

WAYZATA CITY COUNCIL MEETING AGENDA
Wayzata City Hall Community Room, 600 Rice Street
Tuesday, Feb 3, 2015

**Closed Meeting to Permit Attorney/Client Confidential Discussion Regarding
Continental Property Group LLC v. City of Wayzata
Pursuant to MN Stat. 13D.05, Subd. 3(B) - Conference Room - (5:30 PM)**

WORKSHOP TOPICS FOR DISCUSSION:

1. **Public Safety Update (6:15 PM or immediately following)**
 2. **Oman Development Concept at 250 Bushaway Road (6:30 PM or immediately following)**
- 7:00 PM - CITY COUNCIL MEETING**

ITEM	DESCRIPTION	PRESENTER	JM	AM	KW	BA	ST	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
a.	State Senator David Osmek - Update on Legislative Session	Osmek							
b.	Planning Commission and Charter Commission Service Awards								
4	Consent Agenda								2
a.	Approval of Workshop Minutes of January 20, 2015 and Minutes of January 20, 2015								
b.	Approval of Check Register								
c.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
d.	Approval of Second Reading of Ordinance 751 Rezoning 236-240 Minnetonka & 519 Indian Mound								
e.	Consider First Reading of Ordinance 750 - Allowing Installment Payments of City's On-Sale Liquor License Fees in Years 2015 and 2016								
f.	Consider Resolution No. 12-2015 Adopting Revised Municipal Fees for 2015								
5	New Business								
a.	Consider Resolution 10-2015 Approval of CōV Southeast Dining Room Expansion	Gadow							28
b.	Consider First Reading of Ordinance No. 752 - Moratorium on Medical Cannabis Facilities	Gadow							102
c.	2014 City of Wayzata Annual Report	Nelson							105
d.	Consider Resolution 09-2015 Amending Membership of the Communications Board and Consider Establishing a Policy for Communication Between Boards/Commissions/Committees and the City Council	Nelson							129
6	City Manager's Report and Discussion Items								
a.	Update on 151 Westwood Lane Subdivision								
b.	Discuss Farmers Market Concept								
7	Public Forum (as necessary)								
8	Adjournment								

Meeting Rules of Conduct:

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

Upcoming Meetings:

City Council - February 17 & March 3, 2015
Planning Commission - February 23 & March 2, 2015

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.

WAYZATA CITY COUNCIL
DRAFT-WORKSHOP MEETING MINUTES
January 20, 2015

4:00 PM – Lake Effect Moving Forward

Mayor Willcox called the workshop meeting to order at 4:00 p.m. in the Community Room at Wayzata City Hall. Council members present: Anderson, McCarthy, Mullin, and Tyacke. Also present: City Manager Nelson, Director of Public Service Dudinsky, Director of Administrative Services Uram, and Director of Planning and Building Gadow.

Mr. Gadow stated that on December 2, 2014, the City Council adopted a set of next step recommendations and an Implementation Strategy for the Lake Effect project through the assistance of Ms. Mary DeLaittre of Groundwork LLC consulting.

Mr. Gadow asked the City Council to provide staff with direction on how they would like staff to proceed in implementing the recommendations included in Ms. deLaittre's report. He stated that in particular, staff is requesting Council guidance on whether staff should continue to work with Ms. deLaittre in a consulting role or if other consulting options should be explored for project implementation.

The Council stated they would like to continue to work with Mary deLaittre. The council agreed that a phased scope of work should be reviewed with Ms. deLaittre and brought back to the Council for consideration. The first phase would include an RFP for the design of the central lakefront components of the plan as well as a process for establishing a jury to review the particulars of the plan, keeping in mind that the jury will eventually transition to a non-profit fundraising board.

Staff agreed to work with Ms. deLaittre to develop a phased scope of work and will bring it back to the Council for consideration at a future meeting.

4:30 PM – Discuss 2015 Strategic Planning Process

Mayor Willcox called the workshop meeting to order at 4:30 p.m. in the Community Room at Wayzata City Hall. Council members present: Anderson, McCarthy, Mullin, and Tyacke. Also present: City Manager Nelson, Director of Public Service Dudinsky, Director of Administrative Services Uram, and Director of Planning and Building Gadow.

Ms. Nelson stated the City Council last met to update the Strategic Plan in October of 2013. She said staff is recommending that a date be set in March for the Council to meet to review and update the Strategic Plan. She also sought input from the Council regarding the process for Strategic Planning for 2015.

The Council stated they would like to meet for two half-day sessions. The first half-day session would be with the leadership team, and the second half-day session would be for Council teambuilding session. Although the City has used Richard Fursman (2012) and Craig Rapp (2013), the Council asked staff to look at alternative consultant facilitators for the 2015 session. The Council stated their preferred dates for the 2015 session would be late March or early April, depending on availability of the selected facilitator. Council was open to a local off-site venue for the session.

5:00 PM – City Website

Mayor Willcox called the workshop meeting to order at 5:00 p.m. in the Community Room at Wayzata City Hall. Council members present: Anderson, McCarthy, Mullin, and Tyacke. Also present: City Manager Nelson, Director of Public Service Dudinsky, Director of Administrative Services Uram, Director of Planning and Building Gadow, and Communications Specialist Classey. Communications Board Members Present: Biser, Diercks, Farrell, and Fox.

Ms. Nelson provided the Council with background on the city website re-design and process. Two website design exhibits were distributed and discussed by the Council. The Council recommended using a design with a blue header and a typeface with a plainer design/font which includes our City logo.

Mr. Tyacke asked about website analytics. Ms. Classey stated the new CivicPlus website will include Pikwik analytics in the new content management system.

Mr. Mullin asked about domains and e-commerce. Ms. Nelson stated we have purchased all available domains. She stated we will be incorporating e-commerce functionality into the new website at a future date.

Mrs. McCarthy asked if searches on the new website will have better results than on the current website. Ms. Classey stated the new website will have better search results once the pages are updated with the metadata. Ms. Classey was unable to demonstrate this feature until such a time when the new website is live.

The council discussed incorporating business commerce information on our website. Mr. Mullin recommended staff draft a Communications Policy for all city communications and asked staff to bring back a policy for the council to review at a future workshop.

Ms. Nelson reviewed the website agenda center features. The website design for the city calendar, and social media feeds were shown.

5:30 PM – East Block Bay Center

Mayor Willcox called the workshop meeting to order at 5:30 p.m. in the Community Room at Wayzata City Hall. Council members present: Anderson, McCarthy, Mullin, and Tyacke. Planning Commissioners Present: Gonzalez and Vanderheyden. Also present: City Manager Nelson, Director of Public Service Dudinsky, Director of Administrative Services Uram, and Director of Planning and Building Gadow.

The developer team for the East Block of the Bay Center project, led by Steve Bohl of BohLand Development, provided an updated on the plans for the East Block. Mr. Bohl introduced Hay Creek Hospitality, the hospitality management company which will be involved in the hotel component of the building. Mr. Bohl provided an update on the project planning and discussed the next steps in the development review for the final stage of the Bay Center project. The new plans include a shift from a hotel-office-retail concept to a hotel-office-condo concept. The Council provided feedback to the developer on the proposed use changes, parking, building facades and landscape/park elements. Mr. Bohl indicated that they would submit plans for formal review by the Planning Commission and City Council in the coming weeks.

The workshop meetings were adjourned at 6:50 p.m.

1 Respectfully submitted,
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3
4
5 Becky Malone
6 Deputy City Clerk

DRAFT

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
January 20, 2015

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Nelson, Director of Planning and Building Gadow, and City Attorney Schelzel.

AGENDA ITEM 2. Approve Agenda.

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

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).

a. Remember John Berryhill

Mayor Willcox shared that long time Wayzata resident, John Berryhill, had passed away after a lengthy illness. He had been a wonderful asset to Wayzata, a dedicated volunteer, and a regular visitor to the City Council meetings.

b. Bushaway Road Update

Trudy Richter, Outreach representative for Shafer Contracting Construction team, reported that work had continued through the winter. Thirty-one hotline calls had been received and responded to concerning complaints, local traffic concerns, utilities, etc. Seven updates in November and four in December had been sent out. McGinty Road and Eastman Road should be open next week and new signage would be put up to alert drivers. The road should stay open until Spring when the work would be finished and the road permanently open.

The Council asked questions concerning the placement of the signage and the negative effects on the local businesses.

AGENDA ITEM 4. Consent Agenda.

Mrs. Anderson requested to pull Item 4.c., Approval of Addendum to Recording Secretary Service Agreement, from the consent agenda for discussion.

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

- a. Approval of Minutes of January 6, 2015
- b. Approval of Check Registers
- c. ~~Approval of Addendum to Recording Secretary Service Agreement~~
- d. Approval of Lease Agreement for 2015 with Wayzata Historical Society for the Wayzata Depot at 402 Lake Street East
- e. Approval of Resolution No. 03-2015 Approving Hennepin County Law Enforcement Personnel and Equipment Mutual Aid Agreement
- f. Municipal licenses which received administrative approval (informational only)
- g. Police Activity Report
- h. Building Activity Report

The motion carried 5/0.

AGENDA ITEM 5. New Business.

a. Consider Resolution No. 06-2015 Approval of Lot Combination at 227 Walker Avenue North and 529 Park Street

Mr. Gadow presented a Development application for approval from Joseph and Mary Kiser for a Concurrent Preliminary/Final Plat Lot Combination at 227 Walker Avenue North and 529 Park Street. The applicants own both properties. The 227 Walker Avenue North lot was only 7,260

square feet and the 529 Park Street lot was only 5,500 square feet. The minimum lot area in the R-3A District was 9,000 square feet. The resulting lot combination would remove the non-conformities and create one conforming lot of 12,760 square feet. Mr. Gadow presented sketch drawing of the lots and shared that the Planning Commission had recommended unanimously approve the request.

The Council asked why the lot combination had not been done previously. Mr. Gadow responded that it was built in the 1980s and remodeled in the 1990s, but he was unaware of why it had not been previously combined.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to Adopt Resolution No. 06-2015, Approving an Application for Concurrent Preliminary and Final Plat Lot Combination at 227 Walker Avenue North and 529 Park Street. The motion carried 5/0.

b. Consider Resolution No. 07-2015 Approval of Planned Unit Development and Associated Approvals at 236 and 240 Minnetonka Avenue and 519 Indian Mound

Mr. Gadow presented a request from John Adams, representing John Kraemer and Sons, and Haglund's Corner LLC, for approval of a concurrent Concept and General Plan Planned Unit Development, Project Design Review, a concurrent preliminary and final plat for a lot combination of commercial property, a Shoreland Conditional Use Permit, a variance for building height above the thirty-five feet in Planned Unit Development District, building and site setback variances, and a Conditional Use Permit for an elevator penthouse above forty feet to redevelop the properties at 236 Minnetonka Avenue, 240 Minnetonka Avenue, and 519 Indian Mound. The request proposed a mixed use building of 45,227 square feet with 3,000 square feet of retail located half below grade and ten residential condominium units in three stories. Mr. Gadow shared that the current zoning was C-1 and that the Planning Commission had voted 4/3 to recommend in favor. Mr. Gadow then presented aerial photos, the existing conditions survey, preliminary and final plats, the site plan, the parking plans, and Council action steps.

Mr. Adams explained that the project had evolved over the last six months with input from the neighbors, City staff, the Planning Commission, and the City Council. He noted that the team had done its best to not deviate from the City's ordinances and asked the Council for its approval.

The Council asked if it was the low elevation or the retail addition that was responsible for the height variance and Mr. Adams responded that it was a combination of both. The Council also asked about the association and who would be responsible for maintaining the public spaces. Mr. Adams replied that the tenants would be responsible for the tables and grills in the park and the retail component would be responsible for the front tables and chairs.

Lisa Richardson, Tanek Architects, discussed the screening on the East side of the property with crab apple trees.

Daniel Goldman, 520 Indian Mound Street, and Polly Grose, 540 Indian Mound Street, shared that the neighbors were in favor and strongly endorsed it.

Bette Hammel, 101 Promenade Avenue #413, shared that she was happy to see the Post Office being preserved. She felt the architect had done a good job with this residential project and it fit well in the neighborhood.

The Council discussed the request and the resolution and each shared concerns. Mrs. McCarthy was concerned with the height of the elevator, the lack of natural light for the park, and the lack of articulation between floors of the building. Mayor Willcox was concerned that a large portion of the variances were in violation of the City's ordinances, but had the most trouble with the height of the building.

Mr. Adams informed the Council that the architect could commit to decreasing the tower height by at least two feet, but the elevator was necessary for handicap use.

Mr. Mullin made a motion, seconded by Mr. Tyacke, to Adopt Resolution No. 07-2015, Approving and Application for Concept/General Plan Planned Unit Development and Rezoning,

Concurrent Preliminary and Final Plat, Shoreland Conditional Use Permit, Building Setback Variances, Conditional Use Permit for Elevator Penthouse, Project Design Review and Site Plan Review at 236 Minnetonka Avenue South, 240 Minnetonka Avenue South, and 519 Indian Mound, with the following conditions and amendments:

- The last sentence of Item 3.7.D. should read, “The Project could meet the City's Zoning Ordinance standards without the need for variance with a residential and commercial office building.”
- Add to Item 4.1.C., The height of the elevator shaft shall be no more than 11 feet from the parapet wall and will be screened with Boston Ivy.”
- Add to Item 4.1.F., Incorporating additional screening of garage door and North wall.
- Add Item 4.1.M., The applicant must enter into a development agreement with the City in a form acceptable to the City Attorney covering all of the approvals, restrictions, and conditions noted above.
- Add Item 4.1.N., The applicant is encouraged to diversify tree stock in the landscaping plan.
- Add Item 4.1.O., The building height plus parapet wall cannot exceed 40 feet.
- Add Item 4.1.P., The applicant must maintain public spaces in the park and retail space.

The motion carried 3/2 (McCarthy, Willcox).

Mr. Mullin made a motion, seconded by Mr. Tyacke, to Approve the First Reading of Ordinance No. 751, Rezoning the property, 236 Minnetonka Avenue South, 240 Minnetonka Avenue South, and 519 Indian Mound to a Planned Unit Development District. The motion carried 4/1 (Willcox).

The Council requested that staff look into more detail about storm water management and how it was working for staff to check and maintain pavers.

c. Consider Resolution No. 08-2015 Wayzata Brew Works LLC and Boatworks II LLC Microbrewery and Distillery

Mr. Gadow reported that Boatworks II LLC and Wayzata Brew Works LLC had previously submitted and received approval for a similar application in August of 2014, but withdrew and rescinded the Application to allow the operators an opportunity to make some modifications to their business plan. The applicant had resubmitted a new application requesting the same approvals for an amendment to an existing Planned Unit Development Conditional Use Permit and new Conditional Use Permit to allow the operation of a microbrewery/taproom and distillery facility at 294 Grove Lane. Mr. Gadow presented an aerial photo; site layout; interior design concepts; parking calculations and parking layout; and operation items such as trash, hours of operation, special events, and brewery operations. The Planning Commission voted unanimously to recommend approval of the application.

The Council discussed the flow analysis for sewer discharge, parking concerns, and the possibility of moving the trailhead.

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to Adopt Resolution No. 08-2015, Approving Planned Unit Development Amendment, Conditional Use Permit, and Site Plan for 294 Grove Lane, as amended to require employees to park at the 259 site and valet to utilize off-site parking first. The motion carried 5/0.

d. Consider 2015 Legislative Priorities

Ms. Nelson shared that at the end of the 2014 legislative session, the City of Wayzata began discussions with local legislative representatives regarding funding for the Lake Effect. She requested Council direction with regard to continued discussions with the legislative representatives in pursuing funding.

The Council asked questions concerning other funding sources and having the legislative representatives visit. The Council also asked about a timeline for more specific plans and cost estimates. Ms. Nelson replied that a framework with cost estimates was all that was needed currently and specifics would come later. The Council noted that the framework was not binding, but more of an example.

Ms. Nelson discussed the issue of Sunday liquor sales noting that it seemed likely to receive serious consideration this session. She asked for Council feedback regarding the issue of Sunday liquor sales. The Council expressed concern over the amount of revenue it would earn, but believed Sunday liquor sales were inevitable.

The recessed for Council five minutes and then reconvened.

e. Consider Resolution No. 05-2015 Designating Additional City Appointments and Assignments for 2015 to Include Council Liaison Positions for Boards and Commissions

Ms. Nelson reported that at the January 6, 2015 City Council meeting, the Council decided to postpone consideration of the appointments of the Council Liaison positions for boards and commissions. Staff recommended the Council consider moving away from the Council liaison format and create a process for communication between the various board chairs and the Council.

The Council discussed the liaison roles and other options for communicating with and supporting the various boards and commissions. Mrs. Anderson recommended asking the boards and commissions for input before making a choice that would affect them. She also was in favor of the liaison roles stating that the role was to assist in a supportive manner and provided value to the various boards. Mrs. McCarthy believed the liaison roles were important when large initiatives were happening.

Mrs. Anderson suggested that if it was the desire of the Council to allow the boards and commissions to function independently, staff liaison roles should be removed as well. The Council discussed the role of staff concerning boards and commissions. Ms. Nelson thought that staff attendance was necessary at the meetings to answer questions concerning City resources, etc.

The Council noted that the intent of removing the liaison positions was to give the boards and commissions more structure and face time with the entire Council.

Mr. Mullin made a motion, seconded by Mr. Tyacke, to direct staff to adjust the Communications Board's resolution to reflect removal of the formal Council role and to not appoint a Council Liaison to the Parks and Trails Board or the Volunteer Committee. The motion carried 3/2 (Anderson, McCarthy).

4.c. Approval of Addendum to Recording Secretary Service Agreement

Mrs. Anderson shared that she had requested staff calculate the amount spent on recording services over the past five years and that the total was approximately \$45,000. The City Council meeting minutes and workshop minutes were not verbatim like the Planning Commission minutes. Mrs. Anderson suggested that the minutes should be verbatim in an effort to be more transparent and the cost could be reduced greatly by using recording software for dictation. The process would be more efficient and the minutes more thorough.

The Council discussed whether or not both the City Council meeting minutes and workshop minutes should be verbatim. Mr. Mullin was in favor of exploring alternate paths, but did not believe the workshop meetings should be recorded because there was not any formal action taken in workshops. Mr. Tyacke preferred minutes to a transcript of the meeting, but noted that the Planning Commission minutes regularly had typos or errors. Mrs. Anderson suggested that a transcript was not different than a recording and was against the summary style of minutes because it required paraphrasing and the tone or point of view could be misconstrued.

1 Mr. Schelzel cautioned against a transcript approach to the minutes and noted that there
2 was a difference between meeting minutes and the meeting recording. The minutes should
3 accurately reflect discussions. Mr. Schelzel encouraged the Council to review the minutes
4 carefully and request revisions when needed.

5 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the 2015 Addendum
6 to Recording Secretary Service Agreement. The motion carried 5/0.

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8 **AGENDA ITEM 6. City Manager's Report and Discussion Items.**

9 **a. Chilly Open**

10 Ms. Nelson shared that Chilly Open was scheduled for February 7, 2015. There would be a
11 Cinema and Skates family event on Friday night.

12
13 **b. Update on Special Event Permit Fees**

14 Ms. Nelson shared that the City had reviewed and approved fifty special event permits for
15 Wayzata over the last year and that the \$200 permit fee was not covering the cost. The Council
16 had previously approved a tiered schedule for event permits based on the size of the event. Staff
17 had received feedback requesting that the increases be phased in.

18 The Council discussed the phase-in approach and agreed to reduce the increases for 2015
19 and revisit the prices again for 2016.

20
21 **c. Liquor Licenses**

22 Ms. Nelson shared that liquor license renewals were due in April, but a restaurant had requested
23 to make a partial payment in April and final payment in July. The restaurant attributed its
24 struggles to Bushaway Road.

25 The Council supported allowing the partial payment.

26
27 **AGENDA ITEM 7. Public Forum Continued (if necessary).**

28 There were no comments.

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30 **AGENDA ITEM 8. Adjournment.**

31 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further
32 business, Mr. Willcox adjourned the meeting at 9:55 p.m.

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34 Respectfully submitted,

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38 Becky Malone
39 Deputy City Clerk

40
41 Drafted by Sarah Peterson
42 *TimeSaver Off Site Secretarial, Inc.*

***Check Detail Register©**

January 2015

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	097620	1/22/2015	ARCTIC GLACIER INC.		
E 640-47000-254	Soft Drinks/Mix For Resale		\$137.40	459435405	ICE RESALE
	Total	ARCTIC GLACIER INC.	\$137.40		
Paid Chk#	097621	1/22/2015	BELLBOY BAR SUPPLY CORP.		
E 640-47000-251	Liquor For Resale		\$112.50	46459800	LIQUOR
E 640-47000-252	Wine For Resale		\$280.00	46459800	WINE
E 640-47000-259	Freight		\$7.65	46459800	FREIGHT
E 640-47000-252	Wine For Resale		\$192.00	46555200	WINE
E 640-47000-259	Freight		\$3.10	46555200	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,531.64	46555400	LIQUOR
E 640-47000-259	Freight		\$13.95	46555400	FREIGHT
E 640-47000-210	Operating Supplies (GENERAL)		\$46.20	91389900	SUPPLIES
E 640-47000-259	Freight		\$4.23	91389900	FREIGHT
E 640-47000-259	Freight		\$4.76	91425400	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$160.69	91425400	MISC.MDSE.
	Total	BELLBOY BAR SUPPLY CORP.	\$2,356.72		
Paid Chk#	097622	1/22/2015	BERNICK'S WINE		
E 640-47000-254	Soft Drinks/Mix For Resale		\$85.35	189700	MISC.BEV.
E 640-47000-253	Beer For Resale		\$200.67	189701	BEER
	Total	BERNICK'S WINE	\$286.02		
Paid Chk#	097623	1/22/2015	BERRY COFFEE COMPANY		
E 640-48000-254	Soft Drinks/Mix For Resale		\$145.95	1222089	MISC.BEV.
	Total	BERRY COFFEE COMPANY	\$145.95		
Paid Chk#	097624	1/22/2015	BOOM ISLAND BREWING COMPANY		
E 640-47000-253	Beer For Resale		\$267.00	3194	BEER
	Total	BOOM ISLAND BREWING COMPANY	\$267.00		
Paid Chk#	097625	1/22/2015	BOURGET IMPORTS		
E 640-47000-252	Wine For Resale		\$982.05	124376	WINE
E 640-47000-259	Freight		\$7.50	124376	FREIGHT
	Total	BOURGET IMPORTS	\$989.55		
Paid Chk#	097626	1/22/2015	CITY VIEW PLUMBING & HEATING		
E 640-48000-401	Repairs/Maint Buildings		\$148.00	42509	BAR REPAIRS
	Total	CITY VIEW PLUMBING & HEATING	\$148.00		
Paid Chk#	097627	1/22/2015	CLEAR RIVER BEVERAGE CO.		
E 640-47000-253	Beer For Resale		\$303.00	149432	BEER
	Total	CLEAR RIVER BEVERAGE CO.	\$303.00		
Paid Chk#	097628	1/22/2015	COCA-COLA		
E 640-48000-254	Soft Drinks/Mix For Resale		\$483.21	0188050109	MISC.BEV.
E 640-47000-254	Soft Drinks/Mix For Resale		\$169.48	0188050110	MISC.BEV.
	Total	COCA-COLA	\$652.69		
Paid Chk#	097629	1/22/2015	COZZINI BROS., INC.		
E 640-48500-415	Other Equipment Rentals		\$71.34	C1432153	KNIFE EXCHANGE
	Total	COZZINI BROS., INC.	\$71.34		
Paid Chk#	097630	1/22/2015	CULLIGAN-METRO		
E 640-48500-210	Operating Supplies (GENERAL)		\$77.88	101X27196800	KITCHEN SUPPLIES
	Total	CULLIGAN-METRO	\$77.88		
Paid Chk#	097631	1/22/2015	DAHLHEIMER DISTRIBUTING CO.		

***Check Detail Register©**

January 2015

			Check Amt	Invoice	Comment
E 640-47000-253	Beer For Resale		\$177.00	1141338	BEER
E 640-47000-253	Beer For Resale		\$313.85	1141339	BEER
E 640-47000-253	Beer For Resale		\$745.50	1141388	BEER
E 640-48000-253	Beer For Resale		\$60.00	1141389	BEER
Total DAHLHEIMER DISTRIBUTING CO.			\$1,296.35		
Paid Chk# 097632	1/22/2015	DAY DISTRIBUTING			
E 640-48000-253	Beer For Resale		\$676.00	785118	BEER
E 640-47000-253	Beer For Resale		\$664.45	785119	BEER
E 640-48000-253	Beer For Resale		\$1,130.00	785986	BEER
E 640-47000-253	Beer For Resale		\$680.74	785987	BEER
Total DAY DISTRIBUTING			\$3,151.19		
Paid Chk# 097633	1/22/2015	DOMACE VINO			
E 640-47000-252	Wine For Resale		\$264.00	8807	WINE
E 640-47000-259	Freight		\$2.00	8807	FREIGHT
Total DOMACE VINO			\$266.00		
Paid Chk# 097634	1/22/2015	ENKI BREWING COMPANY			
E 640-48000-253	Beer For Resale		\$80.00	3440	BEER
Total ENKI BREWING COMPANY			\$80.00		
Paid Chk# 097635	1/22/2015	FOREMOST BUSINESS SYSTEMS INC.			
E 640-48000-409	Maint services & Improv		\$1,190.75	14524	ALOHA SUPPORT 2015
otal FOREMOST BUSINESS SYSTEMS INC.			\$1,190.75		
Paid Chk# 097636	1/22/2015	G & K SERVICES			
E 640-48500-217	Uniforms		\$38.06	1013689630	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$80.89	1013689630	KITCHEN UNIFORMS & SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$33.14	1013689630	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$78.99	1013701047	KITCHEN UNIFORMS & SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$32.76	1013701047	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-217	Uniforms		\$38.06	1013701047	KITCHEN UNIFORMS & SUPPLIES
Total G & K SERVICES			\$301.90		
Paid Chk# 097637	1/22/2015	GRAPE BEGINNINGS, INC.			
E 640-47000-252	Wine For Resale		\$720.00	176213	WINE
E 640-47000-259	Freight		\$2.25	176213	FREIGHT
E 640-47000-252	Wine For Resale		\$1,856.00	176517	WINE
E 640-47000-259	Freight		\$13.50	176517	FREIGHT
E 640-47000-252	Wine For Resale		\$1,142.00	176519	WINE
E 640-47000-259	Freight		\$13.50	176519	FREIGHT
Total GRAPE BEGINNINGS, INC.			\$3,747.25		
Paid Chk# 097638	1/22/2015	HEGGIES PIZZA			
E 640-48500-255	FOODIngredients For Resale		\$145.60	1429121	FOOD RESALE
Total HEGGIES PIZZA			\$145.60		
Paid Chk# 097639	1/22/2015	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale		\$602.00	741386	BEER
Total HOHENSTEINS INC.			\$602.00		
Paid Chk# 097640	1/22/2015	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253	Beer For Resale		\$1,623.24	2309581	BEER
E 640-48000-253	Beer For Resale		\$363.60	2313588	BEER
E 640-47000-253	Beer For Resale		\$1,594.30	2322421	BEER
E 640-48000-253	Beer For Resale		\$216.80	2324837	BEER
Total JJ TAYLOR DISTRIBUTING OF MN			\$3,797.94		

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Paid Chk#	097641	1/22/2015	JOHNSON BROS.-ST.PAUL		
E 640-47000-252	Wine For Resale		\$2,484.25	5061572	WINE
E 640-47000-251	Liquor For Resale		\$92.25	5061573	LIQUOR
E 640-47000-252	Wine For Resale		\$280.00	5066243	WINE
E 640-47000-259	Freight		\$4.23	5066243	FREIGHT
E 640-47000-251	Liquor For Resale		\$510.64	5066244	LIQUOR
E 640-47000-259	Freight		\$7.05	5066244	FREIGHT
E 640-47000-252	Wine For Resale		\$577.35	5067511	WINE
E 640-47000-259	Freight		\$14.10	5067511	FREIGHT
E 640-47000-251	Liquor For Resale		\$198.00	5067512	LIQUOR
E 640-47000-259	Freight		\$2.82	5067512	FREIGHT
E 640-47000-252	Wine For Resale		\$516.70	5071256	WINE
E 640-47000-259	Freight		\$12.69	5071256	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,105.42	5071257	LIQUOR
E 640-47000-259	Freight		\$17.40	5071257	FREIGHT
E 640-47000-252	Wine For Resale		\$866.40	5071258	WINE
E 640-47000-259	Freight		\$11.28	5071258	FREIGHT
E 640-47000-252	Wine For Resale		\$796.00	5072432	WINE
E 640-47000-259	Freight		\$12.69	5072432	FREIGHT
E 640-47000-251	Liquor For Resale		\$421.25	5072433	LIQUOR
E 640-47000-259	Freight		\$5.64	5072433	FREIGHT
Total JOHNSON BROS.-ST.PAUL			\$8,936.16		
Paid Chk#	097642	1/22/2015	KARLSBURGER FOODS, INC.		
E 640-48500-255	FOODIngredients For Resale		\$238.20	5-000063138	FOOD
Total KARLSBURGER FOODS, INC.			\$238.20		
Paid Chk#	097643	1/22/2015	KREATZ, DAVID		
E 640-48500-130	Employer Paid Ins		\$275.32	JAN.2015	HEALTH INS.REIMB.JAN.2015
Total KREATZ, DAVID			\$275.32		
Paid Chk#	097644	1/22/2015	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$927.56	188216	CIGARETTES & CIGARS
Total M.AMUNDSON LLP			\$927.56		
Paid Chk#	097645	1/22/2015	MAIN STREET BAKERY		
E 640-48500-255	FOODIngredients For Resale		\$145.46	256574	FOOD
E 640-48500-255	FOODIngredients For Resale		\$111.10	256660	FOOD
E 640-48500-255	FOODIngredients For Resale		\$96.71	256710	FOOD
E 640-48500-255	FOODIngredients For Resale		\$92.17	256833	FOOD
E 640-48500-255	FOODIngredients For Resale		\$102.38	256910	FOOD
E 640-48500-255	FOODIngredients For Resale		\$191.50	257076	FOOD
E 640-48500-255	FOODIngredients For Resale		\$122.30	257153	FOOD
E 640-48500-255	FOODIngredients For Resale		\$96.10	257212	FOOD
E 640-48500-255	FOODIngredients For Resale		\$54.84	257285	FOOD
E 640-48500-255	FOODIngredients For Resale		\$65.10	257437	FOOD
Total MAIN STREET BAKERY			\$1,077.66		
Paid Chk#	097646	1/22/2015	MARGRON SKOGLUND WINE IMPORTS		
E 640-47000-259	Freight		\$6.00	20018339	FREIGHT
E 640-47000-252	Wine For Resale		\$627.00	20018339	WINE
tal MARGRON SKOGLUND WINE IMPORTS			\$633.00		
Paid Chk#	097647	1/22/2015	NEW FRANCE WINE COMPANY		
E 640-47000-252	Wine For Resale		\$752.00	96773	WINE
Total NEW FRANCE WINE COMPANY			\$752.00		
Paid Chk#	097648	1/22/2015	NORTHWESTERN FRUIT COMPANY		

