

WAYZATA CITY COUNCIL MEETING AGENDA
Wayzata City Hall Community Room, 600 Rice Street
Tuesday, March 7, 2017

5:00 PM Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

- 1. Strategic Plan Status Update (5:30 PM)**
- 2. Telecommunication Lease Status (6:30 PM or immediately following)**

7:00 PM - CITY COUNCIL MEETING

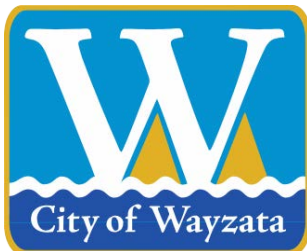
ITEM	DESCRIPTION	PRESENTER	DK	ST	KW	JM	AP	VOTE	PAGE #
1	Call to Order								
2	Pledge of Allegiance								
3	Roll Call								
4	Approve Agenda								
5	Public Forum - 15 Minutes (3 min/person)								
a.	Lake Effect Update	Coward							
b.	Heritage Preservation Board Annual Report	Anderson							3
6	New Agenda Items (3 min/councilmember) - 1. Councilmember suggest item to add; 2. Must be seconded by another Councilmember; 3. Determine staff resources, scheduling & timeframe; 4. Discuss & vote to add to future agenda								
a.									
7	Consent Agenda								13
a.	Approval of City Council Regular Meeting Minutes of February 21, 2017								
b.	Approval of Check Register								
c.	Mediacom Quarterly Customer Service Report								
d.	Approval of Municipal Licenses								
e.	Approval of Resolution No. 08-2017 Accepting Donation by Coors Brewing Company via Workhouse Worldwide LLC								
f.	Approval of Resolution No. 11-2017 Supporting Condominium, Townhouse and Cooperative Construction								
8	Public Hearings								
a.	PUBLIC HEARING AND CONSIDER an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License for Bellecour LLC DBA "Bellecour" at 739 Lake Street E	Dahl							101
b.	PUBLIC HEARING AND CONSIDER Ordinance No. 768 Vacating City Right of Way and Public Utility Easements Adjacent to 1430 and 1350 LaSalle Street	Thomson							103
9	New Business								
a.	Consider Resolution No. 10-2017 Approving CUP and Variance, and Bid Award for Construction of Telecommunications Monopole Tower at Wayzata West Middle School at 149 Barry Ave N	Dudinsky/ Thomson							112
b.	Consider Resolution No. 09-2017 Denying Preliminary Plat Subdivision and Variances at 350 Gardner St E	Thomson							203
10	City Manager's Report and Discussion Items								
11	Public Forum (as necessary)								
12	Adjournment								

Meeting Rules of Conduct:

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

Upcoming Meetings:

City Council - March 21 & April 4, 2017
Planning Commission - April 3 & 17, 2017



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 5c
TITLE: Heritage Preservation Board Annual Report	
PROPOSED MOTION: None	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

No action requested

FINANCIAL OR BUDGET CONSIDERATION:

The annual report is an informational item for the council. It does not have any impact on the City budget.

BACKGROUND:

Kim Anderson, the chair of the Heritage Preservation Board, will attend the Council meeting to provide an update on the HPB, and to present the attached annual report.

ATTACHMENTS:

1. HPB 2016 Annual Report

WAYZATA HERITAGE PRESERVATION BOARD 2016 ANNUAL REPORT

Board Members

Kim Anderson, Chair
Elissa Madson, Vice Chair
Liz Blaufuss, Secretary
Bruce Biser

Staff

Jeff Thomson, Director of Planning and Building

Background

The Wayzata Heritage Preservation Board was created in 1998, when the City passed the historic preservation ordinance. The passage of this ordinance was preceded by a rather successful grassroots preservation movement, which emerged in the 1990's, in response to downtown development and loss of older, historic homes.

Roles and responsibilities of the Heritage Preservation Board include:

- ❖ Ongoing survey of all areas, places, buildings, structures and districts which the board has reason to believe are significant to the cultural, natural, social, economic, political, visual or architectural history of the City
- ❖ Continually survey all areas to determine needed and desirable improvements of older buildings, acting in an advisory capacity to owners of historically significant sites, regarding preservation, restoration or rehabilitation
- ❖ Continuing education of residents and community
- ❖ Keep current a public register of designated and proposed Heritage Preservation Sites and areas, along with plans and programs that pertain to them
- ❖ Authority to accept monetary gifts made to the city for purpose of preservation
- ❖ May accept services of technical experts
- ❖ Collect/review city planning a development records, documents, studies, models, maps, plans and drawings to be entered into the archives, as permanent record of city history and development

2016 HPB ACTIVITIES

HPB Brand and New Logo

In 2016, we collaborated with Eddie Ulrich and his team at Fuzzy Duck to create a new logo for the HPB. The catalyst for this project came from the frequent and ongoing confusion about our board and what we do, as it compares to the Wayzata Historical Society. The process also provided an opportunity to reflect and discuss as a group, what our goals, vision and mission are for heritage preservation in Wayzata. Eddie was gracious, patient and accommodating. We had numerous conversations throughout the process and he presented our board with several options to work from. Fuzzy Duck ultimately delivered a logo that surpassed all expectation. The HPB is so excited to have this logo as an identifier and driver of our work in the future. We are so very appreciative to Eddie and his entire Fuzzy Duck team for their work, which was nearly entirely donated.



Unitarian Church

The Unitarian Church (Wayzata's First Congregational Church) celebrated its 100th birthday in 2016. It was a momentous occasion and perfectly-timed, given the current congregation's plans to sell the building and move to a new location currently under-construction located off the 394 frontage road. The HPB and the Historical Society became deeply involved after being contacted by members of the congregation who were particularly preservation-minded and worried about the potential for the building, should it be sold to a developer who was not as equally-minded about keeping the structure. Members of the HPB and the Historical Society presented to the congregation's board and met many times over several months, eventually settling on the idea of an Open House to raise awareness about the building and its upcoming sale. The HPB's Centennial House award was also presented to the Unitarian Church's congregation and received by the church's pastor, Rev. Kent Hemmen-Saleska.

Open House

The Unitarian Universalist Congregation, in partnership with the HPB and the Historical Society, hosted a public open house on a sunny Sunday in May. The sermon that morning focused on the building itself and its legacy in Wayzata. Representatives from the HPB and the Historical

Society who also had personal connections to the previous congregations who worshipped in the church, spoke at the service. The open house that followed that afternoon was well-attended and featured pictures and displays from the church's beginnings and from the various congregations who had occupied it through the years.

As the summer progressed, a possible purchaser surfaced and plans continue to progress for the Blue Water Theatre Company to purchase the property for its future home and performance space. Both the HPB and the Historical Society have continued to be involved in this transition and both spoke in support of BWTC's proposed purchase and use of the space at a Planning Commission meeting in late 2016.

In the coming year, the HPB looks forward to continuing to work and collaborate with Charlie Leonard and the BWTC as it (hopefully) finalizes its purchase of the property and assist in any way we can to support their hopes for restoration and preservation of the church building.

National Heritage Preservation (May 2016)

Centennial House Awards were presented to the following 1 property: The Unitarian Universalist Church (Wayzata's First Congregational Church), built in 1916.

Mayor's Best Preserved House Award awarded to the Threlkeld's of 353 Park Street.

Both the Centennial "Home" Award and the Mayor's "Best Preserved" Award were accompanied with a framed, original sketch of the property, created by Merrily Babcock.

J.J. Hill Days Booth

The HPB's 2016 JJ Hill Days booth showcased our new logo. We invested in quality collateral that can be used for both this booth and similar events in the future – like a large banner and posters. These items helped to better identify our group and our role within the community.

We intentionally wanted to draw visitors into our booth a bit, so created a series of posters with pictures of Wayzata heritage sites and simply asked those passing by: "Which have you visited?" It was a great way to create dialogue and easily share information.

"Wayzata Heritage Landmark" Plaques

The HPB continues to identify buildings and sites of the utmost historical significance and which merit the placement of a "Wayzata Heritage Landmark" plaque. The placement and ceremony to dedicate the Indian Mound Plaque between City Hall and the Library was cancelled, due to additional concerns raised by some in the Native American community, worried about publicizing locations of such areas. The HPB pressed 'pause' on the possible placement of the plaque until a future date.

We worked with the Historical Society to finalize wording for a plaque to be placed at Greenlawn Cemetery, which was completed and ordered in 2016. Placement of that plaque will take place once the ground thaws in the spring of 2017.

Additional historic sites continue to be reviewed for future plaque placement, including: Harrington Gates, the original Highcroft Carriage House (currently a private residence), and the carriage house at Locust Hills.

Tear Downs

The HPB continues documenting, through pictures, houses and buildings that are torn down. The agreement with the City to not issue a permit for taking down a house until the HPB has acknowledged being able to photograph has, unfortunately, not worked as smoothly as in years past.

Specifically, the HPB has encountered difficulty with the process of ensuring photographs are taken prior to the demolition crews beginning work. We continue to work closely with the City to modify the process in order to minimize wait time for the developers, but are discouraged by the lack of notice that we are receiving prior to demolition.

10 houses and/or buildings were razed in 2016. Many of these properties were 50+ years old; one – 392 Ferndale Road (the Dayton/Burnet House) – while not the oldest home to ever be lost, was considered to be particularly historically and architecturally significant. Originally built in the 1969 for Ken and Judy Dayton, the home was designed by Italian architect Romaldo Giurgola on a coveted 13-acre parcel of Lake Minnetonka shoreline. The International Style home was modern and considered “a stellar example of its style...[and was] featured alongside Frank Lloyd Wright’s famous Fallingwater in the book “American Masterwork: The Twentieth Century House.” (*Burnet Estate: \$25 Million Masterpiece*, Star Tribune, August 22, 2011)

Historic Bushaway Fence

As part of the new housing development Stonecrest, north of the railroad bridge on Bushaway Road, and in conjunction with the Bushaway Road construction project, a historic fence that once lined Bushaway was slated for removal from the property. An agreement between the City, Hennepin County and the developer which compensated the developer for removal of the fence also stipulated that “best efforts” must be made towards the preservation of the fence and possible re-location of it. At this time, Bushaway resident Mitch Eide has been advocating for its relocation onto his property and has been politely persistent about inquiring as to the status of the fence. However, in early 2017 it was removed from the property and its location and future is unknown at this time. The HPB would encourage the city to do what it can to ensure the original agreement is enforced and the fence be re-located back to Bushaway.

Media Coverage

The HPB continues to enjoy and benefit from a friendly partnership with two media outlets – The Sun Sailor and Wayzata Life Magazine, having been invited to regularly contribute articles and pictures for both publications. We are grateful for the opportunity to do so, as it helps us promote our mission to educate the community about heritage and historical sites and structures in Wayzata.

Two published articles, on behalf of the HPB, appeared this year: One in Wayzata Life about Wayzata's Three Oldest Neighborhoods, written by Kim Anderson. A second in the Sun Sailor, premiering our new logo and thanking Eddie Ulrich and Fuzzy Duck for their creativity and partnership in the design process, was also written by Kim Anderson.

Jason Jenkins of the Sun Sailor continues to be a close contact of the HPB and frequently will cover events and happenings important to the HPB. He attended our Open House at the Unitarian Church in May, among our other events and gatherings this year.

Interaction with other groups/organizations

We continue to partner with the Wayzata Historical Society on projects that align for both of our organizations. Specifically, our groups' collaboration on the Unitarian Church in 2016 was of particular significance and the HPB is always grateful for their work, dedication and the historical expertise and knowledge that they always bring.

Liz Blaufuss was named as the HPB's representative to the Public Art Selection Committee in 2016, which will collaborate to research and ultimately select artists and works of art for several public areas in the city, including the new round-about on the east end of Lake Street.

Board membership changes

Liz Blaufuss and Bruce Biser completed their terms at the end of 2016 and chose not to reapply for another term. We thank them both for their time and commitment to our board! We welcome two new members for 2017: Jeff Buchanan and Jerry Osband.

10 most historically significant buildings/sites

We continue to closely monitor activity about and around 10 specific sites, deemed by the HPB to be the most historically significant buildings and sites in Wayzata.

1. Wayzata Post Office

Built in 1941 by the WPA. First stand alone post office building in Wayzata. Designed by Louis A. Simon (Government depression Architect group); a Class D Post Office building. Mural inside is by depression-era Artist Ruth Grotenrath, funded by U.S. Treasury Dept. Division of Art and Sculpture (Art of the People). In 2009, the Postal Service announced the possible sale of the building. HPB held placards and collected signatures protesting the closing. Letters to Sens. Amy Klobuchar, and Al Franken and Rep. Erik Paulson were sent. Sen. Franken informed Mayor and HPB the building was removed from the “for sale” list for the time being. Action was confirmed by U.S. Postal Service Asset Management Team. In 2014, the HPB placed a Wayzata Historic Landmark bronze plaque on the building with a brief history, after several years of work and numerous requests for placement.

2. Section Foreman’s House

Significant because of its connection to the Depot and the history of railroad in Wayzata. Building is owned by the City. Presently empty. Believed to be one of only two in the state. The Wayzata Historical Society (WHS) has recently worked to raise funds for a restoration review and application for placement on the National Registry. The first evaluation by historian Charlene Roise states it is eligible for National Registry. In 2014, fundraising continued by the WHS and an architectural review and statement was begun. The Section Foreman’s House has been considered as a focal point for possible Lakefront development.

3. First Wayzata Congregational Church 1916 (Unitarian Congregation today)

Site of first church in Wayzata in 1881. Church rebuilt in 1911 was designed by Harry Wild Jones. The building burned in 1916 and rebuilt by same plans, with addition of stained glass windows, gifted from Plymouth Congregation in Minneapolis. In 2012, the Unitarian Church agreed to allow the HPB to place a Wayzata Historic Landmark bronze plaque with brief history on the building. The plaque was placed in a stone holder in the Walker Avenue garden in 2013.

4. Wayzata State Bank (1908)

First bank in Wayzata and first classic bank building on Lake Minnetonka. A.C. Dart built the building for \$2,550.00. Bank was significant in Wayzata history for providing loans for commercial and residential buildings. Several attempts have been made in the past to interest Lowell Zitzloff, owner, to place this Bank building on the National Registry. In 2013, the HPB worked with Mr. Zitzloff to place a Wayzata Historic Landmark bronze plaque on the front of the building.

5. Gold Mine House (1880)

Significant to Wayzata's history as one of the oldest standing houses, as well as representative of the houses that lined Lake Street in the late 1800s and early 1900s. Because this house is being rented commercially, the renovation and restoration it needs would be eligible for State and Federal tax credits on the costs. As long as the Gold Mine business continues to rent the house, it is probably not endangered but it bears close watching and continuing to keep the owner aware of finance options, as well as its history, in hope of keeping the house.

6. Wayzata 3 oldest Neighborhoods: Bluff, North of Wayzata Blvd and Old Holdridge

The organization of the Bluff and N. Wayzata Blvd neighborhoods were the first in Wayzata and date back to its beginning in 1854. Many houses in all of these neighborhoods are over 100 years old. All 3 neighborhoods were recommended by Robert Vogel in his inventory as possible historic districts. These 3 neighborhoods contribute much to the "small town character of Wayzata" because of the smaller houses on green lawns and architectural small town style reaching back a century. In 2004, the HPB and Planning Commission prepared a zoning overlay that would restrict the size of replacement houses to be more fitting to the neighborhood. Part of the plan was accepted by the Council that lowered the height of homes two feet. The HPB is particularly interested in playing a larger role in redevelopment discussions, in order to continue to educate about the historical aspects of these neighborhoods, the value the old homes bring to our community, and help ensure that the small town style and rhythmic elements of these neighborhoods are preserved.

7. Two Oldest Cemeteries: Behind church on Walker/Wayzata Blvd and Greenlawn Cemetery on Minnetonka/Park Aves.

This revitalization project has been in cooperation of the WHS who raised funds to straighten, and clean the headstones with Grave Groomers. In 2013, the HPB worked with the City to place a wrought iron fence on Walker Avenue and Wayzata Blvd. around the oldest cemetery. The HPB has started recording names from old death certificates but there is more to be done. There are still headstones that need work and graves to be identified.

A Wayzata Historic Landmark bronze plaque with a brief history was ordered by the HPB and placed on the Iron fence on the corner of Wayzata Blvd and Walker in 2013. Greenlawn Cemetery is high on the list of sites for future placement of Wayzata Historic Landmark bronze plaques.

8. Harrington Gates (1915)

The gates are a significant site as they commemorate the pioneer settlers John and William Harrington who owned and farmed the land that became the Ferndale neighborhood. The Gates mark the entrance to the internal road system of the Ferndale peninsula leading to Lookout Point.

The HPB has identified Harrington Gates as an ideal location for bronze plaque placement. Further down the road, a history of Ferndale/Harrington could (should?) be researched/ written.

9. Rand Beach Park. Klapprich Field, and Shaver Park, including the Log Cabin

Both Rand Beach Park and Shaver Park were planned by the City Council and the Park Board beginning in 1926. The history has been researched and written by Irene Stemmer and Merrily Borg Babcock for the Parks & Trails Board. The Shaver Park property was purchased from Lewis Ireland (\$6500) plus a large lot from Jim Davies (\$750.) Rufus Rand, Wayzata Mayor (1928-1930) and president of Minnetonka Boat Works at the time donated land to the city for the beach area and built the first bathhouse.

Named for Ed Klapprich who with assistance of friends and wheelbarrows turned a cattail marsh into a baseball field and skating/hockey ice rink. It was designated a park by the City in 1982. A detailed history was in the work at one time, by Irene Stemmer and may still be in progress.

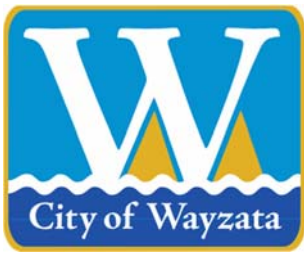
The HPB believes these parks should be on the list of historic sites and perhaps honored with plaques. Should be coordinated with the Parks & Trails Board.

10. Locust Hills Stable (circa 1945) and Highcroft Carriage House (1895)

The only buildings remaining of the Locust Hills Country Estate (1939-2005) and the Highcroft Farm. While neither would likely qualify for the National Registry, could be eligible to be on Local Registry or a Wayzata Historic Landmark plaque if accepted by present Homeowner's Association.

2017 Goals

- ❖ Play a proactive, educational and historically-minded advisory role in the Lake Effect development, specifically in regards to the Section Foreman's House
- ❖ Greater community education about historic sites/buildings
- ❖ Heritage Preservation Month Activities, including:
 - Centennial House Awards
 - Mayor's Award for Best Preserved House
- ❖ James J. Hill Days Booth
- ❖ Historical Landmark Bronze Plaques
 - Placement of Greenlawn Cemetery plaque
 - Draft and order plaque for a future site in 2017; possible sites include Harrington Gates, Highcroft Carriage House, 3 oldest neighborhoods



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 7a
TITLE: Approval of City Council Regular Meeting Minutes of February 21, 2017	
PROPOSED MOTION: To approve the City Council Regular Meeting Minutes of February 21, 2017	
PREPARED BY: Becky Malone, Deputy City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached draft minutes.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Draft City Council Meeting Minutes of February 21, 2017

**WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
February 21, 2017**

AGENDA ITEM 1. Call to Order.

Mayor Willcox called the meeting to order at 7:00 p.m.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members Present: Koch, Tyacke, McCarthy, and Plechash. Also present: City Manager Dahl, City Attorney Schelzel, City Engineer Kelly, and Director of Planning and Building Thomson.

AGENDA ITEM 4. Approve Agenda.

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

AGENDA ITEM 5. Public Forum – 15 Minutes (3 minutes per person).

a. Wayzata DECA Students Seeking Mentors

Tyler Young, 2931 Bantas Point Lane, stated he is the Vice President of Volunteer Recruitment for the Wayzata DECA, an organization that prepares emerging leaders in the fields of marketing, finance, management, and hospitality. He described the efforts of DECA to prepare students for the business world and participation by Wayzata DECA members in Chapter events and community service projects. Mr. Young thanked the Council for their service and asked anyone interested in becoming a DECA mentor to contact the Wayzata HS DECA coordinator, Paul Kimbler.

AGENDA ITEM 6. New Agenda Items.

Mr. Tyacke requested that the City Council consider possible adoption of a “social host ordinance,” which has been adopted by other local communities. He added the purpose of this type of ordinance is to increase focus on parental responsibility for underage drinking.

Mrs. McCarthy stated she supports the request. Mr. Dahl stated City staff will research this issue for review at an upcoming City Council workshop.

AGENDA ITEM 7. Consent Agenda.

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

- a. Approval of City Council Workshop Meeting Minutes of February 7, 2017 and City Council Regular Meeting Minutes of February 7, 2017
- b. Approval of Check Register
- c. Police Activity Report
- d. Building Activity Report
- e. Approval of Municipal Licenses
- f. Consider Award of Bid for 2017 Sanitary Sewer Rehab Project
- g. Approval of Amendments to Non-Union Pay Scale

The motion carried 5/0.

AGENDA ITEM 8. Public Hearing.

a. Public Hearing and Consider Approval of an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License for Baja Haus, LLC DBA “Baja Haus” at 830 Lake Street E

Mr. Dahl presented the request of Baja Haus, LLC for an on-sale intoxicating liquor license and Sunday on-sale intoxicating liquor license for a period of February 24, 2017 through April 30, 2017 for a first-floor indoor restaurant at 830 Lake Street E. He reported the applicant paid the license and background investigation fees, the investigation was conducted on the owners, and found to be in satisfactory order. He noted the application was recommended for approval, and the restaurant’s owners were present to answer questions.

