

WAYZATA CITY COUNCIL Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Tuesday, October 15, 2019

7:00 PM - CITY COUNCIL MEETING

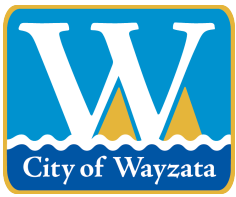
1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approve Agenda**
5. **Public Forum (3min/person)**
 - a. Introduction of New Firefighters Steynar Anderson, Hunter Brennan, and Neil Karg
6. **New Agenda Items**
7. **Consent Agenda**
 - a. Approval of City Council Workshop and Regular Meeting Minutes of October 1, 2019
 - b. Approval of Check Register
 - c. Approval of Municipal Licenses
 - d. Receipt of Police Activity Report
 - e. Receipt of Building Activity Report
 - f. Consider Selection of a Construction Management Firm for City Hall Remodel Project
 - g. Receipt of Mediacom Quarterly Customer Service Report
 - h. Approval of Resolution 43-2019 Designating a Precinct and Polling Place for 2020
 - i. Adoption of First Reading of Stormwater Ordinance 792 related to the City's 2019 Update of the Local Surface Water Management Plan
8. **Public Hearing**
 - a. Consider Approval of Resolution No. 44-2019 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges
9. **New Business**
 - a. Consider Adoption of First Reading of Ordinance 791 Amending City Code Section 311 and Amendment to the City Policy Pertaining to Boat Slips
 - b. Consider Adoption of the First Reading of Ordinance 793 Amending the Zoning Ordinance to Allow Animal Clinics in the C-2 District and Adoption of Resolution 46-2019 Approving a Conditional Use Permit for an Animal Clinic at 1125 Wayzata Boulevard East
 - c. Consider Adoption of Resolution 45-2019 Approving Variances for a New Single-Family Home at 639 Bushaway Road
 - d. Consider Selection of a Construction Management Firm for Phase I of the Lake Effect Project
10. **City Manager's Report and Discussion Items**
11. **Public Forum (as necessary)**
12. **Adjournment**

Meeting Rules of Conduct:

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

Upcoming Meetings:

City Council - Wednesday, November 6, 2019
Planning Commission - October 21, 2019

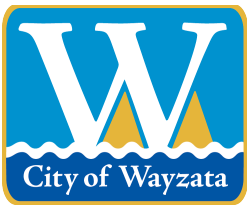


WAYZATA CITY COUNCIL

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Tuesday, October 15, 2019

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: October 15, 2019	AGENDA ITEM: 7.a.
TITLE: Approval of City Council Workshop and Regular Meeting Minutes of October 1, 2019	
PROPOSED MOTION: To Approve the City Council Workshop and Regular Meeting Minutes of October 1, 2019	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached draft minutes.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. October 1, 2019 Workshop Minutes Draft
2. October 1, 2019 Regular Meeting Minutes Draft

WAYZATA CITY COUNCIL
Draft - WORKSHOP MEETING MINUTES
October 1, 2019

5:15 p.m. Review of Wayzata Bar and Grill Expansion Alternatives

Mayor Willcox called the meeting to order at 5:15 p.m. in the Community Room at Wayzata City Hall. Council Members present: Buchanan, Koch, McCarthy, and Plechash. Also present: City Manager Dahl, Public Works Director/City Engineer Kelly, Police Chief Risvold, Fire Chief Klapprich, Community Development Director Goellner, and Wayzata Bar and Grill Manager Jeff Pietrini. Steve McDonald from AEM, Erin Tadych from Studio M Design Consultant, and David Kalogerson of Kalcon Construction were also present.

Ms. Tadych went over two design options for the Muni—one with a 4-season patio and one with a pergola patio. She also discussed the proposed new décor.

Mr. Kalogerson went through a detailed cost estimate of each design option.

Mr. Pietrini and Mr. McDonald went through projected return on investment for each option.

The Council discussed the options and directed staff and consultants to provide additional detail on the costs of the project as well as a “third” option that would include a “facelift” but not expand the capacity of the muni.

Mr. Dahl indicated that they would work on that information and schedule another workshop to discuss later in 2019.

5:45 p.m. Review Updated Capital Improvement Plan

Mr. Dahl provided an update on the previous Council workshop and the changes noted from the Council. Mr. McDonald walked through the memo and attachments, he highlighted changes from the last time the Capital Improvements Plan (CIP) was reviewed as well as significant projects proposed over the next three years. McDonald went through the general fund and then went through the remaining special and enterprise funds.

The Council discussed the major projects but ultimately there were no major changes directed. Staff indicated that the CIP will be reviewed again in the Spring of 2020 when 2019 excess fund transfers are calculated. In addition, in 2020 there should be significant update pertaining to the Lake Effect and Parks and Trails.

6:15 p.m. Update of Lake Effect Phase I Pre-Construction Process

Mr. Dahl updated the council on the Lake Effect (Phase I) Re-bidding process. It was also noted that the City and Three Rivers staff conducted an open house with 30 attendees, met with 10 owners reps, consultants, and construction management firms to get their feedback about the project and bidding process; and drafted the RFP that has been distributed in order to procure construction management services.

The workshop meeting was adjourned at 06:55 pm.

1 Respectfully submitted,
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4 Kathy Leervig
5 City Clerk
6

DRAFT

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
October 1, 2019

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: Buchanan, Koch, McCarthy, and Plechash. Also present: City Manager Dahl, Public Works Director/City Engineer Kelly, Community Development Director Goellner, Assistant Planner Kieser, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mr. Buchanan made a motion, seconded by Mr. Plechash, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. Introduction of New Firefighters Steynar Anderson Hunter Brennan, and Neil Karg

This item was postponed to the next Council meeting when the new firefighters could attend.

b. Update of Public Safety Day

Fire Chief Klapprich reported on Public Safety Day happening on October 7th from 4:30-6:30 p.m. at the fire station. There would be fire trucks, face painting, and free hot dogs. The fire department would also be conducting a live fire burn.

Police Chief Risvold said the police department would also be in attendance as well as an ambulance from North Memorial and the railroad police. The police department would have police equipment, crash car, distracted driver simulator, taser demonstration, and canine demonstration.

Mayor Willcox asked what attendees would get the most from the event. Chief Klapprich thought families. Mayor Willcox encouraged everyone to attend and said it was a great event.

c. Public Forum

Dan Gustafson, 1040 East Circle Drive, recognized Dr. David McGill who recently passed away. He had lived in Wayzata for 82 years, had served on the Housing and Redevelopment Authority for nearly 50 years, and was a founding member of the Wayzata Crime Prevention Coalition. Mr. Gustafson also noted that the Wayzata High School football team had won on Friday, September 27th, against their rival, Eden Prairie. Nate Leding, Chair Wayzata Historical Society, would be giving a presentation on the Section Foreman House on October 3rd at 7:00 p.m. at Wayzata City Hall. Mr. Gustafson also addressed leaf blowers. He said they were a great tool, but could also be a nuisance.

1 **AGENDA ITEM 6. New Agenda Items.**

2 None.

3
4 **AGENDA ITEM 7. Consent Agenda.**

5 Mr. Plechash, referencing Item 7.f., noted that AT&T had service issues since moving to
6 the monopole. Mr. Kelly confirmed there were issues and explained the main problem was
7 connectivity to the fiber backbone. He would contact AT&T and then follow up with the
8 Council.

9 Mayor Willcox asked staff to address Item 7.e. Mr. Kelly explained inflow and
10 infiltration was clearwater that infiltrated the sewer system. This meant the City was
11 treating clean water. The goal was to eliminate clear water from the system. The Public
12 Works department had been lining to system, which was minimally invasive, to address
13 the issue. The surcharge with the Metropolitan Council had been reduced by
14 approximately ten percent. The grant would assist in continuing the work.

15 Mrs. McCarthy made a motion, seconded by Mr. Buchanan, to approve the consent
16 agenda:

- 17 a. Approval of City Council Workshop and Regular Meeting Minutes of September
- 18 17, 2019
- 19 b. Approval of Check Register
- 20 c. Approval of Municipal Licenses
- 21 d. Adoption of Resolution 38-2019 Approving Side-Yard Setback Variance for Deck
- 22 Replacement at 1107 Lasalle Street
- 23 e. Adoption of Resolution 37-2019 Authorizing Participation in a MCES Grant
- 24 Program for the Mitigation of Inflow & Infiltration in the Public Sanitary Sewer
- 25 System
- 26 f. Adoption of Resolution 42-2019 Approving the Close Out of the Cell Tower Fund
- 27 g. Authorization of New Street Sweeper Purchase in 2020

28 The motion carried 5/0.

29
30 **AGENDA ITEM 8. New Business.**

31 **a. Consider Adoption of Resolution 39-2019 Approving the Establishment of**
32 **Energy and Environment Committee**

33 Mr. Buchanan presented the background and the process. He also recognized the citizens
34 and staff for their hard work as part of the steering committee.

35 Assistant Planner Kieser talked about the changes including commission to
36 committee, added and revised language to ensure the committee would act as a research
37 arm to the Council, reduced the membership from nine to seven members, kept one student
38 member, added one Council liaison, included an annual report to be presented to the
39 Council, and included a sample Work Plan to help track the committee's goals.

40 Mr. Plechash asked who would be responsible for the timeline. Mr. Buchanan said
41 it would be generated by staff and the committee and come to the Council for approval.

42 Polly Andersen, member steering committee, thanked the Council and staff for the
43 confidence in its citizens to explore this topic and urged the Council to adopt the
44 Resolution.

45 Emily Robare, member steering committee, noted the community had asked for this
46 as part of the 2040 Vision Plan. The community and the committee were looking for ways

1 to save money and reduce greenhouse gas emission. She noted that 68% of adults in
 2 Hennepin County were worried about global warming according to a study conducted by
 3 Yale.

4 Kathy Jones, member steering committee, urged the Council to adopt the
 5 Resolution and read a statement from the 2040 Vision Plan.

6 Mayor Willcox noted Item H. in the Resolution did not include a cap on term limits.
 7 Mr. Buchanan answered a three-year commitment had been discussed.

8 Mr. Schelzel asked if the Council wanted to modify Item H. to say, “The members
 9 of the Committee will serve a three (3) year term.” The Council agreed.

10 Mrs. McCarthy made a motion, seconded by Mr. Plechash, to Adopt Resolution
 11 No. 39-2019, Approving Establishment of Energy and Environment Committee, as
 12 modified. The motion carried 5/0.

13
 14 **b. Consider Adoption of Resolution 40-2019 Supporting the Partnership with the**
 15 **U.S. Census Bureau and the State of Minnesota; and Resolution 41-2019**
 16 **Creating a Complete Count Committee (CCC) for the 2020 Census**

17 Mr. Dahl presented the requested action, background, and summary.

18 Mr. Plechash asked if members of the Complete Count Committee would have any
 19 influence on the timing or method of the 2020 Census. Mr. Dahl answered they would not.
 20 The Committee would simply be creating awareness and disseminating information.

21 Mayor Willcox asked what Resolution 40-2019 would be used for. Mr. Dahl said
 22 the Resolution would be sent to Wayzata’s Census representative.

23 Mr. Koch made a motion, seconded by Mr. Buchanan, to Adopt Resolution No. 40-
 24 2019, In Support of a 2020 Census Partnership with U.S. Census Bureau and State of
 25 Minnesota. The motion carried 5/0.

26 Mr. Koch made a motion, seconded by Mr. Plechash, to Adopt Resolution No. 41-
 27 2019, Creating the 2020 Complete Count Committee. The motion carried 5/0.

28 Mr. Buchanan made a motion, seconded by Mrs. McCarthy, to appoint Peggy
 29 Douglas, Lynn McCarthy, Chris Morrison, Mollie Rivard, George Rye, Bob Tomaschko,
 30 Winnie Willcox, and Angela Woodhouse to the 2020 Complete Count Committee. The
 31 motion carried 5/0.

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

34 **a. Upcoming Events/Announcements**

- 35 • Item 5.a. was postponed to the following meeting because the firefighters were
- 36 unable to attend.
- 37 • Fall Bulb Planting was Saturday, October 5th from 9:00-10:00 a.m. at the Post
- 38 Office Pocket Park.
- 39 • Pull It Day was Saturday, October 12th from 8:15-10:00 a.m. starting at Public
- 40 Works.
- 41 • Congratulations to Wayzata West Middle School named 2019 National Blue-
- 42 Ribbon School.

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

45 None.

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

2 Jane Cole, 181 Ridgeview Drive, voiced her opinion that the plantings down the middle of
3 Wayzata Boulevard, while beautiful, were a safety issue because they blocked driver's
4 views. She noted a couple of other areas that were privately owned that also had plantings
5 that blocked views.

6 Mayor Willcox asked how that was monitored. Mr. Kelly said that it was
7 monitored, but it was a constant and challenging issue. He said staff would contact the
8 property owners.

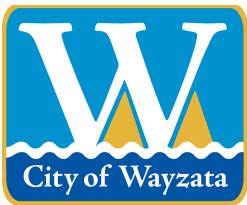
9
10 **AGENDA ITEM 11. Adjournment.**

11 Mrs. McCarthy made a motion, seconded by Mr. Buchanan to adjourn. There being no
12 further business, Mayor Willcox adjourned the meeting at 7:59 p.m.

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14 Respectfully submitted,

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18 Kathy Leervig
19 City Clerk

20
21 Drafted by Sarah Peterson
22 *TimeSaver Off Site Secretarial, Inc.*



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 7.b.
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks for September and October 2019	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the Payment of Checks.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Detail Check Register - September & October 2019

***Check Detail Register©**

September 2019 to October 2019

			Check Amt	Invoice	Comment
10100 Old National					
Paid Chk#	114382	10/2/2019	AMERICAN FISH & SEAFOOD, INC		
E 640-48500-255	FOOD	Ingredients For Resale	\$438.60	996997	FOOD
Total	AMERICAN FISH & SEAFOOD, INC		\$438.60		
Paid Chk#	114383	10/2/2019	ARTISAN BEER COMPANY		
E 640-47000-253	Beer	For Resale	\$197.20	3374068	BEER RESALE
Total	ARTISAN BEER COMPANY		\$197.20		
Paid Chk#	114384	10/2/2019	BELLBOY BAR SUPPLY CORP.		
E 640-47000-259	Freight		\$10.20		FREIGHT
E 640-47000-254	Soft Drinks/Mix	For Resale	\$0.00		MISC.MIX
E 640-47000-210	Operating Supplies	(GENERAL)	\$0.00		SUPPLIES
E 640-47000-251	Liquor	For Resale	\$752.95	0080671900	LIQ RESALE
Total	BELLBOY BAR SUPPLY CORP.		\$763.15		
Paid Chk#	114385	10/2/2019	BOURGET IMPORTS		
E 640-47000-252	Wine	For Resale	\$472.00	164535	WINE
E 640-47000-259	Freight		\$3.50	164535	FREIGHT
Total	BOURGET IMPORTS		\$475.50		
Paid Chk#	114386	10/2/2019	BRASS FOUNDRY BREWING CO.		
E 640-48000-253	Beer	For Resale	\$170.00	2317	BEER
Total	BRASS FOUNDRY BREWING CO.		\$170.00		
Paid Chk#	114387	10/2/2019	BREAKTHRU BEVERAGE		
E 640-47000-251	Liquor	For Resale	\$1,770.80	1081029796	LIQUOR
E 640-47000-259	Freight		\$16.73	1081029796	FREIGHT
E 640-47000-252	Wine	For Resale	\$221.16	1081029797	WINE
E 640-47000-259	Freight		\$5.80	1081029797	FREIGHT
E 640-47000-252	Wine	For Resale	\$1,064.00	1081031738	WINE
E 640-47000-259	Freight		\$8.70	1081031738	FREIGHT
E 640-48000-252	Wine	For Resale	\$244.27	1081033065	WINE
E 640-48000-251	Liquor	For Resale	\$228.00	1081033065	LIQUOR
Total	BREAKTHRU BEVERAGE		\$3,559.46		
Paid Chk#	114388	10/2/2019	BREAKTHRY BEVERAGE BEER		
E 640-47000-253	Beer	For Resale	\$3,270.60	1091056271	BEER
E 640-48000-253	Beer	For Resale	\$403.00	1091059331	BEER
Total	BREAKTHRY BEVERAGE BEER		\$3,673.60		
Paid Chk#	114389	10/2/2019	CAPITOL BEVERAGE SALES		
E 640-48000-253	Beer	For Resale	\$747.00	4110376	BEER
E 640-47000-253	Beer	For Resale	\$1,478.81	6994373	BEER
Total	CAPITOL BEVERAGE SALES		\$2,225.81		
Paid Chk#	114390	10/2/2019	CASH - OLD NATIONAL		
G 640-10150	ATM		\$9,000.00		ATM FILL 10/1/19
Total	CASH - OLD NATIONAL		\$9,000.00		
Paid Chk#	114391	10/2/2019	CINTAS CORPORATION		
E 640-48500-210	Operating Supplies	(GENERAL)	\$141.98	4030407230	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$25.82	4030407230	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies	(GENERAL)	\$8.00	4030407230	BAR SUPPLIES
E 640-48500-217	Uniforms		\$175.80	4031369188	KITCHEN UNIFORMS
E 630-40000-499	Miscellaneous		\$55.40	4031420964	MV MATS
E 640-48500-210	Operating Supplies	(GENERAL)	\$134.83	5014897561	KITCHEN SUPPLIES
Total	CINTAS CORPORATION		\$541.83		

***Check Detail Register©**

September 2019 to October 2019

			Check Amt	Invoice	Comment
Paid Chk#	114392	10/2/2019	CITY VIEW PLUMBING & HEATING		
E 640-48000-401	Repairs/Maint Buildings		\$254.36	102434355	DISHWASHER REPAIRS
Total	CITY VIEW PLUMBING & HEATING		\$254.36		
Paid Chk#	114393	10/2/2019	COZZINI BROS., INC.		
E 640-48500-415	Other Equipment Rentals		\$119.68	C6973466	KNIFE EXCHANGE
E 640-48500-415	Other Equipment Rentals		\$45.59	C7037527	KNIFE EXCHANGE
Total	COZZINI BROS., INC.		\$165.27		
Paid Chk#	114394	10/2/2019	DAHLHEIMER DISTRIBUTING CO.		
E 640-48000-253	Beer For Resale		\$206.00	107-01048	BEER
E 640-47000-253	Beer For Resale		\$723.90	113-01479	BEER
Total	DAHLHEIMER DISTRIBUTING CO.		\$929.90		
Paid Chk#	114395	10/2/2019	DIRECTV		
E 640-48000-415	Other Equipment Rentals		\$323.28	36728853655	SERVICE
Total	DIRECTV		\$323.28		
Paid Chk#	114396	10/2/2019	FLOYD TOTAL SECURITY		
E 640-47000-401	Repairs/Maint Buildings		\$465.25	1322088	NEW LOCKS AT MUNI
E 640-48000-401	Repairs/Maint Buildings		\$465.25	1322088	NEW LOCKS AT MUNI
Total	FLOYD TOTAL SECURITY		\$930.50		
Paid Chk#	114397	10/2/2019	FOREMOST BUSINESS SYSTEMS INC.		
E 640-48000-433	Dues, Licensing & Seminars		\$258.06	73163	BAR EQUIPMENT MAINT.AGREEMENT
otal	FOREMOST BUSINESS SYSTEMS INC.		\$258.06		
Paid Chk#	114398	10/2/2019	HOHENSTEINS INC.		
E 640-47000-253	Beer For Resale		\$689.50	164252	BEER RESALE
Total	HOHENSTEINS INC.		\$689.50		
Paid Chk#	114399	10/2/2019	JJ TAYLOR DISTRIBUTING OF MN		
E 640-47000-253	Beer For Resale		\$1,504.04	3017086	BEER
E 640-48000-253	Beer For Resale		\$1,054.50	3028071	BEER
Total	JJ TAYLOR DISTRIBUTING OF MN		\$2,558.54		
Paid Chk#	114400	10/2/2019	JOHNSON BROS.-ST.PAUL		
E 640-47000-251	Liquor For Resale		\$269.50	1387459	LIQUOR
E 640-47000-259	Freight		\$3.78	1387459	FREIGHT
E 640-47000-252	Wine For Resale		\$1,082.30	1387460	WINE
E 640-47000-259	Freight		\$18.90	1387460	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,912.59	1388763	LIQUOR
E 640-47000-259	Freight		\$17.26	1388763	FREIGHT
E 640-47000-252	Wine For Resale		\$553.55	1388764	WINE
E 640-47000-259	Freight		\$12.60	1388764	FREIGHT
E 640-47000-251	Liquor For Resale		\$249.23	1390153	LIQUOR
E 640-47000-259	Freight		\$1.26	1390153	FREIGHT
E 640-47000-252	Wine For Resale		(\$16.20)	567081	WINE
E 640-47000-252	Wine For Resale		(\$9.69)	567082	WINE
E 640-47000-252	Wine For Resale		(\$15.86)	567083	WINE
E 640-47000-252	Wine For Resale		(\$116.75)	567426	WINE
Total	JOHNSON BROS.-ST.PAUL		\$3,962.47		
Paid Chk#	114401	10/2/2019	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$1,352.96	287856	CIGARETTES
Total	M.AMUNDSON LLP		\$1,352.96		
Paid Chk#	114402	10/2/2019	MAIN STREET BAKERY		
E 640-48500-255	FOODIngredients For Resale		\$96.70	365391	FOOD RESALE

***Check Detail Register©**

September 2019 to October 2019

			Check Amt	Invoice	Comment
E 640-48500-255	FOODIngredients For Resale		\$165.30	365554	FOOD RESALE
	Total MAIN STREET BAKERY		\$262.00		
Paid Chk# 114403	10/2/2019	MAVERICK WINE CO.			
E 640-47000-252	Wine For Resale		\$224.60	353284	WINE
E 640-47000-259	Freight		\$4.50	353284	FREIGHT
E 640-47000-252	Wine For Resale		\$282.00	354899	WINE
E 640-47000-259	Freight		\$4.50	354899	FREIGHT
	Total MAVERICK WINE CO.		\$515.60		
Paid Chk# 114404	10/2/2019	MODIST BREWING CO. LLC			
E 640-47000-253	Beer For Resale		\$172.00	7997	BEER
	Total MODIST BREWING CO. LLC		\$172.00		
Paid Chk# 114405	10/2/2019	NEW FRANCE WINE COMPANY			
E 640-47000-252	Wine For Resale		\$155.00	148200	WINE RESALE
E 640-47000-259	Freight		\$4.00	148200	FREIGHT
	Total NEW FRANCE WINE COMPANY		\$159.00		
Paid Chk# 114406	10/2/2019	NORTHWESTERN FRUIT COMPANY			
E 640-48500-255	FOODIngredients For Resale		\$520.05	912276	FOOD
E 640-48500-255	FOODIngredients For Resale		\$792.00	912466	FOOD
	Total NORTHWESTERN FRUIT COMPANY		\$1,312.05		
Paid Chk# 114407	10/2/2019	PAUSTIS & SONS			
E 640-47000-252	Wine For Resale		\$596.00	64190	WINE RESALE
E 640-47000-259	Freight		\$7.00	64190	FREIGHT
	Total PAUSTIS & SONS		\$603.00		
Paid Chk# 114408	10/2/2019	PHILLIPS WINES & SPIRITS			
E 640-47000-251	Liquor For Resale		\$503.50	2622911	LIQUOR
E 640-47000-259	Freight		\$1.07	2622911	FREIGHT
E 640-47000-251	Liquor For Resale		\$259.35	2623845	LIQUOR
E 640-47000-259	Freight		\$3.78	2623845	FREIGHT
E 640-47000-252	Wine For Resale		\$1,051.50	2623846	WINE
E 640-47000-259	Freight		\$12.60	2623846	FREIGHT
E 640-47000-252	Wine For Resale		\$1,008.00	2624890	WINE RESALE
E 640-47000-259	Freight		\$10.08	2624890	FREIGHT
	Total PHILLIPS WINES & SPIRITS		\$2,849.88		
Paid Chk# 114409	10/2/2019	POPP TELECOM			
E 640-47000-321	Telephone		\$100.00		SERVICE
E 640-48000-321	Telephone		\$100.00		SERVICE
E 101-41940-321	Telephone		\$294.00		SERVICE
E 610-40000-323	Radio Units		\$90.40		SERVICE
E 620-40000-323	Radio Units		\$33.89		SERVICE
E 101-42100-309	Contractual Services		\$32.44		SERVICE
	Total POPP TELECOM		\$650.73		
Paid Chk# 114410	10/2/2019	RANCHERS LEGACY MEAT CO.			
E 640-48500-255	FOODIngredients For Resale		\$228.70	43820	FOOD
	Total RANCHERS LEGACY MEAT CO.		\$228.70		
Paid Chk# 114411	10/2/2019	REINHART FOODSERVICE			
E 640-48000-210	Operating Supplies (GENERAL)		\$0.00		BAR SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$0.00		BAR SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$0.00		BAR SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale		\$0.00		MISC.BEV.
E 640-48000-210	Operating Supplies (GENERAL)		\$0.00		BAR SUPPLIES

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E 640-48000-251	Liquor For Resale	\$0.00		LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$5,280.21	882827	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$93.86	882827	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$59.49	882827	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$470.38	882827	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$50.66	882827	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$3,239.00	884385	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$25.11	884385	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$39.15	884385	PROMO FOOD
E 640-48000-251	Liquor For Resale	\$41.57	884385	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$3,554.72	885316	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$8.99	885316	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$20.34	885316	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$66.16	885316	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$175.13	885316	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$5,562.96	891184	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$65.57	891184	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$59.49	891184	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$228.34	891184	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$58.50	891184	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$3,025.29	894208	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$65.57	894208	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$15.10	894208	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$20.34	894208	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$198.38	894208	MISC.BEV.
Total REINHART FOODSERVICE		\$22,424.31		
Paid Chk# 114412	10/2/2019	SMALL LOT MN		
E 640-47000-259	Freight	\$6.15		FREIGHT
E 640-47000-252	Wine For Resale	\$620.04	MN31512	WINE
Total SMALL LOT MN		\$626.19		
Paid Chk# 114413	10/2/2019	SOUTHERN GLAZER'S OF MN		
E 640-47000-252	Wine For Resale	\$1,435.50	1867913	WINE RESALE
E 640-47000-259	Freight	\$11.63	1867913	FREIGHT
E 640-47000-252	Wine For Resale	\$858.00	1867914	WINE
E 640-47000-259	Freight	\$17.92	1867914	FREIGHT
E 640-47000-251	Liquor For Resale	\$3,653.94	1867915	LIQUOR
E 640-47000-259	Freight	\$31.59	1867915	FREIGHT
Total SOUTHERN GLAZER'S OF MN		\$6,008.58		
Paid Chk# 114414	10/2/2019	TOLL GAS & WELDING SUPPLY		
E 640-48000-210	Operating Supplies (GENERAL)	\$100.97	10318834	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$78.74	40107053	SUPPLIES
Total TOLL GAS & WELDING SUPPLY		\$179.71		
Paid Chk# 114415	10/2/2019	TRIMARK		
E 640-48500-210	Operating Supplies (GENERAL)	\$25.30	99XHM6	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$268.76	99XNSB	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$48.04	99XNSB	KITCHEN SUPPLIES
Total TRIMARK		\$342.10		
Paid Chk# 114416	10/2/2019	TRIO SUPPLY COMPANY		
E 640-48000-210	Operating Supplies (GENERAL)	\$27.56	560050-00	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$1,021.30	560050-00	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$34.19	560050-00	PROMO FOOD
E 640-48000-251	Liquor For Resale	\$73.70	560050-00	LIQUOR
E 640-48000-210	Operating Supplies (GENERAL)	\$134.18	561802-00	BAR SUPPLIES

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E 640-48500-210	Operating Supplies (GENERAL)		\$672.40	561802-00	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$68.38	561802-00	PROMO FOOD
Total TRIO SUPPLY COMPANY			\$2,031.71		
Paid Chk# 114417	10/2/2019	TRUE BRANDS			
E 640-47000-254	Soft Drinks/Mix For Resale		\$518.02	536537	MISC.MDSE
E 640-47000-254	Soft Drinks/Mix For Resale		(\$54.00)	92114CM	MISC MDSE
Total TRUE BRANDS			\$464.02		
Paid Chk# 114418	10/2/2019	VAN PAPER COMPANY			
E 640-48500-210	Operating Supplies (GENERAL)		\$514.54	514924-00	KITCHEN SUPPLIES
Total VAN PAPER COMPANY			\$514.54		
Paid Chk# 114419	10/2/2019	VINOCOPIA			
E 640-47000-251	Liquor For Resale		\$89.58	0241015	LIQUOR
E 640-47000-252	Wine For Resale		\$112.00	0241015	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$120.00	0241015	MISC.BEV
E 640-47000-259	Freight		\$18.00	0241015	FREIGHT
Total VINOCOPIA			\$339.58		
Paid Chk# 114420	10/2/2019	WINE COMPANY			
E 640-47000-251	Liquor For Resale		\$57.33	119588	LIQUOR
E 640-47000-252	Wine For Resale		\$1,048.00	119588	WINE RESALE
E 640-47000-259	Freight		\$8.25	119588	FREIGHT
Total WINE COMPANY			\$1,113.58		
Paid Chk# 114421	10/2/2019	WINE MERCHANT			
E 640-47000-252	Wine For Resale		\$952.00	7252404	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$65.75	7252404	MISC.BEV
E 640-47000-259	Freight		\$8.82	7252404	FREIGHT
E 640-47000-252	Wine For Resale		\$1,240.00	7252619	WINE
E 640-47000-259	Freight		\$8.82	7252619	FREIGHT
Total WINE MERCHANT			\$2,275.39		
Paid Chk# 114422	10/2/2019	WINEBOW			
E 640-47000-259	Freight		\$3.00	66246	FREIGHT
E 640-47000-252	Wine For Resale		(\$97.75)	MN00066028	WINE
E 640-47000-252	Wine For Resale		\$396.00	MN00066246	WINE RESALE
Total WINEBOW			\$301.25		
Paid Chk# 114423	10/9/2019	ADVANTAGE			
E 101-42100-217	Uniforms		\$862.70	0522171	PD UNIFORMS
Total ADVANTAGE			\$862.70		
Paid Chk# 114424	10/9/2019	AEM FINANCIAL SOLUTIONS			
E 101-41500-301	Auditing and Acct g Services		\$4,958.00	420258	CONTRACTED FINANCE DIRECTOR
E 610-49100-499	Miscellaneous		\$1,500.00	420258	CIP MGMT
Total AEM FINANCIAL SOLUTIONS			\$6,458.00		
Paid Chk# 114425	10/9/2019	AEM WORKFORCE SOLUTIONS LLC			
E 101-41500-302	Consultants		\$54.75	420329	HR CONSULTANTS
Total AEM WORKFORCE SOLUTIONS LLC			\$54.75		
Paid Chk# 114426	10/9/2019	ALPHA VIDEO AND AUDIO, INC.			
E 235-40000-404	Repairs/Maint - Machin/Equip		\$2,145.00	SVCINV18091	STUDIO EQUIPMENT REPAIR
Total ALPHA VIDEO AND AUDIO, INC.			\$2,145.00		
Paid Chk# 114427	10/9/2019	AT&T MOBILITY			
E 101-41940-321	Telephone		\$166.56		SERVICE

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E 101-41940-321	Telephone		\$382.70		SERVICE
	Total AT&T MOBILITY		\$549.26		
Paid Chk# 114428	10/9/2019	AXON ENTERPRISES, INC			
E 101-42100-434	Training and schools		\$45.96	1613897	PD TRAINING
	Total AXON ENTERPRISES, INC		\$45.96		
Paid Chk# 114429	10/9/2019	BIERMA, JIM			
E 101-41100-493	Volunteer program		\$300.00	11/14/19	VOLUNTEER DINNER MUSIC
	Total BIERMA, JIM		\$300.00		
Paid Chk# 114430	10/9/2019	BMI			
E 640-48000-433	Dues, Licensing & Seminars		\$358.00	3609924	OVERHEAD MUSIC FEE
	Total BMI		\$358.00		
Paid Chk# 114431	10/9/2019	BROCK WHITE CO. LLC			
E 101-41940-210	Operating Supplies (GENERAL)		\$249.07	13489603-00	BLDG.MAINT.SUPPLIES
E 610-40000-242	Well & F.P. Equipment		\$249.07	13489603-00	BLDG.MAINT.SUPPLIES
	Total BROCK WHITE CO. LLC		\$498.14		
Paid Chk# 114432	10/9/2019	CENTERPOINT ENERGY			
E 101-41940-383	Fuel, oil and natural gas		\$1,165.79		SERVICE
E 610-40000-383	Fuel, oil and natural gas		\$76.61		SERVICE
E 640-47000-383	Fuel, oil and natural gas		\$265.15		SERVICE
E 640-48000-383	Fuel, oil and natural gas		\$1,060.60		SERVICE
E 101-41940-383	Fuel, oil and natural gas		\$10.21		SERVICE
E 101-42200-383	Fuel, oil and natural gas		\$59.60		SERVICE
	Total CENTERPOINT ENERGY		\$2,637.96		
Paid Chk# 114433	10/9/2019	CHARLIE'S AUTO BODY			
E 238-40000-404	Repairs/Maint - Machin/Equip		\$1,873.98	U7895F	TRUCK REPAIRS - INS.CLAIM
	Total CHARLIE'S AUTO BODY		\$1,873.98		
Paid Chk# 114434	10/9/2019	CULLIGAN-BOTTLED WATER			
E 101-41940-499	Miscellaneous		\$96.37	2413691	SUPPLIES
	Total CULLIGAN-BOTTLED WATER		\$96.37		
Paid Chk# 114435	10/9/2019	ESG COMPANY, INC.			
E 101-45200-404	Repairs/Maint - Machin/Equip		\$78.50	645247	SNOW BLOWER REPAIRS
	Total ESG COMPANY, INC.		\$78.50		
Paid Chk# 114436	10/9/2019	ESS BROTHERS & SONS INC.			
E 620-40000-225	Repair & Maint - System		\$577.50	ZZ8286	PARTS
	Total ESS BROTHERS & SONS INC.		\$577.50		
Paid Chk# 114437	10/9/2019	FILLMORE COUNTY			
G 101-20300	Deposits Payable		\$500.00	19007403	CASH BAIL
	Total FILLMORE COUNTY		\$500.00		
Paid Chk# 114438	10/9/2019	FIRE CATT			
E 101-42200-241	Safety equip/testings		\$1,595.20	7737	FD EQUIPMENT SAFETY TESTING
E 101-42200-241	Safety equip/testings		\$1,396.80	7743	FD EQUIPMENT SAFETY TESTING
	Total FIRE CATT		\$2,992.00		
Paid Chk# 114439	10/9/2019	GALLS			
E 101-42100-217	Uniforms		\$372.72	14060218	PD UNIFORMS
	Total GALLS		\$372.72		
Paid Chk# 114440	10/9/2019	GOELLNER, EMILY			

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E 101-41910-433	Dues, Licensing & Seminars	\$127.78		CONFERENCE EXP.
Total GOELLNER, EMILY		\$127.78		
Paid Chk# 114441	10/9/2019	GOPHER ACE TRU VALUE		
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$31.87		SUPPLIES
E 101-42100-200	Office Supplies (GENERAL)	\$8.98		SUPPLIES
E 101-42100-404	Repairs/Maint - Machin/Equip	\$5.38		SUPPLIES
E 101-42200-210	Operating Supplies (GENERAL)	\$94.47		SUPPLIES
E 101-42200-212	Motor Fuels	\$49.98		SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)	\$54.25		SUPPLIES
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$35.50		SUPPLIES
Total GOPHER ACE TRU VALUE		\$280.43		
Paid Chk# 114442	10/9/2019	GOPHER STATE ONE CALL		
E 610-40000-313	Permit Fees/Gopher State	\$120.15	9090822	MONTHLY LOCATES
E 620-40000-313	Permit Fees/Gopher State	\$120.15	9090822	MONTHLY LOCATES
Total GOPHER STATE ONE CALL		\$240.30		
Paid Chk# 114443	10/9/2019	GRAYBAR		
E 401-40000-309	Contractual Services	\$560.00	9312457351	MILL STREET LIGHTING
Total GRAYBAR		\$560.00		
Paid Chk# 114444	10/9/2019	GRIZZLY INDUSTRIAL, INC.		
E 101-43100-210	Operating Supplies (GENERAL)	\$8.97	9802979-01	SUPPLIES
Total GRIZZLY INDUSTRIAL, INC.		\$8.97		
Paid Chk# 114445	10/9/2019	GROTH SEWER & WATER		
R 101-00000-34106	Project Inspection	\$225.00	319PARK	STREET CUT PERMIT & DEPOSIT REFUND
G 101-20300	Deposits Payable	\$1,047.00	319PARK	STREET CUT PERMIT & DEPOSIT REFUND
Total GROTH SEWER & WATER		\$1,272.00		
Paid Chk# 114446	10/9/2019	HAMEL BUILDING CENTER		
E 101-43100-226	Sign Repair Materials	\$96.20	138733	PARTS
Total HAMEL BUILDING CENTER		\$96.20		
Paid Chk# 114447	10/9/2019	HENN.CNTY.INFO.TECH.DEPT.		
E 101-43100-323	Radio Units	\$222.50		RADIO LEASE
E 101-45200-323	Radio Units	\$222.50		RADIO LEASE
E 610-40000-323	Radio Units	\$125.20		RADIO LEASE
E 620-40000-323	Radio Units	\$125.16		RADIO LEASE
E 101-42100-323	Radio Units	\$0.00		PD RADIO LEASE
E 101-42200-323	Radio Units	\$0.00		FD RADIO LEASE
E 409-42100-540	Equipment	\$0.00		PD RADIOS
E 409-40000-540	Equipment	\$786.89		PW RADIOS
E 409-42200-540	Equipment	\$0.00		FD RADIOS
Total HENN.CNTY.INFO.TECH.DEPT.		\$1,482.25		
Paid Chk# 114448	10/9/2019	HENNEPIN COUNTY TREASURER		
G 650-20818	Garbage Tax - Cnty 15.5%	\$2,839.56	SEPT.2019	COUNTY REFUSE TAX
Total HENNEPIN COUNTY TREASURER		\$2,839.56		
Paid Chk# 114449	10/9/2019	HENNEPIN COUNTY TREASURER		
E 101-43100-240	Small Tools and Minor Equip	\$89.02	1000136783	TOOLS & SUPPLIES
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$1,363.55	1000136783	TOOLS & SUPPLIES
E 238-40000-309	Contractual Services	\$18,953.33	1000136886	TRAFFIC LIGHT REPLACEMENT - INS.CLAIM
Total HENNEPIN COUNTY TREASURER		\$20,405.90		
Paid Chk# 114450	10/9/2019	HIRSHFIELD S		
E 101-41940-210	Operating Supplies (GENERAL)	\$4.49	33195960	SUPPLIES

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Total HIRSHFIELD S		\$4.49		
Paid Chk# 114451	10/9/2019	HOLIDAY		
E 640-47000-212	Motor Fuels	\$14.95		FUEL
Total HOLIDAY		\$14.95		
Paid Chk# 114452	10/9/2019	HOME DEPOT		
E 101-45200-210	Operating Supplies (GENERAL)	\$83.73		SUPPLIES
E 101-45200-221	Equipment Parts	\$86.57		SUPPLIES
E 101-45200-409	Maint services & Improv	(\$160.21)		SUPPLIES
E 101-41940-210	Operating Supplies (GENERAL)	\$23.63		SUPPLIES
E 610-40000-240	Small Tools and Minor Equip	\$39.72		SUPPLIES
Total HOME DEPOT		\$73.44		
Paid Chk# 114453	10/9/2019	ISC COMPANIES INC.		
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$144.24	1458166	PARTS
Total ISC COMPANIES INC.		\$144.24		
Paid Chk# 114454	10/9/2019	J.H. LARSON COMPANY		
E 101-41940-210	Operating Supplies (GENERAL)	\$87.30	S102093980.0	SUPPLIES
Total J.H. LARSON COMPANY		\$87.30		
Paid Chk# 114455	10/9/2019	JONES, REBECCA		
E 650-47500-499	Miscellaneous	\$35.17	SEPT.2019	MILEAGE & MEALS
Total JONES, REBECCA		\$35.17		
Paid Chk# 114456	10/9/2019	KIRVIDA FIRE, INC.		
E 101-42200-404	Repairs/Maint - Machin/Equip	\$2,793.87	8104	FD TRUCK REPAIRS
E 101-42200-404	Repairs/Maint - Machin/Equip	\$330.00	8133	FD TRUCK REPAIRS
E 101-42200-404	Repairs/Maint - Machin/Equip	\$169.98	8263	FD TRUCK REPAIRS
Total KIRVIDA FIRE, INC.		\$3,293.85		
Paid Chk# 114457	10/9/2019	LAKESHORE WEEKLY NEWS		
E 101-41500-433	Dues, Licensing & Seminars	\$40.00	6402073-2019	SUBSCRIPTION RENEWAL
Total LAKESHORE WEEKLY NEWS		\$40.00		
Paid Chk# 114458	10/9/2019	LANO EQUIPMENT, INC.		
E 101-45200-404	Repairs/Maint - Machin/Equip	\$109.60	03-705297	PARTS
Total LANO EQUIPMENT, INC.		\$109.60		
Paid Chk# 114459	10/9/2019	LECY BROS. HOMES		
G 802-20853	264 BUSHAWAY RD - LECY BROS.	\$7,200.00		TREE REPLACEMENT ESCROW REFUND
Total LECY BROS. HOMES		\$7,200.00		
Paid Chk# 114460	10/9/2019	LMCD		
E 404-40000-437	Payments to Organizations	\$11,348.00	4-2019	4TH QTR.2019 LEVY
Total LMCD		\$11,348.00		
Paid Chk# 114461	10/9/2019	LONG LAKE VETERINARY CLINIC		
E 101-42100-309	Contractual Services	\$150.00	288402	PD SERVICE
E 101-42100-309	Contractual Services	\$50.00	288403	PD SERVICE
Total LONG LAKE VETERINARY CLINIC		\$200.00		
Paid Chk# 114462	10/9/2019	MANSFIELD OIL COMPANY		
E 101-49200-212	Motor Fuels	\$455.14	21474713	FUEL
E 101-49200-212	Motor Fuels	\$616.13	21474748	FUEL
E 101-49200-212	Motor Fuels	\$261.11	21474792	FUEL
E 101-49200-212	Motor Fuels	\$1,648.48	21487333	FUEL
E 101-49200-212	Motor Fuels	\$1,260.65	21488096	FUEL

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Total MANSFIELD OIL COMPANY			\$4,241.51		
Paid Chk# 114463	10/9/2019	MARCO			
E 101-41500-404	Repairs/Maint - Machin/Equip		\$523.80	INV6803889	COPIER MAINT.
E 630-40000-404	Repairs/Maint - Machin/Equip		\$207.17	INV6815473	COPIER MAINT.
Total MARCO			\$730.97		
Paid Chk# 114464	10/9/2019	MEDIACOM			
E 610-49100-309	Contractual Services		\$1,620.00		SERVICE
E 101-41940-321	Telephone		\$326.90		SERVICE
E 101-41940-321	Telephone		\$48.30		SERVICE
Total MEDIACOM			\$1,995.20		
Paid Chk# 114465	10/9/2019	METERING & TECHNOLOGY SOLUTION			
G 620-14100	Inventory of Material/Supply		\$906.46		WATER METER
G 610-14100	Inventory of Material/Supply		\$906.46	14806	WATER METER
tal METERING & TECHNOLOGY SOLUTION			\$1,812.92		
Paid Chk# 114466	10/9/2019	METRO WEST INSPECTION SERVICES			
E 101-42400-309	Contractual Services		\$7,196.25	2140	BLDG.INSPECTION SERVICES
otal METRO WEST INSPECTION SERVICES			\$7,196.25		
Paid Chk# 114467	10/9/2019	METROPOLITAN COUNCIL			
E 620-40000-386	Other Utilities		\$45,844.38	0001101540	SEWER SERVICE
Total METROPOLITAN COUNCIL			\$45,844.38		
Paid Chk# 114468	10/9/2019	MINNCOR INDUSTRIES			
E 630-40000-210	Operating Supplies (GENERAL)		\$350.00	SOI-084065	MV SUPPLIES
Total MINNCOR INDUSTRIES			\$350.00		
Paid Chk# 114469	10/9/2019	MINNETONKA BARGEMAN			
E 404-40000-309	Contractual Services		\$300.00	3296	SWIM BOUYS REMOVED
Total MINNETONKA BARGEMAN			\$300.00		
Paid Chk# 114470	10/9/2019	MN BATTERY LLC			
E 101-45200-222	Repair & Maint - Equip		\$179.90	22579	PARTS
Total MN BATTERY LLC			\$179.90		
Paid Chk# 114471	10/9/2019	MORRIE S MINNETONKA FORD			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$36.24	566954	PARTS
Total MORRIE S MINNETONKA FORD			\$36.24		
Paid Chk# 114472	10/9/2019	NAPA AUTO PARTS-LONG LAKE			
E 101-42200-404	Repairs/Maint - Machin/Equip		\$20.98	3270-454666	PARTS
Total NAPA AUTO PARTS-LONG LAKE			\$20.98		
Paid Chk# 114473	10/9/2019	NAPA AUTO PARTS-WATERTOWN			
E 101-45200-221	Equipment Parts		\$52.79	523817	PARTS
E 610-40000-210	Operating Supplies (GENERAL)		\$26.28	524072	PARTS
E 620-40000-210	Operating Supplies (GENERAL)		\$26.28	524072	PARTS
E 101-45200-222	Repair & Maint - Equip		\$11.09	524110	PARTS
Total NAPA AUTO PARTS-WATERTOWN			\$116.44		
Paid Chk# 114474	10/9/2019	NEW HISTORY			
E 408-40000-302	Consultants		\$4,357.50	2507	SECTION FOREMAN HOUSE
Total NEW HISTORY			\$4,357.50		
Paid Chk# 114475	10/9/2019	NEWMAN TRAFFIC SIGNS			
E 101-43100-226	Sign Repair Materials		\$71.13	TRFINV01538	STREET SIGNS

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Total NEWMAN TRAFFIC SIGNS			\$71.13		
Paid Chk# 114476	10/9/2019	NORTH MEMORIAL			
E 101-42200-434	Training and schools		\$2,605.00	8885034-9/201	FD TRAINING
Total NORTH MEMORIAL			\$2,605.00		
Paid Chk# 114477	10/9/2019	OFFICE DEPOT			
E 630-40000-200	Office Supplies (GENERAL)		\$139.12	380109368001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$57.52	380109368001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$32.79	380127594001	SUPPLIES
Total OFFICE DEPOT			\$229.43		
Paid Chk# 114478	10/9/2019	OTTEN BROTHERS			
E 101-45200-229	Dirt, Sand and gravel		\$6.99	1-1590600	SUPPLIES
Total OTTEN BROTHERS			\$6.99		
Paid Chk# 114479	10/9/2019	POPP TELECOM			
E 640-47000-321	Telephone		\$0.00		SERVICE
E 640-48000-321	Telephone		\$0.00		SERVICE
E 101-41940-321	Telephone		\$0.00		SERVICE
E 610-40000-323	Radio Units		\$0.00		SERVICE
E 620-40000-323	Radio Units		\$0.00		SERVICE
E 101-42100-309	Contractual Services		\$0.00		SERVICE
E 630-40000-499	Miscellaneous		\$65.00	155694	MV SERVICE
Total POPP TELECOM			\$65.00		
Paid Chk# 114480	10/9/2019	POTTER, DIANE			
R 610-00000-37110	W/S/Storm Sales		\$66.75	REFUND	OVERPAYMENT ON FINAL BILL
Total POTTER, DIANE			\$66.75		
Paid Chk# 114481	10/9/2019	PRESTIGE SAFETY LLC			
E 101-42200-241	Safety equip/testings		\$575.00	42	FD SAFETY TESTING
Total PRESTIGE SAFETY LLC			\$575.00		
Paid Chk# 114482	10/9/2019	RIGID HITCH INC.			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$46.65	1928206644	PARTS
Total RIGID HITCH INC.			\$46.65		
Paid Chk# 114483	10/9/2019	RITEWAY			
E 101-41500-200	Office Supplies (GENERAL)		\$370.43	19-33109	SUPPLIES
Total RITEWAY			\$370.43		
Paid Chk# 114484	10/9/2019	SILENT KNIGHT SECURITY GROUP			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$144.00	00113161	MONITORING
Total SILENT KNIGHT SECURITY GROUP			\$144.00		
Paid Chk# 114485	10/9/2019	SPRINT			
E 101-42200-323	Radio Units		\$24.02	523093316-21	FD SERVICE
Total SPRINT			\$24.02		
Paid Chk# 114486	10/9/2019	SRF CONSULTING GROUP, INC.			
E 239-40000-302	Consultants		\$1,381.31	11484.00-14	COMP.PLAN
Total SRF CONSULTING GROUP, INC.			\$1,381.31		
Paid Chk# 114487	10/9/2019	STANTEC CONSULTING SERVICES			
E 620-49100-302	Consultants		\$1,277.50	1564930	SEWER COMP PLAN
E 670-49100-302	Consultants		\$1,504.00	1564931	STORM WATER COMP PLAN
Total STANTEC CONSULTING SERVICES			\$2,781.50		

***Check Detail Register©**

September 2019 to October 2019

		Check Amt	Invoice	Comment
Paid Chk# 114488	10/9/2019	STREICHER S		
E 101-42100-217	Uniforms	\$61.99	I1388943	PD UNIFORM
E 101-42100-217	Uniforms	\$54.99	I1390248	PD UNIFORM
Total STREICHER S		\$116.98		
Paid Chk# 114489	10/9/2019	SUPPLY SOLUTIONS LLC		
E 101-41940-210	Operating Supplies (GENERAL)	\$59.98	24656	BLDG.SUPPLIES
Total SUPPLY SOLUTIONS LLC		\$59.98		
Paid Chk# 114490	10/9/2019	SW NEWS MEDIA		
E 101-41500-350	Printing & Publishing	\$34.65	2074321	SP.ASSESSMENT NOTICE
Total SW NEWS MEDIA		\$34.65		
Paid Chk# 114491	10/9/2019	TIME SAVER		
E 101-41100-302	Consultants	\$434.25	M25114	MTG.MINUTES
Total TIME SAVER		\$434.25		
Paid Chk# 114492	10/9/2019	TRI-CITY		
E 610-40000-309	Contractual Services	\$63.00	1900285	WATER ANALYSIS
Total TRI-CITY		\$63.00		
Paid Chk# 114493	10/9/2019	TRI-K SERVICES		
E 101-45200-229	Dirt, Sand and gravel	\$88.00	8439	DIRT
Total TRI-K SERVICES		\$88.00		
Paid Chk# 114494	10/9/2019	UPS STORE		
E 610-40000-499	Miscellaneous	\$13.37	17827	SUPPLIES
E 101-41100-493	Volunteer program	\$314.24	18280	SUPPLIES
E 101-45200-499	Miscellaneous	\$1.36	18282	SUPPLIES
E 101-45200-499	Miscellaneous	\$10.04	18287	SUPPLIES
E 101-41100-493	Volunteer program	\$23.56	18288	SUPPLIES
E 101-41100-493	Volunteer program	\$9.44	18293	SUPPLIES
E 101-41910-492	HPB	\$33.60	18301	SUPPLIES
E 101-41100-493	Volunteer program	\$45.88	2742	SUPPLIES
Total UPS STORE		\$451.49		
Paid Chk# 114495	10/9/2019	US BANK		
E 315-40000-621	Fiscal Agent s Fees	\$500.00	5496534	BOND PAYING AGENT FEES
E 610-49100-621	Fiscal Agent s Fees	\$500.00	5496535	BOND PAYING AGENT FEES
E 620-49100-621	Fiscal Agent s Fees	\$500.00	5496536	BOND PAYING AGENT FEES
E 310-40000-621	Fiscal Agent s Fees	\$500.00	5502610	BOND PAYING AGENT FEES
Total US BANK		\$2,000.00		
Paid Chk# 114496	10/9/2019	WAYZATA FIRE RELIEF ASSOC.		
E 101-42200-438	Payment to Fire Relief 2% Aid	\$70,801.03		2% STATE AID
E 101-42200-437	Payments to Organizations	\$45,675.00		CITY CONTRIBUTION
Total WAYZATA FIRE RELIEF ASSOC.		\$116,476.03		
Paid Chk# 114497	10/9/2019	WESTSIDE WHOLESALE TIRE		
E 101-43100-404	Repairs/Maint - Machin/Equip	\$260.00	844202	TIRE REPAIRS
E 101-45200-222	Repair & Maint - Equip	\$25.00	844279	TIRE REPAIRS
Total WESTSIDE WHOLESALE TIRE		\$285.00		
Paid Chk# 114498	10/9/2019	XCEL ENERGY		
E 101-45203-381	Electric Utilities	\$431.01		SERVICE
E 101-41940-381	Electric Utilities	\$6,192.58		SERVICE
E 101-42200-381	Electric Utilities	\$675.67		SERVICE
E 610-40000-381	Electric Utilities	\$7,670.38		SERVICE
E 640-47000-381	Electric Utilities	\$1,628.28		SERVICE

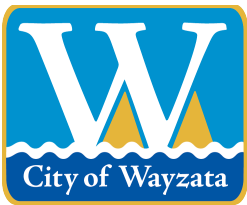
***Check Detail Register©**

September 2019 to October 2019

		Check Amt	Invoice	Comment
E 640-48000-381	Electric Utilities	\$3,799.33		SERVICE
E 620-40000-381	Electric Utilities	\$1,659.53		SERVICE
E 101-41940-381	Electric Utilities	\$11.08		SERVICE
	Total XCEL ENERGY	\$22,067.86		
	10100 Old National	\$363,735.92		

Fund Summary

<u>10100 Old National</u>	
101 GENERAL FUND	\$162,032.16
235 CABLE TV	\$2,145.00
238 SELF INSURANCE	\$20,827.31
239 COMP PLAN - LAND USE	\$1,381.31
310 SUPERIOR/LAKE REALIGNMENT	\$500.00
315 BIG WOODS	\$500.00
401 PERM IMPROVEMENT	\$560.00
404 PARK AND TRAIL CIP	\$11,648.00
408 GENERAL CIP	\$4,357.50
409 EQUIP REVOLVING	\$786.89
610 WATER FUND	\$13,067.39
620 SEWER FUND	\$51,070.85
630 MOTOR VEHICLE	\$816.69
640 LIQUOR	\$82,464.09
650 SOLID WASTE	\$2,874.73
670 STORMWATER	\$1,504.00
802 ESCROW PROJECTS	\$7,200.00
	\$363,735.92



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 7.c.
TITLE: Approval of Municipal Licenses	
PROPOSED MOTION: To Approve the Municipal Licenses as Attached	
PREPARED BY: Lori Krismer, Administrative Assistant	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of Municipal Licenses.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. List of Municipal Licenses for City Council Approval and Municipal Licenses Which Received Administrative Approval (informational only).

10/15/2019

LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

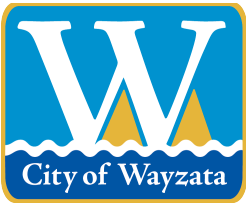
Recommended for approval, pending staff review for completeness of application materials

None

**THE FOLLOWING MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY**

2019 Gas Fitter's License

GeoThermal Concept, LLC	South Haven, MN
Riccar Heating & Air	Andover, MN



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 7.d.
TITLE: Receipt of Police Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Heather McKown, Police Records Supervisor	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

The attached September 2019 Police Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. September 2019 Police Activity Report

**WAYZATA POLICE DEPARTMENT
ACTIVITY REPORT – SEPTEMBER 2019**

Warrant Reported: 09-30-2019 1334

39 year old male from Wayzata arrested on an outstanding warrant. Transported to jail.

Addresses Involved

600 block of Waycliffe N, Wayzata, MN 55391

Names Involved

(Arrested)Murphy, Shane Michael (Age: 39)

Theft Reported: 09-30-2019 1127

Report of a theft. Loss approximately \$3300.

Addresses Involved

2300 block of Daniels St, Long Lake, MN 55356

Warrant Reported: 09-29-2019 1620

27 year old male from Stewartville arrested on an outstanding warrant. Paid bail.

Addresses Involved

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

Names Involved

(Arrested)Cole, Brandon Sean (Age: 27)

Theft Reported: 09-29-2019 1250

Report of a theft. Loss \$132.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Warrant Reported: 09-29-2019 1057

32 year old male from Wayzata arrested on an outstanding warrant. Paid bail.

Addresses Involved

1300 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved

(Arrested)Anschutz, Joshua Robert (Age: 32)

Theft Reported: 09-29-2019 0656

Report of a theft. Loss \$603.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Warrant Reported: 09-24-2019 1225

49 year old male from Wayzata arrested on an outstanding warrant. Transported to jail.

Addresses Involved

1100 block of Lasalle St, Wayzata, MN 55391

Names Involved

(Arrested)Carlson, Clayton Troy (Age: 49)

Warrant Reported: 09-23-2019 1543

47 year old female from Wayzata arrested on an outstanding warrant. Transported to jail.

Addresses Involved

800 block of Park St, Wayzata, MN 55391

Names Involved

(Arrested)Patch, Holli Tess (Age: 47)

Theft from Vehicle Reported: 09-22-2019 1123

Report of a theft from a vehicle. Loss \$200.

Addresses Involved

300 block of Ferndale Rd S, Wayzata, MN 55391

Theft of Vehicle Reported: 09-22-2019 0425

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

Addresses Involved

100 block of Wayzata Blvd E, Wayzata, MN 55391

DWI Reported: 09-19-2019 0124

36 year old male from Minnetonka arrested for driving under the influence of alcohol. Tested .15

Addresses Involved

700 block of Bushaway Rd, Wayzata, MN 55391

Names Involved

(Arrested)Mulder, Jeffrey Richard (Age: 36)

Controlled Substance Reported: 09-17-2019 1607

21 year old male from Blaine arrested for 5th degree possession of a controlled substance. Transported to jail.

Addresses Involved

300 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved

(Arrested)Malafa, Blair Frederick (Age: 21)

Warrant Reported: 09-13-2019 1542

30 year old female from Wayzata arrested on an outstanding warrant. Transported to jail.

Addresses Involved

200 block of Central Ave N, Wayzata, MN 55391

Names Involved

(Arrested)Stoll, Krista Marie (Age: 30)

Theft Reported: 09-12-2019 1537

Report of a theft. Loss approximately \$20.

Addresses Involved

1300 block of Wayzata Blvd E, Wayzata, MN 55391

Theft Reported: 09-12-2019 1049

Report of a theft. Loss \$440.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Theft Reported: 09-11-2019 1057

Theft of a trailer. Loss \$1500.

Addresses Involved

400 block of Tamarack Ave, Long Lake, MN 55356

Theft Reported: 09-06-2019 0840

Report of a theft. Loss \$50.

Addresses Involved

600 block of Wayzata Blvd E, Wayzata, MN 55391

Warrant Reported: 09-04-2019 1244

38 year old male from Orono arrested on an outstanding warrant. Transported to jail.

Addresses Involved

1800 block of Symes St, Long Lake, MN 55356

Names Involved

(Arrested)Bellamy, Lucas John (Age: 38)

Theft Reported: 09-03-2019 1345

Report of a theft. Loss \$187.

Addresses Involved

200 block of Upper Lea Lane, Long Lake, MN 55356

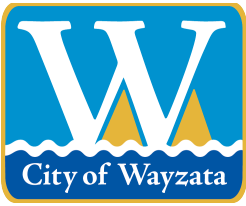
TRAFFIC – SEPTEMBER, 2019

CITATIONS	191
WRITTEN WARNINGS	4
VERBAL WARNINGS	172

Description	Sept 2019
MISSING PERSON	1
MISSING ANIMAL	2
MISSING/LOST PROPERTY	4
FOUND ANIMAL	1
FOUND PROPERTY	7
ABANDONED VEHICLE	3
SAFEKEEPING & DISPOSAL	1
PIMV	1
PDMV	11
H & R PDMV	4
Other Fire/Smoke	2
Single Family Home Fire	2
Multiple Dwelling Fire	1
Business/Commercial/Industrial Fire	1
FIRE ALARM	14
GAS LEAK/SMELL	1
HAZ ROAD CONDITION	1
RR Crossing Hazard	1
SUDDEN DEATH	1
OTHER MEDICAL	47
Medical Alarm	1

WELFARE CHECK - ADULT	12
WELFARE CHECK - JUV	2
MENTAL HEALTH ISSUE	1
INFO REC'D	12
VERBAL DOMESTIC	8
CIVIL MATTER	8
Trespass Warn/Order	2
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	14
RECEIVE COURT ORDER/OFP	4
SUSPICION	22
OPEN DOOR/WINDOW	3
SCAM/FRAUD ATTEMPT	1
MISC. JUVENILE PROBLEM	2
DRIVING/TRAFFIC COMPLAINT	23
PARKING COMPL	16
HOUSE/BUSINESS CHECKS	30
RECORD CHECKS	4
FIREARM PERMIT	2
HC SHERIFFS PERMIT TO CARRY	5
LIQUOR LICENSE CHECKS/PERMIT	1
PARKING PERMIT	2
OTHER ORD VIOL (JUNK CARS, ETC)	6
OTHER ORD VIOL (JUNK CARS, ETC) - Citation	1
SOLICITATION	2
SOLICITATION - Citation	1
ANIMAL COMPLAINT/CHECK	17
DOG LICENSE ISSUED	1
PATROL REQUEST	2
POLICE ESCORT/STAND-BY	1
Car Seat Install/Inspect	1
ADULT PROTECTION ASSIST	5
FINGERPRINTS	4
ASSIST CHILD PROTECTION	1
MOTORIST ASSIST/STALL	6
UTILITY PROBLEM	5
PUBLIC ASSIST	34
LOCKOUT	7
BUSINESS ALARM	14
HOME ALARM	8
911 HANG-UP	7
ASSIST OTHER DEPT	14
WARRANT/ATTEMPT/ARREST	8
TRAFFIC CONTROL / DIRECT ENFORCEMENT	6
VEHICLE FORFEITURE/IMPOUND	4

BURG 3-AT FRC NRES-N-UNK WEAP-UNK ACT	1
BURG 3-UNOCC RES NO FRC-D-UNK WEAP-COM PROP	1
FORG-UNK LVL-UTT POSS-CHK 251-2500-PERSON	1
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	1
CON SUB 5-POSSESS-SYN NARC-UNK	1
TRAF-ACC-M-4TH DEG DWI-10 OR MORE	1
JUVENILE USE OF TOBACCO	1
LIQUOR - POSSESSING	1
LIQUOR-UNDERAGE CONSUMPTION 18-21	3
MS-VIOL ORDER FOR PROTECTION	1
THEFT-1001-5000 DLRS FE-BLDG-OTHER PROPERTY	1
THEFT-1001-5000 DLRS FE-YARDS-OTHER PROPERTY	1
THEFT-1001-5000 DLRS FE-WATERCRAFT-OTH PROP	1
THEFT-500 OR LESS MS-BLDG-MONEY	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	3
THEFT-500 OR LESS MS-YARDS-OTH PROP	1
THEFT-500 OR LESS MS-BUSI FUNDS-MONEY	1
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	1
THEFT-UNK LVL-IDENTITY THEFT-UNK LOSS	1
THEFT-FE-BY SWINDLE-TRICK-501-2500	1
FRAUD-MS-OTHER ACT-UNDER 500 DLRS	1
VEH THEFT-UNK LVL VAL-AUTO	1
VEH-UNKNOWN-MS-TAMPER WITH-ENTER-AUTO	1



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 7.e.
TITLE: Receipt of Building Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Jason Wagner, Building Official	
REVIEWED BY: Emily Goellner, Community Development Director, Jeff Dahl, City Manager	

ACTION REQUESTED:

The attached September 2019 Building Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

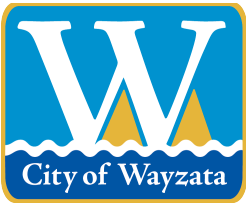
BACKGROUND:

N/A

ATTACHMENTS:

1. September 2019 Building Activity Report

	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	2019-YTD
BUILDING										
NUMBER OF BLDG. PERMITS	17	7	12	16	17	43	17	9	17	155
PROJECT VALUE	\$1,194,328.00	\$1,337,855.00	\$4,653,911.00	\$1,878,843.00	\$5,774,842.00	\$4,574,746.00	\$9,152,373.00	\$1,517,400.00	\$3,054,119.00	\$33,138,417.00
BUILDING PERMIT FEE	\$11,777.00	\$9,680.25	\$26,963.25	\$15,729.00	\$35,057.25	\$45,153.26	\$44,445.00	\$10,154.50	\$20,820.00	\$219,779.51
PLAN CHECK FEE	\$5,175.19	\$6,022.40	\$15,241.33	\$9,110.72	\$22,138.21	\$14,925.44	\$27,681.90	\$5,477.38	\$10,795.69	\$116,568.26
EXTERIOR										
NUMBER OF PERMITS	2	2	5	5	11	10	9	4	13	61
PROJECT VALUE	\$13,104.00	\$276,750.00	\$149,512.00	\$180,785.00	\$103,929.00	\$322,504.31	\$355,537.00	\$23,300.00	\$328,310.00	\$1,753,731.31
PERMIT FEE	\$ 295.00	\$2,154.00	\$2,173.50	\$2,331.00	\$2,015.25	\$3,686.50	\$3,820.50	\$524.50	\$4,283.25	\$ 21,283.50
MECHANICAL										
NUMBER OF PERMITS	21	14	12	31	19	38	19	17	15	186
PROJECT VALUE	167,090.00	577,440.00	174,798.00	638,575.65	375,806.98	193,714.18	141,068.00	191,953.00	106,691.11	\$ 2,567,136.92
PERMIT FEE	3,341.80	9,514.33	3,510.32	12,587.43	7,286.65	3,884.30	2,821.36	3,863.06	2,139.84	\$ 48,949.09
PLUMBING										
NUMBER OF PERMITS	15	11	11	15	14	10	19	10	18	123
PROJECT VALUE	\$85,048.00	\$186,506.56	\$87,830.00	\$104,395.53	\$108,150.00	\$30,639.00	\$108,278.50	\$247,248.00	\$324,437.40	\$1,282,532.99
PERMIT FEE	\$1,775.48	\$3,598.62	\$2,312.60	\$2,137.92	\$2,215.00	\$670.78	\$2,253.58	\$4,272.98	\$6,110.76	\$25,347.72
TOTAL # OF PERMITS	55	34	40	67	61	101	64	40	63	525
TOTAL INCOME	\$22,364.47	\$30,969.60	\$50,201.00	\$41,896.07	\$68,712.36	\$68,320.28	\$81,022.34	\$24,292.42	\$44,149.54	\$431,928.08
INSPECTIONS										
BUILDING	69	45	54	52	43	64	58	62	61	508
EXTERIOR	5	0	4	4	1	11	8	9	7	49
HVAC	22	26	34	29	17	29	25	34	32	248
PLUMBING	29	21	18	26	14	29	28	14	23	205
OTHER										
TOTAL # OF INSPECTIONS	125	92	110	111	75	133	119	119		1010
RENTAL										
INSPECTIONS	5	13	12	12	8	1	2	0	0	53



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019

AGENDA ITEM: 7.f.