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E 640-48500-255	FOODIngredients For Resale		\$267.50	802258	FOOD
E 640-48000-253	Beer For Resale		\$4.50	802258	BEER
E 640-48000-251	Liquor For Resale		\$60.25	802258	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$388.95	802543	FOOD
E 640-48500-255	FOODIngredients For Resale		\$286.10	802691	FOOD
E 640-48000-253	Beer For Resale		\$4.50	802691	BEER
E 640-48000-251	Liquor For Resale		\$10.65	802691	LIQUOR
E 640-48000-253	Beer For Resale		\$5.40	802887	BEER
E 640-48500-255	FOODIngredients For Resale		\$310.40	802887	FOOD
E 640-48500-255	FOODIngredients For Resale		\$247.75	803072	FOOD
E 640-48000-251	Liquor For Resale		\$14.20	803072	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$164.65	803236	FOOD
E 640-48000-251	Liquor For Resale		\$7.10	803236	LIQUOR
Total NORTHWESTERN FRUIT COMPANY			\$1,771.95		
Paid Chk# 097649	1/22/2015	PAUSTIS & SONS			
E 640-47000-252	Wine For Resale		\$2,948.39	8482047	WINE
E 640-47000-259	Freight		\$27.50	8482047	FREIGHT
E 640-48000-252	Wine For Resale		\$453.00	8482060	WINE
E 640-47000-252	Wine For Resale		\$1,602.98	8482914	WINE
E 640-47000-259	Freight		\$20.00	8482914	FREIGHT
E 640-48000-253	Beer For Resale		\$191.25	8482919	WINE
Total PAUSTIS & SONS			\$5,243.12		
Paid Chk# 097650	1/22/2015	PEPSI -COLA			
E 640-47000-254	Soft Drinks/Mix For Resale		\$186.80	47628174	MISC.BEV.
Total PEPSI -COLA			\$186.80		
Paid Chk# 097651	1/22/2015	PHILLIPS WINES & SPIRITS			
E 640-47000-259	Freight		\$7.05	2724729	FREIGHT
E 640-47000-252	Wine For Resale		\$392.00	2724729	WINE
E 640-47000-259	Freight		\$13.35	2724730	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,254.87	2724730	LIQUOR
E 640-47000-251	Liquor For Resale		\$714.20	2728203	LIQUOR
E 640-47000-259	Freight		\$11.63	2728203	FREIGHT
E 640-47000-252	Wine For Resale		\$2,919.23	2728204	WINE
E 640-47000-259	Freight		\$28.79	2728204	FREIGHT
E 640-47000-259	Freight		\$1.41	2729026	FREIGHT
E 640-47000-252	Wine For Resale		\$120.00	2729026	WINE
Total PHILLIPS WINES & SPIRITS			\$5,462.53		
Paid Chk# 097652	1/22/2015	PLUNKETT S PEST CONTROL			
E 640-48000-409	Maint services & Improv		\$82.48	3900446	SERVICE
Total PLUNKETT S PEST CONTROL			\$82.48		
Paid Chk# 097653	1/22/2015	QUALITY SERVICE, INC.			
E 640-48000-404	Repairs/Maint - Machin/Equip		\$114.00	30551	BEER COOLER REPAIRS
Total QUALITY SERVICE, INC.			\$114.00		
Paid Chk# 097654	1/22/2015	RITE			
E 640-47000-433	Dues, Licensing & Seminars		\$66.80	9664	REGISTER SUPPORT
Total RITE			\$66.80		
Paid Chk# 097655	1/22/2015	SIGNS NOW			
E 640-47000-210	Operating Supplies (GENERAL)		\$71.98	27658	STORE SIGNS
Total SIGNS NOW			\$71.98		
Paid Chk# 097656	1/22/2015	SOUTHERN WINE & SPIRITS OF MN			

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E 640-47000-252	Wine For Resale	\$544.00	1242872	WINE
E 640-47000-259	Freight	\$5.00	1242872	FREIGHT
E 640-47000-259	Freight	\$2.08	1242873	FREIGHT
E 640-47000-252	Wine For Resale	\$510.00	1242873	WINE
E 640-47000-251	Liquor For Resale	\$4,933.85	1245140	LIQUOR
E 640-47000-259	Freight	\$40.00	1245140	FREIGHT
E 640-47000-259	Freight	\$2.50	1245142	FREIGHT
E 640-47000-259	Freight	\$7.50	1245143	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$120.00	1245143	MISC.BEV.
E 640-47000-259	Freight	\$1.25	1245144	FREIGHT
E 640-47000-251	Liquor For Resale	\$83.21	1245144	LIQUOR
E 640-47000-252	Wine For Resale	\$4,550.65	1245145	WINE
E 640-47000-259	Freight	\$48.75	1245145	FREIGHT
E 640-47000-259	Freight	\$1.25	1245789	FREIGHT
E 640-47000-252	Wine For Resale	\$192.00	1245789	WINE
Total	SOUTHERN WINE & SPIRITS OF MN	\$11,042.04		
Paid Chk# 097657	1/22/2015	STRATEGIC EQUIPMENT AND		
E 640-48500-210	Operating Supplies (GENERAL)	(\$10.00)	140646	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	(\$12.75)	140792	KITCHEN SUPPLIES
E 640-47000-210	Operating Supplies (GENERAL)	\$33.31	2343841	STORE SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$42.05	2343842	KITCHEN SUPPLIES
E 640-48000-341	General Promotions	\$65.44	2343843	PROMO SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$449.92	2343843	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$6.26	2345545	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$182.13	2345546	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$217.98	2347410	BAR SUPPLIES
E 640-48000-341	General Promotions	\$32.72	2347410	PROMO SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$405.70	2347410	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$23.59	2347411	KITCHEN SUPPLIES
Total	STRATEGIC EQUIPMENT AND	\$1,436.35		
Paid Chk# 097658	1/22/2015	SUNBURST CHEMICALS, INC.		
E 640-48000-210	Operating Supplies (GENERAL)	\$157.00	0336624	BAR SUPPLIES
Total	SUNBURST CHEMICALS, INC.	\$157.00		
Paid Chk# 097659	1/22/2015	SYSCO MINNESOTA		
E 640-48500-255	FOODIngredients For Resale	(\$225.06)	3454100PU	FOOD
E 640-48500-255	FOODIngredients For Resale	\$2,551.91	501031831	FOOD
E 640-48000-251	Liquor For Resale	\$36.38	501031831	LIQUOR
E 640-48000-342	Promotions - Food/Drinks	\$28.17	501031831	PROMO FOOD
E 640-48000-251	Liquor For Resale	\$14.72	501050905	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$2,141.26	501050905	FOOD
E 640-48000-342	Promotions - Food/Drinks	\$27.93	501050905	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$20.71	501050905	KITCHEN SUPPLIES
E 640-48500-255	FOODIngredients For Resale	\$0.50	501071011	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$94.00	501071012	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$28.17	501071012	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale	\$3,280.31	501071012	FOOD
E 640-48000-251	Liquor For Resale	\$14.72	501071012	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$3,269.02	501091312	FOOD
E 640-48000-251	Liquor For Resale	\$62.45	501091312	LIQUOR
E 640-48500-210	Operating Supplies (GENERAL)	\$119.02	501091312	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$45.15	501091312	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$180.33	501120875	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$28.17	501120875	PROMO FOOD
E 640-48000-251	Liquor For Resale	\$36.36	501120875	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$2,592.58	501120875	FOOD

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E 640-48000-210	Operating Supplies (GENERAL)	\$45.78	501120875	BAR SUPPLIES	
E 640-48000-341	General Promotions	\$56.10	501141090	PROMO FOOD	
E 640-48000-251	Liquor For Resale	\$17.21	501141090	LIQUOR	
E 640-48500-255	FOODIngredients For Resale	\$3,657.52	501141090	FOOD	
E 640-48000-253	Beer For Resale	\$10.25	501141090	BEER	
Total SYSCO MINNESOTA		\$18,133.66			
Paid Chk# 097660	1/22/2015	T.D. ANDERSON INC.			
E 640-48000-404	Repairs/Maint - Machin/Equip	\$115.00	751163	BEER LINES CLEANED	
E 640-48000-404	Repairs/Maint - Machin/Equip	\$115.00	751196	BEER LINES CLEANED	
Total T.D. ANDERSON INC.		\$230.00			
Paid Chk# 097661	1/22/2015	THORPE DISTRIBUTING CO.			
E 640-47000-253	Beer For Resale	\$19.89	864693	BEER	
E 640-48000-253	Beer For Resale	\$150.00	868695	BEER	
E 640-48000-253	Beer For Resale	\$143.30	869322	BEER	
E 640-48000-253	Beer For Resale	\$280.00	869323	BEER	
E 640-47000-253	Beer For Resale	\$3,291.80	869324	BEER	
E 640-47000-253	Beer For Resale	\$37.10	869325	BEER	
E 640-48000-253	Beer For Resale	\$50.00	870561	BEER	
E 640-47000-253	Beer For Resale	\$18.55	870630	BEER	
E 640-48000-253	Beer For Resale	\$668.00	870631	BEER	
E 640-47000-253	Beer For Resale	\$2,434.80	870632	BEER	
E 640-48000-253	Beer For Resale	\$71.65	871399	BEER	
Total THORPE DISTRIBUTING CO.		\$7,165.09			
Paid Chk# 097662	1/22/2015	TKO WINES, INC.			
E 640-47000-252	Wine For Resale	\$195.80	825	WINE	
Total TKO WINES, INC.		\$195.80			
Paid Chk# 097663	1/22/2015	TRADITION WINE & SPIRITS			
E 640-47000-252	Wine For Resale	\$240.00	4496	WINE	
E 640-47000-259	Freight	\$2.00	4496	FREIGHT	
Total TRADITION WINE & SPIRITS		\$242.00			
Paid Chk# 097664	1/22/2015	UPS STORE			
E 640-47000-210	Operating Supplies (GENERAL)	\$155.52	1/14/15	STORE SUPPLIES	
Total UPS STORE		\$155.52			
Paid Chk# 097665	1/22/2015	VINOCOPIA			
E 640-47000-259	Freight	\$12.00	0115744	FREIGHT	
E 640-47000-252	Wine For Resale	\$688.00	0115744	WINE	
E 640-47000-259	Freight	\$2.00	0115745	FREIGHT	
E 640-47000-251	Liquor For Resale	\$279.09	0115745	LIQUOR	
Total VINOCOPIA		\$981.09			
Paid Chk# 097666	1/22/2015	WATSON, CHUCK OR SALLY			
E 640-48000-499	Miscellaneous	\$169.00	REIMBURSEM	COMPUTER REPAIRS REIMBURSEMENT	
Total WATSON, CHUCK OR SALLY		\$169.00			
Paid Chk# 097667	1/22/2015	WINE COMPANY			
E 640-47000-259	Freight	\$24.75	382777	FREIGHT	
E 640-47000-252	Wine For Resale	\$3,163.33	382777	WINE	
Total WINE COMPANY		\$3,188.08			
Paid Chk# 097668	1/22/2015	WINE MERCHANT			
E 640-47000-259	Freight	\$22.56	7013564	FREIGHT	
E 640-47000-252	Wine For Resale	\$2,485.25	7013564	WINE	
E 640-47000-259	Freight	\$15.51	7013565	FREIGHT	

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E 640-47000-252	Wine For Resale		\$4,274.00	7013565	WINE
E 640-47000-259	Freight		\$31.02	7014436	FREIGHT
E 640-47000-252	Wine For Resale		\$3,019.25	7014436	WINE
Total WINE MERCHANT			\$9,847.59		
Paid Chk# 097669	1/22/2015	WIRTZ BEVERAGE MN BEER			
E 640-48000-253	Beer For Resale		\$261.00	1090343011	BEER
E 640-47000-253	Beer For Resale		\$123.25	1090343100	BEER
E 640-47000-253	Beer For Resale		\$148.00	1090343131	BEER
E 640-47000-253	Beer For Resale		\$1,052.30	1090343132	BEER
E 640-48000-253	Beer For Resale		\$291.00	1090345967	BEER
E 640-47000-253	Beer For Resale		\$1,143.95	1090346165	BEER
E 640-47000-253	Beer For Resale		\$42.80	1090346166	BEER
E 640-47000-253	Beer For Resale		(\$25.50)	2090105960	BEER
Total WIRTZ BEVERAGE MN BEER			\$3,036.80		
Paid Chk# 097670	1/22/2015	WIRTZ BEVERAGE MN WINE & SPIRI			
E 640-47000-254	Soft Drinks/Mix For Resale		\$53.99	1080273616	MISC.BEV.
E 640-47000-259	Freight		\$1.45	1080273616	FREIGHT
E 640-47000-252	Wine For Resale		\$544.00	1080273617	WINE
E 640-47000-259	Freight		\$4.35	1080273617	FREIGHT
E 640-47000-251	Liquor For Resale		\$3,690.94	1080273618	LIQUOR
E 640-47000-259	Freight		\$35.02	1080273618	FREIGHT
E 640-47000-259	Freight		\$34.80	1080276030	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,712.04	1080276030	LIQUOR
E 640-47000-259	Freight		\$37.70	1080276753	FREIGHT
E 640-47000-252	Wine For Resale		\$3,120.00	1080276753	WINE
E 640-47000-252	Wine For Resale		\$648.00	1080277197	WINE
E 640-47000-259	Freight		\$4.35	1080277197	FREIGHT
Total WIRTZ BEVERAGE MN WINE & SPIRI			\$10,886.64		
Paid Chk# 097671	1/23/2015	BRIAN STEPHENSON CONSTRUCTION			
E 408-40000-520	Buildings and Structures		\$8,000.00	1-19-2015	DEPOT REMODEL
otal BRIAN STEPHENSON CONSTRUCTION			\$8,000.00		
Paid Chk# 097672	1/23/2015	BROOKDALE CHRYSLER, JEEP,DODGE			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$255.40	257208	SQUAD REPAIRS
E 101-42100-404	Repairs/Maint - Machin/Equip		\$54.44	257258	SQUAD REPAIRS
E 101-42100-404	Repairs/Maint - Machin/Equip		\$10.86	257305	SQUAD REPAIRS
E 101-42100-404	Repairs/Maint - Machin/Equip		\$273.26	257562	SQUAD REPAIRS
al BROOKDALE CHRYSLER, JEEP,DODGE			\$593.96		
Paid Chk# 097673	1/23/2015	CENTERPOINT ENERGY			
E 101-41940-383	Fuel, oil and natural gas		\$251.33		SERVICE
E 101-41940-383	Fuel, oil and natural gas		\$9.50		SERVICE
E 101-42200-383	Fuel, oil and natural gas		\$1,054.15		SERVICE
Total CENTERPOINT ENERGY			\$1,314.98		
Paid Chk# 097674	1/23/2015	CLASSIC CLEANING COMPANY			
E 101-41940-409	Maint services & Improv		\$1,408.00	21682	MONTHLY CLEANING
E 101-41940-409	Maint services & Improv		\$360.00	21683	MONTHLY CLEANING
Total CLASSIC CLEANING COMPANY			\$1,768.00		
Paid Chk# 097675	1/23/2015	CORNERHOUSE			
E 101-42100-309	Contractual Services		\$1,061.37	SPD24072814	PD SERVICES
Total CORNERHOUSE			\$1,061.37		
Paid Chk# 097676	1/23/2015	CRABTREE COMPANIES			

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E 101-41500-200	Office Supplies (GENERAL)		\$429.50	129700	COPIER SUPPLIES
	Total CRABTREE COMPANIES		\$429.50		
Paid Chk# 097677	1/23/2015	DELTA DENTAL OF MINNESOTA			
G 101-21717	Dental Insurance		\$1,809.00	5838296	DENTAL INS.FEB.2015
	Total DELTA DENTAL OF MINNESOTA		\$1,809.00		
Paid Chk# 097678	1/23/2015	EXCEL DOCUMENT MGMT.			
E 101-41100-210	Operating Supplies (GENERAL)		\$43.18	40534	NEW COUNCIL BUS.CARDS
	Total EXCEL DOCUMENT MGMT.		\$43.18		
Paid Chk# 097679	1/23/2015	GOLDEN VALLEY TCA A LLC			
G 630-20300	Deposits Payable		\$2,078.24	CVR REFUND	CVR REFUND
	Total GOLDEN VALLEY TCA A LLC		\$2,078.24		
Paid Chk# 097680	1/23/2015	GOPHER STATE ONE CALL			
E 610-40000-313	Permit Fees/Gopher State		\$50.00	130885	ANNUAL FEE - 2015
E 620-40000-313	Permit Fees/Gopher State		\$50.00	130885	ANNUAL FEE - 2015
	Total GOPHER STATE ONE CALL		\$100.00		
Paid Chk# 097681	1/23/2015	HAWK LABELING SYSTEMS			
E 101-42200-210	Operating Supplies (GENERAL)		\$330.06	198000	FD SUPPLIES
	Total HAWK LABELING SYSTEMS		\$330.06		
Paid Chk# 097682	1/23/2015	HENN.CNTY.CHIEFS OF POLICE			
E 101-42100-433	Dues, Licensing & Seminars		\$125.00		2015 DUES
E 101-42100-434	Training and schools		\$135.00		2015 DUES
	Total HENN.CNTY.CHIEFS OF POLICE		\$260.00		
Paid Chk# 097683	1/23/2015	INTERNATIONAL CODE COUNCIL			
E 101-42400-433	Dues, Licensing & Seminars		\$532.00	INV0517044	CONF.SESSIONS
	Total INTERNATIONAL CODE COUNCIL		\$532.00		
Paid Chk# 097684	1/23/2015	ITRON, INC.			
E 610-40000-225	Repair & Maint - System		\$1,021.46	359352	WATER METER READER PARTS
E 620-40000-225	Repair & Maint - System		\$1,021.46	359352	WATER METER READER PARTS
	Total ITRON, INC.		\$2,042.92		
Paid Chk# 097685	1/23/2015	KLAPPRICH, KURT			
E 101-45200-331	Mileage & Expense Account		\$50.61	REIMB.	CONF.PARKING,MEAL & CERTIFICATION
E 101-45200-433	Dues, Licensing & Seminars		\$155.00	REIMB.	CONF.PARKING,MEAL & CERTIFICATION
	Total KLAPPRICH, KURT		\$205.61		
Paid Chk# 097686	1/23/2015	LAKE MINNETONKA ERU			
E 101-42100-433	Dues, Licensing & Seminars		\$500.00	2015 DUES	OFFICER LEE 2015 MEMBERSHIP
	Total LAKE MINNETONKA ERU		\$500.00		
Paid Chk# 097687	1/23/2015	LAW ENFORCEMENT TECHNOLOGY			
E 101-42100-309	Contractual Services		\$3,605.30	14824	PD LETG SOFTWARE MAINT.& SUPPORT
E 101-42100-309	Contractual Services		\$150.00	14857	PD ANNUAL VPN CONNECTION FEE
E 101-42100-309	Contractual Services		\$3,420.00	14859	PD SERVICE HOSTING
	Total LAW ENFORCEMENT TECHNOLOGY		\$7,175.30		
Paid Chk# 097688	1/23/2015	LEAGUE OF MN.CITIES			
E 101-41500-433	Dues, Licensing & Seminars		\$99.00	212095	CONF.REGISTRATION
E 101-41100-433	Dues, Licensing & Seminars		\$99.00	212132	CONF.REGISTRATION
	Total LEAGUE OF MN.CITIES		\$198.00		
Paid Chk# 097689	1/23/2015	LOFFLER COMPANIES, INC.			

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January 2015

			Check Amt	Invoice	Comment
E 409-40000-540	Equipment		\$4,310.00	1896679	PHONE SYSTEM EQUIPMENT
Total LOFFLER COMPANIES, INC.			\$4,310.00		
Paid Chk# 097690	1/23/2015	MACQUEEN EQUIPMENT, INC.			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$94.58	2150660	PARTS
Total MACQUEEN EQUIPMENT, INC.			\$94.58		
Paid Chk# 097691	1/23/2015	MEDIACOM			
E 101-41940-321	Telephone		\$309.95		SERVICE
Total MEDIACOM			\$309.95		
Paid Chk# 097692	1/23/2015	METERING & TECHNOLOGY SOLUTION			
G 620-14100	Inventory of Material/Supply		\$3,425.50	2599	WATER METERS & HORNS
G 610-14100	Inventory of Material/Supply		\$3,425.50	2599	WATER METERS & HORNS
G 620-14100	Inventory of Material/Supply		\$366.34	2650	WATER METERS & HORNS
G 610-14100	Inventory of Material/Supply		\$366.35	2650	WATER METERS & HORNS
tal METERING & TECHNOLOGY SOLUTION			\$7,583.69		
Paid Chk# 097693	1/23/2015	MN CHIEFS OF POLICE ASSOC.			
E 101-42100-433	Dues, Licensing & Seminars		\$230.00	2015 DUES	2015 DUES
Total MN CHIEFS OF POLICE ASSOC.			\$230.00		
Paid Chk# 097694	1/23/2015	MN RURAL WATER ASSOCIATION			
E 620-40000-433	Dues, Licensing & Seminars		\$125.00	2015 DUES	2015 MEMBERSHIP DUES
E 610-40000-433	Dues, Licensing & Seminars		\$125.00	2015 DUES	2015 MEMBERSHIP DUES
Total MN RURAL WATER ASSOCIATION			\$250.00		
Paid Chk# 097695	1/23/2015	MURPHY, MICHAEL			
E 101-42100-210	Operating Supplies (GENERAL)		\$32.14	REIMB.	PD SUPPLIES REIMB.
Total MURPHY, MICHAEL			\$32.14		
Paid Chk# 097696	1/23/2015	OFFICE DEPOT			
E 101-41500-200	Office Supplies (GENERAL)		\$145.22	749008729001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$5.29	749008820001	SUPPLIES
Total OFFICE DEPOT			\$150.51		
Paid Chk# 097697	1/23/2015	SCOTT GERBER			
E 101-42200-434	Training and schools		\$125.00	15-0001	FD TRAINING
Total SCOTT GERBER			\$125.00		
Paid Chk# 097698	1/23/2015	TASER INTERNATIONAL			
E 101-42100-434	Training and schools		\$350.00	TASE18834	PD TRAINING
Total TASER INTERNATIONAL			\$350.00		
Paid Chk# 097699	1/23/2015	UNITED FIRE FIGHTER ASSOC.			
E 101-42200-433	Dues, Licensing & Seminars		\$30.00	1/13/15	2015 DUES
Total UNITED FIRE FIGHTER ASSOC.			\$30.00		
Paid Chk# 097700	1/23/2015	WBC HOLDINGS, INC.			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$882.00	11907	PD SQUAD MAINT.
Total WBC HOLDINGS, INC.			\$882.00		
Paid Chk# 097713	1/23/2015	CASH - ANCHOR BANK			
G 640-10150	ATM		\$5,000.00	ATM FILL	ATM FILL
Total CASH - ANCHOR BANK			\$5,000.00		
10100 Anchor Bank			\$160,510.74		

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January 2015

Check Amt Invoice Comment

Fund Summary**10100 Anchor Bank**

101 GENERAL FUND	\$18,425.14
408 GENERAL FUND CIF	\$8,000.00
409 EQUIP REVOLVING	\$4,310.00
610 WATER FUND	\$4,988.31
620 SEWER FUND	\$4,988.30
630 MOTOR VEHICLE	\$2,078.24
640 LIQUOR	\$117,720.75
	\$160,510.74

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December 2014

Check Amt Invoice Comment

20100 Accounts Payable

Paid Chk# 097701 1/23/2015 CHARLIE'S AUTO BODY

E 610-40000-404	Repairs/Maint - Machin/Equip	\$1,125.43	11/07/14	PW TRUCK REPAIRS
E 620-40000-404	Repairs/Maint - Machin/Equip	\$1,125.43	11/07/14	PW TRUCK REPAIRS
Total CHARLIE'S AUTO BODY		\$2,250.86		

Paid Chk# 097702 1/23/2015 CITY VIEW PLUMBING & HEATING

E 408-40000-520	Buildings and Structures	\$18,139.00	42587	BEACH BATHHOUSE SEWER REPAIRS
E 408-40000-520	Buildings and Structures	\$5,612.00	42588	BEACH BATHHOUSE SEWER REPAIRS
E 408-40000-520	Buildings and Structures	\$1,768.00	42590	PW VENT REPLACEMENT
E 101-41940-401	Repairs/Maint Buildings	\$332.93	42599	CH BATHROOM REPAIRS
Total CITY VIEW PLUMBING & HEATING		\$25,851.93		

Paid Chk# 097703 1/23/2015 DELANEY CONSULTINGLLC

E 640-47000-302	Consultants	\$177.66	1341	BAR CONSULTING
Total DELANEY CONSULTINGLLC		\$177.66		

Paid Chk# 097704 1/23/2015 EHLERS

E 401-40000-309	Contractual Services	\$358.75	66535	DOWNTOWN PARKING
E 316-40000-309	Contractual Services	\$1,631.25	66536	BAY CENTER TIF
Total EHLERS		\$1,990.00		

Paid Chk# 097705 1/23/2015 FAIR'S NURSERY

E 404-40000-309	Contractual Services	\$8,843.10	2014 TREES	2014 TREE PLANTING PROJECT
Total FAIR'S NURSERY		\$8,843.10		

Paid Chk# 097706 1/23/2015 GRAINGER, INC.

E 408-40000-560	Furniture and Fixtures	\$1,373.75	9627900609	SHELVING FOR PERM.ARCHIVE ROOM
E 408-40000-560	Furniture and Fixtures	\$2,055.00	9628111826	SHELVING FOR PERM.ARCHIVE ROOM
E 408-40000-560	Furniture and Fixtures	\$348.60	9628207046	SHELVING FOR PERM.ARCHIVE ROOM
Total GRAINGER, INC.		\$3,777.35		

Paid Chk# 097707 1/23/2015 HENN.CNTY.INFO.TECH.DEPT.

E 101-43100-323	Radio Units	\$161.10	10000053418	PW RADIO CONNECTION
E 101-45200-323	Radio Units	\$100.00	10000053418	PW RADIO CONNECTION
E 610-40000-323	Radio Units	\$100.00	10000053418	PW RADIO CONNECTION
E 620-40000-323	Radio Units	\$100.00	10000053418	PW RADIO CONNECTION
Total HENN.CNTY.INFO.TECH.DEPT.		\$461.10		

Paid Chk# 097708 1/23/2015 LHB, INC.

E 430-40000-302	Consultants	\$1,410.34	9	EASTMAN/LAKE
Total LHB, INC.		\$1,410.34		

Paid Chk# 097709 1/23/2015 PLYMOUTH, CITY OF

E 650-47700-309	Contractual Services	\$3,688.00	2015-0000000	2014 YARD WASTE USAGE
Total PLYMOUTH, CITY OF		\$3,688.00		

Paid Chk# 097710 1/23/2015 RITE

E 640-47000-499	Miscellaneous	\$166.99	9540	STORE REGISTER SUPPORT
Total RITE		\$166.99		

Paid Chk# 097711 1/23/2015 SAM S CLUB

E 101-42200-210	Operating Supplies (GENERAL)	\$93.51		FD SUPPLIES
Total SAM S CLUB		\$93.51		

Paid Chk# 097712 1/23/2015 SOUTHWEST NEWSPAPERS

E 640-48000-499	Miscellaneous	\$60.00	1760341	BAR EMPL.ADS
Total SOUTHWEST NEWSPAPERS		\$60.00		

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December 2014

Check Amt Invoice Comment**20100 Accounts Payable \$48,770.84****Fund Summary****20100 Accounts Payable**

101 GENERAL FUND	\$687.54
316 BAY CENTER	\$1,631.25
401 PERM IMPROVEMENT	\$358.75
404 PARK AND TRAIL CIP	\$8,843.10
408 GENERAL FUND CIF	\$29,296.35
430 STREET CIP	\$1,410.34
610 WATER FUND	\$1,225.43
620 SEWER FUND	\$1,225.43
640 LIQUOR	\$404.65
650 SOLID WASTE	\$3,688.00
	\$48,770.84

2/3/2015

THE FOLLOWING 2015 MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

2015 Gas Fitters License	
Air-It Indoor Comfort	Brooklyn Park, MN
Air Mechanical	Ham Lake, MN
DLT Heating & Cooling LLC	Annandale, MN
Lofgren Heating & Air	Apple Valley, MN
SR Mechanical	St Louis Park, MN
Special Event/Itinerant Food License Wayzata Middle School Basketball Tournament - 2/14/15	
Sandy's Grill & Italian Ice	Minneapolis, MN
Special Event/Itinerant Food License Wayzata Chilly Open - 2/7/15	
Wells Fargo Bank, N.A.	Wayzata, MN
2015 Tree License	
Andy's Lawn Care	Greenfield, MN
Elijah's Treecare LLC	Plymouth, MN
Golden Leaf Tree Service	Golden Valley, MN
The Tree & Stump Company Inc	Savage, MN
Tongen Tree Service	Tonka Bay, MN
Western Tree Service Inc	Paynesville, MN

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 751

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE PROPERTY AT 236 AND 240 MINNETONKA AVE S AND
519 INDIAN MOUND TO PUD PLANNED UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon the Report and Recommendation of the Wayzata Planning Commission, dated January 5, 2015, and City Council Resolution 07-2015 (the “Resolution”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolution, to PUD Planned Unit Development District.