Josh Friedt, 2047 3rd Avenue N, Minneapolis, stated he and his partner, Enkhbileg ‘Billy’ Tserenbat, are excited about their new venture and plan to create a fresh, vibrant, and family-friendly restaurant with a beach atmosphere to attract customers to Wayzata from throughout the Lake Minnetonka area.

Mayor Willcox asked what kind of menu would be featured, since the name suggests Mexican and German themes. Mr. Tserenbat stated the restaurant will be similar in quality and style to his restaurant Sushi Fix, and the menu will feature sushi, cooked seafood dishes, and fish tacos.

Mrs. McCarthy thanked the applicants and expressed her confidence that the restaurant will be successful if it is like Sushi Fix in terms of quality and service. She asked whether the new restaurant will only serve dinner. Mr. Tserenbat confirmed that the restaurant will initially be open from 4-10 p.m.

Mayor Willcox asked where the name “Baja Haus” originated. Mr. Friedt stated the German word “haus” can be interpreted as doing something right, or the correct way. Mr. Tserenbat stated they wanted to incorporate Mr. Friedt’s German heritage in the name of the restaurant.

Mr. Koch thanked Mr. Tserenbat for his efforts at Sushi Fix, which is a very highly regarded restaurant in Wayzata. He asked City staff whether there have been any issues at Sushi Fix regarding their liquor license. Mr. Dahl stated there have been previous issues but they have been resolved.

Mr. Mayor Willcox opened the public hearing at 7:18 p.m. There being no input, Mr. Mayor Willcox closed the public hearing at 7:19 p.m.

Mr. Plechash made a motion, seconded by Mr. Tyacke, to approve an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License for Baja Haus, LLC DBA “Baja Haus” at 830 Lake Street E for a period of February 24, 2017 through April 30, 2017. The motion carried 5/0.

AGENDA ITEM 9. New Business.

a. Consider Approval of Bid Award for Bushaway Road Landscaping Project

Mr. Kelly stated the Council is asked to consider award of the bid for the Bushaway Road Landscaping Project to the low bidder, Hoffman & McNamara, Inc., in the amount of \$358,928.50, plus approved Alternates 1, 2, and 3. He added bids were received for the landscaping project following County road reconstruction which has been ongoing in this area for years.

Mr. Kelly stated the Bushaway Road Landscape Committee has worked diligently for over a year on the landscape project design as presented. He added this landscape project will be completed

1 on April 22, 2017, with assistance from Great River Greening and Cargill, and local volunteers.
2 Mr. Kelly stated, with regard to a \$130,000 shortfall in funding, City staff requests Council
3 consideration of the allocation of this amount from the City's unallocated year-end transfer funds.
4

5 Mrs. McCarthy asked whether staff could show a depiction of the project area, to highlight
6 specific aspects. She added a visual presentation would be helpful given the amount of funds that
7 are being requested. Mr. Kelly stated the focus area of the landscape project is the convergence of
8 the trailways near the intersection of Bushaway Road and McGinty Road. He added aspects of
9 the trailhead area include a paver plaza for pedestrians and bicyclists; bike racks; a water
10 fountain; and space for a bike repair station.
11

12 Mr. Kelly stated four items are being considered for removal from the contract as a cost savings
13 measure: a monument entry sign at the north end, a waste receptacle, bike repair pedestal and
14 bike racks. He added these items can be considered for future purchase by the City through its
15 own vendors using the Parks CIP.
16

17 Mr. Plechash asked whether City staff has a sense of the value of volunteer contributions to this
18 project. Mr. Kelly stated he does not have an estimate of labor, but the planting project should
19 take 3 hours and will require 150-200 volunteers. Mr. Plechash stated it would be beneficial for
20 the community to know the value of what is being accomplished through volunteer hours.
21

22 Mr. Koch requested clarification regarding the monetary shortfall. Mr. Kelly stated the County's
23 original project budget was insufficient for all the necessary components. Mayor Willcox asked
24 whether there is a warranty. Mr. Kelly confirmed there is a 2-year warranty from the contractor.
25 Mr. Kelly presented a blueprint depiction of the proposed trailhead area as requested by Mrs.
26 McCarthy.
27

28 Mrs. McCarthy expressed concern that the City Council has not had a collective discussion
29 regarding other potential uses for year-end unallocated funds. She stated, however, the Bushaway
30 Road reconstruction project has caused disruption to the community for years, and she supports
31 the planting project and volunteer efforts.
32

33 Mr. Tyacke stated he agrees that this is a great project, and it will be a nice gateway to the
34 community. He expressed concern that April 22 is early for planting, but was relieved to hear
35 about the 2-year warranty on plants.
36

37 Mr. Plechash stated he supports the proposal and the recommendations of City staff. He
38 expressed concern about using unallocated year-end transfer funds. He added the project area
39 will be a beautiful and welcoming spot in Wayzata.
40

41 Mr. Koch stated he supports the project despite the use of transfer funds. He added this is an
42 important gateway to the community and the pedestrian and biking use is representative of what
43 Wayzata is all about.
44

45 Mayor Willcox stated he supports the project bid and asked whether it will be difficult to find
46 enough volunteers. Mr. Kelly stated Great River Greening's marketing campaign will start
47 tomorrow pending City Council approval at tonight's meeting.
48

49 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the bid award for the
50 Bushaway Road Landscaping Project to the low bidder, Hoffman & McNamara, Inc., in the

1 amount of \$358,928.50, plus approved Alternate 1, removing 7 – 1” caliper trees at the request of
2 Locust Hills, and Alternates 2, and 3 in their entirety. The motion carried 5/0.

3
4 **b. Consider Approval of Resolution No. 07-2017 Approving PUD Rezoning and PUD**
5 **Concept Plans of Development for Wayzata Blu at 259, 269 and 275 Lake Street E**
6 **and 339 Barry Avenue S.**

7 Mr. Thomson presented the development application of Gatehouse Properties to redevelop
8 properties located at 259, 269, and 275 Lake Street E and 339 Barry Avenue S by demolishing
9 the existing commercial buildings and constructing a three-story mixed use building consisting of
10 ground level office and 17 residential condominiums. The development application includes
11 rezoning from C-4A to PUD/Planned Unit Development, and PUD concept plan.

12
13 Mr. Thomson stated the City’s Comprehensive Plan encourages a mix of uses on Lake Street, and
14 buildings west of Barry Avenue are encouraged, but not required to have ground floor retail use.
15 There are nine 90-degree parking stalls on Barry Avenue are currently signed for retail customer
16 parking and proposed for removal as part of the project to allow for extension and widening of
17 the sidewalk. The Planning Commission unanimously approved recommendation of the PUD
18 rezoning and PUD concept plan, and the applicant agreed to allow flexibility in the PUD for retail
19 use on the ground floor, which is consistent with the Comp Plan.

20
21 Mrs. McCarthy expressed concern about increased traffic in this area, with the addition of office
22 space and residential units. She asked whether any traffic studies have been done. Mr. Thomson
23 stated no traffic data has been collected but that can be completed. Mrs. McCarthy stated she is
24 appreciative of the proposed building design, but added that the development along Lake Street
25 over the past few years does not follow the letter or intent of the Comp Plan. She noted the area
26 will lose vitality and vibrancy if there is more office space than retail businesses.

27
28 Mr. Tyacke expressed the importance of combining commercial and retail uses in the long-term
29 development of this block. He asked whether an open space requirement is met in the PUD. Mr.
30 Thomson stated the PUD ordinance requires land for park improvement or payment in lieu of
31 park dedication.

32
33 Mr. Koch asked whether City utilities are sufficient for this development and whether
34 improvements might be necessary. Mr. Kelly stated he does not believe the development would
35 exceed the area’s utility capacity.

36
37 Mayor Willcox asked whether the parking easement will require approval from the Boatworks
38 property. Mr. Thomson stated a City-approved CUP for shared parking covers both the 259 Lake
39 Street and Boatworks properties. He added that the proposed 85-stall parking lot proposed on the
40 project is consistent with the CUP. Mayor Willcox asked whether the nine on-street parking
41 spaces would be retained. Mr. Thomson stated this project has met its parking requirements and
42 the applicant is proposing to remove the nine stalls along Barry Ave. Mayor Willcox asked
43 whether the application would have to change if the applicant agrees to accommodate ground
44 floor retail use. Mr. Thomson stated the only change might be the amount of required parking, as
45 four additional parking stalls would be required for both retail and office use.

46
47 David Carlson, 2249 Portico Green, stated he has tried to be creative with the building design as
48 requested by the Planning Commission. He added he met with the current retail tenants but was
49 unable to reach an agreement. He expressed his intention to be flexible in terms of creating office
50 space that can be easily converted to retail use. Mr. Carlson stated he is committed to designing a

1 dedicated 20' x 50' public open space along the west side of the property, with a memorial in
2 honor of the Asau family, original owners of the pharmacy located on this site.

3
4 Mr. Koch asked whether there is much interest in and demand for the proposed residential units.
5 Mr. Carlson stated he has received many requests for information and a purchase agreement for
6 one unit. He added many potential buyers are waiting to see the outcome of tonight's meeting.
7 Mr. Koch stated the 100+ year-old buildings on the site have historical significance. He asked
8 whether the applicant would consider moving the buildings. Mr. Carlson stated the buildings will
9 be made available for sale and removal for \$1 when the development application is approved.

10
11 Judy Starkey, 16201 Holdridge Road, stated she is opposed to this development proposal. She
12 questioned the need for this type of building at this location. She added the Council should
13 encourage retail use and not businesses as they do not attract people who want to experience the
14 unique small-town nature of Wayzata. She expressed concern that the City does not do enough to
15 preserve the few historical properties that are left in Wayzata. Ms. Starkey stated the City should
16 save the buildings and preserve some of Wayzata's rich local history.

17
18 Mr. Tyacke stated while he is sympathetic to the historic nature of the buildings, the developer
19 has offered to make them available and affordable. He added he considers the buildings in this
20 area to be run-down and in need of redevelopment. He noted he was concerned about the
21 applicant's plans for open space, but that has been addressed, and he is generally supportive of
22 the project.

23
24 Mr. Koch expressed concern at the loss of three vibrant retail businesses on this property that
25 have managed to remain successful in a tough retail market. He added he does not support a
26 retail requirement, and he is happy about 17 families moving into downtown Wayzata. Mr. Koch
27 stated the resolution as it is currently written is unclear about the amount of potential ground floor
28 residential use. He requested that the resolution be re-worded to clarify that two residential units
29 are planned for the ground floor in addition to commercial office or retail use.

30
31 Mr. Thomson stated the concept plan application contains more specific language. Mr. Schelzel
32 agreed, adding the general plan application will be reviewed by the Council in any case. Mr.
33 Dahl stated City staff can review and recommend language clarifying a certain percentage or
34 portion of allowed residential use. Mr. Koch agreed.

35
36 Mr. Plechash expressed his support of the concept plan application, as it contains compromises
37 which allow the City to work within the parameters of the Comp Plan and zoning ordinance.

38
39 Mrs. McCarthy stated the history of this area is undeniable, and a memorial dedicated to the Asau
40 family should be placed where the pharmacy was actually located, on the east corner of the
41 property. She added the historic buildings are the mainstay of the community and requested that
42 City staff review creative ways that retail can be encouraged and developed. She stressed that she
43 would only support the project with a retail component.

44
45 Mayor Willcox stated this area is the heart and soul of Wayzata, but clearly economic concerns
46 are driving development on Lake Street. He added the Comp Plan guides this area as a
47 destination for entertainment in the City, and this concept plan does not fall in line with that
48 designation. He noted he does not support the loss of nine on-street parking spaces and would
49 like to see more landscaping and trees. Mr. Thomson stated there is no landscape plan yet, but
50 Code requirements will need to be met regarding landscaping. Mayor Willcox expressed concern
51 that there are many similar buildings along Lake Street, and the area is losing its vibrancy. He

1 added he is not excited about the project, and he would support a condition that City staff review
2 the second-floor step backs, and possible solutions to prevent the loss of on-street parking.

3
4 Mrs. McCarthy asked whether the City could provide incentives to encourage retail and meet the
5 financial objectives of retailers and the developer. Mr. Dahl stated there are many options
6 available to achieve that objective.

7
8 Mayor Willcox agreed, adding retail could be required on the ground floor if the City were to
9 provide funding to make it feasible. Mr. Koch stated he would not want that to be a condition
10 and the current retail businesses on the property might not want to stay in any case. He added he
11 is in favor of exploring this concept. Mr. Tyacke stated this incentive has not been requested by
12 the developer and it is not in the City's best interests to engage in the retail market. Mr. Plechash
13 stated a discussion about possible retail incentives should have occurred before this concept plan
14 review, and is not related to this project. Mrs. McCarthy stated the Council has had similar
15 discussions in the past but no action has been taken. She added she would like to explore
16 measures to encourage retail, or she would not be willing to support the concept plan.

17
18 Mr. Dahl stated City staff discussed its business assistance program with the developer, but he did
19 not wish to pursue it. Mr. Tyacke stated the developer indicated his willingness to create
20 commercial office space that could be easily converted to retail.

21
22 There was discussion about a possible condition for approval regarding the addition of potential
23 retail use on the ground floor. Mr. Schelzel stated a condition of approval could be to direct staff
24 to work with the applicant before the general plan to review options for encouraging retail use.

25
26 Mr. Thomson stated an existing condition of approval, C.1., page 2 of the Resolution, could be
27 modified to read "street level of the building must contain a minimum of 3,000 square feet of
28 retail, office, or service commercial uses, and the remaining portion of the street level may
29 contain up to two residential units."

30
31 Mr. Plechash made a motion, seconded by Mr. Tyacke, to adopt Resolution No. 07-2017
32 Approving PUD Rezoning and PUD Concept Plans of Development for Wayzata Blu at 259, 269
33 and 275 Lake Street E and 339 Barry Avenue S. The motion carried 3/2 (Mrs. McCarthy, Mayor
34 Willcox).

35
36 **c. Consider Agreement with Foster Willey for the Lake Street E Roundabout Public**
37 **Art Project**

38 Mr. Thomson stated the Council is asked to consider an agreement with Foster Willey for the
39 roundabout public art project and to authorize payment to Foster Willey under the terms of the
40 contract. Mr. Thomson stated a selection committee was formed in 2016 to develop a sculpture
41 project for the roundabout at Lake Street East. He added the committee reviewed possible artists
42 and picked 3 finalists to submit proposals. He recognized the members of the Public Art Project
43 Committee: Mayor Willcox, Lindsey Bashioum, Joanie Cunningham, Liz Blaufuss, Todd
44 Mohagen, Roxanne Heaton, Mike Kelly. Mr. Thomson stated the Committee chose a proposal
45 from local sculptor Foster Willey, for a sculpture entitled "Big Water." He added a contract was
46 drafted which requires City Council approval and authorization for payment to Mr. Willey.

47
48 Mrs. McCarthy expressed her appreciation for the Committee and unique water-themed sculpture.
49 She stated the scale of the sculpture might limit visibility for drivers navigating the roundabout.
50 Mrs. McCarthy stated the proposed sculpture would be made of stainless steel, which might cause
51 glare for drivers. Mr. Kelly stated that is a possibility, but the sculpture will be lit from below.

1
2 Mr. Plechash stated he supports the project. He asked whether there will be safety measures in
3 place to prevent people from driving or sliding into the sculpture. Mr. Kelly confirmed there will
4 be a barrier and the sculpture is elevated. He agreed to review traffic safety concerns.

5
6 Mr. Tyacke stated the sculpture is an excellent representation for the City. He asked whether the
7 sculpture will be low maintenance. Mr. Kelly confirmed that it is.

8
9 Dan Gustafson, 240 East Circle Drive, asked whether the sculpture would be in place before the
10 hotel opens, and whether neighborhood access would be limited during installation as two
11 residential streets enter the roundabout. He expressed concern that the roundabout will be opened
12 to allow neighborhood access to commercial traffic. Mr. Kelly stated the art project will move
13 forward in the fall, long after the hotel is open. He added design of the public artwork does not
14 preclude any modifications to the roundabout.

15
16 Mr. Tyacke made a motion, seconded by Mr. Koch, to approve the agreement with Foster Willey
17 for the Lake Street E Roundabout Public Art Project and authorize payment to Foster Willey
18 under the terms of the contract. The motion carried 5/0.

19
20 **AGENDA ITEM 10. City Manager's Report and Discussion Items.**

21 **a. Update on Small Cell Installation for Wireless and Telecoms Carriers**

22 Mr. Dahl stated recent legislation has reduced cities' ability to restrict small cell installation for
23 wireless and telecoms carriers on private and public infrastructure. He added lobbyists are
24 working on behalf of Wayzata and have requested that the City's officials contact their legislative
25 representatives.

26
27 **b. 2017 Wayzata Chilly Open**

28 Mr. Dahl stated the City's annual Chilly Open was successful and well-attended, and he thanked
29 City staff and community volunteers for organizing the event.

30
31 Mayor Willcox stated the winner of the Chili Cook-off was Primo Italian Restaurant, Long Lake,
32 and the Spiciest Chili award went to District Fresh Kitchen, Wayzata.

33
34 **c. Condominium Legislation**

35 Mayor Willcox stated the Regional Council of Mayors has expressed concern to its members
36 about the increasing number of lawsuits being brought against condo developers. He added
37 proposed State legislation would limit condo owners' ability to bring legal action against
38 developers. He asked that City staff research this issue and provide information to the City
39 Council. Mr. Dahl agreed to add this item to an upcoming City Council meeting agenda.

40
41 **AGENDA ITEM 11. Public Forum Continued (if necessary).**

42 None.

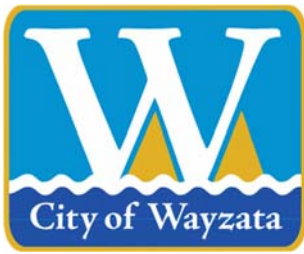
43
44 **AGENDA ITEM 12. Adjournment.**

45 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further
46 business, Mr. Mayor Willcox adjourned the meeting at 9:52 p.m.