TITLE: Consider Selection of a Construction Management Firm for City Hall Remodel Project

PROPOSED MOTION: To Select RJM Construction to Provide Construction Management Services for the Interior Remodel of City Hall and Authorize the City Manager and City Attorney to Negotiate a Draft Contract for Said Services to be Approved at a Future City Council Meeting

PREPARED BY: Jeff Dahl, City Manager

REVIEWED BY: N/A

ACTION REQUESTED:

Staff recommends entering into agreement with RJM Construction to provide Construction Management services for the City Hall Remodel Project (Motor Vehicle, Administration, and Police Department).

FINANCIAL OR BUDGET CONSIDERATION:

The City has allocated a total budget of \$309,000 in its latest Capital Improvements Plan. So far, the City has committed \$31,500 in architectural fees.

Based on updated information received from RJM after the RFP was submitted, the estimated costs of their services will be approximately \$5,000 in pre-construction and bidding, \$32,000 in general conditions, and \$13,000 in Construction Manager Fees for a total CM cost of approximately \$50,000, leaving approximately \$227,500 for construction and furniture.

BACKGROUND:

Over the past two years, the City has been discussing a remodel of the Motor Vehicle Department to allow for more efficiency of those services. In addition, City Hall Administration and the Police Department have budgeted smaller remodeling projects to provide for more space for new employees. Last year, the City Council budgeted additional dollars for an architect to draw remodeling plans for the entire building—combining all projects into one.

The overall objectives of the remodel project are:

- additional work spaces for growing organization;
- improved visibility and safety; and
- increased efficiency for Motor Vehicle and City Hall lobbies.

With several rounds of staff feedback, HTG Architects designed the attached plans. The next step of the process is to hire a Construction Manager to facilitate the pre-construction and construction process. Staff sent an RFP to three Construction Management Firms and received one back, from RJM Construction. Staff interviewed RJM on Thursday, September 26.

Construction Management Services are important to ensure that the work is done in an efficient and cost effective manner while impacting City Hall operations as little as possible.

ATTACHMENTS:

1. RFP for Construction Manager
2. RJM Proposal
3. Rendering - Main Level City Hall
4. Rendering - Lower Level (Police)



City Council
Mayor Ken Willcox
Jeff Buchanan
Dan Koch
Johanna McCarthy
Alex Plechash

City Manager
Jeffrey Dahl

Request for Proposals (RFP) for Construction Manager for Wayzata City Hall Campus Remodel and Related Improvements at 600 Rice St E, Wayzata MN 55391

Summary

The City of Wayzata has determined it necessary to complete an interior remodel plan of City Hall, in order to allow for a more efficient use of space, a more customer friendly experience for the community, and improved employee safety. Some of the proposed improvements include:

- Expanded passport area in Motor Vehicle;
- Additional meeting room within Administration;
- Additional cubicles and offices;
- Increased counter space; and
- Improved sight lines and other safety measures.

Also added to the project is a smaller office reconfiguration in the Police Department (lower level of City Hall), due to the expanding command staff and overall need for a more efficient use of space in the department.

The City of Wayzata (Owner) seeks to obtain the services of an experienced construction management firm to assist the City in this effort. The budget allocated for this project is approximately \$278,000. It is anticipated that the project will also consist of preconstruction services in coordination with the owner and the architect. To view the construction documents, please refer to Exhibit A for the Floor Plan for both the Main Level at City Hall as well as the lower level (Police Department) floor plan.

Project Details

The Wayzata City Hall Campus Remodel is being coordinated by a project team consisting of representatives of City of Wayzata Staff and HTG Architects and their various consultants. The selected construction manager will be responsible for providing a project construction cost estimate based on design development drawings, advising the design and ownership teams on value design/engineering regarding materials, methods, systems, schedules, labor, as they affect construction and contracting, coordinating the public bidding of all subcontract work, overseeing the selection of subcontractors, and for entering into an agreement with the City of Wayzata. All contracts for the construction of the project will be competitively bid and awarded by the City of Wayzata.

Details of RFP

The City seeks to retain a construction management firm that exhibits the following characteristics:

1. Recent experience with the construction or remodel of municipal city hall facilities or other relevant projects.
2. Ability to demonstrate value and quality construction and to adhere to pre-established project budgets and construction timeframes.
3. A demonstrated willingness to successfully participate as an integral part of a project team that will include City of Wayzata staff and architects.
4. A demonstrated ability to accurately estimate the cost of the project using design development plans and specifications and to effectively participate in value engineering and value analysis processes to insure adherence to the overall project budget.
5. Evidence of experience in working with public entities on projects of this magnitude, involving public bidding and entering into a contract with said public entities to perform the work on a guaranteed price basis.

Proposal Submission Requirements:

1. Any firm submitting a proposal must attend the **mandatory** pre-proposal meeting as outlined later in the RFP.
2. Please complete and submit with proposal the Contractor Qualification Statement.
3. Please describe your firm, including its history, the size and make-up of staffing and an indication of the persons who will be responsible for project management, cost estimating, value engineering, and alternate methodologies to meet design intent.
4. Please list the municipal projects your firm has constructed or managed that are similar in scope and complexity to this project. Please indicate if your firm acted as a general contractor or as a construction manager. If you acted as the construction manager, please describe what specific services you provided the owner of the project(s) and how you were able to administer the project within specified timeframes and project budget.
5. Given this project will be publicly bid to the subcontracting community, please describe methods your firm has used on other publicly bid projects to ensure that bids received on this project come from qualified subcontractors.
6. Please provide evidence of General Liability, Business, and Automobile Insurances and Worker's Compensation.
7. Please provide three references from clients for whom your firm has built similar projects and performed the role of construction manager as constructor services.
8. Please provide detail of your cost estimating process and identify what distinguishes your process from other construction management firms.
9. Please provide any additional information that will assist the Owner in evaluating your firm and its ability to manage this construction project in a cost-effective and timely manner. Why should your firm be selected for this project?
10. Please note that each proposal must be signed by an authorized representative of your firm who can be held accountable for all representations. The Applicant Assurances Form attached hereto as Exhibit B must be provided with your proposal.

Fees:

The CM shall provide a scope of services in accordance with the proposed CM contract, including, but not limited to the following:

Preconstruction Phase:

- Develop a Construction Management plan including cost and time parameters, means and methods, number and timing of construction contracts, and a complete management information system.
- Prepare and enforce Project schedules, including a Preliminary Project Schedule and construction schedules.
- Provide value engineering and constructability reviews.
- Assist in design document reviews and coordination.
- Assist in value engineering with special emphasis on civil, structural, mechanical, and electrical systems.
- Assist in receiving and evaluating bids.
- Identify and recommend procurement of long lead items.
- Assist in awarding construction contracts.
- Obtain approvals from local and state code and regulatory agencies.
- Establish and maintain a Project financial status reporting system.

Construction Phase Services (included in fee):

- Coordinate contractors and consultants.
- Monitor and enforce construction schedules.
- Analyze, negotiate, and recommend change orders.
- Prepare project reports and schedules.
- Develop and implement quality assurance plans.
- Maintain record documents.
- Assist in substantial completion and final completion inspections and preparation of punch lists.
- Certify contractor payment applications.
- Coordinate the construction site safety program.
- Communicate with local code officials and regulatory agencies, as required.
- Provide close-out documentation to the City of Wayzata within 90 days of substantial completion.

Fee Summary:

- Please propose your construction management fee, a proposed general conditions amount by preconstruction services and potential construction services breakdown
- Please list items that are provided as part of General Conditions and not included in the proposed construction management fee.

- Provide a separate fee, if any, for pre-construction services, which will include attending weekly or bi-weekly design review meetings, providing a schematic design (SD) cost estimate, ongoing value analysis, and overseeing preparation of bid documents and assisting with bidding and review of contractors.

Responses shall be formatted in the order of the listed submission requirements in order for Owner to accurately track and compare responses and to ensure that all questions have been adequately answered. No submission materials will be returned to respondents after the selection process is completed.

Tentative Schedule of Selection Process:

The City's intended schedule for the Construction Manager selection is set forth below; however, the City reserves the right to modify this schedule, as necessary. Respondents may submit written questions and requests for clarification to the City Contact via e-mail to City Manager Jeff Dahl at jdahl@wayzata.org for consideration at the mandatory pre-proposal meeting,

A pre-proposal meeting will be held at Wayzata City Hall, 600 Rice Street E, Wayzata, MN. Attendance is **mandatory** for firms interested in proposing on the project.

Event	Date
RFP Available for Distribution	September 16, 2019
Mandatory pre-proposal meeting at (4:00 p.m.)	September 23, 2019
RFP Responses Due, by 4:00 p.m. CDT	September 26, 2019
Interviews of Short-Listed Finalists (if necessary)	September 30, 2019
Anticipated City Council recommendation	October 15, 2019

Submission Requirements and Selection Process:

- I. Please submit four copies and one electronic (pdf) copy of your proposal to:
Jeff Dahl
City Manager
City of Wayzata
600 Rice Street E
Wayzata, MN 55391

Each proposal should be clearly marked "PROPOSAL FOR CONSTRUCTION MANAGEMENT SERVICES—City Hall Office Remodel"

- II. Copies of your response are due at Wayzata City Hall, 600 Rice Street E, Wayzata, MN 55391 no later than 4:00 p.m. CDT on September 26, 2019.
- III. It is our intent to interview no more than three construction managers the week of September 30, 2019.
- IV. It is our intent to make a recommendation concerning the selection of the construction manager to the Wayzata City Council at its October 15, 2019 meeting.

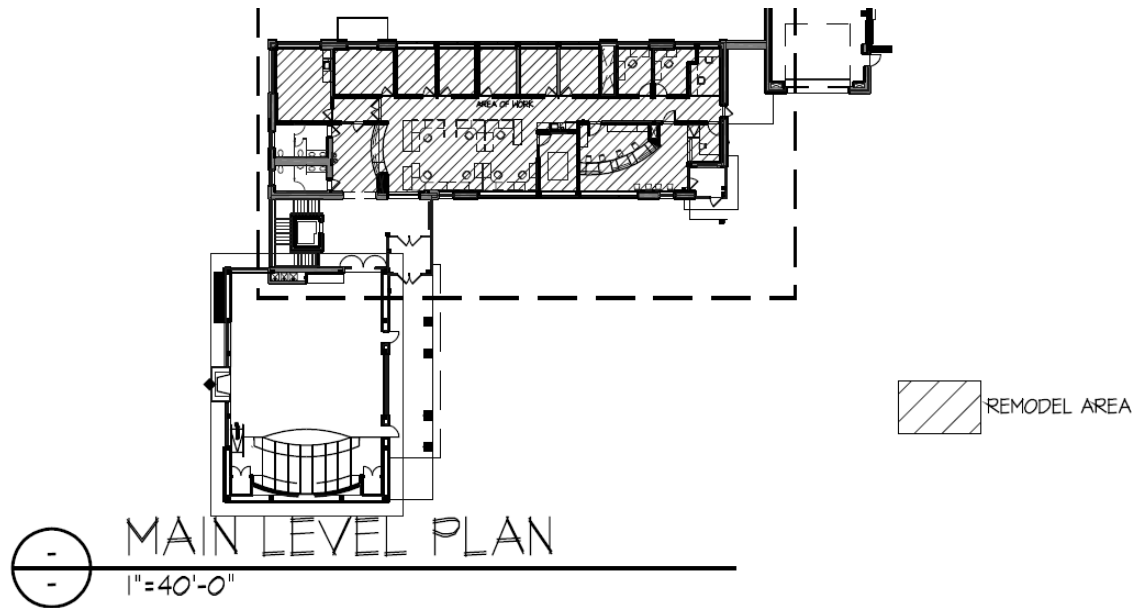
- V. DISCLAIMER: This request for proposal is only a solicitation for information. The City of Wayzata is not obligated to enter into a contract and is not responsible for any costs associated with the preparation of proposals or interviews.

The City of Wayzata sincerely thanks you for your consideration and time spent in responding to this RFP.

Enclosures: Exhibit A – Main Level Floor Plan, Lower Level (Police Department)
 Floor Plan
 Exhibit B – Applicant Assurance Form

Exhibit A

Main Level Floor Plan



Lower Level (Police Department) Floor Plan



Exhibit B

Applicant Assurances The applicant hereby assures and certifies:

1. That the individual signing the assurance form on behalf of the individual, partnership, company or corporation named in the proposal possesses the legal authority to execute a contract for the proposed work.
2. That the firm(s) agrees to comply with all applicable federal, state and local compliance requirements.
3. That the firm(s) is/are adequately insured to do business and perform the services proposed.

OFFICIAL ADDRESS:

(Name of Firm)

(Authorized Signature)

(Title)

(Date)



City of Wayzata

Proposal for Construction Management Services
City Hall Remodel
September 26, 2019



CONSTRUCTION

830 Boone Avenue North
Golden Valley, Minnesota 55427

952-837-8600

RJMConstruction.com
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September 26, 2019

Mr. Jeff Dahl
City Manager
City of Wayzata
600 Rice Street E
Wayzata, MN 55391

Re: Proposal for Construction Management Services – City of Wayzata City Hall Remodel RFP for Construction Manager

Dear Mr. Dahl,

Thank you for the opportunity to submit our qualifications for this exciting new project for the City of Wayzata. We are excited that your project is becoming a reality and would be thrilled to be your partner, guiding the city throughout the project every step of the way.

RJM is proud to be Minnesota's leading municipal construction management firm, having successfully provided our services to twenty-six cities, including the delivery of city hall renovation projects. We will add value to the City of Wayzata in the following ways:

- **City hall renovations:** This year, the City of Blaine awarded their city hall improvement project to RJM. Additionally, we recently completed an interior renovation project for the City of Woodbury on their city council chambers, as well as a renovation and expansion to the City of Shoreview Community Center and City Hall. With RJM, there is no learning curve.
- **Stakeholder engagement:** From our experience, we know that our proactive approach incorporating direct involvement of the city's user groups throughout design and construction helps to ensure that the facility is designed and built to exactly match the needs of the city.
- **Budget maximization:** We understand the pressures of maximizing taxpayer dollars to provide a facility that meets the budget and offers the possible value. Throughout the entire process, the City of Wayzata can count on RJM's specialized experience and its structured, collaborative budgeting process to provide creative, value-added options.

We hope that you agree that we will be the right partner for the City of Wayzata. We look forward to the next steps.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brad Barickman', is written over a light blue circular stamp.

Brad Barickman
Vice President Community
952-837-8614



MISSION

Striving to set the standard
of excellence

- Trusted partner with flexibility and commitment to meet the end goal
- Product type and delivery expert; we are *builders first*
- Ability and willingness to arrive at a guaranteed maximum price early and stand by it
- Ability to deliver projects faster
- Expertise in leading government projects through the approval process
- Dedicated pre-construction department
- Senior leadership active in their projects
- Team members are active within their community
- In-house MEP department offering creative solutions

3. Please describe your firm, including its history, the size and makeup of staffing and an indication of the persons who will be responsible for project management, cost estimating, value engineering, and alternate methodologies to meet design intent. Indicate the staffing you propose for this project.

Firm Overview

RJM Construction was founded on a simple principle: to serve the client. Led by our team of construction professionals, our project delivery process is designed to ensure that our clients have a productive, rewarding project experience. Our clients appreciate that they can count on the RJM team to always put their interests first.

Our commitment to our clients' vision is supported by construction expertise on a wide variety of projects for community leaders, healthcare professionals, property owners, and building tenants. We are dedicated to providing leadership and value-enhancing insights to every construction project.

With our headquarters in Minneapolis, RJM Construction LLC was established in 1981, and is owned by industry veterans Robert Jossart, Joe Maddy, Brian Recker, and Ted Beckman. Today RJM has approximately 190 specialized staff members and annual construction volume of approximately \$275 million.

What we bring to you

- As the 9th largest contractor in Minnesota, RJM specializes in community and municipal projects.
- RJM can deliver projects at a faster rate than our competition.
- RJM is flexible and has the resources to shift gears as necessary for the clients.
- We are willing to challenge team partners and provide design insight/cost analysis quickly for our clients.
- Provide insight during pre-construction to guide the project team, resolve issues before they happen, advocate for the client.
- Provide cost options during pre-construction to allow owners to make appropriate decisions for project scope based upon budgets.

Employees

Leadership: 12

Project Managers: 14

Project Engineers: 8

Project Coordinators: 3

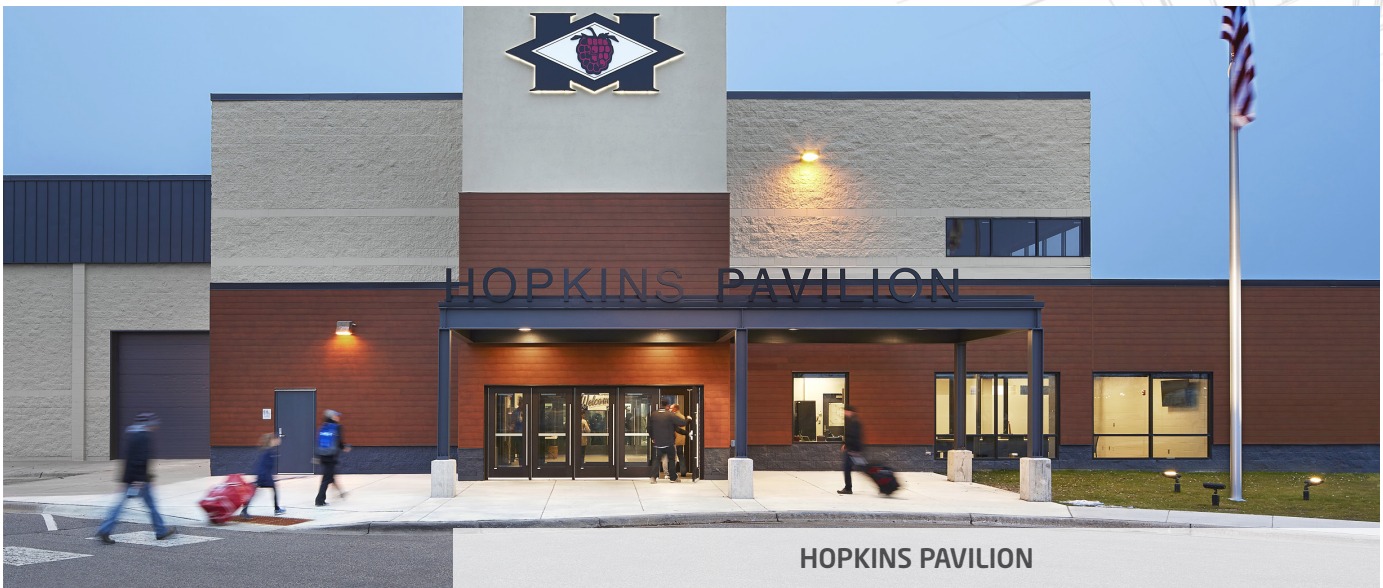
Estimating: 10

Accounting, Administrative, IT: 13

Field: 118

Marketing and Business Development: 6

Total: 184



**MAKE EVERY
INTERACTION
ENJOYABLE**

Project Team

Driven by your vision

It starts with your idea and grows into a vision. At RJM Construction, we first gain an understanding of your needs. Then we develop a strategy to help you capture your vision. With insightful planning, a collaborative spirit and fiscal responsibility, we bring your vision to life. **Project Executive Brad Barickman** will lead the experienced team to complete the Wayzata City Hall Remodel project.

Cost Estimating and Value Engineering

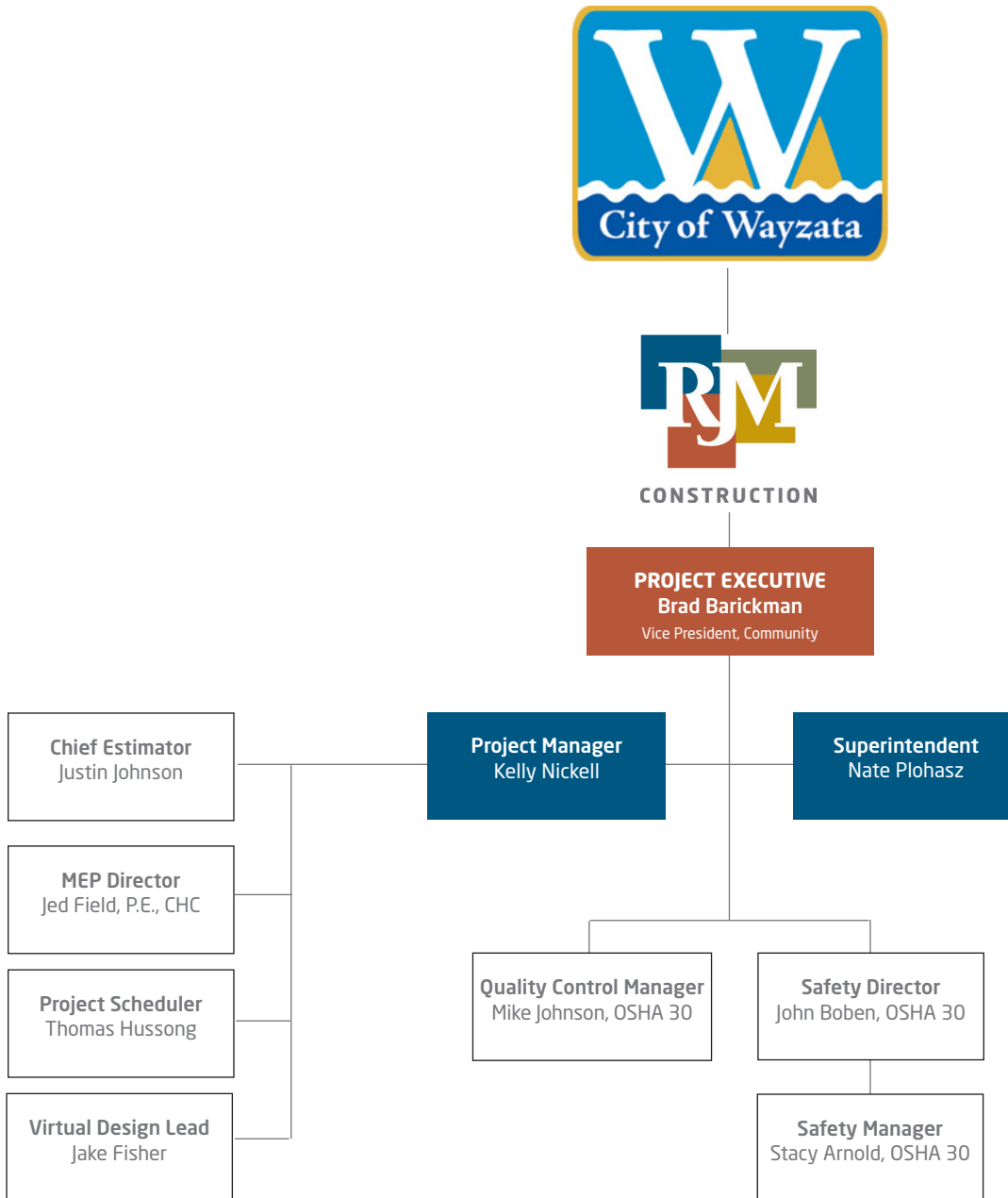
In our role as construction manager, we know it is our job to provide as many cost-saving ideas that are available for the team's evaluation and implementation. From our experience with this project type we understand where costs can be reduced, without sacrificing the function of the building, or the vision and design intent of the client and architect. Historically our value engineering process has saved 9 - 13% in value between schematic design and construction document completion. **Chief Estimator Justin Johnson** oversees the estimating team.

Project Management

In addition to managing the overall schedule, **Project Manager Kelly Nickell** is your primary point of contact. She will ensure that communications during the construction process are clear, complete, and timely. Her key responsibilities include contract administration, budget management, and the project schedule. In addition, she will issue meeting minutes, coordinate RFI's and maintain daily coordination of all on-site construction. Kelly will coordinate subcontractors, material deliveries and the site labor force to exceed expectations for quality, safety, cost control and schedule.

On the Job Site

Nate Polhasz, Superintendent, will expedite the work of subcontractors and material suppliers. Maintaining strong and positive relationships with our subcontractors protects the integrity of the project and keeps everyone working as a team. Nate has extensive experience in occupied facilities and will provide direction communication with staff on a regular basis. Our philosophy when working with our subcontracting partners is to be firm but fair, respectful but demanding. The success of the project relies heavily on the success of the subcontractors to complete their work in a quality manner in accordance with the schedule.





Brad Barickman

Vice President Community | *Project Executive*
 brad.barickman@rjmconstruction.com
 952-837-8614

Brad brings 15 years of project management experience to his role as Vice President Community. He's completed projects for a variety of clients including municipalities, manufacturing firms, medical device companies, healthcare providers and corporations.

Brad has demonstrated an exceptional ability to communicate with clients from pre-construction through project completion. He excels at bringing positive leadership to help create an enjoyable construction experience for the entire project team.

As project executive Brad will work directly with team during pre-construction planning and the execution of construction. Brad will be responsible for all contract administration, budget management, overseeing the schedule and communicating with the entire team.

Relevant Experience

PROJECT	CLIENT	LOCATION
Blaine City Hall Improvements**	City of Blaine	Blaine, MN
Woodbury City Council Chambers	City of Woodbury	Woodbury, MN
Andover Public Works*	City of Andover	Andover, MN
HERO Center*	City of Woodbury and City of Cottage Grove	Cottage Grove, MN
Woodbury Public Works	City of Woodbury	Woodbury, MN
Wright County Tactical Training Center**	Wright County	Buffalo, MN
Hopkins Pavilion	City of Hopkins	Hopkins, MN
Eden Prairie Aquatic Center	City of Eden Prairie	Eden Prairie, MN
Worthington Community Center and YMCA	City of Worthington	Worthington, MN
Andover Community Center and Ice Arena	City of Andover	Andover, MN
Eden Prairie Community Center & Ice Arena	City of Eden Prairie	Eden Prairie, MN
Shoreview Community Center Expansion	City of Shoreview	Shoreview, MN
Ojibway Park*	City of Woodbury	Woodbury, MN
Hill-Murray School Plaza Renovation	Hill Murray School	Maplewood, MN
Douglas Dayton YMCA at Gaviidae	YMCA of the Greater Twin Cities	Minneapolis, MN

* Under construction

** Awarded

References

CLIENT CONTACT	FIRM	PHONE
Mr. Dave Berkowitz	City of Andover	763-767-5133
Mr. Andy Johnson	Worthington YMCA	507-376-6197 x 225
Ms. Jennifer Levitt	City of Cottage Grove	651-458-2890
ARCHITECT CONTACT		
Mr. Roger Christensen	HCM Architects	612-904-1332
Mr. Tom Betti	292 Design Group	612-767-3773
Mr. Todd LaVold	Leo A. Daly	612-338-8741

Education

Bachelor of Science Degree
 Construction Management
 University of Iowa

Awards and Certifications

LEED AP





Kelly Nickell

Project Manager

kelly.nickell@rjmconstruction.com

952-837-8631

Kelly began her construction career with RJM in 2015 as an intern while attending the University of Wisconsin - Madison. For the past three years she has held the role of project engineer, working on various projects primarily in the community market such as community centers, ice arenas, aquatic centers, and schools.

Kelly is responsible for assisting in project administration, including tracking submittals, processing RFI's and subcontract coordination. With a driven and goal-orientated personality Kelly will help manage the construction process by interacting closely with the project team to ensure all budget and schedule objectives are achieved. Her client-focused approach serves as an asset to every team she is assigned.

Relevant Experience

PROJECT

Shakopee Community Center Renovation
Shoreview Community Center Addition
Eden Prairie Aquatics Addition
HERO Center*
Fernbrook Fields Athletic Complex
Maple Grove Veterans Memorial
Hmong Academy Phase IV

* Under construction

CLIENT

City of Shakopee
City of Shoreview
City of Eden Prairie
City of Woodbury and City of Cottage Grove
City of Maple Grove
City of Maple Grove
Hmong Academy

LOCATION

Shakopee, MN
Shoreview, MN
Eden Prairie, MN
Cottage Grove, MN
Maple Grove, MN
Maple Grove, MN
St. Paul, MN

References

CLIENT CONTACT

Ms. Jennifer Levitt
Mr. Terry Schwerm
Mr. Jeff Evenson

FIRM

City of Cottage Grove
City of Shoreview
City of Maple Grove

PHONE

651-458-2890
651-490-4611
763-494-6503

ARCHITECT CONTACT

Mr. Teri Nagel
Mr. Aaron Fields
Mr. Dale Eberly

Kodet Architectural Group
BWBR
Leo A Daly

612-377-2737
651-290-1866
612-9578

Education & Training

Bachelor of Science
Civil Engineering
University of Wisconsin - Madison

OSHA 30
ICRA Training
CPR and AED Certified



Nathan Plohasz

Superintendent

nate.plohasz@rjmconstruction.com

952-837-8600

Nathan joined RJM Construction in 2011 as an apprentice carpenter, where he specialized in finish carpentry, ensuring the smooth installation of a variety of interior components. He progressed into a foreman role, which led to a promotion to his current position as superintendent. With his diverse project experience, hands-on approach, and proven leadership skills, Nathan is an asset to every project team he manages.

As project superintendent, Nathan's responsibilities include field force management, subcontractor coordination, schedule management, and site safety. Nathan's proactive approach and people skills ensure that the project meets or exceeds established goals.

Highlighted Experience

PROJECT

Blaine City Hall Improvements**

Woodbury Public Works

Crown Iron Works*

Wellhaven Pet Health Tenant Interiors

Hill-Murray School/TI/Classrooms

Allina Health Clinic Woodbury 3rd Floor

Methodist Hospital 2nd Floor Surgery

BioTechne Build-Out

Methodist Hospital Lab Remodel

Park Nicollet Clinic Shakopee

Methodist Hospital Imaging

*Under construction

**Awarded

CLIENT

City of Blaine

City of Woodbury

Crown Iron Works

Wellhaven Pet Health

Hill-Murray

Allina Health

Park Nicollet Health Services

BioTechne

Park Nicollet Health Services

Park Nicollet Health Services

Park Nicollet Health Services

LOCATION

Blaine, MN

Woodbury, MN

Roseville, MN

Maple Grove, MN

Maplewood, MN

Woodbury, MN

St. Louis Park, MN

Minneapolis, MN

St. Louis Park, MN

St. Louis Park, MN

St. Louis Park, MN

References

CLIENT CONTACT

Emilee Anderson

Lizz Narum

Bill Schafhauser

COMPANY

Park Nicollet Health Services

Park Nicollet Health Services

Hill-Murray School

PHONE

952-993-6200

952-993-6200

651-777-1376

ARCHITECT CONTACT

Tom Betti

Roger Christiansen

Todd Mohagen

292 Design Group

HCM Architects

Mohagen Hansen Architectural

612-767-3773

612-904-1332

952-426-7400

Education, Training, and Certification

Bachelor of Science Construction Management

Minor Business Management

Mankato State University

Leadership Training

Association of General contractors of MN

STP Program leadership training

OSHA 30



Justin Johnson

Chief Estimator

justin.johnson@rjmconstruction.com

952-837-8632

As chief estimator, Justin collaborates with the project team to develop and maintain accurate budgets from the schematic design phase through the final construction documents. In addition to his estimating duties, Justin oversees the estimating department working closely with RJM's full-time estimators, director MEP design and coordination, BIM specialist and scheduler. Early in his career Justin held a position as a project engineer and developed a passion for construction while working in the field completing concrete and soil compaction tests.

With his wide range of experience, Justin ensures the unique project details are understood and incorporated in the project budget. His experience includes providing accurate estimates for various clients and project types including in the healthcare, corporate, educational, community markets. Justin's excellent teamwork and communication skills will be an asset to the project team. He will help guide the project through the pre-construction process for a seamless transition into successful construction delivery.

Selected Experience

PROJECT

Andover Public Works*
HERO Center*
Woodbury Public Works
Wright County Tactical Training Center**
Douglas Dayton YMCA at Gaviidae
Eden Prairie Aquatic Center
Shoreview Community Center Expansion
Central Park of Maple Grove
Shakopee Aquatics and Ice Arena
Andover Community Center and Ice Arena
Hopkins Pavilion
The Good Acre
Hmong Academy Phase IV
Pamela Park

* under construction

** Awarded

CLIENT

City of Andover
City of Woodbury and City of Cottage Grove
City of Woodbury
Wright County
YMCA of the Greater Twin Cities
City of Eden Prairie
City of Shoreview
City of Maple Grove
City of Shakopee
City of Andover
City of Hopkins
Pohlad Family Foundation
Hmong Academy
City of Edina

LOCATION

Andover, MN
Cottage Grove, MN
Woodbury, MN
Buffalo, MN
Minneapolis, MN
Eden Prairie, MN
Shoreview, MN
Maple Grove, MN
Shakopee, MN
Andover, MN
Hopkins, MN
Falcon Heights, MN
St. Paul, MN
Edina, MN

References

CLIENT CONTACT

Mr. Terry Schwerm
Mr. Doug Ducharme
Ms. Teresa Keller

FIRM

City of Shoreview
YMCA of the Greater Twin Cities
City of Woodbury

PHONE

651-490-4611
612-371-8714
651-714-3500

ARCHITECT CONTACT

Mr. Tom Betti
Mr. Todd LaVold
Mr. Jerry Hagen

292 Design
Leo A Daly
HCM Architects

651-767-3773
612-359-4656
612-904-1332

Education

Bachelor of Science Degree
Construction Management
University of Minnesota

Awards

Minnesota Subcontractors
Association Construction
Professional of the Year 2018



Jed Field, PE, CHC

Director MEP Design and Coordination

jed.field@rjmconstruction.com

952-820-8723

Jed brings extensive experience in facility design, construction, and operations. His 19 years of experience includes hospital campus master planning, ground-up construction projects, infrastructure upgrades, and energy optimization. Having worked on both the owner and contractor sides of the table, Jed brings knowledge in facility design, code compliance, construction and operations. He also has broad Lean Kaizen design experience, helping to meet client goals for both functionality and innovation.

As RJM's director of mechanical electrical and plumbing design and coordination, Jed will provide MEP expertise from design through occupancy and optimized facility operations. Jed has a reputation for understanding the client's goals, digging into details and using a collaborative approach to achieve project objectives. He has dedicated his career to expertise in facility infrastructure and systems, optimizing occupant comfort, code compliance, energy efficiency, and total cost of ownership.

Relevant Experience

PROJECT	CLIENT	LOCATION
HERO Center*	City of Woodbury and City of Cottage Grove	Cottage Grove, MN
Woodbury Public Works	City of Woodbury	Woodbury, MN
Wright County Tactical Training Center**	Wright County	Buffalo, MN
Andover Public Works*	City of Andover	Andover, MN
Andover Community Center and Ice Arena	City of Andover	Andover, MN
Shoreview Community Center Expansion	City of Shoreview	Shoreview, MN
University of Minnesota CSC 3rd MRI	University of Minnesota	Minneapolis, MN
Methodist Hospital Ortho OR Addition/Remodel	Park Nicollet Health Services	St. Louis Park, MN
St. Joseph's Hospital ED and Imaging Addition +	HealthEast Care System	St. Paul, MN
St. John's Hospital Infrastructure Upgrades*	HealthEast Care System	Maplewood, MN
Methodist Hospital Frauenschuh Cancer Center	Park Nicollet Health Services	St. Louis Park, MN

* Under construction

** Awarded

+ completed under previous employment

References

CLIENT CONTACT	FIRM	PHONE
Ms. Lizz Narum	U Construction	612-290-6958
Ms. Julee Taylor	University of Minnesota	612-626-7077
Ms. Laura Keithahn	HealthEast Care System	651-983-1657

ARCHITECT CONTACT

Ms. Stephanie Berg	HGA Architects	612-758-4405
Mr. Brad Krump	BWBR	651-222-3701
Ms. Stacey Demmer	LHB Architects	612-766-2815

Education

Bachelor of Science
Mechanical Engineering
University of St. Thomas

Certifications & Memberships

Certified Healthcare Constructor, (CHC)
American Hospital Association

ASHE (American Society of Healthcare
Engineers)

(PE) Professional Engineer MN



Support Team



Jake Fisher, Virtual Design Lead

As the virtual design lead, Jake will lead Building Information Modeling (BIM) execution, clash detection, visualization and construction sequencing for projects utilizing Autodesk software. He will provide technical expertise to the pre-construction team, providing value in systems analysis and constructability reviews, enabling the team to make more informed decisions regarding the design, systems, efficiency and quality of a project. Jake has been in the construction industry for 10 years, and in his current role at RJM for the last two years.



Thomas Hussong, Scheduler

As project scheduler, Thomas is responsible for preparing and issuing master schedules, analyzing those schedules and subsequently producing variance reports. He will collaborate with the project team keeping the schedule updated throughout the entire life cycle of the project, and will review all contracts for specific scheduling needs and profile critical timelines. Trained in Lean construction principles, Thomas will initiate, facilitate and execute Lean methods to all projects. Thomas has been in the construction industry for 18 years, the last four at RJM.



John Boben, Vice President, Safety and Quality Control

As safety director John provides leadership and oversight regarding the safety and quality aspects of all projects. He is responsible for analyzing the proposed project safety plan and guides the team in continual improvement and ensures RJM employees and subcontractors follow safety program protocols. In addition to project-specific responsibilities, John monitors training processes and continuing education programs for the team, and also chairs the safety committee. An industry veteran, John has been with RJM Construction for 25 years.



Stacy Arnold, Safety Manager

As safety manager, Stacy plays an active role on job sites ensuring safety programs are in place and observed while partnering with the project team helping to identify risks and train teams on safe behaviors. With her hands-on experience combined with her keen attention to detail and communication skills, she ensures that safety is held to the highest standard to ensure project success and client satisfaction. Stacy has been in the industry for 15 years, the last five of which have been with RJM.



Mike Johnson, Quality Control Director

As quality control director, Mike is responsible for providing insight and guidance to project teams ensuring that the RJM Construction quality control procedures are in place and all tasks are implemented and carried out. He makes certain that projects are in compliance and processes are upheld through every phase, from start up to closeout. His proven leadership, superior work ethic and detailed execution ensures that quality is at the forefront of every project. Mike has been a part of the RJM team for 17 years.

Similar Project Experience

Medina Public Works and Police Department

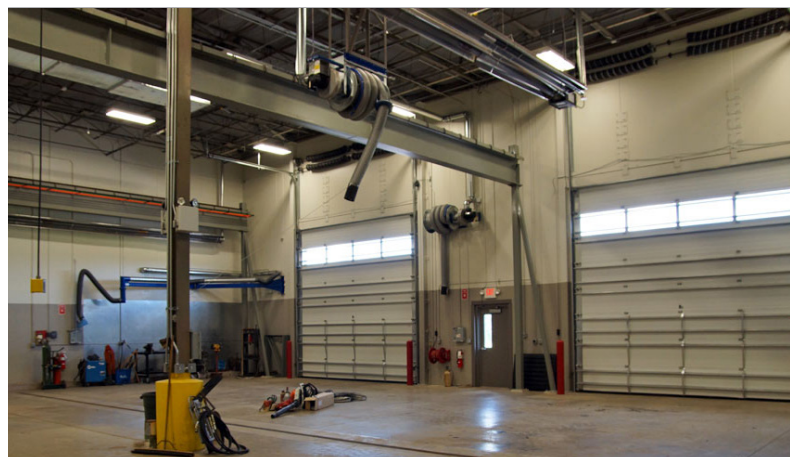
LOCATION	Medina, MN
MARKET SECTOR	Community
SQUARE FEET	69,000
PROJECT TYPE	Public Works
ARCHITECT	292 Design Group

The City of Medina recognized their existing public works facility, city hall and police station were not adequate to meet the growing needs of their city.

RJM Construction was hired as the construction manager to oversee re-purposing an existing warehouse for the public works department, and renovating the adjoining office area into a state-of-the-art police department. RJM scheduled regular design coordination meetings with department representatives and city staff to meet the programming needs of all parties while maintaining the budget.

PROJECT SIMILARITIES

- Renovation
- CM delivery



Similar Project Experience

Woodbury City Council Chambers

LOCATION	Minneapolis, MN
MARKET SECTOR	Community
SQUARE FEET	2,500
PROJECT TYPE	Municipal/City Hall
ARCHITECT	Welsh Architects

The City of Woodbury hired RJM Construction to renovate its City Council Chambers.

The space had been largely untouched since it was constructed in 1990. RJM installed new finishes, custom acoustical ceiling and wall panels, along with a new cherry wood dais - the stage of the room. Security updates as well as advancements to the audio, visual and lighting systems were also made. An inductive loop hearing assistive technology system was installed under the carpeting. The conference room adjacent to the chambers was also expanded and will be used for City workshops and meetings.

The project team took a proactive approach in meetings to create a seamless schedule, allowing multiple trades to work within the confined space efficiently.

PROJECT SIMILARITIES

- Interior renovation
- Occupied city hall
- CM delivery



Similar Project Experience

Rogers Police Station

LOCATION	Minneapolis, MN
MARKET SECTOR	Community
SQUARE FEET	19,230
PROJECT TYPE	Police Station
ARCHITECT	HTG Architects

RJM Construction was hired by the City of Rogers to transform an existing industrial building into a full-service police station.

RJM's project scope included interior renovations to build out offices and a garage area for the City. Sallyport, a booking room, and holding rooms were also part of the project as well as a secure evidence room. Structural modifications were made to support a 2,500 sq. ft. addition to the upper level of the space.

PROJECT SIMILARITIES

- CM delivery
- Renovation
- Occupied facility



RJM will bring its construction management expertise to the City of Wayzata. Since 2007 we have worked on similar projects with over 25 municipalities on CMA and CMar projects, most of whom hire RJM on a repeat basis.



**SERVE THE
COMMUNITY**

4. Please list the municipal projects your firm has constructed or managed that are similar in scope and complexity to this project. Please indicate if your firm acted as a general contractor or as a construction manager. If you acted as the construction manager, please describe what specific services you provided the owner of the project(s) and how you were able to administer the project within specified timeframes and project budget.

Similar Project Experience

	CMr	CMA
City of Andover Public Works		X
City of Andover YMCA/Community Center		X
City of Blaine City Hall Improvements*	X	
City of Chaska Community Center Aquatics		X
City of Chaska Lodge Addition		X
City of Chaska Wellness Center		X
City of Coon Rapids Ice Arena		X
City of Cottage Grove & City of Woodbury HERO Center+	X	
City of Eden Prairie Aquatic Center	X	
City of Eden Prairie Community Center & Ice Arena	X	
City of Edina Braemar Golf Dome		X
City of Edina Braemar Sports Dome		X
City of Edina Pamela Park		X
City of Elk River Community Center /YMCA	X	
City of Elk River Public Works	X	
City of Fairmont Community Center	X	
City of Hopkins Pavilion Ice Arena	X	
City of Inver Grove Heights Community Center		X
City of Maple Grove Central Park	X	
City of Maple Grove Community Center & Ice Arena	X	
City of Maple Grove Gymnasium	X	
City of Maple Grove Sports Dome	X	
City of Maple Grove Town Green Bandshell	X	
City of Medina Public Works & Police Station	X	
City of Plymouth Ice Center		X
City of Plymouth - Plymouth Creek	X	
City of Red Wing Ice Arena		X
City of Rogers Ice Arena	X	
City of Rogers Police Station	X	
City of St. Louis Park Recreation Outdoor Center & Ice Arena		X
City of St. Louis Park Westwood Hills Nature Center		X
City of Shakopee Community Center / Ice Arena	X	
City of Shoreview Community Center Expansion	X	
City of Woodbury Council Chambers	X	
City of Woodbury Public Works	X	
City of Worthington Community Center /YMCA		X
Wright County Tactical Training Center*		X
*Awarded + Under construction		



Our process is completely open book. We will provide detailed information supporting our numbers in an open forum with the City of Wayzata and the design team.

5. Given this project will be publicly bid to the subcontracting community, please describe methods your firm has used on other publicly bid projects to ensure that bids received on this project come from qualified subcontractors.

Bidding Process and Subcontractors

Local Outreach

RJM will work with City of Wayzata staff to place the bid advertisement in the city's required publications such as the *Sun Sailor* and others including *Minneapolis and St. Paul Builders Exchange* and *The Dodge Report*. In addition, RJM's extensive experience in the municipal and community market gives us a diverse list of subcontracting partners we can carefully analyze and then tailor the bid and quote packages to meet the needs of the City of Wayzata.

Qualified Subcontractors

We will reach out to qualified subcontractors by means of electronic notification and personal phone calls to generate as much interest as possible to increase the number of received bids and to ensure the lowest possible price on bid day. RJM has also developed a bidding strategy that allows for more local contractor participation for smaller project work scopes through the city's quote process. By breaking larger bid packages into smaller, more manageable ones, we can often generate more interest from local contractors who may not have the capabilities to perform the entire large scope of work. **This encourages local participation and drives the overall project costs down.** Given the size of the city hall renovation project, it is likely that most of the contracts will be procured through the quote process and direct negotiation rather than the public bid process. Furthermore, the contractors are required to provide bid bonds and if awarded the project they need to provide a performance and payment bond. RJM's last three municipal construction management projects averaged over 125 bids received.

Bidding Process

RJM will facilitate the bid receipt and conduct the public opening process. Before issuing documents for bid, RJM will work with city staff and the design team to create comprehensive packages for each scope of work. The bid packages identify any potential gray areas to ensure complete bids are received, and all contractors are bidding the same project. We highlight specific and unique details and outline all specific job requirements for the trades.



RJM looked out for the city's best interest at every stage and helped us to resolve any challenges that occurred. We now have a beautiful facility the entire community can enjoy.

—City of Hopkins



HOPKINS PAVILION

Our process has proven to:

- Increase the number of bids received
- Create a competitive environment
- Reduce the submission of incomplete bids and legal expenses incurred
- Reduce the number of change orders received.

RJM thoroughly reviews each bid for completeness, clarifies any potential discrepancies, and conducts a scope review with all apparent low contractors. We present recommendations to the team, along with a comprehensive project budget.

After approval of the contractor's awards, RJM prepares and processes the appropriate contracts. All contracts over \$175,000 are required to provide a performance and payment bond, and all quotes received under that amount only come from a select list of reputable, qualified, cost-competitive contractors.

6. Please provide evidence of General Liability, Business, and Automobile Insurances and Worker's Compensation.

Please see sample insurance certificate in Exhibits.

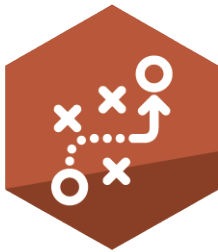
7. Please provide three references from clients for whom your firm has built similar projects and performed the role of construction manager as constructor services.

References

Mr. Robert Therres
Public Services Manager
City of Blaine
763-785-6123
RTherres@blainemn.gov

Ms. Jennifer Levitt
Community Development Director
City of Cottage Grove
651-458-2890
jlevitt@cottage-grove.org

Mr. Chris Fleck
Plymouth Creek Center Manager
City of Plymouth
763-509-5281
cfleck@plymouthmn.gov



**SOLVE THE
PROBLEM**

*RJM provides a final
estimate at*

95%
*completion of
design.*

8. Please provide detail of your cost estimating process and identify what distinguishes your process from other construction management firms.

Cost Estimating

At the core of our pre-construction team are six full-time estimators. This dedicated team ensures that estimates are accurately completed in a timely fashion without the daily duties of project management. Estimating is a continuous process for RJM Construction; as early as possible we will quantify work items and apply unit costs. A variety of technological resources are utilized by RJM's estimating team in developing a cost model. Materials are quantified with precision in On-Screen Takeoff, and paired with our unit cost database, which is maintained via Sage Estimating. To ensure estimating accuracy we also rely on virtual building models BIM.

RJM's cost estimating process is completely open book. We provide detailed information supporting our numbers in an open forum with the City of Wayzata and design teams. An estimate summary will highlight the major categories of work and associated costs. In addition, RJM provides a detailed estimate, showing all cost categories by specification section. These resources will allow the team to make educated decisions. As the design progresses, we provide continuous, real-time cost evaluation so that the cost impact to design choices are realized right away. Being proactive in this process saves critical time and cost, helping the architect understand budget impacts before designs are complete.

Estimates are provided continuously through design:



Conceptual Phase: This estimate is completed by reviewing the general project scope and utilizing gross square footage estimates. Key elements such as soil corrections, utilities, and unique features are accounted for as well as the more standard features of the project.

Schematic Design Phase: At the start, SD estimates are applied to more detailed square footages. At this point, we are beginning to lock in on the overall layout of the building and can start to develop costs based on the desired finish. By the completion of this phase, the estimate will be supported with actual quantities of construction systems. This analysis will save design team resources and allow you to look at multiple scenarios for structure, enclosure, interiors, etc.

Design Development Phase: As the estimate moves through this phase, unit quantities will be available to produce a very detailed estimate. The project's budget will develop its final details at the end of this phase. This estimate will be fully supported by subcontractor feedback to gain valuable market insight.



When you engage our services, we view our relationship as a partnership, working closely alongside county staff. Your RJM construction manager will act as an extension of your team.

Communication with Wayzata City Council

RJM has worked with more municipalities than any of our competitors. We understand how to navigate the project through city council approvals. Our job is to find the right path for the city and offer multiple options for staff and council to consider to ensure programs and design intent are not compromised while keeping the project on budget. It is important to have a construction management partner that understands the process and timelines required.

THE RJM DIFFERENCE

Our team provides a final estimate at 95% completion of the design, which is different from other construction managers. With this final estimate, the intention is to confirm that the 95% drawings and specifications align with the budget and that we have 100% subcontractor support to prove it. This final confirmation allows us to accurately track the expected final bid amounts when received. Allowing one last opportunity to make slight adjustments to the plans before bidding assures the project is delivered on budget.

Examples:

Hopkins Pavilion

- 95% estimate: \$5,134,755
- Bid day results: \$5,063,184
- **\$71,571 under budget**

Woodbury Ojibway Park

- 95% estimate: \$3,760,640
- Bid day results: \$3,549,440
- **\$211,200 under budget**

Andover Public Works

- 95% estimate: \$11,026,562
- Bid day results: \$10,499,552
- **\$527,010 under budget**

Westwood Hills - St. Louis Park

- 95% estimate: \$10,465,537
- Bid day results: \$9,992,598
- **\$472,939 under budget**

Fernbrook Fields - Maple Grove

- 95% estimate: \$7,765,166
- Bid day results: \$7,632,630
- **\$132,536 under budget**

Woodbury Public Works

- 95% estimate: \$22,940,175
- Bid day results: \$22,859,086
- **\$81,089 under budget**

HERO Center (East Metro Public Training Facility)

- 95% estimate: \$17,577,628
- Bid day results: \$17,459,737
- **\$117,891 under budget**

RJM looked out for the city's best interest at every stage and helped us to resolve any challenges that occurred. We now have a beautiful facility the entire community can enjoy.

—City of Hopkins



9. Please provide any additional information that will assist the Owner in evaluating your firm and its ability to manage this construction project in a cost-effective and timely manner. Why should your firm be selected for this project?

Why RJM Construction?

Our team RJM navigates the construction management process with more municipal clients than any of our competitors. Our successful approach involves working closely with city staff through the city council process, including scheduling of council actions. For example, we provide supporting documentation and attend all workshops, study sessions, and city council meetings. This level of engagement keeps the council informed and ensures the successful delivery of the project. RJM has extensive experience in drafting bid packages and creative approaches to help projects move forward in a timely and efficient fashion.

Partnership: RJM will work with the City of Wayzata as the city's advocate during the entire process. Our services go far beyond the construction of your facility; we will lead the team to deliver the project true to your vision.

City Hall Expertise: RJM is a trusted construction partner, working with more than 25 community facilities. Our diverse experience includes multiple projects with similar features and programs. We will utilize this experience in establishing accurate budgets, providing appropriate cost-saving options and guiding the team in making the best decisions.

Construction Management Leader: The RJM team pioneered the CMr approach with The City of Eden Prairie in 2006 and have since utilized it with several other cities throughout Minnesota. There is no learning curve with RJM. Our direct CM expertise will ensure a successful process.

Builders First: At RJM we are more than just a "paper pushing" manager, we are builders. The city hall renovation will present challenges in both design and construction and if executed properly, will require a builder's input. RJM has worked in numerous complex structures over the years with a hands-on approach. Time and time again we have seen that our creative solutions result in significant cost savings. Our team of full-time experts will be dedicated to your project, providing the necessary supervision for success from start to finish. Furthermore, as a general contractor and construction manager, we are fully integrated into the subcontracting community, which means we are pulling from a qualified subcontractor base resulting in a greater quantity of bids received at a more economical price.

Complicated Projects: Projects involving occupied facilities, multiple phases, unique materials, building additions, and structural modifications are ideal for construction management delivery. The early involvement and input during design from a builder's perspective immediately add value to the overall project. The City of Wayzata will benefit from proactive planning, detailed phasing, and timely communication with the facility members.



**BE
RESPONSIBLE**

Control of Design and Budget: From our experience, we have seen that 90% of all cost savings on construction projects are realized during pre-construction. As the construction manager, RJM leads the preconstruction process and we ensure that the design always aligns with the budget. Our early involvement also allows the opportunity to provide a design-assist approach for critical systems such as HVAC, plumbing, electrical, and structural. This proven approach challenges teams to think outside of the box, creating more cost-effective and efficient designs. This model was recently utilized by RJM on The Blaine City Hall Renovation, saving more than \$1 million.

Project Understanding: We have taken the time necessary to understand the project scope and engage with Wayzata city staff. We are proposing a team of experienced, creative individuals with relevant project experience to deliver on the city's vision.

This team will work collaboratively to develop an efficient phasing plan and schedule that limits disruption for staff and the public. Specifically, the project would likely be broken into 3-4 larger phases and 3-4 subphases. For example, the reception area renovation might be phase 1, the DMV renovation could be phase 2, the police department would be phase 3, and the west private office renovation would be phase 4. We would then recommend subdividing the west office renovation into two office segments, as well as subdividing the DMV phase to ensure operations are maintained.

These are preliminary ideas as examples, and we recommend user group meetings with city staff and RJM to refine and detail the schedule and phasing plan.

10. Please note that each proposal must be signed by an authorized representative of your firm who can be held accountable for all representations. The Applicant Assurances Form attached hereto as Exhibit B must be provided with your proposal.

Please see Exhibits.

Exhibits

Fee Summary

Sample Insurance Certificate

Exhibit B

City of Wayzata City Hall
RJM Construction - Construction Manager Fee Proposal
September 26, 2019

Preconstruction & Bidding Phase

		1	Month		
Description	Quantity	Unit	Unit Cost	Total	
Project Executive	12	HRS	\$ 159.40	\$ 1,913	
Project Manager	8	HRS	\$ 117.40	\$ 939	
Estimator	40	HRS	\$ 117.40	\$ 4,696	
Project Scheduler	4	HRS	\$ 97.40	\$ 390	
MEP Coordinator	4	HRS	\$ 132.40	\$ 530	
Subtotal Preconstruction & Bidding				\$ 8,467	

Typical Monthly Project Reimbursable Expenses

		1	Month		
Description	Quantity	Unit	Unit Cost	Total	
Project Executive	8	HRS	\$ 159.40	\$ 1,242	
Project Manager	35	HRS	\$ 117.40	\$ 4,067	
General Superintendent	9	HRS	\$ 122.90	\$ 1,064	
Superintendent	69	HRS	\$ 114.90	\$ 7,960	
Project Scheduler	4	HRS	\$ 97.40	\$ 422	
QAQC Director	4	HRS	\$ 122.90	\$ 532	
Safety Director	8	HRS	\$ 122.90	\$ 958	
Risk Manager	4	HRS	\$ 159.40	\$ 690	
Project Assistant	8	HRS	\$ 56.40	\$ 440	
Trucking/Deliveries	4	HRS	\$ 80.90	\$ 350	
Truck	25	HRS	\$ 4.50	\$ 113	
Fuel	1	MO	\$ 300.00	\$ 300	
Electronic Documentation	1	MO	\$ 300.00	\$ 300	
Cell Phone	1	MO	\$ 260.00	\$ 260	
Blue Prints	1	MO	\$ 200.00	\$ 200	
Postage & Delivery	1	MO	\$ 180.00	\$ 180	
Monthly Reimbursable Expenses				\$ 19,079	

Construction Manager Fee

Proposed Construction Manager Fee	1	LS	4.95%	\$ 14,850
CM Fee Based on a Project Value of:		\$ 300,000		

* The staffing and hours outlined above are an estimate of anticipated services for the noted duration. Once an agreed upon schedule as been finalized, the hours may adjust up or down accordingly.

* Please note, the reimbursable expenses above are based on 1 month. Our initial assumptions based on the information provided is that the Wayzata City Hall project will take 2-3 months to complete the construction and 1 month of pre-construction and bidding.



CERTIFICATE OF LIABILITY INSURANCE

Page 1 of 1

DATE (MM/DD/YYYY)
12/19/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis of Minnesota, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME:	
	PHONE (A/C, No, Ext): 1-877-945-7378	FAX (A/C, No): 1-888-467-2378
INSURED RJM Construction, LLC 830 Boone Avenue N Golden Valley, MN 55427	E-MAIL ADDRESS: certificates@willis.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Zurich American Insurance Company	NAIC # 16535
	INSURER B: Starr Indemnity & Liability Company	38318
	INSURER C: American Guarantee and Liability Insurance	26247
	INSURER D: Steadfast Insurance Company	26387
INSURER E:		
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:** W9495656**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	Y	Y	GLO0084162-04	01/01/2019	01/01/2020	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
A	☐ POLICY ☒ PRO-JECT ☐ LOC	Y	Y	BAP0084161-04	01/01/2019	01/01/2020	GENERAL AGGREGATE \$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY	Y	Y	1000584789191	01/01/2019	01/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☒ ANY AUTO						BODILY INJURY (Per person) \$
	☐ OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
	☒ HIRED AUTOS ONLY ☒ SCHEDULED AUTOS NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
B	UMBRELLA LIAB ☒ OCCUR			WC0084166-04	01/01/2019	01/01/2020	EACH OCCURRENCE \$ 5,000,000
	☒ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$ 5,000,000
	DED RETENTION \$						
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A	EOC 0086225-04	01/01/2019	01/01/2020	☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Contractors Pollution & Professional Liability				01/01/2019	01/01/2020	Each Claim \$5,000,000
							Aggregate \$5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured is included as an Additional Insured as respects to General Liability and Auto Liability as required by written contract. General Liability policy shall be Primary and Non-contributory with any other insurance in force for or which may be purchased by Additional Insured as required by written contract or agreement. Waiver of Subrogation applies in favor of Additional Insured with respects to General Liability, Auto Liability and Workers Compensation as required by written contract and as permitted by law.

CERTIFICATE HOLDER**CANCELLATION**

SAMPLE

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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1. That the individual signing the assurance form on behalf of the individual, partnership, company or corporation named in the proposal possesses the legal authority to execute a contract for the proposed work.
2. That the firm(s) agrees to comply with all applicable federal, state and local compliance requirements.
3. That the firm(s) is/are adequately insured to do business and perform the services proposed.

OFFICIAL ADDRESS:

RJM Construction, 830 Boone Ave. N., Golden Valley, MN 55427

(Name of Firm)



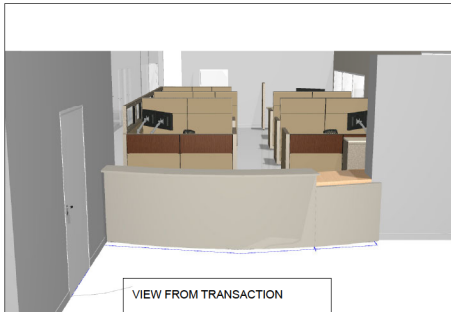
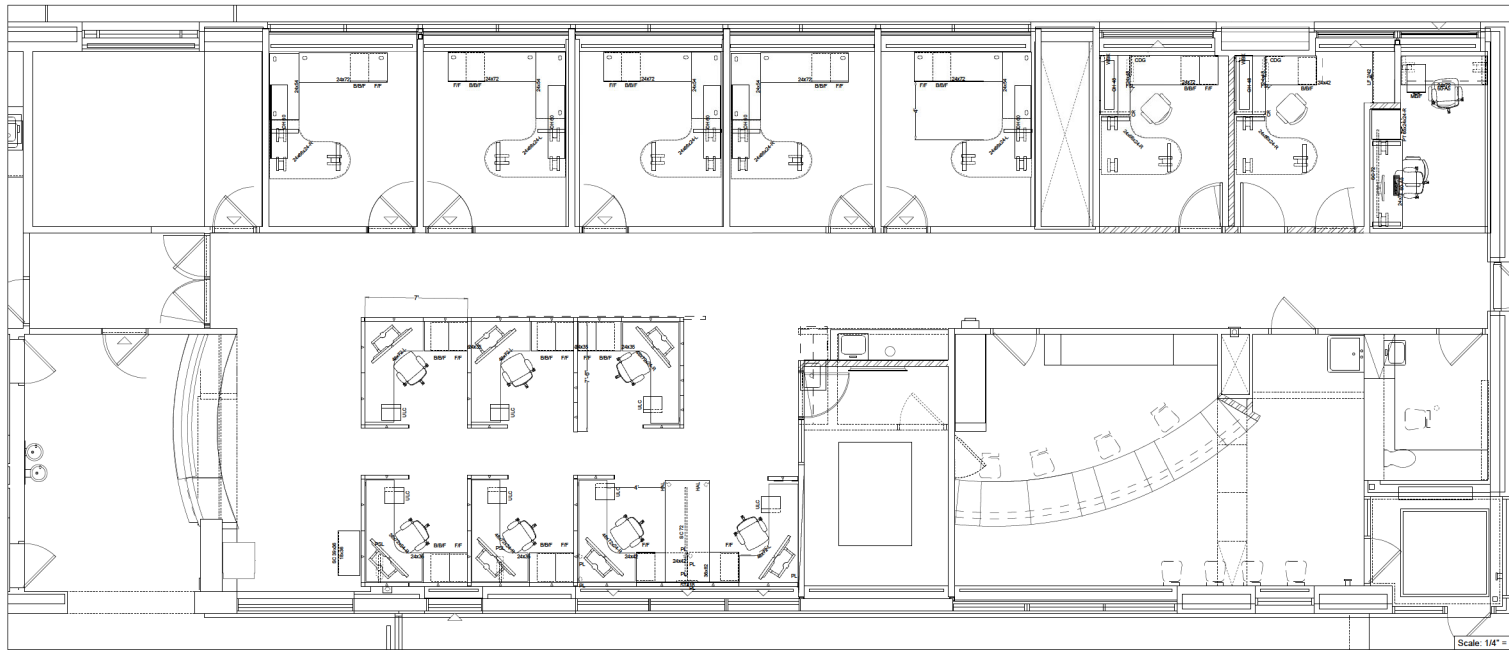
(Authorized Signature)

Vice President Community

(Title)

September 26, 2019

(Date)



www.herricksen.com

REVISIONS:
000000

DESIGN: Name, First
SALES: Salesman,
SCALE: 1/4\" = 1'-0\"
PROJECT NUMBER: 00001015
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10/1/2019
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City of Wayzata

Main Lvl - Admin Preliminary Layout

00001015

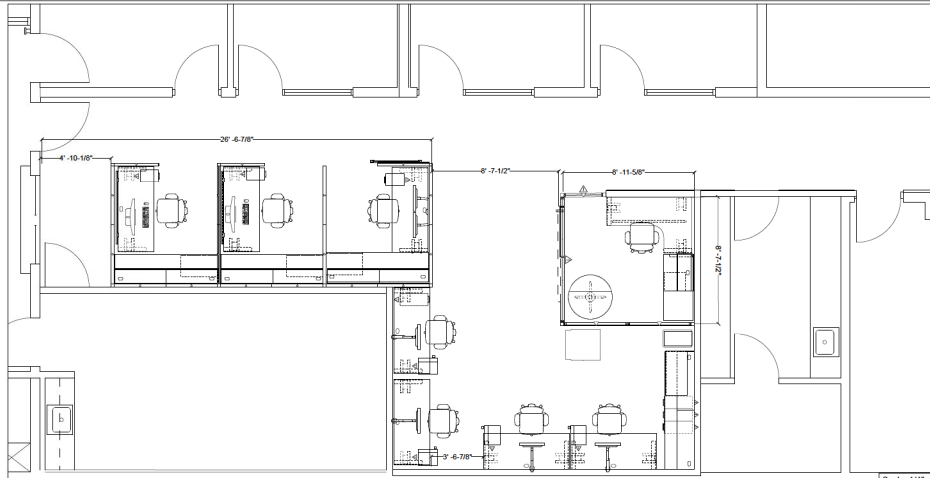
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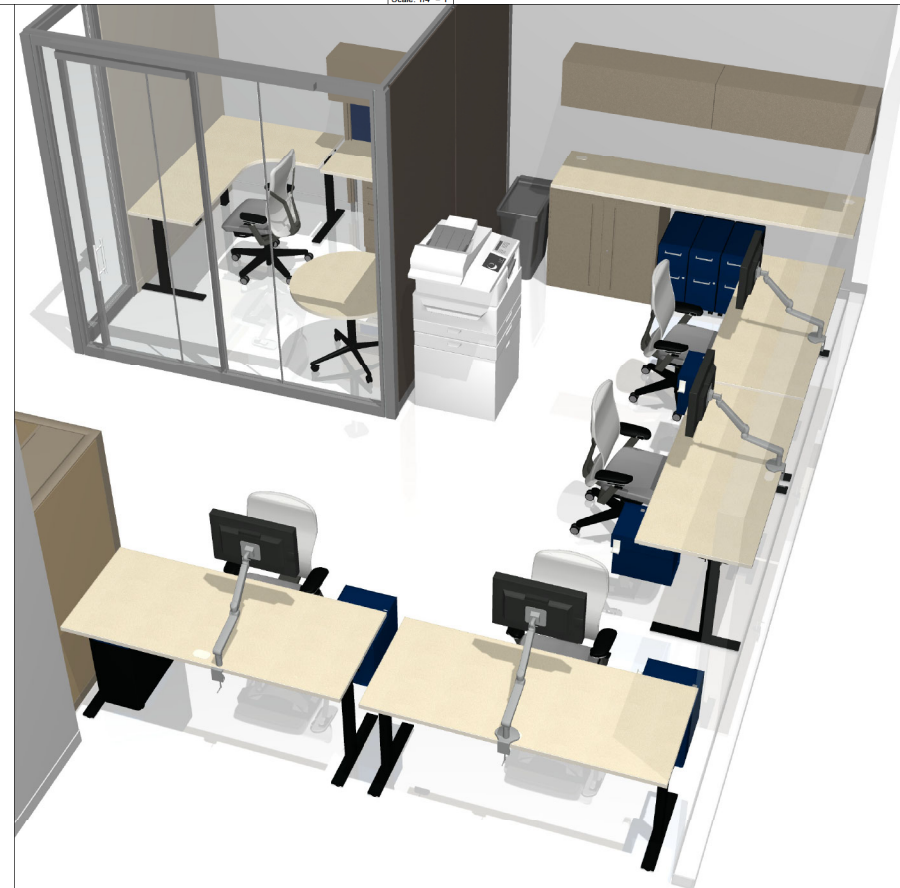
PRIVATE OFFICE



Scale: 1/4" = 1'



7X8 TYPICAL STATION



www.hennicksen.com

REVISIONS:
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DESIGN: EEU/S
SALES: LJV
SCALE: 1/4" = 1'-0"
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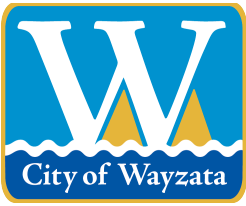
CITY OF WAYZATA

PRELIMINARY LAYOUTS

09091015

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City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 7.g.
TITLE: Receipt of Mediacom Quarterly Customer Service Report	
PROPOSED MOTION: To Accept the Third Quarter Customer Service Report from Mediacom	
PREPARED BY: Kristin Classey, Communications Specialist	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff recommends receipt and acceptance of the newly revised Customer Service Report from Mediacom for Third Quarter 2019.

