii) to whomever becomes an assignee of the Developer under the Development Agreement, (iii) to any lender holding a mortgage on or interest in the Public Access Easement, and (iv) to an entity

or party affiliated with or related by common ownership to the Developer. The City will recognize and accept any successors or assigns of Developer.

Section 7.3 Permitted Transfer and Assignment to Master Association. Notwithstanding anything the contrary in this Agreement, the Developer may, (i) transfer title to the Public Access Easement to Ventana Owners' Association, a Minnesota nonprofit corporation (the "Master Association") and (ii) assign or otherwise transfer all or any portion of its rights, obligations or interests under this Agreement to the Master Association. Upon any such assignment, the Developer shall be released from all obligations so assigned, provided that (iii) the Master Association is determined by the City to have financial resources adequate to fund the Developer's obligations under this Agreement, in the City's reasonable discretion, and (iv) the Master Association and the Developer have entered into a signed agreement with the City requiring the Master Association to be bound by the terms of this Agreement and recording such agreement.

ARTICLE VIII

MAINTENANCE OF THE PUBLIC ACCESS EASEMENT AREA

Section 8.1. Maintenance. Until such time as the City commences construction of the Public Parking, the Developer shall maintain, repair and operate the Public Access Easement Area in a condition which is safe, operational and in accordance with all government regulations and agreements, and shall be obligated to keep and maintain the Public Access Easement Area in good condition and repair, free from snow and ice, debris, waste, refuse and other obstructions. Upon the City's commencement of construction of the Public Parking, the City shall be obligated to keep and maintain the Public Access Easement Area in good condition and repair, free from snow and ice, debris, waste, refuse and other obstructions.

Section 8.2. Assignment of Maintenance Obligations. The Developer may assign its maintenance obligations under Section 8.1, if any, to a third party, including the Master Association as provided in Section 7.3 above.

Section 8.3. Entry by City. The City may, after notice and opportunity to cure, enter onto the Public Access Easement Area to repair and maintain the Public Access Easement Area if the City determines, in its sole discretion, that performance of such repairs and maintenance is necessary (i) cure any default hereunder or (ii) to protect public health, welfare, and safety in a manner consistent with standard practices; provided, however, that in case of emergency or failure of Developer to maintain the Public Access Easement Area sufficiently to protect the public health and safety, the Public Access Easement Area are subject to entry without notice and at any time, by City or its authorized employees and/or agents and/or by any public safety personnel to perform such maintenance or repairs as City may deem necessary in its sole discretion. The City will submit an invoice for the costs incurred for such maintenance or repairs to the Developer. If the Developer has failed to make payment on the invoice within sixty (60) days, the City will have the right to assess the costs incurred by the City to all or any portion of the Public Access Easement Area as a service charge pursuant to Minnesota Statutes, Section 429.101, or any successor statute. By execution of this Agreement, the Developer is agreeing to such an assessment for maintenance and repair costs, agreeing that the Public Access Easement Area assessed for such service charges

is benefited thereby, and waiving any rights the Developer or a third party may have to object to an assessment of such service charges, including any rights of appeal under Minnesota Statutes, Chapter 429.

Section 8.4. Destruction. In the event that the Public Access Easement Area are destroyed by fire or other casualty, and subject to a determination by any lender holding a mortgage on the Public Access Easement Area, the Developer will rebuild or reconstruct the Public Access Easement Area to the extent insurance proceeds are available or, in the event insurance proceeds are not sufficient to reconstruct the entire Public Access Easement Area, to the extent insurance proceeds combined with any contributions by the Developer toward reconstruction are available. If the Developer rebuilds or reconstructs the Public Access Easement Area, the proceeds from any and all insurance policies covering risks against loss or damage must be used to rebuild or reconstruct.

ARTICLE IX

DEFAULT AND TERMINATION

Section 9.1. Default by Developer. If the Developer fails to perform any of its obligations under this Agreement, and fails to cure such default after thirty (30) days' written notice of such default or, if such default cannot reasonably be cured within such thirty (30) days, fails to commence curative action and thereafter diligently complete the same, then in such case, the City may cure such default on behalf of the Developer and Developer consents to pay to the City any and all such sums as are due and owing on account thereof. City will submit a statement to Developer evidencing the costs incurred to cure such default. If Developer has failed to make payment in accordance with the statement within sixty (60) days after receipt thereof, City will have the right to assess the costs incurred by City to all or any portion of the Public Access Easement Area as a service charge pursuant to Minnesota Statutes, Section 429.101, or any successor statute. In addition, the City may exercise all remedies available to it at law or equity.

ARTICLE X

MISCELLANEOUS

Section 10.1. Waiver. The waiver by any party hereto of any breach or default of any provisions anywhere contained in this Agreement does not constitute a waiver of any subsequent breach or default thereof. No provision of this Agreement is waived unless such waiver is in writing and signed by the party charged with any such waiver.

Section 10.2. Amendments. Except as otherwise herein provided, no subsequent alteration, amendment, change, waiver, discharge, termination, deletion, or addition to this Agreement will be binding upon either party unless in writing and signed by both parties. The Developer and the City agree to join in and consent to amendments to this Agreement, to the extent such amendments are reasonably required by the Developer's lenders; provided, however, that the Developer and the City will not be required to enter into such amendments if the amendments do

not adequately protect the legitimate interest and security of the Authority or the City with respect to the Project as defined in the Development Agreement.

Section 10.3. Joinder; Permitted Encumbrance. Except for the Consent attached hereto as Exhibit C, if any, this Agreement does not require the joinder or approval of any other person and each of the parties respectfully has the full, unrestricted and exclusive legal right and power to enter into this Agreement for the term and upon the provisions herein recited and for the use and purposes hereinabove set forth. This Agreement will constitute a permitted encumbrance under any loan agreement heretofore or hereafter entered into between the Developer and any construction or permanent lender.

Section 10.4 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and together which shall constitute one and the same instrument.

Section 10.5 Conflicts. In the event of any conflict between the terms of this Agreement, on the one hand, and the terms of the Development Agreement, on the other hand, the terms and conditions of the Development Agreement shall control.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first above written.

CITY OF WAYZATA, a Minnesota
municipal corporation

By: _____
Ken Willcox, Mayor

By: _____
Jeffrey Dahl, City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Ken Willcox and Jeffrey Dahl, the Mayor and City Manager, respectively, of the CITY OF WAYZATA, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

My Commission Expires _____

VENTANA, LLC, a Minnesota limited liability company

By: _____
Its _____

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

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

Notary Public

My Commission Expires _____

EXHIBIT A
DESCRIPTION OF PUBLIC ACCESS EASEMENT AREA

EXHIBIT D

Public Improvements

The Public Improvements are as follows:

- 1) Construction of street, street signs, water and sanitary sewer utilities, sidewalk, streetscaping, lighting, and landscaping along the Lake Street East right of way adjacent to the Property, all in accordance with the Plans. (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).

EXHIBIT E

Private Improvements

The Private Improvements are as follows:

1. Site grading in accordance with the Plans (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER])
2. Landscaping in accordance with the Plans (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER])
3. Storm sewer and stormwater management facilities in accordance with the Plans (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER])

EXHIBIT F

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 Development Agreement (the “Agreement”) to which this Consent and Joinder is attached) under a Mortgage filed in the office of the Registrar of Titles for Hennepin County, Minnesota, as Document No. _____ and/or recorded with Recorder’s Office 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 _____, 2018.

By: _____

Its: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2018, by _____, the _____ of _____, a _____, on behalf of said _____.

Notary Public

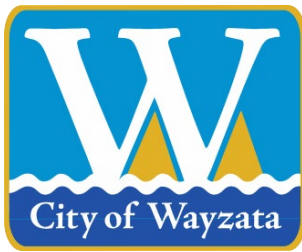
THIS DOCUMENT WAS DRAFTED BY:

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

EXHIBIT G

Executed Consent and Joinder by Mortgagee(s)

(Attached)



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 7g
TITLE: Approval of Resolution 72-2018, Approving Appointment of Fire Department Officers for 2019	
PROPOSED MOTION: To Approve Resolution 72-2018, Approving Appointment of Fire Department Officers for 2019	
PREPARED BY: Kevin Klapprich, Fire Chief	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached Resolution 72-2018.

FINANCIAL OR BUDGET CONSIDERATION:

Officers are paid an additional amount due to their added responsibilities. Officer pay is programmed in the 2019 General Fund Budget.

BACKGROUND:

For more than the decade, the City's process for appointing its leadership at the Fire Department includes department-wide elections at the end of the year and then the Council reviewing the election results and making the appointments via resolution.

The Fire Department held its annual officer election on December 10, 2018 and have recommended the appointments as attached in the draft resolution.

ATTACHMENTS:

1. Resolution 72-2018

CITY OF WAYZATA

RESOLUTION NO. 72-2018

**A RESOLUTION APPROVING APPOINTMENT OF
WAYZATA FIRE DEPARTMENT OFFICERS FOR 2019**

WHEREAS, the Wayzata Fire Department has reviewed and is recommending the appointment of the following Fire Department Officers through December 31, 2019:

Fire Chief	Kevin Klapprich
Assistant Fire Chief	Kurt Klapprich
Assistant Fire Chief	Dan Day
Fire Captain	Troy Hoefker
Fire Lieutenant	Justin Anderson
Fire Lieutenant	John Berns
Fire Lieutenant	Joe Rasmus
President	Rich Holm
Vice President	Mike Swierzewski
Secretary	Denise Kozojed

NOW, THEREFORE, BE IT RESOLVED that the City Council of Wayzata, Minnesota hereby approves the appointment of the aforesaid Fire Department Officers for the calendar year 2019, as elected by the members of the Wayzata Fire Department.

Adopted by the City Council of the City of Wayzata this 18th day of December, 2019.

Ken Willcox, Mayor

Attest: _____
Jeff Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

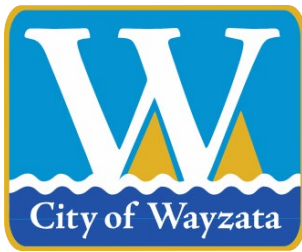
Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 72-2018 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on December 18, 2018.

Kathy Leervig, City Clerk

SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 7h
TITLE: Accept Jeff Buchanan's Resignation from the Planning Commission	
PROPOSED MOTION: Accept the Resignation of Jeff Buchanan from the Planning Commission	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends acceptance of the attached resignation notice.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

Jeff Buchanan's current term on the Planning Commission ends on December 31, 2019. With his election to the City Council, Mr. Buchanan has submitted a resignation notice from the Planning Commission. Mr. Buchanan has served on the Planning Commission since 2017, and as chair in 2018.

ATTACHMENTS:

1. Resignation letter from Planning Commissioner Jeff Buchanan

FROM THE DESK OF
JEFFREY L. BUCHANAN

December 17, 2018

Mr. Jeff Thompson
Director of Planning and Building
600 Rice Street E
Wayzata, MN 55391

Dear Mr. Thompson

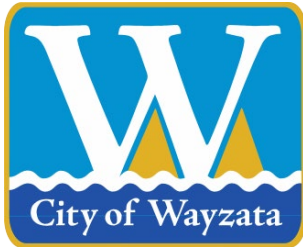
This letter will serve as my formal resignation from the City of Wayzata Planning Commission. I have enjoyed my time on the commission, but with my recent election to the City Council, I must relinquish my Planning Commission responsibilities.

Thank you for your support and I look forward to working with you in my new capacity.

Sincerely yours,



Jeffrey L. Buchanan



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8a
TITLE: Consider Approval of Wetland Replacement Plan for Proposed Public Parking Lot at Lake Street and Barry Avenue	
PROPOSED MOTION: To Approve Wetland Replacement Plan for Proposed Public Parking Lot at Lake Street and Barry Avenue	
PREPARED BY: Mike Kelly, Director of Public Works /City Engineer	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the Wetland Conservation Act (WCA) Permit Application for the proposed parking project, located north of Lake Street and west of Barry Avenue, adjacent to the Wayzata Blu and Ventana projects.

FINANCIAL OR BUDGET CONSIDERATION:

All parking lot related costs (soft and future capital costs) will be paid out of a combination of:

- Developer Contribution;
- TIF #6 Proceeds; and
- the City's Downtown Public Parking Fund.

BACKGROUND:

The purpose of this project is to provide combined parking to meet the demands of the 235-275 Lake Street East parcels, parking easement for the Boatworks Building, and Public Parking.

In accordance with the City of Wayzata Ordinance, office buildings and professional offices must provide three spaces for each 1,000 square (sq.) foot (ft.) of floor area. The proposed office building at 235 Lake Street East consists of 37,879 sq. ft. of gross floor area (subtracting the parking level), which requires 102 parking spaces. The proposed building includes 29 enclosed parking spaces within the underground garage, the remaining required parking of 74 stalls will be provided on-site from surface parking. The occupants of the parcel at 275 Lake Street East have underground parking to meet the City requirements but are under contract to provide 85 parking stalls for the Boat Works, LLC property located directly south across Lake Street East (Figure 3). The parcel address of 253 Lake Street East will meet its parking requirements with underground parking, so no surface parking will be required.

Public parking near the property is currently limited. Except for a public parking lot with 50 stalls across the street at the Wayzata beach, most of the public parking is over 3 blocks away from the area, thus limiting its use for this portion of downtown Wayzata (Figure 6 of attached application). Street parking is available but does not have the capacity to provide adequate parking during peak

demand. This proposed parking lot will provide 27 stalls of public parking for visitors to the area for recreation or business purposes.

Two wetlands are present on the Property totaling 1.07 acres. Wetland 1 is a partially drained Type 3/5 (PSS1Cd/UBG) shrub carr/shallow, open water community wetland located in the northern half of the property and extends beyond the boundaries of the Property. Wetland 2 is a Type 1 (PEM1A) seasonally flooded basin located in the western portion of the property. Wetland 2 is an incidental wetland developed from a storm water detention pond that was constructed in upland during parking lot improvements of the site as shown on the design plan dated 1997 (Attachment A of attached application).

The proposed wetland impacts are provided on Figure 5 of the attached application. The construction of the parking lot will require 0.23 acre of permanent fill to Wetland 1 and 0.01 acre of permanent fill to Wetland 2. As discussed, Wetland 2 will not require mitigation. Wetland 1 which is 0.23 acres will require 0.46 acres of replacement to meet the 2:1 replacement ratio.

The replacement site is proposed to be the City's "wetland bank" site, located north of Highway 12, east of Broadway Avenue. A map of the proposed replacement site can be found in Attachment B of the attached application.

Wetland Conservation Act (WCA) Process

- The attached WCA application was noticed to environmental agencies for comment on November 28, 2018. Agencies include the MN DNR, Minnehaha Creek Watershed District, Board of Soil and Water Resource (BWSR), Hennepin Conservation District, and the US Army Corps of Engineers.
- The City will be holding a Technical Evaluation Panel (TEP) meeting on December 14, 2018 at 1:00 PM to discuss the project with the agencies and solicit comments, feedback, and recommendations.
- Comments on the application are due on December 18, 2018 at 12:00 PM.
- Based on comments received, City Council will take action to approve the wetland replacement plan and issue a formal decision. A draft decision notice is attached for your review.

ATTACHMENTS:

1. Wetland Conservation Act Application
2. Draft Notice of Decision

Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

Regulatory Review Structure

Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

Submission Instructions

Send the completed joint application form and all required attachments to:

U.S Army Corps of Engineers. Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact Information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

Section 401 Water Quality Certification: Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

Wetland Conservation Act Local Government Unit: Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site (www.bwsr.state.mn.us) to determine the appropriate LGU.

DNR Public Waters Permitting: In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>).

Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Mike Kelly

Mailing Address: Wayzata City Hall, 600 Rice Street E., Wayzata, MN

Phone: 952-404-5316

E-mail Address: Mike@wayzata.org

Authorized Contact (do not complete if same as above):

Mailing Address:

Phone:

E-mail Address:

Agent Name: Stantec – John Smyth

Mailing Address: 2335 MN Hwy 36 West, St. Paul, MN 55113

Phone: (651) 775-5104

E-mail Address: John.smyth@stantec.com

PART TWO: Site Location Information

County: Hennepin

City/Township: Wayzata

Parcel ID and/or Address: 235, 239, 253, 259 and 275 Lake St. E

Legal Description (Section, Township, Range): Sec: 6 Twp: 117N Range: 22W NW1/4

Lat/Long (decimal degrees): -93.518458, 44.971615

Attach a map showing the location of the site in relation to local streets, roads, highways. See Figure 1 attached.

Approximate size of site (acres) or if a linear project, length (feet): 3.5 acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted **prior to** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Description of the Project

The Project Property ("Property") consists of three parcels collectively occupying approximately 3.5 acres within the City of Wayzata (Figure 2). The Property is located within Township 117 North, Range 22 West, Section 6 in Hennepin County, in the Seven County Metro Area (Figure 1).

The Property is currently under redevelopment and was formerly occupied by commercial and retail development with associated surface parking lot. The parcel at 235 Lake Street East was formerly occupied by Captiva Restaurant Group. The parcel at 253 Lake Street East was occupied by A&B Motors car dealership, and the parcel at 275 Lake Street East was occupied by Barbers Inn, Candlelight Floral & Gifts, and Judd Frost Clothiers (Figure 3). The City of Wayzata has reviewed proposed redevelopment of the Property including one office space and two medium density multiple residential units with associated parking. The summary of the proposed use for each parcel is below:

- The development application for the property at 253 Lake Street East includes demolition of the existing building and construction of a three-story building with 16 residential condominiums with 32 enclosed parking stalls that would be partially located above grade.
- The development of 235 involves demolishing the existing office building and construct a 3-story, 37,879 square foot office building. This project will include a lower level parking garage that would include 29 stalls.
- The development of 275 Lake Street East includes demolishing the existing building and construction of a residential development.

Purpose and Need

The purpose of this project is to provide combined parking to meet the demands of these parcels and the immediate area. In accordance with the City of Wayzata Ordinance, office buildings and professional offices must provide three spaces for each 1,000 square(sq.) foot (ft.) of floor area. The proposed office building at 235 Lake Street East consists of 37,879 sq. ft. of gross floor area (subtracting the parking level), which requires 102 parking spaces. The proposed building includes 29 enclosed parking spaces within the underground garage, the remaining required parking of 74 stalls will be provided on-site from surface parking. The occupants of the parcel at 275 Lake Street East have underground parking to meet the City requirements but are under contract to provide 85 parking stalls for the Boat Works, LLC property located directly south across Lake Street East (Figure 3). The parcel address of 253 Lake Street East will meet its parking requirements with underground parking, so no surface parking will be required. Public parking near the Property is currently limited. Except for a public parking lot with 50 stalls across the street, most of the public parking is over 3 blocks away from the area thus limiting its use for this portion of downtown Wayzata (Figure 6). Street parking is available but does not have the

capacity to provide adequate parking during peak demand. This parking area will provide 27 stalls of public parking for the area businesses.

Two wetlands are present on the Property totaling 1.07 acres. Wetland 1 is a partially drained Type 3/5 (PSS1Cd/UBG) shrub carr/shallow, open water community wetland located in the northern half of the property and extends beyond the boundaries of the Property. Wetland 2 is a Type 1 (PEM1A) seasonally flooded basin located in the western portion of the property. Wetland 2 is an incidental wetland developed from a stormwater detention pond that was constructed in upland during parking lot improvements of the site as shown on the design plan dated 1997 (Attachment A).

The proposed wetland impacts are provided on Figure 5. The construction of the parking lot will require 0.23 acre of permanent fill to Wetland 1 and 0.01 acre of permanent fill to Wetland 2.

As discussed u Wetland 2 will not require mitigation. Wetland 1 which is 0.23 acres will require 0.46 acres of replacement to meet the 2:1 replacement ratio. The replacement site will be the Wayzata Wetland Bank which has been constructed and monitored for five years but deposit is pending the easement being finalized.

Project Schedule

The construction of the new proposed parking will start in July 2019.

PART FOUR: Aquatic Resource Impact¹ Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵
Wetland 1	Wetland	Fill	P	0.23 acre	1.06 Acres (within the Property)	Shrub Carr/Shallow Open Water Community	Hennepin, 20, 7
Wetland 2	Wetland	Fill	P	0.01 acre	0.01 acre	Seasonally Flooded Basin	Hennepin, 20, 7

¹If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

²Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

³This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

⁴Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

⁵Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

No impacts to aquatic resources have occurred.

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:  Date: 11/27/18

I hereby authorize Stantec to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

¹ The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment B

Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part **if** you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR **if** you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

Work to be conducted for the Project within Wetland 2 qualifies for authorization under the CWA Nationwide Permit (NWP) 18 Minor Discharges and is exempt from replacement/compensatory mitigation. The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line; (b) the discharge will not cause the loss of more than 1/10-acre of waters of the United States; and (c) The discharge is not placed for the purpose of a stream diversion.

Impacts to Wetland 2 are not regulated by the Wetland Conservation Act (WCA) pursuant to 8420.0105. Subp. 2. D. which states “This chapter does not regulate impacts to incidental wetlands. “Incidental wetlands” are wetland areas that the landowner can demonstrate, to the satisfaction of the local government unit, were created in nonwetland areas solely by actions, the purpose of which was not to create wetlands. Incidental wetlands include drainage ditches, impoundments, or excavations constructed in nonwetlands solely for the purpose of effluent treatment, containment of waste material, storm water retention or detention, drainage, soil and water conservation practices, and water quality improvements and not as part of a wetland replacement process that may, over time, take on wetland characteristics.

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

Wetland 2 is an incidental wetland created solely because of actions by a private entity that were taken for a purpose other than creating the wetland. The grading plan for parking and stormwater improvements from 1997 is provided as Attachment A. The grading plan shows that the stormwater pond was excavated outside the delineated wetland in upland. It was constructed for stormwater treatment and not part of a mitigation plan and thus is incidental.

Attachment C

Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

The City of Wayzata is proposing to redevelop the Property. Plans for the Property include development of one building for office space, two medium density multiple residential units, and a surface lot parking which will provide 186 parking stalls (see Figure 4).

Purpose and Need

The purpose of this project is to provide combined parking to meet the demands of these parcels and the immediate area. In accordance with the City of Wayzata Ordinance, office buildings and professional offices must provide three spaces for each 1,000 square(sq.) foot (ft.) of floor area. The proposed office building at 235 Lake Street East consists of 37,879 sq. ft. of gross floor area (subtracting the parking level), which requires 102 parking spaces. The proposed building includes 29 enclosed parking spaces within the underground garage, the remaining required parking of 74 stalls will be provided on-site from surface parking. The occupants of the parcel at 275 Lake Street East have underground parking to meet the City requirements but are under contract to provide 85 parking stalls for the Boat Works, LLC property located directly south across Lake Street East (Figure 3). The parcel address of 253 Lake Street East will meet its parking requirements with underground parking so no surface parking will be required. Public parking near the Property is currently limited. Except for a public parking lot with 50 stalls across the street, most of the public parking is over 3 blocks away from the area thus limiting its use for this portion of downtown Wayzata (see Figure 6). Street parking is available but does not have the capacity to provide adequate parking during peak demand. This parking area will provide 27 stalls of public parking for the area businesses.

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

No-Build/No Action Alternative

The No-Build Alternative was considered as a way to eliminate all wetland impacts associated with the project. Although the no-build alternative would directly avoid all wetland impacts, it would not meet the project purpose, need, or goals.

Wetland impacts could be eliminated by removal of approximately 50 parking stalls. This would require street parking to occur. Street parking is available but does not have the capacity to provide adequate parking during peak demand. The area surrounding the Project is highly developed urban area consisting of single and multiple family residential development, and office, commercial, and central business districts. Undeveloped space for new parking to serve the Property and other nearby businesses along Lake Street East within a reasonable distance is limited (Figure 6).

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

Configuration of the proposed parking was designed to minimize surface area while meeting a capacity of 186 stalls and adhering to the City Building Ordinance. Design includes 35 compact parking stalls comprising 19 percent of the parking. Additionally, 58 stalls will be tandem parking stalls in which vehicles will be double parked and served by valet attendants (Figure 5). An alternative design using only standard parking is shown in Figure 4. If built as a parking lot with all standard stalls the proposed wetland impacts would be 0.48 acres to Wetland 1. By utilizing tandem stalls and designated compact parking there was a reduction of 0.25 acres of wetland impact for a total impact of 0.23 acres to jurisdictional wetlands. In addition, the parking lot is being graded at a low elevation, almost at grade, so there are minimal side slopes to the parking area to further minimize wetland impact.

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

Opportunities for development of off-site alternative parking is limited as shown on Figure 2 - Existing Conditions and described in Part Three - Purpose and Need. Furthermore, City Ordinance requires off-street parking to be provided for office and residential development as described in Part Three - Purpose and Need. No other off-site locations were identified as available within 0.75-mile of the Property for development of new off-street parking to serve the Project needs.

Attachment D

Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
Pending	Hennepin	20	7	Type 7	0.46

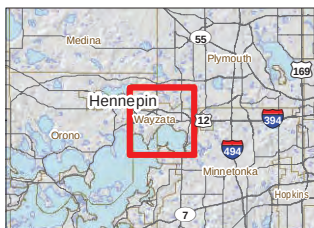
Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

The City of Wayzata is the owner of the wetland bank and will utilize the pending bank site as direct mitigation. The wetland bank location, plant communities exhibit and final credit per the wetland delineation figures from the 2016 monitoring report are provided as Attachment B. The summary of total wetland credits developed by the wetland bank and credits utilized by direct mitigation are provided below:

Bay Center Mitigation/Luce Line Wetland Bank Credit Summary

Total Credits per Wetland Delineation from Wetland Bank:	-	6.69 Ac.
2013 Bay Center Mitigation (direct mitigation)	-	1.19 Ac.
2018 Barry Avenue and Lake Street Parking Permit (direct mitigation)	-	0.46 Ac.
*Total Credits Remaining with potential to be Deposited:		5.04 Ac.