47
48 Respectfully submitted,
49
50
51

1 Becky Malone
2 Deputy City Clerk
3
4 Drafted by Mary Mullen
5 *TimeSaver Off Site Secretarial, Inc.*

DRAFT



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 7b
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks for February 2017	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached check register for February of 2017.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Check Detail Register— Feb 2017

***Check Detail Register©**

February 2017

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	105150	2/16/2017	ANCOM COMMUNICATIONS, INC.		
E 101-42200-323	Radio Units		\$232.50	66680	RADIO; FD
Total	ANCOM COMMUNICATIONS, INC.		\$232.50		
Paid Chk#	105151	2/16/2017	ARTISAN BEER COMPANY		
E 640-47000-253	Beer For Resale		\$577.70		BEER RESALE
Total	ARTISAN BEER COMPANY		\$577.70		
Paid Chk#	105152	2/16/2017	BANK OF AMERICA		
E 101-42200-499	Miscellaneous		\$212.16	020417	MEETING MEALS; FD
E 101-42200-499	Miscellaneous		\$62.05	020417	MEETING MEALS; FD
E 101-42200-404	Repairs/Maint - Machin/Equip		\$1,470.45	020417	MAINT/REPAIRS; FD
Total	BANK OF AMERICA		\$1,744.66		
Paid Chk#	105153	2/16/2017	BELLBOY BAR SUPPLY CORP.		
E 640-47000-254	Soft Drinks/Mix For Resale		\$58.85		MISC MIX
E 640-47000-259	Freight		\$4.28		FREIGHT
E 640-47000-251	Liquor For Resale		\$803.45	57512700	LIQ RESALE
E 640-47000-259	Freight		\$12.75	57512700	FREIGHT
Total	BELLBOY BAR SUPPLY CORP.		\$879.33		
Paid Chk#	105154	2/16/2017	BERNICK'S WINE		
E 640-47000-254	Soft Drinks/Mix For Resale		\$91.18		MISC MIX
E 640-47000-253	Beer For Resale		\$962.15	343120	BEER RESALE
Total	BERNICK'S WINE		\$1,053.33		
Paid Chk#	105155	2/16/2017	BIFFS, INC.		
E 101-45200-415	Other Equipment Rentals		\$62.50	W626205	SERVICES; DEPOT
Total	BIFFS, INC.		\$62.50		
Paid Chk#	105156	2/16/2017	BREAKTHRU BEVERAGE		
E 640-47000-259	Freight		\$72.75		FREIGHT
E 640-47000-251	Liquor For Resale		\$9,155.85		LIQ RESALE
E 640-47000-254	Soft Drinks/Mix For Resale		\$117.00		MISC MIX
E 640-47000-253	Beer For Resale		\$78.70		BEE RESALE
E 640-47000-259	Freight		\$2.90		FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$66.58		MISC MIX
E 640-47000-253	Beer For Resale		\$467.00		BEE RESALE
E 640-47000-252	Wine For Resale		\$108.00		WINE RESALE
E 640-47000-259	Freight		\$4.35		FREIGHT
E 640-47000-252	Wine For Resale		\$1,531.28		WINE RESALE
E 640-47000-259	Freight		\$14.74		FREIGHT
E 640-47000-251	Liquor For Resale		\$279.00	1080592272	LIQ RESALE
E 640-47000-259	Freight		\$3.86	1080592272	FREIGHT
Total	BREAKTHRU BEVERAGE		\$11,902.01		
Paid Chk#	105157	2/16/2017	CLASSIC CLEANING COMPANY		
E 101-41940-409	Maint services & Improv		\$1,459.00		MONTHLY CLEANING
E 101-41940-409	Maint services & Improv		\$360.00		MONTHLY CLEANING; PW
Total	CLASSIC CLEANING COMPANY		\$1,819.00		
Paid Chk#	105158	2/16/2017	COCA-COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$148.00	3601202752	MISC MIX
Total	COCA-COLA		\$148.00		
Paid Chk#	105159	2/16/2017	COZZINI BROS., INC.		
E 640-48500-210	Operating Supplies (GENERAL)		\$118.54	C3521756	SUPPLIES

***Check Detail Register©**

February 2017

		Check Amt		Invoice	Comment
Total COZZINI BROS., INC.		\$118.54			
Paid Chk#	105160	2/16/2017	DAHLHEIMER DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale	\$615.00	1234433		BEER RESALE
E 640-47000-253	Beer For Resale	\$939.40	1234471		BEER RESALE
E 640-48000-253	Beer For Resale	\$844.00	1234472		BEER RESALE
E 640-48000-253	Beer For Resale	(\$90.00)	140132		CREDIT
Total DAHLHEIMER DISTRIBUTING CO.		\$2,308.40			
Paid Chk#	105161	2/16/2017	DEHMER FIRE PROTECTION		
E 101-42200-404	Repairs/Maint - Machin/Equip	\$98.00	5254		MAINT/REPAIRS; FD
E 101-42200-240	Small Tools and Minor Equip	\$275.00	5259		FD
Total DEHMER FIRE PROTECTION		\$373.00			
Paid Chk#	105162	2/16/2017	DENNYS 5TH AVENUE BAKERY		
E 640-48500-255	FOODIngredients For Resale	\$62.70			FOOD
E 640-48500-255	FOODIngredients For Resale	\$67.22			FOOD
E 640-48500-255	FOODIngredients For Resale	\$47.64	646708		FOOD
Total DENNYS 5TH AVENUE BAKERY		\$177.56			
Paid Chk#	105163	2/16/2017	DONALD SALVERDA & ASSOC.		
E 101-41500-433	Dues, Licensing & Seminars	\$600.00			LEADERSHIP REGISTRATION; J DAHL
Total DONALD SALVERDA & ASSOC.		\$600.00			
Paid Chk#	105164	2/16/2017	EHLERS		
E 316-40000-309	Contractual Services	\$1,117.50	72808		GENERAL TIF CONSULTING; JAN 2017
Total EHLERS		\$1,117.50			
Paid Chk#	105165	2/16/2017	EMERGENCY RESPONSE SOLUTIONS		
E 101-42200-217	Uniforms	\$5,049.25	8100		UNIFORM; FD
E 101-42200-217	Uniforms	\$3,101.12	8144		UNIFORM
otal EMERGENCY RESPONSE SOLUTIONS		\$8,150.37			
Paid Chk#	105166	2/16/2017	ESG COMPANY, INC.		
E 610-40000-210	Operating Supplies (GENERAL)	\$47.50	2763		SUPPLIES
E 101-43100-404	Repairs/Maint - Machin/Equip	\$600.00	2764		REPAIRS/MAINT; PW
Total ESG COMPANY, INC.		\$647.50			
Paid Chk#	105167	2/16/2017	EXCEL DOCUMENT MGMT.		
E 630-40000-200	Office Supplies (GENERAL)	\$90.30	43158		BUSINESS CARDS; MV
Total EXCEL DOCUMENT MGMT.		\$90.30			
Paid Chk#	105168	2/16/2017	FASTENAL		
E 101-43100-210	Operating Supplies (GENERAL)	\$27.89	218724		SUPPLIES
Total FASTENAL		\$27.89			
Paid Chk#	105169	2/16/2017	G & K SERVICES		
E 640-48500-210	Operating Supplies (GENERAL)	\$78.54	1013339203		SUPPLIES
E 640-48500-217	Uniforms	\$143.00	1013339203		UNIFORM
E 640-48000-210	Operating Supplies (GENERAL)	\$16.00	1013339203		SUPPLIES
Total G & K SERVICES		\$237.54			
Paid Chk#	105170	2/16/2017	GALLAGHER BENEFIT SERVICES INC		
E 101-41500-302	Consultants	\$700.00	109491		2016 GASB 45 ARC/AAL BREAKDOWN
Total GALLAGHER BENEFIT SERVICES INC		\$700.00			
Paid Chk#	105171	2/16/2017	GRAINGER, INC.		
E 610-40000-210	Operating Supplies (GENERAL)	\$12.48	9353350730		SUPPLIES
E 620-40000-210	Operating Supplies (GENERAL)	\$12.49	9353350730		SUPPLIES

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February 2017

			Check Amt	Invoice	Comment
E 610-40000-242	Well & F.P. Equipment		\$167.00	9353454656	PARTS
E 610-40000-242	Well & F.P. Equipment		\$194.61	9353454664	PARTS
	Total GRAINGER, INC.		\$386.58		
Paid Chk# 105172	2/16/2017	GRAPE BEGINNINGS, INC.			
E 640-47000-252	Wine For Resale		\$928.00		WINE RESALE
E 640-47000-259	Freight		\$20.25		FREIGHT
	Total GRAPE BEGINNINGS, INC.		\$948.25		
Paid Chk# 105173	2/16/2017	HENDRICKSEN PSG			
E 101-41940-401	Repairs/Maint Buildings		\$175.43	609863	REPAIRS/MAINT
	Total HENDRICKSEN PSG		\$175.43		
Paid Chk# 105174	2/16/2017	HGA			
E 401-40000-309	Contractual Services		\$12,487.32	175621	MILL ST PARKING; JAN 2017
	Total HGA		\$12,487.32		
Paid Chk# 105175	2/16/2017	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale		\$858.25	876090	BEER RESALE
	Total HOHENSTEINS INC.		\$858.25		
Paid Chk# 105176	2/16/2017	J.H. LARSON COMPANY			
E 640-47000-401	Repairs/Maint Buildings		\$165.80	S101406091-0	REPAIRS/MAINT
	Total J.H. LARSON COMPANY		\$165.80		
Paid Chk# 105177	2/16/2017	JENKINS, TARA			
E 101-41500-499	Miscellaneous		\$156.67	021417	T-SHIRT DESIGN
	Total JENKINS, TARA		\$156.67		
Paid Chk# 105178	2/16/2017	JENKINS, TYSON			
E 101-42400-331	Mileage & Expense Account		\$52.90		REIMBURSEMENT; MILEAGE
	Total JENKINS, TYSON		\$52.90		
Paid Chk# 105179	2/16/2017	JJ TAYLOR DISTRIBUTING OF MN			
E 640-48000-253	Beer For Resale		\$152.10	2658642	BEER RESALE
	Total JJ TAYLOR DISTRIBUTING OF MN		\$152.10		
Paid Chk# 105180	2/16/2017	JOHNSON BROS.-ST.PAUL			
E 640-47000-252	Wine For Resale		\$850.80		WINE RESALE
E 640-47000-259	Freight		\$14.64		FREIGHT
E 640-47000-251	Liquor For Resale		\$3,099.48		LIQ RESALE
E 640-47000-259	Freight		\$22.91		FREIGHT
E 640-47000-251	Liquor For Resale		\$1,020.55		LIQ RESALE
E 640-47000-259	Freight		\$12.20		FREIGHT
E 640-47000-252	Wine For Resale		\$1,493.50		WINE RESALE
E 640-47000-259	Freight		\$28.16		FREIGHT
	Total JOHNSON BROS.-ST.PAUL		\$6,542.24		
Paid Chk# 105181	2/16/2017	JONES, REBECCA			
E 101-45200-499	Miscellaneous		\$28.68		REIMBURSEMENT; SUPPLIES
	Total JONES, REBECCA		\$28.68		
Paid Chk# 105182	2/16/2017	KLAPPRICH, KURT			
E 408-40000-540	Equipment		\$105.44		REIMBURSEMENT; LAKEFRONT HARDWARE
	Total KLAPPRICH, KURT		\$105.44		
Paid Chk# 105183	2/16/2017	LEAGUE OF MN CITIES INS.TRUST			
E 238-40000-404	Repairs/Maint - Machin/Equip		\$1,676.18	1986	LMC CA 0000000024309
	Total LEAGUE OF MN CITIES INS.TRUST		\$1,676.18		

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February 2017

			Check Amt	Invoice	Comment
Paid Chk#	105184	2/16/2017	LOFFLER COMPANIES, INC.		
E 610-40000-405	Maint/Replac - System		\$7,384.00	2441911	RENOVATION PROJECT
E 409-42100-540	Equipment		\$460.00	CW68945	NETWORK/COMPUTER SUPPORT; PD
Total	LOFFLER COMPANIES, INC.		\$7,844.00		
Paid Chk#	105185	2/16/2017	MANSFIELD OIL COMPANY		
E 101-49200-212	Motor Fuels		\$1,577.82	20186711	FUEL
Total	MANSFIELD OIL COMPANY		\$1,577.82		
Paid Chk#	105186	2/16/2017	MEDIACOM		
E 101-41940-321	Telephone		\$309.95		SERVICE 02/18-03/17
Total	MEDIACOM		\$309.95		
Paid Chk#	105187	2/16/2017	MIKELANGERDESIGN		
E 404-40000-302	Consultants		\$2,159.00		PLATFORM TENNIS PRO; BROCHURE DESIGN
Total	MIKELANGERDESIGN		\$2,159.00		
Paid Chk#	105188	2/16/2017	MN DEPT.OF LABOR & INDUSTRY		
E 101-41940-401	Repairs/Maint Buildings		\$10.00	ABR0158328I	YEARLY INSPECTION; WARMING HOUSE
Total	MN DEPT.OF LABOR & INDUSTRY		\$10.00		
Paid Chk#	105189	2/16/2017	MORRIE S MINNETONKA FORD		
E 101-42400-404	Repairs/Maint - Machin/Equip		\$37.50	547954	REPAIRS/MAINT
Total	MORRIE S MINNETONKA FORD		\$37.50		
Paid Chk#	105190	2/16/2017	NAPA AUTO PARTS-LONG LAKE		
E 101-43100-210	Operating Supplies (GENERAL)		\$49.07	351201	SUPPLIES
Total	NAPA AUTO PARTS-LONG LAKE		\$49.07		
Paid Chk#	105191	2/16/2017	NEW FRANCE WINE COMPANY		
E 640-47000-252	Wine For Resale		\$264.00		WINE RESALE
E 640-47000-259	Freight		\$3.00		FREIGHT
Total	NEW FRANCE WINE COMPANY		\$267.00		
Paid Chk#	105192	2/16/2017	NORTH MEMORIAL OCCUPATIONAL		
E 101-41500-306	Personnel Expense		\$49.00	00024371-00	RANDOM DRUG TESTING
Total	NORTH MEMORIAL OCCUPATIONAL		\$49.00		
Paid Chk#	105193	2/16/2017	NORTHWESTERN FRUIT COMPANY		
E 640-48500-255	FOODIngredients For Resale		\$180.65		FOOD
E 640-48500-255	FOODIngredients For Resale		\$443.75		FOOD
E 640-48000-259	Freight		\$4.00		FREIGHT
E 640-48000-251	Liquor For Resale		\$53.80		LIQ RESALE
E 640-48500-255	FOODIngredients For Resale		\$297.90		FOOD
E 640-48000-259	Freight		\$4.00		FREIGHT
E 640-48000-251	Liquor For Resale		\$78.00		LIQ RESALE
E 640-48500-255	FOODIngredients For Resale		\$405.35		FOOD
Total	NORTHWESTERN FRUIT COMPANY		\$1,467.45		
Paid Chk#	105194	2/16/2017	OFFICE DEPOT		
E 630-40000-200	Office Supplies (GENERAL)		\$24.99	899866719001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$166.40	899866719001	SUPPLIES
Total	OFFICE DEPOT		\$191.39		
Paid Chk#	105195	2/16/2017	PAUSTIS & SONS		
E 640-47000-252	Wine For Resale		\$159.00		WINE RESALE
E 640-47000-259	Freight		\$4.50		FREIGHT
E 640-47000-252	Wine For Resale		\$672.01		WINE RESALE
E 640-47000-259	Freight		\$8.75		FREIGHT

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Total PAUSTIS & SONS			\$844.26		
Paid Chk#	105196	2/16/2017	PHILLIPS WINES & SPIRITS		
E 640-48000-251	Liquor For Resale		\$451.75		LIQ RESALE
E 640-47000-259	Freight		\$7.83		FREIGHT
E 640-47000-251	Liquor For Resale		\$1,720.37		LIQ RESALE
E 640-47000-259	Freight		\$25.81		FREIGHT
E 640-47000-252	Wine For Resale		\$1,117.85		WINE RESALE
E 640-47000-259	Freight		\$15.86		FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$22.75	2117146	MISC MIX
Total PHILLIPS WINES & SPIRITS			\$3,362.22		
Paid Chk#	105197	2/16/2017	RED BULL DISTRIBUTION COMPANY		
E 640-47000-254	Soft Drinks/Mix For Resale		\$460.50	K-22319166	MISC MIX
Total RED BULL DISTRIBUTION COMPANY			\$460.50		
Paid Chk#	105198	2/16/2017	SEVEN G		
E 404-40000-302	Consultants		\$1,200.00	WPT-001	PLATFORM TENNIS PROJEOCT
Total SEVEN G			\$1,200.00		
Paid Chk#	105199	2/16/2017	SOUTHERN GLAZER'S OF MN		
E 640-47000-251	Liquor For Resale		\$2,961.92		LIQ RESALE
E 640-47000-259	Freight		\$27.74		FREIGHT
E 640-47000-252	Wine For Resale		\$990.28		WINE RESALE
E 640-47000-259	Freight		\$17.39		FREIGHT
E 640-47000-252	Wine For Resale		\$2,354.32		WINE RESALE
E 640-47000-259	Freight		\$16.85		FREIGHT
Total SOUTHERN GLAZER'S OF MN			\$6,368.50		
Paid Chk#	105200	2/16/2017	SPENCER JANITORIAL		
E 640-48000-409	Maint services & Improv		\$2,561.51	10485	MONTHLY CLEANING
Total SPENCER JANITORIAL			\$2,561.51		
Paid Chk#	105201	2/16/2017	SPOK, INC.		
E 101-43100-499	Miscellaneous		\$8.12	A0318102N	EMERGENCY PAGER; PW
Total SPOK, INC.			\$8.12		
Paid Chk#	105202	2/16/2017	STRATEGIC EQUIPMENT AND		
E 640-48000-210	Operating Supplies (GENERAL)		\$134.04	2800971	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$408.85	2800971	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$65.44	2800971	PROMO FOOD
Total STRATEGIC EQUIPMENT AND			\$608.33		
Paid Chk#	105203	2/16/2017	SUBURBAN RATE AUTHORITY		
E 101-41500-433	Dues, Licensing & Seminars		\$217.00		2017 MEMBERSHIP; 1ST HALF 2017
Total SUBURBAN RATE AUTHORITY			\$217.00		
Paid Chk#	105204	2/16/2017	SUNBURST CHEMICALS, INC.		
E 640-48500-415	Other Equipment Rentals		\$92.37	0009163-IN	MONTHLY DISH MACHINE LEASE
Total SUNBURST CHEMICALS, INC.			\$92.37		
Paid Chk#	105205	2/16/2017	THORPE DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale		\$749.00		BEER RESALE
E 640-47000-253	Beer For Resale		\$1,583.15		BEER RESALE
E 640-47000-253	Beer For Resale		\$37.70		BEER RESALE
E 640-47000-256	MISC.MDSE.RESALE		\$65.00	1213323	MISC MDSE
Total THORPE DISTRIBUTING CO.			\$2,434.85		
Paid Chk#	105206	2/16/2017	TRADITION WINE & SPIRITS		

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E 640-47000-252	Wine For Resale	\$336.00	11872	WINE RESALE
E 640-47000-259	Freight	\$2.00	11872	FREIGHT
Total TRADITION WINE & SPIRITS		\$338.00		
Paid Chk# 105207	2/16/2017	TRUE BRANDS		
E 640-47000-259	Freight	\$0.40		FREIGHT
E 640-47000-256	MISC.MDSE.RESALE	\$121.62		MISC MDSE
E 640-47000-259	Freight	\$6.15		FREIGHT
E 640-47000-256	MISC.MDSE.RESALE	\$59.43		MISC MDSE
E 640-47000-259	Freight	\$3.32		FREIGHT
E 640-47000-256	MISC.MDSE.RESALE	\$195.74	197458	MISC MDSE
E 640-47000-259	Freight	\$9.79	197458	FREIGHT
Total TRUE BRANDS		\$396.45		
Paid Chk# 105208	2/16/2017	UNPARALLELED PARKING		
E 401-40000-309	Contractual Services	\$704.80	1780	VALET PARKING; 02/06-02/12
Total UNPARALLELED PARKING		\$704.80		
Paid Chk# 105209	2/16/2017	US FOODS		
E 640-48000-255	FOODIngredients For Resale	\$3,471.65		FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$85.29		SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$53.64		SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale	\$173.19		MISC MIX
E 640-48000-251	Liquor For Resale	\$104.21		LIQ RESALE
E 640-48000-342	Promotions - Food/Drinks	\$59.75		PROMO FOOD
E 640-48000-259	Freight	\$5.00		FREIGHT
E 640-48000-255	FOODIngredients For Resale	\$3,368.04		FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$340.16		MISC MIX
E 640-48000-251	Liquor For Resale	\$60.35		LIQ RESALE
E 640-48000-342	Promotions - Food/Drinks	\$21.16		PROMO FOOD
E 640-48000-259	Freight	\$5.00		FREIGHT
E 640-48000-255	FOODIngredients For Resale	\$1,957.53		FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$19.14		SUPPLIES
E 640-48000-251	Liquor For Resale	\$7.05		LIQ RESALE
E 640-48000-342	Promotions - Food/Drinks	\$59.38		PROMO FOOD
E 640-48000-259	Freight	\$5.00		FREIGHT
Total US FOODS		\$9,795.54		
Paid Chk# 105210	2/16/2017	VALLEY-RICH CO., INC.		
E 610-40000-405	Maint/Replac - System	\$3,041.41		REPAIRS BROKEN WATERMAIN
Total VALLEY-RICH CO., INC.		\$3,041.41		
Paid Chk# 105211	2/16/2017	VAN PAPER COMPANY		
E 101-41500-200	Office Supplies (GENERAL)	\$44.12	413182-01	SUPPLIES
Total VAN PAPER COMPANY		\$44.12		
Paid Chk# 105212	2/16/2017	VESSCO, INC.		
E 610-40000-242	Well & F.P. Equipment	\$1,956.00	68690	REPAIRS WTP #3
Total VESSCO, INC.		\$1,956.00		
Paid Chk# 105213	2/16/2017	VINOPIA		
E 640-47000-254	Soft Drinks/Mix For Resale	\$24.00		MISC MIX
E 640-47000-259	Freight	\$2.50		FREIGHT
E 640-47000-251	Liquor For Resale	\$208.24		LIQ RESALE
E 640-47000-259	Freight	\$2.50		FREIGHT
Total VINOPIA		\$237.24		
Paid Chk# 105214	2/16/2017	WARNING LITES		