FINANCIAL OR BUDGET CONSIDERATION:

Cable franchise fees are expected to generate approximately \$65,900 in revenues to the Cable TV Fund in 2019. The revenue generated is used to pay for A/V equipment at City Hall and personnel costs of our Communications Specialist and Cable TV consultants.

BACKGROUND:

The Franchise Agreement between the City and Mediacom allows for requests by the City for quarterly customer service reports.

In addition, staff has reviewed complaints received from the form on the City's website and nine residents sent in a complaint for technical issues for television and/or internet in the Third Quarter 2019.

Since the last quarter, the City's website (www.wayzata.org/wctv) was updated with FAQs on two webpages about the cable franchise and government cable channel in Wayzata. Information about the FAQs being added to the website was also communicated on social media, the Wayzata Weekly and news on the website.

Additionally, staff will be meeting with Mediacom officials this fall to reiterate the community's concerns.

ATTACHMENTS:

1. Reporting Unresolved Mediacom Technical and Service Issues in Wayzata Q3 2019
2. Mediacom Quarterly Report Q3 2019

Reporting Unresolved Mediacom Technical and Service Issues in Wayzata Quarter 3 2019

Submission Date	What is your requested resolution? (if any)	Service Address	Are you currently a Mediacom subscriber?	If yes, what services do you have with Mediacom?	What is the general nature of your complaint?	When was the first time you contacted Mediacom about the issue?	Please provide specific details regarding your concern:
7/8/2019 11:15	I would like Mediacom to provide service to my home.	455 Far Hill Road	No	Cable TV,Internet,Phone	Installation	20-Jun-19	I was supposed to have Mediacom cable, internet and phone service installed on June 20th. When the installer came to install the service, I was told that there was no signal to my home and therefore I could not get cable, internet or phone service from Mediacom.
8/2/2019 10:35	I would like the contract Mediacom signed with the city of Wayzata honored and the service times actually kept to.	414 Pondridge Circle	Yes	Internet	Service Response Time,Technical Quality/Outages	8/2/2019 9:52	My internet was down when I tried to use it in the morning. I contacted Mediacom once, was cut off during the conversation with the representative. Called back and the new agent said the soonest a technician could be sent out to my home was August 15. 14 days falls so far outside of the 24 hour window listed on Section 5, paragraph 5.3 section b-ii that it is almost funny. I do not know what sort of company actually expects a customer to wait that long for a resolution for a service like this but to even suggest it is ridiculous.

Reporting Unresolved Mediacom Technical and Service Issues in Wayzata Quarter 3 2019

8/6/2019 8:15	Fix my service. Also, I consistently have very low speed service, which I have tried to resolve numerous previous times.	1120 Hollybrook Drive	Yes	Cable TV,Internet	Technical Problem,Technical Quality/Outages	8/6/2019 8:00	I have no Mediacom service as of yesterday. I've identified that no signal is coming to my home. I called for service and was told it would be 12 days before anyone could provide service. The bill of rights says 24 hours.
8/6/2019 13:01	My requested resolution is that the City of Wayzata allow and encourage competitors (such as Comcast) the ability to offer services so the residents. Without this, the very poor service offered by Mediacom will continue.	220 Barry Ave S	Yes	Cable TV,Internet	Customer Service,Service Response Time	6/24/2019	I have filled out this form already - but I wanted to follow up. Mediacom did eventually fix our issues after a week of no internet or cable. This is much shorter than their original time frame but only happened because I called each and every day to complain. Otherwise, it would have taken at least 2 week if not longer. I have read the "bill of rights" but what is lacking in Wayzata is alternatives. I called Comcast and asked about service and they told me they could not service our area. When I pushed them as to why not, they said the city has only approved Mediacom. Is that true? if it is, what did the city get in return for exclusivity? Without competition, Mediacom has no incentive to provide expected customer service and timely response to outage.

Reporting Unresolved Mediacom Technical and Service Issues in Wayzata Quarter 3 2019

8/9/2019 7:47	Please get a competent technician here as soon as possible.	513 Ferndale Rd W	Yes	Cable TV,Internet	Technical Problem,Equipment, Service Response Time,Technical Quality/Outages	4 months ago	We have been without cable and or internet for approximately 5 weeks over the last 4 months. Currently internet out for 2 weeks. Yesterday technician replaced modem, which worked for 2 hours. Now out again and cannot get another technician until 20th of August. We will then have been out of service for a month, I have promised credit on bill in the past but has never actually come about. In addition to internet outage our cable service is now out after Mediacom replaced modem yesterday. HELP!
8/9/2019 9:00	Technical support appointment immediately	410 Carpenters Point	Yes	Cable TV,Internet	Technical Problem,Customer Service,Equipment,Service Response Time,Technical Quality/Outages	Jan. 2019	Since January either our cable or tivo service has had issues. When you call for service it always issues a service ticket for two weeks out. It would be fixed and then it would go out again.
8/18/2019 11:52	Need a tech guy here by Monday August 19	1605 Locust Hills Trail	Yes	Cable TV,Internet	Technical Problem,Service Response Time,Technical Quality/Outages	Multiple over 7 years. Most recently August 11	We are unable to get network and locals stations. They are unable to help until August 27. We're talking about basic TV here. Really? We get all the other cable stations, just not major networks. They are idiots.

Reporting Unresolved Mediacom Technical and Service Issues in Wayzata Quarter 3 2019

8/20/2019 9:44	In a recent City Council meeting Mediacom's performance was again discussed and rather than putting Mediacom's "feet to the fire" Ms. McCarthy suggested that in lieu of fixing the problem the City should offer the subscribers alternatives for their cable & internet services. This is the City dodging their responsibility in providing professional cable and internet services to its	1100 Hollybrook Drive	Yes	Cable TV,Internet	Customer Service	Many issues since 1992	City Council's less than adequate efforts to resolve Mediacom's poor performance
8/28/2019 16:17	get my internet back up and running	310 Ferndale Road W	Yes	Cable TV,Internet,Phone	Technical Problem	today	no response



Theresa Sunde
Senior Manager, Government Relations

VIA Email- communications@wayzata.org

October 9, 2019

Mr. Jeffrey Dahl
City Manager
City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

RE: Mediacom Quarterly Customer Service Report; Q3 2019

Dear Mr. Dahl:

As requested by your September 16, 2019 letter and in accordance with 7.4(c) of the Franchise Agreement, Mediacom Minnesota LLC ("Mediacom") hereby submits a quarterly customer service compliance report for Q3 2019. The report, which consists of narrative responses and supporting exhibits, demonstrates compliance with the terms and provisions of Section 5.3 of the Franchise Agreement. In addition, as agreed, responses that typically remain unchanged over time (for example, Mediacom's billing policy) state "no change from Q2 2019 report."

Sincerely,

A handwritten signature in blue ink that reads "Theresa Sunde". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Theresa Sunde

Enclosures

cc: David Schelzel, City Attorney, City of Wayzata
Bill Jensen, GVP, Mediacom Lakes Region
Thomas J. Larsen, SVP, Government and Public Relations, Mediacom
Bruce Gluckman, Deputy General Counsel, Mediacom
Jenna Comizio Guarino, Senior Director, Legal Affairs, Mediacom

**MEDIACOM QUARTERLY CUSTOMER SERVICE REPORT
Q3 2019 WAYZATA, MN**

Section 5.3 of the Franchise Agreement requires Mediacom to comply with the following consumer protection standards for Cable Service under Normal Operating Conditions¹:

(a) Cable System office hours and telephone availability.

- (i) Grantee will maintain a local, toll-free or collect call telephone access line which will be available to its Subscribers twenty-four (24) hours a day, seven (7) days a week.

RESPONSE: *No change from Q2 2019 Report.*

1. Trained Grantee representatives will be available to respond to customer telephone inquiries during Normal Business Hours.

RESPONSE: *No change from Q2 2019 Report.*

2. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after Normal Business Hours must be responded to by a trained Grantee representative on the next business day.

RESPONSE: *No change from Q2 2019 Report.*

- (ii) Under Normal Operating Conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under Normal Operating Conditions, measured on a quarterly basis.

RESPONSE: *Under Normal Operating Conditions, no less than 90% of the time, Mediacom meets these standards. The chart attached in **Exhibit A** demonstrates compliance with this obligation. In **Q3**, **100.0%** of telephone calls were answered in **30 seconds or less**; if a call needed to be transferred, the **average wait time** was **9.2 seconds**.*

- (iii) Grantee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

RESPONSE: *Mediacom has no historical record of complaints indicating a clear failure to comply with the telephone answering standards listed in (ii) above.*

- (iv) Under Normal Operating Conditions, the customer will receive a busy signal less than three percent (3%) of the time.

RESPONSE: *Under Normal Operating Conditions, when calling Mediacom customers receive a busy signal less than three percent (3%) of the time. The chart attached in **Exhibit B** shows that in **Q3** customers in Wayzata received a busy signal **0.0%** of the time.*

- (v) Customer service center and bill payment locations will be open at least during Normal Business Hours and will be conveniently located.

RESPONSE: *No change from Q2 2019 Report.*

¹ Normal Operating Conditions is defined in the Franchise Agreement as "...those service conditions which are within the control of the Grantee. Those conditions which are not within the control of the Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the System."

(b) Installations, Outages and Service Calls.

Under Normal Operating Conditions, each of the following standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:

(i) Standard Installations will be performed within seven (7) business days after an order has been placed. "Standard" Installations are those that are located up to one hundred twenty-five (125) feet from the existing distribution system.

RESPONSE: Under Normal Operating Conditions, no less than 95% of the time measured on a quarterly basis, Mediacom performs standard installations within 7 business days after an order has been placed. In some cases, customers specifically request a date that is more than 7 business days after the date the order is placed. For the purposes of this report, we believe this requirement addresses only those appointments where Mediacom chooses the installation date. In Q3, Mediacom performed all standard installations within 7 business days after an order has been placed, **100%** of the time. The chart attached in **Exhibit C** demonstrates compliance with this subsection; this information is derived from our order and billing system, CSG. As shown in the chart, of the **32** installation orders placed during **Q3**, **all 32** were completed within 7 business days or less.

(ii) Excluding conditions beyond the control of Grantee, Grantee will begin working on "Service Interruptions" promptly and in no event later than twenty-four (24) hours after the interruption becomes known. Grantee must begin actions to correct other Service problems the next business day after notification of the Service problem.

RESPONSE: Under Normal Operating Conditions, no less than 95% of the time measured on a quarterly basis, Mediacom begins working on Service Interruptions no later than 24 hours after the interruption is known to Mediacom. In Q3, there was six (6) service interruption affecting Wayzata.

The "appointment window" alternatives for Installations, Service calls, and other Installation activities will be either a specific time or, at maximum, a four (4) hour time block during Normal Business Hours. (Grantee may schedule Service calls and other Installation activities outside of Normal Business Hours for the express convenience of the customer.)

RESPONSE: No change from Q2 2019 Report. See **Exhibit E** for scheduled appointment windows.

(iii) Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

RESPONSE: No change from Q2 2019 Report.

(iv) If Grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

RESPONSE: No change from Q2 2019 Report.

(c) Communications between Grantee and Subscribers.

Grantee shall comply with the provisions of 47 CFR §76.1601-1604 regarding communications with Subscribers in the City:

(i) **Refunds.** Refund checks will be issued promptly, but no later than either:

1. The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
2. The return of the equipment supplied by Grantee if Cable Service is terminated.

RESPONSE: No change from Q2 2019 Report.

(ii) **Credits.** Credits for Cable Service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

RESPONSE: *No change from Q2 2019 Report.*

(d) Billing.

(i) Consistent with 47 C.F.R. 76.1619, bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, Basic Cable Service and premium Cable Service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

RESPONSE: *No change from Q2 2019 Report.*

(ii) In case of a billing dispute, Grantee must respond to a written complaint from a Subscriber within thirty (30) days.

RESPONSE: *In Q3 2019, Mediacom did not receive any formal written complaints from Customers residing in Wayzata.*

(e) Subscriber Information.

Grantee will provide written information on each of the following areas at the time of Installation of Service, at least annually to all Subscribers, and at any time upon request:

- (i) Products and Services offered;
- (ii) Prices and options for programming services and conditions of subscription to programming and other services;
- (iii) Installation and Service maintenance policies;
- (iv) Instructions on how to use the Cable Service;
- (v) Channel positions of programming carried on the System; and
- (vi) Billing and complaint procedures, including the address and telephone number of the City's cable office.

RESPONSE: *No Change from Q2 2019 Report.*

Subscribers shall be advised of the procedures for resolution of complaints about the quality of the television signal delivered by Grantee, including the address of the responsible officer of the City. Subscribers will be notified of any changes in rates, programming services or Channel positions as soon as possible in writing. Notice must be given to Subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of Grantee. In addition, Grantee shall notify Subscribers thirty (30) days in advance of any significant changes in the information required by this Section 5.3(e).

RESPONSE: *This information is contained in the Annual Cable Service Notice.*

(f) Notice or Rate Programming Change. In addition to the requirement of this subparagraph (f) regarding advance notification to Subscribers of any changes in rates, programming services or Channel positions, Grantee shall give thirty (30) days written notice to both Subscribers and the City before implementing any rate or Service change consistent with applicable federal law. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g., inflation, change in external costs or the addition/deletion of Channels). When the change involves the addition or deletion of Channels, each Channel added or deleted must be separately identified. For purposes of the carriage of digital broadcast signals, Grantee need only identify for Subscribers, the television signal added and not whether that signal may be multiplexed during certain dayparts.

RESPONSE: *No change from Q2 2019 Report.*

(g) Subscriber Contracts. Grantee shall, upon written request, provide the City with any standard form residential Subscriber contract utilized by Grantee. If no such written contract exists, Grantee shall file with the City a document completely and concisely stating the length and terms of the Subscriber contract offered to customers. The length and terms of any standard

form Subscriber contract(s) shall be available for public inspection during Normal Business Hours. A list of Grantee's current Subscriber rates and charges for Cable Service shall be maintained on file with City and shall be available for public inspection.

RESPONSE: *No change from Q2 2019 Report.*

(h) Refund Policy. If a Subscriber's Cable Service is interrupted or discontinued, without cause, for twenty-four (24) or more consecutive hours, Grantee shall, upon request by the Subscriber, credit such Subscriber pro rata for such interruption. For this purpose, every month will be assumed to have thirty (30) days.

RESPONSE: *This information is contained in the Annual Cable Service Notice.*

(i) Late Fees. Grantee shall comply with all applicable state and federal laws with respect to any assessment, charge, cost, fee or sum, however characterized, that Grantee imposes upon a Subscriber for late payment of a bill. The City reserves the right to enforce Grantee's compliance with all Applicable Laws to the maximum extent legally permissible.

RESPONSE: *Information concerning fees is contained in the Annual Cable Service Notice; the charge for late fees is itemized on the rate card, which is included with the Annual Cable Service Notice.*

(j) Disputes. All Subscribers and members of the general public may direct complaints, regarding Grantee's Service or performance to the chief administrative officer of the City or the chief administrative officer's designee, which may be a board or Commission of the City.

RESPONSE: *This information is contained in the Annual Cable Service Notice.*

(k) Failure to Resolve Complaints. Grantee shall resolve a complaint within thirty (30) days. In addition, Grantee shall respond to written complaints from the City in a timely manner, and provide a copy of each response to the City within fifteen (15) days.

RESPONSE: *This information is contained in the Annual Cable Service Notice.*

(l) Notification of Complaint Procedure. Grantee shall have printed clearly and prominently on each Subscriber bill and in the customer service agreement provided for in Section 5.3(e), the twenty-four (24) hour Grantee phone number for Subscriber complaints. Additionally, Grantee shall provide information to customers concerning the procedures to follow when they are unsatisfied with measures taken by Grantee to remedy their complaint. This information will include the phone number of the City office or Person designated to handle complaints. Additionally, Grantee shall state that complaints should be made to Grantee prior to contacting the City.

RESPONSE: *This information is contained in the Annual Cable Service Notice.*

(m) Grantee Identification. Grantee shall provide all customer service technicians and all other Grantee employees entering private property with appropriate picture identification so that Grantee employees may be easily identified by the property owners and Subscribers.

RESPONSE: *No change from Q2 2019 Report.*

EXHIBIT A

5.3(a)(ii) Telephone Answer Time

Q3 2019 Wayzata, MN

Month	Total Calls Answered*	% Busy Signal	% Answered in 30 Seconds	Automated Resolved*	Calls Transferred to Agents Answered*	Avg Wait Time For Calls Trans to Agent (Sec)*	Q Calls Abandoned*	% Abandon*
July	16,684	0.0%	100.0%	4,222	12,462	9.6	100	.8
August	16,646	0.0%	100.0%	4,360	12,286	9.6	78	.6
September	14,632	0.0%	100.0%	4,106	10,526	8.4	70	.7
Q3 Totals	47,962	0.0%	100.0%	12,688	35,274	9.2	248	.7

*Due to Mediacom's network infrastructure, this data may include Minnesota calling areas outside of the Wayzata franchise area. Nevertheless, this data should be representative of the call response metrics for calls originating from Wayzata subscribers.

Exhibit B

5.3(a)(iv) Busy Signal

Q3 2019 Wayzata, MN

Month	Sum of Completed Calls	Sum of Busy Signal
July	2313	0.00%
August	2769	0.00%
September	1925	0.00%
Grand Total	7,007	0.00%
Percentage of time customer received busy signal:		0.00%

Exhibit C

5.3(b)(i) Standard Installations

Q3 2019 Wayzata, MN

Number of Days from Order Date	Number of Installations Completed	Percentage of Total Completed Installations
1	4	13%
2	9	30%
3	3	10%
4	7	23%
5	7	23%
6	2	1%
7	1	0%
Grand Total	31	100%

Exhibit D

5.3 (b)(ii) Service Interruptions

Q3 2019 Wayzata, MN

Start Date	Tech Contacted	Tech On Site	Response Time (H:M)	End Date	Duration (H:M)	Primary Resolution Code	Type
7/15/19 21:03	7/15/19 21:05	N/A	N/A	7/16/19 1:58	4:55	Commercial Power	All Services-Outage
7/24/19 8:44	7/24/19 9:06	7/24/19 9:40	0:56	7/24/19 11:01	2:17	Repl Fuse/reset Breaker	All Services-Outage
8/5/19 12:20	8/5/19 13:14	8/5/19 14:05	1:45	8/5/19 16:15	3:55	Plant Coaxial Cable	All Services - Outage
8/10/19 18:53	8/10/19 19:04	8/10/19 20:00	1:07	8/10/19 23:23	4:30	Repl Fuse/reset Breaker	All Services - Outage
8/28/19 12:05	8/28/19 13:05	8/28/19 13:53	1:48	8/28/19 15:43	3:38	Plant Coaxial Passive	All Services - Outage
9/24/19 8:51	9/24/19 9:17	9/24/19 9:54	1:03	9/24/19 10:09	1:18	Repl Fuse/reset Breaker	All Services - Outage

Exhibit E

5.3(b)(iii) Appointment Windows

Q3 2019 – Wayzata, MN

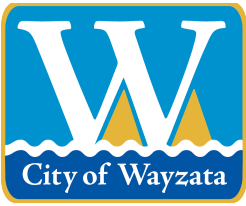
WZ/MA	QC/SC	Time Slot
76MOUND	21 - POSITIVE WORK	8:30-9:00
76MOUND	21 - POSITIVE WORK	8:00-12:00
76MOUND	21 - POSITIVE WORK	1:00-1:30
76MOUND	21 - POSITIVE WORK	1:00-5:00
76MOUND	21 - POSITIVE WORK	5:30-6:00
76MOUND	21 - POSITIVE WORK	5:00-7:00
76MOUND	23 - TROUBLE CALL	8:00-8:30
76MOUND	23 - TROUBLE CALL	8:00-12:00
76MOUND	23 - TROUBLE CALL	1:00-5:00
76MOUND	23 - TROUBLE CALL	6:00-6:30
76MOUND	23 - TROUBLE CALL	5:00-7:00

Exhibit F

5.3(d)(ii) Billing Dispute Complaints

Q3 2019 Wayzata, MN

None



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 7.h.
TITLE: Approval of Resolution 43-2019 Designating a Precinct and Polling Place for 2020	
PROPOSED MOTION: To Approve Resolution 43-2019 Designating a Precinct and Polling Place for 2020	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of Resolution 43-2019 Designating a Precinct and Polling Place for the 2020 Elections.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

Minnesota State Statute 204B.16 requires the Wayzata City Council to designate, by ordinance or resolution, polling places for each election precinct by December 31 for the upcoming year. A resolution is required to be passed even if there are no polling place changes and even if the jurisdiction does not have a scheduled election.

The City plans to continue with one precinct, "Precinct #1" and continue using Wayzata City Hall as its polling place. By approving the attached resolution, the Council would be reestablishing the same precinct and polling place that we previously have had in place.

ATTACHMENTS:

1. Resolution 43-2019 Designating a Precinct and Polling Place for the 2020 Election

CITY OF WAYZATA

RESOLUTION NO. 43-2019

**RESOLUTION DESIGNATING A PRECINCT AND POLLING PLACE
FOR THE 2020 ELECTIONS**

WHEREAS, Minnesota Statute Section 204B.16, subd. 1 requires that municipalities must designate polling places for each precinct by December 31 of each year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wayzata hereby designates the boundaries of the voting precinct and polling place for 2020 as follows:

Precinct 1 - Wayzata City Hall, 600 Rice Street E., Wayzata, MN 55391

The entire contiguous boundaries of the City

Adopted by the Wayzata City Council this 15th day of October, 2019.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

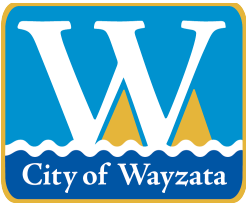
Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 15, 2019.

City Clerk Kathy Leervig

SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 7.i.
TITLE: Adoption of First Reading of Stormwater Ordinance 792 related to the City's 2019 Update of the Local Surface Water Management Plan	
PROPOSED MOTION: To Adopt Ordinance 792 related to the City's 2019 Update of the Local Surface Water Management Plan	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff recommends adopting Ordinance 792 related to the City's 2019 Update of the Local Surface Water Management Plan.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

The City of Wayzata lies entirely within the jurisdictional boundaries of the Minnehaha Creek Watershed District (MCWD). Every ten (10) years cities within the MCWD are required to make changes in their local surface water management plan to comply with the requirements of the MCWD plan.

A copy of the City of Wayzata's 2019 Local Surface Water Management Plan can be found on the City's website or by clicking on the link below.

[2019 City of Wayzata Local Surface Water Management Plan](#)

(The full plan is also available on the City of Wayzata website under Stormwater Management)

The City of Wayzata's 2019 Surface Water Management Plan was adopted by the MCWD on September 26, 2019. A copy of the MCWD Board Action is attached for reference.

A copy of the proposed City of Wayzata Ordinance 792 is attached for your review.

ATTACHMENTS:

1. MCWD Approval of Wayzata Local Water Plan
2. Ordinance 792 - 2019 Surface Water Management Plan Update

MEETING DATE: September 26, 2019

TITLE: Approval of Wayzata Local Water Management Plan

RES. NUMBER: 19-087

PREPARED BY: Becky Christopher

E-MAIL: bchristopher@minnehahacreek.org **TELEPHONE:** (952) 641-4512

REVIEWED BY: ☐ Administrator ☐ Counsel ☐ Program Mgr.
☐ Board Committee ☐ Engineer ☐ Other

WORKSHOP ACTION:

- | | |
|--|---|
| ☐ Advance to Board mtg. Consent Agenda. | ☐ Advance to Board meeting for discussion prior to action. |
| ☐ Refer to a future workshop (date): _____ | ☐ Refer to taskforce or committee (date): _____ |
| ☐ Return to staff for additional work. | ☐ No further action requested. |
| ☒ Other: Requesting final action on September 26, 2019 | |

PURPOSE or ACTION REQUESTED:

Approval of the City of Wayzata Local Water Management Plan

PROJECT/PROGRAM LOCATION:

City of Wayzata

PROJECT TIMELINE:

January 22, 2019	Wayzata LWMP first draft submitted to MCWD
March 19, 2019	MCWD comments and denial letter sent
June 18, 2019	Wayzata LWMP revised draft submitted to MCWD
July 19, 2019	MCWD comments sent
August 14, 2019	Wayzata LWMP final draft submitted to MCWD

PROJECT/PROGRAM COST:

N/A

PAST BOARD ACTION:

June 18, 2009	Approval of Wayzata local water management plan (09-060) and Authorization to execute Memorandum of Understanding (09-061)
January 11, 2018	Approval and adoption of MCWD Watershed Management Plan for the implementation period 2018-2027 (18-004)

SUMMARY:

Background:

MN Statutes §103B.235 and MN Rules §8410.0160 grant watershed districts the authority to review and approve local water management plans (LWMPs). Under this framework, watershed districts can assign responsibilities to local government units (LGUs) for carrying out implementation actions defined in the watershed plan. The LWMP is a required element of the LGU comprehensive land use management plan which LGU's were required to adopt by the end of 2018.

The Minnehaha Creek Watershed District (MCWD or District) adopted its new Watershed Management Plan (Plan) in January 2018. The Plan is rooted in the District's Balanced Urban Ecology policy (BUE) as the principal strategy to accomplish its mission. The BUE policy recognizes the inter-dependence of the natural and built environment and that both benefit through a holistic planning approach. The BUE policy establishes the guiding principles of focus in areas of highest resource needs, flexibility to respond to emerging opportunities as a result of land use change in real time, and pursuing clean water goals in partnership with our communities.

The Plan establishes the District as a regional water planning agency. The Plan provides rationale for subwatershed-based planning and prioritization by which to focus implementation efforts for the 2018-2027 Plan cycle. The District has prioritized the subwatersheds of Minnehaha Creek, Six Mile Creek-Halsted Bay and Painter Creek-Jennings Bay based on a combination of resource needs and opportunities for management of some of the State's most prized recreational natural resources of Lake Minnetonka and Minnehaha Creek – including the Minneapolis Chain of Lakes.

In addition to these focused planning and implementation efforts, the District's approach watershed-wide is to remain responsive to opportunities created by local land use change or partner initiatives. The District's responsive approach relies on early and effective coordination by the District's communities to help identify opportunities to integrate plans and investments. As opportunities arise, the District will evaluate them against the resource needs and priorities defined for each subwatershed in the District's Plan and determine the appropriate response. The District has a wide range of services it can mobilize to address resource needs and support partner efforts, including data collection and diagnostics, technical and planning assistance, permitting assistance, education and capacity building, grants, and capital projects.

Integration of land use and water planning is the primary focus of the LWMP requirements set forth in the District's Plan. To effectively integrate the goals of MCWD and its LGUs in a way that maximizes community benefits and effectively leverages public funds, the District has invited a partnership framework with its communities. In addition to the legally required elements of LWMPs, as defined in State statute and rules, the MCWD Plan requires communities to propose a coordination plan which describes how the LGU and MCWD will share information and work together to integrate land use and water planning. Specifically, the purpose of a MCWD/LGU coordination plan is to:

1. Establish a framework to be informed as to current LGU land use and infrastructure planning and enable early coordination of land use and water resources management
2. Foster LGU development regulation that integrates water resource protection before plans are fixed
3. Identify and capitalize on project opportunities for improved water resources outcomes while maximizing other public and private goals

As established in the District's Plan, MCWD will prioritize implementation efforts and resource deployment based on its established priorities and LGU commitment to coordination. This commitment is demonstrated through the coordination plan and its implementation by the LGU.

Wayzata LWMP Summary:

The City of Wayzata (City) has submitted its LWMP for MCWD review and approval. District staff reviewed the LWMP and provided detailed comments regarding the goals and requirements of the District's Plan for consideration and incorporation into the LWMP. The City has revised the LWMP to address the District's comments.

The City occupies approximately 3.1 square miles and lies entirely within the MCWD (see attached map). Wayzata includes portions of the following subwatersheds: Lake Minnetonka, Gleason Lake, and Minnehaha Creek. Major waterbodies within the City include portions of Lake Minnetonka's Brown's Bay, Wayzata Bay, and Gray's Bay as well as Peavey Lake, a portion of Gleason Lake, and Gleason Creek.

The City contributes drainage to the following impaired waters: Gleason Lake (nutrients), Peavey Lake (nutrients and chloride), Lake Hiawatha (nutrients), and Minnehaha Creek (fish, macroinvertebrates, *E. coli*, and dissolved oxygen). The primary management strategies identified for this area in the District's Plan are protection through regulation, promotion of best practices for shoreline management and chloride use, and implementation of opportunity-based stormwater management projects.

Wayzata is largely developed, with some future infill development and redevelopment anticipated. The City's plan states that it will look for opportunities in developed areas to retrofit water quality improvement best management practices (BMPs) to improve the overall water quality in the City. The City is planning to implement a Parks and Trails Master Plan which would address stormwater management and sustainability within several of the City's parks. The City's plan also states that, whenever possible, efforts will be made to incorporate stormwater management into transportation, facilities, sanitary sewer, water supply, and public facilities projects.

Another priority for the City is the Lake Effect Project, which is expected to begin construction in fall 2019. The City has identified this project as a partnership opportunity with the MCWD, particularly with respect to BMP design and public education.

As a required element of the LWMP, the City has developed a MCWD-City Coordination Plan (attached) which serves as a framework to support ongoing communication and promote value-added collaboration between the City and MCWD. The Coordination Plan covers the following areas: annual meeting, land use planning, public projects, regulatory coordination, public communications and education, operations and maintenance, and others.

The City proposes to retain implementation authority for MCWD's Erosion Control, Wetland Protection, and Stormwater Management rules. A memorandum of understanding (MOU) was executed in 2009 outlining the City's obligations regarding regulatory authority, and this MOU is still in effect and included in the City's plan. The City will also continue to retain Local Government Unit authority for the Wetland Conservation Act.

Recommendation:

Staff has verified that the LWMP meets all requirements of Minnesota Statutes §103B.235, Minnesota Rules 8410.0160, and the MCWD Watershed Management Plan and recommends approval.

Attachments:

1. Wayzata Map
2. Wayzata Coordination Plan
3. Wayzata LWMP (via website)

RESOLUTION

RESOLUTION NUMBER: 19-087

TITLE: **Approval of Wayzata Local Water Management Plan**

WHEREAS, on January 11, 2018, the MCWD adopted its Watershed Management Plan (WMP) pursuant to Minnesota Statutes §103B.231 and Minnesota Rules 8410, which describes how the MCWD will fulfill its responsibilities under the Metropolitan Surface Water Management Act for implementation over the period 2018-2027, and which is guided by the organizational strategy and approach defined through the Balanced Urban Ecology policy; and

WHEREAS, the Balanced Urban Ecology policy prioritizes partnership with the land use community to integrate policy, planning, and implementation in order to leverage the value created when built and natural systems are in harmony; and

WHEREAS, the Balanced Urban Ecology policy rests on the guiding principles of focusing in areas of highest resource needs, being flexible to respond to opportunities that arise through land use changes, and working in partnership to achieve the MCWD's goals; and

WHEREAS, on watershed district adoption of its WMP, cities and towns (local government units or LGUs) within the watershed must prepare local water management plans (LWMPs) that meet content requirements of Minnesota Statutes §103B.235, Minnesota Rules 8410.0160 and the WMP; and

WHEREAS, the LWMP is a primary tool to provide a framework for increased early coordination of land use and water planning through the coordination plan that is a required component of the LWMP and the content of which is described in the WMP, Appendix A; and

WHEREAS, the MCWD will prioritize implementation efforts and resource deployment based on its established priorities and LGU commitment to coordination as demonstrated through the coordination plan and its implementation by the LGU; and

WHEREAS, the City of Wayzata (City) has revised its LWMP and submitted it to the MCWD for review and approval; and

WHEREAS, MCWD staff reviewed the draft LWMP, provided detailed written comments on the LWMP, and thereafter worked with City staff to achieve the development of a proposed LWMP for consideration by the MCWD Board of Managers; and

WHEREAS, the Metropolitan Council has reviewed the LWMP and provided its written comments to the MCWD in a letter on March 25, 2019, and the MCWD has fully considered the comments; and

WHEREAS, the City wishes to retain water resource regulatory authority within the meaning of Minnesota Statutes §103B.211, subd. 1(a)(3), and assert sole permitting jurisdiction with respect to activities subject to MCWD's Erosion Control, Wetland Protection, and Stormwater Management rules; and

WHEREAS, the City's ordinances and official controls regarding Erosion Control, Wetland Protection, and Stormwater Management were reviewed and found to provide protection of water resources at least as effective as the MCWD rules; and

WHEREAS, a memorandum of understanding (MOU) was executed in 2009 describing the City's obligations regarding regulatory authority, and this MOU is still in effect and included in the City's LWMP; and

WHEREAS, the MCWD will continue to exercise its present authority with respect to all District rules except Erosion Control, Wetland Protection, and Stormwater Management under authority provided by MCWD Rules and Minnesota Department of Natural Resources, and otherwise exercise its permitting and approval authority in accordance with the terms of Minnesota Statutes §103B.211, subd. 1(a)(3); and

WHEREAS, the LWMP states that the City elects to continue to act as the Local Government Unit responsible to implement the Minnesota Wetland Conservation Act; and

WHEREAS, the LWMP contains a coordination plan that meets the standards set forth in the MCWD WMP, Appendix A; and

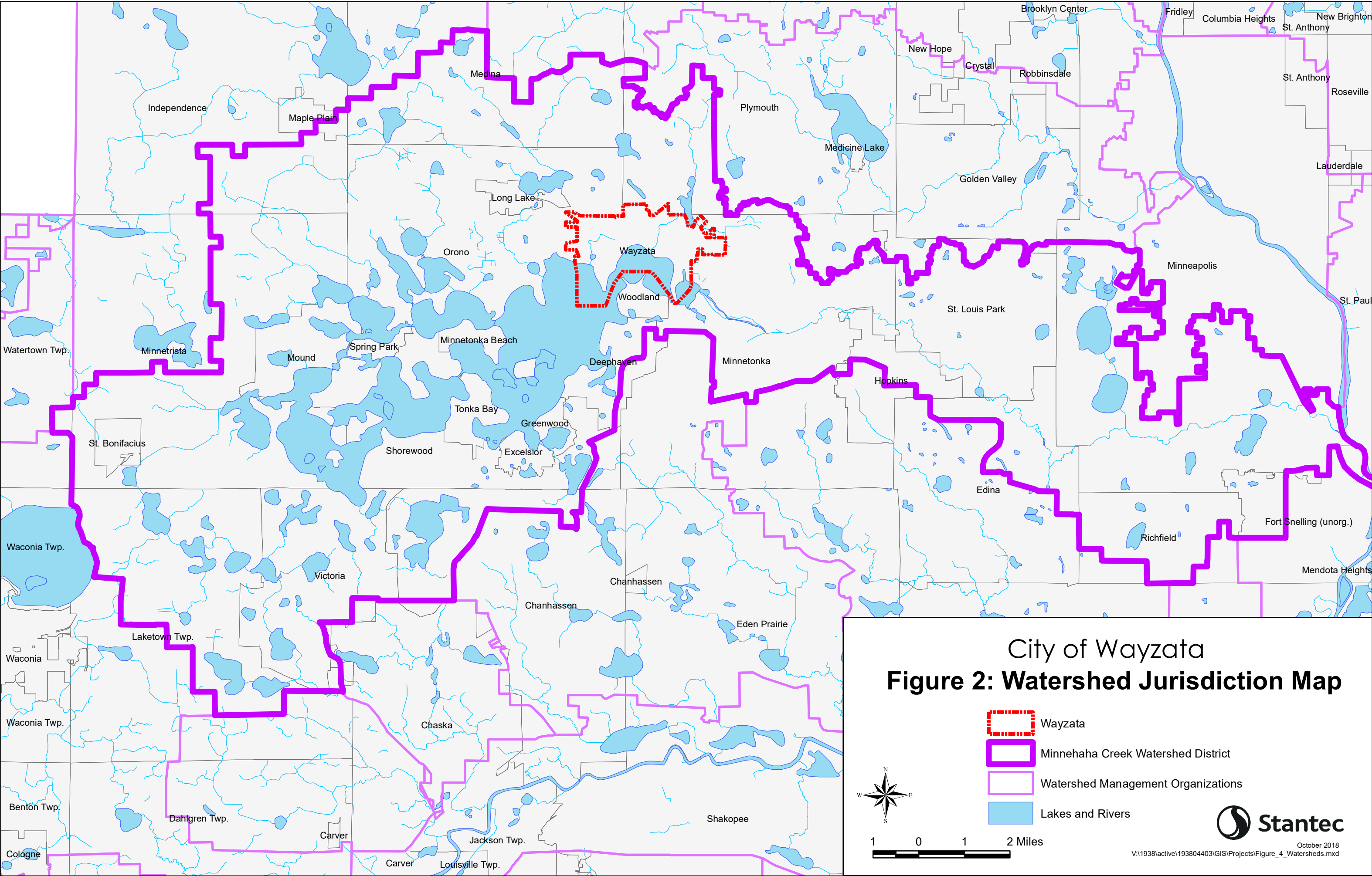
WHEREAS, the MCWD has determined that the final revised LWMP meets the requirements of Minnesota Statutes § 103B.235, Minnesota Rules 8410.0160, and is consistent with the MCWD WMP including Appendix A, "Local Water Plan Requirements";

NOW, THEREFORE, BE IT RESOLVED, that the MCWD hereby approves the City of Wayzata Local Water Management Plan; and

BE IT FURTHER RESOLVED, that the Board approves the associated coordination plan and adopts it on behalf of the MCWD; and

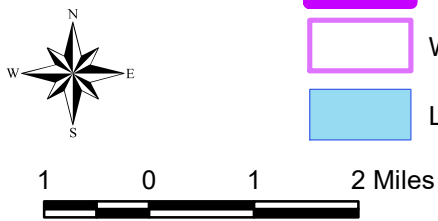
BE IT FINALLY RESOLVED that the City is to adopt and implement its LWMP within 120 days, and to notify the MCWD within 30 days thereafter that it has done so.

Resolution Number 19-087 was moved by Manager Olson, seconded by Manager Hejmadi.
Motion to adopt the resolution 6 ayes, 0 nays 0 abstentions. Date: 9-26-19.
Kurt Rogers . Date: _____
Secretary



City of Wayzata
Figure 2: Watershed Jurisdiction Map

- Wayzata
- Minnehaha Creek Watershed District
- Watershed Management Organizations
- Lakes and Rivers



October 2018
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MINNEHAHA CREEK WATERSHED COORDINATION PLAN

The following Coordination Plan outlines a relationship between the City of Wayzata (the City) and the Minnehaha Creek Watershed District (the MCWD). The purpose of this Coordination Plan is to maintain awareness of the needs and opportunities for successful surface water management within the City, and to promote successful partnership towards implementation of projects to meet the surface water management needs. It is anticipated that the City Engineer will be the primary contact between the City and the MCWD for the Coordination Plan. The following agreements comprise the Coordination Plan:

- **Annual meeting:** The City and the MCWD agree to meet annually to review progress in the *Local Surface Water Management Plan* implementation. The annual meeting will be scheduled by the City Engineer. The meeting will include review of the annual National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) report and activity from the previous year.

The annual meeting will include discussion about yearly updates to the City's Capital Improvement Program (CIP). The discussion will be a time for the MCWD to coordinate projects, discuss potential funding opportunities, including funding opportunities internal to the MCWD and through external sources, and provide comments.

- **Planning Coordination:** The City agrees to notify and consult with the MCWD regarding updates to road & infrastructure and parks & recreation planning efforts. Updates are to be sent by the City Engineer to the MCWD for review and comment at a minimum of once per year.
- **Land Use:** The City agrees to notify the MCWD with requests for land use approvals for review and comment. This includes, but is not limited to, requests for prospective development/redevelopment and receipt of preliminary plats. The MCWD agrees to notify the City upon receipt of preliminary plats. Additionally, the City and the MCWD agree to provide mutual notice of significant events related to prospective development/redevelopment.
- **Small Area Plans:** The City agrees to notify the MCWD with updates to the institution and completion of small area plans and other focused development/redevelopment actions. Updates are to be sent by the City Engineer to the MCWD at a minimum of once per year.
- **Project Opportunities:** The City agrees to engage the MCWD early in the process for potential project partnering opportunities, in order to help evaluate the opportunities against MCWD goals and priorities and determine the MCWD's role.
- **MS4 System:** In addition to a review of the MS4 system at the annual meeting, the City agrees to notify the MCWD of any significant alterations to the MS4 system throughout the year, for the purpose of keeping the MCWD's hydrologic and hydraulic model up to date.
- **Watershed District Updates:** Throughout the year, the MCWD agrees to notify the City of any amendments to the current *Watershed Management Plan*, as well as any updates to the MCWD

CIP. Additionally, the MCWD agrees to notify the City with significant events related to prospective (re)development.

- **Public Communications and Education:** The City agrees to promote the Educational Workshops and Events put on by the MCWD. The City and the MCWD agree to coordinate when possible to avoid replicating educational programs.
- **Funding:** In order to assist the City in implementing projects related to surface water management, the MCWD agrees to continue to provide information regarding upcoming grants and other funding opportunities, both internal and external to the MCWD.
- **Wetland Conservation Act:** The City wishes to retain LGU authority for the Wetland Conservation Act. The City agrees to maintain rules and regulations at least as stringent as the MCWD for wetland protection and management. The MCWD agrees to provide consultation through a Technical Evaluation Panel to guide the City in wetland protection and management regulations and projects.
- **Regulatory Coordination:** The City and the MCWD agree to coordinate activities regarding regulation of surface water management, including ensuring applicants are aware of permitting authority of both parties, holding pre-application meetings, sharing complaint information, coordinating compliance inspections, and coordinating regulatory enforcement. Coordination will be carried out between the City Engineer and MCWD staff over phone and email, and through in-person meetings if necessary.
- **Operation and Maintenance:** The City agrees to inform the MCWD on the status and schedule of operation and maintenance activities associated with partnering projects.

ORDINANCE NO. 792

AN ORDINANCE AMENDING THE SURFACE WATER MANAGEMENT PLAN

THE CITY OF WAYZATA ORDAINS:

Section 1. The Wayzata City Code, Chapter 408, is hereby amended to adopt the 2019 Update of the City of Wayzata Surface Water Management Plan in its entirety.

Adoption of Wayzata Surface Water Management Plan. Pursuant to the legislative authority set forth in Minnesota Statutes Sections 462.3511, 103B and 103D, the 2019 Update of the Wayzata Surface Water Management Plan is hereby adopted by reference, and all notations, references and other matters shown thereon shall be as much a part of this Chapter as if the notations, references and other matter as set forth by said Plan were all fully described herein. Said Plan shall be amended in the same manner as this Chapter and shall be made available to the general public at the office of the City Clerk.

Section 2. Effective Date

This Ordinance is effective upon adoption by the City Council and publication.

Adopted by the City Council of Wayzata, Minnesota this 15th day of October, 2019.

Mayor Ken Willcox

Attest: _____
City Manager Jeffrey Dahl

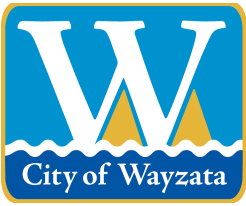
ATTEST:

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Wayzata, Minnesota, at duly authorized meetings held on October 15, 2019 and November 6, 2019.

Kathy Leervig, City Clerk

SEAL

First Reading: October 15, 2019
Second Reading: November 6, 2019
Publication:
Effective Date:



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 8.a.
TITLE: Consider Approval of Resolution No. 44-2019 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges	
PROPOSED MOTION: To Approve Resolution 44-2019 Certifying to the County Auditor Assessments for Unpaid Delinquent Utility Bill Charges	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

After the Public Hearing at which all interested persons have had the opportunity to be heard on this matter, staff recommends approval of Resolution 44-2019.

FINANCIAL OR BUDGET CONSIDERATION:

The assessments will offset the costs of the services provided. In addition, a service fee of \$50 will be applied to each account and shall bear an interest rate of six and one-half percent (6.5%).

BACKGROUND:

The attached list of delinquent utility bill charges are more than thirty days past due and have remained unpaid despite attempts at collection. In order to ensure the City has enough time to get the assessment roll to the County for taxes payable in 2020, action must be made this time of year.

ATTACHMENTS:

1. Resolution 44-2019 Assessment Roll Delinquent Utility Bills
2. Assessment Roll

RESOLUTION NO. 44-2019

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

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

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

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

BE IT FURTHER RESOLVED that the City Manager is hereby directed to certify the attached assessments, which includes a \$50.00 service fee per account, to the Auditor of Hennepin County for extension on the tax rolls against the designated premises in the same manner as real estate taxes, for collection by the County Treasurer and payment upon collection to the City of Wayzata, at an interest rate of six and one-half percent (6.5%).

Adopted by the Wayzata City Council this 15th day of October 2019.

Kenneth Willcox, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

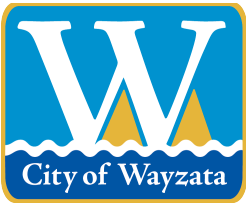
Resolution:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 15, 2019.

Kathy Leervig, City Clerk
SEAL

2019 UNPAID DELINQUENT UTILITY BILLS

Balance	Admin Fee	Total Bal Due	PIDS	Serv Addr	Reason	Levy #
\$1,000.00	\$50.00	\$1,050.00	06-117-22-13-0065	128 BROADWAY AVE N	Code Violation	
\$453.87	\$50.00	\$503.87	06-117-22-21-0006	503 MAPLE SQUARE	Utility Bill	
\$42.86	\$50.00	\$92.86	01-117-23-14-0001	159 WESTWOOD LANE S	Utility Bill	
\$196.12	\$50.00	\$246.12	05-117-22-22-0113	412 PONDRIDGE CIR	Utility Bill	
\$58.16	\$50.00	\$108.16	06-117-22-21-0003	312 BARRY AVE N	Utility Bill	
\$1,038.71	\$50.00	\$1,088.71	06-117-22-14-0008	273 CENTRAL AVE N	Utility Bill	
\$2,144.71	\$50.00	\$2,194.71	06-117-22-14-0019	1022 GARDNER ST E	Utility Bill	
\$159.64	\$50.00	\$209.64	06-117-22-11-0003	1023 GARDNER ST E	Utility Bill	
\$198.33	\$50.00	\$248.33	06-117-22-11-0005	310 BENTON AVE N	Utility Bill	
\$708.20	\$50.00	\$758.20	05-117-22-41-0006	16104 HOLDRIDGE RD W	Utility Bill	
\$389.91	\$50.00	\$439.91	04-117-22-32-0004	1322 HOLDRIDGE TER	Utility Bill	
\$744.73	\$50.00	\$794.73	04-117-22-32-0008	15906 HILL RD	Utility Bill	
\$296.93	\$50.00	\$346.93	04-117-22-32-0011	1501 CROSBY RD	Utility Bill	
\$632.32	\$50.00	\$682.32	06-117-22-24-0079	233 WALKER AVE N	Utility Bill	
\$1,031.68	\$50.00	\$1,081.68	06-117-22-12-0025	245 WALKER AVE N	Utility Bill	
\$1,414.32	\$50.00	\$1,464.32	06-117-22-12-0027	309 WALKER AVE N	Utility Bill	
\$906.45	\$50.00	\$956.45	05-117-22-22-0117	420 PONDRIDGE CIR	Utility Bill	
\$1,917.72	\$50.00	\$1,967.72	01-117-23-14-0025	199 LAKEVIEW LA S	Utility Bill	
\$2,754.33	\$50.00	\$2,804.33	12-117-23-12-0032	308 FERNDAL RD W	Utility Bill	
\$629.98	\$50.00	\$679.98	06-117-22-21-0008	559 MAPLE SQUARE	Utility Bill	
\$775.08	\$50.00	\$825.08	06-117-22-21-0031	324 GARDNER ST E	Utility Bill	
\$549.38	\$50.00	\$599.38	06-117-22-12-0052	617 RIDGEVIEW DR E	Utility Bill	
\$198.77	\$50.00	\$248.77	06-117-22-21-0016	360 RIDGEVIEW DR E	Utility Bill	
\$1,145.02	\$50.00	\$1,195.02	31-118-22-33-0050	141 RIDGEVIEW DR E	Utility Bill	
\$419.58	\$50.00	\$469.58	31-118-22-34-0015	375 MARGARET CIR	Utility Bill	
\$19,806.80	\$1,250.00	\$21,056.80				



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 9.a.
TITLE: Consider Adoption of First Reading of Ordinance 791 Amending City Code Section 311 and Amendment to the City Policy Pertaining to Boat Slips	
PROPOSED MOTION: To Adopt the First Reading of Ordinance 791 Amending City Code Section 311 and to Approve Amendments to City Policy Pertaining to Boat Slips	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff recommends adoption of the First Reading of Ordinance 791 and a separate action amending the City Boat Slip Policy.

FINANCIAL OR BUDGET CONSIDERATION:

The proposed changes do not impact the budget other than the increase of the 2020 fees previously approved by the City Council.

BACKGROUND:

Section 311 of the City Code states that the City's Boat Slip Policy shall be reviewed periodically by the City Manager. As part of the review this year, it was determined that the following changes would provide a better understanding of the boat slip permitting process.

- **Date changes** — (code and policy change). Allows for ease of remembering boat in/out dates for boat slip permit holders, more efficient administrative processing to work around other licensing events and elections for 2020.
- **Consistency** — (code and policy change). Terminology updates throughout with words such as "moor, park, lagoon and marina."
- **Limitation on use of Boat Slips** — (code change). Boat lifts were added as a non-allowable structure.
- **Permitted Watercraft** — (policy change). Clarification on the boat length allowed in the marina, MN DNR registration, LMCD requirements, and type/number of watercraft allowed. Includes that "jet skis" would be allowed.
- **General Understanding** — (policy change). Restructured to be less complicated and allow for simplified understanding of the application and lottery process, and adding a section with requirements that apply to all boat slip holders.

Given the degree of changes to both documents, attached is:
timeline and fee summary as well as the existing, proposed (showing changes), and proposed (clean) copies of both the ordinance and policy.

ATTACHMENTS:

1. Summary of Existing/Proposed Dates & Fees
2. Existing Boat Slip Ordinance and Policy

3. Proposed Ordinance 791 & Proposed Policy (Redline)
4. Proposed Ordinance and Policy (Accepted Changes)

2019 DATES/FEES (EXISTING)

BOAT SLIPS / IMPORTANT DATES & DEADLINES

- 11/15 *approx. - RENEWAL APPLICATIONS SENT OUT
- 2ND TUESDAY IN JANUARY – RENEWAL APPLICATIONS DUE
- 2ND TUESDAY IN JANUARY – LOTTERY APPLICATIONS DUE
- 1ST TUESDAY IN FEBRUARY – LOTTERY DRAWING
- 6/10 – BOATS MUST BE IN SLIP
- 11/1 – BOATS MUST BE OUT OF SLIPS

2019 FEES

- Outer Marina \$2,000
- Inner Marina \$1,750
- Canoe Rack \$75 Res / \$150 Non-Res

2020 DATES/FEES (PROPOSED)

BOAT SLIPS / IMPORTANT DATES & DEADLINES

- 1ST OF DECEMBER / RENEWAL APPLICATIONS SENT OUT
- 1ST TUESDAY IN FEBRUARY – RENEWAL APPLICATIONS DUE
- 1ST TUESDAY IN FEBRUARY – LOTTERY APPLICATIONS DUE
- 1ST TUESDAY IN MARCH – LOTTERY DRAWING
- 1ST OF JUNE / BOATS MUST BE IN SLIPS
- 1ST OF NOVEMBER / BOATS MUST BE OUT OF SLIPS

2020 FEES

- Outer Marina \$2,060 (+\$60)
- Inner Marina \$1,800 (+\$50)
- Canoe Rack \$80 Res (+\$5) / \$160 Non-Res

Existing Ordinance & Boat Slip Policy

- CHAPTER 311 -

MUNICIPAL BOAT SLIPS

311.01. Permit required. No person shall moor, dock, maintain or place any boat or other watercraft upon, in or adjacent to any part of the shoreline of the lagoon owned and maintained by the City adjacent to the municipal beach without first having secured a valid permit therefor as herein provided.

311.02. Application for permit. Any qualified person desiring a permit for a municipal boat slip shall make application therefor on an application form supplied by the City. A completed application must contain the applicant's name, address, type of boat to be moored, State boat license number and all other information requested on the application.

311.03. Permit restrictions. A permit for a municipal boat slip shall authorize the person to whom it is issued to park and store the boat or other watercraft described on the permit in the boat slip assigned by the City and noted on the permit, for the current year's boating season. No such permit shall be assignable or transferable by the permit holder to another person. As a condition of being issued a permit, the permit holder must hold the City harmless from any and all damage or loss whatsoever arising from the use of the slip authorized by the permit.

311.04. Policy and priority for issuing permits. The City Manager shall prepare and review annually a policy to carry out the provisions of this Chapter. The number of permits issued annually shall be limited to the number of slips available, and the permits shall be issued in the following order of priority:

- 1) Class 1: residents of Wayzata.
- 2) Class 2: persons owning real property in Wayzata who do not reside in Wayzata
- 3) Class 3: persons who work in Wayzata.
- 4) Class 4: all other applicants

Applications for permits under this Chapter will be processed annually.

311.05. Limitations on use of boat slips. The City shall provide all mooring structures and slips within the City-owned lagoon, and no person may construct a dock or any other attachment to said structures. Each boat slip shall be numbered, and no permit holder may use any other slip than the one assigned to that person by the City as indicated on the permit. Only one permit for a municipal boat slip may be issued to applicants sharing a common address.

311.06. Cancellation of permits. Any boat slip for which a permit has been issued that is not used by June 10th in the year in which it is issued shall be declared vacated, the permit for said slip shall be canceled, and the fee paid for the permit shall not be refundable.

The City Council, by resolution, may set further restrictions on the types of watercraft for which permits may be issued under this Chapter and the fees to be charged for such permits.

311.07. Parking permits. A permit for the parking of an automobile or other motorized vehicle on public lands or grounds adjacent to or in the neighborhood of the municipal beach between the hours of 10:30 P.M. and 5:00 A.M. shall be issued by the City Manager to each

person to whom a permit for municipal boat slip is issued. Such parking permit shall not be assignable or transferable.

BOAT SLIP POLICY

1. Slip holders from the previous year who continue to qualify for priority Class 1 (residents of Wayzata, as defined in Chapter 311 of City Code and this Policy) may renew their slip permits by submitting completed renewal application forms, as provided by the City with all required information thereon, and paying the appropriate fee.
2. New and renewal slip permit applications and application fees, must be submitted to the City Clerk no later than the close of business on the second Tuesday of January to be considered for new or renewed slip permits.
 - a) Previous year's permit holders in Class 1 must submit the required fees and a completed renewal application by the close of business on the second Tuesday of January. Failure to pay the required fee and submit a completed application by such date will result in forfeiture of the boat slip permit.
 - b) On the first Tuesday in February any open municipal boat slips will be assigned to applicants in order of priority class and through a lottery.
 - c) A waiting list of 20 applications shall be maintained by the City to allow for the possibility of seasonal turnover of slip holders.
3. Applications and slip permits are limited to one per residence.
4. Boats covered by a slip permit must be registered, and insured to the person holding the permit. The applicant for a permit must be the principal operator of the boat. **If a boat is owned by more than one person, all owners must be residents of Wayzata in order to qualify for priority Class 1.**
5. Non-resident applicants cannot use the address of a parent or friend owning property in Wayzata to qualify for priority Class 1 or 2. To qualify for priority Class 1, proof of residency must be established by submitting a copy of one of the following with an application: (1) a valid Minnesota driver's license with a Wayzata address; (2) proof of voter registration in Wayzata; or (3) proof of homestead in Wayzata. To qualify as a resident of Wayzata for Class 1, the Applicant must also live and have a primary residence in Wayzata for more than six months out of the year.
6. Slip permit holders in priority Class 1 who move outside the City of Wayzata after payment of a slip permit fee prior to June 1st of a given year shall forfeit their fee and their slip permit. Slip permit holders in priority Class 1 who move outside the City of Wayzata after June 1st of a given year may continue to hold their slip permit until the end of the season, but may not assign the slip permit to the person purchasing, renting or otherwise occupying their Wayzata residence.
7. Unassigned slips will be assigned annually according to the priority classes outlined in the City's Municipal Boat Slip ordinance, Chapter 311 of City Code,

and this Policy. A waiting list not to exceed 20 applicants shall be maintained by the City. If and when slips become available during the boating season, such shall be assigned to applicants on the waiting list, in the order of list.

8. Assigned boat slips not occupied by June 10th of a given year shall be declared vacated, and the permit canceled, and the fee forfeited (it shall not be refundable). Any such vacant slip will be assigned to the next person on the waiting list.
9. Permit holders in priority Class 1 from the previous year who have moved out of Wayzata, or sold their Wayzata property, or no longer have Wayzata as their primary residence, will lose their priority Class 1 status and must reapply under another priority class if they wish to obtain a new slip permit.
10. Applications shall be required to provide all information requested on the City-provided application form, including a copy of the boat registration card and current certificate of insurance. Failure to comply with all of these requirements, such as failure to provide all of the information requested on the slip permit application, and payment of the applicable fee will result in disqualification for a slip permit, and for renewal applications, forfeiture of slip and priority Class.
11. Permitted Watercraft. The following restrictions shall apply to the type of watercraft eligible for a municipal boat slip permit.
 - 1) No watercraft shall have a beam exceeding eight and one-half (8 1/2) feet.
 - 2) No watercraft shall have a draft in excess of thirty-six (36) inches.
 - 3) No watercraft shall exceed twenty-six (26) feet in length from bow to stern.
 - 4) All watercraft shall be subject to design and seasonal water limits of the lagoon and associated parking facilities.

Rowboats: With respect to rowboats:

- 1) No rowboats shall exceed 16 feet in length and all must have an open hull with/without a motor. Rowboats must contain oars or oarlock sockets. Motors shall not exceed 25 horsepower.
- 2) All rowboats shall be subject to design and seasonal water limits of the lagoon and associated parking facilities.
- 3) Rowboat permit holders who wish to move to inner/outer marina slips must enter in the annual lottery.

All boats, including rowboats, canoes and kayaks, must be off City property by November 1 of each year.

12. It is the responsibility of the slip holder to provide the City with updated DNR registration information and insurance information should there be a change in the boat moored and or insurance coverage.

Boat Slip Selection Process (Revised November 2007)

A. Applicant Classes and Eligibility

1. Applications for boat slips shall be reviewed for completeness and, for those that are complete, sorted according to the following priority Classes: (1. residents, 2. property owners, 3. persons who work in Wayzata, 4. others) each as defined in the City's Municipal Boat Slip Ordinance and this Policy. No applications shall be taken after the close of business on the second Tuesday of January.

2. Subject to part B below, new slip permits shall be issued first to Eligible Applicants in Class 1, according to lottery if the number of new slip permit applications exceeds the available number of boat slips; then to Class 2, according to lottery if the number of applications exceeds the available number of boat slips; then to Class 3, according to lottery if the number of applications exceeds the available number of boat slips; and then to Class 4, according to lottery if the number of applications exceeds the available number of boat slips.

B. Priority Group

Any Eligible Applicant who has applied unsuccessfully for a boat slip for at least seven consecutive years as a Class 1 applicant shall be in a *Priority Group*. The Priority Group shall operate as follows:

1. Each year, one half of the available number of slips (rounding up for odd numbers) shall be available to the Priority Group. Such number of slips is referred to as the "*Priority Pool*".
2. Prior to any General Lottery drawing, each Priority Group applicant shall be eligible to receive a new slip permit from the Priority Pool.
3. If the number of slips available in the Priority Pool in any year exceeds the number of Priority Group applicants for that year, each such Priority Group applicant shall receive a slip and the excess number of slips shall be included in the pool of slips available in the General Lottery.
4. If there are insufficient slips available in the Priority Pool to accommodate all Priority Group applicants, a lottery shall be conducted (prior to any General Lottery drawing) solely relating to the Priority Pool. The only applicants eligible to participate in such "*Priority Lottery*" shall be Priority Group applicants. Priority Group applicants shall receive one chance in the Priority Lottery equal to the number of consecutive years the applicant has applied for a boat slip permit since and including the year 2002.
5. Any Priority Group applicant who participates in a Priority Lottery and is unsuccessful in such lottery shall be then included in the General Lottery in the same manner as any other applicant.

C. General Lottery

1. After allocation of boat slips to any Priority Group applicants pursuant to part B above (and after conducting a Priority Lottery if needed), the remaining number of boat slips available (to the extent they are less than the total number of remaining boat slip applicants) shall be administered by a "*General Lottery*" as follows: One chance in the lottery will be given to each Eligible Applicant for first year applicants. Multi chances will be given for

each consecutive year the applicant has applied for a boat slip permit. See the table below on chances assigned to applicants who have been unsuccessful in previous lotteries.

Number of Consecutive Year(s)	Chances
1	1
2	4
3	9
4	16
5	25
6	36
7	49

2. If a Priority Lottery or General Lottery is needed, each such lottery drawing shall be held on the first Tuesday in February to determine the issuance of available boat slips.

Proposed Ordinance & Boat Slip Policy

**CITY OF WAYZATA
ORDINANCE NO. 791**

AN ORDINANCE AMENDING THE MUNICIPAL BOAT SLIPS ORDINANCE

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment. The Wayzata City Code is hereby amended as follows:

A. Municipal Boat Slips. Chapter 311 of the Wayzata City Code is amended as follows:

311.01. Permit required. No person shall moor, dock, maintain or place any boat or other watercraft upon, in or adjacent to any part of the shoreline of the ~~lagoon~~ marina owned and maintained by the City adjacent to the municipal beach without first having secured a valid permit ~~therefor~~ as ~~herein~~ provided in this Chapter.

311.02. Application for permit. Any ~~qualified~~ person desiring ~~a permit for to use~~ a municipal boat slip in the City marina may apply for a permit using ~~shall make an application therefor on an application~~ form supplied by the City. A completed application must contain the applicant's name, address, type of boat to be moored, State boat license number and all other information requested on the application.

311.03. Permit restrictions. A permit for a municipal boat slip shall authorize the person to whom it is issued to ~~park~~moor and store the boat or other watercraft described on the permit in the boat slip assigned by the City ~~and noted on the permit~~, for the current year's boating season. No such permit shall be assignable or transferable by the permit holder to another person or boat. As a condition of being issued a permit, the permit holder must hold the City harmless from any and all damage or loss whatsoever arising from the use of the slip authorized by the permit.

311.04. Policy and priority for issuing permits. The City Manager shall prepare and review ~~annually~~periodically a policy to carry out the provisions of this Chapter. The number of permits issued annually shall be limited to the number of slips available in the marina, and the permits shall be issued in the following order of priority:

- 1) Class 1: residents of the City of Wayzata.
- 2) Class 2: persons owning real property in Wayzata who do not reside in Wayzata
- 3) Class 3: persons who work in Wayzata.
- 4) Class 4: all other applicants

Applications for permits under this Chapter will be processed annually.

311.05. Limitations on use of boat slips. The City shall provide all mooring structures and slips within the City-owned ~~marina~~lagoon, and no person may construct

a dock, lift or any other attachment to ~~said~~any part of the marina or related structures. Each boat slip shall be numbered, and no permit holder may use any other slip than the one assigned to that person by the City as indicated on the permit. Only one permit for a municipal boat slip may be issued to applicants sharing a common address.

311.06. Cancellation of permits. Any boat slip for which a permit has been issued that is not used by June ~~10th~~1st in the year in which it is issued shall be declared vacated, the permit for ~~said~~such slip shall be canceled, and the fee paid for the permit shall not be refundable.

The City Council, by resolution, may set further restrictions on the types of watercraft for which permits may be issued under this Chapter and the fees to be charged for such permits.

311.07. Parking permits. A permit for the parking of an automobile or other motorized vehicle ~~on~~in the public ~~marina~~lands or grounds adjacent to or in the neighborhood of the municipal beach between the hours of 10:30 P.M. and 5:00 A.M. shall be issued by the City Manager to each person to whom a permit for municipal boat slip is issued. Such parking permit shall not be assignable or transferable.

Section 3. Effective Date.

This ordinance shall be effective upon its passage by this Council by a 4/5 vote, after its second reading, and its publication in accordance with Sections 23 and 24 of the City Charter.

Adopted by the Wayzata City Council this 6th day of November, 2019

Mayor Ken Willcox

Attest: _____
City Manager Jeffrey Dahl

ATTEST:

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Wayzata, Minnesota, at duly authorized meetings held on October 15, 2019 and November 6, 2019.

Kathy Leervig, City Clerk

SEAL

First Reading: October 15, 2019

Second Reading:

Publication:

Effective Date:

CITY OF WAYZATA
BOAT SLIP POLICY

(Adopted Pursuant to City Code 311 Updated October 2019)

1. New Boat Slip Permit Applications.

- a) Applications for a boat slip must be submitted to the City Clerk no later than the close of business on the first Tuesday of February.
- b) Applications are limited to one per residence.
- c) Applications will be considered in order of priority class as specified in City Code and permits issued through a lottery process, as further specified in this policy, on the first Tuesday in March until all boat slips in the City Marina have been filled.
- d) Multiple chances will be given for each consecutive year the applicant has applied for a boat slip permit. See the table in the General Lottery section for more details.
- e) Any applicant who has not been issued a boat slip permit for at least seven consecutive years as a Class 1 applicant shall be placed in a *Priority Group*. See the Boat Slip Selection Process section for more details.

2. Renewing Boat Slip Permit Applications.

- a) Previous year's permit holders must submit the required fees and a completed renewal application by the close of business on the first Tuesday of February. Failure to pay the required fee and submit a completed application by such date may result in forfeiture of the boat slip permit.
- b) Any permit holder desiring a change in location within the marina, must first submit their renewal application and applicable fees. The City will then provide a move request application. Once submitted, all requests will be fulfilled in the order received.
- c) Permit holders in priority Class 1 from the previous year who have moved out of Wayzata, or sold their Wayzata property, or no longer have Wayzata as their primary residence, will lose their priority Class 1 status and must reapply under another priority class if they wish to obtain a new slip permit.

