

**WAYZATA SPECIAL CITY COUNCIL
MEETING MINUTES
NOVEMBER 2, 2023**

AGENDA ITEM 1. Call to Order.

Mayor Mouton called the special meeting to order at 5:00 p.m.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members present: Mouton, Iverson, MacDonald, Plechash, and Parkhill. Also present: City Manager Dahl, Public Works Director/City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 4. New Business.

a. Consider Approval of Amendments to Panoway Dock Design

Mr. Dahl explained that the Panoway Dock design that the Council had previously approved required approval of a variance by the Lake Minnetonka Conservation District (LMCD) which did not happen and noted that they had voted to deny the request. He stated that this decision resulted in some redesigning of the options. He explained that Scott Jordan with Civitas was present tonight, via video conferencing, to present the options for Council consideration.

Scott Jordan, Civitas, reviewed the proposed design changes due to the decision by the LMCD not to approve the requested variance. He noted that they worked to align the design with the LMCD feedback and noted that they had also worked closely with the Dock Working Group. He reviewed the previously approved dock design compared to the new revised proposal for the design.

Ms. Iverson asked about the Depot Dock design for the commercial loading zone areas. She asked if this area would be labeled as commercial loading only. She asked what they would do if there is a private boat in that location but the commercial boats need to load there. Mr. Jordan explained that one advantage to it being a permanent loading zone is that the expectation is that all the operators will know that it will be a 15 minute loading zone. He noted that what they may have to do during adverse weather conditions is work with the dock attendants to manage the facility and explained that he thinks it may only be an issue during those types of wind or weather conditions.

Mayor Mouton asked Public Works Director/City Engineer Kelly about the existing docks for the commercial loading areas and asked him to outline the plans for the new docks. She asked if there would be signage to designate them for commercial use as just a loading zone. Mr. Kelly explained that the intent was not for the eastern most loading zone to be signed as 'commercial' for loading and unloading. He explained that the main charter boat dock has been intended to always be the wooden dock to the west. He noted that if multiple charter boats arrive at the facility, they wanted to be able to provide the opportunity on the easternmost side, mostly for the Minnehaha, which they are hoping comes back, because they have the hardest time maneuvering. He noted that by widening the area between the permanent dock and the new floating dock, the charter boat operations

1 felt the additional width would be beneficial and would allow them to use the permanent
2 dock more often.

3 Ms. Iverson stated that this brings up some concerns for her regarding how this will
4 be policed or managed. She stated that she understands the intent of what has been
5 explained, but remains concerned that people may park their boats and there would be no
6 guarantee that it will be just for a short period of time.

7 Mr. Kelly noted that they currently have Dock Masters on Thursday evenings,
8 Friday evenings, as well as Saturdays and Sundays, so if this design is approved, their
9 duties will also include managing the use of the loading zones.

10 Ms. Iverson asked if the City had already budgeted for the staff necessary to do this
11 work. Mr. Kelly confirmed that they are currently planning for the same set up that has
12 been used in the past with two people at each facility.

13 Mr. Plechash stated that the docks were designed for different sizes of boats to
14 utilize certain areas and asked if those places would be signed in a way that makes it clear
15 that those areas can only accommodate a certain size of boat or would the expectation be
16 that boat owners will just know which spots they can and cannot use. Mr. Kelly stated that
17 he did not believe the plan was to use signage at first and see how they operate. He
18 reiterated that there will be attendants there to assist in directing the appropriately sized
19 boats to the correct slips. He noted that if they find they need to put in signage they can,
20 but he does not feel it will be needed.

21 Mr. Plechash asked if there was a nautical equivalent to 'for compact cars only'.
22 Mr. Kelly stated that there was not a nautical equivalent.

23 Mr. Dahl noted that one thing that will be different is that they are planning on
24 having the slips be 'pay to park' with some type of code or software which will help
25 reinforce which sizes can fit into the slips.

26 Ms. MacDonald referenced the Broadway Docks and asked if the Dock Working
27 Group had any comments about the proposed parallel parking slips. Mr. Kelly stated that
28 they did give feedback and reviewed some of the discussion points. He referenced areas
29 within the design that will not be designated as official slips, but noted that there was
30 general acknowledgement that, on busy days, they would be used that way.