Section 2. Effective Date

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

Adopted by the City Council this 20th day of January 2015.

Ken Willcox
Mayor

ATTEST:

Heidi Nelson
City Manager

First Reading: January 20, 2015
Second Reading: February 3, 2015
Publication: February 10, 2015

000043/480049/2041303_1

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA**

DRAFT ORDINANCE NO. 750

**AN ORDINANCE TO ALLOW FOR INSTALLMENT PAYMENTS OF
CITY'S ON-SALE LIQUOR LICENSE FEE IN YEARS 2015 AND 2016**

THE CITY OF WAYZATA ORDAINS:

- 1.1 In recognition of the economic impact of the Highway 101/Bushaway Road construction project on local businesses that hold on-sale intoxicating liquor licenses from the City, during the years 2015 and 2016, the payment of the annual fee for on-sale liquor licenses (other than club license) that is provided for in the Fee Schedule of the City of Wayzata may be made in two equal installments, on May 1 and August 1. In all other respects, the Wayzata City Code, including the intoxicating liquor licensing provisions thereof, shall remain unaltered and in full force and effect.
- 1.2 This Ordinance shall become effective upon its passage and publication.

Adopted this _____ day of _____, 2015.

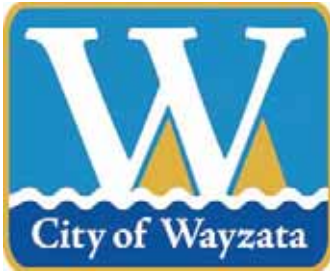
Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

First Reading: February 3, 2015
Second Reading:
Publication:

000043/230032/2045442_1



City of Wayzata Public Works
299 Wayzata Blvd. W
Wayzata, MN 55391

Director Of Public Service
David Dudinsky

City Engineer/Assist. Public Works Director
Mike Kelly

Public Works Superintendent
Jim Eibensteiner

Public Works Secretary/Utility Billing Clerk
Rebecca Jones

MEMORANDUM

RE: Changes to the 2015 City of Wayzata Special Event Permit Fee Schedule

Proposed Adjustments to the 2015 Special Event Fee Schedule

Advanced notice of Special Event Permit Fee increases were sent out to prior year event coordinators in December of 2014.

Due to all the inquiries we've received about the amount of our rate increases, staff proposes the adjustments below to our 2015 Special Event Fee Schedule for the remainder of 2015.

The proposed revised fees are highlighted in yellow:

		Local		Non-Local	
• 1 – 50	Persons	\$ 150.00		\$ 473.00	
• 51 – 100	Persons	\$ 200.00		\$ 550.00	\$ 275.00
• 101 – 200	Persons	\$ 250.00		\$ 880.00	\$ 440.00
• 201 – 500	Persons	\$ 300.00	\$ 600.00	\$1,320.00	\$ 660.00
• 501 – 1,000	Persons	\$ 500.00	\$1,000.00	\$2,200.00	\$1,100.00
• Over 1,000	Persons	\$ 625.00	\$1,250.00	\$2,750.00	\$1,375.00

RESOLUTION NO. 11-2015

RESOLUTION ADOPTING REVISED MUNICIPAL FEES FOR 2015

WHEREAS, Wayzata City Code provides that fees are adopted by reference and are as established by City Council Resolution; and

WHEREAS, On September 16, 2014, the Wayzata City Council approved Resolution No. 25-2014 adopting municipal fees for 2015; and

WHEREAS, it is the desire of the Wayzata City Council to adjust the Special Event Fees for the remainder of 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata that the City's fee schedule is amended to include the attached revised fees (Attachment A) effective February 3, 2015.

Adopted this 3rd day of February, 2015.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

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 February 3, 2015.

Deputy City Clerk Becky Malone

SEAL

Attachment A

Special Event Permit Fee Schedule

		<u>Local</u>	<u>Non-Local</u>
1-50	Persons	\$150.00	\$ 473.00
51-100	Persons	\$200.00	\$ 275.00
101-200	Persons	\$250.00	\$ 440.00
201-500	Persons	\$300.00	\$ 660.00
501-1,000	Persons	\$500.00	\$1,100.00
Over 1,000	Persons	\$625.00	\$1,375.00



Planning Report
Tuesday, February 3, 2015
Wayzata City Council Meeting

Applicant: Clock Tower Venture, LLC and CoV Restaurant
Address of request: 700 Lake Street E.
PID number: 06-117-22-42-0038
Prepared By: Bryan Gadow, City Planner
Project Summary: Development Application requests an amendment of an existing Conditional Use Permit (CUP) to install an enclosed private dining area on the rear patio of CoV restaurant, and locate storage bins on City Right of Way (ROW).

Section 1. Development Application

- 1.1. General. Clock Tower Venture, LLC and CoV Restaurant (collectively, the “Applicant”) at 700 Lake St E. (the “Property”) desire to expand their existing private dining space by adding a sixteen (16) ft x seventeen (17) ft (272 square feet) glass enclosed dining space at the rear of the building. The request requires an amendment to an existing 1988 Conditional Use Permit (CUP) and development agreement to increase the number of restaurant seats (the “Application” and the “Proposed Expansion”). The original CUP and Development Agreement was approved on March 1, 1988 (Attachment E).

The original CUP and Development Agreement was amended in 2014 with the change in restaurant operations from the former Sunsets Restaurant to the new CoV Restaurant to allow additional outdoor seating on the rear patio and seating on the adjacent City ROW as a seasonal use (See Attachment F for the 2014 amendment to the 1988 Development Agreement). The 2014 amendment limits the existing CoV Restaurant space to 210 interior dining seats (185 interior seats and 25 bar seats) and 88 seasonal outdoor seats on the Property’s rear patio, in addition to the ability to install 9 tables and associated seats on City ROW as part of a seasonal Sidewalk Cafe. If the Proposed Expansion is approved, the total number of interior dining seats would increase by twenty four (24) seats to a total of 234 interior dining seats.

In addition, the Applicant is requesting the use of some City Right of Way (ROW) adjacent to the CoV Restaurant to the east, to locate enclosed storage structures for wood for the restaurant grill, laundry cabinet and empty kegs. A narrative describing the Project is included as Attachment A. Existing Conditions and Proposed Site plans of the proposed expansion are included as Attachment B.

The existing building is a two story structure with upper story office space of 6,595 SF and a main level restaurant space of 7,694 SF for the Sunsets Restaurant.

1.2 Relevant Property Information.

Zoning:	Central Business District C-4B
Comp Plan:	Central Business District
Tenant Space:	7,694 SF for Restaurant

1.3 Legal Description.

A copy of the legal description for the subject properties are on file and available for viewing at City Hall. The following property description includes the subject Property in the Application:

700 Lake Street East	06-117-22-42-0038	Clock Tower Venture
----------------------	-------------------	---------------------

Image 1.1: Context Aerial



1.4 Public Notice Requirements.

The Notice of Public Hearing was published in the Lakeshore Weekly on January 13, 2015. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject Property on January 15, 2015.

1.5 Project Description.

The proposed Project is divided into two components (new enclosed private dining area and request for use of City ROW for storage):

A. *Additional Private Dining Area – New Building Enclosure.*

The existing CoV Restaurant space has twenty four (24) seats and six (6) tables allocated within a private dining area in the southeast corner of the restaurant. The Proposed Expansion is to add an additional twenty four (24) seats and six (6) tables as part of a glass enclosed 272 SF addition that would be added to the rear of the building on the existing patio space adjacent to the existing private dining area. This expansion would create a total of forty eight (48) seats and twelve (12) tables for private dining. The Applicant would remove the existing waiting area on the patio and reduce the patio area by 272 SF to accommodate space for the proposed enclosure. The enclosure would be detailed in the same manner as the current building exterior.

A chart comparing the 1988 approvals, the 2014 approvals, and the Proposed Expansion request is below:

	1988 Approvals	2014 Approvals	2015 Proposed Expansion
Interior Seats	192	185	209
Interior Bar Seats	18	25	25
<i>Total Interior Seats</i>	<i>210</i>	<i>210</i>	<i>234</i>
Outdoor Seasonal Seats	40	88	88
Seasonal Seats on City ROW	0	18	18
<i>Total Outdoor/Rear Patio Seats</i>	<i>40</i>	<i>106</i>	<i>106</i>
Waiting Area on City ROW	0	0	0
Waiting Area on Rear Patio	0	8 seating couches	4 seating couches

B. *Storage on City ROW.*

The Applicant located a canvas storage bin on City ROW for storage of wood, empty kegs, and grease recycling containers for the restaurant. Staff notified the Applicant that such use of City ROW requires City

Council approval, and the previous approvals received by the Applicant did not include approval for use of City ROW for storage. The Applicant has included as part of their Application a request to the City Council for use of two locations on adjacent City ROW for enclosed storage bins. The Applicant has provided a site plan showing the location of the storage bins (Attachment B-5), a photo of the design of the storage bins (Attachment C-3), and a layout plan of the storage bin.

1.6 Planning Commission Meeting Summary.

The Planning Commission reviewed the Application and held a Public Hearing on January 26, 2015. The Planning Commission voted seven (7) in favor and zero (0) opposed to adopt the findings in the staff report and recommend approval of the Application with conditions. A copy of the meeting minutes from January 26, 2015 is included as Attachment G. A draft resolution is included as Attachment H.

Section 2. Standards

2.1 Parking CUP in C-4, C-4A, and C-4B Districts– City Code Section 801.20.17

- A. An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for substantial changes in conditions or expansions of use, and as otherwise described in the Zoning Ordinance. Section 801.04.05.
- B. Within the C-4, C-4A and C-4B Zoning Districts, the City may approve development and uses which do not comply with the required number of parking spaces as a conditional use permit, provided that:
 - 1. A development agreement running with the land is completed in which it is agreed that the property in question is financially responsible for its proportionate share of the City sponsored and provided parking space construction, maintenance, and parking site acquisition for new on-street, lot and/or ramp parking. Said responsibility shall be determined on the basis of the property's parking space shortage based upon ordinance requirements, in relationship to the total parking space shortage, as defined by Section 801.20 for a defined service and benefit area. The "service and benefit area" shall include all properties which benefit from the available public parking serving a particular retail and commercial neighborhood or district.
 - 2. The amount of parking provided on the property in question is the maximum amount possible, taking into account the use and design

objectives of the C-4, C-4A and C-4B Districts as outlined by this Ordinance and the Comprehensive Plan.

3. The parking shortages created by the development are not premature or in excess of the supply which can be provided by the City through a public parking system on a long term basis.
4. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met. Section 801.04.2.F directs the Planning Commission and City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:
 - A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's compatibility with present and future uses of the area.
 - C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - D. The proposed use's effect on the area in which it is proposed.
 - E. The proposed use's impact upon property values in the area in which it is developed.
 - F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
 - G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

2.2 Temporary Encroachments – City Code Section 315.

- A. Permit Required. No person shall construct or alter any building, sign, awning, marquee, landscape planter or similar structure so as to place it on or over City property without first obtaining a permit therefor from the City.
- B. Standards. All applications for temporary encroachments shall be referred to the City Council for approval or disapproval. The following standards and limitations shall govern the consideration and continued validity of all such permits:

- A. No permit for a temporary encroachment shall be approved if the encroachment will substantially impair the public's use of City property.
- B. The applicant for a permit for a temporary encroachment shall have the burden of establishing that the encroachment is necessary in accordance with the criteria of Section 315.07, which are listed below:
 - 1. There are exceptional or extraordinary circumstances or conditions apply to the encroachment in question, which circumstances or conditions do not apply generally to other structures or property within the City.
 - 2. Under the circumstances of the particular situation, the encroachment will not adversely affect the health, safety or general welfare of residents of the surrounding area or of the community as a whole.
- C. Written Agreement Required. If the City Council approves a permit for an encroachment, a written agreement shall be entered into between the City and the property owner setting forth the conditions of approval and the maintenance of said encroachment. Each such agreement shall include, but not be limited to, a clause holding the City harmless from liability for injuries directly or indirectly resulting from said encroachment.
- D. Right of Revocation. Any permit granted by the City permitting a temporary encroachment shall be revocable by the City at any time upon sixty (60) days written notice to the licensee.

Section 3. Project Discussion

3.1 Staff Analysis of Proposal.

A. *Parking*

The Applicant includes a request to expand the amount of existing enclosed seating within the restaurant space. This expansion would have an impact on parking demand for the Property. As the Property is currently configured, the building and site do not have any space for on-site parking for the restaurant use. As such, the operator utilizes a valet service to move restaurant user vehicles to other parking areas in the community, including the adjacent City owned surface parking lot on Lake Street.

In terms of additional parking impact, the proposed building expansion of 272 SF would create the following parking demand under the City's Zoning Ordinance requirements:

Use	Requirement	Square Footage	Parking Requirement
Private Dining Space	1 per 40 SF of Dining Area	272 SF	7 spaces
			7 spaces

A policy consideration for the City Council to review is, given the existing site constraints to adding parking on the Property, whether the Applicant should be required to contribute financially for the cost of seven (7) spaces to any future parking solution that the City may develop for the Central Business District. Public comment was received on this item, which is included as Attachment D.

B. Conditional Use Permit Requirements – Section 801.04.2.F.

1. The Proposed Expansion does not contravene the provisions of the Comprehensive Plan. The Property remains guided for Central Business District use, which is not affected by the CUP Amendment Application.
2. The Property remains guided for Central Business District use, which is not affected by the CUP Amendment Application.
3. The Proposed Expansion would not conform with the required additional parking for the expansion of dining space, as additional parking cannot be added on-site. The City Council should determine, if the Proposed Expansion is approved, whether to require a financial assessment for the proposed parking shortage created by the expansion.
4. As noted above, the Proposed Expansion would create a parking shortage of seven (7) parking spaces. The Planning Commission and City Council should determine if this parking storage would have an impact of the adjacent area. If the City Council were to approve the Proposed Expansion, the Council should determine whether as a condition of approval, a financial assessment would be required for the parking storage.
5. It is not anticipated that the Proposed Expansion would have an impact on adjacent property values.

6. As noted above, the Proposed Expansion would create a parking shortage of seven (7) parking spaces. The Planning Commission and City Council should determine if this parking storage would have an impact of the adjacent area. If the City Council were to approve the Proposed Expansion, the Council should determine whether as a condition of approval, a financial assessment would be required for the parking storage.
7. The Application does request use of and encroachment on City ROW for storage purposes, which requires City Council approval.

Section 4: Action Steps

After considering the items outlined in this Report, the City Council should pursue one of the following options as an action step:

1. Adopt the draft approval Resolution No. 10-2015 included as Attachment H of this Report.
2. If the Council wishes to significantly modify the Resolution for approval, the Council should direct staff to prepare a revised Resolution for review and adoption at the next Council meeting.
3. If the Council wishes to pursue a denial motion, the Council should direct staff to prepare a revised Resolution reflecting the denial motion for review and adoption at the next Council meeting.

Attachments:

- Attachment A: Project Narrative
- Attachment B: Project Plan Set
 - o Attachment B-1: 2014 Revised Site Plan – CoV Restaurant
 - o Attachment B-2: Existing Floor Plan – CoV Restaurant
 - o Attachment B-3: Existing Private Dining and Patio Plan – CoV Restaurant
 - o Attachment B-4: Proposed Private Dining and Patio Plan – CoV Restaurant
 - o Attachment B-5: Proposed Storage Plan
 - o Attachment B-6: Canvas Enclosure Detail
- Attachment C: Site Photos
 - o Attachment C-1: Existing Patio
 - o Attachment C-2: Existing Patio
 - o Attachment C-3: Existing Canvas Enclosure
- Attachment D: Received Public Comment
- Attachment E: 1988 Development Agreement
- Attachment F: 2014 Amendment to 1988 Development Agreement
- Attachment G: Planning Commission Meeting Minutes – January 26, 2015
- Attachment H: Draft Resolution 10-2015

30 November 2014



CoV Restaurant / CLOCK TOWER VENTURE

700 East Lake Street

Wayzata, MN 55391

2280 Watertown Road, Long Lake, MN 55356-9419
952.476.4434 • Fax 952.476.5863 • nw@weberarchitects.com

RE: Amendment to Conditional Use Permit

INTRODUCTION

This application is requesting two minor adjustments to the current plan.

1. STORAGE IN PUBLIC RIGHT OF WAY

CoV is requesting the use of a small space in the public ROW adjacent the CoV property to the east. (See attached plan). The use will not interfere with the use of the ROW for traffic and parking as the suggestion is to locate storage structures in the inside corner adjacent to the new addition.

One is for wood storage. It is currently in place and houses the wood needed for the grill of the restaurant. The original intent was to locate the wood inside. But for health department reasons it will need to be located outside.

The other storage structure would contain the dirty laundry cabinet, empty beer kegs and the grease recycling container. All of these items need attention daily and will need easy access by vendors. The intent is to enclose them in the same enclosure that houses the wood to insure design continuity and simplicity.

2. ADDITION to THE PRIVATE DINING AREA

The attached drawings show a proposed 16' x 17' one story addition to the private dining area. As the concept plan clearly shows the total addition is well within the private property and meets all set back and zoning requirements.

The private dining provided by CoV has proved to be very popular. There is a need to provide additional seating in the private dining area as the size of groups intending to use the space often needs additional seating.

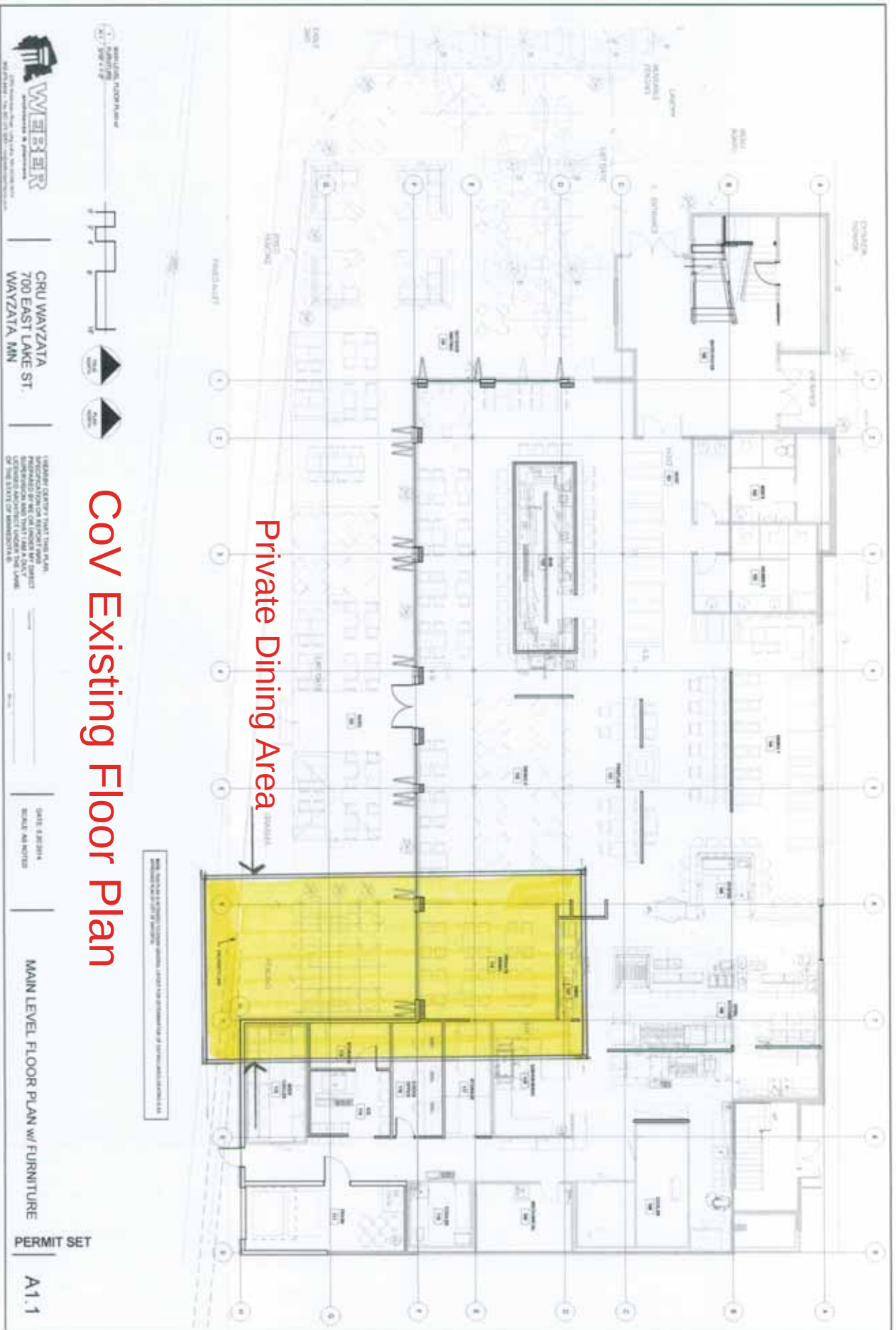
The exterior will be detailed just as the current exterior is constructed. See the attached photos for the details. The intent is to reuse the doors currently in place but face them to the west. Windows will face toward Lake Minnetonka. The patio space will be reduced by the same size as the addition.

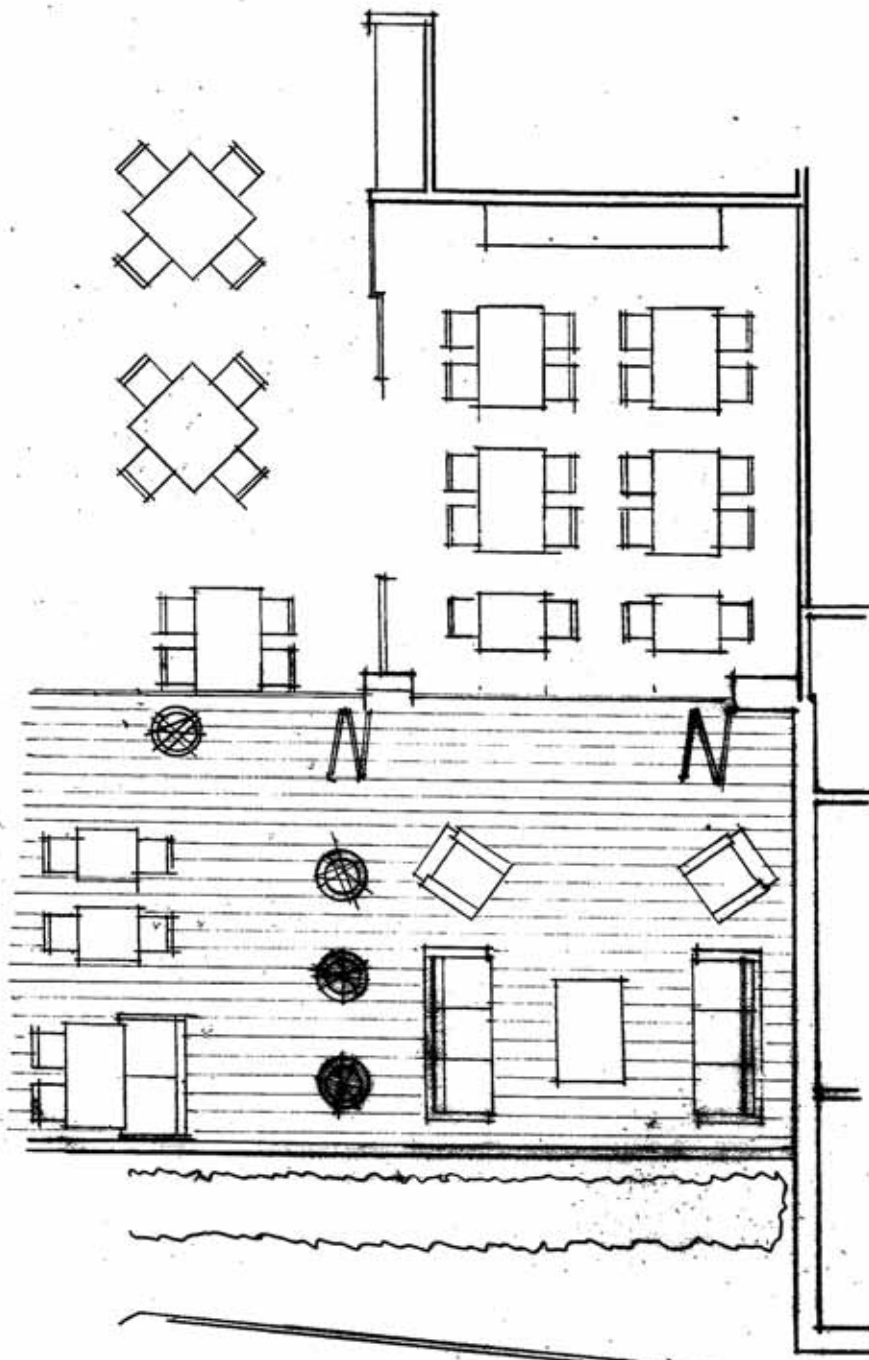
CONCLUSION

The addition to the private dining would require an amendment to the CUP. The use of the public ROW would require an agreement between the City of Wayzata and CoV.



	
10 South Eighth Street Minneapolis MN 55402	
t 612.398.2257 f 612.349.2930 sheadesign.com	
contractor NEDRA ARCHITECTS & PLANNERS	
DESIGN PERSON GROUP	
PRIMER OFFICE EQUIPMENT	
project title CRI WATER GALL WAZOVA, MN	
date DEAN VLAHOS	NOT FOR CONSTRUCTION REFERENCE ONLY
I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	
PRINTED NAME DEAN VLAHOS	
SIGNATURE [Signature]	
DATE ISSUED 21/05/2015	
SCALE(S) AS SHOWN	
NO. DRAWN 1	REVISION 1
PROJECT NO. 15-001	DRAWING DATE 05/05/2015
TITLE AIR	DS
sheet tab PARTITION EQUIPMENT PLAN	
A150	





Existing dining area showing
doors to patio area,

Existing Dining Plan

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

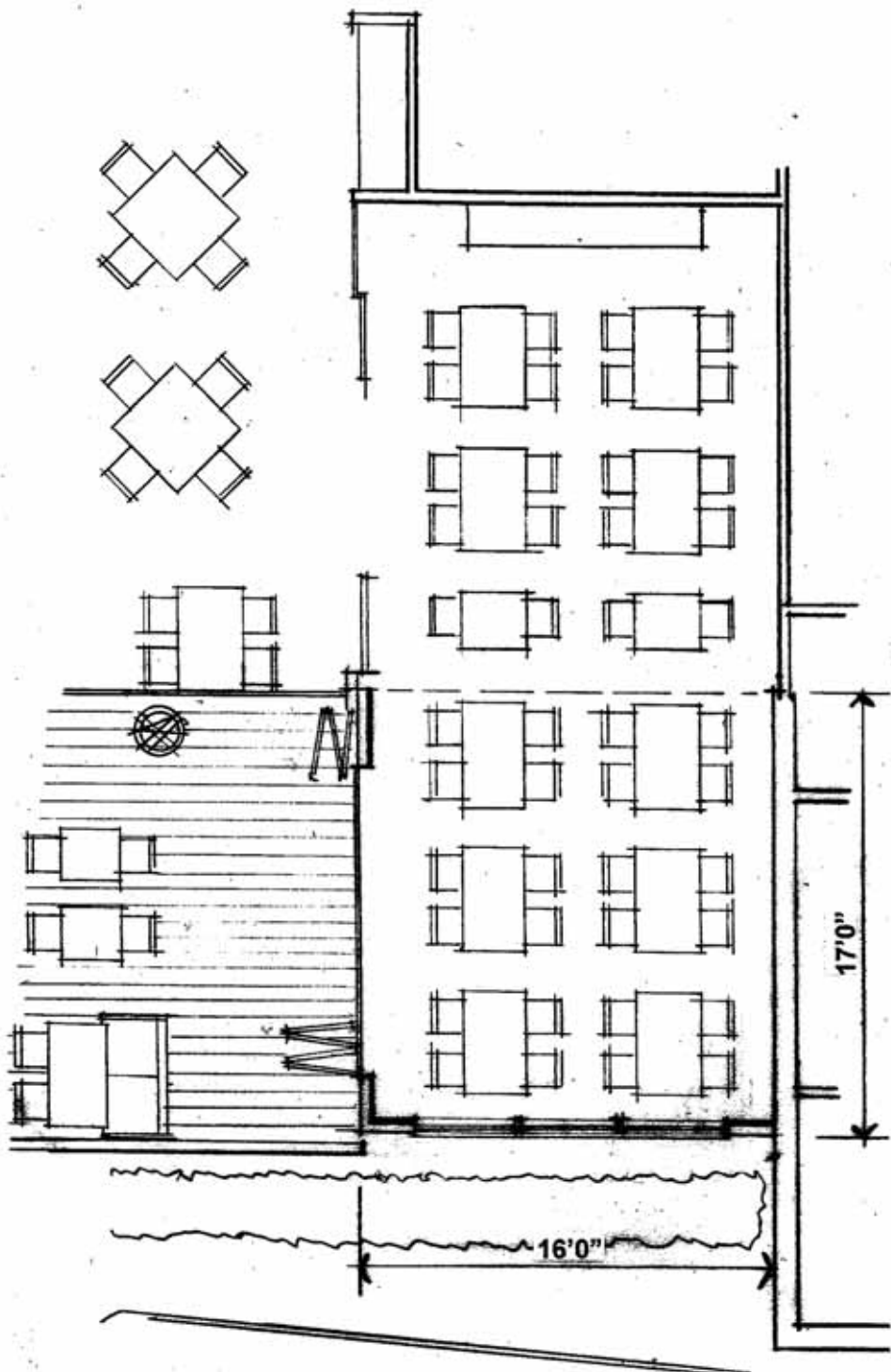
NEIL WEBER, AIA _____ DATE _____
REGISTRATION #11325



WEBER
architects & planners

2280 Watertown Road, Long Lake, MN 55356-9419
952.476.4434 • Fax 952.476.5863 • nw@weberarchitects.com

Attachment B-4: Proposed Private Dining Area - CoV Restaurant



Private dining area with
16' x 17' addition. Existing
doors are reused facing west
to patio.