~~1. Slip holders from the previous year who continue to qualify for priority Class 1 (residents of Wayzata, as defined in Chapter 311 of City Code and this Policy) may renew their slip permits by submitting completed renewal application forms, as~~

~~provided by the City with all required information thereon, and paying the appropriate fee.~~

- ~~2. New and renewal slip permit applications and application fees, must be submitted to the City Clerk no later than the close of business on the second Tuesday of January to be considered for new or renewed slip permits.~~

~~a) Previous year's permit holders in Class 1 must submit the required fees and a completed renewal application by the close of business on the second Tuesday of January. Failure to pay the required fee and submit a completed application by such date will result in forfeiture of the boat slip permit.~~

~~b) On the first Tuesday in February any open municipal boat slips will be assigned to applicants in order of priority class and through a lottery.~~

- ~~c) A waiting list of 20 applications shall be maintained by the City to allow for the possibility of seasonal turnover of slip holders.~~

~~Applications and slip permits are limited to one per residence.~~

~~Boats covered by a slip permit must be registered, and insured to the person holding the permit. The applicant for a permit must be the principal operator of the boat. **If a boat is owned by more than one person, all owners must be residents of Wayzata in order to qualify for priority Class 1.**~~

~~Non-resident applicants cannot use the address of a parent or friend owning property in Wayzata to qualify for priority Class 1 or 2. To qualify for priority Class 1, proof of residency must be established by submitting a copy of one of the following with an application: (1) a valid Minnesota driver's license with a Wayzata address; (2) proof of voter registration in Wayzata; or (3) proof of homestead in Wayzata. To qualify as a resident of Wayzata for Class 1, the Applicant must also live and have a primary residence in Wayzata for more than six months out of the year.~~

- ~~3. Slip permit holders in priority Class 1 who move outside the City of Wayzata after payment of a slip permit fee prior to June 1st of a given year shall forfeit their fee and their slip permit. Slip permit holders in priority Class 1 who move outside the City of Wayzata after June 1st of a given year may continue to hold their slip permit until the end of the season, but may not assign the slip permit to the person purchasing, renting or otherwise occupying their Wayzata residence.~~
- ~~4. Unassigned slips will be assigned annually according to the priority classes outlined in the City's Municipal Boat Slip ordinance, Chapter 311 of City Code, and this Policy. A waiting list not to exceed 20 applicants shall be maintained by the City. If and when slips become available during the boating season, such shall be assigned to applicants on the waiting list, in the order of list.~~
- ~~5. Assigned boat slips not occupied by June 10th of a given year shall be declared vacated, and the permit canceled, and the fee forfeited (it shall not be refundable). Any such vacant slip will be assigned to the next person on the waiting list.~~

~~6. Permit holders in priority Class 1 from the previous year who have moved out of Wayzata, or sold their Wayzata property, or no longer have Wayzata as their primary residence, will lose their priority Class 1 status and must reapply under another priority class if they wish to obtain a new slip permit.~~

~~7. Applications shall be required to provide all information requested on the City-provided application form, including a copy of the boat registration card and current certificate of insurance. Failure to comply with all of these requirements, such as failure to provide all of the information requested on the slip permit application, and payment of the applicable fee will result in disqualification for a slip permit, and for renewal applications, forfeiture of slip and priority Class.~~

11.3. Permitted Watercraft. The following restrictions shall apply to the type of watercraft eligible for a municipal boat slip permit.

- 1) No watercraft shall have a beam/width exceeding eight and one-half (8 1/2) feet.
- 2) No watercraft shall have a draft in excess of thirty-six (36) inches.
- 3) No watercraft shall exceed twenty-six (26) feet in length from bow to stern.
- 4) All watercraft shall be subject to design and seasonal water limits of the lagoon and associated parking facilities.
- 5) Only one watercraft shall be allowed in any assigned slip, as specified under Lake Minnetonka Conservation District (LMCD) rules.

~~Rowboats: With respect to rowboats:~~

- ~~1) No rowboats shall exceed 16 feet in length and all must have an open hull with/without a motor. Rowboats must contain oars or oarlock sockets. Motors shall not exceed 25 horsepower.~~
- ~~2) All rowboats shall be subject to design and seasonal water limits of the lagoon and associated parking facilities.~~
- ~~3) Rowboat permit holders who wish to move to inner/outer marina slips must enter in the annual lottery.~~

4 The following shall apply to all boat slip permits: _____

- a) Any open boat slips will be available through a lottery on the first Tuesday of March and will be assigned based on results of the lottery and by priority class.
- b) Applicants shall be required to provide all information requested on the City-provided application form, including a copy of the MN DNR boat registration card and current certificate of insurance. Failure to comply with all of these requirements may result in rejection of an application and/or forfeiture of current slip permit and priority Class.
- c) The boat within the slip must match the boat specified on the permit for such boat slip.

- d) Applicants that are issued a boat slip permit and did not provide a spouse/partner name on the original application, may submit the spouse/partner name in writing to the City Clerk at any time so that the spouse may be added to the permit.
- e) Boats covered by a slip permit must be registered with the MN DNR, and insured to the person holding the permit. The applicant for a permit must be the principal operator of the boat. If a boat is owned by more than one persons, all owners must be residents of Wayzata in order to qualify for priority Class 1.
- f) All boats, including rowboats, canoes, kayaks and paddleboards, must be out of the City Marina and off City property by November 1 of each year or the permit holder may be subject to an administrative citation.
- g) The boat slip permit holder must provide the City with updated MN DNR registration information and insurance information or coverage within 30 days of a change in the registration of the boat moored and and/or insurance coverage.
- h) Non-resident applicants cannot use the address of a parent or friend owning property in Wayzata to qualify for priority Class 1 or 2. To qualify for priority Class 1, proof of residency must be established by submitting a copy of one of the following with the application: (1) a valid Minnesota driver's license with an address within the City of Wayzata; (2) proof of voter registration with an address in the City of Wayzata; or (3) proof of homestead in the City of Wayzata.

~~All boats, including rowboats, canoes and kayaks, must be off City property by November 1 of each year.~~

~~—12. It is the responsibility of the slip holder to provide the City with updated DNR registration information and insurance information should there be a change in the boat moored and or insurance coverage.~~

Boat Slip Selection Process (Revised November 2007)

A. Applicant Classes and Eligibility

1. Applications for boat slips shall be reviewed for completeness and, for those that are complete and qualified under the requirements of this policy (Eligible Applicants), sorted according to the following priority Classes: (1. Residents of the City of Wayzata, 2. ~~property~~ owners of property in the City of Wayzata, 3. persons who work in the City of Wayzata, 4. others) each as defined in the City's ~~Municipal~~-Boat Slips Ordinance and this Policy. No applications shall be taken after the close of business on the ~~second~~-first Tuesday of ~~January~~February.

2. Subject to part B below, new slip permits shall be issued first to Eligible Applicants in Class 1, according to lottery if the number of new slip permit applications exceeds the available number of boat slips; then to Class 2, according to lottery if the number of applications exceeds the available number of boat slips; then to Class 3, according to lottery if the number of applications exceeds the available number of boat slips; and then to Class 4, according to lottery if the number of applications exceeds the available number of boat slips.

B. Priority Group

Any Eligible Applicant who has applied unsuccessfully for a boat slip for at least seven consecutive years as a Class 1 applicant shall be in a *Priority Group*. The Priority Group shall operate as follows:

1. Each year, one half of the available number of slips (rounding up for odd numbers) shall be available to the Priority Group. Such number of slips is referred to as the “*Priority Pool*”.
2. Prior to any General Lottery drawing, each Priority Group applicant shall be eligible to receive a new slip permit from the Priority Pool.
3. If the number of slips available in the Priority Pool in any year exceeds the number of Priority Group applicants for that year, each such Priority Group applicant shall receive a slip and the excess number of slips shall be included in the pool of slips available in the General Lottery.
4. If there are insufficient slips available in the Priority Pool to accommodate all Priority Group applicants, a lottery shall be conducted (prior to any General Lottery drawing) solely relating to the Priority Pool. The only applicants eligible to participate in such “*Priority Lottery*” shall be Priority Group applicants. Priority Group applicants shall receive one chance in the Priority Lottery equal to the number of consecutive years the applicant has applied for a boat slip permit since and including the year 2002.
5. Any Priority Group applicant who participates in a Priority Lottery and is unsuccessful in such lottery shall be then included in the General Lottery in the same manner as any other applicant.

C. General Lottery

1. After allocation of boat slips to any Priority Group applicants pursuant to part B above (and after conducting a Priority Lottery if needed), the remaining number of boat slips available (to the extent they are less than the total number of remaining boat slip applicants) shall be administered by a “*General Lottery*” as follows: One chance in the lottery will be given to each Eligible Applicant for first year applicants. Multi chances will be given for each consecutive year the applicant has applied for a boat slip permit. See the table below on chances assigned to applicants who have been unsuccessful in previous lotteries.

Number of Consecutive Year(s)	Chances

1	1
2	4
3	9
4	16
5	25
6	36
7	49

2. If a Priority Lottery or General Lottery is needed, each such lottery drawing shall be held on the first Tuesday in ~~February~~ March to determine the issuance of available boat slips.

**Proposed Ordinance & Boat Slip Policy
(Clean Version—All Changes Accepted)**

- CHAPTER 311 -

MUNICIPAL BOAT SLIPS

311.01. Permit required. No person shall moor, dock, maintain or place any boat or other watercraft upon, in or adjacent to any part of the shoreline of the marina owned and maintained by the City adjacent to the municipal beach without first having secured a valid permit as provided in this Chapter.

311.02. Application for permit. Any person desiring to use a municipal boat slip in the City marina may apply for a permit using an application form supplied by the City. A completed application must contain the applicant's name, address, type of boat to be moored, State boat license number and all other information requested on the application.

311.03. Permit restrictions. A permit for a municipal boat slip shall authorize the person to whom it is issued to moor and store the boat or other watercraft described on the permit in the boat slip assigned by the City, for the current year's boating season. No such permit shall be assignable or transferable by the permit holder to another person or boat. As a condition of being issued a permit, the permit holder must hold the City harmless from any and all damage or loss whatsoever arising from the use of the slip authorized by the permit.

311.04. Policy and priority for issuing permits. The City Manager shall prepare and review periodically a policy to carry out the provisions of this Chapter. The number of permits issued annually shall be limited to the number of slips available in the marina, and the permits shall be issued in the following order of priority:

- 1) Class 1: residents of the City of Wayzata.
- 2) Class 2: persons owning real property in Wayzata who do not reside in Wayzata
- 3) Class 3: persons who work in Wayzata.
- 4) Class 4: all other applicants

Applications for permits under this Chapter will be processed annually.

311.05. Limitations on use of boat slips. The City shall provide all mooring structures and slips within the City-owned marina, and no person may construct a dock, lift or any other attachment to any part of the marina or related structures. Each boat slip shall be numbered, and no permit holder may use any other slip than the one assigned to that person by the City as indicated on the permit. Only one permit for a municipal boat slip may be issued to applicants sharing a common address.

311.06. Cancellation of permits. Any boat slip for which a permit has been issued that is not used by June 1st in the year in which it is issued shall be declared vacated, the permit for such slip shall be canceled, and the fee paid for the permit shall not be refundable.

The City Council, by resolution, may set further restrictions on the types of watercraft for which permits may be issued under this Chapter and the fees to be charged for such permits.

311.07. Parking permits. A permit for the parking of an automobile or other motorized vehicle in the public marina or grounds adjacent to or in the neighborhood of the municipal beach between the hours of 10:30 P.M. and 5:00 A.M. shall be issued by the City Manager to

each person to whom a permit for municipal boat slip is issued. Such parking permit shall not be assignable or transferable.

**CITY OF WAYZATA
BOAT SLIP POLICY**

(Adopted Pursuant to City Code 311 Updated October 2019)

1. New Boat Slip Permit Applications.

- a) Applications for a boat slip must be submitted to the City Clerk no later than the close of business on the first Tuesday of February.
- b) Applications are limited to one per residence.
- c) Applications will be considered in order of priority class as specified in City Code and permits issued through a lottery process, as further specified in this policy, on the first Tuesday in March until all boat slips in the City Marina have been filled.
- d) Multiple chances will be given for each consecutive year the applicant has applied for a boat slip permit. See the table in the General Lottery section for more details.
- e) Any applicant who has not been issued a boat slip permit for at least seven consecutive years as a Class 1 applicant shall be placed in a *Priority Group*. See the Boat Slip Selection Process section for more details.

2. Renewing Boat Slip Permit Applications.

- a) Previous year's permit holders must submit the required fees and a completed renewal application by the close of business on the first Tuesday of February. Failure to pay the required fee and submit a completed application by such date may result in forfeiture of the boat slip permit.
- b) Any permit holder desiring a change in location within the marina, must first submit their renewal application and applicable fees. The City will then provide a move request application. Once submitted, all requests will be fulfilled in the order received.
- c) Permit holders in priority Class 1 from the previous year who have moved out of Wayzata, or sold their Wayzata property, or no longer have Wayzata as their primary residence, will lose their priority Class 1 status and must reapply under another priority class if they wish to obtain a new slip permit.

3. Permitted Watercraft. The following restrictions shall apply to the type of watercraft eligible for a municipal boat slip permit.
 - 1) Only one watercraft shall be allowed in any assigned slip, as specified under Lake Minnetonka Conservation District (LMCD) rules.
 - 2) No watercraft shall have a beam/width exceeding eight and one-half (8 1/2) feet.
 - 3) No watercraft shall have a draft in excess of thirty-six (36) inches.
 - 4) No watercraft shall exceed twenty-six (26) feet in length from bow to stern
 - 5) All watercraft shall be subject to design and seasonal water limits of the lagoon and associated parking facilities.
4. The following shall apply to all boat slip permits:
 - a) Any open boat slips will be available through a lottery on the first Tuesday of March and will be assigned based on results of the lottery and by priority class.
 - b) Applicants shall be required to provide all information requested on the City-provided application form, including a copy of the MN DNR boat registration card and current certificate of insurance. Failure to comply with all of these requirements may result in rejection of an application and/or forfeiture of current slip permit and priority Class.
 - c) The boat within the slip must match the boat specified on the permit for such boat slip.
 - d) Applicants that are issued a boat slip permit and did not provide a spouse/partner name on the original application, may submit the spouse/partner name in writing to the City Clerk at any time so that the spouse may be added to the permit.
 - e) Boats covered by a slip permit must be registered with the MN DNR, and insured to the person holding the permit. The applicant for a permit must be the principal operator of the boat. If a boat is owned by more than one persons, all owners must be residents of Wayzata in order to qualify for priority Class 1.
 - f) All boats, including rowboats, canoes, kayaks and paddleboards, must be out of the City Marina and off City property by November 1 of each year or the permit holder may be subject to an administrative citation.
 - g) The boat slip permit holder must provide the City with updated MN DNR registration information and insurance information or coverage within 30 days of a change in the registration of the boat moored and and/or insurance coverage.
 - h) Non-resident applicants cannot use the address of a parent or friend owning property in Wayzata to qualify for priority Class 1 or 2. To qualify for priority Class 1, proof of residency must be established by submitting a copy of one

of the following with the application: (1) a valid Minnesota driver's license with an address within the City of Wayzata; (2) proof of voter registration with an address in the City of Wayzata; or (3) proof of homestead in the City of Wayzata.

Boat Slip Selection Process (Revised November 2019)

A. Applicant Classes and Eligibility

1. Applications for boat slips shall be reviewed for completeness and, for those that are complete and qualified under the requirements of this policy (Eligible Applicants), sorted according to the following priority Classes: (1. Residents of the City of Wayzata, 2. owners of property in the City of Wayzata, 3. persons who work in the City of Wayzata, 4. others) each as defined in the City's Boat Slips Ordinance and this Policy. No applications shall be taken after the close of business on the first Tuesday of February.
2. Subject to part B below, new slip permits shall be issued first to Eligible Applicants in Class 1, according to lottery if the number of new slip permit applications exceeds the available number of boat slips; then to Class 2, according to lottery if the number of applications exceeds the available number of boat slips; then to Class 3, according to lottery if the number of applications exceeds the available number of boat slips; and then to Class 4, according to lottery if the number of applications exceeds the available number of boat slips.

B. Priority Group

Any Eligible Applicant who has applied unsuccessfully for a boat slip for at least seven consecutive years as a Class 1 applicant shall be in a *Priority Group*. The Priority Group shall operate as follows:

- 1) Each year, one half of the available number of slips (rounding up for odd numbers) shall be available to the Priority Group. Such number of slips is referred to as the "*Priority Pool*".
- 2) Prior to any General Lottery drawing, each Priority Group applicant shall be eligible to receive a new slip permit from the Priority Pool.
- 3) If the number of slips available in the Priority Pool in any year exceeds the number of Priority Group applicants for that year, each such Priority Group applicant shall receive a slip and the excess number of slips shall be included in the pool of slips available in the General Lottery.
- 4) If there are insufficient slips available in the Priority Pool to accommodate all Priority Group applicants, a lottery shall be conducted (prior to any General Lottery drawing) solely relating to the Priority Pool. The only applicants eligible to participate in such "*Priority Lottery*" shall be Priority Group applicants. Priority Group applicants shall receive one chance in the Priority Lottery equal to the number of consecutive years the applicant has applied for a boat slip permit since and including the year 2002.

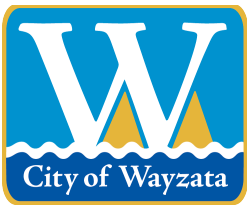
- 5) Any Priority Group applicant who participates in a Priority Lottery and is unsuccessful in such lottery shall be then included in the General Lottery in the same manner as any other applicant.

C. General Lottery

1. After allocation of boat slips to any Priority Group applicants pursuant to part B above (and after conducting a Priority Lottery if needed), the remaining number of boat slips available (to the extent they are less than the total number of remaining boat slip applicants) shall be administered by a “*General Lottery*” as follows: One chance in the lottery will be given to each Eligible Applicant for first year applicants. Multi chances will be given for each consecutive year the applicant has applied for a boat slip permit. See the table below on chances assigned to applicants who have been unsuccessful in previous lotteries.

Number of Consecutive Year(s)	Chances
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2	4
3	9
4	16
5	25
6	36
7	49

2. If a Priority Lottery or General Lottery is needed, each such lottery drawing shall be held on the first Tuesday in March to determine the issuance of available boat slips.



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 9.b.
TITLE: Consider Adoption of the First Reading of Ordinance 793 Amending the Zoning Ordinance to Allow Animal Clinics in the C-2 District and Adoption of Resolution 46-2019 Approving a Conditional Use Permit for an Animal Clinic at 1125 Wayzata Boulevard East	
PROPOSED MOTION: To Adopt the First Reading of Ordinance 793 Amending Zoning Ordinance to Allow Animal Clinics in the C-2 District and Adopt Resolution 46-2019 Approving a Conditional Use Permit for an Animal Clinic at 1125 Wayzata Boulevard East	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff and the Planning Commission recommend adoption of the First Reading of Ordinance 793 and adoption of Resolution 46-2019.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

The applicant, Dr. Sharon Golden of Golden Veterinary Care, has submitted a development application to open a 1,794 square-foot animal clinic in the former AT&T space at Colonial Square Shopping Center (1125 Wayzata Blvd E). The applicant is requesting approval of a Zoning Ordinance Amendment to allow animal clinics as a conditional use in the C-2 District. Simultaneously, the applicant is requesting a Conditional Use Permit. The City may review these requests concurrently in one application, but the Ordinance requires two readings by City Council. The second reading would be scheduled for November 6, 2019.

This development application went to the September 16, 2019 Planning Commission meeting and a public hearing was held. At this meeting, the Planning Commission reviewed the plans and voted unanimously in favor (6-0) to direct staff to prepare a report and recommendation for approval of the development application. This direction included a list of specific standards expected for all Animal Clinics in all C-2 Districts (see Ordinance 793) as well as specific conditions of approval for the tenant space at 1125 Wayzata Blvd E as part of the Conditional Use Permit (see Resolution 46-2019). These standards and conditions are further detailed in the attached Minutes and Reports.

ATTACHMENTS:

1. Ordinance 793, Resolution 46-2019, PC Report and Recommendation, Minutes, Staff Report - Animal Clinic - 1125 Wayzata Blvd E

CITY OF WAYZATA

ORDINANCE NO. 793

**AN ORDINANCE AMENDING SECTIONS 902.2 AND 976.05 OF THE ZONING
ORDINANCE TO ALLOW ANIMAL CLINICS IN THE C-2 DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment to Chapter 902 of City Code. Section 902.2 (Definitions) of the Wayzata Zoning Ordinance is hereby amended to include the following definitions for “Animal Clinic” and “Animal Hospital”:

“Animal Clinic.” A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated only during daytime and evening business hours (not overnight) by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of household animals.

“Animal Hospital.” A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated up to 24 hours a day by a licensed veterinarian for emergency procedures, surgery, diagnosis, and treatment of diseases and injuries of household animals.

Section 2. Amendment to Chapters 976 of City Code. Section 976.05 (Conditional Uses) of the Wayzata Zoning Ordinance is hereby amended to include the following new conditional use at subsection 976.05.O.:

Animal Clinics, provided that:

1. The size of the clinic may not exceed 4,000 square feet.
2. The clinic may not provide animal boarding services, kenneling, or overnight stays for patients.
3. The hours of operation must coincide with those of the businesses in the area or complex in which the clinic is located.
4. The clinic may not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).
5. The clinic may not share a common demising wall or be located directly adjacent to a restaurant.
6. The clinic may not be located on the same property or in the same shopping area where another clinic exists.
7. The clinic must comply with all other applicable state, local, and federal regulations, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.
8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

Section 3. Findings. The amendments made hereby are based upon the findings set forth in the Report and Recommendation of the Wayzata Planning Commission, dated October 7, 2019.

Section 4. Effective Date. This Ordinance will become effective immediately upon passage and publication.

Adopted by the City Council this 6th day of November 2019.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

RESOLUTION NO. 46-2019

RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR AN ANIMAL CLINIC AT 1125 WAYZATA BLVD E

WHEREAS, the applicant, Dr. Sharon Golden of Golden Veterinary Care (the “Applicant”) has submitted a development application (the “Application”) for the property at 1125 Wayzata Blvd E, legally described on Attachment A (the “Property”) requesting zoning approvals to open an animal clinic in the Colonial Square Shopping Center (the “Project”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application on September 16, 2019, and adopted a Report and Recommendation to the City Council to approve the Application on October 7, 2019, a copy of which is attached to this Resolution as Attachment B (“PC Report and Recommendation”).

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 hearings, the standards of the Wayzata Zoning Ordinance, and the findings and recommendations of the PC Report and Recommendation, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application meets the applicable requirements of Wayzata’s Zoning Ordinance.

B. Based on the foregoing, the Conditional Use Permit requested in the Application, as defined in the PC Report and Recommendation, is hereby **APPROVED**, subject to the following conditions:

1. Ordinance No. 793 Amending Sections 902.2 and 976.05 of the Zoning Ordinance to Allow Animal Clinics in the C-2 District must be adopted and effective prior to the issuance of the Conditional Use Permit.
2. The Project must be built and operated in accordance with the description and plans included with the Application, and with the terms of Applicant’s lease for the Property. Any material deviations from the Project description, conditions of approval, or exhibits provided with the application shall require approval of an amendment to the Conditional Use Permit.
3. Clinic staff must take all reasonable actions to minimize barking at the clinic. If repeated significant and valid noise complaints are received by the City, the Applicant must hire an acoustical engineer to prepare a noise study that measures the number, times and volumes of the barking and recommends any

remedial measures. The City will review the study and may include other reasonable recommendations. If the Applicant fails to comply with such recommendations, the City may issue administrative or misdemeanor citations and take action to suspend or revoke the Conditional Use Permit.

4. The Applicant and owner of the Property shall take actions to minimize animal waste on the site. Animal waste disposal supplies and waste bins must be available at the entrance of the clinic. An outdoor animal waste elimination area shall be designated in the rear of the building at least fifty (50) feet from residential buildings and properly kept clean and maintained. All animal waste generated on the site shall be removed from the ground and placed in properly enclosed waste bins in a timely manner. If repeated and valid animal waste complaints are received by the City, the City may issue administrative or misdemeanor citations and take action to suspend or revoke the Conditional Use Permit.
5. Hours of operation are limited to 8 am to 8 pm daily.
6. The Applicant must secure all necessary building permits for construction, and comply with all laws and regulations applicable to the Project.

Adopted by the Wayzata City Council this 15th day of October, 2019.

Ken Willcox, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2019.

Kathy Leervig, City Clerk
SEAL

Attachment A
Legal Description of Property

Attachment B
PC Report and Recommendation

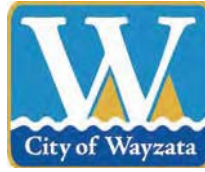
Attachment A

Legal Description of Property

Lot 2, Block 1, Gabriela Addition

Attachment B

PC Report and Recommendation



WAYZATA PLANNING COMMISSION

October 7, 2019

REPORT AND RECOMMENDATION OF APPROVAL

AMENDMENT TO SECTIONS 902.2 AND 976.05 OF ZONING ORDINANCE ADDING ANIMAL CLINICS AS CONDITIONAL USE IN C-2 SHOPPING CENTER BUSINESS DISTRICT AND APPROVAL OF CONDITIONAL USE PERMIT FOR GOLDEN VETERINARY CLINIC AT 1125 WAYZATA BOULEVARD EAST

SUMMARY OF RECOMMENDATION

1. **Approval** of Zoning Ordinance Amendment Adding Animal Clinics as a Conditional Use in C-2 Shopping Center Business District
2. **Approval*** of Conditional Use Permit for an animal clinic for Golden Veterinary Care at 1125 Wayzata Blvd E, subject to conditions.

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 General. Dr. Sharon Golden of Golden Veterinary Care (the "Applicant") has submitted a development application (the "Application") with authorization of the Property owner requesting zoning approvals to open an animal clinic in the Colonial Square Shopping Center as depicted in the plans submitted with the Application (the "Project") on the property at 1125 Wayzata Blvd E (the "Property").
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Zoning Ordinance Amendment: The Project requires an amendment to Zoning Ordinance provisions for the C-2 Shopping Center Business District to add a new conditional use of and definition for Animal Clinics,. The proposed amendment to Sections 902.2 and 976.05 (C-2 Shopping Center Business

District), which includes development standards for the conditional use reflected in Section 4 of this Report and includes two new definitions to differentiate Animal Clinics from Animal Hospitals in the City Code:

- a. "Animal Clinic." A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated only during daytime and evening business hours (not overnight) by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of household animals.
- b. "Animal Hospital." A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated up to 24 hours a day by a licensed veterinarian for emergency procedures, surgery, diagnosis, and treatment of diseases and injuries of household animals.

B. Conditional Use Permit: The Project requires a Conditional Use Permit, subject to conditions reflected in Section 4 of this Report.

- 1.3 Property. The street address, property identification number and owner of the Property is:

Address	PID	Owner
1125 Wayzata Blvd E	05-117-22-23-0021	FW MN-Colonial Square, LLC

- 1.4 Zoning and Comprehensive Plan. The Property is zoned C-2 Shopping Center Business District and guided Mixed Use Commercial under the Wayzata Comprehensive Plan.

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Proposed Amendment and Conditional Use Permit was published in the *Lakeshore Weekly* on September 5, 2019. A copy of the notice was mailed to all property owners located with 350 feet of the Property on September 4, 2019. The required public hearing was held at the September 16, 2019 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Zoning Ordinance Amendments (Section 903.01). City Council has the discretion and authority under state law (Minn. Stat. Section 462.357) and City Code (Section 903.01) to amend the City's Zoning Ordinance and Zoning Map. A zoning ordinance amendment may be initiated by the governing body, the planning agency, or by petition of affected property owners. Minn. Stat. Section 462.357, Subd. 4.
- 2.2 Standards for Zoning Ordinance Amendments (Sec 903.02). In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall

consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

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

2.3 Conditional Use Permits (Sec. 904.01). City Council has the discretion and authority under state law (Minn. Stat. 462.3595) and City Code (Sec. 904.01) to exercise a reasonable degree of discretion in determining the suitability of conditional uses upon the general welfare, public health and safety.

2.4 Standards for Conditional Use Permits (Sec 904.02). In considering a Conditional Use Permit, the Planning Commission shall consider the possible adverse effects of the proposed use. Its judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property value in the area in which it is

proposed.

- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 3. FINDINGS

3.1 Zoning Ordinance Amendment. Based on the report and information submitted by City Staff, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Zoning Ordinance Amendment (the "Proposed Amendment"):

- A. The Proposed Amendment is consistent with the specific policies and provisions of the official City Comprehensive Plan. This Mixed Use Commercial area in the C-2 Zoning District along Wayzata Boulevard is intended to be a mix of commercial, office, and residential uses.
- B. The animal clinic use associated with the Proposed Amendment will conform to present and future land uses in the area which is intended for a mix of commercial, office, and residential uses.
- C. The animal clinic use associated with the Proposed Amendment will not affect other performance standards contained in the Zoning Ordinance, due to the inclusion of specific development standards for animal clinics as a conditional use in the C-2 Shopping Center Business District.
- D. The animal clinic use associated with the Proposed Amendment will not have a negative effect on the areas in which they are proposed due to the inclusion of specific development standards for animal clinics as a conditional use in the C-2 Shopping Center Business District.
- E. The animal clinic use associated with the Proposed Amendment will not have a significant impact upon property values in the surrounding areas.
- F. Traffic demands generated by animal clinics of the size associated with the Proposed Amendment will generally be met with the capabilities of streets serving the district.
- G. The animal clinic use associated with the Proposed Amendment not have a negative impact upon existing public services and facilities including

parks, schools, streets, and utilities, and the City's service capacity.

3.2 Conditional Use Permit. Based on the report and information submitted by City Staff, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Project (the "proposed animal clinic"):

- A. The proposed animal clinic is a commercial use consistent with the specific policies and provisions of the official City Comprehensive Plan. This Mixed Use Commercial area along Wayzata Boulevard is intended to be a mix of commercial, office, and residential uses. The animal clinic would be surrounded by other commercial uses.
- B. The proposed animal clinic use conforms to the present and future land uses of the area. It is a commercial service activity on a property guided for Mixed Use Commercial activity.
- C. The proposed animal clinic use conforms to all performance standards contained herein (i.e., parking, loading, noise, etc.), subject to conditions that mitigate impacts caused by the proposed use. The analysis supporting this finding is provided in Attachment 1 (Staff Report). These effects are mitigated by the conditions of approval listed in Section 4 of this Report.
- D. The animal clinic use will affect the area in which it is proposed. These effects are described in Attachment 1 (Staff Report) and mitigated by the conditions of approval listed in Section 4 of this report.
- E. The animal clinic will not have a measurable impact upon property values in the area in which it is proposed.
- F. The proposed 1,794 square-foot animal clinic will generate a low level of traffic that the surrounding streets, Wayzata Boulevard East and Central Avenue North, have the capacity to serve.
- G. Due to the proposed size and the specific activities proposed to take place at the animal clinic (as detailed in Attachment 1), the clinic's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity is reasonable and acceptable.

Section 4. RECOMMENDATIONS

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Zoning Ordinance Amendment making animal clinics a conditional use in the

C-2 District, **with the following development standards applicable to all such conditional uses in all locations in the C-2 District:**

- A. The size of the clinic may not exceed 4,000 square feet.
- B. The clinic may not provide animal boarding services, kenneling, or overnight stays for patients.
- C. The hours of operation must coincide with those of the businesses in the area or complex in which the clinic is located.
- D. The clinic may not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).
- E. The clinic may not share a common demising wall or be located directly adjacent to a restaurant.
- F. The clinic may not be located on the same property or in the same shopping area where another clinic exists.
- G. The clinic must comply with all other applicable state, local, and federal regulations, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.
- H. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

4.2 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Conditional Use Permit for Golden Veterinary Care as proposed at 1125 Wayzata Blvd E, **subject to the following conditions:**

- A. Ordinance No. 793 Amending Sections 902.2 and 976.05 of the Zoning Ordinance to Allow Animal Clinics in the C-2 District must be adopted and effective prior to the issuance of the Conditional Use Permit.
- B. The Project must be built and operated in accordance with the description and plans included with the Application, and with the terms of Applicant's lease for the Property. Any material deviations from the Project description, conditions of approval, or exhibits provided with the application shall require approval of an amendment to the Conditional Use Permit.
- C. Clinic staff must take all reasonable actions to minimize barking at the clinic. If repeated significant and valid noise complaints are received by the City, the Applicant must hire an acoustical engineer to prepare a noise

study that measures the number, times and volumes of the barking and recommends any remedial measures. The City will review the study and may include other reasonable recommendations. If the Applicant fails to comply with such recommendations, the City may issue administrative or misdemeanor citations and take action to suspend or revoke the Conditional Use Permit.

- D. The Applicant and owner of the Property shall take actions to minimize animal waste on the site. Animal waste disposal supplies and waste bins must be available at the entrance of the clinic. An outdoor animal waste elimination area shall be designated in the rear of the building at least fifty (50) feet from residential buildings and properly kept clean and maintained. All animal waste generated on the site shall be removed from the ground and placed in properly enclosed waste bins in a timely manner. If repeated and valid animal waste complaints are received by the City, the City may issue administrative or misdemeanor citations and take action to suspend or revoke the Conditional Use Permit.
- E. Hours of operation are limited to 8 am to 8 pm daily.
- F. The Applicant must secure all necessary building permits for construction, and comply with all laws and regulations applicable to the Project.

Adopted by the Wayzata Planning Commission this 7th day of October, 2019.

Chair, Planning Commission

Voting For the Findings and Recommendation of Approval in this Report:

Voting Against:

Abstaining:

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
September 16, 2019**

AGENDA ITEM 1. Call to Order

Vice Chair Plantan called the meeting to order at 6:30 p.m.

AGENDA ITEM 2. Roll Call

Present at roll call were Commissioners: Douglas, Merriam, Parkhill, Plantan, Iverson and Bashioum. Absent: Flannigan. Community Development Director Emily Goellner, Assistant Planner Nick Kieser, Planning Consultant Eric Zweber, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

Vice Chair Plantan asked for a motion to approve the proposed agenda for the meeting.

Commissioner Douglas made a motion, seconded by Commissioner Parkhill, to approve the September 16, 2019 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of September 4, 2019 Meeting Minutes
- b.) Adoption of the Planning Commission Report and Recommendation for Approval of a West Side-Yard Setback Variance at 1107 LaSalle Street

Vice Chair Plantan read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion. Hearing no such request, she asked for a motion to approve the Consent Agenda as presented.

Commissioner Bashioum made a motion, seconded by Commissioner Parkhill, to approve the Consent Agenda as presented. The motion carried 5 ayes and 0 nays. 1 abstain: Iverson

AGENDA ITEM 5. Public Hearing Items:

- a.) Consider Development Application for Zoning Ordinance Text Amendment and Conditional Use Permit for an Animal Clinic at 1125 Wayzata Blvd E

1 Community Development Director Emily Goellner stated that the applicant, Dr. Sharon Golden of
2 Golden Veterinary Care, has submitted a development application to open a 1,794 square-foot
3 animal clinic in the former AT&T space at Colonial Square Shopping Center (1125 Wayzata Blvd
4 E). The development application requests approval of a Zoning Code Text Amendment to allow
5 animal clinics as a conditional use in the C-2 District. Simultaneously, the applicant is requesting
6 a Conditional Use Permit (CUP) for an animal clinic should the Text Amendment be approved.
7 The City may review these requests concurrently in one application, though the CUP request is
8 contingent on the Text Amendment. The property is zoned C-2, Shopping Center Business
9 District, and is surrounded by properties that are zoned C-2 and C-3 Commercial, Planned Unit
10 Development, and Institutional. The property is guided for Mixed-Use Commercial and is
11 surrounded by properties that are guided for Mixed-Use Commercial as well. The Mixed-Use
12 Commercial category is intended to be a mix of commercial, office, and residential uses with an
13 emphasis on commercial and office use, but it does allow residential when properly integrated.
14 The City continues to be guided by the 20130 Comprehensive Plan, but the pending draft 2040
15 Comprehensive Plan's land use designation for this property is Mixed-Use
16 Commercial/Residential, which provides for a combination of commercial and residential. The
17 intent of the plan is to encourage development that responds to the characteristics of the locality,
18 while encouraging a mixture of development types to serve residents. The property was initially
19 developed in 1959 and was redeveloped in 2014 by its owner Regency Partners. Lund's and
20 Byerly's grocery is the anchor tenant for the building. There are a number of other uses in the
21 building which include three salons, a chiropractic clinic, bank, as well as a pet food outlet. The
22 applicant is proposing to utilize space number three which consists of 1,794 square-feet. The
23 applicant is requesting approval of a Zoning Text Amendment to add Animal Clinics as a
24 Conditional Use in the C-2 Zoning District, subject to restrictions (development standards) that
25 are similar to those listed for Animal Hospitals and Kennels in the C-3 Zoning District.

26
27 Director Goellner stated that the first question for the Planning Commission is to determine if the
28 proposed Zoning Code Text Amendment adding Animal Clinics as a conditional use for the C-2
29 District is appropriate, and then secondly to determine the development standards that would be
30 required in all C-2 Districts for such conditional use. She explained that the criteria for adopting
31 a zoning code text amendment include the relation to the Comprehensive Plan, conformity with
32 present and future land uses in the area, conformity with performance standards (parking, loading,
33 noise, odors etc.), the general effect on surrounding areas, the impact on property values to the
34 area, the traffic generation and street capacity, and the impact on public services (parks, schools,
35 utilities, etc.). The C-2 District is generally focused on shopping centers. The C-2 District has
36 48 permitted uses and 14 conditional uses. These conditional uses have anywhere between 2 and
37 21 development standards attached to them. She noted that Animal Hospitals and Kennels are
38 conditionally allowed in C-3. The applicant is only requesting the Animal Clinics be allowed in
39 C-2 in recognition that Animal Hospital and Kennels may have a higher impact on their
40 surroundings. Staff reviewed uses that are allowed in the C-2 District to determine if there were
41 any uses that were incompatible with an Animal Clinic. It was determined that restaurants with
42 outdoor seating may be incompatible next to an Animal Clinic. Because outdoor seating at
43 restaurants requires a Conditional Use Permit, staff suggests that the process of obtaining a
44 Conditional Use Permit would then provide the opportunity to address the potential incompatibility
45 issue.

1 Director Goellner provided a list of recommended development standards that included: size limit
2 considerations, prohibiting kenneling (possible overnight boarding with conditions), compatible
3 hours of operation, enforcement of all regulations (nuisance, health, and safety) and that the
4 general Conditional Use Permit criteria listed in the Zoning Ordinance for all conditional uses must
5 be met. She added that additional standards may be needed to address setbacks, exotic animals,
6 hazardous waste, and conglomeration concerns.
7

8 Director Goellner stated that the applicant's second request is for a Conditional Use Permit (CUP)
9 specific to Golden Veterinary Care. Consideration for the CUP should include the impact the
10 clinic may have on the surrounding areas and how those impacts may be mitigated. The applicant
11 team has discussed the potential impacts with staff and have shared their plans to address the
12 concerns and expressed their intent to assure these impacts are minimal to non-existent. Director
13 Goellner provided a short list of potential conditions of CUP approval for the Planning
14 Commission to consider which include: deviations from the submitted plans would require an
15 amendment to the CUP, barking must be minimized, an animal waste elimination area must exist
16 outdoors and be maintained at a very high level. Violating the conditions of approval could
17 potentially lead to the revocation of the CUP.
18

19 Director Goellner explained the next action steps for the requested Text Amendment and the
20 Conditional Use Permit. She stated that the requests can be reviewed in tandem, but the Text
21 Amendment would need to complete the process to become law prior to the issuance of the
22 Conditional Use Permit.
23

24 Commissioner Douglas asked if the other tenants in the shopping center provided a response to
25 the application. She also asked if having the animal waste area in the back would require clients
26 to enter through the back entrance of the building.
27

28 Director Goellner stated that a notice was only sent to the property owners and not the tenants.
29 She added that the applicant spoke with the surrounding tenants and could provide more
30 information regarding the responses. She also added that additional discussions would need to
31 occur that include the leasing agent to determine the best location for the waste site and how it will
32 be accessed.
33

34 Commissioner Iverson asked if the Chuck and Don's Pet food outlet had a requirement for clients
35 to enter through the back alley.
36

37 Director Goellner responded that Chuck and Don's retail use is a permitted use in the C-2 Zoning
38 District and did not require zoning approvals from the City, and therefore no specific requirements
39 are imposed on their use.
40

41 There being no further questions for staff, Vice Chair Plantan opened the public hearing on the
42 application at 6:52 p.m.
43

44 Applicant, Dr. Sharon Golden, 830 Queensland Ln N, Plymouth, stated that her hope would be the
45 business would generate a lot of positivity to the area. She thought the presentation was well done
46 and the concerns valid. She expressed excitement for the project.

1
2 Commissioner Bashioum stated that pets may be nervous upon entering or exiting a clinic resulting
3 in an increased urgency to eliminate. She asked what Dr. Golden's thoughts were regarding a
4 response to waste.

5
6 Dr. Golden stated that she has 30 years' experience in veterinary care and understands the concern.
7 Her focus is to create a friendly environment for pets and people. They are planning on becoming
8 a "fear free" clinic. In her experience, animal waste hasn't been a huge issue. There would be
9 cleaning supplies located at the door for pet owners to address "accidents". She has spoken to
10 Chuck and Don's pet food store owners and was directed to a small grassy area at the back of the
11 building. She stated that they could direct pet owners to this location. She added that if this
12 solution was deemed inadequate, they could definitely create a man-made grassy area for
13 elimination. She expressed her desire to keep her business and surrounding areas free of odors
14 and waste.

15
16 Commissioner Bashioum asked if the applicant had considered having a disposal station located
17 outside. She also asked about soundproofing.

18
19 Dr. Golden responded that building a location is possible if deemed necessary. The clinic will
20 have disposal supplies located at the entrance but could also provide them for an outside area. She
21 added that her soundproofing architect can respond to questions regarding noise concerns. She
22 stated that the leasing agent had established a number of regulations regarding soundproofing to
23 assure that noise is thoroughly addressed. She explained that loud noise is counterproductive to
24 the clinic and all efforts would be made to limit the noise so that services are effectively provided.

25
26 Commissioner Douglas asked about hours of operation and if the expansion of those would require
27 additional approvals from the City. She noted that the hours of operation appear to be shorter as
28 the business is established and would likely increase as business improves. She asked if the hour
29 expansion would require the business to return to the City for approval.

30
31 Director Goellner stated that the record should contain the hours that the Commission is
32 comfortable with so that there would be guidance if hours are extended. This would allow the
33 City to write conditions for the CUP to assure that it is compatible with surrounding businesses.

34
35 Dr. Golden stated that there would likely be a time that the clinic would choose to expand their
36 hours and that she would like to include some variability into the plan for the future.

37
38 Commissioner Iverson asked if the clinic would have animals staying overnight and what staffing
39 would look like for those situations.

40
41 Dr. Golden stated that animals that require overnight care would be transferred to an emergency
42 care facility. She is not planning on staffing for overnight care. She added that the only situation
43 where an animal may stay overnight could be for an orthopedic intervention. She added that
44 allowing them to stay overnight would only be for those animals that would need to be quiet and
45 those they wouldn't want to move. If the animal was rambunctious it would likely be sent home

1 for cares. She noted that the lease does not allow for overnight animal care. If an animal needed
2 to be walked, they would utilize the back area that was discussed earlier.

3
4 Commissioner Iverson asked if the lease contained a non-compete clause.

5
6 Dr. Golden stated that her lease did not contain such a clause and was an oversight that it was not
7 added. She stated that it would be unlikely that another privately owned Animal Clinic would
8 choose to move into the area, but it may be possible that a larger corporate type business may
9 consider setting up a business. There are no other vets located in Wayzata proper. Wayzata Pet
10 Hospital is actually located in Minnetonka.

11
12 Commissioner Iverson stated that she has experience with utilizing soundproofing materials. She
13 explained that a project that she worked on was located next to the train tracks. Conversations
14 when a train was passing were not possible prior to the material installation. After installation,
15 communication was unimpeded by the train's passing. She added that proper soundproofing really
16 does work.

17
18 Commissioner Parkhill asked if "Lulu and Luigi" have a required walking space.

19
20 Director Goellner responded that "Lulu and Luigi" is located in a C-2 District as well, but since
21 they are a pet grooming business that is a permitted use, they have not been required to have such
22 a space.

23
24 Vice Chair Plantan asked if the business would treat exotic pets.

25
26 Dr. Golden stated that 99.9 % of the time they will be treating dogs and cats. Occasionally, a
27 "pocket" pet may need care. They will not be treating exotic pets.

28
29 There being no one else wishing to comment on this application, Vice Chair Plantan closed the
30 public hearing at 7:04 p.m.

31
32 Vice Chair Plantan asked if the Commission had any comments to share.

33
34 Commissioner Merriam asked if there were nuisance, health, and safety regulations in the City
35 code that would address concerns related to an Animal Clinic.

36
37 Director Goellner stated that the regulations in the City Codes would address these concerns and
38 additional conditions would not need to be added. She added that having a properly written
39 condition in the CUP approval stating that all local and state ordinances must be followed would
40 likely be sufficient.

41
42 City Attorney David Schelzel concurred with Director Goellner's statement.

43
44 Commissioner Merriam asked if they should add a standard that would not allow an Animal Clinic
45 to be located within a certain distance from a Restaurant.

1 Director Goellner stated that additional research would need to be conducted to determine what an
2 appropriate distance would be. She added that outdoor seating is likely the most problematic piece
3 and should be focused on instead of a blanket distance standard for all Animal Clinics and
4 Restaurants. A case-by-case approach may be the most appropriate way to address the distance
5 concerns. Conditional Use Permits are required for the types of businesses being discussed, and
6 the general CUP criteria states that the proposed business cannot be too impactful on its
7 surroundings, which may cover this concern. If the Commission would like to set a specific
8 distance requirement, staff can gather information to determine a number that would be
9 appropriate.

10
11 Commissioner Douglas asked if the term adjoining space would suffice rather than determining a
12 numerical distance between the business types.

13
14 Commissioner Parkhill asked for clarification regarding approval of a Text Amendment to allow
15 Animal Clinics within a C-2 District, and if that would apply to all of Wayzata.

16
17 Director Goellner replied that there are some additional standards that would need to be part of the
18 Text Amendment, but if the Text Amendment were approved, a Conditional Use Permit for an
19 Animal Clinic could be applied for anywhere within a C-2 District, which encompasses the three
20 shopping centers in Wayzata.

21
22 Commissioner Bashioum asked for clarification regarding removal of surgery waste and if it is
23 handled under health and safety guidelines.

24
25 Director Goellner stated that this type of waste would be considered hazardous or infectious waste
26 and the applicant has separate containment units to house the material until a special pick-up
27 service can dispose of the materials.

28
29 Dr. Golden stated that the type of waste being discussed is highly regulated by OSHA and state
30 standards. She added that there is not a large amount of this type of waste generated and the system
31 in place removes these items on a daily basis. Bodies of animals are kept in secure and separate
32 areas until the daily cremation service arrives to transport them.

33
34 Commissioner Bashioum stated she would like the conditions of any approval to state that there
35 are OSHA requirements in place that must be followed.

36
37 Commissioner Parkhill asked to know who would be maintaining the grassy area located at the
38 back of the building.

39
40 Dr. Golden clarified that she would not be routinely sending clients out to the grassy area, but the
41 area would be utilized by staff if samples were required. The clinics staff would be respectful of
42 keeping the area clean as she would expect of the staff at Chuck and Don's. She added that the
43 grassy location is not one that is frequented by the public.

44
45 Commissioner Parkhill asked the applicant how she chose the retail space.
46

1 Dr. Golden stated that she lives a mile from the location, loves Wayzata, wanted to be located by
2 Chuck and Don's retail store, and she realized that there wasn't another veterinary clinic in the
3 area.

4
5 Commissioner Iverson asked if there was a way to protect Dr. Golden's business if there are dog
6 owners that choose not to clean up after their dog.

7
8 Director Goellner stated that the property owner and leasing agent would need to identify and
9 enforce the issue first.

10
11 Commissioner Bashioum stated that adding an outside pet waste disposal supply and garbage may
12 meet the needs.

13
14 Vice Chair Plantan thanked the applicant for the presentation and added that the Clinic would be
15 a nice fit for the area and its residents. She asked if two separate motions on the application would
16 need to be made.

17
18 City Attorney Schelzel stated that there are two requests before the Commission, the Zoning Text
19 Amendment which would apply throughout the C-2 District, and the actual Conditional Use Permit
20 for the applicant's business should the Animal Clinic conditional use be added by the Zoning Text
21 Amendment. Conditions that have been discussed by the Commission may apply to either of the
22 two requests.

23
24 Commissioner Merriam stated that a condition of the requested CUP could be to limit the treatment
25 to dogs and cats and prohibit treatment of exotic pets.

26
27 City Attorney Schelzel stated that one way to handle incorporating the restrictions discussed may
28 be to tie the conditions of CUP approval to laws and regulations applicable to the business, and
29 the restrictions that the applicant has mentioned are in her lease agreement. This could include
30 items relating to sound, hours of operation, and types of animal restrictions. The Commission
31 would need to determine if an identified condition should be attached to the Text Amendment that
32 would apply to all C-2 Animal Clinics or specifically to the applicants CUP request.

33
34 Commissioner Douglas expressed concern with the treating of exotic pets within a retail space and
35 the potential for impact of neighboring business.

36
37 Dr. Golden stated that the treatment of exotic pets requires additional training and certification and
38 her focus is on companion pets. She believes that the treatment of exotic pets is excluded from
39 her lease.

40
41 Commissioner Douglas asked if there was a reason why a 2,000 square-foot limit for an Animal
42 Clinic was discussed.

43
44 Director Goellner stated that 4,000 square-foot is the proposed limit in the C-2 District Zoning
45 Text Amendment for any Animal Clinic in any of the shopping centers. If the applicant would

1 want to expand beyond the 1794 square-foot requested in its CUP application, an amendment to
2 the CUP would be needed.

3
4 There being no further questions or discussion among the Commissioners, Vice Chair Plantan
5 asked for a motion on the application.

6
7 Commissioner Iverson made a motion, seconded by Commissioner Parkhill, to direct staff to
8 prepare a draft Planning Commission Report and Recommendation for review and adoption at the
9 next Planning Commission meeting, with appropriate findings reflecting a recommendation of
10 approval of the Text Amendment and the Conditional Use Permit with the conditions that no exotic
11 pets can be treated at the Animal Clinic, OSHA regulations for animal waste disposal must be
12 followed, noise minimization efforts must be made, Animal Clinics and Restaurants cannot share
13 a demising wall, no animal boarding may be permitted, an outdoor elimination area must be
14 included and maintained, a pet waste disposal station must be located outside of the business, and
15 the business must adhere to Saturday's hours of operation of neighboring businesses for the
16 address at 1125 Wayzata Blvd E. The motion carried unanimously.

17
18 Director Goellner stated that the next step for the application would be for it to return to the
19 Planning Commission, where a draft PC Report and Recommendation on the Application would
20 be considered for adoption as part of the Consent Agenda. The Planning Commission can alter
21 some of the final language of the Report prior to it moving to the City Council. This application
22 contains a proposed ordinance which requires two consecutive readings at the City Council level.
23 Once the ordinance is approved and published, the Zoning Text Amendment will become law, and
24 then the Conditional Use Permit can be issued.

25
26 **b.) Consider Development Application for Variances for a New Single-Family Home**
27 **at 639 Bushaway Rd "Skyfall"**
28

29 Consultant Planner Eric Zweber stated that the applicant and property owner, Bushaway Road
30 LLC, has submitted a development application requesting approval of a variance from the
31 shoreland setback, a variance from the impervious surface requirement, and a variance from the
32 size limit for an attached garage to allow for the redevelopment and construction of a new house
33 and detached garage on the property at 639 Bushaway Road. The existing house at 639 Bushaway
34 Road was constructed in 1997. Since 1997, the house to the south (655 Bushaway Road) was
35 constructed in 2003 and the house to the north (623 Bushaway Road) was constructed in 2016.
36 All three homes share the same access onto Bushaway Road on the north end of this parcel.

37
38 The existing site has a one and a half story house with an attached garage on the west side of the
39 property overlooking Lake Minnetonka and a guest house located on the east side of the property.
40 The site changes about 40 feet in elevation with the entry elevation of the exiting house at 979.7
41 feet and the driveway access along Bushaway Road at 938 feet. The driveway runs roughly east-
42 west from Bushaway Road to the house and attached garage. The driveways to 623 Bushaway
43 Road and 655 Bushaway Road run at approximately right angles from the existing 639 Bushaway
44 Road driveway. The existing guest house has a driveway that connects to the driveway to 655
45 Bushaway Road.



Staff Report September 16, 2019

Project Name: Animal Clinic at 1125 Wayzata Blvd E
Applicant: Golden Veterinary Care (Dr. Sharon Golden, DVM)
Representative: Carl Robertson, Sjöquist Architects, Inc.
Requests: Text Amendment to Allow Animal Clinics in C-2
Conditional Use Permit for Animal Clinic
Address: Colonial Square Shopping Center, 1125 Wayzata Blvd E
Prepared by: Emily Goellner, Community Development Director
“60 Day” Deadline: October 25, 2019

Development Application

Project Background

The applicant, Golden Veterinary Care, has submitted a development application to open a 1,794 square-foot animal clinic in the former AT&T space at Colonial Square Shopping Center. The development application requests approval of a Zoning Code Text Amendment to allow animal clinics as a conditional use in the C-2 District. Simultaneously, the applicant is requesting a Conditional Use Permit. The City may review these requests concurrently in one application. The applicant has signed a lease with Regency Partners for this tenant space and applied for a building permit for the build out of the tenant space as an animal clinic. Typically, applicants receive land use approvals from City Council before proceeding with a lease agreement. However, the applicant was told by City staff in April, 2019 that animal clinics were permitted in the C-2 District. At the time, staff made a mistake in the interpretation of the Code. It was interpreted that animal clinics were the same as human clinics. However, animal clinics are specifically listed in the C-3 District and in the Parking section. Additionally, there is a provision in the Code that any use not listed is specifically prohibited. Upon applying for the building permit, the mistaken interpretation was discovered. The applicant renegotiated to delay the dates in her lease and applied for this development application.

Terminology

Animal Clinics and Veterinary Clinics are terms that will be used interchangeably throughout this report and in the staff presentations. While most people commonly refer to them as Veterinary Clinics, the Wayzata City Code refers to Animal Clinics instead. In an effort to be consistent with existing Code, the applicant is using Animal Clinics in the proposed Code language.

Property Information

Address	PID	Owner
1125 Wayzata Blvd E	05-117-22-23-0021	FW MN-Colonial Square, LLC

Zoning District:	C-2 Shopping Center
2030 Comp Plan Designation:	Mixed Use Commercial
2040 Comp Plan Designation:	Mixed Use Commercial/Residential
Design District:	Bluff District

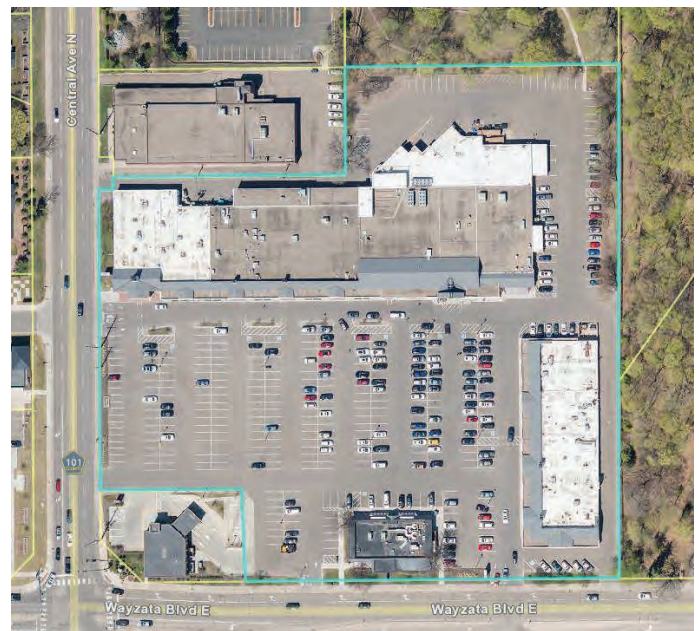
Project Location

The shopping center is located at the intersection of Central Ave N and Wayzata Blvd E:

Map 1: Aerial Photograph of Area, 2019



Map 2: Aerial Photograph of Site, 2019



Source: Hennepin County Interactive Property Map

Application Requests

The applicant is requesting approval of the following items:

- A. Zoning Code Text Amendment: The zoning ordinance does not list Animal Clinics as a Permitted Use or a Conditional Use in the C-2 Zoning District. The applicant requests that Animal Clinics be added as a Conditional Use, subject to specific restrictions (§ 976.05 O). These restrictions are also commonly called development standards. The applicant is proposing development standards that are similar to those listed for Animal Hospitals, Clinics, and Kennels in the C-3 Zoning District (see proposed language and applicant narrative attached). Staff has analyzed the

proposed development standards and suggests a few additional standards in this memo for the Planning Commission to consider.

- B. Conditional Use Permit. Upon adoption of an Ordinance allowing Animal Clinics as a Conditional Use in the C-2 District, the Council may then approve (in the same meeting or a later meeting) a Conditional Use Permit (under § 976.05 O) for Golden Veterinary Care at 1125 Wayzata Blvd E. The approval is subject to the development standards outlined in the proposed Ordinance and any additional conditions recommended by the Planning Commission and City Council. Additional conditions may be recommended in order to mitigate adverse effects to surrounding properties. A narrative describing the proposal is attached.

Comprehensive Plan

The Draft 2040 Comprehensive Plan is currently under review by the Metropolitan Council. Until its official adoption, the City will continue to be guided by the 2030 Comprehensive Plan. The land use designation for the subject property in the 2030 Plan is Mixed Use (M-U) Commercial. The M-U Commercial category is intended to be a mix of commercial, office, and residential uses with an emphasis on commercial and office use, but allowing for residential use when properly integrated. Several properties along Wayzata Boulevard as well as one block between Minnetonka Ave, Rice St, Walker Ave, and Indian Mound are guided for M-U Commercial/Residential in the Draft 2040 Comprehensive Plan. A map is attached.

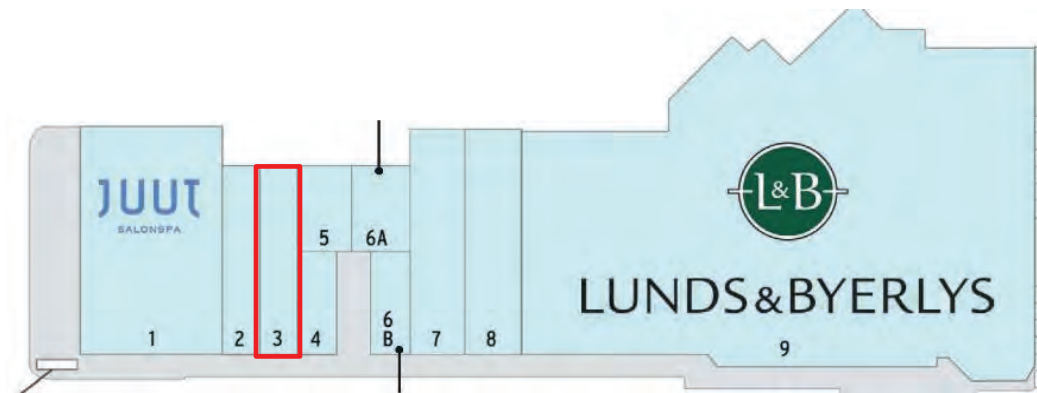
The Draft 2040 Comprehensive Plan land use designation for the subject property is M-U Commercial/Residential. This category provides for a combination of commercial and residential uses. The intent of this category is to encourage development that responds to the characteristics of the locality of the property, while encouraging a mixture of development types to serve residents. It has been designated in areas that are traditionally commercial uses. It allows for the continued use of commercial development. Several properties along Wayzata Boulevard as well as two blocks between Manitoba Ave, Rice St, Walker Ave, and Indian Mound are guided for M-U Commercial/Residential in the Draft 2040 Comprehensive Plan. A map and description of the Commercial Goals and Policies are attached.

Adjacent Land Uses

Direction	Adjacent Use	Zoning	Comprehensive Plan Land Use Designation
North	Office at 162 Central Ave N	C-2 Shopping Center	2030: M-U Commercial 2040: M-U Comm/Res
East	Big Woods Preserve at 1221-1225 Wayzata Blvd E	Institutional	2030: Institutional/Public 2040: Park
South	Bank at 1101 Wayzata Blvd E	C-2 Shopping Center	2030: M-U Commercial 2040: M-U Comm/Res
	Heritage Park at 1106 Wayzata Blvd E	C-3 Service	2030: Park 2040: Park
	Vacant Office at 1120 Wayzata Blvd E	C-3 Service	2030: M-U Commercial 2040: M-U Comm/Res

Direction	Adjacent Use	Zoning	Comprehensive Plan Land Use Designation
	Retail/Service at 1200 Wayzata Blvd E	C-3 Service	2030: M-U Commercial 2040: M-U Comm/Res
West	Residential at 141-155 Wooddale Ave	PUD	2030: Low Density Res 2040: Central Core Res
	Bank at 135 Central Ave N	PUD	2030: Low Density Res 2040: M-U Comm/Res
	Pharmacy/Retail at 1055 Wayzata Blvd E	PUD	2030: M-U commercial 2040: M-U Comm/Res

Adjacent Tenants in Shopping Center



Source: Regency Partners, 2019

No.	Tenants at Colonial Square Shopping Center, North Building	Sq. Ft.
1	Juut SalonSpa	8,968
2	Paint Nail Bar (nail salon)	2,000
3	Golden Vet Care (Proposed)	1,794
4	Modern Roots (retail)	1,100
5	Salon Entourage	1,350
6A	Maverick Chiropractic	1,313
6B	Bank of America	1,176
7	Owl and the Octopus (retail)	4,215
8	Chuck and Don's Pet Food Outlet (retail)	3,600
9	Lund's & Byerly's (grocery)	43,978

Source: Regency Partners, 2019

Public Hearing Notice

The public hearing notice was mailed to all property owners located within at least 350 feet of the subject property on September 4, 2019. The public hearing notice was published in the *Lakeshore Weekly* on September 5, 2019.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

Zoning Ordinance Text Amendment Application

Text Amendments are a legislative decision, meaning that cities use their legislative (lawmaking) authority and have discretion in choosing their language and identifying uses as permitted, prohibited, or conditional in particular districts. In exercising their legislative authority, cities' zoning decisions must be constitutional, rational, and in some way related to protecting the health, safety, and welfare of the public (League of Minnesota Cities Info Memo: Zoning Guide for Cities, 2017).

Conditional uses are the type of land uses that often are too problematic to be permitted uses as of right in a zoning district, but it is not practical to prohibit it completely from the zoning district. Minimum standards may be listed for each Conditional Use. These standards are meant to minimize the problematic features of the use may be included in the Zoning Ordinance. In this case, any development standards listed for an animal clinic in C-2 would be applicable to all animal clinics in the C-2 District, no matter which shopping center it is located in. Criteria for the review of Zoning Ordinance Text Amendments are on page 13.

Animal Clinics

Animal clinics are commonly referred to as veterinary clinics, which are medical facilities licensed by the State of Minnesota for the treatment of household pets. They are maintained and operated by a licensed veterinarian for surgery, diagnosis, or treatment of diseases and injuries of household animals.

Animals

In allowing animal clinics as a conditional use, the City Council may wish to exclude the treatment of certain exotic pets from the C-2 district specifically, where tenants are located in close proximity to each other in a shopping center (rather than a free-standing commercial building, which is more typical of the C-3 district). An exotic pet is a rare or unusual animal kept within human households which is relatively unusual to keep or is generally thought of as a wild species rather than as a pet. This typically includes rodents, reptiles, amphibians, insects, or arachnids. "Exotic" often refers to a species which is not native or indigenous to the owner's locale and "pet" is a companion animal living with people. Some veterinarians will exclude certain animal species from their business. The applicant can speak more to the nuances of treating exotic pets.

Section 930.01 of Code states that farm animals are not allowed in the City.

Section 702.42 of Code states that no persons shall keep or allow to be kept anywhere in the city any animal of a ferocious or vicious character, habit or disposition, or any animal which is wild by nature, including, but not limited to wolves, wolf hybrids and cougars.

Licensing

Veterinary doctors, clinics, and hospitals must register with the Minnesota Board of Veterinary Medicine. Additional information about the statutes and rules relevant to the Board can be found on this website: <https://mn.gov/boards/veterinary-medicine/board/resources/statutes-rules.jsp>. Additionally, Section 702.47 states that all health standards in the Animals Chapter shall apply to veterinary hospitals or similar facilities and such hospital or facility shall be open for inspection at any time by the City Manager or the City Manager's designee. An animal clinic would be considered a similar facility.

C-2 Zoning District

The C-2 Shopping Center Business Zoning District is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned shopping center with a unified and organized arrangement of buildings and service facilities at locations which are suitable for such use. There are 48 permitted uses, 1 interim use, 4 accessory uses, and 14 conditional uses. Any uses not listed are prohibited. Of the 14 conditional uses currently listed, some has as few as 2 development standards and some have as many as 21 development standards. The C-2 District regulations are attached to this report.

It differs from the C-1A, C-1B, C-3, C-4, C-4A, and C-4B Districts in the following ways:

- C-2 is focused on shopping centers
- Location throughout the City. C-2 comprises the Colonial Square Shopping Center, Crosscreek Shoppes, the Village Shoppes, and vacant land at 998 Lake St E.
- Uses – more uses are allowed in C-2 than in C-1 District. More conditional uses are allowed in C-3 than in C-2. The uses allowed in C-2 and the C-4 Districts are similar.
- Height, setback, and lot coverage requirements vary among the commercial districts.

CUP for Animal Clinic in C-2 District

The League of Minnesota Cities notes that cities often struggle to decide the permitted and conditional uses for each zoning district. Appropriate uses will change from district to district. Uses designated as “permitted” are automatically allowed, with no need for further application or review (related to zoning) by the city. Therefore, the League suggests that the list of permitted uses should only contain uses about which the city has no reservations. Conditional uses serve as a form of authorized, permitted use, provided the applicant can meet the conditions specified in the ordinance or permit allowed under the ordinance. The conditions specific

In this case, the other uses permitted in the C-2 District that could be incompatible if in close proximity to an animal clinic include restaurants, particularly with outdoor seating. Restaurants are a conditional use in the C-2 District. Outdoor dining must be approved through a separate permit with the City as well. Additionally, a leasing agents may decide not to allow these two tenants to be immediately adjacent to each other. Also, restaurant and animal clinic owners may decide not to locate next to either other either out of the same concerns. Staff did not any other uses that are inherently incompatible with animal clinics in a shopping center context, but this should be discussed with the Planning Commission.

Development Standards

The Wayzata City Code lists specific standards that must be met in order to apply for a Conditional Use Permit. These often refer to noise, lighting, odors, setbacks, distances from other establishments, setbacks, hours of operation, licensing, and more. In the C-3 District, Animal Hospitals, Clinics, and Kennels, excluding establishments with outside runs, have the following minimum development standards:

1. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any lot line.
2. The animals shall, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
3. The provisions of Minnesota Pollution Control Agency Regulations SW [53](#)(2) are complied with.
4. All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

The first development standard is applicable to free standing buildings, but it has relevance in a shopping center format. This may not be appropriate for the C-2 District, but should be discussed. The second standards is applicable to kennels, which would not be listed in the C-2 District under this proposal (and therefore prohibited). Staff and the applicant tried researching the third development standard, but could not find any specific regulations. It's suspected that these have to do with the disposal of hazardous or infectious waste. The fourth development standard is written to include any MPCA regulations, so staff recommends that this standard be carried forward for this proposal. The fifth development standard references the criteria for review of Conditional Uses section of Code, so it should also carry forward.