31 Mr. Jordan noted that this chart depicting total boat spots did include the parallel
32 spots and explained that this idea came out of the Dock Working Group discussions.

33 Ms. MacDonald asked how many slips were currently located at the Broadway
34 Docks. Mr. Kelly stated that the current total amount of licensed boat slips is 153 and the
35 current goal is to match that same amount.

36 Mr. Jordan explained that this would be an overall increase of 4 additional slips
37 between the two docks.

38 Ms. MacDonald stated that if the Dock Working Group was comfortable with the
39 parallel parking situation she can support it, but noted that she was a bit wary that people
40 will actually be able to pull it off.

41 Mayor Mouton noted that she was assuming that the slips between the shoreline
42 and the dock that the size of boats that can have access may be dependent on the year and
43 the water levels. Mr. Kelly explained that the way the current configuration had the dock
44 a few additional feet away from the shoreline and noted the renderings that showed the 3
45 feet line depicted in the drawings. He noted the larger boats, in a low water condition,
46 would not use this area under those conditions out of an abundance of caution.

1 Mayor Mouton asked about the distance between the boat slips and the 3 foot area.
2 Mr. Jordan stated that area was about 26 feet but noted that he wanted to point out that 3
3 feet of water is appropriate for a boat up to 45 feet in length and these slips are intended
4 for boats that are 32 feet and shorter. He explained that this means they would have less
5 of a draw on the water and would be able to navigate more easily, even if there are low
6 water conditions

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8 Mayor Mouton asked for a motion. Mr. Plechash made a motion, seconded by Ms.
9 MacDonald, to Approve the Amended Design for the Panoway Docks, as presented.

10
11 Ms. Iverson stated that she wanted to go on the record that she was quite disappointed that
12 the City has gone through this entire process and spent a lot of money to have only gained
13 one boat slip. She stated that she was also not pleased with the decision to cut the other
14 one up into pieces and put it on the shore and built a new one in its place.

15 Mayor Mouton noted that this will provide 4 additional boat slips and will provide
16 a dock that is aesthetically aligned with the boardwalk and provide some additional
17 functional usage. She noted that she understands Councilmember Iverson's concerns
18 regarding the costs, but would like to make sure that there is totality in their consideration
19 for why they have done what they have in this situation.

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21 The motion carried 5/0.

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23 **b. Consider Authorizing Staff to Approve Change Order Request for Value**
24 **Engineering Option for Panoway Docks**

25 Mr. Dahl introduced Bob Jansen, Construction Executive with Kraus Anderson and Jessie
26 Houlihan from Onyx and explained that they would give a brief presentation on the value
27 engineering discussion that the Council needs to have regarding the docks. He reminded
28 the Council that the ultimate goal is for this project to come in on budget and be completed
29 no later than Memorial weekend.

30 Ms. Houlihan explained that tonight's discussion was essentially the last round of
31 value engineering that will be necessary for this project and reminded them of their
32 previous discussions and decisions.

33 Mr. Jansen reviewed the aesthetic, availability and durability of Kebony materials
34 as compared to non-skid aluminum materials. He noted that another option they considered
35 was to omit the Depot Docks and add it back in as a future CIP project. He reviewed the
36 cost and schedule impacts of each option as well as pros and cons for each choice.

37 Ms. MacDonald asked if there was a way they could show the Council the
38 Lakewalk and the docks so they could see what these materials would actually look like.
39 She stated that she would like to know if she was on the Lakewalk if the docks will be able
40 to be seen. Ms. Houlihan confirmed that they would be able to be seen.

41 Ms. MacDonald asked if the option of eliminating the Depot Docks meant that they
42 could not utilize what is already there. Mr. Dahl clarified that for the Depot Dock they did
43 not remove any docks and were not planning to. He noted that there were the interim
44 fiberglass docks that they have been putting out for the last few years. He stated that the
45 wooden docks would remain in place and believes that they could perhaps continue use the
46 interim docks if they chose not to build new docks.

