

WAYZATA CITY COUNCIL MEETING AGENDA
Wayzata City Hall Community Room, 600 Rice Street
Tuesday, December 20, 2016

WORKSHOP TOPICS FOR DISCUSSION:

1. Discuss Wellness Program (6:00 PM)
2. Update on Labor Negotiations (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.	Mill Street Parking Ramp Update	Nate Pearson							
b.	Recognition of Holiday Lighting and Decorating Contest Winners	Becky Pierson							
4	New Agenda Items (3 min/councilmember) - 1. Councilmember suggest item to add; 2. Must be seconded by another Councilmember; 3. Determine staff resources, scheduling & timeframe; 4. Discuss & vote to add to future agenda								
a.									
5	Consent Agenda								3
a.	Approval of City Council Workshop Meeting Minutes of December 6, 2016 and City Council Regular Meeting Minutes of December 6, 2016								
b.	Approval of Check Register								
c.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
d.	Approval of Municipal Licenses								
e.	Police Activity Report								
f.	Building Activity Report								
g.	Approval of Second Reading of Ordinance #763 Frenchwood Third Addition								
h.	Approval of Second Reading of Ordinance #765 Authorizing Sale of Bonds for Mill Street Parking Ramp								
i.	Minnnetonka Aquatics; Wayzata Beach 2016 Lifeguard Year End Activity Report								
j.	Approval of Contract for Public Art Project								
k.	Approval of LELS and AFSCME Labor Contracts for 2017 to 2019								
6	Public Hearing								
a.	PUBLIC HEARING to Consider Modification of TIF District No. 5 and CONSIDER APPROVAL of Resolution No. 59-2016 Adopting a Modification to the Tax Increment Financing (TIF) Plan for Replacement Redevelopment TIF Financing District No. 5 Within the CARD	Dahl							88
7	New Business								
a.	Consider Resolutions No. 60-2016 to No. 63-2016 Approving Interfund Loan Reimbursements for Mill Street Parking Ramp	Dahl							152
b.	Consider Resolution No. Adopt Resolution No. 64-2016 Relating to \$7,925,000 General Obligation Tax Increment Bonds, Series 2016A, Authorizing the Issuance, Awarding the Sale, Fixing the Form and Details, and Providing for the Execution and Delivery thereof and the Security therefor	Dahl							162
c.	Consider Resolution No. 58-2016 and Ordinance #766 Meyer Place at 105 Lake Street E	Thomson							187
d.	Consider Resolution No. 49-2016 Denying Subdivision/Preliminary and Final Plat at 15610 Holdridge Rd E	Thomson							296
8	City Manager's Report and Discussion Items								
9	Public Forum (as necessary)								
10	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 - January 3 & 17, 2017
Planning Commission - WEDNESDAY January 4 & WEDNESDAY January 18, 2017

WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
December 6, 2016

4:15 PM Discuss Pull-Tabs

Mayor Willcox called the meetings to order at 4:15 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Dahl and Director of Planning and Building Thomson.

Mr. Dahl stated that earlier this fall, Council Member Mullin requested adding this item to a future workshop agenda and has questioned whether there is a willingness to explore expanding charitable gambling within the City to assist fundraising efforts for other community organizations, such as the Wayzata Sailing Center.

Mr. Dahl stated that in April of 2015, City staff presented a report to the City Council regarding the current status of charitable gambling within the City and the estimated contribution to the City. He stated that key takeaways from that report are:

- The City allows only one license for pull-tab operations at one location.
- The Wayzata Lions have “the one” license and operate at the Muni.
- Since 1988, the Lions have generated over \$1.8 million (updated as of Oct 16) in donations/net proceeds from charitable gambling.
- Based on a previous agreement, the Lions contribute half of their net proceeds towards the Fire Department’s Relief Association and the rest towards other eligible causes within the community.
- The City has the authority to expand charitable gambling licenses to additional organizations and at other locations and also could charge an administrative fee of up to 10% of annual net proceeds.
- City’s vary widely in how they manage charitable gambling. The applicable state statutes allow for some flexibility.

Mr. Dahl reminded the Council that the Council took no action after last spring’s discussion.

The Council asked staff to look at what the impacts would be if charitable gambling were expanded within the City.

4:45 PM CenturyLink Fiber Optic Infrastructure

Mayor Willcox introduced this item at 4:45 pm.

Aaron Krebs, Director of Engineering and Construction with CenturyLink updated the Council on the history of CenturyLink, as well as statistical data on their presence in the United States and Minnesota. He stated they are currently evaluating opportunities to expand their Fiber to the Home footprint for telephone and internet to the remaining areas of Wayzata.

The Council indicated general support for moving forward with the project but asked that CenturyLink obtain staff review and approval prior to moving forward with the proposed installation of eight (8) new cabinets. They stated that staff review must include consideration of the location, size, and beautification opportunities for the proposed cabinets.

5:15 PM Interview for Board & Commissions

Mayor Willcox introduced this item at 5:15 pm.

The Council conducted interviews for the following finalists:

Time	Applicant	Commission/Board
5:20 PM	Bob Ambrose	HRA
5:30 PM	Steve Young - Telephone Interview	Planning Commission
5:40 PM	Mary Bader	Parks & Trails Board
5:50 PM	Gerald Osband	Parks & Trails Board
6:00 PM	break	
6:10 PM	Graham Gnos	Planning Commission
6:20 PM	Jeffrey Buchanan	Various Commissions/Boards
6:30 PM	Steven Fox	HRA

The workshop meetings were adjourned at 6:55 pm.

Respectfully submitted,

Becky Malone
Deputy City Clerk

**WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
December 6, 2016**

AGENDA ITEM 1. Call to Order and Roll Call.

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

AGENDA ITEM 2. Approve Agenda.

Mayor Willcox requested item Nos. 6(h), 6(a), 6(g) and 6(f) be moved to the beginning of the agenda under New Business.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to approve the agenda as revised. The motion carried 5/0.

Mr. Willcox advised the Council met in Workshop prior to the meeting to discuss pull-tabs, CenturyLink Fiber Optic infrastructure, and conducted interviews for boards and commissions.

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

None.

AGENDA ITEM 4. New Agenda Items.

None.

AGENDA ITEM 5. Consent Agenda.

Mr. Tyacke referred to page 35 of the meeting packet and inquired if the background check for the Solicitor's License satisfied the requirement of the Council to investigate the moral character and business background of the applicant. City Manager Dahl responded it does, and if the background check or other businesses the applicant had worked with were flagged, staff would conduct a more detailed internet search on the applicant.

- Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the consent agenda:
- a. Approval of City Council Special Workshop Meeting Minutes of November 15, 2016 and City Council Regular Meeting Minutes of November 15, 2016
 - b. Approval of Check Register
 - c. Municipal Licenses Which Received Administrative Approval (Informational Only)
 - d. Approval of Municipal Licenses
 - e. Approval of Resolution No. 53-2016 Adopting the City Council Meeting Schedule
 - f. Approval of House Plans for 143 Westwood Lane
 - g. Approval of Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc.
 - h. Approval of Site Land Lease to Construct a Telecom Mono Pole Tower on the Wayzata West Middle School Property
 - i. Approval of the 2017 Lease Agreement with the Wayzata Chamber of Commerce for the Wayzata Depot at 402 Lake Street East
 - j. Approval of the Fire Service Contract for 2017 with the City of Woodland
- The motion carried 5/0.

AGENDA ITEM 6. New Business.

- h. **Consider First Reading of Ordinance #765 Authorizing Sale of Bonds for Mill Street Parking Ramp**

1 City Manager Dahl reported the City needs to take three major steps in order to move through the
 2 financing process for the Mill Street Parking Ramp: 1) Adopt an ordinance amendment
 3 authorizing issuance of bonds; 2) Hold a rating call to get a lower bond rate; and, 3) Hold a public
 4 hearing to amend the TIF plan, adopt reimbursing solutions, hold bond sales, and award bonds.

5 Mr. Tyacke inquired how the issuance of bonds will affect the City's bond rating. City
 6 Manager Dahl responded the bond rating is done before issuance. The City's additional
 7 development and overall improved financial health will have the most impact.

8 Jay Lindgren, Dorsey and Whitney, commented the City's bond rating will be minimally
 9 affected because the City's debt service will be covered by TIF and the good financial health of
 10 the City.

11 Mr. Willcox inquired how it affects the City's total bonding capacity. Mr. Lindgren stated
 12 this does not apply to the City's debt capacity limitation.

13 Mr. Mullin made a motion, seconded by Mr. Tyacke, to accept the First Reading of
 14 Ordinance #765 Authorizing the Issuance of General Obligation Tax Increment Bonds, Series
 15 2016A. Upon roll call vote with McCarthy, Mullin, Tyacke and Willcox voting yes, and
 16 Anderson voting no, the motion carried 4/1.

17
 18 **a. Consider Resolution No. 52-2016 Adopting 2017 Final Property Tax Levy and**
 19 **Budget**

20 City Manager Dahl reported the budget process has been going on for the last six months. The
 21 Council met a couple of times prior to this meeting to discuss the 2017 budget and levy, and
 22 adopted the preliminary budget in September 2016. It will be available on the website after final
 23 approval by the Council.

24 Mr. Steve McDonald of AEM, Financial Consultant, advised the 2017 budget includes a
 25 2.17 percent increase. He reported on 2016 legislative impacts, presented a levy comparison and
 26 tax rates from 2012 through 2017, and reviewed changes in revenue and expenditures.

27 Mr. Tyacke inquired how the recently approved bond impacts the budget for 2017. Mr.
 28 McDonald advised it will not have an effect on the general fund budget because the repayment of
 29 it comes from TIF.

30 Mr. Willcox inquired if the budget included a consultant for comprehensive plan
 31 development. Director of Planning and Building Thomson stated money is transferred annually
 32 from the building permit fund to a special fund to serve this purpose.

33 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 52-
 34 2016 Adopting 2017 Final Property Tax Levy and Budget.

35 Mr. Mullin stated he supports the resource allocation and conclusions reached as a
 36 Council, but is not in favor of a levy increase and will not support this resolution.

37 The motion carried 4/1. (Mullin)

38
 39 **g. Lake Effect Annual Report and Introduction of Conservancy Consultant Director**

40 City Manager Dahl reported the Conservancy is in the process of transitioning Mary deLaittre's
 41 consultant services to the new Executive Director. Staff has reviewed Ms. deLaittre's outstanding
 42 contract and concluded that the Executive Director's duties can be paid for from the existing
 43 funding from Ms. DeLaittre's contract.

44 Ms. deLaittre thanked the Conservancy Board for all their work. This Board consists of
 45 the following people: Dan Koch, JoAnn Birkholz, Sarah Showalter, Tyler Purdy, Andrew Mullin,
 46 Sharon Lim, Rick Born, and Meredith Howell.

47 Mrs. McCarthy requested clarification on the role of the Executive Director and
 48 expressed concern with running out of money before the Conservancy can raise money for the
 49 Lake Effect. Mr. Dahl stated there is about \$50,000 left over from the contract with Ms. deLaittre
 50 and the focus will be on fundraising, cultivating, and coordinating for the Lake Effect

1 Conservancy. The Conservancy is hopeful to raise money in the next few months before the
2 existing money runs out so they do not have to come back to the Council.

3 Mr. Mullin pointed out the Conservancy Board recognizes the City is not funding them,
4 they are a non-profit startup entity, and it is their intent to become self-sustaining. Mrs. McCarthy
5 stated the City wants to be a good partner through the process, but it is important it does not
6 deviate from its original plan.

7 Mr. Tyacke inquired if the Executive Director is an employee of the Conservancy. Ms.
8 deLaittre stated the Executive Director is a consultant.

9 Mr. Mullin stated Ms. deLaittre notified staff and the Council that her firm is taking on an
10 additional project and that this transition would have to occur. Ms. deLaittre stated her firm lays
11 the groundwork for significant projects and the new Executive Director has unparalleled
12 experience with capital campaigns.

13 Mrs. Anderson commented the Conservancy Board was made up of people that could get
14 the job done without hiring an Executive Director. There is a lot of expectation that there will not
15 be any additional taxpayer money spent on this after the existing money is used up.

16 Dan Koch, Lake Effect Conservancy Chair, thanked the staff, Council, and community
17 for their work on the Lake Effect. The Board is a hands-on group that intends to be self-sufficient,
18 and they recognize the concern in finding additional funding. He introduced Kathy Coward,
19 consulting Executive Director for the Conservancy.

20 Kathy Coward, consulting Executive Director, stated she is excited for this project. She
21 has a background in fundraising and a landscape architect degree. She loves energizing people
22 around great ideas and is looking forward to working with the Conservancy Board and the City.
23 They have talked about increasing the Board, creating a more formalized plan for the capital
24 campaign, creating a communications plan, and getting some seed money.

25 Mr. Willcox asked Ms. Coward if she has looked at any recommendations provided by
26 Civitas. Ms. Coward stated she had not. This Conservancy needs to address how construction
27 will be paid for. In the future, it can address how it can become a permanent endowed
28 conservancy for the City with supplemental support for operations.

29 At the request of Council, Ms. Coward commented on her experience. She started the
30 fundraising and public affairs programs for the 12-state region of the Trust for Public Land, ran
31 the Minnesota Public Radio capital campaign, worked with Minneapolis Parks Foundation, is
32 president of the local Garden Club of America, was involved with Grays Bay restoration, and
33 worked with Minnehaha Creek Watershed District and the Department of Natural Resources.

34 The Council welcomed Ms. Coward and thanked Ms. deLaittre and her firm for their
35 work with the Lake Effect.

36 Mr. Mullin reread the Joint Powers Agreement that exists between the Council and
37 Conservancy and advised staff will need to provide names to serve on a committee to help steer
38 the joint process between the Council and the Conservancy.

39 Mrs. McCarthy inquired how the agreement works with Mr. Koch who is the
40 Conservancy Chair, a Wayzata resident, and an incoming Councilmember. Mr. Mullin stated it
41 was discussed and Mr. Koch left it up to the Council whether he would continue to serve with the
42 Conservancy.

43 Mr. Koch commented he is happy to serve as a representative, but would step down as
44 Chair.

45 Mr. Dahl advised they will provide names for the Joint Powers Committee to the new
46 Council in January.

47
48 **f. Consider Resolution No. 35-2016 and Ordinance #763 Frenchwood Third Addition**

49 Director of Planning and Building Thomson reported the applicant Zev and Kristi Oman and
50 Robert Bolling have submitted a development application to subdivide the properties at 250 and
51 270 Bushaway Road into four single-family residential lots. The two existing homes would

1 remain and two new single-family homes would be constructed. The proposal requires rezoning
2 to PUD, PUD concept and general plan review, and preliminary and final plat review.

3 Mr. Thomson reported the City Council reviewed this application at its September 20,
4 2016 meeting, requested the applicant provide additional information on how the proposed PUD
5 would meet the purpose of the PUD district, and asked staff to provide additional information on
6 the private and public street requirements in the City's ordinances.

7 Mr. Thomson reported the City's subdivision regulations and PUD ordinance allow the
8 City Council to approve private streets. The City's subdivision regulations state that private
9 streets, except in the case of PUDs, shall be prohibited. The general standards of the PUD
10 ordinance state that all streets shall conform to the design standards contained in the subdivision
11 ordinance, unless approved by the City Council. The applicant is proposing the subdivision as a
12 PUD in order to provide access to the new lots from the existing private street.

13 Mr. Tyacke inquired about the width of the existing private street, if parking would be
14 allowed on the 26-foot public street, and the number of trees impacted with widening the street.
15 Mr. Thomson stated the existing private street is 20 feet wide. Parking is not allowed on the
16 existing private street because the 20-foot width is required for emergency access. The City Code
17 allows parking on a public street, unless it is posted as a no parking zone. A detailed analysis on
18 the number of trees impacted has not been done.

19 Mrs. McCarthy inquired about application requirements in requesting public street. Mr.
20 Thomson stated an applicant would be required to pay for construction of a new street that serves
21 a development. The City then accepts the ongoing operations and maintenance of that street after
22 completion.

23 Mrs. McCarthy inquired if there are any other owners to the private road and if a portion
24 of them can make an application to change the road without the residents in Enchanted Woods
25 being part of the application. Mr. Thomson responded the applicant is not requesting changes to
26 the existing private road. The only change would be providing two additional driveways to that
27 private road. If a public street was considered, it would have to be on the properties that are
28 owned and part of the subdivision application.

29 Mrs. Anderson inquired if the middle portion of the parcels could be subdivided in the
30 future. Mr. Thomson said it could include two to three lots based on the acreage.

31 Mrs. Anderson inquired if it would be an additional burden on property owners to
32 produce a public road and City staff who now need to maintain an additional private road. Mr.
33 Thomson responded staff has not reviewed it in detail because they do not have an official street
34 plan. If the public street is proposed by the applicant, there would need to be more analysis done
35 on it.

36 Mr. Willcox inquired if the capacity of the private road would be pushed to the limit if
37 the middle portion of the parcels were redeveloped in the future and if it will be a challenge to
38 keep the road open with construction equipment. Mr. Thomson responded the homes to be
39 constructed are located a significant distance off the private street and the City would not allow
40 parking on the private road or on Bushaway Road. A condition of approval could include a
41 parking management plan and require staging to take place on the construction site.

42 Mr. Mullin commented the applicant would have to go through a similar process to
43 subdivide the middle parcel that would mitigate what is allowable and he is less concerned about
44 implications on the landowner. He understands what the applicant is trying to do with a private
45 road.

46 Mr. Willcox referred to page 167, item G and inquired about the non-conforming lots in
47 the area. Mr. Thomson stated there are other lots without frontage on a public street and that is
48 what this applicant is requesting.

49 Peter Benincasa, Executive Real Estate Professionals, 8749 Helswig Trail, Brooklyn
50 Park, commented the applicant's home did have a road off Bushaway to their garages. The
51 County closed off the road and put in a culvert with the road addition. If it still existed, the lots

could have been reconfigured differently. In reference to the non-conforming lots in the area, they are all different shapes and do not meet the road frontage requirements. There is an association that shares in snow plowing and taking care of the road.

Kristi Oman, 250 Bushaway Road, commented their request conforms to what the neighborhood has evolved into and the frontage is the only issue. A public street would take away the aesthetic of the area and the neighbors would not approve.

Mrs. Anderson stated she supports the PUD option and keeping the private road. The goal of the Bushaway Landscape Committee is to preserve the topography of the area. Similar things have been allowed in the area and worked out well.

Mr. Tyacke stated he supports the application. The subdivision meets the purpose of the Comprehensive Plan, he does not want to take out additional trees, and more homes will add to the consistency of the area.

Mr. Mullin stated he supports the private road and agrees with Mrs. Anderson.

Mrs. McCarthy stated she does not support the application and expressed concern with the additional traffic counts on the private road. She likes the private road, but allowing more subdivisions creates more traffic. She does not want more curb cuts on Bushaway and it is not advantageous to create a public street.

Mr. Willcox stated the lots are not out of character for the area. It is important to maintain the private road, but he sees it to be a potential problem if the property owner with the middle parcel decided to subdivide. He supports the application, but would like a condition included that would keep construction traffic from blocking the road.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to adopt Resolution No. 35-2016 Approving Planned Unit Development and Preliminary Final Plat Subdivision at 250 and 270 Bushaway Road, with an additional condition that includes a construction plan to mitigate the impact of construction of the homes submitted by the applicant and approved by the City Manager. The motion carried 4/1. (McCarthy)

Mr. Mullin made a motion, seconded by Mrs. Anderson, to adopt the first reading of Ordinance No. 763 Amending the official zoning map of the City to rezone property at 250 and 270 Bushaway Road to PUD Planned Unit Development district. The motion carried 4/1. (McCarthy)

b. Consider Resolution No. 54-2016 Approving Planning Commission Appointments

The Council voted by ballot for the Planning Commission Appointments of Jeffrey Buchanan and Steven Young.

Mrs. Anderson made a motion, seconded by Mr. Mullin, to adopt Resolution No 54-2016 Approving Planning Commission Appointments. The motion carried 5/0.

c. Consider Resolution No. 55-2016 Approving Housing and Redevelopment Authority Board Appointments

The Council voted by ballot for the following HRA Appointments:

- Five-year term: Bob Ambrose
- One-year term: Steve Fox

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to adopt Resolution No 55-2016 Approving Housing and Redevelopment Board Appointments. The motion carried 5/0.

d. Consider Resolution No. 56-2016 Approving Parks and Trails Board Appointments

The Council voted by ballot for the following Parks and Trails Board Appointments:

- Three-year term: Tyler Purdy and Sarah Randolph
- One-year term: Mary Bader
- One-year term as Executive Board Chair: Dan Baasen

Mrs. Anderson made a motion, seconded by Mr. Tyacke, to adopt Resolution No 56-2016 Approving Parks and Trails Board Appointments. The motion carried 5/0.

e. Consider Resolution No. 57-2016 Approving Heritage Preservation Board Appointments

The Council voted by ballot for the following Parks and Trails Board Appointments:

- Two-year term: Jeffrey Buchanan
- One-year term: Kim Anderson

Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt Resolution No 57-2016 Approving Heritage Preservation Board Appointments. The motion carried 5/0.

AGENDA ITEM 7. City Manager's Report and Discussion Items.

a. Emergency Response Vehicle

City Manager Dahl reported the City was selected to receive a specialized emergency response vehicle in response to a grant application completed by the Police Department and Lake Minnetonka Emergency Managers.

b. Board Appointments

City Manager Dahl stated they will follow up with all the applicants to let them know the results.

c. Upcoming Dates

City Manager Dahl announced an open house recognition of outgoing Councilmembers Mullin and Anderson on December 15 from 5:00 p.m. to 7:00 p.m., with a presentation at 6:00 p.m.

d. Miscellaneous

City Manager Dahl commented the Light Up the Lake festival was well attended and thanked everyone involved with the event.

Mrs. McCarthy thanked Councilmembers Mullin and Anderson for their service on the Council.

AGENDA ITEM 8. Public Forum Continued (as necessary).

None.

AGENDA ITEM 9. Adjournment.

Mr. Tyacke made a motion, seconded by Mr. Mullin to adjourn. There being no further business, Mayor Willcox adjourned the meeting at 9:11 p.m.

Respectfully submitted,

Becky Malone
Deputy City Clerk

Drafted by Shannon Schmidt
TimeSaver Off Site Secretarial, Inc.

***Check Detail Register©**

November 2016 to December 2016

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	104366	12/5/2016	ALPINE		
E 640-48000-401	Repairs/Maint Buildings		\$992.29	18710	KITCHEN EXHAUST CLEANING
	Total ALPINE		\$992.29		
Paid Chk#	104367	12/5/2016	ARTISAN BEER COMPANY		
E 640-48000-253	Beer For Resale		\$270.00	3140553	BEER
E 640-47000-253	Beer For Resale		\$737.70	3140661	BEER
E 640-48000-253	Beer For Resale		(\$30.00)	364100	BEER
E 640-48000-253	Beer For Resale		(\$60.00)	364236	BEER
	Total ARTISAN BEER COMPANY		\$917.70		
Paid Chk#	104368	12/5/2016	BAGY JO, INC.		
E 640-47000-306	Personnel Expense		\$35.48	16244	STORE SHIRTS
E 640-47000-306	Personnel Expense		\$67.56	16245	STORE SHIRTS
	Total BAGY JO, INC.		\$103.04		
Paid Chk#	104369	12/5/2016	BELLBOY BAR SUPPLY CORP.		
E 640-47000-254	Soft Drinks/Mix For Resale		\$37.55	56309100	MISC.MDSE.
E 640-47000-259	Freight		\$7.78	56309300	FREIGHT
E 640-47000-251	Liquor For Resale		\$505.00	56309300	LIQUOR
E 640-47000-254	Soft Drinks/Mix For Resale		(\$15.95)	94873200	MSC.MDSE.
E 640-47000-254	Soft Drinks/Mix For Resale		\$18.80	94922200	MISC.MDSE.
E 640-47000-210	Operating Supplies (GENERAL)		\$245.00	94922200	SUPPLIES
E 640-47000-259	Freight		\$6.40	94922200	FREIGHT
	Total BELLBOY BAR SUPPLY CORP.		\$804.58		
Paid Chk#	104370	12/5/2016	BERNICK'S WINE		
E 640-47000-254	Soft Drinks/Mix For Resale		\$61.20	329357	MISC.BEV.
E 640-47000-253	Beer For Resale		\$473.73	329358	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$33.95	330567	MISC.BEV
E 640-47000-253	Beer For Resale		\$177.60	330568	BEER
	Total BERNICK'S WINE		\$746.48		
Paid Chk#	104371	12/5/2016	BLOOMQUIST, RICK		
E 640-48000-341	General Promotions		\$300.00	12/15/16	BAR MUSIC 12/15/16
	Total BLOOMQUIST, RICK		\$300.00		
Paid Chk#	104372	12/5/2016	BOOM ISLAND BREWING COMPANY		
E 640-47000-253	Beer For Resale		\$77.75	5762	BEER
	Total BOOM ISLAND BREWING COMPANY		\$77.75		
Paid Chk#	104373	12/5/2016	BOURGET IMPORTS		
E 640-47000-252	Wine For Resale		\$204.00	137749	WINE
E 640-47000-259	Freight		\$1.50	137749	FREIGHT
	Total BOURGET IMPORTS		\$205.50		
Paid Chk#	104374	12/5/2016	BREAKTHRU BEVERAGE		
E 640-48000-251	Liquor For Resale		\$229.29	1080552049	LIQUOR
E 640-48000-252	Wine For Resale		\$288.00	1080552049	WINE
E 640-47000-259	Freight		\$1.45	1080555358	FREIGHT
E 640-47000-252	Wine For Resale		\$72.00	1080555358	WINE
E 640-47000-259	Freight		\$49.54	1080555359	FREIGHT
E 640-47000-252	Wine For Resale		\$3,627.41	1080555359	WINE
E 640-47000-259	Freight		\$38.18	1080555360	FREIGHT
E 640-47000-251	Liquor For Resale		\$4,600.76	1080555360	LIQUOR
E 640-48000-252	Wine For Resale		\$290.14	1080555567	WINE
E 640-47000-259	Freight		\$24.16	1080558279	FREIGHT

***Check Detail Register©**

November 2016 to December 2016

			Check Amt	Invoice	Comment
E 640-47000-251	Liquor For Resale		\$2,371.50	1080558279	LIQUOR
E 640-48000-252	Wine For Resale		\$299.60	1080558399	WINE
E 640-48000-252	Wine For Resale		\$377.47	2080561482	WINE
Total BREAKTHRU BEVERAGE			\$12,269.50		
Paid Chk# 104375	12/5/2016	BREAKTHRY BEVERAGE BEER			
E 640-48000-253	Beer For Resale		\$660.00	1090635032	BEER
E 640-47000-253	Beer For Resale		\$3,064.25	1090638518	BEER
E 640-47000-253	Beer For Resale		\$123.00	1090638519	BEER
E 640-47000-253	Beer For Resale		\$68.65	1090638520	BEER
E 640-48000-253	Beer For Resale		\$527.00	1090638541	BEER
E 640-47000-253	Beer For Resale		\$933.10	1090641266	BEER
E 640-48000-253	Beer For Resale		\$313.00	1090641317	BEER
E 640-48000-253	Beer For Resale		\$283.00	1090643771	BEER
Total BREAKTHRY BEVERAGE BEER			\$5,972.00		
Paid Chk# 104376	12/5/2016	CINTAS CORPORATION			
E 640-48500-210	Operating Supplies (GENERAL)		\$66.80	5006624965	FIRST AID SUPPLIES
Total CINTAS CORPORATION			\$66.80		
Paid Chk# 104377	12/5/2016	CLEAR RIVER BEVERAGE CO.			
E 640-47000-253	Beer For Resale		\$120.40	326089	BEER
Total CLEAR RIVER BEVERAGE CO.			\$120.40		
Paid Chk# 104378	12/5/2016	COCA-COLA			
E 640-47000-254	Soft Drinks/Mix For Resale		\$191.92	3601201764	MISC.BEV
Total COCA-COLA			\$191.92		
Paid Chk# 104379	12/5/2016	COZZINI BROS., INC.			
E 640-48500-415	Other Equipment Rentals		\$118.54	C3261656	KNIFE EXCHANGE
Total COZZINI BROS., INC.			\$118.54		
Paid Chk# 104380	12/5/2016	CULLIGAN-METRO			
E 640-48500-210	Operating Supplies (GENERAL)		\$138.52	1141513	SUPPLIES
Total CULLIGAN-METRO			\$138.52		
Paid Chk# 104381	12/5/2016	DAHLHEIMER DISTRIBUTING CO.			
E 640-48000-253	Beer For Resale		\$423.00	1223332	BEER
E 640-47000-253	Beer For Resale		\$1,396.72	1223397	BEER
E 640-48000-253	Beer For Resale		\$893.00	1223398	BEER
E 640-48000-253	Beer For Resale		\$177.00	135973	BEER
Total DAHLHEIMER DISTRIBUTING CO.			\$2,889.72		
Paid Chk# 104382	12/5/2016	DENNYS 5TH AVENUE BAKERY			
E 640-48500-255	FOODIngredients For Resale		\$50.88	634121	FOOD
E 640-48500-255	FOODIngredients For Resale		\$78.10	634356	FOOD
E 640-48500-255	FOODIngredients For Resale		\$111.86	634682	FOOD
E 640-48500-255	FOODIngredients For Resale		\$85.62	634888	FOOD
E 640-48500-255	FOODIngredients For Resale		\$76.00	635193	FOOD
E 640-48500-255	FOODIngredients For Resale		\$25.80	635194	FOOD
E 640-48500-255	FOODIngredients For Resale		\$143.84	635667	FOOD
E 640-48500-255	FOODIngredients For Resale		\$80.47	635697	FOOD
E 640-48500-255	FOODIngredients For Resale		\$54.71	636209	FOOD
E 640-48500-255	FOODIngredients For Resale		\$79.18	636521	FOOD
E 640-48500-255	FOODIngredients For Resale		\$77.98	636687	FOOD
Total DENNYS 5TH AVENUE BAKERY			\$864.44		
Paid Chk# 104383	12/5/2016	DIRECTV			
E 640-48000-415	Other Equipment Rentals		\$319.54	30027449755	SERVICE

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Total DIRECTV			\$319.54		
Paid Chk# 104384	12/5/2016	DMX MUSIC - MINNEAPOLIS			
E 640-48000-415	Other Equipment Rentals		\$103.67	52866667	SERVICE
Total DMX MUSIC - MINNEAPOLIS			\$103.67		
Paid Chk# 104385	12/5/2016	DOMACE VINO			
E 640-47000-252	Wine For Resale		\$144.00	12518	WINE
E 640-47000-259	Freight		\$2.00	12518	FREIGHT
Total DOMACE VINO			\$146.00		
Paid Chk# 104386	12/5/2016	ENKI BREWING COMPANY			
E 640-48000-253	Beer For Resale		\$55.00	6478	BEER
Total ENKI BREWING COMPANY			\$55.00		
Paid Chk# 104387	12/5/2016	FLAHERTY S HAPPY TYME CO.			
E 640-47000-254	Soft Drinks/Mix For Resale		\$114.00	32520	MISC.MIX
Total FLAHERTY S HAPPY TYME CO.			\$114.00		
Paid Chk# 104388	12/5/2016	G & K SERVICES			
E 640-48500-217	Uniforms		\$234.44	1013181624	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-217	Uniforms		\$80.37	1013192792	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$154.56	1013192792	SUPPLIES
E 640-48500-217	Uniforms		\$141.92	1013203927	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$74.31	1013203927	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$16.00	1013203927	SUPPLIES
E 640-48500-217	Uniforms		\$230.78	1013215135	KITCHEN UNIFORMS & SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$87.12	1013912814	SUPPLIES
Total G & K SERVICES			\$1,019.50		
Paid Chk# 104389	12/5/2016	GRAINGER, INC.			
E 640-47000-401	Repairs/Maint Buildings		\$122.67	9262269583	REPAIRS
Total GRAINGER, INC.			\$122.67		
Paid Chk# 104390	12/5/2016	GRAPE BEGINNINGS, INC.			
E 640-47000-252	Wine For Resale		\$220.00	12753	WINE
E 640-47000-259	Freight		\$4.50	12753	FREIGHT
E 640-47000-259	Freight		\$2.25	12754	FREIGHT
E 640-47000-251	Liquor For Resale		\$42.67	MN00012753	LIQUOR
E 640-47000-252	Wine For Resale		\$218.00	MN00012754	WINE
Total GRAPE BEGINNINGS, INC.			\$487.42		
Paid Chk# 104391	12/5/2016	HIGHWAY 55 RENTAL			
E 101-41100-493	Volunteer program		\$206.25	504605	VOLUNTEER DINNER SUPPLIES
Total HIGHWAY 55 RENTAL			\$206.25		
Paid Chk# 104392	12/5/2016	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale		\$492.00	860960	BEER
Total HOHENSTEINS INC.			\$492.00		
Paid Chk# 104393	12/5/2016	HOLIDAY			
E 640-47000-212	Motor Fuels		\$18.42		FUEL
Total HOLIDAY			\$18.42		
Paid Chk# 104394	12/5/2016	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253	Beer For Resale		\$3,828.05	2597174	BEER
E 640-48000-253	Beer For Resale		\$1,047.00	2617480	BEER
E 640-48000-253	Beer For Resale		\$72.00	2617481	BEER
E 640-48000-253	Beer For Resale		\$814.00	2617566	BEER

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E 640-48000-253	Beer For Resale		\$100.20	2617567	BEER
E 640-48000-253	Beer For Resale		\$406.00	2624854	BEER
E 640-48000-253	Beer For Resale		\$95.40	2624855	BEER
E 640-48000-253	Beer For Resale		\$791.00	2624933	BEER
Total JJ TAYLOR DISTRIBUTING OF MN			\$7,153.65		
Paid Chk#	104395	12/5/2016	JOHNSON BROS.-ST.PAUL		
E 640-47000-252	Wine For Resale		\$2,438.31	5582670	WINE
E 640-47000-259	Freight		\$8.54	5582670	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,381.95	5588083	LIQUOR
E 640-47000-259	Freight		\$15.86	5588083	FREIGHT
E 640-47000-252	Wine For Resale		\$5,448.65	5588084	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$24.00	5588084	MISC.MIX
E 640-47000-259	Freight		\$82.15	5588084	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,811.49	5589456	LIQUOR
E 640-47000-259	Freight		\$14.65	5589456	FREIGHT
E 640-47000-251	Liquor For Resale		\$471.94	5593535	LIQUOR
E 640-47000-259	Freight		\$4.88	5593535	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$32.25	5593536	MISC.MIX
E 640-47000-259	Freight		\$1.22	5593536	FREIGHT
Total JOHNSON BROS.-ST.PAUL			\$11,735.89		
Paid Chk#	104396	12/5/2016	JOHNSON, WILLIAM		
E 640-48000-341	General Promotions		\$300.00	12/22/16	BAR MUSIC 12/22/16
Total JOHNSON, WILLIAM			\$300.00		
Paid Chk#	104397	12/5/2016	KARLSBURGER FOODS, INC.		
E 640-48500-255	FOODIngredients For Resale		\$300.75	000424020	FOOD
E 640-48500-255	FOODIngredients For Resale		\$136.20	000425067	FOOD
Total KARLSBURGER FOODS, INC.			\$436.95		
Paid Chk#	104398	12/5/2016	KRAUTH, MAX		
E 640-48000-341	General Promotions		\$300.00	12/8/16	BAR MUSIC 12/8/16
Total KRAUTH, MAX			\$300.00		
Paid Chk#	104399	12/5/2016	LIBATION PROJECT		
E 640-47000-252	Wine For Resale		\$1,880.00	6208	WINE
E 640-47000-259	Freight		\$3.00	6208	FREIGHT
Total LIBATION PROJECT			\$1,883.00		
Paid Chk#	104400	12/5/2016	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$836.53	227540	CIGS
Total M.AMUNDSON LLP			\$836.53		
Paid Chk#	104401	12/5/2016	MARGRON SKOGLUND WINE IMPORTS		
E 640-47000-259	Freight		\$3.00	20020446	FREIGHT
E 640-47000-252	Wine For Resale		\$244.00	20020446	WINE
tal MARGRON SKOGLUND WINE IMPORTS			\$247.00		
Paid Chk#	104402	12/5/2016	NETWORK BUSINESS SUPPLIES		
E 640-48000-210	Operating Supplies (GENERAL)		\$418.59	00104518	SUPPLIES
E 640-47000-210	Operating Supplies (GENERAL)		\$103.12	00104577	SUPPLIES
Total NETWORK BUSINESS SUPPLIES			\$521.71		
Paid Chk#	104403	12/5/2016	NEW FRANCE WINE COMPANY		
E 640-47000-259	Freight		\$9.00	115317	FREIGHT
E 640-47000-252	Wine For Resale		\$384.00	115317	WINE
E 640-47000-252	Wine For Resale		\$504.00	115570	WINE
E 640-47000-259	Freight		\$4.50	115570	FREIGHT

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Total	NEW FRANCE WINE COMPANY	\$901.50		
Paid Chk#	104404	12/5/2016	NORTHWESTERN FRUIT COMPANY	
E 640-48500-255	FOODIngredients For Resale	\$323.85	850508	FOOD
E 640-48500-255	FOODIngredients For Resale	\$261.70	850661	FOOD
E 640-48500-255	FOODIngredients For Resale	\$620.15	850785	FOOD
E 640-48500-255	FOODIngredients For Resale	\$549.20	850930	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$51.40)	851035	FOOD
E 640-48500-255	FOODIngredients For Resale	\$327.40	851103	FOOD
E 640-48500-255	FOODIngredients For Resale	\$445.90	851256	FOOD
E 640-48500-255	FOODIngredients For Resale	\$504.45	851363	FOOD
E 640-48500-255	FOODIngredients For Resale	\$524.25	851545	FOOD
E 640-48500-255	FOODIngredients For Resale	\$87.55	851579	FOOD
E 640-48500-255	FOODIngredients For Resale	\$484.20	851727	FOOD
E 640-48500-255	FOODIngredients For Resale	\$371.30	851906	FOOD
Total	NORTHWESTERN FRUIT COMPANY	\$4,448.55		
Paid Chk#	104405	12/5/2016	PARLEY LAKE WINERY	
E 640-47000-252	Wine For Resale	\$240.00	16186	WINE
Total	PARLEY LAKE WINERY	\$240.00		
Paid Chk#	104406	12/5/2016	PAUSTIS & SONS	
E 640-47000-252	Wine For Resale	\$1,289.52	8569943	WINE
E 640-47000-259	Freight	\$13.75	8569943	freight
E 640-47000-259	Freight	\$7.00	8570473	FREIGHT
E 640-47000-252	Wine For Resale	\$422.00	8570473	WINE
Total	PAUSTIS & SONS	\$1,732.27		
Paid Chk#	104407	12/5/2016	PEPSI -COLA	
E 640-47000-254	Soft Drinks/Mix For Resale	\$247.50	33705053	MISC.BEV
E 640-47000-254	Soft Drinks/Mix For Resale	\$3.66	LF1609180905	MISC.BEV
E 640-47000-254	Soft Drinks/Mix For Resale	\$3.82	LF6101810553	MISC.BEV
Total	PEPSI -COLA	\$254.98		
Paid Chk#	104408	12/5/2016	PHILLIPS WINES & SPIRITS	
E 640-48000-251	Liquor For Resale	\$582.30	2071946	LIQUOR
E 640-47000-251	Liquor For Resale	\$596.84	2074916	LIQUOR
E 640-47000-259	Freight	\$6.50	2074916	FREIGHT
E 640-47000-252	Wine For Resale	\$1,104.65	2074917	WINE
E 640-47000-259	Freight	\$19.52	2074917	FREIGHT
E 640-47000-259	Freight	\$1.22	2077618	FREIGHT
E 640-47000-252	Wine For Resale	\$96.00	2077618	WINE
Total	PHILLIPS WINES & SPIRITS	\$2,407.03		
Paid Chk#	104409	12/5/2016	QUALITY SERVICE, INC.	
E 640-47000-404	Repairs/Maint - Machin/Equip	\$573.68	32126	BEER COOLER REPAIRS
E 640-48000-404	Repairs/Maint - Machin/Equip	\$141.86	32127	SALAD COOLER REPAIRS
E 640-48000-404	Repairs/Maint - Machin/Equip	\$281.71	32128	SALAD COOLER REPAIRS
Total	QUALITY SERVICE, INC.	\$997.25		
Paid Chk#	104410	12/5/2016	RED BULL DISTRIBUTION COMPANY	
E 640-47000-254	Soft Drinks/Mix For Resale	\$108.00	K-20580094	MISC.BEV
Total	RED BULL DISTRIBUTION COMPANY	\$108.00		
Paid Chk#	104411	12/5/2016	SAVEON	
E 640-47000-340	Advertising	\$5,651.32	2016CI-20076	STORE ADS
Total	SAVEON	\$5,651.32		
Paid Chk#	104412	12/5/2016	SEATING CONSULTANTS, INC	

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E 640-48000-401	Repairs/Maint Buildings		\$692.60	23585	BOOTH REPAIRS
Total	SEATING CONSULTANTS, INC		\$692.60		
Paid Chk# 104413	12/5/2016	SECURITY PRODUCTS COMPANY			
E 640-47000-401	Repairs/Maint Buildings		\$429.10	178753	ALARM MONITORING
E 640-48000-401	Repairs/Maint Buildings		\$429.10	178753	ALARM MONITORING
Total	SECURITY PRODUCTS COMPANY		\$858.20		
Paid Chk# 104414	12/5/2016	SHAMROCK GROUP			
E 640-47000-254	Soft Drinks/Mix For Resale		\$65.30	2063863	ICE
Total	SHAMROCK GROUP		\$65.30		
Paid Chk# 104415	12/5/2016	SOUTHERN GLAZER'S OF MN			
E 640-47000-252	Wine For Resale		\$1,820.00	1465957	WINE
E 640-47000-259	Freight		\$8.96	1465957	FREIGHT
E 640-47000-251	Liquor For Resale		\$4,413.81	1476386	LIQUOR
E 640-47000-259	Freight		\$28.69	1476386	FREIGHT
E 640-47000-259	Freight		\$34.56	1476387	FREIGHT
E 640-47000-252	Wine For Resale		\$2,169.34	1476387	WINE
E 640-47000-252	Wine For Resale		\$2,506.00	1476388	WINE
E 640-47000-259	Freight		\$15.36	1476388	FREIGHT
E 640-47000-259	Freight		\$6.40	1476389	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$135.00	1476389	MISC.BEV
E 640-47000-259	Freight		\$2.56	1476390	FREIGHT
E 640-47000-252	Wine For Resale		\$176.00	1476390	WINE
E 640-47000-252	Wine For Resale		(\$346.75)	9091271	WINE
Total	SOUTHERN GLAZER'S OF MN		\$10,969.93		
Paid Chk# 104416	12/5/2016	SPENCER JANITORIAL			
E 640-48000-409	Maint services & Improv		\$2,554.97	10461	MONTHLY CLEANING
Total	SPENCER JANITORIAL		\$2,554.97		
Paid Chk# 104417	12/5/2016	STRATEGIC EQUIPMENT AND			
E 640-48500-210	Operating Supplies (GENERAL)		\$12.70	2735264	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$28.12	2739258	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$129.52	2747248	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$129.52	2747251	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$96.38	2747255	PROMO FOOD
E 640-48000-210	Operating Supplies (GENERAL)		\$401.67	2747255	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$338.93	2747255	SUPPLIES
E 640-48000-404	Repairs/Maint - Machin/Equip		\$749.85	2747607	PARTS/REPAIRS
E 640-48000-210	Operating Supplies (GENERAL)		\$0.27	2755232	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$486.40	2755234	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$163.73	2759118	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$57.56	2759118	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$130.93	2759118	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$11.31	2759119	SUPPLIES
Total	STRATEGIC EQUIPMENT AND		\$2,736.89		
Paid Chk# 104418	12/5/2016	T.D. ANDERSON INC.			
E 640-48000-409	Maint services & Improv		\$115.00	44460	BEER LINES CLEANED
E 640-48000-409	Maint services & Improv		\$115.00	45286	BEER LINES CLEANED
Total	T.D. ANDERSON INC.		\$230.00		
Paid Chk# 104419	12/5/2016	THORPE DISTRIBUTING CO.			
E 640-48000-253	Beer For Resale		\$875.00	1168890	BEER
E 640-47000-253	Beer For Resale		\$2,597.49	1171792	BEER
E 640-48000-253	Beer For Resale		\$526.00	1172291	BEER

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E 640-47000-253	Beer For Resale		\$54.90	1175282	BEER
E 640-48000-253	Beer For Resale		\$160.00	1175827	BEER
E 640-48000-253	Beer For Resale		(\$50.00)	1179659	BEER
E 640-48000-253	Beer For Resale		\$1,206.00	1179776	BEER
Total THORPE DISTRIBUTING CO.			\$5,369.39		
Paid Chk# 104420	12/5/2016	TRUE BRANDS			
E 640-47000-254	Soft Drinks/Mix For Resale		\$33.89	167644	MISC.MDSE.
E 640-47000-254	Soft Drinks/Mix For Resale		\$31.34	169447	MISC.MDSE.
E 640-47000-254	Soft Drinks/Mix For Resale		\$70.71	170970	MISC.MDSE.
Total TRUE BRANDS			\$135.94		
Paid Chk# 104421	12/5/2016	TRUSTED EMPLOYEES			
E 640-48000-306	Personnel Expense		\$40.00	11201612035S	BACKGROUND SEARCH SERVICE
Total TRUSTED EMPLOYEES			\$40.00		
Paid Chk# 104422	12/5/2016	US FOODS			
E 640-48500-255	FOODIngredients For Resale		\$274.01	4425500	FOOD
E 640-48500-255	FOODIngredients For Resale		\$1,974.22	4525625	FOOD
E 640-48500-255	FOODIngredients For Resale		\$104.34	4570704	FOOD
E 640-48500-255	FOODIngredients For Resale		\$5,032.20	4570707	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,395.09	4621894	FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$213.43	4621894	MISC.BEV
E 640-48500-210	Operating Supplies (GENERAL)		\$98.78	4621894	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$35.62	4621894	PROMO FOOD
E 640-48000-251	Liquor For Resale		\$12.37	4621894	LIQUOR
E 640-48500-210	Operating Supplies (GENERAL)		\$674.97	4660285	SUPPLIES
E 640-48500-255	FOODIngredients For Resale		\$2,018.09	4660286	FOOD
E 640-48000-210	Operating Supplies (GENERAL)		\$29.12	4713337	SUPPLIES
E 640-48500-255	FOODIngredients For Resale		\$4,489.72	4713338	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,865.67	4758136	FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$406.04	4794822	MISC.BEV
E 640-48000-251	Liquor For Resale		\$185.99	4794823	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$4,352.05	4794824	FOOD
E 640-48500-255	FOODIngredients For Resale		\$2,389.06	4865021	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,430.79	4902683	FOOD
Total US FOODS			\$32,981.56		
Paid Chk# 104423	12/5/2016	VINOCOPIA			
E 640-47000-251	Liquor For Resale		\$220.07	0166688	LIQUOR
E 640-47000-252	Wine For Resale		\$226.67	0166688	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$120.00	0166688	MISC.MIX
E 640-47000-259	Freight		\$20.00	0166688	FREIGHT
Total VINOCOPIA			\$586.74		
Paid Chk# 104424	12/5/2016	WACONIA BREWING COMPANY			
E 640-47000-253	Beer For Resale		\$84.00	4127	BEER
Total WACONIA BREWING COMPANY			\$84.00		
Paid Chk# 104425	12/5/2016	WAYZATA BREW WORKS LLC			
E 640-48000-253	Beer For Resale		\$139.00	MV002	BEER
Total WAYZATA BREW WORKS LLC			\$139.00		
Paid Chk# 104426	12/5/2016	WINE COMPANY			
E 640-47000-252	Wine For Resale		\$112.00	20350	WINE
E 640-47000-259	Freight		\$1.65	20350	FREIGHT
E 640-47000-252	Wine For Resale		\$1,818.00	20371	WINE
E 640-47000-259	Freight		\$21.45	20371	FREIGHT

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Total WINE COMPANY			\$1,953.10		
Paid Chk# 104427	12/5/2016	WINE MERCHANT			
E 640-48000-252	Wine For Resale		\$439.32	7106044	WINE
E 640-47000-252	Wine For Resale		\$360.00	7106044	WINE
E 640-47000-252	Wine For Resale		\$720.00	7107050	WINE
E 640-48000-252	Wine For Resale		\$329.76	7107050	WINE
E 640-47000-259	Freight		\$24.40	7107673	FREIGHT
E 640-47000-252	Wine For Resale		\$1,440.00	7107673	WINE
E 640-47000-252	Wine For Resale		(\$1,360.00)	710817	WINE
E 640-48000-252	Wine For Resale		\$964.20	7108190	WINE
E 640-47000-259	Freight		\$20.84	7108236	FREIGHT
E 640-47000-252	Wine For Resale		\$3,058.81	7108236	WINE
E 640-48000-252	Wine For Resale		\$489.76	7109426	WINE
E 640-48000-252	Wine For Resale		\$844.54	7110265	WINE
Total WINE MERCHANT			\$7,331.63		
Paid Chk# 104428	12/5/2016	Z WINES USA LLC			
E 640-47000-252	Wine For Resale		\$252.00	17510	WINE
E 640-47000-259	Freight		\$5.00	17510	FREIGHT
Total Z WINES USA LLC			\$257.00		
Paid Chk# 104429	12/9/2016	AEM FINANCIAL SOLUTIONS			
E 101-41500-301	Auditing and Acct g Services		\$4,583.33	374959	FINANCE DIRECTOR SERVICES
Total AEM FINANCIAL SOLUTIONS			\$4,583.33		
Paid Chk# 104430	12/9/2016	BRAUN INTERTEC			
E 233-40000-303	Engineering Fees		\$1,676.00	B077694	LAKE EFFECT - ENVIRONMENTAL ASSESSMENT
Total BRAUN INTERTEC			\$1,676.00		
Paid Chk# 104431	12/9/2016	CANDLELIGHT FLORAL			
E 101-41100-493	Volunteer program		\$320.00	014180	VOLUNTEER DINNER DECORATIONS
Total CANDLELIGHT FLORAL			\$320.00		
Paid Chk# 104432	12/9/2016	CARGILL, INC.			
E 101-43100-216	Chemicals and Chem Products		\$1,609.39	2903094560	WINTER SAND/SALT
Total CARGILL, INC.			\$1,609.39		
Paid Chk# 104433	12/9/2016	CASH - ANCHOR BANK			
E 610-40000-322	Postage		\$5.25		MAILING EXP.
E 101-43100-210	Operating Supplies (GENERAL)		\$53.72		SUPPLIES
Total CASH - ANCHOR BANK			\$58.97		
Paid Chk# 104434	12/9/2016	CENTERPOINT ENERGY			
E 640-48000-383	Fuel, oil and natural gas		\$723.92		SERVICE
E 640-47000-383	Fuel, oil and natural gas		\$180.98		SERVICE
E 610-40000-383	Fuel, oil and natural gas		\$43.03		SERVICE
E 101-42200-383	Fuel, oil and natural gas		\$233.34		SERVICE
E 101-41940-383	Fuel, oil and natural gas		\$10.27		SERVICE
E 101-41940-383	Fuel, oil and natural gas		\$899.47		SERVICE
Total CENTERPOINT ENERGY			\$2,091.01		
Paid Chk# 104435	12/9/2016	CITY VIEW PLUMBING & HEATING			
E 101-41940-401	Repairs/Maint Buildings		\$6,517.00	45332	WARMING HOUSE REPAIRS
Total CITY VIEW PLUMBING & HEATING			\$6,517.00		
Paid Chk# 104436	12/9/2016	CIVITAS INC.			
E 233-40000-302	Consultants		\$6,400.00	23313	LAKE EFFECT
E 233-40000-302	Consultants		\$5,633.69	23330	LAKE EFFECT

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			Check Amt	Invoice	Comment
E 233-40000-302	Consultants		\$3,962.50	23331	LAKE EFFECT
E 233-40000-302	Consultants		\$2,696.05	23364	LAKE EFFECT
E 233-40000-302	Consultants		\$2,700.00	23365	LAKE EFFECT
E 233-40000-302	Consultants		\$2,591.87	23375	LAKE EFFECT
E 233-40000-302	Consultants		\$1,066.51	23376	LAKE EFFECT
Total CIVITAS INC.			\$25,050.62		
Paid Chk#	104437	12/9/2016	CROW RIVER NURSERY		
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$250.00	1032	HOLIDAY DECORATIONS
Total CROW RIVER NURSERY			\$250.00		
Paid Chk#	104438	12/9/2016	CULLIGAN-BOTTLED WATER		
E 101-41940-499	Miscellaneous		\$79.92	2055942	SUPPLIES
Total CULLIGAN-BOTTLED WATER			\$79.92		
Paid Chk#	104439	12/9/2016	DIVERSIFIED ELECTRIC INC.		
E 408-40000-309	Contractual Services		\$9,540.00	1391	EMERGENCY GENERATOR WIRED IN
Total DIVERSIFIED ELECTRIC INC.			\$9,540.00		
Paid Chk#	104440	12/9/2016	DONALD SALVERDA & ASSOC.		
E 101-41500-433	Dues, Licensing & Seminars		\$192.60	P-1603-2B	BOOKS
Total DONALD SALVERDA & ASSOC.			\$192.60		
Paid Chk#	104441	12/9/2016	EARL F. ANDERSEN, INC.		
E 101-43100-226	Sign Repair Materials		\$206.50	0112667	SIGN POST
Total EARL F. ANDERSEN, INC.			\$206.50		
Paid Chk#	104442	12/9/2016	ECM PUBLISHERS, INC.		
E 101-42100-350	Printing & Publishing		\$42.63	610157	PD PSA AD
Total ECM PUBLISHERS, INC.			\$42.63		
Paid Chk#	104443	12/9/2016	ETM ASSOCIATES, LLC		
E 233-40000-302	Consultants		\$15,040.00	1	LAKE EFFECT SIGNATURE PARK
Total ETM ASSOCIATES, LLC			\$15,040.00		
Paid Chk#	104444	12/9/2016	FORCE AMERICA INC.		
E 101-45200-222	Repair & Maint - Equip		\$283.89	1093211	PARTS
Total FORCE AMERICA INC.			\$283.89		
Paid Chk#	104445	12/9/2016	GOPHER STATE ONE CALL		
E 620-40000-313	Permit Fees/Gopher State		\$101.25	6110799	UTILITY LOCATES
E 610-40000-313	Permit Fees/Gopher State		\$101.25	6110799	UTILITY LOCATES
Total GOPHER STATE ONE CALL			\$202.50		
Paid Chk#	104446	12/9/2016	GRAINGER, INC.		
E 101-42200-240	Small Tools and Minor Equip		\$206.10	9289668577	SUPPLIES
E 101-42200-210	Operating Supplies (GENERAL)		\$100.18	9289802770	SUPPLIES
E 101-42200-240	Small Tools and Minor Equip		\$483.30	9293390598	SUPPLIES
Total GRAINGER, INC.			\$789.58		
Paid Chk#	104447	12/9/2016	HAMEL BUILDING CENTER		
E 101-43100-210	Operating Supplies (GENERAL)		\$29.70	123273	SUPPLIES
Total HAMEL BUILDING CENTER			\$29.70		
Paid Chk#	104448	12/9/2016	HEITZ, CHRISTOPHER		
E 101-43100-331	Mileage & Expense Account		\$110.16	REIMB.	MILEAGE & SCHOOL
E 101-43100-433	Dues, Licensing & Seminars		\$727.92	REIMB.	MILEAGE & SCHOOL
Total HEITZ, CHRISTOPHER			\$838.08		

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			Check Amt	Invoice	Comment
Paid Chk#	104449	12/9/2016	HENNEPIN COUNTY SHERIFF		
	G 101-20300	Deposits Payable	\$141.12	SHF0001036	PRISONER PER DIEM
	E 101-42120-308	Prisoner Care	\$381.42	SHF0001036	PRISONER PER DIEM
	Total	HENNEPIN COUNTY SHERIFF	\$522.54		
Paid Chk#	104450	12/9/2016	HENNEPIN COUNTY TAX SERVICES		
	E 101-41500-499	Miscellaneous	\$379.95	TAX NOTICES	TAX NOTICES
	Total	HENNEPIN COUNTY TAX SERVICES	\$379.95		
Paid Chk#	104451	12/9/2016	HENNEPIN COUNTY TREASURER		
	G 650-20818	Garbage Sales Tax	\$1,401.89	9%REFUSE T	9% REFUSE TAX - NOV.2016
	Total	HENNEPIN COUNTY TREASURER	\$1,401.89		
Paid Chk#	104452	12/9/2016	INDEPENDENT SCHOOL DIST. #284		
	E 407-40000-304	Legal Fees	\$1,000.00	MONOPOLE	MONOPOLE LEASE
	Total	INDEPENDENT SCHOOL DIST. #284	\$1,000.00		
Paid Chk#	104453	12/9/2016	LEAGUE OF MN.CITIES		
	E 101-41500-331	Mileage & Expense Account	\$90.00	247247	MEETING REGISTRATION
	E 101-41500-331	Mileage & Expense Account	\$45.00	247404	MEETING REGISTRATION
	Total	LEAGUE OF MN.CITIES	\$135.00		
Paid Chk#	104454	12/9/2016	LEXISNEXIS RISK DATA		
	E 101-42100-309	Contractual Services	\$66.00	121455020161	PD SERVICE
	Total	LEXISNEXIS RISK DATA	\$66.00		
Paid Chk#	104455	12/9/2016	LMCD		
	E 233-40000-437	Payments to Organizations	\$1,651.25	DOCK LICENS	DOCK LICENSE
	Total	LMCD	\$1,651.25		
Paid Chk#	104456	12/9/2016	LOFFLER COMPANIES, INC.		
	E 101-41500-311	Data Processing	\$2,870.00	2389818	NETWORK SUPPORT
	E 409-40000-540	Equipment	\$57.50	CW64687	COMPUTER SUPPORT
	Total	LOFFLER COMPANIES, INC.	\$2,927.50		
Paid Chk#	104457	12/9/2016	LONG LAKE TRU VALUE		
	E 101-43100-210	Operating Supplies (GENERAL)	\$44.44		SUPPLIES
	E 620-40000-210	Operating Supplies (GENERAL)	\$40.43		SUPPLIES
	E 101-41940-210	Operating Supplies (GENERAL)	\$39.35		SUPPLIES
	E 101-42200-210	Operating Supplies (GENERAL)	\$16.80		SUPPLIES
	E 101-45200-210	Operating Supplies (GENERAL)	\$140.73		SUPPLIES
	Total	LONG LAKE TRU VALUE	\$281.75		
Paid Chk#	104458	12/9/2016	LONG LAKE VETERINARY CLINIC		
	E 101-42120-309	Contractual Services	\$50.00	247862	CANINE CARE
	Total	LONG LAKE VETERINARY CLINIC	\$50.00		
Paid Chk#	104459	12/9/2016	MARCO		
	E 101-41500-404	Repairs/Maint - Machin/Equip	\$2,574.34	INV3826958	COPIER MAINT.
	E 630-40000-404	Repairs/Maint - Machin/Equip	\$76.50	INV3826959	COPIER MAINT.
	Total	MARCO	\$2,650.84		
Paid Chk#	104460	12/9/2016	MARY DELAITTRE		
	E 401-40000-309	Contractual Services	\$8,915.00	12/1/16	LAKE EFFECT
	Total	MARY DELAITTRE	\$8,915.00		
Paid Chk#	104461	12/9/2016	METERING & TECHNOLOGY SOLUTION		
	G 610-14100	Inventory of Material/Supply	\$733.29	7798	WATER METERS
	G 620-14100	Inventory of Material/Supply	\$733.29	7798	WATER METERS

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			Check Amt	Invoice	Comment
tal METERING & TECHNOLOGY SOLUTION					
			\$1,466.58		
Paid Chk#	104462	12/9/2016	MEYER, BORGMAN, JOHNSON		
E 401-40000-309	Contractual Services		\$2,920.00	16.758.0-1	PARKING RAMP
Total	MEYER, BORGMAN, JOHNSON		\$2,920.00		
Paid Chk#	104463	12/9/2016	MILLER TRUCKING OF BUFFALO		
E 101-43100-229	Dirt, Sand and gravel		\$1,933.81	42327	WINTER SAND HAULING FEES
Total	MILLER TRUCKING OF BUFFALO		\$1,933.81		
Paid Chk#	104464	12/9/2016	MINNESOTA EQUIPMENT		
E 101-45200-222	Repair & Maint - Equip		\$39.86	P23472	PARTS
Total	MINNESOTA EQUIPMENT		\$39.86		
Paid Chk#	104465	12/9/2016	MINNETONKA AQUATICS		
E 101-45200-312	Rec Program Fee/Sr. Serv		\$21,363.02	SUMMER 201	LIFEQUARD SERVICES
Total	MINNETONKA AQUATICS		\$21,363.02		
Paid Chk#	104466	12/9/2016	MN CHILD SUPPORT PAYMENT CENTE		
G 101-21710	County WH		\$235.00	0015104841	WITHHOLDING ORDER
tal	MN CHILD SUPPORT PAYMENT CENTE		\$235.00		
Paid Chk#	104467	12/9/2016	MOSS & BARNETT		
E 101-41500-304	Legal Fees		\$2,626.50	657684	CABLE FRANCHISE
Total	MOSS & BARNETT		\$2,626.50		
Paid Chk#	104468	12/9/2016	NAPA AUTO PARTS-LONG LAKE		
E 101-42100-404	Repairs/Maint - Machin/Equip		\$1.60	343566	PARTS
E 101-42100-404	Repairs/Maint - Machin/Equip		\$1.29	343601	PARTS
E 101-42100-404	Repairs/Maint - Machin/Equip		\$0.67	343691	PARTS
Total	NAPA AUTO PARTS-LONG LAKE		\$3.56		
Paid Chk#	104469	12/9/2016	OFFICE DEPOT		
E 610-40000-200	Office Supplies (GENERAL)		\$115.90	879968986001	SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$69.70	879968986001	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)		\$149.27	879968986001	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$115.90	879968986001	SUPPLIES
E 620-40000-225	Repair & Maint - System		\$513.81	879968987001	SUPPLIES
E 640-47000-200	Office Supplies (GENERAL)		\$34.99	880052805001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$73.63	880052805001	SUPPLIES
E 630-40000-200	Office Supplies (GENERAL)		\$18.86	880052805001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$51.68	881441066001	SUPPLIES
Total	OFFICE DEPOT		\$1,143.74		
Paid Chk#	104470	12/9/2016	OTTEN BROTHERS		
E 101-45200-210	Operating Supplies (GENERAL)		\$70.95	1-1468724	SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$151.86	1-1469929	HOLIDAY DECORATIONS
E 101-45200-227	Plantings		\$29.98	1-1472477	SUPPLIES
Total	OTTEN BROTHERS		\$252.79		
Paid Chk#	104471	12/9/2016	PAKOR INC.		
E 630-40000-210	Operating Supplies (GENERAL)		\$218.21	8021020	MV SUPPLIES
Total	PAKOR INC.		\$218.21		
Paid Chk#	104472	12/9/2016	POPP TELECOM		
E 101-41940-321	Telephone		\$540.00	139080	PHONE SOFTWARE SUPPORT
Total	POPP TELECOM		\$540.00		
Paid Chk#	104473	12/9/2016	POWDER COATING TECHNOLOGIES		

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			Check Amt	Invoice	Comment
E 409-45200-550	Vehicles		\$343.28	49547	BOOM TRUCK PRIMER
Total	POWDER COATING TECHNOLOGIES		\$343.28		
Paid Chk# 104474	12/9/2016	RISVOLD, MICHAEL			
E 101-42100-217	Uniforms		\$145.21		UNIFORMS
Total	RISVOLD, MICHAEL		\$145.21		
Paid Chk# 104475	12/9/2016	SITEONE LANDSCAPE SUPPLY			
E 101-43100-210	Operating Supplies (GENERAL)		\$27.66	78614437	SUPPLIES
E 101-43100-210	Operating Supplies (GENERAL)		\$29.81	78643762	SUPPLIES
Total	SITEONE LANDSCAPE SUPPLY		\$57.47		
Paid Chk# 104476	12/9/2016	SPOK, INC.			
E 101-43100-323	Radio Units		\$14.72	Z0318102K	PAGERS
Total	SPOK, INC.		\$14.72		
Paid Chk# 104477	12/9/2016	TEGRA GROUP, INC.			
E 401-40000-309	Contractual Services		\$8,136.00	368.0616	PARKING RAMP
Total	TEGRA GROUP, INC.		\$8,136.00		
Paid Chk# 104478	12/9/2016	TERMINAL SUPPLY CO.			
E 101-43100-210	Operating Supplies (GENERAL)		\$96.81	69417-00	SUPPLIES
Total	TERMINAL SUPPLY CO.		\$96.81		
Paid Chk# 104479	12/9/2016	TIME SAVER			
E 101-41100-302	Consultants		\$745.00	M22553	MTG.MINUTES
Total	TIME SAVER		\$745.00		
Paid Chk# 104480	12/9/2016	TRI-CITY			
E 610-40000-309	Contractual Services		\$52.50	11/1-11/30/16	WATER ANALYSIS
Total	TRI-CITY		\$52.50		
Paid Chk# 104481	12/9/2016	TROPHIES BY LINDA			
E 101-41100-499	Miscellaneous		\$173.00	39424	COUNCIL SUPPLIES
Total	TROPHIES BY LINDA		\$173.00		
Paid Chk# 104482	12/9/2016	UNIFORMS UNLIMITED			
E 101-42100-217	Uniforms		\$149.98	34468-2	PD UNIFORMS
E 101-42100-217	Uniforms		\$28.99	34469-2	PD UNIFORMS
Total	UNIFORMS UNLIMITED		\$178.97		
Paid Chk# 104483	12/9/2016	UNPARALLELED PARKING			
E 401-40000-309	Contractual Services		\$1,158.57	1615	VALET PARKING
Total	UNPARALLELED PARKING		\$1,158.57		
Paid Chk# 104484	12/9/2016	UPS STORE			
E 101-43100-210	Operating Supplies (GENERAL)		\$10.41	2251	SUPPLIES
E 101-42100-499	Miscellaneous		\$26.60	3327	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$59.07	3328	SUPPLIES
Total	UPS STORE		\$96.08		
Paid Chk# 104485	12/9/2016	VAN PAPER COMPANY			
E 610-40000-210	Operating Supplies (GENERAL)		\$194.40	406107-00	SUPPLIES
E 620-40000-210	Operating Supplies (GENERAL)		\$194.40	406107-00	SUPPLIES
Total	VAN PAPER COMPANY		\$388.80		
Paid Chk# 104486	12/9/2016	VARITECH			
E 409-45200-550	Vehicles		\$1,314.35	1008571	LOGO FOR BOOM TRUCK
Total	VARITECH		\$1,314.35		

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			Check Amt	Invoice	Comment
Paid Chk#	104487	12/9/2016	VERIZON WIRELESS		
E 101-42200-323	Radio Units		\$12.71	9775648789	FD SERVICE
	Total VERIZON WIRELESS		\$12.71		
Paid Chk#	104488	12/9/2016	WAYZATA CHAMBER OF COMMERCE		
E 101-41100-499	Miscellaneous		\$2,950.00	7621	TREE LIGHTING EXPENSES
	Total WAYZATA CHAMBER OF COMMERCE		\$2,950.00		
Paid Chk#	104489	12/9/2016	WAYZATA TIRE & AUTO		
E 101-42100-404	Repairs/Maint - Machin/Equip		\$8.85	134473	TIRE DISPOSAL
	Total WAYZATA TIRE & AUTO		\$8.85		
Paid Chk#	104490	12/9/2016	WESTSIDE WHOLESALE TIRE		
E 610-40000-404	Repairs/Maint - Machin/Equip		\$240.84	780304	TIRES
E 620-40000-404	Repairs/Maint - Machin/Equip		\$241.00	780304	TIRES
	Total WESTSIDE WHOLESALE TIRE		\$481.84		
Paid Chk#	104491	12/9/2016	XCEL ENERGY		
E 101-45203-381	Electric Utilities		\$431.98		SERVICE
E 101-41940-381	Electric Utilities		\$3,764.14		SERVICE
E 101-42200-381	Electric Utilities		\$631.15		SERVICE
E 610-40000-381	Electric Utilities		\$5,222.17		SERVICE
E 640-47000-381	Electric Utilities		\$1,250.81		SERVICE
E 640-48000-381	Electric Utilities		\$2,918.55		SERVICE
E 620-40000-381	Electric Utilities		\$531.07		SERVICE
E 101-41940-381	Electric Utilities		\$11.42		SERVICE
	Total XCEL ENERGY		\$14,761.29		
	10100 Anchor Bank		\$290,247.49		

Fund Summary**10100 Anchor Bank**

101 GENERAL FUND	\$60,641.15
233 LAKFRONT IMPROVE	\$43,417.87
401 PERM IMPROVEMENT	\$21,129.57
407 CELL TOWER	\$1,000.00
408 GENERAL CIP	\$9,540.00
409 EQUIP REVOLVING	\$1,715.13
610 WATER FUND	\$6,824.53
620 SEWER FUND	\$2,355.25
630 MOTOR VEHICLE	\$313.57
640 LIQUOR	\$141,908.53
650 SOLID WASTE	\$1,401.89
	\$290,247.49

12/20/2016

THE FOLLOWING 2016/2017 MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

2017 TREE REMOVAL AND TREATMENT LICENSE	
Andy's Lawn Care	Greenfield, MN
Arbor Artisans	Minneapolis, MN
Bartlett Tree Experts	Plymouth, MN
Emery's Tree Service Inc.	Delano, MN
Hawkins Tree & Landscaping, Inc.	Shakopee, MN
Nature's Trees Inc. DBA SavATree	Hopkins, MN
Neiberger's Superior Tree Care, Inc.	Wayzata, MN
Ostvig Tree Inc.	Wayzata, MN
Rockman Landscaping & Tree Service, LLC	Loretto, MN
Shorewood Tree Service, LLC	Watertown, MN
2017 FOOD VEHICLE LICENSE	
Bruegger's	Wayzata, MN
Wayzata Bar & Grill	Wayzata, MN
2017 GAS FITTERS LICENSE	
Air Mechanical Inc.	Ham Lake, MN
Countryside Heating & Cooling Solutions	Maple Plain, MN
Linn Star Transfer, Inc.	Eden Prairie, MN
2017 SWIMMING POOL LICENSE	
Folkstone Presbyterian Homes	Wayzata, MN
Highcroft Manor Apartments	Wayzata, MN
Hollybrook Townhomes	Wayzata, MN
Locust Hills Development	Wayzata, MN
Wayzata Villa Condominiums	Wayzata, MN
Wayzata West Middle School	Wayzata, MN
Wayzata Woods Apartments	Wayzata, MN
Woodhill Country Club	Wayzata, MN
Special Event/Itinerant Food License Wayzata Girl's Basketball Classic Tournament on 1/7/17 & 1/8/17	
Wayzata West Middle School	Wayzata, MN

**2016/2017 MUNICIPAL LICENSES
FOR CITY COUNCIL APPROVAL ON 12/20/2016**

(Recommended for approval, pending staff review for completeness of application materials.)

2017 KENNEL LICENSE	
LuLu & Luigi - Laura Bednarezyk	Wayzata, MN
Melinda Greer & Todd Peterson	Wayzata, MN
Sara Mingo	Wayzata, MN
Andrea Wallack - Application to be submitted during the week of 12/19. <i>License will be held until police department conducts inspection.</i>	Wayzata, MN
2017 OFF-SALE MALT LIQUOR	
Holiday Stationstore #129	Wayzata, MN
2017 ON-SALE MALT LIQUOR	
Chipotle Mexican Grill	Wayzata, MN
D'Amico & Sons	Wayzata, MN
Jade Fountain Chinese Restaurant	Wayzata, MN
Noodles & Company	Wayzata, MN
Maggie's Restaurant	Wayzata, MN
Punch Neapolitan Pizza	Wayzata, MN
2017 THERAPEUTIC MASSAGE	
Bailey Kramer - Wayzata Salon & Day Spa on the Bay	Wayzata, MN
Shelley Harris - Wayzata Salon & Day Spa on the Bay	Wayzata, MN
2017 ONE-DAY (1) TEMPORARY CONSUMPTION AND DISPLAY PERMIT	
Unitarian Universalist Church of Minnetonka - Performing Arts Concert on 1/28/2017	Wayzata, MN



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

600 Rice Street
Wayzata, MN 55391-1734

(952) 404-5340
Fax: (952) 404-5359

To: Jeff Dahl

From: CSO Haapoja

Date: December 3rd, 2016

Re: Dog Kennel License Renewal

The Wayzata Police Department received a Kennel License Application from Lulu & Luigi. This application is for a renewal of a current license.

Lulu & Luigi's business is primarily used for the grooming of animals and animal product sales. I inspected the business and found it to be clean and sanitary. Animals are only kept there for short periods of time. Water and food is supplied upon request of the owners. No animals are kept overnight. I have no areas of concern for approving this application.

There are no previous calls regarding any animals at this business on file.



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

600 Rice Street

Wayzata, MN 55391-1734

(952) 404-5340

Fax: (952) 404-5359

To: Jeff Dahl

From: CSO Haapoja

Date: December 3rd, 2016

Re: Dog Kennel License Renewal

The Wayzata Police Department received a Kennel License Application from Melinda Greer. This application is for a renewal of a current license.

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

There are no previous calls regarding any animals at the residence on file.



WAYZATA POLICE DEPARTMENT

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600 Rice Street

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(952) 404-5340

Fax: (952) 404-5359

To: Jeff Dahl

From: CSO Haapoja

Date: December 3rd, 2016

Re: Dog Kennel License Renewal

The Wayzata Police Department received a Kennel License Application from Sara Mingo. This application is for a renewal of a current license.

Mingo has 5 dogs, all of which are currently licensed in the City of Wayzata. Per city ordinance an inspection of the home and yard was completed. The interior of the home was found to be clean and sanitary and food and water was accessible to the dogs. The yard was clean and free of hazards. I have no areas of concern for approving the application.

There are no previous calls regarding any animals at the residence on file.

**WAYZATA POLICE DEPARTMENT
ACTIVITY REPORT – NOVEMBER, 2016**

Customer Trouble

Reported: 11-30-2016 2300

Report of a verbal dispute between taxi driver and customer. Situation was mediated.

Addresses Involved

16000 block of Highway 12, Wayzata, MN 55391 USA

Fire

Reported: 11-30-2016 2216

Fire alarm. Alarm was set off by smoke from burnt food. Long Lake fire handled the call.

Addresses Involved

300 block of Brown Rd N, Long Lake, MN 55356

Damage to Property - Criminal

Reported: 11-30-2016 1630

Report of damage to a vehicle from being egged. Unknown cost for repair.

Addresses Involved

2200 block of Grand Ave, Long Lake, MN 55356

Fire

Reported: 11-30-2016 1420

Report of gas odor in the area. Determined it was from a roofing tar semi trailer at construction site.