The applicant is suggesting that the following development standards be included in the C-2 District:

1. The facility is limited to 4,000 square feet
2. The facility does not provide animal boarding services or kenneling beyond required overnight stays for patients.
3. The hours of operation coincide with those of the commercial retail sales in the area or complex.
4. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any lot line.
5. The provisions of Minnesota Pollution Control Agency Regulations SW 53(2) are complied with.
6. All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

Staff agrees with the applicant that a size limitation is appropriate for shopping centers. The limit of 4,000 square feet seems reasonable for a shopping center. Staff also agrees with the applicant that overnight stays should be very limited in the C-2 District. Staff also agrees that hours of operation should coincide with other business and would prefer that the wording be adjusted to say “businesses” rather than “commercial retail stores” since there can be some uses allowed in the shopping center that do not fall squarely into that category, such as salons.

If the Planning Commission recommends that certain exotic animals be prohibited from treatment in the C-2 District, this could be added as a development standard (which would apply to all animal clinics in every shopping center in C-2). Alternatively, this restriction could be applied on a case-by-case basis with each Conditional Use Permit as it is reviewed.

The conglomeration of too many animal clinics in one shopping center is unlikely to occur due to market competition and restrictions that are likely to be present in lease agreements, but the City may address this concern if deemed necessary.

Animal Hospital v. Animal Clinic

In Section 702.01 of Code, which includes general provisions for animal impoundment and dog licensing, animal hospitals are defined as a place for treatment, hospitalization, surgery, care and boarding of animals and birds, which place is operated by a licensed veterinarian. Some cities choose to differentiate animal hospitals from animal clinics in the City Code since hospitals can be a land use with higher impacts to its surroundings. That is why the applicant is not suggesting that animal hospitals (or kennels) be listed in the C-2 District. Generally, an animal hospital is open up to 24 hours, provides emergency services, is larger than a clinic, requires more parking, generate more traffic, is more likely to offer overnight boarding, and is more likely to have a crematorium on site (or have more likelihood of animal deaths in general). Staff recommends that unique definitions be crafted for the Zoning Section of the Wayzata Code of Ordinances to ensure that animal hospitals and clinics are treated differently.

Proposed Definitions:

Animal Clinic: A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets. A facility operated during daytime and evening business hours by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of household animals. No overnight staff hours that would qualify this clinic as an animal hospital may be provided.

Animal Hospital: A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets. A facility operated during up to 24 hours a day by a licensed veterinarian for emergency procedures, surgery, diagnosis, and treatment of diseases and injuries of household animals.

Additional Information

The Planning Commission and City staff have the authority to request additional information from the applicant or to retain expert testimony if necessary to evaluate the request and/or to establish performance conditions.

Conditional Use Permit Application

If the Zoning Ordinance is amended to allow animal clinics as a conditional use in the C-2 District, then Golden Veterinary Clinic may be granted a CUP if all standards and conditions are met. An amendment and CUP can be approved in the same meeting as long as the amendment is approved first and the CUP is recorded after the ordinance is published.

According to the League of Minnesota Cities, a CUP is a quasi-judicial decision, meaning that the city no longer serves in its legislative capacity in legislating for the broad population as a whole. Rather, the city makes a quasi-judicial (judge-like) determination of whether individual application meets the standards of the city ordinance (which is the Criteria for Conditional Use Permit Review in § 904.02 F, also listed on page 13 of this report). If an application meets the requirements of the ordinance, generally the city must grant it. If the city denies an application, the stated reasons for the denial must all relate to the applicant's failure to meet standards established in the ordinance. In sum, the city has a great deal of liberty to establish the rules, but once established, the city is as equally bound by the rules as the public.

Hours of Operation

The 1,794 square-foot Golden Veterinary Clinic would be open from 8:00 a.m. to 6:00 p.m., Monday through Friday. Excluding Lund's & Byler's grocery store, the hours of operation for the other businesses in the north building range from 8:00 a.m. to 9:00 p.m. Monday through Sunday. Hours range from 9:00 a.m. to 6:00 p.m. on Saturday and Sunday.

Space	Tenant	Hours of Operation
1	Juut SalonSpa	9 a.m. – 8 p.m. (M-F), 8 a.m – 5 p.m. (Sa) 11 a.m. – 5 p.m. (Su)
2	Paint Nail Bar (nail salon)	10 a.m. – 6 p.m. (M-W, F), 10 a.m. – 8 p.m. (Th), 9 a.m. – 5 p.m. (Sa), closed (Su)
3	Golden Vet Care (Proposed)	8 a.m. – 6 p.m. (M-F) proposed
4	Modern Roots (retail)	10 a.m. – 6 p.m. (M-W), 10 a.m. – 7 p.m. (Th-Sa), 10 a.m. – 5 p.m. (Su)
5	Salon Entourage	9 a.m. – 8 p.m. (T-Th), 9 a.m. – 5 p.m. (F, Sa), closed (Su, M)
6A	Maverick Chiropractic	Sporadic, ranging 8 a.m. - 6 p.m. (M-Th), closed F-Su)
6B	Bank of America	10 a.m. – 6 p.m. (M-F), 9 a.m. – 1 p.m. (Sa), closed (Su)
7	Owl and the Octopus (retail)	9 a.m. – 6 p.m. (M-Sa), 10 a.m. – 6 p.m. (Su)
8	Chuck and Don's Pet Food Outlet (retail)	9 a.m. – 9 p.m. (M-F), 9 a.m. – 6 p.m. (Sa), 10 a.m. – 6 p.m. (Su)
9	Lund's & Byler's (grocery)	6 a.m. – 12 a.m. (daily)

Source: Google Maps, 8/22/19

In discussions with staff, the applicant stated that there is some potential that the clinic would be open for some weekend or later weekday hours for appointments in the future if the business grows.

Employees

The clinic is projected to have two veterinary doctors, two technicians, and two to three administrative assistants on staff.

Noise

The applicant must comply with the building code, zoning ordinance, and lease agreement requirements regarding noise. The architect on this project is also the acoustical engineer. If requested, the applicant and architect can provide additional details on how the noise limits are measured and enforced. The architect and builder have completed several veterinary clinics in mall settings and are verse in noise control measures, including special wall preparation and the use of specific ceiling materials. In discussions with the staff, the applicant noted that employees will not work well with any consistent sound of barking dogs, so that will not be a tolerated at the business since it effects employee productivity and well-being.

Waste

In discussions with staff, the applicant stated that there will not be any excessive garbage or waste produced and that extra waste pick up will not be necessary. Any euthanized pets are picked up discreetly by the cremation service from the back of the clinic. The bodies are stored in a large freezer in the back of the clinic, so there will be no odor. The clinic will follow OSHA standards for eliminating tiny amounts of medical waste produced. Additional information in the applicant's lease addresses waste and can be provided upon request.

Animal Waste

The applicant stated that the patients are the clinic will be trained family companions and household pets that don't typically eliminate in public indoor places. Most people have their pets eliminate prior to starting the trip to the clinic. Although possible that a dog would defecate on the way in, most pet owners understand its protocol to carry bags and collect their pets waste. She also stated that most dogs will not be eliminating on the building and that it will be the same as Chuck and Don's in the same building. Their storefront doesn't have waste or odor in the entrance. If it was to happen, the clinic employees would be responsible enough to clean up the offensive waste products. She stated that any foul smelling waste will be disposed of in the appropriate manner, which includes plastic odor controlling bags. There is usually a minimal amount of animal waste that animals visiting the clinic produce. It is unusual for pets in the clinic for exams to defecate while in the clinic. Not that it couldn't happen, just unusual.

Odors

In discussions with staff, the applicant stated that the clinic is the employees' working environment and they cannot work effectively with foul odors. She stated that the clinic and surrounding area will not have any foul odors, the architect and builder have been building animal clinics for many years and the proper ventilation will be in place inside the clinic.

Animal Species

The applicant stated that no exotic animal species will be treated. If requested, the applicant can explain the definition of exotic animals.

Traffic

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that a veterinary clinic will generate up to 3-4 vehicles per 1000 SF during peak hours, which are between 4:00 p.m. and 6:00 p.m. on a weekday. In this case, that would generate up to 6-8 vehicles. The shopping center is accessed from driveway entrances on Central Avenue and Wayzata Boulevard. The streets and parking lot are designed to accommodate this traffic.

Off-Street Parking

Before signing the lease, the applicant spent time at all hours of the day evaluating the parking. She concluded that there is plenty of parking available to accommodate her business. She stated that the clinic will see one client every half hour. In talking to Chuck and Dons, she said that they felt the same way and that they have more traffic than the clinic will. She stated that staff will park in the main parking lot of the shopping center, but towards the back to leave more convenient spaces for customers. The clinic will have three to six staff members on a regular basis in the building and average two clients per hour.

The existing retail and service commercial tenants in the building are also required to have on-site parking. Shopping centers are required to have 1 parking space for every 150 square feet of tenant space. There is 93,248 square feet of tenant space in the entire Colonial Square Shopping Center, which includes Bruegger's and Noodles & Company in separate building. This requires 621 parking spaces, but the site has 424 spaces according to a survey from 2004. Since the leasing agent and business owner are comfortable with the existing parking conditions and since staff observations have verified that there is not a parking shortage, staff is comfortable with advancing this proposal without a formal parking study.

Even if the parking lot does not have the exact amount of parking spaces required by Code, the City's parking ordinance allows the use of joint parking facilities for one or more uses to provide the required off-street parking by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each use or site. The zoning ordinance provides specific shared parking reductions for mixed use buildings that include retail, restaurant, office, and residential uses.

The leasing agent for Colonial Shopping Center informed City staff that this shopping center does not include signs in the parking lot that reserve spaces for specific businesses.

Signs

The applicant is working on a sign permit application. Sign information can be provided upon request.

Potential Conditions of Approval

If the Commission is interested in recommending approval with conditions, staff suggests that these conditions for the CUP be considered:

- Any deviations from the project description, conditions, or exhibits require a Conditional Use Permit Amendment. Deviations without the above described approval will constitute a violation of permit approval.
- Clinic staff should take action to minimize barking at this facility through use of appropriate techniques.
- Noise associated with veterinary clinic operations shall be limited to those established in the Wayzata Code of Ordinances. If repeated significant and valid noise complaints are received by the City, the responsible party shall hire an acoustical engineer to prepare a noise study. The City will review the third party report and may reverse their decision or not. If the responsible party fails to comply with a City's decision that a violation exists, enforcement will proceed in accordance with the official process and may result in the suspension or revocation of the Conditional Use Permit or the issuance of an administrative or misdemeanor citation.
- Any outdoor animal waste elimination area shall be designated in the rear of the building and at least 100 feet from residential property and supported by the property owner and leasing agent. All animal waste shall be removed immediately. If repeated significant and valid animal waste complaints are received by the City, enforcement will proceed in accordance with the official process and may result in the suspension or revocation of the Conditional Use Permit or the issuance of an administrative or misdemeanor citation.

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 for each request, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Applicant's Narrative – Zoning Ordinance Text Amendment

Applicant's Narrative – Conditional Use Permit

Site Plan

Floor Plan

Site Survey, 2004

2030 Land Use Plan

Draft 2040 Land Use Map

Commercial Goals and Policies, Land Use Chapter, Draft 2040 Plan, July 2019

Zoning Map, 2019

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While several criteria appear to be met, **staff has highlighted in bold** the criteria that may require additional discussion with the Planning Commission.

Criteria for Zoning Ordinance Text Amendment Review (§ 903.02 F)

By State Statute, the City Council has a great deal of discretion in deciding which land uses to permit in each Zoning District. The Wayzata City Code notes that uses which are not specifically listed in a Zoning District are prohibited unless added by the Planning Commission and City Council by Ordinance after a public hearing.

The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.**
- 2. The proposed use's conformity with present and future land uses of the area.**
- 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).**
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property value in the area in which it is proposed.
6. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Criteria for Conditional Use Permits Review (§ 904.02 F)

The Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- 2. The proposed use's compatibility with present and future uses of the area.**
- 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).**

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

Description of Request

We are requesting an amendment to the Zoning Code to include smaller and limited Animal Clinics to Chapter 976 - C-2 SHOPPING CENTER BUSINESS DISTRICT, Section 976.05 - Conditional Uses. For this purpose, we are defining a smaller and limited Animal Clinic as a clinic that is less than 4,000 sf, is not open 24 hours, and does not offer boarding services.

The impetus behind this request stems from the desire for Sharon Golden DVM to open such a clinic in an available space in the Colonial Square Shopping Center. Performing our due-diligence, one of the first calls made was to the Wayzata Planning Department to ascertain if this was a permitted use in this location. On 2019.04.18, the Zoning Administrator informed us that there were no zoning obstacles to putting an animal clinic at Colonial Square. With this assurance, over the next four months a lease was negotiated and signed, the details of the clinic were hammered out, and the construction documents were prepared. These documents were submitted to the City for a building permit, and on 2019.08.15 we were informed that the C-2 zoning in which Colonial Square resides does not include animal clinics as an allowed use and there would be no further action taken on the application for building permit.

This use is consistent with both the 2030 and 2040 Comprehensive Plans' goals of promoting a broad range and diversity of commercial uses which provide services for residents. We feel that this proposed use is very compatible with the other uses within the C-2 Shopping Center Business District. Animal Hospitals, Animal Clinics, and Kennels are a Conditional Use in the C-3 District, and as the C-2 District is meant to be a less impactful land use than C-3, a smaller and limited Animal Clinic will fit well withing this lower impact use. It is also worth noting that many of the surrounding communities allow animal clinics to be in shopping centers, including but not limited to Minnetonka, Plymouth, Golden Valley, and St Louis Park.

Attached is a copy of a portion of Chapter 976 - C-2 SHOPPING CENTER BUSINESS DISTRICT through Section 976.05 O indicating the proposed text amendment (underlined) at the end.

CHAPTER 976 - C-2 SHOPPING CENTER BUSINESS DISTRICT

976.01 - Purpose.

The C-2 District is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned shopping center with a unified and organized arrangement of buildings and service facilities at locations which are suitable for such use. All of the following principal uses, except for required off-street parking facilities, shall be conducted wholly within an enclosed building.

976.02 - Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in a "C-2" District:

- A. Adult Use—Principal and Accessory.
- B. Antique shops.
- C. Appliance sales or service stores.
- D. Art galleries or studios.
- E. Art supply, school supply, book or stationery stores.
- F. Automotive accessory stores.
- G. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.
- H. Banks, savings, lending or other financial institutions, excluding drive-in facilities.
- I. Barber shops.
- J. Beauty parlors.
- K. Bicycle stores, including bicycle rental, repair or sales.
- L. Blueprinting, photostating or instant printing establishments under 2,000 square feet in gross floor area.
- M. Business machine sales or services stores.
- N. Camera and photo stores.
- O. Candy or ice cream stores.
- P. Carpet and rug stores.
- Q. Catering establishments.
- R. Clothes pressing or tailoring shops.
- S. Department stores.
- T. Drug stores.
- U. Dry cleaning or laundry establishments.
- V. Florist shops.
- W. Food, grocery, meat, fish, bakery or delicatessen stores.
- X. Furniture stores.
- Y. Hardware stores.

Z. Hobby or toy stores.
 AA. Interior decorating studios.
 BB. Jewelry stores.
 CC. Laboratories (medical or dental).
 DD. Leather goods or luggage shops.
 EE. Libraries.
 FF. Locksmith shops.
 GG. Medical or dental clinics.
 HH. Newsstands.
 II. "Off-sale" liquor stores.
 JJ. Offices, including both business and professional uses.
 KK. "On-sale" liquor stores.
 LL. Optical stores.
 MM. Orthopedic or medical appliance stores.
 NN. Paint or wallpaper stores.
 OO. Pickup and delivery food establishments, provided that no seating is provided and that no facilities exist for customer dining on the premises.
 PP. Pet shops.
 QQ. Phonograph, record or sheet music stores.
 RR. Photography studios.
 SS. Physical fitness, health service establishments, or reducing salons.
 TT. Picture framing or picture stores.
 UU. Pipe or tobacco shops.
 VV. Post offices.
 WW. Plumbing sales
 XX. Public utility service stores.
 YY. Schools, such as music, dance, business or vocational schools.
 ZZ. Sporting goods stores.
 AAA. Taxidermy shops.
 BBB. Theaters, excluding drive-ins.
 CCC. Variety, gift, notion or soft good stores.
 DDD. Wearing apparel stores.
 EEE. Coffee shops.
 FFF. Municipal parks and playgrounds. 976.03 - Interim Use.

Subject to applicable provisions of this Ordinance, the following are interim uses in the C-2 district and are governed by Chapter 934 of this Ordinance:

A. Auto glass installation, internal to a shopping center complex.

976.04 - Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in a "C-2" District:

- A. Accessory uses customarily incidental to the uses allowed in Sections 976.02 and 976.05 of this Ordinance.
- B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.
- C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.
- D. Bus or taxi loading and unloading facilities.
- E. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.

(Ord. [782](#) [8-9-2018]) 976.05 - Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in a "C-2" District: (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 904 of this Ordinance.)

A. Freestanding Automobile Service Station and/or Motor Repair-Minor. Motor fuel station, auto repair—minor, tire and battery stores and service, and/or other such limited services, provided that:

1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.
2. Sites for such facilities are freestanding and not part of a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
3. Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally enclosed within a building.
5. Facilities on a site contiguous to any residential district shall not be operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.
6. Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
8. Compatibility. The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

9. Surfacing. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
10. Drainage. A drainage system subject to the approval of the City shall be installed.
11. Curbing. A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicles service areas.
12. Pump Islands. Wherever fuel pumps are to be installed, pump islands shall be installed.
13. Green Strip. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.
14. Lighting Standard Base Landscaped. Each light standard base shall be landscaped.
15. Stacking, parking or car magazine storage space shall be screened from view of a butting residential districts in compliance with Chapter 918.
16. Vehicle Circulation. Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.
17. Noise. Provisions are made to control and reduce noise in accordance with the Noise Control Section of this Ordinance.
18. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.
19. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
20. Sales Limitations. Sale of products other than those specifically mentioned in this Section shall be subject to a conditional use permit and be in compliance with Section 976.05.I of this Ordinance.
21. The provisions of Section 904.02.F are considered and satisfactorily met.

B. Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:

1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
4. Licenses. That the non-automotive sales shall qualify for and be granted an annual food handling, retail sales license or other license, as circumstances shall require, in addition to the conditional use permit.
5. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
6. Area. That the approximate area and location devoted to non-automatic merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.
7. Hours of Operation. The hours of operation shall be limited to 6.00 a.m. to 12.00 p.m., unless extended by the City Council.
8. Motor Fuel Facilities. Motor fuel facilities are installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability

around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

9. Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
 10. Compatibility. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.
 11. Dust Control and Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
 12. Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safely handling all activities and required facilities.
 13. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.
 14. Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
 15. Light Standards Base Landscaped. Each light standard base shall be landscaped.
 16. Access. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
 17. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 18. Noise. Noise control shall be as required in the Noise Control Section of this Ordinance.
 19. Outside Storage and Sales. No outside storage except as allowed in compliance with Section 916.12. An enclosed screened area is to be provided for rubbish and dumpsters.
 20. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- C. Drive-in facilities for banks, or savings and loan associations, provided that:
1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
 2. Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.
 3. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
 4. Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - a) Stacking. Not less than 180 feet of segregated automobile stacking lane(s) must be provided for the service window.

- b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
- c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
- d) Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
- e) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
- f) Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
- g) The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Indoor amusement or recreational establishments, such as commercial bowling alleys, billiard halls, game centers, swimming pools, skating rinks, or tennis courts as a principal use, provided that:

- 1. If located within a shopping center, the use has its own exclusive exterior access.
- 2. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.
- 3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
- 4. The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.
- 5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Repair stores or "fix-it" shops which provide services for the repair of home, garden, yard or personal appliances, provided that:

- 1. The use is conducted completely indoors.
- 2. The site shall accommodate sufficient parking and loading areas in conformance with Chapter 920 of this Ordinance.
- 3. The provisions of Section 904.02.F are considered and satisfactorily met.

F. Restaurants, excluding drive-ins or convenience food operations, provided that:

- 1. The use obtains all local, state and federal food and beverage handling licenses and/or permits.
- 2. There shall be no excessive noise or odors emitted from the use.
- 3. There shall be no outdoor storage and/or display.
- 4. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
- 5. The use must be landscaped and screened in accordance with Chapter 918 of this Ordinance.
- 6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Restaurant, convenience food, provided that:

- 1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.

2. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
 3. Lighting Standard Base Landscaping. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
 4. Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.
 5. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
 6. Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
 8. Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
 9. Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.
 10. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
 11. Drive-Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - a) Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.
 - b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
 - d) Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.
 - e) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 12. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- H. Open and outdoor storage as an accessory use, provided that:
1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
 2. Storage is landscaped and screened from view from the public right-of-way.
 3. Storage area is blacktopped or concrete surfaced.
 4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

I. Open or outdoor services, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.
3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
4. Areas are asphalt or concrete surfaced.
5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
6. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

J. Child care facilities as an accessory use, provided that:

1. The attendance of children is on a temporary sporadic basis as compared to a long-term schedule enrollment.
2. The facility must allow the children to stay for a period longer than three hours. The maximum length of stay per individual child is five hours.
3. The ages of the children attending range from 16 months to 12 years.
4. The hours of operation coincide with those of the commercial retail stores in the area or complex.
5. The employees and facility are licensed by the State Department of Human Services.
6. Fire codes as applicable are complied with.
7. Liability insurance coverage for the operation is demonstrated to the satisfaction of the City, and includes the City as an additional named insured.
8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

K. Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:

1. The provisions of Chapter 920, of this Ordinance are considered and satisfactorily met.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

L. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

M. Planned unit development as regulated by Chapter 933 of this Ordinance.

N. Micro-production Facility, provided that:

1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according Minn. Stats. § 340A.

2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.
13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
14. Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

O. Animal Clinic, provided that:

1. The facility is limited to 4,000 sf.
2. The facility does not provide animal boarding services beyond required overnight stays for patients.
3. The hours of operation coincide with those of the commercial retail stores in the area or complex.

4. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any residential property.
5. The provisions of Minnesota Pollution Control Agency Regulations are complied with.
6. All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

976.06 - Special Limitations and Conditions.

Description of Request for CUP

We are requesting a Condition Use Permit for an Animal Clinic (Golden Veterinary Care) at the Colonial Village Shopping Center, 1131-A Wayzata Boulevard E. This site is zoned C-2 SHOPPING CENTER BUSINESS DISTRICT.

The proposed Animal Clinic is 1,794 sf. Hours of operation will be 08:00 - 18:00 Monday through Friday. Six parking spaces are required for this size of clinic. There will not be any animal boarding or grooming services offered.

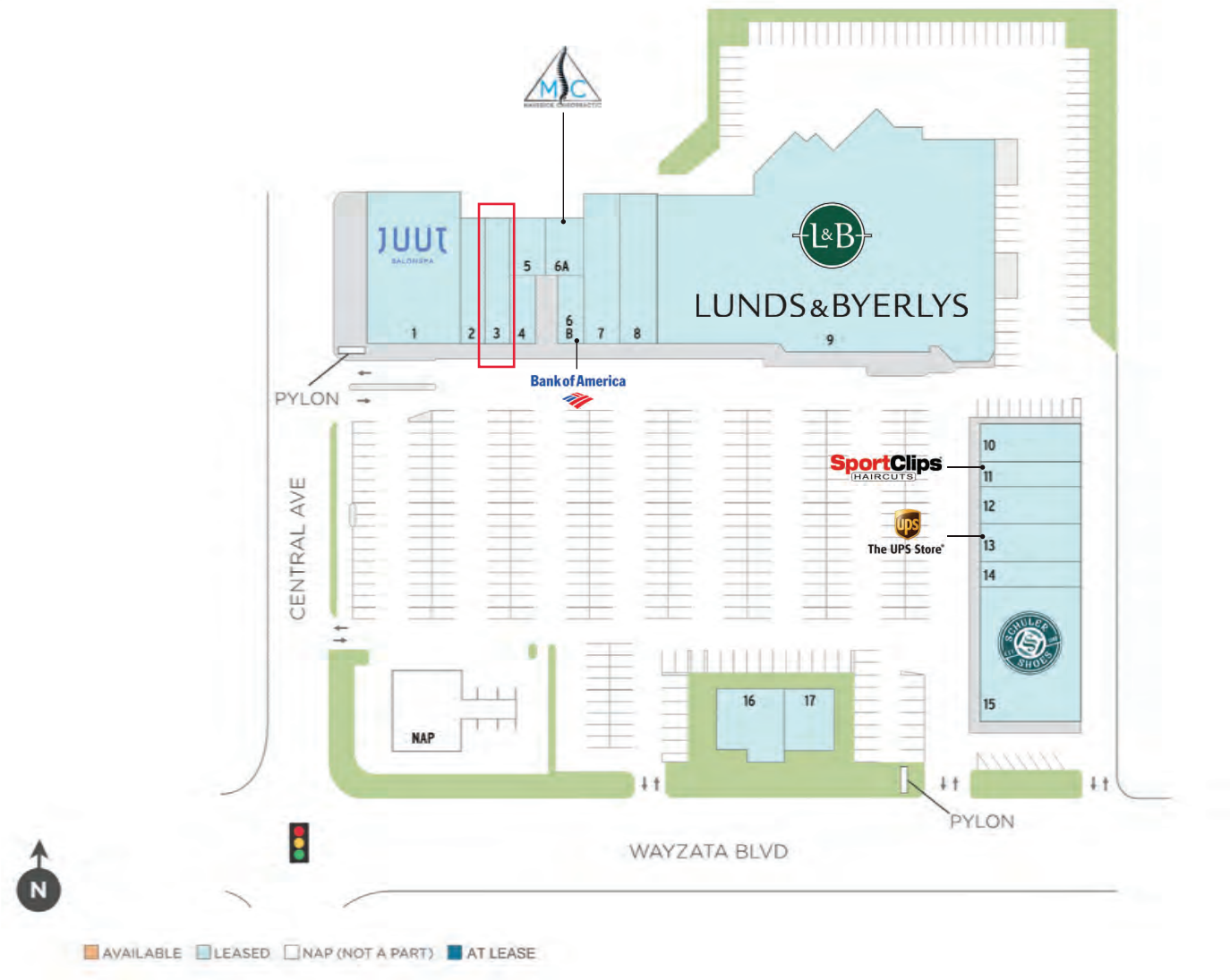
The proposed use will fit in well with the other uses adjacent and in the rest of the shopping center. The west end of the center (where the proposed use is to be located) is predominantly service businesses, including Hair Salon and Spa, Nail Salon, and Chiropractic. These businesses all have very similar traffic patterns and hours of operation. A few doors further down is a Chuck and Don's Pet Food Outlet, and the obvious symbiosis between that use and an animal clinic has both parties excited. While nobody can predict the future, this mix of uses is typical of the history of this shopping center.

To address the factors mentioned in Chapter 904 - Conditional Use Permits:

1. This proposed use is in alignment with both the 2030 and 2040 Comprehensive Plans' goals of promoting a broad range and diversity of commercial uses which provide services for residents.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards.
4. The proposed use will have negligible effect on the area in which it is proposed.
5. The proposed use will have negligible impact upon property values.
6. The proposed use will have negligible impact on traffic in the area.
7. The proposed use will have negligible impact upon existing public services.

Colonial Square

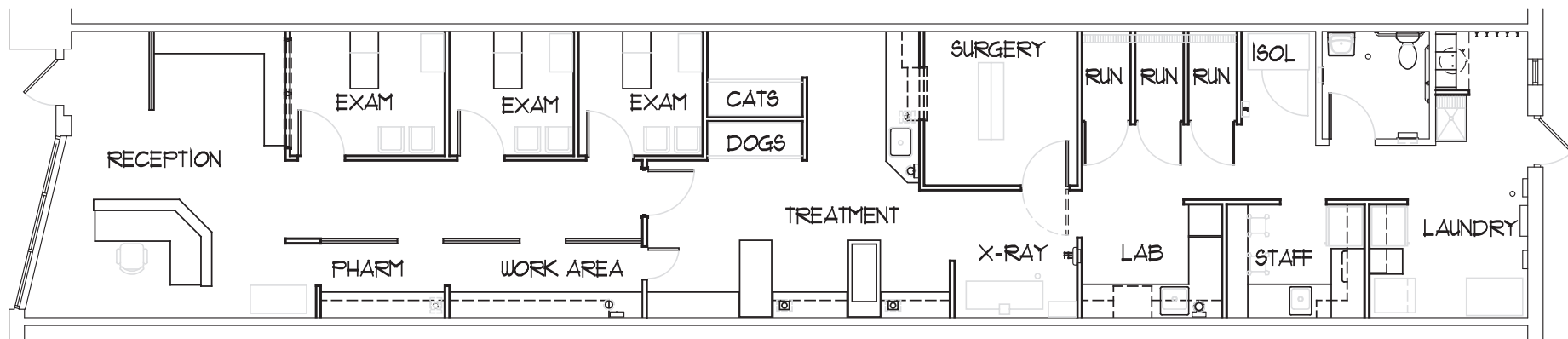
1151 Wayzata Blvd, Wayzata, MN 55391



Center Size: 93,248

SPACE	TENANT	SF
01	JUUT SALON SPA	8,968
02	PAINT NAIL BAR	2,000
03	GOLDEN VETERINARY CARE	2,000
04	MODERN ROOTS	1,100
05	SALON ENTOURAGE	1,350
06A	MAVERICK CHIROPRACTIC	1,313
06B	BANK OF AMERICA	1,176
07	OWL AND THE OCTOPUS	4,215
08	CHUCK AND DON'S PET FOOT OUTLET	3,600
09	LUND'S	43,978
10	JOHNSON/TURNER LEGAL	2,400
11	SPORT CLIPS	1,600
12	PARTY SAFARI	2,400
13	UPS STORE	1,600
14	BOB'S SHOE REPAIR	1,600
15	SCHULER SHOES	9,200
16	BRUEGGER'S BAGELS	2,610
17	NOODLES & COMPANY	2,138

1 of 1



FLOOR PLAN

A1
A-101

3/32" = 1'-0"

1,794 SQ FT

NORTH

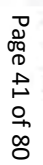


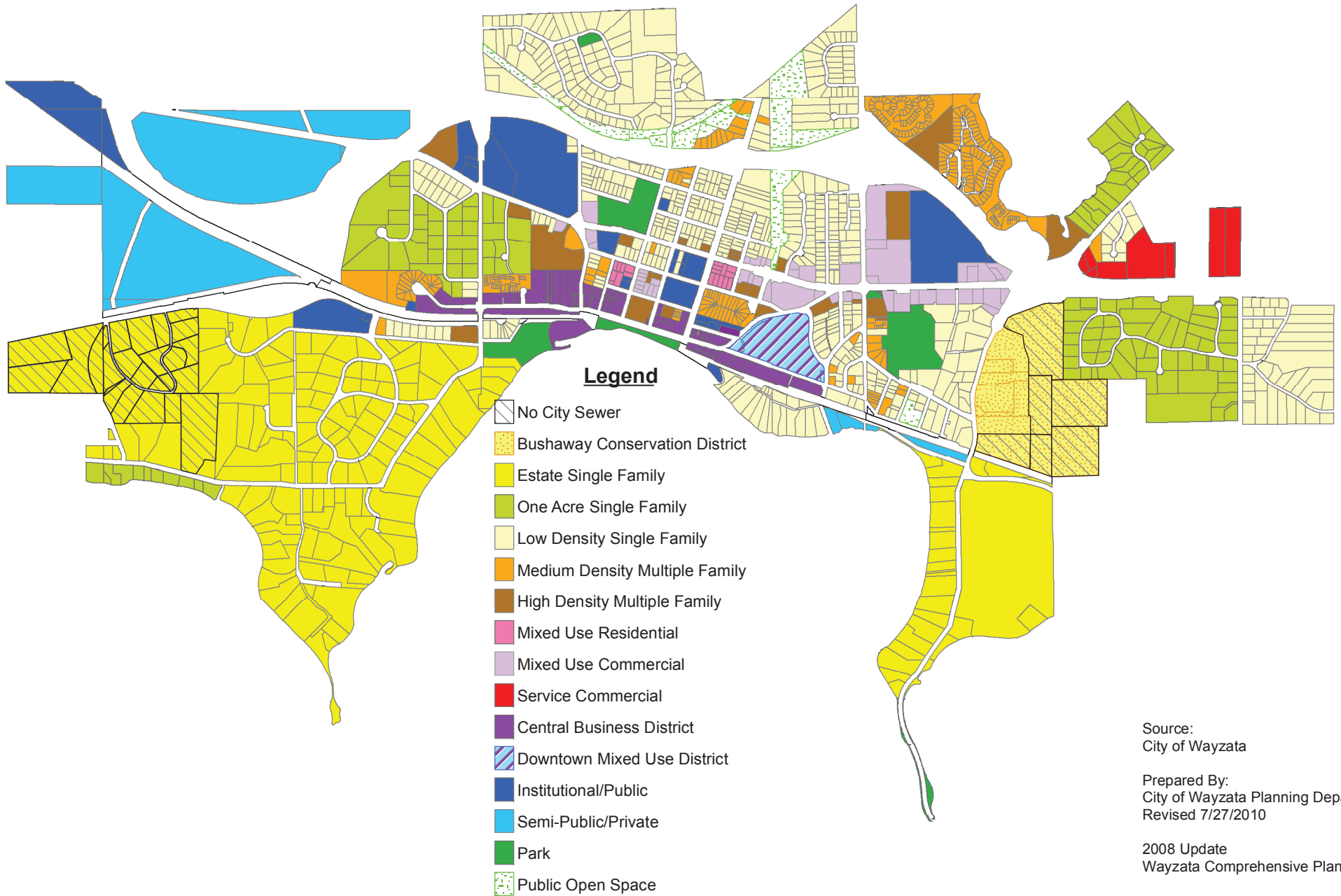
Sjoquist Architects, Inc
2800 University Avenue SE #100
Minneapolis, Minnesota 55414
612.379.9233 Fax 612.379.9263

1913
PROJECT NUMBER
2019.08.16
DATE
ACK CLR
DRAWN BY CHECKED BY
REVISION DATE

GOLDEN VETERINARY CARE
WAYZATA, MINNESOTA

A-101





Source:
City of Wayzata

Prepared By:
City of Wayzata Planning Department
Revised 7/27/2010

2008 Update
Wayzata Comprehensive Plan

Proposed Land Use Map

Map 3.2





Comprehensive Plan 2040

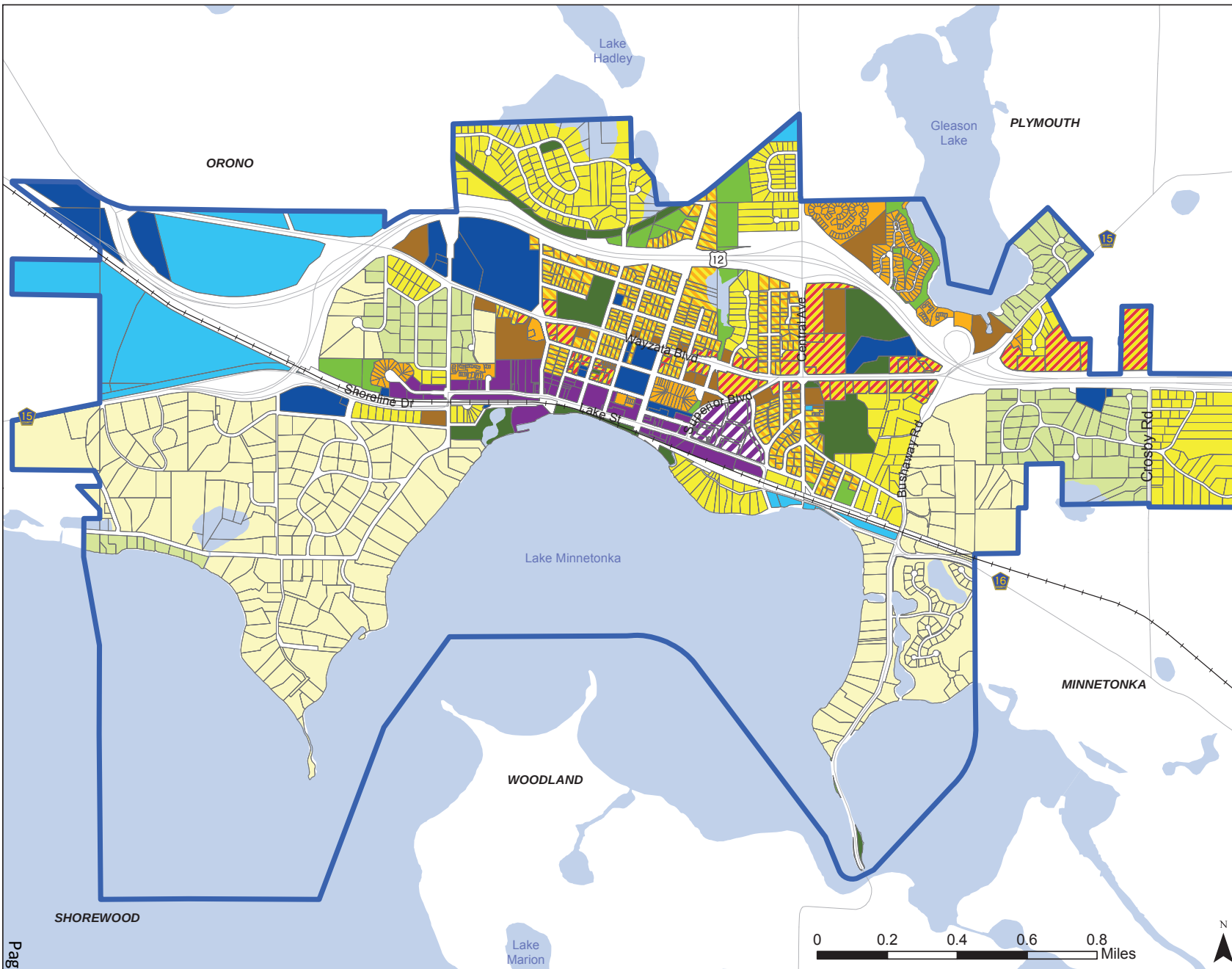
Legend

Future Land Use

- Estate Single Family - 0.25 to 0.5 unit/acre
- One Acre Single Family - 0.5 to 1 unit per acre
- Low Density Residential - 1 to 3 units/acre
- Central Core Residential - 3 to 6 units per acre
- Medium Density Residential - 6 to 12 units/acre
- High Density Residential - 12 or more units/acre
- Mixed-Use - Commercial/Residential - 10 or more units
- Central Business District
- Downtown Mixed-Use District
- Institutional/Public
- Semi-Public/Private
- Parks
- Public Open Space
- Lakes

Figure 2

2040 Land Use Plan



Commercial Goals and Policies

Goal: Promote a diversity of retail, office, service and residential land uses at a high level of development quality to enhance Wayzata as a regional destination and provide services for residents.
Goal: Provide connectivity within new developments and between existing neighborhoods to promote a sense of community and encourage mobility of all types.
Goal: Support the existing commercial core within the community, and encourage business retention and reinvestment.
Consider regulations to allow a mix of commercial, office and residential uses within each of the commercial categories to strengthen Wayzata as a shopping, employment and entertainment destination.
Regularly consider updates to development standards to ensure quality development within each of the commercial zoning classifications.
Promote economic development and investigate strategies to increase retail vitality within commercial areas.
Encourage developments to accommodate all modes of transportation through site planning efforts, regardless of the location within the City.
Continue to consider provisions for a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.
Consider opportunities to plan for proper transitional uses and buffers between commercial and residential uses.
Consider public financial support that is fiscally responsible and provides value to the City's infrastructure and community systems.
Consider ways to assist with redevelopment when properties become a liability to the community.
Encourage the placement of retail uses on the first floor of all commercial uses to enhance the retail vitality of the area. Design standards shall be employed regarding first floor development to encourage welcoming and pleasing views from the ground level.
Consider identifying 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.
Examine the placement of parking within developments so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.
Consider promotion of shared and joint parking facilities within development wherever possible
Continue to evaluate ways to consider a variety of housing options for upper-story housing.

Consider third story uses with appropriate considerations for design and scale. Commercial and residential uses are allowed as a third story, but the third story must be set back significantly more from the front facade of the floor below.

Contemplate opportunities to consolidate access to streets and off-street parking from commercial development wherever possible.

Institutional Goals and Policies

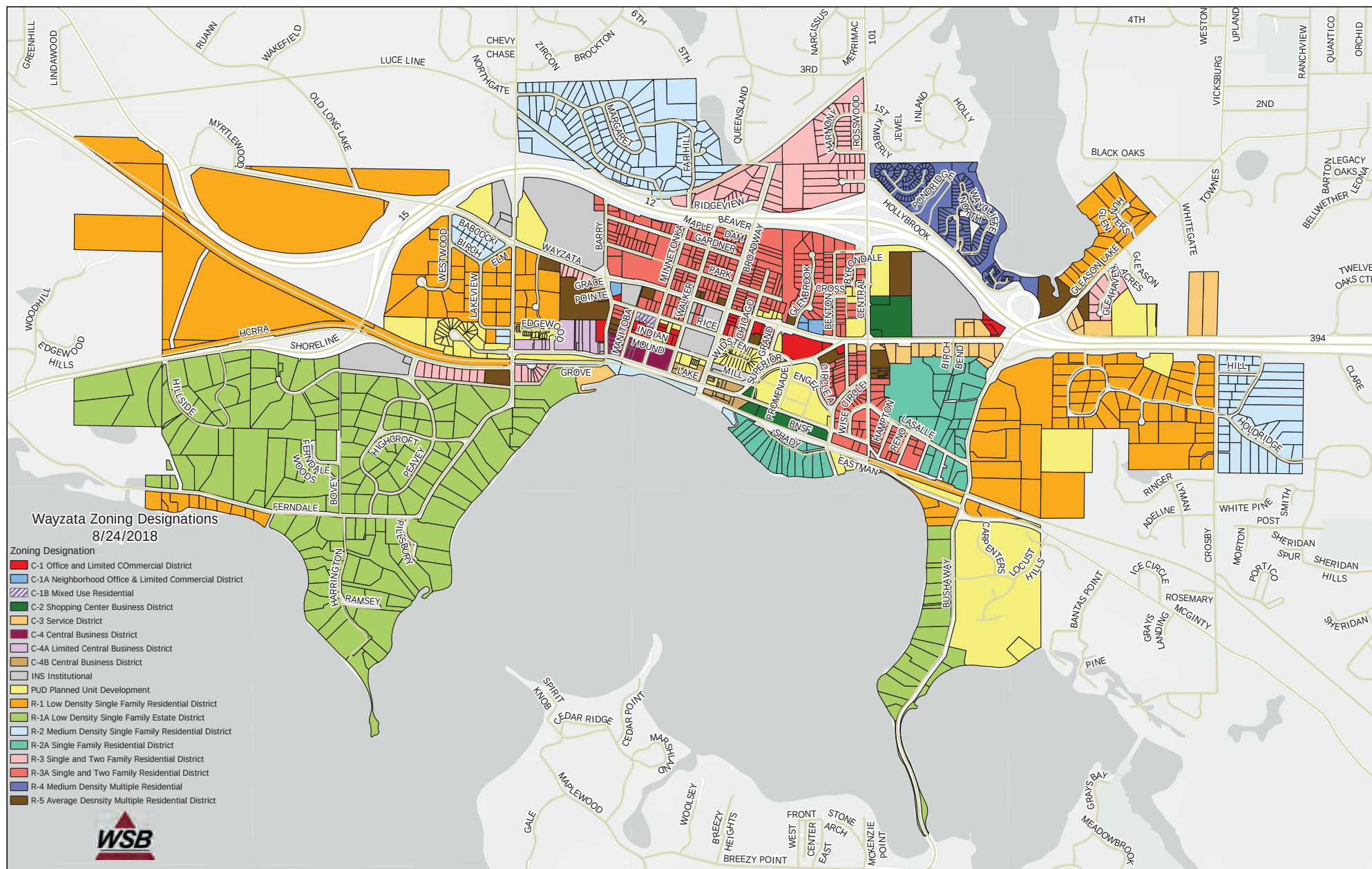
Goal: Maintain all institutional facilities in a manner that efficiently serves all residents of the community, from both a cost and access perspective.

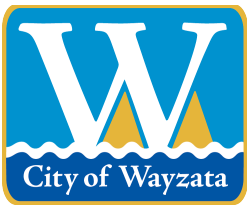
Consider opportunities to accomplish transitions between differing types of land uses in an orderly fashion to minimize negative impacts on adjoining development.

Examine proposals for institutional development from physical, social, and economic standpoints to determine the most appropriate land uses within a neighborhood and the community as a whole.

Consider the establishment of sufficient setback requirements for new or expanding institutional development to assure adequate separation of differing land uses.

Consider developing all institutional uses according to high levels of design, which are sensitive to the mass and scale of the existing surrounding neighborhood.





City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 9.c.
TITLE: Consider Adoption of Resolution 45-2019 Approving Variances for a New Single-Family Home at 639 Bushaway Road	
PROPOSED MOTION: To Adopt Resolution 45-2019 Approving Variances for a New Residence at 639 Bushaway Road	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director, Jeff Dahl, City Manager	

ACTION REQUESTED:

Staff and the Planning Commission recommend adoption of the attached Resolution approving the three variances to allow the construction of a new house at 639 Bushaway Road.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

The applicant, Bushaway Road, LLC, has submitted a development application to remove an existing house and construct a new house at 639 Bushaway Road. The applicant is requesting three variances (a shoreland overlay district setback variance, a R-1A zoning district impervious surface variance, and an attached garage size variance) to allow for the construction of the new house.

This development application went to the September 16, 2019 Planning Commission meeting and a public hearing was held. At this meeting, the Planning Commission reviewed the plans and voted four (4) in favor and two (2) opposed to direct staff to prepare a report and recommendation for approval of the development application. This direction included a condition that the landscape plan be modified to increase the tree replacement to total at least 150% of the tree replacement requirements of the City Code.

The main discussions of the Planning Commission were related to the location of the house versus the bluff/steep slopes, the handicapped-accessible design of the house, the joint access driveway, the various standards for shoreland setbacks, and the tree removal and replacement.

To address the tree removal and and impervious surfaces greater than the R1-A zoning district, the Planning Commission added a condition to the approval that the applicant increase the amount of landscaping to be at least 150% of the tree replacement requirement within the City Code.

Since the Planning Commission meeting the applicant has supplied a modified landscaping plan that increased the plantings to 205.5 caliper inches which is 166% of the tree replacement requirement. This modified landscape plan is attached to this agenda item.

ATTACHMENTS:

1. Resolution 45-2019, PC Report and Recommendation, Staff Report, Plans, and Minutes - 639 Bushaway Rd

DRAFT RESOLUTION NO. 45-2019**RESOLUTION APPROVING VARIANCES
FOR A NEW RESIDENCE AT 639 BUSHAWAY ROAD**

WHEREAS, Bushaway Road LLC (the “Applicant”) has submitted a development application (the “Application”) for the property at 639 Bushaway Road, legally described on Attachment A, (the “Property”) requesting a Shoreland Setback Variance, Impervious Surface Variance, and an Attached Garage Size Variance needed to remove an existing house and construct a new house according to plans submitted with the Application (the “Project”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application on September 16, 2019, and adopted a Report and Recommendation to the City Council to approve the variances requested in the Application on October 7, 2019, a copy of which is attached to this Resolution as Attachment B (“PC Report and Recommendation”); and

WHEREAS, the City Council concurs with the findings and recommendation of the Planning Commission Report and Recommendation of Approval;

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 hearings, the standards of the Wayzata Zoning Ordinance, and the findings and recommendations of the PC Report and Recommendation, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application meets the applicable requirements of Wayzata’s Zoning Ordinance.

B. Based on the foregoing, the Shoreland Setback Variance, the Impervious Surface Variance, and the Attached Garage Size Variance requested in the Application, as defined in the PC Report and Recommendation, are hereby **APPROVED**, subject to satisfaction of the following conditions:

1. The Applicant must submit a proposed landscaping plan for review by City staff. The landscaping plan must meet 150% of the tree replacement requirements in City Code Section 936.8. The landscaping plan must meet with the approval of the City Forester and Community Development Director and be implemented by the Applicant within one calendar year after the certificate of occupancy is granted for the proposed principal structure.

2. The City Engineer's approval must be secured for a grading plan, prior to any construction work on the Property so that land disruption is minimized.
3. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
4. 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 City Council this 15th day of October, 2019.

Ken Willcox, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 15, 2019.

Kathy Leervig, City Clerk
SEAL

Attachment A

Legal Description of Property

Attachment B

PC Report and Recommendation

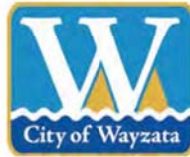
DRAFT

Attachment A
Legal Description of Property

Address	639 Bushaway Road
Legal	That part of Lots "A" and "B" in "Carpenter's Point, Hennepin County, Minn." described as follows: Beginning at a judicial monument at a point in the Westerly line of the public highway known as County Road Number 13, which point is 9.77 feet Northeasterly along the Westerly line of said road from its intersection with the Southwesterly line of Lot "B" in said Carpenter's Point , and which point of beginning is also 33 feet at right angles Northwesterly from the center line of said County Road Number 13 as now laid out and traveled across said Lot "B"; thence Southwesterly along the Westerly line of said road 9. 77 feet to the Southwesterly line of said Lot "B"; thence South 70 degrees 50 minutes East along the Southerly line of said Lot "B" to the Southeasterly corner of said Lot at the shore of Gray's Bay, Lake Minnetonka; thence Northeasterly along the shore of said Gray's Bay to a point South 33 degrees 42 minutes West 55.65 feet from the Northeasterly line of said Lot "B"; thence North 58 degrees 18 minutes West on a line parallel with the Northeasterly line of said Lot "B" to the center line of said County Road Number 13; thence North 85 degrees 35 minutes West 170.35 feet; thence South 89 degrees 20 minutes West 80.4 feet; thence North 54 degrees 33 minutes West 405.9 feet, more or less, to the shore of Wayzata Bay, Lake Minnetonka; thence in a general Southerly direction along the shore of said Bay to the intersection of said shore line with a line bearing North 72 degrees 57 minutes West from the point of beginning; thence South 72 degrees 57 minutes East 67 feet more or less to a judicial monument at that point; thence continuing South 72 degrees 57 minutes East 425 feet to the point of beginning, except that part of above described Lots "A" and "B" lying Southeasterly of the center line of County Road No. 13.
PID No.	08-117-22-23-0001
A or T	Torrens
Certificate No.	180743 WP

Attachment B
PC Report and Recommendation

DRAFT



WAYZATA PLANNING COMMISSION

October 7, 2019

REPORT AND RECOMMENDATION OF APPROVAL OF VARIANCES FOR A NEW RESIDENCE AT 639 BUSHAWAY ROAD

SUMMARY OF RECOMMENDATION

Approval* of Variance from the Shoreland Overlay District Setback standard
Approval* of Variance from the R-1A Zoning District Impervious Surface standard
Approval* of Variance from the Attached Garage Size standard

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Bushaway Road, LLC (the “Applicant”) has submitted a development application (the “Application”) requesting zoning approvals to remove an existing house and construct a new house with an attached garage and accessory building as depicted in the plans submitted with the Application (the “Project”) on the property at 639 Bushaway Road (the “Property”).
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Variance from the Shoreland Overlay District Setback Standard: The Project requires a setback variance of approximately 165 feet off the required 260 feet to a Shoreland setback of 94 feet 10 inches (the “Shoreland Setback Variance”). The required Shoreland setback in this case is a line drawn between the two closest riparian principal structures on either side of the proposed building, which is approximately 260 feet.
 - B. Variance from the R-1A Zoning District Impervious Surface Standard: The Project requires an impervious surface variance of 2.7% above the 20% impervious surface limit imposed in the R-1A Zoning District, for a total of 22.7% impervious surface (the “Impervious Surface Variance”).

- C. Variance from the Attached Garage Size Standard: The Project requires an attached garage size variance of 338 square feet above the 1,000 square feet limit imposed to be considered part of the principal structure, for a total of 1,338 square feet of garage attached to a principal structure (the "Garage Size Variance").
- 1.3 Property. The street address, property identification number and owner of the Property are:
- | | | |
|-----------------|-------------------|--------------------|
| 630 Bushaway Rd | 08-117-22-23-0001 | Bushaway Road, LLC |
|-----------------|-------------------|--------------------|
- 1.4 Land Use. The Property is located on the shore of Lake Minnetonka, between the Lake and Bushaway Road. The Property and adjacent properties are zoned R-1A/Low Density Single Family Estate District and guided Estate Single Family under the Wayzata Comprehensive Plan.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on September 5, 2019. A copy of the notice was mailed to all property owners located within 500 feet of the Property on September 4, 2019. The public hearing on the Application was held at the September 16, 2019 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Shoreland Setback Variance (Sec. 991.20). Under the standards of the Shoreland Overlay District, the Project is required to have a shoreland setback of 260 feet, which is the greatest of four alternative methods of calculating the required shoreland setback listed under Sec. 991.09.D.2. Variances from the Shoreland Overlay District standards may be granted by the City Council in accordance with Section 905 of the Zoning Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within Shoreland areas (some of which are superseded by applicable provisions of state law and City Code):
- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
 - B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
 - C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.

- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
 - E. Shall constitute a hardship as defined in Section 905 of the Zoning Ordinance.
 - F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in the Zoning Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.
- 2.2 Impervious Surface and Garage Size Variances (Sec. 905.1.C). The Project requires (i) an impervious surface variance of 2.7% above the 20% impervious surface limit imposed in the R-1A Zoning District (Sec. 951.07 A.), and (ii) an attached garage size variance of 338 square feet above the 1,000 square feet limit (Sec. 917.01 B.). The criteria for granting a variance from these standards of the Zoning Ordinance are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with the Zoning Ordinance.
 - F. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. The Planning Commission has not recommended any additional conditions for the Shoreland Setback.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

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

- 3.1 Shoreland Setback Variance (Sec. 991.20). The proposed residential use and improvements to the Property that are associated with the Project would be in conformance with the Comprehensive Plan and in the public interest. With respect to the other criteria for a variance from the Shoreland Overlay District standards:
 - A. There will be no artificial obstructions as a result of the Project that would restrict the passage of storm and flood water.
 - B. The Project is a replacing one detached single-family residence with a new detached single-family residence. This a compatible land use and shall not be detrimental to the protection of surface and ground water supplies.
 - C. The Project is in keeping with land use plans and planning objectives for the City of Wayzata and would not increase or cause danger to life or property.
 - D. The Project is consistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
 - E. Section 905 of the Zoning Ordinance requires the demonstration of "practical difficulties" (and not a "hardship").
 - 1. The Project is reasonable, considering the location of the existing house, the nearly 40 feet in elevation change from Bushaway Road, and the Property's position on the point of the peninsula, but is otherwise not permitted under certain standards of the Zoning Ordinance;
 - 2. The plight of the landowner of the Property is due to the nearly 40 feet in elevation change from Bushaway Road, and the Property's position

- on the point of the peninsula is unique to the Property, and not created by the landowner; and
3. The Shoreland Setback Variance will not alter the essential character of the locality. The proposed setback for the Project is generally consistent with the setbacks of the homes to the north and south.
- F. The Project requires a Shoreland Impact Plan as required and set forth in Zoning Ordinance Sec. 991.14 B. 2 to be approved by the Zoning Administrator. The Planning Commission recommends City Council attach the conditions listed in Sec 4 of this Report to approval of the Shoreland Impact Plan, as they will insure compliance with the purpose and intent of the Shoreland Overlay District standards.
- 3.2 Impervious Surface Variance (Section 905.1.C). The Impervious Surface Variance does not change the detached single-family residential principal use and meets the criteria for a variance from R-1A District Standards:
- A. The Impervious Surface Variance is in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan.
 - B. The Applicant has established that there are practical difficulties in complying with the Zoning Ordinance. The practical difficulties include:
 1. The Project is reasonable but not permitted by the Zoning Ordinance considering that previous house had a total impervious surface of more than 24%, and numerous lots in the neighborhood have impervious surfaces greater than 20%;
 2. The plight of the landowner is due to the existing impervious surface of 24.1% and the shared driveway for 623 and 655 Bushaway Road, which is unique to the Property and not created by the landowner; and
 3. The Project associated with Impervious Surface Variance, including the proposed mitigation of the reinforced grass guest parking area and the green roof on the detached garage, will not alter the essential character of the locality. The Property consists of a lot that is generally larger than surrounding properties, so the square footage total of pervious surface proposed is consistent with that of surrounding properties. The surrounding properties range from 9,800 square feet to 73,000 square feet.
 - C. Practical difficulties beyond economic consideration exist as outlined in the other findings of this Report. There are no solar energy systems proposed as a part of the Project.
 - D. The Project does not include an earth sheltered construction.
 - E. The Impervious Surface Variance and the Project will not create any use that is not allowed in the R-1A Zoning District.

- F. The Planning Commission recommends that City Council include a condition of approval that the tree replacement requirement under the Zoning Ordinance be increased by 50% from a total of 124 inches to 186 inches of replacement trees. This condition is directly related to the need to lessen the impact of the reduction in stormwater absorption due to the increased impervious surface, and is rough proportionality to the impact created by the Impervious Surface Variance to allow an increase in impervious surface of 2.7%.
 - G. The Applicant has provided written reasons that the Impervious Surface Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structure or building.
- 3.3 Garage Size Variance (Section 905.1.C). The Garage Size Variance does not change the detached single-family residential principal use and meets the criteria for a variance from the attached garage standards:
- A. The Garage Size Variance is in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan.
 - B. The Applicant has established that there are practical difficulties in complying with the Zoning Ordinance. The practical difficulties include:
 - 1. The Project is reasonable but not permitted by the Zoning Ordinance considering that previous house had a four-car garage of more than 1,200 square feet, and a number of homes in the neighborhood have four-car or larger attached garages;
 - 2. The plight of the landowner is due to the existing attached garage over 1,200 square feet and the relatively large size of the existing Property of over 130,000 square feet that is unique to the Property, and not created by the landowner; and
 - 3. The Garage Size Variance will not alter the essential character of the locality. A four-car (or more) attached garage is common in the R-1A Zoning District.
 - C. Practical difficulties beyond economic consideration exist as outlined in the other findings of this Report. There are no solar energy systems proposed as a part of this Project.
 - D. The Project does not include an earth sheltered construction.
 - E. The Garage Size Variance and the Project will not create any use that is not allowed in the R-1A Zoning District.

- F. The Applicant has provided written reasons that the Garage Size Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structure or building.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of all requests of the Application listed in Section 1.2 of this Report, subject to the following conditions:

- A. The Applicant must submit a proposed landscaping plan for review by City staff. The landscaping plan must meet 150% of the tree replacement requirements in City Code Section 936.8. The landscaping plan must meet with the approval of the City Forester and Community Development Director and be implemented by the Applicant within one calendar year after the certificate of occupancy is granted for the proposed principal structure.
- B. The City Engineer's approval must be secured for a grading plan, prior to any construction work on the Property so that land disruption is minimized.
- C. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
- D. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

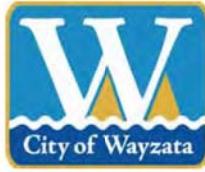
Adopted by the Wayzata Planning Commission this 7th day of October, 2019.

Chair, Planning Commission

Voting For the Findings and Recommendation of Approval in this Report:

Voting Against:

Abstaining:



**Staff Report
Wayzata Planning Commission
September 16, 2019**

Project Name: 639 Bushaway Rd "Skyfall"
Requests: Variances for Shoreland Setback, Impervious Surface over 20%, and Attached Garage over 1,000 Square Feet
Applicant: Bushaway Road LLC
Addresses of Request: 639 Bushaway Rd
Prepared by: Eric Zweber, Consulting Planner
"60 Day" Deadline: November 3, 2019

Development Application

Introduction

The applicant and property owner, Bushaway Road LLC, has submitted a development application requesting approval of (i) a variance from the shoreland setback (§ 991.09 D. 2.), (ii) a variance from the impervious surface requirement (§ 951.07 A.), and (iii) a variance from the attached garage size limitation (§ 917.01 B.) to allow for the redevelopment and construction of a new house and detached garage on the property at 639 Bushaway Road.

Property Information

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

Address	PID	Owner
639 Bushaway Rd	08-117-22-23-0001	Bushaway Road LLC

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

	639 Bushaway Rd
Current Zoning:	R-1A / Low Density Single Family Estate District
Comprehensive Plan Designation:	Estate Single Family District
Overlay Districts:	S / Shoreland Overlay District

Project Location

The property is located on the west side of Bushaway Road near the Gray's Bay Causeway:

Map 1: Project Location



Application Requests

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

- A. Shoreland Setback Variance: The applicant has submitted an application to construct a new house in the general location of the existing house. City Code § 991.09 D. states that a principal structures setback from the lakeshore shall be the greater of:
 - a) Seventy-five feet;
 - b) A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;
 - c) The average setback of the two closest riparian principal structures on either side of a proposed building site; or
 - d) The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

The greatest of these setbacks would be b) a line drawn between the two adjacent homes. The applicant has provided an Ordinary High Water Level (OHWL) Setback Overlay exhibit, which is attached to this staff report. The line drawn between the two homes, which is shown as the green line on the exhibit, would be located about 260 feet from the lake.

The proposed house would be located 94.5 feet from the lake at its closet point. This location will meet the 30 foot setback requirement from the top of the bluff located between the house and the lake.

The applicant has provided their practical difficulty and other variance justification in the narrative attached to this staff report.

- B. Impervious Surface Variance: City Code § 951.07 A. states that the impervious surface of developments within the R-1A Zoning District shall not exceed 20% of the lot area. The impervious surface restriction within the Shoreland Overlay is 25%. The existing property is 24.1% impervious surface. The proposed house and other impervious surfaces would total 22.7%, which is a 1.7% reduction from the existing development.

The applicant has provided their practical difficulty and other variance justification in the narrative attached to this staff report.

- C. Attached Garage Size Variance: City Code § 917.01 B. states that within the R-1A Zoning District, a garage not exceeding 1,000 square feet, if it is attached to the principal building, is exempt from the other provision regulating accessory buildings.

The applicant is requesting a variance to construct a 1,338 square foot attached four car garage. The existing house has an attached garage greater than 1,200 square feet in size. The proposed house would have 8,348 square feet of livable spaces on its main floor. The ratio of house to garage size would be 6.24 to 1.

The applicant has provided their practical difficulty and other variance justification in the narrative attached to this staff report.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on September 5, 2019. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on September 4, 2019.

The public hearing notices included a shoreland impact plan/conditional use permit for grading within the bluff impact zone and steep slope. Upon further review of City Code § 991.14 B., the shoreland impact plan is an administrative permit that will be issued by the Zoning Administrator and therefore does not need a public hearing.

Background Information

The existing house at 639 Bushaway Road was constructed in 1997. Since 1997, the house to the south (655 Bushaway Road) was constructed in 2003 and the house to the north (623 Bushaway Road) was constructed in 2016. All three homes share the same access onto Bushaway Road on the north end of this parcel.

The existing site has a one and a half story house with an attached garage on the west side of the property overlooking Lake Minnetonka and a guest house located on the east side of the property. The site changes about 40 feet in elevation with the entry elevation of the existing house at 979.7 feet and the driveway access along Bushaway Road at 938 feet. The driveway runs roughly east west from Bushaway Road to the house and attached garage. The driveways to 623 Bushaway Road and 655 Bushaway Road run at approximately right angles from the existing 639 Bushaway Road driveway. The existing guest house has a driveway that connects to the driveway to 655 Bushaway Road.

Proposed Changes to the 639 Bushaway Road

The proposed changes to the property include demolishing the existing house and attached garage, the driveway west of the connection with the 625 Bushaway Road driveway, and the driveway connection to 655 Bushaway Road. The key items that will remain are the pedestrian access to Lake Minnetonka, the retaining wall located on top of the bluff, and the guest house.

The new house will be a single-story home with a walk out to the north and an attached garage. The new driveway will generally run north to south to connect with 655 Bushaway Road with a driveway extending at a right angle running north to the house and attached garage. Halfway between the house and the 655 Bushaway Road driveway will be a structurally reinforced grass area to allow for guest parking without creating additional impervious surface.

The existing guest house will no longer have a driveway. To the northwest of the existing guest house, a subterranean detached garage will be constructed that will connect to the joint driveway to the north. The detached garage will be constructed with a green roof to remove its impervious surface. Since the garage is primarily subterranean, only the garage door and the retaining walls will be visible.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Estate Single Family. The Comprehensive Plan includes the following discussion for the Estate Single Family: Estate residential neighborhoods are generally older neighborhoods removed from the historic community core. Lot sizes should be a two (2) acre minimum. Some lots have additional living quarters that were originally built for property caretakers.

Zoning

The property is zoned R-1A and is located within the Shoreland Overlay District. The following table outlines the standards compared with the proposal:

Regulation	R-1A District	Shoreland Overlay District	Proposed
Height (max.)	3 stories and 40 feet, whichever is lesser	35 feet	1 story 20 ft. 5 ¼ in.
Lot Coverage	10 percent	N/A	8.66 percent*
Impervious Surface (max.)	20 percent	25 percent or 75 percent with stormwater management	22.73 percent*
Setbacks (min.)	Front: 50 feet Rear: 10 feet Side: 10 feet	Lake Shore (West) (~260 feet): A line which is drawn between the two closest riparian principal structures on either side of a proposed building site	North (side): ~80 ft. East (front?): ~55 ft.** South (side): ~25 ft. West (rear, lake shore): 94 ft. 10 in.
Lot Area (min.)	80,000 sq. ft.	20,000 sq. ft.	133,027 sq. ft.
Lot Width	200 Feet	75 feet	~240 feet
Lot Depth	200 Feet	N/A	~570 feet

* 1,650 sq. ft. subterranean detached garage is not counted due to the green roof providing pervious surface. If the detached garage were counted, then the lot coverage would be 9.90 percent and the impervious surface would be 23.97 percent.

** East Setback is measured to the existing guest house.

Building Height

The proposed single-story house will be 20 feet and 5 ¼ inches tall, which is almost 15 feet lower than the City Code limitation.

Setbacks

The setbacks for the R-1A Zoning District are being observed.

The lake shore setback is the greatest of four different setback measurements. For this property, which has a point that extends into Lake Minnetonka, the greatest setback would be a line drawn between the two closest riparian principal structures which would require a setback of about 260 feet. The applicant is requesting a lake shore setback similar to the existing principal structure at 94 feet 10 inches. The applicant has supplied the justification for their variance request, which is attached to this staff report.

This lake shore setback is a requirement of the Shoreland Overlay District and therefore must be evaluated as a part of the variance standards of the Shoreland Overlay District § 911.20.

Impervious Surface

The applicant has proposed a redevelopment that would create a total area of impervious of 30,243 square feet or 22.73 percent of the total lot area. This impervious surface area meets the 25 percent impervious surface requirement for the Shoreland Overlay District but is 2.73 percent greater than the 20 percent requirement of the R-1A Zoning District. The applicant requests a variance to allow for the 2.73 percent increase over the R-1A standard.