Private Dining Area w/ Addition

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

NEIL WEBER, AIA

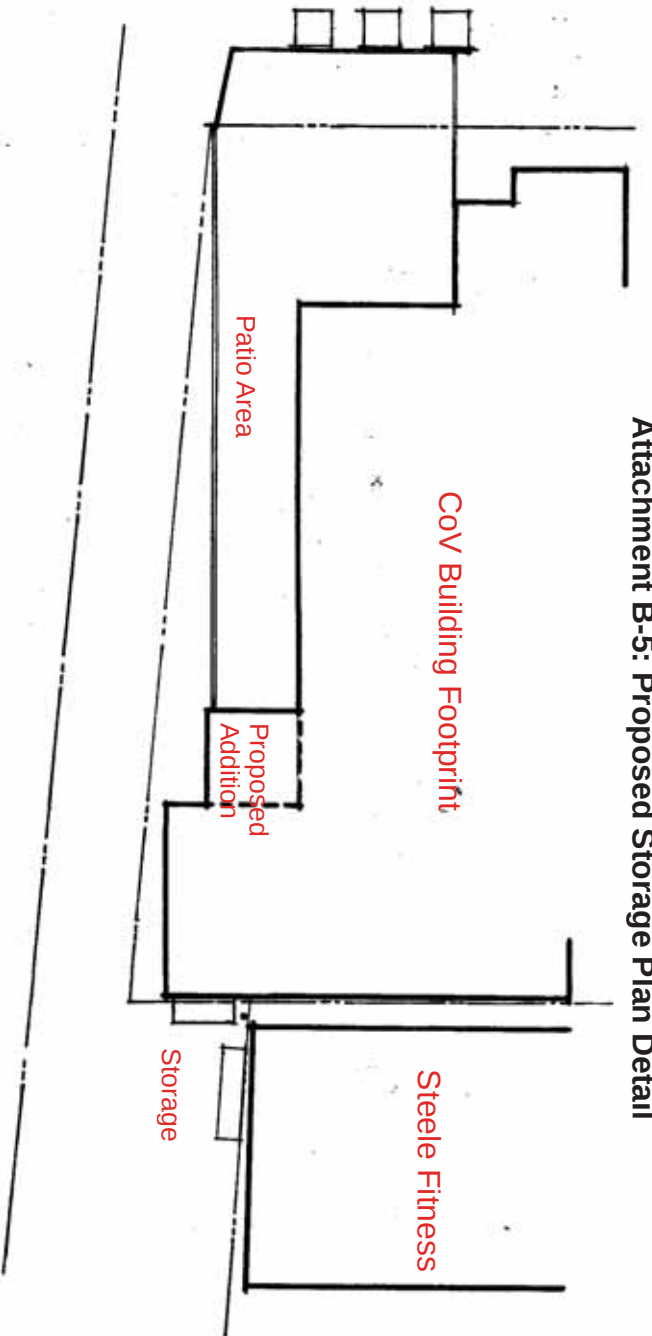
DATE
REGISTRATION #11325



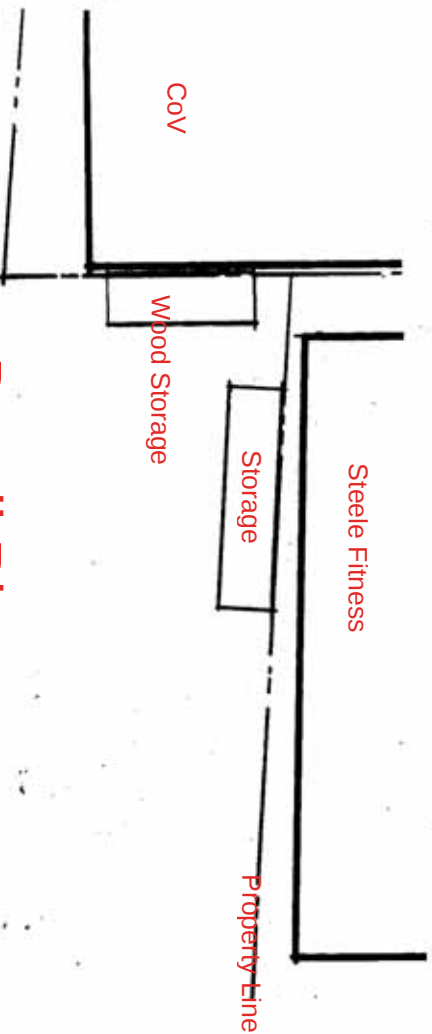
2280 Watertown Road, Long Lake, MN 55356-9419
952.476.4434 • Fax 952.476.5863 • nw@weberarchitects.com

cc: 02032015
Page 40 of 135

Attachment B-5: Proposed Storage Plan Detail



Concept Plan



Detail Plan

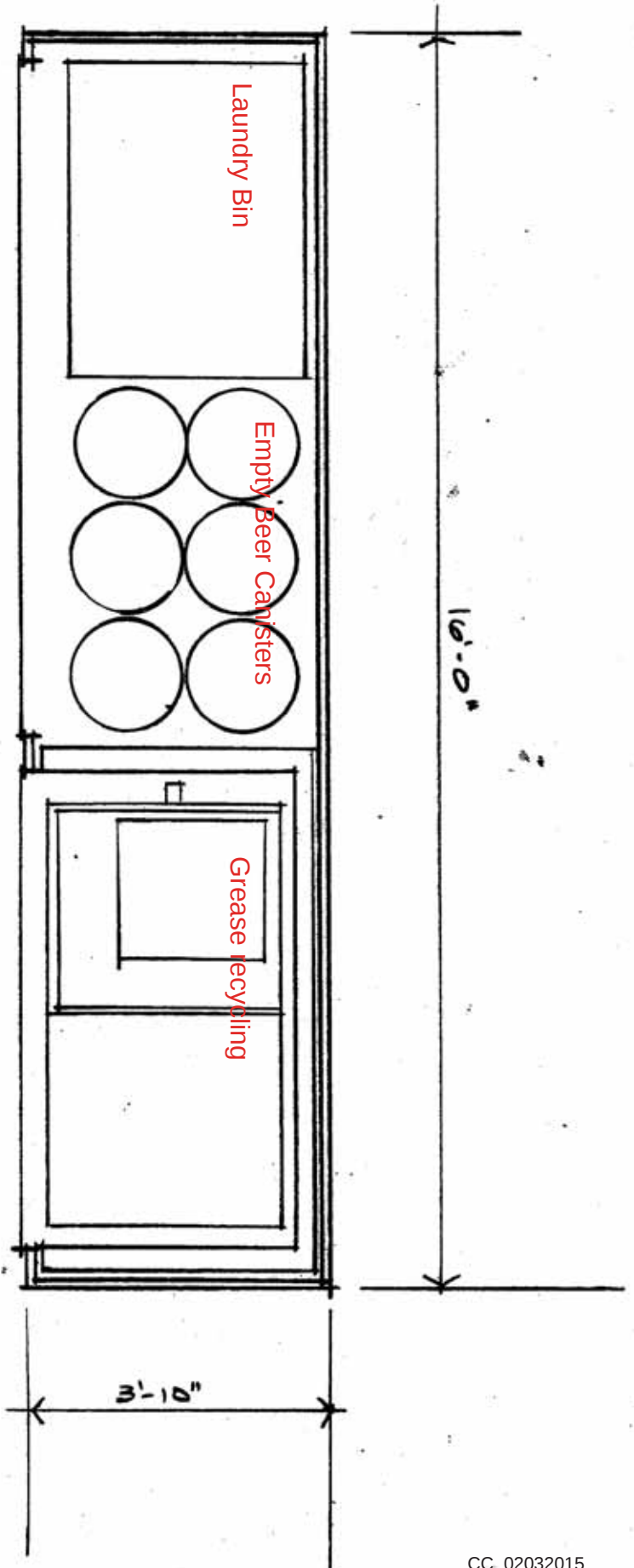
I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE _____ REGISTRATION #11325
NEIL WEBER, AIA



2280 Watertown Road, Long Lake, MN 55356-9419
952.476.4434 • Fax 952.476.5863 • nw@weberarchitects.com

Attachment B-6: Canvas Enclosure Detail



Canvas Enclosure

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

NEIL WEBER, AIA DATE REGISTRATION #11928

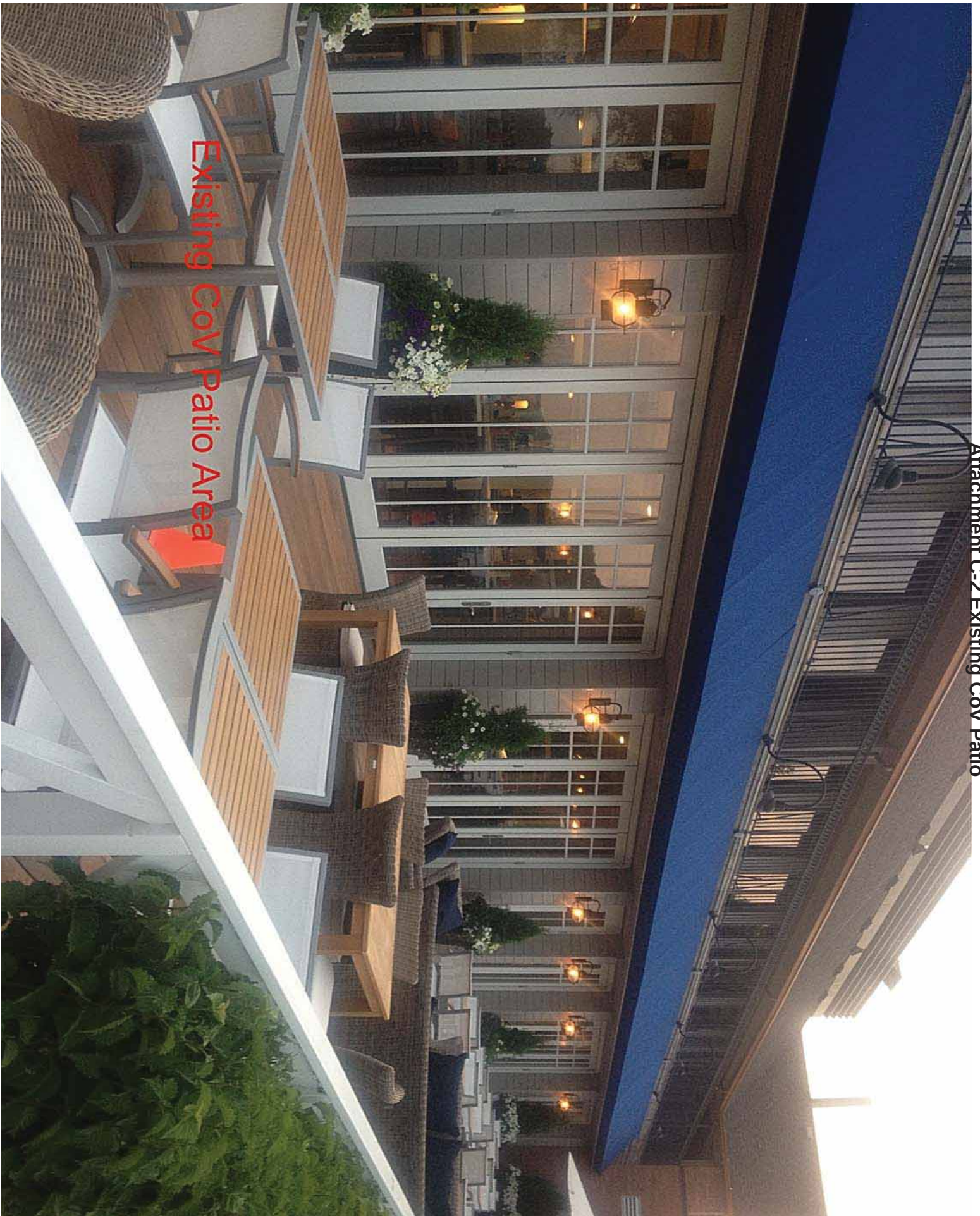


2280 Watertown Road, Long Lake, MN 55350-9410
952.476.4434 • Fax 952.476.5983 • nwl@webearchitects.com

Existing CoV Patio



Existing CoV Patio Area



Existing Canvas Enclosure

Existing enclosure houses wood
New enclosure to match

Attachment D: Received Public Comment

Bryan Gadow

From: Heidi Nelson
Sent: Wednesday, January 14, 2015 3:07 PM
To: Bryan Gadow
Subject: FW: COV REQUEST FOR MORE SEATING

For the public record

From: George Carisch [<mailto:george@carischinc.com>]
Sent: Wednesday, January 14, 2015 2:46 PM
To: Heidi Nelson
Subject: COV REQUEST FOR MORE SEATING

Please forward our comments to the Mayor, City Council Members and all members of the Planning commission.

We request that the COV Restaurants application for more seating and storage area be denied. We have enough parking problems today without adding additional seating and thereby causing more parking requirements. If the COV can provide the parking necessary to meet City of Wayzata's guidelines for seating, then we have no criticism. This would include all seating requests that the COV and Sunsets have made in the past 10 years.

Do not invite more people to Wayzata until we have a parking ramp built that will satisfy all the needs of today and future growth, exhibited by the COV's request.

Thank You,

George Carisch
Carisch, Inc.
681 E Lake St. # 262
Wayzata, MN 55391
(O) 952-476-7280
(F) 952-697-1912
(C) 612-812-5275
george@carischinc.com

DEVELOPMENT AGREEMENT AND
CONDITIONAL USE PERMIT

THIS AGREEMENT, made this 1st day of March, 1988, by and between the City of Wayzata, a Minnesota municipal corporation, ("City"), and Gertrud Elisabeth Noelting ("Developer");

1. Conditional Use Permit. Subject to the terms and conditions set forth herein, the City hereby grants a conditional use permits for a Shoreland Impact Plan, for a restaurant use, and for a parking shortage for expansion of an existing development in order to facilitate the Developer in proceeding with the construction and completion of the following described project (the "Project").

The construction of a two story building addition and terrace enclosure on property defined by paragraph 2A below. The ground floor level will be devoted exclusively to a restaurant, not to exceed 192 permanent restaurant seats, 18 bar seats, and 40 temporary seasonal, outdoor seats, and a lobby/entrance area conforming to C-4 zoning district requirements. The second level of the building shall be utilized exclusively for commercial office space or other such use as allowed within and according to C-4 zoning district requirements. On separate property acquired from the Burlington Northern Railroad a one-way driveway entrance and minimum 25 space parking lot shall be constructed by the City. The driveway and parking lot are to be deeded to the City at no cost.

In recognition of ordinance provisions, the City hereby agrees to allow through conditional use permit, the Developer to proceed without providing for the parking space shortage for the exiting building and uses. Said shortages being defined by the Zoning Ordinance and calculated at a maximum of 61 spaces.

2. Property.

- A. The existing building is on property at 700 East Lake Street, Wayzata, Hennepin County, Minnesota, legally described as:

That part of Lots 12, 13 and 15, Block 2, Stephen's Second Addition to Wayzata and of Outlot 14, Wayzata, described as follows: Beginning at a point on the Northwesterly line of said Lot 15, distant 1 foot Southwesterly from the most Northerly corner thereof; thence Southwesterly along the Northwesterly line of said Lot 15, and the

extension thereof 72.50 feet; thence Southeasterly 150.64 feet, more or less, along a line which would intersect the Southwesterly extension of the Southeasterly line of said Lot 12, said point of intersection being 34.92 feet Southwesterly from the most Southerly corner of said Lot 12; thence Northeasterly along said extended line and along the Southeasterly line of said Lot 12, a distance of 87.39 feet, more or less, to a point 26 feet Southwesterly from the Northeasterly corner of said Lot 12; thence Northwesterly parallel with the Northeasterly line of Lots 12, 13 and 15, said Block 2, a distance of 150 feet to the point of beginning.

- B. The new building is on land generally defined in Exhibit "A" and within the parcel described in 2A above.
- C. The driveway and new parking lot are on land generally defined and legally described as shown upon Exhibit "A", excepting therefrom the land described in 2A above.

3. Conditions. The conditional use permit is issued upon and subject to the following stipulations:

- A. Building Development. The building and immediate site plans attached as Exhibit "C" and are herein incorporated into this Agreement and the project shall be constructed in accordance therewith. Construction shall be completed prior to December 31, 1988.
- B. Driveway and Parking Development. The driveway and parking lot plans attached as Exhibit "B" are herein incorporated into this Agreement shall be constructed by City in general accordance therewith. Construction is to be completed prior to December 31, 1988. At the Developer's option, Developer's share of the cost of construction, which is agreed to be no more than \$30,000.00, may be financed through a City assessment procedure over a period not exceeding two (2) years. The Developer shall be responsible only for the actual cost of construction and related expenses, not to exceed \$30,000.00.
- C. Parking Credit. In any future assessments undertaken by the City for the provision of parking spaces, the property described in

paragraph 2A shall be given credit for parking spaces actually constructed on the property described in paragraph 2C. In no event shall the credit be less than 25 spaces.

- D. Land Conveyance. The Developer shall prepare a new plat of land described at 2A and 2C above, and shall execute and deliver a Quit Claim Deed conveying ~~title~~ to the driveway and the new parking lot legally described in 2C above, to City, subject to the restriction that the property conveyed to the City must be used as a public parking lot and driveway, and in the event the property and driveway are no longer used for public parking purposes, title to the parking lot and driveway shall revert to Developer, her successors or assigns.

*Fee Simple
absolute title
and
Q & N.*

- E. Acknowledgement of Parking Shortage. The Developer acknowledges a required parking shortage based upon the building use as defined by the Zoning Ordinance and acknowledges financial responsibility for this shortage should the City undertake a parking expansion project as outlined in paragraph 4. Said responsibility shall be limited to a maximum of sixty-one (61) spaces.

- F. Driveway and Parking Lot Maintenance. For the land conveyed to the City for parking and driveway, maintenance and/or repair following transfer of ownership to the City may be assessed to the benefited properties.

- G. Shoreland Impact Improvements. The Developer shall submit a Shoreland Impact Plan as defined by the Zoning Ordinance to the Minnehaha Watershed District and shall make required site improvements as stipulated by the Minnehaha Watershed District. This Agreement shall be subject to and contingent upon Buyer's acceptance of the cost of any such improvements.

- H. Related Property Matters.

1. Developer shall exert reasonable efforts to clarify property boundaries between Developer's property and the property located immediately to the East of the existing structure which is defined in paragraph 2A. This task shall be completed no later than December 31, 1988.

2. The City shall obtain access easements as specified by the City and illustrated in Exhibit "B" between the Schmidt and Olson Buildings and between the Koenig, Robin and Lindquist, Vennum Buildings by ~~June 1, 1988~~ *Dec 1, 1988: mo RPN*

3. City and Developer shall agree that if either of them acquires the "railroad property" from Burlington Northern Railway or any other owner, which property lies Southerly of Developer's property described in paragraph 2A herein, and between the extension Southerly to the shore of Lake Minnetonka, of the Easterly and Westerly boundaries thereof, no structure, obstruction, tree or other vegetation will be erected or allowed to exist upon said property, which would obstruct the view of Lake Minnetonka from Developer's property.

I. Replat of Existing Property. The Developer shall be responsible for a replat of existing and new land parcels which comprise the future building site, parking lot and driveway. Said plat is to be subject to City approval and shall be completed by December 31, 1988.

J. Property Signing. The Developer agrees that signing on the building shall be in compliance with limits established by City ordinances. Said signing shall include the proposed clock(s) if constructed.

4. Future Special Assessments. Any future special assessments levied to fund the acquisition, construction and/or maintenance of one or more at-grade or ramp parking facilities which would be available for the use of employees, invitees and tenants of Developer, will be levied pursuant to Minnesota Statute Section 429.001 through 429.091, and as follows:

A. Definition of "Benefit",.. Such statutes provide that special assessments may be levied against a property only to the extent that such property "benefits" from improvements funded by special assessments, and the amount of such "benefit" equals the increase of the fair market value of the property resulting from the creation of such improvements. Acknowledging that it may be difficult to quantify or measure the increase in fair market value resulting from the provisions of public parking facilities in the vicinity of the project, the City and Developer agree that the

cost of providing public parking shall result in an increase in the fair market value of those properties benefitting from such parking in an amount identical to such costs, but in no event to exceed \$7,500.00 per parking space, and as further adjusted in the paragraphs of this Agreement to determine Developer's proportionate share. The \$7,500.00 per parking space limit is intended to apply, pursuant to this Agreement, only to the Developer and not necessarily to other property owners assessed.

B. Apportionment of Special Assessments. Pursuant to Minnesota Statute Section 459.14(7), the city may establish a different rate of assessment for properties benefited to a greater or lesser extent by such parking facility. Developer acknowledges and agrees that any apportionment of the costs of such parking facility which benefits the project and other properties may be apportioned based on the number of parking spaces which any one benefited property has failed to provide in accordance with pertinent city ordinances. For purpose of this apportionment, parties agree that Developer has a maximum 61 space parking deficit. For example, a property which failed to provide 50 parking spaces as required by the pertinent City ordinance, would pay twice as much in special assessments as Developer whose shortage is 25 parking spaces for such a parking facility benefiting both properties.

C. Assessment Area. Any parking facility within the following "assessment area" shall be deemed to be beneficial to the Project. The assessment area shall be those parcels of land bounded by Lake Minnetonka to the South, Walker Avenue to the West, Superior Boulevard to the East and Indian Mound Street or its extension to the North. When the City levies special assessments for such a parking facility it may elect to adjust such assessments on the basis of proximity to the parking facility. Developer shall benefit from such adjustment in like fashion to others assessed, but Developer agrees that special assessments for such parking facility may be apportioned among properties within the assessment area without adjustment based on the distance between the benefited property and the facility. The absence of such an adjustment is justified by the fact that to the extent that the users of properties closer than the project to a new public parking facility make use of such facility,

pre-existing public parking located closer to the project will then be freed up and available for users of the project. The City reserves the right to levy assessments with a smaller assessment area than the one described above.

- D. Area Parking Shortage. Developer's proportionate share of the assessment for such parking facility shall in no event exceed the cost of acquiring, constructing and maintaining that number of spaces (subject to the \$7,500.00 per space limit at paragraph 4A above) which Developer has failed to provide according to paragraph 3C above, in proportion to the then existing assessment area shortage of required parking spaces for all properties in the assessment areas. In determining Developer's proportionate share of any such new parking facility costs, Developer's percentage of the area shortage shall be multiplied times the total cost of the parking facility to determine the dollar amount payable to Developer, subject to the aforesaid \$7,500.00 limit and the other terms of this Agreement.
- E. Obligation to Specially Assess. In order to assess Developer under this Agreement for any new parking facility costs, the City must specially assess the cost of the parking facility to all properties in the area defined in paragraph 4C above.
- F. Maintenance Costs. Costs of maintaining any such parking facility may be assessed separately from the costs of acquisition and construction of same and shall not be subject to the \$7,500.00 per space limit provided at paragraph 3A above. Developer agrees that the project shall pay its proportionate share of maintenance costs.

5. Challenges to Assessments. The parties acknowledge that variances for parking deficiencies have previously been granted to the owners of other properties in downtown Wayzata, which owners have not signed a similar Development Agreement. In the event that assessments are imposed for a parking facility, such other owners may be able to successfully resist the imposition of such assessment on their properties in the absence of such Development Agreements. The Developer agrees that the City's inability to impose assessments on other property owners shall not constitute a valid basis for the Developer's refusal to pay such assessments, provided that such assessments are allocated so that appropriate share attributable to properties whose owners successfully resist

the imposition of assessments, or to properties which are not assessed for any other reason, is paid by the City, or, in any event, is not borne by the Developer.

6. Duration of Consent to Assessment. If no special assessments have been levied by December 31, 1998, pursuant hereto, Developer's consent to and obligation for special assessments described herein shall terminate. Thereafter, the City may only assess Developer of this project pursuant to the terms of Minnesota Statutes Section 429 et seq.

7. Alternative Parking. Developer shall have the right to obtain for the project alternative parking spaces to replace some or all of the parking shortage identified in paragraph 1 above. Such alternative parking spaces must be within the assessment area defined in paragraph 4C and must satisfy all requirements of the City's ordinances (including the issuance of a conditional use permit, if so required).

8. Miscellaneous Terms and Conditions. Each party has carefully reviewed the terms and conditions of this Agreement and each agree that such terms and conditions are reasonable. In the event that any one or more terms of this Agreement shall be held to be void or unenforceable by any Court of competent jurisdiction for any reason, the balance of this Agreement shall be valid and in full force and effect so long as the effect thereof does not substantially alter the terms of the Agreement or any respective rights of the parties. This Agreement shall be governed by and be interpreted according to the laws of the State of Minnesota, and it shall be binding upon and inure to the benefit of the administrators, executors, heirs, assigns and successors of the respective parties hereto. This Agreement shall run with the land and shall be binding upon subsequent owners of the project.

IN WITNESS WHEREOF, the parties hereto have executed this Development Agreement and Conditional Use Permit as of the date first above written.

CITY OF WAYZATA

By: 

Robert Gisvold, Mayor

By: 

Allan Orsen, City Manager

DEVELOPER:


Gertrud Elisabeth Noelting

Attachment E: 1988 Development Agreement & CUP

COFFIN & GRONBERG, INC.
SURVEYING, ENGINEERING AND LAND PLANNING
482-A TAMARACK AVENUE
LONG LAKE, MINN. 55358

473-4141

February 29, 1988

Legal Descriptions
for Gertrud Noelting
in Lots 12, 13, and 15, Block 2
"Stephens Second Addition to Wayzata"
and Outlot 14, Wayzata "revised"
Hennepin County, Minnesota

1. City Parcel

That part of the tract of land in the plat of Wayzata, designated as Outlot 14 on the plat of Wayzata "revised" Hennepin County, Minnesota, described as follows: Beginning at a point on the Southwesterly extension of the Northwestern line of Lot 15, Block 2, "Stephens Second Addition to Wayzata" distant 91.5 feet Southwesterly from the most Northerly corner of said Lot 15, as measured along the Northwestern line of said Lot 15 and its Southwesterly extension; said point of beginning also being the point of beginning of "Line A"; thence Southeasterly along said "Line A" to a point on the Southwesterly extension of the Southeasterly line of Lot 1 in said Block 2, distant 40 feet Southwesterly from the most Southerly corner of said Lot 1, and said "Line A" there ending; thence Northeasterly along the Southwesterly extension of the Southeasterly line of said Lot 1 a distance of 40 feet to the most Southerly corner of said Lot 1; thence Northwesterly to a point on the Southwesterly extension of the Southeasterly line of Lot 12 in said Block 2, distant 12.92 feet Southwesterly from the most Southerly corner of said Lot 12; thence Southwesterly along the Southwesterly extension of the Southeasterly line of said Lot 12 to a line 18.00 feet northwesterly of, measured at a right angle to and parallel with said "Line A"; thence Northwesterly along said parallel line to its intersection with the Southwesterly extension of the Northwestern line of said Lot 15; thence Southwesterly along the Southwesterly extension of the Northwestern line of said Lot 15 to the point of beginning.

2. Noelting Parcel

That part of Lots 12, 13 and 15, Block 2, "Stephens Second Addition to Wayzata" and of the tract of land in the plat of Wayzata, designated as Outlot 14 on the plat of Wayzata "revised" Hennepin County, Minnesota, described as follows: Beginning at a point on the Northwestern line of said Lot 15 distant one foot Southwesterly from the most Northerly corner of said Lot 15; thence Southwesterly along the Northwestern line of said Lot 15 and its Southwesterly extension a distance of 90.5 feet to "Point A"; thence Southeasterly along "Line A" to its intersection with the Southwesterly extension of the Southeasterly line of said Lot 12; , said "Line A" being described as beginning at said "Point A" and running Southeasterly to a point on the Southwesterly extension of the Southeasterly line of Lot 1 in said Block 2; distant 40 feet Southwesterly from the most Southerly corner of said Lot 1, and said "Line A" there ending; thence Northeasterly along the Southwesterly extension of

Attachment E: 1988 Development Agreement & CUP

COFFIN & GRONBERG, INC.
SURVEYING, ENGINEERING AND LAND PLANNING
482-A TAMARACK AVENUE
LONG LAKE, MINN. 55356

473-4141

-2-

the Southeasterly line of said Lot 12 and the Southeasterly line of said Lot 12 to a point distant 26 feet Southwesterly from the Northeasterly corner of said Lot 12; thence Northwesterly parallel with the Northeasterly line of Lots 12, 13 and 14, said Block 2, a distance of 150 feet to the point of beginning, EXCEPT the Southwesterly 18.00 feet of the above described parcel.