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E 101-43100-226	Sign Repair Materials		\$475.00	164235	TRAFFIC CONES
E 101-43100-415	Other Equipment Rentals		\$604.20	164235	TRAFFIC CONES
E 101-43100-241	Safety equip/testings		\$275.70	164311	SAFETY ORANGE FENCE
Total WARNING LITES			\$1,354.90		
Paid Chk#	105215	2/16/2017	WATER CONSERVATION SERVICE		
E 610-40000-405	Maint/Replac - System		\$297.29	7381	WATERMAIN LEAK LOCATOR
Total WATER CONSERVATION SERVICE			\$297.29		
Paid Chk#	105216	2/16/2017	WAYZATA BAY TOWNHOMES ASSN		
E 670-40000-210	Operating Supplies (GENERAL)		\$599.00	021017	WEST LK ST POND TREATMENT
Total WAYZATA BAY TOWNHOMES ASSN			\$599.00		
Paid Chk#	105217	2/16/2017	WINE COMPANY		
E 640-47000-252	Wine For Resale		\$1,825.34		WINE RESALE
E 640-47000-259	Freight		\$23.10		FREIGHT
Total WINE COMPANY			\$1,848.44		
Paid Chk#	105218	2/16/2017	WINE MERCHANT		
E 640-48000-252	Wine For Resale		\$467.00		WINE RESALE
E 640-48000-259	Freight		\$4.88	7120007	FREIGHT
E 640-47000-252	Wine For Resale		(\$344.00)	7120008	CREDIT
E 640-47000-252	Wine For Resale		\$2,072.00	7120008	WINE RESALE
E 640-47000-259	Freight		\$13.42	7120008	FREIGHT
E 640-47000-252	Wine For Resale		\$1,380.00	7120031	WINE RESALE
E 640-47000-259	Freight		\$9.79	7120031	FREIGHT
E 640-47000-252	Wine For Resale		\$471.00	7120216	WINE RESALE
E 640-47000-259	Freight		\$1.22	7120216	FREIGHT
Total WINE MERCHANT			\$4,075.31		
Paid Chk#	105219	2/16/2017	XCEL ENERGY		
E 101-45203-381	Electric Utilities		\$5,333.06	534014639	51-5440576-2 SERVICE 12/19/16-01/22/17
Total XCEL ENERGY			\$5,333.06		
Paid Chk#	105220	2/16/2017	Z WINES USA LLC		
E 640-47000-252	Wine For Resale		\$88.00	17757	WINE RESALE
E 640-47000-259	Freight		\$2.50	17757	FREIGHT
Total Z WINES USA LLC			\$90.50		
Paid Chk#	105221	2/16/2017	FOSTER WILLEY SCULPTOR LLC		
E 404-40000-309	Contractual Services		\$6,000.00		DESIGN DEVELOPMENT ROUNDABOUT SCULPTURE
Total FOSTER WILLEY SCULPTOR LLC			\$6,000.00		
Paid Chk#	105222	2/16/2017	FABYANSKE WESTRA HART & THOMSO		
E 430-40000-304	Legal Fees		\$102.50	218724	SERVICES THRU DEC 2016
al FABYANSKE WESTRA HART & THOMSO			\$102.50		
Paid Chk#	105223	2/16/2017	PACE ANALYTICAL		
E 101-43100-499	Miscellaneous		\$630.00	16100161390	ANALYTICAL CHARGES
Total PACE ANALYTICAL			\$630.00		
Paid Chk#	105224	2/16/2017	WAYZATA BAY SENIOR HOUSING,INC		
G 316-20200	Note Payable		\$46,577.12		2ND HALF 2016 TIF PYMT
otal WAYZATA BAY SENIOR HOUSING,INC			\$46,577.12		
Paid Chk#	105225	2/16/2017	WSB & ASSOCIATES		
E 670-40000-302	Consultants		\$9,135.25	01204-380-6	POND SURVEYS; DEC 2016
Total WSB & ASSOCIATES			\$9,135.25		

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Paid Chk#	105227	2/16/2017	MN CHILD SUPPORT PAYMENT CENTE	
G 101-21710	County WH	\$470.00		WITHHOLDING ORDER
Total	MN CHILD SUPPORT PAYMENT CENTE	\$470.00		
Paid Chk#	105228	2/27/2017	ANCHOR BANK-CARDMEMBER SERV.	
E 101-41910-433	Dues, Licensing & Seminars	\$674.00		PLANNING SEMINARS
E 101-42100-434	Training and schools	\$75.00		PD TRAINING
E 640-47000-433	Dues, Licensing & Seminars	\$32.06		STORE DUES
E 101-41100-210	Operating Supplies (GENERAL)	\$40.53		COUNCIL SUPPLIES
E 630-40000-433	Dues, Licensing & Seminars	\$29.95		MV DUES
E 101-41500-306	Personnel Expense	\$214.55		EMPL. RECOGNITION
E 235-40000-433	Dues, Licensing & Seminars	\$10.00		WCTV SEMINAR
E 101-41500-433	Dues, Licensing & Seminars	\$45.51		DUES
E 640-48000-306	Personnel Expense	\$20.97		BAR EMP. ADS
E 101-41500-331	Mileage & Expense Account	\$1,032.28		MTG. MEALS
E 101-45200-433	Dues, Licensing & Seminars	\$800.00		PARKS SEMINARS
E 101-45200-331	Mileage & Expense Account	\$76.28		MTG.MEALS
E 101-43100-404	Repairs/Maint - Machin/Equip	\$15.02		VEHICLE MAINT.
E 101-41500-540	Equipment	\$317.59		PRINTER
Total	ANCHOR BANK-CARDMEMBER SERV.	\$3,383.74		
Paid Chk#	105229	2/27/2017	BARCO MUNICIPAL PRODUCTS	
E 610-40000-210	Operating Supplies (GENERAL)	\$166.50	223675	UTILITY MARKING PAINT
E 620-40000-210	Operating Supplies (GENERAL)	\$166.50	223675	UTILITY MARKING PAINT
Total	BARCO MUNICIPAL PRODUCTS	\$333.00		
Paid Chk#	105230	2/27/2017	BEST & FLANAGAN	
E 101-41500-304	Legal Fees	\$165.00	462833	COUNCIL WORKSHOPS
E 101-41500-304	Legal Fees	\$1,608.75	462834	PLANNING MEETINGS
E 101-41500-304	Legal Fees	\$742.50	462835	COUNCIL MEETINGS
E 101-41500-304	Legal Fees	\$206.25	462836	ORDINANCES
E 101-41500-304	Legal Fees	\$948.75	462837	LIQUOR LICENCES
G 802-20349	Wayzata Blu Condominium projec	\$701.25	462838	WAYZ.BLU ESCROW PROJECT
G 802-20313	UUCM	\$383.25	462839	UUCM DEV.APP.ESCROW PROJECT
E 101-41500-304	Legal Fees	\$288.75	462840	CABLE FRANCHISE
E 407-40000-304	Legal Fees	\$1,196.25	462841	CELL TOWER
E 101-41500-304	Legal Fees	\$123.75	462842	SUNSETS
E 101-41500-304	Legal Fees	\$206.25	462843	CONTRACT REVIEW
E 101-41500-304	Legal Fees	\$288.75	462844	BRAD HOYT TAX APPEAL
E 101-41500-304	Legal Fees	\$577.50	462845	CODE ENFORCEMENT
E 233-40000-304	Legal Fees	\$1,196.25	462846	LAKE EFFECT
E 101-41500-304	Legal Fees	\$330.00	462847	GENERAL LEGAL
E 101-41500-304	Legal Fees	\$2,433.75	462848	BROADWAY PLACE
G 802-20348	BLUE WATER THEATER	\$412.50	462849	BLUE WATER THEATRE ESCROW PROJECT
Total	BEST & FLANAGAN	\$11,809.50		
Paid Chk#	105231	2/27/2017	BROOKDALE CHRYSLER, JEEP,DODGE	
E 101-42100-404	Repairs/Maint - Machin/Equip	(\$13.19)	290225	PARTS/REPAIRS
E 640-47000-404	Repairs/Maint - Machin/Equip	\$49.00	295842	PARTS/REPAIRS
E 640-47000-404	Repairs/Maint - Machin/Equip	\$218.75	296062	PARTS/REPAIRS
E 101-42100-404	Repairs/Maint - Machin/Equip	(\$7.31)	CM290140	PARTS/REPAIRS
Total	BROOKDALE CHRYSLER, JEEP,DODGE	\$247.25		
Paid Chk#	105232	2/27/2017	CINTAS CORPORATION	
E 640-48500-210	Operating Supplies (GENERAL)	\$66.88	5007226478	FIRST AID SUPPLIES
E 101-45200-241	Safety equip/testings	\$215.95	5007226492	FIRST AID SUPPLIES
Total	CINTAS CORPORATION	\$282.83		

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Paid Chk# 105233	2/27/2017	CIVITAS INC.			
E 233-40000-302	Consultants		\$6,538.00	23441	LAKE EFFECT
E 233-40000-302	Consultants		\$450.00	23442	LAKE EFFECT
Total CIVITAS INC.			\$6,988.00		
Paid Chk# 105234	2/27/2017	DELTA DENTAL OF MINNESOTA			
G 101-21717	Dental Insurance		\$1,677.50	6811969	DENTAL INS
Total DELTA DENTAL OF MINNESOTA			\$1,677.50		
Paid Chk# 105235	2/27/2017	DEPUTY REGISTRAR 126			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$11.00		SQUAD TABS
E 409-42100-550	Vehicles		\$1,362.49	NEW SQUAD	SQUAD TABS
Total DEPUTY REGISTRAR 126			\$1,373.49		
Paid Chk# 105236	2/27/2017	DORSEY & WHITNEY LLP			
E 401-40000-304	Legal Fees		\$264.00	3332535	PARKING DISTRICT
Total DORSEY & WHITNEY LLP			\$264.00		
Paid Chk# 105237	2/27/2017	EMERGENCY AUTOMOTIVE			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$417.28	25431	PD REPAIRS
Total EMERGENCY AUTOMOTIVE			\$417.28		
Paid Chk# 105238	2/27/2017	EXCEL DOCUMENT MGMT.			
E 101-41100-210	Operating Supplies (GENERAL)		\$139.21	43168	COUNCIL BUS.CARDS
Total EXCEL DOCUMENT MGMT.			\$139.21		
Paid Chk# 105239	2/27/2017	FIRSTLAB			
E 101-41500-306	Personnel Expense		\$300.96	FL00166913	DOT DRUG/ALCOHOL TESTING
Total FIRSTLAB			\$300.96		
Paid Chk# 105240	2/27/2017	IMPACT MAILING & FULFILLMENT			
E 610-40000-322	Postage		\$3,000.00	WAYZATA	UTILITY BILLING SERVICE - POSTAGE ON ACCOUNT
E 620-40000-322	Postage		\$3,000.00	WAYZATA	UTILITY BILLING SERVICE - POSTAGE ON ACCOUNT
Total IMPACT MAILING & FULFILLMENT			\$6,000.00		
Paid Chk# 105241	2/27/2017	INTEGRATED FIRE & SECURITY			
E 640-48000-409	Maint services & Improv		\$263.40	68389	SPRINKLER ANNUAL INSPECTION
E 437-40000-309	Contractual Services		\$263.40	68477	SPRINKLER ANNUAL INSPECTION
Total INTEGRATED FIRE & SECURITY			\$526.80		
Paid Chk# 105242	2/27/2017	INTOXIMETERS			
E 101-42100-409	Maint services & Improv		\$112.10	555245	EQUIP.REPAIR
Total INTOXIMETERS			\$112.10		
Paid Chk# 105243	2/27/2017	KEEPRS			
E 101-42100-217	Uniforms		\$62.02	326216-01	PD UNIFORMS
E 101-42100-217	Uniforms		\$27.99	336037	PD UNIFORMS
Total KEEPRS			\$90.01		
Paid Chk# 105244	2/27/2017	LAW ENFORCEMENT LABOR SERVICES			
G 101-21707	Police union dues		\$490.00	FEB.2016 DUE PD DUES	
al LAW ENFORCEMENT LABOR SERVICES			\$490.00		
Paid Chk# 105245	2/27/2017	LEAGUE OF MN.CITIES			
E 101-42100-434	Training and schools		\$1,170.00	250225	PD SUBSCRIPTION RENEWAL
Total LEAGUE OF MN.CITIES			\$1,170.00		
Paid Chk# 105246	2/27/2017	LOFFLER COMPANIES, INC.			
E 610-49100-309	Contractual Services		\$3,150.00	CW69280	WTP#2 REHAB CABLING

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Total LOFFLER COMPANIES, INC.			\$3,150.00		
Paid Chk# 105247	2/27/2017	MCCARTHY, LYNN			
E 101-41100-493	Volunteer program		\$146.37	VOL.EXP.REI	VOLUNTEER EXPENSES
Total MCCARTHY, LYNN			\$146.37		
Paid Chk# 105248	2/27/2017	METRO ELEVATOR, INC.			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$320.00	51502	SERVICE
Total METRO ELEVATOR, INC.			\$320.00		
Paid Chk# 105249	2/27/2017	MINNESOTA EQUIPMENT			
E 101-45200-222	Repair & Maint - Equip		\$111.50	P53188	PARTS
E 101-45200-222	Repair & Maint - Equip		\$14.94	P53255	PARTS
Total MINNESOTA EQUIPMENT			\$126.44		
Paid Chk# 105250	2/27/2017	MN DEPARTMENT OF HEALTH			
E 610-40000-309	Contractual Services		\$2,254.50		WATER CONNECTION FEE
Total MN DEPARTMENT OF HEALTH			\$2,254.50		
Paid Chk# 105251	2/27/2017	NAPA AUTO PARTS-WATERTOWN			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$11.68	473528	PARTS
Total NAPA AUTO PARTS-WATERTOWN			\$11.68		
Paid Chk# 105252	2/27/2017	NORTHERN TOOL & EQUIPMENT			
E 101-43100-210	Operating Supplies (GENERAL)		\$3.00	4062022466	SUPPLIES
Total NORTHERN TOOL & EQUIPMENT			\$3.00		
Paid Chk# 105253	2/27/2017	PITNEY BOWES			
E 101-49200-322	Postage		\$8,080.00	POSTAGE	POSTAGE
Total PITNEY BOWES			\$8,080.00		
Paid Chk# 105254	2/27/2017	POPP TELECOM			
E 640-47000-321	Telephone		\$200.00		SERVICE
E 640-48000-321	Telephone		\$200.00		SERVICE
E 101-41940-321	Telephone		\$112.60		SERVICE
E 610-40000-323	Radio Units		\$90.22		SERVICE
E 620-40000-323	Radio Units		\$32.90		SERVICE
Total POPP TELECOM			\$635.72		
Paid Chk# 105255	2/27/2017	POSHEK WELDING & MFG.			
E 101-43100-226	Sign Repair Materials		\$210.00	6521	CROSSWALK PAINTING FRAME
Total POSHEK WELDING & MFG.			\$210.00		
Paid Chk# 105256	2/27/2017	RANDY S SANITATION			
E 650-47500-384	Refuse/Garbage Disposal		\$8,700.15		LABOR
E 650-47500-384	Refuse/Garbage Disposal		\$42.90		STICKERS
E 650-47500-384	Refuse/Garbage Disposal		\$1,280.00		KARTS
E 650-47500-384	Refuse/Garbage Disposal		\$983.00		DRIVEUP
E 650-47500-386	Other Utilities		\$4,393.95		DISPOSAL
E 101-41940-386	Other Utilities		\$66.96		CH & PW
E 650-47600-309	Contractual Services		\$3,935.16		RECYCLING
E 650-47800-384	Refuse/Garbage Disposal		\$6,479.48		ORGANICS
E 650-47800-386	Other Utilities		\$51.75		ORGANICS DISPOSAL
E 640-47000-384	Refuse/Garbage Disposal		\$150.00		STORE
E 640-48000-384	Refuse/Garbage Disposal		\$542.81		BAR
Total RANDY S SANITATION			\$26,626.16		
Paid Chk# 105257	2/27/2017	REYCRAFT, TOM			
E 640-48000-341	General Promotions		\$300.00	3/2/17	BAR MUSIC 3/2/17

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Total REYCRAFT, TOM			\$300.00		
Paid Chk# 105258	2/27/2017	SATHRE-BERGQUIST, INC.			
E 404-40000-302	Consultants		\$3,000.00	53971	KLAPPRICH PARK TOPOGRAPHY
Total SATHRE-BERGQUIST, INC.			\$3,000.00		
Paid Chk# 105259	2/27/2017	SAVEON			
E 640-47000-340	Advertising		\$3,533.46	2017-126256	STORE MASS MAILING
E 640-47000-340	Advertising		\$50.00	2017-126260	STORE MASS MAILING
E 640-47000-340	Advertising		(\$2,825.66)	CM NOV 2016	STORE MASS MAILING
Total SAVEON			\$757.80		
Paid Chk# 105260	2/27/2017	SOUTHWEST ASSESSING			
E 101-41550-302	Consultants		\$4,033.33	MARCH 2016	MONTHLY ASSESSING
E 101-41550-210	Operating Supplies (GENERAL)		\$28.43	MARCH 2016	POSTAGE
Total SOUTHWEST ASSESSING			\$4,061.76		
Paid Chk# 105261	2/27/2017	SPRINT			
E 101-42100-323	Radio Units		\$349.74	134573312-18	PD SERVICE
Total SPRINT			\$349.74		
Paid Chk# 105262	2/27/2017	SRF CONSULTING GROUP, INC.			
E 101-43100-303	Engineering Fees		\$399.08	08407.00-5	SIGNAGE
Total SRF CONSULTING GROUP, INC.			\$399.08		
Paid Chk# 105263	2/27/2017	TIGHTROPE MEDIA SYSTEMS			
E 235-40000-433	Dues, Licensing & Seminars		\$2,200.00	15692	ANNUAL CABLECAST SERVICE
Total TIGHTROPE MEDIA SYSTEMS			\$2,200.00		
Paid Chk# 105264	2/27/2017	TIME SAVER			
E 101-41100-302	Consultants		\$278.00	M22707	MTG.MINUTES
Total TIME SAVER			\$278.00		
Paid Chk# 105265	2/27/2017	UNPARALLELED PARKING			
E 401-40000-309	Contractual Services		\$646.87	1793	VALET PARKING;
Total UNPARALLELED PARKING			\$646.87		
Paid Chk# 105266	2/27/2017	VERIZON WIRELESS			
E 101-42100-323	Radio Units		\$200.05	9780235974	PD SERVICE
Total VERIZON WIRELESS			\$200.05		
Paid Chk# 105267	3/1/2017	ARTISAN BEER COMPANY			
E 640-47000-253	Beer For Resale		\$289.40	3159378	BEER
E 640-47000-253	Beer For Resale		\$255.70	3160846	BEER
Total ARTISAN BEER COMPANY			\$545.10		
Paid Chk# 105268	3/1/2017	BAGY JO, INC.			
E 640-47000-306	Personnel Expense		\$66.61	17006	STORE SHIRTS/UNIFORMS
Total BAGY JO, INC.			\$66.61		
Paid Chk# 105269	3/1/2017	BELLBOY BAR SUPPLY CORP.			
E 640-47000-251	Liquor For Resale		\$2,960.92	57600000	LIQUOR
E 640-47000-259	Freight		\$34.84	57600000	FREIGHT
E 640-47000-251	Liquor For Resale		\$135.83	57740800	LIQUOR
E 640-47000-259	Freight		\$5.23	57740800	FREIGHT
E 640-47000-251	Liquor For Resale		\$46.00	94989200	LIQUOR
E 640-47000-251	Liquor For Resale		\$46.00	95088400	LIQUOR
E 640-47000-259	Freight		\$4.14	95277000	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$43.15	95367700	MISC.BEV.

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E 640-47000-210	Operating Supplies (GENERAL)	\$26.40	95367700	SUPPLIES	
E 640-47000-259	Freight	\$4.33	95367700	FREIGHT	
Total	BELLBOY BAR SUPPLY CORP.	\$3,306.84			
Paid Chk# 105270	3/1/2017	BERNICK'S WINE			
E 640-47000-254	Soft Drinks/Mix For Resale	\$130.02	344323	MISC.BEV.	
E 640-47000-253	Beer For Resale	\$62.05	344324	BEER	
E 640-47000-253	Beer For Resale	\$22.80	345389	BEER	
E 640-47000-253	Beer For Resale	\$127.30	345390	BEER	
Total	BERNICK'S WINE	\$342.17			
Paid Chk# 105271	3/1/2017	BOURGET IMPORTS			
E 640-47000-252	Wine For Resale	\$88.00	139684	WINE	
E 640-47000-259	Freight	\$1.50	139684	FREIGHT	
Total	BOURGET IMPORTS	\$89.50			
Paid Chk# 105272	3/1/2017	BREAKTHRU BEVERAGE			
E 640-47000-259	Freight	\$0.18	1080595754	FREIGHT	
E 640-47000-252	Wine For Resale	\$3,644.00	1080595755	WINE	
E 640-47000-259	Freight	\$33.35	1080595755	FREIGHT	
E 640-47000-251	Liquor For Resale	\$1,384.33	1080595756	LIQUOR	
E 640-47000-254	Soft Drinks/Mix For Resale	\$54.46	1080595756	MISC.MIX	
E 640-47000-259	Freight	\$13.04	1080595756	FREIGHT	
E 640-47000-252	Wine For Resale	\$704.00	1080598503	WINE	
E 640-47000-259	Freight	\$7.25	1080598503	FREIGHT	
E 640-47000-251	Liquor For Resale	\$879.60	1080598584	LIQUOR	
E 640-47000-259	Freight	\$7.24	1080598584	FREIGHT	
E 640-47000-252	Wine For Resale	(\$129.45)	2080085937	WINE	
E 640-47000-251	Liquor For Resale	(\$183.45)	2080093626	LIQUOR	
E 640-47000-252	Wine For Resale	(\$384.00)	2080098870	WINE	
E 640-47000-252	Wine For Resale	(\$153.45)	2080101993	WINE	
E 640-47000-252	Wine For Resale	(\$121.45)	2080102474	WINE	
E 640-47000-252	Wine For Resale	(\$183.20)	2080106631	WINE	
E 640-47000-252	Wine For Resale	(\$496.35)	2080106899	WINE	
E 640-47000-251	Liquor For Resale	(\$163.94)	2080118964	LIQUOR	
E 640-47000-252	Wine For Resale	(\$226.00)	2080167460	WINE	
Total	BREAKTHRU BEVERAGE	\$4,686.16			
Paid Chk# 105273	3/1/2017	BREAKTHRY BEVERAGE BEER			
E 640-47000-253	Beer For Resale	\$1,225.55	1090670557	BEER	
E 640-47000-253	Beer For Resale	\$123.00	1090670558	BEER	
E 640-47000-253	Beer For Resale	\$1,790.69	1090673340	BEER	
E 640-47000-253	Beer For Resale	\$348.00	1090673411	BEER	
E 640-47000-253	Beer For Resale	\$43.15	1090673412	BEER	
E 640-48000-253	Beer For Resale	\$283.00	1090676038	BEER	
E 640-47000-253	Beer For Resale	\$1,046.95	1090676282	BEER	
Total	BREAKTHRY BEVERAGE BEER	\$4,860.34			
Paid Chk# 105274	3/1/2017	CLEAR RIVER BEVERAGE CO.			
E 640-47000-253	Beer For Resale	\$243.40	69-1534	BEER	
Total	CLEAR RIVER BEVERAGE CO.	\$243.40			
Paid Chk# 105275	3/1/2017	COCA-COLA			
E 640-47000-254	Soft Drinks/Mix For Resale	\$123.44	3601202827	MISC MIX	
Total	COCA-COLA	\$123.44			
Paid Chk# 105276	3/1/2017	COZZINI BROS., INC.			
E 640-48500-415	Other Equipment Rentals	\$52.03	C3565833	knife exchange	