1 Mr. Kelly displayed a rendering of the Lakewalk area but noted that they only had
2 one that included the previously approved dock layout and not the one the Council had just
3 approved. He explained that this drawing still shows the configuration of the boardwalk
4 as it relates to the boat slip areas.

5 Mayor Mouton asked if there would be some custom powder coating available for
6 the non-skid aluminum surface. Mr. Jansen noted that there was no custom powder coating
7 available. He noted that they may be able to look at paint options, but right now it is limited
8 to just the two color choices.

9 Mayor Mouton asked if those limitations were due to the vendor that was selected
10 or if that was standard for all aluminum decking materials. She stated that it feels very
11 limited to her considering the technology advances in other areas with regard to building
12 materials. Mr. Dahl reiterated that it could be painted, which would involve additional
13 cost, and would likely not be as durable.

14 Mr. Jansen stated that the indication was that they could not do any custom powder
15 coating for this sized project.

16 Mayor Mouton noted that she found the possible scheduling impacts to be
17 concerning because they have been talking about Kebony for a long period of time, since
18 the original approval. She asked about the procurement process and why they would be
19 concerned about schedule impacts at this point. She asked why they had not ordered the
20 materials 3 or 4 months ago in order to alleviate the concerns for the scheduling impacts.
21 She asked for more specifics on what was meant when they talked about a schedule impact.

22 Mr. Kelly explained that he does not know why the material was not purchased
23 earlier because that is the dock contractor's responsibility.

24 Mayor Mouton asked for that contractor's name and when they were supposed to
25 order those materials. Mr. Kelly stated that the company is J.F. Brennan. He stated that
26 the City had approved the contract back in June but did not have a specified date for them
27 to order materials. He stated that there is a completion date included in the contract but it
28 would be up to them to ensure that they procured the materials in a timely fashion in order
29 to complete the project per those specifications. He noted that he did not believe that, to
30 date, they have ordered the materials. He explained that as to how the schedule may be
31 impacted will depend on the lead times mentioned by Mr. Jansen. He explained the original
32 plan for J.F. Brennan was to install the materials in the winter and noted that if there are
33 potential delays that may also lead to possible DNR restrictions in the spring.

34 Mayor Mouton asked if the Kebony material had already been ordered for the
35 boardwalk. Mr. Jansen stated that it had been ordered and was set to arrive within the next
36 few weeks. He explained that the Kebony dock materials come as a system, so with the
37 changes that became necessary to the design because of the LMCD, they could not order
38 the materials until there was an approved design and layout.

39 Mayor Mouton asked if they had moved ahead with their original design before
40 they put together the Dock Working Group, if it essentially meant that they would have a
41 everything situated in order to have a dock, which means that they are now talking about
42 significant changes and expenses, but also having to consider changing their entire design
43 and mission and aesthetic of this project because they decided to continue to explore and
44 evaluate options.

1 Mr. Dahl clarified that the preferred design that was completed early this year was
2 the design that the Dock Working Group had provided feedback on and recommended to
3 the Council.

4 Ms. Houlihan explained that the LMCD process is what threw a wrench into the
5 plans.

6 Mayor Mouton stated that she understood that but stated that she felt this came
7 about following those recommendations.

8 Ms. Houlihan explained that if the LMCD would have approved the design, J.F.
9 Brennan should have ordered the materials already.

10 Mr. Jansen stated that if everything had been procured, there would be sections of
11 dock that would not be able to be utilized and applicable to the current design.

12 Mayor Mouton reiterated that they would have had the dock as it was initially
13 designed. She stated that if the Council decides that aluminum is not an option and the
14 Kebony materials were ordered tomorrow, she would like to know when the City would
15 see their dock in the water. She explained that she feels the Council needs to have that
16 estimate because this is important information. Mr. Jansen stated that they are working
17 through everything and reiterated that he would expect everything to be here by the spring,
18 but reiterated that they may run into issues with the DNR because they cannot intrude into
19 the lake bed between April and July 1st, which means the worst case scenario would be
20 installing the docks in July.