**The City will be working on the easements to allow the first deposit of wetland credit and expect to have a deposit occur in 2019.*



- Notes**
1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
 2. Data Sources Include: Stantec, NADS, USGS
 3. Background: ESRI Streets

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Legend

 Project Parcel

Figure No.

1

Title

Project Location

Client/Project

City of Wayzata

Barry Avenue and Lake Street Parking

Improvement Water/Wetland Resource Permit

Project Location

T117N, R22W, S6,

C. of Wayzata,

Hennepin Co., MN

Prepared by SF on 2018-10-31

Technical Review by JM on 2018-10-31

Independent Review by xx on 2018-10-xx

0 1,000 2,000 Feet
1:24,000 (at original document size of 8.5x11)





- Notes**
1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
 2. Data Sources Include: Stantec, NADS, USGS
 3. Orthophotography: 2016 Metropolitan Council/MnGeo

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Legend

- Project Parcel
- Field Delineated Wetland by Others

Figure No.
2

Title

Existing Conditions

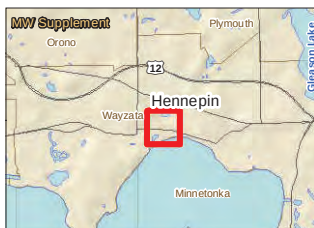
Client/Project
City of Wayzata
Barry Avenue and Lake Street Parking
Improvement Water/Wetland Resource Permit

Project Location
T117N, R22W, S6,
C. of Wayzata,
Hennepin Co., MN

193705242
Prepared by SF on 2018-10-24
Technical Review by MP on 2018-10-25
Independent Review by XX on 2018-10-xx

0 50 100 Feet
1:1,217 (at original document size of 8.5x11)





- Notes**
1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
 2. Data Sources Include: Stantec, NADS, USGS
 3. Orthophotography: 2016 Metropolitan Council/MnGeo

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Legend

- Project Parcel
- Boat Works, LLC

Figure No.
3

Private Parking Needs

Client/Project
City of Wayzata
Barry Avenue and Lake Street Parking
Improvement Water/Wetland Resource Permit

Project Location
T117N, R22W, S6,
C. of Wayzata,
Hennepin Co., MN

193705242
Prepared by SF on 2018-10-24
Technical Review by MP on 2018-10-25
Independent Review by JS on 2018-11-21

0 100 200 Feet
1:2,400 (at original document size of 8.5x11)





- Notes**
1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
 2. Data Sources Include: Stantec, NADS, USGS
 3. Orthophotography: 2016 Metropolitan Council/MnGeo

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Legend

- Project Parcel
- Site Plan
- Field Delineated Wetland by Others - Impacted (W1=0.484 ac, W2=0.009 ac)
- Field Delineated Wetland by Others - Not Impacted (0.573 ac)

Figure No.
4

Title

Alternate 1 (Standard Parking Stalls) - Proposed Wetland Impacts

Client/Project
City of Wayzata
Barry Avenue and Lake Street Parking Improvement Water/Wetland Resource Permit

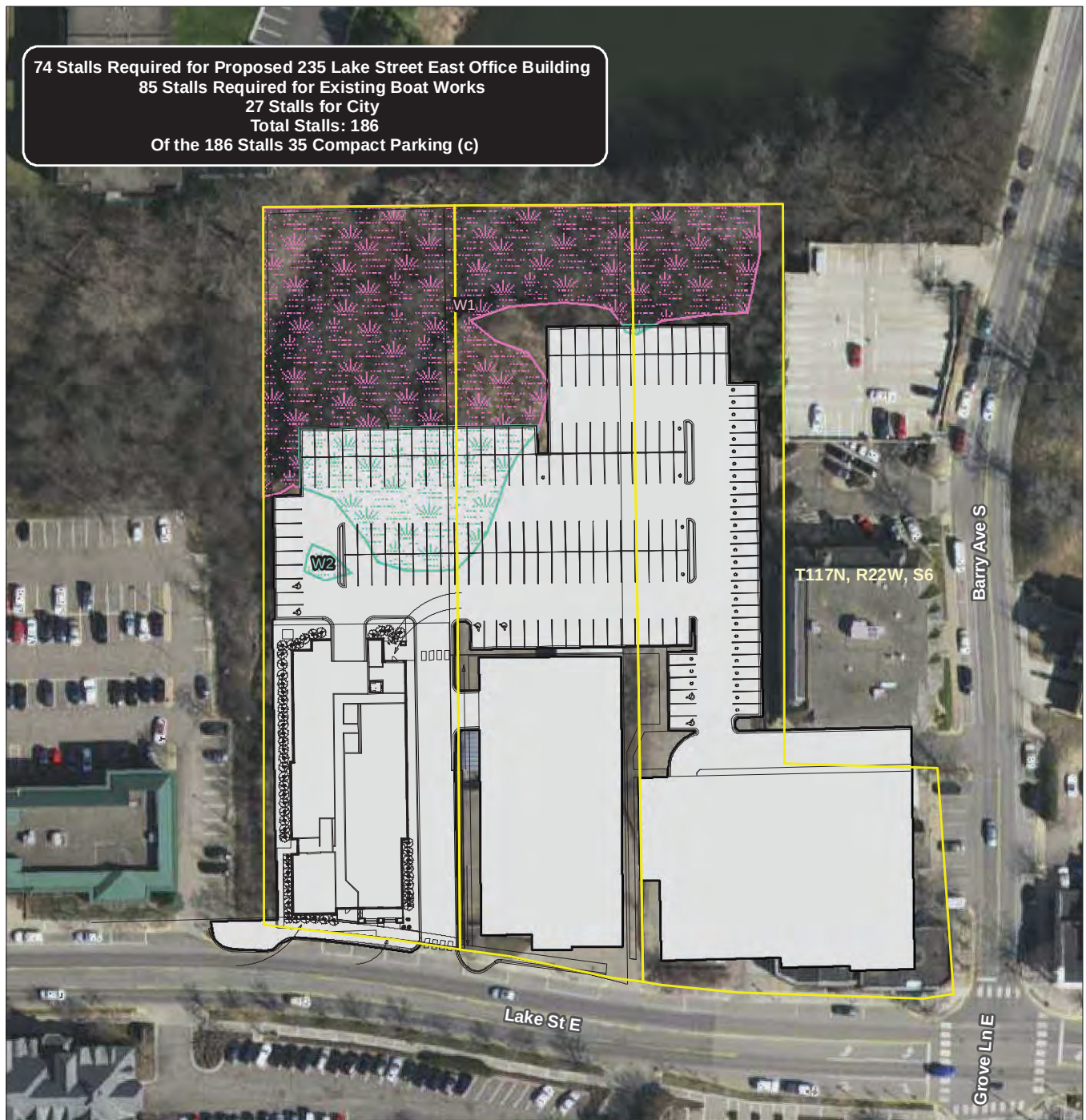
Project Location
T117N, R22W, S6,
C. of Wayzata,
Hennepin Co., MN

193705242
Prepared by SF on 2018-10-24
Technical Review by MP on 2018-10-25
Independent Review by JK on 2018-11-12

0 50 100 Feet
1:1,200 (at original document size of 8.5x11)



74 Stalls Required for Proposed 235 Lake Street East Office Building
85 Stalls Required for Existing Boat Works
27 Stalls for City
Total Stalls: 186
Of the 186 Stalls 35 Compact Parking (c)



Notes
1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
2. Data Sources Include: Stantec, NADS, USGS
3. Orthophotography: 2016 Metropolitan Council/MnGeo

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Legend

- Project Parcel
- Proposed Improvement Area
- Site Plan
- Field Delineated Wetland by Others - Impacted (W1=0.233 ac, W2=0.009 ac)
- Field Delineated Wetland by Others - Not Impacted (0.824 ac)

Figure No.
5

Proposed Wetland Impacts

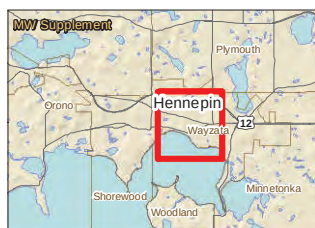
Client/Project
City of Wayzata
Barry Avenue and Lake Street Parking
Improvement Water/Wetland Resource Permit

Project Location
T117N, R22W, S6,
C. of Wayzata,
Hennepin Co., MN

193705242
Prepared by SF on 2018-10-24
Technical Review by MP on 2018-10-25
Independent Review by JS on 2018-11-12

0 50 100 Feet
1:1,200 (at original document size of 8.5x11)





- Notes**
1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
 2. Data Sources Include: Stantec, NADS, USGS
 3. Ortho photography: 2016 Metropolitan Council/MnGeo

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Legend

Public Parking

Figure No.

6

Title

Existing Public Parking

Client/Project

City of Wayzata
Barry Avenue and Lake Street Parking
Improvement Water/Wetland Resource Permit

Project Location

T117N, R22W, S6,
C. of Wayzata,
Hennepin Co., MN

193705242

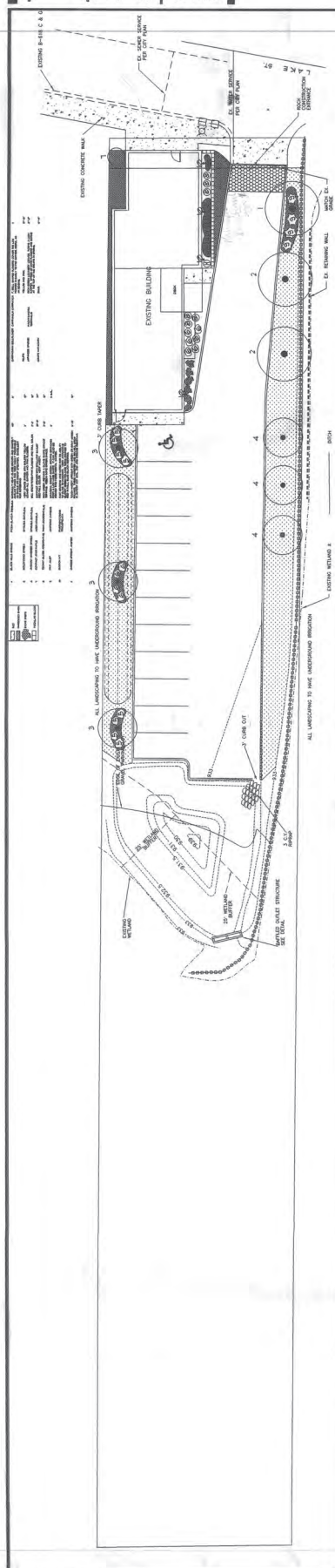
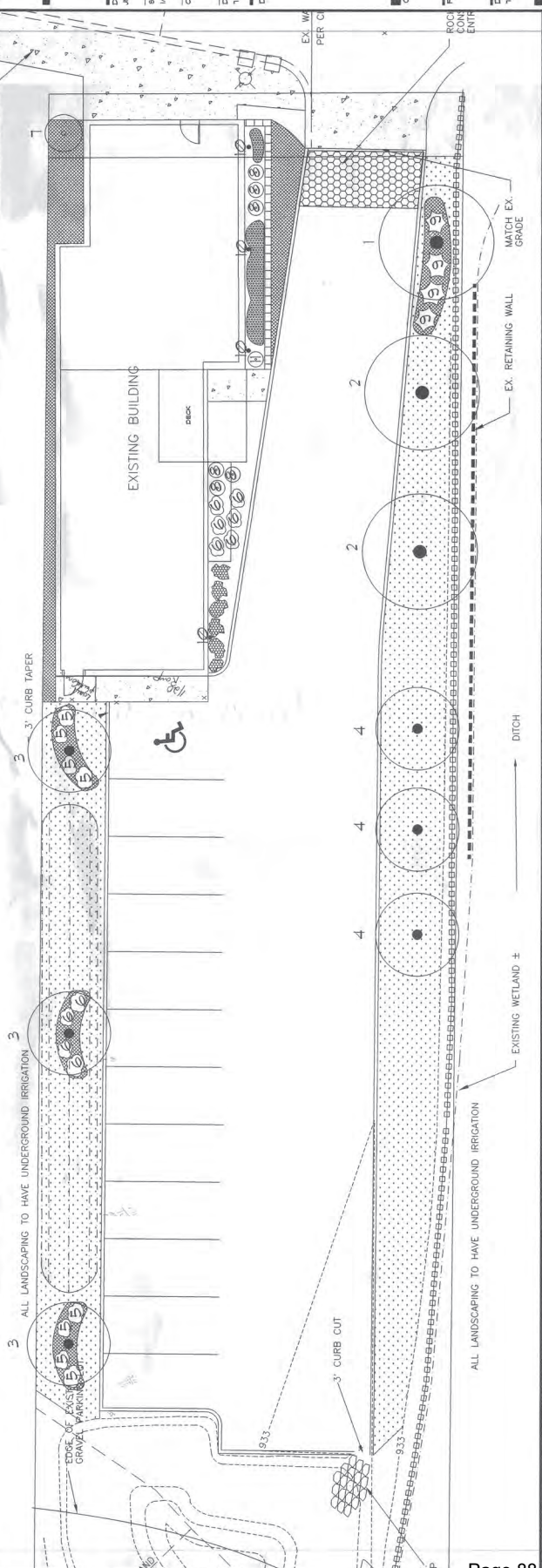
Prepared by SF on 2018-10-24
Technical Review by MP on 2018-10-25
Independent Review by JS on 2018-11-21

0 400 800 Feet
1:9,600 (at original document size of 8.5x11)



ATTACHMENT A

PARCEL 235 LAKE STREET EAST – POND (WETLAND 2) GRADING PLAN

[illegible]

ATTACHMENT B

BAY CENTER MITIGATION/LUCE LINE WETLAND BANK

FIGURE 1, 2 AND 4 OF 2016 MONITORING REPORT

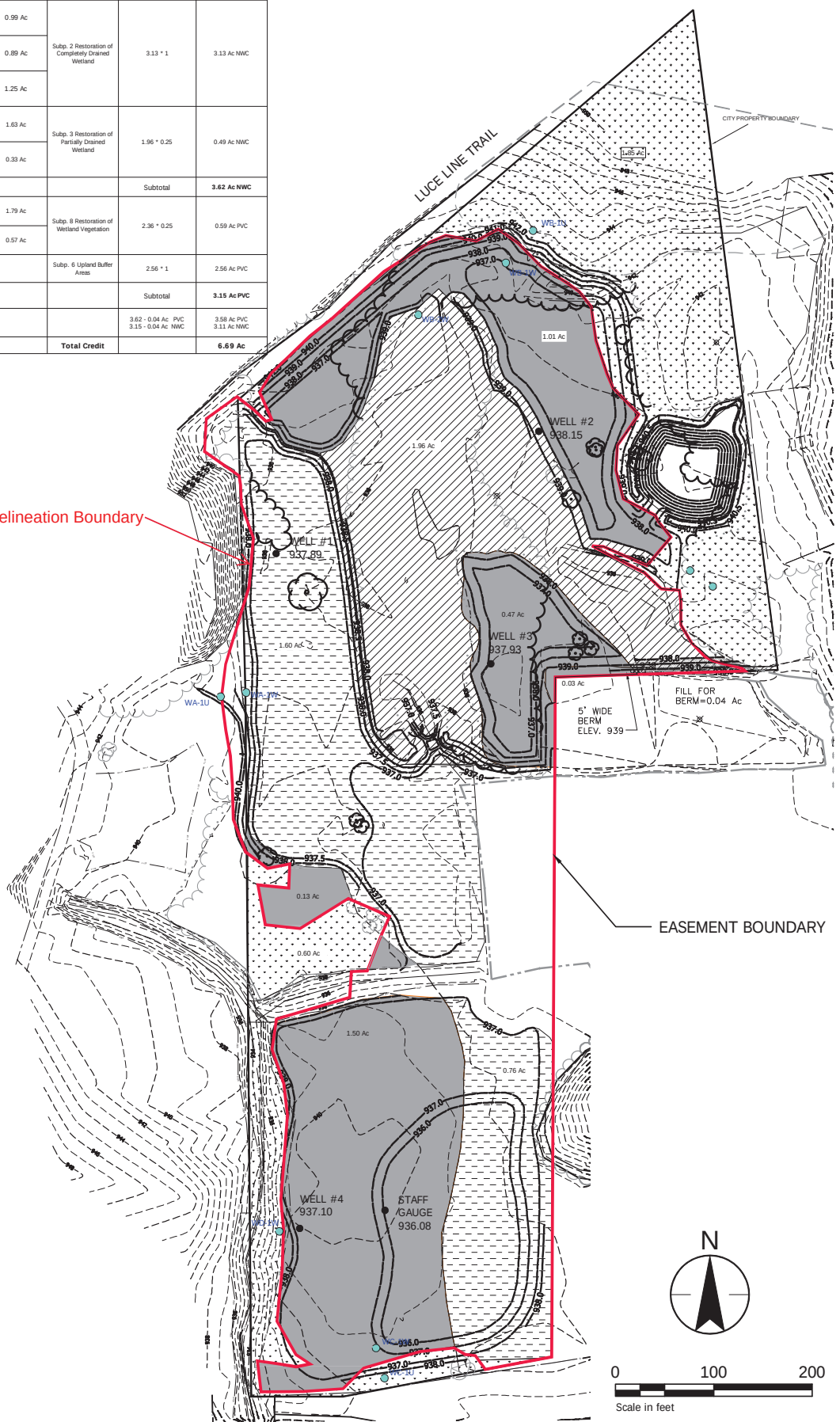
FIGURE: 1



Project Name: 2015 Wetland Delineation
 Date: 10/14/2016
 Project No.: 193800595
 City of Wayzata
 Bay Center Mitigation/Luce Line Wetland Bank
 Wetland Credit Summary
 Subtotal: 3.62 Ac NWC
 Subtotal: 3.15 Ac PVC
 Total Credit: 6.69 Ac

Wetland Credit Summary					
Symbol	Plant Community	Plant Community Area	Actions Eligible for Credit	Total Acres x Conversion	Wetland Bank Acres
	Deep Marsh	0.99 Ac	Subp. 2 Restoration of Completely Drained Wetland	3.13 * 1	3.13 Ac NWC
	Shallow Marsh	0.89 Ac			
	Wet Meadow	1.25 Ac			
	Floodplain Forest	1.63 Ac	Subp. 3 Restoration of Partially Drained Wetland	1.96 * 0.25	0.49 Ac NWC
	Shallow Marsh	0.33 Ac			
				Subtotal	3.62 Ac NWC
	Wet Meadow	1.79 Ac	Subp. 8 Restoration of Wetland Vegetation	2.36 * 0.25	0.59 Ac PVC
	Shallow Marsh	0.57 Ac			
			Subp. 6 Upland Buffer Areas	2.56 * 1	2.56 Ac PVC
				Subtotal	3.15 Ac PVC
Wetland Impacts from Berm = 0.04 Ac Replace at 2:1 Ratio				3.62 - 0.04 Ac PVC 3.15 - 0.04 Ac NWC	3.58 Ac PVC 3.11 Ac NWC
			Total Credit		6.69 Ac

2015 Wetland Delineation Boundary



EASEMENT BOUNDARY

WETLAND CREDIT AREAS WITH 2015 DELINEATION

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of Wayzata	Address 600 Rice Street East Wayzata, MN 55391
---	--

1. PROJECT INFORMATION

Applicant Name City of Wayzata	Project Name Barry Avenue and Lake Street Parking Improvements	Date of Application 11/28/2018	Application Number 2018-04
--	--	--	--------------------------------------

☐ Attach site locator map.

Type of Decision:

☐ Wetland Boundary or Type ☐ No-Loss ☐ Exemption ☐ Sequencing
☒ Replacement Plan ☐ Banking Plan

Technical Evaluation Panel Findings and Recommendation (if any):

☐ Approve ☐ Approve with conditions ☐ Deny

Summary (or attach): TBD

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: **12-18-2018**

☐ Approved ☐ Approved with conditions (include below) ☐ Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The purpose of this project is to provide combined parking to meet the demands of the 235-275 Lake Street East parcels and the immediate area. Two wetlands are present on the Property totaling 1.07 acres. Wetland 1 is a partially drained Type 3/5 (PSS1Cd/UBG) shrub carr/shallow, open water community wetland located in the northern half of the property and extends beyond the boundaries of the Property. Wetland 2 is a Type 1 (PEM1A) seasonally flooded basin located in the western portion of the property. Wetland 2 is an incidental wetland developed from a storm water detention pond that was constructed in upland during parking lot improvements of the site as shown on the design plan dated 1997 (Attachment A of attached application).

The proposed wetland impacts are provided on Figure 5 of the attached application. The construction of the parking lot will require 0.23 acre of permanent fill to Wetland 1 and 0.01 acre of permanent fill to Wetland 2. As discussed, Wetland 2 will not require mitigation. Wetland 1 which is 0.23 acres will require 0.46 acres of replacement to meet the 2:1 replacement ratio. The replacement site is proposed to be the Wayzata Wetland Bank site, located north of Highway 12, east of Broadway Avenue.

This decision is valid for five years from the date of decision shown above.

You are hereby notified that the decision of the Local Government Unit on the above-referenced application was made on the date stated above.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
----------------	-------------------	--------	---

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Michael H. Kelly, Jr., P.E.	Title Director of Public Works/City Engineer	
Signature	Date 12-18-2018	Phone Number and E-mail 952-404-5316 mike@wayzata.org

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☒ Appeal of an LGU staff decision. Send petition and \$100.00 fee (if applicable) to: Michael Kelly, P.E. City of Wayzata 299 Wayzata Blvd W. Wayzata, MN 55391	☐ Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
--	---

4. LIST OF ADDRESSEES

- ☒ SWCD TEP member: **Ms. Stacey Lijewski**
 - ☒ BWSR TEP member: **Mr. Ben Carlson**
 - ☒ LGU TEP member (if different than LGU Contact): **John Smyth, Stantec**
 - ☒ DNR TEP member: **Mr. Jason Spiegel**
 - ☒ DNR Regional Office (if different than DNR TEP member)
 - ☒ WD or WMO (if applicable): **Ms. Elizabeth Showalter**
 - ☒ Applicant and Landowner (if different)
 - ☐ Members of the public who requested notice:
-
- ☒ Corps of Engineers Project Manager
 - ☒ BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

NW Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	NE Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Central Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Southern Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
---	--	---	--

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

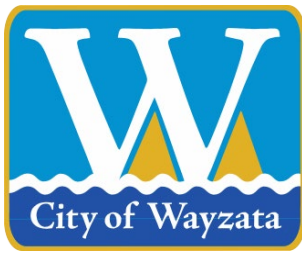
US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

- ☒ **MN Joint Application**
- ☐
- ☐
- ☐
- ☐



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8b
TITLE: Consider Request to Construct a Public Street to Access 445 Bovey Road Property	
PROPOSED MOTION: To Deny the Request to Construct a Public Street to Access 445 Bovey Road	
PREPARED BY: David Schelzel, City Attorney	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends that the Council deny the request to construct a public street to access 445 Bovey Road as there is not sufficient evidence that the street is “necessary” nor is it in the best interest of the public. Denial of this request does not preclude the property owner from continue to work with neighboring properties for more efficient access OR constructing an access/driveway from the abutting Bovey Road.

FINANCIAL OR BUDGET CONSIDERATION:

Typically, the City plans for major infrastructure projects through its Capital Improvements Plan (CIP). This project would need to be programed in the CIP and funding of the project should not be the responsibility of the City.

BACKGROUND:

The property owner of the lot at 445 Bovey Road has requested that the City create a public street over an existing fire lane easement that accesses the property from Ferndale Woods Road (See Attached). The rationale for the request is that it will provide needed access to his client's property and make it more valuable, hence more tax revenue to the City.

With the creation of the fire lane easement in 1978, the City was also granted the right to convert the easement into a public street at no cost if the City ever determined a public street was “necessary.”

There is no formal City process for a private property owner to make a request for a public street, and the City has no legal obligation to create public streets. In general, public streets should serve the public and be consistent with the City's land use, street, and transportation plans. Acquiring and constructing public streets are generally pursuant to the City's CIP and transportation plans, or a new subdivision request, and the associated costs are paid by/assessed to the benefited properties.

In considering this request, please note that:

1. The fire lane is not part of any recently updated City CIP or transportation plan for public streets;
2. A public street would only benefit the 445 Bovey Road property;

3. The City's right to convert the fire lane to public street at no cost requires a finding that a public street is "necessary;"
4. The City should consider the risk of being drawn into a dispute between neighboring private property owners; and
5. At this point, adjacent and nearby property owners have not been officially notified of this potential project. Official notification should be a requirement if the City were to entertain this request.

After reviewing the property owner's request and considering the information presented by Staff, the City Council should determine whether or not the public street requested is necessary and in the public interest. If Council determines that it is, Council should direct Staff to incorporate the public street into the City's CIP.

ATTACHMENTS:

1. Request from Walter and Jane Payfer to Construct a Public Street, dated November 30, 2018



HELLMUTH & JOHNSON PLLC

ATTORNEYS AT LAW

WRITER'S DIRECT DIAL NO.: (952) 746-2167
E-MAIL: JHILGENDORF@HJLAWFIRM.COM

MSBA BOARD CERTIFIED SPECIALIST,
REAL PROPERTY LAW

November 30, 2018

Via Email

David G. Schelzel
Wayzata City Attorney
Best & Flanagan LLP
60 South Sixth Street
Suite 2700
Minneapolis, MN 55402

Re: Request to Acquire and Construct City Street
Property Address: 445 Bovey Road, Wayzata, MN
Our File No.: 27479.0001

Dear Mr. Schelzel:

My firm represents Walter and Jane Payfer (the "**Payfers**"), who own the real property located at 445 Bovey Road in Wayzata, MN ("**Property**"). This letter is written in support of the Payfers' request that the City acquire and construct a city street between Ferndale Woods Road and the Property, to allow access to the Property from Ferndale Woods Road. I understand that the Payfers' request is currently on the agenda of the December 18, 2018, City Council meeting. Please forward this letter for inclusion in the Council packet.