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Total COZZINI BROS., INC.			\$52.03		
Paid Chk# 105277	3/1/2017	DAHLHEIMER DISTRIBUTING CO.			
E 640-48000-253	Beer For Resale	\$293.00	1234525	BEER	
E 640-47000-253	Beer For Resale	\$887.30	1234585	BEER	
E 640-48000-253	Beer For Resale	\$986.00	1234586	BEER	
E 640-47000-253	Beer For Resale	\$379.50	140830	BEER	
Total DAHLHEIMER DISTRIBUTING CO.		\$2,545.80			
Paid Chk# 105278	3/1/2017	DENNYS 5TH AVENUE BAKERY			
E 640-48500-255	FOODIngredients For Resale	\$73.67	647785	FOOD	
E 640-48500-255	FOODIngredients For Resale	\$67.22	648089	FOOD	
E 640-48500-255	FOODIngredients For Resale	\$75.23	648431	FOOD	
E 640-48500-255	FOODIngredients For Resale	\$40.50	648748	FOOD	
E 640-48500-255	FOODIngredients For Resale	\$59.00	649031	FOOD	
Total DENNYS 5TH AVENUE BAKERY		\$315.62			
Paid Chk# 105279	3/1/2017	DIRECTV			
E 640-48000-415	Other Equipment Rentals	\$332.56	30747381575	SERVICE	
Total DIRECTV		\$332.56			
Paid Chk# 105280	3/1/2017	ENKI BREWING COMPANY			
E 640-48000-253	Beer For Resale	\$155.00	6816	BEER	
Total ENKI BREWING COMPANY		\$155.00			
Paid Chk# 105281	3/1/2017	G & K SERVICES			
E 640-48500-217	Uniforms	\$147.34	1013350565	UNIFORMS & SUPPLIES	
E 640-48500-210	Operating Supplies (GENERAL)	\$76.55	1013350565	UNIFORMS & SUPPLIES	
E 640-48000-210	Operating Supplies (GENERAL)	\$16.00	1013350565	UNIFORMS & SUPPLIES	
E 640-48500-217	Uniforms	\$150.17	1013361876	UNIFORMS & SUPPLIES	
E 640-48500-210	Operating Supplies (GENERAL)	\$81.52	1013361876	UNIFORMS & SUPPLIES	
E 640-48000-210	Operating Supplies (GENERAL)	\$17.60	1013361876	UNIFORMS & SUPPLIES	
E 640-48500-217	Uniforms	(\$0.06)	ON ACCT	UNIFORMS & SUPPLIES	
Total G & K SERVICES		\$489.12			
Paid Chk# 105282	3/1/2017	GRAPE BEGINNINGS, INC.			
E 640-47000-252	Wine For Resale	\$440.00	17125	WINE RESALE	
E 640-47000-259	Freight	\$5.85	17125	FREIGHT	
E 640-47000-252	Wine For Resale	\$169.34	17484	WINE	
E 640-47000-259	Freight	\$4.50	17484	FREIGHT	
Total GRAPE BEGINNINGS, INC.		\$619.69			
Paid Chk# 105283	3/1/2017	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale	\$622.00	878777	BEER RESALE	
Total HOHENSTEINS INC.		\$622.00			
Paid Chk# 105284	3/1/2017	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253	Beer For Resale	\$501.35	2613933	BEER	
E 640-47000-253	Beer For Resale	\$2,211.66	2650405	BEER	
E 640-47000-253	Beer For Resale	\$2,268.40	2650436	BEER	
E 640-48000-253	Beer For Resale	\$806.00	2658711	BEER	
E 640-48000-253	Beer For Resale	\$100.20	2658712	BEER	
E 640-48000-253	Beer For Resale	\$451.00	2658783	BEER	
E 640-48000-253	Beer For Resale	\$95.40	2658784	BEER	
Total JJ TAYLOR DISTRIBUTING OF MN		\$6,434.01			
Paid Chk# 105285	3/1/2017	JOHNSON BROS.-ST.PAUL			
E 640-47000-251	Liquor For Resale	\$840.93	5655781	LIQUOR	
E 640-47000-259	Freight	\$8.05	5655781	FREIGHT	

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E 640-47000-252	Wine For Resale		\$2,297.70	5655782	WINE
E 640-47000-259	Freight		\$34.36	5655782	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,396.86	5657108	LIQUOR
E 640-47000-259	Freight		\$8.04	5657108	FREIGHT
E 640-47000-252	Wine For Resale		\$2,813.80	5659712	WINE
E 640-47000-259	Freight		\$25.62	5659712	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,347.57	5661039	LIQUOR
E 640-47000-259	Freight		\$15.14	5661039	FREIGHT
E 640-47000-252	Wine For Resale		\$981.15	5661040	WINE
E 640-47000-259	Freight		\$13.42	5661040	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,454.78	5662347	LIQUOR
E 640-47000-259	Freight		\$8.78	5662347	FREIGHT
E 640-47000-252	Wine For Resale		(\$201.22)	614069	WINE
E 640-47000-251	Liquor For Resale		(\$29.98)	614310	WINE
Total JOHNSON BROS.-ST.PAUL			\$11,015.00		
Paid Chk#	105286	3/1/2017	KARLSBURGER FOODS, INC.		
E 640-48500-255	FOODIngredients For Resale		\$256.85	000431547	FOOD
Total KARLSBURGER FOODS, INC.			\$256.85		
Paid Chk#	105287	3/1/2017	LIBATION PROJECT		
E 640-47000-252	Wine For Resale		\$136.00	7335	WINE RESALE
E 640-47000-259	Freight		\$1.50	7335	FREIGHT
Total LIBATION PROJECT			\$137.50		
Paid Chk#	105288	3/1/2017	LTD BREWING, LLC		
E 640-48000-253	Beer For Resale		\$140.00	1105	BEER
Total LTD BREWING, LLC			\$140.00		
Paid Chk#	105289	3/1/2017	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$924.15	232457	CIGARETTES
E 640-47000-256	MISC.MDSE.RESALE		\$815.81	232830	CIGARETTES
Total M.AMUNDSON LLP			\$1,739.96		
Paid Chk#	105290	3/1/2017	MARGRON SKOGLUND WINE IMPORTS		
E 640-47000-252	Wine For Resale		\$1,149.00	20020824	WINE
E 640-47000-259	Freight		\$16.50	20020824	WINE
E 640-47000-252	Wine For Resale		\$60.00	20020840	WINE
tal MARGRON SKOGLUND WINE IMPORTS			\$1,225.50		
Paid Chk#	105291	3/1/2017	NETWORK BUSINESS SUPPLIES		
E 640-48000-210	Operating Supplies (GENERAL)		\$659.49	00105513	SUPPLIES
Total NETWORK BUSINESS SUPPLIES			\$659.49		
Paid Chk#	105292	3/1/2017	NEW FRANCE WINE COMPANY		
E 640-47000-252	Wine For Resale		\$135.34	117933	WINE
E 640-47000-259	Freight		\$3.00	117933	FREIGHT
E 640-47000-252	Wine For Resale		\$120.00	118168	WINE
E 640-47000-259	Freight		\$1.50	118168	FREIGHT
Total NEW FRANCE WINE COMPANY			\$259.84		
Paid Chk#	105293	3/1/2017	NORTHWESTERN FRUIT COMPANY		
E 640-48500-255	FOODIngredients For Resale		(\$2.55)	855977	FOOD
E 640-48500-255	FOODIngredients For Resale		\$540.60	856467	FOOD
E 640-48500-255	FOODIngredients For Resale		\$340.00	856597	FOOD
E 640-48500-255	FOODIngredients For Resale		\$376.30	856759	FOOD
E 640-48500-255	FOODIngredients For Resale		\$598.35	856876	FOOD
E 640-48500-255	FOODIngredients For Resale		\$467.15	857022	FOOD

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Total NORTHWESTERN FRUIT COMPANY			\$2,319.85		
Paid Chk#	105294	3/1/2017	PAUSTIS & SONS		
E 640-47000-252	Wine For Resale		\$172.00	8580260	WINE RESALE
E 640-47000-259	Freight		\$2.25	8580260	FREIGHT
E 640-47000-252	Wine For Resale		\$1,726.46	8580281	WINE RESALE
E 640-47000-259	Freight		\$17.50	8580281	FREIGHT
E 640-47000-252	Wine For Resale		\$670.00	8581033	WINE
E 640-47000-259	Freight		\$10.50	8581033	FREIGHT
E 640-47000-251	Liquor For Resale		\$218.00	8581037	LIQUOR
E 640-47000-259	Freight		\$1.25	8581037	FREIGHT
Total PAUSTIS & SONS			\$2,817.96		
Paid Chk#	105295	3/1/2017	PEPSI -COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$246.62	48683806	MISC.BEV
Total PEPSI -COLA			\$246.62		
Paid Chk#	105296	3/1/2017	PHILLIPS WINES & SPIRITS		
E 640-47000-251	Liquor For Resale		\$246.75	2120535	LIQUOR
E 640-47000-259	Freight		\$2.44	2120535	FREIGHT
E 640-47000-252	Wine For Resale		\$248.00	2120536	WINE
E 640-47000-259	Freight		\$2.44	2120536	FREIGHT
E 640-47000-251	Liquor For Resale		\$113.31	2124129	LIQUOR
E 640-47000-259	Freight		\$0.62	2124129	FREIGHT
E 640-47000-252	Wine For Resale		\$176.00	2124130	WINE
E 640-47000-259	Freight		\$2.44	2124130	FREIGHT
Total PHILLIPS WINES & SPIRITS			\$792.00		
Paid Chk#	105297	3/1/2017	PLUNKETT S PEST CONTROL		
E 640-48000-409	Maint services & Improv		\$82.48	5617767	SERVICE
Total PLUNKETT S PEST CONTROL			\$82.48		
Paid Chk#	105298	3/1/2017	RJM DISTRIBUTING		
E 640-47000-254	Soft Drinks/Mix For Resale		\$37.50	INDO12813	MISC.BEV
Total RJM DISTRIBUTING			\$37.50		
Paid Chk#	105299	3/1/2017	SHAMROCK GROUP		
E 640-47000-254	Soft Drinks/Mix For Resale		\$49.60	2092830	ICE
E 640-48000-254	Soft Drinks/Mix For Resale		\$84.50	2093490	ICE
Total SHAMROCK GROUP			\$134.10		
Paid Chk#	105300	3/1/2017	SIGNS NOW		
E 101-42200-210	Operating Supplies (GENERAL)		\$1,100.91	29933	FD FLAGS
E 640-49100-560	Furniture and Fixtures		\$3,262.62	29935	WINDOW SIGNS
Total SIGNS NOW			\$4,363.53		
Paid Chk#	105301	3/1/2017	SMALL LOT MN		
E 640-47000-252	Wine For Resale		\$128.04	11981	WINE
Total SMALL LOT MN			\$128.04		
Paid Chk#	105302	3/1/2017	SOUTHERN GLAZER'S OF MN		
E 640-47000-252	Wine For Resale		\$436.00	1509739	WINE RESALE
E 640-47000-259	Freight		\$3.84	1509739	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,991.81	1509740	LIQUOR
E 640-47000-259	Freight		\$16.75	1509740	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$135.00	1509741	MISC.BEV
E 640-47000-259	Freight		\$6.40	1509741	FREIGHT
E 640-47000-252	Wine For Resale		\$1,750.00	1509742	WINE RESALE
E 640-47000-259	Freight		\$32.00	1509742	FREIGHT

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E 640-47000-251	Liquor For Resale		\$1,584.84	1512280	LIQUOR
E 640-47000-259	Freight		\$12.80	1512280	FREIGHT
E 640-47000-252	Wine For Resale		\$1,028.00	1512281	WINE
E 640-47000-259	Freight		\$17.07	1512281	FREIGHT
Total SOUTHERN GLAZER'S OF MN			\$7,014.51		
Paid Chk#	105303	3/1/2017	STRATEGIC EQUIPMENT AND		
E 640-47000-404	Repairs/Maint - Machin/Equip		\$110.02	2800969	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$334.22	2805064	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$193.59	2805064	SUPPLIES
E 640-47000-404	Repairs/Maint - Machin/Equip		\$49.19	2805066	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$52.04	2810105	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$56.89	2810106	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$6.10	2810107	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$330.70	2810108	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$32.72	2810108	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$108.70	2810108	SUPPLIES
Total STRATEGIC EQUIPMENT AND			\$1,274.17		
Paid Chk#	105304	3/1/2017	T.D. ANDERSON INC.		
E 640-48000-409	Maint services & Improv		\$115.00	864860	BEER LINE SERVICE
Total T.D. ANDERSON INC.			\$115.00		
Paid Chk#	105305	3/1/2017	THORPE DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale		\$1,667.75	1216629	BEER
E 640-47000-253	Beer For Resale		\$61.35	1219817	BEER
E 640-47000-253	Beer For Resale		\$1,932.62	1219931	BEER
E 640-48000-253	Beer For Resale		\$570.00	1220431	BEER
E 640-47000-253	Beer For Resale		\$40.90	1223184	BEER
Total THORPE DISTRIBUTING CO.			\$4,272.62		
Paid Chk#	105306	3/1/2017	TRUE BRANDS		
E 640-47000-254	Soft Drinks/Mix For Resale		\$52.86	197465	MISC MDSE
E 640-47000-259	Freight		\$2.64	197465	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$39.80	199163	MISC.MDSE
E 640-47000-259	Freight		\$1.99	199163	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$26.28	199248	MISC.MDSE
E 640-47000-259	Freight		\$1.31	199248	FREIGHT
Total TRUE BRANDS			\$124.88		
Paid Chk#	105307	3/1/2017	US FOODS		
E 640-48500-210	Operating Supplies (GENERAL)		\$30.49	3029935	SUPPLIES
E 640-48500-255	FOODIngredients For Resale		\$70.58	3351409	FOOD
E 640-48500-255	FOODIngredients For Resale		\$33.54	3417685	FOOD
E 640-48500-255	FOODIngredients For Resale		\$45.93	3420224	FOOD
E 640-48500-255	FOODIngredients For Resale		\$197.92	3432999	FOOD
E 640-48500-255	FOODIngredients For Resale		\$4,997.72	3433003	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,983.50	3479970	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,061.45	3518005	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,263.61	3563271	FOOD
E 640-48500-255	FOODIngredients For Resale		\$4,400.10	3610695	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$1,718.29	3646891	SUPPLIES
E 640-48000-255	FOODIngredients For Resale		\$200.50	5858611	FOOD
Total US FOODS			\$22,003.63		
Paid Chk#	105308	3/1/2017	VINOCOPIA		
E 640-47000-251	Liquor For Resale		\$849.74	0174248	LIQUOR
E 640-47000-259	Freight		\$10.00	0174248	FREIGHT

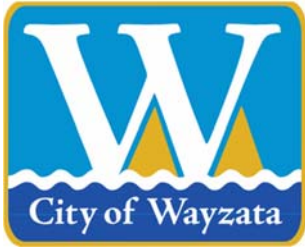
***Check Detail Register©**

February 2017

			Check Amt	Invoice	Comment
Total VINOCOPIA			\$859.74		
Paid Chk# 105309	3/1/2017	WINE COMPANY			
E 640-47000-252	Wine For Resale		\$819.33	29073	WINE RESALE
E 640-47000-259	Freight		\$8.25	29073	FREIGHT
E 640-47000-252	Wine For Resale		\$112.00	29328	WINE
E 640-47000-259	Freight		\$5.00	29328	FREIGHT
Total WINE COMPANY			\$944.58		
Paid Chk# 105310	3/1/2017	WINE MERCHANT			
E 640-47000-252	Wine For Resale		\$3,619.05	7120931	WINE
E 640-47000-259	Freight		\$16.27	7120931	FREIGHT
E 640-48000-252	Wine For Resale		\$386.88	7121117	WINE
E 640-47000-252	Wine For Resale		\$144.00	7121118	WINE
E 640-47000-259	Freight		\$1.22	7121118	FREIGHT
E 640-47000-252	Wine For Resale		\$403.24	7121811	WINE
E 640-47000-259	Freight		\$4.27	7121811	FREIGHT
E 640-48000-252	Wine For Resale		\$325.66	7121972	WINE
E 640-47000-252	Wine For Resale		(\$112.00)	712288	WINE
E 640-48000-252	Wine For Resale		(\$24.00)	712366	WINE
E 640-48000-252	Wine For Resale		(\$12.00)	712367	WINE
E 640-48000-252	Wine For Resale		(\$27.00)	712368	WINE
E 640-48000-252	Wine For Resale		(\$368.00)	712369	WINE
E 640-47000-252	Wine For Resale		(\$48.00)	712433	WINE
Total WINE MERCHANT			\$4,309.59		
10100 Anchor Bank			\$364,317.41		

Fund Summary

10100 Anchor Bank	
101 GENERAL FUND	\$56,261.40
233 LAKFRONT IMPROVE	\$8,184.25
235 CABLE TV	\$2,210.00
238 SELF INSURANCE	\$1,676.18
316 BAY CENTER	\$47,694.62
401 PERM IMPROVEMENT	\$14,102.99
404 PARK AND TRAIL CIP	\$12,359.00
407 CELL TOWER	\$1,196.25
408 GENERAL CIP	\$105.44
409 EQUIP REVOLVING	\$1,822.49
430 STREET CIP	\$102.50
437 LIBRARY/COMM.ROOM CIP	\$263.40
610 WATER FUND	\$21,761.51
620 SEWER FUND	\$3,211.89
630 MOTOR VEHICLE	\$145.24
640 LIQUOR	\$156,122.61
650 SOLID WASTE	\$25,866.39
670 STORMWATER	\$9,734.25
802 ESCROW PROJECTS	\$1,497.00
	\$364,317.41



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 7c
TITLE: Mediacom Quarterly Customer Service Report	
PROPOSED MOTION: To Accept the 4 th Quarter Customer Service Report from Mediacom	
PREPARED BY: Kristin Classey, Communications Specialist	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Review and accept the newly revised Customer Service Report from Mediacom for 4th quarter 2017.

FINANCIAL OR BUDGET CONSIDERATION:

Cable franchise fees in 2016 generated \$65,825.35 in revenues to the Cable TV Fund. This amount is down slightly from previous years. The revenue generated is used to pay for A/V equipment at City Hall and personnel costs of our Communications Specialist and Cable TV Consultants.

BACKGROUND:

The Franchise Agreement between the City and Mediacom requires quarterly customer service reports. Previous reports submitted by Mediacom were considered to be inadequate and, as a result of the quality of reports AND the amount of service complaints received by residents, the City sent a letter in January of this year that requested Mediacom meet the requirements of the franchise agreement pertaining to customer service and reporting or else it would initiate the City's enforcements rights, including the right to draw from the letter of credit for all penalties and other monies due to the City.

Staff has reviewed the latest report and believes that it is satisfactory. In addition, staff has reviewed complaints received from the form on the City's website. Eight (8) complaints were received in the 3rd quarter and three (3) complaints were received in the 4th quarter.

ATTACHMENTS:

1. 4th Quarter Customer Service Report from Mediacom
2. Letter from City to Mediacom regarding inadequate reporting



Jenna Comizio Guarino
Director, Legal Affairs

February 21, 2017

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

VIA OVERNIGHT DELIVERY

RE: Mediacom Quarterly Customer Service Report; Q4 2016

Dear Mr. Dahl:

In accordance with 7.4(c) of the Franchise Agreement, Mediacom Minnesota LLC ("Mediacom") hereby submits a quarterly customer service compliance report for Q4 2016. The report, which consists of narrative responses and supporting exhibits, demonstrates compliance with the terms and provisions of Section 5.3 of the Franchise Agreement.

It is my understanding that the customer complaints received by the City and the response and resolution of those complaints is of great importance to the City. In addition to forwarding these complaints to Theresa Sunde, the City may forward any customer complaints it may receive to the legal department. The correct contacts are: James McKnight, Director, Legal Affairs at jmcknight@mediacomcc.com and Lauren Predmore, Corporate Paralegal, at lpredmore@mediacomcc.com.

Mediacom takes customer service standards and obligations seriously. I hope that the City finds that this report demonstrates our commitment to quality service.

Sincerely,

A handwritten signature in blue ink that reads "Jenna Comizio Guarino".

Jenna Comizio Guarino

Enclosures

cc: Brian T. Grogan, Esq., Moss & Barnett
Bruce Gluckman, Deputy General Counsel, Mediacom
Thomas J. Larsen, SVP, Government and Public Relations, Mediacom
Theresa Sunde, Senior Manager, Government Relations, Mediacom
Bill Jensen, GVP, Mediacom Lakes Region

MEDIACOM QUARTERLY CUSTOMER SERVICE REPORT Q4 2016 WAYZATA, MN

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

(a) Cable System office hours and telephone availability.