21 Mayor Mouton noted that meant that the boardwalk would be completed, but the
22 docks would potentially not be in place until July. Mr. Jansen clarified that the worst case
23 scenario would be starting installation of the docks in July.

24 Mayor Mouton asked if the City could put the temporary docks in place during that
25 time period. She explained that she was trying to find a solution that could make lemonade
26 out of lemons. Mr. Kelly explained that they would have to look into that idea a bit because
27 currently the floating docks are attached to the wooden docks and there may be some
28 challenges with that configuration, but believes that it could be done for the Depot Docks.

29 Ms. MacDonald asked how the City usually gets their floating docks in if there are
30 restrictions from the DNR. Mr. Kelly explained that currently the floating docks are
31 supported at each location by about six, four inch posts. He noted that the piling that will
32 be associated with these docks are posts that are 12 inches in diameter which will have a
33 much different impact on the lake bed. He explained that there is virtually no disruption
34 to the lake bed with the current floating docks and how they are installed. He noted that
35 they are installing a permanent floating system and the docks will be in place throughout
36 the winter months and will be protected from the ice.

37 Mayor Mouton asked if the work that disrupts the lake bed could be put in prior to
38 the DNR restrictions, such as the pilings and posts, even if they do not have the Kebony
39 yet. Mr. Kelly noted that the process being proposed by the contractor was to create the
40 frames with the Kebony, including the openings that allow for the pilings, place them out
41 on the ice and drive the piling through the dock into the lake bed. He stated that they would
42 use the dock itself as their template for where to place the piles so theoretically they could
43 place the piles ahead of time, but then sliding the dock into position when the time comes
44 may not fit as planned. He reiterated that their intent is to use the dock framework as their
45 template.

1 Ms. Iverson asked if they were saying that the date for installation, if everything
2 goes smoothly, is July 1st. Ms. Houlihan stated that she believes what they are saying is
3 that if everything goes 'poorly' the latest installation date would be July 1st. She explained
4 that they would still try to get the installation done, as planned, before the DNR restrictions.

5 Ms. Iverson asked if the issue with the Kebony was a supply chain issue or if it was
6 production times. Mr. Jansen explained that with the Kebony, right now it is a supply chain
7 concern with how long it may take to get the product.

8 Ms. Iverson asked what lead time was needed for Kebony. Mr. Jansen explained
9 that they have been told that it is about 4 months. He noted that they have started looking
10 at different suppliers and other possible options as well.

11 Ms. Iverson stated that this concerns her because these kinds of things change all
12 of the time. She noted that there was something that she was not aware of that is depicted
13 on page 15 of the packet where it talks about potential warping of the composite lumber.
14 Mr. Jansen explained that was referring to a different option that they had considered with
15 composite planks and was not being recommended for consideration.

16 Ms. Iverson reiterated her concern with the potential lead time issues. Ms.
17 Houlihan noted that was why Mr. Jansen had also brought to the attention of the Council
18 the potential lead time issues when maintenance may be necessary.

19 Mayor Mouton asked if Public Works Director/City Engineer Kelly had spoken
20 with any of his peers around the country where they are maintaining a deck or dock with
21 these materials. Mr. Kelly stated that he had not personally spoken with anyone but noted
22 that Mr. Jordan, from the previous agenda item had worked on several projects where
23 Kebony has been in place for 8-10 years but was unsure if they were in the same situation
24 as this project will be in relation to the water. He stated that from what he has seen this
25 material appears to age very well and they like the idea that it would match the boardwalk.
26 He stated that he understands the concerns being expressed about possible maintenance
27 issues, but explained that his biggest concern was if something more catastrophic were to
28 happen if that meant they would have to close them for a longer period of time in order to
29 procure materials. He stated that he believes that is a worst case scenario and that the
30 everyday maintenance of the dock has a warranty of 20 years. He clarified that he was
31 confident in the material.