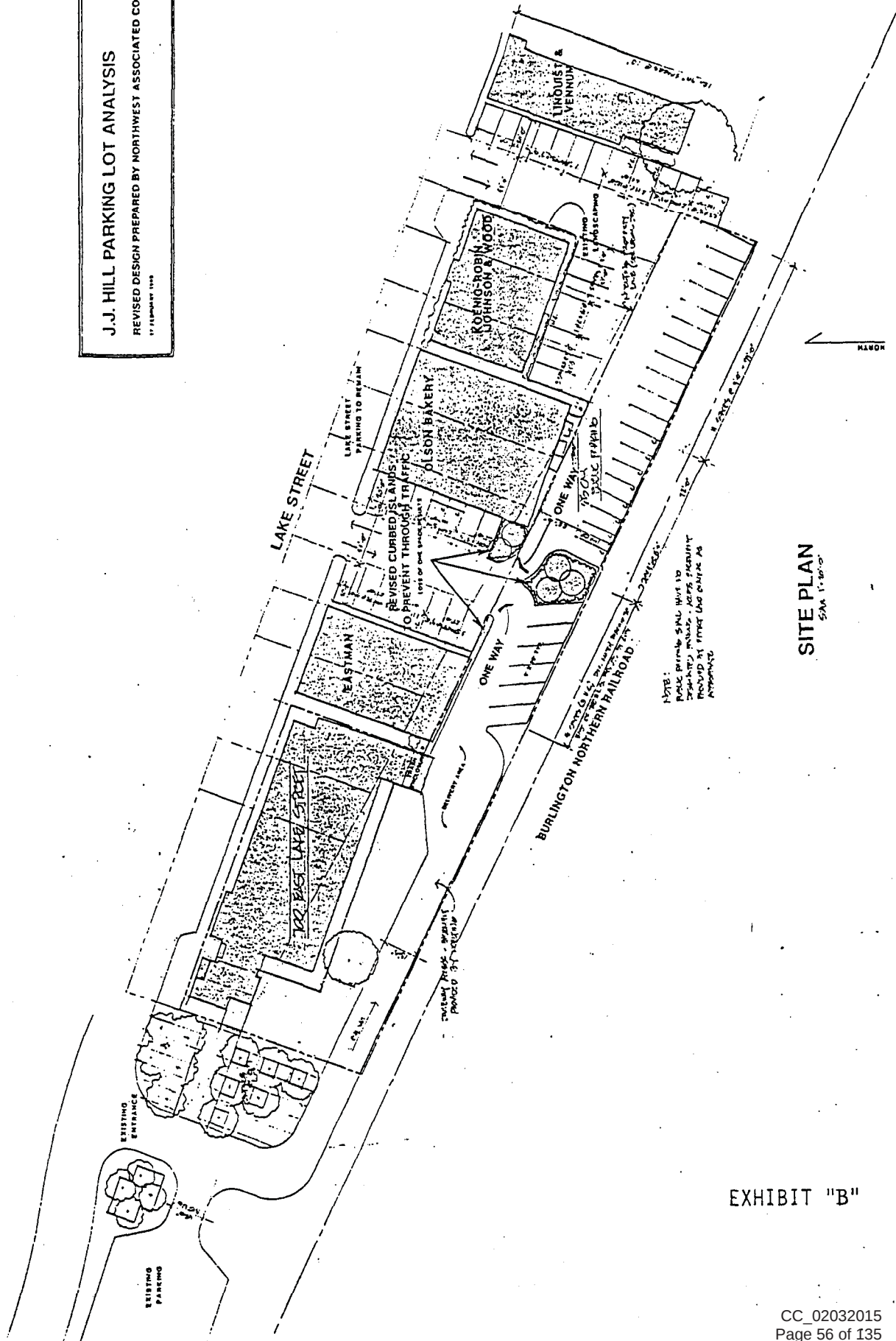
Attachment E: 1988 Development Agreement & CUP

J.J. HILL PARKING LOT ANALYSIS

REVISED DESIGN PREPARED BY NORTHWEST ASSOCIATED CONSULTANTS
17 FEBRUARY 1988

88-08
REMODELING/ADDITION
700 EAST LAKE ST.
WAYZATA, MINNESOTA
NO 1,000

REMOVED SCHEDULING
25 LINDSAY ROAD FOR "EIGHTY EIGHT"

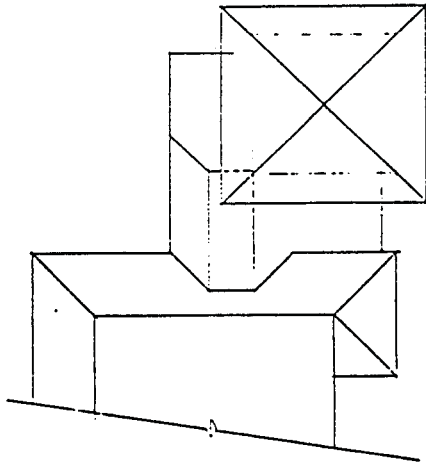


SITE PLAN
SMA 11-100-00

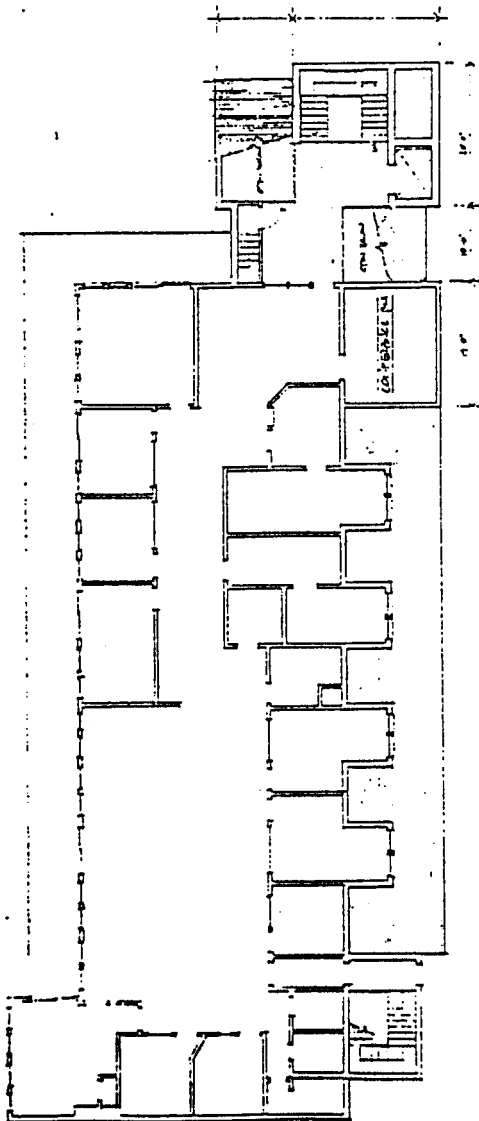
EXHIBIT "B"

Attachment E: 1988 Development Agreement & CUP

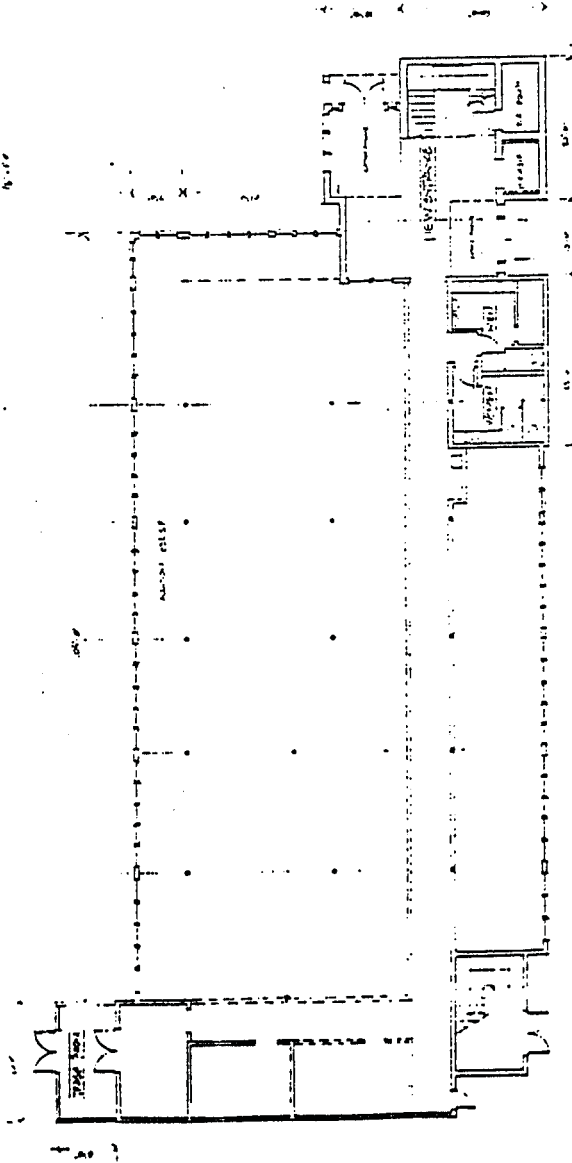
166 5475'
88-08
REMODELING/ADDITION FOR
700 EAST LAKE STREET
WAYZATA, MINNESOTA
Richard S. Weber
Architect
11100 Grand Ave. Suite 200
Minneapolis, MN 55438



ROOF PLAN
166' 5475'



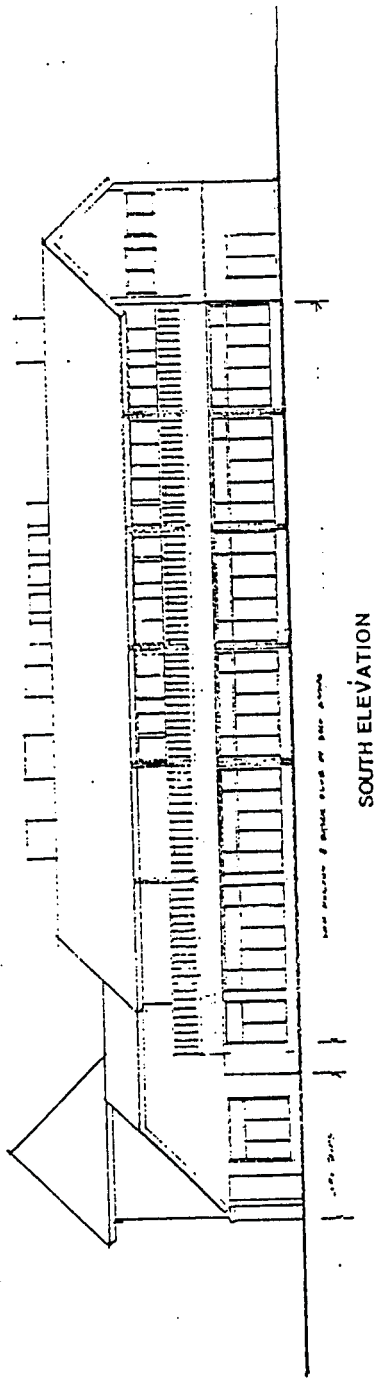
SECOND FLOOR PLAN
166' 5475'



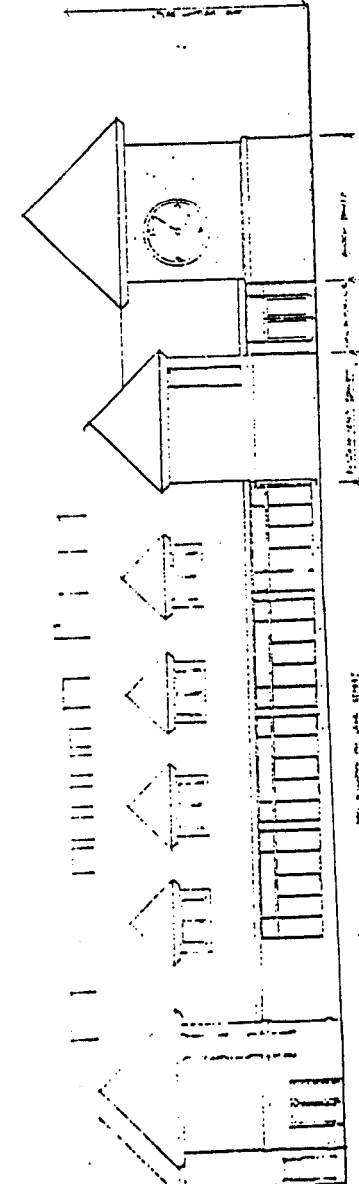
FIRST FLOOR PLAN
166' 5475'

EXHIBIT "C_1"

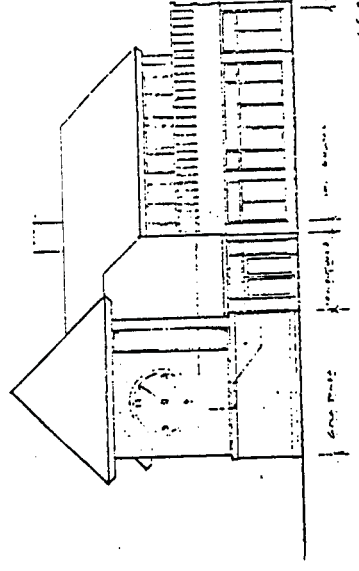
Attachment E: 1988 Development Agreement & CUP



SOUTH ELEVATION



NORTH ELEVATION

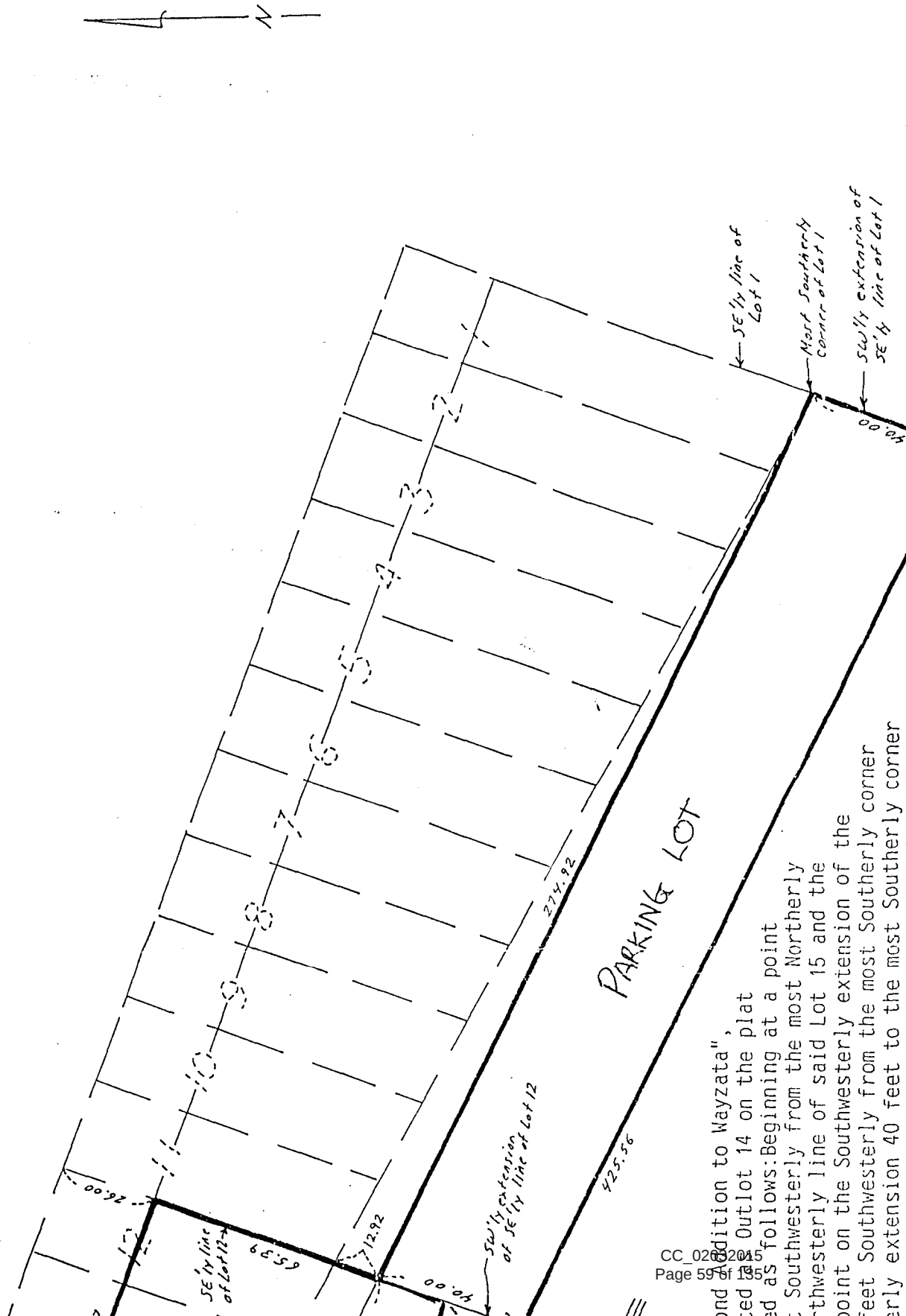


WEST ELEVATION

88-08
REMODELING/ADDITION FOR
700 EAST LAKE STREET
WAYZATA, MINNESOTA
9/15/10 Schmitt/Neil Weber
3111 Excelsior Avenue, Suite 100, Wayzata, MN 55391

EXHIBIT "C-2"

Sketch for Gertrud E. Noelting
in Lots 12, 13, and 15, Block 2
"Stephens Second Addition to Wayzata"
and Outlot 14, Wayzata "revised"
Hennepin County, Minnesota



and "Addition to Wayzata",
Outlot 14 on the plat
as follows: Beginning at a point
Southwesterly from the most Northerly
Southwesterly line of said Lot 15 and the
point on the Southwesterly extension of the
feet Southwesterly from the most Southerly corner
early extension 40 feet to the most Southerly corner

#1352

#1352

**AGREEMENT AND AMENDMENT
TO DEVELOPMENT AGREEMENT AND CONDITIONAL USE PERMIT**

THIS AGREEMENT AND AMENDMENT TO DEVELOPMENT AGREEMENT AND CONDITIONAL USE PERMIT ("Agreement") is made as of the 15th day of April, 2014 ("Effective Date"), by and between the City of Wayzata, a Minnesota municipal corporation ("City"), and Clock Tower Venture, a Texas joint venture ("Owner").

RECITALS:

WHEREAS, City and the predecessor in interest to Owner are parties to a certain Development Agreement that runs with the land, dated March 1, 1988, attached hereto as Exhibit A (the "Original Development Agreement and Conditional Use Permit"), providing for the development of property located at 700 Lake Street East in Wayzata, Minnesota, as more specifically described in the Original Development Agreement and in the legal description attached as Exhibit B (the "Property");

WHEREAS, the Owner wishes to create an outdoor bar area and increase the number of outdoor seats on the Property, and has obtained approval from the City for such that requires the Owner, as a condition of the approval, to amend the Original Development Agreement, in a form acceptable to the City Attorney.

WHEREAS, subsequent to the adoption of the Resolution, the Owner has modified its development plans in ways that do not require further City approvals and that are consistent with the land use approvals granted in the Resolution, and the City and Owner wish those current development plans to be reflected in this Agreement, attached as Exhibit C;

WHEREAS, in accordance with the foregoing, and the requirements of City of Wayzata Resolution No. 32-2013 (the "Resolution"), the parties desire to amend the Original Development Agreement and Conditional Use Permit as set forth below;

NOW, THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the parties agree as follows:

- A. Amendments to the Original Development Agreement and Conditional Use Permit:
1. Amendment No. 1. All references to "Developer" in the Original

Attachment F: 2014 Amendment to 1988 Development Agreement

Development Agreement and Conditional Use Permit that are a part of a continuing or present right, covenant, representation or obligation shall be read to include "Owner". Nothing in this Agreement shall relieve Developer from any covenant, representation or obligation in the Original Development Agreement and Conditional Use Permit that was not finally met or extinguished, or that has not been duly assigned and assumed by another party.

2. Amendment No. 2. The first two sentences of the second paragraph in Subsection 1 are hereby amended as follows (~~struck-text deleted~~; underlined text added):

The Project involves the construction of a two story building addition and terrace enclosure on property defined by paragraph 2A below, in addition to a 480 square foot (SF) rear addition to the main level to allow for interior trash storage. The ground floor level will be devoted exclusively to a restaurant, not to exceed 210 permanent restaurant seats, inclusive of indoor bar seats in accordance with the City's Ordinances on Liquor Sales, 9 tables and associated chairs on adjacent City Right of Way (ROW), and 106 temporary seasonal, outdoor patio seats, and a lobby/entrance area conforming to C-4 zoning district requirements.

B. Additional Agreements Related to Approval Resolution:

1. The conditions of approval in the Resolution are amended to read as follows, and the Owner agrees to comply with them all:
 - A. The Owner shall obtain and maintain the appropriate license/s from the City for use of the City ROW on which the outdoor seating and waiting areas are to be located, which license/s may be granted, revoked and/or denied in the sole discretion of the City on the basis of any reason related to the health, safety and welfare of the City, and/or the need to use the City ROW for other public or City purposes.
 - B. The Owner must comply with any future policy and fee established by the City Council for use of City Right-of-Way.
 - C. The Owner shall install bike racks on the Property in the locations and style designated by the City.
 - D. The owner shall not remove or replace the existing trees on the Property unless so directed by the City Forester or the City Manager.
 - E. The Owner shall work with City Staff on the design of the outdoor

Attachment F: 2014 Amendment to 1988 Development Agreement

- bench and associated landscaping.
- F. The Owner shall apply for and must receive approval of the appropriate building permits from the City Building Official.
 - G. The Owner shall install no more than nine (9) additional tables and associated chairs, as depicted on Attachment A of the Resolution, for a total of one hundred and six (106) seats for the collective outdoor seating areas on the Owner's Property and City ROW.
 - H. The Owner shall demark the outdoor seating area on City ROW from the adjacent pedestrian area, with the proposed metal and canvas panel fencing, or landscaping as depicted in the Application. The canvas panels shall be of a dark canvas material with no logos or text. The Owner shall be responsible to ensure the tables and chairs remain in the approved outdoor seating and waiting areas. The City shall also monitor the outdoor seating and waiting areas to ensure the outdoor seating and waiting areas remain in the approved area.
 - I. The Owner shall include one covered trash receptacle matching appearance of other furniture shall be provided for the tables.
 - J. The Owner shall install landscape material at the entrance of the restaurant adjacent to the City ROW.
 - K. The Owner shall maintain at least a five (5) foot clear pedestrian passage way between the proposed outdoor seating and waiting area and the building at all times.
 - L. The Owner shall ensure that any proposed umbrellas have a minimum clearance of seven (7) feet above the sidewalk.
 - M. The Owner shall ensure that a minimum of forty two inches (42") be provided within the aisles of the proposed café area.
 - N. The Owner shall ensure that the furniture will be movable to allow for seasonal changes.
 - O. The furniture shall be washable, constructed of metal or other weather resistant material, and maintained in a safe and sanitary condition.
 - P. The Owner shall not store furniture on the sidewalks between the months of November and April.

Attachment F: 2014 Amendment to 1988 Development Agreement

- Q. No outside bar, cooking facility, food preparation or holding area, or wait station shall be established in the outdoor seating and waiting areas or the City ROW.
- R. Any lighting used to illuminate the café area shall be arranged as to reflect light away from the adjoining properties and public streets, and be in compliance with the applicable City ordinances.
- S. No electronic amplified outdoor music, intercom, audio speakers, or other such noise generating devices shall be allowed in the proposed café area.
- T. The Owner shall enter into a hold harmless agreement with the City, exempting the City from all liability claims associated with the proposed outdoor seating area use on City ROW.
- U. The Owner shall be responsible for maintenance of the public ROW for which the outdoor seating area located upon, and any damage to the City ROW associated with the outdoor seating area use.
- V. Security of the outdoor seating and waiting areas shall be the responsibility of the property owner and/or tenant.
- W. The Owner shall be responsible to pick up litter within one hundred (100) feet of the outdoor seating and waiting areas on a daily basis.
- X. A special license for outdoor sidewalk café shall be renewed no later than November 1st of each year.
- Y. Annual/perennial flowers or other appropriate vegetative materials shall be used to enhance streetscape aesthetics.
- Z. Canopies/umbrellas shall be used for summer sun protection subject to the provisions of this Ordinance.
- AA. Design of site furnishings and café layout shall be reviewed prior to installation by the City subject to the above provisions.

2. Failure to comply with any one of the conditions listed in this Section B shall result in the revocation of the approval of the Sidewalk CUP granted in the Resolution.

Attachment F: 2014 Amendment to 1988 Development Agreement

C. Other:

1. Hold Harmless Agreement. The Owner shall defend, indemnify and hold harmless the City of Wayzata from any and all claims of any kind and nature, losses, damage, liability, injury, or expense, claimed by the Owner, its employees, vendors, customers, guests and invitees, or others, in connection with, associated with, or arising out of the outdoor seating and waiting area use. The foregoing obligation of defense, indemnity, and hold harmless is joint and several. The Owner shall procure and maintain sufficient liability insurance, naming the City of Wayzata as an additional insured, to cover its potential liability under this section, in amounts no less than \$500,000 per person and \$1,000,000 per occurrence covering persons, and in the same amounts covering property.

2. Default. Failure by the Owner to observe and substantially perform any covenant, condition or obligation on its part to be observed or performed under this Agreement shall be considered an "Event of Default" under this Agreement. Whenever any Event of Default occurs and the Owner fails to cure such default within twenty (20) days after notice by the City (or such longer or shorter period as may be reasonably necessary and specified by the City in the notice) then the City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take anyone or more of the following actions:

- i. Perform or hire a third party to perform for the account of the Owner any obligation of the Owner hereunder. The Owner shall promptly reimburse the City for any reasonable expense incurred by the City. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a Court order for permission to enter the Property or to act in accordance with this Agreement. When the City does any work as allowed herein, the City may, in addition to its other remedies, assess the cost in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the reasonable amount expended by the City to perform such work.
- ii. Withhold approval of any permit or licenses with respect to the Property, including building permits, ROW licenses or other business licenses for the Property and/or the business operated thereon.
- iii. Assess against the Property any reasonable costs incurred by the City due to the breach of this Agreement by Owner and not theretofore reimbursed by the Owner, and the Property shall be deemed to have benefited in the amount and to the extent of such costs.
- iv. Cancel and terminate any Conditional Use Permit associated with the Property.

Attachment F: 2014 Amendment to 1988 Development Agreement

3. Conformance with Laws. The Owner shall comply with the terms of this Agreement and all local, state, and federal laws and regulations applicable to the Property and the operations of the business thereon.

4. Waiver and Amendment. The action or inaction of the City shall not constitute a waiver of or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. No license, building permit or certificate of occupancy shall be issued which conflicts with the requirements of this Agreement, and any such license, permit or certificate which does so conflict shall be void. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release. If any portion, section, sub-section, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Agreement.

5. Interpretation of Agreement. Wherever there exists a conflict between this Agreement and the Original Development Agreement, the provisions of this Agreement shall control. Nothing in this Agreement shall supersede anything in the Resolution. Unless otherwise indicated, capitalized terms shall be defined in the manner set forth in the Original Development Agreement or the Resolution. Except as expressly modified herein, the Original Development Agreement is in full force and effect. From and after the Effective Date, the term "Development Agreement" shall mean and refer to the Original Development Agreement as amended and supplemented by this Agreement.

6. Run with the Land. This Agreement is binding on the Owner, all successors and assigns of Owner, and on any future owner/s of the Property. The Owner may not assign this Agreement without written consent of the City Council. This Agreement, and any future amendments thereto, shall run with the land and shall be recorded against the title to the Property by the Owner at the expense of the Owner. Owner shall provide the City with a recorded copy of this Agreement, and any amendments thereto, as soon as they are available.

IN WITNESS THEREOF, the parties have executed this Agreement effective as of the day and year first above written.

CITY:

City of Wayzata,
A Minnesota municipal corporation

By: _____

Kenneth Willcox, Mayor

OWNER:

Clock Tower Venture
a Texas joint venture

By: _____

Jurgen Stielow, Managing Venturer

Attachment F: 2014 Amendment to 1988 Development Agreement

By: 
Heidi Nelson,
City Manager

STATE OF MINNESOTA }
COUNTY OF HENNEPIN } ss.

The foregoing instrument was acknowledged before me this 15th day of April, 2014, by Kenneth Willcox, the Mayor of the City of Wayzata, and Heidi Nelson, the City Manager of City of Wayzata., a Minnesota municipal corporation, on behalf of the municipal corporation.

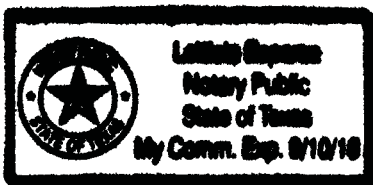




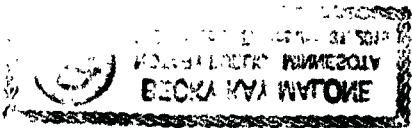
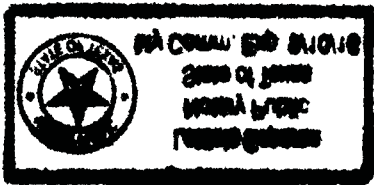
Becky Malone-Notary Public

STATE OF TEXAS }
COUNTY OF TRAVIS } ss.

The foregoing instrument was acknowledged before me this 30th day of April, 2014, by Jurgen Stielow, the Managing Venturer of Clock Tower Venture, LLC, a Texas joint venture, on behalf of the joint venture.