The applicant has supplied the justification for their variance request which is attached to this staff report. The narrative includes that this proposed impervious surface is less than the existing impervious surface of 24.1 percent. This decrease in impervious surface is achieved partially through the use of the grass pave guest parking area and the green roof of the detached garage.

This R-1A impervious surface requirement is a part of the overall Zoning Ordinance and therefore must be evaluated as a part of the general variance standards of the City Code chapter 905.

Attached Garage

The applicant has proposed a 1,338 square foot attached four car garage. The proposed house would have 8,348 square feet of livable spaces on its main floor. The ratio of house to garage size would be 6.24 to 1. The existing house has an attached garage greater than 1,200 square feet in size.

The size of this attached garage exceeded the 1,000 square foot exemption for single family detached uses listed in the City Code § 917.01 B. If this property was a R-3, R-4, or R-5 zoned property, then the applicant could have requested a conditional use permit (CUP) for an increase in size. There is provision for the R-1 or R-2 to request a CUP for an increased attached garage size. The applicant requests a variance to exceed the 1,000 square foot limitation. The applicant has supplied the justification for their variance request which is attached to this staff report.

This single family detached accessory building (attached garage) size requirement is a part of the overall Zoning Ordinance and therefore must be evaluated as a part of the general variance standards of the City Code chapter 905.

Standards of Planning Commission Review of Application Requests

The three variance requests are a quasi-judicial review and decision, meaning that the Planning Commission acts similar to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to this particular property and proposed development.

The Planning Commission should recommend approval of the impervious surface and attached garage size requests by the applicant if the Commission determines that they meet all of the Zoning Ordinance requirements in City Code § 905.01 C (see following page).

The Planning Commission should recommend approval of the lake shore setback request by the applicant if the Commission determines that it meets all of the Shoreland Overlay District variance requirements in City Code § 991.20 (see following page).

Action Steps

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

Attachments

Application
Applicant's Narrative Dated August 15
Supplemental Applicant's Narrative
Demo Site Plan (L100)
Proposed Site Plan (L101)
Planting Plan (L401)
Existing Survey (S1)
Supplemental OHWL Setback Overlay
Lower Level Plan (A1)
Main Level Plan (A2)
Elevations (A3)
Rendering (A4)
Subt Garage Plan & Elevations (A5)

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While several criteria appear to be met, **staff has highlighted in bold** the criteria that may require additional discussion with the Planning Commission.

Zoning Ordinance Variances (§ 905.01 C.) (Applicable to garage size over 1,000 sq. ft. and impervious surface over 20%)

The criteria for granting a variance includes the following conditions governing considerations of variance requests.

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

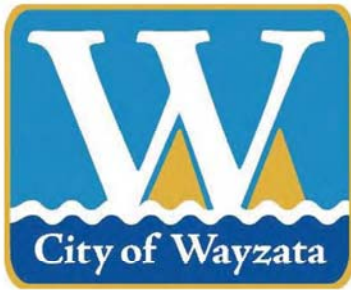
Shoreland Overlay District Variances (§ 991.20) (Applicable to lake shore setback)

Variances may be granted by the City Council in accordance with Chapter 905 of this Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:

- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding,

except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.

- B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
- C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.**
- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
- E. Shall constitute a hardship as defined in Chapter 905 of this Ordinance. Note: This section of Code was not updated to change the “hardship” criteria to the new “practical difficulty” criteria:**
 - “Practical difficulties,” as used in connection with the granting of a variance, means that:**
 - a) The property owner's proposal for the property is reasonable but not permitted by this Ordinance;**
 - b) The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
 - c) The variance, if granted, will not alter the essential character of the locality.**
- F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to ensure compliance with the purpose and intent of this Section.



Development Application

Project Information:

Project Name: Skyfall **Date Filed:** 08-15-2019

Property Owner: Bushaway Road LLC

Address: 2380 Shadywood Road, Wayzata MN

Applicant (if different than owner): _____¹

Prior Applications to Wayzata under different names: _____

Address (if different than owner): _____

Responsible contact person: Murphy & Co. Design {contact - T.J. Majdecki}

Telephone: 612-470-5511 **Fax:** _____ **E-Mail:** tj@murphycodesign.com

Address of Property Involved: 639 Bushaway Road, Wayzata MN

Legal Description: refer to attached document

Property Identification Number: 0811722230001

Tax and assessment status: Current X / Delinquent _____
Amount Delinquent \$ _____

Type of Request:

_____	Design Review
<u>X</u>	Conditional Use Permit
<u>X</u>	Variance
_____	Subdivision
_____	Rezoning
_____	Zoning Amendment
_____	Comprehensive Plan Amendment
_____	Planned Unit Development
_____	Other

¹ The Applicant disclosed is the real principal in interest and is not acting for another party.

Description of Request:

refer to attached document

Applicant may attach other letter sized materials.

Additional Information:**Payment of Fees**

The undersigned acknowledges that before this request can be considered, all required information and fees (including all up front escrow deposits) must be paid to the City. If additional fees are required to cover costs incurred by the City, the City Manager has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. Such expenses may include (but are not limited to) personnel costs, fees for consultants, legal assistance and other professionals, recording fees, along with other overhead costs. The amount of escrow is determined by the City of Wayzata fee schedule in effect at the time of the application submittal. A current fee schedule is attached to this application form.

The undersigned also acknowledges that it may be required to file, at his or her expense, appropriate resolutions, agreements or other documents evidencing approval of the application.

The undersigned agrees that the City may withhold the issuance of a building permit until all financial matters are resolved. If need be, the City reserves the right to pass outstanding balances from this application to Hennepin County to be assessed with next year's property taxes for the property involved as indicated on page one of this application and the Property Owner agrees to such assessment.

Complete / Incomplete Applications

Placement of any Application on City agendas is at the discretion of the City, including the time of consideration. An application will not be placed on any agenda until City staff has received the appropriate materials and financial matters are in order. The application approval time commences and an application is considered officially filed when City staff has received and examined the application and determined that the application is complete. The application shall be determined by City staff to be complete or incomplete within fifteen (15) business days following submittal of the application.

When the application is deemed to be “complete” it shall be placed on the agenda of the first possible Planning Commission business meeting subject to the agenda deadline discussed below.

Agenda Deadline

The deadline for submittal of land use applications is the first day of the month preceding the month of Planning Commission review. For example, to be on the Planning Commission agenda for November the complete application would need to be submitted by October 1. **The application is required to be deemed complete by the deadline in order to be scheduled on the agenda.** City staff recommends that the application material be submitted two weeks prior to the application deadline to allow time for City staff to determine if any additional materials are needed before the application can be deemed complete. This also allows a few days for the applicant to gather the additional information required for the submittal. Please note applications submitted outside of regular City Hall hours will not be received until the following business day. For example, applications submitted after 11:00 a.m. on Fridays will be considered submitted on the following Monday. Regular City Offices business hours are as follows, Monday thru Thursday, 7:00 a.m. to 4:30 p.m., Friday 7:00 a.m. to 11:00 a.m. The phone number for City Hall is 952-404-5300.

Notice of Meeting Attendance

In order for the Planning Commission and City Council to consider any application, the applicant or a representative designated in writing before the meeting must be present at the scheduled meeting. If not, the matter will be tabled until the next available agenda.

Accessibility to Property for Site Review

The signature of the Property Owner on this form hereby grants City staff and City officials access on to the subject property for the purpose of conducting a site visit as part of the project review and consents to the review of such records of the Owner, Applicant or otherwise relating to the development as are necessary.

Certified List of Property Owners

The applicant shall provide the City with a certified list from Hennepin County of the names and addresses of the property owners located within at least 350 feet of the subject Property. **Please refer to the City of Wayzata Certified List Handout for details.**

Regular Meeting Schedule

Planning Commission	First Monday of every month at 7:00 PM
City Council	First and Third Tuesday of every month at 7:00 PM

Applicants are advised that additional meetings and/or workshops are scheduled when necessary upon approval of the Planning Commission and are usually held on the third Monday of every month.

Acknowledgment and Signature of Owner and Applicant

I acknowledge that I have read all of the information discussed in the City of Wayzata Development Application and fully understand that I am responsible for all costs incurred by the City related to the processing of this application and agree with all items above.

Buxaway Road, LLC
Property Owner as indicated on page one

Date

Cynthia J Redmond
Applicant (if different than Owner) President

8/14/19
Date

*The applicant shall not change or alter this form in any way.
Alteration is grounds for rejection.*

FOR CITY USE ONLY

Date of Receipt: _____ Receipt No: _____ Recorded by: _____

Date accepted as complete: _____ Accepted by: _____

Date: August 15, 2019
Project: Skyfall
Project Address: 639 Bushaway Road, Wayzata MN
Re: City of Wayzata Land Use Development Application

VARIANCE / CONDITIONAL USE PERMIT REQUESTS

Property Zoning District(s)

R-1A Low-Density Single-Family Estate
Shoreland Overlay

Variance Request 1:

Request for a variance to the Shoreland Overlay minimum setback requirement as related to average setback of the two adjacent principal structures.

Per Wayzata's Code of Ordinances, Chapter 991.09 {Shoreland Overlay, Minimum Setback Requirements}, Sub-Section D-2, Lake Shore Setbacks, *no principal structure or building addition other than a water-oriented accessory structure as specified above shall be located closer to the ordinary high-water mark than the greater of:*

- a) *Seventy-five feet;*
- b) *A line which is drawn between the two closest riparian principal structures on either side of a building site;*
- c) *The average setback of the two closest riparian principal structures on either side of a proposed building site; or*
- d) *The average setback line shall be measured parallel to the ordinary high-water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high-water level to that part of the said principal structure that is closest to the lake.*

Given the natural contour of the lake shore in this particular area of Wayzata Bay, the property at 639 Bushaway Road has a natural projection further into the bay (more westerly) than that of the two adjacent properties and riparian principal structures. Thus, a line drawn representing the average setback requirement {please refer to the included supplemental document illustrating the setback conditions} demonstrates how this adversely effects the owner's property, and bisects the depth of the property at a point more easterly than that of the two adjacent properties, relative to the ordinary high-water mark.

We are requesting that the principal structure setback from the lakeshore follow only the zoning requirements for the required 75'-0" setback from the ordinary high-water mark, as well as the 30'-0" setback from the natural top of bluff designation existing on the property. We would ask the council to consider omitting the setback requirements as noted in sub-section D, conditions b - d.

Sub-Section D-3 states *the required setback distance may be reduced by a variance if the following conditions are met:*

- a) *The minimum setback from the ordinary high-water mark is at least 75 feet*
 - The proposed structure is behind the 75-foot ordinary high-water mark, as well as behind the 30-foot top of bluff setback
- b) *The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures*
 - The view of the shoreline and lake would not be affected for the two adjacent principal structures, as the orientation for these two structures are set at differing view angles from this property, and the existing lakeshore topography set these two principal structures at differing main floor elevations.
- c) *The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots*
 - The uniqueness of this property is defined by the existing shoreline contours, and its projection more westerly of the adjacent properties. The proposed location of the new principal structures is relatively close with that of the existing structure on the property. The resulting setback from the ordinary high-water mark would be more like in kind to those of the existing adjacent properties.
- d) *A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of this ordinance*
 - Per Section 991.19 the property and intended use fall within the exceptions listed and a shoreland impact plan is not required.
- e) *The conditions of Chapter 905 and Section 991.20 of this Ordinance are considered and satisfactorily met*
 - We feel the *Criteria for Granting* are established and keep in harmony with the general zoning ordinances for the City of Wayzata
 - A hardship exists with the current driveway approach and access to the neighbor's property if the principal structure is pushed too far easterly. Please refer to the submitted Architectural and Landscape plans.

Variance Request 2:

Request for a variance to increase to the allowable impervious surface coverage for a lot in the R-1A district to exceed 20% of the lot area

Per Wayzata's Code of Ordinances, Chapter 951.07 {R-1A Low-Density Single-Family Estate District, Lot Coverage}, *impervious surfaces on a lot shall not exceed 20 percent of the lot area.*

The existing impervious coverage of the site is 32,207 square feet of the 132,607 square foot property, or 24.2%.

The proposed impervious surface area for the new principal structure and site is 22.8%, or 30,452 square feet, an overall reduction of 1.4%, or 1,755 square feet, and still below the 25 percent requirement that the Shoreland Overlay District mandates.

A unique hardship exists on this property, where the only driveway access to the neighboring property at 655 Bushaway Road bisects the 639 Bushaway Road property. Maintaining driveway access to this neighboring property requires additional impervious surface area be granted when,

more typically, each property would have its own driveway and travel path counted against its own impervious surface area.

We are requesting that the Planning Commission grant the additional impervious surface area as requested, which is still greater than the allowed, but lower than the existing.

Conditional Use Permit Request 1:

Request for an increase to the allowable floor area of an attached garage to exceed 750 square feet.

Per Wayzata's Code of Ordinances, Chapter 917.01, Sub Section C, ...the total floor area of either an attached garage or a detached garage for a single-family dwelling shall not exceed 750 square feet of floor area and not exceed the ground coverage of the dwelling, except by conditional use.

We are requesting a conditional use permit for a 4-car attached garage, including an access ramp and storage space, which is 1,338 square feet in size. The interior dimensions are 52'-11" wide by 25'-11" deep to accommodate a full-size SUV and additional storage area, along with necessary circulation area. The proposed area of the garage is below the 8,348 square feet of the main floor livable spaces, as required.

Conditional Use Permit Request 2:

Request for an increase to the allowable floor area of a detached garage to exceed 750 square feet.

Per Wayzata's Code of Ordinances, Chapter 917.01, Sub Section C, ...the total floor area of either an attached garage or a detached garage for a single-family dwelling shall not exceed 750 square feet of floor area and not exceed the ground coverage of the dwelling, except by conditional use.

We are requesting a conditional use permit for a detached garage and storage structure, which is approximately 1,650 square feet in size. The interior dimensions are approximately 30'-0" wide by 55'-0" deep to accommodate the storage of a boat and additional water vehicles.

This property, while being on the lakeshore of Lake Minnetonka, is unable to support a boathouse / water-oriented storage structure due to the existing grade conditions and the existence of a continuous bluff along the OHWL contour. A detached garage is being proposed as an alternate to the water-oriented storage structure, which will provide the storage requirements for the water vehicles during the off season. The design team is proposing to utilize the natural grade of the property to create a subterranean storage structure for this purpose, with only the entry door and partial foundation walls being exposed above grade, at the property entry from Bushaway road.

Date: August 23, 2019
Project: Skyfall
Project Address: 639 Bushaway Road, Wayzata MN
Re: City of Wayzata Land Use Development Application

SUPPLEMENTAL INFORMATION FOR INCOMPLETE APPLICATION

Supplemental Information at the City's Request

Per the letter dated August 22, 2019 and the request for additional information pertaining to the variance application for 639 Bushaway Road, Wayzata MN, we submit the following response to the city's questions:

Explanation of how the criteria for granting a variance, including the practical difficult, as described in City Code Section 905.01 C. for the impervious surface over 20% (Variance Request 2) and the attached garage over 1,000 square feet (Conditional Use Permit Request 1).

Impervious Surface Over 20%:

The proposed project is in harmony with the general purposes and intent of this ordinance:

The proposed site plan and impervious surface coverage, while above the 20 percent allowed in the R-1A district, improves upon the existing conditions of the property and reduces the impervious surface area by approximately 1.4%, or 1,755 square feet and still below the 25 percent requirement that the Shoreland Overlay District mandates.

The proposed project is consistent with the Comprehensive Plan:

The proposed project is consistent with the Comprehensive Plan as the proposed structure continues to maintain and enhance the character, diversity, and livability of the R1-A district and the Bushaway Road neighborhood.

The proposed project is a reasonable use of this property:

This proposed project is a reasonable use of the property as it sites a new single-family dwelling unit, creates a proper front entry approach and parking / turnaround space for visiting guests, provides a side load 4-car garage and the necessary circulation for entry and backing out, and also provides outdoor living and entertaining spaces that capitalize on the views offered from the elevated site. The proposed site plan and driveway easement to the neighboring property also creates more separation in the driveways and entry points into the respective principal dwellings.

The variance request is due to circumstances unique to the property, not created by the landowner:

The practical difficulty in complying with the impervious coverage allowance for the R-1a district is partially created by the requirement of the easement to the neighboring property and maintaining a driveway which counts against the hardcover on this property.

The variance, if granted, will not alter the essential character of the locality:

The character of the locality will be unchanged with the additional impervious surface coverage, as it is a reduction from existing hardcover.

Garage over 1,000 square feet:

The proposed project is in harmony with the general purposes and intent of this ordinance:

The request for the larger attached garage space is not unique to the R-1A zoning district, and a four-car garage is standard request for homes within this district. The size of the garage is dictated by the space required for large SUV's, necessary circulation, and additional storage typical for a garage.

The proposed project is consistent with the Comprehensive Plan:

The proposed project is consistent with the Comprehensive Plan as the proposed structure continues to maintain and enhance the livability of the R1-A district and the Bushaway Road neighborhood.

The proposed project is a reasonable use of this property:

The existing structure on this property included a four-car garage. We are requesting to do the same.

The variance request is due to circumstances unique to the property, not created by the landowner:

The practical hardship is attempting to provide the adequate parking and storage space for a four-car garage in less than 1,000 square feet.

The variance, if granted, will not alter the essential character of the locality:

The four-car garage would match that of the existing structure on the site.

Provide a Removals / Demolition plan sheet

Please refer to the included drawing, A5, showing the proposed removal/demolition scope of the existing structures.

Provide floor plans and elevations for the Guest House and Subterranean Garage

Please refer to the attached drawing, A6, for the subterranean garage. There are no plans or designs underway for the new guest house at this time. The intent would be to keep the existing structure for the time being, with a possible replacement of the accessory structure at a future date.

There are a few other revisions to the submittal material that would improve the application or add clarity to the proposal's request. These items include:

Existing Survey

- **Calculate and illustrate the bluff line. It appears that bluff setback on the OHWL is incomplete. The bluff does not stop when the slope that drains to the waterbody passes onto an adjacent property. It appears that the bluff would continue to the north side of the property.**
 - Survey updates are pending bluff designation with City
- **Why are only some of the existing trees shown on the Existing Survey? It might be helpful to show all of the existing trees.**
 - Survey updates are pending bluff designation with City

Planting Plan

- **What is the DBH of the 12' Norway Spruce?**
 - We are awaiting an answer from the City of Wayzata on this.

Site Plan

- **Why does the heritage tree (#424) need to be removed?**
 - Initially was removed for grading, and the latest concept design allows that tree to remain. We have taken it off the tree removal list. Please refer to the updated Landscape Plans.
- **The tree removal calculations should include trees #301, 302, and 923.**
 - The schedule has been revised to include these trees as well. Please refer to the updated Landscape Plans.
- **Tree #383 is not significant and therefore does not need to be counted.**
 - That tree has been removed from the count. Please refer to the updated Landscape Plans.
- **The total significant tree removal is 561 inches.**
 - The schedule has been updated. Please refer to the updated Landscape Plans.
- **The removal allowance of significant trees is 437 inches.**
 - Please refer to the updated Landscape Plans.
- **Provide and illustrate the bluff line and the bluff impact zone on the Site Plan. No grading within the bluff is allowed and grading within the bluff impact zone may require a Shoreland Impact Plan / Conditional Use Permit.**
 - See revised plan, including the bluff line as indicated survey by advance survey (June 24, 2018)
- **Does the grading for the north side walk-out and the proposed stairs result in grading within the bluff?**
 - See revised plan, including the bluff line as indicated survey by advance survey (June 24, 2018)
- **Provide the top of wall and bottom of wall elevations on all retaining walls.**
 - Please refer to the updated Landscape Plans.
- **It appears that the grading proposed on the west of the pool is lower than the existing retaining wall. Will some of the existing retaining wall be removed?**
 - Yes, please refer to the updated Landscape Plans.
- **Is there a retaining wall on the west side of the patio both to the north and the south of the steps?**
 - Only on the North side, please refer to the updated Landscape Plans.
- **Why are there hard 90-degree corners in the proposed contours to the north of the grass pave areas?**
 - See revised plan, we have updated the corners to radius corners. Effort was made to minimize the impact on the existing trees with precisely sculpted topography.

Lower Level Plan

- **Label the unexcavated areas.**
 - Please refer to the updated and included A1-Lower Floor Plan

DEFINITIONS
per City of Minn.

- A. "Confident Tree" means a woody plant bearing seeds and cones often times, but not always, retaining foliage throughout the year.
- B. "Deciduous Tree" means a woody plant which has a defined crown, and which loses leaves annually. "Diameter of Tree at Breast Height" or "DBH" means the diameter of a tree as measured 4 1/2 feet (54 inches) above the ground. Trees that branch near or below 4 1/2 feet from the ground will be measured at the narrowest point below 4 1/2 feet. Stubs that originate from the ground shall be considered separate trees. The City Forester shall have the final determination on the DBH calculation. If there is a question of how to do the measurement.
- C. "Softwood/Deciduous Tree" means a Deciduous Tree recognized as hardwood by the City Forester, including cornus, catalpa, oak, maple (hard), walnut, ash, hickory, birch, black cherry, hawthorn, locust and basswood.
- D. "Healthy Tree" means the average or better condition and vitality for the area as determined by the City Forester.
- E. "Heritage Tree" means a healthy Softwood/Deciduous Tree that is thirty inches (30") or greater in DBH, a healthy Hardwood/Deciduous Tree that is twenty five inches (25") or greater in DBH, or a healthy Confident Tree that is twenty five inches (25") or greater in DBH.
- F. "Removal" or "Tree Removal" means:
1. Manual, mechanical, chemical, or electric or toxic (fire, water, insects or inoculation) methods which results in the physical removal of a tree;
 2. Grading impact, compaction, or other damage up to 40% of a tree's Critical Root Zone, as determined by the City Forester;
 3. Severe pruning that adversely impacts the long term sustainability of the tree; or
 4. Any other impact to a tree that compromises the long term health or structural stability of a tree.
- G. "Significant Tree" means a healthy Softwood/Deciduous Tree that is six inches (6") or greater in DBH, a healthy Softwood/Deciduous Tree that is twelve inches (12") or greater in DBH, or a healthy Confident Tree that is twelve inches (12") or greater in height or twelve inches (12") or greater in DBH.
- H. "Softwood/Deciduous Tree" means a Deciduous Tree recognized as softwood by the City Forester, including cottonwood, poplar/birch, box elder, willow, silver maple and elm.

APPLICABILITY
per City of Minn.

- A. Subdivision, Public Infrastructure, Construction of Single Family Home: The following tree removal provisions apply to Subdivision applications, Public Infrastructure projects, and construction of a single family home on a vacant lot.
- Heritage Trees: Heritage Trees are valued and special trees for the City of Minn. due to their size and age. All possible measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a two percent (2%) removal threshold of Heritage Trees, meaning every DBH inch of removal. Tree removal requires full replantation in accordance with the standards within subsection 801.36.8, in addition to any other requirements hereunder.
- Significant Tree Removal by Developers: Although the City encourages preservation of the maximum amount of trees possible, the City recognizes that a certain amount of Significant Trees removal is sometimes necessary during development. Accordingly, twenty five percent (25%) of the existing DBH inches of Significant Trees can be removed pursuant to a Tree Preservation Plan without obligation of replantation. Any tree removal beyond twenty five percent (25%) will require replantation in accordance with the standards of subsection 801.36.8.

TREE MITIGATION RATE
per City of Minn.

- TREE REPLACEMENT RATIO:
- A. Tree Replacement Formula: Replacement of removed or disturbed trees in excess of the percentage allowed by this section shall be according to the following ratios:
1. For any removal that exceeds the percentage of allowable removal of Significant Trees as in subsection 801.36.2, all Significant Trees shall be replaced at the ratio of one caliper inch (1") per one inch (1") of DBH removed.
 2. All Heritage Trees must be replaced at the ratio of two caliper inches (2") per one inch (1") of DBH removed.
- B. Size Types and Classification of Replacement Trees: Unless an approved Tree Preservation Plan sets forth a different requirement, all replacement trees must be of a similar species to those that are removed. A Tree Replacement plan must include a diversity of tree species that are suitable for the property, given soil conditions, hydrology, topography, and tree pathogens. Replacement trees must be no less than the following sizes:
- 1. Deciduous Trees shall be no less than two and a half caliper inches (2.5") and Confident Trees shall be no less than six feet (6') in height.
- C. Recommended Tree Replacement Species: In order to encourage a diverse tree canopy in the City, the following list of tree species are recommended for planting as a part of a tree replacement plan:
- Alternative Backcountry Bufferland Cedar
(on otherwise resistant) Fir
Mallory Hickory/Hawthorn Kentucky Coffee
(on otherwise resistant) Oak
Linden/Basswood
Maple (except Silver Maple) Oak
Pine
Tamarac (except Colorado Blue) Tamarac k
Walnut

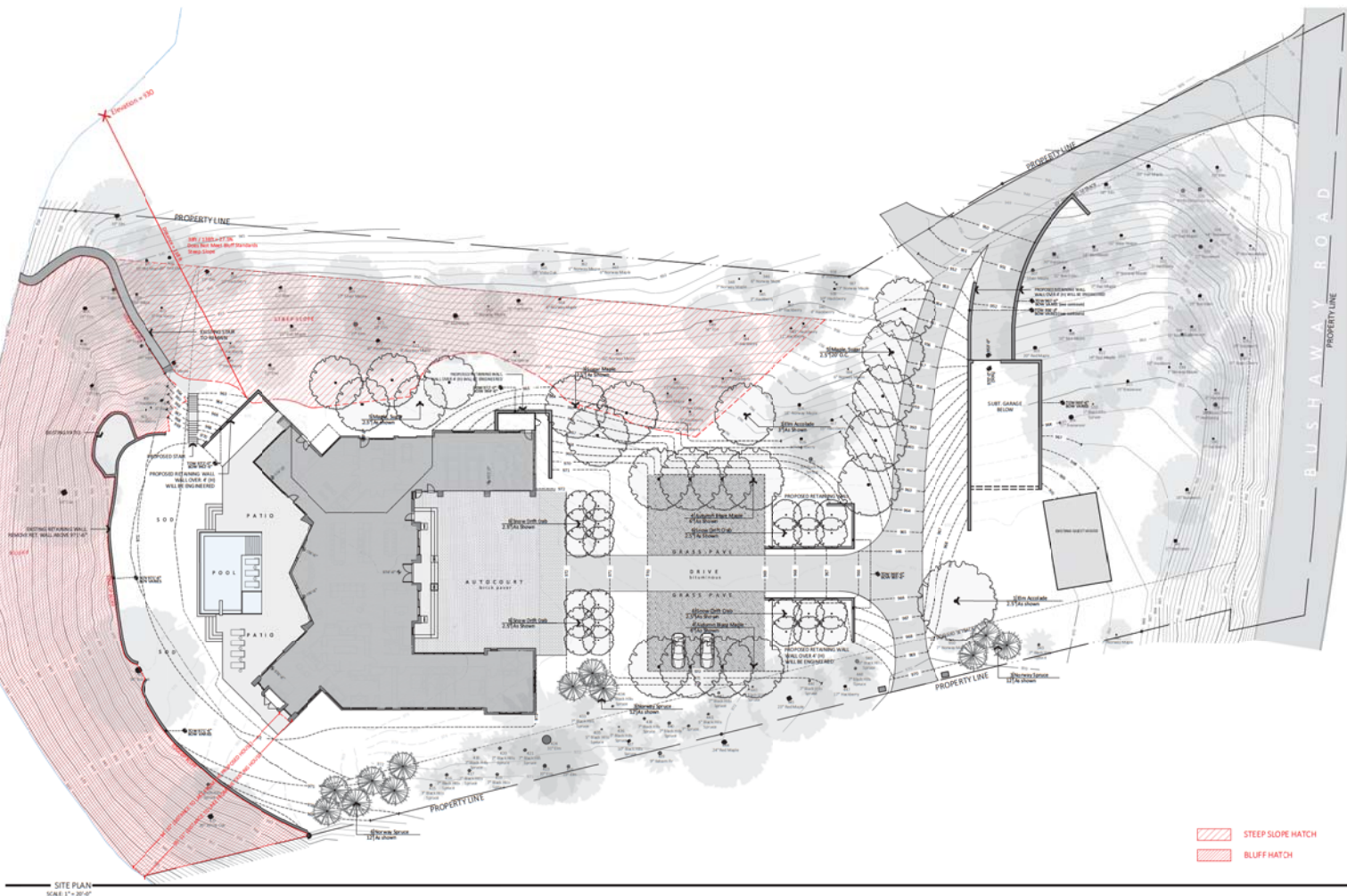
TREE REPLACEMENT SCHEDULE / MITIGATION DATA

TREE PRESERVATION AND REPLACEMENT DATA		
Total Trees inventoried on 630 Broadway Road:	101 at 2419" dba at DBH	
Total Heritage Trees on 630 Broadway Road:	66 at 100" dba at DBH	
Total Significant Trees on 630 Broadway Road:	125 at 124" dba at DBH	

Trees to be Mitigated		
Heritage Trees to be Removed:		
Softwood/Deciduous Tree(s) 30" or greater in dba at DBH	/	
Hardwood/Deciduous Tree(s) 25" or greater in dba at DBH	/	
Confident Tree(s) 25" or greater in dba at DBH	/	
Total Heritage Trees to be Removed:	0	
Significant Trees to be Removed:		
Softwood/Deciduous Tree(s) 12" or greater in dba at DBH	56 3/4" dba at DBH	
Hardwood/Deciduous Tree(s) 12" or greater in dba at DBH	25a 207" dba at DBH	
Confident Tree(s) 12" or greater in dba at DBH or 12' or greater in height	5' x 74" dba at DBH	
Total Significant Trees to be Removed:	41-61" dba at DBH	
25% Allowable removal of existing significant trees dba	41-61" dba at DBH	
Proposed percentage of significant trees removal	56 3/4" - 124" above the allowed	

MITIGATION REQUIRED		
Total Heritage Trees to be removed:	/	
Total Significant Trees to be removed:	41 at 56 3/4" dba at DBH	
25% Allowable removal of existing significant trees dba	41-61" dba at DBH	
Proposed percentage of significant trees removal	56 3/4" - 124" above the allowed	

Heritage Mitigation Requirements		
Tree caliper inches (newer 2" per 1" removed DBH)	/	
Significant Tree mitigation requirements	124"	205.5"
Tree caliper inches	124"	205.5"



GRADING GENERAL NOTES

- DEMOLITION KEY NOTES:
1. The contractor must protect all existing walls, curbs, structures, trees and site elements not designated for removal. Any damage shall be repaired or replaced at the contractor's expense to the satisfaction of the City Forester.
 2. The contractor shall maintain all existing surface grading and drainage throughout the project.
 3. The contractor shall maintain all existing surface grading and drainage throughout the project.
 4. The contractor shall maintain all existing surface grading and drainage throughout the project.
 5. The contractor shall maintain all existing surface grading and drainage throughout the project.
 6. The contractor shall maintain all existing surface grading and drainage throughout the project.
 7. The contractor shall maintain all existing surface grading and drainage throughout the project.
 8. The contractor shall maintain all existing surface grading and drainage throughout the project.
 9. The contractor shall maintain all existing surface grading and drainage throughout the project.
 10. The contractor shall maintain all existing surface grading and drainage throughout the project.
- GRADING/DRAINAGE NOTES:
1. Provide and maintain positive drainage away from all structures at all times.
 2. The contractor shall maintain all existing surface grading and drainage throughout the project.
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 9. The contractor shall maintain all existing surface grading and drainage throughout the project.
 10. The contractor shall maintain all existing surface grading and drainage throughout the project.

EROSION CONTROL NOTES:

- EROSION CONTROL KEY NOTES:
1. The contractor is responsible for installing the erosion control measures of the site, and for installing and maintaining erosion control measures when needed. The contractor shall maintain all existing surface grading and drainage throughout the project.
 2. The contractor shall maintain all existing surface grading and drainage throughout the project.
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 8. The contractor shall maintain all existing surface grading and drainage throughout the project.
 9. The contractor shall maintain all existing surface grading and drainage throughout the project.
 10. The contractor shall maintain all existing surface grading and drainage throughout the project.

EROSION CONTROL KEY NOTES:

1. All temporary erosion control measures must be in place prior to any removal work and must be maintained until permanent erosion control measures have been installed and established.
2. Erosion control measures shall be installed and maintained throughout the project.
3. Erosion control measures shall be installed and maintained throughout the project.
4. Erosion control measures shall be installed and maintained throughout the project.
5. Erosion control measures shall be installed and maintained throughout the project.
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7. Erosion control measures shall be installed and maintained throughout the project.
8. Erosion control measures shall be installed and maintained throughout the project.
9. Erosion control measures shall be installed and maintained throughout the project.
10. Erosion control measures shall be installed and maintained throughout the project.

GRADING/DRAINAGE KEY NOTES:

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED CONTOUR
- ABANDON CONTOUR
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- DIRECTION OF SLOPE
- SILT FENCE
- BIOLOG
- NDS BOX FOR ROOF DRAINS
- PVC DRAIN PIPE, SIZE AND DIRECTION OF FLOW AS NOTED ON SITE PLAN
- FLOOD PLAIN IMPACT:
- CUT = 0
- FILL = 0
- AREA OF DISTURBANCE:
- XXX SQUARE FEET / XX ACRES

TREE SYMBOL KEY

- EXISTING DECIDUOUS
- EXISTING CONIFEROUS
- EXISTING TREES TO BE REMOVED IN MITIGATION AREA
- EXISTING TREES TO BE REMOVED IN NON-MITIGATION AREA
- PROPOSED DECIDUOUS TREE
- PROPOSED EVERGREEN TREE
- PROPOSED UPRIGHT EVERGREEN
- PROPOSED SHRUB

IMPERVIOUS CALCULATIONS

TOTAL LOT AREA	
133,027 Sq. Ft.	
MAXIMUM ALLOWABLE IMPERVIOUS SURFACE	
20% (26,605 square feet)	
IMPERVIOUS SCHEDULE - RESIDE PROPERTY LINES	
Structure - House	10,557 Sq. Ft.
Structure - Existing Guest House	1,964 Sq. Ft.
Hardscape - Stair/Walk/Patio	3,796 Sq. Ft.
Hardscape - Drive	9,685 Sq. Ft.
Hardscape - Auto Court	4,281 Sq. Ft.
Hardscape - Retaining Wall	940 Sq. Ft.
Total	30,243 Sq. Ft.
Proposed Impervious Area in Sq. Ft.	30,243 Sq. Ft.
Proposed Impervious in %	22.7%

In reference to the Sheet 1000 submitted for Bushaway Road Residence (Phone: Pro & Associates, Inc., Civil Engineers, dated 10/23/2018)

Existing Impervious Area = 32,207 Sq. Ft.

Existing Impervious Coverage = 24.2%

SKYFALL

630 Broadway Rd, Minneapolis, MN

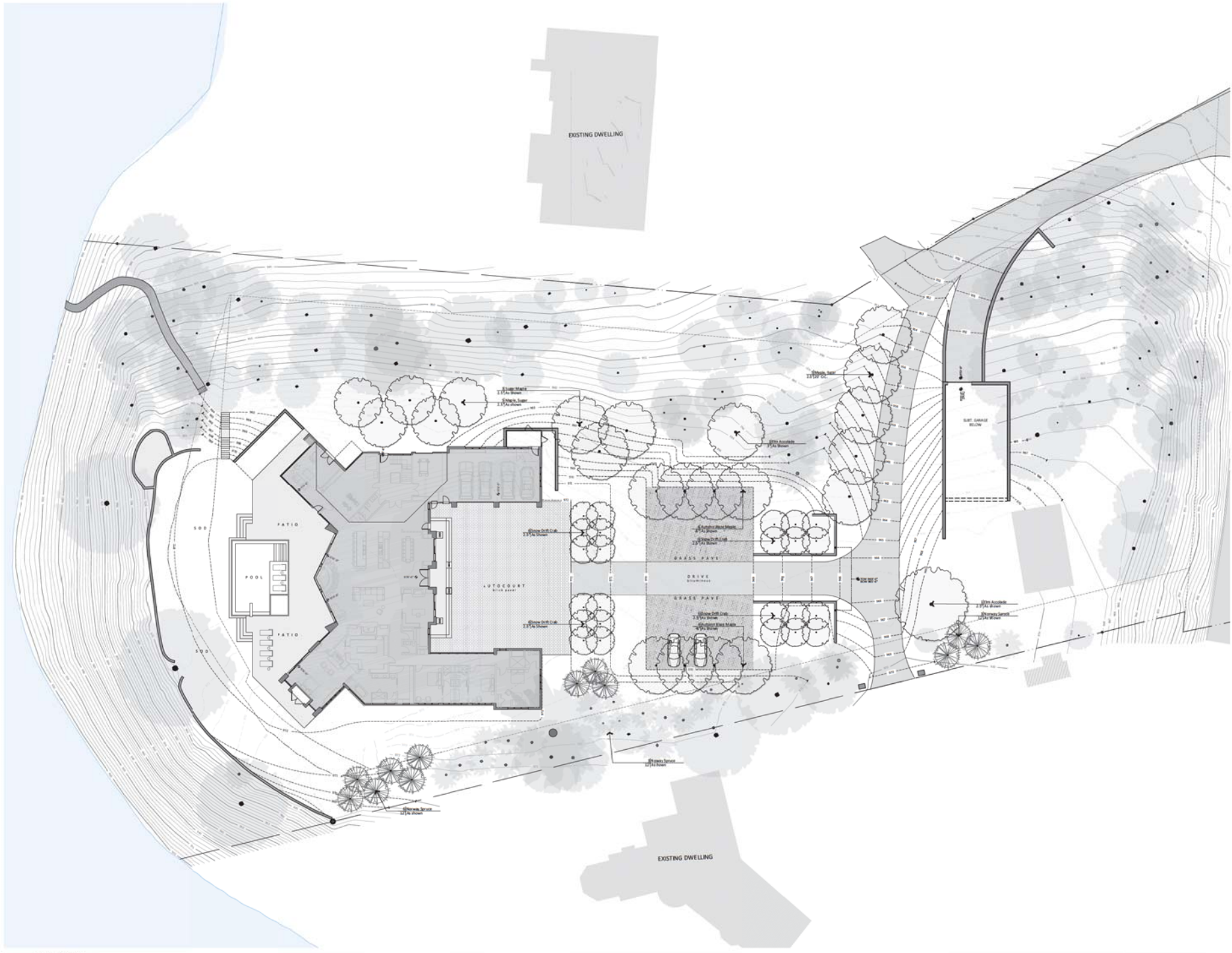
1. HERECITY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

REVISIONS

REV #	DESCRIPTION	DATE

PROPOSED SITE PLAN

DESIGNED BY: [Name]
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 10/23/2018
DRAWING SCALE: SEE DETAIL SCALE



PLANTING PLAN
SCALE: 1/8" = 1'-0"

SKYFALL

630 Oakdale Rd., Minneapolis, MN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A QUALIFIED PROFESSIONAL LANDSCAPE
ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

REVISIONS	DATE
REV # DESCRIPTION	

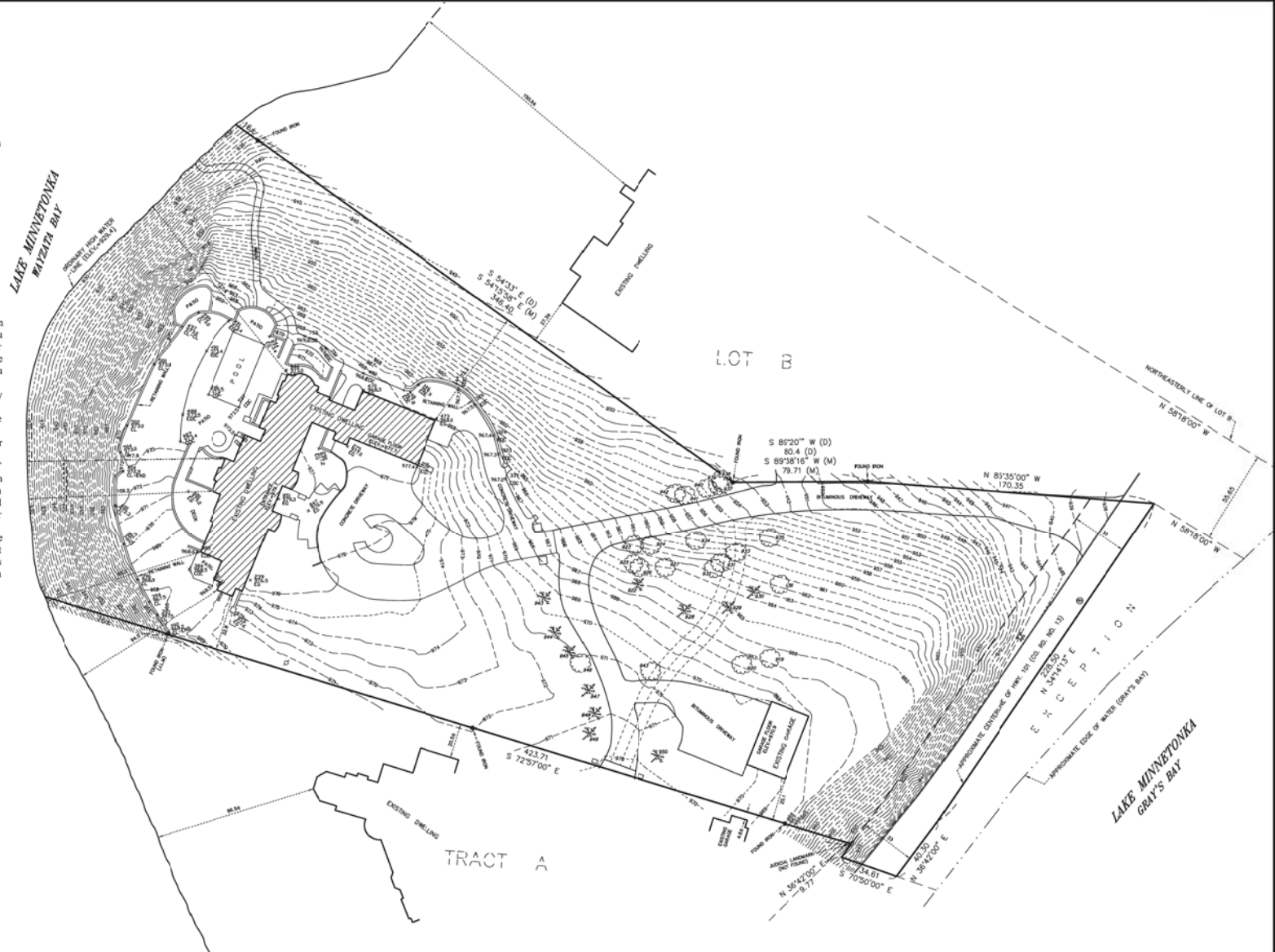
PLANTING

DESIGNED BY:	SA
DRAWN BY:	TD
DATE:	10/1/2019
ORIGINAL SCALE:	1/8" = 1'-0"
DRAWING SCALE:	SEE DETAIL SCALE

LEGAL DESCRIPTION:
That part of Lots "A" and "B" in "Carpenter's Point, Hennepin County, Minn." described as follows: Beginning at a judicial monument at a point in the Westerly line of the public highway known as County Road Number 13, which point is 9.77 feet Northeastly along the Westerly line of said road from its intersection with the Southwesterly line of Lot "B" in said Carpenter's Point, and which point of beginning is also 33 feet at right angles Northwestly from the center line of said County Road Number 13 as now laid out and traveled across said Lot "B"; thence Southwesterly along the Westerly line of said road 9.77 feet to the Southwesterly line of said Lot "B"; thence South 70 degrees 50 minutes East along the Southerly line of said Lot "B" to the Southeastly corner of said Lot at the shore of Gray's Bay, Lake Minnetonka; thence Northeastly along the shore of said Gray's Bay to a point South 33 degrees 42 minutes West 55.65 feet from the Northeastly line of said Lot "B"; thence North 58 degrees 18 minutes West on a line parallel with the Northeastly line of said Lot "B" to the center line of said County Road Number 13; thence North 85 degrees 35 minutes West 170.35 feet; thence South 89 degrees 20 minutes West 80.4 feet; thence North 54 degrees 33 minutes West 405.9 feet, more or less, to the shore of Wayzata Bay, Lake Minnetonka; thence in a general Southerly direction along the shore of said Bay to the intersection of said shore line with a line bearing North 72 degrees 57 minutes West from the point of beginning; thence South 72 degrees 57 minutes East 67 feet more or less to a judicial monument at that point; thence continuing South 72 degrees 57 minutes East 425 feet to the point of beginning, except that part of above described Lots "A" and "B" lying Southeastly of the center line of County Road No. 13.

- SCOPE OF WORK & LIMITATIONS:**
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
 2. Showing the location of observed existing improvements we deem necessary for the survey.
 3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
 4. Existing building dimensions and setbacks measured to outside of siding or stucco.
 5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
 6. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

STANDARD SYMBOLS & CONVENTIONS:
• Denotes iron survey marker, set, unless otherwise noted.

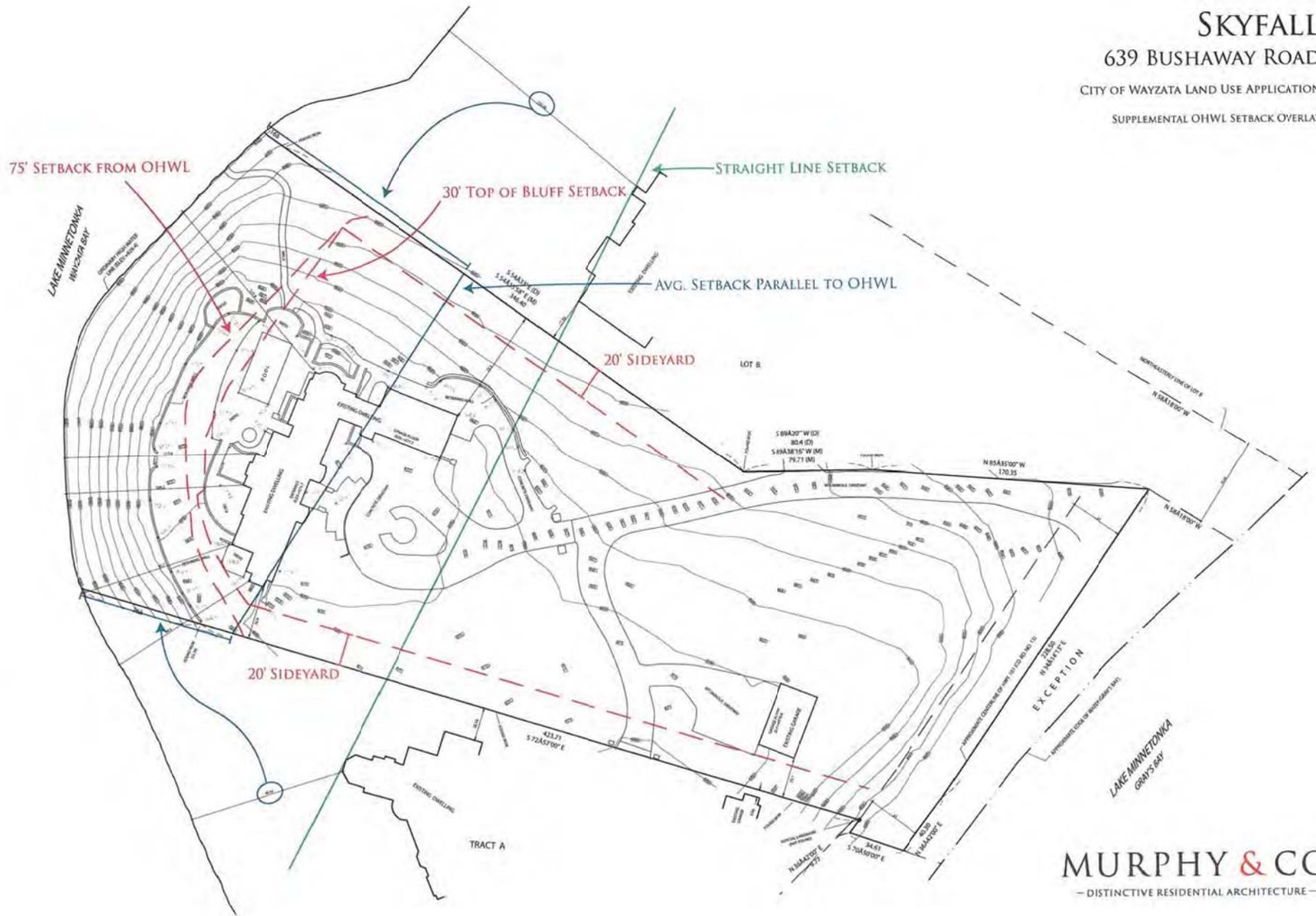


DATE 9/14/18	REVISION DESCRIPTION ADD TREES IN AREA OF NEW DRIVEWAY CONSTRUCTION	DRAWING ORIENTATION & SCALE 	CLIENT/JOB ADDRESS MURPHY & CO. DESIGN 639 BUSHAWAY RD. WAYZATA, MN	 17017 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advanceur.com	I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. <i>Wayne W. Frey</i> Wayne W. Frey #43503 LICENSED JUNE 24, 2018 DATE	SURVEYED DATE: JUNE, 2018 DRAFTED DATE: JUNE 24, 2018	SHEET TITLE EXISTING SURVEY SHEET SIZE: 22 X 34 DRAWING NUMBER 180743 WP	SHEET NO. S1 SHEET 1 OF 1
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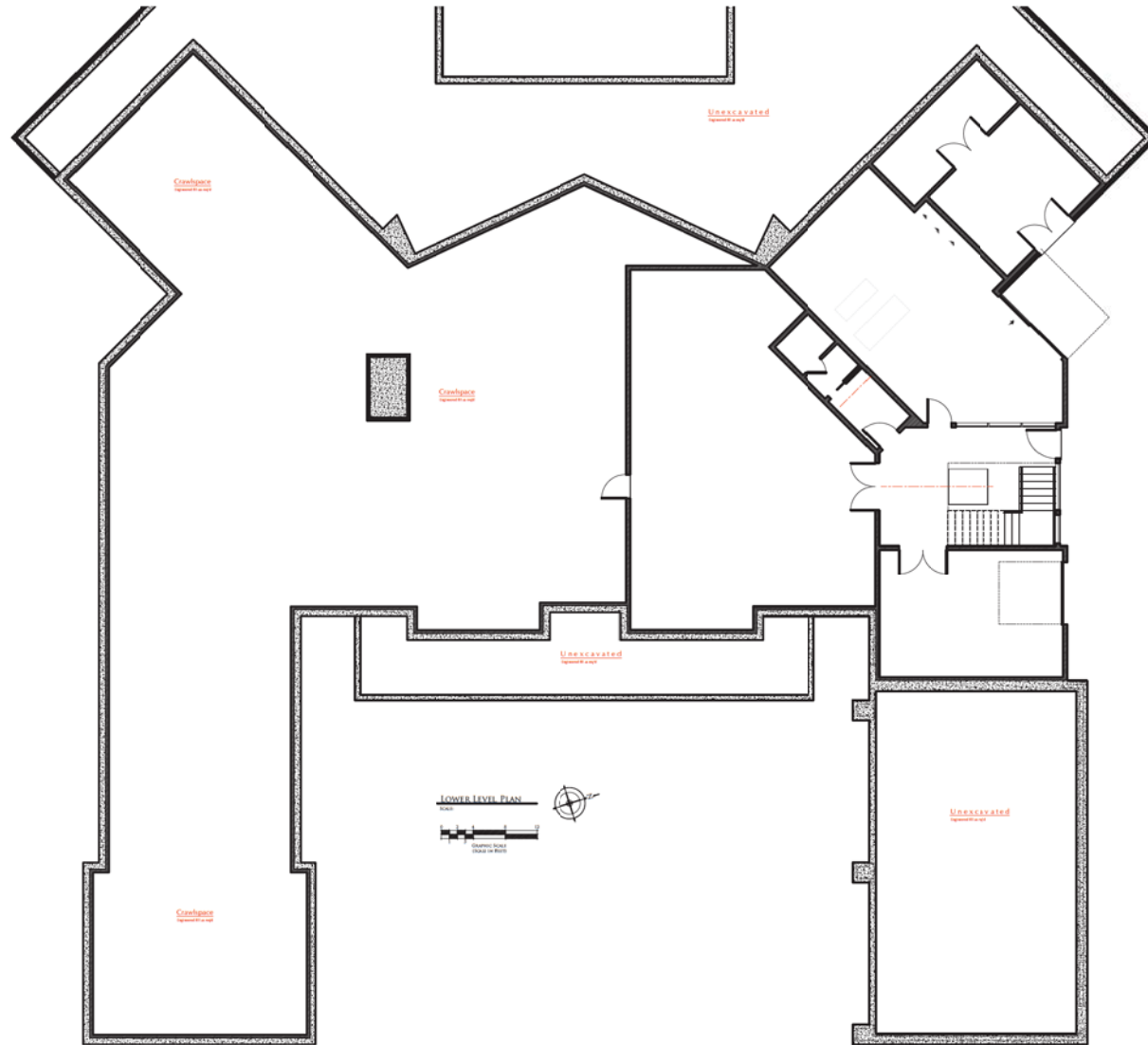
SKYFALL

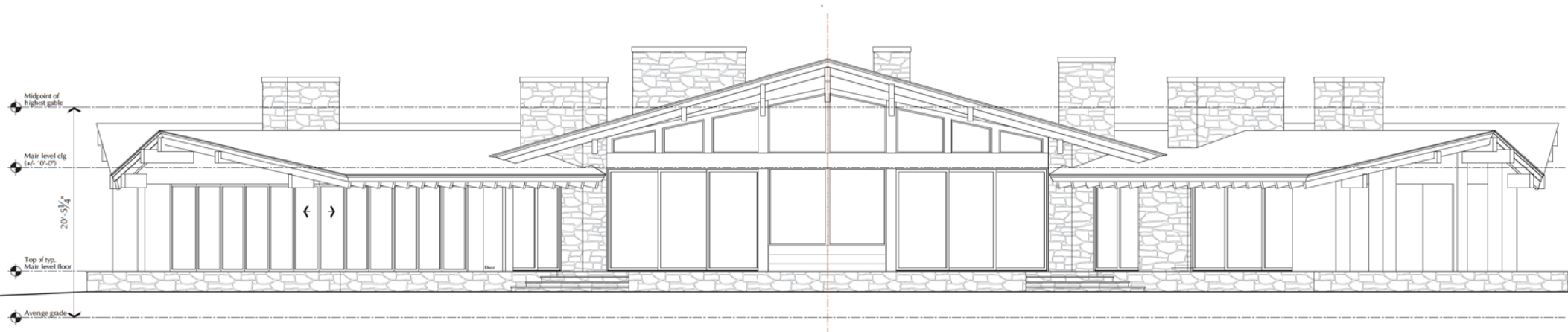
639 BUSHAWAY ROAD

CITY OF WAYZATA LAND USE APPLICATION
SUPPLEMENTAL OHWL SETBACK OVERLAY

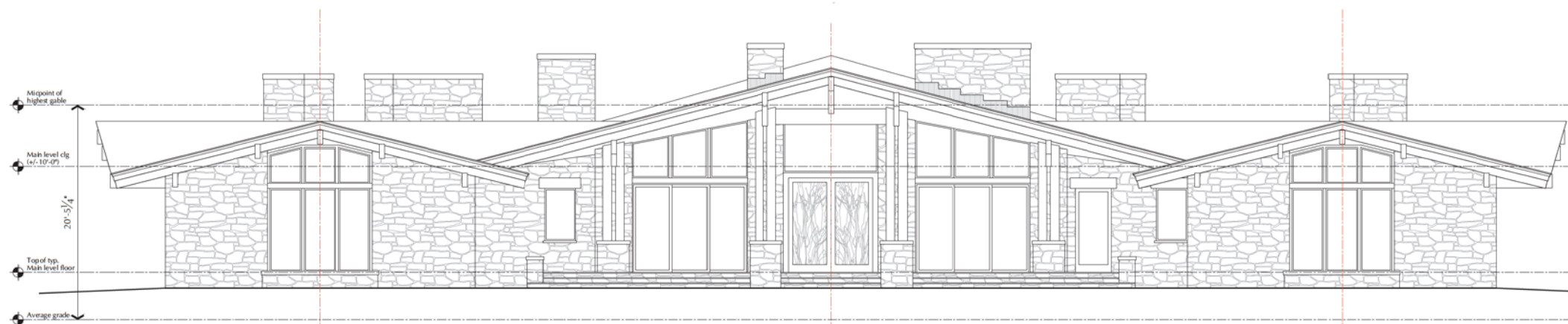


MURPHY & CO
— DISTINCTIVE RESIDENTIAL ARCHITECTURE —



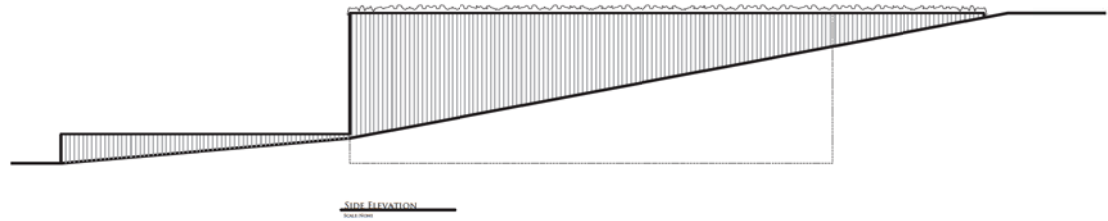
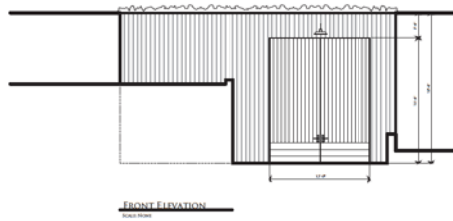


WEST ELEVATION
SCALE



EAST ELEVATION
SCALE





**WAYZATA PLANNING COMMISSION
EXCERPT OF THE MEETING MINUTES
September 16, 2019**

AGENDA ITEM 5. Public Hearing Items:

**b.) Consider Development Application for Variances for a New Single-Family Home
at 639 Bushaway Rd “Skyfall”**

Consultant Planner Eric Zweber stated that the applicant and property owner, Bushaway Road LLC, has submitted a development application requesting approval of a variance from the shoreland setback, a variance from the impervious surface requirement, and a variance from the size limit for an attached garage to allow for the redevelopment and construction of a new house and detached garage on the property at 639 Bushaway Road. The existing house at 639 Bushaway Road was constructed in 1997. Since 1997, the house to the south (655 Bushaway Road) was constructed in 2003 and the house to the north (623 Bushaway Road) was constructed in 2016. All three homes share the same access onto Bushaway Road on the north end of this parcel.

The existing site has a one and a half story house with an attached garage on the west side of the property overlooking Lake Minnetonka and a guest house located on the east side of the property. The site changes about 40 feet in elevation with the entry elevation of the exiting house at 979.7 feet and the driveway access along Bushaway Road at 938 feet. The driveway runs roughly east-west from Bushaway Road to the house and attached garage. The driveways to 623 Bushaway Road and 655 Bushaway Road run at approximately right angles from the existing 639 Bushaway Road driveway. The existing guest house has a driveway that connects to the driveway to 655 Bushaway Road.

The proposed changes to the property include demolishing the existing house and attached garage, the driveway west of the connection with the 625 Bushaway Road driveway, and the driveway connection to 655 Bushaway Road. The key items that will remain are the pedestrian access to Lake Minnetonka, the retaining wall located on top of the bluff, and the guest house. The new house will be a single-story home with a walk out to the north and an attached garage. The new driveway will generally run north to south to connect with 655 Bushaway Road and extend at a right-angle running north to the house and attached garage. Halfway between the house and the 655 Bushaway Road driveway will be a structurally reinforced grass area to allow for guest parking without creating additional impervious surface. The existing guest house will no longer have a driveway. To the northwest of the existing guest house, a subterranean detached garage will be constructed that will connect to the joint driveway to the north. The detached garage will be constructed with a green roof to remove its impervious surface. Since the garage is primarily subterranean, only the garage door and the retaining walls will be visible.

The Comprehensive Plan use designation for the subject property is Estate Single Family. The Comprehensive Plan includes the following discussion for the Estate Single Family: Estate residential neighborhoods are generally older neighborhoods removed from the historic community core. Lot sizes should be a two-acre minimum. Some lots have additional living quarters that were originally build for property caretakers.

1
2 The property is zoned R-1A and is located within the Shoreland Overlay District. The proposed
3 single-story house will be almost 15 feet lower than the R-1A Zoning District limit. The setbacks
4 for the R-1A Zoning District are being observed. The lake shore setback is the greatest of four
5 different setback measurements. For this property, which has a point that extends into Lake
6 Minnetonka, the greatest setback would be a line drawn between the two closes riparian principal
7 structures which would require a setback of 260 feet. The applicant is requesting a variance for a
8 lake shore setback similar to the existing principal structure at 94 feet 10 inches. The applicant
9 has provided details of their practical difficulty and other variance justification in the narrative
10 attached to the Staff report.

11
12 The applicant has proposed a redevelopment that would create a total area of impervious surface
13 of 30,243 square feet or 22.73 percent of the total lot area. This impervious surface area meets the
14 impervious surface requirement of 25 percent for the Shoreland Overlay District but is 2.73 percent
15 greater than the requirement allowed of the R-1A Zoning District. The applicant has provided
16 details of their practical difficulty and other variance justification in the narrative attached to the
17 Staff report.

18
19 The applicant has proposed an attached garage that exceeds the 1,000 square foot single family
20 detached uses listed in the City Code. The Proposed four-car garage is 1,338 square feet which is
21 138 feet larger than the existing garage. There is a provision for the R-1 to request a Conditional
22 Use Permit (CUP) for an increased attached garage size. The applicant has provided details of
23 their practical difficulty and other variance justification in the narrative attached to the Staff report.

24
25 Planner Zweber noted that the three variance requests are a quasi-judicial review and decision,
26 meaning that the Planning Commission in its recommendation and City Council in its decision
27 acts similar to a judge in a courtroom and applies the relevant rules and the Zoning Ordinance to
28 the facts of this particular property and proposed development. The Planning Commission should
29 recommend approval of the impervious surface and attached garage size variance requests by the
30 applicant if the Commission determines that they meet all of the Zoning Ordinance requirements
31 in City Code. The Planning Commission should recommend approval of the lake shore setback
32 variance request by the applicant if the Commission determines that it meets all of the Shoreland
33 Overlay District variance requirements in City Code.

34
35 Commissioner Bashioum stated that her understanding of a bluff is that it is a precarious location
36 to build a house. She asked if decreasing setbacks and allowing a home to be built closer to a bluff
37 is cause for concern.

38
39 Planner Zweber stated that one of the code provisions specific to a bluff requires that the entirety
40 of the principal structure be at least 30 feet from any bluff. This property would meet that
41 requirement. There are additional requirements for setbacks related to a pool and pool equipment,
42 but those requirements are not within the Zoning Ordinance. This property would meet these
43 requirements.

44
45 Commissioner Merriam stated that the impervious surface calculation does not include the grass
46 paved area or the garage.

1
2 Planner Zweber stated that would be in keeping with other types of approvals. He added that the
3 City Engineer has looked at these types of improvements and has determined that they absorb
4 rainwater at a similar rate to normal turf. The lot coverage, which includes the subterranean
5 garage, the house, attached garage, and existing carriage house is below the 10 percent lot coverage
6 which is different than the 20 percent impervious surface requirement. The green roof and
7 structurally supported turf are considered pervious surfaces.
8

9 Commissioner Merriam stated that she remembers a time when projects were given only a 50%
10 credit for the amount of pervious materials used.
11

12 Planner Zweber stated that impervious surfaces above 25 percent within the Shoreland District
13 require mitigation that would likely include credits granted for certain types of materials used.
14 This is under the 25 percent Shoreland Ordinance standard for a Shoreland impact plan, so they
15 do not require stormwater calculations and thus mitigation with this request. However, the
16 applicant will be required to submit a Shoreland permit for approval by the Zoning Administrator
17 in order to move more than ten cubic yards of material on the steep slope as part of the grading
18 plan.
19

20 There being no further questions for staff, Vice Chair Plantan invited the applicant to speak to the
21 Planning Commission about the application.
22

23 Applicant's representative, T.J. Majdecki, 3805 Upton Ave S, stated that their clients were drawn
24 to this location due to the incredible views. They purchased the property knowing that there would
25 be constraints due to the topography, and they have worked diligently with their assembled team
26 to achieve the most cohesive design for the property. The design was created to accommodate
27 owners through the period of their intended long-term ownership and reflect the idea of "aging in
28 place". They have chosen to maintain one level living area as well as provide accessible entrance
29 and parking.
30

31 Commissioner Iverson asked if the accessibility features were designed for the home owners
32 current needs because there appears to be a real consciousness to maintain accessibility.
33

34 Mr. Majdecki stated that accessibility has been thoughtfully addressed for the purpose of potential
35 future difficulties and those of friends and family.
36

37 Vice Chair Plantan asked if the neighbors had been contacted to ascertain their thoughts on the
38 project.
39

40 Mr. Majdecki stated that the original relocation of the driveway access was approved six months
41 ago with the blessing of the owner of 655 Bushaway Rd. The owner of 623 Bushaway Rd was a
42 former client of the applicant's developer and was made aware of the situation.
43

44 There being no further questions from the Commission for the applicant, Vice Chair Plantan
45 opened the public hearing on the application at 7:54 p.m.
46

1 There being no one wishing to comment on this application, Vice Chair Planta closed the public
2 hearing at 7:54 p.m.

3
4 Commissioner Bashioum read from page 62 of her packet, item D, section 991.19 “the property
5 and intended uses fall within the exceptions listed, and a shoreline impact plan is not required”.
6 She asked if that statement was correct and a shoreline impact plan was not required.

7
8 Planner Zweber stated that there are two types of shoreline impact plans. One shoreline impact
9 plan is part of a conditional use permit and is more commonly seen, but that is not what is required
10 for this application. The second shoreline impact plan could be required due to grading within a
11 steep slope, which is what the proposed plan would do to the north area of the property, and this
12 requires a shoreline impact plan. This type of shoreline impact plan is not a Conditional Use
13 Permit and can therefore be approved by the Zoning Administrator. This would mean that the
14 applicant would need to provide a shoreline impact plan that meets all of the provisions of the code
15 as part of the building permit process, and this could be approved through the Zoning
16 Administrator and would not require a public hearing nor action by the Planning Commission.

17
18 Commissioner Parkhill asked for clarification regarding the attached parking garage proposed at
19 338 feet larger than permitted by code as well as a detached garage proposed to be two times the
20 maximum allowed size.