32 Ms. MacDonald noted that with a 4 month lead time, if the materials were ordered
33 tomorrow, that would put things in early March. She asked if the pieces could be built in
34 their shop and get the pilings done in 8 weeks or less. Mr. Jansen explained that was why
35 they were looking at other possible options for procuring the Kebony because if the lead
36 time really is 4 months it would be tough to have things completed prior to Memorial
37 weekend, as planned. He stated that for the length of time it would take for J.F. Brennan
38 in their shop, he would have to have that conversation with them.

39 Ms. MacDonald noted that it sounds like the answer is that it will not be doable and
40 she would rather hear that decisive answer rather than the 'may not' language that was
41 being used.

42 Ms. Houlihan explained that it was hard to use decisive language because they do
43 not have the facts. She noted that they were also not trying to dissuade or mislead the
44 Council because it may very well be possible.

45 Mr. Jansen stated that he agreed and noted that this issue has come up fairly recently
46 and they hadn't had sufficient time to vet it yet.

1 Ms. MacDonald asked how long it would be before they knew what the actual lead
2 time would be. Mr. Jansen stated that he hopes to have a good handle on it by next week.

3 Mayor Mouton stated that part of her frustration is that they knew what they wanted
4 to build even if they didn't yet have the specific design. She stated that the City was
5 spending a considerable amount of money on this project, and have hired professionals to
6 manage the process on their behalf. She stated that in her mind, considering the magnitude
7 of this project that there should have been some type of material hold on these materials.
8 She stated that for them to not even have these answers at this juncture is very disheartening
9 and as though the ball has been dropped. She noted that she feels that there were some
10 proactive actions that could have been taken. She explained that she doesn't understand
11 why they did not have an answer to the question about how much time would be needed in
12 the shop once the materials arise.

13 Mr. Jansen explained that this was being purchased as a system which is why it was
14 different than the purchase of Kebony for the boardwalk project.

15 Mayor Mouton suggested that the Council move the discussion to the options that
16 have been presented about Kebony versus the anti-skid aluminum.

17 Mr. Parkhill stated that he has been at every single dock meeting which is why he
18 has not had many questions tonight. He stated that the community has expressed a
19 preference for wood which he heard a lot in those meetings. He noted that in some ways
20 he feels the community has placed their trust in the Council to complete this project in a
21 high quality way. He noted that he understands that there would be timeline benefits with
22 going with the aluminum materials, but he views these docks as the 4th gateway into the
23 City, so while it would be very unfortunate if the material was not installed until August,
24 for example, which would mean that additional temporary mitigation would be necessary,
25 he thinks it would be short sighted to go with a product with an inferior aesthetic. He
26 reiterated that he views this as the 4th gateway into the City and this is their opportunity to
27 create a 'wow' effect and not just have a finished product.

28 Ms. Iverson stated that one thing that has not been discussed is the overage if they
29 stick with the Kebony product.

30 Mayor Mouton stated that she was hoping that the Council could determine
31 preference for materials and then talk about those details.

32 Ms. Iverson explained that it was hard for her to separate them because if money
33 was not a factor, she would select Kebony, but she feels she needs to factor cost into her
34 decision, as a representative for the City.

35 Mayor Mouton asked City Manager Dahl what options were being explored if they
36 chose to remain with Kebony as the preferred material. Mr. Dahl explained that with the
37 information they have right now, the overage would be \$200,000 and there is no additional
38 money in the CIP for this project. He noted that he has had some conversations with the
39 Conservancy who has a preference for keeping the Kebony about the possibility of funding
40 the overage and explained that they told him they would fund it, because they felt it was a
41 priority.

42 Ms. Iverson noted that outside of the aesthetics she had written down the cost and
43 the potential lead time as additional concerns, but agreed with the statement made by
44 Councilmember Parkhill that if the City was going to do it, they should do it right. She
45 noted that she wished they already had the money in the bank and noted that she would not
46 run her household with the thought process that they will have the money somewhere down

1 the road. She explained that this was a decision she needs to make for the community and
2 was just not comfortable with this potential expense. She stated that she has seen aluminum
3 used everywhere and feels the white could be a nice aesthetic for a lake and make it feel
4 beachy. She noted that she wished the City had never gotten into this position, but
5 explained that she was not comfortable moving forward with the Kebony material and
6 would recommend they proceed with the aluminum.