Notary Public
State of Texas



Attachment F: 2014 Amendment to 1988 Development Agreement

Drafted by:

CITY OF WAYZATA
600 Rice Street
Wayzata, MN 55391
(952) 404-5312

Exhibit A

Original Development Agreement and Conditional Use Permit

DEVELOPMENT AGREEMENT AND
CONDITIONAL USE PERMIT

THIS AGREEMENT, made this 1st day of March, 1988, by and between the City of Wayzata, a Minnesota municipal corporation, ("City"), and Gertrud Elisabeth Noelting ("Developer");

1. Conditional Use Permit. Subject to the terms and conditions set forth herein, the City hereby grants a conditional use permits for a Shoreland Impact Plan, for a restaurant use, and for a parking shortage for expansion of an existing development in order to facilitate the Developer in proceeding with the construction and completion of the following described project (the "Project").

The construction of a two story building addition and terrace enclosure on property defined by paragraph 2A below. The ground floor level will be devoted exclusively to a restaurant, not to exceed 192 permanent restaurant seats, 18 bar seats, and 40 temporary seasonal, outdoor seats, and a lobby/entrance area conforming to C-4 zoning district requirements. The second level of the building shall be utilized exclusively for commercial office space or other such use as allowed within and according to C-4 zoning district requirements. On separate property acquired from the Burlington Northern Railroad a one-way driveway entrance and minimum 25 space parking lot shall be constructed by the City. The driveway and parking lot are to be deeded to the City at no cost.

In recognition of ordinance provisions, the City hereby agrees to allow through conditional use permit, the Developer to proceed without providing for the parking space shortage for the exiting building and uses. Said shortages being defined by the Zoning Ordinance and calculated at a maximum of 61 spaces.

2. Property.

- A. The existing building is on property at 700 East Lake Street, Wayzata, Hennepin County, Minnesota, legally described as:

That part of Lots 12, 13 and 15, Block 2, Stephen's Second Addition to Wayzata and of Outlot 14, Wayzata, described as follows: Beginning at a point on the Northwesterly line of said Lot 15, distant 1 foot Southwesterly from the most Northerly corner thereof; thence Southwesterly along the Northwesterly line of said Lot 15, and the

extension thereof 72.50 feet; thence Southeasterly 150.64 feet, more or less, along a line which would intersect the Southwesterly extension of the Southeasterly line of said Lot 12, said point of intersection being 34.92 feet Southwesterly from the most Southerly corner of said Lot 12; thence Northeasterly along said extended line and along the Southeasterly line of said Lot 12, a distance of 87.39 feet, more or less, to a point 26 feet Southwesterly from the Northeasterly corner of said Lot 12; thence Northwesterly parallel with the Northeasterly line of Lots 12, 13 and 15, said Block 2, a distance of 150 feet to the point of beginning.

- B. The new building is on land generally defined in Exhibit "A" and within the parcel described in 2A above.
 - C. The driveway and new parking lot are on land generally defined and legally described as shown upon Exhibit "A", excepting therefrom the land described in 2A above.
3. Conditions. The conditional use permit is issued upon and subject to the following stipulations:
- A. Building Development. The building and immediate site plans attached as Exhibit "C" and are herein incorporated into this Agreement and the project shall be constructed in accordance therewith. Construction shall be completed prior to December 31, 1988.
 - B. Driveway and Parking Development. The driveway and parking lot plans attached as Exhibit "B" are herein incorporated into this Agreement shall be constructed by City in general accordance therewith. Construction is to be completed prior to December 31, 1988. At the Developer's option, Developer's share of the cost of construction, which is agreed to be no more than \$30,000.00, may be financed through a City assessment procedure over a period not exceeding two (2) years. The Developer shall be responsible only for the actual cost of construction and related expenses, not to exceed \$30,000.00.
 - C. Parking Credit. In any future assessments undertaken by the City for the provision of parking spaces, the property described in

paragraph 2A shall be given credit for parking spaces actually constructed on the property described in paragraph 2C. In no event shall the credit be less than 25 spaces.

- D. Land Conveyance. The Developer shall prepare a new plat of land described at 2A and 2C above, and shall execute and deliver a Quit Claim Deed conveying ~~title~~ to the driveway and the new parking lot legally described in 2C above, to City, subject to the restriction that the property conveyed to the City must be used as a public parking lot and driveway, and in the event the property and driveway are no longer used for public parking purposes, title to the parking lot and driveway shall revert to Developer, her successors or assigns.

*Fee Simple
absolute title*

*and
Q & N.*

- E. Acknowledgement of Parking Shortage. The Developer acknowledges a required parking shortage based upon the building use as defined by the Zoning Ordinance and acknowledges financial responsibility for this shortage should the City undertake a parking expansion project as outlined in paragraph 4. Said responsibility shall be limited to a maximum of sixty-one (61) spaces.
- F. Driveway and Parking Lot Maintenance. For the land conveyed to the City for parking and driveway, maintenance and/or repair following transfer of ownership to the City may be assessed to the benefited properties.
- G. Shoreland Impact Improvements. The Developer shall submit a Shoreland Impact Plan as defined by the Zoning Ordinance to the Minnehaha Watershed District and shall make required site improvements as stipulated by the Minnehaha Watershed District. This Agreement shall be subject to and contingent upon Buyer's acceptance of the cost of any such improvements.
- H. Related Property Matters.
1. Developer shall exert reasonable efforts to clarify property boundaries between Developer's property and the property located immediately to the East of the existing structure which is defined in paragraph 2A. This task shall be completed no later than December 31, 1988.

2. The City shall obtain access easements as specified by the City and illustrated in Exhibit "B" between the Schmidt and Olson Buildings and between the Koenig, Robin and Lindquist, Vennum Buildings by ~~June 1, 1988~~ ^{Dec 1, 1988. AND GEN}
 3. City and Developer shall agree that if either of them acquires the "railroad property" from Burlington Northern Railway or any other owner, which property lies Southerly of Developer's property described in paragraph 2A herein, and between the extension Southerly to the shore of Lake Minnetonka, of the Easterly and Westerly boundaries thereof, no structure, obstruction, tree or other vegetation will be erected or allowed to exist upon said property, which would obstruct the view of Lake Minnetonka from Developer's property.
- I. Replat of Existing Property. The Developer shall be responsible for a replat of existing and new land parcels which comprise the future building site, parking lot and driveway. Said plat is to be subject to City approval and shall be completed by December 31, 1988.
 - J. Property Signing. The Developer agrees that signing on the building shall be in compliance with limits established by City ordinances. Said signing shall include the proposed clock(s) if constructed.
4. Future Special Assessments. Any future special assessments levied to fund the acquisition, construction and/or maintenance of one or more at-grade or ramp parking facilities which would be available for the use of employees, invitees and tenants of Developer, will be levied pursuant to Minnesota Statute Section 429.001 through 429.091, and as follows:
 - A. Definition of "Benefit", Such statutes provide that special assessments may be levied against a property only to the extent that such property "benefits" from improvements funded by special assessments, and the amount of such "benefit" equals the increase of the fair market value of the property resulting from the creation of such improvements. Acknowledging that it may be difficult to quantify or measure the increase in fair market value resulting from the provisions of public parking facilities in the vicinity of the project, the City and Developer agree that the

cost of providing public parking shall result in an increase in the fair market value of those properties benefitting from such parking in an amount identical to such costs, but in no event to exceed \$7,500.00 per parking space, and as further adjusted in the paragraphs of this Agreement to determine Developer's proportionate share. The \$7,500.00 per parking space limit is intended to apply, pursuant to this Agreement, only to the Developer and not necessarily to other property owners assessed.

- B. Apportionment of Special Assessments. Pursuant to Minnesota Statute Section 459.14(7), the city may establish a different rate of assessment for properties benefited to a greater or lesser extent by such parking facility. Developer acknowledges and agrees that any apportionment of the costs of such parking facility which benefits the project and other properties may be apportioned based on the number of parking spaces which any one benefited property has failed to provide in accordance with pertinent city ordinances. For purpose of this apportionment, parties agree that Developer has a maximum 61 space parking deficit. For example, a property which failed to provide 50 parking spaces as required by the pertinent City ordinance, would pay twice as much in special assessments as Developer whose shortage is 25 parking spaces for such a parking facility benefiting both properties.
- C. Assessment Area. Any parking facility within the following "assessment area" shall be deemed to be beneficial to the Project. The assessment area shall be those parcels of land bounded by Lake Minnetonka to the South, Walker Avenue to the West, Superior Boulevard to the East and Indian Mound Street or its extension to the North. When the City levies special assessments for such a parking facility it may elect to adjust such assessments on the basis of proximity to the parking facility. Developer shall benefit from such adjustment in like fashion to others assessed, but Developer agrees that special assessments for such parking facility may be apportioned among properties within the assessment area without adjustment based on the distance between the benefited property and the facility. The absence of such an adjustment is justified by the fact that to the extent that the users of properties closer than the project to a new public parking facility make use of such facility,

pre-existing public parking located closer to the project will then be freed up and available for users of the project. The City reserves the right to levy assessments with a smaller assessment area than the one described above.

- D. Area Parking Shortage. Developer's proportionate share of the assessment for such parking facility shall in no event exceed the cost of acquiring, constructing and maintaining that number of spaces (subject to the \$7,500.00 per space limit at paragraph 4A above) which Developer has failed to provide according to paragraph 3C above, in proportion to the then existing assessment area shortage of required parking spaces for all properties in the assessment areas. In determining Developer's proportionate share of any such new parking facility costs, Developer's percentage of the area shortage shall be multiplied times the total cost of the parking facility to determine the dollar amount payable to Developer, subject to the aforesaid \$7,500.00 limit and the other terms of this Agreement.
- E. Obligation to Specially Assess. In order to assess Developer under this Agreement for any new parking facility costs, the City must specially assess the cost of the parking facility to all properties in the area defined in paragraph 4C above.
- F. Maintenance Costs. Costs of maintaining any such parking facility may be assessed separately from the costs of acquisition and construction of same and shall not be subject to the \$7,500.00 per space limit provided at paragraph 3A above. Developer agrees that the project shall pay its proportionate share of maintenance costs.

5. Challenges to Assessments. The parties acknowledge that variances for parking deficiencies have previously been granted to the owners of other properties in downtown Wayzata, which owners have not signed a similar Development Agreement. In the event that assessments are imposed for a parking facility, such other owners may be able to successfully resist the imposition of such assessment on their properties in the absence of such Development Agreements. The Developer agrees that the City's inability to impose assessments on other property owners shall not constitute a valid basis for the Developer's refusal to pay such assessments, provided that such assessments are allocated so that appropriate share attributable to properties whose owners successfully resist

the imposition of assessments, or to properties which are not assessed for any other reason, is paid by the City, or, in any event, is not borne by the Developer.

6. Duration of Consent to Assessment. If no special assessments have been levied by December 31, 1998, pursuant hereto, Developer's consent to and obligation for special assessments described herein shall terminate. Thereafter, the City may only assess Developer of this project pursuant to the terms of Minnesota Statutes Section 429 et seq.

7. Alternative Parking. Developer shall have the right to obtain for the project alternative parking spaces to replace some or all of the parking shortage identified in paragraph 1 above. Such alternative parking spaces must be within the assessment area defined in paragraph 4C and must satisfy all requirements of the City's ordinances (including the issuance of a conditional use permit, if so required).

8. Miscellaneous Terms and Conditions. Each party has carefully reviewed the terms and conditions of this Agreement and each agree that such terms and conditions are reasonable. In the event that any one or more terms of this Agreement shall be held to be void or unenforceable by any Court of competent jurisdiction for any reason, the balance of this Agreement shall be valid and in full force and effect so long as the effect thereof does not substantially alter the terms of the Agreement or any respective rights of the parties. This Agreement shall be governed by and be interpreted according to the laws of the State of Minnesota, and it shall be binding upon and inure to the benefit of the administrators, executors, heirs, assigns and successors of the respective parties hereto. This Agreement shall run with the land and shall be binding upon subsequent owners of the project.

IN WITNESS WHEREOF, the parties hereto have executed this Development Agreement and Conditional Use Permit as of the date first above written.

CITY OF WAYZATA

By: _____

Robert Gisvold, Mayor

By: _____

Allan Orsen, City Manager

DEVELOPER:

Gertrud Elisabeth Noelting

Attachment F: 2014 Amendment to 1988 Development Agreement

COFFIN & GRONBERG, INC.
SURVEYING, ENGINEERING AND LAND PLANNING
482-A TAMARACK AVENUE
LONG LAKE, MINN. 55358

473-4141

February 29, 1988

Legal Descriptions
for Gertrud Noelting
in Lots 12, 13, and 15, Block 2
"Stephens Second Addition to Wayzata"
and Outlot 14, Wayzata "revised"
Hennepin County, Minnesota

1. City Parcel

That part of the tract of land in the plat of Wayzata, designated as Outlot 14 on the plat of Wayzata "revised" Hennepin County, Minnesota, described as follows: Beginning at a point on the Southwesterly extension of the Northwestern line of Lot 15, Block 2, "Stephens Second Addition to Wayzata" distant 91.5 feet Southwesterly from the most Northerly corner of said Lot 15, as measured along the Northwestern line of said Lot 15 and its Southwesterly extension; said point of beginning also being the point of beginning of "Line A"; thence Southeasterly along said "Line A" to a point on the Southwesterly extension of the Southeasterly line of Lot 1 in said Block 2, distant 40 feet Southwesterly from the most Southerly corner of said Lot 1, and said "Line A" there ending; thence Northeasterly along the Southwesterly extension of the Southeasterly line of said Lot 1 a distance of 40 feet to the most Southerly corner of said Lot 1; thence Northwesterly to a point on the Southwesterly extension of the Southeasterly line of Lot 12 in said Block 2, distant 12.92 feet Southwesterly from the most Southerly corner of said Lot 12; thence Southwesterly along the Southwesterly extension of the Southeasterly line of said Lot 12 to a line 18.00 feet northwesterly of, measured at a right angle to and parallel with said "Line A"; thence Northwesterly along said parallel line to its intersection with the Southwesterly extension of the Northwestern line of said Lot 15; thence Southwesterly along the Southwesterly extension of the Northwestern line of said Lot 15 to the point of beginning.

2. Noelting Parcel

That part of Lots 12, 13 and 15, Block 2, "Stephens Second Addition to Wayzata" and of the tract of land in the plat of Wayzata, designated as Outlot 14 on the plat of Wayzata "revised" Hennepin County, Minnesota, described as follows: Beginning at a point on the Northwestern line of said Lot 15 distant one foot Southwesterly from the most Northerly corner of said Lot 15; thence Southwesterly along the Northwestern line of said Lot 15 and its Southwesterly extension a distance of 90.5 feet to "Point A"; thence Southeasterly along "Line A" to its intersection with the Southwesterly extension of the Southeasterly line of said Lot 12; , said "Line A" being described as beginning at said "Point A" and running Southeasterly to a point on the Southwesterly extension of the Southeasterly line of Lot 1 in said Block 2; distant 40 feet Southwesterly from the most Southerly corner of said Lot 1, and said "Line A" there ending; thence Northeasterly along the Southwesterly extension of

Attachment F: 2014 Amendment to 1988 Development Agreement

COFFIN & GRONBERG, INC.
SURVEYING, ENGINEERING AND LAND PLANNING
482-A TAMARACK AVENUE
LONG LAKE, MINN. 55356
473-4141

-2-

the Southeasterly line of said Lot 12 and the Southeasterly line of said Lot 12 to a point distant 26 feet Southwesterly from the Northeasterly corner of said Lot 12; thence Northwesterly parallel with the Northeasterly line of Lots 12, 13 and 14, said Block 2, a distance of 150 feet to the point of beginning, EXCEPT the Southwesterly 18.00 feet of the above described parcel.

J.J. HILL PARKING LOT ANALYSIS
 REVISED DESIGN PREPARED BY NORTHWEST ASSOCIATED CONSULTANTS
 17 FEBRUARY 1988

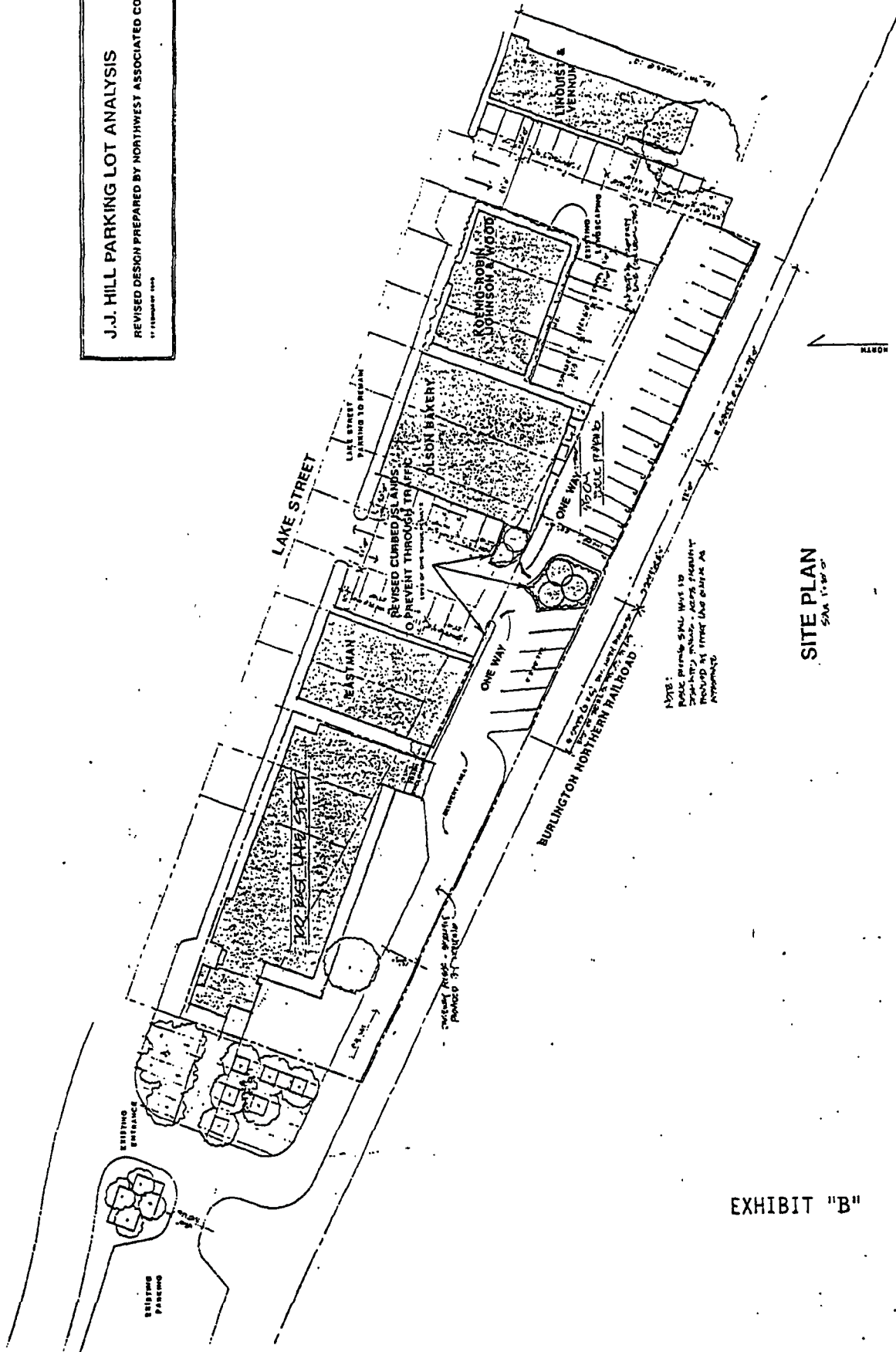
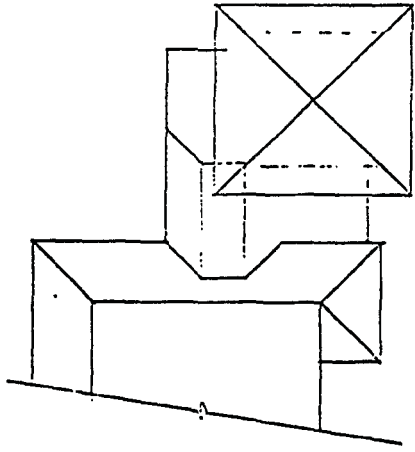
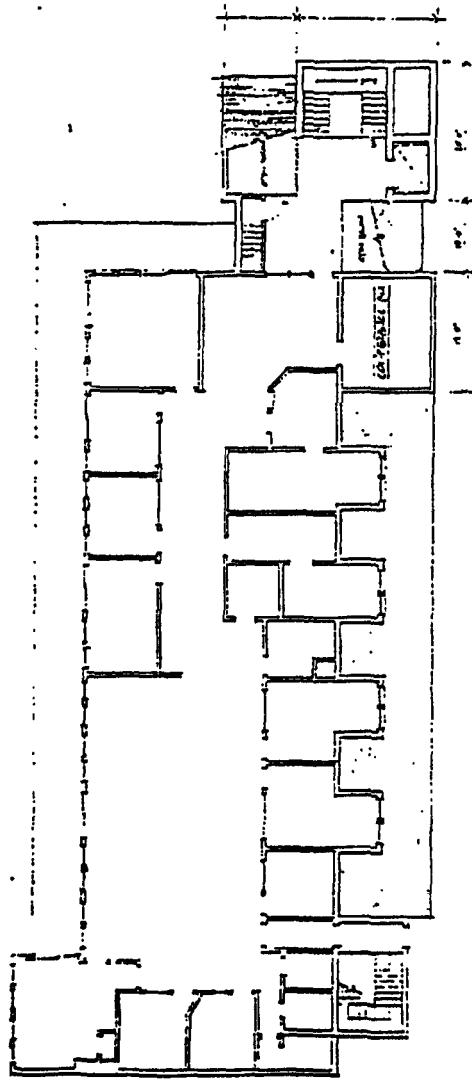


EXHIBIT "B"

88-08
 REMODELING/ADDITION
 700 EAST LAKE ST.
 WAYZATA, MINNES
 170 1,145

Richard Schwartz/Nea
 10 Lakes Ave. Suite 100
 Minneapolis, MN 55412
 Tel: 612-338-1111



SECOND FLOOR PLAN
1/8" = 1'-0"

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

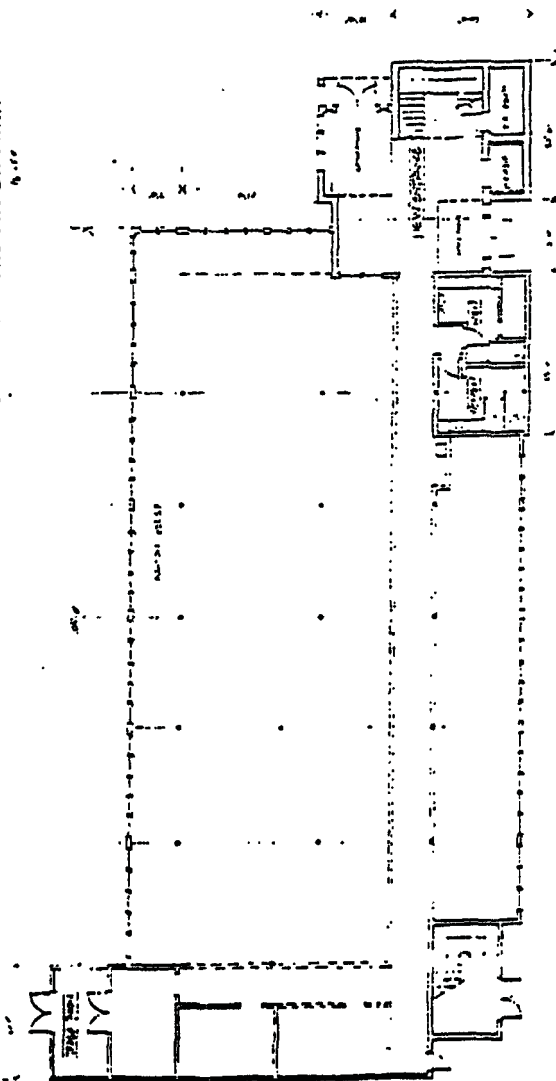


EXHIBIT "C_1"

10-5-93
88-06
REMODELING/ADDITION FOR
700 EAST LAKE STREET
WAYZATA, MINNESOTA
JAMES SCHWARTZ/Neil Weber
JAMES SCHWARTZ ARCHITECTS, LTD.

Attachment F: 2014 Amendment to 1988 Development Agreement

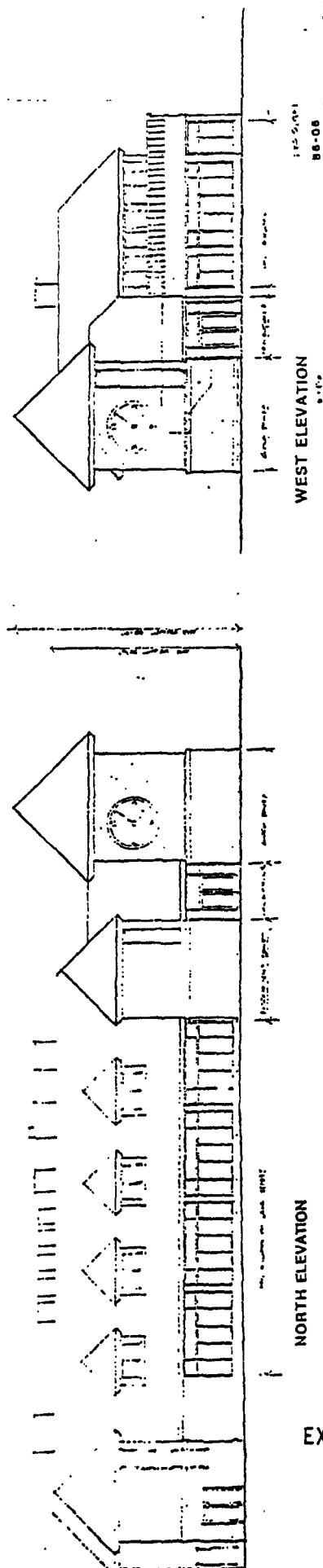
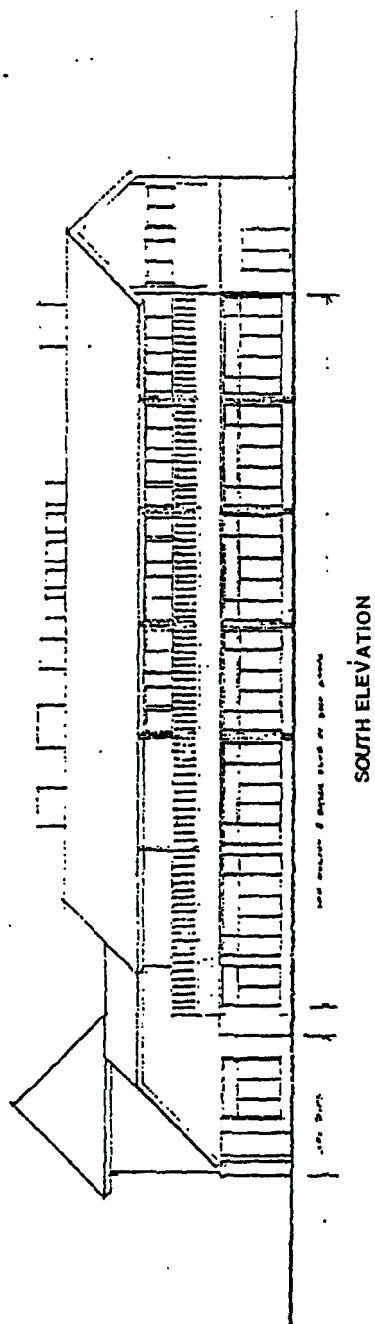
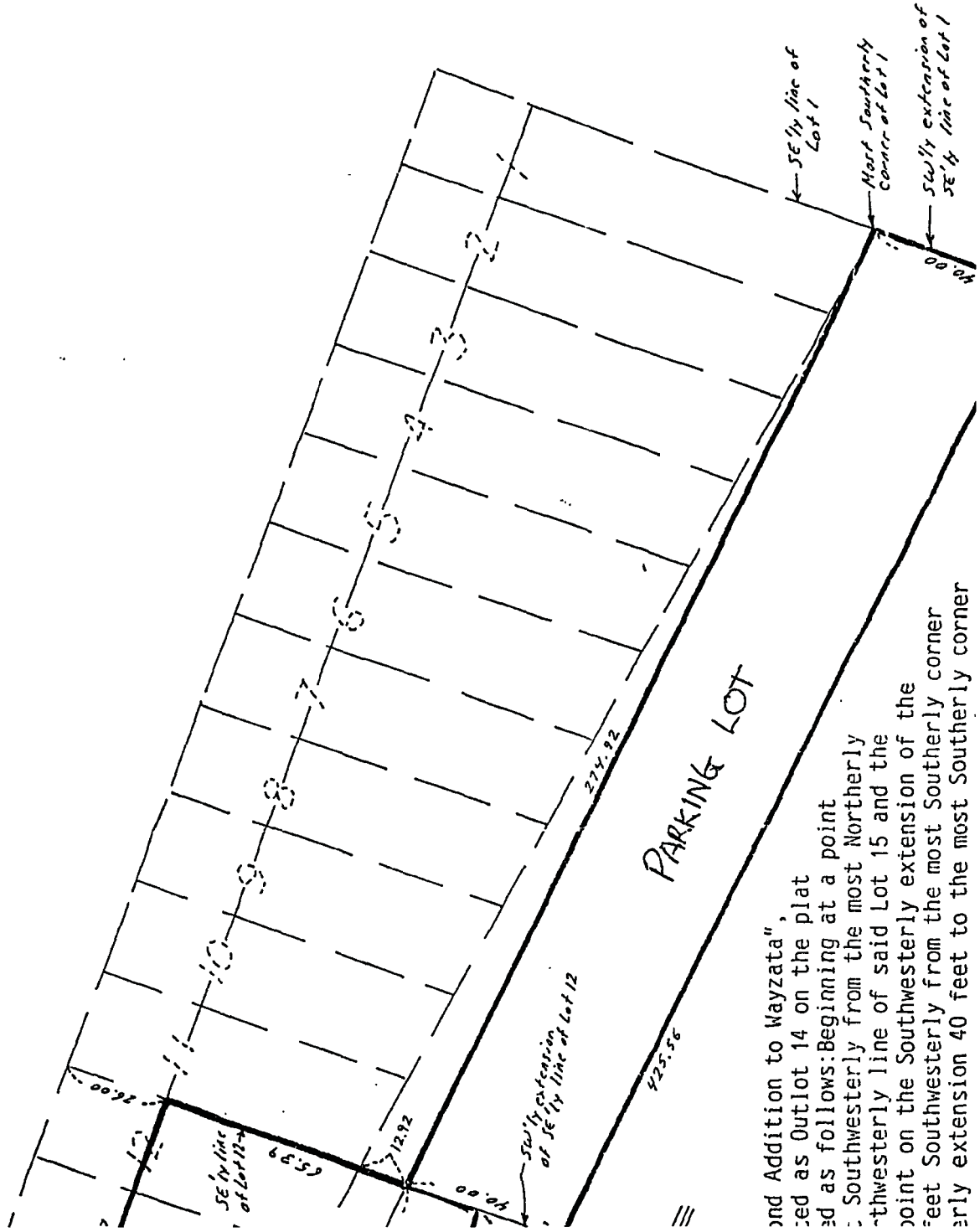