As indicated above, the Property is commonly located at 445 Bovey Lane and is legally described as Lot 8, Ferndale Woods Addition, Hennepin County, Minnesota; however, the Property is currently landlocked and has no access to any city streets. Aerial maps from the Hennepin County Assessor showing the location of the Property (both a linear map and photographic map) are attached hereto as **Exhibit A**.

The Property is 1.84 acres in size and is currently a vacant lot with a tax assessed value of \$121,000.00. In its current unimproved condition the Property generates an annual tax revenue of approximately \$1,800.00.

The Payfers have worked with and received approval from City staff, Watershed District and the Army Corps of Engineers for building on the Property, subject to gaining access to a city street. The improved properties that lie adjacent to the subject Property have assessed values ranging from \$1-2 million dollars and generate annual tax revenue of between \$15,000.00 and \$25,000.00. If the Property had access to a city street, then the Property could be improved. The Payfers believe that

if the Property had access to a city street, and therefore could be improved, then the Property would have an improved value within the comparable range of the adjacent improved properties.

The Payfers specifically request that the City acquire and construct a city street connecting the Southwest corner of the Property to the cul-de-sac at the termination of Ferndale Woods Road.

There currently exists a Fire Lane easement in favor of the City that extends from Peavey Lane in the North to Ferndale Woods Road in the South, and which Fire Lane easement provides ingress and egress in favor of the City for emergency and public utilities services. The Fire Lane Easement lies along the western borders of the subject Property and the lot to the north of the subject Property; and the Fire Lane easement also lies along the eastern borders of the two (2) lots that lie to the west of the subject Property. Although the Fire Lane easement generally runs north and south from Peavey Lane to Ferndale Woods Road, the Fire Lane easement varies in width, being approximately sixty (60) feet wide at the northerly end and approximately eighty-five (85) feet wide at the southerly end, near Ferndale Woods Road. A copy of the Fire Lane Easement is attached hereto as **Exhibit B**.

The Payfers are specifically requesting that the City acquire and construct a City Street over the southerly portion of the Fire Lane easement that commences at the southwest corner of the subject Property and then extends southerly until it connects to the cul-de-sac at the termination of Ferndale Woods Road.

The portion of the Fire Lane easement over which the Payfers are requesting that the City acquire and construct a City Street is approximately 160 feet in length, and lies over the Easterly fifty (50) feet of the lot that is commonly located at 425 Ferndale Woods Road (Lot 7, Ferndale Woods Addition) and also lies over the Westerly thirty-five (35) feet of the Subject Property.

If the City Council determines to acquire and construct a City Street over any portion of the Fire Lane easement, covenants require that the Fire Lane Easement be dedicated to the City for City Street purposes at no cost. Therefore, the City's acquisition of the Fire Lane easement for City Street purposes shall be at no cost. The properties within Ferndale Woods Addition are subject to a Declaration of Covenants dated December 13, 1978, filed December 29, 1978 with the Office of the Hennepin County Recorder as Document No. 4440449 and filed December 20, 1978 with the Office of the Hennepin County Registrar of Titles as Document No. 1309652 ("**Declaration**"). The Declaration provides in relevant part as follows:

The "fire lane" platted along the Westerly portions of Lots 8, 9 and 11 of said Addition and along the easterly portions of Lot 7 and 12 of said Addition shall be maintained at all times for the unrestricted use of City vehicles. Should the City ever determine that said lane is necessary for a public street, the fire lane easement area platted as part of said Addition shall be dedicated to the City at no cost.

Declaration, Section 6.

November 30, 2018

Page 3

A copy of the Declaration is attached hereto as **Exhibit C**.

Based on the foregoing, should the City determine to grant the Payfers' request and acquire a City Street over a portion of the Fire Lane easement, there shall be no cost to acquire the City Street.

The Payfers have reviewed all available options and believe that the lane is necessary for a public street.

The Payfers have approached all adjacent land owners to acquire a voluntary access agreement and no adjacent land owners have been willing to provide voluntary access over their properties. The only other available option to obtain access without acquiring usage rights from a private land owner would be to gain access from the East end of the Property to Bovey Road. Due to elevation changes and other significant land conditions, constructing access through this route is cost prohibitive, with estimates of approximately \$500,000.00. Further, the adjacent land owners have objected to constructing access through this easterly route.

In summary, the Payfers believe that acquiring and construction of a public street between Ferndale Woods Road and the Property is reasonable and necessary in order to improve the Property, which improvement and increase in value is in the public interest. Therefore, the Payfers request that the City acquire a public street over a portion of the Fire Lane easement pursuant to its rights under the Declaration to acquire and construct a public street between Ferndale Woods Road and the Property.

Do not hesitate to contact me with any additional information you may need to assist the City in making a decision in this matter.

Very truly yours,

HELLMUTH & JOHNSON, PLLC

Joel A. Hilgendorf
Attorney at Law

JAH/cmt

Enclosures

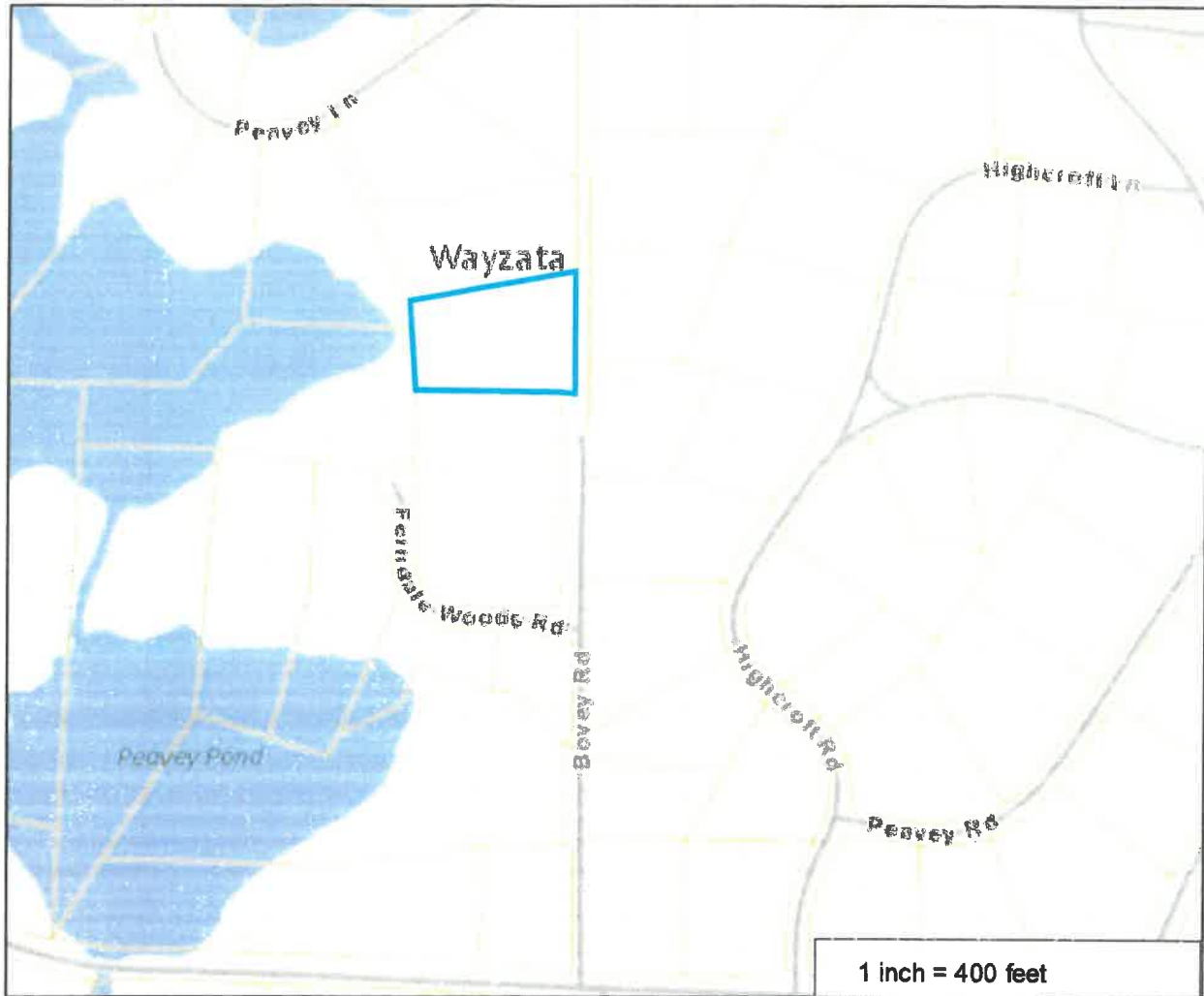
cc: Client

3924822



Hennepin County Property Map

Date: 11/28/2018



PARCEL ID: 0111723310002

OWNER NAME: Walter E & Jane Payfer

PARCEL ADDRESS: 445 Bovey Rd, Wayzata MN 55391

PARCEL AREA: 1.84 acres, 80,196 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2017, PAYABLE 2018

PROPERTY TYPE: Vacant Land-Residential

HOMESTEAD: Non-Homestead

MARKET VALUE: \$121,000

TAX TOTAL: \$1,821.48

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Vacant Land-residential

HOMESTEAD: Non-homestead

MARKET VALUE: \$121,000

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN
COUNTY 2018

EXHIBIT

tabbles

A

Page 101 of 173



Hennepin County Property Map

Date: 11/28/2018



PARCEL ID: 0111723310002

OWNER NAME: Walter E & Jane Payfer

PARCEL ADDRESS: 445 Bovey Rd, Wayzata MN 55391

PARCEL AREA: 1.84 acres, 80,196 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2017, PAYABLE 2018

PROPERTY TYPE: Vacant Land-Residential

HOMESTEAD: Non-Homestead

MARKET VALUE: \$121,000

TAX TOTAL: \$1,821.48

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Vacant Land-residential

HOMESTEAD: Non-homestead

MARKET VALUE: \$121,000

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN
COUNTY 2018

RETURN TO
TORRENS DEPT.

FIRE LANE EASEMENT

RETURN TO
TORRENS DEPT.

THIS INDENTURE, made this 13th day of DECEMBER, 1978, by and between David Nitz, Inc., a Minnesota corporation, hereinafter referred to as "Grantor", and the City of Wayzata, a municipal corporation under the laws of the State of Minnesota, hereinafter referred to as "Grantee".

WITNESSETH, that Grantor, in consideration of the sum of One Dollar (\$1.00) and for other good and valuable consideration given by Grantee, the receipt of which is acknowledged by Grantor, does hereby grant, bargain, sell and convey to Grantee, its successors and assigns, an easement for public ingress, egress, and access for fire protection and other public service activities on and across the land in the County of Hennepin and State of Minnesota as follows:

PT T The Easterly 50.00 feet of Lot 7, Block 1, Ferndale Woods; and

The Westerly 35.00 feet of Lot 8, Block 1, Ferndale Woods; and

The Southwesterly 40.00 feet of Lot 9, Block 1, Ferndale Woods; and

The Northeasterly 10.00 feet and the Easterly 50.00 feet of Lot 12, Block 1, Ferndale Woods

including, but not by way of limitation, a full and free right and authority to enter upon said land with fire-fighting equipment or other public service equipment and utility equipment as may be necessary and adviseable for servicing utilities and lift stations in the public interest.

TO HAVE AND TO HOLD said easement unto said Grantee, its successors and assigns, permanently.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed on the day and year first above written.

DAVID NITZ, INC.

By David Nitz
David Nitz, President

STATE OF MINNESOTA)
)SS
COUNTY OF HENNEPIN)

On this 13th day of DECEMBER, 1978, before me, a Notary Public within and for said County and State, personally appeared David Nitz, to me personally known, who, being by me duly sworn, did say that he is the President of the corporation named in the foregoing instrument and that said instrument was signed on behalf of said corporation by authority of its Board of Directors and said David Nitz acknowledged said instrument to be the free act and deed of said corporation.

This instrument was drafted by:
WRIGHT, WEST & DIESSNER

Rebecca Hanel
Notary Public

EXHIBIT

Page 103 of 173

TORRENS DEPT.
RETURN TO

TORRENS DEPT.
RETURN TO

TRANSFER ENTERED
DEC 20 1978
FINANCE DIVISION
HENNEPIN COUNTY, MINN.
BY *[Signature]* DEPUTY

THIS DOCUMENT IS RECORDED
ON BOTH ABSTRACT
AND TORRENS PROPERTY

OFFICE OF COUNTY RECORDS
HENNEPIN COUNTY, MINNEAPOLIS
CERTIFIED FILED AND ON
RECORDED ON
1978 DEC 29 PM 1:00
AS DOCUMENT #
4440450
CO. RECORDER
BY *[Signature]* DEPUTY

OFFICE OF THE REGISTRAR
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FILED ON
DEC 20 1978
8 00 AM
BY *[Signature]* DEPUTY

TORRENS DEPT.
RETURN TO

TORRENS DEPT.
RETURN TO

DEC 29-78 - 450 S 003.0090.4

1309653
stored Vol 1925 Page 580365 ✓

4440450

653

4440449

1303652

RETURN TO
TORRENS DEPT.RETURN TO
TORRENS DEPT.DECLARATION

DECLARATION made this 13th day of December, 1978 by David Nitz, Inc., a Minnesota corporation (hereinafter "Declarant").

WITNESSETH:

WHEREAS, Declarant has applied for and requested approval from the City of Wayzata (hereinafter "City") for zoning variances and subdivision variances on that parcel of real property located in Hennepin County, Minnesota, legally described as Ferndale Woods (hereinafter "said Addition"); and

WHEREAS, as a prerequisite to approval of said zoning variances and subdivision variances the City has expressed certain concerns regarding the future use of said Addition, for the specific protection of adjoining residents and for the general protection of the City's residents; and

WHEREAS, Declarant has made certain guarantees to the City regarding the future use of said Addition, which both parties desire be expressed in writing;

NOW, THEREFORE, Declarant hereby declares that said Addition shall be and is subject to the following conditions and restrictions, which shall be recorded and noted as restrictions on the use of said Addition by Declarant, its successors and assigns:

1. No docking or mooring of boats of any kind shall occur on that portion of Peavey Pond located within said Addition, except for the docking or mooring of boats owned by the property owners of Lots 1, 2, 4, 5 and 6 of said Addition.
2. No boarding of horses shall occur in any portion of said Addition.
3. No filling, regrading or other alteration of any existing "wetland" area shall occur in said Addition, except as otherwise allowed in the City's Ordinance for the Preservation of Storm Water Treatment and Control Areas. For the purposes of this provision such existing "wetland" areas shall be those Storm Water Treatment and Control Areas identified on the map adopted by reference in said Ordinance.
4. The principal structure to be located on Lot 1 of said Addition shall be located at least 225 ft. north of the north right-of-way line of W. Ferndale Road, measured at a right angle to said right-of-way line.

RETURN TO
TORRENS DEPT.

EXHIBIT

C

Page 105 of 173

6. The "fire lane" platted along the westerly portions of Lots 8, 9 and 11 of said Addition and along the easterly portions of Lots 7 and 12 of said Addition shall be maintained at all times for the unrestricted use of City vehicles. Should the City ever determine that said lane is necessary for a public street, the fire lane easement area platted as part of said Addition shall be dedicated to the City at no cost.

(Seal)

By [Signature]
Its [Signature]

And Karen Nitz
Its Secretary

On this 24th day of DECEMBER, 1978 before me, a Notary Public within and for said County, personally appeared DAVID NITZ and KAROL NITZ, officers of David Nitz, Inc., to me known to be the persons described in and who executed the foregoing Declaration, and who acknowledged that they executed the same as their own free act and deed on behalf of said corporation.



2000 Midway Plaza Building
NYC, NY 55402
(name and address)

MIDWEST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF MINNEAPOLIS

And James B. King
Its Assistant Secretary

On this 13th day of December, 1978, before me, a Notary Public within and for said County, personally appeared R. K. Nelson and Vernon B. Nyberg, officers of Midwest Federal Savings and Loan Association of Minneapolis, to me known to be the persons described in and who executed the foregoing Declaration, and who acknowledged that they executed the same as their own free act and deed on behalf of said corporation.

WILLIAM E. HANSEN
JURY COMMISSIONER
MINNESOTA
HASEL HUNT COUNTY
My Comm. Expires Dec. 19, 1980

1980

Shirley R. Hanson
Notary Public

SUMMIT STATE BANK OF BLOOMINGTON

By James
Its res.

And O. J. Benjamin
Its res.

On this 14 day of December, 1978, before me, a Notary Public within and for said County, personally appeared J. A. Price and Donald Beal, officers of Summit State Bank of Bloomington, to me known to be the persons described in and who executed the foregoing Declaration, and who acknowledged that they executed the same as their own free act and deed on behalf of said corporation.

Pauline M. Grooms
Notary Public

 **PAULINE M. GREAMBA**
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires May 14, 1985

1309652

Registered Vol 1925 Page 580365 ✓

(5)

CTC 580365

RETURN TO
TORRENS DEPT.

4440449

DEC 29-78 - 449

\$ 003.0000

RETURN TO
TORRENS DEPT.OFFICE OF THE REGISTRAR
OF TITLES
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FILED ON

88

DEC 20 1978

John A. Johnson 8:00 AM
 REGISTRAR OF TITLES
 BY *John A. Johnson* DEPUTY

OFFICE OF COUNTY RECORDER
HENNEPIN COUNTY, MINNE SOTA
CERTIFIED FILED AND OR
RECORDED IN

1978 DEC 29 PM 12:59

AS DOCUMENT # 4440449
 CO. RECORDER
 BY *John A. Johnson* DEPUTY

No delinquent taxes
and transfer entered
FINANCE DIVISION
HENNEPIN COUNTY, MINN.

DEC 20 1978

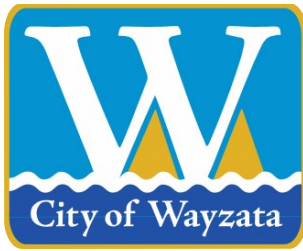
FINANCE DIVISION DIRECTOR
BY *John A. Johnson* DEPUTY

There is no delinquent tax or transfer entered on this
for the year 1978
No other taxes due.

302
RETURN TO
TORRENS DEPT.

THIS DOCUMENT IS RECORDED
ON BOTH ABSTRACT
AND TORRENS PROPERTY

3
RETURN TO
TORRENS DEPT.



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8c
TITLE: Award Contract for Wayzata Blvd/Superior Blvd Intersection Improvement Project	
PROPOSED MOTION: To Award Wayzata Blvd/Superior Blvd Intersection Improvement Project Contract to Low Bidder, New Look Contracting, Inc., in the amount of \$1,635,080.	
PREPARED BY: Mike Kelly, Director of Public Works/City Engineer	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

To award the Wayzata Blvd/Superior Blvd Intersection Improvement project contract to the low bidder, New Look Contracting, Inc., in the amount of \$1,635,080, which includes Alternate 1.

FINANCIAL OR BUDGET CONSIDERATION:

This project is proposed to be funded by the Presbyterian Homes development through special assessment. Staff will continue to work with Presbyterian Homes on finalizing this process. Staff and AEM have determined that the City will be able to fund this project using internal funds and will assess the costs back to the developer, plus interest. Documentation of the internal finance plan will be considered at a subsequent meeting.

Staff has presented the bid tabulation to the representatives for Presbyterian Homes for their review and acknowledgement that they are willing to move forward with the project as bid.

BACKGROUND:

On Thursday, December 6, 2018, the Public Works Department received three (3) bids for the Wayzata Blvd/Superior Blvd Intersection Improvement Project. A summary of the bids can be found below.

Bidder Name	Base Bid	Alternate 1	Total Bid
New Look Contracting, Inc.	\$ 1,624,580.00	\$ 10,500.00	\$ 1,635,080.00
Meyer Contracting, Inc.	\$ 1,672,198.19	\$ 10,500.60	\$ 1,682,698.79
Asphalt Surface Technologies Corp.	\$ 1,710,204.19	\$ 10,400.00	\$ 1,720,604.19

<i>Engineer's Estimate</i>	<i>\$ 1,459,467.25</i>	<i>\$ 10,000.00</i>	<i>\$ 1,469,467.25</i>
----------------------------	------------------------	---------------------	------------------------

This intersection realignment is the final public improvement project as required by the development agreement for the Presbyterian Homes development. The project proposes to realign Superior Blvd at a 90-degree angle to Wayzata Blvd, across from Benton Avenue. The project fulfills several community goals including improved pedestrian safety and connectivity, improved traffic flow and reduced congestion, enhanced aesthetics, and better wayfinding.

Alternate 1 provides one (1) additional year of landscape maintenance, beyond the one (1) year that is included with the Base Bid.

The project is proposed to start in the early spring of 2019, with a completion date of July 19, 2018.

ATTACHMENTS:

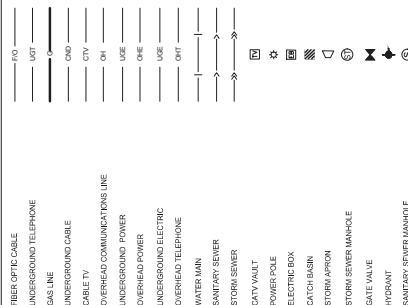
1. Location Map
2. Bid Tabulation

WAYZATA BLVD AND SUPERIOR BLVD INTERSECTION IMPROVEMENTS CITY OF WAYZATA

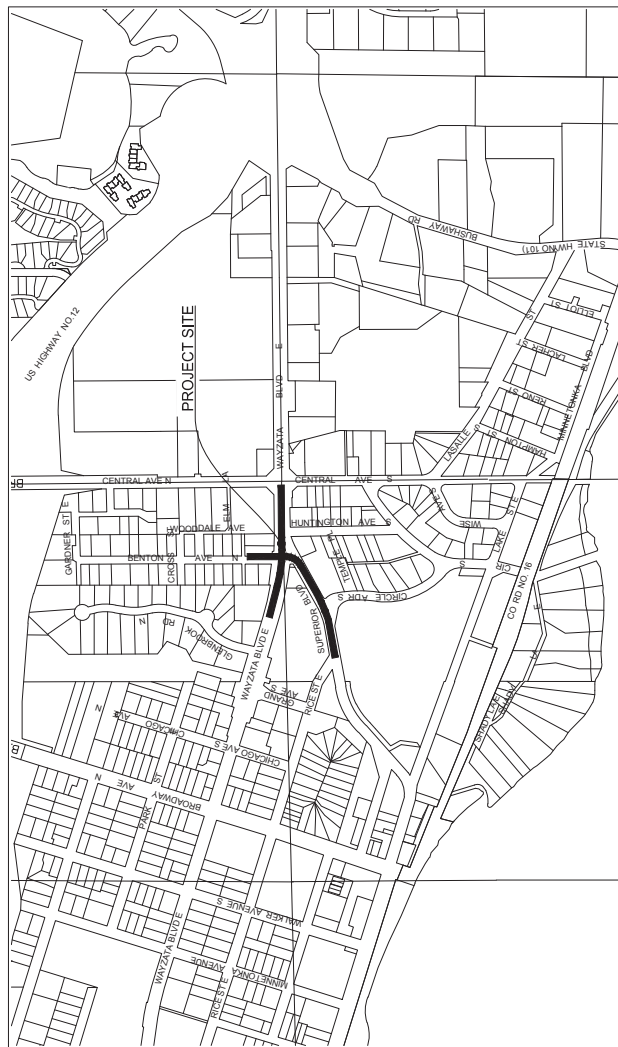
EXISTING PLAN SYMBOLS



EXISTING UTILITY SYMBOLS

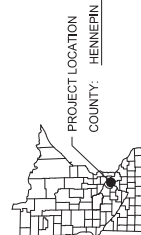


CONSTRUCTION PLAN FOR STREET, SIGNAL, LIGHTING, RETAINING WALLS AND SIDEWALK IMPROVEMENTS

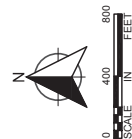


PROJECT LOCATION MAP

EXCAVATION NOTICE SYSTEM
A CALL TO GOPHER STATE ONE (857-454-0002)
IS REQUIRED A MINIMUM OF 48 HOURS PRIOR
TO FERRIS GRADING ANY EXCAVATION.



PROJECT LOCATION
COUNTY: HENNEPIN



UTILITY INFORMATION
THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE
GUIDELINES OF CHANCE 35-022 ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."
GOPHER ONE CALL TEXT NUMBER: 172181559

PLAN REVISIONS	
DATE	SHEET NO.

GOVERNING SPECIFICATIONS
THE 2016 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION
"STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.
ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF
THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING
THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE
LAYOUTS.

PLAN SET INDEX

SHEET NO.	TITLE SHEET	DESCRIPTION
1	GENERAL LAYOUT	STATEMENT OF ESTIMATED QUANTITIES
2	TYPICAL SECTIONS	MISCELLANEOUS DETAILS
3	PEDESTRIAN RAMP DETAILS	REMOVAL PLANS
4-5	STREET & UTILITY PLANS	ISLAND DETAILS
6-7	EROSION CONTROL PLANS	SMPPP NOTES
8-13	SIGNING & STRIPING PLANS	LIGHTING PLANS
14-15	SIGNAL PLANS	RETAINING WALL DETAILS
16-18	LANDSCAPE PLANS	CROSS SECTIONS
19-22		
23		
24-26		
27		
28-31		
32-48		
49-51		
52-54		
55-67		

THIS PLAN SET CONTAINS 67 SHEETS

THIS PLAN SET HAS BEEN PREPARED FOR:



CITY OF WAYZATA
600 RICE STREET E.
WAYZATA, MN 55391
(952) 404-5300

ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND ORDINANCES
WILL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER
MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Brad A. Refstreck
BRAD A. REFSTRECK, P.E.