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

RESPONSE: Mediacom maintains a local, toll-free telephone line which is available to Subscribers twenty-four (24) hours a day, seven (7) days a week. This number is provided to customers on their monthly bill. A copy of a redacted Subscriber bill is attached as **Exhibit A**.

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

RESPONSE: Normal Business Hours is defined in the Franchise Agreement as "...those hours during which most similar businesses in the City are open to serve customers. In all cases, "Normal Business Hours" must include some evening hours at least one (1) night per week and/or some weekend hours." As stated above, Mediacom has a toll-free number available to Subscribers 24 hours a day, 7 days a week.

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

RESPONSE: Mediacom's toll-free number is available 24 hours a day, 7 days a week. A trained representative is available at all times to speak with a Subscriber.

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

RESPONSE: Under Normal Operating Conditions, no less than 90% of the time, Mediacom meets these standards. The chart attached in **Exhibit B** demonstrates compliance with this obligation. In Q4, 99.6% of telephone calls were answered in 30 seconds or less; if a call needed to be transferred, the average wait time was 16.8 seconds.

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

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

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

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

RESPONSE: Under Normal Operating Conditions, when calling Mediacom customers receive a busy signal less than three percent (3%) of the time. The chart attached in *Exhibit C* shows that in 4Q 2016 customers in Wayzata received a busy signal 0.42% of the time.

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

RESPONSE: Section 5.3 of the Franchise Agreement states that "Grantee shall maintain a convenient local customer service or bill payment location for receiving Subscriber payments; provided, however, this section does not require Grantee to maintain an office in the City." The local office for Wayzata customers is located at 2381 Wilshire Blvd., Mound, MN. This information is provided to customers in their monthly bill statement. Hours of operation for this location can be found on Mediacom's website at https://support.mediacomcable.com/store_locator (screen shot of website is attached as *Exhibit D*). The current office hours for this office are: Monday-Friday 8AM-5PM CT (closed every Wednesday 9AM-10AM CT). Please note that, effective February 20, 2017, this office will be temporarily open from 8AM-6PM on Thursdays and will transition to permanent hours of 9AM-6PM on Thursdays.

(b) Installations, Outages and Service Calls.

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

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

RESPONSE: Under Normal Operating Conditions, no less than 95% of the time measured on a quarterly basis, Mediacom performs standard installations within 7 business days after an order has been placed. In Q4, Mediacom performed all standard installations within 7 business days after an order has been placed, 98% of the time. The chart attached in *Exhibit E* demonstrates compliance with this subsection; this information is derived from our order and billing system, CSG. As shown in the chart, of the 192 installation orders placed during Q4, 188 were completed within 7 business days or less.

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

RESPONSE: Under Normal Operating Conditions, no less than 95% of the time measured on a quarterly basis, Mediacom begins working on Service Interruptions no later than 24 hours after the interruption is known to Mediacom. In Q4, there were four (4) service interruptions affecting Wayzata. Mediacom responded and began working on all service interruptions within 24 hours after the interruption was known to Mediacom in all four cases. The chart attached in *Exhibit F* demonstrates compliance with this subsection. As shown in the chart, response time (the period of time from when the interruption is known to Mediacom and when a technician is on site) was no longer than an hour and twenty-eight minutes (1hr 28m).

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

RESPONSE: Under Normal Operating Conditions, no less than 95% of the time measured on a quarterly basis, Mediacom provides an appointment window of no more than 4 hours. It is Mediacom's policy that all customers are provided an appointment arrival window of no more than 4 hours; there are some cases where shorter arrival windows are provided. The chart in *Exhibit G* details the appointment windows for installations ("Positive Work") and trouble calls during the day in Wayzata (Wayzata is under our Mound management area, the number "76" corresponds to Wayzata in our system). Each time slot, or appointment window, has multiple technicians available and each is a 4-hour window or less.

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

RESPONSE: *Under Normal Operating Conditions, Mediacom does not cancel appointments after the close of business on the business day prior to the scheduled appointment. It is Mediacom's policy to not cancel scheduled appointments.*

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

RESPONSE: *Under Normal Operating Conditions, it is Mediacom's policy to keep all appointments as scheduled. If, during the course of the day, a service call requires more attention than anticipated and other later scheduled appointment times are affected, Mediacom calls the customer informing them of the delay and of a new arrival window. The customer is also given the option to reschedule the appointment at a more convenient date and time.*

(c) Communications between Grantee and Subscribers.

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

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

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

RESPONSE: *The Mediacom Residential Customer and User Agreement ("Customer Agreement") details the terms and conditions by which Mediacom services are provided to Subscribers. A copy the Customer Agreement is included in the Welcome Kit which is given to Subscribers at installation, available online at https://mediacomcable.com/assets/pdf/legal/Mediacom_Residential_Customer_and_User_Agreement_CUA042015.pdf and also provided as **Exhibit H**. Section 11 of the Customer Agreement, states the following:*

"Bill Disputes. You must notify Mediacom of any billing dispute within thirty days of the date of the disputed bill. Your failure to do so will mean you waive (give up) your right to a refund or credit. If Mediacom determines that a credit is due, it will appear on the next monthly bill. Mediacom will not terminate Service until an investigation of the dispute is completed and you are informed of the findings. Unresolved disputes will be handled in accordance with the binding arbitration terms set forth in this Agreement, unless you opt out of arbitration."

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

RESPONSE: *Section 12 of the Customer Agreement details Mediacom's refund and credit policy, including that unless otherwise specifically provided by law, Subscribers must request a credit for qualifying Service interruptions within thirty days of the interruption. Credits will appear on the next monthly bill after Mediacom determines such credit is warranted.*

(d) Billing.

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

RESPONSE: *Mediacom's bills are fully itemized and clearly delineate all activity during the billing period, including optional charges, rebates and credits; please refer to **Exhibit A**.*

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

RESPONSE: Upon receiving a written complaint from a Subscriber regarding a billing dispute, Mediacom responds within thirty days. To demonstrate compliance with this requirement, as a courtesy Mediacom has attached as **Exhibit I** a portion of the corporate complaint in-log showing the date a complaint was received, the response due date and the date Mediacom responded. In Q4, no Subscribers from Wayzata submitted a written complaint regarding a billing dispute. The chart is provided to demonstrate that Mediacom responds to written complaints within 30 days, or sooner if required by a certain agency (for example, the Minnesota AG requires response within 10 days). In cases where more time is needed to respond, Mediacom requests an extension of time from the appropriate agency. Any future quarterly report will only report information regarding Wayzata Subscribers.

(e) Subscriber Information.

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

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

RESPONSE: At installation, each Subscriber receives a Welcome Kit. A printed copy of the Welcome Kit is attached as **Exhibit J** and an official copy of the Welcome Kit (one that the Subscriber receives) is enclosed with this report. The Welcome Kit includes information concerning each of the items above—the main booklet of the Welcome Kit includes information concerning installation and service maintenance policies (see our Customer Agreement), instructions on how to use the cable service and billing and complaint procedures. In the back of the booklet, there are several documents, including the channel lineup and rate card. Information concerning products and services offered and the associated prices and conditions of subscription can be found on the rate card while the channel lineup provides channel position information.

At least once annually, Mediacom sends a copy of the channel lineup and rate card in the Subscriber's bill. A copy of Mediacom Privacy Notice and Customer Agreement are sent once annually to customers. At all times, Subscribers can find information concerning all the items above on Mediacom's website at www.mediacomcable.com and can always request information from our customer service representatives.

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

RESPONSE: Included in the Welcome Kit is a document entitled "Equipment Compatibility Information." A copy of this document is attached as **Exhibit K**. The first paragraph of this document details the procedures a Subscriber should take to resolve complaints about the quality the television signal.

With regard to Subscriber notices for changes in rates, programming services or Channel positions, Mediacom provides these type of notices in Subscriber bills at least 30 days prior to the change (see page 3 of **Exhibit L**).

(f) Notice or Rate Programming Change. In addition to the requirement of this subparagraph (f) regarding advance notification to Subscribers of any changes in rates, programming services or Channel positions, Grantee shall give thirty (30) days written notice to both Subscribers and the City before implementing any rate or Service change consistent with applicable federal law. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g., inflation, change in external costs or the addition/deletion of Channels). When the change

involves the addition or deletion of Channels, each Channel added or deleted must be separately identified. For purposes of the carriage of digital broadcast signals, Grantee need only identify for Subscribers, the television signal added and not whether that signal may be multiplexed during certain dayparts.

RESPONSE: *In addition to providing Subscribers with at least 30 days' written notice before implementing any change in rates or services, Mediacom provides the City with notice of such changes at least 30 days prior to such change. Included as Exhibit M is a sample of the most recent notice letter sent to the City which occurred in Q4.*

(g) **Subscriber Contracts.** Grantee shall, upon written request, provide the City with any standard form residential Subscriber contract utilized by Grantee. If no such written contract exists, Grantee shall file with the City a document completely and concisely stating the length and terms of the Subscriber contract offered to customers. The length and terms of any standard form Subscriber contract(s) shall be available for public inspection during Normal Business Hours. A list of Grantee's current Subscriber rates and charges for Cable Service shall be maintained on file with City and shall be available for public inspection.

RESPONSE: *All new Subscribers have no term contract; the Subscriber can terminate services at any time with no associated early termination fee. These Subscribers are required to use the services in accordance with the Customer Agreement and related terms, all of which are provided to the Subscriber at installation. In addition, the Customer Agreement and related documents can be found on Mediacom's website at <https://mediacomcable.com/legal/>. There may be a few customers who, as part of a retention offer, agree to term commitment. In those cases, Mediacom uses its standard Commitment Agreement which is attached as Exhibit N and is also available on Mediacom's website.*

Mediacom's rate card, listing its standard rates for its services, can be found on its website at <https://mediacomcable.com/rate-card> and a copy will be provided to the City. A copy of the most recent rate card for Wayzata is attached as Exhibit O.

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

RESPONSE: *Section 12 of the Customer Agreement (see Exhibit H) states that if there is an interruption of services (excluding those due to scheduled maintenance, power outages, inclement weather and other force majeure events) for twenty-four consecutive hours or more, then Subscribers can request a prorated credit for such interruption.*

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

RESPONSE: *Section 11 of the Customer Agreement (see Exhibit H) states that "[a] late charge may be assessed and the Services may be suspended or terminated if any payment is not received on time." If an account is not paid on the due date listed on the Subscriber's bill, Mediacom charges a "Late Payment Charge" of \$8.50 on the next bill. This fee is listed on the rate card under "Other Fees."*

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

RESPONSE: *This subsection (j) does not seem to require Mediacom to demonstrate compliance.*

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

RESPONSE: *Mediacom may receive written complaints from state agencies, the FCC, from customers directly or from the City on behalf of customers. In all cases, Mediacom takes the issues seriously, investigates each issue and strives to resolve complaints in a timely manner. In all cases, Mediacom responds within 30 days (or as discussed above, requests an extension*

of time). While Mediacom strives to resolve all complaints within that timeframe, certain issues require more investigation before the issue can be fully resolved.

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

RESPONSE: On each monthly bill, Mediacom lists the toll-free Customer Service number that Subscribers may call for any issues they may be experiencing; someone is available 24 hours a day, 7 days a week to address Subscriber concerns and complaints.

Page 25 of the Welcome Kit (see **Exhibit J**) details the procedures a Subscriber may follow when unsatisfied with the measures Mediacom takes to remedy a complaint, including directing the Subscriber to the local franchising authority listed in the Subscriber bill. While this does not specifically state, "complaints should be made to Mediacom prior to contacting the City" it only directs the customer to the local franchising authority if the Subscriber feels that Mediacom has not properly resolved their issue. Currently, Mediacom lists the City of Wayzata as the local franchising authority but the phone number is not provided on the bill. The phone number will be added and will be included on subscriber bills for April.

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

RESPONSE: All customer service technicians and other Mediacom employees entering private property have Mediacom-issued picture identification. An example of such identification is attached in **Exhibit O**.

EXHIBIT A



Statement of Service

Page 1 of 6

December 03, 2016

Account Number
Account PIN
Telephone Number
For Service at

WAYZATA MN 55391-1830

Account Information

This statement reflects current charges as of the date the statement was printed.

Did you know?

From January 10 – January 16, you can enjoy a FREE PREVIEW of DISNEY FAMILY MOVIES ON DEMAND – the ultimate family viewing experience, featuring movies such as Snow White, Finding Nemo, Aladdin, Annie and more. Disney Family Movies is a subscription service providing unlimited access to 10 terrific Disney movies On Demand every week, including blockbuster feature films, sneak peaks of Disney latest releases and animated shorts – all for only \$4.95 per month. Go to CHANNEL 1 – Select PREMIUMS – Select DISNEY FAMILY MOVIES. Enjoy the free preview!

Mediacom requires a minimum of 7 days advanced notification to terminate service and arrange for the return of all equipment. Failure to return our equipment will result in the following charges: Non-addressable converter up to \$125.00; addressable converter up to \$300.00; modem up to \$139.99; digital converter up to \$500.00; remote control up to \$85.00.

How to reach us...

Visit Us Online: www.mediacomtoday.com
MediacomConnect App: Download at iTunes Store or Google Play
Call Customer Service: 1-855-633-4226

Local Office Address: 2381 Wilshire Blvd, Mound, MN, 55364



Your Summary

Bill from 12/09/16 through 01/08/17
See the back for details

Previous Balance	\$125.19
Payments	-104.07
Bundled Services	89.98
Individual Services	16.94
One-time Charges and Credits	-20.00
Taxes and Fees	9.58

Amount Due \$117.62

Amount Due By Autopay

AUTO-BANK PAYMENT WILL BE MADE ON
12/23/16

Closed captioning: If you are experiencing issues with Closed Captioning, please contact Mediacom Customer Service at (855) 633-4226, fax (845) 698-4079 or visit our website at <http://mediacomtoday.com>. For written closed captioning complaints contact: Penny Kurdyla, Mediacom Closed Captioning Office, 1 Mediacom Way, Mediacom Park, NY 10918, Phone (877) 647-6221, fax (845) 698-4079 or email closedcaption@mediacomcc.com.



PO BOX 110 WASECA MN 56093-0000
8383 9200 NO RP 03 12042016 YNNNNYNN 01 002195 0010

WAYZATA MN 55391-1830

December 03, 2016

Account Number:

WAYZATA MN 55391-1830

Amount Due By Autopay \$117.62

Amount you are enclosing: \$



MEDIACOM
PO BOX 5744
CAROL STREAM IL 60197-5744





8383 9200 NO RP 03 12042016 YNNNNYNN 01 002195 0010

Page 2 of 6
December 03, 2016

Account Number
Telephone Number

Your Account Details

12/03	Previous Balance	\$125.19
11/23	EFT Payment	-104.07
		\$21.12

Your Bundled Services

12/09 - 01/08	Xtream50	89.98
	Local Plus TV	
	Exp Basic	
	TiVo Primary Equipment	
	Prime Plus HSI	
	* Mediacom Phone Service	
	TiVo Single Room Svc	
		\$89.98

Your Individual Services

12/09 - 01/08	Local Broadcast Station Surcharge	6.47
12/09 - 01/08	Modem/EMTA	7.50
12/09 - 01/08	Regional Sports Network Surcharge	2.97
		\$16.94

One-time Charges and Credits

11/09	On Time Guarantee - Adjustment	-20.00
		\$-20.00

Taxes and Fees

TV (Includes Installation and Miscellaneous Charges)

12/03	Franchise Fee	1.73
12/03	FCC Regulatory Fee	0.09
12/03	Access Fee	0.60
12/03	Local Sales Tax	0.20
12/03	Sales Tax On Franchise Fees	0.11
12/03	State Sales Tax	3.40

Internet

12/03	Local Sales Tax	0.07
12/03	State Sales Tax	1.20

Phone

12/03	Regulatory Recovery Fee	0.05
12/03	Local Sales Tax	0.04
12/03	Telephone Assistance Plan Surcharge	0.03
12/03	Minnesota E911	0.95
12/03	Federal Universal Service Fund	0.35
12/03	MN Telecommunications Access Fund	0.05
12/03	State Sales Tax	0.71
		\$9.58

Total Due By Autopay \$117.62

YOUR FRANCHISE AUTHORITY IS: CITY OF WAYZATA WAYZATA, MN 55391 FCC COMMUNITY ID: MN0569

GO GREEN with Eco Billing

Eco Billing is an environmentally friendly and efficient way to receive your bill every month and it's a simple way to make a positive change in our nation's forests.



Mediacom
ECO BILLING

- ☒ Pay bills online
- ☒ Setup Auto Pay
- ☒ Review account summary
- ☒ View past billing statements
- ☒ Download bill to desktop

Payment Options

- PAY ONLINE:** Visit www.mediacomtoday.com and click on My Account.
- PAY WITH YOUR MOBILE DEVICE:** Download the Mediacom Connect MobileCare smartphone app. Go to Google Play or iTunes app store and download today.
- PAY BY PHONE:** Call us 24/7 at 1-855-633-4226 at no charge using our automated phone system.
- PAY BY MAIL:** Return this payment stub with your check or money order.
- To register for Eco Billing you will need your Account Number and Account PIN located on the top right of Page 1.





8383 9200 NO RP 03 12042016 YNNNNYNN 01 002195 0010

Account Number
Telephone Number

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December 03, 2016

Rates & Services

(All stated rates are monthly rates unless otherwise stated.)

September 1, 2016

Chanhassen, Hamburg, Medina, Minnetrista, Mound, Norwood, Orono, Tonka Bay, Victoria, Waconia, Wayzata & Young America, MN

Digital TV Service Rates

Local Plus TV	\$29.95
Family TV (includes Local Plus TV)	\$72.95
Prime TV (includes Family TV, Starz/Encore, Digital Receiver and Digital Gateway)	\$88.95
Local Broadcast Station Surcharge	\$6.47
Regional Sports Surcharge	\$2.97
HBO*	\$18.95
Showtime*	\$14.95
Cinemax*	\$12.95
Starz/Encore*	\$11.00
Hustler TV*	\$24.95
Vivid TV*	\$24.95
Canales Latinos*	\$7.95
International Channels*	\$9.99 each (Rai Italia, RTN International, Russian TV Network, Channel One Russia, The Filipino Channel, TV5MONDE, TVK, SBTN)
HD Pak†	\$6.95
Kids & Variety Digital Pak†	\$7.95
Sports & Information Digital Pak†	\$7.95
Movies & Music Digital Pak†	\$7.95
Digital Plus (no longer available for purchase)	\$16.00
Digital Gateway (Digital Receiver required. Includes Interactive Guide, Digital Music and VOD/PPV access.)	\$4.00
Anime Network On Demand†	\$6.99
Disney Family Movies On Demand†	\$4.95
PPV/VOD Movies* (adult and special event prices may vary)	\$4.99 per movie
HD VOD/PPV Movies* (adult and special event prices may vary)	\$5.99 per movie
NFL RedZone (requires subscription to Sports & Information Pak)	\$49.95 per season
TiVo* DVR Service† (TiVo Receiver required)	\$14.95
TiVo* Multi-Room DVR Service† (TiVo Receivers required)	\$19.95
Digital Video Recorder Service	\$10.95
Digital Video Recorder Service Each Additional Device	\$6.00
Nonstandard DVR Fee	\$5.00

*Digital Receiver or Cable Card on your retail device required.

†Requires subscription to Family TV.

Rates are subject to change.

High Speed Internet Services

Download/Upload Speeds*/Data Allowance/Monthly Residential Rates

Launch Internet: 3 Mbps/512 KB/150 GB	\$29.95
Prime Internet: 15 Mbps/1 Mbps/250 GB	\$49.95
Prime Plus Internet: 50 Mbps/5 Mbps/350 GB	\$59.95
Ultra Internet: 100 Mbps/10 Mbps/999 GB	\$79.95
Ultra Plus Internet: 150 Mbps/20 Mbps/2000 GB	\$99.99
Additional Dynamic IP Address	\$5.00
Wireless Home Networking (Wi-Fi)† (Must subscribe to Internet)	\$3.95
Internet Surcharge (applies to customers subscribing only to Mediacom High Speed Internet)	\$15.00

*Data modem required.

†Up-to speeds not guaranteed and may vary.

Digital Phone Service

(Monthly fee includes unlimited calling in United States, Puerto Rico, US Virgin Islands and Canada, plus 13 calling features including Caller ID and Call Waiting)

Phone Service	\$49.95
Phone Service (with Family TV or Internet Service)	\$39.95
Phone Service (with Family TV and Internet Service)	\$29.95
WorldTalk 200 Phone Service for Landlines & Mobile* (200 minutes to 67 countries)	\$9.99
WorldTalk 250 Phone Service for Landlines & Mobile* (250 minutes to 67 countries)	\$19.99
200 Additional Minutes for WorldTalk 200 Phone Service for Landline & Mobile**	\$9.99
250 Additional Minutes for WorldTalk 250 Phone Service for Landline & Mobile**	\$14.99
World Plan Service for Landlines (250 minutes)* (no longer available after Aug. 22, 2016)	\$14.95

World Plan Phone Service for Landlines & Mobile (250 minutes)* (no longer available after Aug. 22, 2016)	\$19.95
250 Additional World Plan Phone Service for Landline Minutes**	\$14.95
250 Additional World Plan Phone Service for Landline & Mobile Minutes**	\$19.95
Voicemail	\$4.95
Non-published Directory Listing	\$4.50

*Requires Mediacom Phone Service.