7 Mr. Plechash stated that they started this discussion saying that the two primary
8 goals are cost and completion date and the aluminum option would meet both goals and
9 Kebony would not meet either goal. He noted that at the start of this he believes they went
10 into this thinking Kebony fit the aesthetic the City wanted and was the nicer material, but
11 it does not mean that the docks have to be made out of it. He stated that he understands
12 Councilmember Parkhill's point about the aesthetics and the docks being a 4th gateway into
13 the City, however, to him, the Lakewalk itself is that gateway and will have that aesthetic.
14 He noted that the docks are a different thing and stated that one thing that struck him tonight
15 is that it appears as though Kebony may be a little less safe than the aluminum for people
16 that may have wet shoes. He stated that he also feels that separating the Lakewalk and the
17 docks visually may not be a bad thing. He stated that he would also support the aluminum
18 option.

19 Mayor Mouton asked to see the graphic of the boardwalk and the docks.

20 Ms. MacDonald stated that she had a bit of an opposite thought process than
21 Councilmember Plechash and came in thinking aluminum would be fine and was the most
22 economical approach. She explained that after looking at the layout and thinking about the
23 expectations of the community, she was now in support of the Kebony.

24 Mayor Mouton stated that they have been pushing cost and budget since the
25 beginning, but cautioned that she did not think they should forget their primary objective
26 which was to have a 5-star experience from beginning to end. She stated that this means
27 the boardwalk, the docks, the Panoway Plaza, the Section Foreman House and everything
28 because these are the crown jewels of the City, and is a show piece for the region, and
29 perhaps even the State. She stated that because of this, it has to be about more than just
30 cost and completion date. She noted that they also need to consider what their objective
31 was when designing the project and in hiring Civitas, in order to put together a best in class
32 kind of project. She stated that she would much rather have a 3 month delay and have
33 something that at the end of the day they can step back and say that they really delivered.
34 She stated that 20 years down the road nobody will remember that there were bumps in the
35 road with a 3 month delay. She stated that she would rather move forward with the Kebony
36 while they look at the possibility for transient docks in the event that they cannot push and
37 crack the whip in order to get the materials in house and the system built as quickly and
38 efficiently as possible. She stated that she would like to see it done safely but encouraged
39 them to look at where they may be able to shave off time. She stated that she also wanted
40 staff to take a look at the possibility of the need for utilizing the temporary docks and
41 looking to the Conservancy to fund whatever the final price tag is for this piece. She noted
42 that here would be a bill to pay in 6-8 months for this project so they do not have the luxury
43 of fronting the money beyond that time period. She stated that she understands that there
44 will need to be some kind of agreement with the Conservancy and explained that she needs
45 some assurances that this is feasible.

1 Blake Sandvold, Wayzata Conservancy, stated that he agreed with the comments
2 that have been made by Councilmembers Parkhill and MacDonald as well as Mayor
3 Mouton that this is really the crown jewel of the City. He stated that they have talked to
4 thousands of people who view this as a regional asset. He stated that the majestic feel of
5 the wood is incredibly important and that is also the feedback they have gotten from the
6 public. He stated that they had a Board meeting earlier this week and explained that there
7 was really broad based support because this is incredibly important to them and feel it is
8 vital that it be done the right way. He stated that from a fundraising aspect, they have had
9 large successes this year and they want to keep building on that success and honor the
10 people who have donated with the right product when they get to the end of the day. He
11 stated that they are open to looking at putting together a commitment to the City through
12 some sort of agreement but would need to discuss the specifics with their Board. He noted
13 that one of the things that would help them the most with this is if they were able to look
14 at an additional naming opportunity for the docks, similar to what was done with the
15 Lakewalk.

16 Mayor Mouton stated that if they were not able to raise additional money over the
17 next 6 months, she asked if the Conservancy would be able to honor a \$200,000
18 commitment. Mr. Sandvold stated that they would need to raise some additional funds in
19 order the bridge the gap, but assured the Council that they would be working on it.