Addresses Involved

Lake St & Superior, Wayzata, MN 55391

Weapons Offense

Reported: 11-30-2016 0911

Report of a male transporting a gun without a permit. This case is under investigation.

Addresses Involved

1300 block of Wayzata Blvd E, Wayzata, MN 55391

Assault

Reported: 11-29-2016 1502

Physical altercation over pay. Parties were separated. Charges pending.

Addresses Involved

2300 block of Daniels St, Long Lake, MN 55356

Theft from Vehicle

Reported: 11-29-2016 1414

Theft from vehicle. Unknown loss.

Addresses Involved

300 block of Glenmoor Lane, Long Lake, MN 55356

Damage to Property

Reported: 11-28-2016 1550

Report of a vehicle being egged. No permanent damage.

Addresses Involved

300 block of Glenmoor Lane, Long Lake, MN 55356

Disturbance

Reported: 11-27-2016 2106

Report of a group causing a disturbance and refusing to leave. Group left prior to officer arrival.

Addresses Involved

700 block of Lake St E, Wayzata, MN 55391

Damage to Property

Reported: 11-27-2016 0746

Report of a vehicle being egged. No permanent damage.

Addresses Involved

300 block of Dupont St, Long Lake, MN 55356

Domestic Assault

Reported: 11-27-2016 0639

Report of a domestic assault. Charges pending.

Addresses Involved

200 block of Barry Ave S, Wayzata, MN 55391

Domestic Assault **Reported:** 11-26-2016 2222

50 year old male from Wayzata arrested for domestic assault.

Addresses Involved

600 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved

(Arrested) Bottenfield, Bradley V (Age:50)

DWI **Reported:** 11-26-2016 0236

51 year old male from Wayzata arrested for driving while under the influence of alcohol. Tested .08

Addresses Involved

Broadway Ave N & Highway 12, Wayzata, MN 55391

Names Involved

(Arrested) Carlson, Paul Thomas (Age:51)

Domestic **Reported:** 11-26-2016 0015

Report of a verbal domestic.

Addresses Involved

100 block of Broadway Ave N, Wayzata, MN 55391

Domestic Assault **Reported:** 11-25-2016 1454

Report of a domestic assault.

Addresses Involved

300 block of Russell Lane, Long Lake, MN 55356

Disorderly Conduct **Reported:** 11-24-2016 1423

Report of a male being belligerent in a business. Male was escorted out by staff prior to officer arrival.

Addresses Involved

700 block of Lake St E, Wayzata, MN 55391

Damage to Property - Criminal **Reported:** 11-24-2016 0925

Report of a house being egged. Unknown loss.

Addresses Involved

2200 block of Grand Ave, Long Lake, MN 55356 USA

Damage to Property - Criminal **Reported:** 11-24-2016 0901

Report of a vehicle being egged. Unknown loss at this time.

Addresses Involved

200 block of Inglewood St, Long Lake, MN 55356

Fire **Reported:** 11-24-2016 0418

Report of a dumpster fire. Fire was extinguished.

Addresses Involved

1300 block of Wayzata Blvd E, Wayzata, MN 55391

Disorderly Conduct **Reported:** 11-23-2016 1911

Report of a female causing a disturbance and being combative after being asked to leave the business. Officers escorted her out.

Addresses Involved

700 block of Mill St E, Wayzata, MN 55391

Damage to Property - Criminal **Reported:** 11-23-2016 1729

Report of damage to a vehicle window. Unknown loss amount.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Utility/Public Works Issue**Reported:** 11-22-2016 1349

Report of gas odor in downtown Wayzata area. Centerpoint Energy advised.

Addresses InvolvedBushaway Rd & McGinty Rd, Wayzata, MN 55391

Forgery**Reported:** 11-22-2016 1326

Report of a forged check. Loss \$400.

Addresses Involved100 block of Central Ave N, Wayzata, MN 55391

Animal**Reported:** 11-22-2016 0830

Report of a chicken running loose in the area. Chicken was detained and impounded for safekeeping.

Addresses Involved800 block of Lake St E, Wayzata, MN 55391

Theft**Reported:** 11-21-2016 1112

Theft of two sandwiches. Loss \$7.49.

Addresses Involved1300 block of Wayzata Blvd E, Wayzata, MN 55391

DWI**Reported:** 11-20-2016 0319

21 year old female from Orono arrested for driving while under the influence of alcohol. Tested .13

Addresses Involved

1300 block of Wayzata Blvd E, Wayzata, MN

Names Involved(Arrested) Jacobs, Madeline Cady (Age:21)

Warrant**Reported:** 11-19-2016 1631

46 year old female from Wayzata arrested on an outstanding warrant.

Addresses Involved

700 block of Wayzata Blvd, Wayzata, MN

Names Involved(Arrested) Turnquist, Laura Ann (Age:46)

Unwanted Person**Reported:** 11-19-2016 1330

Report of an unwanted male at the residence. Male gathered belongings and left the residence.

Addresses Involved1800 block of Symes St, Long Lake, MN 55356

Theft**Reported:** 11-19-2016 0741

88 year old male from Wayzata arrested for theft. Loss \$12.78. Male was issued a citation, trespassed and released from the scene.

Addresses Involved

1100 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved(Arrested) Moore, Russell Conwell (Age:88)

Harassment**Reported:** 11-16-2016 1901

Report of harassing communications. Advised to cease phone calls.

Addresses Involved500 block of Maple Square, Wayzata, MN 55391

Theft **Reported:** 11-16-2016 1128

Report of a theft of cigarettes. Loss \$15.02

Addresses Involved

1300 block of Wayzata Blvd E, Wayzata, MN 55391

Order Violation **Reported:** 11-15-2016 2156

21 year old male from Brooklyn Park arrested for violating an order for protection.
Another party was cited for an instructional driver permit violation.

Addresses Involved

1300 block of Wayzata Blvd W, Long Lake, MN 55356

Names Involved

(Arrested) Thompson-Snoddy, Parrish Stefawn (Age:21)

Alcohol **Reported:** 11-15-2016 0921

Complaint of a male stumbling into traffic. Located male who was intoxicated and transported him to a detox facility.

Addresses Involved

Daniels St & Willow, Long Lake, MN 55356

Theft from Vehicle **Reported:** 11-13-2016 1428

Report of a theft from vehicle. Loss approximately \$150.

Addresses Involved

200 block of Wayzata Blvd W, Wayzata, MN 55391

Utility/Public Works Issue **Reported:** 11-12-2016 1532

Report of a possible gas leak. Gas leak was unfounded. It was determined the smell was from a tar kettle down the street.

Addresses Involved

100 Promenade Ave, Wayzata, MN 55391

Domestic **Reported:** 11-12-2016 0007

Report of a verbal domestic. Parties agreed to remain in separate areas of the house for the remainder of the night.

Addresses Involved

1400 block of Wayzata Blvd E, Wayzata, MN 55391

Suspicious **Reported:** 11-11-2016 0344

Suspicious unoccupied vehicle left at the park. Registered owner had the vehicle towed out.

Addresses Involved

200 block of Glenmoor Lane, Long Lake, MN 55356

Domestic Assault **Reported:** 11-10-2016 2204

Report of a domestic dispute. Parties were separated for the night.

Addresses Involved

200 block of Glenmoor Lane, Long Lake, MN 55391

Theft **Reported:** 11-10-2016 1127

Report of identity theft. No loss at this time.

Addresses Involved

200 block of Walker Ave N, Wayzata, MN 55391

Damage to Property - Criminal **Reported:** 11-09-2016 0825

Report of damage to a vehicle window. Loss approximately \$250.

Addresses Involved

300 block of Glenmoor Lane, Long Lake, MN 55356

Missing Person**Reported:** 11-08-2016 1713

Report of two juveniles that didn't come home after school. Children were at an after school program. Unfounded.

Addresses Involved

1100 block of Lasalle St, Wayzata, MN 55391

Disturbance**Reported:** 11-08-2016 1221

Report of a male holding up a sign and yelling at cars passing by on the exit ramp. Unable to locate male.

Addresses Involved

Central Ave & Hwy 12, Wayzata, MN 55391

Theft from Vehicle**Reported:** 11-07-2016 1655

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

Addresses Involved

400 block of Lake Street E, Wayzata, MN 55391

Theft**Reported:** 11-07-2016 1413

Report of a theft of a package. Loss approximately \$700.

Addresses Involved

900 block of Rice St E, Wayzata, MN 55391

Financial Transaction Card Fraud**Reported:** 11-07-2016 1248

Report of unauthorized charges on a credit card. Loss \$6000.

Addresses Involved

1900 block of Wayzata Blvd E, Wayzata, MN 55391

Harassment**Reported:** 11-06-2016 1424

Report of harassing communications. Advised.

Addresses Involved

800 block of Rice St E, Wayzata, MN 55391

Damage to Property - Criminal**Reported:** 11-06-2016 1314

Report of damage to several windows and a door. Victim did not wish to pursue criminal charges and will pursue damages through civil means.

Addresses Involved

100 block of Wayzata Blvd E, Wayzata, MN 55391

Fire**Reported:** 11-04-2016 2206

Report of smoke in the area. Recreational fire found. Residents advised.

Addresses Involved

600 block of Harmony Cir, Wayzata, MN 55391

Suspicious**Reported:** 11-03-2016 1113

Report of a man going through mailboxes and throwing out political ads. Unable to locate.

Addresses Involved

200 block of Brown Rd, Long Lake, MN 55356

Assault**Reported:** 11-03-2016 0812

Report of an employee assaulting another employee.

Addresses Involved

1400 block of Wayzata Blvd E, Wayzata, MN 55391

Fraud **Reported:** 11-02-2016 1454
Scam attempt received by mail. No loss reported.
Addresses Involved
100 block of Promenade Ave, Wayzata, MN 55391

Littering/Dumping **Reported:** 11-02-2016 1349
Report of a illegal dumping.
Addresses Involved
2100 block of Daniels St, Long Lake, MN 55356

Disturbance **Reported:** 11-02-2016 1035
Report of a dispute between roommates. Transported one to a family member's house.
Addresses Involved
200 block of Glenmoor Lane, Long Lake, MN 55356

Fire **Reported:** 11-02-2016 0126
Report of smoke in the area, could not locate an active fire.
Addresses Involved
600 block of Harmony Circle, Wayzata, MN 55391

Theft **Reported:** 11-01-2016 1601
Theft of metal stairs from construction site. Loss \$3000.
Addresses Involved
Ferndale Rd S & Lake St W, Wayzata, MN

TRAFFIC – NOVEMBER, 2016

CITATIONS	91
WRITTEN WARNINGS	27
VERBAL WARNINGS	76

Description	Nov 2016
LITTERING	1
VANDALISM/PROPERTY DAMAGE	1
No MV Insurance - Citation	5
No Ins in MV - Citation	2
MISSING PERSON	1
MISSING ANIMAL	2
FOUND ANIMAL	1
FOUND PROPERTY	7
RECOVERED STOLEN PROPERTY	1
PIMV	4
PI INVOLVING BICYCLE/PED	2
PDMV	11
H & R PDMV	5
PDMV & DEER	4
ANIMAL BITE	1
Other Fire/Smoke	4
Structure/Object Fire	1
FIRE ALARM	8
GAS LEAK/SMELL	3
HAZ ROAD CONDITION	9
RR Crossing Hazard	1
SUICIDE THREAT	1
SUDDEN DEATH	2
OTHER MEDICAL	39
Medical Alarm	1
DETOX PATIENT	1
72 Hour Hold/Emergency Admission	2
WELFARE CHECK - ADULT	15
WELFARE CHECK - JUV	7
INFO REC'D	20
VERBAL DOMESTIC	3
CIVIL MATTER	6
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	14
SUSPICION	25
OPEN DOOR/WINDOW	1
SCAM/FRAUD ATTEMPT	1
DRIVING/TRAFFIC COMPLAINT	26
PARKING COMPL	5
HOUSE/BUSINESS CHECKS	3
RECORD CHECKS	5
OTHER PERMITS	3
FIREARM PERMIT	6
HC SHERIFFS PERMIT TO CARRY	4
LIQUOR LICENSE CHECKS/PERMIT	6
Solicitor Permit	1
PARKING PERMIT	1
ANIMAL COMPLAINT/CHECK	5
ANIMAL IMPOUND	2
DOG LICENSE ISSUED	5

KENNEL APP/LICENSE	1
PATROL REQUEST	2
ADULT PROTECTION ASSIST	1
FINGERPRINTS	2
ASSIST CHILD PROTECTION	5
MOTORIST ASSIST/STALL	16
UTILITY PROBLEM	10
PUBLIC ASSIST	19
LOCKOUT	6
BUSINESS ALARM	12
HOME ALARM	13
911 HANG-UP	12
ASSIST OTHER DEPT	12
WARRANT/ATTEMPT/ARREST	3
TRAFFIC CONTROL / DIRECT ENFORCEMENT	7
CASE FOLLOW UP	1
PUBLIC RELATIONS	1
VOID	8
Sex Offender/POR Info/Checks	1
ASLT 5-MS-INFLICT BD HRM-HANDS-ASLT-AC	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM	4
ASLT-DOMESTIC-MS-INFLT BODLY HRM-HNDS-ADLT-AC	1
FORG-FE-ENDORSE-CHK-251-2500-PERSON	1
DRUGS-SMALL AMOUNT MARIJUANA-POSESSION	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-UNK	1
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	1
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	2
LIQUOR - POSSESSING	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	2
MS-VIOL ORDER FOR PROTECTION	1
PROP DAMAGE-FE-PRIVATE-UNK INTENT	1
PROP DAMAGE-MS-PRIVATE-OTHER INTENT	7
LITTER-UNLAWFUL DEPOSIT OF GARBAGE-MS	1
THEFT-1001-5000 DLRS FE-YARDS-OTHER PROPERTY	1
THEFT-501-1000 DLRS GM-MAIL-OTHER PROP	1
THEFT-501-1000 DLRS GM-VEHICLE-OTHER	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	3
THEFT-500 OR LESS MS-MTR VEHICLE-MONEY	1
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	1
THEFT-UNK LVL-IDENTITY THEFT-UNK LOSS	1
FRAUD-FE-FIN-TRAN-CARD-NO-CNSENT-2501-19000	1
WEAPONS-FE-CARRY-PISTOL-LIC VIOL	1

2015	2016 June	2016 July	2016 August	2016 Sept	2016 Oct	2016 Nov	2016
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BUILDING CONSTRUCTION

NUMBER OF BLDG. PERMITS	259	14	18	17	23	15	9	180
PROJECT VALUE	\$50,380,054.75	\$2,216,062.00	\$1,813,184.52	\$5,720,625.68	\$1,769,380.00	\$4,117,919.56	\$1,909,700.00	\$62,019,192.61
BUILDING PERMIT FEE	\$329,932.64	\$16,002.00	\$10,189.25	\$34,395.75	\$16,775.50	\$25,080.75	\$12,862.50	\$332,858.75
PLAN CHECK FEE	\$181,911.71	\$9,229.39	\$2,726.36	\$20,956.03	\$9,308.65	\$14,382.89	\$7,291.75	\$195,545.64

EXTERIOR REPAIR

NUMBER OF PERMITS	98	11	7	9	47	7	7	108
PROJECT VALUE	\$1,566,840.36	\$282,790.00	\$236,323.49	\$158,605.00	\$1,359,822.00	\$233,953.00	\$167,423.00	\$2,748,001.49
PERMIT FEE	\$24,942.50	\$ 4,071.50	\$ 2,906.25	\$ 2,600.50	\$ 21,025.50	\$ 2,925.00	\$ 2,323.00	\$41,073.75

MECHANICAL

NUMBER OF PERMITS	228	11	15	16	19	18	18	167
PROJECT VALUE	\$3,391,980.96	130,924.00	251,778.00	1,864,345.50	201,982.75	240,125.10	141,841.91	\$3,939,027.74
PERMIT FEE	\$62,881.44	2,618.48	4,413.56	28,601.09	3,808.31	4,630.73	2,872.86	\$67,309.19

PLUMBING

NUMBER OF PERMITS	240	12	12	11	19	8	8	148
PROJECT VALUE	\$1,895,967.76	\$75,939.00	\$90,617.00	\$182,368.00	\$140,663.00	\$71,929.31	\$178,100.00	\$2,789,671.19
PERMIT FEE	\$38,015.46	\$1,618.78	\$1,871.68	\$3,506.76	\$2,909.88	\$1,468.60	\$3,366.00	\$48,763.11

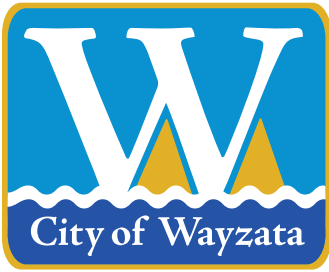
TOTAL # OF PERMITS	825	48	52	53	108	48	42	603
TOTAL INCOME	\$637,683.75	\$33,540.15	\$22,107.10	\$90,060.13	\$53,827.84	\$48,487.97	\$28,716.11	\$685,550.44

NUMBER OF INSPECTIONS

BUILDING	1087	104	35	74	57	80	65	710
EXTERIOR	150	24	19	7	9	40	56	174
HVAC	466	62	29	20	22	38	37	345
PLUMBING	508	51	27	27	20	32	27	314
OTHER	5	0	0	0	0	0		3
TOTAL # OF INSPECTIONS	2216	241	110	128	108	190	185	1546

RENTAL HOUSING INSPECTIONS

INSPECTIONS	119	9	2	9	0	0	4	99
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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:
Jeffrey Dahl

Date: December 14, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Frenchwood Third Addition – 250 and 270 Bushaway Rd

Introduction

The City Council reviewed the development application for Frenchwood Third Addition at its meeting on December 6, 2016. The Council adopted the resolution approving the rezoning, PUD concept and general plans, and concurrent preliminary and final plat subdivision. The Council also adopted the first reading of the Ordinance rezoning the properties from R-1/Low Density Single Family Residential District to PUD/Planned Unit Development. Attached is the draft Ordinance for consideration of the second reading. There have been no changes to the draft Ordinance since the first reading was adopted.

Action Steps

Adopt the second reading of draft Ordinance No. 763 amending the official zoning map of the City to rezone property at 250 and 270 Bushaway Rd to PUD/Planned Unit Development District.

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

DRAFT ORDINANCE NO. 763

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE PROPERTY AT 250 AND 270 BUSHAWAY RD TO
PUD PLANNED UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolution 35-2016 (the “Resolution”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolution, to PUD Planned Unit Development District.

Section 2. Effective Date

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

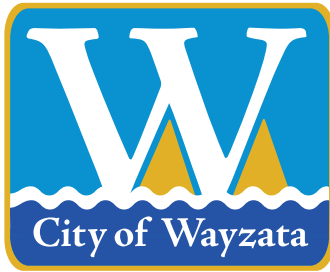
Adopted by the City Council this 20th day of December, 2016.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading: December 6, 2016
Second Reading: December 20, 2016
Publication:



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:
Jeffrey Dahl

DATE: December 15, 2016

TO: The Honorable Mayor and Members of the City Council

FROM: Jeffrey Dahl, City Manager

SUBJECT: Second Reading of Ordinance Authorizing the Issuance of General Obligation Tax Increment Bonds, Series 2016A and Resolution

Update

At its December 6th Meeting, the CC approved the first reading of an Ordinance Authorizing the Issuance of G.O. Tax Increment Bonds, Series 2016A. The ordinance must be read a second time prior to its publication/adoption.

Please see the attached memo from the Jennifer Hanson of Dorsey and Whitney, the City's Bond Counsel regarding the next steps—Adopting an Ordinance Authorizing the Issuance of G.O. TIF Bonds, Series 2016A.

Staff Recommendation

In order to move forward with the financing of the Mill Street Parking Ramp Construction, staff recommends adoption of the second reading of the attached ordinance.

City Council Action Requested

Motion to Approve the Second Reading of Ordinance 765, Authorizing the Issuance of General Obligation Tax Increment Bonds, Series 2016A.

MEMORANDUM

TO: Jeffrey Dahl, City Manager

CC: Stacie Kvilvang, Ehlers & Associates

FROM: Jennifer Hanson

DATE: December 14, 2016

RE: Second Reading of Ordinance (GO TIF Revenue Bonds)

On November 15, 2016, the City adopted a resolution authorizing the sale of its General Obligation Tax Increment Financing (TIF) Revenue Bonds, Series 2016A to finance the construction of a public parking facility in the downtown area of the City. Section 45 of the City Charter requires that in cases, such as the issuance of bonds payable from TIF revenues in an amount equal to at least 20% of debt service, where an election is not required, bonds may be authorized by ordinance adopted by a four-fifths vote of all the members of the council and stating the maximum amount and purpose or purposes of the issue.

Pursuant to Section 22 of the City Charter, an ordinance shall be presented at two consecutive regular council meetings held at least one week apart. The ordinance provided was presented for first reading December 6, 2016 and is proposed to be presented for second reading December 20, 2016 and effectiveness upon publication December 29, 2016. In addition, a resolution detailing the terms of the bond issuance has been prepared for consideration December 20, 2016.

ORDINANCE NO. 765

**AN ORDINANCE AUTHORIZING THE ISSUANCE
OF GENERAL OBLIGATION
TAX INCREMENT BONDS, SERIES 2016A**

THE CITY OF WAYZATA ORDAINS:

Section 1. General Obligation Tax Increment Bonds, Series 2016A.

By authority of Minnesota Statutes, Chapter 475 and Section 45 of the City Charter, the City may issue its general obligation bonds without an election, if such bonds are authorized by ordinance adopted by 4/5ths of the members of this Council for any purpose authorized by the laws of the State of Minnesota, when such laws permit the issuance of bonds for such purpose without an election. It is hereby determined to be necessary and desirable for the City to issue General Obligation Tax Increment Bonds, Series 2016A (the Bonds), without an election. The Bonds are being issued for the purpose of financing public redevelopment costs to be incurred within Tax Increment Financing District No. 5 of the Housing and Redevelopment Authority in and for the City of Wayzata. The maximum amount of the Bonds is \$7,925,000. Pursuant to Minnesota Statutes, Section 469.178 and Chapter 475, the Bonds may be issued without an election.

Section 2. Further Terms and Provisions of Bonds Herein Authorized.

The further terms and provisions of the Bonds, including the form and details thereof, shall be fixed and established by further resolution or resolutions of the City Council.

Section 3. Effective Date.

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

Passed first reading, December 6, 2016.

Passed and approved on second reading, December 20, 2016.

Approved: _____
Mayor

Attest: _____
City Manager

Dave Dudinsky

From: Berve, Daniel <Daniel.Berve@minnetonka.k12.mn.us>
Sent: Friday, October 14, 2016 1:27 PM
To: Dave Dudinsky
Subject: Minnetonka Aquatics - 2016 Beach Report and Invoice
Attachments: 2016 Beach Report for Wayzata Beach.pdf; Invoice Wayzata 2016.pdf

Dave,

Thank you for another great season as we continue to work together to provide a fun and safe experience for all beach patrons throughout the summer months. Attached to this email is your invoice for Summer 2016 beach services. We had an overall great summer of weather here in Minnesota, which was great for our patrons! Please review and let me know if you have any questions.

Also attached to this email is your beach report for the season. A couple of important items worth mentioning:

- There were three incidents at Wayzata Beach this summer.
 - o 7/3/2016. Lifeguards assisted a seven year old who was out to deep on the water and could not touch. Child was picked up by lifeguard and returned to parents. No emergency services needed.
 - o 7/15/2016. Lifeguards assisted a four year old back to parents on beach. Toddler was walking in shallow water and fell down, unable to stand back up. Child was returned to parent on the grassy area. No emergency services needed.
 - o 8/3/2016. Lifeguard assisted 55 year old female who just finished paddle boarding and was walking over by the docks. Women seemed confused and was having a hard time walking. Lifeguards treated her for heat exhaustion. 911 emergency services were called.
 - o The lifeguards also help with cuts and scrapes and administered first aid appropriately.
- Total of incidents across all of our beaches within Minnetonka Aquatics was 8. This compares to 10 total from 2015. This number is consistent and within our typical number for the summer season. Due to our high standards for hiring and training, lifeguards were able to respond quickly before any serious injuries occurred.
- We are requesting one new rescue tube, one new umbrella, and one new megaphone for 2017. We are hoping to annually replace one tube at each of our larger beaches for budgeting and to minimize higher expense years.

Please let us know if there is anything we can do to continue and provide a great experience for the patrons at Wayzata Beach in 2016. I am currently working on contract rates for the 2017-18 contract and will be in touch soon. If you have any questions or concerns at this time, please let me know.

Have a great rest of 2016!

Sincerely,

Dan Berve, M.Ed.

Director, Minnetonka Aquatics

Head Coach, Minnetonka HS Boys and Girls Swim & Dive

Assistant Coach, Minnetonka Swim Club

952-401-5225

www.minnetonkaaquatics.org

Beach Report for Wayzata Beach: City of Wayzata –Summer 2016

1. Beach Attendance:

1.1 Average number patrons by time and month:

TIME	June	July	Aug		TIME	June	July	Aug
Noon	29	23	42		4:00pm	71	38	72
1:00pm	35	33	59		5:00pm	19	30	56
2:00pm	52	46	91		6:00pm	23	19	40
3:00pm	46	43	83					

1.2 Average high temperature:

	2016	
<u>June</u>	<u>July</u>	<u>August</u>
79 °F	80 °F	70 °F

2. Accidents or injuries

2.1 There were three incidents at Wayzata Beach this summer.

- 7/3/2016. Lifeguards assisted a seven year who was out to deep on the water and could not touch. Child was picked up by lifeguard and returned to parents. no emergency services needed.
- 7/15/2016. Lifeguards assisted a four year old back to parents on beach, toddler was walking in shallow water and fell down, unable to stand back up child was returned to parent on the grassy area. no emergency services needed
- 8/3/2016. Lifeguard assisted Fifty-five year old female who just finished paddle boarding and was walking over by the docks. Women seemed confused and was have a hard time walking. Lifeguards treated her for heat exhaustion. 911 emergency services were called.
- The lifeguards also help with cuts and scrapes, and administered first aid appropriately.

2.3 Number of incidents and emergencies across all our beaches.

2012	2013	2014	2015	2016
9	3	5	10	8

3. Equipment at the beach

4.1 The following equipment remained at the beach. All other equipment will be stored at Minnetonka Aquatics during the winter months.

Rescue Boat	"on" sign	megaphone
-------------	-----------	-----------

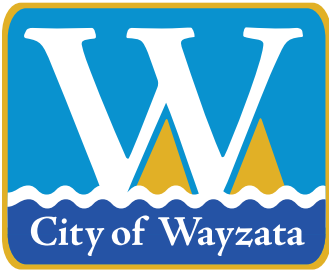
B. Recommendations for 2017

1. Equipment requests

1.1 Minnetonka Aquatics request: one new rescue tube, one new umbrella, and one new megaphone for Wayzata beach for the 2017 summer season.

2. Schedule

2.1 Minnetonka Aquatics encourages you to notify us of any large groups that will attend the beach on a regular basis, so we can schedule the lifeguards accordingly. We feel the beach hours are appropriate and the schedule should remain the same for 2017.



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:
Jeffrey Dahl

Date: December 14, 2016
To: Mayor Willcox and Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Lake St/Circle A Roundabout Public Art Project

Background Information

Over the past several months, the City's public art selection committee has been meeting to discuss the Lake Street/Circle A roundabout public art project. The committee is being lead by the City's consultant, Forecast for Public Art. On December 6th, the public art committee met to review the qualification of 11 artists who responded to the City's RFQ. After detailed review of the artists' background, the committee selected three finalists to proceed forward with in a design phase. The three finalists are Foster Willey, Lisa Elias, and Perci Chester.

City staff and the consultant will be meeting with the finalists to tour the site and provide background on the project. In January, the three finalists will present their specific proposals for the art project to the public art committee, and the committee will select one artist to recommend the City Council approve a contract with for the public art project.

Attached for the Council's consideration is a draft contract for the three finalists. The City will be paying each of the artists \$750 to develop their ideas for the project. The \$2,250 total cost will be paid from the budget for the project, which is funded by the landscaping contribution from the Bay Center redevelopment project and a donation from Wayzata Rotary.

City Council Action

Approve the Artist Agreement for Public Art Project with Foster Willey, Lisa Elias, and Perci Chester.

ARTIST AGREEMENT FOR PUBLIC ART PROJECT

THIS AGREEMENT is made effective this _____ day of _____, 2016 (“Effective Date”) by and between the City of Wayzata, 600 East Rice Street, Wayzata, MN 55391 (“City”) and _____ (“Artist”). The City and the Artist are referred to herein individually as a “Party” and collectively as the “Parties.”

1. Purpose. The purpose of this agreement is to set forth the terms and conditions under which the Artist will provide certain deliverables to the City related to the design of a potential public art installation in the City of Wayzata (the “Project”).

2. Scope of Services. The Artist shall provide services and deliverables specified on Exhibit A (the “Services”). The Artist agrees to comply with all federal, state, and local laws and ordinances applicable to the Services to be performed under this Agreement, including all laws related to art, design and intellectual property rights.

3. Compensation. As full and complete consideration for the Services, the City shall pay the Artist as described on Exhibit A. The Artist shall submit a clear and detailed written invoice to the City upon completion of the Services. The invoice shall be submitted to the City Council for approval at the first City Council meeting following receipt of the invoice. The City shall pay Artist within thirty (30) days after the invoice has been approved for payment by the City Council. If the City objects to all or any portion of any invoice, the City shall notify the Artist of such within ten (10) days of the date of receipt and shall pay that portion of the invoice not in dispute. Any dispute shall be settled in accordance with the terms of this Agreement.

4. Term. This Agreement shall be effective on the Effective Date and shall continue as long as Artist provides Services to the City, unless terminated sooner in accordance with the terms of this Agreement. The City may terminate this Agreement for convenience at any time. Termination shall be effective upon fourteen (14) days written notice to the Artist. The Artist may terminate this Agreement if the City is in breach of any material obligation contained in this Agreement, which is not remedied by the City within ten (10) days of written notice. The Parties may voluntarily terminate this Agreement at any time by mutual agreement. In the event of termination, the City shall only be responsible to pay for the Services satisfactorily provided by the Artist to the effective date of termination, as described in the final invoice to the City.

5. Independent Contractor Relationship. It is expressly understood that the Artist is an “independent contractor” and not an employee of the City. The Artist shall have control over the manner in which the Services are provided under this Agreement. The Artist shall pay all of Artist’s employees, agents, and subcontractors furnishing services, labor, equipment, property or materials necessary or incidental to the performance of Artist’s obligations under this Agreement. The Artist shall supply, at its own expense, all materials, supplies, equipment, property and tools required to accomplish the Services contemplated by this Agreement. The Artist shall not be entitled to any benefits from the City, including, without limitation, insurance benefits, sick and vacation leave, workers’ compensation benefits, unemployment compensation,

disability, severance pay, or retirement benefits. Nothing in this Agreement shall be deemed to constitute a partnership, joint venture or agency relationship between the Parties.

6. Insurance Requirements. Unless waived by the City Manager in writing, the Artist, at its expense, shall procure and maintain in force for the duration of this Agreement the following minimum insurance coverages:

A. *General Liability.* The Artist agrees to maintain commercial general liability insurance in a minimum amount of \$1,000,000 per occurrence; \$2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products completed operations, personal injury, advertising injury, and contractually assumed liability. The City shall be endorsed as additional insured.

B. *Automobile Liability.* If the Artist operates a motor vehicle in performing the Services under this Agreement, the Artist shall maintain commercial automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum liability limit of \$1,000,000 combined single limit.

C. *Professional (Errors and Omissions) Liability Insurance.* The Artist will maintain professional liability insurance for all claims the Artist may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Artist's professional services required under this Agreement. The Artist is required to carry the following minimum limits: \$1,000,000 per occurrence; \$2,000,000 annual aggregate. The retroactive or prior acts date of such coverage shall not be after the effective date of this Agreement, and the Artist shall maintain such insurance for a period of at least three (3) years following completion of the Services. If such insurance is discontinued, extended reporting period coverage must be obtained by the Artist to fulfill this requirement.

D. *Workers' Compensation.* The Artist agrees to provide workers' compensation insurance for all its employees in accordance with the statutory requirements of the State of Minnesota. The Artist shall also carry employers liability coverage with minimum limits are as follows:

- \$500,000 – Bodily Injury by Disease per employee
- \$500,000 – Bodily Injury by Disease aggregate
- \$500,000 – Bodily Injury by Accident

The Artist shall, prior to commencing the Services, deliver to the City a Certificate of Insurance as evidence that the above coverages are in full force and effect. The insurance requirements may be met through any combination of primary and umbrella/excess insurance. The Artist's policies shall be the primary insurance to any other valid and collectible insurance available to the City with respect to any claim arising out of Artist's performance under this Agreement. The Artist's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days advanced written notice to the City.

7. Indemnification. To the fullest extent permitted by law, the Artist agrees to defend, indemnify, and hold-harmless the City and its employees, officials, and agents from and against all claims, actions, damages, losses, and expenses, including reasonable attorney fees, arising out of the Artist's negligence or the Artist's performance or failure to perform its obligations under this Agreement, including the Services. The Artist's indemnification obligation shall apply to the Artist's subcontractors, or anyone directly or indirectly employed or hired by the Artist, or anyone for whose acts the Artist may be liable. The Artist agrees this indemnity obligation shall survive the completion or termination of this Agreement.

8. Dispute Resolution. The Parties shall cooperate and use their reasonable best efforts to ensure that the various provisions of the Agreement are fulfilled. The Parties agree to act in good faith to undertake resolution of disputes in an equitable and timely manner and in accordance with the provisions of this Agreement. If disputes cannot be resolved informally by the Parties, the following procedures shall be used:

A. Whenever there is a failure between the Parties to resolve a dispute on their own, the Parties shall first attempt to mediate the dispute. The parties shall agree upon a mediator, or if they cannot agree, shall obtain a list of court-approved mediators from the Hennepin County District Court Administrator and select a mediator by alternately striking names until one remains. The City shall strike the first name, followed by the Artist, and shall continue in that order until one name remains.

B. If the dispute is not resolved within thirty (30) days after the end of mediation proceedings, the Parties may pursue any legal remedy.

9. General Provisions.

A. Entire Agreement. This Agreement supersedes any prior or contemporaneous representations or agreements, whether written or oral, between the Parties and contains the entire agreement.

B. Assignment. The Artist may not assign this Agreement to any other person unless written consent is obtained from the City.

C. Amendments. Any modification or amendment to this Agreement shall require a written agreement signed by both Parties.

D. Nondiscrimination. In the hiring of employees and Artists to perform work under this Agreement, the Artist shall not discriminate against any person by reason of any characteristic or classification protected by state or federal law.

E. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Minnesota. All proceedings related to this Agreement shall be venued in Hennepin County, Minnesota.

F. Ownership of Documents. All reports, plans, specifications, data, maps, and other documents produced by the Artist in the performance of Services under this Agreement shall be the property of the City.

G. Government Data/Privacy. The Artist agrees to abide by the applicable provisions of the Minnesota Government Data Practice Act, Minnesota Statutes, Chapter 13, HIPAA requirements, and all other applicable state or federal rules, regulations, or orders pertaining to privacy or confidentiality. The Artist understands that all of the data created, collected, received, stored, used, maintained, or disseminated by the Artist in performing those

functions that the City would perform is subject to the requirements of Chapter 13, and the Artist must comply with those requirements as if it were a government entity. This does not create a duty on the part of the Artist to provide the public with access to public data if the public data is available from the City, except as required by the terms of this Agreement.

H. Waiver. The waiver by either party of any breach or failure to comply with any provision of this Agreement by the other Party shall not be construed as or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.

I. Notices. All notices and other communications pursuant to this Agreement must be in writing and must be given by registered or certified mail, postage prepaid, or delivered by hand at the addresses set forth below:

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

To Artist:
[name]
[address]
[address]
Attention: [name]

J. Force Majeure. Except for payment of sums due, neither Party shall be liable to the other or deemed in default under this Agreement if and to the extent that Party's performance is prevented by reason of force majeure. "Force majeure" includes war, an act of terrorism, fire, earthquake, flood, and other circumstances beyond the control and without the fault or negligence of the Party affected and which by the exercise of reasonable diligence the Party affected was unable to prevent.

K. Savings Clause. If any court finds any portion of this Agreement to illegal, invalid, or unenforceable, the remainder of the Agreement will remain in full force and effect.

L. Counterparts. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, and which taken together shall be deemed to be one and the same document.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY:

ARTIST:

City of Wayzata, a Minnesota Municipal corporation

[exact legal name]

By: _____
Kenneth Willcox, Mayor

By: _____
[name , title]

By: _____
Jeffrey Dahl, City Manager

Attachment: Exhibit A

PAYMENT

1. ARTIST will be paid as follows: \$750 upon (i) full execution of this agreement, (ii) provision of a W-9 form to the City, and (iii) presentation of visual design concept, brief written description, timeline and budget estimate in accordance with the terms of this Agreement. The final presentation is scheduled for January 23, 2016. The payment covers all costs associated with research and the creation of a design concept and presentation by the ARTIST for the PROJECT.

SERVICES

1. ARTIST will prepare a visual design concept, a written description, and budget/timeline information for the proposed PROJECT to present in person on January 23, 2016. The artwork must be designed to be produced within the criteria provided by the CITY and be low maintenance. ARTIST will retain copyright of all design materials produced as part of the Project subject to an irrevocable, fully paid up and exclusive license to the CITY for use of such in connection with a public art installation if ARTIST's design is selected by the CITY for building and installation in the CITY. The CITY will retain ownership of drawings and any scale models as presented.

2. The CITY agrees to provide ARTIST with information to assist ARTIST in preparation of the design. The CITY will endeavor to respond to ARTIST's requests for information in a timely manner.

3. ARTIST agrees to participate in meetings with the CITY and other key stakeholders to inform the development of the design concept.

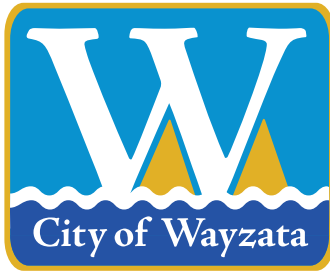
4. ARTIST is responsible for providing all presentation materials to the meeting scheduled for January 23, 2016 at Wayzata City Hall.

5. ARTIST agrees to present designs in person to the CITY and the Art Selection Committee of the CITY. ARTIST must provide sufficiently detailed visual representations to allow clarity of intentions for the design concept. Samples of proposed materials should be presented as well.

OWNERSHIP AND RIGHTS

1. All materials and creative works produced by ARTIST in connection with the PROJECT shall be freely usable by the City for the Project but remain the copyright of the ARTIST, subject to an irrevocable, fully paid up and exclusive license to the CITY for use of such in connection with a public art installation if ARTIST's design is selected by the CITY for building and installation in the CITY. The CITY and the public may use images of selected designs and any completed art for non-commercial, educational or promotional purposes.

2. If and when the Art Selection Committee selects PROJECT for commissioning, the CITY will contract with ARTIST to complete design development and implement one or more sculptures for the PROJECT.



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:
Jeffrey Dahl

DATE: December 15, 2016

TO: The Honorable Mayor and Members of City Council

FROM: Jeffrey Dahl, City Manager

SUBJECT: Consider Approval of LELS and AFSCME Labor Contracts for 2017 to 2019

Update

The current labor contracts expire at the end of this year. Staff has met with Union Stewards from both Public Works (AFSCME) and the Police Department over the past several months and have worked toward tentative agreements for Council review. This item is planned to be discussed at the Council Work Shop before the meeting as well.

Attached are the draft contracts for unionized employees in the Police Department (LELS) and the unionized employees in Public Works (AFSCME).

Recommendation

Staff recommends approval of both draft contracts subject to any non-substantive tweaks suggested by legal counsel.

20174, 20185 & 20196
LABOR AGREEMENT
BETWEEN
THE CITY OF WAYZATA
AND
LAW ENFORCEMENT LABOR SERVICES, INC.
LOCAL NO. 37

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ARTICLE I - PURPOSE

This Agreement is hereby made and entered into between the City of Wayzata, a municipal corporation, and Law Enforcement Labor Services, Inc., Local No. 37. It is the purpose and intent of this Agreement to express in written form the agreement of the parties hereto regarding terms and conditions of employment in the Wayzata Police Department for 2014⁷, 2015⁸ & 2016⁹.

ARTICLE II - UNION RECOGNITION

It is understood and agreed between the parties hereto that Local No. 37 is the exclusive representative of non-supervisory employees of the Police Department and as such the Union is authorized to enter into this Agreement for and on behalf of the employees it so represents.

ARTICLE III - DISCIPLINE

3.1 The City will discipline employees for just cause only. Discipline will be in one or more of the following forms:

- a. oral reprimand;
- b. written reprimand;
- c. suspension without pay;
- d. demotion; or
- e. discharge.

Suspensions, demotions, and discharges will be in written form. An employee to be discharged shall first be suspended without pay for five days prior to the discharge taking effect.

3.2 Written reprimands, notices of suspension, notices of demotion and notices of discharge which are to become part of an employee's personnel file shall be read and acknowledged by signature of the employee. The employee involved and the Union Steward will receive copies of any such reprimand and/or notice. Employees may examine their individual personnel files at reasonable times under the direct supervision of the City.

3.3 Grievances relating to this Article may be initiated by the Union in Step 3 of the grievance procedures outlined under Article IV.

ARTICLE IV - GRIEVANCE PROCEDURE

4.1 Definition of a Grievance: A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this Agreement.

- 4.2 Union Representatives: The Employer will recognize representatives designated by LELS as the grievance representatives of the bargaining unit having the duties and responsibilities established by the Article. LELS shall notify the Employer in writing of the names of such Union Representatives and of their successors.
- 4.3 Processing of a Grievance: It is recognized and accepted by LELS and the Employer that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the employees and shall therefore be accomplished during normal working hours only when consistent with such employee duties and responsibilities. The aggrieved employee and a Union Representative shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the Employer during normal work hours provided that the employee and the Union Representative have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the Employer.
- 4.4 Procedure: Grievances, as defined by Section 4.1, shall be resolved in conformance with the following procedure:

Step 1: An employee claiming a violation concerning the interpretation or application of the Agreement shall, within twenty-one (21) calendar days after such alleged violation has occurred, present such grievance to the employee's supervisor as designated by the Employer. The supervisor will discuss the grievance and give an answer to such Step 1 grievance within ten (10) calendar days after receipt. A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Agreement allegedly violated, the remedy requested, and shall be appealed to Step 2 within ten (10) calendar days after the supervisor's final answer in Step 1. Any grievance not appealed in writing to Step 2 by LELS within ten (10) calendar days shall be considered waived.

Step 2: If appealed, the written grievance shall be presented by LELS and discussed with the Chief of Police. The Chief of Police shall give LELS the Employer's Step 2 answer in writing within ten (10) calendar days after receipt of such Step 2 grievance. A grievance not resolved in Step 2 may be appealed to Step 3 within ten (10) calendar days following the Chief of Police's final Step 2 answer. Any grievance not appealed in writing to Step 3 by LELS within ten (10) calendar days shall be considered waived.

Step 3: If appealed, the written grievance shall be presented by LELS and discussed with the City Manager or designated representative. The City Manager shall give LELS the Employer's answer in writing within ten (10) calendar days after receipt of such Step 3 grievance. A grievance not resolved in Step 3 may be appealed to Step 4 within ten (10) calendar days following the Employer designated representative's final answer in Step 3. Any grievance not appealed in writing to Step 4 by LELS within ten (10) calendar days shall be considered waived.

Step 4: A grievance unresolved in Step 3 and appealed to Step 4 by LELS shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971, as amended. The selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Public Employment Relations Board.

4.5 Arbitrator's Authority:

A: The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of the Agreement. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the Employer and LELS, and shall have no authority to make a decision on any other issue not so submitted.

B: The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules, or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the Employer and LELS and shall be based solely on the arbitrator's interpretation or application of the express terms of this Agreement and to the facts of the grievance presented.

C: The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the Employer and LELS provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings the cost shall be shared equally.

4.6 Waiver: If a grievance is not presented within the time limits set forth above, it shall be considered "waived". If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the Employer's last answer. If the Employer does not answer a grievance or an appeal thereof within the specified time limits, LELS may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual written agreement of the Employer and LELS in each step.

4.7 Choice of Remedy: If, as a result of the written Employer response in Step 3, the grievance remains unresolved, and if the grievance involves the suspension, demotion, or discharge of an employee who has completed the required probationary period, the grievance may be appealed either to Step 4 of Article IV or a procedure such as: Civil Service, Veteran's Preference, or Fair Employment. If appealed to any procedure other than Step 4 of Article IV the grievance is not subject to the arbitration procedure as provided in Step 4 of Article IV. The aggrieved employee shall indicate in writing which procedure is to be utilized; Step 4 of Article IV or another appeal procedure and shall sign a statement to the effect that the choice of any other hearing precludes the aggrieved employee from making a subsequent appeal through Step 4 of Article IV.

Except that with respect to statutes under the jurisdiction of the United States Equal Employment Opportunity Commission, an employee pursuing a statutory remedy is not precluded from also pursuing an appeal under this grievance procedure.

ARTICLE V - SENIORITY

- 5.1 Seniority, for the purposes of this Article, shall be determined by an employee's length of continuous employment with the Wayzata Police Department. A seniority roster will be maintained by the department head, showing for each employee date of hire, time in grade and time within specific classifications.
- 5.2 Newly hired, rehired, promoted and reassigned employees will be on a six-month to twelve-month probationary period. During the probationary period a newly hired or rehired employee may be discharged at the sole discretion of the City. During the probationary period a promoted or reassigned employee may be returned to the employee's previous position at the sole discretion of the City.
- 5.3 When a reduction in the work force becomes necessary, the employee with the least seniority shall be laid off first. The last employee laid off shall be the first to be recalled for work. No new employees shall be hired during the two years following layoff of the affected employees until the layoff list has been exhausted.
- 5.4 Transfers, job classification assignments and promotions shall be made on the basis of past job performance and ability.

ARTICLE VI - VACATION

- 6.1 Employees shall receive the following paid vacation leave, based upon their seniority with the City:
- 0 through 5 years service - 80 hours (6-2/3 hours per month)
 - 6 through 11 years service - 128 hours (10-2/3 hours per month)
 - 12 through 13 years service - 140 hours (11-2/3 hours per month)
 - 14 through 15 years service - 152 hours (12-2/3 hours per month)
 - 16 through 17 years service - 164 hours (13-2/3 hours per month)
 - 18 through 19 years service - 168 hours (14 hours per month)
 - 20 through 24 years service - 184 hours (15-1/3 hours per month)
 - 25+ years service - 192 hours (16 hours per month)
- 6.2 Vacation leave shall accrue during an employee's initial probationary period, however, the employee must successfully complete their probationary period prior to being eligible to receive vacation benefits. Vacation leave may be used as earned thereafter if approved in advance by the Police Chief or his/her designee. First preference for vacation leave and days off on 4th of July, Thanksgiving, Christmas and New Year's Day will be given to those employees having worked the same day in the preceding year(s). All other vacation leave shall be allocated for a specific period of time to that employee first requesting it. At the end of the employee's anniversary

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month of hire, employees shall only be allowed a maximum bank of 200 hours of unused vacation unless the employee has been denied a requested vacation during the previous 12 month period. If this occurs, the employee's accrued unused vacation time may exceed the 200 hour maximum by the amount of vacation denied for a period of six months beyond their anniversary month of hire.

ARTICLE VII - SICK LEAVE

- 7.1 Each employee will earn 8 hours per month sick leave, to a maximum of 960 hours. Sick leave will be paid at the employee's pay level at the time of illness, and in cases of prolonged illness the employee may also use vacation time after accumulated sick leave has expired. While on sick leave an employee shall continue to earn and accrue all benefits as fully employed and on duty.
- 7.2 Sick leave will be granted for personal illness, injury or legal quarantine of the employee or for an incapacitating condition in the employee's immediate family (spouse, parents and children). At the discretion of the City Manager, a doctor's certificate may be required showing the nature and extent of any injury or illness.
- 7.3 Sick Leave Credit Pay Plan
- 7.3.1 Employees who leave employment (in good standing) shall as of the date of separation receive compensation for their sick leave in accordance to the following schedule:
- a. 0 – 720 hours at a per hour compensation rate of 25% of the regular hourly rate of pay
 - b. 720 – 960 hours at a per hour compensation rate of 60% of the regular hourly rate of pay
 - c. 960 – 1056 hours at a per hour compensation rate of 85% of the regular hourly rate of pay
- 7.3.2 ~~At the end of the year, employees with an accumulation of sick leave in excess of 960 hours shall have the hours in excess of 960 hours converted at a per day compensation rate of 85% of the regular daily rate of pay or a per hour vacation rate of 85% of sick leave converted. The employee may elect the option to have the payout converted to 50% pay / 50% vacation time. In no event can more than 960 hours be carried forward to the next year.~~ At the end of each year, employees with an accumulation of sick leave in excess of 960 hours will have the days in excess of 960 days converted at a per day compensation rate of 85% to a Post Employment Health Care Savings Plan administered by the Minnesota State Retirement System (MSRS). *This amendment takes place in 2019.

ARTICLE VIII – Off Duty Employment

- 8.1 All off-duty work must be approved in advance by either the department head or the City Manager. Such work may be denied if it might adversely affect an employee's on-the-job performance or if it might adversely reflect upon the department or the City.

ARTICLE IX - INJURED ON DUTY

Employees are covered by workers' compensation, which covers injuries received on the job. The employee will be paid by the City the difference between Workers' Compensation and the employee's regular pay up to one year per injury. The employee shall not lose sick leave for this type of injury. While on Workers' Compensation an employee shall continue to earn and accrue all benefits as fully employed and on duty. Employee agrees to submit to a medical examination by any qualified physician selected by the Employer to verify employee's inability and/or continued inability to work. The Employer agrees to pay the cost of such examination.

ARTICLE X - SPECIAL LEAVES OF ABSENCE

- 10.1 Jury Duty. If an employee is called for jury duty the employee will be excused from work during that period. The City will pay the difference from that pay received for jury duty and that received as regular salary. Mileage allowance shall not be considered or deducted from regular salary.
- 10.2 Military Duty. If an employee is called into the armed forces of the United States the employee will receive no pay while gone, but the time spent will count as time worked with the City for purposes of accruing seniority. For salary purposes the employee will begin at the step at which the employee was when last worked. If an employee is required to attend summer camp or cruise with the military reserves the employee will be paid by the City the difference between the employee's pay at such summer camp or cruise and the employee's regular pay.
- 10.3 Leave of Absence Without Pay. Employees granted a leave of absence without pay will accrue no benefits while gone.
- 10.4 Leave of Absence With Pay. If any employee is required to attend a school for the betterment of the employee's job, they will receive their normal pay and accrue all benefits while gone.
- 10.5 Funeral Leave. In the event of the death of an employee's spouse or significant other, the employee's or spouse's children, parents, brothers or sisters, the employee will be granted up to three shift days emergency leave with pay. For the death of an employee's or spouse's grandparents, aunt, uncle or close friend, the employee will be granted one day of emergency leave with pay. Additional emergency leave with pay may be granted at the sole discretion of the Police Chief. For the purpose of this provision the term "emergency leave with pay" shall mean sick leave.

ARTICLE XI - HOLIDAYS

- 11.1 Overtime. Employees who work on any of the below listed holidays shall receive an additional half-time pay for all time worked on such holidays.

New Year's Day	Memorial Day
Martin Luther King Day	Independence Day
Presidents' Day	Labor Day
Good Friday	Veteran's Day
Easter	Christmas Eve

- 11.2 Double time: Employees who work on the listed holidays shall receive double time for each hour worked on such holidays.

July 4th Thanksgiving Christmas |

- 11.3 Time-off. Employees shall receive 96 hours (12 days * 8 hours) off per calendar year in lieu of holidays. All 96 hours shall be considered floating holidays that can be used at the discretion of the officers subject to approval by the Police Chief.

ARTICLE XII - HOURS OF WORK AND OVERTIME

- 12.1 The regular work day for employees shall be no less than eight hours nor no more than twelve hours depending on type of schedule. The average work week shall be forty hours. The work year shall be 2,080 hours.
- 12.2 Overtime shall be at the rate of time and one-half and defined as all hours worked in excess of the regular shift schedule, eight consecutive work days, in excess of the average work week, or 2,080 hours in any calendar year. Overtime shall be paid in the pay period it is earned.
- 12.3 The City shall post all shift schedules five days or more in advance. All empty shifts shall be filled without the use of overtime whenever practical. However, when an empty shift is to be filled by overtime it shall be split as equally as possible between the employees scheduled to work both adjoining shifts.

- 12.4 All police employees will be allowed thirty minutes of work relief periods for each 4 hours worked, which shall include coffee breaks and meals. This will be taken when affordable during such an employee's regular tour of duty.

ARTICLE XIII - CALL BACK

Any employee called back to work outside the employee's regularly posted schedule shall be paid for a minimum of three (3) hours at time and one-half (1-1/2) the employee's regular rate of pay.

ARTICLE XIV - COURT TIME

- 14.1 A minimum of three hours overtime will be paid for court time while a police employee is off-duty. All court time in excess of three hours also will be paid at the overtime rate. The term "court time" shall include all time between the time at which such an employee is directed to appear and the time at which the employee is released by the attorney ordering the employee's appearance. This shall include all recesses and lunch periods during which an employee is not permitted to return to the employee's normal activities.
- 14.2 A police employee will be paid mileage in an amount established periodically for all City employees by the City Council per mile from home and back for a job related court appearance outside of Wayzata but within the Twin Cities area. Such an employee will be reimbursed for necessary parking fees and meals while attending court. If an employee is required by the City to attend court outside the Twin Cities area, the employee will be reimbursed for all necessary expenses connected therewith, including lodging.

ARTICLE XV - UNIFORMS

The City will buy police employees all necessary uniforms, and civilian clothes for Investigator, including approved foot wear, as well as equipment and replacements. An employee assigned to investigation may purchase required clothing and equipment not to exceed \$1,100 for the two-year assignment. These purchases shall be reimbursed or charged directly to the City. Refusal to purchase any needed replacements shall be subject to the grievance procedure. Standard and seasonal changes will be posted in the squad room at the City Hall. In addition, each employee will be given a copy of such memorandum with fair time to effect the change. There will be a clothing allowance for the investigation assignment re-opener for 2015 and 2016 due to potential staffing changes.

ARTICLE XVI - SALARIES

16.1 Police Officers will receive on 1/1/14 a 2.5% COLA and 2% market adjustment to implement the new 5 step compensation plan; a 2.5% COLA increase on 4/1/15 and a 2.5% COLA increase on 4/1/16.

		Base Salary Per Month	
	1/1/13 2% (hrly)		
Police Officer A	\$5,408.00 \$31.20		
Police Officer B	5,127.20 29.58		
Police Officer C	4,912.27 28.34		
Police Officer D	4,404.40 25.41		

Base Salary Per Month					
	1/1/14 4%		4/1/15 2%	4/1/16 2%	
Police Officer A	\$5,624.32 \$32.45		\$5,737.22 \$33.10	\$5,851.97 \$33.76	
Police Officer B	5,356.88 30.91		5,464.02 31.53	5,573.30 32.16	
Police Officer C	5,101.79 29.43		5,203.83 30.02	5,307.91 30.62	
Police Officer D	4,723.88 27.25		4,818.36 27.80	4,914.73 28.36	
Police Officer E	4,373.97 25.23		4,461.44 25.74	4,550.67 26.25	
Police Officer F	4,165.68 24.03		4,249.00 24.51	4,333.98 25.00	

Base Salary Per Month				
	1/1/17 2.5%	1/1/18 2.5%	1/1/19 2.5%	
Police Officer A---10 yrs	\$6,118.83	\$6,332.99	\$6,554.64	
Police Officer B	\$5,998.27	\$6,148.23	\$6,301.94	
Police Officer C	\$5,712.63	\$5,855.45	\$6,001.83	
Police Officer D	\$5,440.61	\$5,576.63	\$5,716.04	
Police Officer E	\$5,037.60	\$5,163.54	\$5,292.63	
Police Officer F	\$4,664.43	\$4,781.04	\$4,900.57	

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Police Officer G	\$4,442.33	\$4,553.39	\$4,667.22
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16.1.1 Specialty Pay. Starting in 2019, An employee generally assigned with Field Training Officer (FTO) or Firearms /

Use of Force Instructor duties by the Chief shall be paid a differential of ~~\$100.00-00~~ per ~~month~~^{hour} above their regular base rate of pay. ~~per assignment. There can be no more than three employees assigned with that duty at one time.~~

Starting in 2019, an employee generally assigned with School Resource Officer duties by the Chief shall be paid a differential of \$200.00 per month above their regular base rate of pay while accomplishing those duties. There can be no more than one employee assigned with that duty at one time.

Starting in 2019, an employee generally assigned with Investigation duties by the Chief shall be paid a differential of \$200.00 per month above their regular base rate of pay. There can be no more than one employee assigned to this duty. There will be an investigator pay re-~~opener for 2015 or 2016~~ when necessitated by staffing changes.

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An employee cannot receive more than one specialty pay at any given time.

16.2 Payday. Employees will be paid semimonthly, no later than three working days following the fifteenth of each month and the last day of each month.

16.3 Expenses. Should an employee be required to use a private vehicle for City business, including court appearances, the employee will be paid mileage in an amount established periodically for all City employees by the City Council. Mileage will be paid from either the employee's home or City Hall, whichever is applicable in the given instance. The City also will pay an employee for all necessary meals, boarding and mileage for required attendance at meetings, conferences, training sessions and schools.

ARTICLE XVII - INCENTIVE PAY

17.1 All full-time police employees will be eligible for education/tuition reimbursement per the City's Education/Tuition Reimbursement Policy (the Education/Tuition Reimbursement Policy is attached to this contract as a MOU). Approved education/tuition reimbursement shall be reimbursed in addition to the employee's regular pay Education/Tuition reimbursement shall not be added to the regular pay for the purpose of computing hourly rates or overtime rates.

17.2 Employees who earn a job related Associate (2 year) or Bachelors (4 year) Degree shall receive one hundred dollars monthly in addition to their base pay.

- 17.3 All police employees shall receive \$100.00 per month to implement and utilize "Modern Policing Themes/Practices".

ARTICLE XVIII - INSURANCE

- 18.1 The City will offer each police employee the same medical and life insurance programs which are used to protect other City employees. In addition, police employees will be covered by false arrest insurance paid for by the City which shall include legal counsel for civil and criminal action when an officer is legally acting in the course of the employee's duties. ~~For 2014, the City will pay up to one thousand eight dollars (\$1,008.00) per month for all three of the plans; the Open Access Plan; the Distinctions III Plan and the HSA Plan. For 2017, the City will pay up to one thousand one hundred fifty-nine (\$1,159.00) per month towards health and dental insurance. There will be an insurance re-opener for 2018 and 2019.~~ The basic life insurance policy is for \$15,000. Additional life insurance may be added at the employee's expense. ~~There will be an insurance re-opener in 2015 and 2016.~~
- 18.2 If a health insurance opt-out option is available with the City's group health insurance plan, an employee who is eligible to opt-out in accordance with the City's health insurance plan may elect to waive health insurance coverage from the City. An employee who waives health insurance coverage will receive the maximum allowed by the City's health insurance plan which is currently \$50.00 per month.
- 18.3 Effective on or about October 1, 2011, the City will offer a dental insurance plan for employee and their families subject to the terms of the insurance policy. Employee participation in the dental insurance plan will be mandatory. The Employer contribution toward the premium cost for the employee and family will be subject to the City insurance contribution as set forth in Section 18.1 above. Any additional cost shall be at the employee expense through payroll deduction.

ARTICLE XIX - TRAINING

The City will attempt to provide training for employees in meeting their continuing education requirements of the Peace Officer Standards and Training Board. Class time spent in completing City required training in excess of the average work week will be compensated at the overtime rate.

ARTICLE XX - STANDBY PAY

Employees required to be on call or on standby shall receive one-half (1/2) hour's pay for each hour on such status.

ARTICLE XXI - UNION SECURITY

- 21.1 The Union will be allowed to post notices and will be allowed reasonable visitation by Union representatives for the purpose of signing up new members and processing grievances.

21.2 Payroll deduction of Union dues will be allowed, upon receipt of an authorization signed by the employee, and will be paid to the Union monthly. Should an employee wish to stop the deduction of Union dues the employee shall notify the City in writing of such intention at least five working days prior to the effective date of the termination.

21.3 The Union may designate employees from the bargaining unit to act as Steward and an alternate and shall inform the City in writing of such choice and changes in the position of Steward and/or alternate.

ARTICLE XXII - EMPLOYER SECURITY

The Union hereby agrees that it will not authorize, instigate, aid, condone or engage in any strike, work stoppage or other action in violation of the Public Employment Labor Relations Act of 1971, as amended. No employee shall cause or take part in any such strike, work stoppage, slowdown or other action. In the event of a violation of this section the Union agrees to take positive steps with the employees concerned to bring about an immediate resumption of normal work. Should there be a violation of this section there shall be no discussion or negotiations regarding any grievance before normal work has been resumed.

ARTICLE XXIII - EMPLOYER AUTHORITY

The City shall not be required to meet and negotiate on matters of inherent managerial policy, which include but are not limited to such areas of discretion or policy as the functions and programs of the City, its overall budget, utilization of technology, the organizational structure, selection and direction and number of personnel, determination of duties to be performed and the manner in which they are to be performed, and operation and management of all facilities and equipment. Any term or condition of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the City to modify, establish or eliminate.

ARTICLE XXIV - SAVINGS CLAUSE

Should any Article, section or portion of this Agreement be held unlawful and unenforceable by any court of competent jurisdiction, such a decision of the court shall apply only to the specific article, section or portion hereof directly specified in said decision, and the remainder of this Agreement shall remain in full force and effect. The specific article, section or portion so voided may be renegotiated at the written request of either party.

ARTICLE XXV - DURATION

Except as herein provided, this Agreement shall be effective January 1, 2014 and shall continue in full force and effect until December 31, 2016 and thereafter until modified or amended by mutual agreement of the parties or until canceled by either party upon ten

days' written notice to the other. Either party desiring to modify or amend this Agreement shall notify the other in writing by August 1st of the year in which modifications are desired, so as to comply with the provisions of the Public Employment Labor Relations Act as amended.

ARTICLE XXVI - EXECUTION

This Agreement is executed and signed by the parties hereto through their lawfully designated officers, pursuant to the authority of the governing body of the City of Wayzata and pursuant to the authorization of the members and officers of L.E.L.S., Local No. 37 on this _____ day of _____, 201~~4~~6.

IN THE PRESENCE OF: FOR THE CITY OF WAYZATA:

_____ By _____
Mayor

_____ And _____
City Manager

FOR Law Enforcement Labor Services Inc.
and LELS LOCAL NO. 37:

_____ By _____
Union Steward

_____ And _____
Union Representative

~~MEMORANDUM OF UNDERSTANDING~~

~~DATE: January 15, 2014~~

~~To: Wayzata Local No. 37 - LELS~~

From: ~~Heidi Nelson, City Manger~~

Subject: ~~Memorandum of Understanding Regarding Officers Edberg and Mathews~~

~~As a part of the 2014, 2015 and 2016 LELS Local No. 37 contract negotiations, it has been agreed upon that these 2 officers will receive a 2% COLA wage increase for 2014. Mathews will follow the 5 step compensation plan in years 2015 & 2016. Edberg will receive a 2% COLA as of 4/1/15 on his 2014 wage and will then follow the 5 step compensation plan for 2016.~~

~~CITY OF WAYZATA~~

~~EDUCATION/TUITION REIMBURSEMENT POLICY~~

~~It is the intent of the City of Wayzata to provide the citizens of Wayzata with a well-qualified and trained staff. As a part of its annual budget process, the City Council will consider the training and professional development needs of each department. It is the primary objective of~~

~~the training program that training dollars are spent on learning which addresses organizational goals and follows a progression of skill development.~~

~~All regular City employees are eligible to participate, however it is the expectation of the City of Wayzata that new hires come to the City fully qualified for their position. Therefore, training beyond incidental levels shall not be provided during an employee's first year of service.~~

~~Completion of additional training or education is not a basis for requesting a salary increase. Courses should be taken outside of work hours; however, when unavoidable courses may be taken during the work day with prior approval from the department head.~~

Training

- ~~• The City will pay for job-related, position specific training approved by the Department Head and City Manager and deemed necessary to effectively complete the requirements of the position, provided there is adequate funding in the budget appropriation for training.~~
- ~~• The City will pay for, or reimburse employees for, any and all training required by the City to attain or maintain job-related certification.~~
- ~~• Conference and seminar training shall provide for meals and lodging, if necessary, for in-state and out-of-state training. Travel expenses for in-state training shall be provided through the budget process. Travel expenses shall be provided for out-of-state training with prior approval of the Department Head and City Manager.~~
- ~~• The Finance Manager will maintain records on all employee training done at City expense and report annually on the training received and funds expended.~~

Education

- ~~• Employees participating in a job-related Bachelor's Degree program at an accredited college or university or post-secondary classes at accredited colleges, universities, and vocational/technical institutes can apply for City reimbursement for 50% of the cost of tuition, books and laboratory fees. Any other fees, including fees for supplies, transportation, student activity fees, late registration fees, school entrance fees, and graduation fees are not eligible for reimbursement.~~
- ~~• In order to be eligible for reimbursement, the degree program or classes must be deemed by the Department Head and City Manager to be job-related and a benefit to the employer before the employee registers for the class.~~
- ~~• Reimbursement will only be made upon receipt of a "B" or better for the course. Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.~~
- ~~• Reimbursement for classes taken at private institutions shall not exceed the tuition charged by the Minnesota State University system.~~
- ~~• Reimbursements are on a first come, first served basis and shall not exceed the department budget.~~
- ~~• In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Manager shall determine how to apportion the available funds.~~

- ~~The Finance Manager will develop and maintain forms for requesting approval of class eligibility prior to registration and forms requesting reimbursement after successful completion of classes.~~
- ~~In the event an employee leaves the City, any reimbursement for education received during the 24 months prior to leaving must be returned to the City.~~

201~~74~~-201~~96~~

**LABOR AGREEMENT
BETWEEN
THE CITY OF WAYZATA
AND
THE AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
LOCAL NO. 224, COUNCIL NO. 5**

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PREAMBLE

This AGREEMENT is hereby made and entered into between the City of Wayzata, a municipal corporation, and Local No. 224, District Council No. 5 of the American Federation of State, County and Municipal Employees. It is the purpose and intent of this AGREEMENT to express in written form the agreement of the parties hereto regarding terms and conditions of employment in the Wayzata Public Works Department.

ARTICLE 1 - UNION RECOGNITION

It is understood and agreed between both parties hereto that the American Federation of State, County and Municipal Employees, Local No. 224, Council No. 5 is the exclusive representative of non-supervisory employees of the Public Works Department, and as such the UNION is authorized to enter into this AGREEMENT for and on behalf of the employees it so represents.

ARTICLE 2 – DISCIPLINE

No employee shall be disciplined or discharged without cause. Any disciplinary action or measure imposed upon an employee may be processed as a grievance.

ARTICLE 3 - GRIEVANCE PROCEDURE

3.1 Any grievance which may arise between the parties hereto shall be settled in the manner outlined below. The word "grievance" shall mean any dispute with regard to the interpretation, application or violation of any terms or provisions of this AGREEMENT.

Step 1. As the first step in the grievance procedure an employee having a grievance shall take up the grievance with the employee's department head within twenty-one (21) calendar days of the date of its occurrence. The department head shall consider the grievance and shall respond to the employee within ten (10) calendar days.

Step 2. If the grievance remains unadjusted the UNION Steward, with or without the employee, shall present the grievance in writing to the employee's department head, with a copy to the City Manager, within ten (10) calendar days after the initial response of the department head is due. The department head again shall consider the grievance and shall respond in writing to the UNION Steward within ten (10) calendar days.

Step 3. If the grievance still remains unadjusted it shall be presented in writing by the UNION Steward and the UNION representative to the City Manager within ten (10) calendar days after the response of the department head is due. The City Manager shall respond in writing to the UNION Steward and representative within ten (10) calendar days.

Step 4. If the grievance still remains unadjusted it shall be presented in writing by the UNION representative to the City Council within ten (10) calendar days after the response of the City Manager is due. An oral presentation by the UNION representative to the Council may also be made if requested by the UNION. The Council shall respond in writing to the UNION representative within ten (10) calendar days.

Step 5. If the grievance is still unsettled either party may, by written notice to the other, request arbitration.

3.2 By mutual written agreement the parties hereto may waive any step and extend any time limit in the above grievance procedure. However, failure to adhere to the above time limits may result in a forfeit of the grievance or, in the case of the EMPLOYER, may require mandatory alleviation of the grievance as outlined in the last statement by the UNION Steward or representative.

- 3.3 Choice of Remedy: If, as a result of the written Employer response in Step 4, the grievance remains unresolved, and if the grievance involves the suspension, demotion or discharge of an employee who has completed the required probationary period, the grievance may be appealed either to Step 5 of Article 3 or a procedure such as: Civil Service or Veterans Preference. If appealed to any procedure other than Step 5 of Article 3, the grievance is not subject to the arbitration procedure as provided in Step 5 of Article 3. The aggrieved employee shall indicate in writing which procedure is to be utilized; Step 5 of Article 3 or another appeal procedure and shall sign a statement to the effect that the choice of any other hearing precludes the aggrieved employee from making a subsequent appeal through Step 5 of Article 3. Except that with respect to statutes under the jurisdiction of the United State Equal Employment Opportunity Commissions, an employee pursuing a statutory remedy is not precluded from also pursuing an appeal under this grievance procedure.

ARTICLE 4 - ARBITRATION

- 4.1 The City Manager and the UNION representative shall endeavor to select a mutually acceptable arbitrator to hear and decide a grievance which has reached Step 5 in the grievance procedure. If the City Manager and the UNION representative are unable to agree upon an arbitrator they may request from the Minnesota Bureau of Mediation Services a list of five names, which names shall be from a larger list maintained by the Bureau and made up of qualified arbitrators having submitted an application therefore to the Bureau. The parties shall alternately strike names from this list, with the UNION striking the first name, until only one name remains. The remaining arbitrator then shall hear and decide the grievance.
- 4.2 The arbitrator shall have no right to amend, modify, nullify, ignore, add to or subtract from the terms and conditions of this AGREEMENT. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the City and the UNION, and shall have no authority to make a decision on any other issue not so submitted. The decision of the arbitrator shall be issued within ten (10) working days following the completion of testimony on the grievance.
- 4.3 The decision of the arbitrator shall be final and binding upon all parties to the dispute unless the decision violates any provision of the laws of Minnesota or rules or regulations promulgated thereunder, or violates the City Charter or ordinances or resolutions enacted pursuant thereto, or causes a penalty to be incurred thereunder. This decision shall be issued to the parties by the arbitrator and a copy thereof shall be filed with the Minnesota Bureau of Mediation Services.
- 4.4 Expenses for arbitration services and processing shall be borne equally by the City and the UNION. However, each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings it may cause such a record to be made. Such party shall pay for this record and shall make copies available without charge to the other party and to the arbitrator. All time spent in the grievance procedure by either the employee or the UNION Steward shall be during their off-duty hours, unless on-duty participation is approved in advance by the City Manager.

ARTICLE 5 - SENIORITY

- 5.1 New employees shall be on a twelve-month probationary period. The City shall furnish to the UNION a Seniority List of the employees, based upon and showing their respective dates of hire. Annually the City shall add to this list any new employees hired during the year. Employees shall be advanced to the next salary step upon satisfactory completion of the probationary period. If an employee is denied a salary progression because of unsatisfactory execution of duties the City Manager shall explain in writing to the employee such unsatisfactory performance.
- 5.2 Promotions within the Public Works Department will go to the person deemed to be best qualified for the position to be filled. Where possible every consideration will be given to present employees of the Department.
- 5.3 In the event of a layoff within the bargaining unit, seniority shall govern if ability and other qualifying factors as determined by the Employer are equal.

The last employee laid off shall be the first employee to be recalled to work provided the employee immediately meets the qualifications to perform the work involved. No new employee shall be hired during the two year period following the layoff unless the laid off employee does not immediately have the qualifications to perform the work involved.

The City will notify an employee on layoff to return to work by registered mail at the employee's last recorded address. The employee must return to work within 10 calendar days following notice of recall in order to be eligible for reemployment. Recall rights shall cease two (2) years after an employee is laid off and thereupon such employee shall be deemed separated from employment and shall have no further recall rights.

ARTICLE 6 – VACATIONS

Employees will receive the following vacation leave, based upon their years of service with the City:

- 0 through 5 years service - 10 days (6 2/3 hrs./mo.)
- 6 through 11 years service - 16 days (10 2/3 hrs./mo.)
- 12 through 13 years service - 17 1/2 days (11 2/3 hrs./mo.)
- 14 through 15 years service - 19 days (12 2/3 hrs./mo.)
- 16 through 17 years service - 20 1/2 days (13 2/3 hrs./mo.)
- 18 through 19 years service - 21 days (14 hrs./mo.)
- 20 through 24 years service - 23 days (15 1/3 hrs./mo.)
- 25+ years service - 24 days (16 hrs./mo.)

Employees who leave the employ of the City in good standing by resignation (meaning eligible for re-hire) or retirement will receive pay for their unused accrued vacation at 100%

ARTICLE 7 - SICK LEAVE

- 7.1 Each employee will earn one day per month sick leave, to a maximum of 120 days, days earned over the max must be converted via the Sick Leave Credit Pay Plan and in any event no more than 120 days can be carried forward to the next year. Sick leave will be paid at the employee's pay level at the time of illness, and in cases of prolonged illness the employee may also use vacation time after accumulated sick leave has expired. While on sick leave an employee shall continue to earn and accrue all benefits as fully employed and on duty.
- 7.2 Sick leave will be granted for personal illness, injury or legal quarantine of the employee or for critical illness in the employee's immediate family (spouse, minor children and adult children (children include: biological, step, adopted, foster and grandchildren), siblings, parents, mother and father-in-law, grandparents and stepparents) (~~spouse, parents and children~~). At the discretion of the City Manager, a doctor's certificate may be required showing the nature and extent of any injury or illness.
- 7.3 Employees are covered by Worker's Compensation, which covers injuries received on the job. The employee will be paid by the City with the difference between Workers' Compensation and the employee's regular pay for a period not to exceed six months. The employee shall not lose sick leave for this type of injury. While on Workers' Compensation an employee shall continue to earn and accrue all benefits as fully employed and on duty.
- 7.4 Sick Leave Credit Pay Out Plan
- 7.4.1 Employees who leave employment (in good standing) with 0-720 sick leave hours shall as of the date of separation receive compensation for 25% of their accrued sick leave to a Post Employment Health Care Savings Plan administered by the Minnesota State Retirement System (MSRS).

Employees who leave employment (in good standing) with 720-960 sick leave hours shall as of the date of separation receive compensation for 60% of their accrued sick leave to a Post Employment Health Care Savings Plan administered by the Minnesota State Retirement System (MSRS).

Employees who leave employment (in good standing) with 960-1056 sick leave hours shall as of the date of separation receive compensation for 85% of their accrued sick leave to a Post Employment Health Savings Plan administered by the Minnesota State Retirement System (MSRS).