**Only one block per month. All minute blocks expire at the end of the calendar month regardless of when purchased.

Xtream Packages

(Available for new customers only.)

Xtream Silver

(Includes Family TV, TiVo DVR Service, TiVo Receiver, Wi-Fi†, Phone, 30 WorldTalk minutes*, Voicemail, your choice of high-speed data below)

Prime Plus Internet (50 Mbps)	\$169.98
Ultra Internet (100 Mbps)	\$179.98
Ultra Plus Internet (150 Mbps)	\$189.98

Xtream Gold HBO

(Includes Family TV, Multi-Room TiVo DVR Service††, TiVo Receiver, 1 Digital Pak, HBO, Wi-Fi†, Phone, 30 WorldTalk minutes*, Voicemail, your choice of high-speed data below)

Prime Plus Internet (50 Mbps)	\$189.98
Ultra Internet (100 Mbps)	\$199.98
Ultra Plus Internet (150 Mbps)	\$209.98

Xtream Gold Showtime/Starz-Encore

(Includes Family TV, Multi-Room TiVo DVR Service††, TiVo Receiver, 1 Digital Pak, Showtime or Starz, Wi-Fi†, Phone, 30 WorldTalk minutes*, Voicemail, your choice of high-speed data below)

Prime Plus Internet (50 Mbps)	\$189.98
Ultra Internet (100 Mbps)	\$199.98
Ultra Plus Internet (150 Mbps)	\$209.98

Xtream Platinum

(Includes Family TV, Multi-Room TiVo DVR Service††, TiVo Receiver, 3 Digital Paks, HBO, Cinemax, Starz/Encore, Showtime, Wi-Fi†, Phone, 30 WorldTalk minutes*, Voicemail, your choice of high-speed data below)

Prime Plus Internet (50 Mbps)	\$209.98
Ultra Internet (100 Mbps)	\$219.98
Ultra Plus Internet (150 Mbps)	\$229.98

Additional TiVo Service (requires additional TiVo Receiver)

*Included 30 WorldTalk minutes are only available to customers without a WorldTalk plan subscription.

†Data modem required.

†† Additional TiVo* Receiver required.

Monthly Equipment Fees

(Not all video service features may be available based on your equipment choices.)

HD Digital Receiver with Remote* (Includes Digital Gateway; for boxes installed after June 22, 2016)	\$10.50
HD Digital Receiver with Remote* (for boxes installed before June 22, 2016)	\$6.50
HD or Digital DVR Receiver with Remote*	\$6.50
Digital Receiver with Remote*	\$6.50
Digital Adapter† (no longer available after Aug. 22, 2016)	\$1.99
HD Digital Adapter† (no longer available after Aug. 22, 2016)	\$2.99
TiVo Receiver with Remote	\$10.50
Additional TiVo Receivers	\$5.00
Cable Card** (for use with your retail device)	\$1.99
Data/Phone Modem Rental	\$7.50
Wi-Fi Extender	\$2.95

*Will not enable Mediacom interactive guide, VOD/PPV access or premium services without Digital Gateway.

**Requires a compatible device.

†Does not support interactive guide, VOD/PPV access or premium services.

‡Enables Mediacom interactive guide, VOD/PPV access or premium services.

Home Controller Monthly Service Rates & Installation Fees

Basic Security*† (Includes 3 door/window sensors, 1 motion detector)	\$34.99
Basic Plus* (No longer available for purchase after June 22, 2016)	\$39.99

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December 03, 2016

Account Number
Telephone Number

Rates & Services

(All stated rates are monthly rates unless otherwise stated.)

September 1, 2016

Chanhassen, Hamburg, Medina, Minnetrista, Mound, Norwood, Orono, Tonka Bay, Victoria, Waconia, Wayzata & Young America, MN

Home Management* (No longer available for purchase after June 22, 2016)	\$44.99
Home Controller Installation Fee	\$99.99

*Requires High Speed Internet Launch or Above

†Includes Touchscreen and Wireless Router, which remain the property of Mediacom.

Home Controller Equipment Packages

Security Plus (Includes 1 key fob, 1 indoor or outdoor camera, 1 door lock)	\$360.00
Management Plus (Includes 4 lamp modules, 1 thermostat)	\$360.00
Additional Equipment†	
Motion Detector	\$50.00
Curtain (clip) Motion Detector	\$50.00
Mountable Indoor Camera	\$140.00
Door/Window Sensor	\$35.00
Smoke Detector	\$60.00
Appliance Module	\$60.00
Lamp Module	\$55.00
Moisture Sensor	\$45.00
Thermostat	\$140.00
Wireless Key Fob	\$30.00
Carbon Monoxide Detector	\$100.00
Outside Camera	\$150.00
Siren Repeater	\$85.00
Glass Break Sensor	\$125.00
Remote Door Lock	\$199.00
Wi-Fi Repeater	\$55.00

*All equipment charges are one-time fees.

Installation Fees

(All rates are one-time fees unless otherwise stated.)

Standard Installation for 1 Service*	\$49.99
Standard Installation for 2 Services*	\$74.99
Standard Installation for 3 Services*	\$99.99
Installation of Additional TV Outlets (same trip)	\$15.00
Installation of Additional TV Outlets (separate trip)	\$29.00
TiVo Installation Fee	\$49.95
Wi-Fi Extender Installation	\$29.95
Installation of New Phone Jack (if needed)	\$75.00
Installation of Additional Phone Jacks (if needed)	\$49.00

*Applies to all standard installations for homes with existing wiring that are up to 150 feet from an access point on Mediacom's network. Some installations require custom work and prices may vary. Relocation of existing wiring, additional outlets, wall fishes and other custom work is not included.

Other Fees

(All rates are one-time fees unless otherwise stated.)

Data Overage Charge per 50 GB Block* (See Additional Terms document for details)	\$10.00
Home Wire Maintenance	\$4.95
Processing Fee for Payment by Phone with Customer Service Rep	\$5.00
Activation Fee	\$10.00
Field Reactivation of Account	\$29.00
Electronic Reactivation of Account	\$2.00
Transfer of Service	\$29.00
Hourly Service Charge	\$29.00
Field Change of Service	\$29.00
Electronic Change of Service	\$2.00
Change of Phone Number	\$15.00
Non-Published Number Set-Up Fee	\$15.00
Transfer Activation Fee	\$10.00
Wireless Adapter Purchase	\$39.95
Ultra Adapter Purchase	\$49.95
Battery Backup Purchase	\$49.99

TiVo® Stream Equipment Purchase	\$69.95
TiVo® Connector Kit Purchase	\$40.00
Late Payment Charge	\$8.50
Field Collection Charge	\$20.00
Insufficient Funds Handling Charge	\$29.00
Connection of Consumer Owned Equipment** (same trip)	\$5.99
Connection of Consumer Owned Equipment** (separate trip)	\$29.00
Unreturned Data/Phone Modem	\$139.00
Unreturned External Hard Drive	\$100.00
Unreturned Standard Digital Receiver/TiVo Receiver†	\$300.00-\$500.00
Unreturned HD, DVR, HD/DVR/TiVo DVR, Digital Receiver†	\$500.00
Unreturned TiVo Mini	\$150.00
Unreturned Receiver Remote Control	\$25.00
Unreturned Digital Adapter	\$100.00
Unreturned HD Digital Adapter	\$100.00
Unreturned Cable Card	\$300.00
Unreturned Modem Power Cord	\$25.00
Unreturned Receiver/Adapter Cord	\$10.00
Unreturned Home Controller Touchscreen	\$319.00
Unreturned Home Controller Router	\$39.99

*\$10 per 50 GB user over usage allowance.

**This is a per item charge, including such items as a VCR, DVD player, home stereo, game equipment, etc.

†Charge determined by model type.

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Billing Policies

Services are billed one month in advance. Payments are due by the tenth day after the "bill from" date, after which a late payment charge will apply. Seven days advance notice is required for termination of service. All leased equipment must be returned.

Taxes and Fees

Listed rates do not include franchise fees, copyright, taxes or other associated surcharges, Federal, state and local taxes, governmental regulatory fees and surcharges.

How to Contact Us

Call Center (24 hours a day/7 days a week) 855-633-4226
Visit us on the Web: www.mediacomcable.com
To view internet usage, visit: www.mediacomtoday.com

Local Office: 1670 Lake Drive W, Chanhassen, MN
Hours: 8am-5pm M-F (closed 9-10am Wed)

Local Office: 2381 Wilshire Blvd, Mound, MN
Hours: 8am-5pm M-F (closed 11am-12pm M-F; 9-10am Wed)

8383-9200 (1490-1520, 1600-1620, 1650, 1670, 3010, 3170, 3180)

SA6GF214



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Account Number
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December 03, 2016

Channel Lineup

September 1, 2016

Chanhassen, Hamburg, Medina, Minnetrista, Mound, Norwood, Orono, Tonka Bay, Victoria, Waconia, Wayzata & Young America, MN

Local Plus TV

- 2 KTCB (PBS 2) St. Paul **LIVE** †
- 3 KPXM (ION 41) St. Cloud †
- 4 WCCO (CBS 4) Mpls. **LIVE** †
- 5 KSTP (ABC 5) St. Paul **LIVE** †
- 6 Metro Cable Network †
- 7 KSTC (IND 45) Mpls. †
- 8 Local Access †
- 9 KMSP (FOX 9) Mpls. **LIVE** †
- 10 WFTC (MyNet 29) Mpls. **LIVE** †
- 11 KARE (NBC 11) Mpls. **LIVE** †
- 12 Local Access †
- 13 KTCI PBS TPT Life †
- 14 HSN †
- 17 WUCW (CW) Mpls/St. Paul **LIVE** †
- 18 QVC †
- 19 Wayzata School †
- 22 MC22 †
- 23 WUMN-CA (Univision 13) Mpls. **LIVE** †
- 77 C-SPAN **LIVE** †
- 87 C-SPAN 2 **LIVE** †
- 88 C-SPAN 3 **LIVE** †
- 90 3ABN †
- 91 Hillsong Channel †
- 92 TBN †
- 93 INSP †
- 94 EWTN †
- 96 E! **LIVE** †
- 101 KTCI-DT4 PBS TPT WX †
- 102 KTCI-DT2 PBS TPT MN †
- 103 KTCI PBS TPT Life †
- 104 KSTC-DT2 Antenna TV †
- 105 KSTC-DT3 MeTV †
- 106 KSTC-DT4 This TV †
- 107 WUCW-DT2 COMET †
- 108 WUCW-DT3 Grit †
- 109 KMSP-DT4 BUZZR †
- 110 WFTC-DT4 Movies! †
- 111 KARE-DT2 WeatherNation †
- 112 KARE-DT3 Justice Network †
- 113 KPXM-DT2 qubo †
- 114 KPXM-DT3 ION Life †
- 118 KSTP-DT2 Heroes & Icons †
- 121 WCCO-DT2 Decades †

Family TV

- (Includes Local Plus TV)
- 24 ESPN **LIVE** †
- 25 ESPN2 **LIVE** †
- 26 FOX Sports North **LIVE** †
- 27 FX **LIVE** †
- 28 FOX Sports 1 **LIVE** †
- 29 Lifetime **LIVE** †
- 30 Freeform **LIVE** †
- 31 USA **LIVE** †
- 32 Syfy **LIVE** †
- 33 TBS **LIVE** †
- 34 TNT **LIVE** †
- 35 Bravo **LIVE** †
- 36 AMC **LIVE** †
- 37 A&E **LIVE** †
- 38 History **LIVE** †
- 39 HGTV **LIVE** †
- 40 Food Network **LIVE** †
- 41 truTV **LIVE** †
- 42 Travel Channel **LIVE** †
- 43 Discovery Channel **LIVE** †
- 44 TLC **LIVE** †
- 45 Animal Planet **LIVE** †
- 46 Nickelodeon **LIVE** †
- 47 Cartoon Network **LIVE** †
- 48 Disney Channel **LIVE** †
- 49 TV Land **LIVE** †
- 50 Disney Junior **LIVE** †
- 51 WGN America †
- 55 Oxygen **LIVE** †
- 57 E! **LIVE** †
- 58 Hallmark Channel **LIVE** †
- 59 WE tv **LIVE** †

- 60 CNN **LIVE** †
- 61 HLN **LIVE** †
- 62 FOX News **LIVE** †
- 63 MSNBC **LIVE** †
- 64 CNBC **LIVE** †
- 65 FX Movie Channel **LIVE** †
- 66 BET **LIVE** †
- 67 The Weather Channel **LIVE** †
- 68 Big Ten Network **LIVE** †
- 69 Comedy Central **LIVE** †
- 70 MTV **LIVE** †
- 71 VH1 **LIVE** †
- 72 CMT **LIVE** †
- 73 Spike **LIVE** †
- 74 TCM **LIVE** †
- 126 FOX Sports North Plus **LIVE** †
- 160 BTN Overflow 1*
- 161 BTN Overflow 2*
- 162 BTN Overflow 3*
- 170 NBC Sports Network **LIVE** *
- 171 CBS Sports Network **LIVE** *
- 176 Tennis Channel *
- 193 Barclays Premier League Soccer 1*
- 194 Barclays Premier League Soccer 2*
- 203 OWN **LIVE** *
- 205 Investigation Discovery **LIVE** *
- 208 National Geographic Channel **LIVE** *
- 212 FXX **LIVE** *
- 215 Liquidation Channel*
- 216 Daystar*
- 218 BBC America*
- 219 IFC **LIVE** *
- 239 RFD-TV*
- 292 Hallmark Movies & Mysteries*
- 390 Sundance TV **LIVE** *

Sports & Information Digital Pak[^]

- 172 FOX College Sports Atlantic **LIVE**
- 173 FOX College Sports Central **LIVE**
- 174 FOX College Sports Pacific **LIVE**
- 177 Sportsman Channel
- 178 ESPNU **LIVE**
- 179 FOX Sports 2 **LIVE**
- 182 MSG Network
- 185 YES Network
- 186 NFL Network **LIVE**
- 188 SEC Network **LIVE**
- 189 SEC Network Alternate 1
- 195 beIN SPORTS **LIVE**
- 196 beIN SPORTS en Español
- 210 ESPNEWS **LIVE**
- 211 Golf Channel **LIVE**
- 213 Outdoor Channel
- 237 BBC World News
- 238 Fusion **LIVE**
- 248 FOX Business Network **LIVE**
- 256 Bloomberg
- 257 TVG
- 270 CCTV-9

Kids & Variety Digital Pak[^]

- 197 Sprout **LIVE**
- 198 Boomerang
- 199 qubo
- 201 Discovery Family Channel
- 202 Science **LIVE**
- 204 Destination America **LIVE**
- 206 American Heroes Channel **LIVE**
- 207 Discovery Life Channel **LIVE**
- 217 Pivot
- 222 Nat Geo Wild **LIVE**
- 230 Nick Jr. **LIVE**
- 231 TeenNick
- 232 Nicktoons Network
- 244 ION Life
- 250 fyi **LIVE**
- 251 VICELAND **LIVE**
- 269 FamilyNet
- 289 Smithsonian Channel **LIVE**

- 291 Pop
- 293 Crime & Investigation Network
- 295 Military History
- 296 DIY Network **LIVE**
- 297 Cooking Channel **LIVE**
- 667 NBC Universo **LIVE**

Movies & Music Digital Pak[^]

- 214 Esquire Network **LIVE**
- 220 Lifetime Movie Network **LIVE**
- 223 ReelzChannel
- 240 MTV2
- 241 MTV Hits
- 243 MTV Classic
- 254 fuse
- 255 c100
- 262 CMT Music
- 264 BET Soul
- 268 Lifetime Real Women
- 277 MC Play
- 285 mtvU
- 298 Chiller
- 700 MC Play

Digital Premium HBO Group[^]

- 301 HBO **LIVE**
- 303 HBO 2
- 305 HBO Family
- 307 HBO Signature
- 309 HBO Latino
- 311 HBO Comedy
- 313 HBO Zone

Digital Premium Cinemax Group[^]

- 325 Cinemax **LIVE**
- 327 MoreMAX
- 329 ActionMAX
- 331 ThrillerMAX
- 333 MovieMAX
- 335 MAX Latino
- 337 5StarMAX
- 339 OuterMAX

Digital Premium Showtime/TMC Group[^]

- 351 Showtime **LIVE**
- 353 Showtime 2
- 355 Showtime Showcase
- 357 Showtime Extreme
- 359 Showtime Beyond
- 380 TMC
- 382 TMC Xtra
- 392 FLIX

Digital Premium Starz/Encore Group[^]

- 401 Starz **LIVE**
- 403 Starz Edge
- 405 Starz in Black
- 407 Starz Encore Family
- 408 Starz Comedy
- 409 Starz Kids & Family
- 411 Starz Cinema
- 420 Starz Encore **LIVE**
- 422 Starz Encore Action
- 424 Starz Encore Classic
- 426 Starz Encore Suspense
- 428 Starz Encore Black
- 430 Starz Encore Westerns

Digital Premium Channels[^]

- 187 NFL RedZone (Req. sub. to NFL Network) **LIVE**
- 549 Hustler TV
- 559 Vivid TV
- 961 RTL International
- 963 TVSMONDE
- 966 Rai Italia
- 968 Russian TV Network
- 969 Channel One Russia
- 972 The Filipino Channel

- 975 TVK
- 976 SBTN

Video On Demand[^]

- 1 Mediacom On Demand

Digital Pay-Per-View[^]

- 157-158 Sports PPV
- 501-503 Mediacom PPV
- 553 Real
- 555 Penthouse TV
- 556 TEN

Canales Latinos[^]

- 635 Azteca America
- 636 Estrella TV
- 638 V-me
- 639 HTN
- 641 TBN Enlace
- 642 EWTN en Español
- 645 Multimedios
- 646 Mexicana
- 650 CNN en Español
- 651 Milenio
- 654 Nat Geo Mundo
- 655 History en Español
- 656 Discovery en Español
- 658 FOX Life
- 661 Damas TV
- 667 NBC Universo **LIVE**
- 668 Aplauso
- 670 Tr3s
- 671 VMC
- 675 ESPN Deportes **LIVE**
- 676 FOX Deportes **LIVE**
- 678 AYM Sports
- 679 ONE World Sports
- 681 beIN SPORTS **LIVE**
- 682 beIN SPORTS en Español
- 685 ViendoMovies
- 686 Cine Clásico
- 687 Cine Mexicano
- 688 Cinelatino

HD Local Plus TV

- (Included with Local Plus TV)
- 802 KTCB PBS TPT 2 (standard definition only) †
- 803 WFTC MyNet HD **LIVE** ††
- 804 WCCO CBS HD **LIVE** ††
- 805 KSTP ABC HD **LIVE** ††
- 806 KSTC IND HD ††
- 808 Local Access (standard definition only)
- 808 Local Access HD (Avail. in Wayzata only) ††
- 809 KMSP FOX HD **LIVE** ††
- 811 KARE NBC HD **LIVE** ††
- 814 QVC (standard definition only) †
- 821 WUCW CW HD **LIVE** ††
- 822 KPXM ION HD ††
- 823 HSN (standard definition only) †

HD Family TV

- (Included with Family TV)
- 760 FX HD **LIVE** **
- 762 CBS Sports Network HD **LIVE** **
- 772 Investigation Discovery HD **LIVE** **
- 777 Oxygen HD **LIVE** **
- 779 OWN HD **LIVE** **
- 785 Hallmark Movies & Mysteries HD **
- 786 IFC HD **LIVE** **
- 791 BBC America HD **
- 792 TV Land HD **LIVE** **
- 793 RFD-TV HD **
- 825 WGN America HD **
- 827 NBC Sports Network HD **LIVE** **
- 830 ESPN HD **LIVE** **
- 831 ESPN2 HD **LIVE** **
- 832 FOX Sports North HD **LIVE** **
- 833 Big Ten Network HD **LIVE** **
- 834 FOX Sports North Plus HD **LIVE** **

^{LIVE} Available on TV Everywhere. To view content go to watch.mediacomtoday.com. [†] A digital-ready TV, digital receiver, digital adapter or a cable card with your subscriber-owned device needed. ^{††} A digital-ready HDTV, HD receiver, HD digital adapter or cable card with your subscriber-owned device needed. ^{**} Requires a digital receiver, digital adapter or a cable card with your subscriber-owned device. ^{***} Requires HD receiver, HD digital adapter or cable card with your subscriber-owned HD device. [^] Requires a digital receiver or cable card with subscriber-owned HD device. [^] Requires HD digital receiver or cable card with subscriber-owned HD device. Note: Channels are subject to change. Not all video service features may be available based on your equipment choices. Display channels may vary using a digital-ready TV. HD channels require an HDTV.