EXHIBIT "C-2"

REMEDIATION/ADDITION FOR
700 EAST LAKE STREET
WAYZATA, MINNESOTA

Attachment F: 2014 Amendment to 1988 Development Agreement

Sketch for Gertrud E. Noelting
in Lots 12, 13, and 15, Block 2
"Stephens Second Addition to Wayzata"
and Outlot 14, Wayzata "revised"
Hennepin County, Minnesota



and Addition to Wayzata",
ed as Outlot 14 on the plat
ed as follows: Beginning at a point
Southwesterly from the most Northerly
thwesterly line of said Lot 15 and the
point on the Southwesterly extension of the
feet Southwesterly from the most Southerly corner
arly extension 40 feet to the most Southerly corner

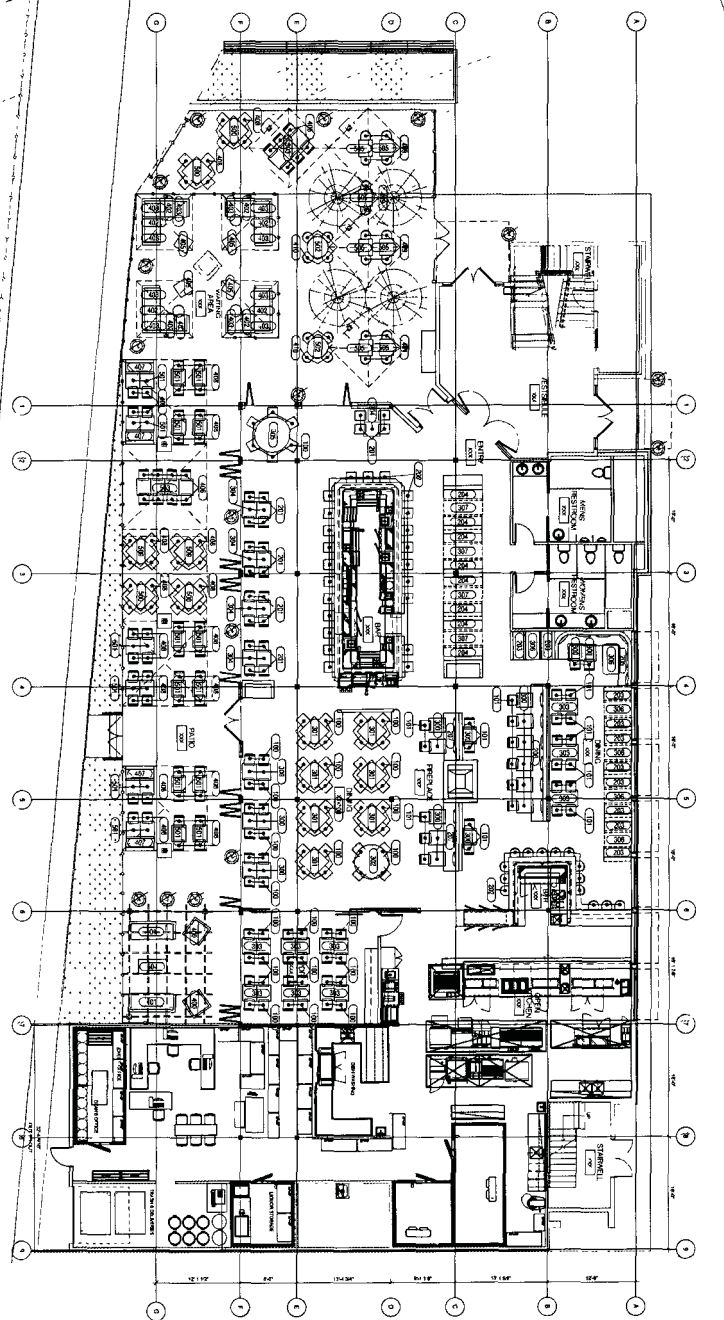
Exhibit B

Property Legal Description

Lot 001, Block 001, The Clocktower Addition

Exhibit C
Modified Site Plan for Cru Restaurant

FURNITURE PLAN



FURNITURE/EQUIPMENT PLAN NOTES

1. ALL LIVING AREA BOOTH, BUILT IN CHAIRS, BOOTH AND TABLE TOPS IN THE BUILT IN CHAIRS SHALL BE INSTALLED BY THE OWNER. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE BUILT IN CHAIRS AND TABLE TOPS. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE BUILT IN CHAIRS AND TABLE TOPS.
2. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE BUILT IN CHAIRS AND TABLE TOPS. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE BUILT IN CHAIRS AND TABLE TOPS.
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FURNITURE/EQUIPMENT SCHEDULE

TYPE	DESCRIPTION	QUANTITY	NOTES
1	2x4 TABLE	100	
2	4x6 TABLE	50	
3	6x8 TABLE	20	
4	8x10 TABLE	10	
5	10x12 TABLE	5	
6	12x14 TABLE	5	
7	14x16 TABLE	5	
8	16x18 TABLE	5	
9	18x20 TABLE	5	
10	20x22 TABLE	5	
11	22x24 TABLE	5	
12	24x26 TABLE	5	
13	26x28 TABLE	5	
14	28x30 TABLE	5	
15	30x32 TABLE	5	
16	32x34 TABLE	5	
17	34x36 TABLE	5	
18	36x38 TABLE	5	
19	38x40 TABLE	5	
20	40x42 TABLE	5	
21	42x44 TABLE	5	
22	44x46 TABLE	5	
23	46x48 TABLE	5	
24	48x50 TABLE	5	
25	50x52 TABLE	5	
26	52x54 TABLE	5	
27	54x56 TABLE	5	
28	56x58 TABLE	5	
29	58x60 TABLE	5	
30	60x62 TABLE	5	
31	62x64 TABLE	5	
32	64x66 TABLE	5	
33	66x68 TABLE	5	
34	68x70 TABLE	5	
35	70x72 TABLE	5	
36	72x74 TABLE	5	
37	74x76 TABLE	5	
38	76x78 TABLE	5	
39	78x80 TABLE	5	
40	80x82 TABLE	5	
41	82x84 TABLE	5	
42	84x86 TABLE	5	
43	86x88 TABLE	5	
44	88x90 TABLE	5	
45	90x92 TABLE	5	
46	92x94 TABLE	5	
47	94x96 TABLE	5	
48	96x98 TABLE	5	
49	98x100 TABLE	5	
50	100x102 TABLE	5	

NOTES

1. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE BUILT IN CHAIRS AND TABLE TOPS. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE BUILT IN CHAIRS AND TABLE TOPS.
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RESTAURANT SEATING

LOCATION	QUANTITY	NOTES
1	100	
2	50	
3	20	
4	10	
5	5	
6	5	
7	5	
8	5	
9	5	
10	5	
11	5	
12	5	
13	5	
14	5	
15	5	
16	5	
17	5	
18	5	
19	5	
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32	5	
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34	5	
35	5	
36	5	
37	5	
38	5	
39	5	
40	5	
41	5	
42	5	
43	5	
44	5	
45	5	
46	5	
47	5	
48	5	
49	5	
50	5	

FURNITURE/EQUIP. PLAN KEY NOTES

1. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE BUILT IN CHAIRS AND TABLE TOPS. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE BUILT IN CHAIRS AND TABLE TOPS.
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10 South Eighth Street
Minneapolis, MN 55402

1 612.339.2257
1 612.349.2930
shea@shea.com

DESIGNED BY
WEBER ARCHITECTS & PLANNERS

DESIGNED BY
PREMIER INTERIOR EQUIPMENT

DESIGNED BY
DEAN VLAAS

NOT FOR CONSTRUCTION
REFERENCE ONLY

THIS SET OF DRAWINGS IS THE PROPERTY OF SHEA. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SHEA.

DATE: 2/16/15
BY: [Signature]
NO. 2106

PROJECT NO. 2106
SHEET NO. 15

A150

RESOLUTION NO. 10-2014

**RESOLUTION APPROVING AMENDMENT
TO DEVELOPMENT AGREEMENT AND CONDITIONAL USE PERMIT AND
MODIFIED APPROVAL CONDITIONS FOR 700 LAKE STREET EAST**

WHEREAS, the City and the predecessor in interest to Owner are parties to a certain Development Agreement that runs with the land, dated March 1, 1988, (the "Original Development Agreement and Conditional Use Permit"), providing for the development of property located at 700 Lake Street East in Wayzata, Minnesota, as more specifically described in the Original Development Agreement (the "Property");

WHEREAS, the City wishes to make clear that in the future, the property owner may be required to participate in resolving potential parking shortages;

WHEREAS, the Owner wishes to create an outdoor bar area and increase the number of outdoor seats on the Property, and has obtained approval from the City for such pursuant to City of Wayzata Resolution No. 32-2013 (the "Resolution");

WHEREAS, a condition of the Resolution is to amend the Original Development Agreement, in a form acceptable to the City Attorney, to incorporate the approvals and conditions granted in the Resolution;

WHEREAS, subsequent to the adoption of the Resolution, the Owner has modified its development plans in ways that do not require further City approvals and that are consistent with the land use approvals granted in the Resolution;

WHEREAS, in accordance with the foregoing, and the requirements of the Resolution, the parties desire to amend the Original Development Agreement and Conditional Use Permit in accordance with the Resolution, and to modify the conditions of approval in the Resolution that are no longer applicable because of the modified development plans;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota that the Agreement and Amendment to Development Agreement and Conditional Use Permit, attached to this Resolution as Attachment A, (the "Agreement") is hereby approved.

BE IT FURTHER RESOLVED, that the conditions of approval in the Resolution are hereby amended to the conditions listed in Section B.1 of the Agreement.

BE IT FURTHER RESOLVED, that the Mayor and City Manager are authorized and directed to execute the Agreement on behalf of the City.

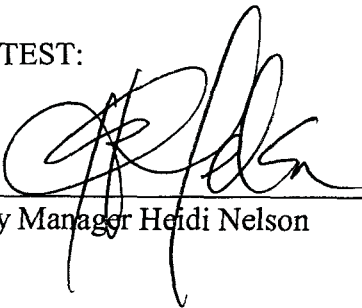
Attachment F: 2014 Amendment to 1988 Development Agreement

Adopted by the Wayzata City Council this 15th day of April, 2014.



Mayor Ken Willcox

ATTEST:



City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Mullin

Seconded by: Amdal

Voted in favor of: Amdal, Anderson, Mullin, Tanner, Willcox

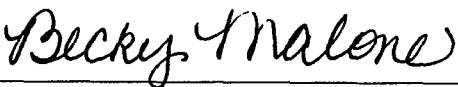
Voted against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on April 15th, 2014.



Becky Malone, Deputy City Clerk
SEAL

Attachment F: 2014 Amendment to 1988 Development Agreement

Attachment A

Agreement and Amendment to Development Agreement and Conditional Use Permit

1 Commissioner Young stated the condition of the tree should be known before making any
2 requirements or suggestions on what to do. The total tree coverage is high. This is a lot that is
3 going to be redeveloped and these homes coupled with the developer working with the
4 neighborhood may work better in the long term. Finding a solution to the scale and preserving
5 the tree may create other concerns that could result in variance requests or not work with what
6 the neighborhood has asked for.

7
8 Chair Gonzalez stated the Applicant did work with the neighborhood but the width of the lots
9 barely supports two (2) lots. The City wants to have 20-feet between homes and the Engels
10 home is only 2-feet from the property line so these homes would be too close together.

11
12 Commissioner Vanderheyden suggested tabling the discussion to allow the builder to consider
13 changing the design and bring back at a future meeting for a vote. This would also allow time
14 for the City Forester to comment on the tree. He clarified the new homes that are proposed
15 would be conforming and the Engel's home is non-conforming.

16
17 Commissioner Vanderheyden made a motion, Seconded by Commissioner Gruber to table the
18 discussion and ask the City to research the tree and allow the Developer to consider alternative
19 home designs and bring back to the Commission on February 23, 2015. The motion carried 6-
20 ayes; 1-nay (Iverson).

21
22 **b. 700 Lake St E. – Clock Tower Ventures LLC & CoV Restaurant**

- 23 **i. Amendment to CUP for twenty four (24) additional dining seats in an**
24 **enclosed rear building addition**
25 **ii. Use of City Right-of-Way for storage**
26

27 Director of Planning and Building Gadow stated Clock Tower Venture, LLC and CoV
28 Restaurant desire to expand their existing private dining space by adding a 16-foot by 17-foot
29 glass enclosed dining space at the rear of the building. The request requires an amendment to an
30 existing 1988 Conditional Use Permit (CUP) and development agreement to increase the number
31 of restaurant seats. The Applicant has included a request to the City Council for use of two (2)
32 locations on adjacent City right-of-way for enclosed storage bins. He reviewed the parking
33 requirements and considerations for the City Council.

34
35 Mr. Neil Weber explained where the additional storage would be and the design. He stated the
36 updated parking analysis the City had done was recommending 2.71 per 1,000 for restaurant and
37 retail. Since this is not currently the standard he asked if this project be required to follow
38 current standards or the recommended standard.

39
40 Director of Planning and Building Gadow stated this would depend on the timing of the project.
41 At this time the City has not started the process of reviewing the Parking Ordinance and if the
42 Ordinance were updated prior to approval of the application then the new standards would be
43 used.

44
45 Mr. Dean Vlahos, 2129 Maplewood Road, Woodland, reviewed the addition to the private dining
46 area and the need to accommodate larger corporate groups.

1
2 Commissioner Iverson asked why the Applicant chosen canvas for the storage bins.

3
4 Mr. Vlahos stated it looks good and is easy to roll up to access the wood and still keep it dry. He
5 explained the proposed design for the other enclosed storage bins they are proposing.

6
7 Chair Gonzalez asked if the encroachment into the City right-of-way would go with the land, be
8 specific to the applicant and if there could be limits set.

9
10 Director of Planning and Building Gadow stated the current enclosed storage bins do not have
11 any conditions. The City Council is requested to review the existing enclosed storage and the
12 proposed storage and determine any restrictions at that time. He explained this request would
13 not be part of the CUP and is a separate encroachment agreement the City Council would enter
14 into with the Applicants. The Commission does not have to deal with this particular request but
15 they can provide comments for the City Council to review.

16
17 Commissioner Iverson asked how much of the current parking is valet.

18
19 Mr. Vlahos when they first come to Wayzata they had decided not to intrude on the parking
20 available for retail so they decided to do all valet parking.

21
22 Commissioner Vanderheyden asked if Mr. Vlahos had looked at options to secure the additional
23 seven (7) parking spots that would be required.

24
25 Mr. Vlahos stated he had talked to the dog groomer but they did not give him an answer on
26 letting him lease the spaces.

27
28 Mr. Weber stated Charlie Shone owns the property being discussed and Blue Point has an
29 agreement with him to park there so they may all be spoken for.

30
31 Chair Gonzalez opened the public hearing at 9:05 p.m.

32
33 There being no public comment Chair Gonzalez closed the public hearing at 9:06 p.m.

34
35 Chair Gonzalez asked if the requirement of seven additional parking stalls would be enough to
36 deny the project.

37
38 Commissioner Gruber asked what the options would be for the owner. The lots are full and he
39 has already approached other owners.

40
41 Director of Planning and Building Gadow stated the options are the owner of the building would
42 have to have an agreement with the City Council for a financial contribution for future parking
43 arrangements unless other parking stalls become available for him to lease.

44
45 Chair Gonzalez stated the City requires too much parking.

1 Commissioner Ramy asked if there was an existing formula that would determine the financial
2 assessment.

3
4 Director of Planning and Building Gadow stated this would be developed if this application were
5 to move forward.

6
7 Commissioner Iverson stated she is comfortable since most of the cars are valet parked.

8
9 Chair Gonzalez stated the proposed expansion would not generate a lot of extra parking
10 requirements. She stated Mr. Carisch wrote the Commission requesting the application be
11 denied because he does not want more people invited to the City until there is a parking ramp
12 built that would satisfy all the needs today and accommodate future growth.

13
14 Mr. Weber stated the parking analysis shows there is enough parking but it is not all located in
15 the right areas. People who are not familiar with Wayzata may have problems finding parking
16 because they do not know all the public parking areas.

17
18 Commissioner Iverson suggested adding outdoor ashtrays near the outdoor storage or designate
19 this area as no smoking. She also recommended the Applicant ensure the size of the storage bins
20 is adequate to accommodate the needs of the facility.

21
22 Commissioner Vanderheyden suggested the Council consider a requirement that the back of the
23 building be kept clean and free of garbage. In the areas where there are parking shortages there
24 would be a different discussion on what the applicant would need to do. The valet parking they
25 offer has been helpful.

26
27 Commissioner Ramy the increased seating may not result in an increase in the parking needs and
28 as long as they offer valet there is room to not require the additional parking.

29
30 Commissioner Young stated many of these people are already at the location and the valet
31 parking does address these parking needs. The proposal presented is reasonable.

32
33 Commissioner Gnos stated this would be a good addition to the restaurant and the valet parking
34 is a good solution.

35
36 Commissioner Young made a motion, Seconded by Commissioner Iverson to recommend
37 approval of the amendment to the CUP for twenty-four (24) additional dining seats in an
38 enclosed rear building addition with the Findings of Fact as outlined in the Staff Report and
39 recommend the City Council consider a fee to meet the parking requirements. The motion
40 carried unanimously.

41
42 Chair Gonzalez expressed concerns about the use of the City right-of-way being attached to the
43 land and not the business.

44
45 Commissioner Vanderheyden asked if the use of City right-of-way could be something that is
46 reviewed annually.

1
2 City Attorney Schelzel stated this would depend on if an easement is granted or if the City does a
3 license for this area. This could be looked at and discussed by the Council.

4
5 Mr. Vlahos stated if the outdoor storage area is not maintained then the permit can be pulled.

6
7 Commissioner Vanderheyden made a motion, Seconded by Commissioner Ramy to recommend
8 approval for the use of the City right-of-way on an annual evergreen basis that the Council has
9 the right to pull with reasonable notice and in exchange for this the back of the building should
10 be maintained in its current state and/or allow for some greenery and place an outdoor ashtray in
11 this location. The motion carried unanimously.

12
13
14 **AGENDA ITEM 3. Other Items:**

15
16 **a. Election of Vice-Chair**

17
18 Director of Planning and Building Gadow reviewed the roles of the Chair and Vice Chair.

19
20 Commissioner Ramy would not like to serve as Vice Chair.

21
22 Chair Gonzalez would not like to serve as Vice Chair.

23
24 Commissioner Vanderheyden nominated Commissioner Iverson as Vice Chair.

25
26 Commissioner Iverson accepted the nomination.

27
28 Commissioner Iverson was elected unanimously to serve as Vice Chair.

29
30 **b. Election of Chair**

31
32 Commissioner Ramy would not like to serve as Chair.

33
34 Commissioner Gnos would not like to serve as Chair.

35
36 Chair Gonzalez would not like to continue to serve as Chair.

37
38 Commissioner Ramy nominated Commissioner Vanderheyden to serve as Chair.

39
40 Commissioner Vanderheyden accepted the nomination.

41
42 Commissioner Vanderheyden was elected unanimously to serve as Chair.

43
44 **c. Review of Development Activities**

DRAFT RESOLUTION NO. 10-2015

**RESOLUTION APPROVING CUP AMENDMENT AND USE OF CITY RIGHT OF WAY
AT 700 LAKE STREET.**

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

Section 1. BACKGROUND

1.1. Development Application. Clock Tower Venture, LLC, a Texas joint venture company (the "Owner") and CRU Entertainment LLC (DBA "CoV Restaurant") (the "Tenant") (collectively, the "Applicant") at 700 Lake St E. (the "Property") have submitted an application (the "Application") to expand the existing private dining space at CoV Restaurant by adding a sixteen (16) by seventeen (17) foot (272 square feet) glass enclosed dining space at the rear of the building (the "Proposed Expansion"). The Proposed Expansion requires an amendment to an existing 1988 Conditional Use Permit (CUP) and development agreement to increase the number of permitted restaurant seats and approve the additional parking burden (the "CUP Amendment"). The original CUP and Development Agreement was approved on March 1, 1988 and amended in 2014 when the CoV Restaurant opened. In addition, the Application also requests a temporary encroachment permit to utilize a portion of City Right of Way (ROW) adjacent to the Property to locate two enclosed storage bins for materials related to the restaurant operation (the "ROW Encroachment").

1.2. Legal Description. The address, property identification number and owner of the property included in the Application is:

700 Lake Street East	06-117-22-42-0038	Clock Tower Venture LLC
----------------------	-------------------	-------------------------

1.3. Land Use. The Property is located within the C-4B Central Business District, as defined in Section 801.79 of the Wayzata Zoning Ordinance. The Property is guided for Central Business District in the Wayzata Comprehensive Plan.

1.4. Notice. Notice of a public hearing on the Application was published in the *Lakeshore Weekly* on January 13, 2015. A copy of the notice was also mailed to all property owners located within 350 feet of the Property on January 15, 2015.

1.5. Planning Commission Action. The Planning Commission reviewed the Application and held a public hearing at their January 26, 2015 meeting. The Planning Commission voted seven (7) in favor and zero (0) opposed to recommend approval to the City Council with conditions.

1.6. Parking.
The Application includes a request to expand the amount of existing enclosed seating within the restaurant space. This expansion would have an impact on

parking demand for the Property. As the Property is currently configured, the building and site do not have any space for on-site parking for the restaurant use and operate pursuant to the existing CUP. To address parking currently, the restaurant operator utilizes a valet service to move restaurant user vehicles to other parking areas in the community, including the adjacent City owned surface parking lot on Lake Street.

The proposed building expansion of 272 SF would create the following additional parking requirement under the City's Zoning Ordinance:

Use	Requirement	Square Footage	Parking Requirement
Private Dining Space	1 per 40 SF of Dining Area	272 SF	7 spaces
			7 spaces

Section 2. STANDARDS

2.1 Parking CUP in C-4, C-4A, and C-4B Districts– City Code Section 801.20.17

- A. An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for substantial changes in conditions or expansions of use, and as otherwise described in the Zoning Ordinance. Section 801.04.05.
- B. Within the C-4, C-4A and C-4B Zoning Districts, the City may approve development and uses which do not comply with the required number of parking spaces as a conditional use permit, provided that:
 1. A development agreement running with the land is completed in which it is agreed that the property in question is financially responsible for its proportionate share of the City sponsored and provided parking space construction, maintenance, and parking site acquisition for new on-street, lot and/or ramp parking. Said responsibility shall be determined on the basis of the property's parking space shortage based upon ordinance requirements, in relationship to the total parking space shortage, as defined by Section 801.20 for a defined service and benefit area. The "service and benefit area" shall include all properties which benefit from the available public parking serving a particular retail and commercial neighborhood or district.
 2. The amount of parking provided on the property in question is the maximum amount possible, taking into account the use and design

objectives of the C-4, C-4A and C-4B Districts as outlined by this Ordinance and the Comprehensive Plan.

3. The parking shortages created by the development are not premature or in excess of the supply which can be provided by the City through a public parking system on a long term basis.
4. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met. Section 801.04.2.F directs the Planning Commission and City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:
 - A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's compatibility with present and future uses of the area.
 - C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - D. The proposed use's effect on the area in which it is proposed.
 - E. The proposed use's impact upon property values in the area in which it is developed.
 - F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
 - G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

2.2 Temporary Encroachments – City Code Section 315.

- A. Permit Required. No person shall construct or alter any building, sign, awning, marquee, landscape planter or similar structure so as to place it on or over City property without first obtaining a permit therefor from the City.
- B. Standards. All applications for temporary encroachments shall be referred to the City Council for approval or disapproval. The following standards and limitations shall govern the consideration and continued validity of all such permits:

1. No permit for a temporary encroachment shall be approved if the encroachment will substantially impair the public's use of City property.
2. The applicant for a permit for a temporary encroachment shall have the burden of establishing that the encroachment is necessary in accordance with the criteria of Section 315.07, which are listed below:
 - a. There are exceptional or extraordinary circumstances or conditions apply to the encroachment in question, which circumstances or conditions do not apply generally to other structures or property within the City.
 - b. Under the circumstances of the particular situation, the encroachment will not adversely affect the health, safety or general welfare of residents of the surrounding area or of the community as a whole.
- C. Written Agreement Required. If the City Council approves a permit for an encroachment, a written agreement shall be entered into between the City and the property owner setting forth the conditions of approval and the maintenance of said encroachment. Each such agreement shall include, but not be limited to, a clause holding the City harmless from liability for injuries directly or indirectly resulting from said encroachment.
- D. Right of Revocation. Any permit granted by the City permitting a temporary encroachment shall be revocable by the City at any time upon sixty (60) days written notice to the licensee.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the CUP Amendment and ROW Encroachment depicted in the Application meets the applicable requirements of Wayzata's Zoning Ordinance and City Code Chapter 315, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 CUP Amendment:

- A. Given the existing location and layout of the Property, the conditions of Section 801.20.17 are met. As a condition of approval, the Applicant must enter into a development agreement running with the land in which it is agreed that the property is financially responsible for its proportionate

share of the City sponsored and provided parking space construction, maintenance, and parking site acquisition for new on-street, lot and/or ramp parking. Said responsibility shall be determined on the basis of the property's parking space shortage based upon ordinance requirements, in relationship to the total parking space shortage, as defined by Section 801.20 for a defined service and benefit area.

- B. The CUP Amendment request does not contravene the provisions of the Comprehensive Plan. The Property remains guided for Central Business District use, which is not affected by the CUP Amendment request.
- C. The Proposed Expansion is compatible with the present restaurant and probably future uses of the area.
- D. The Proposed Expansion would not conform with the parking performance standards that are required for the expansion of dining space, as additional parking cannot be added on-site. As a condition of approval, the Applicant shall be responsible for a financial assessment for the proposed parking shortage of seven (7) parking stalls created by the Proposed Expansion.
- E. The Proposed Expansion is not anticipated to have a negative effect on the area in which it is proposed in that any increased parking would be handled using existing parking strategies, such as valet services, and/or future City-wide parking solutions.
- F. It is not anticipated that the Proposed Expansion would have a negative effect on property values in the adjacent area.
- G. The Proposed Expansion is unlikely to generate enough traffic to exceed the capabilities of streets serving the property.
- H. As noted above, the Proposed Expansion would create a parking shortage of seven (7) parking spaces. As a condition of approval, the Applicant shall be responsible for a financial assessment for the proposed parking shortage of seven (7) parking stalls created by the Proposed Expansion.

3.2 City ROW Encroachment.

- A. The ROW Encroachment will not substantially impair a portion of the ROW used by the public.
- B. The Applicant has established that there are exceptional circumstances that apply to the ROW Encroachment, in that the Health Department requires that the wood for the grill be stored on the outside of the building. In addition, the secondary enclosure allows for effective screening of

waste and other materials that are removed from the site on a regular basis.

- C. As the ROW Encroachment would be located in the rear of existing buildings on City ROW, and screened in enclosed containers, it would not impact the health, safety or general welfare of residents of the surrounding area or of the community as a whole.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings of this Resolution, the request for approval of the CUP Amendment as set forth in the Application (Attachment A), is hereby **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of this approval):

- A. The 1988 Development Agreement and Conditional Use Permit and subsequent 2014 Amendment shall be amended, in a form acceptable to the City Attorney, by the Applicant and the City to incorporate the approvals and conditions granted herein, including, but not limited to the future financial obligation for seven (7) parking spaces.
- B. The Applicant shall apply for and receive approval of the appropriate building permits from the City Building Official for the Proposed Expansion.

- 4.2 Based on the Findings of this Resolution, the request for approval of a temporary encroachment permit for the ROW Encroachment as set forth in the Application (Attachment B), is hereby **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of this approval):

- A. The Applicant shall obtain and maintain the appropriate license/s from the City for use of the City ROW on which the proposed enclosures are to be located, which license/s may be granted, revoked and/or denied in the sole discretion of the City on the basis of any reason related to the health, safety and welfare of the City, and/or the need to use the City ROW for other public or City purposes. The annual renewal of the ROW Encroachment license shall be automatic, unless the City provides the Applicant with sixty (60) days written notice of its termination.
- B. The Applicant must comply with any future policy and fee established by the City Council for use of City Right-of-Way.
- C. The Applicant must maintain the rear portion of the existing building, keeping it free of debris, and provide appropriate landscaping of the area.