At the end of each year, employees with an accumulation of sick leave in excess of 120 days will have the days in excess of 120 days converted at a per day compensation rate of 85% to a Post Employment Health Care Savings Plan administered by the Minnesota State Retirement System (MSRS).

In no event can more than 120 days be carried forward to the next year.

All compensation calculations will be based on the per hour rate at the time of pay out.

This credit pay plan would not be calculated or converted for any employees terminated for just cause.

ARTICLE 8 - SPECIAL LEAVES OF ABSENCE

- 8.1 Jury Duty. If an employee is called for jury duty the employee will be excused from work during that period. The City will pay the difference from that pay received for jury duty and that received as regular salary. Mileage allowance shall not be considered or deducted from regular salary.
- 8.2 Military Duty. If an employee is called into the armed forces of the United States the employee will receive no pay while gone, but the time spent will count as time worked with the City for purposes of accruing seniority. For salary purposes, upon return from military duty, the employee will begin on the step at which the employee last worked. If an employee is required to attend summer camp or cruise with the military reserves the employee will be paid by the City the difference between the employee's pay at such summer camp or cruise and the employee's regular pay.
- 8.3 Leaves of Absence With Pay. Employees required by the City to attend school / training meetings will receive their normal pay and benefits during such school / training meetings. Employees will be provided other paid leave as required by law.
- 8.4 Leave of Absence Without Pay. Employees granted a leave of absence without pay will accrue no benefits while gone.
- 8.5 Funeral Leave. In the event of the death of an employee's spouse or children, employee's and spouse's parents, or employee's brothers or sisters the employee will be granted up to three (3) days emergency leave with pay. For the death of an employee's or spouse's other immediate relatives the employee will be granted one day of emergency leave with pay. For the purpose of this provision the term "emergency leave" shall mean paid leave without using benefit time earned sick leave. Immediate relatives other than those defined above shall mean employee's and spouse's grandparents and grandchildren and spouse's brothers and sisters as well as any member of the employee's immediate household when a close relationship exists and has been designated by the employee in advance.

ARTICLE 9 - HOLIDAYS

- 9.1 Employees will receive twelve (12) holidays per year. These holidays are:
- | | |
|--|-------------------------|
| Martin Luther King Day | Presidents Day |
| Good Friday | Memorial Day |
| Independence Day | Labor Day |
| Columbus Day | Veterans' Day |
| Thanksgiving Day | Christmas Eve Afternoon |
| Christmas Day | New Year's Day |
| One-half day floating holiday (to be taken subject to employer approval) | |
- 9.2 For each holiday employees will receive the day off, except as otherwise provided herein. When a holiday falls on Saturday employees will receive the preceding Friday off and when a holiday falls on Sunday employees will receive the following Monday off.

ARTICLE 10 - HOURS OF WORK

- 10.1 The regular work day for public works employees shall be eight (8) hours, which will include thirty minutes of work relief periods. An additional thirty minutes each day will be allowed for meals, but shall not count as time worked. The regular work week for public works employees shall be forty (40) hours.
- 10.2 For hours worked outside of the regularly scheduled shift (prior to 6:00 A.M. and after 3:30 P.M.) shall receive \$2.00 pay per hour differential starting January 1, 2019. This only applies when the hours are flexed and are not in addition to overtime if eligible.

ARTICLE 11 - OVERTIME

- 11.1 Overtime shall be defined as all hours worked in excess of eight (8) hours per day or forty (40) hours per week. Overtime will be paid in the regular check, as it is earned, at the rate of time and one-half (1-1/2). To the extent possible all overtime will be distributed equally among those employees entitled to receive it.
- 11.2 Overtime will be paid for all "emergency" work on weekends or holidays and for the second portion of any "split shift". The minimum amount of "call back" pay shall be three hours at the overtime rate.
- 11.3 Double time will be paid for all "emergency" call-back work on all City recognized Holidays. ~~Thanksgiving, Christmas Eve and Christmas Day.~~ The minimum amount of "call back" pay shall be three hours at the double time rate.
- 11.4 In lieu of overtime pay, Parks Department employees may opt for compensatory time off calculated at the specific overtime situation rate.

ARTICLE 12 - COMPENSATORY TIME OFF

- 12.1 Seventy five (75) hours of overtime pay for each public service worker shall be allocated for emergency snow removal each year. After this maximum is reached compensatory double time off will be granted for the remaining overtime spent in snow removal.
- 12.2 Employees ~~Utility Home Base personnel~~ performing "routine" weekly on-call ~~duties~~ duties will be compensated ten (10) eight (8) hours per week or ten (10) eight (8) hours of compensatory time off that they are assigned to weekly on call duty. The on call week runs from Monday at 7:00 a.m. until the following Monday at 6:59 a.m. All work performed during the week outside of normal working hours or on weekends beyond these routine duties will be compensated at the overtime rate. Employees who are assigned to On-Call duty during a City recognized Holiday week, shall receive an additional 2 hours of On-Call compensation. ~~If the weekend duty should fall on Thanksgiving, Christmas Eve and Christmas Day the compensated rate will be at double time.~~ The City Manager shall issue a memorandum specifying those duties which are considered "routine".

ARTICLE 13 - SALARIES

- 13.1 Payday. Employees will be paid semi-monthly, no later than three working days following the fifteenth of each month and the last day of each month.
- 13.2 Expenses. Should an employee be required to use a private vehicle for City business the employee will be paid mileage at the rate set by the City Manager for all City employees, plus any necessary parking fees for the use of such vehicle. The City will pay an employee for all necessary meals, boarding and mileage for required attendance at meetings, conferences, training sessions and schools. The City will cover the cost of tuitions and books for job related schools. If a school is held only during normal working hours and the course is approved by the City, employees shall be paid their normal rate of pay for attendance at the school.

SALARIES
PUBLIC SERVICE WORKERS

		<u>Step Relation</u>	<u>2%</u>	<u>2%</u>	<u>3%</u>
			1/1/2014	1/1/2015	1/1/2016
PSW-A.1	Entry	73%	\$18.56	\$18.93	\$19.50
PSW-A.2	After one (1) year of satisfactory performance in PSW-A classification	78%	\$19.83	\$20.23	\$20.83
PSW-B.1	After two (2) years of satisfactory performance in PSW-A classification and achievement of minimum qualifications	84%	\$21.36	\$21.79	\$22.44
PSW-B.2	After One (1) year of satisfactory performance in PSW-B classification	89%	\$22.64	\$23.09	\$23.79
PSW-C.1	After two (2) years of satisfactory performance in PSW-B classification and achievement of minimum qualifications	95%	\$24.15	\$24.63	\$25.37
PSW-C.2	After five (5) years of satisfactory performance and achievement of minimum qualifications	100%	\$25.43	\$25.94	\$26.72

		2%	3%
Lead Worker Pay scale	1/1/2014	1/1/2015	1/1/2016
Entry	\$29.24	\$29.82	\$30.72
After one (1) year of satisfactory performance	\$30.12	\$30.72	\$31.64
After two (2) years of satisfactory performance	\$31.02	\$31.64	\$32.59

SALARIES
PUBLIC SERVICE WORKERS

		<u>Step Relation</u>	<u>2.5%</u> <u>1/1/2017</u> <u>\$19.02</u>	<u>2.5%</u> <u>1/1/2018</u> <u>\$19.40</u>	<u>2.5%</u> <u>1/1/2019</u> <u>\$19.99</u>
<u>PSW- A.1</u>	<u>Entry</u>	<u>73%</u>			
<u>PSW- A.2</u>	<u>After one (1) year of</u> <u>satisfactory performance</u> <u>in PSW-A classification</u>	<u>78%</u>	<u>\$20.33</u>	<u>\$20.74</u>	<u>\$21.35</u>
<u>PSW- B.1</u>	<u>After two (2) years of</u> <u>satisfactory performance</u> <u>in PSW-A classification</u> <u>and achievement of minimum</u> <u>qualifications</u>	<u>84%</u>	<u>\$21.89</u>	<u>\$22.33</u>	<u>\$23.00</u>
<u>PSW- B.2</u>	<u>After One (1) year of</u> <u>satisfactory performance</u> <u>in PSW-B classification</u>	<u>89%</u>	<u>\$23.21</u>	<u>\$23.67</u>	<u>\$24.38</u>
<u>PSW- C.1</u>	<u>After two (2) years of</u> <u>satisfactory performance</u> <u>in PSW-B classification</u> <u>and achievement of minimum qualifications</u>	<u>95%</u>	<u>\$24.75</u>	<u>\$25.25</u>	<u>\$26.00</u>
<u>PSW- C.2</u>	<u>After five (5) years of</u> <u>satisfactory performance</u> <u>and achievement of minimum</u> <u>qualifications</u>	<u>100%</u>	<u>\$26.07</u>	<u>\$26.29</u>	<u>\$27.39</u>

	<u>2.5%</u> <u>1/1/2017</u>	<u>2.5%</u> <u>1/1/2018</u>	<u>2.5%</u> <u>1/1/2019</u>
<u>Lead Worker Pay scale</u>			
<u>Entry</u>	<u>\$29.98</u>	<u>\$30.57</u>	<u>\$31.49</u>
<u>After one (1) year of satisfactory performance</u>	<u>\$30.87</u>	<u>\$31.49</u>	<u>\$32.43</u>
<u>After two (2) years of satisfactory performance</u>	<u>\$31.80</u>	<u>\$32.43</u>	<u>\$33.40</u>

Advancement to the next step will occur at the next regular pay period following satisfactory completion of the time of service requirement and achievement of minimum qualifications, if pertinent. See appendix for classification definitions and requirements.

All employees classified as Public Service Workers will be eligible to move to the top of the range based on satisfactory performance (City determinations as to whether performance was satisfactory can be

processed as a grievance but can not be brought to arbitration) and achievement of the minimum qualifications. Once the employee has achieved the top step the employee must maintain satisfactory performance (City determinations as to whether performance was satisfactory can be processed as a grievance but can not be brought to arbitration) in order to stay at that level.

At such time as the City specifically assigns a Union member to work out of class as a lead worker or foreman, the City will pay during that assignment 10% additional per hour differential pay above the pay rate that member is assigned to in the contract. This extra compensation will end at such time as the City reassigns that union member to the original classification.

ARTICLE 14 - INSURANCE

- 14.1 The City will offer each public works employee the same medical, dental and life insurance programs which are used to protect other City employees.
- 14.2 An employee who is on an approved unpaid leave of absence that is not covered under the Family and Medical Leave Act of 1993 shall be eligible to continue participation in the EMPLOYER group medical insurance plan during the unpaid leave of absence provided the employee pays the full premium for coverage with no contribution from the City.
- 14.3 For ~~2014~~2017, the City will pay up to one thousand ~~eight-one hundred fifty-nine~~ (1,008.00) per month towards health and dental insurance. ~~for the \$30 co-pay plan (high option), one thousand eight (1,008.00) per month for the \$30 co-pay 90%/10% co-insurance plan (mid-level plan), and one thousand eight (1,008.00) per month for the high deductible health plan w/HSA.~~ Full single coverage shall be paid by the City and the City will deposit \$250.00 per month in the HSA account of single coverage employees. ~~choosing the HDHP w/HSA.~~ There will be an insurance re-opener for 201~~85~~ and 201~~96~~.
- 14.4 Effective February 1, or March 1, 2012, the City will offer a dental insurance plan for employees and their families subject to the terms of the insurance policy. Bargaining unit participation in the dental insurance plan must meet a minimum of eighty percent (80%). The Employer contribution toward the premium cost for the employee and family will be subject to the City insurance contribution as set forth in Section 14.3 above, and any additional cost shall be at the employee's expense through payroll deduction.

ARTICLE 15 - UNIFORMS

Each year the City will provide each public works employee with a winter jacket or one set of winter coveralls, one set of summer coveralls, three sets of summer uniforms (shirts and pants). The City will allocate annually \$160 for the purchase of steel-toes safety foot wear. ~~and one pair of steel-toed foot wear.~~

ARTICLE 16 - UNION SECURITY

- 16.1 Payroll deduction of UNION dues will be allowed upon receipt of an authorization signed by the employee. ~~The UNION will be allowed to post notices and will be allowed reasonable visitation by UNION representatives for the purposes of signing up new members and processing grievances.~~
- 16.2 The Union agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders, or judgements brought or issued against the Employer or as a result of any action taken or not taken by the Employer under the provisions of the Article. Further, the Union and the Employer recognize and agree that the limitations of the Employer's liability also apply should the Union exercise the applications of "fair share" as provided by M.S. 179A.06.Subd.3 as may be amended from time to time. ~~Payroll deduction of UNION dues will be allowed upon receipt of an authorization signed by the employee. Should an employee wish to stop the deduction of UNION dues the employee shall notify the City in writing of such intention at least five working days prior to the effective date of the termination.~~
- 16.3 Employer shall, on request of the Union, grant reasonable time off as required by law unpaid leave of absence to Union Members who are elected or appointed officials of the Union.

16.4 The Union will be allowed to post notices and will be allowed reasonable visitation by Union Representatives for the purposes of signing up new member and processing grievances.

ARTICLE 17 - MANAGEMENT SECURITY

- 17.1 Nothing in this AGREEMENT shall be construed as delegating to others the authority conferred by law upon the City Council or any City official. The direction of Public Works Department is the sole responsibility of the department head, the City Manager and the City Council. The word "direction" shall include but not be limited to the right to hire, promote, discharge or discipline for proper cause; the right to maintain the efficiency of Public Works Department employees; and the right to determine duties to be performed and the manner in which they are to be performed. However, rules and regulations issued on behalf of the City shall be reasonable and consistent with this AGREEMENT and shall be applied uniformly and without discrimination. The City shall not be required to meet and negotiate on matters of inherent managerial policy, which includes, but are not limited to, such areas of discretion or policy as the functions and programs of the City, its overall budget, utilization of technology, the organizational structure, and selection and direction and number of personnel. Any term or condition of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the City to modify, establish or eliminate.
- 17.2 The UNION hereby agrees that it will not authorize, instigate, aid, condone or engage in any strike, work stoppage, or other action in violation of the Public Employment Labor Relations Act of 1971, as amended. No employee shall cause or take part in any strike, work stoppage, slow-down or other action. In the event of a violation of this section the Union agrees to take positive steps with the employees concerned to bring about an immediate resumption of normal work. Should there be a violation of this section there shall be no discussion or negotiations regarding any grievance before normal work has been resumed.

ARTICLE 18 - SAVINGS CLAUSE

Should any article, section or portion of this AGREEMENT be held unlawful and unenforceable by any court of competent jurisdiction, such a decision of the court shall apply only to the specific article, section or portion hereof directly specified in said decision, and the remainder of this AGREEMENT shall remain in full force and effect.

ARTICLE 19 - SEASONAL PARK WORKERS

- 19.1 Workers hired by the City on a seasonal basis to primarily work in the City's flower gardens. In accordance with State Statutes, seasonal park workers are not workers who are exempted from this AGREEMENT due to their student statutes or workers who are hired on a temporary basis to work for less than 67 working days.
- 19.2 Seasonal park workers will be paid at a rate to be determined by the City which will not be below the rate for student workers and will not exceed the rate of a public service worker at the top scale.
- 19.3 Seasonal park workers will receive holiday pay for holidays that occur while they are employed by the City. Seasonal park workers will not be eligible for any other benefits under this AGREEMENT except those which may be required by law.

ARTICLE 20 - DURATION

This agreement shall be effective January 1, 201~~7~~⁴ and shall continue in full force and effect until December 31, 201~~9~~⁶.

THIS AGREEMENT is executed and signed by the parties hereto through the lawfully designated officers pursuant to the authority of the governing body of the City of Wayzata and pursuant to the authorization of the members' officers of Council 5, Local No. 224 on the _____ day of _____,

IN THE PRESENCE OF:

REPRESENTATIVE

FOR THE CITY OF WAYZATA:

By _____
Ken Willcox MAYOR

And _____
~~Jeffrey Dahl~~ Heidi Nelson CITY MANAGER

FOR AFSCME, LOCAL 224,
COUNCIL NO. 5:

By _____
Kurt Klapprich UNION STEWARD

And _____
~~Cindy Nelson~~ John Ewaldt FIELD

APPENDIX A

PUBLIC WORKS MAINTENANCE MINIMUM REQUIREMENTS

Public Service Worker Level A Minimum Requirements

High School Diploma, GED or equivalent.

Valid Minnesota Class B Driver's License.

Ability to read, understand, and follow written and oral instructions, including safety rules.

Ability to meet the physical demands of the job including but not limited to lifting, bending, climbing, reaching overhead, pushing and pulling.

Ability to perform job responsibilities in climatic extremes.

Ability to perform routine repair and maintenance tasks in one or more of the following sections: Streets, Parks, Sewer, Water.

Ability to work in a cooperative manner as a member of a crew or team.

APPENDIX B

Public Service Worker Level B Minimum Requirements

Meets or exceeds all the minimum requirements of Public Service Worker Level A.

Completion of two (2) years of experience at Level A

Minnesota Class B driver's license or appropriate Commercial Driver's License

Successful completion of all applicable City safety and hazardous materials training

Safe work practices and safe driving record

Adherence to all other policies and procedures for City employees

Adherence to City's policies in regard to tardiness and sick leave

Ability to deal effectively and tactfully with the public

Good knowledge of location of streets and public facilities

Working knowledge of fundamental job duties

CERTIFICATION:

For Street Worker: Ability to use non-motorized and small engine type of equipment in areas of job responsibilities

For Park Worker: When required by the Department Head, Minnesota Non-Commercial Pesticide/Herbicide Applicator License/Certificate

For Sewer Worker: Class S-D Waste Water Operator's Certificate

For Water Worker: Class D Water Supply System Operator's Certificate

Demonstrated ability in the repair of small engines and of routine vehicle maintenance

APPENDIX C

Public Service Worker Level C Minimum Requirements

Meets or exceeds all the minimum requirements for Public Service Worker Level B

Completion of two (2) years of experience at Level B

Ability to work with minimum amount of on-site supervision

Good knowledge of all operations, preventive maintenance and routine repair of equipment operated in area of job responsibility

Enrollment in a Public Works Certificate Program or other program related to public works maintenance offered by a technical college or community college. Successful completion of 16 credits in such a public works maintenance program plus another 8 credits or 8 CEUs in programs directly job related. (24 total) In-service training, college credits and/or CEUs may be substituted for the 16 credits at the discretion of management.

CREDIT - A credit is a credit that is a component of a program of instruction leading towards a diploma or degree.

CEU - A CEU is unit of measurement of instruction. One CEU is equal to 10 hours of instruction. CEUs are used for courses that stand alone and are not part of a diploma or degree program.

Good knowledge of methods and materials used in area of job responsibility

CERTIFICATION: (In service training, college credits and/or CEUs maybe substituted for the public works maintenance program at the discretion of management.)

For Street Worker: Successful completion of course work in a public works maintenance program (16 credits), plus in-service training, or certification in one (1) or more areas including but not limited to the following areas: bituminous technology and repair, light equipment operation, tree trimming, traffic control, asphalt testing, pavement marking, snow removal, construction, concrete finishing, and surveying.

For Park Worker: In addition to Minnesota Non-commercial Pesticide/Herbicide Applicator License/Certificate when required by the Department Head, successful completion of course work in a public works maintenance program (12 credits) plus, in-service training, or certification in one (1) or more areas including but not limited to the following: landscaping, irrigation, entomology, forestry, turf maintenance, building maintenance and construction, concrete finishing, and surveying.

For Sewer Worker: Class S-C Waste Water Operator's Certificate plus, in-service training, or certification in one (1) or more areas including but not limited to the following: irrigation, building maintenance and construction, concrete finishing, surveying, electronics or basic electrical skills.

For Water Worker: Class C Water Supply System Operator's Certificate plus, in-service training, or certification in one (1) or more areas including but not limited to the following: irrigation, building maintenance and construction, concrete finishing, surveying, electronics or basic electrical skills.

All employees are encouraged to cross train and earn their credits in the list of subjects in an adjacent division once they have met the minimums in the home base division.

APPENDIX D

Public Service Lead Worker Minimum Requirements for Streets, Park and Utilities Departments

- Must be at least 18 years old and have a High School Diploma or general degree (GED).
- Must have a valid Minnesota Class B Commercial Driver's License with tanker and air brake endorsements.
- Must be a current full-time City of Wayzata Public Service Worker in good standing for at least three full years.
- No physical limitations.
- Previous experience/informal training in the supervision of department operations and workers when assigned.
- Any combination of education, training and experience which provides the required knowledge, skills, and abilities to perform the essential functions of the lead worker position may be considered.

~~MEMORANDUM OF UNDERSTANDING~~

~~DATE: January 11, 2013~~

~~To: Wayzata Local No. 224 - AFSCME~~

~~From: Heidi Nelson, City Manger~~

~~Subject: Memorandum of Understanding Regarding Labor Management
Committee~~

~~As a part of the 2013 AFSCME Local No. 224 contract negotiations, the establishment of a Labor Management Committee was discussed. The Union desires to have input and information regarding the City's benefits programs. The City recognizes the value of input from employees in developing benefits programs and agrees to create a Labor Management Committee for the purposes of providing information about benefits options and receive input about benefits from the Labor Management Committee. The AFSCME membership will have representation on the Committee to be formed in 2013.~~



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:
Jeffrey Dahl

DATE: December 15, 2016

TO: The Honorable Mayor and Members of City Council

FROM: Jeffrey Dahl, City Manager

SUBJECT: Public Hearing to Consider Modification of TIF District No. 5

Update

Please see the attached memo from the City's Financial Advisor, Stacie Kvilvang of Ehlers, as well as the prepared Modification Plan to TIF Dist. No. 5.

The Pledge Agreement with the HRA that Ms. Kvilvang refers to is attached as well. The HRA approved the agreement at its November 29, 2016 meeting. Council approval of the agreement happens if the Council adopts the bond sale resolution which is subsequent to the needed action regarding the TIF Modification.

Recommendation

The primary financing mechanism of the Mil Street Parking Ramp is TIF. Because the TIF Plan was created many years ago by the HRA, it needs to be updated and the increment needs to be pledged to the City. As such, staff recommends adoption of the attached Resolution that Modifies TIF District No. 5.

City Council Action Requested

1. Hold Public Hearing.
2. Motion to Adopt Resolution No. 59-2016---Modification to the TIF Plan for Replacement Redevelopment TIF District No. 5 within the Central Area Redevelopment District.



Memo

To: Jeffrey Dahl – City Manager
From: Stacie Kvilvang
Date: December 20, 2016
Subject: Modification to TIF District No. 5 and Approval of TIF Pledge Agreement

Over the past two (2) years, the City has been discussing the financing of a new publicly owned parking ramp near Broadway Avenue South and Mill Street, on the HRA's existing parking lot. The City has approved bids for the project, with costs estimated at \$10,050,000.

The City has approximately \$2,370,000 in cash they will utilize for the project. In addition, they will be issuing General Obligation TIF Bonds in an amount of approximately \$7,925,000 to provide the remaining cash to pay for the construction of the ramp, cost of issuance of the bonds (including underwriter discount) and for capitalized interest for a 6-month period. The TIF revenues to repay the debt service on the bonds will be coming from TIF District No. 5 (Bay Center TIF).

The City needs to amend the TIF Plan to allow for the issuance of the TIF bonds. The prior TIF Plan capped the amount of bonds the City could issue to the principal amount of the TIF Note that was issued to Wayzata Bay Development Company LLC. This type of modification requires that it go through the entire process, as if the City and HRA were creating a new TIF district (this includes the public hearing being held on December 20th). The modification also updates the TIF budget to account for increment received to date and expected through the term of the district as well as bring the budget in line with updated Office of the State Auditor reporting requirements.

The HRA approved the modification at their November 29, 2016 meeting. In addition, since the HRA administers the TIF district, they were required to approve a Pledge Agreement with the City, pledging the TIF from the District for payment on the Bonds. The City Council is also required to approve this as well (A copy of the Pledge Agreement is attached in the packet). The resolution awarding the sale of the Bonds includes approval of the Pledge Agreement (approval of the TIF modification is a separate resolution).

Please contact me at 651-697-8506 with any questions.

CITY OF WAYZATA
HENNEPIN COUNTY
STATE OF MINNESOTA

Council member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 59-2016

**RESOLUTION ADOPTING A MODIFICATION TO THE TAX INCREMENT
FINANCING PLAN FOR REPLACEMENT REDEVELOPMENT TAX
INCREMENT FINANCING DISTRICT NO. 5 WITHIN THE CENTRAL AREA
REDEVELOPMENT DISTRICT.**

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

Section 1. Recitals.

1.01. The Board of Commissioners (the "Board") of the Wayzata Housing and Redevelopment Authority (the "HRA") has heretofore established Replacement Redevelopment Tax Increment Financing District No. 5 and adopted the Tax Increment Financing Plan therefor. It has been proposed that the City adopt a Modification to the Tax Increment Financing Plan (the "Modification") for Replacement Redevelopment Tax Increment Financing District No. 5 (the "District"), all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.001 to 469.047, and Sections 469.174 to 469.1794, inclusive as amended (the "Act"), all as reflected in the Modification, and presented for the Council's consideration.

1.02. The Council has investigated the facts related to the Modification and has caused the Modification to be prepared.

1.03. The City has performed all actions required by law to be performed prior to the adoption and approval of the proposed Modification, including, but not limited to, notification of Hennepin County and Independent School District No. 284 having taxing jurisdiction over the property included in the District, and the holding of a public hearing upon published notice as required by law.

1.04. The City is not modifying the boundaries of Central Area Redevelopment Project.

1.05. The City is not modifying the boundaries nor term of the District.

Section 2. Findings for the Tax Increment Plan Modification

2.01. The Council hereby reaffirms the original findings for the District, namely that the when the District was established, it was established as a "redevelopment district" under the 2010 Minnesota Laws, Chapter 389, Article 7, Section 23.

In addition, the City makes the following findings:

- I. The Modification conforms to the general plan for development or redevelopment of the City as a whole. The reason for supporting this finding is that the Modification reaffirms the original finding that the District will generally complement and serve to implement policies adopted in the City's comprehensive plan.
- II. The Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Central Area Redevelopment District by private enterprise. The reason for supporting this finding is that the development activities are necessary so that development and redevelopment by private enterprise can occur within the Central Area Redevelopment District. In addition, the construction of a public parking ramp within the Central Area Redevelopment District will allow for future redevelopment of other property while addressing current parking needs that are currently not being met.
- III. The development and redevelopment efforts, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and therefor the use of tax increment financing is deemed necessary.

Section 3. Public Purpose

3.01. The adoption of the Modification conforms in all respects to the requirements of the Act and will help fulfill a need to develop an area of the State which is already built up and thereby serves a public purpose.

Section 4. Approval and Adoption of the Modification; Filing.

4.01. The Modification is hereby approved, and shall be placed on file in the office of the City Manager. Approval of the Modification does not constitute approval of any project or a development agreement with any developer.

4.02. The staff of the City are authorized to file the Modification with the Commissioner of Revenue, the Office of the State Auditor and the Hennepin County Resident and Real Estate Services Director.

4.03. The staff of the City, the City's advisors and legal counsel are authorized and directed to proceed with the implementation of the Modification and for this purpose to negotiate, draft, prepare and present to this Council for its consideration all further modifications, resolutions, documents and contracts necessary for this purpose.

The motion for the adoption of the foregoing resolution was duly seconded by Council member _____, and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Dated: December 20, 2016

ATTEST:

Mayor

City Manager



*As of December 14, 2016
Draft for Public Hearing*

**Modification to the
Tax Increment Financing Plan
for
Replacement Redevelopment
Tax Increment Financing District No. 5
(a redevelopment district)
within
the Central Area Redevelopment District**

Wayzata Housing and Redevelopment Authority
City of Wayzata
Hennepin County
State of Minnesota

Adopted: November 15, 2011
Modification #2 Public Hearing: December 20, 2016



EHLERS

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(for reference purposes only)

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Section 1 - Modification to the Tax Increment Financing Plan for Replacement Redevelopment Tax Increment Financing District No. 5

Subsection 1-1. Foreword

The Wayzata Housing and Redevelopment Authority (the "HRA"), the City of Wayzata (the "City"), staff and consultants have prepared the following information to expedite the modification to the Tax Increment Financing Plan (the "TIF Plan Modification") for the Replacement Redevelopment Tax Increment Financing District No. 5 (the "District"), a redevelopment tax increment financing district, located in the Central Area Redevelopment District.

Subsection 1-2. Statutory Authority

Within the City, there exist areas where public involvement is necessary to cause development or redevelopment to occur. To this end, the HRA and City have certain statutory powers pursuant to *Minnesota Statutes ("M.S."), Sections 469.001 to 469.047*, inclusive, as amended, and *M.S., Sections 469.174 to 469.1794*, inclusive, as amended (the "Tax Increment Financing Act" or "TIF Act"), to assist in financing public costs related to this project. In addition, the City received special legislative authority in 2010 for the TIF District. Specifically *2010 Minnesota Laws, Chapter 389, Article 7, Section 23*. See Appendix I for legislation.

This section contains the TIF Plan Modification for the District. Other relevant information is contained in the for the Central Area Redevelopment District and in the original tax increment financing plan for the District found in Appendix H.

Subsection 1-3. Statement of Objectives

The District originally consisted of four parcels of land and adjacent and internal rights-of-way. These parcels have since been replatted for development and now consists of 85 parcels of land and adjacent and internal rights-of-way. The TIF Plan Modification is being completed to assist in financing the construction of a public parking structure in the Central Area Redevelopment District. The budget is being updated to reflect actual increment to date and expected increment through the duration of the District, increase the amount of bonds the City may issue with regards to the District and bring the budget into alignment with current Office of the State Auditor reporting forms. Please see Appendix A and Appendix H for further District information.

As of the date of this TIF Plan Modification, the HRA and City have entered into contracts and amendments with the following developer for the following development activities:

1. Wayzata Bay Redevelopment Company, LLC, dated October 21, 2008. The project consists of two phases of office, commercial/retail, and housing development.
2. Wayzata Bay Redevelopment Company, LLC, dated December 15, 2009 (First Amendment). The Development Agreement was revised to provide for updated construction numbers.
3. Wayzata Bay Redevelopment Company, LLC, dated December 7, 2011 (Second Amendment). The Development Agreement was revised to provide for transfer of parcels to the City, extend dates for development, and updated public improvements and payment thereof.
4. Wayzata Bay Redevelopment Company, LLC, dated July 7, 2015 (Amended and Restated

Agreement). The Development Agreement was revised to provide for an updated TIF Note amount, definition of available tax increment and revised development plans.

This TIF Plan Modification is expected to achieve many of the objectives outlined in the Redevelopment Plan for the Central Area Redevelopment District.

The activities contemplated in this TIF Plan Modification do not preclude the undertaking of other qualified development or redevelopment activities. These activities are anticipated to occur over the life of the Central Area Redevelopment District and the District.

Subsection 1-4. Redevelopment Plan Overview

1. Property to be Acquired - Selected property located within the District may be acquired by the HRA or City and is further described in this TIF Plan Modification.
2. Relocation - Relocation services, to the extent required by law, are available pursuant to *M.S., Chapter 117* and other relevant state and federal laws.
3. Upon approval of a developer's plan relating to the project and completion of the necessary legal requirements, the HRA or City may sell to a developer selected properties that it may acquire within the District or may lease land or facilities to a developer.
4. The HRA or City may perform or provide for some or all necessary acquisition, construction, relocation, demolition, and required utilities and public street work within the District.

Subsection 1-5. Description of Property in the District and Property To Be Acquired

The District encompasses all property and adjacent rights-of-way and abutting roadways identified by the parcels listed in Appendix C of this TIF Plan Modification. Please also see the map in Appendix B for further information on the location of the District.

The HRA or City may acquire any parcel within the District including interior and adjacent street rights of way. Any properties identified for acquisition will be acquired by the HRA or City only in order to accomplish one or more of the following: storm sewer improvements; provide land for needed public streets, utilities and facilities; carry out land acquisition, site improvements, clearance and/or development to accomplish the uses and objectives set forth in this plan. The HRA or City` may acquire property by gift, dedication, condemnation or direct purchase from willing sellers in order to achieve the objectives of this TIF Plan Modification. Such acquisitions will be undertaken only when there is assurance of funding to finance the acquisition and related costs.

Subsection 1-6. Classification of the District

The HRA and City, in determining the need to create a tax increment financing district in accordance with *M.S., Sections 469.174 to 469.1794*, as amended, inclusive, find that the District, to be established, is a redevelopment district pursuant to *M.S., Section 469.174, Subd. 10(a)(1)* as defined below:

- (a) *"Redevelopment district" means a type of tax increment financing district consisting of a project, or portions of a project, within which the authority finds by resolution that one or more of the following conditions, reasonably distributed throughout the district, exists:*

- (1) *parcels consisting of 70 percent of the area in the district are occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;*
 - (2) *The property consists of vacant, unused, underused, inappropriately used, or infrequently used rail yards, rail storage facilities or excessive or vacated railroad rights-of-way;*
 - (3) *tank facilities, or property whose immediately previous use was for tank facilities, as defined in Section 115C, Subd. 15, if the tank facility:*
 - (i) *have or had a capacity of more than one million gallons;*
 - (ii) *are located adjacent to rail facilities; or*
 - (iii) *have been removed, or are unused, underused, inappropriately used or infrequently used; or*
 - (4) *a qualifying disaster area, as defined in Subd. 10b.*
- (b) *For purposes of this subdivision, "structurally substandard" shall mean containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance.*
- (c) *A building is not structurally substandard if it is in compliance with the building code applicable to new buildings or could be modified to satisfy the building code at a cost of less than 15 percent of the cost of constructing a new structure of the same square footage and type on the site. The municipality may find that a building is not disqualified as structurally substandard under the preceding sentence on the basis of reasonably available evidence, such as the size, type, and age of the building, the average cost of plumbing, electrical, or structural repairs or other similar reliable evidence. The municipality may not make such a determination without an interior inspection of the property, but need not have an independent, expert appraisal prepared of the cost of repair and rehabilitation of the building. An interior inspection of the property is not required, if the municipality finds that (1) the municipality or authority is unable to gain access to the property after using its best efforts to obtain permission from the party that owns or controls the property; and (2) the evidence otherwise supports a reasonable conclusion that the building is structurally substandard.*
- (d) *A parcel is deemed to be occupied by a structurally substandard building for purposes of the finding under paragraph (a) or by the improvement described in paragraph (e) if all of the following conditions are met:*
- (1) *the parcel was occupied by a substandard building or met the requirements of paragraph (e), as the case may be, within three years of the filing of the request for certification of the parcel as part of the district with the county auditor;*
 - (2) *the substandard building or the improvements described in paragraph (e) were demolished or removed by the authority or the demolition or removal was financed by the authority or was done by a developer under a development agreement with the authority;*

- (3) *the authority found by resolution before the demolition or removal that the parcel was occupied by a structurally substandard building or met the requirement of paragraph (e) and that after demolition and clearance the authority intended to include the parcel within a district; and*
- (4) *upon filing the request for certification of the tax capacity of the parcel as part of a district, the authority notifies the county auditor that the original tax capacity of the parcel must be adjusted as provided by § 469.177, subdivision 1, paragraph (f).*
- (e) *For purposes of this subdivision, a parcel is not occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures unless 15 percent of the area of the parcel contains buildings, streets, utilities, paved or gravel parking lots or other similar structures.*
- (f) *For districts consisting of two or more noncontiguous areas, each area must qualify as a redevelopment district under paragraph (a) to be included in the district, and the entire area of the district must satisfy paragraph (a).*

In meeting the statutory criteria, the HRA and City reaffirm the original facts and findings of the District as a redevelopment tax increment financing district for the purposes of this TIF Plan Modification. No additional parcels are being added to the TIF District. Further information can be found in Appendix H.

Pursuant to M.S., Section 469.176, Subd. 7, the District does not contain any parcel or part of a parcel that qualified under the provisions of M.S., Sections 273.111, 273.112, or 273.114 or Chapter 473H for taxes payable in any of the five calendar years before the filing of the request for certification of the District.

Subsection 1-7. Duration and First Year of Tax Increment of the District

Pursuant to M.S., Section 469.175, Subd. 1, and Section 469.176, Subd. 1, the duration of the District must be indicated within the TIF Plan Modification. Pursuant to M.S., Section 469.176, Subd. 1b, the duration of the District will be 25 years after receipt of the first increment by the City (a total of 26 years of tax increment). The date of receipt by the City of the first tax increment was in 2015. Thus, it is estimated that the District, including any modifications of the tax increment financing plan for subsequent phases or other changes, would terminate after December 31, 2040, or when the tax increment financing plan is satisfied. The HRA and City reserves the right to decertify the District prior to the legally required date.

Subsection 1-8. Original Tax Capacity, Tax Rate and Estimated Captured Net Tax Capacity Value/Increment and Notification of Prior Planned Improvements

Pursuant to M.S., Section 469.174, Subd. 7 and M.S., Section 469.177, Subd. 1, the Original Net Tax Capacity (ONTC) as certified for the District is based on the market values placed on the property by the assessor in 2011 for taxes payable 2012.

Pursuant to M.S., Section 469.177, Subds. 1 and 2, the County Auditor shall certify in each year (beginning in the payment year 2015) the amount by which the original value has increased or decreased as a result of:

1. Change in tax exempt status of property;
2. Reduction or enlargement of the geographic boundaries of the district;
3. Change due to adjustments, negotiated or court-ordered abatements;
4. Change in the use of the property and classification;
5. Change in state law governing class rates; or

6. Change in previously issued building permits.

In any year in which the current Net Tax Capacity (NTC) value of the District declines below the ONTC, no value will be captured and no tax increment will be payable to the HRA or City.

The actual original local tax rate for the District is 1.09058, which is the rate for taxes payable in 2012. The estimated rate for taxes payable in 2017 is lower, as shown in the chart below, so the lower rate is used for purposes of tax increment projections in the TIF Plan Modification.

Pursuant to *M.S., Section 469.174 Subd. 4 and M.S., Section 469.177, Subd. 1, 2, and 4*, the estimated Captured Net Tax Capacity (CTC) of the District, within the Central Area Redevelopment District, upon completion of the projects within the District as outlined in this TIF Plan Modification, will annually approximate tax increment revenues as shown in the table below. The Project Tax Capacity (PTC) listed is an estimate of values when the projects outlined in this TIF Plan Modification are completed.

Project Estimated Tax Capacity upon Completion (PTC)	\$10,000,552
Original Estimated Net Tax Capacity (ONTC)	\$335,250
Reduction for Fiscal Disparities Contribution	\$738,390
Estimated Captured Tax Capacity (CTC)	\$8,926,912
Original Local Tax Rate	1.04432 Pay 2017 Est.
Estimated Annual Tax Increment (CTC x Local Tax Rate)	\$9,322,553
Percent Retained by the HRA	100%

Tax capacity includes a 5% inflation factor for the duration of the District. The tax capacity included in this chart is the estimated tax capacity of the District in year 25. The tax capacity of the District in year one is estimated to be \$1,260,386.

Subsection 1-9. Sources of Revenue/Bonds to be Issued

The costs outlined in the Uses of Funds will be financed primarily through the annual collection of tax increments. The HRA or City reserves the right to incur bonds or other indebtedness as a result of the modification to the TIF Plan. As presently proposed in this TIF Plan Modification, the projects within the District and Central Area Redevelopment District will be financed by a pay-as-you-go note, bond issue and interfund loan/transfer. Any refunding amounts will be deemed a budgeted cost without a formal modification to the tax increment financing plan. This provision does not obligate the HRA or City to incur debt. The HRA or City will issue bonds or incur other debt only upon the determination that such action is in the best interest of the City.

The total revised estimated tax increment revenues for the District are shown in the table on the following page:

<u>SOURCES OF FUNDS</u>	<u>TOTAL</u>
Tax Increment	\$135,138,490
<u>Interest</u>	<u>\$13,513,849</u>
TOTAL	\$148,652,339

The HRA or City may issue bonds (as defined in the TIF Act) secured in whole or in part with tax increments from the District in a maximum principal amount of \$90,718,633. Such bonds may be in the form of pay-as-you-go notes, revenue bonds or notes, general obligation bonds, or interfund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan Modification as of the date of approval.

Subsection 1-10. Uses of Funds

The HRA and City have determined that it is necessary to provide assistance to the projects for certain District costs, as described. The HRA has studied the feasibility of the development or redevelopment of property in and around the District. To facilitate the further development or redevelopment of the District and Central Area Redevelopment District, this TIF Plan Modification authorizes the use of tax increment financing to pay for the cost of certain eligible expenses. To date, the HRA has issued a PAYGO TIF Note for \$23,060,000 for public redevelopment costs. Currently under consideration for the District is a proposal to issue approximately \$8,000,000 in bonds to facilitate financing for the construction of a public parking structure in the Central Area Redevelopment District. The total uses of funds has been revised to reflect the increment collected to date and the increment expected to be collected through the term of the District to pay for these costs as well as other future qualified costs. The estimate of public costs and uses of funds associated with the District is outlined in the following table.

<u>USES OF TAX INCREMENT FUNDS</u>	<u>TOTAL</u>
Land/Building Acquisition	\$24,500,000
Site Improvements/Preparation	\$22,000,000
Utilities	\$3,500,000
Other Qualifying Improvements	\$27,204,784
<u>Administrative Costs (up to 10%)</u>	<u>\$13,513,849</u>
PROJECT COST TOTAL	\$90,718,633
<u>Interest</u>	<u>\$57,933,706</u>
PROJECT AND INTEREST COSTS TOTAL	\$148,652,339

The total project cost, including financing costs (interest) listed in the table above does not exceed the total projected tax increments for the District as shown in Subsection 2-9.

Estimated costs associated with the District are subject to change among categories without a modification to this tax increment financing plan. The cost of all activities to be considered for tax increment financing will

not exceed, without formal modification, the budget above pursuant to the applicable statutory requirements. Pursuant to *M.S., Section 469.1763, Subd. 2*, no more than 25 percent of the tax increment paid by property within the District will be spent on activities related to development or redevelopment outside of the District but within the boundaries of the Central Area Redevelopment District, (including administrative costs, which are considered to be spent outside of the District) subject to the limitations as described in this TIF Plan Modification.

Subsection 1-11. Fiscal Disparities Election

Pursuant to *M.S., Section 469.177, Subd. 3*, the HRA or City may elect one of two methods to calculate fiscal disparities. If the calculations pursuant to *M.S., Section 469.177, Subd. 3, clause b*, (within the District) are followed, the following method of computation shall apply:

- (1) The original net tax capacity shall be determined before the application of the fiscal disparity provisions of Chapter 276A or 473F. The current net tax capacity shall exclude any fiscal disparity commercial-industrial net tax capacity increase between the original year and the current year multiplied by the fiscal disparity ratio determined pursuant to M.S., Section 276A.06, subdivision 7 or M.S., Section 473F.08, subdivision 6. Where the original net tax capacity is equal to or greater than the current net tax capacity, there is no captured tax capacity and no tax increment determination. Where the original tax capacity is less than the current tax capacity, the difference between the original net tax capacity and the current net tax capacity is the captured net tax capacity. This amount less any portion thereof which the authority has designated, in its tax increment financing plan, to share with the local taxing districts is the retained captured net tax capacity of the authority.*
- (2) The county auditor shall exclude the retained captured net tax capacity of the authority from the net tax capacity of the local taxing districts in determining local taxing district tax rates. The local tax rates so determined are to be extended against the retained captured net tax capacity of the authority as well as the net tax capacity of the local taxing districts. The tax generated by the extension of the less of (A) the local taxing district tax rates or (B) the original local tax rate to the retained captured net tax capacity of the authority is the tax increment of the authority.*

The HRA has chosen to calculate fiscal disparities by clause b.

According to *M.S., Section 469.177, Subd. 3*:

- (c) The method of computation of tax increment applied to a district pursuant to paragraph (a) or (b) shall remain the same for the duration of the district, except that the governing body may elect to change its election from the method of computation in paragraph (a) to the method in paragraph (b).*

Subsection 1-12. Business Subsidies

Pursuant to *M.S., Section 116J.993, Subd. 3*, the following forms of financial assistance are not considered a business subsidy:

- (1) A business subsidy of less than \$150,000;
- (2) Assistance that is generally available to all businesses or to a general class of similar businesses, such as a line of business, size, location, or similar general criteria;
- (3) Public improvements to buildings or lands owned by the state or local government that serve a

public purpose and do not principally benefit a single business or defined group of businesses at the time the improvements are made;

- (4) Redevelopment property polluted by contaminants as defined in *M.S., Section 116J.552, Subd. 3*;
- (5) Assistance provided for the sole purpose of renovating old or decaying building stock or bringing it up to code and assistance provided for designated historic preservation districts, provided that the assistance is equal to or less than 50% of the total cost;
- (6) Assistance to provide job readiness and training services if the sole purpose of the assistance is to provide those services;
- (7) Assistance for housing;
- (8) Assistance for pollution control or abatement, including assistance for a tax increment financing hazardous substance subdistrict as defined under *M.S., Section 469.174, Subd. 23*;
- (9) Assistance for energy conservation;
- (10) Tax reductions resulting from conformity with federal tax law;
- (11) Workers' compensation and unemployment compensation;
- (12) Benefits derived from regulation;
- (13) Indirect benefits derived from assistance to educational institutions;
- (14) Funds from bonds allocated under chapter 474A, bonds issued to refund outstanding bonds, and bonds issued for the benefit of an organization described in section 501 (c) (3) of the Internal Revenue Code of 1986, as amended through December 31, 1999;
- (15) Assistance for a collaboration between a Minnesota higher education institution and a business;
- (16) Assistance for a tax increment financing soils condition district as defined under *M.S., Section 469.174, Subd. 19*;
- (17) Redevelopment when the recipient's investment in the purchase of the site and in site preparation is 70 percent or more of the assessor's current year's estimated market value;
- (18) General changes in tax increment financing law and other general tax law changes of a principally technical nature;
- (19) Federal assistance until the assistance has been repaid to, and reinvested by, the state or local government agency;
- (20) Funds from dock and wharf bonds issued by a seaway port authority;
- (21) Business loans and loan guarantees of \$150,000 or less;
- (22) Federal loan funds provided through the United States Department of Commerce, Economic Development Administration; and
- (23) Property tax abatements granted under *M.S., Section 469.1813* to property that is subject to valuation under Minnesota Rules, chapter 8100.

The HRA will comply with *M.S., Sections 116J.993 to 116J.995* to the extent the tax increment assistance under this TIF Plan Modification does not fall under any of the above exemptions.

Subsection 1-13. County Road Costs

Pursuant to *M.S., Section 469.175, Subd. 1a*, the county board may require the HRA or City to pay for all or part of the cost of county road improvements if the proposed development to be assisted by tax increment will, in the judgment of the county, substantially increase the use of county roads requiring construction of road improvements or other road costs and if the road improvements are not scheduled within the next five years under a capital improvement plan or within five years under another county plan.

If the county elects to use increments to improve county roads, it must notify the HRA or City within forty-five days of receipt of this TIF Plan Modification. In the opinion of the HRA and City and consultants, the proposed development outlined in this TIF Plan Modification will have little or no impact upon county roads, therefore the TIF Plan Modification was not forwarded to the county 45 days prior to the public hearing. The

HRA and City are aware that the county could claim that tax increment should be used for county roads, even after the public hearing.

Subsection 1-14. Estimated Impact on Other Taxing Jurisdictions

The estimated impact on other taxing jurisdictions assumes that the redevelopment contemplated by the TIF Plan Modification would occur without this modification to the tax increment financing plan. However, the HRA or City has determined that such development or redevelopment would not occur "but for" tax increment financing and that, therefore, the fiscal impact on other taxing jurisdictions is \$0. The estimated fiscal impact of the District would be as follows if the "but for" test was not met:

IMPACT ON TAX BASE			
	<u>2016/Pay 2017 Total Net Tax Capacity</u>	<u>Estimated Captured Tax Capacity (CTC) Upon Completion</u>	<u>Percent of CTC to Entity Total</u>
Hennepin County	1,576,149,616	8,926,912	0.5664%
City of Wayzata	18,680,274	8,926,912	47.7879%
Wayzata ISD No. 284	132,257,359	8,926,912	6.7497%

IMPACT ON TAX RATES				
	<u>Pay 2017 Est. Extension Rates</u>	<u>Percent of Total</u>	<u>CTC</u>	<u>Potential Taxes</u>
Hennepin County	0.439990	42.13%	8,926,912	3,927,752
City of Wayzata	0.233490	22.36%	8,926,912	2,084,345
Wayzata ISD No. 284	0.260480	24.94%	8,926,912	2,325,282
Other	<u>0.110360</u>	<u>10.57%</u>	<u>8,926,912</u>	<u>985,174</u>
Total	1.044320	100.00%		9,322,553

The estimates listed above display the captured tax capacity when all construction is completed. The District was certified under Pay 2012 rates and figures. The actual original local tax rate for the District is 1.09058, which is the rate for taxes payable in 2012. The estimated rate of 1.04432 for taxes payable in 2017 is lower, so the lower rate is used for calculations. The total net capacity for the entities listed above are based on estimated Pay 2017 figures.

Pursuant to *M.S. Section 469.175 Subd. 2(b)*:

- (1) Estimate of total tax increment. It is estimated that the total amount of tax increment that will be generated over the life of the District is \$135,138,490;
- (2) Probable impact of the District on city provided services and ability to issue debt. No impact on police protection, fire protection and emergency medical services is expected as part of this modification.

The impact of the District on public infrastructure is expected to be minimal. The developer paid for

the required infrastructure improvements related to roadways and utilities.

There is no probable impact of any District general obligation tax increment bonds on the ability to issue debt for general fund purposes is expected to be minimal.

- (3) Estimated amount of tax increment attributable to school district levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to school district levies, assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is \$33,703,539;
- (4) Estimated amount of tax increment attributable to county levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same, is \$56,933,846;
- (5) Additional information requested by the county or school district. The City is not aware of any standard questions in a county or school district written policy regarding tax increment districts and impact on county or school district services. The county or school district must request additional information pursuant to *M.S. Section 469.175 Subd. 2(b)* within 15 days after receipt of the tax increment financing plan.

No requests for additional information from the county or school district regarding the proposed development for the District have been received.

Subsection 1-15. Supporting Documentation

Pursuant to *M.S. Section 469.175, Subd. 1 (a), clause 7* the tax increment financing plan must contain identification and description of studies and analyses used to make the determination set forth in *M.S. Section 469.175, Subd. 3, clause (b)(2)* and the findings are required in the resolution approving the TIF Plan Modification. Following is a list of reports and studies on file at the City that support the HRA and City's findings:

- Wayzata Downtown Parking Project

Subsection 1-16. Definition of Tax Increment Revenues

Pursuant to *M.S., Section 469.174, Subd. 25*, tax increment revenues derived from a tax increment financing district include all of the following potential revenue sources:

1. Taxes paid by the captured net tax capacity, but excluding any excess taxes, as computed under *M.S., Section 469.177*;
2. The proceeds from the sale or lease of property, tangible or intangible, to the extent the property was purchased by the authority with tax increments;
3. Principal and interest received on loans or other advances made by the authority with tax increments;
4. Interest or other investment earnings on or from tax increments;
5. Repayments or return of tax increments made to the Authority under agreements for districts for which the request for certification was made after August 1, 1993; and
6. The market value homestead credit paid to the Authority under *M.S., Section 273.1384*.

Subsection 1-17. Modifications to the District

In accordance with *M.S., Section 469.175, Subd. 4*, any:

1. Reduction or enlargement of the geographic area of the District, if the reduction does not meet the requirements of *M.S., Section 469.175, Subd. 4(e)*;
2. Increase in amount of bonded indebtedness to be incurred;
3. A determination to capitalize interest on debt if that determination was not a part of the original tax increment financing plan;
4. Increase in the portion of the captured net tax capacity to be retained by the HRA or City;
5. Increase in the estimate of the cost of the District, including administrative expenses, that will be paid or financed with tax increment from the District; or
6. Designation of additional property to be acquired by the HRA or City,

shall be approved upon the notice and after the discussion, public hearing and findings required for approval of the original tax increment financing plan.

Pursuant to *M.S. Section 469.175 Subd. 4(f)*, the geographic area of the District may be reduced, but shall not be enlarged after five years following the date of certification of the original net tax capacity by the county auditor. If a redevelopment district is enlarged, the reasons and supporting facts for the determination that the addition to the district meets the criteria of *M.S., Section 469.174, Subd. 10*, must be documented in writing and retained. The requirements of this paragraph do not apply if (1) the only modification is elimination of parcel(s) from the District and (2)(A) the current net tax capacity of the parcel(s) eliminated from the District equals or exceeds the net tax capacity of those parcel(s) in the District's original net tax capacity or (B) the HRA agrees that, notwithstanding *M.S., Section 469.177, Subd. 1*, the original net tax capacity will be reduced by no more than the current net tax capacity of the parcel(s) eliminated from the District.

The HRA or City must notify the County Auditor of any modification to the District. Modifications to the District in the form of a budget modification or an expansion of the boundaries will be recorded in the tax increment financing plan.

Subsection 1-18. Administrative Expenses

In accordance with *M.S., Section 469.174, Subd. 14*, administrative expenses means all expenditures of the HRA or City, *other than*:

1. Amounts paid for the purchase of land;
2. Amounts paid to contractors or others providing materials and services, including architectural and engineering services, directly connected with the physical development of the real property in the District;
3. Relocation benefits paid to or services provided for persons residing or businesses located in the District;
4. Amounts used to pay principal or interest on, fund a reserve for, or sell at a discount bonds issued pursuant to *M.S., Section 469.178*; or
5. Amounts used to pay other financial obligations to the extent those obligations were used to finance costs described in clauses (1) to (3).

For districts for which the request for certification were made before August 1, 1979, or after June 30, 1982, and before August 1, 2001, administrative expenses also include amounts paid for services provided by bond

counsel, fiscal consultants, and planning or economic development consultants. Pursuant to *M.S., Section 469.176, Subd. 3*, tax increment may be used to pay any **authorized and documented** administrative expenses for the District up to but not to exceed 10 percent of the total estimated tax increment expenditures authorized by the tax increment financing plan or the total tax increments, as defined by *M.S., Section 469.174, Subd. 25, clause (1)*, from the District, whichever is less.

For districts for which certification was requested after July 31, 2001, no tax increment may be used to pay any administrative expenses for District costs which exceed ten percent of total estimated tax increment expenditures authorized by the tax increment financing plan or the total tax increments, as defined in *M.S., Section 469.174, Subd. 25, clause (1)*, from the District, whichever is less.

Pursuant to *M.S., Section 469.176, Subd. 4h*, tax increments may be used to pay for the County's actual administrative expenses incurred in connection with the District and are not subject to the percentage limits of *M.S., Section 469.176, Subd. 3*. The county may require payment of those expenses by February 15 of the year following the year the expenses were incurred.

Pursuant to *M.S., Section 469.177, Subd. 11*, the County Treasurer shall deduct an amount (currently .36 percent) of any increment distributed to the HRA or City and the County Treasurer shall pay the amount deducted to the State Commissioner of Management and Budget for deposit in the state general fund to be appropriated to the State Auditor for the cost of financial reporting of tax increment financing information and the cost of examining and auditing authorities' use of tax increment financing. This amount may be adjusted annually by the Commissioner of Revenue.

Subsection 1-19. Limitation of Increment

The tax increment pledged to the payment of bonds and interest thereon may be discharged and the District may be terminated if sufficient funds have been irrevocably deposited in the debt service fund or other escrow account held in trust for all outstanding bonds to provide for the payment of the bonds at maturity or redemption date.

Pursuant to *M.S., Section 469.176, Subd. 6*:

if, after four years from the date of certification of the original net tax capacity of the tax increment financing district pursuant to M.S., Section 469.177, no demolition, rehabilitation or renovation of property or other site preparation, including qualified improvement of a street adjacent to a parcel but not installation of utility service including sewer or water systems, has been commenced on a parcel located within a tax increment financing district by the authority or by the owner of the parcel in accordance with the tax increment financing plan, no additional tax increment may be taken from that parcel, and the original net tax capacity of that parcel shall be excluded from the original net tax capacity of the tax increment financing district. If the authority or the owner of the parcel subsequently commences demolition, rehabilitation or renovation or other site preparation on that parcel including qualified improvement of a street adjacent to that parcel, in accordance with the tax increment financing plan, the authority shall certify to the county auditor that the activity has commenced and the county auditor shall certify the net tax capacity thereof as most recently certified by the commissioner of revenue and add it to the original net tax capacity of the tax increment financing district. The county auditor must enforce the provisions of this subdivision. The authority must submit to the county auditor evidence that the required activity has taken place for each parcel in the district. The evidence for a parcel must be submitted by February 1 of the fifth year following the year in which the parcel was certified

as included in the district. For purposes of this subdivision, qualified improvements of a street are limited to (1) construction or opening of a new street, (2) relocation of a street, and (3) substantial reconstruction or rebuilding of an existing street.

The HRA or City or a property owner must have improved parcels within the District by March 29, 2016 and reported such actions to the County Auditor.

Subsection 1-20. Use of Tax Increment

The HRA or City hereby determines that it will use 100 percent of the captured net tax capacity of taxable property located in the District for the following purposes:

1. To pay the principal of and interest on bonds issued to finance a project;
2. To finance, or otherwise pay public redevelopment costs of the Central Area Redevelopment District pursuant to *M.S., Sections 469.001 to 469.047*;
3. To pay for project costs as identified in the budget set forth in the tax increment financing plan;
4. To finance, or otherwise pay for other purposes as provided in *M.S., Section 469.176, Subd. 4*;
5. To pay principal and interest on any loans, advances or other payments made to or on behalf of the HRA or City or for the benefit of the Central Area Redevelopment District by a developer;
6. To finance or otherwise pay premiums and other costs for insurance or other security guaranteeing the payment when due of principal of and interest on bonds pursuant to the tax increment financing plan or pursuant to *M.S., Chapter 462C. M.S., Sections 469.152 through 469.165*, and/or *M.S., Sections 469.178*; and
7. To accumulate or maintain a reserve securing the payment when due of the principal and interest on the tax increment bonds or bonds issued pursuant to *M.S., Chapter 462C, M.S., Sections 469.152 through 469.165*, and/or *M.S., Sections 469.178*.

These revenues shall not be used to circumvent any levy limitations applicable to the City nor for other purposes prohibited by *M.S., Section 469.176, Subd. 4*.

Subsection 1-21. Excess Increments

Excess increments, as defined in *M.S., Section 469.176, Subd. 2*, shall be used only to do one or more of the following:

1. Prepay any outstanding bonds;
2. Discharge the pledge of tax increment for any outstanding bonds;
3. Pay into an escrow account dedicated to the payment of any outstanding bonds; or
4. Return the excess to the County Auditor for redistribution to the respective taxing jurisdictions in proportion to their local tax rates.

The HRA or City must spend or return the excess increments under paragraph (c) within nine months after the end of the year. In addition, the HRA or City may, subject to the limitations set forth herein, choose to modify the TIF Plan in order to finance additional public costs in the Central Area Redevelopment District or the District.

Subsection 1-22. Requirements for Agreements with the Developer

The HRA or City will review any proposal for private development to determine its conformance with the Redevelopment Plan and with applicable municipal ordinances and codes. To facilitate this effort, the following documents may be requested for review and approval: site plan, construction, mechanical, and electrical system drawings, landscaping plan, grading and storm drainage plan, signage system plan, and any other drawings or narrative deemed necessary by the HRA or City to demonstrate the conformance of the development with City plans and ordinances. The HRA or City may also use the Agreements to address other issues related to the development.

Pursuant to *M.S., Section 469.176, Subd. 5*, no more than 25 percent, by acreage, of the property to be acquired in the District as set forth in the tax increment financing plan shall at any time be owned by the HRA or City as a result of acquisition with the proceeds of bonds issued pursuant to *M.S., Section 469.178* to which tax increments from property acquired is pledged, unless prior to acquisition in excess of 25 percent of the acreage, the HRA or City concluded an agreement for the development or redevelopment of the property acquired and which provides recourse for the HRA or City should the development or redevelopment not be completed.

Subsection 1-23. Assessment Agreements

Pursuant to *M.S., Section 469.177, Subd. 8*, the HRA or City may enter into a written assessment agreement in recordable form with the developer of property within the District which establishes a minimum market value of the land and completed improvements for the duration of the District. The assessment agreement shall be presented to the County Assessor who shall review the plans and specifications for the improvements to be constructed, review the market value previously assigned to the land upon which the improvements are to be constructed and, so long as the minimum market value contained in the assessment agreement appears, in the judgment of the assessor, to be a reasonable estimate, the County Assessor shall also certify the minimum market value agreement.

Subsection 1-24. Administration of the District

Administration of the District will be handled by the City Manager.

Subsection 1-25. Annual Disclosure Requirements

Pursuant to *M.S., Section 469.175, Subds. 5, 6, and 6b* the HRA or City must undertake financial reporting for all tax increment financing districts to the Office of the State Auditor, County Board and County Auditor on or before August 1 of each year. *M.S., Section 469.175, Subd. 5* also provides that an annual statement shall be published in a newspaper of general circulation in the City on or before August 15.

If the City fails to make a disclosure or submit a report containing the information required by *M.S., Section 469.175 Subd. 5 and Subd. 6*, the Office of the State Auditor will direct the County Auditor to withhold the distribution of tax increment from the District.

Subsection 1-26. Reasonable Expectations

As required by the TIF Act, in establishing the District, the determination has been made that the anticipated development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value

estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the District permitted by the TIF Plan Modification. In making said determination, reliance has been placed upon written representation made by the developer to such effects and upon HRA and City staff awareness of the feasibility of developing the project site(s) within the District. A comparative analysis of estimated market values both with and without establishment of the District and the use of tax increments has been performed as described above. Such analysis is included with the cashflow in Appendix D, and indicates that the increase in estimated market value of the proposed development (less the indicated subtractions) exceeds the estimated market value of the site absent the adoption of the TIF Plan Modification and the use of tax increments.

Subsection 1-27. Other Limitations on the Use of Tax Increment

1. General Limitations. All revenue derived from tax increment shall be used in accordance with the TIF Plan. The revenues shall be used to finance, or otherwise pay public redevelopment costs of the the Central Area Redevelopment District pursuant to *M.S., Sections 469.001 to 469.047*. Tax increments may not be used to circumvent existing levy limit law. No tax increment may be used for the acquisition, construction, renovation, operation, or maintenance of a building to be used primarily and regularly for conducting the business of a municipality, county, school district, or any other local unit of government or the state or federal government. This provision does not prohibit the use of revenues derived from tax increments for the construction or renovation of a parking structure.
2. Pooling Limitations. At least 75 percent of tax increments from the District must be expended on activities in the District or to pay bonds, to the extent that the proceeds of the bonds were used to finance activities within said district or to pay, or secure payment of, debt service on credit enhanced bonds. Not more than 25 percent of said tax increments may be expended, through a development fund or otherwise, on activities outside of the District except to pay, or secure payment of, debt service on credit enhanced bonds. For purposes of applying this restriction, all administrative expenses must be treated as if they were solely for activities outside of the District.
3. Five Year Limitation on Commitment of Tax Increments. Tax increments derived from the District shall be deemed to have satisfied the 75 percent test set forth in paragraph (2) above only if the five year rule set forth in *M.S., Section 469.1763, Subd. 3*, has been satisfied; and beginning with the sixth year following certification of the District, 75 percent of said tax increments that remain after expenditures permitted under said five year rule must be used only to pay previously committed expenditures or credit enhanced bonds as more fully set forth in *M.S., Section 469.1763, Subd. 5*.

Pursuant to *2010 Minnesota Laws, Chapter 389, Article 7, Section 23*, the requirement of *Minnesota Statutes, Section 469.1763, Subdivision 3*, that activities must be undertaken within a five-year period from the date of certification of a tax increment financing district, is considered to be met for the District if the activities are undertaken within ten years from the date of certification of the District. and beginning with the eleventh year following certification of the District, 75 percent of said tax increments that remain after expenditures permitted under said five year rule must be used only to pay previously committed expenditures or credit enhanced bonds as more fully set forth in *M.S., Section 469.1763, Subd. 5*.

4. Redevelopment District. At least 90 percent of the revenues derived from tax increment from a redevelopment district must be used to finance the cost of correcting conditions that allow designation of redevelopment and renewal and renovation districts under *M.S., Section 469.176 Subd. 4j*. These costs include, but are not limited to, acquiring properties containing structurally substandard buildings or improvements or hazardous substances, pollution, or contaminants, acquiring adjacent parcels necessary

to provide a site of sufficient size to permit development, demolition and rehabilitation of structures, clearing of the land, the removal of hazardous substances or remediation necessary for development of the land, and installation of utilities, roads, sidewalks, and parking facilities for the site. The allocated administrative expenses of the HRA or City, including the cost of preparation of the development action response plan, may be included in the qualifying costs.

Subsection 1-28. Summary

The Wayzata Housing and Redevelopment Authority is adopting the TIF Plan Modification to enable the HRA and City in assisting the financing the development of a public parking structure in the downtown. The budget is being updated to reflect actual increment to date and expected increment through the duration of the District, increase the amount of bonds the City may issue with regards to the District, and bring the budget into alignment with current Office of the State Auditor reporting forms. The TIF Plan Modification was prepared by Ehlers & Associates, Inc., 3060 Centre Pointe Drive, Roseville, Minnesota 55113, telephone (651) 697-8500.

Appendix A

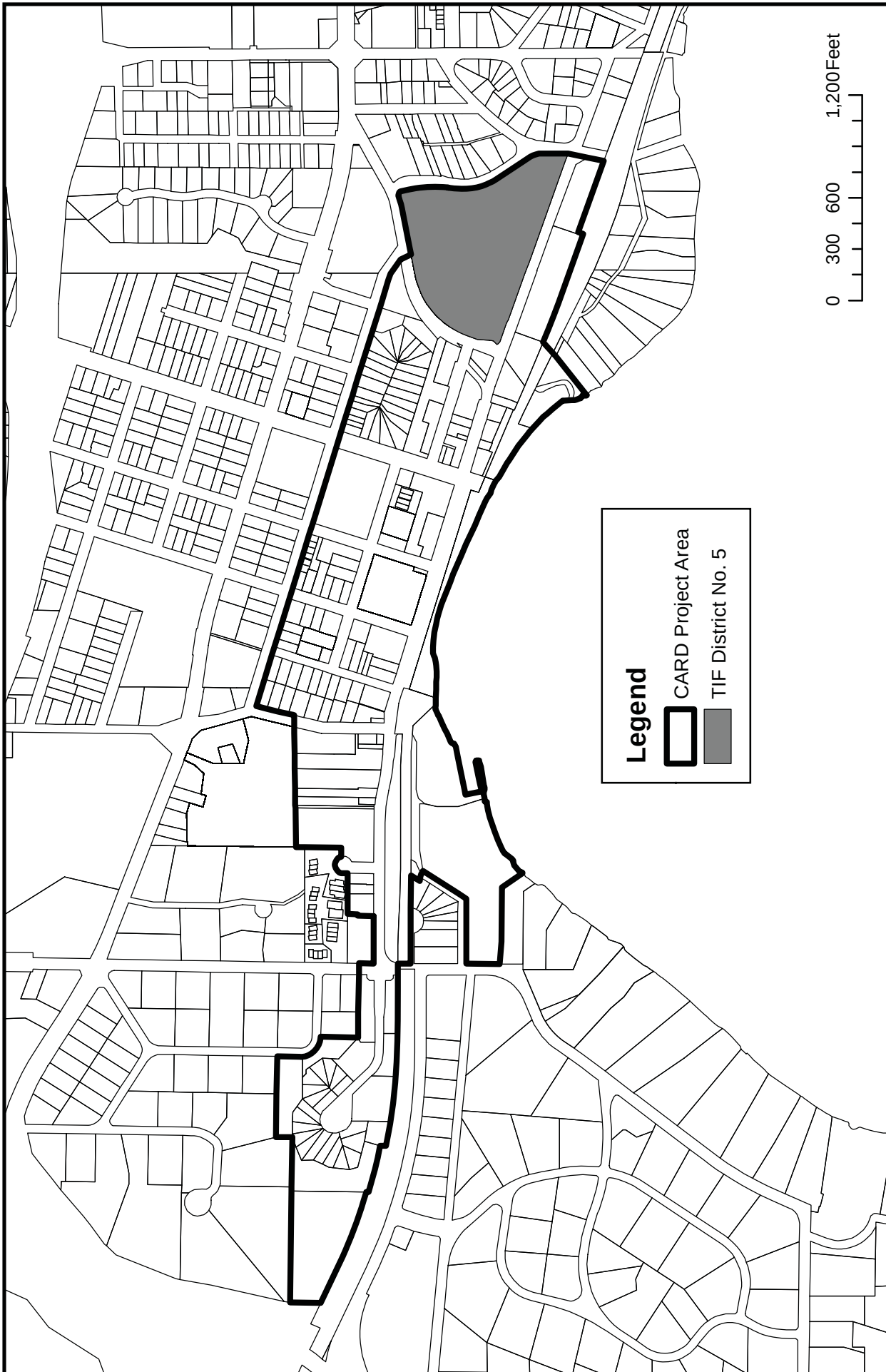
Project Description

The development consists of 327 senior apartments, 26 market rate apartments, 89 condominiums, a 92-room hotel and approximately 120,000 sq/ft of retail. The public redevelopment costs were financed with a \$23,060,000 pay-as-you-go TIF note.

The TIF Plan Modification will enable the HRA and City to assist in financing the construction of a public parking structure in the Central Area Redevelopment District. The TIF budget is being updated to reflect actual TIF to date and expected TIF through the duration of the District, increase the amount of bonds the City may issue with regards to the District and bring the budget into alignment with current Office of the State Auditor (OSA) reporting forms.

Appendix B

Map of the Central Area Redevelopment District and the District



0 300 600 1,200 Feet

Legend

-  CARD Project Area
-  TIF District No. 5



Source:
City of Wayzata
Prepared By:
City of Wayzata



CARD Project Area / District No. 5

This map is for planning purposes ONLY. This is NOT a legally recorded map. It represents a compilation of information from various sources.

Appendix C

Description of Property to be Included in the District

The District, as established, encompassed all property and adjacent rights-of-way and abutting roadways identified by the four (4) parcels listed below.

06-117-21-41-0037	06-117-21-41-0076	06-117-21-41-0077	06-117-21-42-0099
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As of the time of the TIF Plan Modification, the District currently consists of the following parcels listed below.