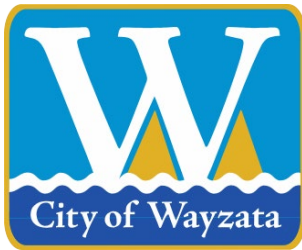
DATE: 10/04/18 LICENSE NUMBER: 47930

WSB PROJ. NO. 010640-000
CITY PROJECT NO. 2019-01

SHEET
1
OF
67

BID TABULATION City of Wayzata, MN Wayzata Blvd & Superior Blvd Intersection Improvements (City Project No. 2019 - 01) Bid Opening 10:00 A.M. Thursday December 6, 2018												
Item No.	Reference	Item Description	Quantity	Unit	Engineer's Estimate		New Look Cont. Inc.		Meyer Cont. Inc.		Astech Corp.	
					Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1	2021.501	Mobilization	1	LS	\$71,200.00	\$71,200.00	\$40,000.00	\$40,000.00	\$82,452.24	\$82,452.24	\$69,900.00	\$69,900.00
2	2101.511	Clearing & Grubbing	2	TREE	\$550.00	\$1,100.00	\$750.00	\$1,500.00	\$448.00	\$896.00	\$750.00	\$1,500.00
3	2104.501	Remove Curb & Gutter	3,002	L F	\$4.00	\$12,008.00	\$3.00	\$9,006.00	\$3.33	\$9,996.66	\$6.10	\$18,312.20
4	2104.501	Remove Sewer Pipe (Storm)	22	L F	\$50.00	\$1,100.00	\$100.00	\$2,200.00	\$39.59	\$870.98	\$14.50	\$319.00
5	2104.501	Remove Retaining Wall	330	L F	\$25.00	\$8,250.00	\$7.50	\$2,475.00	\$21.51	\$7,098.30	\$10.00	\$3,300.00
6	2104.503	Remove Concrete Walk	11,500	S F	\$3.50	\$40,250.00	\$1.00	\$11,500.00	\$0.80	\$9,200.00	\$1.45	\$16,675.00
7	2104.505	Remove Concrete Driveway Pavement	53	S Y	\$10.00	\$530.00	\$18.00	\$954.00	\$10.92	\$578.76	\$43.00	\$2,279.00
8	2104.505	Remove Pavement	8,405	S Y	\$4.00	\$33,620.00	\$5.00	\$42,025.00	\$12.63	\$106,155.15	\$25.20	\$211,806.00
9	2104.509	Remove Signal System	1	EACH	\$10,000.00	\$10,000.00	\$5,300.00	\$5,300.00	\$10,087.81	\$10,087.81	\$10,500.00	\$10,500.00
10	2104.509	Remove Sign	11	EACH	\$50.00	\$550.00	\$100.00	\$1,100.00	\$45.00	\$495.00	\$50.00	\$550.00
11	2104.509	Remove Casting	2	EACH	\$150.00	\$300.00	\$500.00	\$1,000.00	\$116.27	\$232.54	\$75.00	\$150.00
12	2104.509	Remove Drainage Structure	2	EACH	\$550.00	\$1,100.00	\$750.00	\$1,500.00	\$599.84	\$1,199.68	\$600.00	\$1,200.00
13	2104.511	Sawing Concrete Pavement (Full Depth)	450	L F	\$5.00	\$2,250.00	\$5.00	\$2,250.00	\$6.75	\$3,037.50	\$5.25	\$2,362.50
14	2104.513	Sawing Bit Pavement (Full Depth)	1,220	L F	\$3.00	\$3,660.00	\$3.00	\$3,660.00	\$2.78	\$3,391.60	\$3.00	\$3,660.00
15	2104.523	Salvage Sign Type C	4	EACH	\$100.00	\$400.00	\$50.00	\$200.00	\$45.00	\$180.00	\$50.00	\$200.00
16	2105.501	Common Excavation (P)	4,032	C Y	\$15.00	\$60,480.00	\$22.00	\$88,704.00	\$40.20	\$162,086.40	\$23.50	\$94,752.00
17	2105.507	Subgrade Excavation	1,400	C Y	\$15.00	\$21,000.00	\$22.00	\$30,800.00	\$10.25	\$14,350.00	\$22.50	\$31,500.00
18	2105.522	Select Granular Borrow (Cv)	2,100	C Y	\$20.00	\$42,000.00	\$32.00	\$67,200.00	\$29.60	\$62,160.00	\$20.00	\$42,000.00
19	2105.604	Geotextile Fabric Type V	9,300	S Y	\$2.00	\$18,600.00	\$1.50	\$13,950.00	\$1.05	\$9,765.00	\$1.15	\$10,695.00
20	2112.501	Subgrade Preparation	15	RDST	\$250.00	\$3,750.00	\$250.00	\$3,750.00	\$606.75	\$9,101.25	\$350.00	\$5,250.00
21	2123.61	Street Sweeper (With Pickup Broom)	24	HOUR	\$160.00	\$3,840.00	\$1.00	\$24.00	\$115.00	\$2,760.00	\$165.00	\$3,960.00
22	2211.501	Aggregate Base Class 5	4,500	TON	\$20.00	\$90,000.00	\$21.00	\$94,500.00	\$32.33	\$145,485.00	\$24.25	\$109,125.00
23	2232.501	Mill Bituminous Surface	3,667	S Y	\$2.75	\$10,084.25	\$5.00	\$18,335.00	\$2.80	\$10,267.60	\$2.25	\$8,250.75
24	2357.502	Bituminous Material For Tack Coat	607	GAL	\$3.00	\$1,821.00	\$3.00	\$1,821.00	\$3.00	\$1,821.00	\$3.00	\$1,821.00
25	2360.501	Type Sp 12.5 Wearing Course Mix (4C)	2,065	TON	\$68.00	\$140,420.00	\$100.00	\$206,500.00	\$85.00	\$175,525.00	\$79.95	\$165,096.75
26	2360.502	Type Sp 12.5 Non Wear Course Mix (4B)	1,040	TON	\$68.00	\$70,720.00	\$85.00	\$88,400.00	\$66.00	\$68,640.00	\$68.40	\$71,136.00
27	2360.505	Type Sp 12.5 Bit Mixture For Patching	100	TON	\$200.00	\$20,000.00	\$225.00	\$22,500.00	\$100.00	\$10,000.00	\$250.00	\$25,000.00
28	2411.618	Modular Block Retaining Wall	800	S F	\$55.00	\$44,000.00	\$27.00	\$21,600.00	\$38.56	\$30,848.00	\$26.40	\$21,120.00
29	2503.541	15" Rc Pipe Sewer Des 3006 Cl Ili	20	L F	\$50.00	\$1,000.00	\$125.00	\$2,500.00	\$153.75	\$3,075.00	\$66.00	\$1,320.00
30	2503.602	Connect To Existing Storm Sewer	1	EACH	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,159.89	\$1,159.89	\$814.00	\$814.00
31	2506.602	Chimney Seals	5	EACH	\$300.00	\$1,500.00	\$240.00	\$1,200.00	\$348.63	\$1,743.15	\$495.00	\$2,475.00
32	2504.601	Irrigation System	1	LS	\$15,000.00	\$15,000.00	\$42,750.00	\$42,750.00	\$38,000.00	\$38,000.00	\$41,800.00	\$41,800.00
33	2504.602	1.5" Corporation Stop	1	EACH	\$450.00	\$450.00	\$1,500.00	\$1,500.00	\$3,034.42	\$3,034.42	\$1,400.00	\$1,400.00
34	2504.602	1.5" Curb Stop & Box	1	EACH	\$450.00	\$450.00	\$1,500.00	\$1,500.00	\$3,200.67	\$3,200.67	\$2,100.00	\$2,100.00
35	2504.602	Adjust Valve Box-Water	8	EACH	\$350.00	\$2,800.00	\$650.00	\$5,200.00	\$260.75	\$2,086.00	\$350.00	\$2,800.00
36	2504.603	1.5" Type K Copper Pipe	40	L F	\$50.00	\$2,000.00	\$50.00	\$2,000.00	\$75.09	\$3,003.60	\$76.00	\$3,040.00
37	2506.501	Const Drainage Structure Des 48-4020	5	L F	\$500.00	\$2,500.00	\$650.00	\$3,250.00	\$1,069.66	\$5,348.30	\$875.00	\$4,375.00
38	2506.502	Const Drainage Structure Design Spec 1	2	EACH	\$1,500.00	\$3,000.00	\$2,300.00	\$4,600.00	\$2,947.92	\$5,895.84	\$3,020.00	\$6,040.00
39	2506.516	Casting Assembly	3	EACH	\$600.00	\$1,800.00	\$850.00	\$2,550.00	\$1,127.04	\$3,381.12	\$836.00	\$2,508.00
40	2506.516	Casting Assembly (Sanitary)	5	EACH	\$600.00	\$3,000.00	\$1,400.00	\$7,000.00	\$1,769.21	\$8,846.05	\$770.00	\$3,850.00
41	2521.501	6" Concrete Walk	1,100	S F	\$7.00	\$7,700.00	\$16.00	\$17,600.00	\$14.35	\$15,785.00	\$13.33	\$14,663.00
42	2521.501	4" Concrete Walk	13,517	S F	\$5.00	\$67,585.00	\$6.00	\$81,102.00	\$5.25	\$70,984.25	\$4.52	\$61,096.84
43	2531.507	7" Concrete Driveway Pavement	500	S Y	\$50.00	\$25,000.00	\$87.00	\$43,500.00	\$77.50	\$38,750.00	\$81.47	\$40,735.00
44	2531.618	Truncated Domes	295	S F	\$60.00	\$17,700.00	\$54.00	\$15,930.00	\$48.00	\$14,160.00	\$55.00	\$16,225.00
45	2531.501	Concrete Curb & Gutter Design B618	4,880	L F	\$20.00	\$97,600.00	\$18.00	\$87,840.00	\$15.85	\$77,348.00	\$15.48	\$75,542.40
46	2540.603	Landscape Edger	65	L F	\$10.00	\$650.00	\$17.00	\$1,105.00	\$15.00	\$975.00	\$16.50	\$1,072.50
47	2545.515	Light Foundation Design E Modified	9	EACH	\$1,200.00	\$10,800.00	\$1,650.00	\$14,850.00	\$1,400.00	\$12,600.00	\$1,155.00	\$10,395.00
48	2545.523	2" Non-Metallic Conduit	1,090	L F	\$5.00	\$5,450.00	\$4.50	\$4,905.00	\$3.80	\$4,142.00	\$6.50	\$7,085.00
49	2545.523	4" Non-Metallic Conduit	1,500	L F	\$10.00	\$15,000.00	\$9.50	\$14,250.00	\$8.00	\$12,000.00	\$11.00	\$16,500.00

BID TABULATION City of Wayzata, MN Wayzata Blvd & Superior Blvd Intersection Improvements (City Project No. 2019 - 01) Bid Opening 10:00 A.M. Thursday December 6, 2018												
Item No.	Reference	Item Description	Quantity	Unit	Engineer's Estimate		New Look Cont. Inc.		Meyer Cont. Inc.		Astech Corp.	
					Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
50	2545.531	Underground Wire 1 Cond No 6	4,900	L F	\$1.40	\$6,860.00	\$2.00	\$9,800.00	\$1.40	\$6,860.00	\$1.43	\$7,007.00
51	2545.541	Service Cabinet -Type L1 (Mod)	1	EACH	\$5,000.00	\$5,000.00	\$5,700.00	\$5,700.00	\$4,800.00	\$4,800.00	\$4,700.00	\$4,700.00
52	2545.544	Service Equipment	1	EACH	\$1,200.00	\$1,200.00	\$2,100.00	\$2,100.00	\$1,800.00	\$1,800.00	\$2,800.00	\$2,800.00
53	2545.545	Equipment Pad B	1	EACH	\$800.00	\$800.00	\$1,650.00	\$1,650.00	\$1,400.00	\$1,400.00	\$1,250.00	\$1,250.00
54	2563.601	Traffic Control	1	LS	\$60,000.00	\$60,000.00	\$24,000.00	\$24,000.00	\$31,972.23	\$31,972.23	\$34,000.00	\$34,000.00
55	2564.531	Sign Panels Type C	208	S F	\$40.00	\$8,320.00	\$56.00	\$11,648.00	\$49.75	\$10,348.00	\$54.75	\$11,388.00
56	2564.537	Install Sign Type C	4	EACH	\$50.00	\$200.00	\$230.00	\$920.00	\$205.00	\$820.00	\$225.50	\$902.00
57	2564.552	Object Marker Type X4-2	8	EACH	\$80.00	\$640.00	\$80.00	\$640.00	\$69.50	\$566.00	\$76.50	\$612.00
58	2565.513	Emergency Vehicle Preemption System	1	LS	\$7,500.00	\$7,500.00	\$7,100.00	\$7,100.00	\$6,000.00	\$6,000.00	\$7,574.00	\$7,574.00
59	2565.511	Traffic Control Signal System	1	SIGS	\$250,000.00	\$250,000.00	\$275,000.00	\$275,000.00	\$233,650.00	\$233,650.00	\$260,000.00	\$260,000.00
60	2565.602	Splice Loop Detector	3	EACH	\$2,500.00	\$7,500.00	\$250.00	\$750.00	\$210.00	\$630.00	\$138.00	\$414.00
61	2550.602	Fiber Optic Splice Panel	2	EACH	\$2,000.00	\$4,000.00	\$4,500.00	\$9,000.00	\$3,825.00	\$7,650.00	\$900.00	\$1,800.00
62	2565.603	1/C#4	700	L F	\$1.00	\$700.00	\$3.00	\$2,100.00	\$2.00	\$1,400.00	\$1.75	\$1,225.00
63	2565.603	1.25" Non-Metallic Conduit	1,400	L F	\$13.00	\$18,200.00	\$18.00	\$25,200.00	\$15.00	\$21,000.00	\$15.40	\$21,560.00
64	2550.534	Fiberoptic Trunk Cable 36Sm	700	L F	\$2.00	\$1,400.00	\$4.00	\$2,800.00	\$3.00	\$2,100.00	\$2.25	\$1,575.00
65	2565.603	Fiber Optic Interconnect	50	L F	\$1.50	\$75.00	\$6.00	\$300.00	\$5.00	\$250.00	\$2.20	\$110.00
66	2571.502	Deciduous Tree 2" Cal B&B	14	TREE	\$515.00	\$7,210.00	\$625.00	\$8,750.00	\$550.00	\$7,700.00	\$605.00	\$8,470.00
67	2571.507	Perennial No 1 Cont	743	PLT	\$20.00	\$14,860.00	\$14.00	\$10,402.00	\$12.00	\$8,916.00	\$13.00	\$9,659.00
68	2571.505	Deciduous Shrub No 5 Cont	49	SHRB	\$100.00	\$4,900.00	\$73.00	\$3,577.00	\$65.00	\$3,185.00	\$71.50	\$3,503.50
69	2571.504	Coniferous Shrub 2' Ht Cont	24	SHRB	\$100.00	\$2,400.00	\$73.00	\$1,752.00	\$65.00	\$1,560.00	\$71.50	\$1,716.00
70	2571.504	Coniferous Shrub 4' Ht Cont	12	SHRB	\$125.00	\$1,500.00	\$225.00	\$2,700.00	\$200.00	\$2,400.00	\$220.00	\$2,640.00
71	2573.53	Storm Drain Inlet Protection	6	EACH	\$100.00	\$600.00	\$200.00	\$1,200.00	\$150.00	\$900.00	\$225.00	\$1,350.00
72	2573.533	Sediment Control Log Type Wood Fiber	2,100	L F	\$3.75	\$7,875.00	\$4.00	\$8,400.00	\$2.50	\$5,250.00	\$3.00	\$6,300.00
73	2574.525	Boulevard Topsoil Borrow	500	C Y	\$30.00	\$15,000.00	\$35.00	\$17,500.00	\$10.00	\$5,000.00	\$54.00	\$27,000.00
74	2575.505	Sodding Type Lawn	1,690	S Y	\$5.00	\$8,450.00	\$6.00	\$10,140.00	\$5.25	\$8,872.50	\$5.80	\$9,802.00
75	2575.513	Mulch Material Type 6	300	C Y	\$50.00	\$15,000.00	\$73.00	\$21,900.00	\$65.00	\$19,500.00	\$71.50	\$21,450.00
76	2582.501	Pavt Msgg Epoxy Gr In	299	S F	\$12.00	\$3,588.00	\$15.00	\$4,485.00	\$8.80	\$2,631.20	\$9.75	\$2,915.25
77	2582.502	4" Solid Line Epoxy	1,850	L F	\$0.30	\$555.00	\$2.00	\$3,700.00	\$0.75	\$1,387.50	\$0.55	\$1,017.50
78	2582.502	4" Dble Solid Line Epoxy	120	L F	\$0.55	\$66.00	\$4.00	\$480.00	\$1.50	\$180.00	\$1.10	\$132.00
79	2582.503	Crosswalk Epoxy Gr In	1,500	S F	\$6.70	\$10,050.00	\$8.00	\$12,000.00	\$6.20	\$9,300.00	\$6.05	\$9,075.00
Total Base Bid:						\$1,459,467.25		\$1,624,580.00		\$1,672,198.19		\$1,710,204.19
80	2575.601	Plant Management (Alternate 1)	1	LS	\$10,000.00	\$10,000.00	\$10,500.00	\$10,500.00	\$10,500.60	\$10,500.60	\$10,400.00	\$10,400.00
Total Alternate 1:						\$10,000.00		\$10,500.00		\$10,500.60		\$10,400.00
Total Base Bid + Alternate 1:						\$1,469,467.25		\$1,635,080.00		\$1,682,698.79		\$1,720,604.19



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8d
TITLE: Review of Construction Management Plan	
PROPOSED MOTION: N/A	
PREPARED BY: PeggySue Imihy, Planning Consultant	
REVIEWED BY: Jeff Thomson, Director of Planning and Building	

ACTION REQUESTED:

No formal action is requested from the City Council. City staff recommends the City Council review the information and provide any feedback on the proposed construction management plan.

FINANCIAL OR BUDGET CONSIDERATION:

This project does not have any impact on the City's 2018 general fund budget.

BACKGROUND:

This summer, City staff was directed to create a construction management plan to help minimize neighborhood issues related to construction projects in the community. The purpose of the construction management plan is to provide notice to all contractors regarding the City's requirements and expectations in advance of commencing construction. As part of the building permit process, City staff would require contractors to fill out and submit the construction management plan acknowledging the requirements and providing the required information.

Staff has reviewed existing ordinance requirements, construction management requirements from other communities, and construction best practices to draft a comprehensive construction management plan. Most of the requirements outlined in the construction management plan are existing City Code requirements, State Statutes, or requirements in the State building code. However, some of the items are best practices to minimize impacts on adjacent properties, which are highlighted in yellow in the plan. The best practices are provided so that contractors minimize impacts on the neighborhood, but would not be enforceable by fines unless the City amended the City Code.

The City would be able to issue stop work orders or fines for violations of the City Code requirements. The City's enforcement practices are to first notify the contractor regarding a violation and require correction within a reasonable time period. If the violation is not corrected, or if there are ongoing or continuing violations, the City would issue a fine under the fine scheduled that was adopted by the Council earlier this year. For severe violations that threatened public health, safety, or welfare, the City would issue a stop work order until violations are corrected.

City staff would begin implementing the construction management plan at the beginning of 2019.

ATTACHMENTS:

1. Draft Construction Management Plan



City of Wayzata Construction Management Plan

This agreement applies to all construction projects of wrecking, new build, or major remodeling of any structure.

The undersigned hereby acknowledges that they are responsible for complying with the conditions listed below. Failure to do so may result in fines and/or construction delays.

Project Address:			
Permit #	Date Issued:	Proposed Start Date:	Proposed Completion Date:
Applicant Name:			
Applicant Address:			
Applicant Phone Number:		Applicant Email:	
Applicant Signature:			Date:
Contractor:		Contractor Contact Name:	
Contractor Address:			
Contractor Phone Number:		Contractor Email:	
Contractor Signature:			Date:

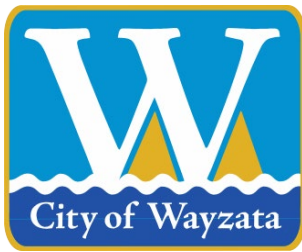
This agreement must be attached to approved site plans and be present on-site at all times during active construction. Failure to post and follow agreement may result in fines/fees and/or immediate stop work orders.

1. Hours of Operation: The erection, demolition, alteration or repair of any building and any other construction activity including but not limited to highway construction, piling, grading and excavation other than between the hours of 7 a.m. and 6 p.m. is prohibited, except in case of urgent necessity in the interest of public health and safety, in which case the City Manager may grant a permit for such work for a period of not to exceed 3 days. (*Wayzata City Code 708.03*)
2. Noise Reduction: The Contractor shall implement reasonable measures to mitigate nuisance noise by limiting use of noise generating equipment, vehicles, and avoid using such equipment in immediate proximity to an adjacent residential use to the extent reasonable. Construction shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010, as amended.

3. Approved Plans: An approved/stamped set of building (construction) plans shall be present and available on site as required by Minnesota State Building Code (*MSBC1300.0130*)
4. Contact Information: Prior to commencement of work at construction site, a sign must be installed identifying the developer and main contractor, company name, contact name with accessible phone number and an email address for each person identified, and the address of the project. All information posted must remain current and the sign must be posted, without obstruction in the front yard visible from the street of the project until final inspection has been completed.
5. Dumpsters and Street Use: Minnesota State law requires a five foot (5') parking setback from driveways and a thirty foot (30') setback from intersections. When possible dumpsters shall be located completely on the project site. If street use is required, a right of way obstruction permit is required from the City.
6. Debris/Dumpster Maintenance: Area around the dumpster shall be neat and orderly. Dumpsters must be covered during all non-work hours.
7. Building Materials: Construction equipment and materials shall be stored and placed so as not to endanger the public, the workers or adjoining property for the duration of the construction project. (*MSBC 3301.2*)
8. Work Crew Parking: Contractor/employee parking shall comply with all applicable parking regulations, including but not limited to compliance with no parking zones or other on-street parking restrictions as well as snow emergencies and winter parking restrictions. Parking shall be limited to one side of the street.
9. Site and Surrounding Maintenance: The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must keep streets, sidewalks, boulevard areas and adjacent properties clean from waste, materials or refuse resulting from operations on the site. No material may be deposited or stockpiled on the public streets, boulevards, sidewalks or adjacent property.
10. Dust Control: Contractor shall be responsible for all dust control. (*Wayzata City Code 916.08*) The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.
11. Erosion & Sediment Control: The Contractor shall conduct all activity in a manner designed to minimize surface runoff, erosion and sedimentation. Proper erosion and sediment control

measures shall be provided to prevent soils from being deposited on adjacent properties, rights-of-way, public storm drainage systems or wetlands. Grading per

12. Drive Entrance: All construction entrances and exits shall consist of an all-weather, large aggregate material, such as gravel or rock, capable of minimizing the tracking of dirt from the permit site.
13. Tree Protection: Installation of snow fencing, silt fence, or polyethylene laminate safety netting shall be placed at the Critical Root Zone of Significant and Heritage Trees to be preserved on or adjacent to the property being developed. (*Wayzata City Code 906.07*)
14. Portable Restroom placement: Portable restrooms shall not be located within the applicable front yard setback of a worksite. When possible portable toilets should not be visible from the view of adjacent properties. No portable toilets shall be placed on City Right-of-Way. The building permit holder is responsible for the security and maintenance of all portable toilets on site.
15. Damage to Public Property: The permit holder must repair any damage to public property streets and sidewalks. If damage occurs to the foregoing, it must be repaired by the completion of the project, unless the permit holder has received written permission from the building official to delay repairs until a later specified date.
16. Protection of Adjoining Property: adjoining properties shall be protected from damage during any construction work on the permit site. Excavations for any purpose shall not remove lateral support from any footing or foundation without first protecting the footing of foundation against settlement or lateral translation. Any damage made to adjoining properties must be repaired, this includes but is not limited to damage done to fences, landscaping or driveways.
17. Stop Work Order: If the building official or designee finds any work regulated by the code being performed in a manner contrary to the provisions of the code or in a dangerous or unsafe manner, the building official may issue a stop work order. The stop work order shall be in writing and issued to the owner of the property involved, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. (*MSBC 1300.0170*)



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8e
TITLE: Consider Resolution No. 77-2018 Approving Concurrent Preliminary and Final Plat at 153 Peavey Lane	
PROPOSED MOTION: To Adopt Resolution No. 77-2018, Approving Concurrent Preliminary and Final Plat at 153 Peavey Lane	
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 approving the development application, as recommended by the Planning Commission.

FINANCIAL OR BUDGET CONSIDERATION:

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

BACKGROUND:

Application Overview

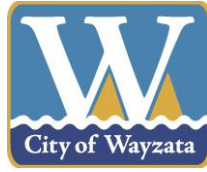
The applicant, Sathre-Bergquist Inc., and the property owner, And/Or Assigns, LLC have submitted a development application to subdivide the property at 153 Peavey Lane. The applicant is proposing to subdivide the one existing property into two single-family residential lots. The development application requests approval of a preliminary plat and final plat.

Planning Commission Review

The Planning Commission reviewed the application and held a public hearing at its meeting on November 19, 2018. The Planning Commission voted three in favor and one opposed to direct staff to prepare a draft report and recommendation for approval of the development application.

ATTACHMENTS:

1. November 19, 2018 staff report
2. Proposed Plans
3. Public Comments
4. October 1, 2018 Planning Commission meeting minutes
5. November 19, 2018 Planning Commission draft meeting minutes
6. December 3, 2018 Planning Commission draft meeting minutes
7. Draft Resolution No. 77-2018
8. Planning Commission Report and Recommendation



**Staff Report
November 19, 2018**

Project Name: Highcroft North
Applicant Sathre-Bergquist, Inc
Addresses of Request: 153 Peavey Lane
Prepared by: PeggySue Imihy, Planner
Reviewed by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: February 26, 2019

Development Application

Introduction

The applicant, Sathre-Bergquist Inc, and the property owners And/Or Assigns, LLC have submitted a development application to subdivide the property at 153 Peavey Lane. The applicant is proposing to subdivide the one existing property into two single-family residential lots. The development application requests approval of preliminary and final plat subdivision.