20 Mayor Mouton stated that the idea of naming and dedication would not be discussed
21 this evening. She stated that she appreciated the idea as well as their candor related to their
22 financial situation. She thanked the Conservancy and Mr. Sandvold for their ongoing
23 willingness to partner with the City. She asked if Councilmembers Iverson and Plechash
24 had any additional thoughts they would like to share.

25 Mr. Plechash stated that he would not fall on his sword over this decision. He stated
26 that they do not have the money and are looking at an extended timeline. He stated that he
27 loves Kebony and feels it is prettier than the aluminum, but to him, the
28 aesthetic/gateway/crown jewel of the lakeshore is the Lakewalk and not necessarily the
29 docks. He explained that he would be okay with going with the aluminum, but he is also
30 okay with the Kebony, because he thinks the end product will be nice however they move
31 forward.

32 Ms. Iverson stated that she agreed with the comments made by Councilmember
33 Plechash. She stated that she has faith and hope that the Conservancy is able to raise the
34 needed funds but noted that she continues to be concerned about project creep and what
35 may be waiting around the corner. She stated that she understands the majority of the
36 Council is in favor of moving forward with the Kebony but explained that she was worried
37 about the other unknown issues that may be popping up.

38 Mayor Mouton stated that when you look at the aerial photos, the docks really
39 bookend this massive project and will be seen from the lake and the boardwalk. She stated
40 that from a flow perspective, she feels the Kebony will have a nicer look and be less
41 disjointed. She commended staff for their caution because they could just go into the
42 contingency for these funds, but they felt it was too early in the process for those actions.
43 She stated that she would like to make a philosophical point that changing the materiality
44 of a project and going with a less expensive alternative is not the same as coming in 'at
45 cost'. She gave the analogy of intending to buy a \$200 cashmere sweater and coming out
46 of the store with a \$200 cotton sweater. She noted that at the end of the day, she would

1 still have a sweater, but it would not be the same quality of material, so it would not be the
2 same as coming in 'at cost'.

3 Mr. Dahl suggested that it may be helpful, for the record, if the Council officially
4 approves the Kebony as the decking material and also direct staff to pursue a Memorandum
5 of Understanding with the Conservancy for the additional funds. He noted that it is staff's
6 expectation that the docks will be completed by Memorial Day, but is glad that the
7 consultants have outlined the worst case scenario.

8 Mr. Parkhill stated that he thought the Kebony material had already been approved
9 for this project.

10 City Attorney Schelzel noted that he was planning to make that point as well, and
11 explained that this action would just be affirming that Kebony was the original plan, and
12 would still be in the plan for the revised design.

13 Mayor Mouton asked if the Council needed to take a vote if it had already been
14 approved.

15 Mr. Schelzel explained that he felt it would be helpful following all the discussion
16 to memorialize it with a vote.

17
18 Mayor Mouton asked for a motion on the application. Mr. Parkhill made a motion,
19 seconded by Ms. MacDonald, to Affirm the use of Kebony materials for the Panoway dock
20 construction, as originally planned.

21
22 Mr. Plechash explained that he would vote against this action, but wanted the record to
23 reflect that the only reason he was voting that way is because they do not have the money.
24 He explained that without that issue, he would be in favor of using this material.

25 Mayor Mouton asked about a situation where there was partial payment from the
26 Conservancy if there may be another fund available in order to bridge the gap on a
27 temporary basis. Mr. Dahl stated that he does believe there are alternatives, but would
28 prefer not to go that direction.

29
30 The motion carried 3/2 (Iverson and Plechash opposed).

31
32 Mayor Mouton asked for a motion. Mr. Plechash made a motion, seconded by Mr. Parkhill.
33 to Direct Staff to work with the Wayzata Conservancy to draft a Memorandum of
34 Understanding for the additional funds that are needed for the Kebony materials for the
35 Panoway docks. The motion carried 5/0.

36
37 Mayor Mouton asked about the Depot Docks and if the Council was in favor of their
38 removal from the overall plans.

39 Ms. MacDonald stated that she would like them to stay in the plans.

40 Mr. Plechash stated that he was not prepared to give an answer to that question
41 because he felt he needed to have more information.