21
22 Planner Zweber responded that the Zoning Ordinance provisions for the R-1A Zoning District do
23 not include a provision for requesting an attached garage larger than the 1,000 square feet that is
24 allowed. R-1A District does not have a specific limitation to the size of a detached garage. The
25 limiting factor is the lot coverage, meaning that all structures on the lot cannot exceed 10 percent
26 lot coverage. Requesting an increase to the size of the attached garage requires approval of a
27 variance from the lot coverage limits, which must include proof of practical difficulties. He added
28 that R-3 and R-4 Districts have a process that allows for requests for Conditional Use Permits to
29 address attached garages larger than allowed. If the Planning Commission would like to discuss
30 the difference of these provisions for the residential zoning districts, the topic could be added to a
31 future Planning Commission Agenda.

32
33 Commissioner Merriam asked if the setback was determined by measuring the distance from the
34 southwest corner or the principal building from the lake. She added that she understood that the
35 pool has additional language regarding setbacks, she wanted confirmation that the pool was outside
36 the required setback.

37
38 Planner Zweber stated that she was correct.

39
40 Commissioner Merriam stated that average setback difference between the two adjacent properties
41 is 115 feet which is 20 feet greater than what they are requesting. She stated that she can
42 understand the practical difficulty of a setback at 260 feet, but she does not understand the practical
43 difficulty with 115 feet.

1 Mr. Majdecki stated that moving the house back was considered. It was determined that the grade
2 change was too significant when they moved the home back 20 feet and was too difficult to
3 maintain a 10 percent driveway slope and access to 665 Bushaway Rd.

4
5 Commissioner Bashioum asked if there were large collections of garages in the area. She was
6 curious is that was the norm along Bushaway.

7
8 Planner Zweber stated that the increased number of garages are very common in the Ferndale area
9 and other areas in the R-1A District. He added that the proposed lot is much larger than most lots
10 on Bushaway Road.

11
12 Commissioner Iverson asked how many trees would be removed, and how many of those would
13 be significant.

14
15 Planner Zweber stated that there are no heritage trees being removed which is defined as trees that
16 are 25 inches in diameter. He stated that they are planning on removing 41 significant trees which
17 equals a total of 561 inches in diameter. They are allowed 25 percent removal under the code
18 without mitigation, which would equal 437 inches of 1,746 inches of significant trees currently
19 existing. Therefore, mitigation is required and their replacement plan meets that requirement.

20
21 Commissioner Merriam asked how much of the impervious surface is a result of the driveway
22 connections to the adjoining properties.

23
24 Planner Zweber stated that they had not calculated that. He estimated that the shared area would
25 be about 800 square feet.

26
27 Commissioner Bashioum asked if all of the homes in the area that share driveways calculate the
28 impervious surfaces the same way.

29
30 Planner Zweber stated that impervious surfaces are only counted for the lot where the shared
31 driveway is located.

32
33 Commissioner Parkhill stated that it appears that this home would bear the brunt of having to
34 include the driveway into their total of allowable impervious surface due to the majority of the
35 shared driveway being located within their lot lines.

36
37 Planner Zweber stated that the grades in the area do not allow for all separate driveways to each
38 property that shares the driveway on the subject property. He added that if separate driveways
39 were allowed, much of what already exists would still be required for access. He stated that this
40 may be a finding that could be included under practical difficulties for the applicant.

41
42 Vice Chair Plantan stated that the home looks beautiful, and she commended the architects on the
43 project. She stated that the home sits well on the site, and she understands the need for one level
44 living. She added that she wouldn't necessarily describe the situation as a hardship, but certainly
45 practical difficulties due to the site constraints of having steep inclines on three sides. She liked
46 the creative solutions for the difficulties, such as the subterranean garage and adding grass into the

1 parking areas. She concluded by stating that the plan is a nice solution for the challenges that the
2 site provided.

3
4 There being no further questions or discussion among the Commissioners, Vice Chair Plantan
5 asked for a motion on the application.

6
7 Commissioner Iverson commented that the tear down of the home will be going to a landfill, and
8 that a significant number of trees will be removed without equal replacement. She added that with
9 everything going on in our climate change she has requested that every developer increase the
10 number of trees they plan to replace. She added that the cost to replace the trees would not likely
11 impact the owner greatly. She ended by stating that any increase would be appreciated.

12
13 Commissioner Merriam stated that R-1A allows for no greater than a 1,000 square foot garage.
14 She does not know the reason for the limitation nor does she understand the practical difficulty
15 that would entail enlarging it. She stated that the request appears to be unusual. She added that
16 the impervious surface is greater than the 20 percent allowed. She ended by stating that she doesn't
17 see the practical difficulty for increasing the impervious surface either.

18
19 Commissioner Iverson stated that she concurs with Commissioner Merriam's comments. She
20 asked if it was common for estates to store their boats and other accessory water vehicles on their
21 property versus off site.

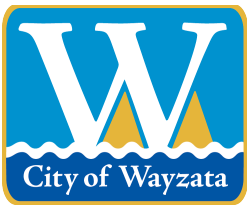
22
23 Planner Zweber stated that there are a lot of existing homes in R-1A with garages greater than
24 1000 square feet. He would have to investigate to determine if the existing garage was approved
25 due to a variance or as a result of another reason. The proposed garage is being designed for cars
26 and would not be large enough to house a large boat, typically found on Lake Minnetonka.

27
28 Commissioner Douglas asked for the size of the new house in relation to the existing home.

29
30 Planner Zweber stated that the existing home is a two-story home. The proposed home is a single-
31 story home. The proposed home would have a larger footprint but the existing home has more
32 total square footage.

33
34 Commissioner Parkhill then made a motion, seconded by Commissioner Bashioum, to direct staff
35 to prepare a draft Planning Commission Report and Recommendation with appropriate findings
36 reflecting a recommendation of approval of variances for 639 Bushaway Road for review and
37 adoption at the next Planning Commission meeting, including Part A: Shoreline setback variance,
38 noting that it is in keeping within land use plans and planning objectives for Wayzata, is due to
39 practical hardships related to the uniqueness of the property (bluff and point), is reasonable but not
40 permitted by the ordinance, and will not alter the essential character of the locality due to the use
41 of the same plot location as the existing home; and approval of Part B: Impervious surface and
42 garage variance due to practical difficulties, it will not change the essential character of the local,
43 and is less impervious surface than the existing home due to creative mitigation within the design
44 plan, with the additional condition that there will be 50 percent increase in tree inches added by
45 calculating the difference between the number of tree inches removed and what is required in the

1 ordinance to replace with the intent of maintaining the character of the neighborhood and its
2 current tree coverage. The motion carried 4 ayes and 2 nays (Iverson and Merriam).
3
4 Planner Zweber stated that the report and recommendation on the application will be part of the
5 October 7 Planning Commission Consent Agenda, and then would move to a future City Council
6 meeting for final consideration and action by Council on the application.



City of Wayzata City Council Agenda Report

MEETING DATE: October 15, 2019	AGENDA ITEM: 9.d.
TITLE: Consider Selection of a Construction Management Firm for Phase I of the Lake Effect Project	
PROPOSED MOTION: To Select Stahl Construction to Provide Construction Management Services for Phase I of the Lake Effect Project and Authorize the City Manager and City Attorney to Negotiate a Draft Contract for Said Services to be Approved a Future City Council Meeting	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeff Dahl, City Manager	

ACTION REQUESTED:

The selection committee recommends selection of Stahl Construction to provide Construction Management services for the Lake Effect Project.

FINANCIAL OR BUDGET CONSIDERATION:

Stahl Construction has proposed the following fees for services, based on a \$6,000,000 project:

- Preconstruction Services = \$25,200
- Construction Management = 1.7% of construction costs (approx \$102,000)
- Construction Services = \$50,000/month (assumes 6 month project)
- Reimbursables = \$4,260/month (assumes 6 month project)

The proposed Construction Management services would be paid out of the Lake Effect Fund. While this cost was previously unplanned, the expectation is that the cost of the project will significantly decrease due to the services of the Construction Management firm. Later this year, staff will conduct a work shop presenting additional funding options for the Lake Effect Project.

If the project were not to go forward, the City would only be paying the \$25,200 fee.

BACKGROUND:

The Lake Effect Project can be broken up into four general components: Public Engagement, Design, Funding, and Construction. While on-going, the majority of work behind public engagement, design, and funding is complete. The last and final component/process, is construction.

The City recently solicited bids for the first phase the Lake Effect Project—reconstruction of Lake Street and construction of Lake Street Plaza, Dakota Rail Regional Trail Extension, and improved railroad crossings. A limited number of responses and extremely large gap between the estimated cost of the project and actual bid outcomes prompted the City to reevaluate their process for procuring contractors for this project. As a result, the City sought to retain the services of a qualified Construction Management firm with expertise in all phases of bidding and construction of the project, including communication.

The City advertised publicly and solicited Requests for Proposals (RFP) to six firms and received three proposals on Wednesday, October 2. The three respondents included Mortenson, RJM Construction, and Stahl Construction.

The proposals were reviewed by a panel of seven on Friday, October 4. The panel included the City Manager, Community Development Director, Council Member Buchanan, Council Member Plechash, Director of Public Works, Richard Freese from SRF, Scott Jordan from Civitas, and a Three Rivers Park District representative.

After review of the proposals, the panel determined that all three firms should be invited to attend an in-person interview.

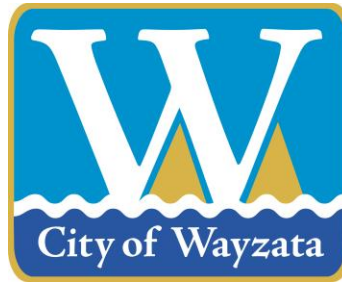
On Monday, October 7, the three firms were interviewed by a similar panel. The panel included the City Manager, Council Member Buchanan, Council Member McCarthy, Director of Public Works, Richard Freese from SRF, Scott Jordan from Civitas, and a Three Rivers Park District representative. Upon completion of the interviews, the panel discussed the candidates and, ultimately, recommended that Stahl Construction be considered for the Construction Manager services based on:

- experience with similar projects;
- cost of services;
- ability to analyze and reconsider the procurement process and scope in order to reduce the project cost;
- and confidence with on-site construction superintendent and communications.

Copies of all three proposals are attached for reference.

ATTACHMENTS:

1. Updated 2019 Lake Street and Lake Street Plaza CM RFP - Final Copy
2. Stahl Construction - Proposal
3. Mortenson - Proposal
4. RJM Construction - Proposal



City Council
Mayor Ken Willcox
Jeff Buchanan
Dan Koch
Johanna McCarthy
Alex Plechash

City Manager
Jeffrey Dahl

**City of Wayzata
in Partnership with Three Rivers Park District
Request for Proposals (RFP)**

Professional: **Construction Manager as Agent**

Project: **Wayzata Lake Street and Lake Street Plaza (Lake Effect Phase 1)**

RFP Submittal Date: **October 02, 2019 @ 3:30 pm**

City of Wayzata RFP Contact: **Mike Kelly, Director of Public Works / City Engineer**

1. Introduction:

The City of Wayzata (City) is seeking proposals from prospective Construction Management (CM) firms to provide professional services for the above referenced project. This RFP describes the services required and the process for selecting the best qualified CM firm for the project.

Prospective firms shall submit their proposals for all work via email or a file sharing service no later than the date and time identified above to:

Mike Kelly
mike@wayzata.org

All proposals must be clearly marked:

“Proposal for Lake Street and Lake Street Plaza Construction Manager”

2. Purpose:

The City of Wayzata recently solicited bids for the first phase of the much-anticipated Lake Effect initiative, the Lake Street and Lake Street Plaza project (refer to Section 3 for components included with this phase of construction). A limited number of responses and extremely large gap between the estimated cost of the project and actual bid outcomes have prompted the City to reevaluate their process for procuring contractors for this project.

As a result, the City seeks to retain the services of a qualified CM firm with expertise in all phases of bidding and construction of the Project, as described herein. The selected CM firm will apply their expertise to selected aspects of the Project in collaboration with other project participants to implement the design as outlined in the construction documents and specifications. Selection will be made on the basis of a combination of qualifications and price. The City intends to award the CM

contract in a timely manner following the project schedule and selection process identified in Sections 6 & 7.

In responding to this RFP, all firms are required to adhere to all requirements provided herein.

3. Project Description:

The Lake Street and Lake Street Plaza project, located in downtown Wayzata, includes the following design components:

- Pedestrian and roadway improvements on Lake Street between Broadway Avenue and Barry Avenue
- An extension to the Three Rivers Park District's Dakota Rail Regional Trail along the south side of Lake Street between Broadway Avenue and Ferndale Road
- Enhancements at the existing railroad crossings at Ferndale Avenue, Barry Avenue, and the Broadway Plaza (coordinated with work by BNSF under separate contract)
- New Plaza Park with a restroom and shade structure
- Water main replacement along Lake Street, between Broadway Avenue and Manitoba Avenue
- Water feature/splash pad south of Lake Street at Walker Avenue

For additional detail, please refer to the Construction Documents and Specifications included with this request.

4. Scope of Services

The CM firm will be an active member of the project team attending and participating in project meetings and correspondence. CM will consult with and assist the team in accomplishing the project objectives and goals with respect to pricing, scheduling, and implementation. The CM firm shall submit their own list of services recommended during the pre-bid, bid, and construction phases to satisfactorily complete this project in a manner that will be cost effective to the City. At minimum, these services should include:

- Review and analysis of the current contract documents and previously let project bids, to determine potential cost saving strategies and bid alternates
- Determination of the appropriate breakdown/allocation of work by trade specialties with a goal of procuring a minimum of three qualified bids for all contracted work
- Following public bidding, analysis of each bid to make a recommendation to the City
- Development and maintenance of construction schedules and phasing for all aspects of this project to minimize disruption to adjacent residents and business owners
- Contract administration to manage the project in the best interest of the City; including acting as the clearinghouse to circulate and track all submittals, RFI's, and design changes between the design team, City, and contractors
- Review and verification of all bid item quantities, as included in contractors' payment applications
- Foster positive relationships and trust as the Community Liaison with all adjacent property owners, tenants, and residents including regular meetings/updates

- Prepare and distribute timely written communications for inclusion on the project website, in newsletters, and to property and business owners along and in the area of Lake Street to maintain transparency as it relates to project schedule, access, and potential operational impacts
- Ongoing coordination and communication with other agencies whose infrastructure is impacted or adjacent to proposed improvements, including but not limited to BNSF Railroad and Metropolitan Council
- Coordination of railroad crossing enhancements under this contract with railroad improvements to be completed by BNSF Railroad under separate contract
- Coordination with Three Rivers Park District

5. Submittal Requirements

A. Project Team

Please submit your proposed team members with associated resumes that reflect relevant project experience. Please indicate that the commitment of each member of the team is for the duration of the project.

B. Project Schedule

As Wayzata's main street, Lake Street is home to numerous retail businesses and restaurants that rely on the peak summer season for a large portion of their annual revenue. Maintaining operational continuity and the financial viability of these businesses is a requirement of the project. The City anticipates construction beginning as early as possible in the spring of 2020 with substantial completion by September 1, 2020 (see additional information provided in Section 6). Based on this information, please provide how you would propose the sequence of construction and associated durations in a high-level project schedule. The schedule you propose must be reasonable, realistic, and minimizes risks for the contractor and the City. If, in your professional opinion and based on your expertise, the city's proposed schedule for substantial completion is not achievable, please state why and what alternative substantial completion date is achievable.

C. Communications Plan

As the Community Liaison acting on behalf of the City, the CM firm will be responsible for all communication with the adjacent property and business owners. Maintaining positive relationships and communications with these owners is critical to the success of the project. Please provide your proposed communication and stakeholder engagement strategy including, but not limited to:

- Proposed frequency and timing of in-person meetings
- Proposed frequency and timing of written updates/communications
- Proposed conflict resolution strategy
- Methods for keeping property owners informed

D. Fees and General Conditions

Submit a proposed fee for the following, assuming a Cost of Work of \$6M:

1. Proposed Construction Management as a percentage of construction
2. General Conditions (include a list of items covered under this fee)
3. Proposed mark-up as a percentage for Change Orders
4. Proposed Not to Exceed value for all CM services (D1+D2+D3) provided to the City regardless of final Project construction cost.

Provide costs for Performance & Payment Bonds, Commercial General Liability, and Builders Risk in terms of cost per \$1,000.

Insurance

The CM firm will be obligated to purchase liability insurance to protect the CM and the City from claims which may arise out of or as a result of the CM's operations under the Agreement with the City. Please acknowledge in your proposal your understanding and agreement with this requirement.

Indemnity

The CM firm will indemnify and hold the City harmless from claims arising from the CM firm/manager's performance of its duties under the Agreement with the City to the full extent permitted by law. Please acknowledge in your proposal your understanding and agreement with this requirement.

E. Company and Project Manager Qualifications

1. Include project details on three (3) past projects completed by your firm in the past five (5) years that are most similar to this project. Include associated references and contact information.
2. Include project details on three (3) past projects completed by your proposed Project Manager in the past five (5) years that are most similar to this project. Include associated references and contact information.

F. Self-Performance

List any scopes of work that your firm has the capability to perform. If applicable, please list separately the scope(s) of work you would have interest in performing.

G. Project Risk

Identify the top five (5) Project Risks and your proposed Mitigation Strategy. Demonstrate your knowledge and expertise in mitigating similar risks by providing a project name, client name and outcome achieved. Indicate why you believe the risk to be significant on this project and the expected outcome of each of the proposed mitigation strategies.

6. Project Schedule

RFP response due:	October 02, 2019 (by 3:30 pm)
Possible follow-up interviews:	October 07, 2019, 11 am – 3 pm
Recommendation of CM firm to City Council:	October 15, 2019

(The following to be further developed with CM firm)

Bid phase for all contracted work:	December 2019 – January 2020
Recommendation of contractors to City Council:	February 2020
Construction start:	Spring 2020
Substantial completion:	September 1, 2020

7. Selection Process:

All submittals received by the specified deadline will be reviewed for content, completeness, experience and qualifications of the CM firm and manager, value to the City, and proposed fees. All submittal information provided must relate to projects of a size and value of this project. The Selection Committee will develop a short list of CM firms to be considered for an interview. If selected for an interview, CM firms must make available and include their proposed construction/project manager in the interview.

The City reserves the right to reject any and all submittals at its discretion.

The City will utilize the following criteria to select a CM firm that provides the best value to the City in meeting requirements of this project:

1. Responsiveness to RFP - breadth and depth of response
2. References of current/prior clients
3. Proven experience of firm related to construction management responsibilities of this type and size of project
4. Proven experience of project manager for this type and size of project
5. Proven knowledge and demonstrated experience of the firm and project manager with the public bidding laws of Minnesota
6. Proven experience in stakeholder engagement as a communications liaison with residents and business owners impacted by work
7. Risk identification and Mitigation Strategies
8. Interview
9. Total fees, including reimbursable expenses

The City reserves the right to select the CM firm that, in its sole judgment, is capable of serving the best interest of the City.

Selection Committee

City Council Liaison

City Manager

Community Development Director

Director of Public Works/City Engineer

Project Designer

Three Rivers Park District Representative



STAHL

LEAD | INSPIRE | BUILD



STAHL CONSTRUCTION

861 E. Hennepin Avenue, Suite 200
Minneapolis, MN 55414
(t) 952.931.9300 • (f) 952.931.9941
stahlconstruction.com

October 2, 2019

Mr. Mike Kelly, Director of Public Works / City Engineer
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Re: Proposal to Provide Construction Management Services
Lake Street / Lake Street Plaza Project

Dear Mr. Kelly:

Stahl Construction is pleased to submit its proposal to provide construction management services for the referenced project, which is being jointly developed by the City of Wayzata and Three Rivers Park District.

We understand that you received two unit-price bids for the project, both of which were around \$12 million and considerably more than the desired budget. We have reviewed the line-by-line unit prices to better understand the detail of those bids and we have made a cursory review of the plans to better understand the scope of the project.

Based on those reviews, we have concluded that this is going to be a challenging project that will require a significant effort during preconstruction by the entire project team to ensure an efficient, affordable design that does not sacrifice significant scope or design intent. We will contribute to this effort by providing meaningful advice on schedule, bidding strategy, costs of alternative methods and materials, and possible cost reductions.

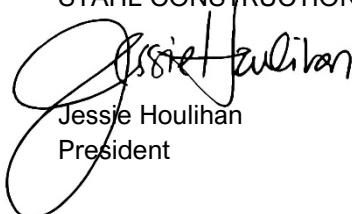
Once construction starts, we will shift our focus to managing schedule and the logistics of working in a very confined and heavily occupied space in an environment that is for the full duration of the project affected by weather. This will demand a well-thought-out and well-communicated work plan that allows the work to be completed quickly, efficiently, and with minimal disruption to retail owners and their patrons. We welcome that challenge.

Our owner, Wayne Stahl, will be actively involved in this Project. Wayne has lived in Wayzata ever since he moved here from Indiana in 1980. His children attended Wayzata Public Schools and his grandchildren attend Wayzata Public Schools today. Making a meaningful contribution to this Project and “giving back” to the community will be a top priority for him.

We are excited about this project and are committed to being a fully engaged partner and providing exceptional service and personal attention. There is much to do and we are eager to get started. Should you have any questions or desire further information, please contact me directly. We look forward to hearing from you.

Sincerely,

STAHL CONSTRUCTION COMPANY



Jessie Houlihan
President



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001

COMPANY OVERVIEW

WE DON'T JUST TAKE THE HIGH ROAD, WE BUILD IT

Founded in 1981 by Wayne Stahl, current owner and CEO, Stahl is committed to constructing projects with quality, craftsmanship, and care.

We are a mid-size, yet full service company with a staff of thirty-five construction professionals – developers, engineers, project managers, field superintendents, business personnel, and support staff – who bring a wealth of knowledge and experience in their respective fields to the projects on which they work.

Stahl provides quality development, pre-construction, and construction services for public and private projects nation-wide. We have an average annual volume of \$100 million and maintain a workload of 6 to 10 projects at any one time. As a boutique firm, our philosophy is to only pursue projects that we are passionate about and can add value to the process.

We serve the education (all levels), hospitality, multi-family, municipal, office, and retail market sectors with specialized expertise in public sector, adaptive reuse, and LEED / sustainable construction projects. We offer a wide-range of delivery formats, including consulting, design-build, construction management (agency and at-risk GMP), hard bid (lump-sum general contracting), and Integrated Project Delivery (IPD). Construction Management, both agency and at-risk GMP, projects account for 50% of our work experience.

A key differentiator is we are often hired as a consultant in the early planning stages to help with feasibility analysis, project logistics, budget management, phasing, and scheduling. We see our role as more than simply constructing buildings. We manage risk and utilize integrated processes to maximize value for our partners. We aim to help our clients achieve comprehensive success.

HEADQUARTERS

861 E. Hennepin Ave. #200
Minneapolis, MN 55414
(952) 931-9300

IOWA OFFICE

3175 99th Street
Urbandale, IA 50322
(515) 244-5770

There is no process or purpose to discuss without the right people in place to execute our mission and your vision. We are dreamers who never oversleep. We are thinkers who know when to become doers. We are collaborators who know when to lead. We are risk-takers with clear insight and sharp focus. Our people are in the business of creating, but there's one thing we will destroy – your perception of the inflexible and uncaring general contractor.



STAHL EXECUTIVES



WAYNE STAHL, FOUNDER & CEO

As the founder and CEO of the company that bears his name, Wayne sets the tone for the rest of the company. During pre-construction and construction phases, Wayne is our master estimator and leads the team on this process. A civil engineering graduate of Purdue University and a registered professional engineer, Wayne prefers straight lines, right angles, and symmetry to the alternatives.

"Wayne leads the estimation work at Stahl based on his decades of experience. He is the trusted voice for estimating work in our region and has the skills to do the forensic analysis to determine what things should cost. He knows π to 50 places; he lives and breathes complex math."

JESSIE HOULIHAN, PRESIDENT

Jessie is responsible for developing and implementing corporate strategies that provide for long-term growth and client satisfaction. Her background in marketing, communications, consulting and business positions her to be an effective leader at Stahl. Jessie earned her degree in environmental science, policy and management with a second major in professional journalism and technical communications from the University of Minnesota Twin Cities, where she also completed the mini-MBA Executive Program through Carlson School of Business Management. Jessie is typically the lead contact for clients and partners. She is involved in communicating with stakeholders and monitoring projects to ensure client value is maximized and the Stahl team is resourced and supported in a way that ensures top performance.

"Jessie sets the tone for the organization and expanded team's management, strategic project approach, integrated process, and communication. She unites common goals and efforts across teams to drive maximum impact. Her approach is unique in our market and brings together excellence in processes and building with a vision for how to evolve productively."



LANE SCHOENING, VICE PRESIDENT

Since joining Stahl, Lane has added value to every project and process he has been involved with. Lane has over 20 years of industry experience, and he is well-versed in complex, critical projects. Lane completed the supervisory training program through the Associated General Contractors of America, received certification through Arizona State University for Project Management and Risk Minimization through Best Value Procurement, as well as certification from the U.S. Department of Labor Occupational Safety and Health Administration (OSHA). Lane works closely with our field superintendents throughout the duration of projects and provides exploratory investigation during pre-construction to identify and document any unforeseen conditions. Lane also implements the site safety and quality management plans and provides overall leadership.

"Lane drives field teams to new heights through strategic planning, innovative processes and true collaboration that is prioritized by risk. He is deeply engaged and a true partner."

ACKNOWLEDGMENTS

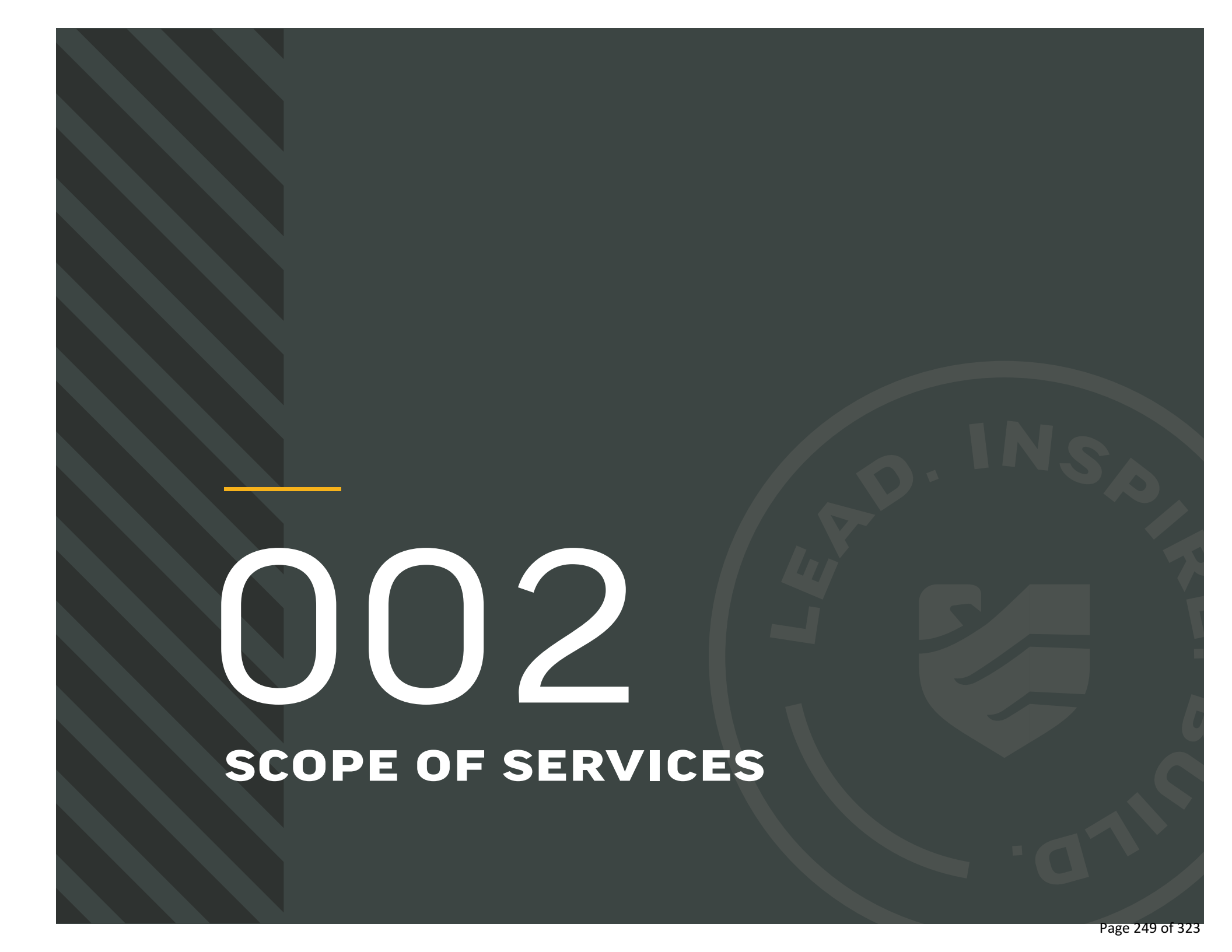
INSURANCE ACKNOWLEDGMENT

Stahl will purchase liability insurance to protect the CM and the City from claims which may arise out of or as a result of the CM's operations under the Agreement with the City.

INDEMNITY ACKNOWLEDGMENT

Stahl will indemnify and hold the City harmless from claims arising from the CM firm/manager's performance of its duties under the Agreement with the City to the full extent permitted by law.





002

SCOPE OF SERVICES

OUR APPROACH TO PRE-CONSTRUCTION SERVICES: AN UNWAVERING PARTNERSHIP

To ensure project success, much of the heavy lifting needs to be done before a shovel is ever put into the ground.

OUR ROLE DURING PRE-CONSTRUCTION INCLUDES ATTENDING DESIGN AND PLANNING MEETINGS AND OFFERING IMMEDIATE OR NEAR REAL TIME INPUT ON THE FOLLOWING (BUT NOT LIMITED TO):

- Risk Management
- Feasibility Studies
- Budgets
- Value Engineering
- Schedule / Phasing / Sequencing
- Constructability
- Site Logistics
- Safety
- Labor Dynamics
- Systems Analysis / Selection
- City Review Process
- Labor / Material Availability
- Bidder Strategy / Market Engagement
- Communications Strategy
- Writing Work Scopes
- Subcontractor Engagement

Some of the most important decisions regarding quality, cost, and schedule are made during pre-construction. It is the most effective time to save money, shorten schedules, and increase value.

Early on we review the initial building program to fully understand the project and the owner's goals and objectives. Based on the schematic drawings and supporting documents, we prepare the initial cost estimate, conduct feasibility studies, and develop the master schedule.

As the design develops, we regularly review the documents and advise on constructability, schedule, sequencing, cost, alternatives, life-cycle data, and selection of building materials, systems, and equipment. We work with the expanded team to direct design to the target cost for the project.

As the plans and specifications are developed into finished construction documents, we continue to review for cost, content, and constructability. We develop the final estimate, which serves as one last budget check, and one last review for inconsistencies or conflicts that might affect pricing.

If we do our job during pre-construction, the finished documents should reflect a quality, efficient, affordable design that meets the owner's vision and goals.

"Stahl's commitment to schedule, budget, and quality was reflected during the entire project."

- Michael Horn, ASLA, Senior Manager of Landscape Architecture, Three Rivers Park District

OUR APPROACH TO CONSTRUCTION: BUILDING OPTIMISM IN ALL WE DO

Digging in, solving complex issues and championing the build of a great project is the reason we're in this business.

Beginning with pre-construction and throughout the duration of our projects, we are thorough in our review, collaborative in seeking options that work for our partners, and transparent and communicative with the entire team.

As the construction team, we see our role as one of creating the right environment with the architect and the owner – an environment of trust, understanding, and commitment. We concentrate our efforts on the overall building process – getting buildings designed, built, and occupied – and making that process work to the best advantage of our clients and partners.

During construction we will interact most heavily with the owner as we keep everyone up-to-date on the project budget, schedule, and potential opportunities for cost savings and value upgrades. Progress is achieved through planned meetings with the project team, site walk-throughs, and constant communication with the community and other project constituents.

In the end, if we have done our job well, the results will be consistent with the quality, schedule, and cost estimates on which the owner based their original decision to build. We remain a collaborative and willing partner to take on challenges throughout the entire project, start to finish.



OUR ROLE DURING CONSTRUCTION INCLUDES THE FOLLOWING (BUT NOT LIMITED TO):

- Writing and Managing Contracts
- Risk Management
- Overall Cost Management - Value Engineering Support
- Contingency Tracking
- Pay Applications - Work Complete Management
- General Conditions Management
- Subcontractor Management
- Onsite Construction Supervision
- Pull Planning / Schedule Management
- Quality Control
- Progress Reporting and Deliverables
- Safety Program
- Punch List
- Warranty

SCOPE OF SERVICES CONTINUED

SUBCONTRACTOR ENGAGEMENT

We have 38 years of experience working with industry subcontractors. We have gained an excellent understanding of their community and reputations. We created and manage a database containing more than one thousand local sub-bidders. They are rated according to their past competitiveness, cooperativeness, and performance. Our bonding company also provides us the opportunity to verify bidders' financial status. Our research and meticulous record-keeping allow us to confidently award competitive and qualified bidders.

We also support local subcontractors whenever possible to promote small businesses and a healthy economy. We compare bids with our internal estimates to confirm they are competitive. We also meet with bidders pre-award to vet risk, reputation, and qualifications to produce within the owner's schedule and budget. Our bidding approach ensures the community is engaged and has every opportunity to be involved.

BIDDING STRATEGY

During bidding, items are checked against the budget as they are purchased, and the bottom line is continually updated. We manage the bidding process strategically to ensure we get qualified sub bids and can buy out the job within the budget we've guaranteed. We may also bid some equipment and products with the early construction contracts to tie down prices.

We have an excellent track record of our bids meeting the budgets produced for our clients. In this booming construction economy, solid planning and positive, ongoing engagement with the subcontractor community is paramount to labor commitments and project success.

We will work with the City of Wayzata

"[Stahl] was very proactive in analyzing the specs and anticipating problems. [Their] familiarity with the plans resulted in better sequencing of a project that had inherent challenges due to its location right next to the old City Hall building which continued to be used during the construction period."

- Pam Dmytrenko, Assistant City Manager/HR Manager, City of Richfield

and Three Rivers Park District to develop a procurement and bidding strategy that produces the best value and reduced risks.

WORK SCOPES

A work scope defines the work to be done by an individual trade contractor. In preparing the work scopes for bidding, we determine the best division of work to facilitate a robust and comprehensive bidding while adhering to local construction practices. Our work scopes are complete and well-defined so there are no omissions or overlapping of work. Omissions mean no trade contractor has the work, which will cause problems during construction; overlapping means two trade contractors have the same work, so you are paying for it twice.

SCOPE OF SERVICES CONTINUED

Each bidding contractor is given the option to submit a bid for a single work scope or a combination bid for multiple work scopes.

Sometimes the single bids provide the best pricing; sometimes the combination bids provide the best pricing. We let the market determine that.

Your project might employ a degree of phased construction, which would require early bid packages. When preparing an early bid package, we pay particular attention to our work scopes because the packages may include only portions of the various phases of the project. For example, if bidding an early foundation package, we are bidding only the foundation concrete, not the floors, or concrete paving, or structural concrete; and we are bidding only the foundation excavation, not the erosion control or the site grading.

CONTRACT ADMINISTRATION

We will work closely with the architect to develop designs that are accurate (less RFI's), efficient (provide best value),

and client focused (reflect the owner's priorities). We will have deliberate plan and constructability reviews during each phase of pre-construction.

We will work with the owner to develop a procurement and bidding strategy that produces the best value and reduced risks.

VALUE ENGINEERING

Value engineering is more than just a cost-saving measure employed once a project has run over budget. It is a valuable tool that focuses on optimizing building materials and systems and engineering

value into our projects from the start, providing facts everyone can rely on. Working jointly with the architect during design, we review proposed materials and systems, identify possible waste and inefficiencies, and propose more efficient, less costly alternatives, all while maintaining the original design intent.

Another form of value engineering is life-cycle costing, which involves evaluating the cost of proposed materials and systems, not in terms of initial cost, but in terms of life-cycle cost (initial cost + operating cost + replacement cost).



SCOPE OF SERVICES CONTINUED

Spending additional money during construction but receiving substantial paybacks in the form of greater durability, lower operating costs, or energy rebates can be a smart investment if the construction budget allows.

We will advise on life-cycle costs of different options and ensure that you have the necessary information to consider initial versus long-term costs.

SCHEDULE MANAGEMENT

We develop our schedules utilizing a Lean pull planning approach. During this process we bring together all our subcontractors and work backwards based on constraints to understand the interrelated nature of our work and what “drives” the project.

During pre-construction, we develop the master schedule showing dates for important milestones such as decision points, document completion, bidding, contract award, construction duration, and building occupancy.

Prior to construction we develop a full critical path method (CPM) schedule

showing all construction activities and project milestones. All activities are interconnected such that if one activity changes, all others adjust automatically. This process ensures that we are informed immediately of the effect that a change has on overall project completion, so we can implement the necessary adjustments to keep the project on track. With this input, the scheduling program finds the critical path—the sequence of activities that will determine the overall duration of the project.

During bidding, a preliminary schedule showing how the work of each trade contractor relates to that of the others is included in the bidding documents, so each bidder can bid not only on scope, but also on schedule.

During construction, our field superintendent will conduct daily briefings with the foremen to review the work to be done that day. Onsite during the weekly foreman’s meetings, we also create the weekly work plan (WWP) and update the active pull plan schedule. It is just as important to schedule activities off site as it is those on site. Many parts of a building are designed and manufactured in factories, then packaged, shipped and installed on site. Thus, we build critical long-lead items into our strategic CPM schedule.

Ultimately, our multi-pronged approach to schedule management ensures everyone remains committed to aggressive production and is well informed of the impact of their work.

“This complex, state of the art building has far exceeded our organizational expectations, yet was constructed on time and under budget. I would directly credit this success to the teamwork and partnership that developed between our staff and the Stahl staff assigned to this project, which facilitated strong two way communications and in the end, saved money and time.”

- Thomas Vonhof, Chief of Police, Lakeville Police Department

SCOPE OF SERVICES CONTINUED

ON-SITE SUPERVISION

During the construction phase nothing matters more than the quality of onsite supervision. Our superintendent utilize best practice Lean processes and have decades of experience that result in unparalleled partnership.

Our superintendent, Brad Coulter, will conduct daily inspections throughout the project to ensure quality materials and contractor craftsmanship. Our superintendent and project manager will also hold weekly meetings on-site with the owner, architect, and contractors to ensure all goals, deadlines, requirements, and specifications are met and/or exceeded. Our project manager will be on the jobsite for pre-installation, mock-up approvals, and other project milestones in addition to the weekly meetings.

Utilizing Lean concepts, the team will plan the work from constraints to ensure everyone is aware of the important work that needs to be done to keep construction on track.

OCCUPIED CONSTRUCTION

We understand that when working in an occupied construction environment, we need to be thoughtful, communicative, and aware of site use because even the simplest daily construction activities can impact staff, guests, and the community in adverse ways.

We will produce a detailed strategy, including our approach to jobsite safety and separation, cleanliness, temporary partitions and walkways, proper jobsite attire, cell phone usage, no-smoking requirements, delivery procedures, etc. We will produce and communicate a plan that unites our client, the onsite team, the architect, the subcontractors, and the surrounding community.

We will also communicate the set hours in which construction activities might produce excessive noise, dust, vibration, or odor, so everyone can plan accordingly.

"I have grown to trust and appreciate their honest approach, and truly feel that we are on the same team during this process."

- James Stuart, Captian, Anoka County Sheriff's Office

Our field superintendent will stay in close contact with the team onsite and meet regularly to discuss the general progress, owner/contractor concerns, upcoming events in the facility, upcoming construction activities, and after-hours work.

COMMUNICATION

Thorough and strategic communication throughout the life cycle of a project is vital. Based on the information we procure during the early planning meetings and the alignment phase, we develop a comprehensive communications plan. Communication will be maintained through regularly scheduled meetings with written meeting minutes to keep our clients, partners, their constituents, and the community appraised of the project activities and to ensure everyone is properly informed of all activity related to the project until the final punch list items.



003

PROJECT TEAM



BRAD COULTER

LEED® AP

Field Superintendent

PROFESSIONAL DATA

Carpenter's Union Apprenticeship graduate

Erosion and Stormwater Management Certification –
University of Minnesota

CPR, First-Aid, and OSHA 30-Hour Certification – U.S.
Department of Labor Occupational Safety and Health
Administration

“Many clients request that Brad manage the field on their jobs – and for good reason. Brad truly enjoys the big picture strategy and is known to draw a detail or two to help communicate a path forward. He is relentless in his pursuit of building successfully for his clients. He knows his jobs in and out and keeps everything onsite connected to the big picture and organized.”

RELEVANT JOB EXPERIENCE

FORT MADISON MIDDLE SCHOOL
New Construction

MARCY OPEN SCHOOL
Addition / Renovation

MINNETONKA HIGH SCHOOL
Addition / Renovation

PROVIDENCE ACADEMY (MULTIPLE PROJECTS)
Addition / Renovation / New Construction

STILLWATER JUNIOR HIGH SCHOOL
Addition / Renovation

URBANDALE MIDDLE SCHOOL
Addition / Renovation

ABOUT

During pre-construction, Brad will work closely with the project team, evaluating the construction documents for completeness and construction sequencing strategy to help to avoid costly problems once construction starts. He will also assist with scheduling, constructability reviews, and site logistics planning.

During construction, Brad will be onsite every day overseeing the work and managing the trade contractors. He will be the information center around which all activity takes place and will assume the responsibility for creating and maintaining the proper work environment, interpreting the design documents, translating the design documents into coordinated work assignments, and monitoring overall performance

for time and quality.

Brad will be the first to admit that he cares too much, and at times, to a fault. He cares about his clients, coworkers, the build environment, and the community. On each of his projects, Brad's goal is to create the 'best project ever,' and to work with all partners involved to ensure quality and efficiency. Brad's passion for serving others is what makes him stand out on the jobsite. He strives to be the hardest worker every day and won't stop problem solving until the resolution has been implemented. Brad is not one to shy away from getting dirty on the jobsite and will help the project stay on schedule even if conflict arises.

****Brad is available for the duration of this project.**



JIM BUSCH

Senior Project Manager

PROFESSIONAL DATA

B.S. Civil Engineering - Purdue University

OSHA 10-Hour Outreach Training Program Certification

Healthcare Construction Certificate

Erosion and Stormwater Management Certification -
University of Minnesota

“Jim is tireless in his efforts to serve his clients and progress the market he works in. He enjoys the details of construction and getting his team and partners excited about the process of building together.”

RELEVANT JOB EXPERIENCE

PRAIRIE VIEW ELEMENTARY/MIDDLE SCHOOL
New Construction

PRAIRIE VIEW ELEMENTARY/MIDDLE SCHOOL
Addition / Renovation

ZIMMERMAN MIDDLE/HIGH SCHOOL
Addition / Renovation

ELK RIVER HIGH SCHOOL
Addition / Renovation

ARMY NATIONAL GUARD READINESS CENTER
New Construction

BOSTON SCIENTIFIC CORPORATION
Renovation (15 projects)

ABOUT

During pre-construction, Jim will assist with cost, content, and constructability issues. He will manage the bidding process, preparing bid packages, and generating bidder interest to ensure competitive pricing. He will conduct pre-bid meetings with prospective bidders to explain the project and any special procedures, systems, or materials, and once the bids have been received, Jim will conduct pre-award meetings with apparent low bidders and then negotiate and award all trade contracts on behalf of the owner.

During construction, Jim will serve as your main point of contact and oversee all of the paperwork and the thousands of details that go into making up a successful project. Jim will also maintain the budget, handle conflict resolution to head off disputes

and manage the change order process to see that the project stakeholders receive fair value for their money.

Jim has vast experience in working with public entities and utilizing the construction management delivery method on several projects. Throughout Jim's 32 years in the construction industry, his skills and enthusiasm for his work make him an effective facilitator of the construction process and a great advocate for his clients. Jim focuses on complicated, intricate projects. He has worked on several major industrial, utility, and technology projects throughout his career.

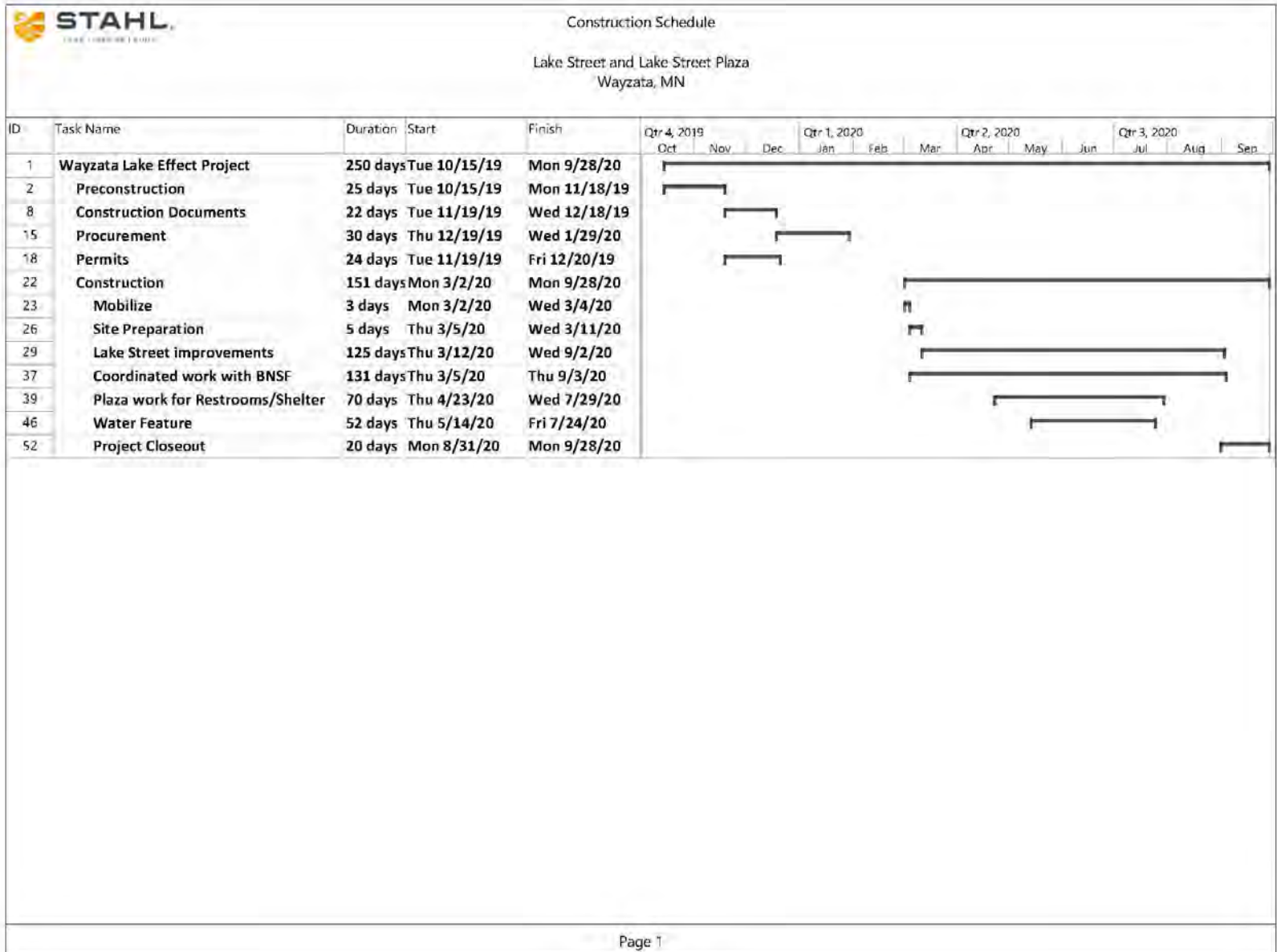
****Jim is available for the duration of this project.**



004

PROPOSED SCHEDULE

PROPOSED SCHEDULE





005

COMMUNICATIONS PLAN

COMMUNICATIONS PLAN

FREQUENCY OF COMMUNICATIONS

Given the unique aspects inherent in every construction project, we recognize the need for a dedicated, customized marketing plan for each of our projects. Thus, we developed a program internally to ensure our clients are not only fully supported but are enjoying the experience.

Our marketing team will work with your team to develop a plan as your marketing partner to promote the project, showcase its progress, and educate the local community and project constituents on all construction-related activity. Strategically aligning our teams from the beginning of the project and optimizing our marketing efforts by working collaboratively will ensure we are working toward the same goals and definition of success.

The value in creating a marketing plan specific to your project is having its own personalized strategy and dedicated components specific to the City of Wayzata's needs and goals. In turn, our goal is to develop a trusted partnership to ensure the owner is supported by Stahl throughout the duration of the project and

well-beyond its completion.

We propose the following items but are open to determine the best marketing plan with the owner:

IN-PERSON MEETINGS:

The marketing team will attend monthly in-person AOC meetings to provide updates and learn more about the project's specific needs. Your Stahl team members are also available to attend city council meetings to provide project updates directly, if desired.

WRITTEN COMMUNICATIONS:

The marketing team will regularly provide end-of-the-month updates, perhaps through newsletter format, along with other updates provided as needed. We suggest utilizing social media and/or a 'construction update' webpage for more frequent communications with the public. Stahl would be happy to develop the messaging for these various channels.

METHOD:

The marketing team will communicate heavily through email, phone, and in-person discussions with the City of Wayzata and Three Rivers Park District.

CONFLICT RESOLUTION STRATEGY

The first step to managing conflict, is a proactive stakeholder engagement process to drive out the major concerns and areas of opportunity. We can then translate these points to our risk management log and ensure our strategies are aligned to addressing our risks and maximizing our opportunities on this project. But, even the best planned projects encounter conflict at times. When tensions arise, we have found that clear, direct, respectful communication is pivotal. First we'd try to bring the affected parties together in person and lead everyone through a focused discussion, noting actions to be taken, commitments and timelines for tracking. We then have the groundwork laid to enforce or follow up on the enacted plan. If we cannot resolve an issue, we may need to make a change regarding a subcontractor partner or strategy.

At that time, we would research all options and the related impact and present that to the City for review. As your agent, we would provide recommendations for consideration to ensure the overall project remains in alignment with your goals.



006

FEES AND GENERAL CONDITIONS



FEES AND GENERAL CONDITIONS

OWNER / CM CONTRACT

We assume the City will use AIA® Document C132-2009 Standard Form of Agreement Between Owner and Construction Manager as Adviser for the contract.

PROJECT ASSUMPTIONS

In calculating our CM Compensation, we have assumed the following:

- Construction cost \$6,000,000
- Construction duration 6 months
- Preconstruction duration 6 months

The total cost of hiring Stahl Construction, or any construction manager, consists of four parts:

- Preconstruction Services
- CM Fee
- Construction Services
- CM reimbursables

PRECONSTRUCTION SERVICES

Preconstruction services include planning, detailed estimating, scheduling, phasing, value engineering, life-cycle costing, plan

reviews, sustainability analyses, and bidding strategy.

For pre-construction services, we propose an allowance of \$25,200. This cost assumes 240 hours of project manager time (one week per month for six months) @ \$105.00 per hour. If the actual time spent is more or less than 240 hours, this cost would be adjusted accordingly.

CM FEE

Our CM fee includes company overhead and profit.

For our CM Fee, we propose 1.7% of the cost of construction, or \$102,000. Our CM Fee assumes a cost of construction of \$6 million. If the actual cost of construction is more or less than \$6 million, our fee would be adjusted accordingly.

CONSTRUCTION SERVICES

Construction services include one full-time superintendent to manage, direct, and monitor the work of the trade contractors and all office personnel necessary to administer the contract.

For construction services, we propose a cost of \$50,000 per month of actual construction time. Assuming a construction duration of six months, this cost would be \$300,000.

CM REIMBURSABLES

According to the contract, CM reimbursables are not a part of the CM compensation and are to be billed in addition. The term "CM reimbursables" includes the following items:

- Office equipment / supplies
- Telephone / fax
- Postage / messenger service
- Photocopies
- Travel expenses / mileage
- Superintendent's pick-up truck

For CM reimbursables, we propose a cost of \$4,260 per month of actual construction time. Based on a construction duration of six months, this cost would be \$25,560.



007

**COMPANY AND PROJECT
MANAGER QUALIFICATIONS**

UNPARALLELED PARTNERSHIP

We don't create greatness from nothing, it comes from within those who happily share the task.

CM EXPERIENCE

Stahl has built over 19 million square feet as a Construction Manager ranging throughout the municipal, education, hospitality, and retail sectors and as a whole, 50% of our projects utilize this method. We have worked with city, county, state, and federal governments on numerous occasions to produce buildings on every scale. Please refer to the following pages for further information on our Construction Management experience.



WE HAVE HAD THE PRIVILEGE OF WORKING IN THE FOLLOWING MUNICIPALITIES IN MINNESOTA IN A VARIETY OF DELIVERY METHODS:

- Anoka County Sheriff's Office
- Army National Guard: Field Maintenance Shop
- Council Bluffs Public Works
- Eagan Community Center and Band Shell
- Faribault Armed Forces Reserve Center
- Hennepin County Emergency Communications Facility
- Hyland Hills Ski Chalet
- Lakeville Police Department
- Minneapolis Police Department: 3rd Precinct
- Richfield Municipal Center
- Shakopee Public Utilities
- Silverwood Park
- Victoria City Hall and Public Works
- Wayzata City Hall, Fire Department, and Library
- White Bear Lake Public Works



PRAIRIE VIEW ELEMENTARY AND MIDDLE SCHOOL

Otsego, MN

CONTRACT AMOUNT:

\$9.6 Million

OWNER:

Elk River Area School District;
Tom Baranick; (763) 241-3405

TYPE OF CONSTRUCTION:

Addition / Renovation

ARCHITECT:

Wold Architects and
Engineers; Robert Sehm;
(651) 227-7773

DATE OF COMPLETION:

May 2019

DETAILS

Prairie View Elementary and Middle School is the centerpiece of schools included in the \$98M bond referendum that voters approved in the 2014 general election for the Elk River Area School District. Prairie View Elementary and Middle School is the first school building of its kind to house such a diverse age range of students. In one facility there is early childhood learners, kindergarten through 5th grade students, as well as 6th-8th grade middle school students.

Designed in collaboration with District leaders, Prairie View Elementary and Middle School was originally 124,000-square-feet and cost roughly \$24 million to build. Stahl promoted intense outreach during the bidding phase in order to ensure a robust bidding environment and the most competitive bids.

Due to the recent rapid population growth in the area, the District hired Stahl to complete a 42,000-square-foot addition. The addition will be completed in May 2019 and adds a classroom wing, gymnasium, support spaces, and an exterior storage building to accommodate the growing needs.

HYLAND HILL SKI CHALET

Bloomington, MN

CONTRACT AMOUNT:

\$13.3 Million

OWNER:

Three Rivers Park District;
Jason Zemke; (763) 694-7601

TYPE OF CONSTRUCTION:

New Construction

ARCHITECT:

Partners & Sirny Architects;
Jeff Dreisbach;
(612) 341-1070, ext 2019

DATE OF COMPLETION:

May 2015

DETAILS

This 36,000-square-foot chalet facility doubles the size of the original chalet built in 1974. At \$13.3 million, this 15-month project included demolition of the existing chalet and construction of the new chalet with a separate building for the ski patrol.

The new chalet showcases several innovative and unique features including a butterfly roof, copper flashing and base, board formed concrete, and a window wall opening to the ski hill. The chalet's footprint incorporates expanded food and dining areas with a commercial grade kitchen, designated space for group activities, improved ticket booth and rental areas, and greater access for visitors and employees.





VICTORIA CITY HALL, LIBRARY, AND PUBLIC WORKS

Victoria, MN

CONTRACT AMOUNT:

\$3.2 Million

OWNER:

City of Victoria; Laurie
Hokkanen; (952) 443-4211

TYPE OF CONSTRUCTION:

New Construction / Addition

ARCHITECT:

DJ MEDIN Architects, Inc.;
David Medin; (507) 334-2252

DATE OF COMPLETION:

January 2015

DETAILS

The 12,000-square-foot, wood-framed new city hall is two stories. The building's exterior features a blend of different materials including masonry, stone, siding and EIFS (Exterior Insulation and Finish Systems). City council chambers and offices are located on the second floor, with a Carver County library extension on the first. The new public works facility is a 16,380-square-foot pre-engineered metal building with office space, shop areas and ample equipment storage.

PROJECT MANAGER QUALIFICATIONS

ELK RIVER HIGH SCHOOL

DATE OF COMPLETION:

June 2016

TYPE OF CONSTRUCTION:

Addition / Renovation

OWNER:
Elk River Area School District;
Tom Baranick; (763) 241-3405
ARCHITECT:
Wold Architects and Engineers;
Robert Sehm; (651) 227-7773

Following a successful \$98 million bond and operating levy referendum, ISD 728 Elk River Area School District hired Stahl to manage a program of four projects as their Construction Manager. One of the four projects includes the 23,000-square-foot addition and renovation at Elk River High School. Multiple gymnasiums, a special education classroom, and the relocation and remodel of the administration offices were a part of the campus updates. We completed the project with an extensive, expanding scope, in a compressed timeline, and we still came in under budget. We did so by interpreting bid documents and pre-qualifying bidders to ensure we were getting the most value for the dollar. To truly understand the value, there needs to be significant front-end involvement during the bid and buy-out process with the subcontractors. For this project, we added significant value during this process, and ultimately built a facility that is embraced by the community and throughout the district.

ZIMMERMAN MIDDLE/HIGH SCHOOL

DATE OF COMPLETION:

June 2016

TYPE OF CONSTRUCTION:

Addition / Renovation

OWNER:
Elk River Area School District;
Tom Baranick; (763) 241-3405
ARCHITECT:
Wold Architects and Engineers;
Robert Sehm; (651) 227-7773

At Zimmerman Middle/High School, Stahl was hired to complete several additions, including a 29,000-square-foot auditorium and a state-of-the-art science classroom wing. Stahl also provided services for 7,300-square-feet of additions and renovations at the Zimmerman Early Childcare center. Key success factors for this project included early planning and collaboration, open communication and transparency, and strong community engagement. Our team deeply contributed to the communication and community engagement, and we were also diligent in executing pre-installation meetings with the design team and subcontractors from day one to set clear expectations.

PRAIRIE VIEW ELEMENTARY AND MIDDLE SCHOOL

DATE OF COMPLETION:

May 2019

TYPE OF CONSTRUCTION:

Addition / Renovation

OWNER:
Elk River Area School District;
Tom Baranick; (763) 241-3405
ARCHITECT:
Wold Architects and Engineers;
Robert Sehm; (651) 227-7773

Prairie View Elementary and Middle School is the centerpiece of schools included in the \$98M bond referendum that voters approved in the 2014 general election for the Elk River Area School District. Due to the recent rapid population growth in the area, the District hired Stahl to complete a \$9.6 million, 42,000-square-foot addition. The addition will be completed in May 2019 and adds a classroom wing, gymnasium, support spaces, and an exterior storage building to accommodate the growing needs.



008

SELF PERFORMANCE

SELF-PERFORMANCE

Our owner, Wayne Stahl, owns a union subcontractor company called Tekton. They self-perform selective demolition, rough and finish carpentry work but do not typically self-perform on our negotiated work as we consider it to be a conflict of interest.

Often contractors make their construction fee look very low and then inflate the cost of the work they self-perform to increase their overall profit. We don't think that is a responsible way to operate a business.

If, however the project has a scope of work that is a good fit for us and it would benefit the owner to have us on the job, Tekton would submit a competitive bid along with other bidders. We believe this is the right approach for our clients.





009

PROJECT RISK



PROJECT RISKS

Like with any project, there will be a number of challenges to overcome during the project, but there are five main ones that take center stage: 1) the budget, 2) the schedule, 3) watershed district and MPCA requirements, 4) the impact on the community during construction, and 5) project perception.

RISK 1

THE PROJECT IS CONSIDERABLY OVER BUDGET BASED ON THE BIDS RECEIVED.

Making the project affordable without sacrificing significant scope or design intent will be challenging and will require us to make a meaningful contribution regarding schedule, bidding strategy, costs of alternative methods and materials, and possible cost reductions. In preparing the work scopes for bidding, we will determine the best division of work to facilitate a robust and comprehensive bidding process as well as proper construction sequences. We might employ a degree of phased construction requiring early bid packages.

EXAMPLE: ELK RIVER HIGH SCHOOL

Similar circumstances occurred when

Stahl began work on the Elk River High School addition. In the end, we completed the project with an extensive, expanding scope, in a compressed timeline, and we still came in under budget. We did so by interpreting bid documents and pre-qualifying bidders to ensure we were getting the most value for the dollar. To truly understand the value, there needs to be significant front-end involvement during the bid and buy-out process with subcontractors. For this project, we added significant value during this process, and ultimately built a facility that is embraced by the community and throughout the district.

Contact: Elk River Area School District; Tom Baranick; (763) 241-3405

RISK 2

THE PROJECT SCHEDULE IS AGGRESSIVE, MAYBE UNREALISTIC, AND WILL BE AFFECTED BY WEATHER FOR ITS ENTIRE DURATION.

Unlike a building project that once out of the ground and enclosed is unaffected by weather, this project will

be affected by cold and wet weather for its entire duration, so we will identify any construction activities that can be performed during bad weather and set those aside for rainy days.

Assuming a six-month schedule is realistic for the project once the final scope of work has been determined, a 1 September completion would require a 1 March start, which depending on the weather, may or may not be realistic. There is much to discuss regarding the schedule and possible ways to aggress it.

EXAMPLE: VICTORIA CITY HALL / LIBRARY

When Stahl began work at the Victoria City Hall / Library, structural plans had not been fully developed. Due to delays in finalizing documents and plans, the original schedule was delayed and working in winter conditions became a necessity. Stahl's Superintendent utilized a real time pull-plan schedule for the project and worked with the City to communicate delays and coordinate operations.

Contact: City of Victoria; Laurie Hokkanen; (952) 443-4211

PROJECT RISKS CONTINUED

RISK 3

REQUIREMENTS BY THE WATERSHED DISTRICT AND MPCA MAY BE EXTREMELY STRINGENT AND COSTLY.

To help alleviate any surprises, it will be key to confirm early engagement and adequate coverage on bid day. Early engagement and outreach of subcontractors is important for ensuring a partnership during construction and assists in clear communication, resulting in minimal surprises in expectations.

EXAMPLE: PRAIRIE VIEW ELEMENTARY AND MIDDLE SCHOOL

Stahl / Earthwork contractor completed all the specifications of the watershed district / MPCA. Taking extra precaution to stay on top of the conditions as to not impact the environment surrounding the project site. We applied for all applicable permits for all work related to the MPCA to ensure that construction was completed within code. At Prairie View Elementary and Middle School, Stahl completed this work without any unexpected costs or delays.

Contact: Elk River Area School District; Tom Baranick; (763) 241-3405

RISK 4

THE PROJECT WILL ADVERSELY IMPACT THE COMMUNITY DURING CONSTRUCTION.

Because the project will take place in a confined, heavily occupied area, especially during the summer months, and because it will impact many stakeholders during construction, the nature of this project is such that we will need to be thoughtful, communicative, and keenly aware of how our operations might impact stakeholders. in a well-thought-out, well-communicated manner.

We have successfully completed seven million square feet of additions / renovations in occupied buildings totaling in excess of \$550 million in construction cost. As a result, we have developed the expertise to effectively address the special characteristics and requirements inherent in this kind of work.

Prior to starting construction, we will map out a site logistics plan that defines all site support activities including the location of the field office, temporary access and

parking, material storage, temporary utilities, and special fabricating areas.

Once construction has started, our field superintendent will stay in close touch with stakeholders regarding general progress, concerns, upcoming events, upcoming construction activities, and after-hours work. We will communicate whenever upcoming construction activities might produce excessive noise, vibration, odor, or any other disruptive side effect, so stakeholders can plan accordingly.

EXAMPLE 1: MINNEAPOLIS COMMUNITY AND TECHNICAL COLLEGE: HELLAND STUDENT CENTER AND WHITNEY FINE ARTS CENTER

Throughout this project, coordinating staging and workflow around a fully occupied building proved to be a challenge. Stahl's project manager and superintendent communicated heavily with the owner and architect to notify them of progress, set expectations, and evaluate the impact any upcoming work may have on normal, daily facility functions. Despite this, Stahl was able to complete construction on time and on budget.

Contact: MCTC; Roger Broz; (612) 659-6805

PROJECT RISKS CONTINUED

EXAMPLE 2: INVER HILLS COMMUNITY COLLEGE: FINE ARTS CENTER

Stahl simultaneously constructed the two additions at both ends of the Fine Arts Center. Throughout construction the building was occupied by students, staff, and community members, and it was imperative that daily functions continued. Stahl's Field Superintendent was in constant communication with the site facilities manager regarding progress and upcoming work schedules to ensure operations continued with minimal disruptions. Also, to accommodate the construction zone, the corresponding parking lot was demolished, yet ongoing access to the operating childcare facility was needed. The Stahl team built a ramp

over the construction site for easy access to the childcare rooms for child drop offs and pickups that functioned throughout construction.

Contact: IHCC; Patrick Buhl; (651) 450-8536

RISK 5

THIS PROJECT IS HIGHLY VISIBLE, AND IT WILL BE INCREASINGLY IMPORTANT TO EASE ANY NEGATIVE PERCEPTION OR OPPOSITION TO THE CITY AND THIS PROJECT EARLY AND OFTEN.

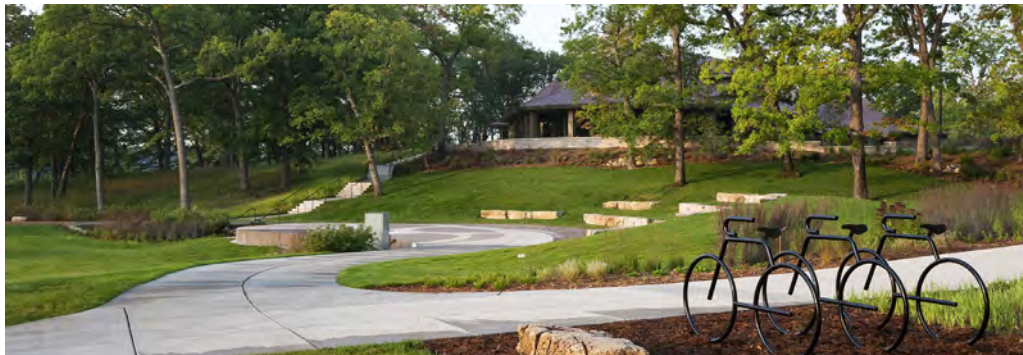
The community's support and opinion of the project while under construction can alter their opinion, and even use, of the project once completed. Stahl will work to

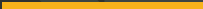
generate positive community engagement and momentum throughout the duration of the project and celebrate milestones in an inclusive way throughout the entirety of the project. Engaging the community in the construction process will be vital in their perception of the completed project.

EXAMPLE: ZIMMERMAN MIDDLE/HIGH SCHOOL

The Stahl team was able to effectively manage this project by including early planning and collaboration, open communication and transparency, and strong community engagement throughout the project. Getting the community involved and excited about the project fostered support and less negative response for the construction activities occurring during school. Our team deeply contributed to the communication and community engagement, and we were also diligent in executing pre-installation meetings with the design team and subcontractors from day one to set clear expectations.

Contact: Elk River Area School District; Tom Baranick; (763) 241-3405





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THE STAHL DIFFERENCE

THE STAHL DIFFERENCE

The Stahl difference lies not just in what we build, but how we build it. From pre-construction strategic planning to the final punch list, our job isn't done until it's done right.