Previous Planning Commission Review

On October 1, 2018, the Planning Commission reviewed a subdivision application from the applicant to subdivide the property into three single-family residential lots. The Planning Commission directed staff to prepare a denial recommendation for review at its next meeting. After the Planning Commission review, the applicant requested the application be tabled to allow them to submit revised plans for the subdivision.

Property Information

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

Address	PID	Owner
153 Peavey Lane	01-117-23-42-0001	And/Or Assigns, LLC

The current zoning and comprehensive plan land use designation for the properties are as follows:

Current zoning:	R-3 Single and Two Family Residential District
-----------------	--

Comp plan designation:	Medium Density Multiple Family
Overlay districts:	None

Project Location

The property is located at the intersection Lake Street W and Peavey Lane:

Map 1: Project Location



Map 2: Zoning Map



Map 3. Comp plan



Application Requests

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

- A. Concurrent Preliminary and Final Plat Subdivision: The proposal requires preliminary and final plat review to subdivide the existing lot into two lots. (City Code Section 805.14 and 805.15)

Adjacent Land Uses.

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	Shoreline Dr	N/A	N/A
East	Single family homes	R-3/Single Two Family Residential District	Low Density Single Family
South	Single family home	R-1A/Low Density Single Family Estate	Estate Single Family
West	The Blake School	Institutional	Institutional/Public

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on November 8, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on November 8, 2018.

Analysis of Application

Proposed Houses

The property currently contains a three-family residential home. As part of the project, the existing home would be demolished, and two new single family homes would be constructed. The proposed plans include preliminary house pads and driveways entrances for each of the new lots, and the applicant has submitted preliminary concept elevations for the single family homes. The proposed house pads would comply with all requirements of the R-3 zoning district, including setbacks, lot coverage, and impervious surface.

Lot Requirements

The proposed lots would meet the minimum lot requirements for the R-3 zoning district for single family homes:

	Lot area (sq. ft.)	Lot width	Lot depth
R-3 Requirements	9,000 (min.)	60 ft. (min.)	100 ft. (min.)
Lot 1	15,159 sq. ft.	116.3 ft.	123.6 ft.
Lot 2	13,787 sq. ft.	132.1 ft.	123.6 ft.

Surrounding Lot Sizes

The following summarizes the lot areas of the single family and two family residential lots in the area:

Address	Lot area
153 Peavey Lane	29,079 sq. ft.
151 Peavey Lane	25,445 sq. ft.
145 Peavey Lane	23,437 sq. ft.
141 Peavey Lane	22,052 sq. ft.
133 Peavey Lane	21,106 sq. ft.
131 Peavey Lane	20,679 sq. ft.
144 Peavey Lane	40,270 sq. ft.
310 Peavey Lane	46,797 sq. ft.
325 Highcroft Lane	68,397 sq. ft.
345 Highcroft Lane	121,099 sq. ft.

Tree Preservation

There are 21 trees located on the site that meet the minimum size requirements as either significant or heritage trees. Of the 21 trees, 18 are classified as significant trees and 3 are heritage trees. The proposed plans include removal of trees for the proposed homes, driveways, and grading of the lots.

The proposed plans indicate that four significant trees and one insignificant tree would be removed. For a subdivision application, the tree ordinance allows for removal of up to 25 percent of the inches of significant trees before mitigation is required. Based on the proposed removal, 8 inches of replacement trees would be required in place of the significant trees that would be removed. The proposed plans include the replacement of 9 inches of trees.

Action Steps

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

Attachments

Applicant's Narrative
Proposed Plans
House Concept Plans
October 1, 2018 Planning Commission Meeting Minutes

Applicable Code Provisions for Review

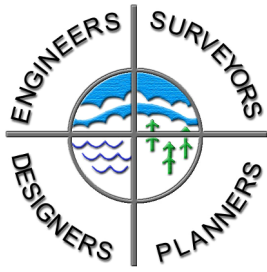
Comprehensive Plan: The City's comprehensive plan includes the following policies for residential land uses:

1. Enhance individual character elements of residential neighborhoods through public improvements and private investment.
2. Protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties.
3. Protect residential neighborhoods from encroachment or intrusion by incompatible uses or incompatible higher densities.
4. Pursue programs to improve housing condition and maintenance, including implementing a rental housing inspection program.
5. Aggressively eliminate violations of property maintenance, outside storage or accessory building regulations which infringe upon residential neighborhood quality, pose public health and safety problems, or threaten neighboring property values.
6. Provide for continuing review, updating and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design.
7. Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.

Preliminary Plat Criteria (Section 805.14.E): 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:

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 filling 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.



SATHRE-BERGQUIST, INC.

150 SOUTH BROADWAY, WAYZATA, MINNESOTA, 55391

TEL:(952)476-6000

FAX:(952)476-0104

WEB:WWW.SATHRE.COM

NARATIVE FOR HIGHCROFT NORTH

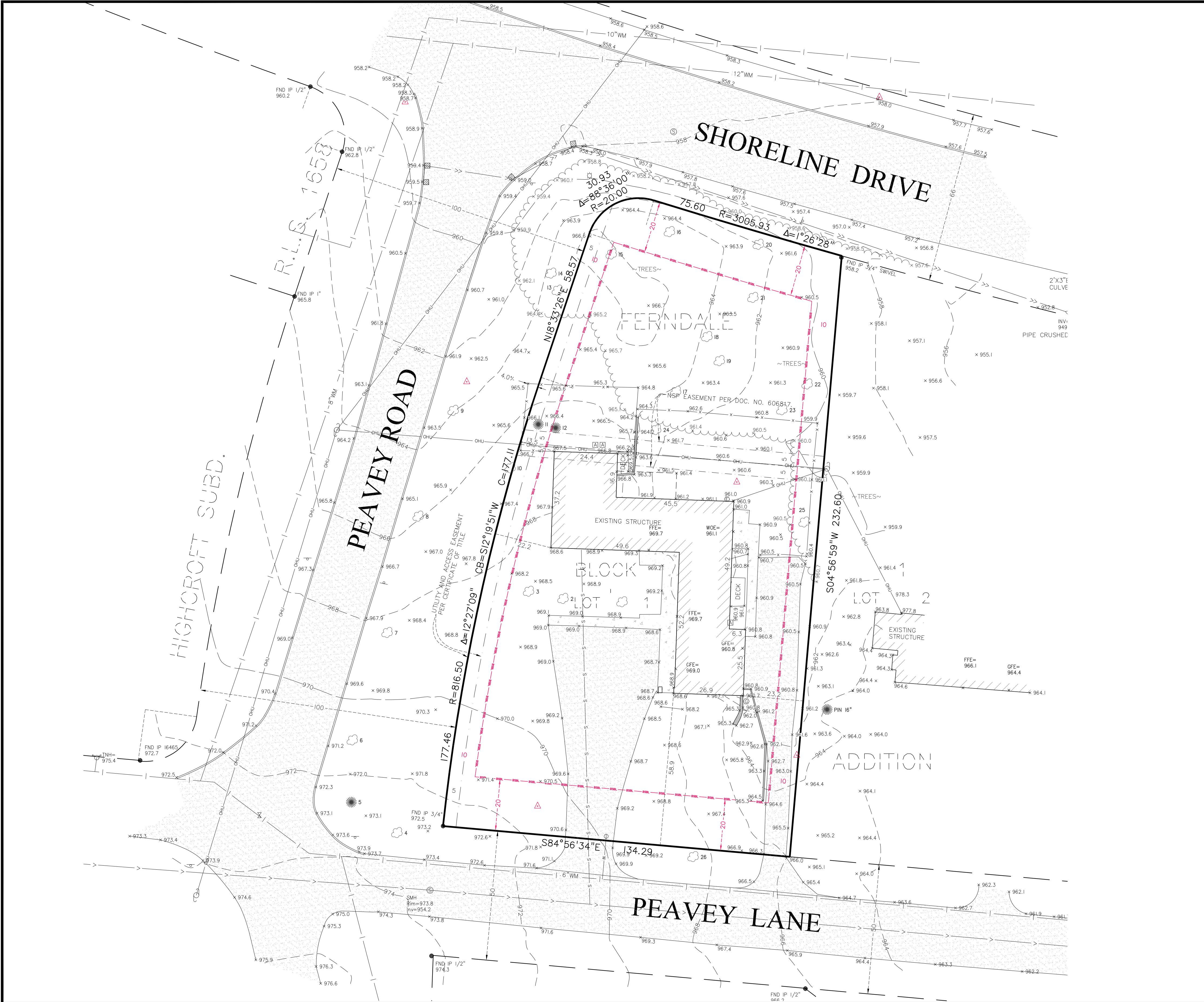
Date: October 17, 2018

Developer: And-Or Signs, LLC.
5500 Wayzata Blvd, Suite 300
Minneapolis MN, 55416

Site: 153 Peavey Lane
Wayzata, MN 55391

Applicant: Sathre-Bergquist, Inc.
150 Broadway Ave. S.
Wayzata, MN 55391

Client/Applicant is submitting a proposed 2 lot development for the lot at 153 Peavey Lane, Wayzata, MN 55931. The site is currently home to a 3-unit multi-family building. Proposed lot 1 would be access off of Peavey Lane and lot 2 would access off of Peavey Road.



DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

Lot 1, Block 1, Ferndale Addition, Hennepin County, Minnesota.

ALTA/NSPS OPTIONAL TABLE A NOTES

2) **Site Address:** 153 Peavey Lane, Wayzata, Minnesota 55391

3) **Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 2705CU0307F, effective date of November 4, 2016.

4) **Parcel Area Information:** Gross Area: 28,946 s.f. ~ 0.665 acres

5) **Benchmark:** Elevations are based on City of Wayzata benchmark: Top of top nut of fire hydrant at northwest corner of Peavey Lane and Peavey Road which has an elevation of: 975.40 feet (NGVD29).

6) **Zoning Information:** The current Zoning for the subject property is R-3 (Single and Two Family Residential District. The setback, height, and floor space area restrictions for said zoning district are as follows:

Principal Structure Setbacks - Street(s): 20 feet
Side: 10 feet
Rear: 20 feet
Height: 30 feet ~ 2-1/2 stories
Hardcover: 35 percent of lot area
Lot Coverage: 30 percent of lot area

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

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by designers, architect or the likes.

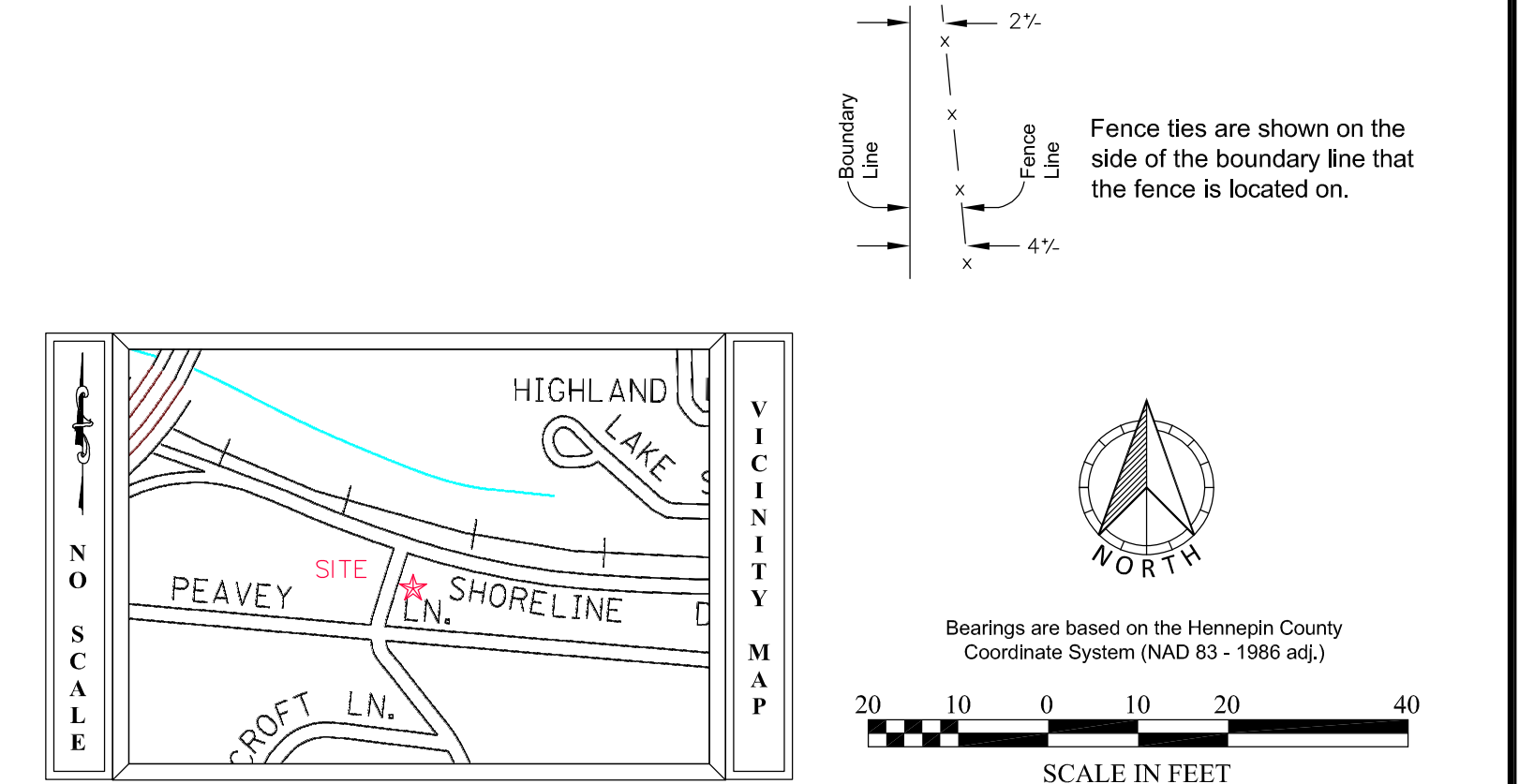
We have not received the current zoning classification and building setback requirements from the insurer.

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

SURVEY REPORT

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by Custom Home Builders Title, LLC, as issuing agent for Stewart Title Guaranty Company, File No. HB-36594, dated: none specified, 2018.

- 1) We note the following with regards to Schedule B of the herein referenced Title Commitment:
- a) Item no.'s 1-9, 12 and 13 are not survey related
 - b) Item no.10 Subject to reservations of utility and access easements over, upon, and across Lots in Highcroft Subdivision, Hennepin County, Minnesota, (now as to the westerly 5 feet of Lot 1, Block 1, Ferndale Addition), as contained in Deed Doc. No. A2889581 (restrictions terminated per Doc. No. T5517626)
 - c) Item no.11 Terms and conditions of an easement over part of above land, in favor of Northern States Power Company, as created in document filed September 28, 1959, as Document No. 606817. *Said easement shown hereon.*



SURVEY LEGEND			
● CAST IRON MONUMENT	WOE WALKOUT ELEVATION	BITUMINOUS	
▣ CATCH BASIN	FFE FIRST FLOOR ELEVATION	--- BUILDING SETBACK LINE	
▤ FLARED END SECTION	GFE GARAGE FLOOR ELEVATION	--- CTV CABLE TV	
▽ GATE VALVE	TOF TOP OF FOUNDATION ELEV.	--- CONCRETE CURB	
< GUY WIRE	LOE LOWEST OPENING ELEV.	--- CONCRETE	
○ SURVEY MONUMENT SET	▣ CABLE TV PEDESTAL	--- CONTOUR EXISTING	
● SURVEY MONUMENT FOUND	▣ ELECTRIC TRANSFORMER	--- CONTOUR PROPOSED	
△ SURVEY CONTROL POINT	⊕ ELECTRIC MANHOLE	--- GUARD RAIL	
★ LIGHT POLE	⊕ ELECTRIC METER	--- DT DRAIN TILE	
⊕ POWER POLE	⊕ GAS METER	--- ELC ELECTRIC UNDERGROUND	
⊕ SANITARY MANHOLE	⊕ GAS VALVE	--- FENCE	
⊕ SANITARY CLEANOUT	⊕ HAND HOLE	--- FO FIBER OPTIC UNDERGROUND	
⊕ SIGN	⊕ SOIL BORING	--- GAS GAS UNDERGROUND	
972.5 GROUND ELEVATION	★ TREE CONIFEROUS	--- OHU OVERHEAD UTILITY	
⊕ STORM DRAIN	⊕ TREE DECIDUOUS	++++ RAILROAD TRACKS	
⊕ STORM MANHOLE	⊕ TELEPHONE MANHOLE	--- SANITARY SEWER	
⊕ YARD LIGHT	⊕ TELEPHONE PEDESTAL	--- STORM SEWER	
⊕ A/C UNIT	⊕ TRAFFIC SIGNAL	--- TEL TELEPHONE UNDERGROUND	
⊕ WELL	⊕ UTILITY MANHOLE	--- UTL UTILITY UNDERGROUND	
	⊕ UTILITY PEDESTAL	--- I WATERMAIN	

FIELD CREW	NO.	BY	DATE	REVISION
LAKE				
DRAWN				
DBP				
CHECKED				
EJW				
DATE				
08/21/18				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

To: And/or Assigns, LLC, Custom Home Builders Title, LLC, and Stewart Title Guaranty Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS. The field work was completed on August 17, 2018.

David B. Pemberton, PLS Minnesota License No. 40344

ENGINEERS
DESIGNERS
PLANNERS

SURVEYORS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE.23-SEC.01
Hennepin County

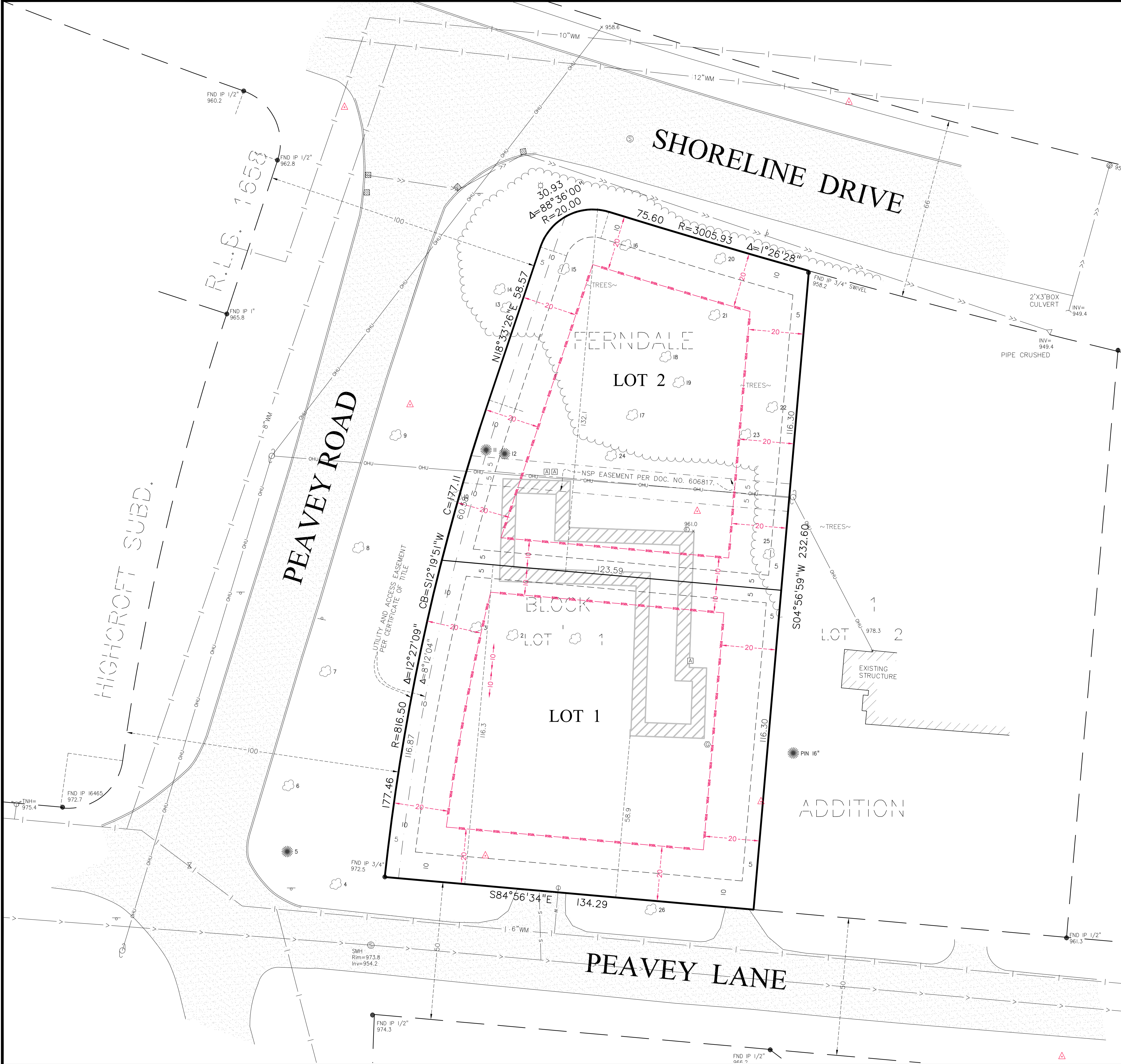
Wayzata
Minnesota

ALTA/NSPS Land Title Survey

PREPARED FOR:
And/Or Assigns, LLC

FILE NO.
10039-001

1
1



DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

Lot 1, Block 1, Ferndale Addition, Hennepin County, Minnesota.

ALTA/NSPS OPTIONAL TABLE A NOTES

- 2) **Site Address:** 153 Peavey Lane, Wayzata, Minnesota 55391
- 3) **Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 2705SC0307F, effective date of November 4, 2016.
- 4) **Parcel Area Information:** Gross Area: 28,946 s.f. ~ 0.665 acres
- 5) **Benchmark:** Elevations are based on City of Wayzata benchmark: Top of top nut of fire hydrant at northwest corner of Peavey Lane and Peavey Road which has an elevation of: 975.40 feet (NGVD29).
- 6) **Zoning Information:** The current Zoning for the subject property is R-3 (Single and Two Family Residential District. The setback, height, and floor space area restrictions for said zoning district are as follows:

Principal Structure Setbacks - Street(s): 20 feet
Side: 10 feet
Rear: 20 feet
Height: 30 feet ~ 2-1/2 stories
Hardcover: 35 percent of lot area
Lot Coverage: 30 percent of lot area

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

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by designers, architect or the likes.

We have not received the current zoning classification and building setback requirements from the insurer.

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

SURVEY REPORT

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by Custom Home Builders Title, LLC, as issuing agent for Stewart Title Guaranty Company, File No. HB-36594, dated: none specified, 2018.