06-117-22-41-0088	06-117-22-41-0090	06-117-22-41-0116	06-117-22-41-0117
06-117-22-41-0118	06-117-22-41-0119	06-117-22-41-0120	06-117-22-41-0121
06-117-22-41-0122	06-117-22-41-0123	06-117-22-41-0124	06-117-22-41-0125
06-117-22-41-0126	06-117-22-41-0127	06-117-22-41-0128	06-117-22-41-0129
06-117-22-41-0130	06-117-22-41-0131	06-117-22-41-0132	06-117-22-41-0133
06-117-22-41-0134	06-117-22-41-0135	06-117-22-41-0136	06-117-22-41-0137
06-117-22-41-0138	06-117-22-41-0139	06-117-22-41-0140	06-117-22-41-0141
06-117-22-41-0142	06-117-22-41-0143	06-117-22-41-0144	06-117-22-41-0145
06-117-22-41-0146	06-117-22-41-0147	06-117-22-41-0148	06-117-22-41-0149
06-117-22-41-0150	06-117-22-41-0151	06-117-22-41-0152	06-117-22-41-0153
06-117-22-41-0154	06-117-22-41-0155	06-117-22-41-0157	06-117-22-41-0158
06-117-22-41-0159	06-117-22-41-0160	06-117-22-41-0161	06-117-22-41-0162
06-117-22-41-0163	06-117-22-41-0164	06-117-22-41-0165	06-117-22-41-0166
06-117-22-41-0167	06-117-22-41-0168	06-117-22-41-0169	06-117-22-41-0170
06-117-22-41-0171	06-117-22-41-0172	06-117-22-41-0173	06-117-22-41-0110
06-117-22-41-0111	06-117-22-41-0112	06-117-22-41-0092	06-117-22-41-0093
06-117-22-41-0094	06-117-22-41-0096	06-117-22-41-0097	06-117-22-41-0098
06-117-22-41-0099	06-117-22-42-0085	06-117-22-42-0094	06-117-22-42-0095
06-117-22-42-0096	06-117-22-42-0097	06-117-22-42-0098	06-117-22-42-0099
06-117-22-42-0100	06-117-22-42-0101	06-117-22-42-01025	06-117-22-42-0103
06-117-22-42-0104	06-117-22-42-0105	06-117-22-42-0107	06-117-22-42-0106
06-117-22-41-0156			

Appendix D

Estimated Cash Flow for the District



Wayzata Bay Center - No Inflation

City of Wayzata

Mixed Use

ASSUMPTIONS AND RATES

DistrictType: Redevelopment
District Name/Number: 5
County District #: 1408
First Year Construction or Inflation on Value: 2013
Existing District - Specify No. Years Remaining: 5
Inflation Rate - Every Year: 5.00%
Interest Rate: 4.00%
Present Value Date: 1-Feb-14
First Period Ending: 1-Aug-14
Tax Year District was Certified: Pay 2012
Cashflow Assumes First Tax Increment For Development: 2015
Years of Tax Increment: 26
Assumes Last Year of Tax Increment: 2040
Fiscal Disparities Election [Outside (A), Inside (B), or NA]: Inside(B)
Incremental or Total Fiscal Disparities: 33.9217% Pay 2017 Est
Fiscal Disparities Contribution Ratio: 150.0490% Pay 2017 Est
Maximum/Frozen Local Tax Rate: 109.0580% Pay 2012
Current Local Tax Rate: (Use lesser of Current or Max.) 104.432% Pay 2017 Est
State-wide Tax Rate (Comm./Ind. only used for total taxes) 47.0000% Pay 2017 Est
Market Value Tax Rate (Used for total taxes) 0.2078% Pay 2017 Est

Tax Rates	
Exempt Class Rate (Exempt)	0.00%
Commercial Industrial Preferred Class Rate (C/I Pref.)	
First \$150,000	1.50%
Over \$150,000	2.00%
Commercial Industrial Class Rate (C/I)	2.00%
Rental Housing Class Rate (Rental)	1.25%
Affordable Rental Housing Class Rate (Aff. Rental)	
First \$115,000	0.75%
Over \$115,000	0.25%
Non-Homestead Residential (Non-H Res. 1 Unit)	
First \$500,000	1.00%
Over \$500,000	1.25%
Homestead Residential Class Rate (Hmstd. Res.)	
First \$500,000	1.00%
Over \$500,000	1.25%
Agricultural Non-Homestead	1.00%

BASE VALUE INFORMATION (Original Tax Capacity)

Map #	PID	Owner	Address	Land Market Value	Building Market Value	Total Market Value	Percentage Of Value Used for District	Original Market Value	Tax Year Original Market Value	Property Tax Class	Current Original Tax Capacity	Class After Conversion	After Conversion Orig. Tax Cap.	Area/ Phase
	06-117-21-41-0037			0	0	0	100%	0	Pay 2012	Exempt	-	Exempt	-	
	06-117-21-41-0076			0	0	0	100%	0	Pay 2012	Exempt	-	Exempt	-	
	06-117-21-41-0077		16,285,000	16,285,000	515,000	16,800,000	100%	16,800,000	Pay 2012	C/I Pref.	335,250	C/I Pref.	335,250	
	06-117-21-42-0099		16,285,000	16,285,000	515,000	16,800,000	100%	16,800,000	Pay 2012	Exempt	335,250	Exempt	335,250	

Note:

1. Base value are based upon county report dated 8-15-14.



Wayzata Bay Center - No Inflation

City of Wayzata
Mixed Use

342427.069 11,046

PROJECT INFORMATION (Project Tax Capacity)													
Area/Phase	New Use	Estimated Market Value Per Sq. Ft./Unit	Taxable Market Value Per Sq. Ft./Unit	Total Sq. Ft./Units	Total Taxable Market Value	Property Tax Class	Project Tax Capacity	Project Tax Capacity/Unit	Percentage Completed 2013	Percentage Completed 2014	Percentage Completed 2015	Percentage Completed 2016	First Year Full Taxes Payable
06-117-22-41-0088	Hotel - East Block	85,000	85,000	92	7,820,000	C/Pref.	155,650	1,692	100%	100%	100%	100%	2015
06-117-22-41-0088	Condo - East Block	983,683	983,683	31	30,494,166	Hmstd. Res.	342,427	11,046	100%	100%	100%	100%	2015
06-117-22-41-0088	Retail - East Block	6,003,000	6,003,000	1	6,003,000	C/I	120,060	120,060	100%	100%	100%	100%	2015
06-117-22-41-0090	Sr. Services Apt - North Block	209,826	209,826	164	34,411,500	Rental	430,144	2,623	100%	100%	100%	100%	2015
06-117-22-41-0116	Condo - Plaza Block	1,284,000	1,284,000	1	1,284,000	Hmstd. Res.	14,800	14,800	100%	100%	100%	100%	2015
06-117-22-41-0117	Condo - Plaza Block	536,000	536,000	1	536,000	Hmstd. Res.	5,450	5,450	100%	100%	100%	100%	2015
06-117-22-41-0118	Condo - Plaza Block	971,000	971,000	1	971,000	Hmstd. Res.	10,888	10,888	100%	100%	100%	100%	2015
06-117-22-41-0119	Condo - Plaza Block	1,081,000	1,081,000	1	1,081,000	Hmstd. Res.	12,263	12,263	100%	100%	100%	100%	2015
06-117-22-41-0120	Condo - Plaza Block	608,000	608,000	1	608,000	Hmstd. Res.	6,350	6,350	100%	100%	100%	100%	2015
06-117-22-41-0121	Condo - Plaza Block	935,000	935,000	1	935,000	Hmstd. Res.	10,438	10,438	100%	100%	100%	100%	2015
06-117-22-41-0122	Condo - Plaza Block	803,000	803,000	1	803,000	Hmstd. Res.	8,788	8,788	100%	100%	100%	100%	2015
06-117-22-41-0123	Condo - Plaza Block	896,000	896,000	1	896,000	Hmstd. Res.	9,950	9,950	100%	100%	100%	100%	2015
06-117-22-41-0124	Condo - Plaza Block	684,000	684,000	1	684,000	Hmstd. Res.	7,300	7,300	100%	100%	100%	100%	2015
06-117-22-41-0125	Condo - Plaza Block	1,312,000	1,312,000	1	1,312,000	Hmstd. Res.	15,150	15,150	100%	100%	100%	100%	2015
06-117-22-41-0126	Condo - Plaza Block	646,000	646,000	1	646,000	Hmstd. Res.	6,825	6,825	100%	100%	100%	100%	2015
06-117-22-41-0127	Condo - Plaza Block	696,000	696,000	1	696,000	Hmstd. Res.	7,450	7,450	100%	100%	100%	100%	2015
06-117-22-41-0128	Condo - Plaza Block	1,062,000	1,062,000	1	1,062,000	Hmstd. Res.	12,025	12,025	100%	100%	100%	100%	2015
06-117-22-41-0129	Condo - Plaza Block	1,285,000	1,285,000	1	1,285,000	Hmstd. Res.	14,813	14,813	100%	100%	100%	100%	2015
06-117-22-41-0130	Condo - Plaza Block	376,000	372,600	1	372,600	Hmstd. Res.	3,726	3,726	100%	100%	100%	100%	2015
06-117-22-41-0131	Condo - Plaza Block	529,000	529,000	1	529,000	Hmstd. Res.	5,363	5,363	100%	100%	100%	100%	2015
06-117-22-41-0132	Condo - Plaza Block	737,000	737,000	1	737,000	Hmstd. Res.	7,963	7,963	100%	100%	100%	100%	2015
06-117-22-41-0133	Condo - Plaza Block	786,000	786,000	1	786,000	Hmstd. Res.	8,575	8,575	100%	100%	100%	100%	2015
06-117-22-41-0134	Condo - Plaza Block	888,000	888,000	1	888,000	Hmstd. Res.	9,850	9,850	100%	100%	100%	100%	2015
06-117-22-41-0135	Condo - Plaza Block	1,117,000	1,117,000	1	1,117,000	Hmstd. Res.	12,713	12,713	100%	100%	100%	100%	2015
06-117-22-41-0136	Condo - Plaza Block	891,000	891,000	1	891,000	Hmstd. Res.	9,888	9,888	100%	100%	100%	100%	2015
06-117-22-41-0137	Condo - Plaza Block	772,000	772,000	1	772,000	Hmstd. Res.	8,400	8,400	100%	100%	100%	100%	2015
06-117-22-41-0138	Condo - Plaza Block	864,000	864,000	1	864,000	Hmstd. Res.	9,550	9,550	100%	100%	100%	100%	2015
06-117-22-41-0139	Condo - Plaza Block	1,259,000	1,259,000	1	1,259,000	Hmstd. Res.	14,488	14,488	100%	100%	100%	100%	2015
06-117-22-41-0140	Condo - Plaza Block	608,000	608,000	1	608,000	Hmstd. Res.	6,350	6,350	100%	100%	100%	100%	2015
06-117-22-41-0141	Condo - Plaza Block	766,000	766,000	1	766,000	Hmstd. Res.	8,325	8,325	100%	100%	100%	100%	2015
06-117-22-41-0142	Condo - Plaza Block	866,000	866,000	1	866,000	Hmstd. Res.	9,575	9,575	100%	100%	100%	100%	2015
06-117-22-41-0143	Condo - Plaza Block	771,000	771,000	1	771,000	Hmstd. Res.	8,388	8,388	100%	100%	100%	100%	2015
06-117-22-41-0144	Condo - Plaza Block	575,000	575,000	1	575,000	Hmstd. Res.	5,938	5,938	100%	100%	100%	100%	2015
06-117-22-41-0145	Condo - Plaza Block	1,165,000	1,165,000	1	1,165,000	Hmstd. Res.	13,313	13,313	100%	100%	100%	100%	2015
06-117-22-41-0146	Condo - Plaza Block	613,000	613,000	1	613,000	Hmstd. Res.	6,413	6,413	100%	100%	100%	100%	2015
06-117-22-41-0147	Condo - Plaza Block	571,000	571,000	1	571,000	Hmstd. Res.	5,888	5,888	100%	100%	100%	100%	2015
06-117-22-41-0148	Condo - Plaza Block	1,168,000	1,168,000	1	1,168,000	Hmstd. Res.	13,350	13,350	100%	100%	100%	100%	2015
06-117-22-41-0149	Condo - Plaza Block	979,000	979,000	1	979,000	Hmstd. Res.	10,988	10,988	100%	100%	100%	100%	2015
06-117-22-41-0150	Condo - Plaza Block	430,000	430,000	1	430,000	Hmstd. Res.	4,300	4,300	100%	100%	100%	100%	2015
06-117-22-41-0151	Condo - Plaza Block	552,000	552,000	1	552,000	Hmstd. Res.	5,650	5,650	100%	100%	100%	100%	2015
06-117-22-41-0152	Condo - Plaza Block	935,000	935,000	1	935,000	Hmstd. Res.	10,438	10,438	100%	100%	100%	100%	2015
06-117-22-41-0153	Condo - Plaza Block	1,319,000	1,319,000	1	1,319,000	Hmstd. Res.	15,238	15,238	100%	100%	100%	100%	2015
06-117-22-41-0154	Condo - Plaza Block	544,000	544,000	1	544,000	Hmstd. Res.	5,550	5,550	100%	100%	100%	100%	2015
06-117-22-41-0155	Condo - Plaza Block	570,000	570,000	1	570,000	Hmstd. Res.	5,875	5,875	100%	100%	100%	100%	2015
06-117-22-41-0156	Condo - Plaza Block	914,000	914,000	1	914,000	Hmstd. Res.	10,175	10,175	100%	100%	100%	100%	2015
06-117-22-41-0157	Condo - Plaza Block	1,757,000	1,757,000	1	1,757,000	Hmstd. Res.	20,713	20,713	100%	100%	100%	100%	2015
06-117-22-41-0158	Condo - Plaza Block	1,358,000	1,358,000	1	1,358,000	Hmstd. Res.	15,725	15,725	100%	100%	100%	100%	2015
06-117-22-41-0159	Condo - Plaza Block	1,849,000	1,849,000	1	1,849,000	Hmstd. Res.	21,863	21,863	100%	100%	100%	100%	2015
06-117-22-41-0160	Condo - Plaza Block	875,000	875,000	1	875,000	Hmstd. Res.	9,688	9,688	100%	100%	100%	100%	2015
06-117-22-41-0161	Condo - Plaza Block	1,938,000	1,938,000	1	1,938,000	Hmstd. Res.	22,975	22,975	100%	100%	100%	100%	2015
06-117-22-41-0162	Condo - Plaza Block	1,346,000	1,346,000	1	1,346,000	Hmstd. Res.	15,575	15,575	100%	100%	100%	100%	2015
06-117-22-41-0163	Condo - Plaza Block	695,000	695,000	1	695,000	Hmstd. Res.	7,438	7,438	100%	100%	100%	100%	2015
06-117-22-41-0164	Condo - Plaza Block	1,750,000	1,750,000	1	1,750,000	Hmstd. Res.	20,625	20,625	100%	100%	100%	100%	2015
06-117-22-41-0165	Condo - Plaza Block	1,891,000	1,891,000	1	1,891,000	Hmstd. Res.	22,388	22,388	100%	100%	100%	100%	2015
06-117-22-41-0166	Condo - Plaza Block	1,743,000	1,743,000	1	1,743,000	Hmstd. Res.	20,538	20,538	100%	100%	100%	100%	2015
06-117-22-41-0167	Condo - Plaza Block	1,292,000	1,292,000	1	1,292,000	Hmstd. Res.	14,900	14,900	100%	100%	100%	100%	2015
06-117-22-41-0168	Condo - Plaza Block	1,273,000	1,273,000	1	1,273,000	Hmstd. Res.	14,663	14,663	100%	100%	100%	100%	2015
06-117-22-41-0169	Condo - Plaza Block	888,000	888,000	1	888,000	Hmstd. Res.	9,850	9,850	100%	100%	100%	100%	2015
06-117-22-41-0170	Condo - Plaza Block	794,000	794,000	1	794,000	Hmstd. Res.	8,675	8,675	100%	100%	100%	100%	2015
06-117-22-41-0171	Condo - Plaza Block	888,000	888,000	1	888,000	Hmstd. Res.	9,850	9,850	100%	100%	100%	100%	2015
06-117-22-41-0172	Condo - Plaza Block	982,000	982,000	1	982,000	Hmstd. Res.	11,025	11,025	100%	100%	100%	100%	2015
06-117-22-41-0173	Condo - Plaza Block	1,374,000	1,374,000	1	1,374,000	Hmstd. Res.	15,925	15,925	100%	100%	100%	100%	2015
06-117-22-41-0110	Retail - Plaza Block	228	228	7,500	1,712,000	C/I	34,240	5	100%	100%	100%	100%	2015

Note:
1. Market values are based upon estimates

TAX CALCULATIONS									
New Use	Total Tax Capacity	Fiscal Disparities Tax Capacity	Local Tax Capacity	Local Property Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes	Taxes Per Sq. Ft./Unit
Hotel - East Block	155,650	52,799	102,851	107,409	79,225	73,156	16,246	276,035	3,000.38
Condo - East Block	342,427	0	342,427	357,603	0	0	63,352	420,955	13,579.20
Retail - East Block	120,060	40,726	79,334	82,850	61,110	56,428	82,850	212,858.66	12,858.66
Sr. Services Apt - North Block	430,144	0	430,144	449,208	0	0	71,490	520,698	3,174.99
Condo - Plaza Block	14,800	0	14,800	15,456	0	0	2,668	18,123.45	18,123.45
Condo - Plaza Block	5,450	0	5,450	5,692	0	0	1,114	6,805	6,805.08
Condo - Plaza Block	10,888	0	10,888	11,370	0	0	2,017	13,387	13,387.29
Condo - Plaza Block	12,263	0	12,263	12,806	0	0	2,246	15,052	15,051.75
Condo - Plaza Block	6,350	0	6,350	6,631	0	0	1,263	7,895	7,894.55
Condo - Plaza Block	10,438	0	10,438	10,900	0	0	1,942	12,843	12,842.55
Condo - Plaza Block	8,788	0	8,788	9,177	0	0	1,668	10,845	10,845.19
Condo - Plaza Block	9,950	0	9,950	10,391	0	0	1,861	12,252	12,252.42
Condo - Plaza Block	7,300	0	7,300	7,624	0	0	1,421	9,045	9,044.55
Condo - Plaza Block	15,150	0	15,150	15,821	0	0	2,726	18,547	18,547.13
Condo - Plaza Block	6,825	0	6,825	7,127	0	0	1,342	8,470	8,469.55
Condo - Plaza Block	7,450	0	7,450	7,780	0	0	1,446	9,226	9,226.12
Condo - Plaza Block	12,025	0	12,025	12,558	0	0	2,206	14,764	14,764.25
Condo - Plaza Block	14,813	0	14,813	15,469	0	0	2,670	18,139	18,138.58
Condo - Plaza Block	3,726	0	3,726	3,891	0	0	774	4,665	4,665.21
Condo - Plaza Block	5,363	0	5,363	5,600	0	0	1,099	6,699	6,699.16
Condo - Plaza Block	7,963	0	7,963	8,315	0	0	1,531	9,847	9,846.52
Condo - Plaza Block	8,575	0	8,575	8,955	0	0	1,633	10,588	10,587.96
Condo - Plaza Block	9,850	0	9,850	10,287	0	0	1,845	12,131	12,131.37
Condo - Plaza Block	12,713	0	12,713	13,276	0	0	2,321	15,596	15,596.49
Condo - Plaza Block	9,888	0	9,888	10,326	0	0	1,851	12,177	12,176.77
Condo - Plaza Block	8,400	0	8,400	8,772	0	0	1,604	10,376	10,376.12
Condo - Plaza Block	9,550	0	9,550	9,973	0	0	1,795	11,768	11,768.22
Condo - Plaza Block	14,488	0	14,488	15,130	0	0	2,616	17,745	17,745.16
Condo - Plaza Block	6,350	0	6,350	6,631	0	0	1,263	7,895	7,894.55
Condo - Plaza Block	8,325	0	8,325	8,694	0	0	1,591	10,285	10,285.33
Condo - Plaza Block	9,575	0	9,575	9,999	0	0	1,799	11,798	11,798.48
Condo - Plaza Block	8,388	0	8,388	8,759	0	0	1,602	10,361	10,360.99
Condo - Plaza Block	5,938	0	5,938	6,201	0	0	1,195	7,395	7,395.21
Condo - Plaza Block	13,313	0	13,313	13,903	0	0	2,420	16,323	16,322.80
Condo - Plaza Block	6,413	0	6,413	6,687	0	0	1,274	7,970	7,970.21
Condo - Plaza Block	5,888	0	5,888	6,148	0	0	1,186	7,335	7,334.69
Condo - Plaza Block	13,350	0	13,350	13,942	0	0	2,427	16,368	16,368.19
Condo - Plaza Block	10,988	0	10,988	11,474	0	0	2,034	13,508	13,508.34
Condo - Plaza Block	4,300	0	4,300	4,491	0	0	893	5,384	5,383.90
Condo - Plaza Block	5,650	0	5,650	5,900	0	0	1,147	7,047	7,047.19
Condo - Plaza Block	10,438	0	10,438	10,900	0	0	1,942	12,843	12,842.55
Condo - Plaza Block	15,238	0	15,238	15,913	0	0	2,740	18,653	18,653.05
Condo - Plaza Block	5,550	0	5,550	5,796	0	0	1,130	6,926	6,926.14
Condo - Plaza Block	5,875	0	5,875	6,135	0	0	1,184	7,320	7,319.56
Condo - Plaza Block	10,175	0	10,175	10,626	0	0	1,899	12,525	12,524.79
Condo - Plaza Block	20,713	0	20,713	21,630	0	0	3,650	25,281	25,280.65
Condo - Plaza Block	15,725	0	15,725	16,422	0	0	2,821	19,243	19,243.18
Condo - Plaza Block	21,863	0	21,863	22,831	0	0	3,841	26,673	26,672.74
Condo - Plaza Block	9,688	0	9,688	10,117	0	0	1,818	11,935	11,934.66
Condo - Plaza Block	22,975	0	22,975	23,983	0	0	4,026	28,019	28,019.45
Condo - Plaza Block	15,575	0	15,575	16,265	0	0	2,796	19,062	19,061.60
Condo - Plaza Block	7,438	0	7,438	7,767	0	0	1,444	9,211	9,210.99
Condo - Plaza Block	20,625	0	20,625	21,539	0	0	3,636	25,175	25,174.73
Condo - Plaza Block	22,388	0	22,388	23,380	0	0	3,929	27,308	27,308.27
Condo - Plaza Block	20,538	0	20,538	21,448	0	0	3,621	25,069	25,068.80
Condo - Plaza Block	14,900	0	14,900	15,560	0	0	2,684	18,244	18,244.50
Condo - Plaza Block	14,663	0	14,663	15,312	0	0	2,645	17,957	17,957.00
Condo - Plaza Block	9,850	0	9,850	10,287	0	0	1,845	12,131	12,131.37
Condo - Plaza Block	8,675	0	8,675	9,059	0	0	1,650	10,709	10,709.01
Condo - Plaza Block	9,850	0	9,850	10,287	0	0	1,845	12,131	12,131.37
Condo - Plaza Block	11,025	0	11,025	11,514	0	0	2,040	13,554	13,553.73
Condo - Plaza Block	15,925	0	15,925	16,631	0	0	2,854	19,485	19,485.28
Condo - Plaza Block	34,240	11,615	22,625	23,628	17,428	16,093	3,557	60,705	8.09
Retail - Plaza Block	0	0	0	0	0	0	0	0	#DIV/0!
Retail - Plaza Block	63,220	21,445	41,775	43,626	32,178	29,713	6,567	112,085	7.85
Play Area/Trail	0	0	0	0	0	0	0	0	#DIV/0!
Tree Buffer/Trail	0	0	0	0	0	0	0	0	#DIV/0!
Park Plaza/Comm Area	0	0	0	0	0	0	0	0	#DIV/0!
Road	0	0	0	0	0	0	0	0	#DIV/0!
Tree Buffer/Trail	0	0	0	0	0	0	0	0	#DIV/0!
Legacy Center - West Block	0	0	0	0	0	0	0	0	#DIV/0!
Retail - West Block	8,680	2,944	5,736	5,990	4,418	4,080	902	15,389	8.79
City ROW	0	0	0	0	0	0	0	0	#DIV/0!

Apt - Superior Block	370,863	0	370,863	387,299	0	0	61,637	448,936	4,988.18
Lunds/Retail - Superior Block	148,590	50,404	98,186	102,537	75,631	69,837	15,513	263,518	10.23
Southerby's - Superior Block	30,140	10,224	19,916	20,799	15,341	14,166	3,131	53,436	12.41
Retail Parking - Superior Block	0	0	0	0	0	0	0	0	#DIV/0!
Olive & Sprig - Superior Block	10,240	3,474	6,766	7,066	5,212	4,813	1,064	18,155	12.41
Sr. Apt - West Block - AJ	351,025	0	351,025	366,582	0	0	58,340	424,923	5,820.86
Retail - West Block	72,120	24,464	47,656	49,768	36,708	33,896	7,491	127,864	8.06
Retail - West Block	28,240	9,579	18,661	19,488	14,374	13,273	2,933	50,068	10.24
Parking - West Block	0	0	0	0	0	0	0	0	#DIV/0!
Retail - West Block	12,920	4,383	8,537	8,916	6,576	6,072	1,342	22,906	5.58
Dock/Trash - West Block	0	0	0	0	0	0	0	0	#DIV/0!
Retail - West Block	57,700	19,573	38,127	39,817	29,369	27,119	5,994	102,298	7.26
Apt - West Block	75,769	0	75,769	79,127	0	0	12,593	91,720	3,527.68
Comm Area - Road	0	0	0	0	0	0	0	0	#DIV/0!
TOTAL	2,953,191	251,631	2,701,559	2,821,293	377,570	348,646	463,151	4,010,660	

Note:

1. Taxes and tax increment will vary significantly from year to year depending upon values, rates, state law, fiscal disparities and other factors which cannot be predicted.

WHAT IS EXCLUDED FROM TIF?		MARKET VALUE BUT / FOR ANALYSIS	
Total Property Taxes	4,010,660	Current Market Value - Est.	16,800,000
less State-wide Taxes	(348,646)	New Market Value - Est.	222,936,766
less Fiscal Disp. Adj.	(377,570)	Difference	206,136,766
less Market Value Taxes	(463,151)	Present Value of Tax Increment	71,023,390
less Base Value Taxes	(231,346)	Difference	135,113,376
Annual Gross TIF	2,589,947	Value likely to occur without Tax Increment is less than:	135,113,376



Wayzata Bay Center - No Inflation
City of Wayzata
Mixed Use

TAX INCREMENT CASH FLOW														
% of OTC	Project Tax Capacity	Original Tax Capacity	Fiscal Disparities Incremental	Captured Tax Capacity	Local Tax Rate	Annual Gross Tax Increment	Semi-Annual Gross Tax Increment	State Auditor	Admin. at 10%	Semi-Annual Net Tax Increment	Semi-Annual Present Value	PERIOD ENDING Yrs.	Tax Year	Payment Date
100%	1,260,386	(335,250)	(3,801)	921,335	109.058%	1,004,790	502,395	(1,809)	(50,059)	450,528	424,542	0.5	2015	08/01/15
100%	2,003,450	(335,250)	(37,054)	1,631,146	107.389%	1,751,896	875,948	(1,809)	(50,059)	450,528	840,769	1	2015	02/01/16
100%	3,255,893	(335,250)	(163,701)	2,756,942	104.432%	2,879,129	1,439,565	(3,153)	(87,279)	785,515	1,552,225	1.5	2016	08/01/16
100%	3,418,687	(335,250)	(177,572)	2,905,865	104.432%	3,034,653	1,439,565	(5,182)	(143,438)	1,290,944	3,373,585	2.5	2017	02/01/17
100%	3,589,622	(335,250)	(192,137)	3,062,235	104.432%	3,197,953	1,517,327	(5,462)	(151,186)	1,360,678	4,475,393	3	2017	08/01/18
100%	3,769,103	(335,250)	(207,430)	3,226,423	104.432%	3,369,418	1,598,977	(5,756)	(159,322)	1,433,898	5,613,947	3.5	2018	02/01/19
100%	3,957,558	(335,250)	(223,487)	3,398,820	104.432%	3,549,456	1,684,709	(6,065)	(167,864)	1,510,780	6,730,177	4	2018	08/01/19
100%	4,155,436	(335,250)	(240,348)	3,579,838	104.432%	3,738,496	1,774,728	(6,389)	(176,834)	1,591,505	7,883,408	4.5	2019	02/01/20
100%	4,363,207	(335,250)	(258,051)	3,769,906	104.432%	3,936,988	1,869,248	(6,729)	(186,252)	1,676,267	9,014,027	5	2019	08/01/20
100%	4,581,368	(335,250)	(276,640)	3,969,478	104.432%	4,145,405	1,968,494	(7,087)	(196,141)	1,765,267	10,181,909	5.5	2020	02/01/21
100%	4,810,436	(335,250)	(296,158)	4,179,028	104.432%	4,364,243	2,072,703	(7,462)	(206,524)	1,858,717	11,326,891	6	2020	08/01/21
100%	5,050,958	(335,250)	(316,652)	4,399,056	104.432%	4,594,022	2,182,121	(7,856)	(217,427)	1,956,839	12,509,403	6.5	2021	02/01/22
100%	5,303,506	(335,250)	(338,171)	4,630,085	104.432%	4,835,290	2,297,011	(8,269)	(228,874)	2,059,868	13,668,728	7	2021	08/01/22
100%	5,568,681	(335,250)	(360,766)	4,872,666	104.432%	5,088,622	2,417,645	(8,704)	(240,894)	2,168,048	14,865,855	7.5	2022	02/01/23
100%	5,847,115	(335,250)	(384,490)	5,127,375	104.432%	5,354,621	2,544,311	(9,160)	(253,515)	2,281,636	16,039,509	8	2022	08/01/23
100%	6,139,471	(335,250)	(409,401)	5,394,820	104.432%	5,633,919	2,677,310	(9,638)	(266,767)	2,400,905	17,251,243	8.5	2023	02/01/24
100%	6,446,445	(335,250)	(435,557)	5,675,638	104.432%	5,927,182	2,816,959	(10,141)	(280,682)	2,526,137	18,439,217	9	2023	08/01/24
100%	6,768,767	(335,250)	(463,021)	5,970,496	104.432%	6,235,109	2,963,591	(10,669)	(295,292)	2,657,630	19,665,553	9.5	2024	02/01/25
100%	7,107,205	(335,250)	(491,858)	6,280,097	104.432%	6,558,431	3,117,554	(11,223)	(310,633)	2,795,698	20,867,844	10	2024	08/01/25
100%	7,462,566	(335,250)	(522,137)	6,605,179	104.432%	6,897,920	3,279,216	(11,805)	(326,741)	2,940,669	22,108,785	10.5	2025	02/01/26
100%	7,835,694	(335,250)	(553,930)	6,946,514	104.432%	7,254,383	3,448,960	(12,416)	(343,654)	3,092,889	23,325,394	11	2025	08/01/26
100%	8,227,478	(335,250)	(587,313)	7,304,916	104.432%	7,628,670	3,627,192	(13,058)	(361,413)	3,252,720	24,580,947	11.5	2026	02/01/27
100%	8,638,852	(335,250)	(622,364)	7,681,238	104.432%	8,021,671	3,814,335	(13,732)	(380,060)	3,420,543	25,811,881	12	2026	08/01/27
100%	9,070,795	(335,250)	(659,169)	8,076,376	104.432%	8,434,321	4,010,835	(14,439)	(399,640)	3,596,757	27,082,058	12.5	2027	02/01/28
100%	9,524,335	(335,250)	(697,813)	8,491,272	104.432%	8,867,605	4,217,161	(15,182)	(420,198)	3,781,781	28,327,329	13	2027	08/01/28
100%	10,000,552	(335,250)	(738,390)	8,926,912	104.432%	9,322,552	4,433,802	(15,962)	(441,784)	3,976,057	29,612,147	13.5	2028	02/01/29
100%							4,661,276	(16,781)	(464,450)	4,180,046	30,871,772	14	2028	08/01/29
100%							4,661,276	(16,781)	(464,450)	4,180,046	32,171,252	14.5	2029	02/01/30
100%							4,661,276	(16,781)	(464,450)	4,180,046	33,445,252	15	2029	08/01/30
100%							4,661,276	(16,781)	(464,450)	4,180,046	34,759,420	15.5	2030	02/01/31
100%							4,661,276	(16,781)	(464,450)	4,180,046	36,047,821	16	2030	08/01/31
100%							4,661,276	(16,781)	(464,450)	4,180,046	37,376,710	16.5	2031	02/01/32
100%							4,661,276	(16,781)	(464,450)	4,180,046	38,679,541	17	2031	08/01/32
100%							4,661,276	(16,781)	(464,450)	4,180,046	40,023,184	17.5	2032	02/01/33
100%							4,661,276	(16,781)	(464,450)	4,180,046	41,340,481	18	2032	08/01/33
100%							4,661,276	(16,781)	(464,450)	4,180,046	42,698,918	18.5	2033	02/01/34
100%							4,661,276	(16,781)	(464,450)	4,180,046	44,030,719	19	2033	08/01/34
100%							4,661,276	(16,781)	(464,450)	4,180,046	45,403,994	19.5	2034	02/01/35
100%							4,661,276	(16,781)	(464,450)	4,180,046	46,750,341	20	2034	08/01/35
100%							4,661,276	(16,781)	(464,450)	4,180,046	48,138,501	20.5	2035	02/01/36
100%							4,661,276	(16,781)	(464,450)	4,180,046	49,499,441	21	2035	08/01/36
100%							4,661,276	(16,781)	(464,450)	4,180,046	50,902,537	21.5	2036	02/01/37
100%							4,661,276	(16,781)	(464,450)	4,180,046	52,278,121	22	2036	08/01/37
100%							4,661,276	(16,781)	(464,450)	4,180,046	53,696,209	22.5	2037	02/01/38
100%							4,661,276	(16,781)	(464,450)	4,180,046	55,086,490	23	2037	08/01/38
100%							4,661,276	(16,781)	(464,450)	4,180,046	56,519,628	23.5	2038	02/01/39
100%							4,661,276	(16,781)	(464,450)	4,180,046	57,924,665	24	2038	08/01/39
100%							4,661,276	(16,781)	(464,450)	4,180,046	59,372,916	24.5	2039	02/01/40
100%							4,661,276	(16,781)	(464,450)	4,180,046	60,792,770	25	2039	08/01/40
100%							4,661,276	(16,781)	(464,450)	4,180,046	62,256,200	25.5	2040	02/01/41
100%							4,661,276	(16,781)	(464,450)	4,180,046	63,690,935	26	2040	08/01/41
Total		Present Value From 02/01/2014			Present Value Rate	4.00%	135,626,746	(488,256)	(13,513,849)	121,624,641				
							71,023,390	(255,684)	(7,076,771)	63,690,935				

Appendix E

Minnesota Business Assistance Form

(Minnesota Department of Employment and Economic Development)

A Minnesota Business Assistance Form (MBAF) should be used to report and/or update each calendar year's activity by April 1 of the following year.

Please see the Minnesota Department of Employment and Economic Development (DEED) website at <http://www.deed.state.mn.us/Community/subsidies/MBAFForm.htm> for information and forms.

Appendix F

Redevelopment Qualifications for the District

Please see the original tax increment financing plan in Appendix H for further information.

Appendix G

Findings Including But/For Qualifications

The City reaffirms the original findings for the District, namely that the when the District was established, it was established as a "redevelopment district" under the 2010 Minnesota Laws, Chapter 389, Article 7, Section 23.

In addition, the City makes the following findings:

- I. The TIF Plan Modification conforms to the general plan for development or redevelopment of the City as a whole. The reason for supporting this finding is that the TIF Plan Modification reaffirms the original finding that the District will generally complement and serve to implement policies adopted in the City's comprehensive plan.
- II. The TIF Plan Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Central Area Redevelopment District by private enterprise. The reason for supporting this finding is that the development activities are necessary so that development and redevelopment by private enterprise can occur within the Central Area Redevelopment District. In addition, the construction of a public parking ramp within the Central Area Redevelopment District will allow for future redevelopment of other property while addressing current parking needs that are currently not being met.
- III. The development and redevelopment efforts, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and therefor the use of tax increment financing is deemed necessary.

Please see the original tax increment financing plan in Appendix H for further information.

But-For Analysis	
Current Market Value	16,800,000
New Market Value - Estimate	222,936,766
Difference	206,136,766
Present Value of Tax Increment	71,023,390
Difference	135,113,376
Value Likely to Occur Without TIF is Less Than:	135,113,376

Appendix H
Original Tax Increment Financing Plan

CITY OF WAYZATA, MINNESOTA

**TAX INCREMENT FINANCING PLAN
FOR
REPLACEMENT REDEVELOPMENT TIF DISTRICT NO. 5**

Redevelopment TIF District No. 5 Original Adoption: December 16, 2008

Request for Decertification: December 19, 2011

Adoption of TIF Plan for Replacement TIF District No. 5: November 15, 2011

Request for Certification of Replacement TIF District No. 5: December 19, 2011

Certification for Replacement TIF District No. 5: To Be Determined

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DEFINITIONS

Section 1.1 Definitions. All capitalized terms used and not otherwise defined herein shall have the following meanings unless a different meaning clearly appears from the context:

“Agreement” means the Redevelopment Agreement, dated as of October 21, 2008, as amended, between the City of Wayzata, Minnesota, the Housing and Redevelopment Authority of the City of Wayzata, Minnesota, and the Wayzata Bay Development Company, LLC.

“Authority” means the Wayzata Housing and Redevelopment Authority of the City of Wayzata, Minnesota.

“Available Tax Increment” means ninety-five percent (95%) of the Tax Increment received and retained by the Authority from the County during any applicable time frame.

“CARD” means the City’s Central Area Redevelopment District, established in 1977 pursuant to the HRA Act and the adoption of a Redevelopment Plan, as amended from time to time.

“City” means the City of Wayzata, Minnesota.

“County” means the County of Hennepin, Minnesota.

“HRA Act” means Minnesota Statutes, Sections 469.001 to 469.047, as amended.

“Master Redeveloper” means Wayzata Bay Redevelopment Company, LLC.

“Project” means the Phase I and Phase II Minimum Improvements and Public Infrastructure Improvements as defined in the Agreement and described in this TIF Plan.

“TIF” means tax increment financing.

“TIF Act” means Minnesota Statutes, Sections 469.174 to 469.1799, as amended.

“TIF Assistance” means TIF Notes or TIF Bonds.

“TIF Bond(s)” means the TIF revenue bonds which may be issued by the Authority pursuant to Section 9.7 of the Agreement.

“TIF Plan” means this Tax Increment Financing Plan for Replacement Redevelopment TIF District No. 5.

“TIF Project Area” consists of the property which includes the Minimum Improvements Area and the Public Infrastructure Improvements Area. The TIF District covers a larger area than the TIF Project Area. The TIF Project Area excludes those parcels within the TIF District west of new Superior Boulevard resulting from the Superior Boulevard Improvements, as illustrated on the TIF Project Area Map.

“TIF Note(s)” means the TIF revenue note or notes to be issued by the Authority to the Master Redeveloper to pay or reimburse the Master Redeveloper for the funding of Qualified Redevelopment Costs.

“2010 Wayzata TIF District No. 5 Special Law” means 2010 Minnesota Laws, Chapter 389, Article 7, Section 23 which provides for special rules for Redevelopment Tax Increment Financing District No. 5.

Other capitalized terms included in this TIF Plan, and not defined herein, have the meanings given in the Agreement.

**TAX INCREMENT FINANCING PLAN
REPLACEMENT REDEVELOPMENT TIF DISTRICT NO. 5**

A. Introduction

The City Council of the City of Wayzata, Minnesota (the "City") and the Housing and Redevelopment Authority in and for the City (the "Authority") have determined that pursuant to the 2010 Wayzata TIF District No. 5 Special Law, it is necessary and in the best interests of the City to decertify Redevelopment Tax Increment Financing District No. 5, originally certified June 11, 2009, and adopt and implement a Tax Increment Financing TIF Plan ("TIF Plan") for Replacement Redevelopment TIF District No. 5 ("Replacement TIF District No. 5") and request a new Replacement TIF District No. 5 certification. Replacement TIF District No. 5 lies within the Central Area Redevelopment District (the "CARD"), which was established in 1977 and enlarged and modified by amendments to the Redevelopment Project Plan in 1979, 1986, 1992, 1995 and 1999, and 2008.

The 2010 Wayzata TIF District No. 5 Special Law was enacted by the Minnesota legislature in recognition of the detrimental impact of the 2008 economic downturn on real estate redevelopment projects such as the proposed redevelopment of the Wayzata Bay Center as described in the Agreement and TIF Plan for TIF District No. 5. The City and Authority were allowed additional flexibility, in part, as follows:

- Any parcel is deemed to meet the requirements of Minnesota Statutes, section 469.174, subdivision 10, paragraph (d), clause (1), if the following conditions are met:
 - 1) a building on the parcel was demolished by a developer or the city after the city council found the building to be structurally substandard upon approval of original tax increment financing plan for the district; and
 - 2) the city decertifies Redevelopment Tax Increment Financing District No. 5, but files a request with the county auditor for certification of the parcel as part of a subsequent redevelopment or renewal and renovation district within ten years after the date of demolition.

Replacement TIF District No. 5 is located in downtown Wayzata on parcels generally located north of Lake Street, east and south of Superior Boulevard and west of Circle A Drive South. The property is currently the site of the Wayzata Bay Center shopping center and several other commercial uses. Parcels included in Replacement TIF District No. 5 are listed in Section G below. For the specific boundaries of parcels included in the proposed Replacement TIF District No. 5, see Exhibit A, "Map of Replacement TIF District No. 5".

The TIF assistance is directed at financing public infrastructure improvements and other redevelopment activities and costs as authorized in the TIF Act. The TIF Assistance will be on a pay-as-you go basis in the form of one or more TIF Note(s) or TIF Bond(s) in a maximum original principal amount of \$22,910,879. The public improvements authorized in the TIF Plan are consistent with the redevelopment objectives established for the CARD Redevelopment Project Plan as amended.

B. Planned Redevelopment Activities

Private Redevelopment Activities. Under the Agreement, the City and the Authority have agreed to provide tax increment financing assistance to the Wayzata Bay Development Company, LLC (the "Master Redeveloper") for the purpose of facilitating the redevelopment of property in accordance with a City-approved mixed-use commercial and housing planned unit development

Project. Proposed Project elements include commercial office and retail uses, a hotel and both “all age” and senior housing. The proposed redevelopment will provide a broader range of housing options for residents and will provide comprehensive and innovative stormwater management techniques to reduce current stormwater drainage into Lake Minnetonka. Specific uses are presently planned as follows:

1. Approximately 254 units of senior housing, including independent living apartments, assisted living, memory care, and skilled nursing units. The senior housing component will be owned and operated by Presbyterian Homes & Services or an affiliate.
2. Approximately 150 conventional housing units that would be for sale condominiums or rental apartments.
3. Approximately 175,000 square feet of retail and office space.
4. Approximately 65,000 square foot hotel.
5. Approximately 1,240 structured parking spaces.

The Project also includes extensive public common space and green space components.

The Master Redeveloper has received Planning Commission and City Council approvals of the General Plan for the Project, as well as Authority and City Council approvals of the Agreement, as may be modified from time to time by the Master Redeveloper, the Authority and the City Council. Construction is anticipated in phases over several years with final completion required under the Agreement by September 30, 2016. Total private redevelopment costs are estimated at \$147,594,826 and are anticipated to be completed in 2016.

Public Redevelopment Activities. Public redevelopment activities include the acquisition of right of way and the realignment of the Superior Boulevard and Lake Street intersection as well as additional street and utility infrastructure improvements on Lake Street, Superior Boulevard and Circle A Drive and Mill Street. The public redevelopment costs were estimated at \$10,000,000 in 2008. Right of way acquisition, the realignment of the Superior Boulevard and Lake Street intersection and related street and utility improvements have been undertaken and are near completion as of June 2011. Additional improvements on Lake Street as well as Circle A Drive and Mill Street are anticipated to be completed by 2017.

Additional planned public redevelopment activities to be constructed in the future (planned from between 2012 and 2017) include public parking, sidewalks, streetscape and related pedestrian amenities totaling \$1,000,000. These additional public redevelopment costs will be outside TIF District No. 5 but within the CARD Redevelopment Project Area and will be financed with a portion of the tax increment generated by the TIF Project Area paid to the City and from any additional tax increment that may be generated from future private redevelopment activities on parcels 06-117-22-42-0008 and 06-117-22-42-0009, as replatted.

C. Redevelopment Costs

Total private and public redevelopment costs are estimated at \$157,594,826, excluding interest costs on Redeveloper financing. The following table shows the projected breakdown of the \$157,594,826 redevelopment project costs.

Projected Redevelopment Costs

Land Acquisition & Lease Resolution* (TIF Eligible Expense)	\$ 26,000,000
Site Improvement Costs* (TIF Eligible Expense)	\$ 25,161,372
Senior Housing with Parking	\$ 42,375,440
Parking & City Improvements	<u>29,189,009</u>
Subtotal Construction	\$ 71,564,449
Development Expenses	\$ 18,525,111
Financing Expenses	\$ 4,896,155
Working Capital	\$ 1,200,000
Reserves	\$ 5,735,206
Miscellaneous Expenses	<u>\$ 4,512,533</u>
Total Projected Redevelopment Costs	<u>\$157,594,826</u>

*Total eligible TIF costs exceed the \$22,910,879 (2011 dollars) negotiated for reimbursement to the Master Redeveloper from pay-as-you-go TIF Financing. The Master Redeveloper will receive annual pay-as-you-go TIF payments until the sum of the annual payments received equals an amount of \$22,910,879, when discounted back to September 1, 2011 at 8.75%. Annual pay-as-you-go TIF payments will be utilized by the Master Redeveloper to pay a portion of the private financing costs associated with the improvements.

Budget for TIF Expense. The projected TIF cashflow is attached as Exhibit 2. Based on current projections, Replacement TIF District No. 5 is projected to generate \$102,125, 096 in total TIF revenue through 2040. It is currently projected that pay-as-you-go TIF payments will be adequate to fund the \$22,910,879 (2011 dollars) obligation to the Master Redeveloper in 2039, one year prior to the maximum 26 year duration. Based on these projections the Master Redeveloper would receive an estimated \$89,108,938, in total TIF pay-as-you-go payments through 2039. The City would receive an estimated \$4,795,214 for administrative costs through 2039. Total TIF payments through 2039 would be \$93,904,153. For purposes of estimating the economic impact of the Replacement TIF District No. 5 on all taxing jurisdictions, the total projected TIF dollars of \$102,125,096 (26 year maximum duration) has been utilized.

D. Statement of Need & Findings

The City and the Authority have determined that it is necessary for the City to take certain actions in order to encourage, ensure and facilitate development and redevelopment by the private sector of underutilized, inappropriately used property located within the corporate limits of the City. The City and the Authority have further determined and found the following:

1. That the proposed redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future; and
2. The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district; and
3. That the tax increment financing plan conforms to the general plan for the development or redevelopment of the municipality as a whole; and
4. That the TIF Plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the redevelopment of the project by private enterprise; and

5. That the TIF Plan and decertification of TIF District No. 5 and re-certification of Replacement TIF District No. 5 complies with the provision of the TIF Act and the 2010 Wayzata TIF District No. 5 Special Law.

E. Statement of Objectives for Improvement of the Redevelopment Project

The City and Authority have established goals in the CARD Redevelopment Project Plan, as amended December 16, 2008. In addition to the goals and objectives identified in the CARD Redevelopment Project Plan, the City and Authority has determined that the TIF Project Area was, as of December 16, 2008, and is currently underutilized, with obsolete structures and physical arrangements, substantial vacant areas and building vacancies, poor soils and potential contamination, inconsistent legal restrictions on redevelopment and outdated and inadequate public infrastructure and circulation. The City and the Authority further determine that redevelopment of the TIF Project Area has been impeded by the difficulty of redevelopment without a consistent overall plan ensuring compatible land uses and that the TIF Project Area also offers the principal opportunity within the City for creation of a unified, mixed use redevelopment, with significant opportunities for new senior housing, other housing, and commercial redevelopment. The City further determines that a realignment of the intersection of Superior Boulevard and Lake Street, within the Project Area, will achieve the optimal configuration for land use, pedestrian access, safety and engineering, and the realigned streets, including any additional right-of-way or easements obtained with regard thereto, will be acquired for a public purpose and owned by the City for the use, occupation and enjoyment of the general public. The City and the Authority seek to, within the Project Area, redevelop blighted areas, prevent the emergence of blight, and foster an increase in commercial and retail development providing jobs, create new rental housing, particularly senior housing, and create new for sale housing appropriate for various life stages of the City's residents and not currently available in the City.

F. Redevelopment District Designation

Under the TIF Act, redevelopment districts are a type of tax increment district in which one or more of the following conditions exists and is reasonably distributed throughout the district:

- a. Parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;
- b. The property consists of vacant, unused, underused, inappropriately used, or infrequently used railyards, rail storage facilities, or excessive or vacated railroad rights-of-way;
- c. Tank facilities, or property whose immediately previous use was for tank facilities, as defined in M.S. Section 115C.02, subdivision 15, if the tank facilities:
 - i. have or had a capacity of more than 1,000,000 gallons;
 - ii. are located adjacent to rail facilities; and
 - iii. have been removed or are unused, underused, inappropriately used. Or infrequently used; or
 - iv. a qualifying disaster area, as defined in subdivision 10b.

At least 90 percent of the tax increment from a redevelopment district must be used to finance the cost of correcting conditions that allow designation as a redevelopment district. These costs include, but are not limited to, acquiring properties containing structurally substandard buildings or improvements or hazardous substances, acquiring adjacent parcels necessary to provide a site of sufficient size to permit development, demolition and rehabilitation of structures, clearing of land, removal of hazardous substances, and installation of utilities, roads, sidewalks, and parking facilities for the site. The allocated administrative expenses of the Authority may be included in the qualifying costs.

Replacement TIF District No. 5 qualifies as a redevelopment district based on the Redevelopment Eligibility Assessment, dated as of November 4, 2008, prepared by Precision Architectural Services, in conjunction with Bonestroo and as pursuant to the 2010 Wayzata TIF District No. 5 Special Law. Of note in the Precision Architectural Services study:

Coverage Test—In the proposed TIF District, 3 of the 4 parcels met the coverage test with a 98.8% area coverage. This exceeds the 70% area coverage requirement.

Conditions of Buildings Test—83 percent of the buildings—5 of the 6 buildings were found to be “structurally substandard” when considering code deficiencies and other deficiencies of sufficient total significance to justify substantial renovation or clearance (see definition of “structurally substandard” as follows). This exceeds the “condition of buildings test” whereby over 50% of buildings, not including outbuildings, must be found “structurally substandard.”

Subsequent to 2009 certification of TIF District No. 5 and the enactment of the 2010 Wayzata TIF District No. 5 Special Law, a structurally substandard building on one parcel was demolished. Pursuant to the provision of the 2010 Wayzata TIF District No. 5 Special Law, the parcel is deemed to meet the requirements of Minnesota Statutes, section 469.174, subdivision 10, paragraph (d), clause (1).

G. Parcels Included in the TIF District

The list of Property Identification Numbers (PIN) for parcels included in TIF District No. 5 is as follows:

Property Identification No. as of 2010/2011

06-117-22-41-0036
06-117-22-41-0037
06-117-22-42-0008*
06-117-22-42-0009*

*Parcels included in Replacement TIF District No. 5 but not included in the TIF Project Area. A portion of parcel 06-117-22-42-0008 will be used for construction of the realigned Superior Boulevard and Lake Street intersection. The southern portion of 06-117-22-42-0009 will be transferred to the City. As of June, 2011, parcels 06-17-22-42-0008 and 06-117-22-42-009 have been transferred to the City. Any future tax increment generated by private redevelopment that may occur on these two parcels, or by the parcels as replatted, will be retained by the City and the Authority.

In addition to the above-referenced parcels, the following public infrastructure improvements are included in Replacement TIF District No. 5:

- The entire width of the public right of way of Lake Street from the west right of way line of Broadway Avenue South to the west right of way line of Wise Avenue South.

- The entire width of the public right of way of Broadway Avenue South from the north right of way line of Mill Street East to the south right of way line of Lake Street East.
- The entire width of the public right of way of Mill Street East from the east right of way line of Broadway Avenue South to the west right of way line of Superior Boulevard.
- The entire width of the public right of way of Arlington Circle South from the north right of way line of the Burlington Northern Railroad to the north right of way line of Circle A Drive South.
- The entire width of the public right of way of Circle A Drive South from the east right of way line of Arlington Circle South to the south right of way line of Superior Boulevard.
- The entire width of the public right of way of Superior Boulevard from the north right of way line of Lake Street East to the south right of way line of Wayzata Boulevard East.
- The entire width of the public right of way of Rice Street East from the east right of way line of Grand Avenue South to the northwest right of way line of Superior Boulevard.
- The entire width of the public right of way of Wayzata Boulevard East from the west right of way line of Central Avenue South to the northerly extension of the west property line of Lot 14 of DEANS PARK OUTLOTS TO WAYZATA.
- The entire width of the public right of way of Benton Avenue North from the north right of way line of Wayzata Boulevard to the easterly extension of the north property line of Lot 2 Block 1 YANKOUPÉ ADDITION.

H. Parcels for Acquisition

The Authority or City may acquire any parcel within Replacement TIF District No. 5, including the rights of way described in Section G. In addition, in lieu of direct acquisition, the Authority may instead reimburse the developer for the cost of acquisition of any such parcel or right of way by Master Redeveloper.

I. Source of Revenues

The City and the Authority anticipate the provision of financial assistance to the proposed redevelopment through the use of a pay-as-you-go approach. As tax increments are collected from the TIF Project Area within Replacement TIF District No. 5 in future years, 95% of collected tax increments will be distributed to the Master Redeveloper, as reimbursement for \$22,910,879 (2011 dollars) in qualified capital project costs incurred. In evidence of this obligation the Authority will issue to the Master Redeveloper one or more TIF Notes with the total principal value of \$22,910,879.

J. Estimated Amount of Bonded Indebtedness

The Authority plans to issue one or more TIF Notes in an amount totaling \$22,910,879 to the Master Redeveloper but does not currently anticipate the issuance of General Obligation or TIF Revenue bonded indebtedness to finance any of the identified public costs related to the Project at this time. Pursuant to the Section 9.7 of the Agreement, in lieu of TIF Notes, the Master Redeveloper may request the Authority to issue the TIF Bonds in a principal amount that yields net proceeds in the same amount as the original principal amount of TIF Notes described in Section 9.2 (of the Agreement).

K. Original Net Tax Capacity

The City of Wayzata Assessor's projected estimated market value for the four parcels for taxes levied in 2011 for collection in 2012 is \$16,800,000. The projected estimated market value is subject to change prior to finalization by Hennepin County. Parcel "0036" is currently classified as commercial property while the other parcels are classified as tax-exempt. It is anticipated that parcel "0036" will be subdivided and replatted based on the final redevelopment project uses. The original net tax capacity of all parcels in Redevelopment TIF District No. 5 for 2011/2012 is estimated at \$335,250, as follows:

Parcel	Net Tax Capacity	Base Year
06-117-22-41-0036	\$335,250	2011/2012
06-117-22-41-0037	0	2011/2012
06-117-22-42-0008	0	2011/2012
06-117-22-42-0009	<u>0</u>	2011/2012
Total Original Tax Capacity	\$335,250	

The County Auditor shall certify in each year (beginning in the payment year) the amount by which the original tax capacity has increased or decreased as a result of a change in tax-exempt property within Replacement TIF District No. 5, reduction or enlargement of Replacement TIF District No. 5 or changes in connection with previously issued building permits.

If the classification under Minnesota Statutes Section 273.13 of property located in a district changes to a classification that has a different assessment ratio, the original net tax capacity of that property must be re-determined at the time when its use is changed as if the property had originally been classified in the same class in which it is classified after its use is changed. It is anticipated that the property located within Replacement TIF District No. 5 will be replatted and the tax classification of a portion of the property will be changed. It is anticipated that the original net tax capacity used in this TIF Plan will change to \$228,421 based on property reclassifications.

L. Original Local Tax Capacity Rate

At the time of the initial certification of the original net tax capacity for Replacement TIF District No. 5, the Hennepin County Auditor shall certify the original local tax capacity rate that applies to Replacement TIF District No. 5. This is the sum of all tax rates that apply to the property in TIF District No. 5. The rate certified is the rate in effect for the same taxes payable year as the certified original net tax capacity.

The tax generated by the extension of the lesser of (a) the local taxing district tax rates or (b) the original tax capacity rate to the retained captured net tax capacity of Replacement TIF District No. 5 is the tax increment. The sum of the local tax rated for taxes levied in 2011 and payable in

2012 has not yet been determined. For purposes of TIF projections the 2010 pay 2011 tax capacity rate of 103.684%, has been utilized and is shown for each taxing district below:

<u>Taxing Jurisdiction</u>	<u>2010/2011 Tax Capacity Rate</u>
Hennepin County	45.840%
City of Wayzata	23.032%
I.S.D. No. 284 (Wayzata)	24.034%
Special Districts*	<u>10.778%</u>
Total Original Tax Capacity Rate	103.684%

*Includes the Metropolitan Council, Metropolitan Transit District, Park Museum, Metropolitan Mosquito Control District, Hennepin County Regional Rail Authority, and the Three Rivers Parks District.

M. Current Tax Capacity

The current tax capacity of Replacement TIF District No. 5 is \$335,250, the same as the original net tax capacity, based on City of Wayzata Assessor's projections of estimated market values of the parcels for 2011/2012. j

Estimated Captured Tax Capacity/Tax Increment on Project Completion. Pursuant to Section 469.177, Subdivision 1, 2 and 4 of the TIF Act, the estimated captured tax capacity in Replacement TIF District No. 5, for taxes payable in 2015 (the first year in which captured tax capacity will be available) is \$1,721,085 and the first gross tax increment is estimated at \$1,784,490, net of fiscal disparities and utilizing the 103.684% total composite tax rate for taxes payable in 2011. The captured tax capacity and increment increases to \$2,285,215 and \$2,369,402, respectively, in 2016 as private redevelopment improvements are completed. The 26 year projected average of gross tax increment is \$3,942,080. Exhibit 2 represents the projected tax increment and cash flow for Replacement TIF District No. 5.

N. Fiscal Disparities

The City and the Authority elect pursuant to Minnesota Statutes, Section 469.177, subdivision 3, clause (b) to have the fiscal disparities contribution with respect to the parcels in Replacement TIF District No. 5 paid from valuation generated by parcels in Replacement TIF District No. 5.

O. Collection of First Increment

Pursuant to Minnesota Statutes Section 469.175, subdivision 1(b), the Authority plans to collect the first tax increment in 2015, following the 2011 planned approval of the district.

P. Duration of the District

In accordance with Minnesota Statutes Section 469.176, subdivision 1, of the TIF Act, the duration of Replacement Redevelopment District No. 5 cannot extend beyond twenty-five (25) years from the first receipt of tax increment (i.e. 26 years of collection). Modifications of the TIF Plan shall not extend this duration limitation. Assuming the first tax increment collection is received in 2015, Replacement TIF District No. 5 may extend to the maximum 25 year duration following the first receipt of tax increment, through 2040.

Q. Estimated Impact on Other Taxing Jurisdictions

The City and HRA believe the development and redevelopment in the CARD would not occur without the creation of a tax increment financing district and the provision of public assistance. Based on this assumption, there will be no adverse impact on the other taxing jurisdictions during the duration of Replacement TIF District No. 5 and there will be some positive financial impact based on the projected fiscal disparities contribution. A positive impact on all taxing jurisdictions will occur when the tax increment financing districts are decertified and the Project becomes part of the tax base of all affected taxing jurisdictions. When this occurs, the tax capacity rates of the taxing jurisdictions will be lower than if the tax increment financing districts had not been established. Assuming however that the redevelopment would have proceeded without TIF assistance, the average annual tax increment is projected at \$3,942,080.

The composite tax capacity extension rate for the affected property was 103.684% for taxes payable in 2011. Hennepin County's tax capacity rate was 45.840%, the Independent School District No. 284 (Wayzata) tax capacity rate was 24.034%, and the special districts' tax capacity rate totaled 10.778%. The City of Wayzata's tax capacity rate was 23.032%. Utilizing the 2011 composite taxing jurisdictions' tax rates and the average projected gross annual tax increment (\$3,942,080) for the 26 year duration of the district, the impact on the taxing jurisdictions is calculated in Tables I and II. The amount of Replacement TIF District No. 5 TIF revenues foregone, or "lost", by each jurisdiction is listed in Table I.

Table I
Percent of Tax Increment Attributable
To Various Taxing Jurisdictions
2010/2011

	<u>2010/11 Total Tax Capacity Rate</u>	<u>Percent of Total Rate</u>	<u>Estimated Tax Loss</u>
Hennepin County	45.840%	44.21%	\$1,742,794
City of Wayzata	23.032%	22.21%	875,536
I.S.D. No. 284	24.034%	23.18%	913,774
Special Districts ¹	<u>10.778%</u>	<u>10.40%</u>	<u>409,976</u>
Total	103.684%	100.00%	\$3,942,080

¹ Includes the Metropolitan Council, Metropolitan Transit District, Park Museum, Metropolitan Mosquito Control District, Hennepin Parks, Hennepin County Regional Rail Authority, and Watershed District No. 3.

Table II represents the increase in tax capacity rates, which would have to be levied to compensate each taxing jurisdiction for "lost" dollars. Although the increase in tax capacity due to the captured portion of the Project will not be available for application to the tax capacity rate for the duration of the TIF District, the increased tax capacity will eventually permit a tax capacity rate decrease. Table II shows the estimate of how much the tax capacity for property outside the TIF District would have to be increased to raise the same number of tax dollars.

Table II
Increment in Tax Capacity Rates
By Various Taxing Jurisdictions
2010/11

	<u>Taxable Net Tax Capacity</u>	<u>Estimated Loss</u>	<u>Tax Capacity Increase Required</u>
Hennepin County	\$1,476,968,856	\$1,742,794	0.1180%
City of Wayzata	15,408,281	875,536	5.6822%
I.S.D. No. 284	119,249,213	913,774	0.7663%
Special Districts ²	3,961,188,051	<u>409,976</u>	0.0103%
		\$3,942,080	

² Represents loss attributed to Metropolitan Council, Metropolitan Transit District and Three Rivers Park District taxing jurisdictions.

R. Additional Fiscal and Economic Impact Projections

Additional fiscal and economic impacts are projected as follows:

Estimate of total tax increments generated over 26 year life of district: \$102,125,092.

Impact on City provided services: The City does not anticipate that the planned private redevelopment activities will have any significant financial impact related to police or fire services or other services. The Agreement does provide for the payment by the Redeveloper of certain costs related to maintenance of public spaces and public parking as well as for the financing of certain public redevelopment infrastructure costs. The City does not currently anticipate the issuance of General Obligation Bonds for the proposed project and projects no material impact on the City's bonding capacity.

Amount of total tax increment attributable to I.S.D. No. 284 (Wayzata) levies: \$23,672,596.

Amount of total tax increment attributable to Hennepin County levies: \$45,149,503.

Amount of total tax increment attributable to City of Wayzata levies: \$22,681,983.

S. Assessment Agreements

The City and the Authority may, upon entering into a development or redevelopment agreement, enter into a written assessment agreement in recordable form with the developer or redeveloper of the property within the Tax Increment District which establishes a minimum market value of the land and completed improvements to be constructed thereon, until a specified termination date, which date shall not be later than the duration of the Tax Increment District. The Agreement does not provide for any assessment agreements.

T. Administration and Limitation on Administrative Expenses

Upon adoption of the TIF Plan, the City shall submit a copy of such plan to the Minnesota Department of Revenue and the Office of the State Auditor. The Executive Director of the Authority will handle the administration of Replacement TIF District No. 5. The tax increments received as a result of increases in the tax capacity of the Tax Increment Financing District will be maintained in a special account separate from all other municipal accounts and expended only upon activities identified in the Redevelopment Program and Tax Increment Financing Plan.

Pursuant to Section 469.176, Subdivision 3 of the TIF Act, no tax increment shall be used to pay any administrative expenses for the projects which exceed ten percent (10%) of the total tax

increment expenditures authorized by the tax increment financing plan or the total tax increment expenditures for the project, whichever is less. It is the City's and the Authority's intention to reimburse itself from annual tax increment revenues those amounts necessary to reimburse the City and the Authority for expenses incurred in the administration of Replacement TIF District No. 5 within this limitation .

U. Consultations

Prior to the actual formation of Replacement TIF District No. 5, and at least 30 days prior to the adoption of the TIF Plan, the Authority provided the County Auditor and the clerk of the school board with the proposed TIF Plan, including the Authority's estimate of the fiscal and economic implications and provided an opportunity for members of the Hennepin County Board of Commissioners and the School Board of Independent School District No. 284 (Wayzata) to meet with the Authority.

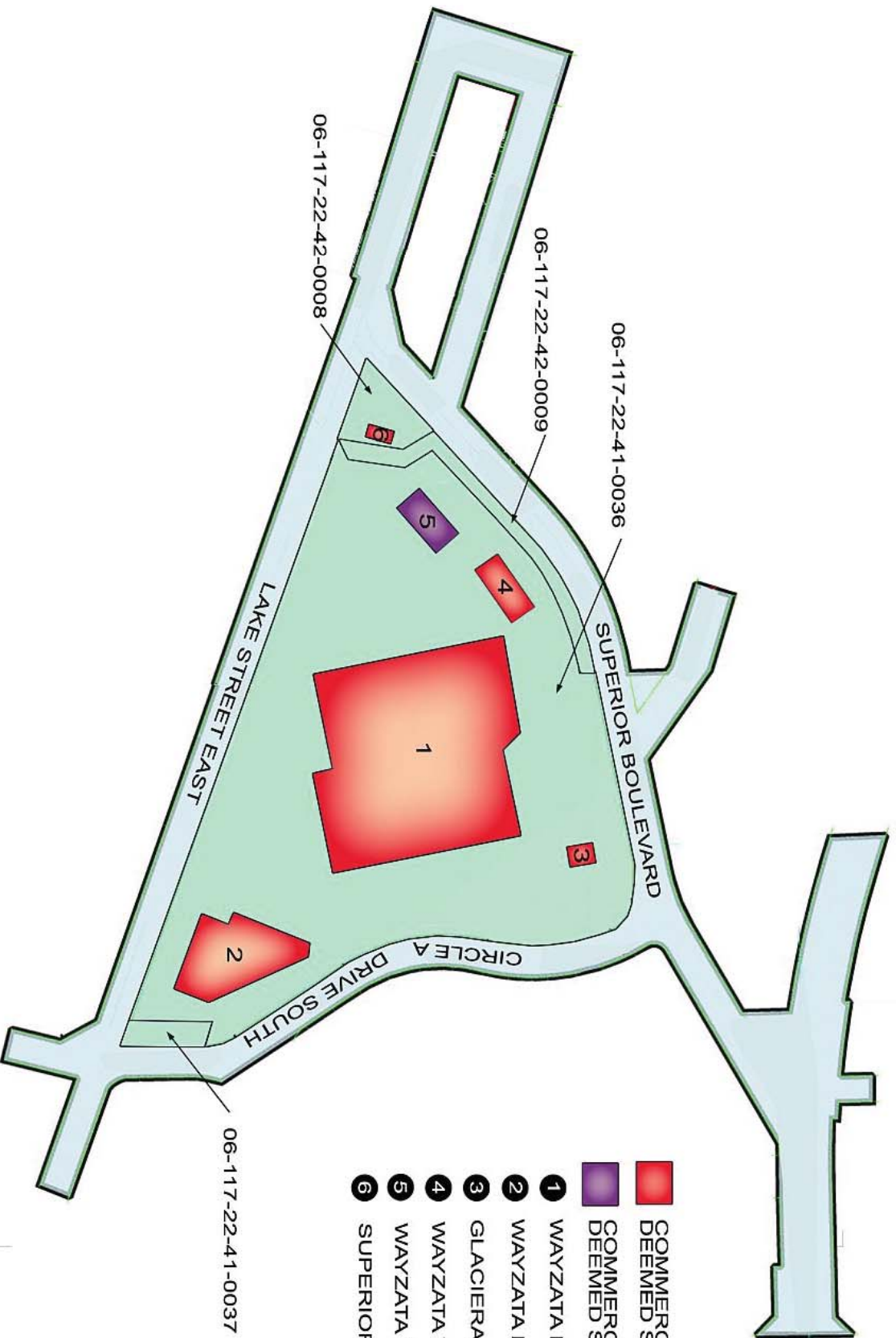
V. Public Hearing

Prior to approval of this TIF Plan by the City Council, a public hearing will be held by the City Council in accordance with Minnesota Statutes, Section 469.175, notice of such hearing being published in a newspaper of general circulation in the city at least once, not less than 10 days and not more than 30 days prior to the hearing date. At this hearing County Board Members and the School Board will be given an opportunity to present comments. The public hearing is anticipated to be held on November 15, 2011.

This plan was prepared with the assistance of Public Financial Management, Inc. and is expected to be considered by the Board of Commissioners of the Authority at a meeting tentatively scheduled for October 25, 2011. It is anticipated that the City Council of the City of Wayzata will hold a public hearing on the proposed Replacement TIF Plan No. 5 on November 15, 2011. Following the public hearing, the City Council will consider actions to request decertification of the existing TIF District No. 5 and to consider approval of the TIF Plan for Replacement District No. 5 and requested certification of the Replacement TIF District No. 5.

Exhibit 1

Map of Proposed Wayzata Bay Center
Replacement TIF District No. 5



- 1 WAYZATA BAY CENTER MALL
 - 2 WAYZATA BAY CENTER WAREHOUSE
 - 3 GLACIERA CUSTARD CAFE
 - 4 WAYZATA TIRE & AUTO
 - 5 WAYZATA BAR & GRILL
 - 6 SUPERIOR STOP GAS STATION
- COMMERCIAL PARCELS
DEEMED SUBSTANDARD
 - COMMERCIAL PARCELS
DEEMED STANDARD

MAP OF PROPOSED WAYZATA BAY CENTER TIF DISTRICT

Exhibit 2

Wayzata Bay Center
Replacement TIF District No. 5 Projected Cash Flow

TIF District Number 5 Adjusted Projected Cash Flow

Exhibit 2

	Assumptions																									
	First Collection Year TIF Term Final Year of TIF Fiscal Disparity Percentage	2015 26 2040 35%	Base Tax Capacity		12/31/2013	12/31/2012	Discount Rate		12/31/2016	12/31/2015	12/31/2014	12/31/2013	12/31/2012	12/31/2011	12/31/2010	12/31/2009										
			Local Tax Rate	Office of State Auditor Rate			Dated Date	EMV Growth Rate									Admin Base Expense									
																		Admin Growth Rate								
Wayzata Bay Master Redevelopment																										
Estimated Market Value	\$	-	\$	-	\$	16,800,000	\$	17,782,469	\$	18,822,393	\$	70,033,665	\$	163,997,225	\$	218,652,199	\$	231,439,047	\$	244,973,674	\$	259,299,810	\$	274,463,743		
Projected Tax Capacity																										
Ownership Housing																										
Rental Housing																										
Retail/Office/Hotel																										
Total Project Tax Capacity																										
Less: Fiscal Disparity																										
Less: Original Tax Capacity ⁽¹⁾																										
Captured Tax Capacity																										
Gross Tax Increment																										
Less: Office of State Auditor																										
Projected Net Increment (Wayzata Bay)	\$	-	\$	-	\$	-	\$	-	\$	-	⁽²⁾	\$	543,584	⁽²⁾	\$	1,778,066	\$	2,360,872	\$	2,461,320	\$	2,565,654	\$	2,674,023	\$	2,786,584
95% Paid to Master Developer for TIF Note	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,689,163	\$	2,242,829	\$	2,338,254	\$	2,437,371	\$	2,540,322	\$	2,647,254
5% Paid to City HRA	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	88,903	\$	118,044	\$	123,066	\$	128,283	\$	133,701	\$	139,329
Present Value of Master Redeveloper TIF ⁽³⁾	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,174,387	\$	1,433,860	\$	1,374,590	\$	1,317,570	\$	1,262,733	\$	1,210,011
Present Value of Master Redeveloper TIF - Accumulated	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,174,387	\$	2,608,247	\$	3,982,837	\$	5,300,407	\$	6,563,140	\$	7,773,150
Excess Tax Increment																										
Other Private Development Activity⁽⁴⁾																										
Estimated Market Value	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000	\$	1,381,000
Projected Tax Capacity	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	
Less: Original Tax Capacity	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	
Captured Tax Capacity	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Gross Tax Increment																										
Projected Net Increment (Other)	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
5% Paid to City HRA	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	88,903	\$	118,044	\$	123,066	\$	128,283	\$	133,701	\$	139,329
Total Project Net Increment paid to City HRA	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	88,903	\$	118,044	\$	123,066	\$	128,283	\$	133,701	\$	139,329
Less: Projected Administrative Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(25,000)	(25,750)	(26,523)	(27,318)	(28,138)	(28,982)	(29,837)	(30,692)	(31,547)	(32,402)	
Net Available TIF for Pooling or Other Qualified Redevelop. Projects	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	63,903	\$	92,294	\$	96,544	\$	100,965	\$	105,563	\$	110,347

⁽¹⁾ Original tax capacity is adjusted after property has been reclassified and replated in 2015.

⁽²⁾ Increment collected will be distributed to taxing jurisdictions by county auditor.

⁽³⁾ Master Redeveloper Receives total tax increment payment equal to \$22,910,879 in 2011 dollars discounted at 8.75%.

⁽⁴⁾ Includes future private development of parcels 06-117-22-42-0008 and 06-117-22-42-0009 not pledged to TIF Note.

TIF District Number 5 Adjusted Projected Cash Flow

	12/31/2021	12/31/2022	12/31/2023	12/31/2024	12/31/2025	12/31/2026	12/31/2027	12/31/2028	12/31/2029	12/31/2030	12/31/2031	12/31/2032	12/31/2033
Wayzata Bay Master Redevelopment													
Estimated Market Value	\$290,514,467	\$307,503,843	\$325,486,763	\$344,521,329	\$364,669,043	\$385,995,002	\$408,568,109	\$432,461,298	\$457,751,768	\$484,521,233	\$512,856,184	\$542,848,172	\$574,594,101
Projected Tax Capacity													
Ownership Housing	1,280,161	1,329,678	1,381,111	1,434,533	1,490,022	1,547,657	1,607,521	1,669,701	1,734,286	1,801,370	1,871,048	1,943,421	2,018,594
Rental Housing	733,663	762,042	791,518	822,134	853,935	886,966	921,274	956,910	993,924	1,032,369	1,072,302	1,113,779	1,156,861
Retail/Office/Hotel	1,576,998	1,637,998	1,701,356	1,767,166	1,835,521	1,906,520	1,980,265	2,056,863	2,136,424	2,219,062	2,304,897	2,394,052	2,486,655
Total Project Tax Capacity	3,590,822	3,729,718	3,873,985	4,023,834	4,179,478	4,341,143	4,509,061	4,683,474	4,864,634	5,052,801	5,248,246	5,451,252	5,662,110
Less: Fiscal Disparity	(551,949)	(573,299)	(595,475)	(618,508)	(642,432)	(667,282)	(693,093)	(719,902)	(747,748)	(776,672)	(806,714)	(837,918)	(870,329)
Less: Original Tax Capacity ⁽¹⁾	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)
Captured Tax Capacity	2,810,452	2,927,997	3,050,090	3,176,904	3,308,624	3,445,440	3,587,547	3,735,151	3,888,464	4,047,708	4,213,111	4,384,913	4,563,359
Gross Tax Increment	2,913,989	3,035,865	3,162,455	3,293,941	3,430,514	3,572,370	3,719,712	3,872,754	4,031,715	4,196,825	4,368,322	4,546,453	4,731,473
Less: Office of State Auditor	(10,490)	(10,929)	(11,385)	(11,858)	(12,350)	(12,861)	(13,391)	(13,942)	(14,514)	(15,109)	(15,726)	(16,367)	(17,033)
Projected Net Increment (Wayzata Bay)	\$ 2,903,498	\$ 3,024,936	\$ 3,151,070	\$ 3,282,083	\$ 3,418,164	\$ 3,559,509	\$ 3,706,321	\$ 3,858,812	\$ 4,017,201	\$ 4,181,717	\$ 4,352,596	\$ 4,530,085	\$ 4,714,440
95% Paid to Master Developer for TIF Note	\$ 2,758,324	\$ 2,873,689	\$ 2,993,516	\$ 3,117,979	\$ 3,247,256	\$ 3,381,534	\$ 3,521,005	\$ 3,665,871	\$ 3,816,341	\$ 3,972,631	\$ 4,134,967	\$ 4,303,581	\$ 4,478,718
5% Paid to City HRA	\$ 145,175	\$ 151,247	\$ 157,553	\$ 164,104	\$ 170,908	\$ 177,975	\$ 185,316	\$ 192,941	\$ 200,860	\$ 209,086	\$ 217,630	\$ 226,504	\$ 235,722
Present Value of Master Redeveloper TIF ⁽²⁾	\$ 1,159,336	\$ 1,110,644	\$ 1,063,867	\$ 1,018,942	\$ 975,807	\$ 934,397	\$ 894,654	\$ 856,518	\$ 819,931	\$ 784,836	\$ 751,179	\$ 718,906	\$ 687,966
Present Value of Master Redeveloper TIF - Accumulated	\$ 8,932,487	\$ 10,043,130	\$ 11,106,998	\$ 12,125,940	\$ 13,101,747	\$ 14,036,144	\$ 14,930,798	\$ 15,787,317	\$ 16,607,248	\$ 17,392,084	\$ 18,143,263	\$ 18,862,170	\$ 19,550,135
Excess Tax Increment													
Other Private Development Activity⁽⁴⁾													
Estimated Market Value	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000
Projected Tax Capacity	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870	26,870
Less: Original Tax Capacity	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)
Captured Tax Capacity	-	-	-	-	-	-	-	-	-	-	-	-	-
Gross Tax Increment	-	-	-	-	-	-	-	-	-	-	-	-	-
Projected Net Increment (Other)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5% Paid to City HRA	\$ 145,175	\$ 151,247	\$ 157,553	\$ 164,104	\$ 170,908	\$ 177,975	\$ 185,316	\$ 192,941	\$ 200,860	\$ 209,086	\$ 217,630	\$ 226,504	\$ 235,722
Total Project Net Increment paid to City HRA	\$ 145,175	\$ 151,247	\$ 157,553	\$ 164,104	\$ 170,908	\$ 177,975	\$ 185,316	\$ 192,941	\$ 200,860	\$ 209,086	\$ 217,630	\$ 226,504	\$ 235,722
Less: Projected Administrative Expenses	(29,851)	(30,747)	(31,669)	(32,619)	(33,598)	(34,606)	(35,644)	(36,713)	(37,815)	(38,949)	(40,118)	(41,321)	(42,561)
Net Available TIF for Pooling or Other Qualified Redevelop. Projects	\$ 115,324	\$ 120,500	\$ 125,884	\$ 131,485	\$ 137,310	\$ 143,370	\$ 149,672	\$ 156,227	\$ 163,045	\$ 170,137	\$ 177,512	\$ 185,183	\$ 193,161

TIF District Number 5 Adjusted Projected Cash Flow

Wayzata Bay Master Redevelopment

	12/31/2034	12/31/2035	12/31/2036	12/31/2037	12/31/2038	District Termination 12/31/2039	District would terminate 12/31/2039 12/31/2040
Estimated Market Value	\$608,196,542	\$643,764,063	\$681,411,585	\$ 721,260,745	\$763,440,296	\$ 808,086,520	\$ 855,343,669
Projected Tax Capacity							
Ownership Housing	2,096,674	2,177,775	2,262,012	2,349,508	2,440,389	2,534,785	2,632,832
Rental Housing	1,201,609	1,248,088	1,296,365	1,346,509	1,398,593	1,452,691	1,508,882
Retail/Office/Hotel	2,582,841	2,682,747	2,786,517	2,894,301	3,006,254	3,122,538	3,243,320
Total Project Tax Capacity	5,881,124	6,108,609	6,344,894	6,590,318	6,845,236	7,110,014	7,385,034
Less: Fiscal Disparity	(903,994)	(938,961)	(975,281)	(1,013,005)	(1,052,189)	(1,092,888)	(1,135,162)
Less: Original Tax Capacity ⁽¹⁾	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)	(228,421)
Captured Tax Capacity	4,748,708	4,941,227	5,141,192	5,348,892	5,564,626	5,788,704	6,021,451
Gross Tax Increment	4,923,651	5,123,261	5,330,593	5,545,945	5,769,627	6,001,960	6,243,281
Less: Office of State Auditor	(17,725)	(18,444)	(19,190)	(19,965)	(20,771)	(21,607)	(22,476)
Projected Net Increment (Wayzata Bay)	\$ 4,905,925	\$ 5,104,818	\$ 5,311,403	\$ 5,525,980	\$ 5,748,856	\$ 5,980,353	\$ 6,220,805
95% Paid to Master Developer for TIF Note	\$ 4,660,629	\$ 4,849,577	\$ 5,045,833	\$ 5,249,681	\$ 5,461,413	\$ 5,681,336	\$ 5,909,765
5% Paid to City HRA	\$ 245,296	\$ 255,241	\$ 265,570	\$ 276,299	\$ 287,443	\$ 299,018	\$ 311,040
Present Value of Master Redeveloper TIF ⁽³⁾	\$ 658,307	\$ 629,881	\$ 602,640	\$ 576,539	\$ 551,533	\$ 527,580	\$ 504,636
Present Value of Master Redeveloper TIF - Accumulated	\$ 20,208,442	\$ 20,838,323	\$ 21,440,963	\$ 22,017,502	\$ 22,569,036	\$ 22,910,879	\$ 22,910,879
Excess Tax Increment							
Total							
							TIF Collected through 2039
							\$ 91,109,073
							\$ 4,795,214

Other Private Development Activity⁽⁴⁾

Estimated Market Value	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ 1,381,000	\$ -
Projected Tax Capacity	26,870	26,870	26,870	26,870	26,870	26,870	-
Less: Original Tax Capacity	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	(26,870)	-
Captured Tax Capacity	-	-	-	-	-	-	-
Gross Tax Increment	-	-	-	-	-	-	-
Projected Net Increment (Other)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5% Paid to City HRA	\$ 245,296	\$ 255,241	\$ 265,570	\$ 276,299	\$ 287,443	\$ 299,018	\$ -
Total Project Net Increment paid to City HRA	\$ 245,296	\$ 255,241	\$ 265,570	\$ 276,299	\$ 287,443	\$ 299,018	\$ -
Less: Projected Administrative Expenses	(43,838)	(45,153)	-	-	-	-	-
Net Available TIF for Pooling or Other Qualified Redevelop. Projects	\$ 201,459	\$ 210,088	\$ 265,570	\$ 276,299	\$ 287,443	\$ 299,018	\$ -

Appendix I
Special Legislation

Sec. 23. **CITY OF WAYZATA; TAX INCREMENT FINANCING DISTRICT; SPECIAL RULES.**

Subdivision 1. First receipt extended. Notwithstanding Minnesota Statutes, section 469.175, subdivision 1, paragraph (b), the city of Wayzata may modify the tax increment financing plan for Redevelopment Tax Increment Financing District No. 5 to change the first year in which it elects to receive increment, up to six years following the year of approval of the district. Minnesota Statutes, section 469.175, subdivision 4, paragraph (b), does not apply to such modification of the tax increment financing plan.