INTEGRITY . PEOPLE . CONTINUOUS IMPROVEMENT . INTERCONNECTION . GRIT

In all aspects of the business, we do the right thing, even when it's hard.

We value relationships and utilize a growth mindset approach to finding and investing in our colleagues, clients, and partners.

We invest in our team's pursuit of knowledge and believe in the power of incremental improvement.

We seek to make connections that benefit our partners, understand how we can drive value through a flexible, connected process, and leave a lasting positive impact through our work output.

We will partner, inspire, enforce, re-strategize, implement, dig, nail and fight our way to the finish line and ensure you accomplish not just the basic goals for the project but your overall mission.



OUR INTEGRITY IS OUR HEART

Our corporate commitment to customer satisfaction is truly what sets us apart. We believe in aligning ourselves with our client's vision and goals so the services and support we deliver not only exceed expectations for a construction partner, but ensure our customers are successful in a greater sense.

This value is delivered from day one with our executive team attending kick off meetings and conducting alignment sessions internally and is carried through

with every member of the Stahl team. At the conclusion of projects, our President conducts a final interview to ensure the team performed at its highest ability and our clients are deeply satisfied with the process and results.

We may not spend millions on marketing and have the largest team in the region but there is a reason we have so many repeat clients. Our unique business approach and the personal attention we deliver goes above and beyond what others provide.

Unlike some large construction companies who see their work as a commodity and your project as just one of many on their books, we offer an exceptional level of personal attention from both our executive and project teams.

Simply put, we will care more and our clients will benefit from our approach. We will be more engaged in the project, more passionate about our work, and more willing to go the extra mile to ensure the best results for our clients and partners.



THANK YOU

CONTACT

Headquarters: 952.931.9300

IA Office: 515.244.5700

stahlconstruction.com



CITY OF WAYZATA

LAKE STREET & LAKE STREET PLAZA CONSTRUCTION MANAGER

PROPOSAL FOR CONSTRUCTION MANAGER AS AGENT

OCTOBER 2, 2019



EXECUTIVE SUMMARY

Mortenson is pleased to submit our proposal for Construction Manager as Agent services for the Lake Street and Lake Street Plaza project. Our proposed staff has extensive experience and is committed to ensuring successful execution of this project.

Our team is committed to providing a transparent process that **ensures a strong response from the prime contractor market and proactive planning** that will ensure milestones will be achieved.

If there is additional information we can provide that will be helpful in your evaluation, please do not hesitate to contact me at kendall.griffith@mortenson.com.



Kendall Griffith
Vice President General Manager
612.202.0225



Ken Sorensen
Senior Advisor
612.270.5258

PROPOSAL CONTENTS

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MORTENSON WILL BE A VALUABLE PARTNER FOR YOUR TEAM BY DELIVERING...



CMa EXPERIENCE

Mortenson is experienced with this role and will act on behalf of the City every step of the way. Local project experience includes the City of Minneapolis New Public Service Building, Minneapolis Central Library, Minneapolis Sculpture Garden Upgrades, Target Center Renovation Replacement Ice Slab, the original build of the Minneapolis Convention Center and its expansion.



ACTIVE COLLABORATION

The Lake Street and Lake Street Plaza is in an active part of the City and must remain open during construction. **This is critical for success.** Mortenson has an exceptional record working in and around busy neighborhoods. We will work diligently with the City and stakeholders to ensure all activities are coordinated and efficiently communicated.



PRIME CONTRACTOR PROCUREMENT

As the most experienced contractor in the Twin Cities, this position in the market gives us **a unique advantage to leverage our extensive network** of trade contractors and suppliers. Our high caliber resources are available to provide an innovative approach to this project.

We have identified potential goals to define project success and help achieve your vision. Together, we will build a framework based on communication, collaboration and respect.

PROJECT TEAM



INDUSTRY TENURE

35 years

EDUCATION

Bachelor of Science,
Construction
Engineering,
Iowa State University

KEN SORENSEN SENIOR ADVISOR

Ken will provide consistent overall leadership to the project from start to finish. He will be integral in leading a proactive approach to successful preconstruction and construction planning and will bring all of the necessary resources to the table to meet the project's demands, expectations and objectives. Ken will ensure project goals are clearly defined and communicated to the team, lessons learned from previous projects are fully utilized, and the overall experience is positive. As a resident in the neighborhood, Ken has a vested interest in the success of the Wayzata Lake Street Plaza project. **Availability: As Needed**

RELEVANT EXPERIENCE

Minneapolis Sculpture Garden Reconstruction & Cowles Conservatory - Minneapolis, MN
Walker Art Center Vineland Entry & Landscape Renovation - Minneapolis, MN
Target Center Renovation - Minneapolis, MN



INDUSTRY TENURE

22 years

EDUCATION

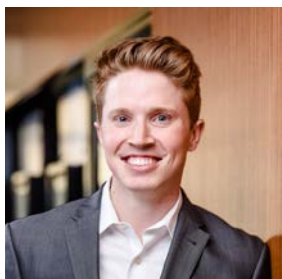
Bachelor of Science,
Construction
Management,
Minnesota State
University Moorhead

DEREK HANSEN PROJECT EXECUTIVE

Derek will be the primary contact for the City of Wayzata, providing leadership to the project team. His involvement will begin immediately after award and will remain constant through the duration of the project. Derek will provide meaningful input into procurement and value engineering activities and will lead the communication plan. He will leverage his expertise in proactive and comprehensive communication with project stakeholders and apply a customer-centric approach throughout the project. **Availability: 25%**

RELEVANT EXPERIENCE

Minnehaha Academy Upper School Campus Reconstruction - Minneapolis, MN
Target Center Renovation - Minneapolis, MN
AC Hotel Minneapolis Downtown by Marriott - Minneapolis, MN



INDUSTRY TENURE

5 years

EDUCATION

Bachelor of Science,
Civil Engineering,
University of Wisconsin
- Madison

AARON BLAZICH CONSTRUCTION MANAGER

As construction manager, Aaron will support the Wayzata Lake Street Plaza project from bid preparation through final acceptance. During construction, his focus will be the day-to-day execution of the project. He will fully engage with the on-site team, overseeing project cost control, project administration, change proposals, monthly payment applications, and subcontract negotiations. **Availability: 100%**

RELEVANT EXPERIENCE

Walker Art Center Entry & Landscape Renovation - Minneapolis, MN
Target Center Renovation - Minneapolis, MN
Rafter Apartment Buildings - Minneapolis, MN

PROJECT SCHEDULE

We have prepared an initial project schedule for the Lake Street and Lake Street Plaza project. **We are confident we can deliver this project by the end of August 2020.** We will work with the City and the design team to establish the timeline to support the sequencing for phasing and completion, all while prioritizing disruption avoidance planning so that area businesses can operate as usual during the busy season.

	2019			2020								
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept
CM Agent Selection	★											
Prime Contractor Bid Package Assembly												
Prime Contractor Bid Phase												
Prime Contractor Award Recommendations					★							
Prime Contractor Construction Agreements												
Prime Contractor Pull Planning Sessions						★						
Material Procurement												
CONSTRUCTION												
Water Main Replacement												
Pedestrian Roadway Improvements												
New Plaza Park												
Water Feature + Splash Pad												
Railroad Crossing Enhancements												
Outside Agency Work Coordination												
Substantial Completion											★	
Project Close-out Complete												★

COMMUNICATIONS PLAN

Clear and efficient communication with adjacent property and business owners, as well as with the public is paramount to the success of your project. Our proposed communication and stakeholder engagement strategy includes:

- **Monthly in-person meetings** beginning with a pre-construction meeting in late March and continuing on a monthly basis through construction completion.
- **Weekly construction updates** to highlight and summarize upcoming work activities.
- Proactive communication and consistent execution of plan to **eliminate surprises**.
- Monthly in person meetings, weekly neighborhood updates, project website, and **key team member contact information for questions and concerns**.



CONNECTING WITH THE NEIGHBORHOOD AT MINNEHAHA ACADEMY

Similar to the City of Wayzata Lake Street and Lake Street Plaza project, the Minnehaha Academy Upper School Reconstruction project **involved communication and coordination with the neighborhood surrounding the project**. To keep them informed we:

- Held meetings with neighbors, Minnehaha Academy, and the design team to talk about the design aspects of the project.
- Held a preconstruction meeting with Minnehaha Academy and the neighborhood to talk through construction logistics, hours, and disruption avoidance plans.
- Shared weekly construction updates, a neighborhood blog, project quick facts, and a high level schedule via our project website.
- Included a form on the website where neighbors could ask questions or provide feedback on the process.



COMPENSATION

We propose the following format for Construction Manager as Agent services:

ITEM	Billing Basis	Budget
CM Agent Staff	Actual Hours x Billing Rate	\$197,090.00
Fee Multiplier	0.9 x CM Agent Staff Billing	\$177,381.00
Subtotal		\$374,471.00
CM Agent General Conditions	Actual Vendor Invoiced Cost	\$17,023.00
CM Services Not to Exceed Value		\$391,494.00

The proposed compensation format is subject to discussion and revision as necessary.

Requested Rates

Commercial General Liability Insurance: \$8.90 per \$1,000 Billings

Builders Risk Insurance: Not Applicable

Payment & Performance Bond: Not Applicable

Staff Rates		
Position	Rate Per Hour	Anticipated Hours
Senior Advisor	\$258.00	95
Project Executive	\$155.00	360
Construction Manager	\$98.00	1,250
Superintendent	\$140.00	As Needed
Safety Manager	\$120.00	As Needed
Field Engineer	\$85.00	As Needed

QUALIFICATIONS

Minneapolis Sculpture Garden and Walker Art Center Entry and Landscape Reconstruction Minneapolis, MN



The Minneapolis Sculpture Garden included a complete redevelopment of the 4.5-acre site to repair and replace deteriorating garden hardscapes and sculptures, plant materials, irrigation, and stormwater management. A conservatory building was upgraded and improvements were made for overall safety and accessibility. The Walker Art Center entry way project included a new entry building to provide a completely new “front of house” entry experience as well as landscaping on the entire Walker site south of Vineland Avenue. It transformed the existing hardscape to primarily green space with extensive new landscaping. The new landscape includes over 200 new trees in a variety of species, as well as 1,500 new shrubs. It provides fully connected handicap accessible walkways with architectural concrete paving.

PROJECT SIMILARITIES

- ✓ *Neighborhood communication plan*
- ✓ *Construction on a tight, urban site with significant disruption avoidance planning*
- ✓ *Water feature*
- ✓ *Publicly funded*

TEAM MEMBERS

Ken Sorensen and Aaron Blazich

CONSTRUCTION COST

Sculpture Garden: \$10 million
Entry and Landscape: \$16.7 million

SCHEDULE

Sculpture Garden: Oct 2015 - June 2017
Entry and Landscape: Aug 2015 - Nov 2016

REFERENCES

Siri Engberg

Senior Curator and Director of Exhibitions
Management, Walker Art Center
612.735.7662 | siri.engberg@walkerart.org

QUALIFICATIONS

Target Center Renovation Minneapolis, MN



The renovation project touched nearly every surface of the building and successfully transformed the Target Center back into a world-class venue. In addition to a new signature facade and glass atrium, updates to the 19,000 seat arena included a new center-hung scoreboard, new premium spaces, improved suites, all new seats, an upgraded sound system and digital signage, and modernized concourse areas. The project required comprehensive communication planning and schedule phasing to accommodate the full scope of work.

PROJECT SIMILARITIES

- ✓ *Construction on a tight, urban site with significant disruption avoidance planning*
- ✓ *Neighborhood communication plan*
- ✓ *Schedule phasing*

TEAM MEMBERS

Ken Sorensen and Derek Hansen

CONSTRUCTION COST

\$145 million

SCHEDULE

May 2016 - October 2017

REFERENCES

Mark Ruff

CFO, City of Minneapolis
612.673.3554 | mark.ruff@minneapolismn.gov

QUALIFICATIONS

Minnehaha Academy Minneapolis, MN



After the tragic explosion in 2017, Minnehaha Academy engaged Mortenson for the re-construction of their Upper Campus facility. Mortenson implemented a design-build delivery model that incorporated extensive input from Minnehaha Academy stakeholders while providing cost and schedule certainty. The result is a campus master plan that includes vibrant and flexible spaces that are the foundation for an exceptional learning experience for the next generation of Minnehaha Academy students.

PROJECT SIMILARITIES

- ✓ Construction on a tight, urban site with significant disruption avoidance planning
- ✓ Neighborhood communication plan
- ✓ Schedule phasing

TEAM MEMBERS

Ken Sorensen and Derek Hansen

CONSTRUCTION COST

\$25 million

SCHEDULE

August 2018 - July 2019

REFERENCES

Donna Harris

President, Minnehaha Academy

612.729.8321

harrisdonna@minnehahaacademy.net

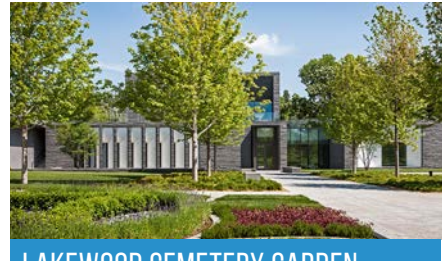
QUALIFICATIONS



WEST RIVER COMMUNITY CENTER
CITY OF DICKINSON, ND



MINNESOTA ZOO (VARIOUS PROJECTS)
MINNESOTA ZOO



**LAKESIDE CEMETERY GARDEN
MAUSOLEUM**
LAKESIDE CEMETERY



NEW PUBLIC SERVICE BUILDING
CITY OF MINNEAPOLIS, MN

**OVER 130
CIVIL PROJECTS**
—
IN PAST 10 YEARS



UMN ATHLETES VILLAGE
UNIVERSITY OF MINNESOTA



**UMN CANCER & CARDIOVASCULAR
RESEARCH FACILITY STREET SCAPES**
UNIVERSITY OF MINNESOTA



BOY SCOUTS - LEADERSHIP CENTER
NORTHERN STAR COUNCIL BOY
SCOUTS OF AMERICA



STAPLETON REDEVELOPMENT
PARK CREEK METRO DISTRICT



LYNNWOOD RECREATION CENTER
CITY OF LYNNWOOD, WA



FESTIVAL PARK
TOWN OF CASTLE ROCK, CO



UMN SCHOLARS WALK
UNIVERSITY OF MINNESOTA

SELF-PERFORM WORK

With more than 400 craft workers in the Twin Cities, Mortenson has the capacity to perform the following work with our own labor force and would desire to do so on this project:

- Site Services
- Concrete
- Masonry
- Rough Carpentry
- Finish Carpentry / Specialties

The City of Wayzata will **significantly benefit in the areas of schedule, productivity, safety, quality, AND overall value if Mortenson is allowed to self perform portions of the work.** Our craft labor workforce provides a higher site presence to push other trade contractors and manage critical path schedule activities. **We are able to better control the project schedule** and guarantee schedule completion dates.

Self-perform work will provide the best quality and cost efficiency for this project. Our craft workers provide the **highest quality of work** because our priority is always in the customer's best interest rather than the productivity of the trade contractor.



PROJECT RISKS

We have identified the top five project risks:

- 1

Neighborhood Disruption
Avoidance Planning
- 2

Prime Contractor Procurement
- 3

Schedule Phasing
- 4

Value Engineering
- 5

Overall Project Communication

1 NEIGHBORHOOD DISRUPTION AVOIDANCE PLANNING

Building along Lake Street in Wayzata presents challenges from site access, utility coordination, lane/street closures and public access to local businesses. Mortenson has repeatedly demonstrated success in coordinating these risks and working with local authorities to minimize disruption to the project neighbors and businesses.



DETAILED TRAFFIC COORDINATION FOR NEW SKYWAY CONNECTION

CLIENT/PROJECT: City of Minneapolis/Target Center Renovation New Skyway Connection

OUTCOME: Safely and efficiently built skyway connection with minimal impact to patrons

Mortenson coordinated with several key departments including MnDOT and Metro Transit for lane closure coordination for the new skyway connection to Target Center.

The complex planning, construction and installation of the new skyway connection between the existing parking ramp and Target Center required several coordinated street/sidewalk closures to complete the work without putting the public at risk. Mortenson worked directly with the Minneapolis Public Works to develop an approved traffic plan that accommodated construction activities while protecting pedestrians and traffic flow. The team also worked directly with surrounding businesses, including the Minnesota Twins to establish a safe means of access for their patrons on game day. All planned work and street/sidewalk shutdowns went smoothly with minimal impact to the public.

In addition, during early pre-planning phases for the new skyway connection, Mortenson identified potential encroachment onto the MnDOT right-of-way which had not previously been identified and/or addressed. Mortenson was proactive in coordinating the MnDOT review process to avoid delays as the team prepared for construction of the skyway.



PROJECT RISKS

2 PRIME CONTRACTOR PROCUREMENT

In coordination with the City and design team, Mortenson will **prepare a detailed project manual specific to each prime bid package** that will contain all the necessary information relative to the bidding process, bid/proposal format, contract conditions, scope of work, community participation requirements, and project schedule.

It is critical that we prepare and issue a comprehensive scope of work document in the front-end specifications. The accuracy and completeness of the scope of work document ensures there is no confusion with the contractor requirements and there are no scope gaps which can add unexpected costs to the project.

Our scope of work document clearly indicates which specification sections are incorporated in each prime contractor package. Our **vast database of best practices and lessons learned will ensure the work is communicated and there are not any scope discrepancies** between the bidders.



CLIENT/PROJECT: Minnehaha Academy/Minnehaha Academy Upper Campus Reconstruction

OUTCOME: Through our process, we brought strong competition that resulted in bid awards that were less than the budgeted cost and performance that completed the job ahead of schedule.

→ ELIMINATE SURPRISE & RISK

We will work with the City of Wayzata and the design team to determine project phasing and the number and schedule of each bid package. We bring our **expertise as a builder and our experience to schedule long lead equipment and material procurement**. The bid package strategy will consider how to minimize risk in terms of cost and schedule and how we will reduce changes on the project. Overall, our goal is to **simplify the packaging of the work to ensure the most complete, qualified and competitive bids**.

As the largest contractor in the Twin Cities this position

in the market gives us a **unique advantage to leverage our extensive network of trade contractors and suppliers**. We will generate interest by contacting local contractors to inform them of the project. Early and frequent outreach is the best way to keep potential contractors informed on schedule and timing.

During the bid phase of the project, we will work with the design team to issue any design addenda to further clarify the work. This process eliminates surprises and risk during the construction phase and will save money for the City of Wayzata.

PROJECT RISKS

3 SCHEDULE PHASING

It is critical that the City of Wayzata pick a CMA partner who has demonstrated strong schedule performance and can guarantee schedule certainty. Our performance is demonstrated by other **high profile projects that were all completed on time or ahead of schedule**. We will utilize the following tools and techniques to manage the construction schedule:

- Conduct a pull planning schedule workshop with all prime contractors
- Facilitate preconstruction meetings with prime contractors and review schedule requirements
- Provide monthly updates for the master critical path schedule
- Create and distribute 4-week look ahead schedules
- Hold prime contractors accountable to meet schedule requirements

We have learned that **strong communication, planning and coordination** between the owner, design team, construction manager, and trade contractors is the key to successful schedule management.

Proven Schedule & Budget Performance

Minnesota Senate Building	Target Center Renovation	Minnehaha Academy Upper Campus	Minneapolis Sculpture Garden
			
OUTCOME: delivered 6 weeks early	OUTCOME: delivered on time	OUTCOME: delivered 1 week early	OUTCOME: delivered on time
- 0.94% under budget	- 2% under budget	- 3% under budget	ON budget

PROJECT RISKS

4 VALUE ENGINEERING

Over the years, we have developed a database of value-driven solutions. Throughout the preconstruction process, we look at a range of manufacturers, products, means and methods in order to maximize value consistent with the project's objectives. Collaborating with the design team to discuss options at optimal points in the evolution of the design is key.

We will present and review a value analysis log during regular preconstruction coordination meetings. These options are presented consistently throughout the project in a clear and concise manner to allow for easy decision-making. This review occurs parallel to cost estimating and constructability reviews.



CLIENT/PROJECT: Target Center/
City of Minneapolis

OUTCOME: We used the value engineering process to balance design changes with the overall project budget to make informed decisions about where to best spend the project budget.

DRAFT Value Engineering Log **Mortenson**

Description	Estimate/Project Cost	Pending	Push to Scope & Budget	Approved	CD Project/ Cost Trending	Design/Value-Engineered	Request	Comments / Status
ALTERNATES								
ALT1: Provide Green Roof at Level 12-Roof	\$561,175					\$561,175		
ALT2: Provide Green Roof at Level 11-Roof	\$726,854					\$726,854		
ALT3: Provide 2" Corrugated Tin Roofs on 100' Equestrian Terrace No. 40 10' x 10' at Level 1 and 2	\$347,822					\$347,822		
ALT4: Provide Double Energy Piping Risers for Future Connection	\$373,889					\$373,889		
ALT5: Provide Solar Panels and Mounting System on Level 12-Roof	\$916,417					\$916,417		
ALT6: Provide demountable partitions in lieu of steel stud partitions at offices	\$2,427,816				\$950,000			Approved by RT to be incorporated into project - additional funding will offset the costs
ALT7: Fit-out Flooring Lab	\$1,642,648					\$1,642,648		
ALT8: Add Communication Riser Racks on Level 2 and 3	\$128,333				\$3,900,000			Approved by RT to be incorporated into project - additional funding will offset the costs
ALT9: Stormwater Curb on Roof	750					\$128,333		CD alternate
ALT10: Stormwater Curb in Basement	\$700,176							Need additional definition to determine system requirements (Non-Gravity Fed System)
ALT11: Provide Motorized Solar-Tracking Shades at Public Service Plaza	\$1,250,435					\$1,250,435		Not a viable solution
ALT12: Provide Motorized Solar-Tracking Shades at Public Service Plaza	\$400,252							CD alternate
ALT13: Add Amuse Skyway Upstairs	\$251,972				\$191,972			Approved by RT to be incorporated into project - additional funding will offset the costs
ALT14: White Phase Insulating Cladding Units - Entire Building	\$2,279,562					\$2,279,562		Need to review final design to give routing for the metal studs to finish facilities
ALT15: Triple phase insulated Cladding Units - Level 1, 2 & Double Heights Only	\$950,367				\$950,000			Approved by RT to be incorporated into project - additional funding will offset the costs
ALT16: Add Greenwall at Parking Garage	\$148,985					\$148,985		Need to review final design to give routing for the metal studs to finish facilities
ALT17: Provide Drywall finish at Inside Face of Unitized Facade	\$650,248					\$650,248		Need to review final design to give routing for the metal studs to finish facilities
CLARIFICATIONS								
1. Finish and waterproof on Level 7	\$258,823					\$258,823		
2. Add waterproofing system to office lobby	\$174,352					\$174,352		
3. Change Generator Room Detail to National Grid	(\$50,320)					(\$50,320)		

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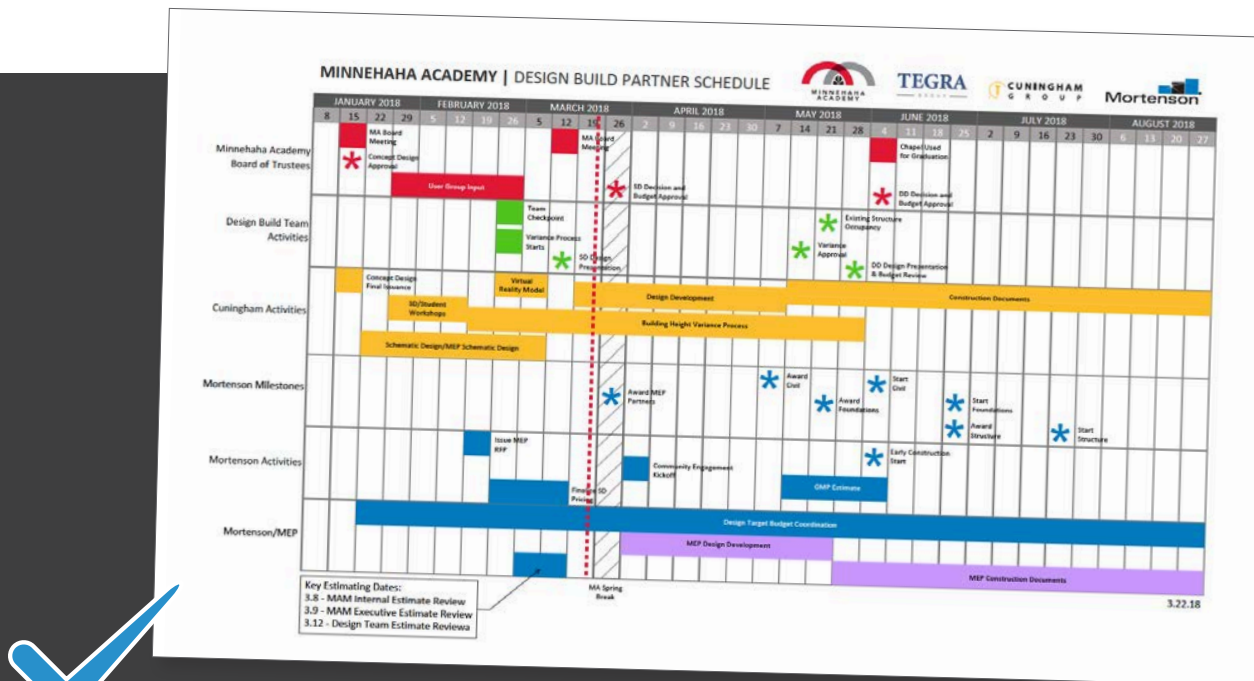
Sample Value Engineering Log
We can get detailed information from engineers and the design team to help the City make reliable decisions.

PROJECT RISKS

5 OVERALL PROJECT COMMUNICATION

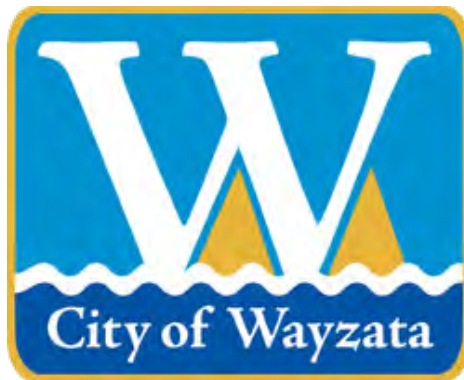
Our team will begin by clearly understanding your goals. Throughout the project, key communication tools to be implemented include:

- **Customer/architect/construction manager meetings** held to review design options, cost and schedule impacts, phasing options and constructibility reviews to help the team make timely, informed decisions
- **Construction coordination meetings** to involve project leadership and prime contractor representatives
- **Preparatory and preconstruction meetings**, as part of our Quality Control Program, to review documents and coordinate construction activities to avoid impacts the public, staff, and adjacent businesses
- **Project status reports**, including executive summary, progress photos, core team meeting minutes, project schedule updates, cost status report, customer direct purchase summary, RFI, change management, and submittal log
- **Outside agency coordination** to ensure our plan is effectively communicated and coordinated with activity of the MET Council and BNSF



CLIENT/PROJECT: Minnehaha Academy/Minnehaha Academy Upper Campus Reconstruction

OUTCOME: The integrated project dashboard served as an executive communication tool throughout the project. Teams require transparent communication and collaboration, and collectively the integrated team will decide what metrics to measure and communicate during the project, through scheduled dashboard updates. Above is an example from the Minnehaha Academy Upper School Reconstruction project.



City of Wayzata

Proposal for Lake Street and Lake Street Plaza
Construction Manager
October 2, 2019



CONSTRUCTION

830 Boone Avenue North
Golden Valley, Minnesota 55427

952-837-8600

RJMConstruction.com
Follow us @rjmconstruction



October 2, 2019

Mr. Mike Kelly
Director of Public Works
City of Wayzata
600 Rice Street E
Wayzata, MN 55391

Re: Proposal for Lake Street and Lake Street Plaza Construction Manager

Dear Mr. Kelly,

Thank you for the opportunity to submit our qualifications for the first phase of the City of Wayzata's Lake Effect Initiative. RJM is proud to be Minnesota's leading municipal construction management firm, having successfully provided our services to twenty-six cities, including municipal work. We will add value to the City of Wayzata in the following ways:

Municipal Expertise: RJM is a trusted partner, working with more than 26 municipalities on various public facilities. Our diverse experience includes multiple projects with similar features and programs as the Wayzata Lake Effect project.

Collaboration: We understand the pressure of city staff to deliver long-lasting, quality facilities while recognizing the importance of meeting an acceptable budget to the city council and its constituents. Creativity and collaboration are crucial to a successful outcome. RJM embraces the opportunity to immediately bring value and solutions to the team.

Stakeholder Engagement: We have seen that our proactive approach incorporating direct involvement of the city's user groups throughout design and construction helps to ensure that the facility is designed and built match the needs of the city. Before and during construction we also understand the benefit of directly communicating with the adjacent property owners. We will act as an extension of the City of Wayzata as the communication liaison with residents and business owners impacted by the work.

We hope that you agree that we will be the right partner for the City of Wayzata. We look forward to the next steps.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brad Barickman', is placed over a light blue rectangular background.

Brad Barickman
Vice President Community
952-837-8614



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- 5. F. Self Performance*
- 5. G. Project Risk*

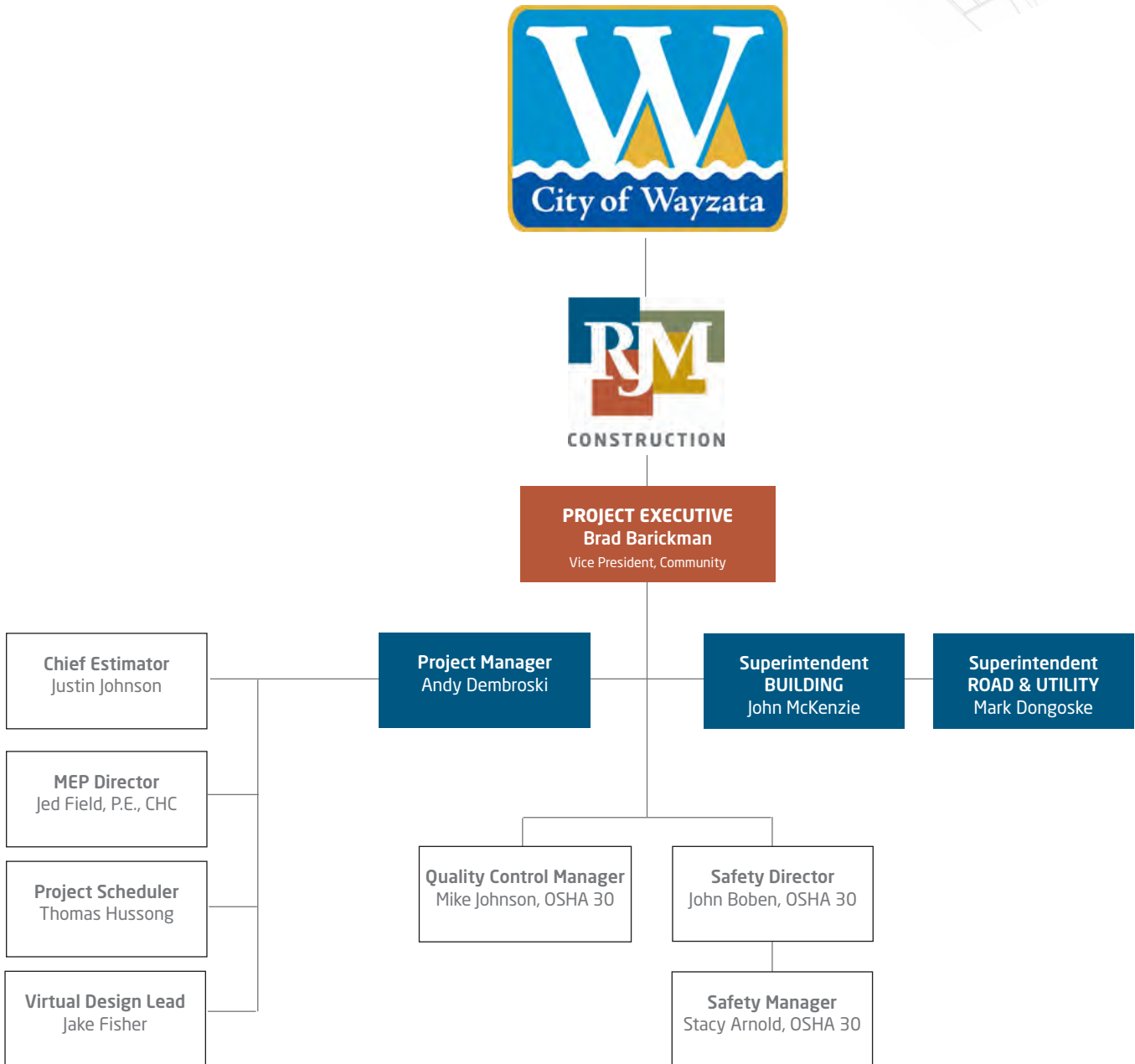
Exhibits

Fees and General Conditions

Insurance

Schedule

5. A. Project Team





Brad Barickman

Vice President Community | *Project Executive*
 brad.barickman@rjmconstruction.com
 952-837-8614

Brad brings 15 years of project management experience to his role as Vice President Community. He's completed projects for a variety of clients including municipalities, manufacturing firms, medical device companies, healthcare providers and corporations.

Brad has demonstrated an exceptional ability to communicate with clients from pre-construction through project completion. He excels at bringing positive leadership to help create an enjoyable construction experience for the entire project team.

As project executive Brad will work directly with team during pre-construction planning and the execution of construction. Brad will be responsible for all contract administration, budget management, overseeing the schedule and communicating with the entire team.

Relevant Experience

PROJECT	CLIENT	LOCATION
Blaine City Hall Improvements**	City of Blaine	Blaine, MN
Woodbury City Council Chambers	City of Woodbury	Woodbury, MN
Andover Public Works*	City of Andover	Andover, MN
HERO Center*	City of Woodbury and City of Cottage Grove	Cottage Grove, MN
Woodbury Public Works	City of Woodbury	Woodbury, MN
Wright County Tactical Training Center**	Wright County	Buffalo, MN
Hopkins Pavilion	City of Hopkins	Hopkins, MN
Eden Prairie Aquatic Center	City of Eden Prairie	Eden Prairie, MN
Worthington Community Center and YMCA	City of Worthington	Worthington, MN
Andover Community Center and Ice Arena	City of Andover	Andover, MN
Eden Prairie Community Center & Ice Arena	City of Eden Prairie	Eden Prairie, MN
Shoreview Community Center Expansion	City of Shoreview	Shoreview, MN
Ojibway Park*	City of Woodbury	Woodbury, MN
Hill-Murray School Plaza Renovation	Hill Murray School	Maplewood, MN
Douglas Dayton YMCA at Gaviidae	YMCA of the Greater Twin Cities	Minneapolis, MN

* Under construction

** Awarded

References

CLIENT CONTACT	FIRM	PHONE
Mr. Dave Berkowitz	City of Andover	763-767-5133
Mr. Andy Johnson	Worthington YMCA	507-376-6197 x 225
Ms. Jennifer Levitt	City of Cottage Grove	651-458-2890
ARCHITECT CONTACT		
Mr. Roger Christensen	HCM Architects	612-904-1332
Mr. Tom Betti	292 Design Group	612-767-3773
Mr. Todd LaVold	Leo A. Daly	612-338-8741

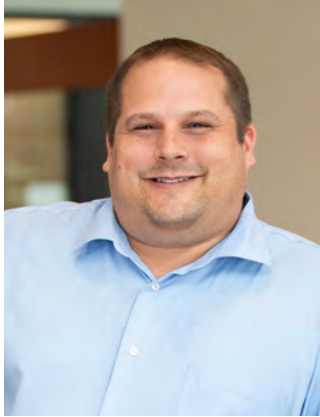
Education

Bachelor of Science Degree
 Construction Management
 University of Iowa

Awards and Certifications

LEED AP





Andy Dembroski

Project Manager

andy.dembroski@rjmconstruction.com

952-837-8645

Andy has been in the construction industry for over 17 years. Throughout his career he has held positions in carpentry, estimating and project management. With his previous field experience, Andy has a unique understanding of the projects from both a field and office perspective. This experience allows him to communicate effectively and strategically with the project team on site and in the office to ensure all budget and schedule objectives are achieved.

As project manager, Andy is responsible for developing schedules, tracking submittals, processing RFI's and subcontract coordination. He provides valuable project assistance in all areas of information management, always keeping the client informed of project status.

Relevant Experience

PROJECT

Maple Grove Veterans Memorial Park
Maple Grove Central Park
Shoreview Commons Park Expansion**
Shoreview Community Center Addition
Children's Learning Adventure
Treasure Island Center Exterior Improvement
UMN / USDA Building Exterior & Roof Replacement*
UMN / USDA Greenhouse Repair*
Alpha Gamma RHO Fraternity House Remodel*
Union Depot Roof Replacement*
North Hennepin Community College Canopy Roof Replacement*
TRIA Orthopedic Clinic St. Paul
Fort Snelling National Cemetery*
CLUES
East Side Neighborhood Services

*Under previous employment.

**Under construction

CLIENT

City of Maple Grove
City of Maple Grove
City of Shoreview
City of Shoreview
Children's Learning Adventure
Go Wild, LLC
University of Minnesota
University of Minnesota
University of Minnesota
USPS
North Hennepin Community College
Park Nicollet Health Services
Veterans Affairs
CLUES
East Side Neighborhood Services

LOCATION

Maple Grove, MN
Maple Grove, MN
Shoreview, MN
Shoreview, MN
Maple Grove, MN
St. Paul, MN
St. Paul, MN
St. Paul, MN
Brooklyn Center, MN
St. Paul, MN
Bloomington, MN
St. Paul, MN
St. Paul, MN
Minneapolis, MN

References

CLIENT CONTACT

Mr. Mark Anger
Mr. Jeff Mundinger
Ms. Peggy Kerska

FIRM

Go Wild, LLC
East Side Neighborhood Services
Beth El Synagogue

PHONE

651-755-5207
612-787-4046
651-231-8574

ARCHITECT CONTACT

Mr. James Horwath
Mr. Jeff Krueger
Mr. Thomas Clark

LSE Architects
Collaborative Design Group, Inc.
HGA

612-343-1010
612-332-3654
612-758-4441

Education

Associate of Applied Science
Architectural Drafting and Estimating
Dunwoody College
Minneapolis, Minnesota





John McKenzie

Superintendent | Building

john.mckenzie@rjmconstruction.com

952-837-8600

John started his career working in commercial construction in 1999. He has held roles as apprentice, journeyman, carpenter foreman, and currently, superintendent. John has worked on a variety of projects: municipal facilities, healthcare facilities, tenant buildouts, high-rise condominiums, and more. John has demonstrated a solid understanding of project documentation and an ability to coordinate multiple subcontractors on projects with intense scheduling requirements. John's experience working within functioning facilities with restricted site conditions has prepared him to provide pro-active field leadership under the most demanding requirements.

John provides on-site leadership and coordination for the project team. He schedules personnel, equipment, subcontractors, and the owner's vendors on a daily basis. John's attention to detail delivers a superior quality project. John is committed to jobsite safety and serves on the RJM safety committee.

Relevant Experience

PROJECT

Woodbury Council Chambers
Maple Grove Fernbrook Fields
Hopkins Pavilion Addition
Hutchinson Hospital MRI Remodel
Summit Orthopedics Woodbury
Twin Cities Orthopedics Stillwater
Hastings YMCA
Treasure Island Center
District Energy
R&D Systems
Regional Headquarters

CLIENT

City of Woodbury
City of Maple Grove
City of Hopkins
Hutchinson Health
Summit Orthopedics
Twin Cities Orthopedics
YMCA Twin Cities
St. Paul Port Authority
District Energy
R&D Systems
Major Insurance Company

LOCATION

Woodbury, MN
Maple Grove, MN
Hopkins, MN
Hutchinson, MN
Woodbury, MN
Stillwater, MN
Hastings, MN
St. Paul, MN
St. Paul, MN
Minneapolis, MN
Eden Prairie, MN

References

CLIENT CONTACT

Mr. Keith Heimer
Mr. Dave Rajkovich
Mr. Bob Klatt

FIRM

Twin Cities Orthopedics
Major Insurance Company
City of Woodbury

PHONE

651-351-2697
608-242-4100
651-714-3580

ARCHITECT CONTACT

Erik Olson
Denton Mack

292 Design
Sperides Reiners Architects

612-767-3773

Education

Carpenters Union Training Center
Carpentry
Century College



Mark Dongoske

Superintendent | Road and Utility
mark.dongoske@rjmconstruction.com
952-837-8600

Mark has been in the construction industry for over 30 years and has had the opportunity to work on many different types of construction projects including public works and municipal facilities.

In his position of project superintendent, Mark is responsible for overseeing all on-site aspects of a construction project. Mark coordinates the team of architects, engineers, and subcontractors to build a project for the client that is on time, within budget, and exact according to plans and specifications.

His wide-ranging experience includes community facilities, office buildings, retail malls, dental clinics, prosthetic clinics, large multi-family apartment complexes, hotel renovations, restaurants, contaminated soil reclamation sites, and interior tenant leasehold construction.

Relevant Experience

PROJECT	CLIENT	LOCATION
Andover Public Works*	City of Andover	Andover, MN
Chanhassen Public Works	City of Chanhassen	Chanhassen, MN
Elk River Public Works	City of Elk River	Elk River, MN
Medina Public Works	City of Medina	Medina, MN
Woodbury Public Works*	City of Woodbury	Woodbury, MN
Rogers Police Station Remodel	City of Rogers	Rogers, MN
Shoreview Community Center Expansion	City of Shoreview	Shoreview, MN
Woodbury Ojibway Park	City of Woodbury	Woodbury, MN
The Good Acre	Pohlad Foundation	Falcon Heights, MN
Meridian Behavioral Health	Meridian Behavioral Health	Pine City, MN
Allina Health Clinic Buffalo	Allina Health	Buffalo, MN
Children's Learning Adventure	Children's Learning Adventure Childcare Ctrs	Chanhassen, MN

* under construction

References

CLIENT CONTACT	FIRM	PHONE
Mr. Justin Femrite	City of Elk River	763-635-1000
Mr. Paul Oehme	City of Chanhassen	952-227-1100
Ms. Teresa Keller	City of Woodbury	651-714-3593
ARCHITECT CONTACT		
Ms. Pam Anderson	292 Design Group	612-767-3773
Mr. Thomas Moorse	HTG Architects	952-278-8880
Mr. Jerry Hagen	HCM Architects	612-904-1332



Justin Johnson

Chief Estimator

justin.johnson@rjmconstruction.com

952-837-8632

As chief estimator, Justin collaborates with the project team to develop and maintain accurate budgets from the schematic design phase through the final construction documents. In addition to his estimating duties, Justin oversees the estimating department working closely with RJM's full-time estimators, director MEP design and coordination, BIM specialist and scheduler. Early in his career Justin held a position as a project engineer and developed a passion for construction while working in the field completing concrete and soil compaction tests.

With his wide range of experience, Justin ensures the unique project details are understood and incorporated in the project budget. His experience includes providing accurate estimates for various clients and project types including in the healthcare, corporate, educational, community markets. Justin's excellent teamwork and communication skills will be an asset to the project team. He will help guide the project through the pre-construction process for a seamless transition into successful construction delivery.

Selected Experience

PROJECT

Maple Grove Veterans Memorial Park
Maple Grove Central Park
Shoreview Commons Park Expansion*
Andover Public Works*
HERO Center*
Woodbury Public Works
Wright County Tactical Training Center*
Douglas Dayton YMCA at Gaviidae
Eden Prairie Aquatic Center
Shoreview Community Center Expansion
Central Park of Maple Grove
Shakopee Aquatics and Ice Arena
Andover Community Center and Ice Arena
Hopkins Pavilion
Pamela Park

* under construction

CLIENT

City of Maple Grove
City of Maple Grove
City of Shoreview
City of Andover
City of Woodbury and City of Cottage Grove
City of Woodbury
Wright County
YMCA of the Greater Twin Cities
City of Eden Prairie
City of Shoreview
City of Maple Grove
City of Shakopee
City of Andover
City of Hopkins
City of Edina

LOCATION

Maple Grove, MN
Maple Grove, MN
Shoreview, MN
Andover, MN
Cottage Grove, MN
Woodbury, MN
Buffalo, MN
Minneapolis, MN
Eden Prairie, MN
Shoreview, MN
Maple Grove, MN
Shakopee, MN
Andover, MN
Hopkins, MN
Edina, MN

References

CLIENT CONTACT

Mr. Terry Schwerm
Mr. Doug Ducharme
Ms. Teresa Keller

FIRM

City of Shoreview
YMCA of the Greater Twin Cities
City of Woodbury

PHONE

651-490-4611
612-371-8714
651-714-3500

ARCHITECT CONTACT

Mr. Tom Betti
Mr. Todd LaVold
Mr. Jerry Hagen

292 Design
Leo A Daly
HCM Architects

651-767-3773
612-359-4656
612-904-1332

Education

Bachelor of Science Degree
Construction Management
University of Minnesota

Awards

Minnesota Subcontractors
Association Construction
Professional of the Year 2018





Jed Field, PE, CHC

Director MEP Design and Coordination

jed.field@rjmconstruction.com

952-820-8723

Jed brings extensive experience in facility design, construction, and operations. His 19 years of experience includes hospital campus master planning, ground-up construction projects, infrastructure upgrades, and energy optimization. Having worked on both the owner and contractor sides of the table, Jed brings knowledge in facility design, code compliance, construction and operations. He also has broad Lean Kaizen design experience, helping to meet client goals for both functionality and innovation.

As RJM's director of mechanical electrical and plumbing design and coordination, Jed will provide MEP expertise from design through occupancy and optimized facility operations. Jed has a reputation for understanding the client's goals, digging into details and using a collaborative approach to achieve project objectives. He has dedicated his career to expertise in facility infrastructure and systems, optimizing occupant comfort, code compliance, energy efficiency, and total cost of ownership.

Relevant Experience

PROJECT

HERO Center*

Woodbury Public Works

Wright County Tactical Training Center**

Andover Public Works*

Andover Community Center and Ice Arena

Shoreview Community Center Expansion

University of Minnesota CSC 3rd MRI

Methodist Hospital Ortho OR Addition/Remodel

St. Joseph's Hospital ED and Imaging Addition +

St. John's Hospital Infrastructure Upgrades*

Methodist Hospital Frauenschuh Cancer Center

CLIENT

City of Woodbury and City of Cottage Grove

City of Woodbury

Wright County

City of Andover

City of Andover

City of Shoreview

University of Minnesota

Park Nicollet Health Services

HealthEast Care System

HealthEast Care System

Park Nicollet Health Services

LOCATION

Cottage Grove, MN

Woodbury, MN

Buffalo, MN

Andover, MN

Andover, MN

Shoreview, MN

Minneapolis, MN

St. Louis Park, MN

St. Paul, MN

Maplewood, MN

St. Louis Park, MN

* Under construction

** Awarded

+ completed under previous employment

References

CLIENT CONTACT

Ms. Lizz Narum

Ms. Julee Taylor

Ms. Laura Keithahn

FIRM

U Construction

University of Minnesota

HealthEast Care System

PHONE

612-290-6958

612-626-7077

651-983-1657

ARCHITECT CONTACT

Ms. Stephanie Berg

Mr. Brad Krump

Ms. Stacey Demmer

HGA Architects

BWBR

LHB Architects

612-758-4405

651-222-3701

612-766-2815

Education

Bachelor of Science

Mechanical Engineering

University of St. Thomas

Certifications & Memberships

Certified Healthcare Constructor, (CHC)
American Hospital Association

ASHE (American Society of Healthcare
Engineers)

(PE) Professional Engineer MN



Support Team



Jake Fisher, Virtual Design Lead

As the virtual design lead, Jake will lead Building Information Modeling (BIM) execution, clash detection, visualization and construction sequencing for projects utilizing Autodesk software. He will provide technical expertise to the pre-construction team, providing value in systems analysis and constructability reviews, enabling the team to make more informed decisions regarding the design, systems, efficiency and quality of a project. Jake has been in the construction industry for 10 years, and in his current role at RJM for the last two years.



Thomas Hussong, Scheduler

As project scheduler, Thomas is responsible for preparing and issuing master schedules, analyzing those schedules and subsequently producing variance reports. He will collaborate with the project team keeping the schedule updated throughout the entire life cycle of the project, and will review all contracts for specific scheduling needs and profile critical timelines. Trained in Lean construction principles, Thomas will initiate, facilitate and execute Lean methods to all projects. Thomas has been in the construction industry for 18 years, the last four at RJM.



John Boben, Vice President, Safety and Quality Control

As safety director John provides leadership and oversight regarding the safety and quality aspects of all projects. He is responsible for analyzing the proposed project safety plan and guides the team in continual improvement and ensures RJM employees and subcontractors follow safety program protocols. In addition to project-specific responsibilities, John monitors training processes and continuing education programs for the team, and also chairs the safety committee. An industry veteran, John has been with RJM Construction for 25 years.



Stacy Arnold, Safety Manager

As safety manager, Stacy plays an active role on job sites ensuring safety programs are in place and observed while partnering with the project team helping to identify risks and train teams on safe behaviors. With her hands-on experience combined with her keen attention to detail and communication skills, she ensures that safety is held to the highest standard to ensure project success and client satisfaction. Stacy has been in the industry for 15 years, the last five of which have been with RJM.



Mike Johnson, Quality Control Director

As quality control director, Mike is responsible for providing insight and guidance to project teams ensuring that the RJM Construction quality control procedures are in place and all tasks are implemented and carried out. He makes certain that projects are in compliance and processes are upheld through every phase, from start up to closeout. His proven leadership, superior work ethic and detailed execution ensures that quality is at the forefront of every project. Mike has been a part of the RJM team for 17 years.



**MAKE EVERY
INTERACTION
ENJOYABLE**

5. B. Project Schedule

RJM's recommendation is that the City of Wayzata work with the architect to separate the project into two bid categories: (1) civil, utility, road construction; and (2) pavilion, restroom building, and plaza. As construction manager, RJM will manage each bid category with separate project superintendents. With our proposed schedule, we can complete the street and utility portion of the project in April-August 2020, and the restroom building, pavilion, plaza, and splash pad in April-August 2021.

Our rationale for separating the projects involves ensuring proper contractor coverage, and that the appropriate contractors are looking at each project. Additionally, the proposed duration based on the assumed project value leads us to believe the schedule is unattainable. Based on our experience, we recommend that this project extends over two summer periods to ensure quality and an overall positive experience for the City of Wayzata and the community.

5. C. Communications Plan

RJM will coordinate all project communications including scheduling, attending, participating in, and recording regular meetings. By leading this process, we are able to better monitor the advancement of the project, considering important construction milestone dates. Meeting minutes will be distributed to the project team within 48 hours, with team assignments clearly outlined.

RJM's project manager and project executive will begin conducting Owner/ Architect/Construction Manager meetings approximately 4—6 weeks before the start of on-site construction activities. These meetings will be held on-site, on a weekly basis. The objective of this meeting is to provide and receive communication on safety, schedules, contract documents, quality control, submittals, requests for information, and challenge resolution. Meeting minutes are published.

Viewpoint CS is a fully-integrated construction management software system utilized by RJM. This software allows the team to track all project correspondence in one central database, from meeting minutes to purchase orders to final billings. A wide variety of reports can be generated by Viewpoint during all phases of the project, keeping the team on track.



RJM looked out for the city's best interest at every stage and helped us to resolve any challenges that occurred. We now have a beautiful facility the entire community can enjoy.

—City of Hopkins



HOPKINS PAVILION

RJM will also set up a password-protected website specifically tailored to your project, allowing 24/7 access to plans, meeting minutes, and progress photos.

Providing communication to the surrounding community is crucial to the overall success of the project. We recommend a series of project open houses inviting the community so they can better understand the schedule and phasing of the project and discuss any concerns. The initial open house will take place four months prior to commencement of on-site activities. The second open house will take place about a month into construction to address any concerns at that stage. The third and final open house will take place approximately 50-60% into the construction project. The intent of the open house is to communicate the plan and schedule and make sure the community understands they are being heard.

5. D. Fees and General Conditions, Bonds, Insurance, and Indemnity

Please see *Exhibits* for Fees and General Conditions

Bond Rates

Not required for CMA; applies to prime contracts only.

Insurance and Indemnity

RJM Construction acknowledges our understanding and agreement with the liability insurance and indemnity requirements as stated in the RFP.

Please see sample insurance certificate in *Exhibits*.

RJM will bring its construction management expertise to the City of Wayzata. Since 2007 we have worked on similar projects with over 25 municipalities on CMA and CMar projects, most of whom hire RJM on a repeat basis.



**SERVE THE
COMMUNITY**

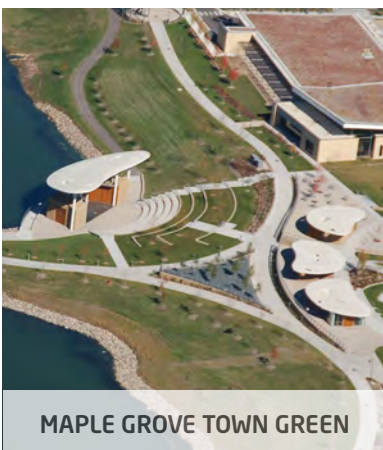
Community Projects

CMr

CMA

City of Andover Public Works		X
City of Andover YMCA/Community Center		X
City of Blaine City Hall Improvements*	X	
City of Chaska Community Center Aquatics		X
City of Chaska Lodge Addition		X
City of Chaska Wellness Center		X
City of Coon Rapids Ice Arena		X
City of Cottage Grove & City of Woodbury HERO Center+	X	
City of Eden Prairie Aquatic Center	X	
City of Eden Prairie Community Center & Ice Arena	X	
City of Edina Braemar Golf Dome		X
City of Edina Braemar Sports Dome		X
City of Edina Pamela Park		X
City of Elk River Community Center / YMCA	X	
City of Elk River Public Works	X	
City of Fairmont Community Center	X	
City of Hopkins Pavilion Ice Arena	X	
City of Inver Grove Heights Community Center		X
City of Maple Grove Central Park	X	
City of Maple Grove Community Center & Ice Arena	X	
City of Maple Grove Gymnasium	X	
City of Maple Grove Sports Dome	X	
City of Maple Grove Town Green Bandshell	X	
City of Medina Public Works & Police Station	X	
City of Plymouth Ice Center		X
City of Plymouth - Plymouth Creek	X	
City of Red Wing Ice Arena		X
City of Rogers Ice Arena	X	
City of Rogers Police Station	X	
City of St. Louis Park Recreation Outdoor Center & Ice Arena		X
City of St. Louis Park Westwood Hills Nature Center		X
City of Shakopee Community Center / Ice Arena	X	
City of Shoreview Community Center Expansion	X	
City of Woodbury Council Chambers	X	
City of Woodbury Public Works	X	
City of Worthington Community Center / YMCA		X
Wright County Tactical Training Center*		X
*Awarded + Under construction		

The RJM team has the experience and qualifications to make the Wayzata Lake Street project a success for the entire community.



E. 1) Company Projects

Hopkins Pavilion

See full summary on the following pages.

Maple Grove Fernbrook Fields

See full summary on the following pages.

Shakopee Downtown Improvements Project

The City of Shakopee invested in a downtown improvement project intended to enhance the visibility and vitality of its historic downtown and improve its public spaces to increase a sense of place for the heart of the community.

River City Plaza A new entry feature at the end of the Highway 101 bridge including landscaping, signage, and public art. Creates a visual link to First Avenue.

Gateway Plaza An entry gateway at the First Avenue east intersection with Highway 101 including landscaping on both sides of First Avenue and in the median, as well as specialty pavement, outdoor sculpture, and crosswalks to Huber Park.

Lewis Street Parking Lot Reconstruction of the parking lot including new sidewalks, installation of pavers and colored concrete on Lewis Street, concrete curbing, power modules, lighting, a rain garden median, and silva cells for trees that will support tree growth and help in surface water management.

E. 2) Team Projects

Shoreview Commons Park Expansion

Andy Dembroski, project manager.

Phased project for existing client, the City of Shoreview. Currently under construction, wrapping up spring 2020. Project includes parking lot modifications, a pond, skate park, gardens, pickleball, and trails.

United Health Group Eden Prairie

Andy Dembroski, project manager.

Expanded parking and entrance drive, stormwater management improvements, and new walking trails.

Children's Learning Adventure

Andy Dembroski, project manager. See full summary on the following pages.

Hopkins Pavilion

LOCATION	Hopkins, MN
MARKET SECTOR	Community
SQUARE FEET	50,000
PROJECT TYPE	Sports and Recreation
ARCHITECT	292 Design

The City of Hopkins hired RJM Construction as Construction Manager at Risk to oversee their Pavilion expansion plan.

The project added 7,600 square feet to the warming house, a new refrigeration plant, new roof, upgraded electronic sensing, expanded parking area, and modern finishes. The Pavilion is used year-round, offering space for a multitude of sports activities and other events.



Maple Grove Fernbrook Fields Athletic Complex

LOCATION	Maple Grove, MN
MARKET SECTOR	Community
SQUARE FEET	19 ACRE SITE
PROJECT TYPE	Sports and Recreation
ARCHITECT	Stantec

The City of Maple Grove selected RJM Construction to transform a 19-acre site into a four new outdoor sports fields.

A unique feature is the FieldTurf CoolPlay, a material that reduces the surface temperature by 20 degrees. Fernbrook Fields is the first to utilize this type of turf in the Midwest. The site also included a snack bar and restroom building, pavilion, storage, playground, a new parking lot with 245 stalls, mechanical room, and outdoor seating space. With an early winter and wet spring, these conditions presented a challenge to dry out the field in order to lay down the FieldTurf. With detailed coordination and pull-planning, the team condensed the field schedule for efficiency.



Children’s Learning Adventure

LOCATION	Minneapolis, MN
MARKET SECTOR	Community
SQUARE FEET	33,000
PROJECT TYPE	Education
ARCHITECT	Casco

Based in Arizona, Children’s Learning Adventure hired RJM Construction to build a unique child care center.

Children’s Learning Adventure facilities are specialized learning environments with amenities including a dance studio, music room, bowling lane and a variety of indoor and outdoor play spaces. The outdoor areas are built for all ages and include various state-of-the art sensory learning components, and sports-specific fields.

Unforeseen conditions created unique project challenges in which the team needed to collectively come up with economical and practical solutions. Proactive communication and scheduling was critical for flawless installation of the unique fixtures and finishes throughout the project. The project was delivered as promised in time for the grand opening celebration, which brought the largest crowd Children’s Learning Adventure has seen to date.





5. F. Self Performance

In order to ensure we are looking out for the City of Wayzata's best interest, RJM does not intend to bid or act as a constructor for any of the work.

5. G. Project Risk

1. Separate Projects

We recommend that the City of Wayzata instruct the architect to issue the documents in two separate bid packages. This will ensure we have adequate coverage from contractors with the expertise to deliver the project. RJM is proposing two separate on-site supervisors to manage the work. In order to ensure a quality project, we are recommending that the projects take place over two summers from 2020 to 2021.

2. Market Perception

The project already went to market once; ideally, every project should go out to the market one time. The current perception in the market is that this is a \$12 million project, and it will involve work to change that perception. Small design changes or project name may be beneficial to help avoid market perception and help drive down bid numbers. The project will now be bidding in the first part of 2020, which is optimum bid time in terms of contractor coverage and price, so that may help offset the market perception of the overall value of the project. RJM bid the Hopkins Pavilion project at the beginning of 2018 and received over 100 bids and the Andover Public Works at the beginning of 2019 with 172 bids, so by bidding the Wayzata Lake Effect project early in 2020, the team to expect a high number of bidders.

3. Budget Alignment

Within the overall process the team needs to allow time for value engineering. The project came in significantly over budget and cost reduction is likely necessary. RJM will work with the entire team to focus on cost reduction with minimal impact to the actual programming and original design intent. Through a similar process RJM helped save over \$7 million on the Minnesota Wild practice facility, over \$5 million on Elk River's new multi sheet ice arena, and over \$4 million on the new downtown Douglas Dayton YMCA at Gaviidae in Minneapolis.

4. Schedule Recovery

The original intention was to start the project in the fall of 2019, with completion by James J. Hill Days in September 2020. The time frame to complete construction has now been significantly reduced and it will be challenging to arrive at completion by September 1, 2020. The team may need to prioritize areas of importance and focus a phased turnover.

Our recommendation for the Wayzata project is to complete the water main replacement and street improvements in the summer of 2020, and pavilion, restroom building, and plaza improvements in the summer of 2021.

Similar Challenges RJM has experience successfully working through similar challenges, most notably on the Minnesota Wild practice facility in St. Paul. The Port Authority changed the original general contractor and hired RJM Construction to recover the project schedule. We provided a phased turnover to ensure the ice was available to the Wild when the season started, and the players were able to use existing locker rooms in the interim while the new lockers were finished.



As a CHASE partner, RJM has been publically recognized for enforcing the importance of providing a safe, healthful work environment.

5. Site Logistics and Public Safety

Projects constructed around the occupied public areas can be challenging in terms of safety, traffic flow, and the operations of affected businesses. RJM will communicate with all parties concerned to ensure expectations are set. For example, RJM communicated with adjacent property owners on a recent school expansion for Hmong College Prep Academy (St. Paul) to ensure every neighbor understood the individual impact construction would have on their property.

Safety is our number one concern and this project will benefit from a project-specific safety plan. The traffic control plan will be submitted to city staff for review and approval, and "look ahead" plans will be submitted to the city engineer 48 hours before work commences. At the end of each day we will restore driveway access to residents. All-day time closure notifications will be communicated in advance, along with any city event coordination or accommodation as required.

6. Railroad Crossing and Coordination

Working over and around active railroad tracks presents a challenge that must be addressed in advance. RJM has coordinated with numerous rail lines on multiple projects with United Properties (Ford Center) and R&D Systems (Hematology Expansion) to name a few. Every rail line has a different requirement regarding how construction is performed around and over their property. We will utilize our experience to safely coordinate our work around this project crossing.

Exhibits

Fees and General Conditions
Insurance
Schedule



City of Wayzata Lake Street and Lake Street Plaza
RJM Construction - Construction Manager Fee Proposal
October 2, 2019

Preconstruction & Bidding Phase

6 Months

Description	Quantity	Unit	Unit Cost	Total
Project Executive	65	HRS	\$ 159.40	\$ 10,361
Project Manager	150	HRS	\$ 117.40	\$ 17,551
Estimator	260	HRS	\$ 117.40	\$ 30,524
Project Scheduler	52	HRS	\$ 97.40	\$ 5,065
BIM Specialist	46	HRS	\$ 97.40	\$ 4,432
Document Quality Control Team	16	HRS	\$ 56.40	\$ 880
Subtotal Preconstruction & Bidding				\$ 68,813

Monthly Project General Conditions

1 Months

Description	Quantity	Unit	Unit Cost	Total
Project Executive	10	HRS	\$ 159.40	\$ 1,656
Project Manager	104	HRS	\$ 117.40	\$ 12,200
Project Engineer	104	HRS	\$ 85.40	\$ 8,875
General Superintendent	9	HRS	\$ 122.90	\$ 1,064
Superintendent	173	HRS	\$ 114.90	\$ 19,901
Project Scheduler	6	HRS	\$ 97.40	\$ 633
QAQC Director	6	HRS	\$ 122.90	\$ 798
Safety Director	16	HRS	\$ 122.90	\$ 1,942
Risk Manager	6	HRS	\$ 159.40	\$ 939
Project Assistant	13	HRS	\$ 56.40	\$ 733
Trucking/Deliveries	9	HRS	\$ 80.90	\$ 701
Truck	219	HRS	\$ 4.50	\$ 987
Fuel	4	WK	\$ 95.00	\$ 411
Electronic Documentation	4	WK	\$ 65.00	\$ 281
Cell Phone	4	WK	\$ 20.00	\$ 87
Blue Prints	1	MO	\$ 250.00	\$ 250
Postage & Delivery	1	MO	\$ 125.00	\$ 125
Temporary Toilets	1	MO	\$ 425.00	\$ 425
Site Trailer	1	MO	\$ 975.00	\$ 975
Monthly General Conditions				\$ 52,983

General Liability Insurance

General Liability Insurance	\$10.00	Per	\$1,000
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Builder's Risk Insurance

Builder's Risk Insurance	\$2.50	Per	\$1,000
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Payment/Performance Bond (1-Year Warranty)

Payment/Performance Bond - NOT REQUIRED for Cma	\$0.00	Per	\$1,000
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Construction Manager Fee

Proposed Construction Manager Fee	1	LS	2.95%
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* The staffing and hours outlined above are an estimate of anticipated services for the noted duration. Once an agreed upon schedule as been finalized, the hours may adjust up or down accordingly.

* The reimbursable expenses above are based on 1 month. Our initial assumptions based on the information provided is a 10 month overall construction schedule.



CERTIFICATE OF LIABILITY INSURANCE

Page 1 of 1

DATE (MM/DD/YYYY)
12/19/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis of Minnesota, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: PHONE (A/C, No, Ext): 1-877-945-7378 FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: certificates@willis.com																					
INSURED RJM Construction, LLC 830 Boone Avenue N Golden Valley, MN 55427	<table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>Zurich American Insurance Company</td><td>16535</td></tr><tr><td>INSURER B:</td><td>Starr Indemnity & Liability Company</td><td>38318</td></tr><tr><td>INSURER C:</td><td>American Guarantee and Liability Insurance</td><td>26247</td></tr><tr><td>INSURER D:</td><td>Steadfast Insurance Company</td><td>26387</td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Zurich American Insurance Company	16535	INSURER B:	Starr Indemnity & Liability Company	38318	INSURER C:	American Guarantee and Liability Insurance	26247	INSURER D:	Steadfast Insurance Company	26387	INSURER E:			INSURER F:		
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COVERAGES**CERTIFICATE NUMBER:** W9495656**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	☐ POLICY ☒ PRO-JECT ☐ LOC						GENERAL AGGREGATE \$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☒ ANY AUTO						BODILY INJURY (Per person) \$
	☐ OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
	☒ HIRED AUTOS ONLY ☒ SCHEDULED AUTOS NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
B	UMBRELLA LIAB						EACH OCCURRENCE \$ 5,000,000
	☒ EXCESS LIAB						AGGREGATE \$ 5,000,000
	☐ CLAIMS-MADE						\$
	DED RETENTION \$						\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E L EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	No	N/A				E L DISEASE - EA EMPLOYEE \$ 1,000,000
							E L DISEASE - POLICY LIMIT \$ 1,000,000
D	Contractors Pollution & Professional Liability						Each Claim \$5,000,000
							Aggregate \$5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured is included as an Additional Insured as respects to General Liability and Auto Liability as required by written contract. General Liability policy shall be Primary and Non-contributory with any other insurance in force for or which may be purchased by Additional Insured as required by written contract or agreement. Waiver of Subrogation applies in favor of Additional Insured with respects to General Liability, Auto Liability and Workers Compensation as required by written contract and as permitted by law.

CERTIFICATE HOLDER**CANCELLATION**

SAMPLE

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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