- 1) We note the following with regards to Schedule B of the herein referenced Title Commitment:
 - a) Item no.'s 1-9, 12 and 13 are not survey related
 - b) Item no.10 Subject to reservations of utility and access easements over, upon, and across Lots in Highcroft Subdivision, Hennepin County, Minnesota, (now as to the westerly 5 feet of Lot 1, Block 1, Ferndale Addition), as contained in Deed Doc. No. A2889581 (restrictions terminated per Doc. No. T5517626)
 - c) Item no.11 Terms and conditions of an easement over part of above land, in favor of Northern States Power Company, as created in document filed September 28, 1959, as Document No. 606817. *Said easement shown hereon.*

DEVELOPER

And/or Assigns
5500 Wayzata Blvd #300
Minneapolis, MN 55416
Attn: Gary Kirt
Tel: 952-905-5761
Email: GKirt@bellbanks.com

ENGINEER/LAND SURVEYOR
APPLICANT

Sathre-Bergquist, Inc.
150 Broadway Ave. S.
Wayzata, MN 55391
Engineer: Bob Molstad
Email: Molstad@sathre.com
Land Surveyor: David Pemberton
Email: Pemberton@sathre.com
Tel: 952-476-6000

PROPOSED DEVELOPMENT
INFORMATION

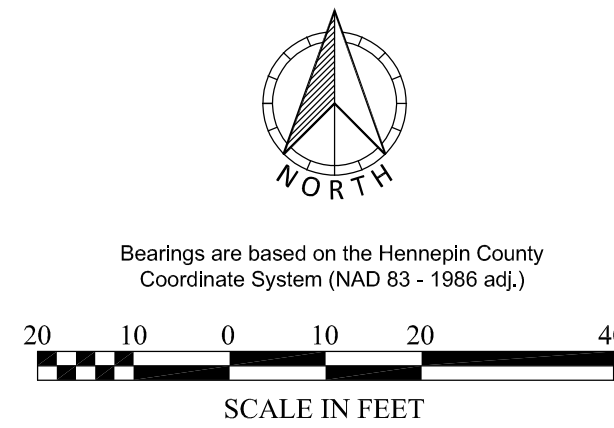
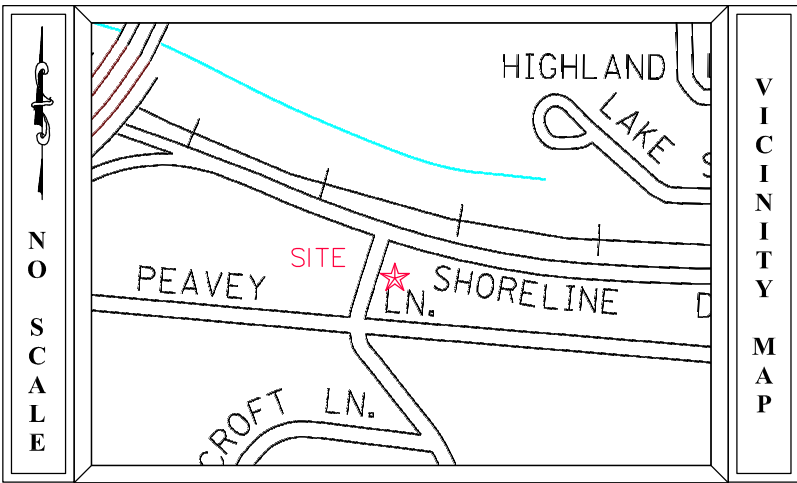
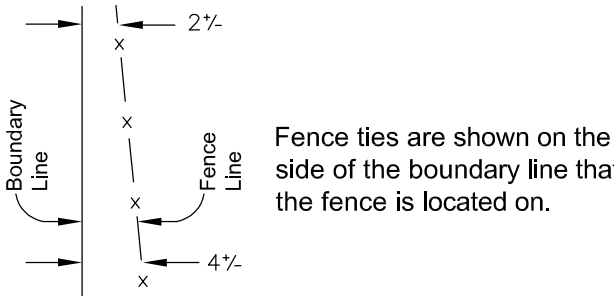
Zoning: R3 (Single & Two Family Residential District)
Lot Area: 9,000 square feet minimum
Lot Width: 60 feet
Lot Depth: 100 feet

Front Yard: 20 feet
Side Yard: 10 feet
Rear Yard: 20 feet
Building Height: 2-1/2 stories ~ 30 feet

Lot Coverage: 30 percent
Hardcover: 35 percent

PROPOSED LOT INFORMATION

Lot 1: Area: 15,159 sq. ft. ~ 0.348 acres
Lot 2: Area: 13,787 sq. ft. ~ 0.317 acres



SURVEY LEGEND

● CAST IRON MONUMENT	WOE WALKOUT ELEVATION	BITUMINOUS
☒ CATCH BASIN	FFE FIRST FLOOR ELEVATION	— BUILDING SETBACK LINE
△ FLARED END SECTION	GFE GARAGE FLOOR ELEVATION	— CTV CABLE TV
⊠ GATE VALVE	TOF TOP OF FOUNDATION ELEV.	— CONCRETE CURB
< GUY WIRE	LOE LOWEST OPENING ELEV.	— CONCRETE
○ SURVEY MONUMENT SET	☒ CABLE TV PEDESTAL	— CONTOUR EXISTING
● SURVEY MONUMENT FOUND	☒ ELECTRIC TRANSFORMER	— CONTOUR PROPOSED
△ SURVEY CONTROL POINT	☒ ELECTRIC MANHOLE	— GUARD RAIL
☒ LIGHT POLE	⊗ ELECTRIC METER	— DT DRAIN TILE
☒ POWER POLE	⊗ GAS METER	— ELC ELECTRIC UNDERGROUND
☒ SANITARY MANHOLE	⊗ GAS VALVE	— FENCE
☒ SANITARY CLEANOUT	☒ HAND HOLE	— FO FIBER OPTIC UNDERGROUND
☒ SIGN	☒ SOIL BORING	— GAS GAS UNDERGROUND
972.5 GROUND ELEVATION	☒ TREE CONIFEROUS	— OHU OVERHEAD UTILITY
☒ STORM DRAIN	☒ TREE DECIDUOUS	— RAILROAD TRACKS
☒ STORM MANHOLE	☒ TELEPHONE MANHOLE	— SANITARY SEWER
☒ YARD LIGHT	☒ TELEPHONE PEDESTAL	— STORM SEWER
☒ A/C UNIT	☒ TRAFFIC SIGNAL	— TEL TELEPHONE UNDERGROUND
☒ WELL	⊗ UTILITY MANHOLE	— UTL UTILITY UNDERGROUND
	☒ UTILITY PEDESTAL	— WATERMAIN

FIELD CREW	NO.	BY	DATE	REVISION
LAKE	1	DBP	9/4/2018	Remove Outlot
DRAWN	2	DBP	10/12/2018	Revise to 2 lot subdivision
DBP				
CHECKED				
EJW				
DATE				
08/21/18				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

To: And/or Assigns, LLC, Custom Home Builders Title, LLC, and Stewart Title Guaranty Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS. The field work was completed on August 17, 2018.

Date of Plat or Map: August 21st, 2018

David B. Pemberton, PLS Minnesota License No. 40344

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE.23-SEC.01
Hennepin County

**Wayzata
Minnesota**

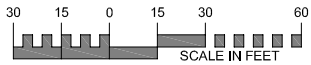
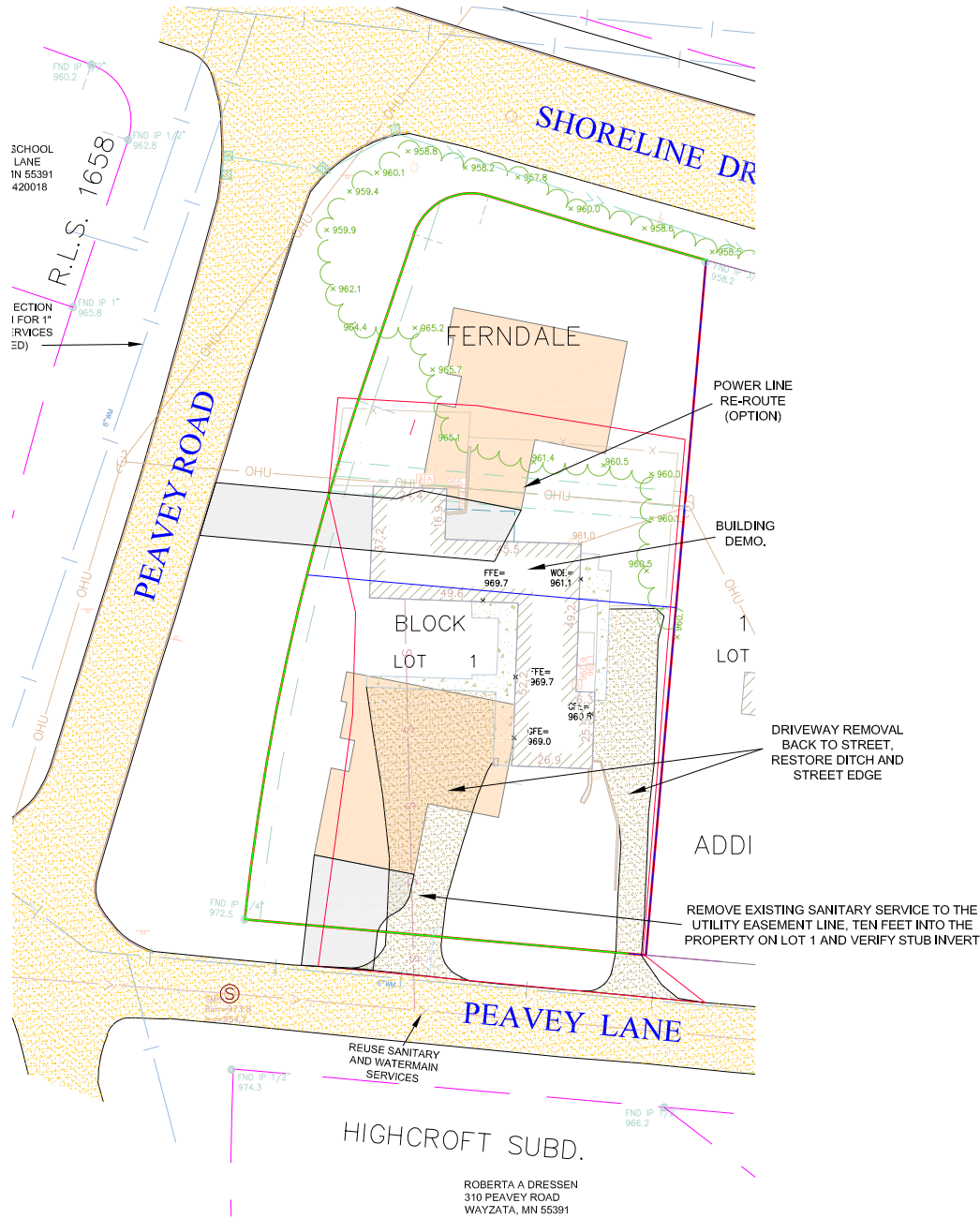
**Preliminary Plat
of
HIGHCROFT NORTH**
Prepared for:
AND/OR ASSIGNS, LLC

FILE NO.
10039-001

1

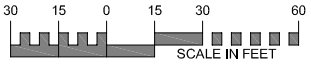
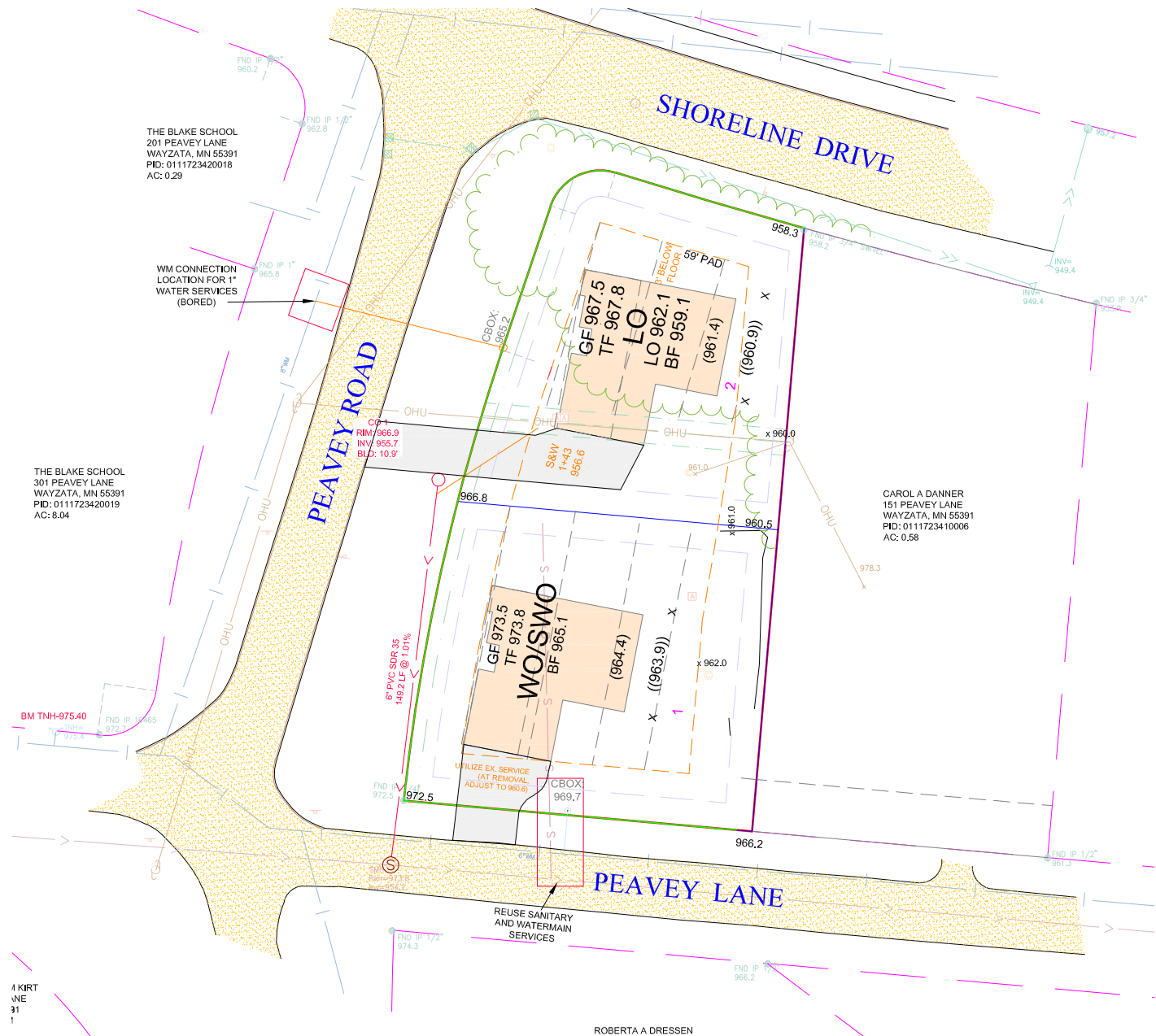
1

DEMOLITION PLAN



EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

UTILITY PLAN



DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_PEAVEY	XX	XXX	XX/XX/XX	XXXXXXXXXXXX
DRAWN BY				
TOW				
CHECKED BY				
RSM				
DATE				
08/28/18				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert S. Molstad
ROBERT S. MOLSTAD, P.E.
Date: 10/17/18 Lic. No. 26428



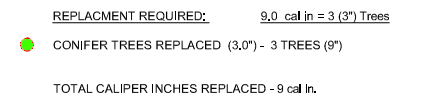
SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
--
WAYZATA, MINNESOTA

UTILITY & DEMOLITION PLAN
HIGHCROFT NORTH
AND/OR ASSIGNS, LLC.

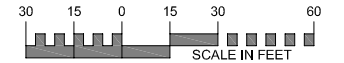
FILE NO.
10039-001
2
Page 129 of 173

DRAWING NAME	NO.	BY	DATE	REVISIONS	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'s EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.	I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  ROBERT S. MOLSTAD, P.E. Date: <u>09/17/18</u> Lic. No. <u>26428</u>	 SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN, 55391 (952) 476-6000	CITY PROJECT NO.	GRADING, DRAINAGE & EROSION CONTROL PLAN HIGHCROFT NORTH AND-OR ASSIGNS, LLC.	FILE NO.
BASE_PEAVEY	xx	xxx	xx/xx/xx	xxxxxxx xxxxxx				---		10039-001
DRAWN BY										
TOW										
CHECKED BY										
RSM										
DATE										
08/28/18										3
									Page 130 of 138	



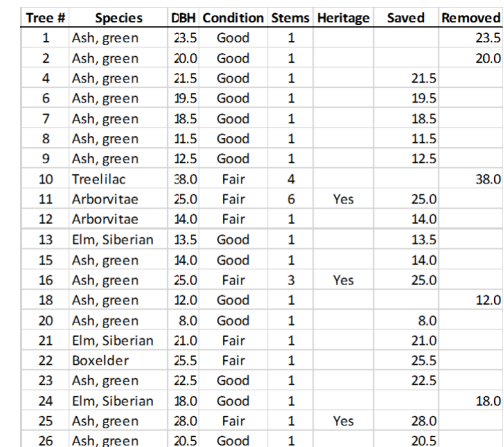
Typical Planting Schedule
Replacement Trees -
 Arborvitae
 Black Cherry
 Butternut
 Cedar
 Elm (Disease Resistant)
 Fir
 Hackberry
 Hickory
 Hemlock
 Kentucky Coffee
 Linden/Basswood
 Maple (Except Silver Maples)
 Oak
 Walnut

 Conifers:
 Pine
 Spruce (Except Colorado Blue)
 Tamarack

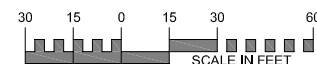


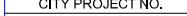
EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

[illegible]



Total Caliper Inches		412.0
		=====
Net Caliper Inches		412.0
Removed Caliper Inches		111.5
Percent Removed		27.1%
Percent Saved		72.9%
25% Threshold		103
Replacement Required Cal. In.		9
3" Trees Required		3



DRAWING NAME	NO.	BY	DATE	REVISIONS	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'s EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE. I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. <i>Robert S. Molstad</i> ROBERT S. MOLSTAD, P.E. Date: <u>10/17/18</u> Lic. No. <u>26428</u>	 SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000	CITY PROJECT NO. --- WAYZATA, MINNESOTA	TREE SURVEY HIGHCROFT NORTH AND-OR ASSIGNS, LLC.	FILE NO. 10039-001 TS Page 132 of 135
PEAVEY_TREE_SURVEY									
DRAWN BY									
TCW									
CHECKED BY									
RSM									
DATE									
08/28/18									

HIGHCROFT NORTH

R.T. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That And/Or Assigns, LLC, a Minnesota Limited Liability Company, owner of the following described property situated in the State of Minnesota, County of Hennepin, to wit:

Lot 1, Block 1, Ferndale Addition

Has caused the same to be surveyed and platted as HIGHCROFT NORTH and do hereby dedicate to the public for public use forever the drainage and utility easements as created on this plat.

In witness whereof said And/Or Assigns, LLC, a Minnesota Limited Liability Company, has cause these presents to be signed this _____ day of _____, 2018.

S. Todd Rapp

STATE OF MINNESOTA
COUNTY OF _____

The instrument was acknowledged before me this _____ day of _____, 2018 by S. Todd Rapp, President of And/Or Assigns, LLC., a Minnesota Limited Liability Company.

Notary Public, _____ County, Minnesota

Notary Printed Name

My Commission Expires: _____

I, David B. Pemberton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on the plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined by Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2018.

David B. Pemberton, Licensed Land Surveyor
Minnesota License No. 40344

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 2018, by David B. Pemberton.

Notary Public, Hennepin County, Minnesota

Notary Printed Name

My Commission Expires: _____

WAYZATA, MINNESOTA

This plat of HIGHCROFT NORTH was approved and accepted by the City Council of the City of Wayzata, Minnesota at a regular meeting held this _____ day of _____, 2018 and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subdivision 2.

CITY COUNCIL OF WAYZATA, MINNESOTA

By: _____, Mayor By: _____, City Manager

RESIDENT AND REAL ESTATE SERVICES,
HENNEPIN COUNTY, MINNESOTA

I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 2018.

Mark V. Chapin, County Auditor

By: _____, Deputy

SURVEY DIVISION
HENNEPIN COUNTY, MINNESOTA

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 2018.

Chris F. Mavis, County Surveyor

By: _____

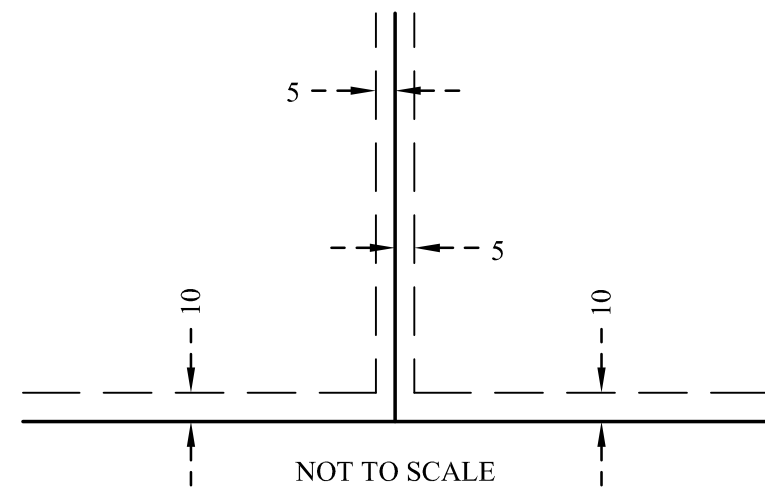
REGISTRAR OF TITLES
HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of HIGHCROFT NORTH was filed in this office this _____ day of _____ 2018, at _____ o'clock ____ M.

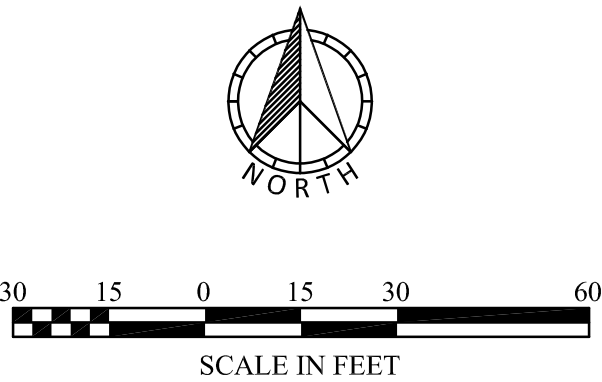
Martin McCormick, Registrar of Titles

By: _____, Deputy

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

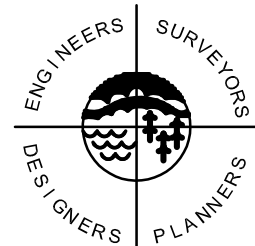
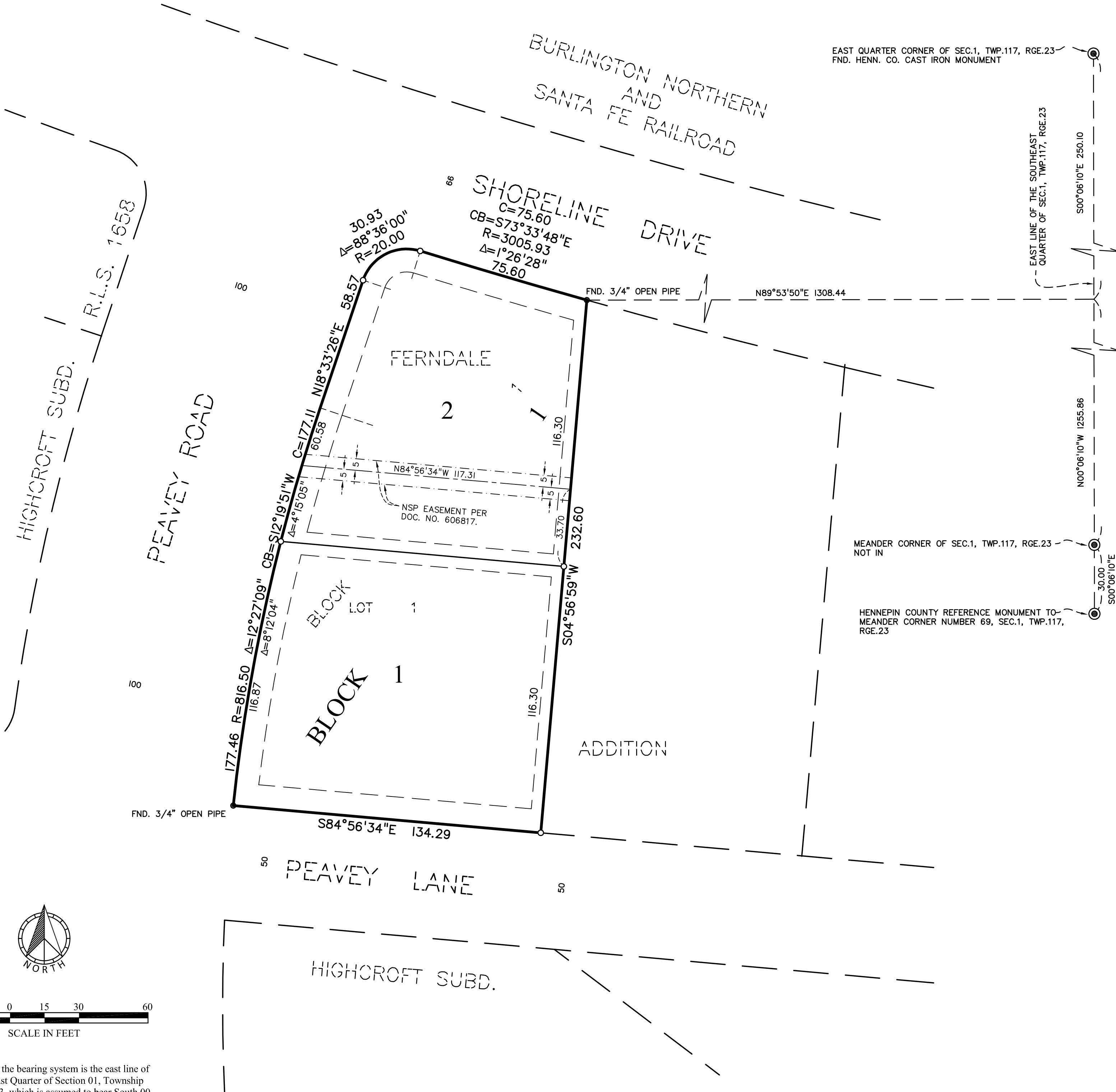


Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on the plat.



The basis for the bearing system is the east line of the Southeast Quarter of Section 01, Township 117, Range 23, which is assumed to bear South 00 degrees 06 minutes 10 seconds East

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344
- Denotes a 3/4 inch open pipe found
- ⊙ Denotes a Found Cast-Iron-Monument



SATHRE-BERGQUIST, INC.

SUMMARY FOR PROJECT AT 153 PEAVEY LANE

Construction anticipated to start First Quarter 2019
--

LOT 1

- Approximately 3600 finished SQFT
- 4 bedrooms / 4 bathrooms
- Rambler Style
- \$1.2M - \$1.4M
- Driveway access from Peavey Lane

LOT 2

- Approximately 3600-4000 finished SQFT
- 5 bedrooms / 5 bathrooms
- Two-story Walk Out
- \$1.4M - \$1.8M
- Driveway access from Peavey Road

Proposed home sites and dwellings will be thoughtfully planned for the scale of the neighborhood, as well as with keeping the health and safety of the neighborhood in mind. Improvements will be made to existing city water systems servicing the property. Respecting and keeping the charm of the neighborhood, as well as tying into the greater overall charm of the Village of Wayzata, is of utmost concern and intent.