Subd. 2. Five-year rule. The requirement of Minnesota Statutes, section 469.1763, subdivision 3, that activities must be undertaken within a five-year period from the date of certification of a tax increment financing district, is considered to be met for Redevelopment Tax Increment Financing District No. 5 in the city of Wayzata if the activities were undertaken within ten years from the date of certification of the district.

Subd. 3. Parcels deemed occupied. Any parcel in Redevelopment Tax Increment Financing District No. 5 in the city of Wayzata is deemed to meet the requirements of Minnesota Statutes, section 469.174, subdivision 10, paragraph (d), clause (1), if the following conditions are met:

(1) a building on the parcel was demolished by a developer or the city after the city council found the building to be structurally substandard upon approval of original tax increment financing plan for the district; and

(2) the city decertifies Redevelopment Tax Increment Financing District No. 5, but files a request with the county auditor for certification of the parcel as part of a subsequent redevelopment or renewal and renovation district within ten years after the date of demolition.

EFFECTIVE DATE. This section is effective upon compliance by the governing body of the city of Wayzata with the requirements of Minnesota Statutes, section 645.021, subdivision 3.

TAX INCREMENT PLEDGE AGREEMENT

This Tax Increment Pledge Agreement (the “Agreement”) dated as of December 29, 2016, is by and between the City of Wayzata, Minnesota (the “City”), and the Housing and Redevelopment Authority in and for the City of Wayzata, Minnesota (the “Authority”), and provides as follows:

WHEREAS, the City has determined to issue its General Obligation Tax Increment Bonds, Series 2016A, in the principal amount of \$7,925,000 (the “Bonds”), the proceeds of which will be used, together with other available funds, to finance the construction of a new publicly owned parking ramp near Broadway Avenue South and Mill Street in the City (the “Project”); and

WHEREAS, the Bonds are to be payable primarily from tax increments realized by the Authority from Tax Increment District No. 5 (the “District”).

NOW, THEREFORE, to provide funds sufficient for the timely payment of the principal and interest on the Bonds, the City and the Authority hereby agree as follows:

1. In order to pay the principal of and interest on the Bonds when due, the Authority hereby pledges to the City, for deposit in the Bond Fund established by the resolution of the City dated December 20, 2016 (the “Bond Resolution”), for the payment of the Bonds, Available Tax Increments (hereinafter defined) in amounts sufficient, with other funds actually appropriated by the City to the Bond Fund, to pay the principal and interest that are due pursuant to the Bond Resolution on the dates determined by the City and, if and to the extent that the Available Tax Increments are ever insufficient for such purposes, and the City advances City funds to provide prompt and full payment of the Bonds, the Authority agrees to reimburse the City for such advances from Available Tax Increments thereafter received by the Authority. As used in this Agreement, “Available Tax Increments” means tax increments derived by the Authority from the District, excluding such tax increments as have heretofore been pledged to the payment of other tax increment bonds or other eligible costs. In discharging its obligations under this Agreement, the Authority expressly reserves the right to select from year to year Available Tax Increments from the District and to pledge or otherwise dedicate tax increments from the District to purposes other than the payment of the Bonds upon a finding by the Authority that the estimated Available Tax Increments then remaining will be sufficient from year to year to discharge the Authority’s payment obligations on the Bonds pursuant to this Agreement.

2. An executed copy of this Agreement shall be filed with the County Auditor of Hennepin County as required by Minnesota Statutes, Section 469.178, Subdivision 2.

3. This Agreement shall become effective upon the actual issuance and delivery of the Bonds.

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

CITY OF WAYZATA, MINNESOTA

By _____
Mayor

Attest: _____
City Manager

HOUSING AND REDEVELOPMENT
AUTHORITY IN AND FOR THE CITY OF
WAYZATA, MINNESOTA

By _____
Chair

And _____
Executive Director

CERTIFICATE OF HENNEPIN COUNTY AUDITOR
AS TO REGISTRATION OF TAX INCREMENT PLEDGE AGREEMENT

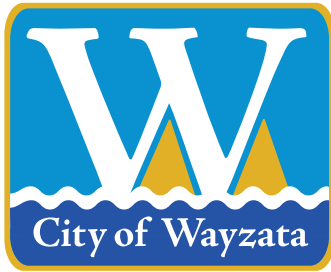
The undersigned, being the duly qualified and acting County Auditor of the County of Hennepin, Minnesota, hereby certifies that, pursuant to Minnesota Statutes, Section 469.178, subdivision 2, there has been filed in my office an executed copy of a Tax Increment Pledge Agreement, dated December [___], 2016, between the City of Wayzata, Minnesota and the Housing and Redevelopment Authority in and for the City of Wayzata, Minnesota, relating to the pledge of tax increments from Tax Increment District No. 5 of the City to the debt service on the City's General Obligation Tax Increment Revenue Bonds, Series 2016B, dated December 29, 2016.

WITNESS my hand this ____ day of December, 2016.

County Auditor

(SEAL)

4817-8157-6747\2



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:
Jeffrey Dahl

DATE: December 15, 2016

TO: The Honorable Mayor and Members of the City Council

FROM: Jeffrey Dahl, City Manager

SUBJECT: Interfund Loan Reimbursement Resolutions for Mill Street Parking Ramp

Update

Please see the attached memo from the City's Financial Advisor, Stacie Kvilvang of Ehlers.

Staff Recommendation

In order to allow for future reimbursement of resources that the City has already or will be contributing for the Mill Street Parking Ramp, staff recommends adoption of each of the four attached reimbursement resolutions.

City Council Action Requested

1. Motion to Adopt Resolution No. 60-2016---Authorizing an Interfund Loan for Advance of Certain Costs in Connection with the Modification to the TIF Plan for Replacement Redevelopment TIF District Number 5 (Capital Project Fund)
2. Motion to Adopt Resolution No. 61-2016---Authorizing an Interfund Loan for Advance of Certain Costs in Connection with the Modification to the TIF Plan for Replacement Redevelopment TIF District Number 5 (CIP Fund)
3. Motion to Adopt Resolution No. 62-2016---Authorizing an Interfund Loan for Advance of Certain Costs in Connection with the Modification to the TIF Plan for Replacement Redevelopment TIF District Number 5 (General Fund)
4. Motion to Adopt Resolution No. 63-2016---Authorizing an Interfund Loan for Advance of Certain Costs in Connection with the Modification to the TIF Plan for Replacement Redevelopment TIF District Number 5 (Water Fund)



Memo

To: Jeffrey Dahl – City Manager
From: Stacie Kvilvang
Date: December 20, 2016
Subject: Interfund Loans

Over the past two (2) years, the City has been discussing the financing of a new publicly owned parking ramp near Broadway Avenue South and Mill Street. The City has identified the following “up-front” cash resources for the project to reduce the City’s borrowing costs:

Source	Fund	Cash Available in 2016	Total By Fund
CARD TIF	N/A	\$ 285,000	\$ 285,000
Widsten TIF		\$ 192,000	\$ 192,000
Bay Center TIF - 2016 Admin		\$ 25,000	\$ 50,000
Bay Center TIF - 2016 Admin		\$ 25,000	
Internally Financed Capital Projects	Capital Projects Fund	\$ 200,000	\$ 391,000
Ramp Contingency	Fund	\$ 191,000	
Excess Transfer in 2015	General Fund	\$ 353,000	\$ 852,000
General Fund Year End Transfer		\$ 499,000	
General Fund CIP	CIP Fund	\$ 300,000	\$ 300,000
Water Fund	Water Fund	\$ 300,000	\$ 300,000
TOTAL	N/A	\$ 2,370,000	\$ 2,370,000

As discussed previously, we have been conservative in our estimates of TIF to be generated from the East Block properties in TIF District #5. To the extent the East Block valuations are higher than anticipated over the term of the District, more TIF may be generated. This TIF would be available to pay not only debt service on the bonds, but to repay some of the project funds highlighted in grey above that were used to finance the ramp.

In order for the City to be able to recoup these funds in the future, they are required to approve interfund loans for each fund. Attached are four (4) resolutions authorizing interfund loans in amounts as noted in the chart above in the column titled “Total by Fund.” The City will reimburse these funds in the principal amount noted, together with interest at the rate of 4% per annum. The interest rate is set at the statutory maximum and will not be adjusted annually.

Completing this action provides the City with the most flexibility to reimburse some of these funds in the future if and when TIF funds are available. Please contact me at 651-697-8506 with any questions.

**CITY OF WAYZATA
HENNEPIN COUNTY
STATE OF MINNESOTA**

Council member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 60-2016

**RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR ADVANCE OF
CERTAIN COSTS IN CONNECTION WITH THE MODIFICATION TO THE
TAX INCREMENT FINANCING PLAN FOR REPLACEMENT
REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT NO. 5.**

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

Section 1. Background.

1.01. The City has heretofore approved the modification to the Tax Increment Financing Plan (the "TIF Plan Modification") for Replacement Redevelopment Tax Increment Financing District No. 5 (the "TIF District") within the Central Area Redevelopment District (the "Project") for the purpose of financing certain improvements within the Project.

1.02. The City has determined to pay for certain costs identified in the TIF Plan consisting of construction of a public parking ramp, interest and administrative costs (collectively, the "Qualified Costs"), which costs may be financed on a temporary basis from City funds available for such purposes.

1.03. Under Minnesota Statutes, Section 469.178, Subd. 7, the City is authorized to advance or loan money from the City's general fund or any other fund from which such advances may be legally authorized, in order to finance the Qualified Costs.

1.04. The City intends to reimburse itself for the Qualified Costs from tax increments derived from the TIF District in accordance with the terms of this resolution (which terms are referred to collectively as the "Interfund Loan").

Section 2. Terms of Interfund Loan.

2.01. The City hereby authorizes the advance of up to \$391,000 from the Capital Project Fund or so much thereof as may be paid as Qualified Costs. The City shall reimburse itself for such advances together with interest at the rate stated below. Interest accrues on the principal amount from the date of each advance. The maximum rate of interest permitted to be charged is limited to the greater of the rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 as of the date the loan or advance is authorized, unless the written agreement states that the maximum interest rate will fluctuate as the interest rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 are from time to time adjusted. The interest rate shall be 4% and will not fluctuate.

2.02. Principal and interest ("Payments") on the Interfund Loan shall be paid semi-annually on each August 1 and February 1 (each a "Payment Date"), commencing on the first Payment Date on which the Authority has Available Tax Increment (defined below), or on any other dates determined by the City Manager, through the date of last receipt of tax increment from the TIF District.

2.03. Payments on this Interfund Loan are payable solely from "Available Tax Increment," which shall mean, on each Payment Date, tax increment available after other obligations have been paid, or as determined by the City Manager, generated in the preceding six (6) months with respect to the property within the TIF District and remitted to the City by Hennepin County, all in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, all inclusive, as amended. Payments on this Interfund Loan may be subordinated to any outstanding or future bonds, notes or contracts secured in whole or in part with Available Tax Increment, and are on parity with any other outstanding or future interfund loans secured in whole or in part with Available Tax Increment.

2.04. The principal sum and all accrued interest payable under this Interfund Loan are pre-payable in whole or in part at any time by the City without premium or penalty. No partial prepayment shall affect the amount or timing of any other regular payment otherwise required to be made under this Interfund Loan.

2.05. This Interfund Loan is evidence of an internal borrowing by the City in accordance with Minnesota Statutes, Section 469.178, Subd. 7, and is a limited obligation payable solely from Available Tax Increment pledged to the payment hereof under this resolution. This Interfund Loan and the interest hereon shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on this Interfund Loan or other costs incident hereto except out of Available Tax Increment, and neither the full faith and credit nor the taxing power of the State of Minnesota or any political subdivision thereof is pledged to the payment of the principal of or interest on this Interfund Loan or other costs incident hereto. The City shall have no obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the final Payment Date.

2.06. The City may amend the terms of this Interfund Loan at any time by resolution of the City Council, including a determination to forgive the outstanding principal amount and accrued interest to the extent permissible under law.

Section 3. Effective Date. This resolution is effective upon the date of its approval.

The motion for the adoption of the foregoing resolution was duly seconded by Council member _____, and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Dated: December 20, 2016

ATTEST:

Ken Willcox, Mayor

Jeffrey Dahl, City Manager

(Seal)

**CITY OF WAYZATA
HENNEPIN COUNTY
STATE OF MINNESOTA**

Council member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 61-2016

**RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR ADVANCE OF
CERTAIN COSTS IN CONNECTION WITH THE MODIFICATION TO THE
TAX INCREMENT FINANCING PLAN FOR REPLACEMENT
REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT NO. 5.**

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

Section 1. Background.

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1.02. The City has determined to pay for certain costs identified in the TIF Plan consisting of the construction of a public parking ramp, interest and administrative costs (collectively, the "Qualified Costs"), which costs may be financed on a temporary basis from City funds available for such purposes.

1.03. Under Minnesota Statutes, Section 469.178, Subd. 7, the City is authorized to advance or loan money from the City's general fund or any other fund from which such advances may be legally authorized, in order to finance the Qualified Costs.

1.04. The City intends to reimburse itself for the Qualified Costs from tax increments derived from the TIF District in accordance with the terms of this resolution (which terms are referred to collectively as the "Interfund Loan").

Section 2. Terms of Interfund Loan.

2.01. The City hereby authorizes the advance of up to \$300,000 from the CIP Fund or so much thereof as may be paid as Qualified Costs. The City shall reimburse itself for such advances together with interest at the rate stated below. Interest accrues on the principal amount from the date of each advance. The maximum rate of interest permitted to be charged is limited to the greater of the rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 as of the date the loan or advance is authorized, unless the written agreement states that the maximum interest rate will fluctuate as the interest rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 are from time to time adjusted. The interest rate shall be 4% and will not fluctuate.

2.02. Principal and interest ("Payments") on the Interfund Loan shall be paid semi-annually on each August 1 and February 1 (each a "Payment Date"), commencing on the first Payment Date on which the Authority has Available Tax Increment (defined below), or on any other dates determined by the City Manager, through the date of last receipt of tax increment from the TIF District.

2.03. Payments on this Interfund Loan are payable solely from "Available Tax Increment," which shall mean, on each Payment Date, tax increment available after other obligations have been paid, or as determined by the City Manager, generated in the preceding six (6) months with respect to the property within the TIF District and remitted to the City by Hennepin County, all in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, all inclusive, as amended. Payments on this Interfund Loan may be subordinated to any outstanding or future bonds, notes or contracts secured in whole or in part with Available Tax Increment, and are on parity with any other outstanding or future interfund loans secured in whole or in part with Available Tax Increment.

2.04. The principal sum and all accrued interest payable under this Interfund Loan are pre-payable in whole or in part at any time by the City without premium or penalty. No partial prepayment shall affect the amount or timing of any other regular payment otherwise required to be made under this Interfund Loan.

2.05. This Interfund Loan is evidence of an internal borrowing by the City in accordance with Minnesota Statutes, Section 469.178, Subd. 7, and is a limited obligation payable solely from Available Tax Increment pledged to the payment hereof under this resolution. This Interfund Loan and the interest hereon shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on this Interfund Loan or other costs incident hereto except out of Available Tax Increment, and neither the full faith and credit nor the taxing power of the State of Minnesota or any political subdivision thereof is pledged to the payment of the principal of or interest on this Interfund Loan or other costs incident hereto. The City shall have no obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the final Payment Date.

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and the following voted against the same:

Dated: December 20, 2016

ATTEST:

Ken Willcox, Mayor

Jeffrey Dahl, City Manager

(Seal)

**CITY OF WAYZATA
HENNEPIN COUNTY
STATE OF MINNESOTA**

Council member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 62-2016

**RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR ADVANCE OF
CERTAIN COSTS IN CONNECTION WITH THE MODIFICATION TO THE
TAX INCREMENT FINANCING PLAN FOR REPLACEMENT
REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT NO. 5.**

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1.02. The City has determined to pay for certain costs identified in the TIF Plan consisting of construction of a public parking ramp, interest and administrative costs (collectively, the "Qualified Costs"), which costs may be financed on a temporary basis from City funds available for such purposes.

1.03. Under Minnesota Statutes, Section 469.178, Subd. 7, the City is authorized to advance or loan money from the City's general fund or any other fund from which such advances may be legally authorized, in order to finance the Qualified Costs.

1.04. The City intends to reimburse itself for the Qualified Costs from tax increments derived from the TIF District in accordance with the terms of this resolution (which terms are referred to collectively as the "Interfund Loan").

Section 2. Terms of Interfund Loan.

2.01. The City hereby authorizes the advance of up to \$852,000 from the General Fund or so much thereof as may be paid as Qualified Costs. The City shall reimburse itself for such advances together with interest at the rate stated below. Interest accrues on the principal amount from the date of each advance. The maximum rate of interest permitted to be charged is limited to the greater of the rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 as of the date the loan or advance is authorized, unless the written agreement states that the maximum interest rate will fluctuate as the interest rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 are from time to time adjusted. The interest rate shall be 4% and will not fluctuate.

2.02. Principal and interest ("Payments") on the Interfund Loan shall be paid semi-annually on each August 1 and February 1 (each a "Payment Date"), commencing on the first Payment Date on which the Authority has Available Tax Increment (defined below), or on any other dates determined by the City Manager, through the date of last receipt of tax increment from the TIF District.

2.03. Payments on this Interfund Loan are payable solely from "Available Tax Increment," which shall mean, on each Payment Date, tax increment available after other obligations have been paid, or as determined by the City Manager, generated in the preceding six (6) months with respect to the property within the TIF District and remitted to the City by Hennepin County, all in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, all inclusive, as amended. Payments on this Interfund Loan may be subordinated to any outstanding or future bonds, notes or contracts secured in whole or in part with Available Tax Increment, and are on parity with any other outstanding or future interfund loans secured in whole or in part with Available Tax Increment.

2.04. The principal sum and all accrued interest payable under this Interfund Loan are pre-payable in whole or in part at any time by the City without premium or penalty. No partial prepayment shall affect the amount or timing of any other regular payment otherwise required to be made under this Interfund Loan.

2.05. This Interfund Loan is evidence of an internal borrowing by the City in accordance with Minnesota Statutes, Section 469.178, Subd. 7, and is a limited obligation payable solely from Available Tax Increment pledged to the payment hereof under this resolution. This Interfund Loan and the interest hereon shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on this Interfund Loan or other costs incident hereto except out of Available Tax Increment, and neither the full faith and credit nor the taxing power of the State of Minnesota or any political subdivision thereof is pledged to the payment of the principal of or interest on this Interfund Loan or other costs incident hereto. The City shall have no obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the final Payment Date.

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The motion for the adoption of the foregoing resolution was duly seconded by Council member _____, and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Dated: December 20, 2016

ATTEST:

Ken Willcox, Mayor

Jeffrey Dahl, City Manager

(Seal)

**CITY OF WAYZATA
HENNEPIN COUNTY
STATE OF MINNESOTA**

Council member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 63-2016

**RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR ADVANCE OF
CERTAIN COSTS IN CONNECTION WITH THE MODIFICATION TO THE
TAX INCREMENT FINANCING PLAN FOR REPLACEMENT
REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT NO. 5.**

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Section 1. Background.

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1.04. The City intends to reimburse itself for the Qualified Costs from tax increments derived from the TIF District in accordance with the terms of this resolution (which terms are referred to collectively as the "Interfund Loan").

Section 2. Terms of Interfund Loan.

2.01. The City hereby authorizes the advance of up to \$300,000 from the Water Fund or so much thereof as may be paid as Qualified Costs. The City shall reimburse itself for such advances together with interest at the rate stated below. Interest accrues on the principal amount from the date of each advance. The maximum rate of interest permitted to be charged is limited to the greater of the rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 as of the date the loan or advance is authorized, unless the written agreement states that the maximum interest rate will fluctuate as the interest rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 are from time to time adjusted. The interest rate shall be 4% and will not fluctuate.

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Section 3. Effective Date. This resolution is effective upon the date of its approval.

The motion for the adoption of the foregoing resolution was duly seconded by Council member _____, and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

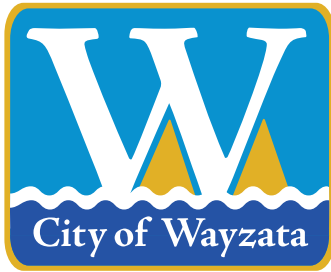
Dated: December 20, 2016

ATTEST:

Ken Willcox, Mayor

Jeffrey Dahl, City Manager

(Seal)



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:
Jeffrey Dahl

DATE: December 15, 2016

TO: The Honorable Mayor and Members of the City Council

FROM: Jeffrey Dahl, City Manager

SUBJECT: Adopt Resolution No. 64-2016---Resolution Relating to \$7,925,000 General Obligation Tax Increment Bonds, Series 2016A, Authorizing the Issuance, Awarding the Sale, Fixing the Form and Details, and Providing for the Execution and Delivery thereof and the Security therefor.

Update

At its December 6th Meeting, the City Council approved the first reading of an Ordinance Authorizing the Issuance of G.O. Tax Increment Bonds, Series 2016A. After the Second Reading is approved, all necessary reimbursement resolutions are adopted, and the TIF Plan Modification is approved, the City Council can consider adoption of the attached resolution, which awards the sale of the \$7,925,000 G.O. TIF Bonds, Series 2016A and execution thereof.

The bond sale will occur earlier in the day on December 20th. Stacie Kvilvang, of Ehlers, will be in attendance to present the results and also update the Council on its updated AAA bond rating.

Please note that the resolution also approves the aforementioned TIF Pledge Agreement with the HRA.

Staff Recommendation

After the other aforementioned steps have been completed, staff recommends approval of the attached resolution in order to secure financing for the Mill Street Parking Ramp Construction.

City Council Action Requested

Motion to Approve Resolution No. 64-2016, Resolution Relating to \$7,925,000 General Obligation Tax Increment Bonds, Series 2016A, Authorizing the Issuance, Awarding the Sale, Fixing the Form and Details, and Providing for the Execution and Delivery thereof and the Security therefor.

CERTIFICATION OF MINUTES RELATING TO
\$7,925,000 GENERAL OBLIGATION TAX
INCREMENT BONDS, SERIES 2016A

Issuer: City of Wayzata, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting, held on December 20, 2016
at 7:00 o'clock p.m., at the City Hall.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (pages): 1 through ____

RESOLUTION NO. 64-2016

RESOLUTION RELATING TO \$7,925,000 GENERAL OBLIGATION
TAX INCREMENT BONDS, SERIES 2016A; AUTHORIZING THE
ISSUANCE, AWARDED THE SALE, FIXING THE FORM AND
DETAILS, AND PROVIDING FOR THE EXECUTION AND
DELIVERY THEREOF AND THE SECURITY THEREFOR

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said obligations; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this ____ day December, 2016.

Jeffrey Dahl, City Manager

(SEAL)

The City Manager reported that _____ (___) proposals had been received by the City prior to 10:00 A.M., Central Time today for the purchase of the Bonds in accordance with the Terms of Proposal for the \$7,925,000 General Obligation Tax Increment Bonds, Series 2016A of the City as previously approved by a resolution of the City Council. The bids have been read and tabulated, and the terms of each have been determined to be as follows:

<u>Name of Bidder</u>	<u>Bid for Principal</u>	<u>Interest Rates</u>	<u>Total Interest Cost-Net Average Rate</u>
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[SEE ATTACHED]

Councilmember _____ then introduced the following resolution and moved its adoption:

RESOLUTION NO. 64-2016

RESOLUTION RELATING TO \$7,925,000 GENERAL OBLIGATION TAX INCREMENT BONDS, SERIES 2016A; AUTHORIZING THE ISSUANCE, AWARDDING THE SALE, FIXING THE FORM AND DETAILS, AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND THE SECURITY THEREFOR

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

Section 1. Authorization and Sale.

1.01. Authorization. This Council has authorized the sale of \$7,925,000 General Obligation Tax Increment Bonds, Series 2016A (the "Bonds") of the City, pursuant to Minnesota Statutes, Section 469.178 and Minnesota Statutes, Chapter 475, to finance the construction of a new public parking ramp (the "Project"). The issuance of the Bonds has been authorized by ordinance of the City adopted by 4/5th vote of the members of this Council with a first reading on December 6, 2016 and a second reading on the date hereof (the "Ordinance"). Issuance of the Bonds is contingent on publication of the Ordinance on December 29, 2016.

1.02. Sale of Bonds. The City has retained Ehlers & Associates, Inc., as independent financial advisors in connection with the sale of the Bonds. Pursuant to Minnesota Statutes, Section 475.60, subdivision 2, paragraph (9), the requirements as to public sale do not apply to the issuance of the Bonds. Proposals have been received for the sale of the Bonds, and the Council has publicly considered all proposals presented in conformity with the terms and conditions distributed by the City to potential purchasers of the Bonds. The most favorable of such bids is ascertained to be that of [_____, of [_____, _____] (the "Purchaser"), to purchase the Bonds at a price of \$[_____] plus accrued interest, if any, on all Bonds to the day of delivery and payment, on the further terms and conditions hereinafter set forth.

1.03 Award of Bonds. The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Manager are hereby authorized and directed on behalf of the City to execute a contract for the sale of the Bonds in accordance with the terms of the bid. The good faith deposit of the Purchaser shall be retained and deposited by the City until the Bonds have been delivered and shall be deducted from the purchase price paid at settlement. The good faith checks of other bidders shall be returned to them forthwith.

1.04. Issuance of Bonds. All acts, conditions and things which are required by the Charter of the City and the Constitution and laws of the State of Minnesota to be done, to exist,

to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, existing, having happened and having been performed, it is now necessary for the Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

Section 2. Form of Bonds. The Bonds shall be prepared in substantially the form attached hereto as Exhibit A.

Section 3. Bond Terms, Execution and Delivery.

3.01. Maturities, Interest Rates, Denominations, Payment. The City shall forthwith issue and deliver the Bonds, which shall be denominated "General Obligation Tax Increment Bonds, Series 2016A." The Bonds shall be issuable in the denomination of \$5,000 each or any integral multiple thereof, shall mature on February 1 in the years and amounts set forth below, and Bonds maturing in such years and amounts shall bear interest from the date of original issue of the Bonds computed on the basis of the number of days elapsed in a 360-day year consisting of twelve 30-days months from date of original issue until paid or duly called for redemption at the rates per annum shown opposite such years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2019	\$190,000		2031	\$345,000	
2020	290,000		2032	355,000	
2021	290,000		2033	360,000	
2022	295,000		2034	370,000	
2023	300,000		2035	380,000	
2024	305,000		2036	390,000	
2025	310,000		2037	400,000	
2026	315,000		2038	410,000	
2027	320,000		2039	425,000	
2028	325,000		2040	435,000	
2029	330,000		2041	445,000	
2030	340,000				

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein.

3.02. Dates; Interest Payment Dates. Each Bond shall bear a date of original issue of December 29, 2016, and shall be dated as of the date of authentication. Interest on the Bonds shall be payable on February 1 and August 1 in each year, commencing August 1, 2017, to the owner of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day.

3.03. Registration. The City shall appoint, and shall maintain, a bond registrar, transfer agent and paying agent (the “Registrar”). The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

- (a) Register. The Registrar shall keep at its principal corporate trust office a bond register in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.
- (b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.
- (c) Exchange of Bonds. Whenever any Bond is surrendered by the registered owner for exchange, the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity, as requested by the registered owner or the owner’s attorney duly authorized in writing.
- (d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.
- (e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is legally authorized. The Registrar shall incur no liability for its refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.
- (f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner’s order shall be valid and effectual to satisfy and discharge the liability of the City upon such Bond to the extent of the sum or sums so paid.

- (g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.
- (h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be lost, stolen or destroyed, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond lost, stolen or destroyed, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond lost, stolen or destroyed, upon filing with the Registrar of evidence satisfactory to it that such Bond was lost, stolen or destroyed, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, lost, stolen or destroyed Bond has already matured or been called for redemption in accordance with its terms, it shall not be necessary to issue a new Bond prior to payment.

3.04. Appointment of Initial Registrar. The City hereby appoints Bond Trust Services Corporation in Roseville, Minnesota, as the initial Registrar. The Mayor and City Manager are authorized to execute and deliver, on behalf of the City, a contract with Bond Trust Services Corporation, as Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove any Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the City Manager shall transmit to the Registrar from the Sinking Fund described in Section 4.02 hereof, moneys sufficient for the payment of all principal and interest then due.

3.05. Redemption. Bonds maturing in the years 2019 through 2026 shall not be subject to redemption prior to maturity, but Bonds maturing in the years 2027 and thereafter shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order as the City shall determine and by lot as to Bonds having the same maturity date, on February 1, 2026 and on any date thereafter (whether or not an interest payment date), at a price equal to the principal amount thereof and accrued interest to the date of redemption.

[Bonds maturing on February 1, 20__ are subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption

date, without premium, on February 1 in each of the years shown below, in an amount equal to the following principal amounts:

Bonds Maturing on February 1, 20

<u>Sinking Fund</u> <u>Payment Date</u>	<u>Aggregate</u> <u>Principal Amount</u>
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*Maturity]

Prior to the date set for redemption of any Bond prior to its stated maturity date, the City Administrator shall cause notice of the call for redemption thereof to be published if and as required by law and, not more than sixty (60) and not fewer than thirty (30) days prior to the designated redemption date, shall cause notice of the call to be mailed to the registered holders of any Bonds to be redeemed at their addresses as they appear on the bond register described in Section 3.03 hereof, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. The notice of redemption shall specify the redemption date, redemption price, the numbers, interest rates and CUSIP numbers of the Bonds to be redeemed and the place at which the Bonds are to be surrendered for payment, which is the principal office of the Registrar. Official notice of redemption having been given as aforesaid, the Bonds or portions thereof so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions thereof shall cease to bear interest.

Bonds in a denomination larger than \$5,000 may be redeemed in part in any integral multiple of \$5,000. The owner of any Bond redeemed in part shall receive without charge, upon surrender of such Bond to the Registrar, one or more new Bonds of such same series in authorized denominations equal in principal amount to the unredeemed portion of the Bond so surrendered.

3.06. Preparation and Delivery. The Bonds shall be prepared under the direction of the City Manager and shall be executed on behalf of the City by the signatures of the Mayor and the City Manager. In case any officer whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on such Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution. When the Bonds have been so executed and authenticated, they shall be delivered to the Purchaser upon payment

of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

3.07. Securities Depository. (a) For purposes of this Section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with the procedures of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to

substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (d) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (d) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (d) hereof.

(d) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

Section 4. Use of Proceeds and Security Provisions.

Section 4.01. Construction Fund. A Construction Fund is hereby created, as a special fund and designated on the books of the City as the “2016 Tax Increment Bonds Construction Fund” (the “Construction Fund”), to be created and maintained on the books of the City separate and apart from all other funds of the City. The City hereby appropriates to the Construction Fund proceeds received from the sale of the Bonds in the amount of \$[_____]. Moneys on hand in the Construction Fund from time to time shall be used solely to pay costs of the Project. Any amounts remaining in the Construction Fund upon payment of all such public redevelopment costs shall be transferred to the Bond Fund.

Section 4.02. General Obligation Tax Increment Bond Sinking Fund. The Bonds shall be payable from a separate Series 2016A General Obligation Tax Increment Bond Sinking Fund (the “Sinking Fund”) which shall be created and maintained on the books of the City as a separate debt redemption fund until the Bonds, and all interest thereon, are fully paid. There shall be credited to the Sinking Fund the following:

(a) Proceeds of the Bonds in the amount of \$[_____].

(b) All taxes levied and all other money which may at any time be received for or appropriated to the payment of the principal of or interest on the Bonds, including the tax increments herein pledged and appropriated to the Sinking Fund and all collections of any ad valorem taxes levied for the payment of the Bonds.

(c) Any other funds appropriated by the Council for the payment of the Bonds.

4.03. Pledge of Tax Increment. Tax increment derived from Tax Increment Financing District No. 5 (the "District") of the HRA established in connection with the Central Area Redevelopment Plan of the HRA is hereby irrevocably pledged to the payment of the principal of and interest on the Bonds. Such pledge of tax increment shall be on a parity with the pledge of such revenues to pay any other bonds of the City or HRA. The HRA and the City shall enter into a Tax Increment Pledge Agreement in substantially the form made available to the City prior to the date hereof, whereby the HRA shall pledge and appropriate tax increment from the District to pay the bonds of the City payable from such tax increment.

4.04. Full Faith and Credit Pledged. The full faith and credit and taxing power of the City shall be and are hereby irrevocably pledged for the prompt and full payment of the principal of and interest on the Bonds. It is estimated that the tax increment from the District and other funds herein pledged for the payment of the Bonds will be collected in amounts not less than five percent in excess of the amounts needed to meet when due the principal of and interest on the Bonds and all other obligations of the City payable from tax increments from the District as required by Minnesota Statutes, Section 475.61. Consequently, no ad valorem taxes are now levied to pay the Bonds or the interest to come due thereon, pursuant to Minnesota Statutes, Section 469.178, subdivision 2.

4.05. Additional Bonds. The City reserves the right to issue additional bonds payable from the Sinking Fund and tax increments to be derived from the District may be used to finance costs of other projects to be undertaken in accordance with the Central Area Redevelopment Plan of the HRA which costs are authorized by the Tax Increment Financing Plan for the District to be paid from tax increments derived from the District, or to refund bonds previously issued for such purpose.

Section 5. Defeasance. When all of the Bonds have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the paying agent on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the paying agent a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bond called for redemption on any date when it is prepayable according to their terms, by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; provided that notice of the redemption thereof has been duly given as provided in Section 3.05. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank or trust company qualified by law as an escrow agent for this purpose, cash or securities which are general obligations of the United States or securities of United States agencies which are authorized by law to be so deposited, bearing interest payable at such time and at such rates and maturing on

such dates as shall be required, without reinvestment, to pay all principal and interest to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

Section 6. Registration, Certification of Proceedings, Investment of Moneys, Arbitrage, Interest Disallowance and Official Statement.

6.01. Registration. The City Manager is hereby authorized and directed to file a certified copy of this resolution with the County Auditor of Hennepin County, together with such other information as he shall require, and to obtain from the County Auditor a certificate that the Bonds have been entered on upon the Auditor's register as required by law.

6.02. Certification of Proceedings. The officers of the City and the County Auditor of Hennepin County are hereby authorized and directed to prepare and furnish to the Purchaser, and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records of the City, and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

6.03. Covenant. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code") and the Regulations promulgated thereunder (the "Regulations"), as such are enacted or promulgated and in effect on the date of issue of the Bonds, and covenants to take any and all actions within its powers to ensure that the interest on the Bonds will not become subject to taxation under such Code and Regulations. The City represents and covenants that the City will be the owner of all facilities financed by the Bonds and said facilities will be available for use by all members of the general public on a substantially equal basis. So long as the Bonds are outstanding, the City will not enter into any lease, use agreement or other contract or agreement respecting said facilities which would cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to the provisions of Section 141 of the Code.

6.04. Arbitrage Certification. The Mayor and City Manager being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code, and Sections 1.148 of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be arbitrage bonds within the meaning of said Code and Regulations.

6.05. Arbitrage Rebate. The City acknowledges that the Bonds are subject to the rebate requirements of Section 148(f) of the Code. The Issuer covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Regulations to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes, unless the Bonds qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no “gross proceeds” of the Bonds (other than amounts constituting a “bona fide debt service fund”) arise during or after the expenditure of the original proceeds thereof.

6.06. Qualified Tax Exempt Obligations. The City hereby designates the Bonds as “qualified tax-exempt obligations” for purpose of Section 265(b) of the Code relating to the disallowance of interest expenses for financial institutions. The City represents that in calendar year 2016 it does not reasonable expect to issue tax-exempt obligations which are not private activity bonds (not treating qualified 501(c)(3) bonds under Section 145 of the Code as private activity bonds for purposes of this representation) in an amount in excess of \$10,000,000.

6.07. Official Statement. The Official Statement relating to the Bonds prepared and distributed on behalf of the City by Ehlers & Associates, Inc., is hereby approved. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

Section 7. Authorization of Payment of Certain Costs of Issuance of the Bonds. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to Klein Bank on the closing date for further distribution as directed by the City’s financial advisor, Ehlers & Associates, Inc.

Section 8. Continuing Disclosure.

(a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the “Rule”), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the Outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any Outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under

this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bondowner means, in respect of a Bond, the registered owner or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of a Bond, any person or entity which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

- (1) on or before twelve months after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2016, the following financial information and operating data in respect of the City (the “Disclosure Information”):
 - (A) the audited financial statements of the City for such fiscal year, containing balance sheets as of the end of such fiscal year and a statement of operations, changes in fund balances and cash flows for the fiscal year then ended, showing in comparative form such figures for the preceding fiscal year of the City, prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and
 - (B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most recently available of the type contained in the Official Statement under headings: “VALUATIONS—Current Property Valuations,” “DEBT—Direct Debt,” and “TAX RATES, LEVIES AND COLLECTIONS—Tax Levies and Collections” and “GENERAL INFORMATION—US Census Data-Population Trend” and “-Employment / Unemployment Data,” which information may be unaudited.

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and,

within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been filed with the SEC or have been made available to the public on the Internet Web site of the Municipal Securities Rulemaking Board ("MSRB"). The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect, provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

- (2) In a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events (each, a "Material Fact"):
 - (A) Principal and interest payment delinquencies;
 - (B) Non-payment related defaults, if material;
 - (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
 - (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
 - (E) Substitution of credit or liquidity providers, or their failure to perform;
 - (F) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
 - (G) Modifications to rights of security holders, if material;
 - (H) Bond calls, if material, and tender offers;
 - (I) Defeasances;
 - (J) Release, substitution, or sale of property securing repayment of the securities, if material;
 - (K) Rating changes;
 - (L) Bankruptcy, insolvency, receivership or a similar event with respect to the City;
 - (M) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

- (N) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

As used herein, for those events that must be reported if material, an event is “material” if it is an event as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, a material fact is also an event that would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

For the purposes of the event identified in (L) hereinabove, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governmental body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

- (3) In a timely manner, notice of the occurrence of any of the following events or conditions:

- (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
- (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
- (C) the termination of the obligations of the City under this section pursuant to subsection (d);
- (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared; and
- (E) any change in the fiscal year of the City.

(c) Manner of Disclosure.

- (1) The City agrees to make available to the MSRB, in an electronic format as prescribed by the MSRB from time to time, the information described in subsection (b);

- (2) All documents provided to the MSRB pursuant to this subsection (c) shall be accompanied by identifying information as prescribed by the MSRB from time to time.

(d) Term; Amendments; Interpretation.

- (1) The covenants of the City in this section shall remain in effect so long as any Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.
- (2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(3) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

- (3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

Section 9. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 10. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

Attest:

Mayor

City Manager

The motion for the adoption of the foregoing resolution was duly seconded by Member _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted, and was approved and signed by the Mayor, whose signature was attested by the City Manager.

EXHIBIT A

BOND FORM

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN

CITY OF WAYZATA

GENERAL OBLIGATION TAX
INCREMENT BOND, SERIES 2016A

No. R-_____ \$_____

Interest
Rate

Maturity
Date

Date of
Original Issue

CUSIP

_____%

February 1, 20__

December 29, 2016

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

THOUSAND DOLLARS

THE CITY OF WAYZATA, Hennepin County, Minnesota (the "City"), acknowledges itself to be indebted and, for value received, hereby promises to pay to the registered owner above named, the principal amount indicated above, on the maturity date specified above, with interest thereon from the date of original issue set forth above at the annual rate specified above computed on the basis of the number of days elapsed in a 360-day year consisting of twelve 30-day months, payable on February 1 and August 1 in each year, commencing August 1, 2017, to the person in whose name this Bond is registered at the close of business on the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof, are payable in lawful money of the United States of America by check or draft of Bond Trust Services Corporation, in Roseville, Minnesota, as Bond Registrar, Transfer Agent and Paying Agent (the "Bond Registrar"), or its successor designated under the Resolution described herein.

This Bond is one of an issue in the aggregate principal amount of \$7,925,000 all of like date and tenor except as to serial number, interest rate, redemption privilege and maturity date, issued pursuant to a resolution adopted by the City Council on December 20, 2016 (the "Resolution") and Ordinance of the City to finance costs of construction of a public parking ramp, and is issued pursuant to and in full conformity with the provisions of the Charter of the

City and the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Section 469.178 and Chapter 475. This Bonds are payable primarily from tax increments generated by Tax Increment Financing District No. 5 (the "District") received from the Housing and Redevelopment Authority in and for the City of Wayzata which have been pledged to the payment of the Bonds by the Resolution. In addition, for the full and prompt payment of the principal and interest on the Bonds as the same become due, the full faith, credit and taxing power of the City have been and are irrevocably pledged. The Bonds are issuable only as fully registered bonds, in denominations of \$5,000 or any integral multiple thereof, of single maturities.

Bonds maturing in the years 2019 through 2026 are payable on their respective stated maturity dates without option of prior payment, but Bonds having stated maturity dates in the years 2027 and thereafter are each subject to redemption and prepayment, at the option of the City and in whole or in part and if in part, in the maturities selected by the City and by lot, assigned in proportion to their principal amount, within any maturity, on February 1, 2026 and on any date thereafter, at a price equal to the principal amount thereof to be redeemed plus interest accrued to the date of redemption.

[Bonds maturing on February 1, 20__ are subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption date, without premium, on February 1 in each of the years shown below, in an amount equal to the following principal amounts:

<u>Sinking Fund Payment Date</u>	<u>Aggregate Principal Amount</u>
20__	\$
20__ (maturity)	]

At least thirty days prior to the date set for redemption of any Bond, notice of the call for redemption will be mailed to the Bond Registrar and to the registered owner of each Bond to be redeemed at his address appearing in the Bond Register, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond, not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price herein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bond or portions of Bonds shall cease to bear interest. Upon the partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

The Bonds have been designated by the City as "qualified tax-exempt obligations" pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by

the registered owner hereof in person or by his attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange, the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Charter of the City and the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City according to its terms have been done, do exist, have happened and have been performed as so required; that prior to the issuance hereof the City has pledged and appropriated to a sinking fund established for the payment of the Bonds tax increments to be derived by the City from the District; that, if necessary for the payment of principal and interest on the Bonds, ad valorem taxes are required to be levied upon all taxable property in the City, which levy is not limited as to rate or amount; and that the issuance of this Bond does not cause the indebtedness of the City to exceed any charter, constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of an authorized representative of the Bond Registrar.

IN WITNESS WHEREOF, the City of Wayzata, Hennepin County, State of Minnesota, by its City Council, has caused this Bond to be executed by the signatures of the Mayor and the City Manager and has caused this Bond to be dated as of the date set forth below.

CITY OF WAYZATA

Mayor

City Manager

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

Date of Authentication: _____

BOND TRUST SERVICES CORPORATION,
as Bond Registrar

By _____
Authorized Representative

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to the applicable laws or regulations:

TEN COM -- as tenants
in common

UNIF TRANS MIN ACT.....Custodian.....
(Cust) (Minor)

TEN ENT -- as tenants
by the entireties

JT TEN -- as joint tenants
with right of
survivorship and
not as tenants in common

Under Uniform Transfers to
Minors Act.....
(State)

Additional abbreviations may also be used.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____, the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

PLEASE INSERT SOCIAL SECURITY
OR OTHER IDENTIFYING NUMBER
OF ASSIGNEE:

/_____/

NOTICE: The signature to this
assignment must correspond with the name
as it appears upon the face of the
within Bond in every particular,
without alteration or any change whatsoever.

Signature(s) must be guaranteed by an
“eligible guarantor institution”
meeting the requirements of the
Bond Registrar, which requirements
include membership or participation
in the Securities Transfer Association
Medalion Program (STAMP) or such
other “signature guaranty program”
as may be determined by the Bond
Registrar in addition to or in
substitution for STAMP, all in
accordance with the Securities
Exchange Act of 1934, as amended.

COUNTY AUDITOR'S CERTIFICATE
AS TO BOND REGISTRATION

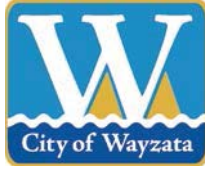
I, the undersigned, being the duly qualified and acting County Auditor of Hennepin County, Minnesota, hereby certify that there has been filed in my office a certified copy of Resolution No. _____, adopted December 20, 2016 by the City Council of the City of Wayzata, Minnesota, awarding the sale, fixing the form and details and providing for the execution, delivery and security of \$7,925,000 General Obligation Tax Increment Bonds, Series 2016A, of the City to be dated, as originally issued, as of December 29, 2016.

I further certify that said Bonds has been entered on my bond register as required by Minnesota Statutes, Sections 475.61 to 475.63.

WITNESS my hand and official seal this ____ day of December, 2016.

County Auditor

(SEAL)



**Planning Report
City Council
December 20, 2016**

Project Name: Meyer Place at Ferndale
Applicant: Homestead Partners, LLC
Property Owner: Meyer Properties
Addresses of Request: 105 Lake Street E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: February 4, 2017

Development Application

Introduction

The applicant, Homestead Partners, and the property owner, Meyer Properties, have submitted a development application to redevelop the Meyer Brothers Dairy site at 105 Lake Street E. The development application includes demolition of the existing vacant commercial buildings and construction of a three story building. The building would include up to 21 residential condominium units and 52 underground enclosed parking spaces.

Property Information

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

Address	PID	Owner
105 Lake Street E	06-117-22-23-0034	Meyer Properties

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

Current zoning:	C-4A/Limited Central Business District
Comp plan designation:	Central Business District
Total site area:	45,254 square feet (1.04 acres)

Project Location

The property is located on the northeast corner of the Lake St E/Ferndale Rd S intersection.

Map 1: Project Location



Application Requests

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

- A. Rezoning from C-4A to PUD/Planned Unit Development: The property is currently zoned C-4A, and the applicant is requesting a rezoning to PUD.
- B. Concurrent PUD Concept and General Plan of Development Review: A rezoning to PUD requires both concept and general plan of development review. The applicant is requesting concurrent review of both the concept plan and general plan.
- C. Design Review: Construction of a new building requires design review by City Code Section 801.09.1.5.

Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Ferndale Ridge townhomes	PUD/Planned Unit Development	Medium Density Multiple Family
East	Wayzata Bay Car	C-4A/Limited	Central Business District

	Wash	Central Business District	
South	TCF office building	PUD/Planned Unit Development	Central Business District
West	Office building	PUD/Planned Unit Development	Central Business District

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on October 27, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on October 28, 2016. The public hearing was held at the Planning Commission meeting on November 7, 2016

Analysis of Application

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Central Business District. The objective of the Central Business District land use category is to promote a diversity of retail, office, service, and residential land uses at a high level of development quality to enhance it as a regional destination. The Comprehensive Plan includes the follow “1st Tier” priorities for the Central Business District:

- Allow a mix of commercial, office, and residential uses that strengthen the CBD as the shopping, employment, and entertainment destination of Wayzata.
- Update development standards continually to assure the highest development quality possible for the Central Business District.
- Complement the CBD and its strong sense of place through land use choices, urban design principles, traffic, parking, and architectural style.
- Investigate strategies to increase retail vitality throughout the CBD.
- Define and evaluate on-street/off-street parking needs consistent with land use, and requirements within the CBD so as to emphasize circulation ease and access control.
- Continue to provide a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.
- Enhance the image and identity of the CBD by emphasizing street trees and landscaping elements.

-
- Plan for an orderly transition between the CBD development and adjacent residential neighborhoods.
 - Accommodate traffic without negatively compromising the integrity of the downtown and its adjacent neighborhoods.
 - Consider complementing abutting edges, both residential and retail/commercial.
 - Consider public financial support that is fiscally responsible and provides value to the City's infrastructure and community systems.
 - Consider ways to assist with redevelopment when properties become a liability to the community.
 - Commercial buildings on Lake Street, west of Barry Avenue, should not be required to have a first floor retail use, although it is allowed and encouraged. Transparency requirements under the Lake Street District of the Design Standards remain in effect.
 - Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.

In addition, the Comprehensive Plan includes the following “2nd Tier” priorities:

- Plan development of parking so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.
- Adjust City's Zoning Ordinance to address concerns of sun-orientation on southern side of Lake Street by requiring upper story setbacks for all new construction to avoid shading the north side of Lake Street.
- Continue to evaluate ways to encourage a variety of housing options for upper-story housing.
- Consider 3rd story' uses with appropriate considerations for design and scale. Commercial and residential uses are allowed as a third story, but the third story must be set back significantly more from the front facade of the floor below.

Zoning

The Property is currently zoned C-4A/Limited Central Business District, and is located within the Shoreland Overlay district. The following table outlines the zoning standards for the C-4A, PUD, and Shoreland Overlay districts:

	C-4A Zoning	PUD Zoning	Shoreland Overlay District	Proposed PUD
Height (max.)	2 stories and 30 feet, whichever is less	3 stories and 35 feet, whichever is less	35 feet	35 feet
Floor Area Ratio (max.)	2.0	None	None	1.4
Impervious Surface (max.)	None	None	25% 75% with stormwater management 100% with shoreland impact plan/CUP	70.4%
Property Line Setbacks (min.)	North: 20 ft. East: 0 ft. South: 0 ft. West: 0 ft.	Same as imposed by previous zoning district	None	North: 20 ft. East: 10 ft. South: 5 ft. West: 5 ft.
Lot Requirements (min.)	12,000 sq ft total lot area	None	Same as underlying zoning district	45,254 sq ft total lot area

The proposed project deviates from two of the requirements of the C-4A zoning district. Specifically, the C-4A district has a maximum building height requirement of 30 feet or 2 stories, whichever is less. In addition, the C-4A district requires that at least 50 percent of the building frontage on the Lake Street ground level must be used for retail or service commercial uses, and new buildings on Lake Street must be developed with more than one of the following uses: retail, service, residential, and office. The applicant has requested a rezoning to PUD for two reasons. The first reason is to allow for a taller building than is permitted in the C-4A zoning district. The second reason is that the proposed building would be 100 percent residential use, and would not meet the retail, service, and mixed use requirements of the C-4A zoning district.

The PUD zoning district is an ordinance that can be used to allow for greater flexibility in development by incorporating design modifications from the strict application of the standard zoning district requirements. The PUD zoning district allows modifications of the strict standards for projects that meet a specific purpose, as outlined in "Applicable Code Provisions" section of this report. In addition, the PUD zoning district establishes general standards for a PUD, which are also outlined below.

Density

The PUD zoning district states the residential area standards of the R-5 zoning district apply to multiple family residential PUD projects, as determined by the City Council. The proposed PUD would meet the residential area requirements of the R-5 zoning district. The R-5 zoning district would require a minimum of 2,000 square feet of lot area were

dwelling unit. The proposed PUD would have a lot area per dwelling unit of 2,154 to 2,381 sq. ft. based on the proposed number of units of 19 to 21.

Design Review

The project is subject to the design standards for the Lake Street design district. A design review critique of the proposed plans is attached to this report. The proposed project does not meet three of the design standards, and the proposal requires the following design deviations:

- Building recession: The second story along Lake Street would be stepped back for 23% of the building length and the second story along Ferndale is stepped back for 19% of the building length. This second story step backs require a deviation from the design standards which state that the second story must be stepped back for 25 percent of the length of the façade. The applicant has submitted a design alternative on how the roof structure on the corner of the building at Lake St and Ferndale could be removed to comply with second story building recession requirement. The design change would meet the design standard and would not require a deviation. However, the applicant has stated that they prefer the proposed design which includes the roof.
- Ferndale sidewalk: The proposed site plan includes a 12-foot wide sidewalk along Lake Street that would meet the design standards and the City's Lake Street sidewalk specifications. However, the Ferndale Road streetscape includes a 6-foot wide concrete sidewalk. The design standards require a sidewalk of at least 12 feet in width of exposes aggregate surface along all street frontages. There is not currently a sidewalk along either side of Ferndale Road that the proposed sidewalk could connect to. However, the Ferndale Road sidewalk would still require a deviation from the design standard.
- Roof color: The proposed building would have a flat roof which would be comprised of a tan colored membrane. The tan color would not meet the design standards which require a dark colored flat roof.

Parking

The City's parking ordinance establishes the minimum number of parking stalls that must be provided in a development. For a multiple family development, the parking ordinance requires a minimum of two fee-free spaces for each dwelling unit, of which one must be enclosed. The proposed building consists of up to 21 dwelling units and 52 enclosed parking spaces within an underground parking garage. The proposed project provides 2.5 stalls per dwelling unit, which meets the requirements of the City's parking ordinance.

Site Access and Circulation

The proposed site plan includes one driveway access on the east side of the site from Lake Street. The driveway would provide access to the underground parking garage entrance, which would be located along the front of the building.

Public Comments

City staff sent public hearing notices to 210 surrounding property owners, and we received several email correspondence on the project, which are included in the attachments.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meetings on November 7, 2016. On December 5, 2016, the Planning Commission voted three (3) in favor and two (2) opposed to adopt the Report and Recommendation recommending approval of the application. The Planning Commission minutes and Report and Recommendation are attached to this report.

Applicable Code Provisions for Review

Amendments to Zoning Ordinance (Section 801.03.2.F): City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. Minn. Stat. Section 462.357; Wayzata City Code Section 801.03. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by petition of affected property owners. Minn. Stat. Section 462.357, Subd. 4. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission and City Council shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

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

Purpose of PUDs: Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
- G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

PUD General Standards. Section 801.33.2.A sets forth the general standards for review of a PUD application. These are:

- A. Health Safety and Welfare. In reviewing the PUD application, the Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
- B. Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.

-
- C. Ownership. Applicant/s must own all of the property to be included in the PUD.
 - D. Comprehensive Plan. The PUD project must be consistent with the City's Comprehensive Plan.
 - E. Sanitary Sewer Plan. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 - F. Common Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
 - G. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
 - H. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
 - I. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
 - J. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
 - K. Setbacks. The front, rear and side yard restrictions on the periphery of the PUD shall be the same as imposed in the respective districts.

Concurrent PUD Plan – 801.33.5. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The applicant shall comply with all provisions of this section applicable to submission of General Plan of Development. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of Section 801.33.6 hereof.

Design Standards City Code §801.09: The design standards set forth in Section 9 of the Wayzata City Zoning Ordinance are referred to collectively as the “Design Standards” or

the “Standards”. The purpose of the Design Standards is to shape the City’s physical form and to promote the quality, character and compatibility of new development in the City. The Standards function to:

- A. To guide the expansion and renovation of existing structures and the construction of new buildings and parking, within the commercial districts of the City;
- B. To assist the City in reviewing development proposals;
- C. To improve the City’s public spaces including its streets, sidewalks, walkways, streetscape, and landscape treatments.

Deviations from the Design Standards (City Code 801.09.21): A deviation from any section of the Design Standards shall require a finding by the City Council (after considering the Planning Commission’s recommendation) that the negative impact of such deviation is outweighed by one or more of the following factors:

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

Action Steps

- 1) Adopt Resolution No. 58-2016 approving PUD concept and general plans, PUD rezoning, and project design for new three story residential development at 105 Lake St E.

- 2) Adopt the first reading of Ordinance No. 766 amending the official zoning map of the City to rezone property at 105 Lake St E to PUD/Planned Unit Development District.

Attachments

- Narrative and Plans
- Design Review Critique (dated November 17, 2016)
- Public Comments
- Planning Commission Meeting Minutes
 - o November 7, 2016
 - o November 21, 2016
 - o December 5, 2016 (Draft)
- Planning Commission Report and Recommendation
- Draft City Council Resolution No. 58-2016
- Draft City Council Ordinance No. 766

WHITTEN ASSOCIATES, INC.

Monday, October 10, 2016

Jeff Thomson
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

RE: Meyer Place on Ferndale

Subject: Application Submittal for PUD General Plan of Development.

Dear Jeff,

Attached is our application for the proposed Meyer Place on Ferndale Condo Building. Whitten Associates is the project Architect and along with Tom Bakritges Director of Land Development for Homestead Partners will be advancing the application through the City Meeting Process.

The site is located at 105 Lake Street East and owned by Meyer Properties.

This application requests a Rezoning to Planned Unit Development: General Plan of Development.

Since Meyer Place was last presented to the City Council the overall proposal has been scaled down with a new Architectural style. Our goal is create a positive response to the input we received from the City Leadership and neighbors:

Key differences from the previous application include:

Reduction of the building mass by more than 20%.

Reduction of the Condo units from 23 to a range of 18-21.

Remove the roof top patio to reduce the height of the stair towers and elevator.

Introduction of 'garden areas' separating building elements to visually break up the elevation along Lake Street.

A 'Prairie Style' Architecture that has a historical connection with Wayzata and Meyer Dairy for a more residential look with 'four sided' Architecture.

A 'step back' the third level on all elevations.

No guest parking on the north side.

Space at the corner of Lake Street and Ferndale dedicated for 'public benefit' TBD.

WHITTEN ASSOCIATES, INC.

In compliance with the City procedures for "General Plan of Development submitted for a PUD" we have included the below listed information for your review and approval:

1) General Information

a. Landowner:

Meyer Properties, 823 Copeland Road, Maple Plain MN 55359

b. Applicant Name:

Homestead Partners; 525 15th Ave S, Hopkins, MN 55343

c. Land Planner/Project Architect:

Whitten Associates, Inc. 4159 Heatherton Place Minnetonka, MN 55435

d. Engineer & Surveyor:

Sathre-Bergquist, Inc.; 150 South Broadway Avenue, Wayzata, MN 55391

e. Evidence of property ownership

See attached copy of Title Insurance for Property

2) Present Status

a. Address & Legal Description of Property:

105 Lake Street East

b. Existing Zoning Classification:

The existing zoning is C-4A, Limited Central Business District.. This application requests a rezoning to Planned Unit Development General Plan of Development.

c. Map of Adjacent Properties:

See attached documents from Whitten Associates exhibits.

3) A written statement generally describing the proposed PUD

a. See the introduction of this letter.

4) Site Conditions

a. See attached Survey from Sathre-Bergquist Engineering.

b. Soil Conditions Reports on file at the City.

5) Schematic Drawings

a. See attached documents from Whitten Associates

6) A Statement of the total estimated number of dwelling units or Square Footage

a. Site Area is identified on Survey from Sathre-Bergquist Engineering.

b. Building Areas & SF are identified on Whitten Associates Plans

7) Schedule for Development

a. 10/07/16 City Application Submittal (PUD-General)

b. 11/07/16/16 Planning Commission Meeting #1 (General-PUD) Public Hearing

c. 11/21/16 Planning Commission Meeting #2 (General-PUD)

d. 12/06/16 City Council Meeting (General-PUD)

e. 12/20/16 Final City Approvals & Construction Documents

f. Building Permit Issuance: Feb. / March 2017

g. Estimated Building Completion and Occupancy: December 2017

WHITTEN ASSOCIATES, INC.

8) Public or Common Space

- a. Public Space is included at the corner of Lake Street and Ferndale.

9) Project Restrictive Covenants

- a. The Condo living units will be part of a homeowners association which will be developed as part of our project documents and recorded prior to first occupancy.

10) Schematic Utility Plans

- a. See attached Site Plan from Sathre-Bergquist Engineering.

11) Additional information:

- a. Civil plans including: Existing Conditions, Site Plan, Grading & Erosion Control, Utility Plan and Construction Details; see Sathre-Bergquist Engineering documents.
- b. Landscape Plan; see Sathre-Bergquist Engineering documents.
- d. Stormwater Management; see Sathre-Bergquist Engineering documents.

Thank you for your consideration and please let us know if there is anything else you need to accompany this application.

Sincerely,



Timothy Whitten
Whitten Associates, Inc.

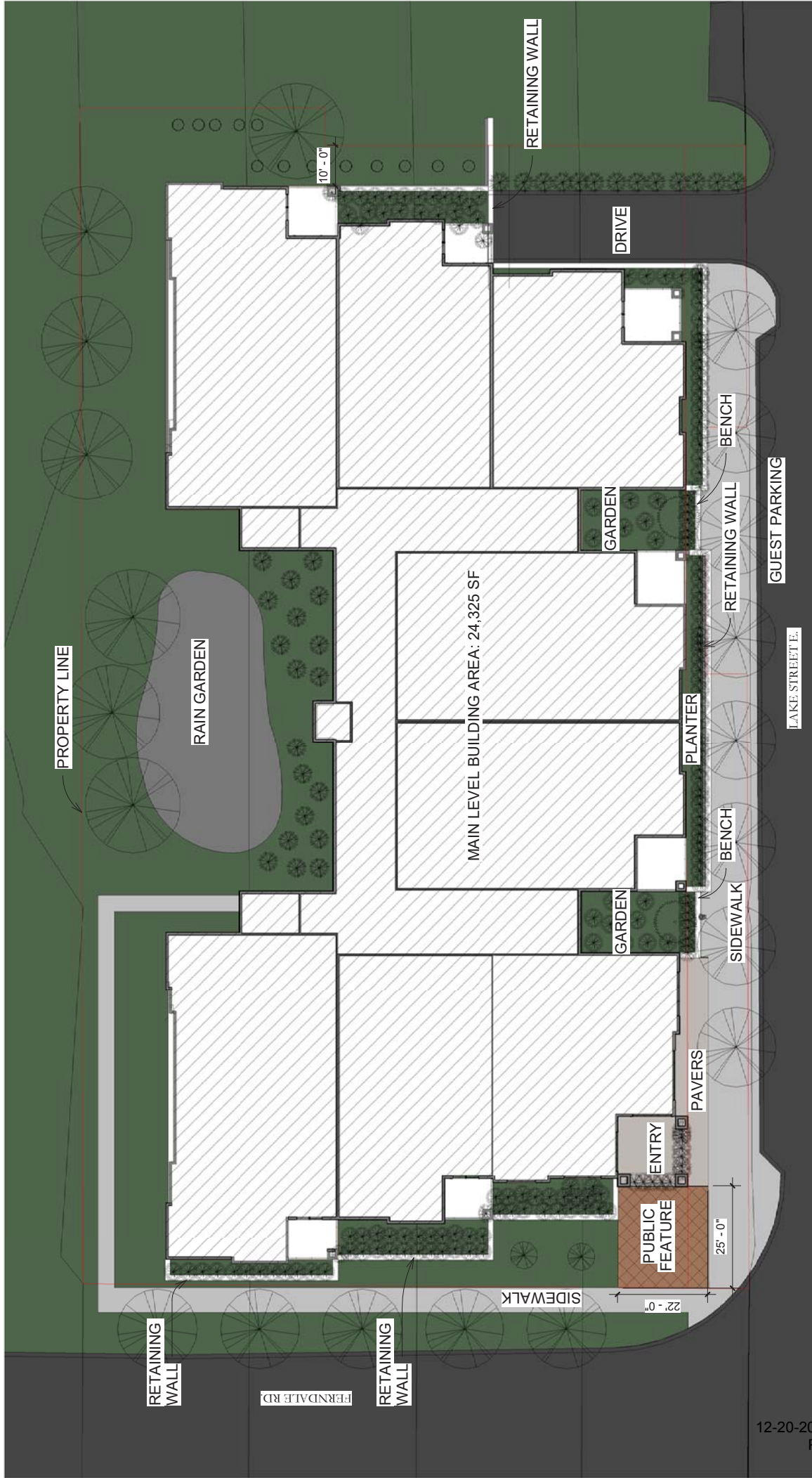


Tom Bakritges
Director of Land Development
Homestead Partners, LLC

MEYER PLACE, WAYZATA, MN

A-00	Cover Sheet
A-01	Site Plan
A-02	Lower Level Floor Plan
A-03	First Level Floor Plan
A-04	Second Level Floor Plan
A-05	Third Level Floor Plan
A-06	Roof Level
A-10	A Unit Enlarged Plan
A-11	B Unit Enlarged Plan
A-12	C Unit Enlarged Plan
A-13	D Unit Enlarged Plan
A-14	E & F Unit Enlarged Plans
A-15	G Unit Enlarged Plan
A-16	H & I Unit Enlarged Plan
A-17	Common Area Enlarged Plan
A-20	Section
A-21	South & North Elevations
A-22	West & East Elevations
A-30	3D View from Lake St and Ferndale
A-31	3D View from the Northwest
A-32	3D View from the Northeast
A-33	3D View from the Southeast
A-34	3D View from the South
A-35	Garden View
A-36	Public Feature View
A-40	Neighborhood Study
A-41	Neighborhood Study
A-42	Shadow Study
A-43	Setback Exhibit
A-44	Second Floor Setback Exhibit
A-45	Second Floor Setback Exhibit





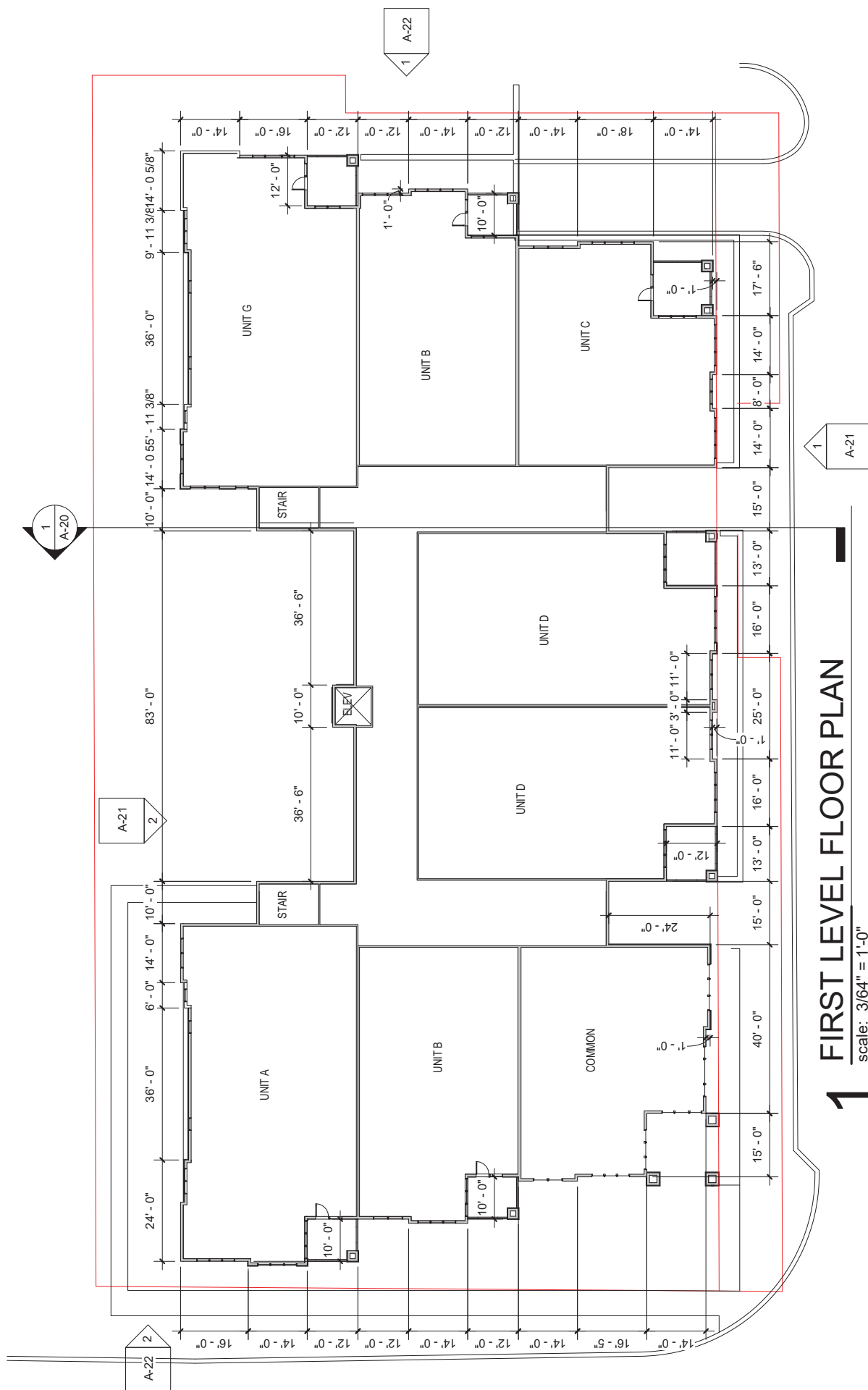
1 Site Plan

scale: 3/64" = 1'-0"