- D. The Applicant must place and maintain a container for used cigarettes and other debris adjacent to the enclosed storage containers on City ROW.

Adopted by the Wayzata City Council this ____ day of January, 2015.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

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 _____, 2015.

Becky Malone, Deputy City Clerk
SEAL

Attachment A
Applicant Submittals for Proposed Expansion

Attachment B
Applicant Submittals for ROW Encroachment

CITY OF WAYZATA



PLANNING DEPARTMENT

MEMORANDUM

To: City Council
From: Bryan Gadow, City Planner
Date: January 28, 2015
Re: Moratorium on Medical Cannabis Facilities

In 2014, the Minnesota Legislature adopted new legislation to allow medical cannabis or marijuana for use to treat certain medical conditions. Medical cannabis will not be available via a pharmacy through a prescription from a doctor. Instead, patients with a qualifying condition will be eligible to enroll in a patient registry maintained by the State, and would be able to get medical cannabis directly from one of eight dispensaries set up around the state.

At this time, no dispensary locations have been selected. However, a number of communities within the metropolitan area, including Bloomington, Richfield, and Plymouth have adopted interim zoning ordinances providing a moratorium on locating a dispensary in those locations, so that additional local study can be completed.

Staff finds that the potential location of a distribution facility has broad implications with respect to facility location, zoning requirements, traffic, hours of operation, etc. In order to better understand the implications of this state law change and its impact on local ordinances and land use controls, staff needs time to conduct an in-depth study and present recommendations to the City Council.

Given the newness of this use within the state, staff and the City Attorney's office have prepared a draft twelve (12) month moratorium ordinance on medical cannabis facilities for consideration by the City Council. The moratorium period will allow staff time to prepare a study assessing the need for amending the City's official controls for these facilities. A copy of the draft moratorium ordinance is attached.

DRAFT ORDINANCE NO. _____

**AN INTERIM ORDINANCE IMPOSING A TWELVE MONTH MORATORIUM
ON MEDICAL MARIJUANA FACILITIES
PENDING STUDY AND CONSIDERATION OF AMENDMENTS TO THE CITY'S
REGULATIONS AND OFFICAL CONTROLS**

THE CITY OF WAYZATA ORDAINS:

PREAMBLE

The Wayzata City Council declares that there is an immediate, pressing, and emergency need to place a moratorium on medical cannabis or marijuana manufacturing and distribution facilities ("Medical Marijuana Facilities") that have been authorized under state law, Ch.311 of Minnesota Laws 2014.

Based on the information presented by City Staff during the City Council Meeting of February 3, 2015, the Wayzata City Council finds that Medical Marijuana Facilities have the potential to negatively impact the health, safety and welfare of the City of Wayzata if not properly regulated, and the City needs time to study the issue and make any necessary and appropriate changes to the City's policies, ordinances and official controls. To give the City such time, and to protect and preserve the public peace, health, morals, safety and welfare of the City and its citizens, a study of the matter should be authorized and a moratorium immediately put in place.

AUTHORIZATION OF STUDY

Authorization of Study. City staff is hereby directed to undertake a study to determine whether, or to what extent, the City's official controls, including the Zoning and Subdivision Ordinances, should be revised to address Medical Marijuana Facilities.

MORATORIUM

Moratorium Imposed. Pursuant to Minnesota Statue 462.355, subd. 4 and the Wayzata City Charter, the Wayzata City Council of Wayzata hereby imposes a twelve (12) month moratorium prohibiting any Medical Marijuana Facilities within the city limits of Wayzata.

Scope of Moratorium. During the moratorium, the City shall not accept, issue or process any application of any kind for use of real property anywhere within the City for or related to a Medical Marijuana Facility. Any such application received by the City is hereby denied by City Council based on the findings referenced in this Ordinance.

Effective Date and Duration. This Ordinance shall become effective immediately upon adoption and shall expire, without further action of the City Council, one year from its effective date.

Adopted by the City Council of Wayzata, Minnesota this ____ day of _____, 2015.

Kenneth Willcox
Mayor

ATTEST:

Heidi Nelson
City Manager

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City of Wayzata

2014 in Review



Strategic Planning – 2014 to 2016

In 2013, City Council and staff met with consultant Craig Rapp to revisit the Strategic Plan that was developed in 2012.

As a result, goals from the 2012 edition were more clearly defined, with key outcome indicators created to measure results.

City Council and Staff will be meeting again this Spring to review progress on the Strategic Plan and make adjustments based on current conditions and priorities.

To help us reach our vision of Wayzata, we have established **three focus areas**, accompanied by strategies to help us achieve our goals.

- Sustaining our community
- Ensuring financial stability
- Enhancing City assets



STRATEGIC DIRECTION: Ensuring Financial Stability

Strategic Priority	Key Outcome Indicator	Measure	Target	Strategic Initiatives
Financial Strength FINANCE	Capital maintenance demand	Long-term costs	Funding for highest priority needs	a) 10-year maintenance plan b) Capital maintenance funding strategy
	Audit	Management comments	0	c) Evaluate contracting and documentation processes d) Organizational analysis - finance dept. e) Update Muni business plan
	Fiscal strength	Bond rating	AAA	
	Bay Center	Retail leases	75% leased by 12/31/2015	a) Prosydrian Homes sales/marketing strategy
	Parking downtown	Parking spaces	20% increase by 12/31/2017	b) Carisch ramp consideration c) Analysis of ramp options
Proactive Development and Redevelopment CHRONHH	Meyer's Dairy building	Site redevelopment	Redevelopment agreement - 7/7/2015	d) Meyer's building redevelopment strategy
	Targeted multi-family complexes	Reinvestment	2 complexes improved between 1/1/2014 - 12/31/2015	e) Marketing campaign - multi-family investment program f) Improve rental inspection coordination with reinvestment g) Increase and implement rental housing inspection standards h) Promote development of diversity of housing stock
	Signage	Increased wayfinding into and within city	Roll out second phase wayfinding by 6/1/2015 New directional signage by 9/30/2014	i) Improve directional signage on freeway j) Monument signage of Muni
	Marketing	Marketing plan in place	Establish marketing branding campaign by 12/31/2014	k) Develop marketing branding campaign for city

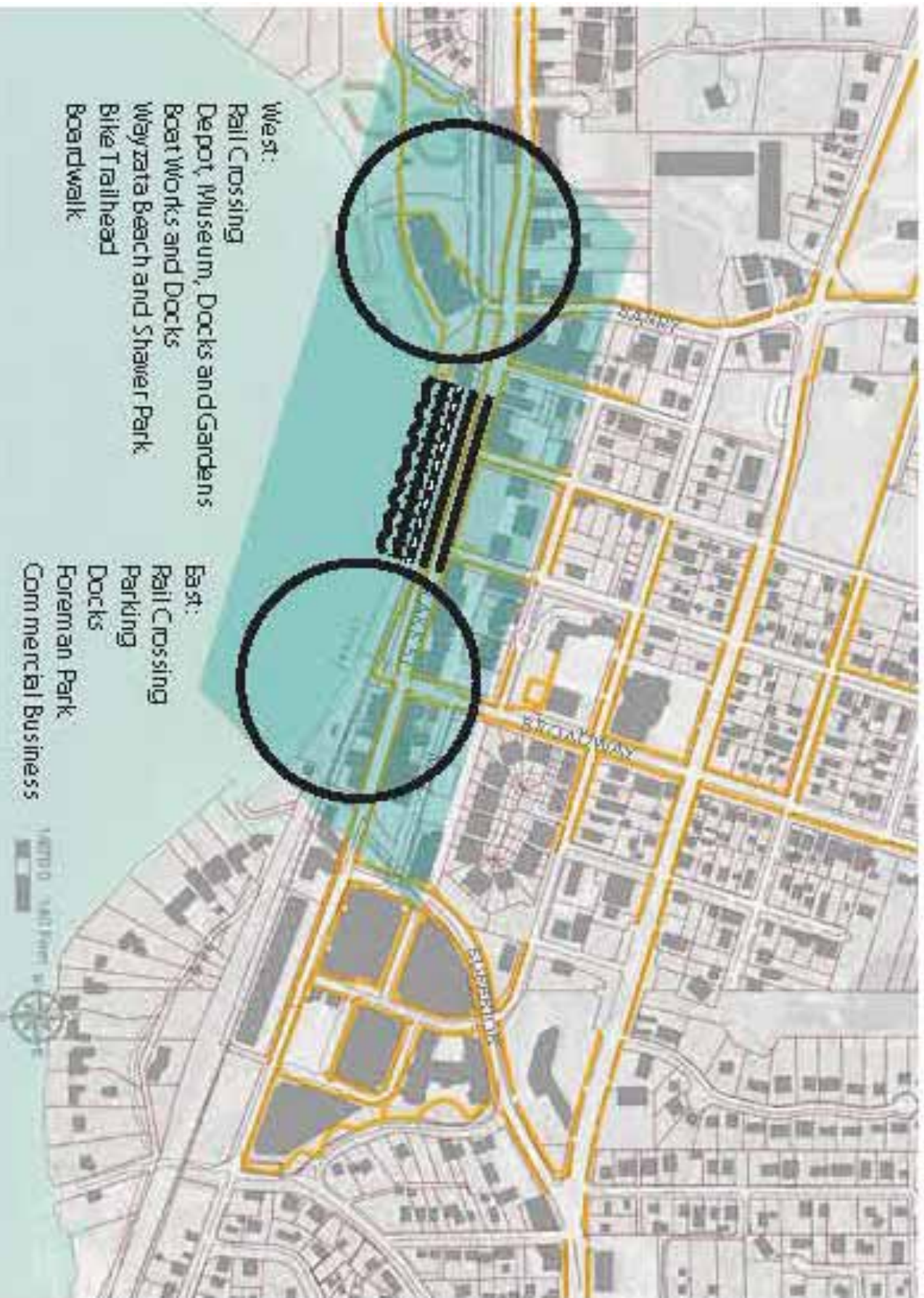
STRATEGIC DIRECTION: Sustaining Our Community

Strategic Priority	Key Outcome Indicator	Measure	Target	Strategic Initiatives
Organizational Sustainability WORKFORCE	Institutional Knowledge	Documentation/ SOPs	All depts. by 7/1/2015	a) Documentation project - all depts. b) Succession plan - all depts.
	Organizational Structure	Industry stand-span of control	In place by 7/1/2014	c) Organizational analysis d) Implement organizational structure changes
	Shared services	Executed agreement	Long Lake PW by 12/31/2014	e) Develop options for shared service f) Implement Long Lake opportunity
	Citizens' Academy	Participation	20 participants by 12/31/2015	a) Create a Citizens' Academy
Focused Community Engagement CUSTOMER	Boards and Commissions	Qualified applicants	2 applicants for each opening	b) Develop an outreach and recruiting program for Boards and Commissions
	Website	Visits	25% increase 1/1/2014-12/31/2015	c) Revise and upgrade city website d) Incorporate paperless technology into website

STRATEGIC DIRECTION: Enhancing City Assets

Strategic Priority	Key Outcome Indicator	Measure	Target	Strategic Initiatives
Operational Effectiveness	Business and permits	Online forms availability	80% by 12/31/2014	a) Online business evaluation b) Program funding and implementation
	Staff time	Utility bill processing	20% reduction 1/1/2014 - 12/31/2014	c) Document current staffing metrics d) Establish improvement program
Maintain and Enhance Community Amenities	Projects	Lake Effect prioritized list	80% implemented on schedule	a) Lake Effect framework adoption b) Lake Effect funding strategy c) Adoption of PTB list d) PTB projects funding strategy e) Scenic byway
	Park usage	Users	20% increase website hits between 1/14/2014-12/31/2015	f) Parks information/documentation project g) Park and trail user strategy
MAINTENANCE				

Wayzata Lake Effect – Moving Forward



Downtown Parking

Scope of Work for Downtown Parking Improvements:

- Potential amendments to parking requirements in the downtown business district, creation of a parking district to address allocation of parking and maintenance, and management tools
- Developing a plan of finance for potential improvements that could include wayfinding, real-time signage, improvements to existing parking and the construction of a new parking structure on Mill Street
- Pilot projects such as valet parking rules/regulations, directing employee parking, and shuttle/transit options to address current parking issues
- Potential renovation of the Marquee Place parking ramp (600 Lake St.) and extension of public parking easement set to expire in 2017
- Pre-Design for a new Parking Structure on Mill Street
- Consideration of additional way-finding and real-time signage to help direct drivers to available parking
- Several City Council workshops and public engagement meetings will be held over the next 3-4 months as the work progresses.

Communications

Online Communications	2013	2014
Facebook Likes	212	331
Twitter Followers	161	325
Email Subscribers	401	537



- In 2014, we purchased a new Content Management System (CivicPlus CMS) for *wayzata.org*
- New Website Design Launch coming February 2015
- Continued event promotion
 - City events
 - Chamber events

Fire

- 299 calls for service in 2014; compared to 278 in 2013
- 40 calls for service in just the month of August
- Bill Malikowski retired with 23 Years of Service
- Purchased three Thermal Imagers (two using federal grant dollars, one using Second Call dollars)
- One member of the department earned 40 Years of Service

Inspections

- Total number of permits is 672; the 6 year average is 445.
- 27 permits were issued for new Single-family dwellings.
- 20 permits were issued for demolitions of single-family structures.
- Total residential project value (single family, multi-family , condo and townhouse) of \$65,388,950.
- Total commercial project value of \$17,547,366.
- We performed 2025 building, plumbing and HVAC inspections. The average number of inspections over the prior 6 years is 1,221.
- We did 119 inspections of rental properties.

Planning

- Development Applications Reviewed: 24
 - PUD/Amendments: 5
 - Subdivision/Platting: 5
 - Design Review: 1
 - CUPs: 5
 - Variances: 5
 - Residential Building Plan Review: 4
- Initiated review of City Ordinance on Micro-production Facilities
- Assisted with Lake Effect Project Implementation Coordination and City Parking Study



Police

	2011	2012	2013	2014
Citations	1701	1090	1225	1717
Warnings	490	661	795	929
DWI	85	84	43	33
Accidents	234	236	272	265
Burglary	16	17	19	23
Firearm Permits	45	86	54	39
Death Investigation	10	9	3	9
Crime Sex Conduct	3	4	4	4
Assault	29	34	31	20
Theft/Forgery	134	144	111	114
Medicals	587	687	593	757
Alarms	328	354	426	548
Total Activities	7326	6830	6856	7697
Total Excluding Traffic	4835	5079	4836	5051

Police

- Burglaries increased from 19 to 23. A single suspect confessed to committing four business burglaries in Wayzata in a one week period.
- Lt. Murphy was recognized by the Minnesota Chiefs of Police Association with their Distinguished Service Award for his leadership and role in a multi-city investigation of more than 30 jewelry stores burglaries.
- The department executed 25 search warrants and approximately 40 administrative subpoenas.
- Participated in the federally funded “Toward Zero Deaths” traffic safety/enforcement program with partner agencies Minnetonka, Plymouth, and Maple Grove Police Departments.

Police

- Wayzata PD Facebook followers reached 800. The most viewed post to date was seen more than 80,000 times.
- Participated in the Lake Minnetonka Emergency Response Unit (SWAT) with one officer who is trained as a sniper.
- Both Violent and Property Crime rates declined again in 2014.
- Responded to 153 calls for service at Folkstone. Activities and calls for service will increase as two additional blocks in the development occupy in 2015.
- Adult Protection cases increased from 13 to 48 from 2013 to 2014.

Police

- The Community Service Officer position was brought back on a part-time basis (accounting for many of the additional citations and warnings).
- Administrative Record Specialist Sue Bobzien retired after 9 years with the department (34 total years in public service).
- Nichole Fernandez was hired as the new Administrative Record Specialist.
- Officer Wilson assumed the duties of the School Resource Officer. Officer Lee served in that role for three years.

Public Works - Engineering

- Met Council Environmental Sewer Project
 - Completed Phase 3 (Superior Blvd. to Circle Dr.)
 - L26 Rehabilitation at marina
 - Emergency repair of forcemain at Grove Lane Ct.
- Bushaway Road (CSAH 101)
 - Construction began in September 2014
 - 2/3 of new city watermain installed
- City Engineer relocated to PW in July
- Replaced watermain under Highway 12 at Minnetonka Ave.
- Bid opening of Peavey Bridge (2015 construction)
- High lake level in Spring of 2014 had impacts on PW/Engineering, & Parks through July

Public Works - Utilities

- Utility staff completed 1,500 underground utility locate requests (Gopher State One Call) in 2014
- Utility staff completed 158 work orders to replace or repair failed water meters throughout the water system
- Utility staff inspected sewer and water laterals for 12 new residential homes within our community
- Utility staff completed the rehabilitation of sanitary sewer lift stations #11, #12.
- Completed the televising and inspection of 15,559 lineal feet of sanitary sewer lines
- Completed the jetting and cleaning of an additional 19,000 lineal feet of sanitary sewer lines
- Wayzata's Municipal Yearly Total Water Pumpage for 2014: Wayzata's water overall water pumpage for 2014 from three municipal wells was 259 million gallons. Subtracting the estimated 11 million gallons of water lost due to watermain breaks, the estimated adjusted pumpage for 2014 is 248 million gallons. This is lowest yearly pumpage for Wayzata since 1993.

Public Works – Streets and Parks

- Prepared streets for seal coating in 2015
- Streets Dept. hired one (1) new employee to replace a retired member of staff
- Parks Dept. hired two (2) new employees to replace 2 park staff members who sought employment elsewhere.
- A complete ash tree inventory was finalized to determine healthy and unhealthy ash trees in preparation for the beetle invasion (EAB).
- Tree replacement of dead trees at Hollybrook , PW berm and installation of trees along Babcock Lane
- Implemented initiatives recommended by Parks and Trail Board
 - Created a Parks & Trails brochure
 - Installed doggie cleanup dispensers at ten locations around town
 - Added a drinking fountain at the Depot
 - Added Forsythia to west hill at Heritage Park
 - Repaired walkway at the Post Office Pocket Park
 - Experimented with a Dog Park inside the hockey boards at Klapprich Field summer 2014
 - Added pickle ball striping to tennis courts at Bell Courts on Park Street
 - Added Adirondack chairs at the Depot
 - Replacement of hockey boards at Klapprich Ice Rink

Finance

- 2014 ended with revenues in excess of expenditures of \$900,000, due mainly to permit and inspection revenue.
- Excess funds to be allocated to the CIP based on Council priorities and projected expenditures.
- Administrative Services Director hired in August 2014.
- Compensation and Class system developed and implemented.
- Total compensation statement's were created for employees.
- Completed first year of three-year union contracts for Police and Public Works (2014-2016).

Motor Vehicle

	2013 Actual	2014 Preliminary
Revenue	\$400,209	\$449,016
Expenses	<u>\$247,038</u>	<u>\$253,630</u>
Net Income	\$144,199	\$179,106
Contribution to General Fund	\$50,000	\$50,000

- 2014 operating revenue largest year in Motor Vehicle, increasing almost \$49k over 2013.
- Provided an important public service by processing over 45,000 dealer and customer transactions.
- Continued to add dealerships including Sears Imported Autos and Minnco Credit Union.
- Successfully transitioned passport processing back to Motor Vehicle from City Hall due to changes in federal regulation.
- Staffed by four full-time and two new part time employees.



2014 Financial Highlights

	2013 Actual	2014 Preliminary
Sales	\$2,391,432	\$2,452,482
Gross Profit	\$633,923	\$647,873
Net Income	\$175,749	\$166,292
Contribution to General Fund	\$15,000	\$15,000

- Wine sales exceeded \$1.15 million, an increase of \$48,000 over 2013.
- Beer sales continues to grow with sales exceeding \$537,000 in 2014.



2014 Highlights and Events:

- Craft beer selection expanded – work in progress, done in about 6 weeks.
- Wine cellar make-over with an expanded selection of unique wines.
- Wine gondola repurposed – highlighting 90 point ratings AND value wines.
- Regular wine tasting calendar with weekly events Thursday, Friday and Saturday.
- Delivery service increased with formal plan implemented in 2015.
- Wine of the month created to highlight new selections.
- Scotch and American whiskey section expanded.





2014 Financial Highlights:

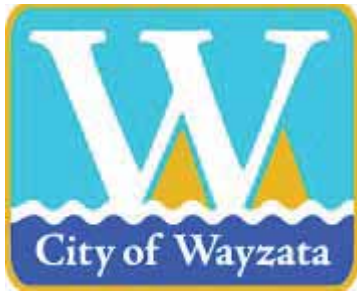
	2013	2014
Sales	\$2,913,778	\$3,127,712
Gross Profit	\$2,034,240	\$2,134,151
Net Income	\$585,751	\$553,562
Contribution to General Fund	\$15,000	\$15,000

- Food sales exceeded \$1.7 million, an increase of \$87,000 over 2013.
- Beer sales continue to grow with sales of \$740,000 in 2014.
- Sales of liquor and wine remain stable.



2014 Highlights and Events:

- The Craft Beer movement in Minnesota is still bustling and growing every year. WB&G serves anywhere from 5 to 8 Minnesota beers. Out of a total of 23 taps, WB&G serves three to four domestic staples, the other 19 lines are rounded out by a mix of local, regional, and national craft style beers.
- Annual December gift card sales increased from \$12,000 in 2013 to over \$15,000 in 2014. Our special gift card offer includes a \$20.00 complimentary Gift Certificate for every \$100.00 bought in Gift Cards.
- Active participant in community events including JJ Hill days, Be Pink Wayzata and others.
- Added live music to Saturday night keeping customers entertained during the evening.



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Heidi Nelson

MEMORANDUM

TO: Mayor Willcox and Councilmembers

FROM: Heidi Nelson, City Manager

DATE: January 30, 2015

RE: Amending Membership of the Communications Board and Establishing a Policy for Communication between Boards/Commissions/Committees and the City Council

At the regular meeting of January 20th, Council directed staff to amend the membership of the Communications Board to remove the Councilmember seat on the Board. In addition, after further review of the establishing resolution, staff is recommending that the City Manager or her/his designee be removed as a voting member from the Board. The establishing resolution, which is attached for review, designated the City Manager or her/his designee as a voting member of the Board. For the recent years, the City Manager or designee has been functioning in a staff liaison role, which staff feels is appropriate. The amending resolution reflects that recommendation. Additionally, the amending resolution establishes a regular communication process between the Board and the Council, as directed by the Board Chair, to advise the City Council on their policy recommendations and initiatives.

Staff has also drafted a policy for Council consideration that would establish a regular communication process between Boards/Commissions/Committees that would be directed by each Board via the Board Chair. The policy is consistent with the language in the resolution regarding Communications Board membership. Staff is seeking feedback regarding the draft policy.

RESOLUTION NO. 26-2010

A RESOLUTION TO ESTABLISH A COMMUNICATIONS BOARD FOR THE CITY OF WAYZATA

WHEREAS the Wayzata City Council has established a policy of providing our citizens with open, timely and public communication of all public business, and

WHEREAS we are committed to strive for continuous improvement in the quality of our City communications with attention to content that reflects the community's values and provides information people need to know to participate in the life of the community, and

WHEREAS we believe that an ongoing, organized effort is necessary to assure that the City is meeting these communication standards,

THEREFORE, we hereby establish a Communications Board. This board shall be a standing advisory group for the City Council.

Membership, Terms and Officers

The board shall consist of seven voting members: a City Council Member; the City Manager or another Staff member designated by the City Manager; and 5 citizens.

The citizen members shall be appointed by the City Council as follows: 3 members appointed for 2 year terms, 2 members appointed for 3 year terms.

The City Council member of the board shall be a rotating position with no Council member serving for more than 2 consecutive years unless extended by one year by resolution of the City Council, and subsequent years would require an annual approval.

The entire board shall elect a chair and vice-chair from the 5 citizen members. Those officers shall serve for 2 years.

Meetings

The board shall meet quarterly or as requested by the board chair.

Duties

The board's duties shall be as follows:

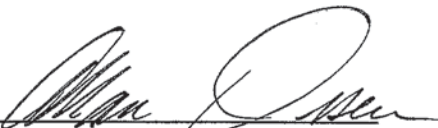
- To review and evaluate the effectiveness of the City's communication activities and tools in reaching citizens with timely and useful information about City issues and events. This includes, but is not limited to, reviewing

and evaluating the City's website, newsletters and cable television operations.

- To propose improvements to the quality of the City's communications.
- To advise the City Manager and Council on communications matters, as requested.
- To report to the Council on the state of City communications once a quarter.

Adopted by the Wayzata City Council this 27th day of July, 2010.


Kenneth Willcox, Mayor

Attest: 
Allan Orsen, City Manager

CERTIFICATION:

Motion for adoption: Bader

Seconded by: Amdal

Voted in favor of: Amdal, Bader, Mullin, Tanner, Willcox

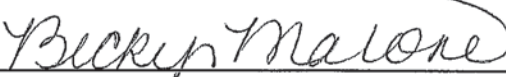
Voted against: none

Abstained: none

Absent: none

Resolution Adopted.

I hereby certify that the attached and foregoing resolution is a true and correct copy of the Resolution Establishing a Communications Board for the City of Wayzata adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 27, 2010.


Becky Malone, Deputy City Clerk

SEAL

RESOLUTION NO. 48-2013

**A RESOLUTION AMENDING RESOLUTION NO. 26-2010
TO INCREASE THE MEMBERSHIP AND ALLOW WAYZATA RESIDENTS,
WAYZATA BASED BUSINESS OWNERS AND NON-RESIDENTS TO SERVE ON THE
COMMUNICATIONS BOARD FOR THE CITY OF WAYZATA**

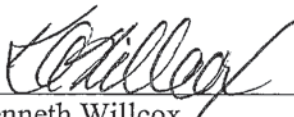
WHEREAS, On July 27, 2010, the Wayzata City Council approved Resolution No. 26-2010 establishing a Communications Board consisting of a City Council Member, the City Manager, and five (5) citizens; and

WHEREAS, it is the desire of the Wayzata City Council to amend Resolution No. 26-2010 to allow additional membership on the Communications Board, and to allow Wayzata residents, Wayzata based business owners and non-residents to serve as members.

NOW, THEREFORE BE IT RESOLVED, that the Wayzata City Council wishes to formally increase the citizen membership on the Communications Board from a five (5) citizen member board to a board consisting of a range of between five (5) and seven (7) citizen members, of which one (1) of these members may be a non-resident or Wayzata based business owner.

BE IT FINALLY RESOLVED, that the members of the Communications Board shall be appointed to staggered three-year terms.

Adopted by the Wayzata City Council this 17th day of December, 2013.



Mayor Kenneth Willcox

ATTEST: 

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Anderson

Seconded by: Mullin

Voted in favor of: Amdal, Anderson, Mullin

Voted against: Tanner, Willcox

Abstained: None

Absent: None

Resolution: Adopted

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on December 17, 2013.



Deputy City Clerk Becky Malone

SEAL

CITY OF WAYZATA

RESOLUTION NO. 09-2015

**A RESOLUTION AMENDING RESOLUTION NO. 26-2010
AMENDING MEMBERSHIP OF THE COMMUNICATIONS BOARD
FOR THE CITY OF WAYZATA**

WHEREAS, On July 27, 2010, the Wayzata City Council approved Resolution No. 26-2010 establishing a Communications Board consisting of a City Council Member, the City Manager, and five (5) citizens; and

WHEREAS, On December 17, 2013, the Wayzata City Council approved Resolution No. 48-2013 increasing the citizen membership on the Communications Board from a five (5) citizen member board to a board consisting of a range of between five (5) and seven (7) citizen members, of which one (1) of these members may be a non-resident or Wayzata based business owner; and

WHEREAS, it is the desire of the Wayzata City Council to amend Resolution No. 26-2010 to remove the City Council Member seat on the Communications Board; and

WHEREAS, it is the recommendation of staff that the City Manager or her/his designee be removed as a voting member from the Board and serve as staff liaison; and

WHEREAS, the City Council wishes to establish a regular communication process with the Communications Board as directed by the Board Chair in an effort to advise the City Council on their policy recommendations and initiatives.

NOW, THEREFORE BE IT RESOLVED that the Communications Board membership shall be comprised of a range of between five (5) and seven (7) citizen members, of which one (1) of these members may be a non-resident or Wayzata based business owner and a regular communication process be established with the Communications Board as directed by the Board Chair.

Adopted by the Wayzata City Council this 3rd day of February, 2015.

Mayor Kenneth Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

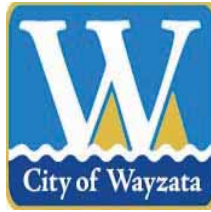
Absent:

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 February 3, 2015.

Deputy City Clerk Becky Malone

SEAL



CITY OF WAYZATA
POLICY FOR
**COMMUNICATION BETWEEN BOARDS, COMMISSIONS, COMMITTEES
AND THE CITY COUNCIL**

Purpose: The City of Wayzata recognizes and appreciates the valuable service and contribution Board, Commission and Committee members make to the community in advising the city council with regard to redevelopment and land use, park and trail amenities, historical assets, oversight of the city charter, city communications and volunteer efforts. In an effort to support and stay apprised of the work and initiatives of the Boards, Commissions and Committees, the City Council desires to establish regular communication with the City's Boards, Commissions, and Committees.

Regular Communication: Board and Commission membership, via the Chair, shall establish a regular communication process with the City Council that may include, but not limited to, annual/bi-annual or quarterly reports to the City Council and/or bi-annual/annual joint workshops with the City Council. Each Board or Commission shall determine the appropriate form and frequency of communication with the City Council. City staff will coordinate with the Board Chair to provide reports and/or schedule workshop meetings to facilitate the communication between the Board/Commission/Committee and the City Council.