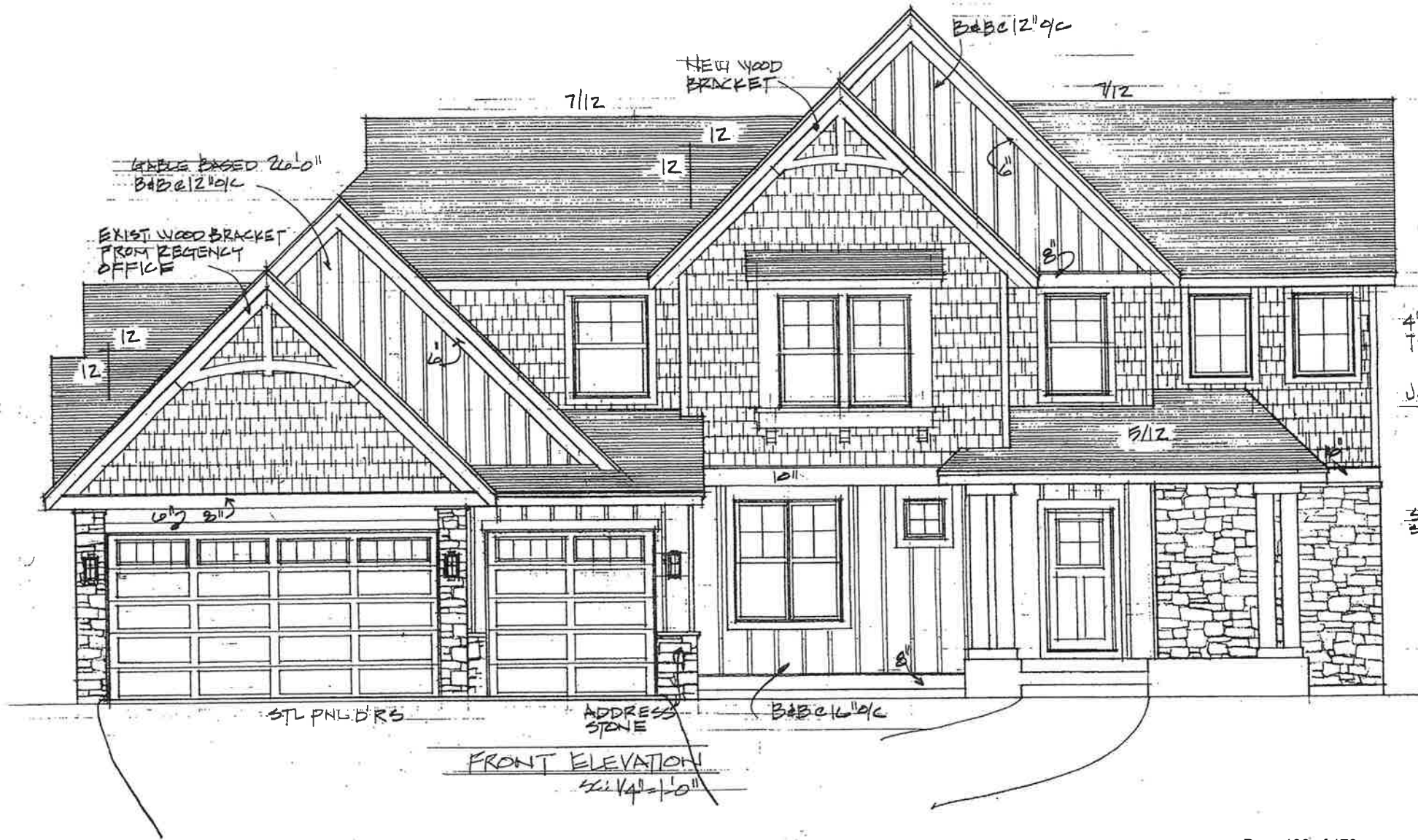
LOT 1



FRONT CONCEPT

50' 1/8" = 1" 0"

LOT 2



Jeff Thomson

From: Jeff Thomson
Sent: Tuesday, December 4, 2018 2:18 PM
To: Jeff Thomson
Subject: FW: Peavey Project

From: "Mikunda, Jason P" <Jason.Mikunda@citizensone.com>
Date: Tuesday, November 27, 2018 at 1:47 PM
To: Beth Ulrich <beth.ulrich@lakesmn.com>
Subject: Peavey Project

Hi Beth,

Thank you for sharing with me the good news on Peavey.

My family & I live on the other side of the Blake School at 401 Peavey Lane. I pass this corner multiple times daily & have always been disappointed with the blight that the current property presents, in such a wonderful neighborhood of homes. That corner is the initial image point for people coming into the Highcroft Neighborhood & the Blake School, it should be a more reflective of the surrounding area. The design renderings of the homes you plan to build are a perfect compliment to the area. The addition of new families to add to the community & tax base are exciting for all around. Professionally, I am a mortgage banker who focuses specifically on new construction of upper bracket homes for 18+ years – I can say that what you have here, will be in high demand with the clients I work with daily. Wayzata is the best place to live in MN & this redevelopment will only solidify that reputation.

Thank you for all you are doing to improve our town.

Jason Mikunda
Private Mortgage Banker
NMLS ID# 533113

CitizensOne - Home Loans
1650 West End Blvd, Suite 100
St. Louis Park, MN 55416

Direct/Cell: 763-443-0660
eFax (secure): 844-377-4355
Email: jason.mikunda@citizensone.com

Citizens One is a brand name of Citizens Bank, N.A. and Citizens Bank of Pennsylvania.

Use of email is inherently insecure. Confidential information, including account information and personally identifiable information, should not be transmitted via email or email attachment. In no event shall Citizens Bank, N.A. or Citizens Bank of Pennsylvania accept any responsibility for the loss, use or misuse of any information, including confidential information, sent via email or email attachment for which it is the intended recipient. Neither Citizens Bank, N.A. nor Citizens Bank of Pennsylvania guarantee the accuracy of any email or email attachment, that an email will be received by either entity or that either entity will respond to any email.

Jeff Thomson

From: Jeff Thomson
Sent: Tuesday, December 4, 2018 2:24 PM
To: Jeff Thomson
Subject: FW: Peavey Project

From: Tammy Maddrey <tammymaddrey@yahoo.com>
Date: Thursday, November 29, 2018 at 4:50 PM
To: "JeffreyBuchanan@wayzata.org" <JeffreyBuchanan@wayzata.org>, "gregoryflannigan@wayzata.org" <gregoryflannigan@wayzata.org>, "peggydouglas@wayzata.org" <peggydouglas@wayzata.org>, "cathyiverson@wayzata.org" <cathyiverson@wayzata.org>, "patrickmurray@wayzata.org" <patrickmurray@wayzata.org>, "christineplantan@wayzata.org" <christineplantan@wayzata.org>
Subject: Peavey Project

Hello Planning Commission Members:

I am writing to share my support for the project proposed at the corner of Peavey Lane and Peavey Road in Wayzata. I own and live at 330 Peavey Road, two properties away from the proposed development.

Here are my thoughts:

- The new homes will be a more beautiful option than the current building.
- Since it meets current zoning regulations, I think it should pass with no issues.
- The development should help the property values in the neighborhood.
- It sets a good example for other possible redevelopment projects on Peavey Lane.
- Future homeowners will most likely stay longer than the renters who have moved in and out of the current property frequently over the years (often leaving huge piles of debris in the yard and at the curb)

I wish them good luck and welcome the project.

Sincerely,

Tammy Maddrey
330 Peavey Road
Wayzata

Tammy Maddrey | 952.738.1331 | tammymaddrey@yahoo.com

Jeff Thomson

From: Jeff Thomson
Sent: Tuesday, December 4, 2018 2:22 PM
To: Jeff Thomson
Subject: FW: Peavey Lane Project

From: Tara Engebretson <tara@engmad.com>
Date: Friday, November 30, 2018 at 11:23 AM
To: "JeffreyBuchanan@wayzata.org" <JeffreyBuchanan@wayzata.org>, "gregoryflannigan@wayzata.org" <gregoryflannigan@wayzata.org>, "peggydouglas@wayzata.org" <peggydouglas@wayzata.org>, "cathyiverson@wayzata.org" <cathyiverson@wayzata.org>, "patrickmurray@wayzata.org" <patrickmurray@wayzata.org>, "christineplantan@wayzata.org" <christineplantan@wayzata.org>
Subject: Peavey Lane Project

To the Wayzata Planning Commission Members:

I wanted to send a note to share my support for the proposed project at the corner of Peavey Road and Peavey Lane. I live at 335 Peavey Road which is just 3 homes up from the project. I am pleased to see that you approved the plan for two lots. The plans shared with us show it to be appealing in both the look and value for the neighborhood. It was been hard to drive by the current multi-family home that has been given so little care by the owner. It was disrespectful to the renters and neighbors. I am an advocate of affordable housing options of all levels, but not when the building is left to fall apart which has been the case over the last few years.

This new project will add value to the neighborhood on Peavey Lane and to all the homes on Peavey Road. As a neighborhood, we all take care of our residences and the new owners are sure to follow this same path. I also understand that the builder will be one of the residents which is a positive as she will work hard to make this a successful project that blends well with the setting. I don't see any traffic concerns as there should not be any additional traffic from what we are currently experiencing from the rental property.

I also understand that it meets all zoning regulations and requires no variances. With this, I do not see a reason for it not to be approved by your committee.

I appreciate your time and consideration.

Thanks,
Tara Engebretson

Tara Engebretson | 612.220.5620 | tara@engmad.com
Engbretson Maddrey Team | Fazendin Realtors®

1 Mr. Schmitt stated there is a landscape plan included the application. The applicant is willing to
 2 plant whatever type of tree the City would prefer in these locations.

3
 4 Commissioner Iverson stated in order to grant a variance the applicant needs to show practical
 5 difficulty, but she would be willing to support the variance because of the trade-off proposed of
 6 including the bank façade. She pointed out this is not something the City would typically consider.

7
 8 Commissioner Douglas made a motion, seconded Plantan by Commissioner, to direct staff to
 9 prepare a draft Planning Commission Report and Recommendation with appropriate findings
 10 recommending approval of the design with the deviations for first floor transparency, the second
 11 story recession, and the 6-foot sidewalk width along Barry Ave, a variance for the third story
 12 setback, a variance for the floor area ratio, a Shoreland Impact Plan/Conditional Use Permit for
 13 impervious surface coverage with the added condition of including storm water management, a
 14 Conditional Use Permit for joint parking, the preliminary and final plat subdivision and
 15 recommending denial of the variance for building height and the Shoreland Impact
 16 Plan/Conditional Use Permit for building height.

17
 18 The motion carried unanimously.

19
 20 Mr. Thomson noted that the draft Report and Recommendation would be on the consent agenda at
 21 the next Planning Commission meeting.

22
 23
 24
 25 **b.) Highcroft North – 153 Peavey La**

26 **i. Preliminary and Final Plat Subdivision**

27
 28 Director of Planning and Building Jeff Thomson stated the applicant, Sathre-Bergquist Inc., and
 29 the property owners And/Or Assigns, LLC have submitted a development application to subdivide
 30 the property at 153 Peavey Lane. The applicant is proposing to subdivide the one existing property
 31 into three single-family residential lots. As part of the submitted development application, the
 32 applicant is requesting review and approval of a preliminary and final plat of the proposed
 33 subdivision. The property currently contains a three-family residential home. As part of the
 34 project, the existing home would be demolished and three new single-family homes would be
 35 constructed. The applicant has not submitted preliminary concept elevations for the single-family
 36 homes, however the proposed plans include preliminary house pads and driveways entrances for
 37 each of the new lots. The proposed house pads would comply with all requirements of the R-3
 38 zoning district including setbacks, lot coverage, and impervious surface. There are 21 trees located
 39 on the site that meet the minimum size requirements as either significant or heritage trees. Of the
 40 21 trees, 18 are classified significant and 3 are heritage. The proposed plans include removal of 4
 41 significant trees and 1 insignificant tree would be removed. For a subdivision application, the tree
 42 ordinance allows for removal of up to 25% of the inches of significant trees before mitigation is
 43 required. Based on the proposed removal, 8-inches of replacement trees would be required in
 44 place of the significant trees that would be removed. The proposed plans include the replacement
 45 of 9-inches of trees.

1 Commissioner Douglas asked if the home pads and driveway locations were part of the approval.

2
3 Mr. Thomson stated the Commission is not approving homes as this time. Only the subdivision
4 of the land into three lots is what is being reviewed. The City requests the preliminary house pads,
5 tree removal and grading in order to have a general sense of where the homes would be located
6 and what the impacts might be. If the lots are approved by the City Council, the final details of
7 the building permit are reviewed by staff to ensure all of the City's codes are met. If the proposed
8 home meets all the requirements of the zoning code, then staff would issue the building permit. If
9 there are specific concerns the Planning Commission has about items, such as the driveway
10 location, these should be added as conditions of approval.

11
12 Applicant's representative, Charlie Wiemerslage, Sathre-Bergquist, Inc., 150 Broadway Ave S,
13 stated the application does not request any variances.

14
15 Chair Buchanan opened the public hearing at 7:32 p.m.

16
17 Mr. F. Mike Higgins, 144 Peavey Lane, expressed concerns that the proposed lots were not
18 consistent with the adjacent properties. These lots would be significantly different. He stated the
19 Comprehensive Plan states residential land uses should protect property values through the
20 consistent relationship of land uses. He stated allowing this development to occur would have a
21 negative impact on the value of the adjacent homes, especially the home at 151 Peavey Lane. The
22 Comp Plan also states land uses should protect residential neighborhoods from encroachment or
23 intrusion by incompatible uses or incompatible higher densities. The proposed homes pads are
24 much smaller than the adjacent properties and would not be compatible. He stated preliminary
25 plat criteria (Section 805.14.E) states the proposed subdivision shall be consistent with the
26 Wayzata Comp Plan, and he does not believe the proposed project is consistent with the Comp
27 Plan. Section 805.14.E also states the creation of a lot or lots shall not adversely impact the scale,
28 pattern or character of the City, its neighborhoods, or its commercial areas. He stated every lot to
29 the east of this property are single-family homes of like size. He further stated the proposed project
30 does not meet Section 805.14.E in the lot size that results from the subdivision would be dissimilar
31 from adjacent lots found in the surrounding neighborhood. The preliminary plat criteria also stated
32 that the proposed subdivision shall not tend to or actually depreciate the values of neighboring
33 properties in the area in which the subdivision is proposed. He believed the proposed project
34 would have a negative impact on the adjacent homes.

35
36 Ms. Carol Danner, 151 Peavey Lane, stated she has lived next to the triplex that is on the property
37 for 46 years. She expressed concerns about where the construction workers would park and that
38 additional traffic. The neighborhood has already had to accommodate construction traffic for the
39 construction on Ferndale. The traffic would increase with the addition of 3 new single-family
40 homes in the neighborhood. She stated the backyard has remained unattended since the sale of the
41 triplex, and she asked when this would change. The addition of these homes would disrupt the
42 charm of the neighborhood. Having all of the driveways exit onto Peavey Road would be
43 dangerous for school buses coming in and out of the school across from the property. She
44 expressed concerns about where the air conditioning units would be located and the amount of
45 noise these would generate. She asked when the house plans would be available for review, and
46 why the applicant was not available for the hearing.

1
2 Mr. Wiemerslage stated the average home price for the proposed subdivision would be \$1.2-\$1.5
3 million, and this would increase the values of the adjacent properties. He stated the existing
4 building is a three family unit and this would be replaced by three single-family homes, so there
5 would not be an increase in traffic. He explained the driveway for Lot one could be shifted to
6 access Peavey Lane. This shift would add only one additional driveway to Peavey Road. He
7 stated the proposed project does meet the zoning requirements, Comprehensive Plan, and
8 ordinances.

9
10 Ms. Laurel Anthony, 145 Peavey Lane, stated she had been told the homes would be smaller homes
11 with a footprint of about 1000-1200 square feet. She stated developer stated the homes would be
12 values at \$1.2-\$1.5 million. These sound like different homes and based on the proposed value,
13 these would be very large homes. She stated the scale would not fit with the neighborhood.

14
15 Ms. Sherry Smith, 133 Peavey Lane, expressed concerns about the lot size because the proposed
16 lots would be much smaller than the adjacent properties. She also expressed safety concerns with
17 the addition of three driveways. She expressed additional concerns about the impact these homes
18 would have on property values. She did not believe a home values at \$1.2-\$1.5 million would fit
19 on the proposed lots. She does not believe there is enough information available to approve the
20 subdivision because there is not a development application or renderings of the homes available.

21
22 Mr. Mike Lawrence, 141 Peavey Lane, expressed concerns about the homes being too large for
23 the proposed lots. He asked the Commission to consider the Comprehensive Plan, the comments
24 of the neighborhood and common judgment when making a decision.

25
26 Ms. Danner stated she had received a letter from the property owner and they had asked if she was
27 interested in selling. At the time she was not but if the project is approved, she may reconsider.
28 She stated if she sold and others also sold, the area would turn into a high rise and this is not what
29 the City wants. She wants the neighborhood left how it is.

30
31 Applicant representative, Ms. Lori Serum, Regency Homes, 875 Lake St, stated the homes will
32 not be 1000-1200 square feet. These homes would be larger but they would meet the 35% hard
33 cover requirement of the City. The intent is to maintain the integrity and look of Peavey Lane.

34
35 Applicant representative, Ms. Beth Ulrich, 307 Manitoba, stated the clients they have interested in
36 these properties are empty nesters looking for a smaller home with a yard.

37
38 Ms. Serum stated they would follow the City's ordinances and codes, and they are open to working
39 with the City on what these homes would look like.

40
41 Mr. Higgins stated a 9,000 square foot lot is not consistent with the neighborhood. He would like
42 to see one home built on the property.

43
44 There being no one else wishing to address the Planning Commission on this application, Chair
45 Buchanan closed the public hearing at 8:52 p.m.

1 Commissioner Plantan clarified based on the current zoning and Comprehensive Plan, any lot in
2 the neighborhood could be subdivided because they are zoned R-3.

3
4 Mr. Thomson stated he has not evaluated all of the lots on Peavey Lane, but some of them can be
5 subdivided and meet the zoning requirements. Not all of the lots would be able to provide the 60-
6 feet of width and 100-feet of depth that would be required under the Zoning Ordinance.

7
8 Commissioner Douglas stated the property is zoned R-3 or single-family or two family. She
9 clarified the property currently has three families living on it.

10
11 Mr. Thomson stated the zoning district currently allows for either single-family homes or twin
12 homes or duplex.

13
14 Chair Iverson stated the project does not meet the Comprehensive Plan because of the size and
15 scale of the proposed lots and homes. The other lots in the neighborhood are significantly larger.
16 The proposed project would significantly change the character of the neighborhood. She stated
17 the project does not meet Section 805.14.E.1, 805.14.E.5, 805.14.E.7, and 805.14.E.8 of the
18 Subdivision Ordinance preliminary plat criteria. She would recommend denial of the project.

19
20 Commissioner Douglas stated she would agree that the project would change the character of the
21 neighborhood. She would consider 2 single-family homes.

22
23 Commissioner Plantan agreed, and stated a twin home or duplex would be an option.

24
25 Chair Buchanan stated he would support a motion for denial.

26
27 Commissioner Iverson made a motion, seconded by Commissioner Douglas, to direct staff to
28 prepare a draft Planning Commission Report and Recommendation with appropriate findings
29 recommending denial of the preliminary and final plat subdivision for 153 Peavey Lane. The
30 motion carried unanimously.

31 32 **AGENDA ITEM 6. Other Items:**

33 34 **a.) September 18th City Council Meeting Report**

35
36
37 Director of Planning and Building Jeff Thomson provided a report on the September 18, 2018 City
38 Council meeting. The City Council discussed the redevelopment of the Boatworks at their
39 workshop. During the regular meeting, the City Council approved the conditional use permit for
40 a fence at 217 and 223 Ferndale and 101 Walker Ave. The City Council also approved the land
41 use requests for the Ventana Condos project on Lake Street.

42
43 Commissioner Iverson stated she would not be at the October 15 meeting.

44 45 **b.) Review of Development Activities**

Chair Buchanan stated the applicant had provided an update to the design of the west side of the building as shown on the submitted elevation for this side.

Director of Planning and Building Jeff Thomson stated there had been a few application items from the previous meeting the Commission wanted clarification on. These included the hours of operation, special events, and liquor licensing. He explained these items are currently addressed in the conditions of approval included in the original 2012 PUD approval. These conditions would continue to be in place if the application is approved. He noted that the Commission at the last meeting had asked the applicant to look at alternative building materials for the west side of the building. The applicant provided and amended their application with renderings showing where they planned to use cedar planking instead of the cement fiber board. If the Commission approves of this material change he recommended the Report and Recommendation be amended to specifically reference the rendering provided by HGA as an attachment.

Commissioner Douglas recommended also that the applicant include taller plantings along the west side of the building in their landscape plan, and noted that the applicant had agreed to look into this.

Commissioner Murray motioned, seconded by Commissioner Plantan, to adopt the Report and Recommendation for Approval of PUD Amendment, Project Design, and Setback Variance for Wayzata Community Sailing Center at 456 Arlington Cir S with the updated rendering showing the cedar material for the west side of the building. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Highcroft North – 153 Peavy Lane

i. Preliminary and Final Plat Subdivision

Director of Planning and Building Jeff Thomson stated the applicant, Sathre-Bergquist Inc, and the property owners And/Or Assigns, LLC, have submitted a development application to subdivide the property at 153 Peavey Lane. The applicant is proposing to subdivide the existing property from one lot into two single-family residential lots. The development application requests approval of preliminary and final plat subdivision reflecting the proposed subdivision. On October 1, 2018, the Planning Commission reviewed a previous subdivision application from the applicant to subdivide the property into three single-family residential lots. The Planning Commission directed staff to prepare a denial recommendation for review at the next meeting. After the Planning Commission review, the applicant formally withdrew the application to allow them to submit revised plans for a two lot subdivision. As part of the project, the existing home would be demolished, and two new single-family homes would be constructed on the two new lots. The proposed house pads would comply with all requirements of the R-3 zoning district,

1 including setbacks, lot coverage, and impervious surface. There are 21 trees located on the site
2 that meet the minimum size requirements as either significant or heritage trees. The proposed
3 plans indicate that five significant trees and one insignificant tree would be removed. For a
4 subdivision application, the tree ordinance allows for removal of up to 25 percent of the inches
5 of significant trees before mitigation is required. Based on the proposed removal, 8 inches of
6 replacement trees would be required in place of the significant trees that would be removed.
7 These would be planted along Peavey Road and Shoreline Drive.

8
9 Applicant's Representative, Todd Rapp, And/Or Assigns, LLC, stated even though the previous
10 application for a three lot subdivision met all of the zoning and ordinance criteria, they took the
11 direction from the Planning Commission and residents, and resubmitted an application for a two
12 lot subdivision. He stated the proposed homes would not exceed the hard surface requirements
13 and would improve the neighborhood by replacing the current building. He stated there had been
14 a neighborhood meeting to review the two-lot subdivision. They had received some emails but
15 no one attended the meeting, and there had been more support for the two-lot subdivision.

16
17 Commissioner Douglas asked where the property line would be.

18
19 Mr. Rapp stated the property line would be south of the utility easement.

20
21 Chair Buchanan opened the public hearing on the application at 7:21 p.m.

22
23 Ms. Sherry Smith, 133 Peavey Lane read the following comments from Jenny and Mike Higgins
24 at 144 Peavey Lane:

25 Dear Planning Commission, We would like to communicate our concerns regarding the
26 proposed plans for the development of 153 Peavey Lane. As proposed, we feel that the
27 development doesn't adhere to the Wayzata Comprehensive Plan or the preliminary plat
28 criteria. Although the plans for these homes appear to be tastefully done, the simple fact
29 that there are two of them on one lot simply does not meet the criteria of either set of City
30 guidelines. In an effort to maintain the consistency of this neighborhood, we ask that you
31 consider the following issues: 1.) Specifically the plans for 153 Peavey Lane are not in
32 accordance with the following Wayzata Comprehensive Plan codes: #2 To protect
33 property values through the consistent relationship of land use, streets, sidewalks, natural
34 features and the maintenance of properties. We feel the two-house split is inconsistent
35 with the rest of the street and neighborhood of single-family homes and #3 to protect the
36 residential neighborhoods from encroachment or intrusion by incompatible uses or
37 incompatible higher densities. We worry for the future of this block of Peavey Lane and
38 that higher densities would compromise its character as well as the property values. Nor
39 is it in accordance with the Wayzata preliminary plat criteria Section 805.14.E in points
40 1, 5, and 7: the proposed subdivision or combination shall be consistent with the Wayzata
41 Comprehensive Plan; the creation of lots shall not adversely impact the scale, pattern or
42 character of the City, its neighborhoods or its commercial areas. The two-house plan
43 definitely defies the scale and pattern of the block. In particular, the setback of the
44 proposed home at 153 Peavey Lane is not at all congruent with the setbacks of the other
45 homes. The lot size that results from the subdivision or lot combination shall not be
46 dissimilar from adjacent lots or lots found in the surrounding neighborhood or

1 commercial area. These proposed lot sizes vary from the adjacent lots on the block. The
2 zoning statutes on this block are antiquated and require future examination to avoid
3 density issues and to maintain the integrity of the block. To conclude, we request that the
4 Committee consider the consistency of this block as well as growing density issues
5 throughout Wayzata. We feel that this lot would be most appropriately suited to single-
6 family home in congruence with the stated codes as defined within the Wayzata
7 Comprehensive Plan as well as the preliminary plat criteria.
8

9 Ms. Smith stated that she agreed with the comments from Mr. and Mrs. Higgins. Splitting the lot
10 into two lots would change the look of the neighborhood. They support the redevelopment of the
11 lot and appreciated a view on what the potential houses may look like. The issue comes back to
12 the zoning of the block is antiquated and should be reviewed. This lot does not seem conducive
13 to splitting when you look at the remaining lot sizes along that block. One lot is 9606 square-
14 foot and the other is going to be 15,159 square-foot, and this is significantly smaller than all the
15 other lots on the block, which range from 26,175 to 25,445 square-foot. These sizes are due to
16 the depth of the lots. Splitting this lot into smaller lots does not align with the Comprehensive
17 Plan. She expressed concerns about adding a driveway on Peavey Road because there is
18 significant traffic on this road. As a resident on Peavey Lane she does not support this request,
19 but would support the development as a single-family residential home. She stated the
20 neighborhood meeting had been on short notice and many residents had not been able to attend.
21

22 Ms. Carol Danner, 151 Peavey Lane, stated she hates to see the neighborhood change. She is
23 pleased that the developer has reduced the number of lots from three to two but she is not happy
24 with it. Two single-family homes on this lot would disrupt the charm and look of Peavey Lane
25 for the current residents, and be unbalanced with the rest of the neighborhood. The driveway on
26 Lot 2 has access to Peavey Road and this would be hazardous and dangerous for school buses.
27 She provided statistics on the number of cars that are on Peavey Road for school. She stated that
28 the principal at the Highcroft school had not been aware of the development plans and has not
29 been able to find any information on the internet. She provided information to the school, and
30 they may be contacting the City in regards to the development.
31

32 Ms. Mary Bader, 117 Peavey Lane, stated she agrees with the neighbors who have expressed
33 concerns and object to the project. This is a very nice neighborhood, and these homes would be
34 inconsistent with the neighborhood. She agreed that the zoning ordinance is antiquated and
35 should be reviewed. She asked if this was the only area that was zone R-3.
36

37 Mr. Thomson stated there are other areas in the City zoned R-3, but there are no other R-3 areas
38 in the immediate area of this project.
39

40 Ms. Bader stated there had been a duplex on the property, but it looked like a single-family
41 residence. She stated the intention would be that if someone wanted to build a duplex this would
42 be the lot that it would work on. She would prefer to have the street remain a single-family
43 neighborhood with a consistent design. She sees the neighborhood changing dramatically with
44 the lots subdividing. She stated this would be the wrong place for these homes.
45

1 Ms. Bader stated she had received a letter from the realtor after the property at 153 Peavey Lane
2 had been sold to find out if she would be interested in selling her property. She had stated she
3 was not interested but believes that if she had, the whole neighborhood would start changing and
4 she does not want it to change.