3 NOV 2016

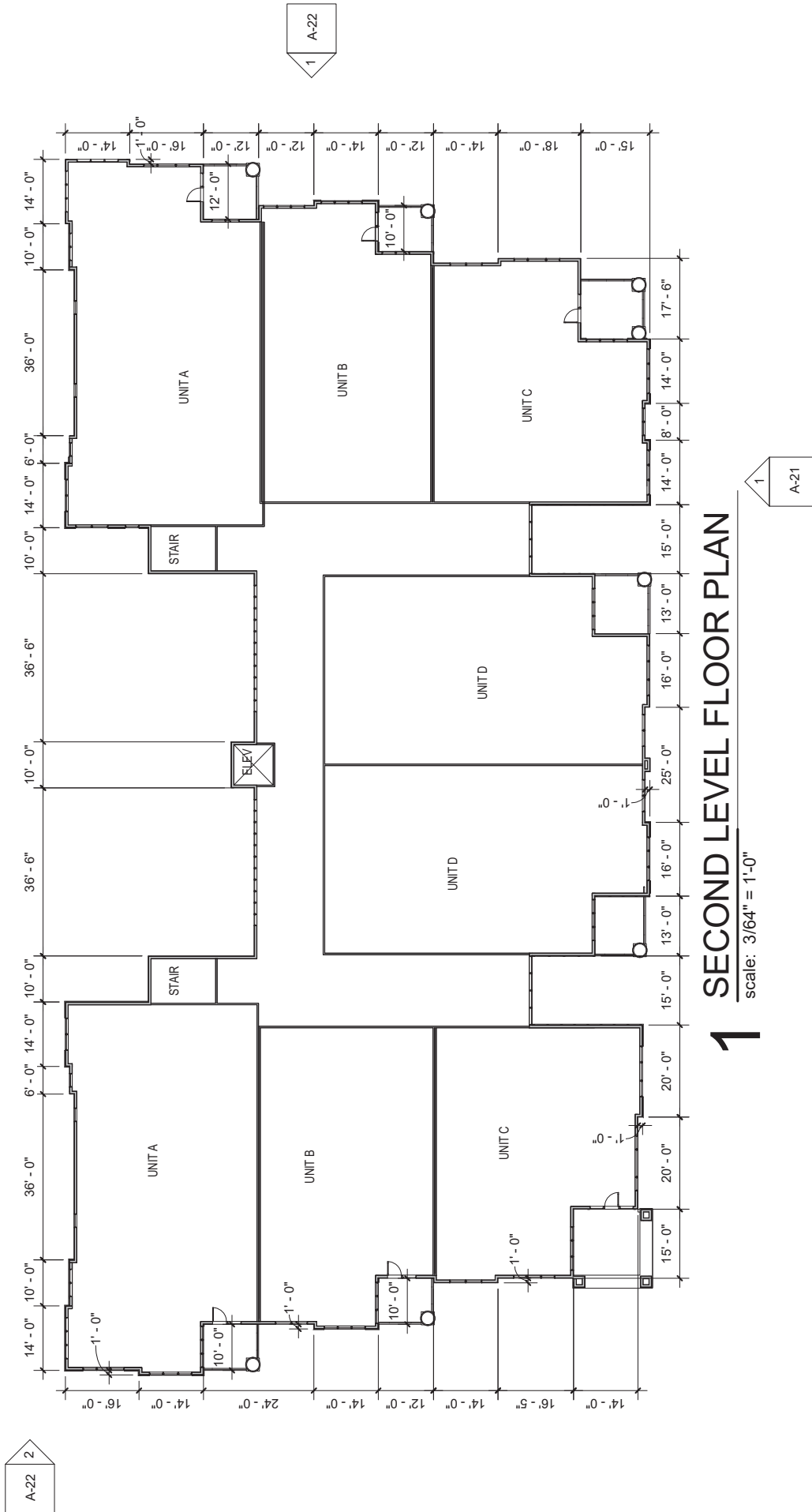


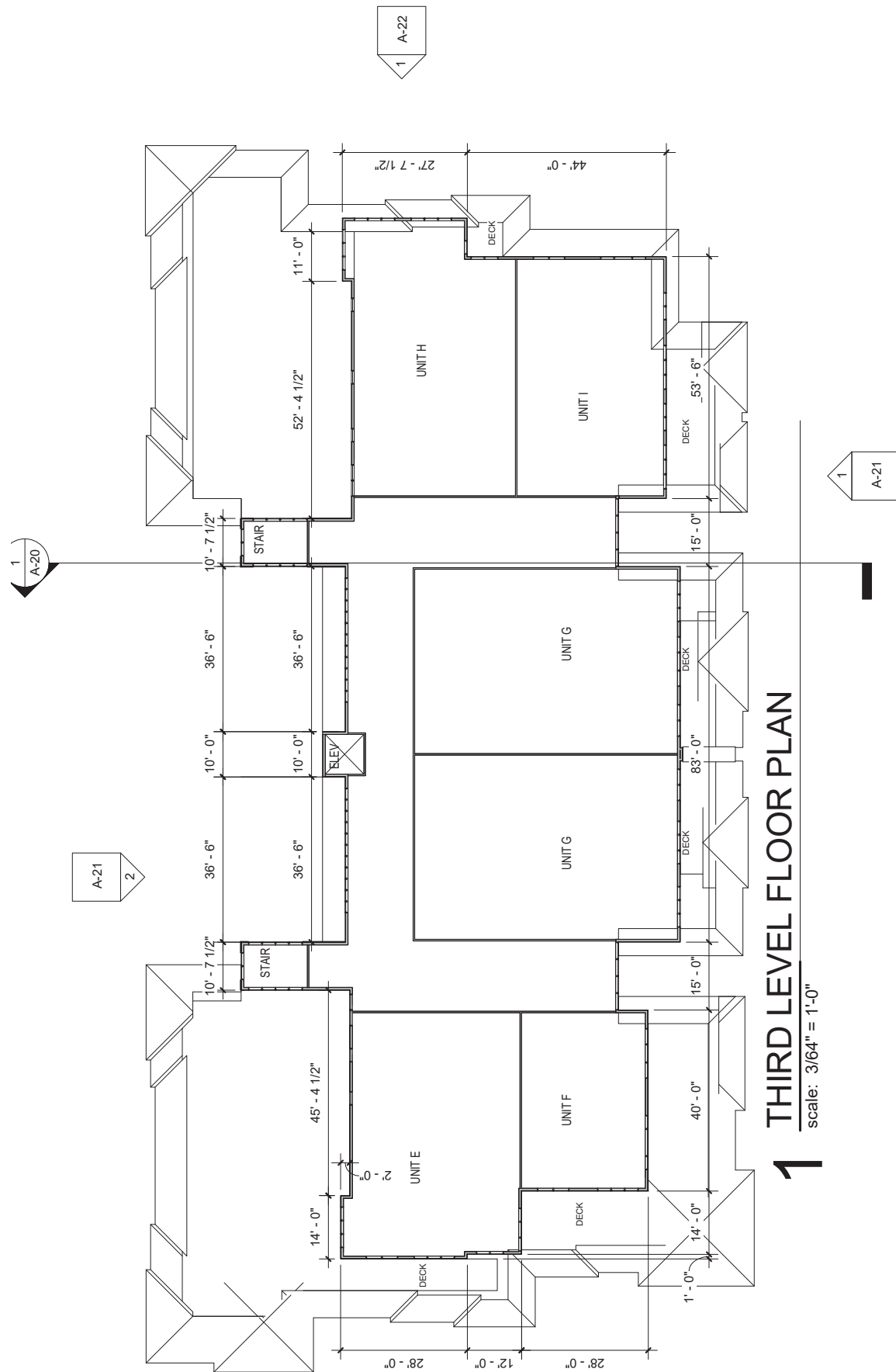
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1 FIRST LEVEL FLOOR PLAN

3 NOV 2016

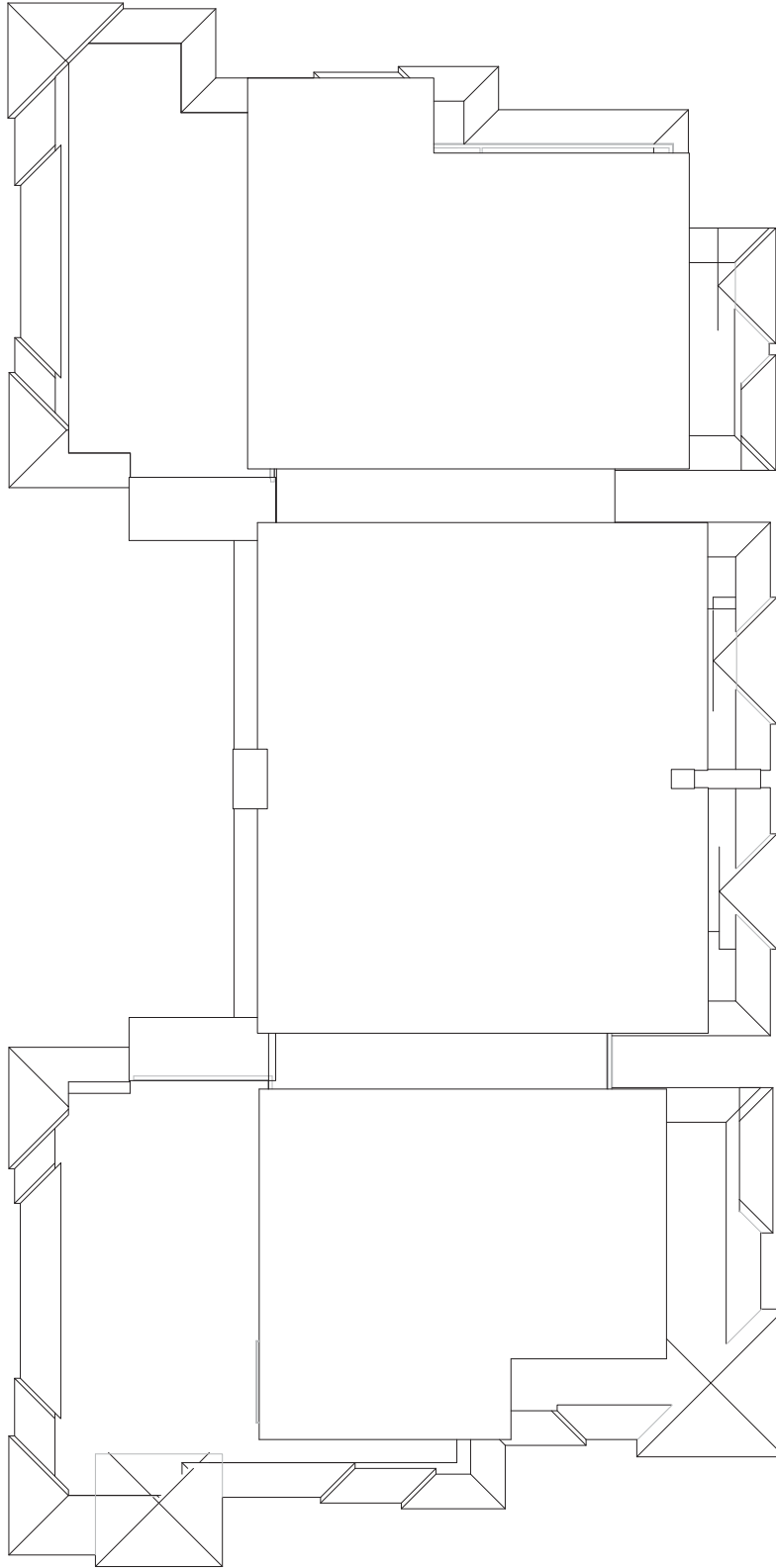




1 THIRD LEVEL FLOOR PLAN

scale: 3/64" = 1'-0"

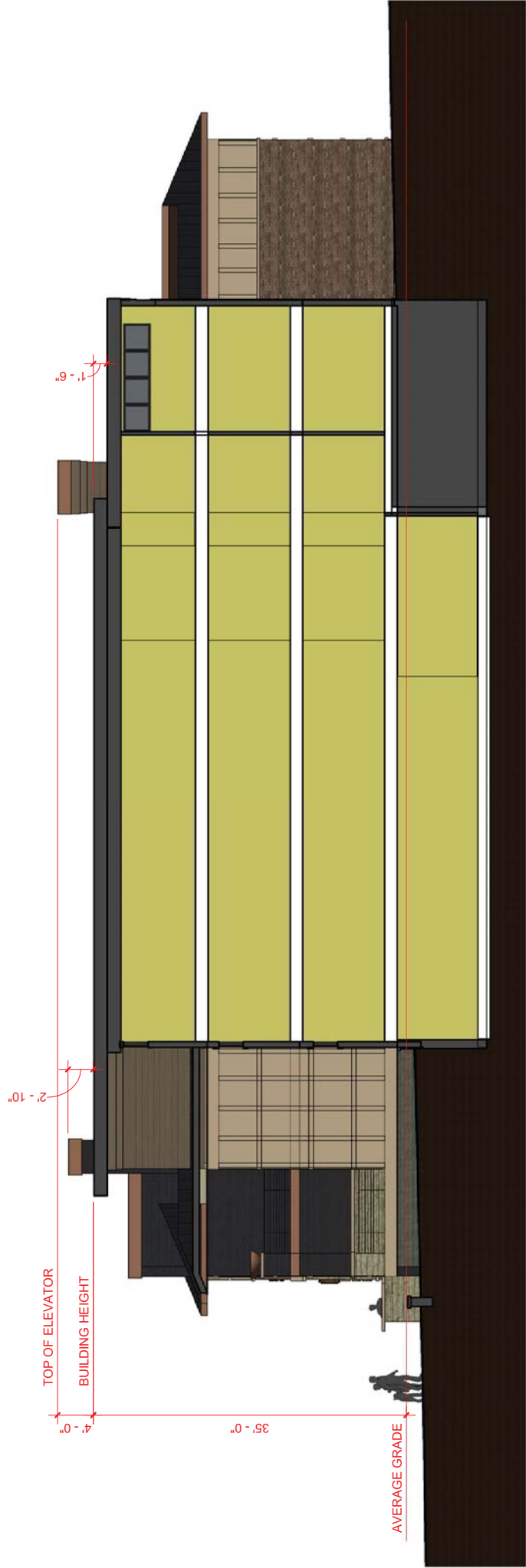
3 NOV 2016



1 ROOF LEVEL

scale: 3/64" = 1'-0"

3 NOV 2016



1 Building Section

scale: 3/32" = 1'-0"

MATERIAL CALCULATIONS	
STONE	18%
PRECAST	9%
BRICK	35%
CEMENT BD	9%
WOOD	30%
MAIN LEVEL	
WINDOWS/DOORS	50%



1 SOUTH ELEVATION

scale: 1" = 20'-0"

MATERIAL CALCULATIONS	
STONE	6%
PRECAST	6%
BRICK	35%
CEMENT BD	4%
WOOD LAP	29%



2 NORTH ELEVATION

scale: 1" = 20'-0"

15 NOV 2016

MATERIAL CALCULATIONS	
STONE	18%
PRECAST	9%
BRICK	35%
CEMENT BD	9%
WOOD	30%

MAIN LEVEL	
WINDOWS/DOORS	50%



1 SOUTH ELEVATION

scale: 1" = 20'-0"

MATERIAL CALCULATIONS	
STONE	6%
PRECAST	6%
BRICK	4%
CEMENT BD	4%
WOOD LAP	20%



2 NORTH ELEVATION

scale: 1" = 20'-0"

28 NOV 2016

MAIN LEVEL INCLUDES A MINIMUM OF 35% GLASS. THE GLASS WILL NOT BE MIRRORRED, REFLECTIVE OR DARKENED BUT WILL HAVE A SLIGHT GREY TINT.

A MINIMUM OF 80% OF ALL EXTERIOR ELEVATIONS WILL BE BRICK, STONE, WOOD.

THE BRICK IS TO BE DARK CHARCOAL OR TAN WITH CONCAVE MORTAR NO LARGER THAN 1/4".

CORNICES AND DECK COLUMNS ARE TO BE FIBER CEMENT BOARD BUT NO GREATER THAN 20% OF THE NON-GLASS SURFACES.

LINTELS AND SILLS ARE TO BE PRECAST STONE.

FLASHING AT PARAPETS AND ROOF EDGES ARE TO BE .032" PAINTED ALUMINUM WITH A MAXIMUM EXPOSED EDGE OF 5".

TRELLISES ARE TO BE BLACK METAL.

DECK RAILINGS ARE TO BE BLACK METAL WITH CABLE RAILING.

ROOF MEMBRANE COLOR TO BE TAN.



1 EAST ELEVATION

scale: 1/16" = 1'-0"



3 SIGNAGE DETAIL

scale: 1/4" = 1'-0"



EXTERIOR LIGHT
SAMPLE:



BRICK SAMPLES:



STONE SAMPLE:



PAINT COLORS:



2 WEST ELEVATION

scale: 1/16" = 1'-0"

14 NOV 2016

MAIN LEVEL INCLUDES A MINIMUM OF 35% GLASS. THE GLASS WILL NOT BE MIRRORRED, REFLECTIVE OR DARKENED BUT WILL HAVE A SLIGHT GREY TINT.

A MINIMUM OF 80% OF ALL EXTERIOR ELEVATIONS WILL BE BRICK, STONE, WOOD.

THE BRICK IS TO BE DARK CHARCOAL OR TAN WITH CONCAVE MORTAR NO LARGER THAN 1/4".

CORNICES AND DECK COLUMNS ARE TO BE FIBER CEMENT BOARD BUT NO GREATER THAN 20% OF THE NON-GLASS SURFACES.

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ROOF MEMBRANE COLOR TO BE TAN.



1 EAST ELEVATION

scale: 1/16" = 1'-0"



3 SIGNAGE DETAIL

scale: 1/4" = 1'-0"



EXTERIOR LIGHT SAMPLE:



BRICK SAMPLES:



STONE SAMPLE:

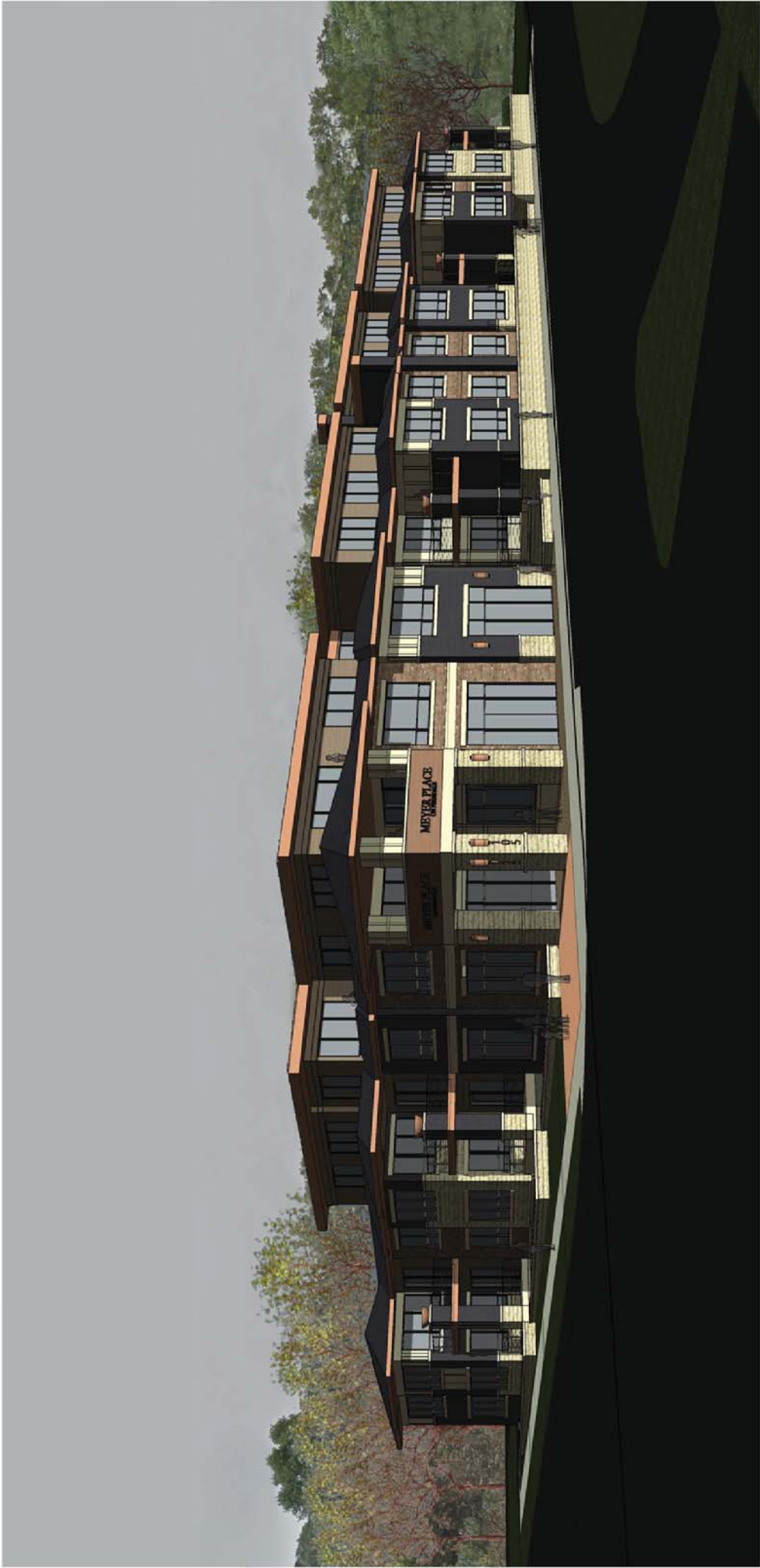


PAINT COLORS:



2 WEST ELEVATION

scale: 1/16" = 1'-0"



1 3D View from Lake St and Ferndale

scale:

28 NOV 2016



12-20-2016CC PAC
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1 3D View from Lake St and Ferndale
scale:

28 NOV 2016



1 3D View from the Northwest
scale:

28 NOV 2016



1 3D View from the Northwest
 scale:

28 NOV 2016



1 3D View from the Northeast

scale:

28 NOV 2016



1 3D View from the Northeast
scale:

28 NOV 2016



1 View from the Southeast
scale:

28 NOV 2016



1 View from the Southeast

scale:

28 NOV 2016



1 3D View from the South
scale:

28 NOV 2016



1 3D View from the South
scale:

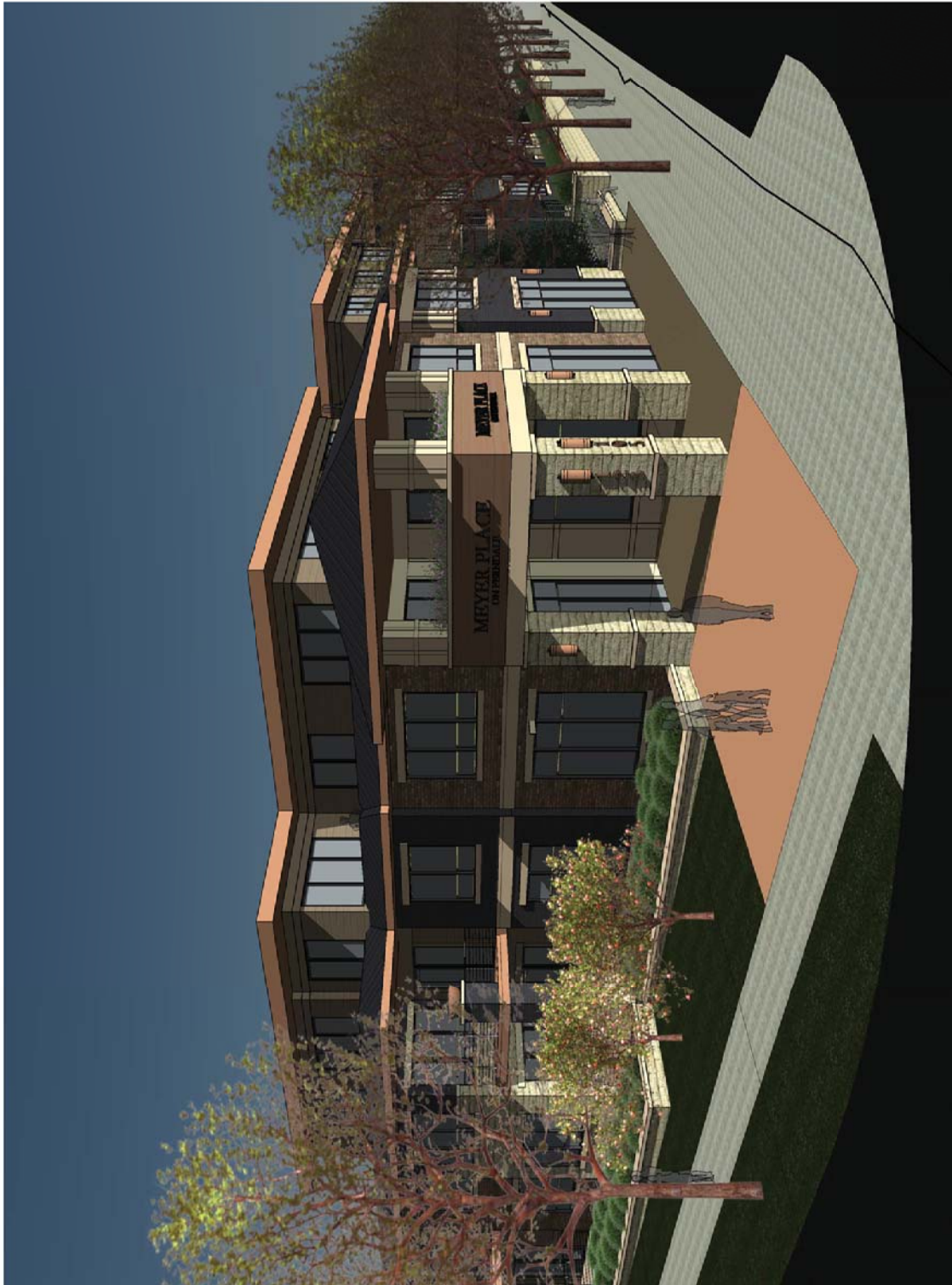
28 NOV 2016



1 Garden View

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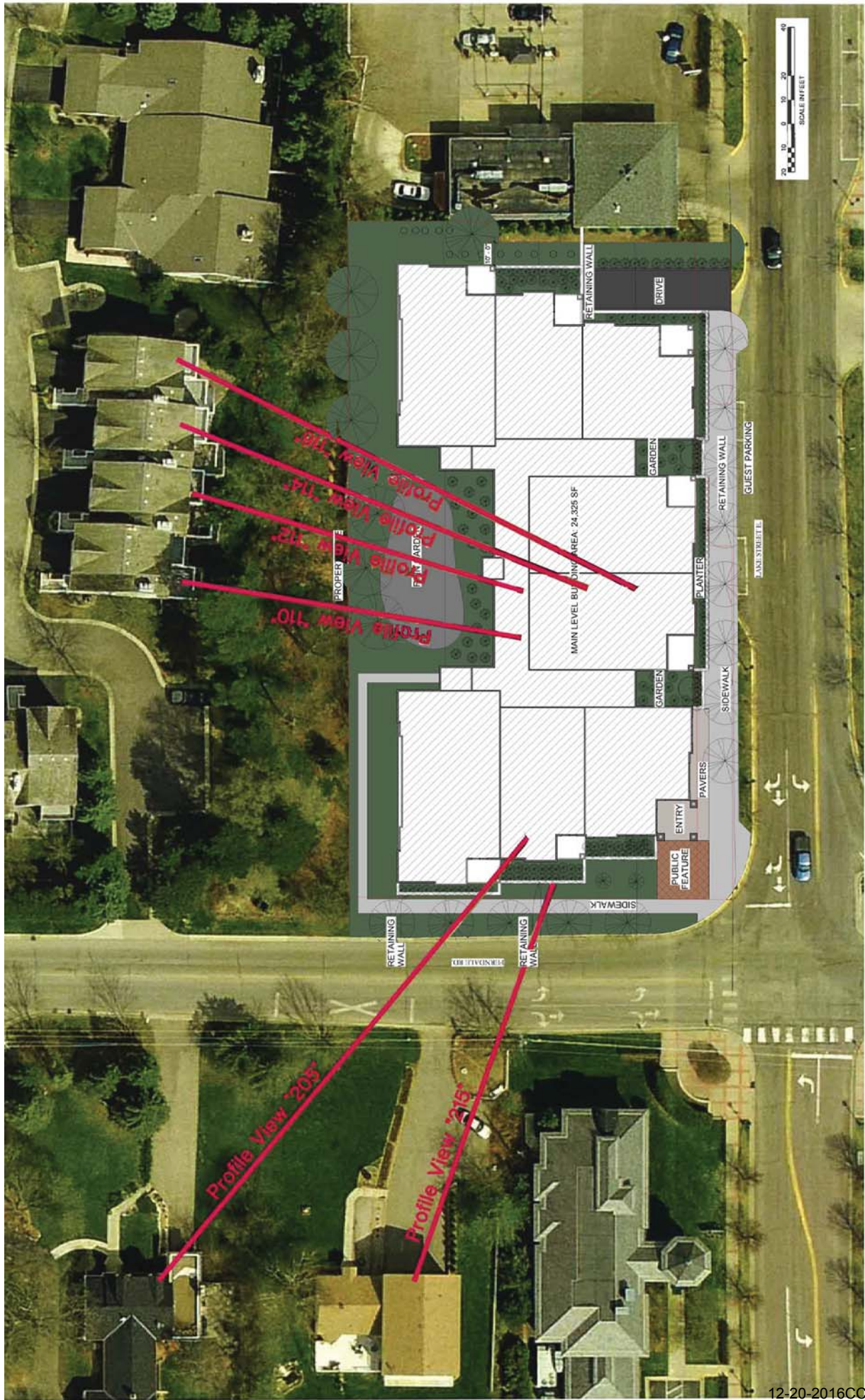
28 NOV 2016



1 Public Feature View

scale:

28 NOV 2016



20 OCT 2016



Profile View "110"



Profile View "112"



Profile View "114"



Profile View "116"



Profile View "215"



Profile View "205"



12-20-2016CC PAC
Page 227 of

1 Shadow Study

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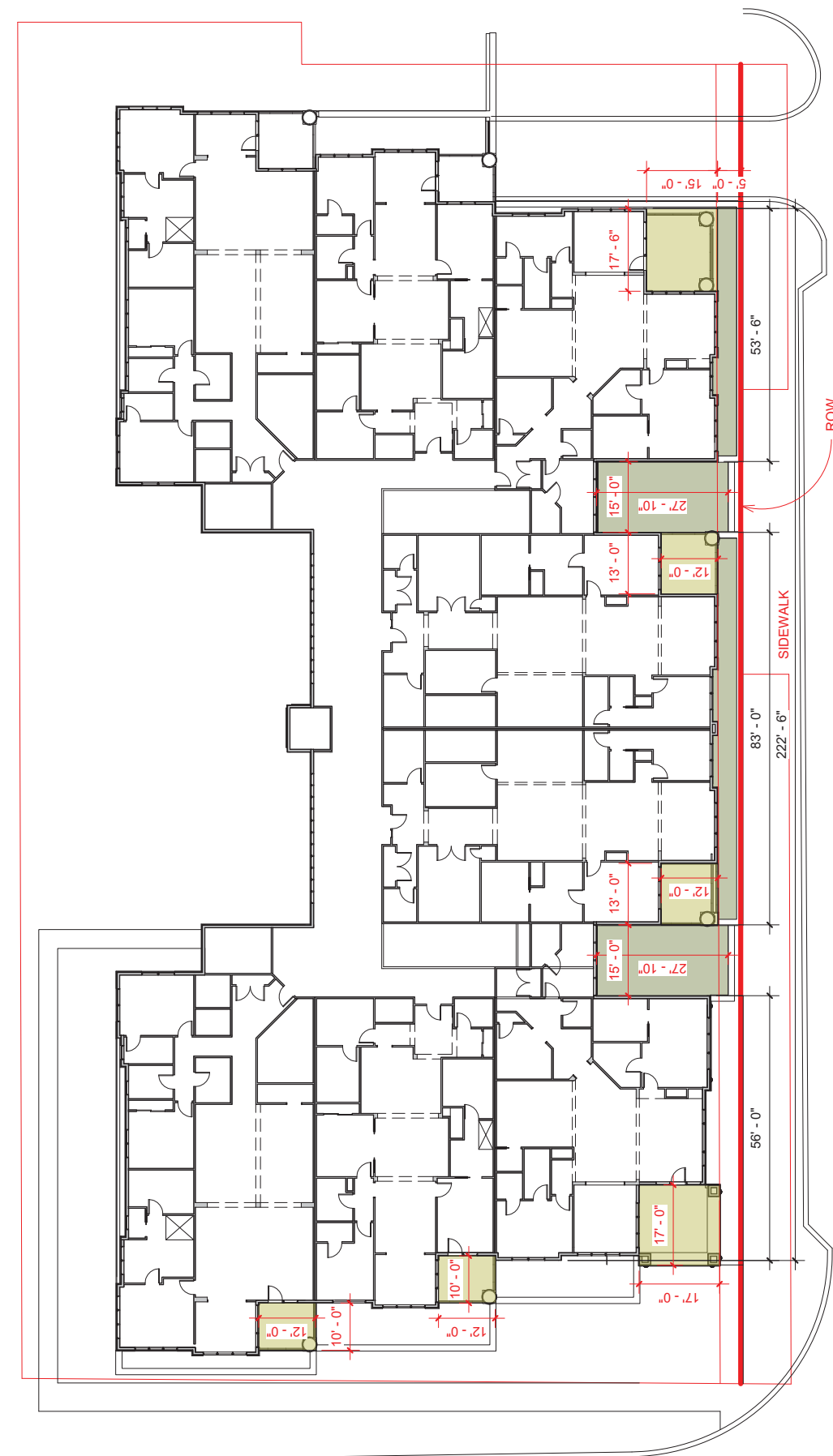
3 NOV 2016



1 THIRD LEVEL FLOOR PLAN SETBACKS

scale: 3/64" = 1'-0"

3 NOV 2016



1 SECOND LEVEL FLOOR PLAN SETBACK EXHIBIT

28 NOV 2016



1 Second Floor Setback Exhibit

scale:



1 Second Floor Setback Exhibit

scale:



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1 Entry Comparison - No Roof

scale:

28 NOV 2016



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1 Entry Comparison - Roof

scale:

15 NOV 2016

MEYER PLACE MATERIAL CALCULATIONS 11/14/16

SOUTH

stone	precast	brick	cement bd	wood	total
1030.17	505.35	2016.41	527.22	1709.2	5788.35
18%	9%	35%	9%	30%	100%

first level at face

glass	total
960.61	1914.3
	50%

EAST

stone	precast	brick	cement bd	wood	total
473.42	268.26	860.98	47.41	1246.85	2896.92
16%	9%	30%	2%	43%	100%

NORTH

stone	precast	brick	cement bd	wood	total
389.2	382.35	3574.97	257.78	1893.31	6497.61
6%	6%	55%	4%	29%	100%

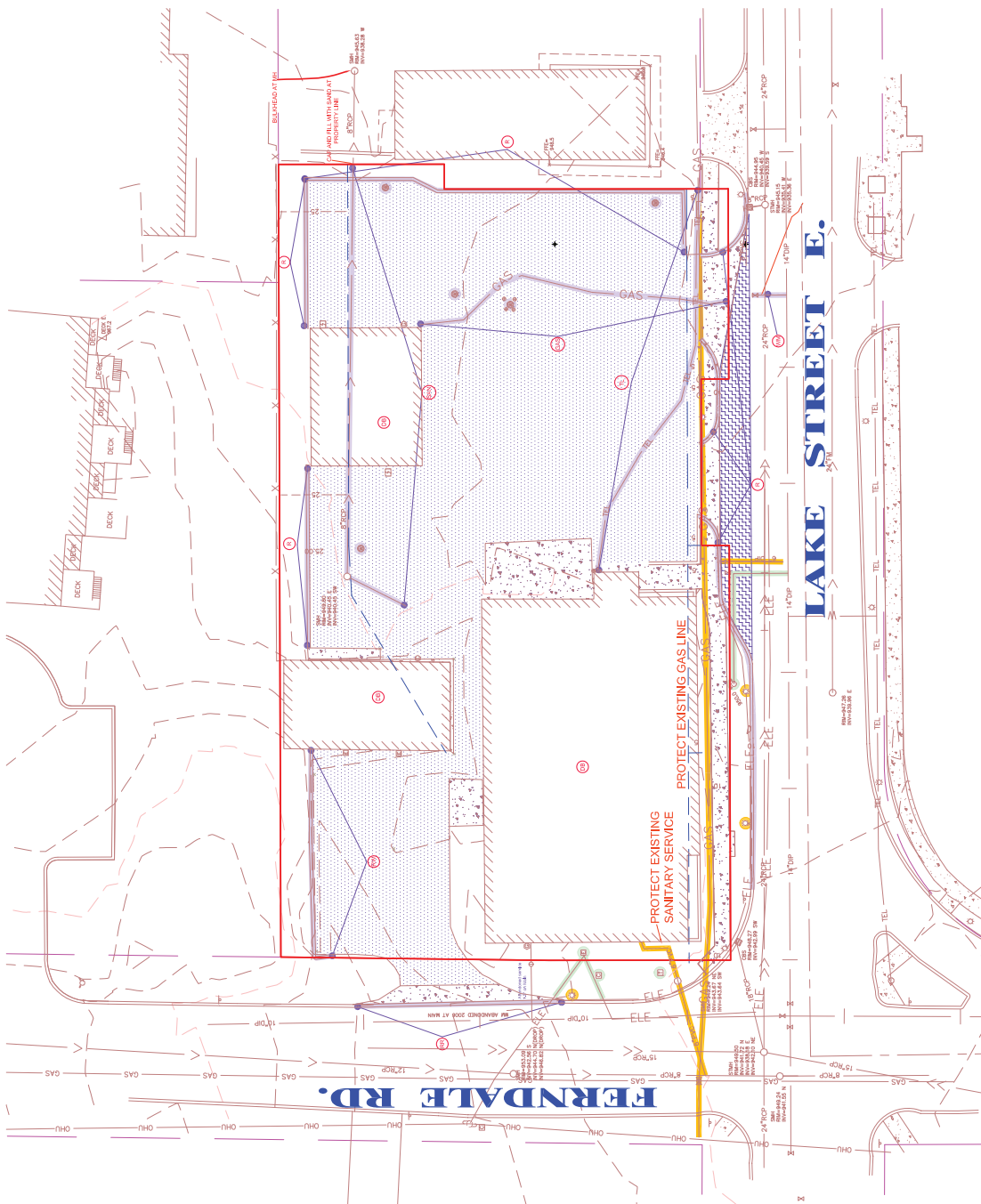
WEST

stone	precast	brick	cement bd	wood	total
309.03	203.19	776.88	263.47	1009.8	2562.37
12%	8%	30%	10%	39%	100%

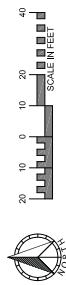
first level

glass	total
534.32	1485
	36%

SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
1. 12" DIA. CONCRETE UTILITY		
2. 18" DIA. CONCRETE UTILITY		
3. 24" DIA. CONCRETE UTILITY		
4. 30" DIA. CONCRETE UTILITY		
5. 36" DIA. CONCRETE UTILITY		
6. 42" DIA. CONCRETE UTILITY		
7. 48" DIA. CONCRETE UTILITY		
8. 54" DIA. CONCRETE UTILITY		
9. 60" DIA. CONCRETE UTILITY		
10. 66" DIA. CONCRETE UTILITY		
11. 72" DIA. CONCRETE UTILITY		
12. 78" DIA. CONCRETE UTILITY		
13. 84" DIA. CONCRETE UTILITY		
14. 90" DIA. CONCRETE UTILITY		
15. 96" DIA. CONCRETE UTILITY		
16. 102" DIA. CONCRETE UTILITY		
17. 108" DIA. CONCRETE UTILITY		
18. 114" DIA. CONCRETE UTILITY		
19. 120" DIA. CONCRETE UTILITY		
20. 126" DIA. CONCRETE UTILITY		
21. 132" DIA. CONCRETE UTILITY		
22. 138" DIA. CONCRETE UTILITY		
23. 144" DIA. CONCRETE UTILITY		
24. 150" DIA. CONCRETE UTILITY		
25. 156" DIA. CONCRETE UTILITY		
26. 162" DIA. CONCRETE UTILITY		
27. 168" DIA. CONCRETE UTILITY		
28. 174" DIA. CONCRETE UTILITY		
29. 180" DIA. CONCRETE UTILITY		
30. 186" DIA. CONCRETE UTILITY		
31. 192" DIA. CONCRETE UTILITY		
32. 198" DIA. CONCRETE UTILITY		
33. 204" DIA. CONCRETE UTILITY		
34. 210" DIA. CONCRETE UTILITY		
35. 216" DIA. CONCRETE UTILITY		
36. 222" DIA. CONCRETE UTILITY		
37. 228" DIA. CONCRETE UTILITY		
38. 234" DIA. CONCRETE UTILITY		
39. 240" DIA. CONCRETE UTILITY		
40. 246" DIA. CONCRETE UTILITY		
41. 252" DIA. CONCRETE UTILITY		
42. 258" DIA. CONCRETE UTILITY		
43. 264" DIA. CONCRETE UTILITY		
44. 270" DIA. CONCRETE UTILITY		
45. 276" DIA. CONCRETE UTILITY		
46. 282" DIA. CONCRETE UTILITY		
47. 288" DIA. CONCRETE UTILITY		
48. 294" DIA. CONCRETE UTILITY		
49. 300" DIA. CONCRETE UTILITY		
50. 306" DIA. CONCRETE UTILITY		
51. 312" DIA. CONCRETE UTILITY		
52. 318" DIA. CONCRETE UTILITY		
53. 324" DIA. CONCRETE UTILITY		
54. 330" DIA. CONCRETE UTILITY		
55. 336" DIA. CONCRETE UTILITY		
56. 342" DIA. CONCRETE UTILITY		
57. 348" DIA. CONCRETE UTILITY		
58. 354" DIA. CONCRETE UTILITY		
59. 360" DIA. CONCRETE UTILITY		
60. 366" DIA. CONCRETE UTILITY		
61. 372" DIA. CONCRETE UTILITY		
62. 378" DIA. CONCRETE UTILITY		
63. 384" DIA. CONCRETE UTILITY		
64. 390" DIA. CONCRETE UTILITY		
65. 396" DIA. CONCRETE UTILITY		
66. 402" DIA. CONCRETE UTILITY		
67. 408" DIA. CONCRETE UTILITY		
68. 414" DIA. CONCRETE UTILITY		
69. 420" DIA. CONCRETE UTILITY		
70. 426" DIA. CONCRETE UTILITY		
71. 432" DIA. CONCRETE UTILITY		
72. 438" DIA. CONCRETE UTILITY		
73. 444" DIA. CONCRETE UTILITY		
74. 450" DIA. CONCRETE UTILITY		
75. 456" DIA. CONCRETE UTILITY		
76. 462" DIA. CONCRETE UTILITY		
77. 468" DIA. CONCRETE UTILITY		
78. 474" DIA. CONCRETE UTILITY		
79. 480" DIA. CONCRETE UTILITY		
80. 486" DIA. CONCRETE UTILITY		
81. 492" DIA. CONCRETE UTILITY		
82. 498" DIA. CONCRETE UTILITY		
83. 504" DIA. CONCRETE UTILITY		
84. 510" DIA. CONCRETE UTILITY		
85. 516" DIA. CONCRETE UTILITY		
86. 522" DIA. CONCRETE UTILITY		
87. 528" DIA. CONCRETE UTILITY		
88. 534" DIA. CONCRETE UTILITY		
89. 540" DIA. CONCRETE UTILITY		
90. 546" DIA. CONCRETE UTILITY		
91. 552" DIA. CONCRETE UTILITY		
92. 558" DIA. CONCRETE UTILITY		
93. 564" DIA. CONCRETE UTILITY		
94. 570" DIA. CONCRETE UTILITY		
95. 576" DIA. CONCRETE UTILITY		
96. 582" DIA. CONCRETE UTILITY		
97. 588" DIA. CONCRETE UTILITY		
98. 594" DIA. CONCRETE UTILITY		
99. 600" DIA. CONCRETE UTILITY		
100. 606" DIA. CONCRETE UTILITY		
101. 612" DIA. CONCRETE UTILITY		
102. 618" DIA. CONCRETE UTILITY		
103. 624" DIA. CONCRETE UTILITY		
104. 630" DIA. CONCRETE UTILITY		
105. 636" DIA. CONCRETE UTILITY		
106. 642" DIA. CONCRETE UTILITY		
107. 648" DIA. CONCRETE UTILITY		
108. 654" DIA. CONCRETE UTILITY		
109. 660" DIA. CONCRETE UTILITY		
110. 666" DIA. CONCRETE UTILITY		
111. 672" DIA. CONCRETE UTILITY		
112. 678" DIA. CONCRETE UTILITY		
113. 684" DIA. CONCRETE UTILITY		
114. 690" DIA. CONCRETE UTILITY		
115. 696" DIA. CONCRETE UTILITY		
116. 702" DIA. CONCRETE UTILITY		
117. 708" DIA. CONCRETE UTILITY		
118. 714" DIA. CONCRETE UTILITY		
119. 720" DIA. CONCRETE UTILITY		
120. 726" DIA. CONCRETE UTILITY		
121. 732" DIA. CONCRETE UTILITY		
122. 738" DIA. CONCRETE UTILITY		
123. 744" DIA. CONCRETE UTILITY		
124. 750" DIA. CONCRETE UTILITY		
125. 756" DIA. CONCRETE UTILITY		
126. 762" DIA. CONCRETE UTILITY		
127. 768" DIA. CONCRETE UTILITY		
128. 774" DIA. CONCRETE UTILITY		
129. 780" DIA. CONCRETE UTILITY		
130. 786" DIA. CONCRETE UTILITY		
131. 792" DIA. CONCRETE UTILITY		
132. 798" DIA. CONCRETE UTILITY		
133. 804" DIA. CONCRETE UTILITY		
134. 810" DIA. CONCRETE UTILITY		
135. 816" DIA. CONCRETE UTILITY		
136. 822" DIA. CONCRETE UTILITY		
137. 828" DIA. CONCRETE UTILITY		
138. 834" DIA. CONCRETE UTILITY		
139. 840" DIA. CONCRETE UTILITY		
140. 846" DIA. CONCRETE UTILITY		
141. 852" DIA. CONCRETE UTILITY		
142. 858" DIA. CONCRETE UTILITY		
143. 864" DIA. CONCRETE UTILITY		
144. 870" DIA. CONCRETE UTILITY		
145. 876" DIA. CONCRETE UTILITY		
146. 882" DIA. CONCRETE UTILITY		
147. 888" DIA. CONCRETE UTILITY		
148. 894" DIA. CONCRETE UTILITY		
149. 900" DIA. CONCRETE UTILITY		
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- ABANDON EXISTING WM ON SITE (LENGTH TO BE DETERMINED IN FIELD)
- REMOVE 170 LF SANITARY SEWER
- REMOVE 145 LF TELEPHONE LINE
- REMOVE 120 LF GAS LINE
- DEMO RETAINING WALL APPROXIMATELY 350 SF
- SALVAGE EXISTING LIGHTPOLES (3)
- DEMO EXISTING BUILDINGS (3)
- ABANDON WELLS (5)
- REMOVE AND REPLACE 75 LF OF PUBLIC GUTTER
- REMOVE 500 LF OF PRIVATE AND PUBLIC CURB AND GUTTER
- RELOCATE MINOR UTILITIES (UTILITY COMPANIES)
- RELOCATE EXISTING HYDRANT (SEE UTILITY PLAN)
- REMOVE 2580 SY ON-SITE BITUMINOUS
- PROTECT 150 SY PUBLIC BITUMINOUS
- REMOVE 490 SY CONCRETE
- PROTECT EXISTING SANITARY SERVICE 60 LF AND GAS LINE 350 LF



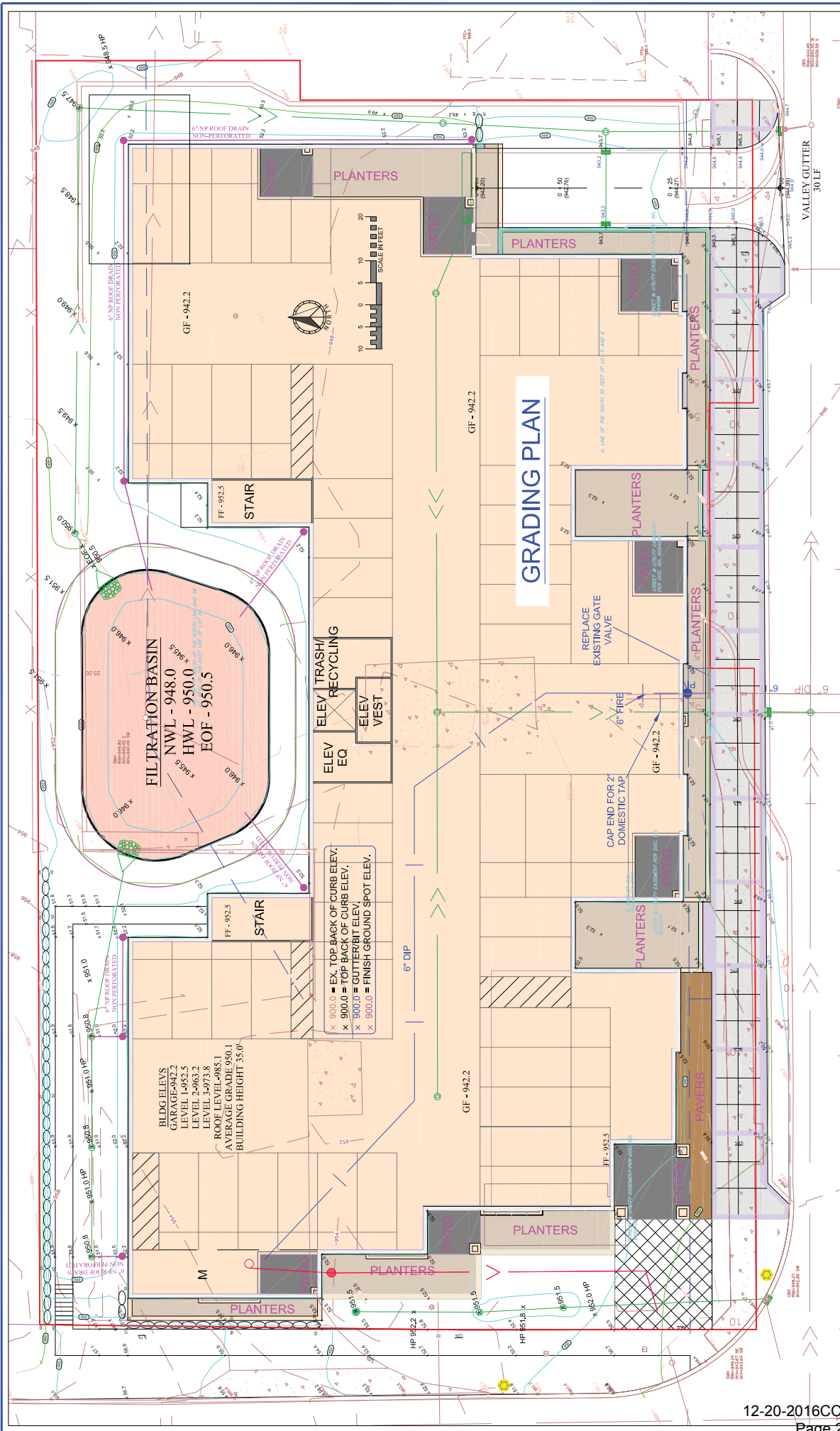
CITY PROJECT NO.	DEMOLITION PLAN	FILE NO.
WAYZATA, MINNESOTA	MEYER PLACE AT FERNDALE	37895-003
	HOMESTEAD PARTNERS, LLC.	DP

SATHRE-BERGQUIST, INC.
155 SOUTH BROADWAY WAYZATA, MN 55391 (952) 475-6000

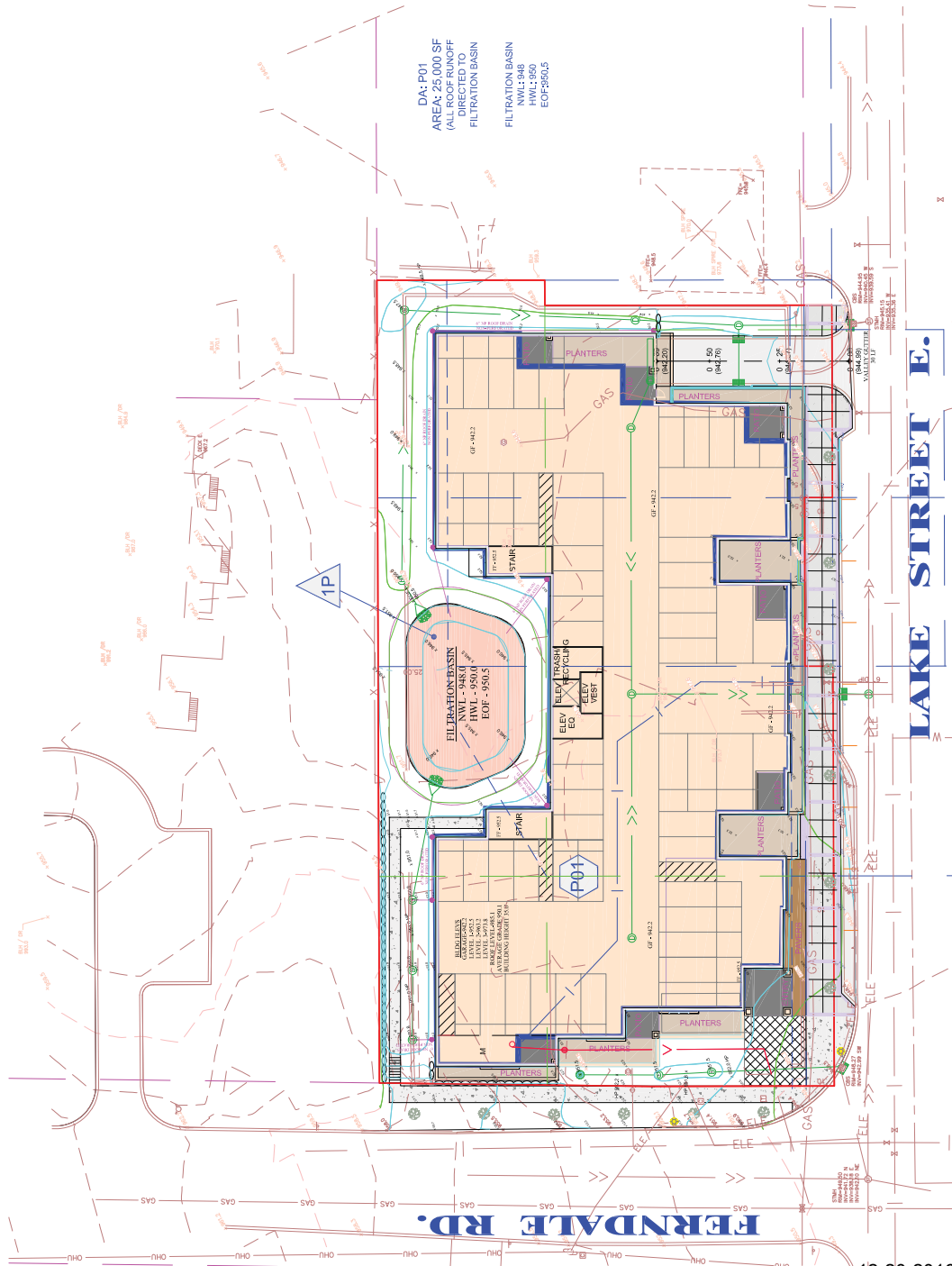
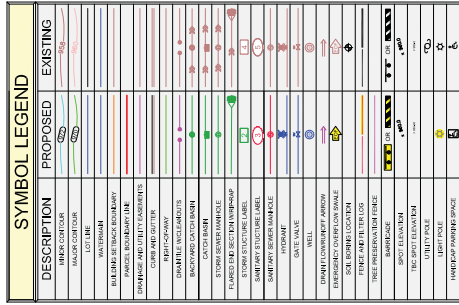
ROBERT S. JOHNSON, P.E.
L.S. No. 14118

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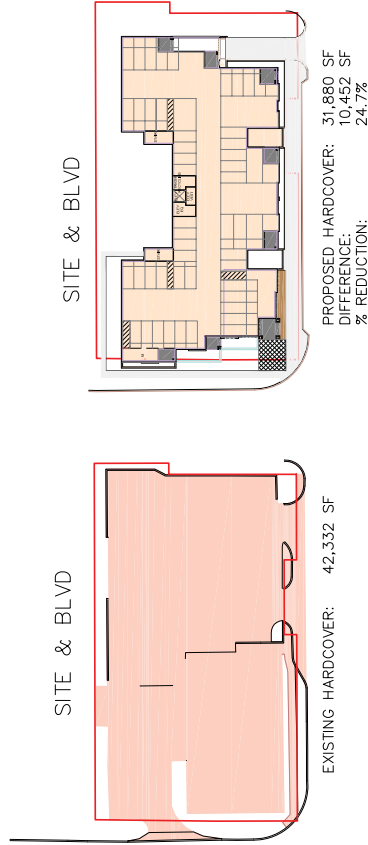


SATHRE-BERGQUIST, INC. 165 SOUTH BROADWAY WAYZATA, MN 55391 (652) 475-6000					CITY PROJECT NO. — WAYZATA, MINNESOTA		GRADING PLAN MEYER PLACE AT FERNDALE HOMESTEAD PARTNERS, LLC.		FILE NO. 37895-003 GP
I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.									
USE INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT THE WRITTEN PERMISSION OF SATHRE-BERGQUIST, INC. ANY VIOLATION OF THIS NOTICE SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ENGINEER'S ETHICS AND THE LAWS OF THE STATE OF MINNESOTA. SATHRE-BERGQUIST, INC. AND ITS EMPLOYEES SHALL NOT BE RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLIGIMATE USE.									
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SEE STORMWATER MANAGEMENT REPORT
FOR DETAILED CALCULATIONS

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly Licensed Professional Engineer Under the LAWS OF THE STATE OF MINNESOTA.		SATHRE-BERQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN 55387 (651) 475-6000	CITY PROJECT NO. —	DRAINAGE AREA MEYER PLACE AT FERNDALE HOMESTEAD PARTNERS, LLC.	FILE NO. 37865-003
			WAYZATA, MINNESOTA		DA DA
Robert S. Molstad Date: 10/04/16					



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Meyer Place on Ferndale – 105 Lake St E
Design Critique (Based on Architectural Plans dated 11/3/2016 and revised 11/14/2016 and 11/15/2016, Civil Plans dated 10/4/2016, and Landscape Plan dated 11/4/2016)
November 17, 2016

Building Uses		Comments		Compliance
801.09.2.1 – Lake Street District All new buildings east of Barry Avenue on Lake Street shall have retail usage at least eighty percent (80%) of the ground floor facing Lake Street. The remaining twenty percent (20%) of the ground floor frontage may only be used for walkways, public access, or public facilities. Retail activities shall comprise a total of at least fifty percent (50%) of the usage of the total building footprint.		The site is located west of Barry Avenue.		Not Applicable
Building Recesses				
801.09.3.1.A – All Districts Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level		The proposed building utilizes pilasters and recesses to provide articulation of the façades.		Yes
801.09.3.1.B Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.		The project includes planters along the Lake Street and Ferndale road frontages and a potential public feature at the intersection adjacent to the main entrance to the building. The plans also include two benches incorporated into the planter walls along Lake Street.		Yes

Building Width																																					
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801.09.4.1 All Districts – New Buildings																																					
In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design:																																					
1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements																																					

Upper Story Setbacks				
801.09.5.1.A – All Districts – New Buildings				
Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3 rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3 rd story height from the second (2 nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3 rd story structure shall be closer than six (6) feet to the 2 nd story façade. The 3 rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3 rd story façade.	The third level is fully recessed from the lower levels of the building. The third floor is stepped back between 10 and 18 feet along both Ferndale Rd and Lake Street.	Yes		
801.09.5.1.B – All Districts – New Buildings				
The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.	The second story along Lake Street would be stepped back for 23% of the building length. The second story is stepped back 12 to 15 feet from the first floor in the balcony locations. The applicant has also indicated that the both the first and second floors are stepped back from the property line along Lake Street, which breaks up the mass of the building and meets the intent of the design standard.	Deviation Required		
801.09.5.1.C – All Districts – New Buildings				
Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The proposed plans include a shadow study which shows the building would create minimal shading onto adjacent buildings. The plans also include a profile views of the proposed building as viewed from surrounding properties.	Yes		

Roof Design				
801.09.6.1 – All Districts “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.			The proposed building does not include any green roofs.	Not Applicable
801.09.6.2.A – All Districts – Roof Materials The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors.			The proposed building has a flat roof which would consist of a tan membrane material.	Deviation Required
801.09.6.2.B – All Districts – Roof Materials The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.				

Screening of Rooftop Equipment				
801.09.7.1 – Lake Street and Bluff Districts No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.			The proposed plans do not include any mechanical equipment on the roof of the building.	Yes

Facade Transparency		Comments	Compliance
801.09.8.2 – Lake Street District No less than fifty percent (50%) of the ground level façade of any building fronting Lake Street shall be transparent glass. No less than twenty-five percent (25%) of the ground level side and rear façade facing a public right of way, parking area or open space shall be transparent glass.		The proposed building is comprised of 50% glass on the ground level along Lake Street, and 36% glass along Ferndale Road.	Yes
Ground Level Expression			
801.09.9.1 – All Districts In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels		The proposed building includes an intermediate cornice line, a difference in building materials between the first and second floor, and special window lintels on the first floor elevations.	Yes
Entries			
801.09.10.1 – All Districts The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.		The proposed plans include landscaped planters along both Lake Street and Ferndale Rd.	Yes

Building Materials and Quality			
<u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco	The non-glass surfaces of the building are primarily comprised of brick, stone, wood, and cast stone. The south and north elevations would be comprised of more than 90% of these materials. The east and west elevations would be comprised of 98% and 90% of these materials, respectively.	Yes	
<u>801.09.11.1.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	The proposed building includes the same materials, brick, stone, wood and cast stone, on all four sides of the building.	Yes	
<u>801.09.11.1.C – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.	The plans indicated that a standard size brick would be used.	Yes	

<u>801.09.11.1.D – Façade Detail – All Districts</u> 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.	The brick detail would be reviewed with the final building design.	Yes
<u>801.09.11.1.E – Brick Joints – All Districts</u> 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence	The brick will include a charcoal concave mortar no larger than ¼ inch.	Yes
<u>801.09.11.1.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.	The stone detail would be reviewed with the final building design.	Yes

<u>801.09.11.1.G – Accent Materials – All Districts</u> Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade: 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS	The accent materials for the lintels, sills, cornices, bases and decorative accent trims would be cast stone, stone, wood, and fiber cement board. The amount of fiber cement board would be less than 10% on all building elevations.	Yes
<u>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</u> 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.	The proposed flashing would be painted aluminum that complies with these requirements.	Yes

<u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.		The proposed building plans do not include any awnings.	Not Applicable
<u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.		The proposed building includes balconies that would be accessible and usable by persons living in the building.	Yes
<u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects		The proposed glass would not be mirrored, reflective, or darkened.	Yes
<u>801.09.11.1.L – Door Systems – All Districts</u> Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.		The proposed entry doors would be glass.	Yes

Franchise Architecture		Comments	Compliance
801.09.12.1.1 – All Districts			
A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801.09.18 by the Planning Commission at the time of Design Standards Review application		The proposed building would not be franchise architecture.	Not Applicable.

Walkways		Comments	Compliance
801.09.13.1 – Lake Street District A. Continuous sidewalks at least twelve (12) feet in width shall be provided along all public street frontages. B. Lighted sidewalks shall extend between rear and side parking areas and building entrances. All sidewalk lighting must project downward. C. Buildings with street frontage exceeding fifty (50) feet shall have at least one (1) bench. D. All sidewalk surfaces must match the exposed aggregate/brick accent sidewalks on Lake Street.		The proposed site plan includes a 12-foot Sidewalk along Lake Street that would meet the City's Lake Street sidewalk specifications of exposed aggregate surface with concrete accents. Two benches would be provided along Lake Street. The Ferndale Road street frontage includes adding a 6-foot wide concrete sidewalk with a landscaped boulevard with street trees between the road and the sidewalk.	Deviation Required. The streetscaping along Lake Street meets the requirements, but the sidewalk on Ferndale does not.

Landscaping		Comments	Compliance
<u>801.09.14.1 – All Districts</u> A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level. B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings. C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area. D. Streetscaping shall include all of the following: 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers		The proposed landscape plan includes landscaped planters with seasonal plantings at the building entrance and along Lake Street and Ferndale Road. The proposed streetscaping along Lake Street includes six hackberry trees that would be located in tree grates within the sidewalk. The streetscaping along Ferndale Road includes six hackberry trees that would be located in the landscaped boulevard between the sidewalk and the street. All of the street trees would be 3 caliper inches in size. Two benches would be provided along Lake Street.	Yes

<u>801.09.14.2 – Lake Street District</u> A. Established Lake Street landscape treatments shall be followed in accordance with the specifications of the Wayzata Engineering Guidelines set forth in Wayzata City Code. Exposed aggregate with brick accent sidewalks shall be used. B. Approved boulevard trees, planted in sidewalk areas, shall be planted no more than twenty six (26) feet on center from each other.	The proposed sidewalk along Lake Street meets the City's guidelines and specifications for width and materials. The proposed landscaping plans includes boulevard trees along Ferndale Road and Lake Street.	Yes
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	Comments	Compliance
Parking Lot Landscaping 801.09.15.1 – All Districts A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.	The proposed plans do not include any surface parking areas.	Not Applicable
Surface Parking 801.09.16.1 – All Districts A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.	The proposed plans do not include any surface parking areas.	Not Applicable

		Comments	Compliance
801.09.16.2 – All Districts – Bicycle Parking Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.		This section is not applicable to the residential building.	Not Applicable
Parking Structures			
801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards: A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings. B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade. C. Windows or openings shall be similar to those of surrounding buildings. D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.		This section is not applicable, as there is no parking ramp associated with the project.	Not Applicable

<u>801.09.17.2 – Lake Street District</u> A. If any part of a parking structure abuts Lake Street, that entire portion of the ground floor façade shall be occupied by at least eighty percent (80%) retail usage, extending to a depth of at least thirty (30) feet. B. The ground floor level of a parking structure shall not come within forty (40) feet of Lake Street. C. The top decks of parking structures visible from adjacent properties shall be designed with trellises and landscaping sufficient to screen at least fifty percent (50%) of the visible area.	This section is not applicable, as there is no parking ramp associated with the project.	Not Applicable
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Signs			Comments		Compliance
<u>801.09.18.1 – All Districts</u> A. Compatibility - Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design. - A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context. - When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties. - Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.			The building includes two wall signs on the ground floor elevation of the building, which would be located at the main entrance to the building at Lake Street and Ferndale Road. The signs would be black metal lettering attached directly to the building face.		Yes

<u>801.09.18.2 – Permitted Signs – Lake Street District</u> A. Only the following types of signs are permitted in the Lake Street District: 1. Awning, canopy or marquee signs 2. Wall signs 3. Monument or ground signs 4. Projecting signs 5. Window signs (small accent signs) 6. Roof signs if located on pitched-roof buildings, below the peak of the roof			Yes
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Parking Lot and Building Lighting		Comments	Compliance
801.09.19.1 – All Districts			
A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare. B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution. C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets. D. Light posts shall be of a dark color. E. Lighting fixtures shall be compatible with the architecture of the building. F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards. G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.		The building elevations include an exterior light example, which would be a down-cast wall sconce attached to the building.	Yes

Jeff Thomson

From: bruce.lea@wellsfargo.com [bruce.lea@wellsfargo.com]

Sent: Friday, October 14, 2016 1:50 PM

To: Ken Willcox; Bridget Anderson; Johanna McCarthy; Andrew Mullin; Steven Tyacke

Cc: cathyiverson@wayzata.or; Grahm Gnos; Graciela Gonzalez; lgruber@wayzata.org; Steven Young; Gregory Flannigan; Patrick Murray; bruce.lea@wellsfargo.com; colleen.wbcw@gmail.com

Subject: Meyers Dairy project/ Wayzata Bay Car Wash owner opinion

Dear Wayzata City Mayor, Council Members and Planning Commission Members,

I would like to state that as the 29 year owner of the Wayzata Bay Car Wash, that I am in full approval of the most current proposal before you.

I am looking forward to a much improved neighbor after almost ten years of vacancy.

If you have any questions of me, please feel free to either call or email me.

Best Regards,
Bruce

Jeff Thomson

From: Peggy Douglas <peggydouglas@mchsi.com>
Sent: Thursday, October 27, 2016 8:16 PM
To: Jeff Thomson
Subject: Meyer Project

I know the Meyer project is coming up again at the PC. Tim and Tom met with our neighborhood and the new proposal was favorably received by all. Today 3 of us met with Tim and Tom again, at their request, to talk about landscaping on the north side. We were all pleased with the meeting. They expressed an interest in keeping the conversation going. We all said that we are anxious to get the project going.

I have told Ken Willcox the above and I also spoke with Jeff Dahl.

I hope the PC approves the project. You may share my comments with the PC members. Thanks Jeff.

Peggy Douglass

Sent from my iPhone

Jeff Thomson

From: Judy Zitzloff <judy@zitzlofftrainingresources.com>
Sent: Saturday, October 29, 2016 7:54 PM
To: Jeff Thomson; Jeffrey Dahl
Subject: Meyer Place Proposal

Hi Jeff and Jeffrey,

We live in the Ferndale Ridge Townhomes which are directly behind the proposed Meyer Place Development.

We would like to throw our support to this proposed development. Tom Bakritges of Homestead Partners and Tim Whitten of Whiten Associates have been very thorough in their follow up meetings with us on keeping us abreast of the project as well as listening to our concerns and more importantly made amendments based on our concerns and suggested recommendations. They have definitely gone the extra mile.

We feel this would be a great improvement to our "end of Wayzata" and endorse this proposed development 100%.

Thank you.

Ray and Judy Zitzloff

Judy Zitzloff

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612-845-9284 – cell

Jeff Thomson

From: yukonllc@gmail.com
Sent: Tuesday, November 01, 2016 5:43 PM
To: Jeff Thomson
Subject: Meyer Dairy building

Hello Jeff -

Thank you for the notification of next week's Planning Commission's meeting to discuss Homestead Partners application for rezoning and development of the Meyer Dairy property.

I've had a chance to review the revised design for the proposed condominium building and I think its a great use of the property and would be a beautiful addition to our neighborhood. As owner one of the single-family residences closest to the proposed project, I want to let the members of the Planning Commission know I have no objection.

David Saggau
215 Ferndale Rd S.

Sent from my iPhone

Jeff Thomson

From: Frederick <fcrichter46@gmail.com>
Sent: Wednesday, November 02, 2016 1:57 PM
To: Jeff Thomson
Subject: Meyer Place

Jeff

I want to be on record of supporting the latest Meyer Place 21 unit residential condominium building at 105 Lake Street East. The residential use, below grade parking, three level with the upper level set backs and the use as well as composition of materials will in my opinion be a positive addition to East Lake Street.

As a an immediate neighbor I welcome the project.

Frederick Richter
103 Edgewood Ct
Wayzata Mn 55391
fcrichter@mchsi.com
612 964 3916

1 Commissioner Flannigan stated he stands behind his concerns expressed at the previous meeting,
2 and would recommend denial of the application.

3
4 Commissioner Gonzalez stated her recommendation is not based on the public comments alone.
5 She looks at the City's codes and applies these standards to the application. Based on the
6 information this application does not meet the requirements of the code for the reasons stated at
7 the previous meeting. There is no information on the amount of fill that would be brought to the
8 site or the amount of grading that will be required. She would recommend adopting the draft
9 report and recommendation of denial as presented.

10
11 Commissioner Gruber stated she would also stand by the denial recommendation based on the
12 comments from the previous meeting.

13
14 Commissioner Murray stated based on the information presented, he would not recommend
15 denial. Aesthetically this project would fit into the character of the neighborhood and enhance
16 the neighborhood.

17
18 Commissioner Gnos stated based on the information presented he would reconsider his decision
19 at the last meeting to recommend denial of the application.

20
21 Commissioner Young stated the request is reasonable, and he would support the application.

22
23 Chair Iverson stated she would recommend denial based on the City's code standards, grading,
24 public comments and Commission comments from the previous meeting.

25
26 Commissioner Murray stated the applicant had informed them that the grading and fill would be
27 minimal.

28
29 Chair Iverson stated they did not have the exact information in front of them.

30
31 Commissioner Flannigan made a motion, Seconded by Commissioner Gruber to adopt the
32 Planning Commission Report and Recommendation, as presented, recommending denial of the
33 proposed subdivision and preliminary and final plat at 15610 Holdridge Road E. The motion
34 carried: 4 ayes – 3 nays (Young, Murray, Gnos).

35
36
37 **AGENDA ITEM 5. Public Hearing Items:**

38
39 **a.) Meyer Place at Ferndale – 105 Lake Street E**

40 **i. Rezoning, PUD Concept and General Plans, and Design Review**

41
42 Director of Planning and Building Thomson stated the applicant, Homestead Partners, and the
43 property owner, Meyer Properties, have submitted a development application to redevelop the
44 Meyer Brothers Dairy at 105 Lake Street E. The development application includes demolition of
45 the existing vacant commercial building and construction of a new 3-story building. The
46 building would include up to 21 residential condominium units and 52 underground enclosed

1 parking spaces. As part of the application, the applicant is requesting approval of Rezoning from
2 C-4A to PUD/Planned Unit Development, Concurrent PUD Concept and General Plan of
3 Development, and Project Design. The proposed project deviates from two of the requirements
4 of the current C-4A zoning district, relating to height and uses, which could be permitted in a
5 PUD District. Specifically, the C-4A district has a maximum building height of 30feet or 2-
6 stories, and requires that at least 50 percent of the building frontage on the Lake Street ground
7 level must be for retail or service commercial uses. It also requires that new buildings on Lake
8 Street must be developed with more than one of the following uses: retail, service, residential,
9 and office. The applicant is requesting a rezoning to PUD to allow for a taller building, and the
10 proposed building would be 100 percent residential use, not meeting the retail, service, and
11 mixed use requirements of the C-4A zoning district. The proposed project also does not meet
12 several of the City's design standards, including building recession, façade transparency,
13 Ferndale sidewalk, building materials, and roof color, thus requiring deviation approval. The
14 proposed project provides 2.5 parking stalls per dwelling unit, which meets the requirements of
15 the City's Parking Ordinance. He clarified the maximum number of units that would be allowed
16 would be 21 if the project is approved.

17
18 Commissioner Gonzalez asked if the City Engineer had reviewed the Storm Water Management
19 Plan for the project.

20
21 Mr. Thomson stated the City Engineer had reviewed the original plan, and he would verify if
22 there were any changes required. There is some environmental contamination on this site, and
23 the applicant is not able to do infiltration. So, they have amended the plans to provide stormwater
24 management through filtration, and this had been previously approved by the City Engineer.

25
26 Applicant's architect and representative, Mr. Tim Whitten, Whitten Associates, 4159 Heatherton
27 Place, Minnetonka, stated the current development plan is based on the comments from the
28 Planning Commission, City Council and neighbors during the previous application process. He
29 reviewed the key differences from the previous application, including a reduction in the building
30 mass, reduction in the number of units, removal of the roof patio to reduce the height,
31 introduction of garden areas, removing guest parking on the north side, a prairie style four-sided
32 architecture, a step back for the third level on all elevations, and space at the corner of Lake
33 Street and Ferndale dedicated for public benefit. He noted that they have met with the neighbors
34 and received positive feedback. He reviewed the Design Standards deviations requested, and
35 explained the reasons for requesting the deviations. He explained they would be willing to
36 expand a 5-foot sidewalk to join the driveway from the neighborhood. He said City Engineer
37 Kelly will ensure the Storm Water Management Plan meets the City's requirements.

38
39 Commissioner Gruber asked if 1800 square feet would be the smallest unit size available, and
40 what the price range would be for these units.

41
42 Mr. Whitten stated the smallest unit would probably be approximately 1800 square feet. They
43 have not priced out the building yet, so he could not give an accurate price point, but right now it
44 is about \$500 square foot retail.

1 Commissioner Gonzalez thanked Mr. Whitten for working with the neighbors and addressing
2 their concerns. She asked if guest parking would be in the underground garage.

3
4 Mr. Whitten stated there is short term parking available along Lake Street and overnight guest
5 parking in the parking garage.

6
7 Commissioner Gonzalez stated the Design Standards require a bicycle rack for commercial
8 developments and this is a commercial site. She asked where this would be placed.

9
10 Mr. Whitten stated there is a bicycle rack in the parking structure. He stated they could also
11 include this is the public space if the Commission wants.

12
13 Commissioner Gonzalez asked how far the building is setback from the property line.

14
15 Mr. Whitten stated they are 5-feet on the south or Lake Street side, 20-feet from the north, 10-
16 feet from the east, and 5-feet from west. Along Lake Street, the sidewalk goes to the lot line then
17 there is 5-feet for the planter and then the building. He explained the car wash on the property to
18 the east is 2-feet from the property line. So, it makes it look like their building is close to the car
19 wash, but they are actually 10-feet from the property line at the closest points.

20
21 Commissioner Flannigan asked if the single drive in and out of the garage would create any type
22 of traffic concerns with cars going in and out at the same time. He also asked why they would
23 have the pond.

24
25 Mr. Whitten stated the drive is 16-feet wide so there would not be any problems. The single
26 drive just means there is only one entrance to the underground parking. He stated the pond is a
27 detention pond to hold the water while the ground filtrates it, and would essentially be a rain
28 garden.

29
30 Commissioner Flannigan asked if Mr. Whitten would recommend planting trees in the
31 boulevard.

32
33 Mr. Whitten stated he would recommend planting trees in the boulevard, but he does not think a
34 12-foot wide sidewalk is necessary. He would recommend a narrower sidewalk and more green
35 space.