42 Mayor Mouton reminded the Council that cutting the Depot Docks from the project
43 was an idea raised by the consultants in order to cut \$450,000 out of the overall project
44 costs. She stated that she feels that if they cut the project for now and then come back in a
45 year or two to do the project, she would not be surprised if the overall costs ended up being
46 double the current costs.

1 Mr. Dahl commented that he felt the costs would most likely be triple or quadruple
2 the cost of the current plans.

3 Ms. Iverson stated that she was confused because she thought when they got the
4 bids for the docks they came in at \$1 million something each.

5 Mr. Dahl explained that the entire project came in at \$2.5 million for the lowest bid.
6 He stated that they thought they would get a deduction as an alternative of about \$800,000
7 for not doing the Depot Docks, but in working with the contractor, they indicated that they
8 could move forward with a change order with a credit of around \$450,000.

9 Ms. Iverson asked how the City was paying for the docks. Mr. Dahl stated that the
10 docks would be paid through TIF funds.

11 Ms. Iverson asked if there was any money left in that TIF district.

12 Mayor Mouton stated that the question right now is if the Council wanted to pull
13 the Depot Docks and save \$450,000 with the possibility of having to spend more than that
14 in the future to add them back in.

15 Mr. Parkhill noted that they also would not have docks for that time period.

16 Ms. Iverson noted that the City could use the old temporary ones. She noted that
17 she agrees with the notion that doing them now makes complete sense when it comes to
18 economy of scale and costs, but if she had been at the meeting where these were voted on,
19 she would not have voted to have this paid for by the TIF district. She explained that she
20 was not comfortable continuing to pay for things with TIF money that is many years out.

21 Mayor Mouton asked if that meant she would vote to remove the Depot Docks from
22 the project.

23 Ms. Iverson stated that she has not made a decision yet and feels more information
24 is needed.

25 Mr. Schelzel noted that cutting the Depot Docks from the project was an option that
26 staff and the consultant team had brought forward as purely a cost savings measure. He
27 stated that if the Council takes no action on this item, the docks will remain and the project
28 will proceed as planned. He stated that the Council did not need to take action on this, but
29 could reaffirm keeping the Depot Docks in the plans, if they like. He stated that the idea
30 of cutting the docks from the project was only if they determined that they needed to save
31 some money.

32 Mayor Mouton stated that she wanted, for the record, to have the entire Council
33 express their point of view on the Depot Docks issue.

34 Mr. Parkhill stated that he felt they should move ahead with the docks and noted
35 that the potential credit that they would be getting was not very good.

36 Mr. Plechash stated that he would also support keeping the Depot Docks in the
37 plans.

38 Ms. Iverson explained that it comes down to an ethical issue for her, however, she
39 did not see a way not to support their inclusion. She stated that if those docks are taken
40 away, they have taken away a portion of the system and the boardwalk. She reiterated her
41 concerns with ongoing project creep which is where it turns into an ethical issue for her.
42 She stated that she would not support taking the \$450,000 credit for removal of the docks
43 because it does not make any sense.

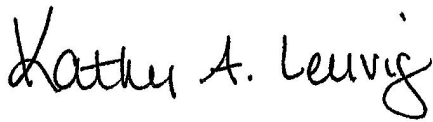
44 Mayor Mouton stated that she was also in favor of keeping the Depot Docks as
45 well.

1 **AGENDA ITEM 5. Adjournment.**

2
3 Mayor Mouton stated that she had neglected to mention at the last regular City Council
4 meeting that they were accepting applications for various Boards and Commissions and
5 asked when those applications were due. Mr. Dahl explained that the applications were
6 due at the end of November

7
8 There being no further business, Mayor Mouton asked for a motion to adjourn. Ms.
9 MacDonald made a motion, seconded by Mr. Parkhill to adjourn. Mayor Mouton
10 adjourned the special meeting at 6:52 p.m.

11
12 Respectfully submitted,
13



14
15
16 Kathy Leervig
17 City Clerk

18
19 Drafted by Kayla Rokosz
20 *TimeSaver Off Site Secretarial, Inc.*