5
6 Mr. Rapp stated there was an error in the staff report that Lot 2 is 9600 square-feet when it is
7 actually much larger. The entire property is approximately 29,079 square-feet and dividing it
8 into two lots would average a little less than 15,000 square-feet per lot. There is currently a
9 three-plex building on the site that is in a state of deferred maintenance. He understands
10 neighbors not wanting to change the character of their neighborhood, but there have been no
11 comments on the building in its current state and how it affects the neighborhood. He clarified
12 the objective of the project is to improve the character of the neighborhood and improve the
13 property values. The proposed project is consistent with the subdivision ordinance. He stated
14 just about anything can be justified by picking and choosing language from the Comprehensive
15 Plan. He stated one such example is that the directive from the Met Council is that when there is
16 redevelopment the goal should be to have a minimum of five units per acre in residential areas.
17 There are currently three units for this property and there is a current lease license. They are
18 working to meet a balance with the neighborhood by only a two-lot project.

19
20 Chair Buchanan asked if the applicant had reached out to the school, as there was a point brought
21 up about the traffic.

22
23 Mr. Rapp stated they did not reach out to the school directly. He pointed out that the proposed
24 project is 1 unit less than what is currently on the property and this would result in a reduction in
25 traffic.

26
27 Mr. Thomson stated the Blake School had been included in the public hearing notice sent out by
28 the City for both applications.

29
30 Ms. Smith stated that most of the neighbors that spoke did agree the property needed to be
31 redeveloped, but they would like it to be just one single-family home on the property and
32 keeping the lot sizes the same.

33
34 There being no one else wishing to address the Planning Commission on this application, Chair
35 Buchanan closed the public hearing at 7:40 p.m.

36
37 Chair Buchanan stated this seems to be an allowable subdivision, but it was pointed out that the
38 project does not meet the subdivision criteria items 1, 5, and 7.

39
40 Commissioner Plantan asked if the project was in compliance with the code.

41
42 Mr. Thomson stated the project is in compliance with the R-3 zoning requirements. The
43 subdivision criteria are a separate set of criteria to be considered.

44
45 Commissioner Plantan clarified that the property could be redeveloped into a tri-plex and made
46 larger to maximize the lot coverage of the property.

1
2 Mr. Thomson stated the current structure could be larger than it is today but the zoning does not
3 allow a tri-plex, so they would not be allowed to expand a non-conforming use. They could
4 build a duplex or single family home, and this could be a larger footprint based on the setbacks
5 and lot coverage. If the property were to be redeveloped as a duplex, the driveways could be
6 located in the same proposed locations.
7

8 Commissioner Murray stated the property values and density in the area would improve with the
9 redevelopment. He does struggle with the character of the neighborhood.
10

11 Commissioner Douglas stated she supported having the driveways in two different locations.
12 She asked if the driveway along Peavey Lane could be setback further to be more in line with the
13 rest of the street.
14

15 Chair Buchanan stated the Commission was just considering the subdivision and plat at this time.
16

17 Applicant's Representative, Mr. David Pemerton, Sathre-Bergquist, 150 Broadway Ave S, stated
18 the southern lot could have the home moved further back to get it off the road like the rest of the
19 neighborhood. The northern home is a little tighter and they would like to keep some buffer
20 between the two new homes and the home to the east. They are just showing general locations
21 for the homes at this time.
22

23 Commissioner Plantan asked if the other properties in this neighborhood could be subdivided
24 and have access on Shoreline Drive.
25

26 Mr. Thomson stated any proposed subdivision of those properties would have to stand on its own
27 merits and meet the codes. There is no restriction to having access on Shoreline Drive. This
28 application was not allowed access on Shoreline Drive because there was alternative access on a
29 nonarterial road. Any future developments would require a review of the access at the time they
30 would be submitted. Shoreline is not access restricted.
31

32 Commissioner Douglas stated they are not considering a change to the current zoning at this
33 time. This project would not adversely affect the property values of the neighboring homes. The
34 lot configuration is different, but could enhance the neighborhood.
35

36 Commissioner Plantan stated she understood the residents' concerns about traffic and lot size,
37 but the project does have less homes, and therefore less traffic than the current building, and the
38 lots do comply with the R-3 zoning district. She does not believe the project would detract from
39 the home values of the neighboring properties. This project may be a nice buffer for the
40 neighborhood. Intuitively, the density seems different.
41

42 Commissioner Murray stated anything different is hard for any neighborhood. In this case,
43 density is less, traffic is less, values should go up, but the character and look will be a little
44 different because these homes would not be sitting in the center of the lot. Pushing the homes to
45 the center will increase the hard surface on the property. He understands this is a project that the
46 neighborhood does not want, but he would vote to recommend approval.

Chair Buchanan stated he is struggling with this because he believes the property is zoned incorrectly. He does understand the concerns of the neighborhood, and would not support the project based on the issues raised.

Commissioner Murray made a motion, seconded by Commissioner Douglas, to direct staff to prepare a draft Planning Commissioner Report and Recommendation with appropriate findings recommending approval of the preliminary and final plat subdivision for Highcroft North located at 153 Peavey Lane for review and approval at the next meeting. The motion carried: 3 ayes and 1 nay (Buchanan).

AGENDA ITEM 6. Other Items:

a.) November 7th City Council Meeting Report – Commissioner Flannigan

Director of Planning and Building Jeff Thomson provided an update in Commissioner Flannigan's absence. The City Council tabled action on the Zitzloff project at 305 and 309 Lake Street E until their November 20th meeting. They requested the applicant revise the design to comply with the second story setback as outlined in the design standards. They also asked staff to prepare a condition of approval on where any rooftop penetrations could occur due to visual impacts that could occur. The Historical Society has asked to be a part of the public forum at the November 20th City Council meeting to provide background on the historic nature of the bank building. The City Council also adopted the first reading of an amendment to the fire code, and amended the City's Fee In Lieu of Parking policy by reducing the finance terms and increasing the interest rate to be more competitive and made this applicable to all of downtown. Mr. Thomson stated the next step for the west end public parking would be to submit an application for wetland alterations. The City does have some wetland credits banked that could be used for this project. The Hughes project was approved by the City Council but they did not submit their subdivision application at the same time. The Planning Commission would be reviewing this subdivision application at the December 3rd meeting. The City would also be talking with Wayzata Blu about the transfer of ownership for the land the City has an easement over for parking.

b.) Review of Development Activities

Director of Planning and Building Jeff Thomson stated upcoming development activities include four new development applications. These include a variance request for a deck, a variance request from St. Barts to add covered entrances, a subdivision at 353 Ferndale Road, and the subdivision for the Hughes project.

c.) Next Meeting

Chair Buchanan asked the Commission if they would like to consider moving the start time of the Commission's regular meetings from 7:00 pm to 6:30 pm starting in 2019.

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
DECEMBER 3, 2018**

AGENDA ITEM 1. Call to Order and Roll Call

Chair Buchanan called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Douglas, Plantan, Buchanan, Iverson, and Flannigan. Absent and Excused: Murray. Director of Planning and Building Jeff Thomson, City Planning Consultant PeggySue Imihy from WSB & Associates, and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Chair Buchanan asked for a motion to approve the agenda for the meeting.

Commissioner Douglas made a motion, seconded by Commissioner Plantan, to approve the December 3, 2018 agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Adoption of Report and Recommendation for Approval of Combined Preliminary and Final Plat Subdivision for Highcroft North at 153 Peavey Lane.

Chair Buchanan read the items on the consent agenda and asked if any Commissioner wanted to pull any item for further discussion.

Commissioner Iverson stated she wished to make a statement related to the draft Report because she had been absent from the last meeting. She stated having only one house on this property would better fit the scale and character of the neighborhood, and had she been at the meeting she would have recommended denial of the application.

Commissioner Flannigan stated he would also have supported a recommendation of denial, as the neighborhood does not support the subdivision. He stated he would abstain from the vote.

Commissioner Plantan made a motion, seconded by Commissioner Douglas, to approve the Consent Agenda as presented. The motion carried 3 ayes and 2 abstentions (Iverson and Flannigan).

AGENDA ITEM 4. Old Business Items:

DRAFT RESOLUTION NO. 77-2018

**RESOLUTION APPROVING CONCURRENT PRELIMINARY AND FINAL PLAT
SUBDIVISION AT 153 PEAVEY LANE**

WHEREAS, Sathre-Bergquist Inc, and the property owners And/Or Assigns, LLC, (the “Applicant”) have submitted a development application (the “Application”) requesting approval of a combined preliminary and final plat to subdivide the property at 153 Peavey Lane (the “Property”, legally described on Attachment A to this Resolution) from a single lot into two new single-family residential lots (the “Subdivision” and “Preliminary and Final Plats”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Subdivision Ordinance, has held a public hearing on the Application, made findings of fact on the land use requests in the Application, and delivered a Report and Recommendation of Approval to the City Council, a copy of which is attached to this Resolution as Attachment B;

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

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Subdivision Ordinance, and the Planning Commission Report and Recommendation of Approval of the Application, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application meets the applicable requirements of Wayzata’s Subdivision Ordinance, as set forth in the Planning Commission Report and Recommendation.

B. Based on the foregoing, the Subdivision and Preliminary and Final Plats are hereby **APPROVED**, subject to satisfaction of the following:

1. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 1003.03.E.7 of the Subdivision Ordinance, and the Applicant must provide a recorded copy of the Final Plat to the City.
2. Prior to release of the Final Plat for filing at Hennepin County, the Applicant must pay the park dedication fees required by the Subdivision Ordinance in an amount of \$2,500 per new lot.
3. Prior to construction activity on the Property, the Applicant or future homeowner must apply for and obtain all necessary building

permits from the City. The building permit application must also include the following:

- a. The final grading & drainage plan, erosion control plan, utility plan, and civil details for each lot that have been reviewed and approved by the City Engineer.
 - b. The final tree inventory, tree preservation plan, and tree replacement plan for each lot and any impacted right of way areas, that have been reviewed and approved by the City Forester.
4. 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 18nd day of December 2018.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

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 December 18, 2018.

Kathy Leervig, City Clerk
SEAL

DRAFT

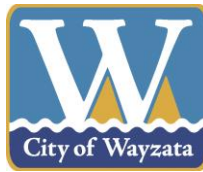
Attachment A
Legal Description of the Property

DRAFT

Attachment B

Planning Commission Report and Recommendation, dated December 3, 2018

DRAFT



WAYZATA PLANNING COMMISSION

December 3, 2018

REPORT AND RECOMMENDATION OF APPROVAL OF CONCURRENT PRELIMINARY AND FINAL PLAT SUBDIVISION AT 153 PEAVEY LANE

SUMMARY OF RECOMMENDATION

Approval* of Proposed Preliminary and Final Plat for two lot residential subdivision

** with certain conditions listed at the end of this Report*

REPORT

Section 1. BACKGROUND

- 1.1 Proposed Subdivision. The applicant, Sathre-Bergquist Inc, and the property owners And/Or Assigns, LLC (collectively, the “Applicant”) have submitted a development application (the “Application”) to subdivide the property at 153 Peavey Lane (the “Property”) from a single lot into two single-family residential lots. The existing multi-family home on the property would be demolished and replaced with two new single-family homes. On October 1, 2018, the Planning Commission reviewed a previous subdivision application from the Applicant to subdivide the Property into three single-family residential lots. After reviewing that application, the Planning Commission directed staff to prepare a draft report and recommendation of denial. Subsequent to that direction, the Applicant withdrew the three lot application and submitted the current Application for a two lot subdivision.
- 1.2 Approvals Requested. The Application requests the following:
 - A. Preliminary and Final Plat. Simultaneous review and approval of preliminary and final plats to subdivide the Property from a single lot into two single-family residential lots, as reflected on Attachment A hereto (the “Proposed Subdivision” and “Preliminary and Final Plats”).
- 1.3 Property. The address, property identification numbers and owner of the Property are:

153 Peavey Lane	01-117-23-42-0001	And/Or Assigns, LLC
-----------------	-------------------	---------------------

- 1.4 Land Use Designations. The Property fall within the following land use districts:

Zoning:	R-3 Single and Two Family Residential District
Comp plan designation:	Medium Density Multiple Family
Overlay districts:	None

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on November 8, 2018. A copy of the notice was mailed to all property owners located with 350 feet of the Property on November 8, 2018. The required public hearing was held at the November 19, 2018 Planning Commission meeting.

Section 2. STANDARDS

2.1 Subdivision / Preliminary and Final Plat.

- A. Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Part X, Chapters 1001 through 1009 of the City Code. The City may agree to review the preliminary and final plat simultaneously. Chapter 1003.03.A.
- B. In reviewing requests for approval under the Subdivision Ordinance, the Planning Commission shall consider possible adverse effects of the proposed subdivision or lot combination reflected in the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 1005.02:
 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

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the standards of the Wayzata Subdivision and Zoning Ordinances, the Planning Commission of the City of Wayzata makes the following findings of fact:

A.1 Subdivision / Preliminary and Final Plat.

- A. City review of the Preliminary and Final Plat simultaneously is appropriate under City Code Sec. 1003.03.A.

- B. The Planning Commission finds that there would be no significant adverse effects of the Proposed Subdivision based upon the following factors found in Section 1003.02.E:
1. The Proposed Subdivision is consistent with the Wayzata Comprehensive Plan, which guides the Property to Medium Density Multiple Family Residential.
 2. The building pads that result from the Proposed Subdivision will not impact sensitive natural, scenic, historic or community assets.
 3. The building pads that result from the Proposed Subdivision will respect natural topography and minimize filing or grading.
 4. There are no existing stands of significant trees on the Property impacted by the Proposed Subdivision, and any impact to significant and heritage trees will be mitigated by the requirements of the Tree Preservation Ordinance.
 5. The Proposed Subdivision will not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas, and would generally maintain the existing scale, pattern and character. The Proposed Subdivision is located on a corner and entrance to the neighborhood, with adjacent uses that include an arterial street and school. The Proposed Subdivision would help provide a transition and buffer to the Peavey Lane and Highcroft neighborhood, and add to the housing stock in the City.
 6. The design of the lots, the building pads, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
 7. The lot sizes resulting from the Proposed Subdivision are not dissimilar to the variety of nearby lots.
 8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the residences are not known at this time. The Applicant has stated that the residences will be an improvement over existing conditions, and that they will be similar to the characteristics and high quality of those in the surrounding residential neighborhood.
 9. The Design Standards outlined in Section 9 of the Wayzata Zoning Ordinance do not apply to the Property.
 10. The Proposed Subdivision is not likely to depreciate the values of neighboring properties in the area in which it is proposed.

11. The Proposed 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. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Proposed Subdivision and Preliminary and Final Plats, subject to the following conditions:

- A. The Applicant must record the final plat with Hennepin County 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.
- B. Prior to release of the final plat for filing at Hennepin County, the Applicant must pay the park dedication fees required by the subdivision ordinance in an amount of \$2,500 per new lot.
- C. Prior to construction activity on the Property, the Applicant or future homeowner must apply for and obtain all necessary building permits from the City. The building permit application must also include the following:
 1. The final grading & drainage plan, erosion control plan, utility plan, and civil details for each lot that have been reviewed and approved by the City Engineer.
 2. The final tree inventory, tree preservation plan, and tree replacement plan for each lot and any impacted right of way areas, that have been reviewed and approved by the City Forester.
- D. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application.
- E. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 3rd day of December 2018.

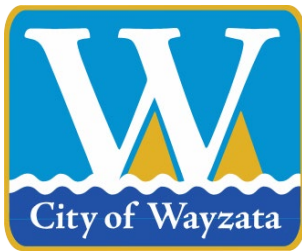
Voting For Approval Recommendation: Douglas, Plantan, Murray

Voting Against: Buchanan

Abstaining: None

Absent: Flannigan, Iverson

Attachment A
Preliminary and Final Plats



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8f
TITLE: Consider Approval of Resolution No. 73-2018 Appointing Planning Commissioners	
PROPOSED MOTION: To Approve Resolution No. 73-2018 Appointing Planning Commissioners	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of Resolution No. 73-2018.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

In October of 2018, the City solicited applications for vacancies on Boards and Commissions. For the Planning Commission, five (5) applications were received for four (4) vacant seats. Two terms will expire on December 31, 2019 and the other two terms will expire on December 31, 2021.

All seats will start January 2019.

Applicant interviews with the City Council are scheduled for December 18, 2018 prior to the Council Meeting. After interviews are completed, the Council should consider a motion to approve the attached resolution with their preferred individual appointments.

ATTACHMENTS:

1. Resolution No. 73-2018 Appointing Planning Commissioners

CITY OF WAYZATA

RESOLUTION NO. 73-2018

RESOLUTION APPOINTING PLANNING COMMISSIONERS

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

Section 1. BACKGROUND

- 1.1 Vacancy. At the end of 2018, the terms of two (2) members of the Wayzata Planning Commission (the "Commission") will expire. In addition, one (1) member resigned and one (1) was elected to the city council creating a vacancy for the remainder of 2019. This creates a total of four (4) vacancies on the Commission.
- 1.2 Applicants. In October of 2018, the City Council solicited applications from those who wished to be considered by the Council to fill the vacancies on the Commission. A total of five (5) applications were received.

Section 2. STANDARDS

- 2.1 City Council Appointment. Section 18 of the Revised Charter of the City of Wayzata empowers the City Council to create and appoint a City Planning Commission.

Section 3. CITY COUNCIL ACTION

- 3.1 The City Council of Wayzata hereby finds the following persons eligible to serve as members of the Wayzata Planning Commission and appoints them members of the Commission as follows:
 1. _____ shall serve a full three-year term to expire on December 31, 2021.
 2. _____ shall serve a full three-year term to expire on December 31, 2021.
 3. _____ shall serve a one-year term to expire on December 31, 2019.
 4. _____ shall serve a one-year term to expire on December 31, 2019.

Adopted by the Wayzata City Council this 18th day of December, 2018.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

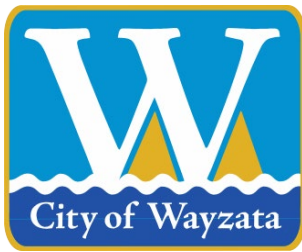
Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 73-2018 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on December 18, 2018.

City Clerk Kathy Leervig

SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8g
TITLE: Consider Approval of Resolution No. 74-2018, Appointing Parks & Trails Board Members	
PROPOSED MOTION: To Approve Resolution No. 74-2018, Appointing Parks & Trails Board Members	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of Resolution No. 74-2018.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

In October of 2018, the City solicited applications for vacancies on Boards and Commissions. For the Parks & Trails Board, four (4) applications were received for three (3) vacant seats that that will expire on December 31, 2018.

Applicant interviews with the City Council are scheduled for December 18, 2018, prior to the Council Meeting. After interviews are completed earlier in the evening, the Council should consider a motion to approve the attached resolution with their preferred appointments.

ATTACHMENTS:

1. Resolution No. 74-2018, Appointing Parks & Trails Board Members

CITY OF WAYZATA

RESOLUTION NO. 74-2018

A RESOLUTION APPOINTING PARKS AND TRAILS BOARD MEMBERS

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

Section 1. BACKGROUND

- 1.1 Vacancy. At the end of 2018, the terms of three (3) members of the Parks and Trails Board will expire. Additionally, the term of the Executive Board Chair will expire at the end of 2018 and the Wayzata City Council may appoint one (1) additional Board member to serve as the Executive Board Chair for a period of one year as needed for continuity of the Board. This creates a total of three (3) vacancies on the Parks and Trails Board.
- 1.2 Applicants. In October of 2018 the City solicited applications from those who wished to be considered by the Council to fill the vacancies on the Parks and Trails Board. A total of three (3) applications were received.

Section 2. STANDARDS

- 2.1 City Council Appointment. Section 18 of the Revised Charter of the City of Wayzata empowers the City Council to create and appoint a Parks and Trails Board.

Section 3. CITY COUNCIL ACTION

- 3.1 The City Council of Wayzata hereby finds the following persons eligible to serve as members of the Parks and Trails Board and appoints them as members of the Board as follows:
 1. _____ shall serve a full three-year term to expire on December 31, 2021.
 2. _____ shall serve a full three-year term to expire on December 31, 2021.
 3. _____ shall serve as the Executive Board Chair for a full one-year term to expire on December 31, 2019.

Adopted by the Wayzata City Council this 18th day of December, 2018.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

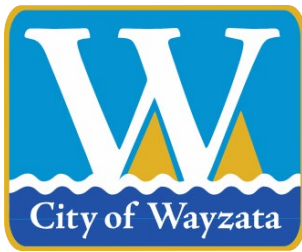
Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 74-2018 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on December 18, 2018.

City Clerk Kathy Leervig

SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8h
TITLE: Consider Approval of Resolution No. 75-2018, Appointing Heritage Preservation Board (HPB) Member(s)	
PROPOSED MOTION: To Approve Resolution No. 75-2018, Appointing Heritage Preservation Board (HPB) Member(s)	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of Resolution No. 75-2018.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

In October of 2018, the City solicited applications for vacancies on Boards and Commissions. For the Heritage Preservation Board (HPB), one (1) application was received for three (3) vacant seats.

Applicant interviews with the City Council are scheduled for December 18, 2018, prior to the council meeting. After interviews are completed, the Council should consider a motion to approve the attached resolution with their preferred appointments.

ATTACHMENTS:

1. Resolution No. 75-2018, Appointing Heritage Preservation Board (HPB) Member(s)

CITY OF WAYZATA

RESOLUTION NO. 75-2018

RESOLUTION APPOINTING HERITAGE PRESERVATION BOARD MEMBER(S)

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

Section 1. BACKGROUND

- 1.1 Vacancy. At the end of 2018, the term of one (1) member of the Wayzata Heritage Preservation Board (the "HPB") will expire. In addition, three terms are vacant. This creates a total of three (3) vacancies on the HPB.
- 1.2 Applicants. In October of 2018, the City Council solicited applications from those who wished to be considered by the Council to fill the vacancies on the HPB. A total of one (1) application was received.

Section 2. STANDARDS

- 2.1 City Council Appointment. Section 18 of the Revised Charter of the City of Wayzata empowers the City Council to create and appoint a HPB.

Section 3. CITY COUNCIL ACTION

- 3.1 The City Council of Wayzata hereby finds the following person(s) eligible to serve as members of the Wayzata Heritage Preservation Board and appoints them as member(s) of the Board as follows:
 1. _____ shall serve a full two-year term to expire on December 31, 2020.

Adopted by the Wayzata City Council this 18th day of December, 2018.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

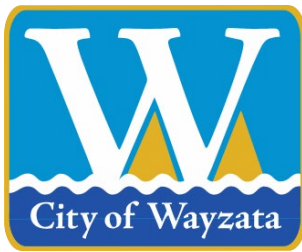
Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 75-2018 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on December 18, 2018.

City Clerk Kathy Leervig

SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: December 18, 2018	AGENDA ITEM: 8i
TITLE: Consider Approval of Resolution No. 76-2018, Appointing a Housing and Redevelopment Authority Commissioner	
PROPOSED MOTION: To Approve Resolution No. 76-2018 Appointing a Housing and Redevelopment Authority Commissioner	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of Resolution No. 76-2018.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

In October of 2018, the City solicited applications for vacancies on Boards and Commissions. For the Housing and Redevelopment Authority (HRA), two (2) applications were received for one vacant seat that will expire on December 31, 2022.

Applicant interviews with the City Council are scheduled for December 18, 2018 prior to the Council Meeting. After interviews are completed earlier in the evening, the Council should consider a motion to approve the attached resolution with their preferred appointment.

ATTACHMENTS:

1. Resolution No. 76-2018 Appointing a Housing and Redevelopment Authority Commissioner

CITY OF WAYZATA

RESOLUTION NO. 76-2018

RESOLUTION APPOINTING A HOUSING & REDEVELOPMENT AUTHORITY COMMISSIONER

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

Section 1. BACKGROUND

- 1.1 Vacancy. At the end of 2018, the term of one (1) commissioner on the Wayzata Housing & Redevelopment Authority Board (the "HRA") will expire creating one (1) vacancy on the HRA.
- 1.2 Applicants. In October of 2018, the City Council solicited applications from those who wished to be considered by the Council to fill the vacancy on the HRA. A total of two (2) applications were received.

Section 2. STANDARDS

- 2.1 City Council Appointment. Section 18 of the Revised Charter of the City of Wayzata empowers the City Council to create and appoint a HRA.

Section 3. CITY COUNCIL ACTION

- 3.1 The City Council of Wayzata hereby finds the following person eligible to serve as a commissioner on the Wayzata Housing & Redevelopment Authority Board and appoints him/her as a member of the HRA as follows:

1. _____ shall serve a full five-year term to expire on December 31, 2023.

Adopted by the Wayzata City Council this 18th day of December, 2018.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. XX-2018 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on December 18, 2018.

City Clerk Kathy Leervig

SEAL