36
37 Chair Iverson asked if the building residents would be able to wash their cars in the underground
38 garage and if so, is it included in the storm water management plans.

39
40 Mr. Whitten stated they are currently discussing this option as part of the common area and if
41 this would be something residents would want. Once the project is approved they will discuss
42 this with potential buyers. He stated if they do proceed with a car wash, they would be sure to
43 include this in the storm water management plan and the City Engineer will ensure they do
44 everything to meet the code.

1 Commissioner Flannigan stated it was a nuisance to have a tree in the middle of the sidewalk,
2 and it was not visually appealing if these spaces were empty because the tree had died.

3
4 Chair Iverson stated they could consider having these trees outside of the sidewalk so they are
5 healthier.

6
7 Commissioner Gonzalez asked if this project would tax the City's services, such as sewer and
8 water.

9
10 Mr. Thomson stated at a macro level, the Comprehensive Plan looks at these services and the
11 projected needs of an area. The units within this project are within the number of units projected
12 for this site in the Comprehensive Plan.

13
14 Chair Iverson asked if Mr. Whitten would consider a double unit window on the north elevation,
15 so that it looks less industrial.

16
17 Mr. Whitten stated as they advanced through the floor plans this was happening. They are
18 treating this side the same as the rest of the building. Single windows are usually in bathrooms
19 and dressing rooms.

20
21 Chair Iverson opened the public hearing at 8:23 p.m.

22
23 There being no one wishing to address the Planning Commission, Chair Iverson closed the
24 public hearing at 8:24 p.m.

25
26 Commissioner Young stated this was a spectacular design, and the balance with the
27 neighborhood input and stakeholders was noted. He would support the design deviations
28 requested.

29
30 Commissioner Gruber stated she does not support this project because of the mass of the
31 building on this site. There are a lot of expensive condominiums in the City, and they do not
32 need more. She would like to see more green space on the site, and something besides
33 condominiums.

34
35 Commissioner Gonzalez stated the Council would need to decide how many condominiums are
36 too many, and how much development the City wants. She expressed concerns over the traffic
37 this project would generate. She does agree that this is a difficult site, and it would be difficult to
38 develop as a commercial site. There is too much retail and office space in the City currently.
39 This proposal is a good use of the site, and she appreciated there were no variance requests with
40 the application. She stated the only design deviation she is concerned about is the setback for the
41 second floor. This standard was established to break up the height of large buildings on Lake
42 Street.

43
44 Commissioner Murray stated the vision the City has for density for this area would have to be
45 discussed by the City Council. The east side of Lake Street does not have the lake feel or the

1 Wayzata feel because of the large buildings. He expressed concerns on the true amount of
2 density the City is going to hit. He does like the look of the building proposed.

3
4 Commissioner Flannigan stated he likes the changes that have been made with the current
5 proposal, and appreciates the reduction in density. He expressed concerns about the scale and
6 mass for residents on the Ferndale side of the building. The value or affordable housing is
7 something that needs to be addressed by the City and not property owners. He stated he would
8 support the project as presented.

9
10 Commissioner Gnos stated he liked the progress of the project, and the finished product would
11 be a better benefit for the City and residents. He appreciated the applicants looking at the
12 landscape and the willingness to extend the sidewalk. He would support this project.

13
14 Chair Iverson asked how the Commission felt about no retail in this location and this end of Lake
15 Street. She does like the design of the building but would like something with more of a lake
16 feeling with separate entrances, and with less mass and scale. She does not think that these
17 options have been explored. She expressed concern that the City is losing sight of affordable
18 housing. A different type of building may help the retail business in Wayzata in the winter
19 months.

20
21 Commissioner Young stated this is on the cusp of single family housing and is a dangerous
22 intersection for people. Having a restaurant or coffee shop would add another element of traffic
23 coming in and out of this site, and increasing the need for more parking. This type of retail could
24 make a dangerous area more dangerous for the residents.

25
26 Chair Iverson stated this is at the bike trailhead and could be an opportunity for retail.

27
28 Commissioner Murray stated the nearby car wash and the pink building would be other
29 opportunities for potential retail in this area.

30
31 Commissioner Flannigan stated retail use would be a decision that the City Council would need
32 to make. This is a transition area, and retail would not have to be included in this project. He
33 stated the economics today made retail and office space on the first floor difficult to have.

34
35 Commissioner Gruber would recommend the City Council look at the density and affordable
36 housing in Wayzata. This is a dangerous area, and this building is massive and would create
37 more traffic in this area. More visioning for this area may be needed.

38
39 Commissioner Young made a motion to direct Staff to prepare a draft Planning Commission
40 Report and Recommendation with appropriate findings recommending approval for the
41 Rezoning from C-4A to PUD/Planned Unit Development, Concurrent PUD Concept and General
42 Plan of Development Review, and Design Review with the requested deviations.

43
44 Chair Iverson asked if the Commission would want to add a condition that the City Engineer
45 review and approve the Storm Water Management Plans.

Commissioner Young asked if the Commission would want to also recommend the applicant work with the adjacent property's Townhome Association to extend the sidewalk.

Mr. Schelzel asked if the Commission would want to recommend a different sidewalk width as well.

Mr. Thomson stated if the Commission's direction was to explore something less than the 12-foot sidewalk with the grass boulevard, then this would be a deviation, and the applicant would need to look at it. This is feedback the applicant can explore.

Commissioner Young stated this could be something the applicant brought to the City Council during the next step.

Commissioner Young made a renewed motion, Seconded by Commissioner Flannigan, to direct Staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings recommending approval for the Rezoning from C-4A to PUD/Planned Unit Development, Concurrent PUD Concept and General Plan of Development Review, and Design Review with the requested deviations as submitted for Meyer Place at Ferndale located at 105 Lake Street E.

Commissioner Gonzalez urged the applicant consider the second-floor setback along Lake Street.

The motion carried: 4 ayes – 3 nays (Gruber, Iverson, Murray).

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Director of Planning and Building Thomson stated that November 17 was the City's annual Volunteer Appreciation Dinner at City Hall. He noted that the City is working with the applicant for the Bushaway Road Third Addition project, and the City Council will review the 15610 Holdridge subdivision at the next Council meeting. The City Council did approve the Parking Ramp, and construction activity at the site has started. The construction contract is for a no roof parking ramp, but the City is looking at potential funding for the roof option to be added in the future. The City Council also approved the plans and specifications for the proposed new cell tower at the Middle School, and this will be a December to February Planning Commission and City Council review item.

Commissioner Gonzalez stated when the development applications slow down, the Planning Commission will need to look at some of the City's Ordinances, including restricting development on steep slopes.

Chair Iverson stated the City should also look at setbacks.

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 21, 2016**

AGENDA ITEM 1. Call to Order and Roll Call

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

Present at roll call were Commissioners: Young, Gruber, Iverson, Murray, and Gnos. Absent: Commissioners: Gonzalez and Flannigan. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Gruber made a motion, Seconded by Commissioner Murray to approve the November 21, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of October 17, 2016 Planning Commission Minutes

Commissioner Gruber made a motion, Seconded by Commissioner Murray to approve the October 17, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

b.) Approval of November 7, 2016 Planning Commission Minutes

Commissioner Young made a motion, Seconded by Commissioner Gruber to approve the November 7, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) Meyer Place on Ferndale – 105 Lake Street E

i. Rezoning, PUD Concept and General Plans, and Design Review

Director of Planning and Building Thomson stated the applicant, Homestead Partners, and the property owner, Meyer Properties, have submitted a development application to redevelop the Meyer Brothers Dairy site at 105 Lake Street E. The development application includes requests to approve the Rezoning of the property from C-4A to PUD/Planned Unit Development, concurrent PUD Concept and General Plan of Development, and Design with deviations for building recession between first and second floor of the building, width of the sidewalk along Ferndale Rd, and a tan roof color. Mr. Thomson noted that the Planning Commission reviewed

1 the development application and held a public hearing at its meeting on November 7, 2016.
2 After discussing the application, the Planning Commission directed staff to prepare a draft
3 Planning Commission Report and Recommendation of approval of the development application
4 for consideration at its next meeting. Since that time, the applicant has submitted revised plans
5 for the project, which address the comments and questions raised by the Planning Commission at
6 the last meeting. Mr. Thomson reviewed the changes including additional glass added to the
7 first-floor elevation along Lake Street, the decrease in the amount of cement fiberboard on the
8 exterior elevations, the increase in the amount of wood on the exterior elevations, additional
9 information regarding the second-floor setback along Lake Street, and the addition of windows
10 to the rear elevation.

11
12 Applicant's representative Mr. Tim Whitten, Whitten Associates, 4159 Heatherton Place,
13 Minnetonka, stated the design revisions have eliminated three of the requested design deviations
14 previously reviewed by the Planning Commission, and added additional windows per Chair
15 Iverson's request. Commissioner Gonzalez had requested they look at the second level setback,
16 and Mr. Whitten stated they are within 2% of the standard and will continue to work on meeting
17 this standard before they meet with the City Council.

18
19 Commissioner Young stated he supported the application and appreciated that the number of
20 Design deviations had been reduced.

21
22 Commissioner Gruber stated she does not support this project because it is too massive for this
23 area, and the City does not need more \$1 million condos, particularly on Lake Street. She would
24 like the City to do a better job of balancing this kind of development with the need for lower cost
25 residences.

26
27 Commissioner Gnos stated he continues to support the application, and the site needs to be
28 developed.

29
30 Chair Iverson stated she appreciates the work that has gone into the project, but she is not in
31 support of this application. There is no retail in this location, and Ms. Iverson feels the City may
32 be short sighted by not having retail on this end of Lake Street. She stated she would like to see
33 single-family home entrances, so that the building appears less massive and more lake-like.

34
35 Commissioner Murray stated he does not believe this is the right thing for this location.

36
37 Commissioner Young made a motion, Seconded by Commissioner Gnos to approve the Planning
38 Commission Report and Recommendation, as presented, recommending approval of the PUD
39 Rezoning, Concurrent PUD Concept and General Plan of Development, and Project Design for a
40 new three story residential development at 105 Lake Street East. The motion failed 2-ayes, 3
41 Nays (Gruber, Iverson, Murray).

42
43 Commissioner Gruber made a motion to direct staff to prepare a Planning Commission Report
44 and Recommendation recommending denial of the application for the PUD Rezoning,
45 Concurrent PUD Concept and General Plan of Development, and Project Design for a new three
46 story residential development at 105 Lake Street East.

1
2 In response to discussion on Commissioner Gruber's motion, City Attorney Schelzel stated the
3 Commission needs to move a recommendation forward to the City Council as outlined in the
4 Zoning Ordinance.

5
6 Mr. Thomson stated the Commission could also table this item until all of the Commission is
7 present.

8
9 Chair Iverson clarified that the City Council would be made aware that the application was set to
10 be approved based on the previous action of a full Commission, and because there are two
11 members absent this evening, the application does not have the same support.

12
13 Commissioner Gruber withdrew the motion.

14
15 Commissioner Gruber made a motion to table action on the Planning Commission Report and
16 Recommendation, recommending approval of the PUD Rezoning, Concurrent PUD Concept and
17 General Plan of Development, and Project Design for new three story residential development at
18 105 Lake Street East, until the next meeting of the Commission.

19
20 Mr. Tom Bakritges, Homestead Partners, 525 15th Avenue South, Hopkins, asked if the
21 application would be on the City Council December 20 meeting.

22
23 Mr. Thomson stated the next Planning Commission meeting was December 5, and the
24 application could be on the December 20 City Council meeting agenda.

25
26 Mr. Bakritges stated this would meet their deadline.

27
28 Commissioner Gnos seconded the motion to table the vote for the Report and Recommendation
29 until December 5, 2016. The motion carried unanimously.

30
31
32 **AGENDA ITEM 5. New Business Items:**

33
34 **a.) Urness Residence – 1443 Westwood La S**

35 **i. Review of House Plans**

36
37 Director of Planning and Building Thomson stated the applicant, Hendel Homes, has submitted
38 building plans for construction of a new home at 1443 Westwood La S. The property is part of
39 the MacMillan Place subdivision that was approved by the City Council in April 2015 pursuant
40 to City Council Resolution No. 17-2015. The subdivision includes two (2) single-family
41 residential lots with a shared driveway from Westwood Lane. The applicant has submitted the
42 house plans for review and approval by the Planning Commission and City Council as required
43 by Resolution No. 17-2015. Staff had also received additional information from the applicant
44 regarding the lot coverage (3.8%) and impervious surface (13.8%), and these do meet the City's
45 requirements. He reviewed the house plans, driveway access, and tree preservation.

**WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
DECEMBER 5, 2016**

AGENDA ITEM 1. Call to Order and Roll Call

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

Present at roll call were Commissioners: Gruber, Gonzalez, Iverson, Murray, and Flannigan.
Absent: Commissioners: Young and Gnos. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Murray made a motion, Seconded by Commissioner Gonzalez, to approve the December 5, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of November 21, 2016 Planning Commission Minutes

Commissioner Gruber requested a change of “condo” to “condos” on page 2, line 23 of the minutes in the Commission’s packet materials.

Commissioner Gruber made a motion, Seconded by Commissioner Murray, to approve the November 21, 2016 Planning Commission Minutes as presented, with Commissioner Gruber’s requested change. The motion carried 3 ayes and 2 abstain (Gonzalez and Flannigan).

AGENDA ITEM 4. Old Business Items:

a.) Adopt Report and Recommendation on Meyer Place on Ferndale – 105 Lake Street E

i. Rezoning, PUD Concept and General Plans, and Design Review

Director of Planning and Building Thomson stated the applicant, Homestead Partners and the property owner, Meyer Properties, have submitted a development application to redevelop the Meyer Brothers Dairy site at 105 Lake Street E. The development application includes requests for Rezoning from C-4A to PUD/Planned Unit Development, concurrent PUD Concept and General Plan of Development review, and Design Review with deviations: building recession between first and second floor of the building, width of the sidewalk along Ferndale Rd, and a tan roof color. The Planning Commission reviewed the development application and held a public hearing at its meeting on November 7, 2016. After discussing the application, the

1 Planning Commission directed staff to prepare a Planning Commission Report and
2 Recommendation for approval of the development application. On November 21, the Planning
3 Commission considered the draft Report and Recommendation for approval. At the meeting, a
4 motion to adopt the draft Report and Recommendation failed on a 2 to 3 vote. The Planning
5 Commission subsequently tabled action on the development application until the December 5th
6 meeting to have a full Commission in attendance.
7

8 City Attorney Schelzel stated the Planning Commission does need to make a recommendation at
9 this meeting regarding the project, given the requirements under City Code to act upon the
10 application within the timeline required by law.
11

12 Commissioner Gonzalez clarified the role of the Planning Commission is to look at the project
13 and ensure that it meets the requirements of the City's Codes. The Commission does not make
14 policy, and they do not have to like a project or agree with the project but rather to ensure that
15 what is proposed meets the requirements of the Code, and if there are deviations requested these
16 are justified and to make appropriate findings. This is a difficult site, and the City Council made
17 a decision years ago that they would not require the Commission to strictly enforce commercial
18 use requirement west of Barry Avenue because of the difficulty to have commercial sites, and a
19 lot of residential sites do not want to have commercial sites near their homes. This project meets
20 the spirit of the Comprehensive Plan and the PUD Ordinance. The project is justified because
21 the transition from residential to commercial is reasonable. Commissioner Gonzalez would
22 recommend adopting of the draft Recommendation and Report for approval, with the addition of
23 a condition that the second and third story meet the setback requirements along Lake Street.
24

25 Commissioner Gruber stated this site is not proper for a PUD, and appreciates that Staff put
26 together alternative findings for a recommendation of denial of the project based on concerns
27 expressed by some commissioners. She would also like to add that this is the west gateway to
28 the City, and the City needs to have a more innovative building at this gateway. In Section
29 807.9.12, there are other options that could be in this location including an art exhibit. It is time
30 for the City to balance the mix of residential homes that the City has, and she would not vote to
31 recommend approval of the project.
32

33 Commissioner Flannigan stated he would recommend approval of the project, and it is City
34 Council's role to work through the policy issues that have been brought up by the
35 commissioners. The effort of the applicant to work with the community, surrounding residents,
36 the Planning Commission, and the City Council has been done in good faith and is
37 commendable. The property itself and that side of the City may be something that requires more
38 discussion by the City Council. The appropriate action for the Commission would be support
39 and recommend approval of the project that has been presented.
40

41 Commissioner Murray stated he has been on the record stating he would like to see something
42 different in this location, but in the spirit of where the Commission had voted at the November 7
43 meeting, he would vote to adopt the Report and Recommendation of approval.
44

45 Chair Iverson stated the project does not meet the innovation in development requirement under
46 the PUD Ordinance, and the City should require something more unique and innovative in

design. The PUD also requires the creative use of land, and this project does not meet this requirement. There are some options other than housing that could be looked at. The City has enough \$1-\$2 million condos, and there could be more creative ways to use the land. The project also does not provide a desirable and creative environment that might be possible through the strict application of the zoning and subdivision regulations of the City, as noted in the PUD Ordinance. Chair Iverson would not recommend approval of this project.

Commission Flannigan stated there may be people that believe the City has enough high end housing, but there are people continuing to purchase these homes and this would mean there is a demand for this in the City. It is important to understand that this is a different type of property, by the Lake, and would have a fair market value more than the typical starter home.

Chair Iverson stated part of the PUD Ordinance requires innovation, and having additional housing of this type is not thinking out of the box and is not creative. The location may be driving the price, but this is the gateway to the City and they should be innovative and creative and challenge the developers.

Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan, to approve the December 5, 2016 Planning Commission Report and Recommendation, as presented, recommending approval of the PUD Rezoning, Concurrent PUD Concept and General Plan of Development, and Project Design for a new three story residential development at 105 Lake Street East. The motion carried 3 ayes and 2 nays (Gruber and Iverson).

Commissioner Gonzalez stated she would also recommend the City Council add a condition that project meet the second and third story setbacks along Lake Street.

AGENDA ITEM 5. Public Hearing Items:

a.) None.

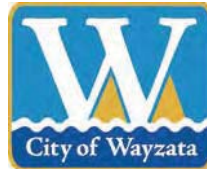
AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Mr. Thomson stated the City Council would be doing interviews for Boards and Commissions at their December 6 meeting including applicants for the Planning Commission. There are 4 applicants and 2 open seats. The City Council would also be reviewing the house plans for 143 Westwood Lane, the Frenchwood Third Addition, financing for the parking ramp, and an update of the Lake Effect.

b.) Next Meeting is December 19, 2016

Director of Planning and Building Thomson stated the December 19 Planning Commission meeting agenda would include a development application from the Water Theater Company for



WAYZATA PLANNING COMMISSION

December 5, 2016

REPORT AND RECOMMENDATION OF APPROVAL OF PUD REZONING, CONCURRENT PUD CONCEPT AND GENERAL PLAN OF DEVELOPMENT, AND PROJECT DESIGN FOR NEW THREE STORY RESIDENTIAL DEVELOPMENT AT 105 LAKE STREET EAST

SUMMARY OF RECOMMENDATION

1. **Approval** of Rezoning from C-4A to PUD/Planned Unit District for new residential condominium development
2. **Approval** of Concurrent PUD Concept and General Plan of Development for new residential condominium development
3. **Approval** of Project Design

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** Homestead Partners, and the property owner, Meyer Properties, (together, the "Applicant") have submitted a development application (the "Application") to redevelop the Meyer Brothers Dairy site at 105 Lake Street E into a new residential planned unit development, involving demolition of the existing vacant commercial building and construction of a new three story residential building with up to 21 residential condominium units and 52 underground enclosed parking spaces (the "Project").
- 1.2 **Application Requests.** As part of the Application, the Applicant is requesting approval of the following land use requests:
 - A. **Rezoning from C-4A to PUD/Planned Unit Development:** The property is currently zoned C-4A, and the Applicant is requesting a rezoning to PUD (the "Rezoning" or "Zoning Amendment").
 - B. **Concurrent PUD Concept and General Plan of Development:** A rezoning to

PUD requires both concept and general plan of development review. The applicant is requesting concurrent review of both the concept plan and general plan, as shown on Attachment B. (the "PUD Concept and General Plan").

- B. Design: Construction of a new building requires design review and approval of the design ("Project Design") under the standards of Section 801.09.1.5 of the Zoning Ordinance ("Design Standards). The Applicant is requesting approval of the design elements of the building, as well as certain deviations from the Design Standards, further detailed in the Design Critique and Staff Report, that pertain to (i) building recession; (ii) Ferndale sidewalk; and (iii) roof color (the "Deviations").

- 1.3 Property. The address, property identification number and owner of the parcel comprising the subject property (the "Property") are:

105 Lake Street E	06-117-22-23-0034	Meyer Properties
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- 1.4 Land Use Designations. The Property falls within the following land use districts:

Current zoning:	C-4A/Limited Central Business District
Comp plan designation:	Central Business District

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on October 27, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on October 28, 2016. The required public hearing was held at the November 7, 2016 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Zoning Ordinance Amendments / Rezoning.

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

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

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

2.2 Planned Unit Developments (PUDs).

- A. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
 - 1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 - 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 3. More convenience in location and design of development and service facilities.
 - 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 - 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 - 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 - 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)

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

Owners Association, provided the conditions of 801.33.2.A.6.c are meet.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City._
14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied

within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

- 2.3 Design Standards. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached “Design Critique” (Attachment A). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission’s recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

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

Section 3. FINDINGS

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

- 3.2 Zoning Ordinance Amendments / Rezoning. The proposed use associated with the Project (the “Proposed Use”) would not have an adverse effect on surrounding

properties or the community, and meets the standards for a zoning ordinance amendment:

- A. The Proposed Use is consistent with the Comprehensive Plan land use designation of the Property, and meets the policies of the Comp Plan for the Central Business District (CBD), which call for a mix of commercial, office, and residential uses in the area; high quality development; design and architecture that compliments the area; ease of vehicular and pedestrian traffic; improvements to sidewalks, walkways and street furniture; enhanced street trees and landscaping elements; orderly transition between commercial/office areas of the CBD and adjacent residential neighborhoods; upper story housing with third floor setbacks; and redevelopment of property in need of redevelopment.
- B. The Proposed Use is consistent with current and future land uses in the area.
- C. The Proposed Use would meet the performance standards outlined in the Zoning Ordinance, except those for which approvals of Deviations have been requested.
- D. The Proposed Use would not adversely impact surrounding properties, as noted by multiple neighboring property owners that have expressed support of the Project.
- E. The Proposed Use would not negatively impact property values in the area.
- F. The existing transportation facilities can meet the traffic demand of the Proposed Use.
- G. The Proposed Use would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

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

- A. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- B. The PUD meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
- C. The PUD creates a more desirable and creative environment than would be possible under the existing C-4A/Limited Central Business District.
- D. In addition, the PUD meets all of the following PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance for residential PUDs:

1. Health Safety and Welfare. The Project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area, and conforms with the overall intent and purpose of the PUD Ordinance as noted in this Report.
2. Ownership. The Applicant owns all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The Project is consistent with the City's Comprehensive Plan as noted in this Report.
4. Sanitary Sewer Plan Consistency. The Project is consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The Project will provide common private and public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and the Development Agreement with the Applicant for the Project should contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. The Development Agreement for the Project and future Property Owners Association governing documents should contain provisions to assure the continued operation and maintenance of the common private and public open space and service facilities provided within the Project.
7. Staging of Public and Common Open Space. The Development Application is not planned as a staged development. The Project, including the common private and public open space, would all be constructed at one time.
8. Density. The Project density standards are acceptable to the City and consistent with the Comprehensive Plan.
9. Utilities. As a condition of approval, all utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. As a condition of approval, all utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. The Project will not have roadways.

12. Landscaping. The Applicant has submitted a detailed and acceptable landscaping plan that considers the natural features of the Property and surrounding area, the architectural characteristics of the proposed structure and the overall scheme of the Project.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Project meet the standards of the previous zoning district.
14. Height. The maximum building height in the Project will not exceed thirty five (35) feet and three (3) stories.

3.3 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations as shown in the attached Design Critique. Any negative impacts of the Deviations are outweighed by the following factors:

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

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the following land use requests in the Application:

1. Rezoning from C-4A to PUD/Planned Unit District for new residential condominium development
2. Concurrent PUD Concept and General Plan of Development for new residential condominium development
3. Project Design, including the Deviations

4.2 Recommended Conditions of Approval. The Planning Commission recommends the above approvals be conditioned upon the following:

1. The Applicant must enter into a stormwater maintenance agreement with the City that will cover design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which will be recorded against the Property.
2. The Applicant must revise the PUD Concept and General Plans to extend the

sidewalk along Ferndale Rd S further to the north to connect to Edgewood Court. The design of the sidewalk must be the same as the Ferndale Rd S sidewalk shown on the PUD Concept and General Plans, and must be located within the City's right of way. The final sidewalk design must be reviewed and approved by the City Engineer.

3. The Applicant and/or the Property Owners' Association must enter into an agreement with the City for maintenance of the common open area in the southwest corner of the Property, as depicted on the Site Plan.
4. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
5. All expenses of the City of Wayzata related to processing the Application, including consultant, expert, legal, and planning fees incurred, must be fully reimbursed by the Applicant.
6. The Applicant must enter into a Development Agreement with the City for the Project, that addresses the conditions of approval and the requirements of the Zoning Ordinance, in a form acceptable to the City Attorney.

Adopted by the Wayzata Planning Commission this 5th day of December 2016.

Voting In Favor: Flannigan, Gonzalez, Murray

Voting Against: Gruber, Iverson

Abstaining: None

Absent: Gnos, Young

Attachment A

Design Critique

Attachment B

PUD Concept and General Plans

DRAFT RESOLUTION NO. 58-2016

**RESOLUTION APPROVING PUD CONCEPT AND GENERAL PLANS,
PUD REZONING, AND PROJECT DESIGN FOR NEW THREE STORY
RESIDENTIAL DEVELOPMENT AT 105 LAKE STREET EAST**

WHEREAS, Homestead Partners, and the property owner, Meyer Properties, (together, the “Applicant”) have submitted a development application (the “Application”) to redevelop the Meyer Brothers Dairy site at 105 Lake Street East into a new residential planned unit development, involving demolition of the existing vacant commercial buildings and construction of a new three story residential building with up to 21 residential condominium units and 52 underground enclosed parking spaces (the “Project”); and

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

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

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Zoning Ordinance, and the Planning Commission Report and Recommendation of Approval of the Application, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby confirms and memorializes that the Application meets the applicable requirements of Wayzata’s Zoning Ordinance, including that the proposed PUD project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area, and that the Project does conform with the overall intent and purpose of Section 33 (Planned Unit Development).

B. Based on the foregoing, the following requests in the Application (as defined in the Planning Commission Report and Recommendation) are **HEREBY APPROVED**, subject to the conditions listed in Section C of this Resolution:

1. Rezoning from C-4A to PUD/Planned Unit District for new residential condominium development
2. Concurrent PUD Concept and General Plan of Development for new residential condominium development
3. Project Design, including the Deviations

C. The approvals listed in Section B of this Resolution are conditioned upon satisfaction and continuing compliance with all of the following:

1. The Applicant must enter into a stormwater maintenance agreement with the City that meets with the approval of the City Engineer, covering the design, installation, maintenance, and inspection of all stormwater management systems approved as part of the Application, which must be recorded against the Property.
2. The Applicant must revise the PUD Concept and General Plans to extend the sidewalk along Ferndale Rd S further to the north to connect to Edgewood Court. The design of the sidewalk must be the same as the Ferndale Rd S sidewalk shown on the PUD Concept and General Plans, and must be located within the City's right of way. The final sidewalk design must be reviewed and approved by the City Engineer.
3. The Applicant and future property owners' association must enter into an agreement with the City for maintenance of the common open area in the southwest corner of the Property, as depicted on the Site Plan.
4. The Applicant must secure all necessary building permits for construction, and comply with all laws and regulations applicable to the Project.
5. All expenses of the City of Wayzata related to processing the Application, including consultant, expert, legal, and planning fees incurred, must be fully reimbursed by the Applicant.
6. The Applicant must enter into a Development Agreement with the City for the Project, that addresses the conditions of approval and the requirements of the Zoning Ordinance, in a form acceptable to the City Attorney.

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

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2016.

Becky Malone, Deputy City Clerk
SEAL

Attachment A

Planning Commission Report and Recommendation, dated December 5, 2016

000043/316009/2522407_1

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

DRAFT ORDINANCE NO. 766

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE PROPERTY AT 105 LAKE STREET EAST TO
PUD PLANNED UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolution 58-2016 (the “Resolution”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolution, to PUD Planned Unit Development District.

Section 2. Effective Date

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

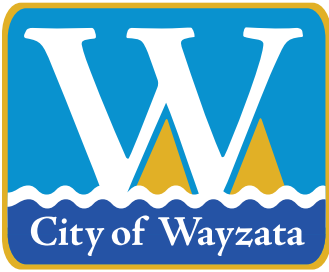
Adopted by the City Council this 20th day of December, 2016.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:



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:
Jeffrey Dahl

Date: December 15, 2016

To: Mayor Willcox and City Councilmembers

From: Jeff Thomson, Director of Planning and Building

Subject: Preliminary and Final Plat Subdivision – 15610 Holdridge Rd E

Introduction

The property owners, Anna Ovsyannikova and Yengeny Ogranovich, have submitted a development application to subdivide the property at 15610 Holdridge Rd E into two single-family residential lots. The existing house would remain and one new home would be constructed on the new lot. The development application includes review of concurrent preliminary and final plat subdivision.

Background Information

The City Council considered the development application at its meeting on November 15th. The City Council tabled action on the development application and requested the applicant provide additional information and responses to the following:

- Amount of grading and fill needed for construction of the new house
- How drainage and run-off would be managed
- How the home design fits into the existing neighborhood
- How the back area of the lock could be improved

The applicant has submitted the attached letter in response to the Council's questions and concerns.

Staff Analysis

Grading and Drainage

Based on the additional information provided by the applicant, the construction of the new house would result in 144 cubic yards of net fill, which is approximately 12 truckloads. The total amount of site disturbance on the new lot (including areas of cut and fill) is 360 cubic yards, which results in a change of grade of half of a foot over the entire lot. The plans also state that drainage would be directed to the back of the lot, and gutters would be added to the new house to direct water towards the back of the house and not onto neighboring properties. Staff has requested that the applicant update the preliminary grading plan to reflect the drainage information provided by the architect on the site plan.

Steep Slopes

The subdivision ordinance includes language related to “protected areas”, which is land that is deemed environmentally sensitive by the City due to the existence of wetland, drainage ways, watercourses, floodable areas or steep slopes. The zoning ordinance provides specific definitions for wetlands, watercourses, and floodable areas, and includes specific regulations for these natural resource areas. The only reference to steep slopes in the zoning ordinance is within the Shoreland district, where construction on slopes that are 30% or greater is prohibited. The subject property, however, is not located in the Shoreland district. Therefore the zoning ordinance does not have a specific definition of a steep slope to apply to the subject property. For reference, City staff has calculated the average slope on the property, as measured from the wetland edge to the top of the slope. The slope rises between 27 to 35 feet and has an average slope ranging from 17.6 to 20.4%.

Public Comment

City staff has received additional public comments since the November 15th City Council meeting, which are attached.

Grading and Drainage Standards

The zoning ordinance includes the following grading and drainage standards:

- A. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to the review and approval of the City Engineer.
- B. In the case of all residential subdivisions, multiple family, and business developments, the grading and drainage plans shall be submitted to the City Engineer for review and the final drainage plan shall be subject to the Engineer's written approval. In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be allowed until such plans have been reviewed and received written approval from the City Engineer.
- C. Except for written authorization of the City Engineer, the top of the foundation and garage floor of all structures shall be one (1) foot above the grade of the crown of the abutting street upon which the property fronts.
- D. Modifications which serve to alter the average and typical natural grade of an individual lot more than two (2) feet shall require the approval of the City Council.

In addition, the subdivision ordinance includes the following requirements related to “Protected Areas”:

Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, watercourses, floodable areas or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact. The City's Stormwater Management Plan shall be carefully referenced and adhered to when designing a subdivision.

Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots.

In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes over eighteen (18) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

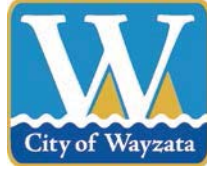
Action Steps

The City Council should consider one of the following action steps:

1. Adopt draft Resolution No. 49-2016 denying the preliminary and final plat subdivision at 15610 Holdridge Rd E, as recommended by the Planning Commission.
2. If the Council wishes to pursue an approval motion, the Council should direct staff to prepare a revised Resolution reflecting approval of the development application for consideration at the next Council meeting.

Attachments

- November 15th Staff Report
- Applicant's Narrative
- Public Comments
- Proposed Plans
- Planning Commission Meeting Minutes
 - o October 17, 2016
 - o November 7, 2016
- Planning Commission Report and Recommendation
- Draft City Council Resolution 49-2016



**Planning Report
City Council
November 15, 2016**

Project Name: Ovsyannikova Addition
Applicant Anna Ovsyannikova and Yengeni Ogranovich
Addresses of Request: 15610 Holdridge Rd E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: January 17, 2017

Development Application

Introduction

The property owners, Anna Ovsyannikova and Yengeni Ogranovich, have submitted a development application to subdivide the property at 15610 Holdridge Rd E into two single-family residential lots. The existing house would remain and one new home would be constructed on the new lot. The proposal requires preliminary and final plat review.

Property Information

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

Address	PID	Owner
15610 Holdridge Rd E	04-117-22-33-0043	Anna Ovsyannikova and Yengeni Ogranovich

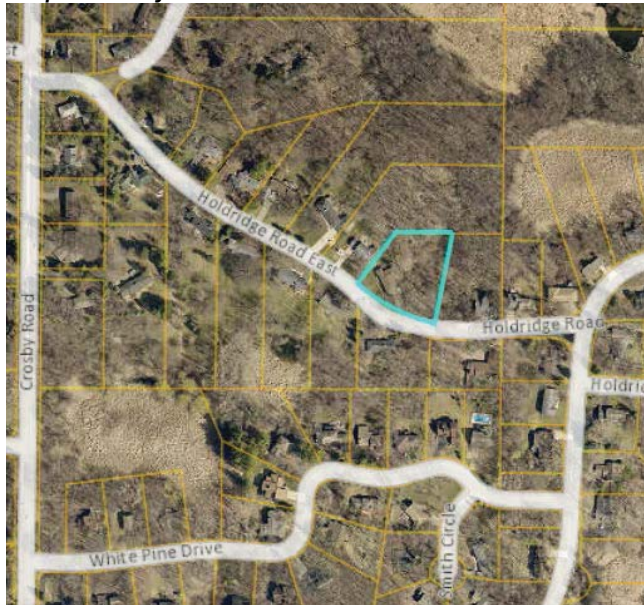
The current zoning and comprehensive plan land use designation for the property are as follows:

Current zoning:	R-2/Medium Density Single Family Residential District
Comp plan designation:	Low Density Single Family
Total site area:	43,797 sq. ft. (1.0 acres)

Project Location

The property is located on Holdridge Road East:

Map 1: Project Location



Application Requests

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

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

Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-family homes	R-2/Medium Density Single Family Residential District	Low Density Single Family
East	Single-family home	R-2/Medium Density Single Family Residential District	Low Density Single Family
South	Single-family homes	R-2/Medium Density Single Family Residential District	Low Density Single Family
West	Single-family homes	R-2/Medium Density Single Family Residential District	Low Density Single Family

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on October, 6, 2016. The public hearing notice was also mailed to all property owners located within 350 feet

of the subject property on October 7, 2016, and the public hearing was held at the October 17, 2016 Planning Commission meeting.

Analysis of Application

Lot Requirements

The proposed lots would meet the minimum lot requirements for the R-2 zoning district:

	Lot area (sq. ft.)	Lot width	Lot depth
R-2 Requirements	15,000 (min.)	100 ft. (min.)	100 ft. (min.)
Lot 1	26,821 sq. ft.	149 ft.	175 ft.
Lot 2	16,976 sq. ft.	100 ft.	153 ft.

Surrounding Lot Sizes

The following summarizes the lot areas of the R-2 lots located within 350 feet of the property and within the City of Wayzata:

Address	Lot area
15714 Holdridge Rd E	50,533 sq. ft.
15706 Holdridge Rd E	103,197 sq. ft.
15700 Holdridge Rd E	87,758 sq. ft.
15600 Holdridge Rd E	40,305 sq. ft.
15601 Holdridge Rd E	27,824 sq. ft.
15607 Holdridge Rd E	36,789 sq. ft.
15611 Holdridge Rd E	38,419 sq. ft.
15709 Holdridge Rd E	49,030 sq. ft.
15803 Holdridge Rd E	58,029 sq. ft.

Proposed Houses:

The applicant has submitted house plans for the new home on Lot 2. The proposed house would be two stories in height with a walk-out basement on the back of the house. The proposed subdivision plans also provide the location and footprint of the proposed house, which would meet the requirements of the R-2 zoning district:

	R-2 Requirement	Lot 1 (Existing House)	Lot 2 (Proposed House)
Front yard setback	25 ft. (min.)	32 ft.	34 ft.
Side yard setback	10 ft. (min.)	12 ft.	10 ft.
Rear yard setback	20 ft. (min.)	92 ft.	71 ft.
Lot coverage	20% (max.)	7.7%	13.1%
Impervious surface	30% (max.)	17.1%	22.2%
Building height	30 ft. (max.)	N/A (no changes)	30 ft.

Tree Preservation

There are 45 total trees located on the property, of which, 41 are designated as significant trees in the City's tree preservation ordinance, and 4 are designated as heritage trees. The proposed plans include the removal of 12 total trees, 11 significant trees and 1 heritage trees. The tree preservation ordinance allows the removal of up to 25% of the inches of significant trees for a subdivision before mitigation is required. The removal of any heritage trees requires 2 inches of tree replacement for every 1 inch of heritage tree removed. The proposed plans would remove 24.8% of the inches of significant trees, and 23.1% of the inches of heritage trees. The plans would not require mitigation for the significant tree removal, but would require replacement of 81 inches of trees for the one heritage tree that would be removed.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on October 17, 2016. After discussing the application, the Planning Commission generally commented that the proposed subdivision would not be consistent with the character of the neighborhood. The Commission specifically stated that:

- The proposed lots would be smaller than existing lots in the neighborhood
- Building pads do not preserve sensitive areas because of the removal of trees and potential for additional tree impacts, and amount of grading and fill needed to construct on the slope
- Significant stands of trees would be removed

On November 7th, the Planning Commission voted four in favor and three opposed to adopt a report and recommendation for denial of the development application.

Applicable Code Provisions for Review

Preliminary Plat Criteria (Section 805.14.E: The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:

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

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

Action Steps

The City Council should consider one of the following action steps:

1. Adopt draft Resolution No. 49-2016 denying the preliminary and final plat subdivision at 15610 Holdridge Rd E, as recommended by the Planning Commission.

2. If the Council wishes to pursue an approval motion, the Council should direct staff to prepare a revised Resolution reflecting approval of the development application for consideration at the next Council meeting.

Attachments

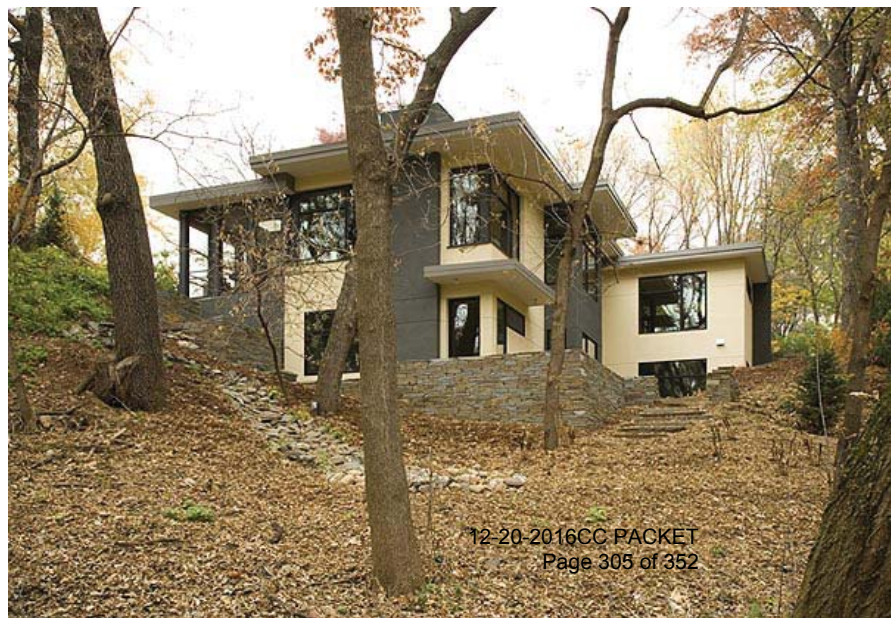
- Applicant's narrative
- Proposed plans
- Planning Commission Report and Recommendation
- October 17, 2016 draft Planning Commission meeting minutes
- Draft City Council Resolution 49-2016

Re: Application for subdivision of a property located at 15610 Holdridge Rd E.

Building on steep hills.

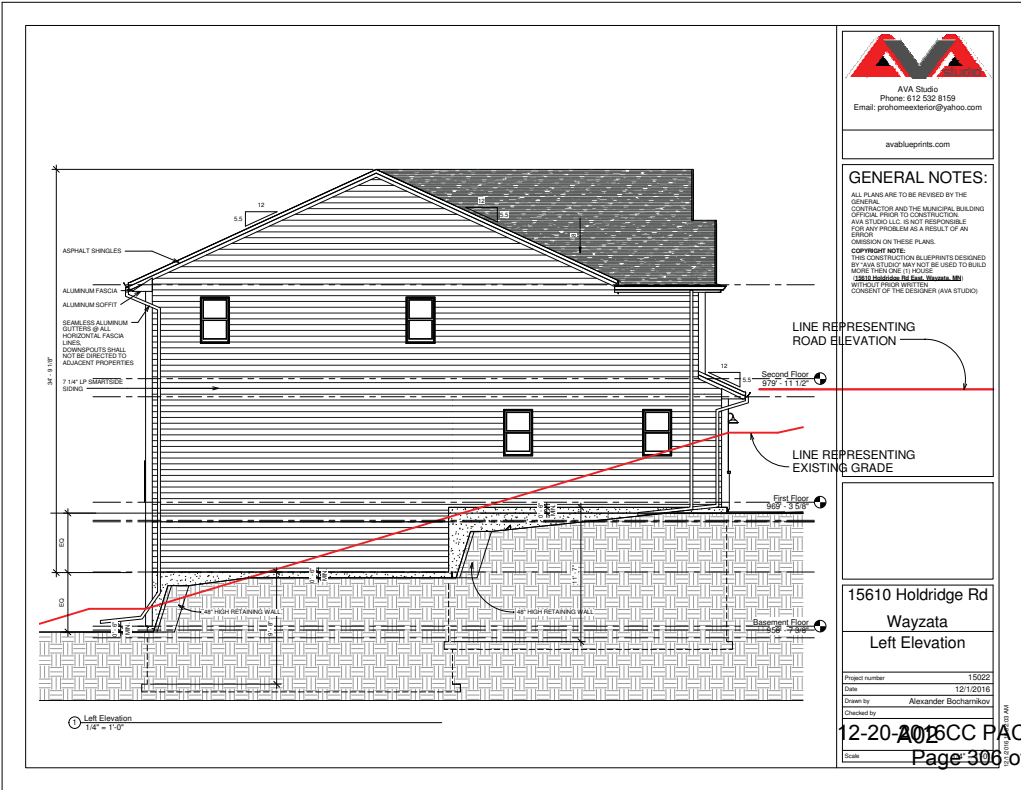
Hills are a part of Minnesota natural landscape. Houses were built successfully on steep hills for many years. We have consulted several builders who confirmed our plan is realistic and quite typical.

Neighboring property across the street
15601 Holdridge Rd E :

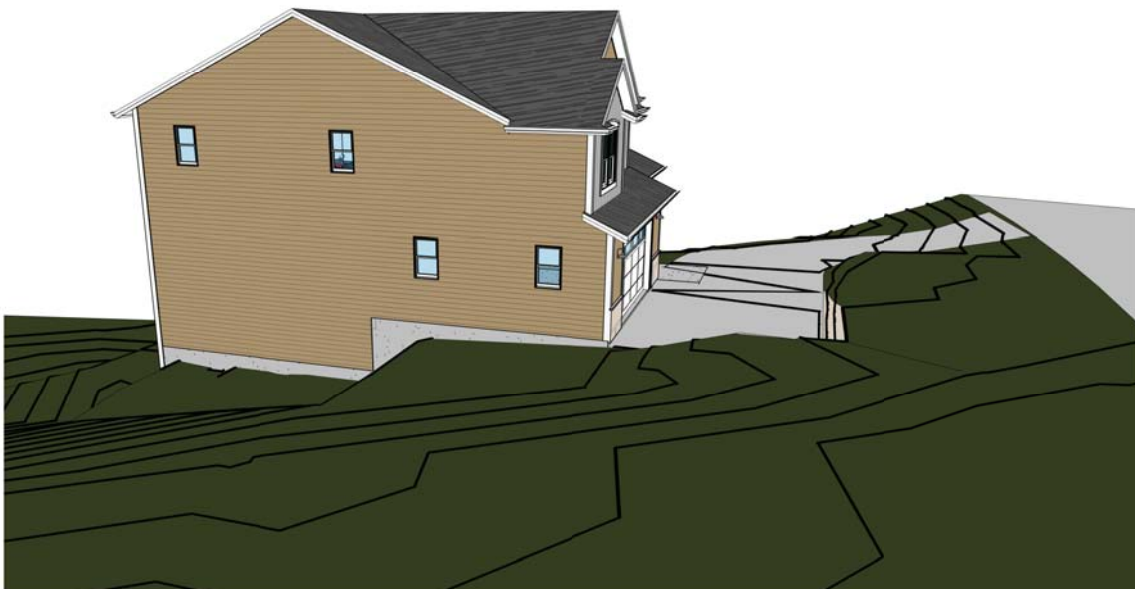


Neighboring property located at 15600 Holdridge Rd E is a perfect example. It was successfully built on this same hill in 1984 (left empty side of the picture is our lot).

The proposed construction is very similar to this property in terms of location on the hill, grading, driveway and curb appeal:



The proposed construction is similar to 15600 Holdridge Rd E neighboring property in terms of location on the hill, grading, driveway and curb appeal:



Fill and grading plan.

During the meeting with City Engineer Mike Kelly, we calculated that total amount of dirt moved during the project estimated to be 360 cubic yards.

The maximum amount allowed before the need of a separate approval is 1,200 cubic yards. Proposed grading is well within standards.

Per survey:

Parcel 1 Info

Lot Area = 26,821 Sq Ft
House Area = 2,072 Sq Ft
Lot Coverage = 7.7%

Concrete Area = 1,928 Sq Ft
Deck Area = 589 Sq Ft
Impervious Area = 4,589 Sq Ft = 17.1%

Parcel 2 Info

Lot Area = 16,976 Sq Ft
House Area = 2,226 Sq Ft
Lot Coverage = 13.1%

Driveway Area = 1,541 Sq Ft
Total Impervious Area = 3,767 Sq Ft = 22.2%

Dirt Volumes

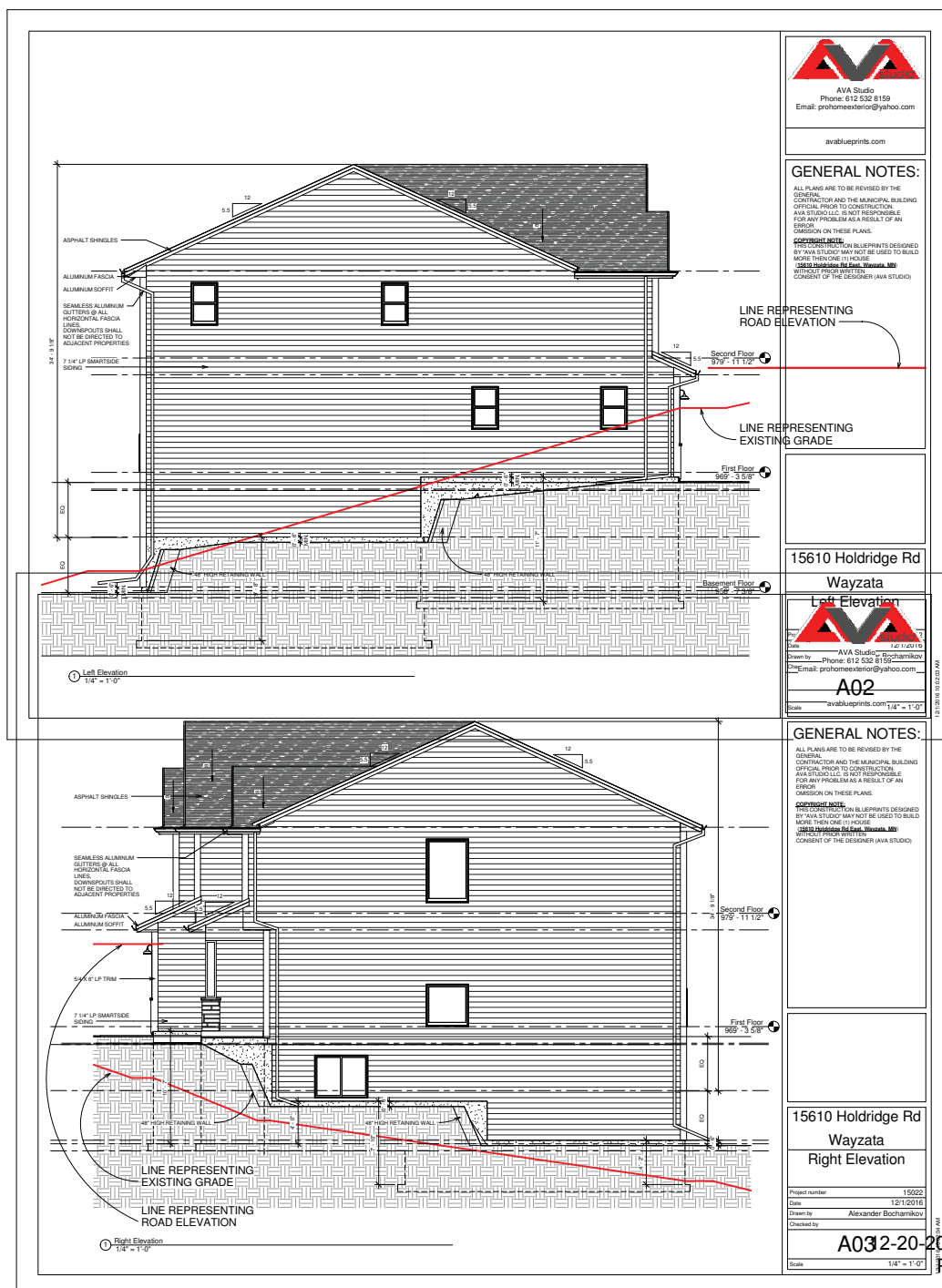
Backyard Fill= 75 Cu Yd
Driveway Cut= 108 Cu Yd
Driveway Fill= 177 Cu Yd
Net Fill= 144 Cu Yd

Our architect has visualized how the the building will fit within the existing topography. All excavated dirt will be used for filling and will remain on the property.

Extra dirt excavated on the left side (picture 1) will be used for filling on the right side (picture 2).

The proposed building plans also show retaining walls along both sides of the house.

Gutter rain leaders are pointed towards the back directing water flow away from neighbors on both sides and making sure it stays within the lot.





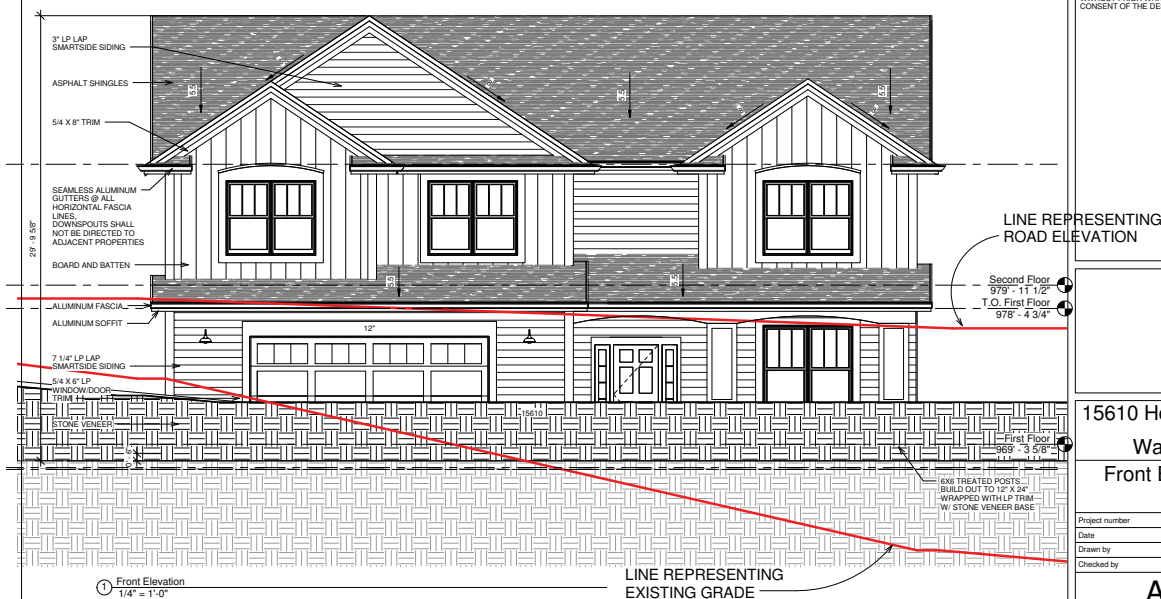
General Notes:

1. REINFORCE FND. WALLS PER CODE
2. PROVIDE POLY UNDER ALL INTERIOR SLABS
3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND STRUCTURAL COMPONENTS PRIOR TO CONSTRUCTION TO MEET ALL APPLICABLE CODES
4. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS
5. EXTERIOR WALLS ARE DIMENSIONED TO OUTSIDE OF SHEETING
6. ALL EXTERIOR OPENINGS AND OPENINGS IN BEARING WALLS ARE TO HAVE A 2X10 HEADER (UNLESS NOTED OTHERWISE)
7. ALL BEAMS AND HEADERS ARE TO BE SPECIFIED BY LUMBER SUPPLIER
8. WINDOWS AND DOORS ARE SPECIFIED A WINDOWS
9. MIN. WINDOW SILL HEIGHT SHALL BE 18" OR HIGHER

10. WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 4" MUST BE EQUIPPED WITH AN APPROVED LADDER
11. ALL OPENINGS LESS THAN 4" @ ALL GUARDRAILS
12. GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
13. PROVIDE SMOKE DETECTORS IN EVERY BEDROOM AND THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT AND IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS
14. NOTE ON ALL PLANS:
 - A. DBL STUDS @ ALL WINDOWS AND PATIO DOOR HRS. & PORT LOADS UNLESS NOTED OTHERWISE
 - B. PROVIDE SOLID BLOCKING @ ALL SUPPORT BEAMS, MICROPILES, & GIRDER TRUSSES TO SUPPORT BELOW

Area Schedule

Finished Basement	1412 sf
Main Level	1609 sf
Upper Level	1789 sf
Garage	648 sf
Front Porch	138 sf



AVA Studio
Phone: 612 532 8159
Email: prohomeexterior@yahoo.com

avablueprints.com

GENERAL NOTES:

ALL PLANS ARE TO BE REVISED BY THE GENERAL CONTRACTOR AND THE MUNICIPAL BUILDING OFFICIAL PRIOR TO CONSTRUCTION. AVA STUDIO LLC IS NOT RESPONSIBLE FOR ANY PROBLEM AS A RESULT OF AN ERROR OR OMISSION ON THESE PLANS.

COPYRIGHT NOTE:
THIS CONSTRUCTION BLUEPRINTS DESIGNED BY "AVA STUDIO" MAY NOT BE USED TO BUILD MORE THAN ONE (1) HOUSE.
(15610 Holdridge Rd East, Wayzata, MN)
WITHOUT PRIOR WRITTEN CONSENT OF THE DESIGNER (AVA STUDIO)

15610 Holdridge Rd
Wayzata
Rear Elevation

Project number 15022
Date 12/1/2016
Drawn by Alexander Bochamnikov
Checked by
A04
Scale 1/4" = 1'-0"



AVA Studio
Phone: 612 532 8159
Email: prohomeexterior@yahoo.com

avablueprints.com

GENERAL NOTES:

ALL PLANS ARE TO BE REVISED BY THE GENERAL CONTRACTOR AND THE MUNICIPAL BUILDING OFFICIAL PRIOR TO CONSTRUCTION. AVA STUDIO LLC IS NOT RESPONSIBLE FOR ANY PROBLEM AS A RESULT OF AN ERROR OR OMISSION ON THESE PLANS.

COPYRIGHT NOTE:
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(15610 Holdridge Rd East, Wayzata, MN)
WITHOUT PRIOR WRITTEN CONSENT OF THE DESIGNER (AVA STUDIO)

15610 Holdridge Rd
Wayzata
Front Elevation

Project number 15022
Date 12/1/2016
Drawn by Alexander Bochamnikov
Checked by
A01
Scale 1/4" = 1'-0"

One 32 inch in diameter heritage tree will be removed. In compliance with the Tree Ordinance, it will be replaced with 2 for 1 inch of similar type of trees (hardwood).

Below, please find the survey plat with proposed location for planting 16 4-inch trees (64 total inches).

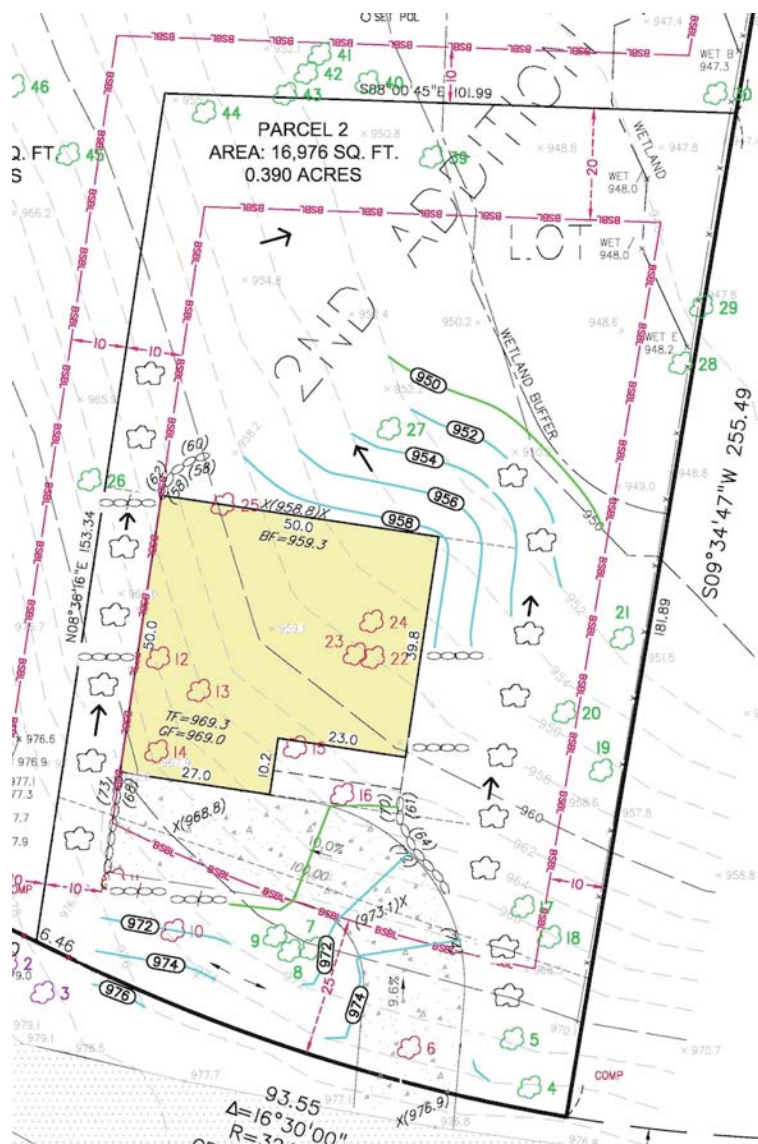
Black trees - new

Red trees - removed

Green trees - remaining

9 New trees on the right side and 7 on the left.

These trees will help to stabilize soil with its roots and slow down water flow as well. It will become a part of the erosion control.

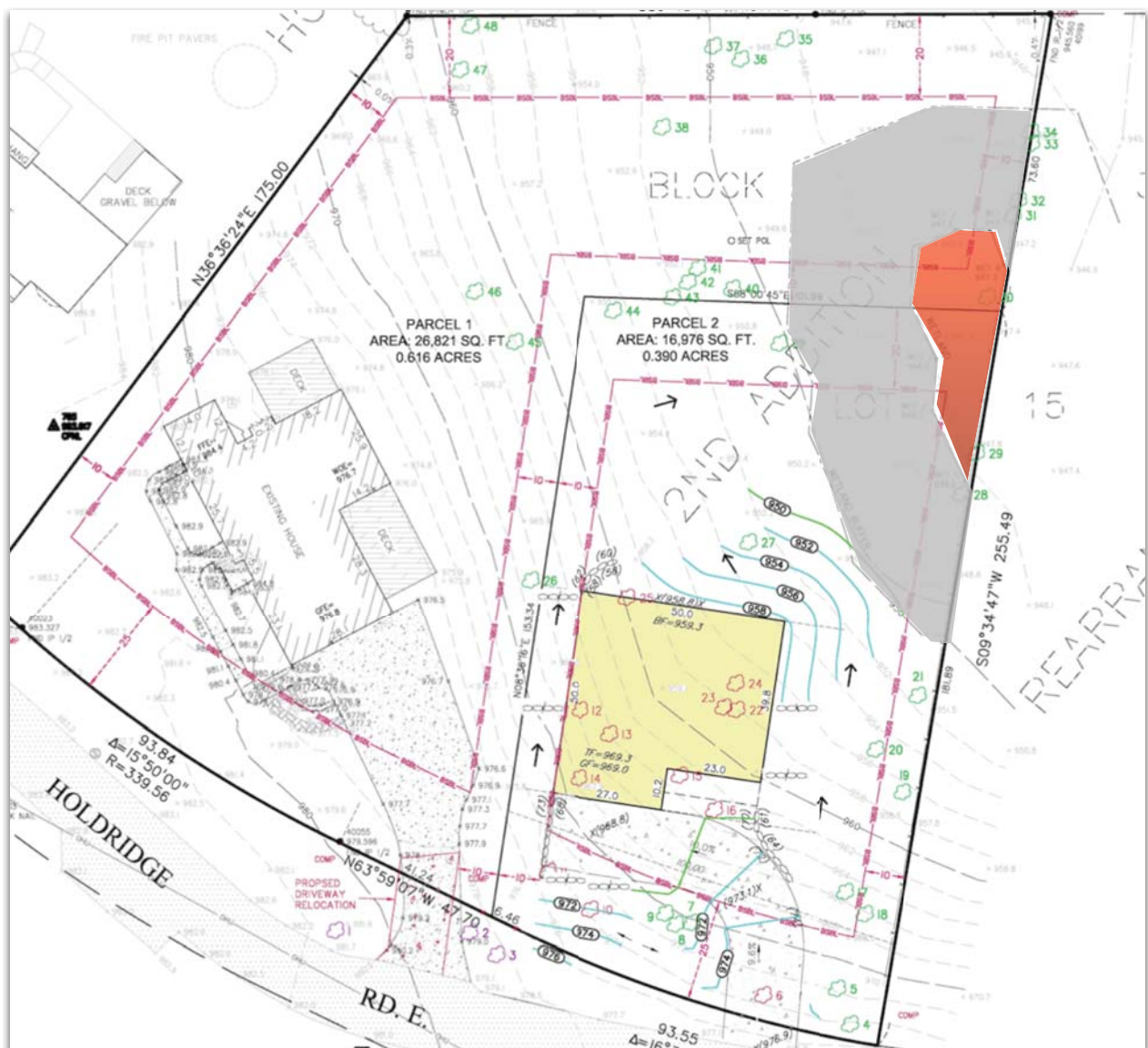


Wetland safety.

In order to protect the wetland during the construction, code appropriate orange mesh fence will be installed. Construction site is also monitored by the City Inspector.

There is an official setback that you can see on the survey. A significant distance between the construction site and wetland will ensure the safety of environmentally significant areas.

Wetland is highlighted in Red.
Setback is highlighted in Grey.



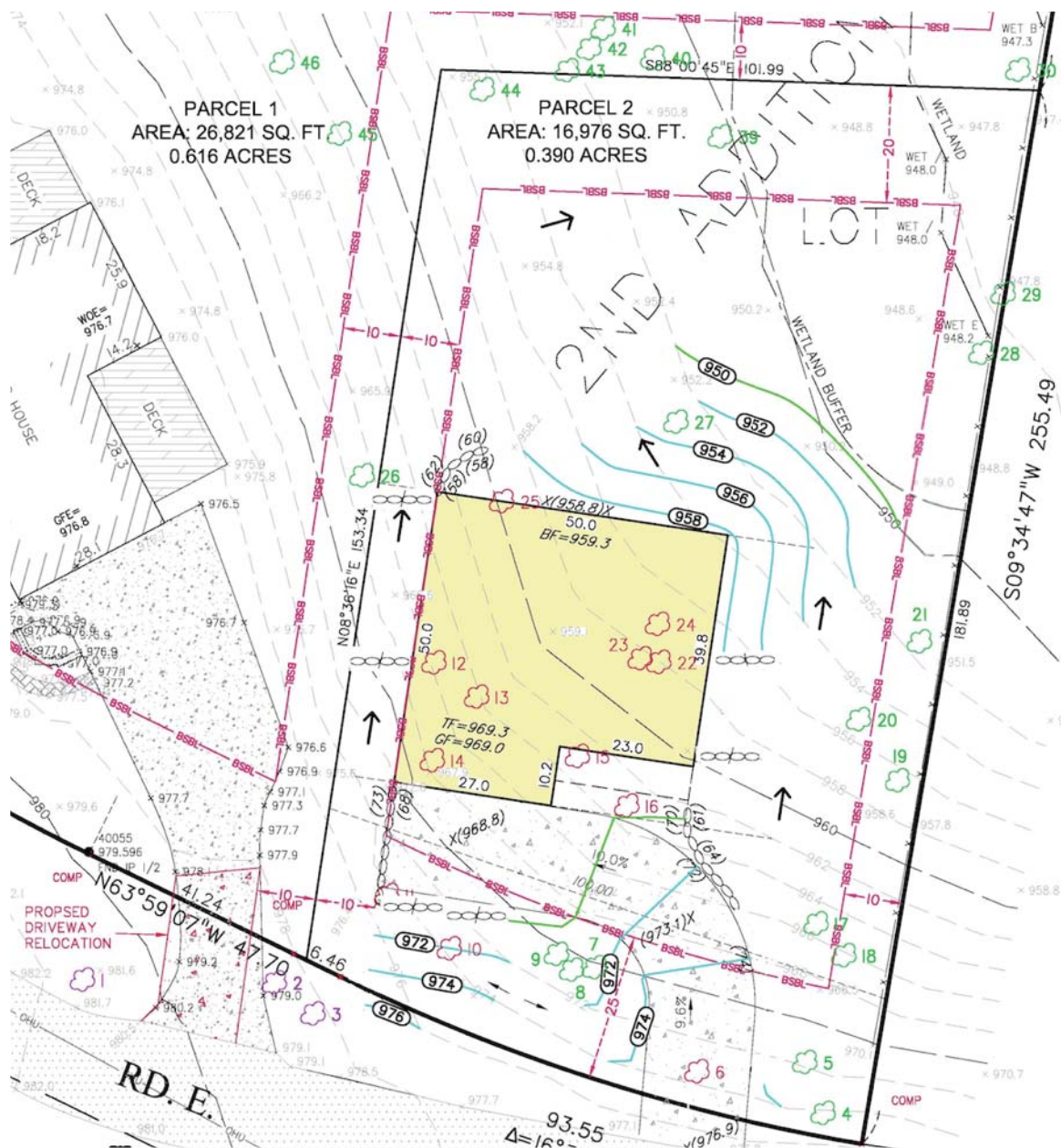
Water drainage.

Water drainage path ways are outlined with black arrows showing water being distributed evenly and pointed towards the back. Gutters (with rain leaders) on the new house will be installed to direct water towards the back of the house away from neighboring properties.

Both neighboring properties will be positively impacted by the alterations.

The road curb will be restored during the construction improving the drainage further.

The plan below also shows retaining walls along the sides of the house.



Water flow.

The bottom red line represents the existing grade.

This visual clearly demonstrates that the neighboring property will receive less water drainage.

General Notes:

1. REINFORCE FND. WALLS PER CODE
2. PROVIDE POLY UNDER ALL INTERIOR SLABS
3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND STRUCTURAL COMPONENTS PRIOR TO CONSTRUCTION TO MEET ALL APPLICABLE CODES.
4. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
5. EXTERIOR WALLS ARE DIMENSIONED TO OUTSIDE OF SHEETING.
6. ALL EXTERIOR OPENINGS AND OPENINGS IN BEARING WALLS ARE TO HAVE A (2) 2X10 HEADER (UNLESS NOTED OTHERWISE)
7. ALL BEAMS AND HEADERS ARE TO BE SPECIFIED BY LUMBER SUPPLIER.
8. WINDOWS AND DOORS ARE SPECIFIED A WINDOWS
9. MIN. WINDOW SILL HEIGHT SHALL BE 18" OR HIGHER.

10. WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER
11. ALL OPENINGS LESS THAN 4" @ ALL GUARDRAILS
12. GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
13. PROVIDE SMOKE DETECTORS IN EVERY BEDROOM AND THE CORRIDOR GIVING ACCESS TO THE BEDROOM. ON EACH FLOOR INCLUDING THE BASEMENT, AND IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS
14. NOTE ON ALL PLANS
A. DBL. STUDS @ ALL WINDOWS AND PATIO DOOR HDRS. & POINT LOADS UNLESS NOTED OTHERWISE
B. PROVIDE SOLID BLOCKING @ ALL SUPPORT BEAMS, MICROLAMS, & GIRDER TRUSSES TO SUPPORT BELOW

Area Schedule

Finished Basement	1412 sf
Main Level	1609 sf
Upper Level	1789 sf
Garage	648 sf
Front Porch	138 sf



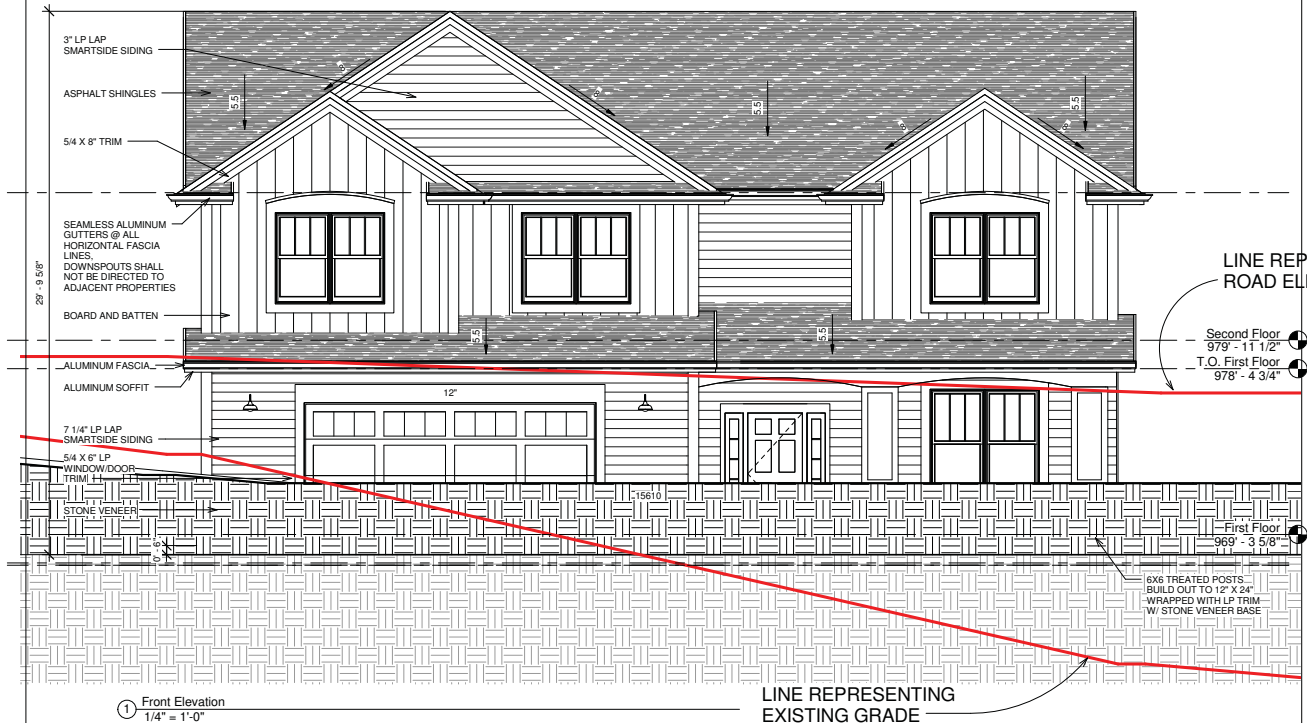
AVA Studio
Phone: 612 532 8159
Email: prohomeexterior@yahoo.com

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15610 Holdridge Rd East, Wayzata, MN
WITHOUT PRIOR WRITTEN
CONSENT OF THE DESIGNER (AVA STUDIO)



LINE REPRESENTING
ROAD ELEVATION

Second Floor
979' - 11 1/2"
T.O. First Floor
978' - 4 3/4"

First Floor
969' - 3 5/8"

6X6 TREATED POSTS
BUILD OUT TO 12" X 24"
- WRAPPED WITH LP TRIM
- W/ STONE VENEER BASE

LINE REPRESENTING
EXISTING GRADE

15610 Holdridge Rd
Wayzata
Front Elevation

Project number 15022
Date 12/1/2016
Drawn by Alexander Bocharnikov
Checked by
A01
Scale 1/4" = 1'-0"

Ranch VS Two Story.

Although the ranch style structures are common in the Holdridge neighborhood, there is a variety of construction types including 1.5 and 2 story houses.

Houses on our street:



If we replace the proposed 2 story plan with a 1 story ranch, we will need to increase the foot print to accommodate the modern standard of above-ground square footage.

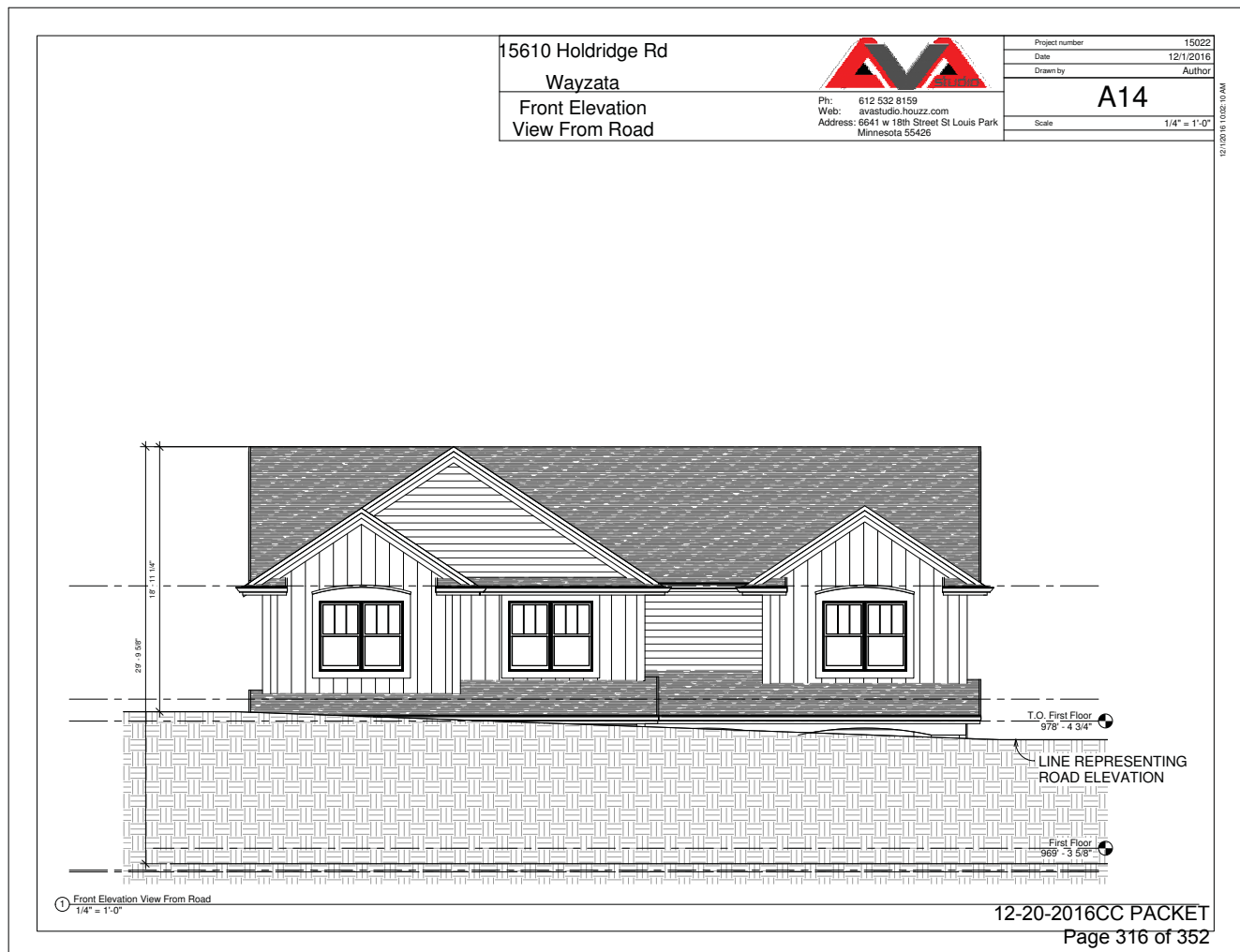
Which means:

- More foot print / hard cover
- More fill needed
- Additional trees removed
- Getting closer to wetland and neighboring properties
- Water draining from larger roof creating a more intense flow instead of devolving naturally

Visual from the street.

Because the house will be sitting lower down the hill, only the top story will be visible from the street. Second story windows will be at the eye level. If ranch house was built, only the pitch of the roof would be visible.

View from the street:



Design and architecture.

Our architect has modified the design making it more traditional.

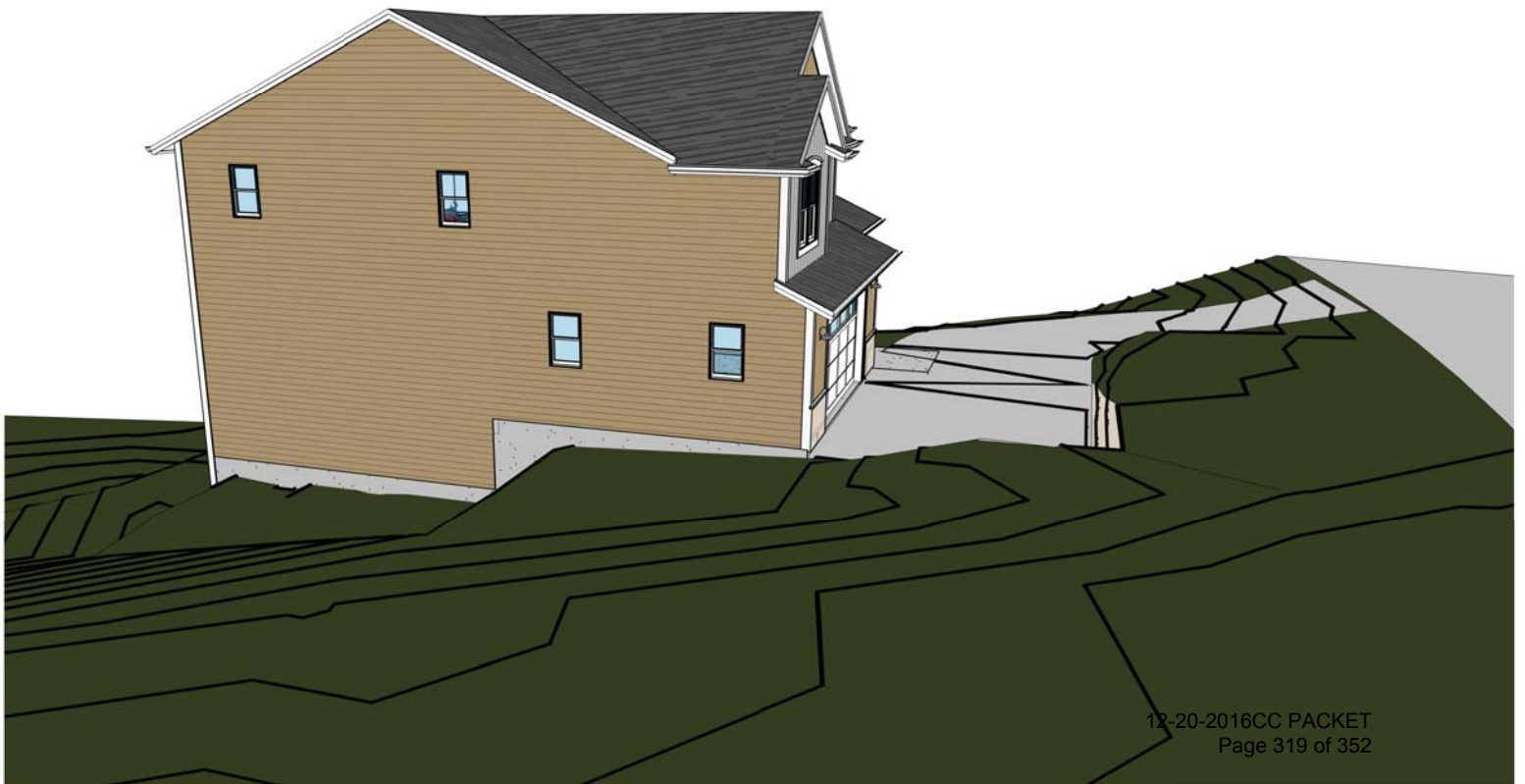
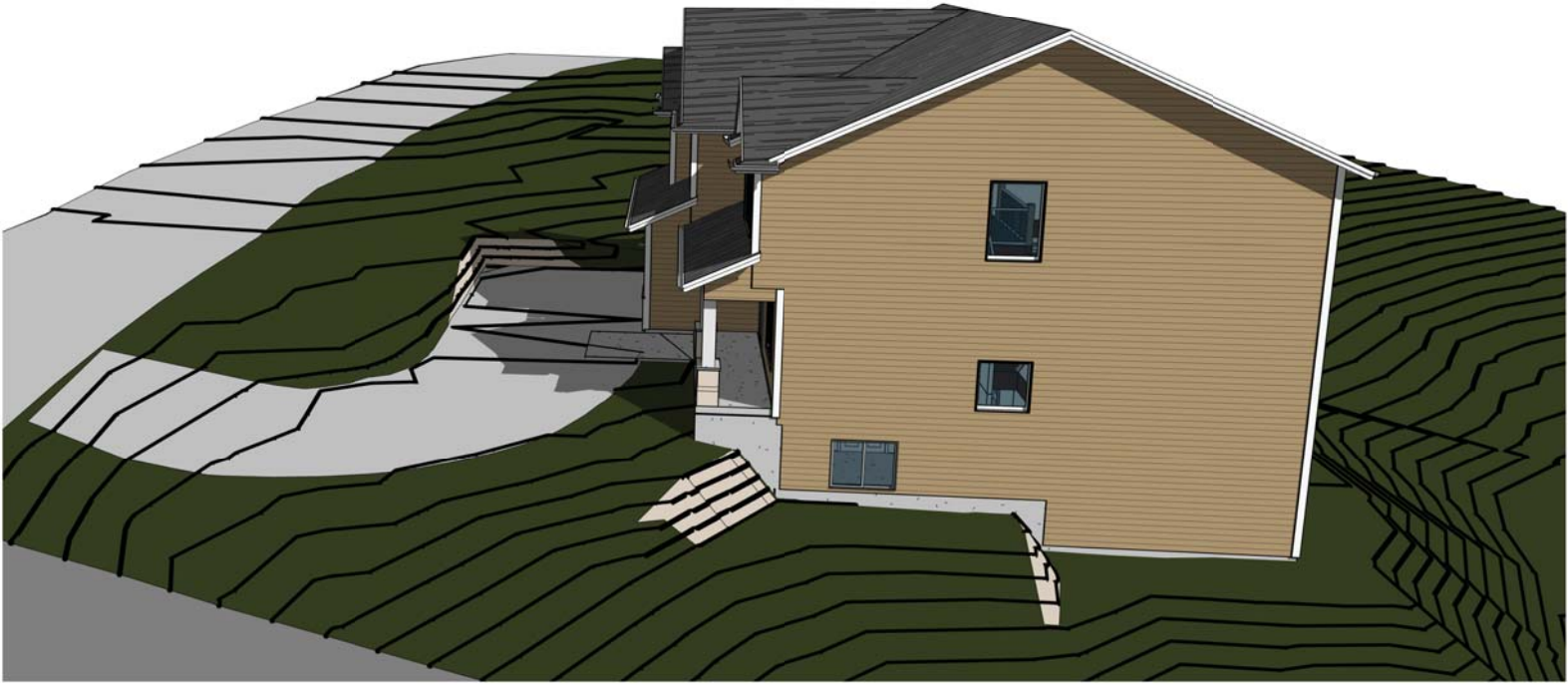
Below are some of the neighboring properties and the proposed new house.

Traditional style fiber board siding combined with vertical barn style siding (used in 2 properties across the street). Wider columns, arch shapes on the porch and stone accents were all inspired by neighboring properties as well.



3D MODEL:







December 10, 2016

To: Mr. Jeff Thomson, Director of Planning and Building, City of Wayzata
Fr: Concerned Neighbors of Holdridge Road East
RE: Proposed Subdivision at 15610 Holdridge Road East

Dear Mr. Thomson,

We are a group of Wayzata citizens with concerns about the above-referenced subdivision. We attended planning committee and city council meetings regarding this proposal, and have some new information we would like to share with you.

As this process has unfolded, inconsistencies, inaccuracies and unknowns in presentations by the applicants have not been satisfactorily addressed. We are concerned about substantive discrepancies in the supporting materials presented by the applicants. We are skeptical of their claims regarding complex engineering matters such as drainage, grading and fill. We are unconvinced by their assurances that there will be no negative effects on the woodlands and wetlands, and on the character of our neighborhood. In order to address our concerns, we hired a civil engineering firm to review the plat and offer their observations and opinion (please see the attached report).

The opinion of Oliver Surveying and Engineering, Inc. supports our position that this property meets the requirements set forth in Wayzata Subdivision Ordinance 805.36 for designation as environmentally sensitive, which prohibits building on slopes greater than 18%. As such, we respectfully request that you support the Planning Commission's recommendation to deny the preliminary and final plat of this project.

We appreciate your consideration.

Elaine and Bob Ambrose
Paula and Charlie Baker
Alex Calingaert
Suzanne Candell
Anne and Stan Glad
Lisa and Eric Nagle
Judi and Tony Shink

Wayzata Subdivision Ordinance 805.36

805.36: Protected Areas:

Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, watercourses, floodable areas or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact. The City's Stormwater Management Plan shall be carefully referenced and adhered to when designing a subdivision. Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots. In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes over eighteen (18) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

Oliver Surveying & Engineering, Inc.

Land Surveying • Civil Engineering • Land Planning

December 7, 2016

Ms. Suzanne Candell
15804 Holdridge Road East
Wayzata, MN 55391

RE: 15610 Holdridge Road East, Wayzata, Minnesota

Dear Suzanne:

At your request we have reviewed the proposed lot split with respect to Wayzata Subdivision Ordinance 805.36 Protected Areas. The language of that section states the following:

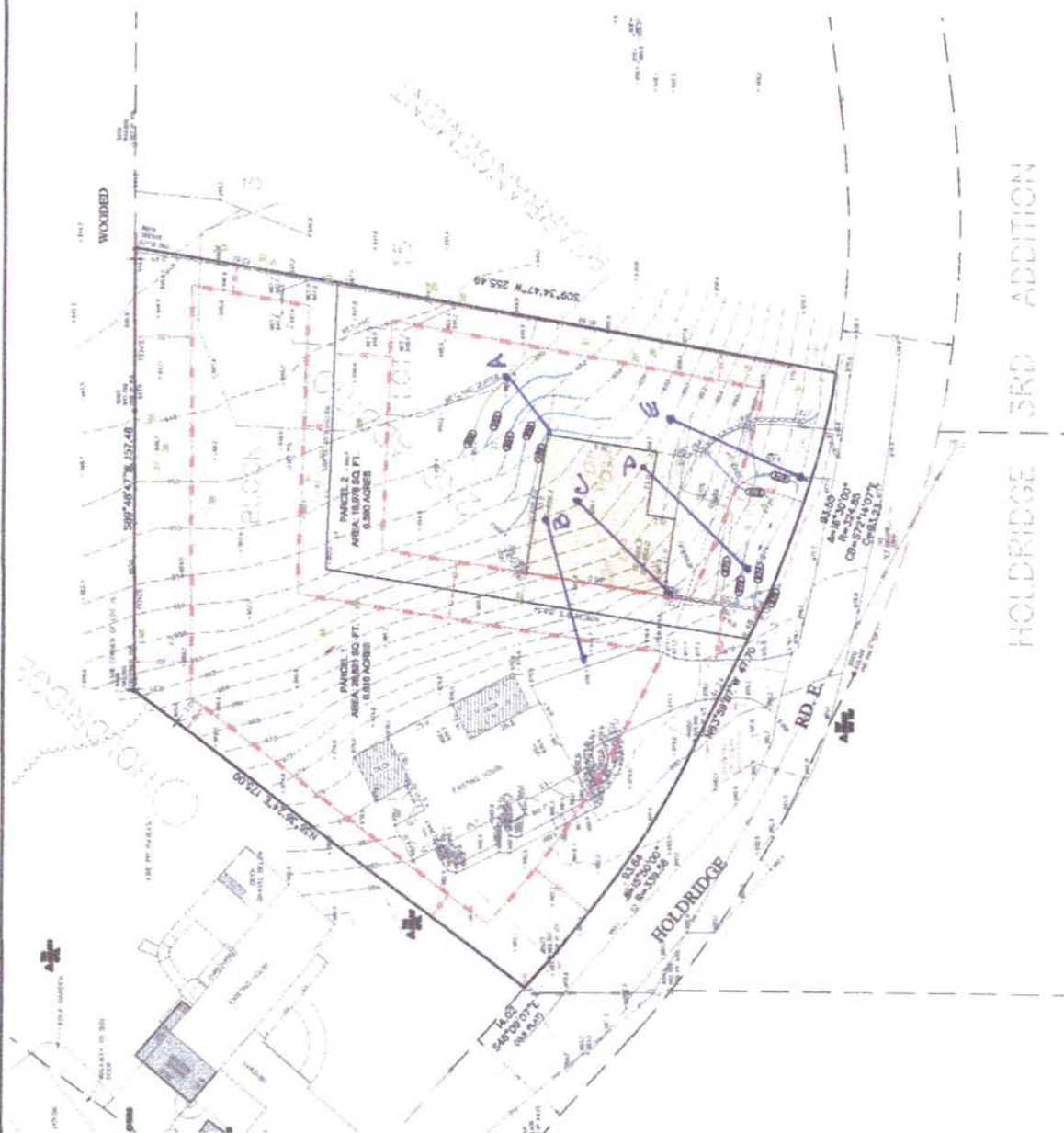
“Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, watercourses, floodable areas, or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact.”

We had the following documents provided to us for this review:

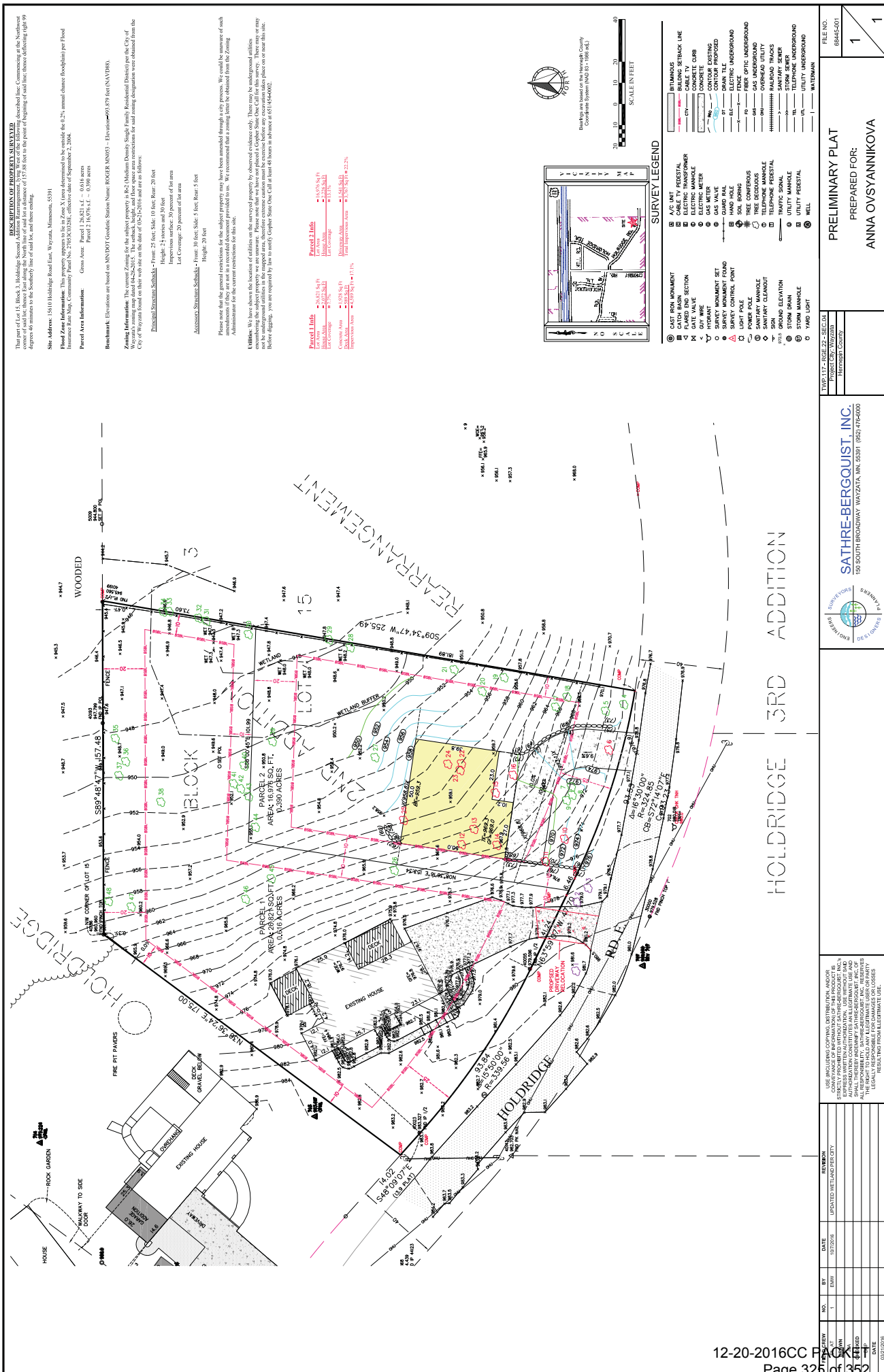
1. Preliminary plat prepared for Anna Ovsyannikova by Sathre-Bergquest, Inc. last revised October 7, 2016 included in the City Council packet of November 15, 2016, page 88 of 116.
2. City of Wayzata planning report, City Council, November 15, 2016, applicant Anna Ovsyannikova and Yengeny Ogranovich, 15610 Holdridge Road East prepared by Jeff Thompson, Director of Planning & Building.
3. City of Wayzata, Wayzata Planning Commission, dated November 7, 2016. Report and recommendation of denial of proposed subdivision/preliminary and final plat at 15610 Holdridge Road East including minutes of public hearing for the applicant.
4. Draft resolution number 42-2016.
5. Proposed house plans.

We note the following conditions:

- Approximately 50-60% of the land surface in its existing condition is covered by ground slopes greater than the 18% threshold set forth by the subdivision ordinance section 805.36. The proposed house and garage are shown to be built on these steep slopes. The maximum slope within the proposed building area is estimated to be 33% (3:1 horizontal:vertical). We were not provided with a complete grading, drainage, erosion control plan and tree preservation plan to be able to address the necessary measures of protection to ensure against adverse environmental impact. The documents we reviewed do not contain any required and necessary measures to protect wetland areas, tree areas to be saved, steep slopes, vegetation restoration, drainage way stabilization, etc. Additionally, a proposed ground slope of 33% (3:1) is proposed between the northeast



NO.	DATE	DESCRIPTION
		UPON TO THE ACCOUNTANT



DISCLAIMER: THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THE INFORMATION. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THE INFORMATION.

Site Address: 15010 Holdridge Road East, Weymouth, Minnesota, 55391

Parcel Information: Parcel 1: 15010 Holdridge Road East, Weymouth, Minnesota, 55391. Parcel 2: 15010 Holdridge Road East, Weymouth, Minnesota, 55391. Parcel 3: 15010 Holdridge Road East, Weymouth, Minnesota, 55391.

Parcel 1 Info:
Lot Area: 1.0000 Ac.
Lot Coverage: 0.1111
Improvement Area: 0.1111 Ac.
Improvement Area: 0.1111 Ac.

Parcel 2 Info:
Lot Area: 1.0000 Ac.
Lot Coverage: 0.1111
Improvement Area: 0.1111 Ac.
Improvement Area: 0.1111 Ac.

Parcel 3 Info:
Lot Area: 1.0000 Ac.
Lot Coverage: 0.1111
Improvement Area: 0.1111 Ac.
Improvement Area: 0.1111 Ac.

Survey Legend:

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PRELIMINARY PLAT

PREPARED FOR:

ANNA OVSYANNIKOVA

FILE NO.

88445-001

1

C.R. DOC. NO.

SHEET 1 OF 1 SHEETS



- Denotes a Found Iron Monument
- ⊙ Denotes a Found Cast-Iron Monument

General Notes:

1. REINFORCE FND. WALLS PER CODE
2. PROVIDE POLY UNDER ALL INTERIOR SLABS
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Area Schedule

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Garage	648 sf
Front Porch	138 sf



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15610 Holdridge Rd

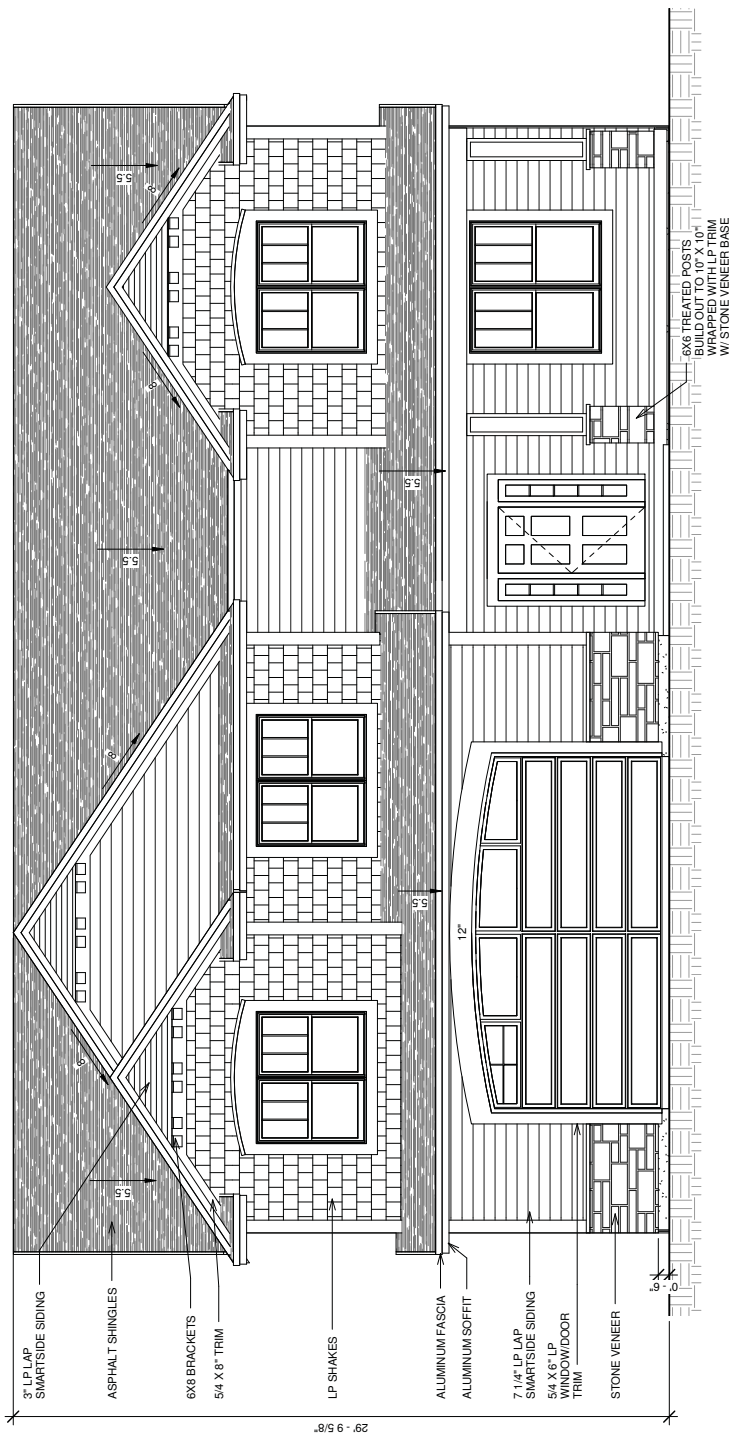
Wayzata

Front Elevation

Project number	15022
Date	8/3/2016
Drawn by	Alexander Bocharnikov
Checked by	

A01

Scale	1/4" = 1'-0"
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1 Front Elevation
1/4" = 1'-0"



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15610 Holdridge Rd

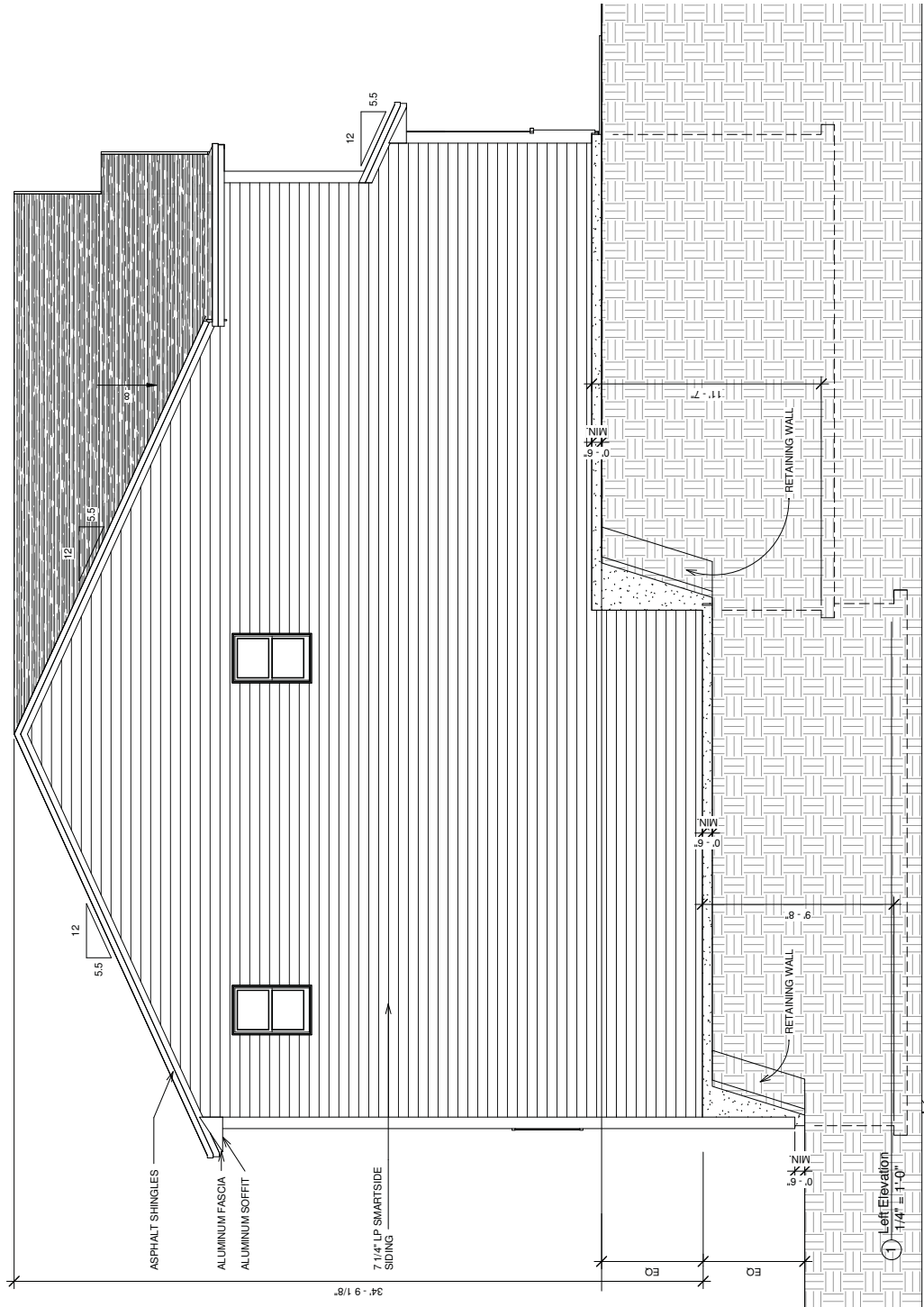
Wayzata

Left Elevation

Project number 15022
Date 8/3/2016
Drawn by Alexander Bocharnikov
Checked by

A02

Scale 1/4" = 1'-0"





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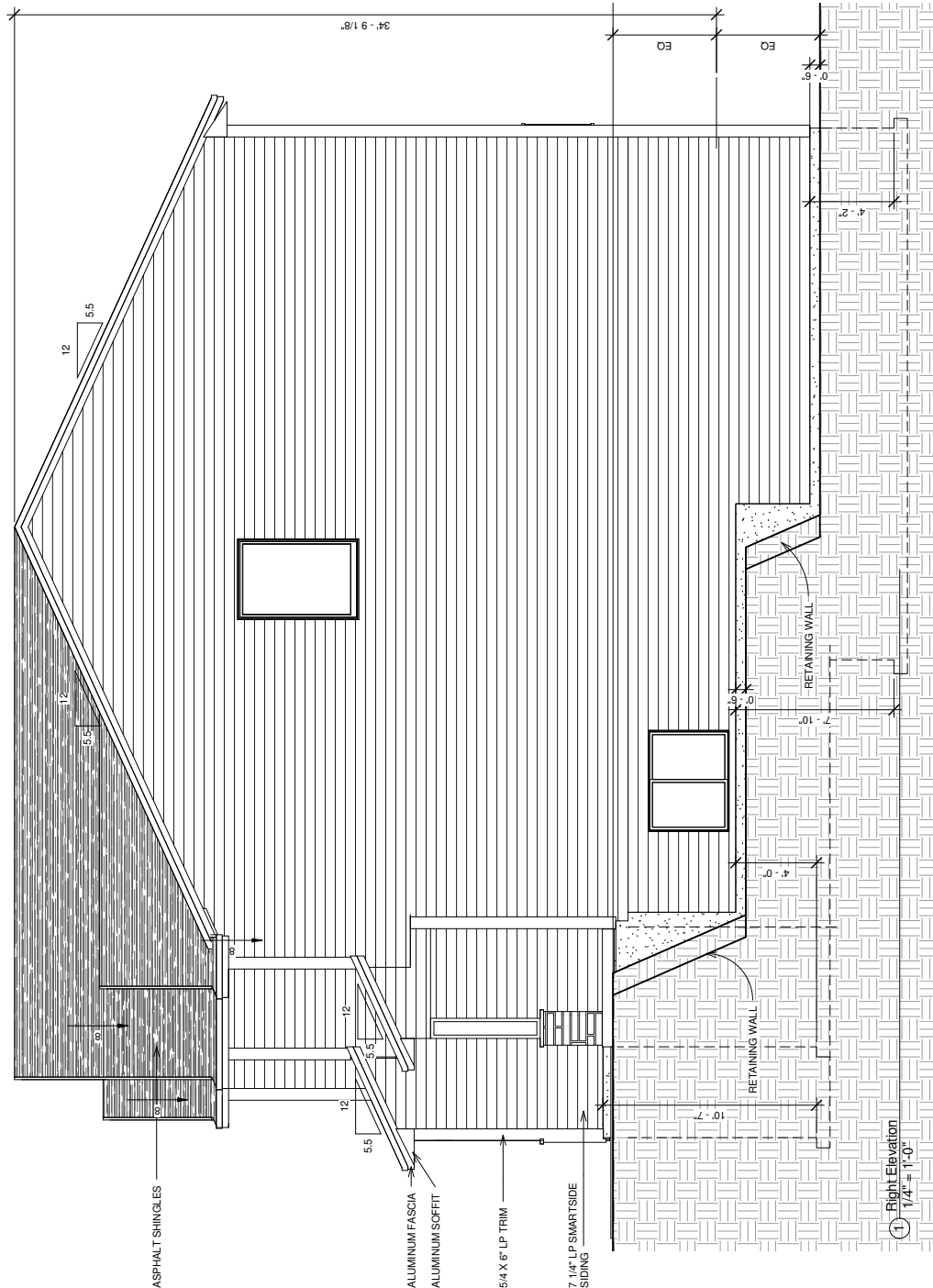
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15610 Holdridge Rd Wayzata Right Elevation

Project number 15022
Date 8/3/2016
Drawn by Alexander Bocharnikov
Checked by

A03

Scale 1/4" = 1'-0"





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Email: prohomeexterior@yahoo.com

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15610 Holdridge Rd

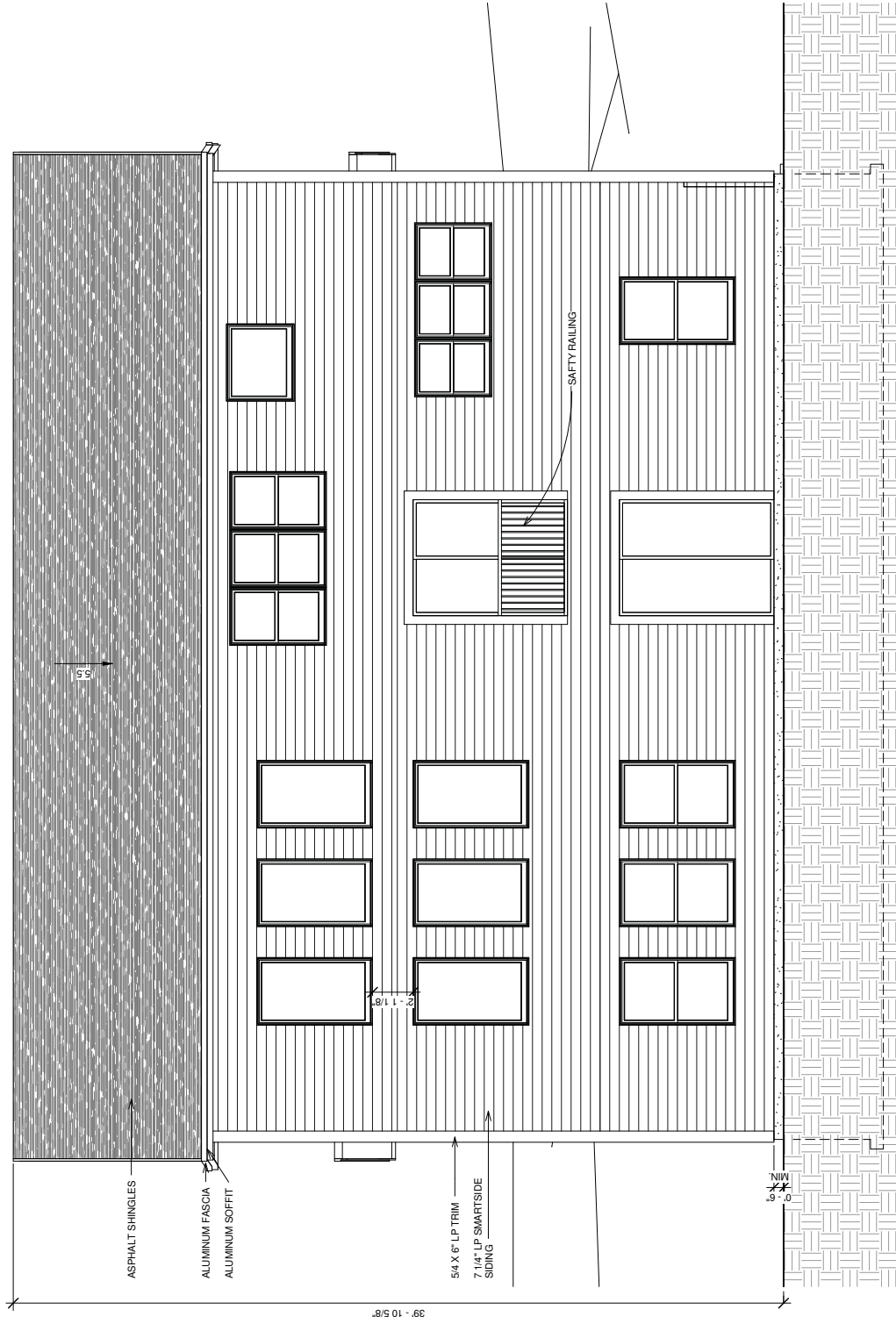
Wayzata

Rear Elevation

Project number	15022
Date	8/3/2016
Drawn by	Alexander Bocharnikov
Checked by	

A04

Scale	1/4" = 1'-0"
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① Rear Elevation
1/4" = 1'-0"



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Email: prohomeexterior@yahoo.com

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15610 Holdridge Rd

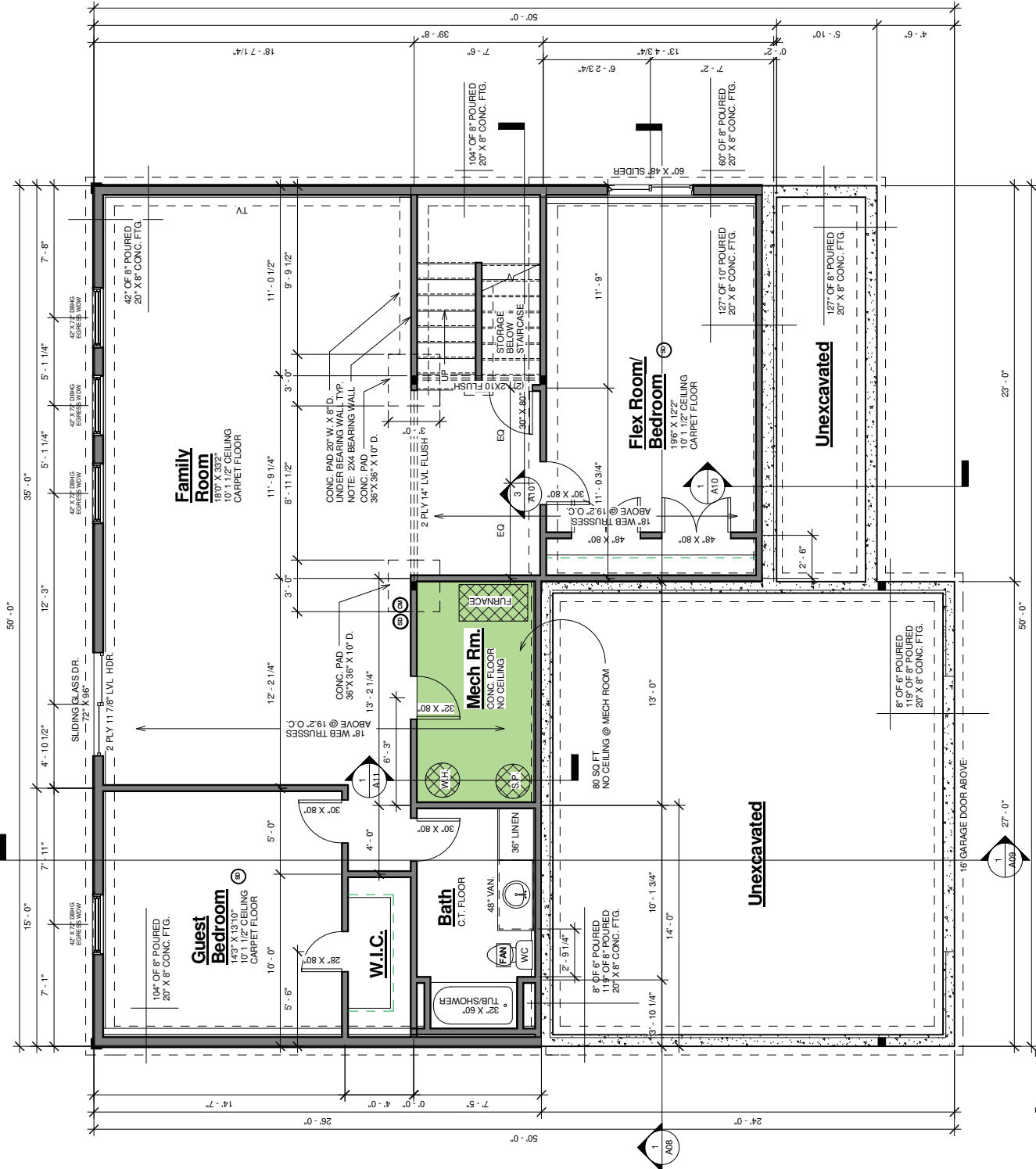
Wayzata

Foundation /
Basement

Project number 15022
Date 8/3/2016
Drawn by Alexander Bocharnikov
Checked by

A05

Scale 1/4" = 1'-0"



1 Basement Floor
1/4" = 1'-0"



availableprints.com

GENERAL NOTES:

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GENERAL
CONTRACTOR AND THE MUNICIPAL BUILDING
OFFICIAL PRIOR TO CONSTRUCTION.
AVA STUDIO LLC IS NOT RESPONSIBLE
FOR ANY PROBLEM AS A RESULT OF AN
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OMISSION ON THESE PLANS.

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BY "AVA STUDIO" MAY NOT BE USED TO BUILD
MORE THAN ONE (1) HOUSE
(15610 Holdridge Rd East, Wavaya, MN)
WITHOUT PRIOR WRITTEN
CONSENT OF THE DESIGNER (AVA STUDIO)

15610 Holdridge Rd

Wayzata

Main Level

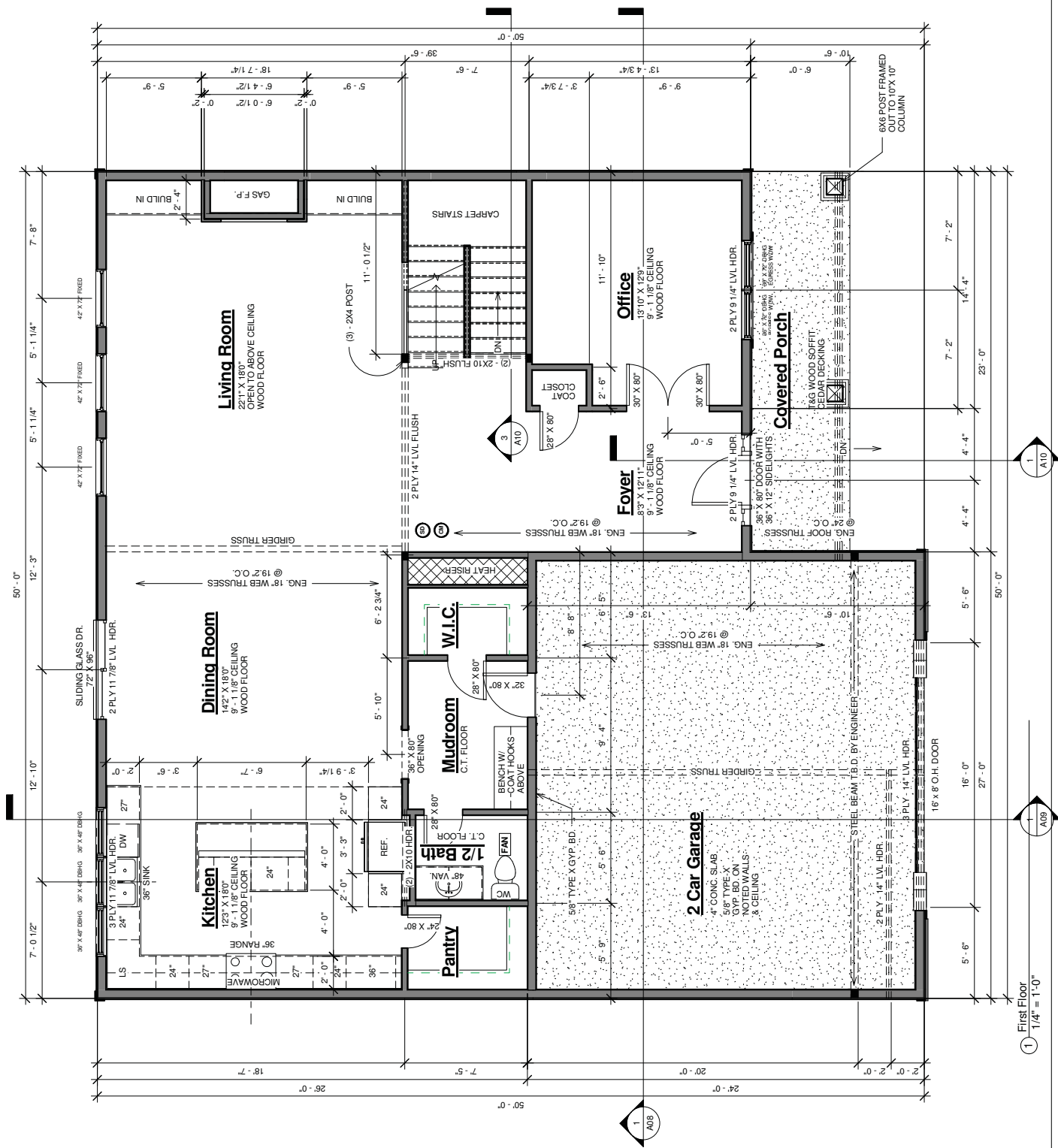
Project number	15022
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Drawn by Alexander Bocharnikov

A06

scale $1/4" = 1'-0"$





AVA Studio
Phone: 612 532 8159
Email: prohomeexterior@yahoo.com

avablueprints.com

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15610 Holdridge Rd

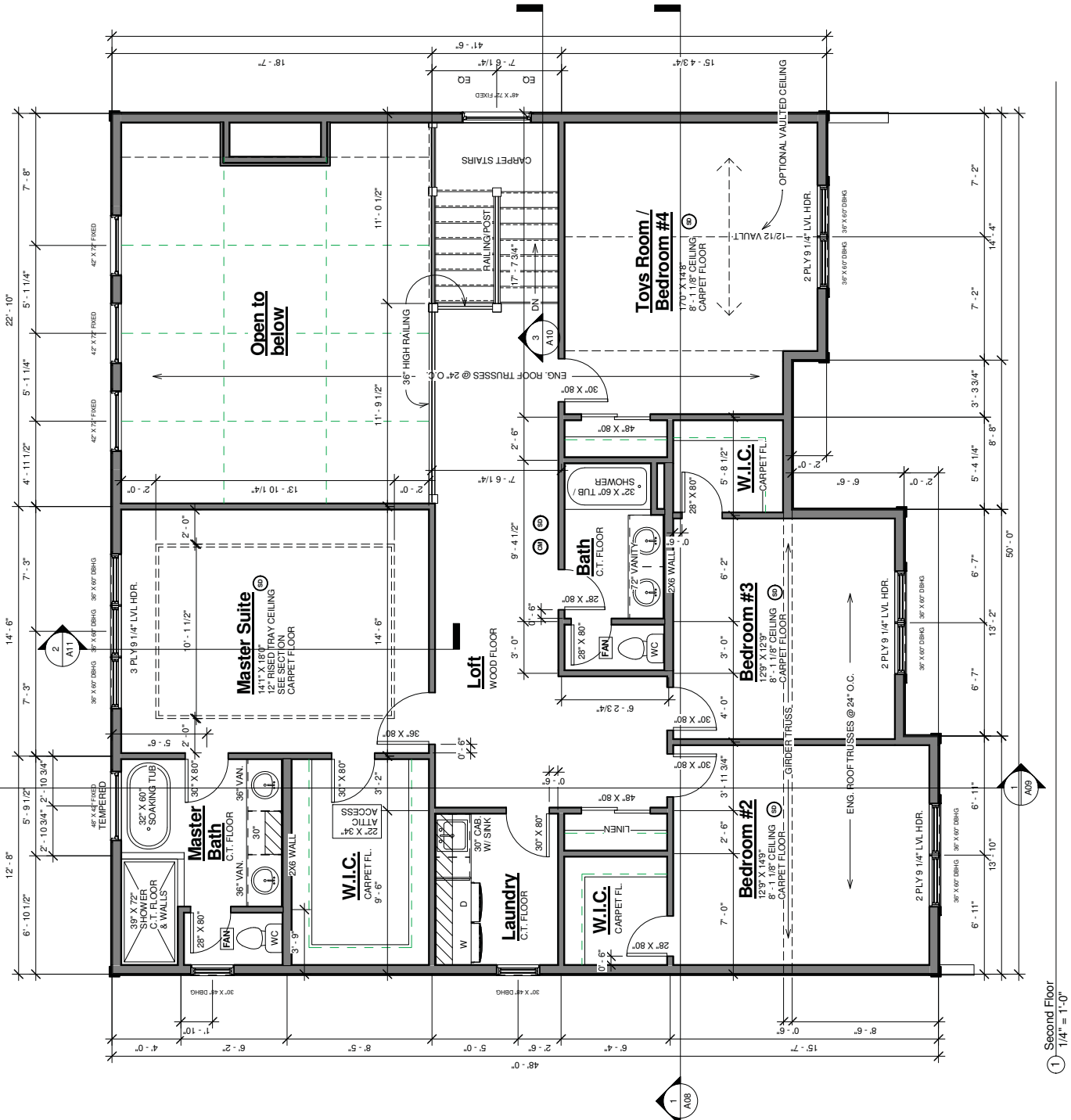
Wayzata

Upper Level

Project number 15022
Date 8/3/2016
Drawn by Alexander Bocharnikov
Checked by

A07

Scale 1/4" = 1'-0"



1 Second Floor
1/4" = 1'-0"

a.) Ovsyannikova Addition – 15610 Holdridge Rd E
i. Preliminary and Final Plat Subdivision

Director of Planning and Building Thomson stated the property owners, Anna Ovsyannikova and Yengeny Ogranovich, have submitted a development application to subdivide the property at 15610 Holdridge Rd E into two (2) single-family residential lots. The existing house would remain and one (1) new home would be constructed on the new lot. The proposal requires preliminary and final plat review. The proposed lots would meet the minimum lot requirements for the R-2 Zoning District. The proposed subdivision plans also provide the location and footprint of the proposed house, which would meet the requirements of the R-2 Zoning District for setbacks, lot coverage, and impervious surface. The applicant has submitted house plans for the new home on Lot 2. The proposed house would be 2-stories in height but would exceed the building height limit of the R-2 Zoning District due to the significant topography change from the front of the home to the rear of the home. To be approved, the home plans would need to be adjusted to meet the height requirements for this district. The proposed plans show the removal of 12 total trees, 11 significant trees and 1 heritage tree, with 24.8% of the inches of significant trees and 23.1% of the inches of heritage trees being removed. Under the City's Tree Preservation Ordinance, the plans would not require mitigation for the significant tree removal, but would require replacement of 81-inches of trees for the 1 heritage tree that would be removed.

Commissioner Gonzalez stated there is a large oak tree along the road and driveway that is marked to be removed but it is not being considered as a heritage tree. She asked why this tree was not being replaced.

Commissioner Flannigan asked what the grade change was from the street level to the back of the proposed home.

Mr. Thomson stated the street is at an elevation of 977-feet and the garage floor is at 969-feet and the basement walkout is at 959-feet and the yard continues to slope downward from this point.

Commissioner Flannigan asked if the rear yard would be usable or if it would be filled.

Mr. Thomson stated the only grading proposed is in the one corner in the rear of the home. They are not proposing to fill or grade the back of the property.

The Applicant, Ms. Anna Ovsyannikova, 15610 Holdridge Road E, Wayzata, stated they have removed all of the buckthorn from the property, and the present property is too large for them to maintain. They would not use this portion of the property. The proposed grading and retaining walls will address the runoff problems that affect neighboring properties. She explained the wider cement board used for the exterior of the proposed home is also used in two (2) of the neighboring homes.

1 The Applicant, Mr. Yengeny Ogranovich, 15610 Holdridge Road E, Wayzata stated this would
2 be a good opportunity for the neighborhood to have this portion of the lot maintained as a new
3 single family lot and kept clean.

4
5 Ms. Ovsyannikova stated the driveway is laid out in the proposed plat to preserve the three (3)
6 large oak trees that are in this area of the property.

7
8 Mr. Thomson clarified the trees Commission Gonzalez referenced earlier as being removed are
9 not going to be removed, but are marked as being in the City's right-of-way.

10
11 Commissioner Gonzalez asked if the applicant had removed any trees from the property that
12 were not buckthorn.

13
14 Ms. Ovsyannikova stated they had removed a large oak tree that was very close to the existing
15 home in March of this year. This particular tree was damaged and cracked down the middle.
16 This made the tree dangerous and unstable.

17
18 Commissioner Gruber asked how much fill would be brought onto the property.

19
20 Ms. Ovsyannikova stated based on the comments from the general contractor and architect, they
21 would use the dirt that would be removed for the walkout home for fill on the property. She
22 explained they had evaluated the property and the house location to ensure they would not need
23 to excavate too much or bring in too much fill.

24
25 Mr. Ogranovich stated they may have a need for 1-2 loads of fill.

26
27 Commissioner Gonzalez stated the proposed home does not meet the height requirements for the
28 District. She asked if this would be changed.

29
30 Ms. Ovsyannikova stated she had not been aware the height did not meet the requirements, and
31 she would be meeting with the architect and would ask him to adjust the height to meet the
32 requirements.

33
34 Mr. Thomson stated the height requirement is 30-feet to the mid-point and 35-feet to the peak.
35 The proposed home is 42-feet to the peak.

36
37 Commissioner Flannigan asked why the lot was "L" shaped. He also asked what had gone into
38 the design of the home because it does not look interesting.

39
40 Ms. Ovsyannikova stated they decided to split the property and create a second lot in such a way
41 as to meet the required lot size and leave a portion of the flat part of the property with the
42 existing structure, so there would be usable back yard space for both properties. She stated that
43 most of the homes on the Wayzata side are 1950s ranch style homes with straight lines. The
44 proposed home was designed to keep with this concept and blend with the neighborhood. They
45 would be creating interest by using different siding colors, white trim and accents, and stone.
46 The windows are located in the back of the home so that they could enjoy the wooded property

1 and there is nothing to look at on the sides of the property so they did not put windows in these
2 areas. They could put in additional windows to add architectural interest.

3
4 Chair Iverson asked how high the retaining walls were.

5
6 Ms. Ovsyannikova stated the retaining walls would be approximately 2-3 feet in height and
7 would be needed to support the driveway.

8
9 Commissioner Gonzalez asked if there would be a patio attached to the proposed home because
10 the property is almost at the maximum for hard cover.

11
12 Ms. Ovsyannikova stated they were considering a small one off the kitchen.

13
14 Mr. Ogranovich stated they are planning to have a patio on the back of the home by the walk out.

15
16 Chair Iverson asked Mr. Thomson if the property were sold, and the new owners would want to
17 bring in fill for the backyard, if this would come back to the Planning Commission for review.
18 There are several open questions regarding the lot.

19
20 Commissioner Flannigan asked if the owner would have to build the home proposed.

21
22 Mr. Thomson stated if there is a change to the grading in the backyard, it would require
23 administrative review of a grading permit. There are standards in the City's Ordinances
24 regarding drainage, grading, storm water management and the amount of fill that can be brought
25 onto a property before it would require Council approval. Mr. Thomson stated that adding the
26 home design as a condition of approval to the subdivision is a policy and practice question, and
27 the Planning Commission could include a recommendation to the Council regarding that.

28
29 Ms. Ovsyannikova stated they would like to have the Commission consider allowing them to do
30 a small amount of grading to make the backyard of both lots a little flatter.

31
32 Commissioner Gonzales stated that if there is additional dirt moved this would affect the trees on
33 the property and the City does have a Tree Preservation Ordinance in effect.

34
35 Ms. Ovsyannikova stated they would work with their landscape specialist to see what they could
36 do and work with the Watershed District to find out what can be planted in this area. She
37 provided building material samples for the Commission to consider.

38
39 Chair Iverson opened the public hearing at 7:40 p.m.

40
41 Mr. Alex Clingaert, 15804 Holdridge Road E, Wayzata, stated he had concerns about how this
42 project would affect the character of the neighborhood. Part of the character of the neighborhood
43 is the large lots with space between homes. Subdividing this property would not meet the City's
44 goal of low density housing in this area, because it would be adding housing.

1 Mr. Tony Shink, 15600 Holdridge Road E, Wayzata, stated he is also concerned about this
2 subdivision setting precedent for other properties in the neighborhood to subdivide and create
3 more housing in the neighborhood. More housing in the neighborhood would impact the streets
4 and the plumbing in this neighborhood as well. He asked if there was adequate infrastructure to
5 support these properties subdividing.

6
7 Ms. Suzanne Candell, 15804 Holdridge Road E, Wayzata, stated the proposed lot was 70%
8 smaller than the average lot size for the surrounding properties. She stated based on the
9 inventory there would be two (2) heritage trees removed, not one as suggested. This would
10 change the character of the neighborhood as well. It appears that there have been several other
11 trees removed from the site prior to the application. Because of the wetlands, she would like to
12 see a more comprehensive environmental study performed before there are any decisions
13 regarding this project. According to Hennepin County Natural Resources map there is an
14 Ecological Significant area noted on this property.

15
16 Ms. Ann Glad, 15611 Holdridge Road E, Wayzata, stated the notice letter she had received from
17 the City had stated there would be a lot width variance requested as part of the Application, and
18 she has not heard any discussions on this.

19
20 Chair Iverson stated there had been a miscalculation on the lot width, and a variance was not
21 needed for the lot width.

22
23 There being no one further who wished to speak, Chair Iverson closed the public hearing at 7:49
24 p.m.

25
26 Commissioner Gonzalez stated she had received an email from Bob Ambrose, 15803 Holdridge
27 Road E, and he expressed concerns about the number of trees that have been removed from the
28 property prior to this application.

29
30 Commissioner Gruber stated there is environmental significance that the City was not aware of.
31 She asked if Staff was aware of this significance.

32
33 Mr. Thomson stated the City had reviewed this aspect of the Application, and the wetland
34 referenced has been delineated. Based on this, there is a 30-foot buffer between the wetland and
35 the proposed redevelopment. He would check with the City Engineer to ensure the buffer is
36 accurate, but can confirm that the City Engineer has reviewed the plans and does not see any
37 problems with this aspect of the plans.

38
39 Commissioner Gonzalez asked what requirements the City had for the wetlands when there
40 would be a lot of grading and fill brought to the site.

41
42 Mr. Thomson stated as part of any building permit application, the City requires an erosion
43 control plan that indicates measures that would be used to prevent erosion onto surrounding
44 properties and into the wetland during construction. The City monitors the erosion controls
45 throughout construction to ensure that they are functioning properly. If there are problems with
46 any of the erosion controls, the contractor or homeowner is required to fix the problem.

Commissioner Gruber stated the subdivision would create two (2) smaller lots, and based on the surrounding properties these smaller lots may not be in the character of the neighborhood.

Commissioner Gonzalez stated she had reviewed the requirements of the Subdivision Ordinance and this proposal does not meet several of the requirements. Item 2 of the requirements states building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation. She is not convinced that the trees that are to be preserved would survive redevelopment given the topography of the lot. She expects there would be a lot of grading and a lot of fill, and the Commission does not have this information. Item 4 states existing stands of significant trees shall be retained where possible, and Item 5 stated the creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas. The proposal has a significant impact on the significant trees on the property because these will not be replaced, and the smaller lots created would change the character of the neighborhood. She would not recommend approval of this project because it does not meet the letter or the spirit of the Ordinance.

Commissioner Flannigan stated just because the property can be divided to make two (2) conforming lots does not mean that it should be done. The remaining lot would be awkward. There is a reason the property is set up the way it is with the existing home located in the front corner of the property. He does not believe the proposed home would fit with the character of the neighborhood, and the project does not meet the requirements of the Ordinance.

Commissioner Murray stated this project would not fit with the character of the neighborhood, even though it meets all the lot zoning requirements. He would not recommend approval of the project.

Commissioner Gnos stated the applicant has worked hard on this project and is not economically driven. The neighbors do not support the project, and they are the ones that are directly impacted. His feeling is that this project does not make sense for this neighborhood.

Chair Iverson stated she would not recommend approval of the project because the lot sizes do not meet the aesthetics and character of the neighborhood.

Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan to direct Staff to prepare a Planning Commission Report and Recommendation recommending denial of the Preliminary and Final Plat Subdivision to subdivide the property 15610 Holdridge Road E based on the findings discussed at the meeting. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 7, 2016**

AGENDA ITEM 1. Call to Order and Roll Call

Chair Iverson called the meeting to order at 7:02 p.m.

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Iverson, Murray, Flannigan and Gnos. Absent: None. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Gruber made a motion, Seconded by Commissioner Gonzalez to approve the November 7, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) None.

AGENDA ITEM 4. Old Business Items:

a.) Ovsyannikova Addition – 15610 Holdridge Rd E
i. Preliminary and Final Plat Subdivision

Chair Iverson stated the applicant had requested to speak to the Planning Commission.

Applicant, Ms. Anna Ovsyannikova, 15610 Holdridge Road E, Wayzata, stated the biggest concern the Planning Commission had expressed at its previous meeting was that the smaller lots and increased density would change the character of the neighborhood. She provided pictures that showed where the proposed home would sit and how this would fit with the character of the neighborhood. She noted other properties in the neighborhood are “L” shaped and elongated. She stated that the Commission had also expressed concerns that other properties in this neighborhood would subdivide if the application was approved, but explained this is not possible because other properties do not have the same opportunities this particular lot has such as available frontage.

Applicant, Mr. Yengeny Ogranovich, 15610 Holdridge Road E, Wayzata, stated there are no other properties in the neighborhood that have a large frontage. He stated the character of the neighborhood is in the frequency of the homes, and not the actual lot sizes, because the size of

1 the lot cannot be seen from the street. If there is another home along the street, it would add to
2 the character of the neighborhood.

3
4 Ms. Ovsyannikova explained how they planned to use the hill and slope of the property in their
5 design, and how there were other homes built using this same hill. They had talked with several
6 builders. She stated the roof of one of the homes in the neighborhood is the only thing visible
7 from the street due to how the home sits in the sloped topography of the property. She clarified
8 the property has a very small section of wetland. They had hired a professional company to
9 produce a delineation report, and during construction there are particular guidelines on how to
10 protect these wetlands. They will have a large buffer and a temporary fence to protect the
11 wetland area. She clarified that there would not be damage to the trees outside of those
12 designated for removal and if there were, then these trees would be replaced with code
13 appropriate replacement trees. She stated the number of trees previously removed from the
14 property had been overstated by the neighbors. They had removed all of the damaged and
15 diseased trees. They did not remove any trees that should not have been removed. They
16 replaced all of the trees that had been removed. The property looks cleaned, maintained and
17 woodsy. The neighbors had complimented them on the cleanup, and they had discussed the
18 subdivision with neighbors prior to making an application and there had been no complaints.
19 She was surprised to have these neighbors complain during the public hearing. The project is
20 meeting all of the City's zoning requirements, and they are not seeking any variances.

21
22 Mr. Ogranovich stated the height of the home had been modified to meet the zoning
23 requirements.

24
25 Commissioner Gonzalez stated she had made her vote on the recommendation based on the
26 information they had at the last meeting, and the information presented tonight was new. She
27 asked what her options were because she had made a good faith decision at the last meeting.

28
29 City Attorney Schelzel stated the vote at the last meeting does not constrain how the
30 Commissioners vote tonight. The vote at the last meeting had been to direct staff to prepare a
31 draft report and recommendation of denial based on the information available as of the last
32 meeting. The Commission has new information and responses from the applicant for the
33 concerns that had been presented, and the Commission can take this information into account as
34 it votes tonight. The Commission could vote to adopt the draft report with a recommendation for
35 denial, or they could direct staff to prepare a new draft report and recommendation of approval if
36 they feel the new information changes their recommendation on the application.

37
38 Commissioner Flannigan stated there is not an opportunity for the neighbors that are in favor of
39 the project to speak. He asked if there would be another opportunity for a public hearing for this
40 project.

41
42 Mr. Schelzel stated all of the public had an opportunity to speak on the project at the public
43 hearing that had been held at the Commission's last meeting in October. Generally, when an
44 application goes to the City Council, the Council gives the public another opportunity to speak
45 on the application.

1 Commissioner Flannigan stated he stands behind his concerns expressed at the previous meeting,
2 and would recommend denial of the application.

3
4 Commissioner Gonzalez stated her recommendation is not based on the public comments alone.
5 She looks at the City's codes and applies these standards to the application. Based on the
6 information this application does not meet the requirements of the code for the reasons stated at
7 the previous meeting. There is no information on the amount of fill that would be brought to the
8 site or the amount of grading that will be required. She would recommend adopting the draft
9 report and recommendation of denial as presented.

10
11 Commissioner Gruber stated she would also stand by the denial recommendation based on the
12 comments from the previous meeting.

13
14 Commissioner Murray stated based on the information presented, he would not recommend
15 denial. Aesthetically this project would fit into the character of the neighborhood and enhance
16 the neighborhood.

17
18 Commissioner Gnos stated based on the information presented he would reconsider his decision
19 at the last meeting to recommend denial of the application.

20
21 Commissioner Young stated the request is reasonable, and he would support the application.

22
23 Chair Iverson stated she would recommend denial based on the City's code standards, grading,
24 public comments and Commission comments from the previous meeting.

25
26 Commissioner Murray stated the applicant had informed them that the grading and fill would be
27 minimal.

28
29 Chair Iverson stated they did not have the exact information in front of them.

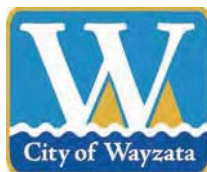
30
31 Commissioner Flannigan made a motion, Seconded by Commissioner Gruber to adopt the
32 Planning Commission Report and Recommendation, as presented, recommending denial of the
33 proposed subdivision and preliminary and final plat at 15610 Holdridge Road E. The motion
34 carried: 4 ayes – 3 nays (Young, Murray, Gnos).

35
36
37 **AGENDA ITEM 5. Public Hearing Items:**

38
39 **a.) Meyer Place at Ferndale – 105 Lake Street E**

40 **i. Rezoning, PUD Concept and General Plans, and Design Review**

41
42 Director of Planning and Building Thomson stated the applicant, Homestead Partners, and the
43 property owner, Meyer Properties, have submitted a development application to redevelop the
44 Meyer Brothers Dairy at 105 Lake Street E. The development application includes demolition of
45 the existing vacant commercial building and construction of a new 3-story building. The
46 building would include up to 21 residential condominium units and 52 underground enclosed



WAYZATA PLANNING COMMISSION

November 7, 2016

REPORT AND RECOMMENDATION OF DENIAL OF PROPOSED SUBDIVISION / PRELIMINARY AND FINAL PLAT AT 15610 HOLDRIDGE RD E

SUMMARY OF RECOMMENDATION

1. **Denial** of Preliminary and Final Plat subdividing existing lot into two lots

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** Anna Ovsyannikova and Yengeny Ogranovich (the "Applicant") have submitted a development application (the "Application") to subdivide the property at 15610 Holdridge Rd E into two single-family residential lots. The existing house would remain and one new home would be constructed on the new lot. The Application requires preliminary and final plat review, and requests simultaneous preliminary and final plat review and approval.
- 1.2 **Application Requests.** As part of the Application, the Applicant is requesting approval of a Preliminary and Final Plat to subdivide the Property into two lots (the "Subdivision" and "Preliminary and Final Plats").
- 1.3 **Property.** The address, property identification number and owner of the parcel comprising the subject property (the "Property") are:

15610 Holdridge Rd E	04-117-22-33-0043	Anna Ovsyannikova and Yengeny Ogranovich
----------------------	-------------------	---

- 1.4 **Land Use Designations.** The Property falls within the following land use

districts:

Current zoning:	R-2/Medium Density Single Family Residential
Comp plan designation:	Low Density Single Family

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on October, 6, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on October 7, 2016. The required public hearing was held at the October 17, 2016 Planning Commission meeting.

Section 2. STANDARDS

2.1 Subdivision / Preliminary and Final Plat

Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

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

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall

respond to and be reflective of the surrounding lots and neighborhood character.

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

Section 3. FINDINGS

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

3.1 Preliminary / Final Plat

1. The Subdivision is consistent with the guidance of the Wayzata Comprehensive Plan for the area in which is proposed.

2. The building pad that results from the Subdivision would have negative impacts on sensitive areas of the Property and surrounding neighborhood, including wetlands, trees and vegetation, scenic points and a distinctive wooded area of the neighborhood.
3. The building pad that results from the Subdivision would require significant alteration of natural topography, and require significant filing and grading.
4. Existing stands of significant trees will be lost if the Subdivision is approved, and the building pad that would result from the Subdivision could be more sensitively integrated into existing trees.
5. The Subdivision would adversely impact the scale, pattern or character of the Holdridge neighborhood as noted in this Report.
6. The design of the lot, the building pad, and the site layout reflected in the Preliminary and Final Plat does not respond to and nor is it reflective of the surrounding lots and neighborhood character, which are significantly larger, wooded lots.
7. The lot sizes resulting from the Subdivision are dissimilar from adjacent lots and lots found in the surrounding neighborhood, which average 54,656 sq. ft. within the 350 feet of the Property.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is not similar to the characteristics and quality of existing development in the City and surrounding neighborhood, which are predominantly, lower profile ranch and rambler style homes.
9. The architectural guidelines and criteria in Section 9 of the Wayzata Zoning Ordinance are not applicable to this Application.
10. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance.
11. The Subdivision would not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision could be accommodated with existing public

services, including those related to transportation and utility systems, and would not overburden the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **DENIAL** of the Subdivision and the Preliminary and Final Plat.

Adopted by the Wayzata Planning Commission this 7th day of November 2016.

Voting In Favor: Flannigan, Gonzalez, Gruber, Iverson

Voting Against: Gnos, Murray, Young

Abstaining: None

DRAFT RESOLUTION NO. 49-2016

RESOLUTION DENYING SUBDIVISION / PRELIMINARY AND FINAL PLAT AT 15610 HOLDRIDGE RD E

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

Section 1. BACKGROUND

1.1 Project. Anna Ovsyannikova and Yengeny Ogranovich (collectively, the “Applicant”) have submitted a development application (the “Application”) to subdivide their property at 15610 Holdridge Rd E into two single-family residential lots. The existing house would remain and one new home would be constructed on the new lot.

1.2 Application Requests. The Application requests approval of a Preliminary and Final Plat that would subdivide the existing property into two lots (the “Subdivision” and “Preliminary and Final Plats”).

1.3 Property. The address, property identification number and owner of the parcel comprising the subject property (the “Property”) are:

15610 Holdridge Rd E	04-117-22-33-0043	Anna Ovsyannikova and Yengeny Ogranovich
----------------------	-------------------	---

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

Current zoning:	R-2/Medium Density Single Family Residential
Comp plan designation:	Low Density Single Family

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on October, 6, 2016. A copy of the notice was mailed to all property owners located within 350 feet of the Property on October 7, 2016. The required public hearing was held at the October 17, 2016 Planning Commission meeting.

1.6 Planning Commission Action. The Planning Commission reviewed the Application at its October 17 and November 7, 2016 meetings. At its November 7, 2016 meeting, the Planning Commission adopted a Report and Recommendation recommending denial of the requested Subdivision and Preliminary and Final Plats in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Subdivision / Preliminary and Final Plat

Review and approval of lot combinations and subdivisions of property are

governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

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

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning

Ordinance.

10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the Preliminary and Final Plat Subdivision requested in the Application does not meet all of the applicable requirements of Wayzata's Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, Applicant's additional submittals, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

3.1 Preliminary / Final Plat. The adverse effects of the proposed Preliminary Plat include:

1. The building pad that results from the Subdivision would have negative impacts on sensitive areas of the Property and surrounding neighborhood, including wetlands, trees and vegetation, scenic points and a distinctive wooded area of the neighborhood.
2. The building pad that results from the Subdivision would require significant alteration of natural topography, and require significant filing and grading.
3. Existing stands of significant trees will be lost if the Subdivision is approved, and the building pad that would result from the Subdivision could be more sensitively integrated into existing trees.
4. The design of the lot, the building pad, and the site layout reflected in the Preliminary and Final Plat does not respond to and nor is it reflective of the surrounding lots and neighborhood character, which are significantly larger, wooded lots.
5. The lot sizes resulting from the Subdivision are dissimilar from adjacent lots and lots found in the surrounding neighborhood, which average 54,656 sq. ft. within the 350 feet of the Property.

6. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is not similar to the characteristics and quality of existing development in the City and surrounding neighborhood, which are predominantly, lower profile ranch and rambler style homes.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution, the Preliminary and Final Plats requested as part of the Application are hereby **DENIED**.

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

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:

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 20, 2016.

Becky Malone, Deputy City Clerk
SEAL

DRAFT