8383-9200 (1490-1520, 1600-1620, 1660, 1670, 3010, 3170, 3180)

SA6GF215

Channel Lineup

Chanhasen, Hamburg, Medina, Minnetrista, Mound, Norwood, Orono, Tonka Bay, Victoria, Waconia, Wayzata & Young America, MN

September 1, 2016

835 TNT HD **LIVE** **
836 TBS HD **LIVE** **
837 CNN HD **LIVE** **
838 USA HD **LIVE** **
839 Syfy HD **LIVE** **
841 Velocity HD **LIVE** **
842 Discovery HD **LIVE** **
843 TLC HD **LIVE** **
844 Animal Planet HD **LIVE** **
847 A&E HD **LIVE** **
848 History HD **LIVE** **
849 National Geographic HD **LIVE** **
852 WE tv HD **LIVE** **
854 MSNBC HD **LIVE** **
855 CNBC HD **LIVE** **
856 FOX News HD **LIVE** **
857 HGTV HD **LIVE** **
858 Food Network HD **LIVE** **
859 Bravo HD **LIVE** **
860 FX HD **LIVE** **
861 FOX Sports 1 HD **LIVE** **
862 Cartoon Network HD **LIVE** **
863 Lifetime HD **LIVE** **
865 AMC HD **LIVE** **
866 Travel Channel HD **LIVE** **
867 E! HD **LIVE** **
868 HLN HD **LIVE** **
869 truTV HD **LIVE** **
870 Spike HD **LIVE** **
871 Comedy Central HD **LIVE** **
872 MTV HD **LIVE** **
873 VH1 HD **LIVE** **
874 BET HD **LIVE** **
875 CMT HD **LIVE** **
876 Freeform HD **LIVE** **
877 Nickelodeon HD **LIVE** **
878 Disney Channel HD **LIVE** **
879 Hallmark Channel HD **LIVE** **

HD Sports & Information^{AA}

(Included With Sports & Information Digital Pak)

761 SEC Network HD **LIVE**
765 ESPN Goal Line/Buzzer Beater HD **LIVE**
766 FOX Sports 2 HD **LIVE**
767 NFL Network HD **LIVE**
775 FOX Business Network HD **LIVE**
826 Golf Channel HD **LIVE**
828 ESPN HD **LIVE**
829 ESPNEWS HD **LIVE**
846 Outdoor Channel HD

HD Kids & Variety^{AA}

(Included With Kids & Variety Digital Pak)

770 fyi HD **LIVE**
771 VICELAND HD **LIVE**
773 Nat Geo Wild HD **LIVE**
780 DIY Network HD **LIVE**
781 Cooking Channel HD **LIVE**
845 Science HD **LIVE**
850 Smithsonian Channel HD **LIVE**

HD Movies & Music^{AA}

(Included With Movies & Music Digital Pak)

783 fuse HD
790 ReelzChannel HD
864 Lifetime Movie Network HD **LIVE**

HD Pak^{AA}

(Requires HD Pak Subscription)

840 Universal HD **LIVE**
850 Smithsonian Channel HD **LIVE**
851 MGM HD

HD Premium Channels^{AA}

(Requires Subscription to Corresponding Premium Channel)

751 MoreMAX HD
753 Showtime Showcase HD
754 Showtime Extreme HD
755 TMC Xtra HD

756 HBO Latino HD
757 HBO Zone HD
767 NFL RedZone HD (Req. sub. to NFL Network) **LIVE**
880 HBO HD **LIVE**
881 HBO 2 HD
882 HBO Signature HD
883 HBO Family HD
884 Starz Encore HD **LIVE**
885 Starz HD **LIVE**
886 Starz Edge HD
887 Starz Comedy HD
888 Starz Kids & Family HD
889 Starz Cinema HD
890 Showtime HD **LIVE**
891 Showtime 2 HD
892 TMC HD
893 Starz West HD
894 Starz Encore Action HD
895 Starz Encore Black HD
896 Starz in Black HD
897 Cinemax HD **LIVE**

HD Pay-Per-View^{AA}

899 IN DEMAND PPV HD

Digital Music^{AA}*

701 Music Choice Hit List
702 Music Choice Max
703 Music Choice Dance/EDM
704 Music Choice Indie
705 Music Choice Hip-Hop and R&B
706 Music Choice Rap
707 Music Choice Hip-Hop Classics
708 Music Choice Throwback Jamz
709 Music Choice R&B Classics
710 Music Choice R&B Soul
711 Music Choice Gospel
712 Music Choice Reggae
713 Music Choice Rock
714 Music Choice Metal
715 Music Choice Alternative
716 Music Choice Adult Alternative
717 Music Choice Rock Hits
718 Music Choice Classic Rock
719 Music Choice Soft Rock
720 Music Choice Love Songs
721 Music Choice Pop Hits
722 Music Choice Party Favorites
723 Music Choice Teen Beats
724 Music Choice Kidz Only
725 Music Choice Toddler Tunes
726 Music Choice Y2K
727 Music Choice 90s
728 Music Choice 80s
729 Music Choice 70s
730 Music Choice Solid Gold Oldies
731 Music Choice Pop & Country
732 Music Choice Today's Country
733 Music Choice Country Hits
734 Music Choice Classic Country
735 Music Choice Contemporary Christian
736 Music Choice Pop Latino
737 Music Choice Musica Urbana
738 Music Choice Mexicana
739 Music Choice Tropicales
740 Music Choice Romances
741 Music Choice Sounds of the Season
742 Music Choice Stage & Screen
743 Music Choice Soundscapes
744 Music Choice Smooth Jazz
745 Music Choice Jazz
746 Music Choice Blues
747 Music Choice Singers & Swing
748 Music Choice Easy Listening
749 Music Choice Classical Masterpieces
750 Music Choice Light Classical

Digital-Ready Local Plus TV

92-5 KMSP-DT4 BUZZR †

92-6 WFTC-DT4 Movies! †
107-2 Local Access †
107-4 Local Access †
107-6 Wayzata School †
110-2 KTCB (PBS 2) St. Paul **LIVE** †
110-4 KPXM (ION 41) St. Cloud †
110-10 Metro Cable Network †
110-12 MC22 †
112-5 KARE-DT3 Justice Network †
112-44 KARE-DT2 WeatherNation †
113-2 WCCO-DT2 Decades †
113-44 KSTP-DT2 Heroes & Icons †
114-1 QVC †
114-3 C-SPAN **LIVE** †
114-5 TBN †
114-9 EVINE Live †
114-11 Hillsong Channel †
114-13 C-SPAN 3 **LIVE** †
114-15 INSP †
114-17 EWTN †
114-19 3ABN †
114-21 C-SPAN 2 **LIVE** †
114-23 HSN †
115-1 WFTC (MyNet 29) Mpls. **LIVE** †
115-3 WCCO (CBS 4) Mpls. **LIVE** †
115-5 KSTP (ABC 5) St. Paul **LIVE** †
115-7 KSTC (IND 45) Mpls. †
115-9 KMSP (FOX 9) Mpls. **LIVE** †
115-11 KARE (NBC 11) Mpls. **LIVE** †
115-15 WUMN-CA (Univision 13) Mpls. **LIVE** †
115-17 WUCW (CW) Mpls/St. Paul **LIVE** †
115-19 KTCI PBS TPT Life †
116-3 KSTC-DT4 This TV †
116-4 KPXM-DT2 qubo †
116-5 KSTC-DT3 MeTV †
116-22 KSTC-DT2 Antenna TV †
116-55 KPXM-DT3 ION Life †
117-3 KTCI-DT4 PBS TPT WX †
117-5 WUCW-DT3 Grit †
117-6 WUCW-DT2 COMET †
117-44 KTCB-DT2 PBS TPT MN †

Digital-Ready Family TV

51-1 Hallmark Channel **LIVE** †
51-5 Freeform **LIVE** †
51-7 Comedy Central **LIVE** †
51-11 Discovery Channel **LIVE** †
51-13 FOX News **LIVE** †
51-15 TCM **LIVE** †
51-19 TLC **LIVE** †
51-21 WE tv **LIVE** †
52-1 FX **LIVE** †
52-5 E! **LIVE** †
52-9 FOX Sports 1 **LIVE** †
52-13 BET **LIVE** †
52-15 Bravo **LIVE** †
52-17 CNBC **LIVE** †
52-19 Animal Planet **LIVE** †
52-21 USA **LIVE** †
52-23 Travel Channel **LIVE** †
52-25 Big Ten Network **LIVE** †
53-1 CNN **LIVE** †
53-3 HLN **LIVE** †
53-5 Cartoon Network **LIVE** †
53-7 TBS **LIVE** †
53-9 TNT **LIVE** †
53-11 Spike **LIVE** †
53-13 TV Land **LIVE** †
53-15 CMT **LIVE** †
53-17 MTV **LIVE** †
53-19 Nickelodeon **LIVE** †
53-21 MSNBC **LIVE** †
53-23 truTV **LIVE** †
54-1 Food Network **LIVE** †
54-3 HGTV **LIVE** †
54-5 Disney Junior **LIVE** †
54-7 Disney Channel **LIVE** †
54-11 A&E **LIVE** †
54-13 History **LIVE** †
54-15 VH1 **LIVE** †

54-17 Lifetime **LIVE** †
54-21 Syfy **LIVE** †
54-23 AMC **LIVE** †
54-25 WGN America †
55-5 ESPN **LIVE** †
55-13 ESPN2 **LIVE** †
55-15 FOX Sports North **LIVE** †
55-19 FX Movie Channel **LIVE** †
55-25 The Weather Channel **LIVE** †
56-1 FOX Sports North Plus **LIVE** †

Digital-Ready HD Local Plus TV

92-3 WFTC MyNet HD **LIVE** ††
92-4 KMSP FOX HD **LIVE** ††
107-1 Local Access HD (Avail. in Wayzata only) ††
112-4 KARE NBC HD **LIVE** ††
113-4 KSTP ABC HD **LIVE** ††
113-5 WCCO CBS HD **LIVE** ††
114-1 QVC (standard definition only) †
114-23 HSN (standard definition only) †
116-1 KSTC IND HD ††
116-2 KPXM ION HD ††
117-1 KTCB PBS TPT 2 (standard definition only) †
117-2 WUCW CW HD **LIVE** ††



^{LIVE} Available on TV Everywhere. To view content go to watch.mediacomtoday.com. † A digital-ready TV, digital receiver, digital adapter or a cable card with your subscriber-owned device needed. †† A digital-ready HDTV, HD receiver, HD digital adapter or cable card with your subscriber-owned HD device needed. * Requires a digital receiver, digital adapter or a cable card with your subscriber-owned device. ** Requires HD receiver, HD digital adapter or cable card with your subscriber-owned HD device. ^ Requires a digital receiver or cable card with subscriber-owned HD device. ^^^ Requires HD digital receiver or cable card with subscriber-owned HD device. Note: Channels are subject to change. All video service features may be available based on your equipment choices. Display channels may vary using a digital-ready TV. HD channels require an HDTV.

EXHIBIT B

**5.3(a)(ii) Telephone Answer Time
Q4 2016 Wayzata, MN**

Month	Total Calls Answered*	% Busy Signal	% Answered in 30 Seconds	Automated Resolved*	Calls Transferred to Agents Answered*	Avg Wait Time For Calls Trans to Agent (Sec)*	Q Calls Abandoned*	% Abandon*
October	13,045	0.2%	99.8%	3,298	9,747	17.4	143	1.4
November	12,553	0.3%	99.7%	3,365	9,188	14.4	104	1.1
December	13,093	0.7%	99.3%	3,879	9,214	18.6	135	1.4
Q4 Totals	38,691	0.41%	99.6%	10,542	28,149	16.8	382	1.3

* These statistics also include Minnesota calling areas that are outside of the Wayzata franchise area.

EXHIBIT C

**5.3(a)(iv) Percentage of Time Busy Signal Received
Q4 2016 Wayzata, MN**

Month	Sum of Completed Calls	Sum of Busy Signal
Oct	4621	11
Nov	3982	10
Dec	5067	37
Grand Total	13670	58

Percentage of time customer received busy signal: 0.42%

EXHIBIT D

Payment Center Locator

Find a payment center near: (Enter Zip or City)
Mound, MN, United States

Mediacom Offices Only

Mediacom Office - Mound, MN

2381 Witshire Blvd
Mound, MN 55364

Monday-Friday: 8AM-5PM CT (lunch closure:
11AM-12PM CT & closed every Wednesday: 9
AM-10AM CT)

Mediacom Office - Chanhassen, MN

1670 Lake Dr West
Chanhassen, MN 55317

Monday-Friday: 8AM-5PM CT (closed every
Wednesday: 9 AM-10AM CT)

City Hall - Prior Lake

16200 Eagle Creek Ave SE
Prior Lake, MN 55372

DROP BOX LOCATION ONLY

Cub Foods

14075 Hwy 13
Prior Lake, MN 55372

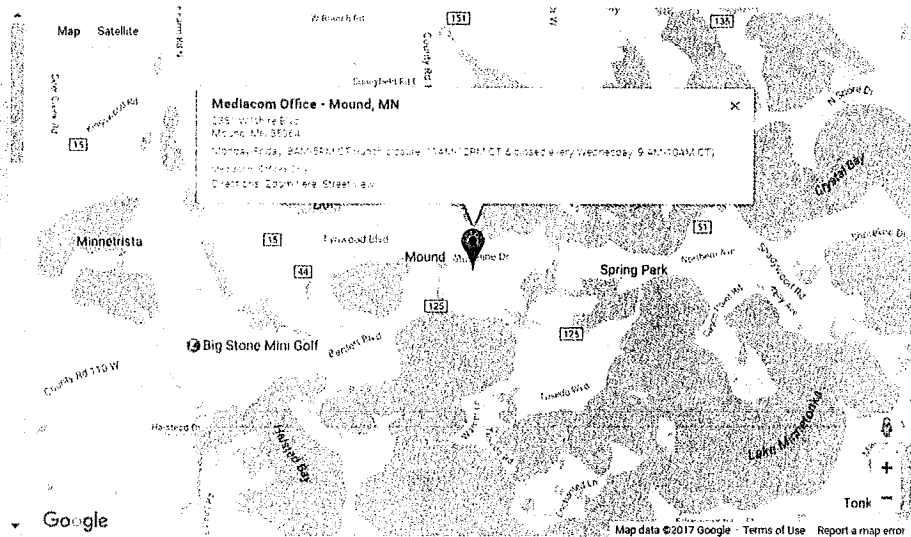


EXHIBIT E

**5.3(b) (i) Standard Installations Completed
Q4 2016 Wayzata, MN**

Number of Days from Order Date	Number of Installations Completed	Percentage of Total Completed Installations
0	1	1%
1	4	2%
2	68	35%
3	2	1%
4	5	3%
5	103	54%
6	4	2%
7	1	1%
8	2	1%
9	0	0%
10	2	1%
Grand Total	192	100%

**Total Installations
Completed 7 Business
Days or Less** 188

**Percentage of
Installations Completed
7 Business Days or Less** 98%

EXHIBIT F

**5.3(b)(ii) Service Interruptions
Q4 2016 Wayzata, MN**

Start Date	Tech Contacted	Tech On Site	Response Time (H:M)	End Date	Duration	Primary Resolution Code	Type
10/3/16 8:48	10/3/16 9:03	10/3/16 9:30	0:27	10/3/16 10:18	1:30	136 - Repl Fuse/reset Breaker	All Services - Outage
11/19/16 10:02	11/19/16 10:02	11/19/16 11:30	1:28	11/19/16 13:15	3:13	146 - Cut/damaged Fiber	All Services - Outage
11/25/16 14:59	11/25/16 14:59	11/25/16 16:00	1:01	11/25/16 16:05	1:06	136 - Repl Fuse/reset Breaker	All Services - Outage
12/12/16 15:06	12/12/16 15:06	12/12/16 16:00	0:54	12/12/16 16:10	1:04	134 - Commercial Power	All Services - Outage

EXHIBIT G

5.3(b)(iii) Apointment Windows
Q4 2016 Wayzata, MN

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

EXHIBIT H

* Omitted
due to
length

EXHIBIT I

5.3 (d) (ii) Billing Disputes—Response Time

Q4 2016 Wayzata, MN

<u>Date Rec'd</u>	<u>Complaint Type</u>	<u>Customer's First Name</u>	<u>Customer's Last Name</u>	<u>Customer's Address</u>	<u>State</u>	<u>Agency Name Method</u>	<u>Agency File #</u>	<u>Response Due By:</u>	<u>Response Letter drafted</u>
10/12/2016	billing	Redacted	Redacted	Minnetonka	MN	AG	Redacted	10/22/2016	10/20/2016
10/12/2016	billing	Redacted	Redacted	Prior Lake	MN	AG	Redacted	10/22/2016	10/20/2016
10/12/2016	billing	Redacted	Redacted	Scanlon	MN	AG	Redacted	10/22/2016	10/14/2016
11/9/2016	billing	Redacted	Redacted	Granite Falls	MN	AG	Redacted	11/19/2016	11/15/2016
11/9/2016	billing	Redacted	Redacted	Prior Lake	MN	FCC	Redacted	12/9/2016	12/2/2016
11/21/2016	billing	Redacted	Redacted	Chisholm	MN	AG	Redacted	12/1/2016	11/28/2016
12/5/2016	billing	Redacted	Redacted	Proctor	MN	FCC	Redacted	1/4/2017	12/12/2016

EXHIBIT J

* Omitted
due to
length

EXHIBIT K

EQUIPMENT COMPATIBILITY INFORMATION

TELEVISION PICTURE QUALITY

If you experience problems with the quality of the television signals you receive, you should call us at 1-855-MEDIACOM. A fully trained Mediacom customer service representative can often resolve your problem over the telephone. If this cannot be done, we will set up an appointment for a skilled technician to come to your home. If, in your opinion, the service technician fails to correct the reception problem, you should call us again and we will review the actions taken. Should we continue to be unable to resolve the problem to your satisfaction, we will explain the reasons we cannot solve the problem. You may also refer to your monthly cable bill or call 1-855-MEDIACOM for the address of your franchise authority contact designated to receive consumer complaints.

TELEVISION EQUIPMENT COMPATIBILITY

Most modern television sets and DVRs are cable compatible (or "cable ready") and can receive, when connected directly to the cable service, the analog television channels carried on the cable system that have not been encrypted to secure the signals. Many of these newer devices are also certified "digital cable ready" and may be connected directly to the cable system to receive digital channels present on the system that have not been encrypted. Except with television sets and other display devices equipped to use the CableCARD technology described below, encrypted standard or high-definition digital television channels carried on Mediacom systems will not be viewable without a cable set-top converter or adapter compatible with and authorized by the Mediacom system providing service to you.

CABLE CONVERTERS

In some Mediacom systems, the basic tier may be encrypted. If it is, you will need a cable converter box or adapter in order to view any channels. If you have a cable ready or digital cable ready TV display device you may not need a set-top converter or adapter to receive basic, unencrypted services; however, some models of TVs, VCRs and DVRs – especially older TV sets that are not "cable ready" – may not receive all of the channels offered when connected directly to the cable system. If your TV, VCR or DVR is not able to receive all of the channels desired, you can obtain a set-top converter or adapter from Mediacom or, if available, purchase a different device capable of accessing the cable services you want at a retail outlet. If you plan to purchase cable services that we scramble or encrypt, such as premium, pay-per-view and some other digital services, you should make sure that any set-top converter, navigation device or digital cable ready TV/display device you purchase from a retail outlet is capable of working with separate security cards (CableCARDs) that we must provide in order for your equipment to access encrypted and other such other programming services. Upon request, we will provide you with the technical parameters that are needed for any such device to operate with our security cards and cable system. In addition, you should know that receivers with descrambling units are illegal to sell or use unless authorized by Mediacom.

If you receive service through a cable set-top converter or adapter, you may not be able to use special features and functions of your TV, VCR or DVR. These may include features that allow you to view a program on one channel while simultaneously recording a program on another channel; record two or more consecutive programs that appear on different channels; or use advanced picture generation and display features such as "Picture-in-Picture," channel review and other functions that necessitate channel selection by the consumer device. You may be able to resolve these issues (and other compatibility issues associated with the reception of programming services) through an additional converter or other equipment that is available for lease from Mediacom upon request, or from another electronics retail vendor. Please call us at 1-855-MEDIACOM for technical assistance with questions about the type of special equipment needed to resolve individual compatibility problems.

CABLECARDS

Certain TVs/display devices are sold with a port for a CableCARD that can substitute for a cable set-top converter. However, some of these devices are "one-way" (often referred to as UDCP devices) and cannot access interactive or two-way services offered by Mediacom, such as OnDemand, impulse pay-per-view and the Mediacom interactive programming guide. Mediacom may have also deployed Switch Digital Video (SDV) technology in its system to achieve bandwidth efficiencies that enable Mediacom to enhance its offerings.

REMOTE CONTROLS

Mediacom includes a remote control unit with its set-top converters and adapters. Some television, VCR or DVR remote controls are also capable of controlling the basic features of your set-top converter. "Universal" remote control units that are compatible with the basic features of set-top converters may also be obtained from many other sources, such as consumer appliance stores, electronics outlets or over the Internet. These universal remote controls may not be compatible with certain set-top and adapter features or services available from Mediacom in certain markets. If you have specific questions concerning where to find remote controls or their compatibility, we encourage you to contact a Mediacom customer service representative at the number listed on your monthly bill.

EXHIBIT L

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length

EXHIBIT M



Theresa Sunde
Senior Manager, Government Relations

Via Certified Mail

December 2, 2016

Dear Wayzata Community Official:

The purpose of this letter is to inform you that, on or about January 3, 2016, Mediacom will be implementing the following rate adjustments:¹

Product:	New Rate:	Net Change:
Local Broadcast Station Surcharge	\$8.09	\$1.62
Regional Sports Surcharge	\$3.73	\$0.76
Family TV	\$74.95	\$2.00

The decision to make price adjustments is always a difficult one. We are very reluctant to raise video prices because, when we do, we lose subscribers. However, cable and satellite companies are constantly being pressured by the programmers we buy from to pay more for the channels we carry.

The fees we pay to retransmit local broadcast stations like ABC, CBS, FOX and NBC are by far our fastest growing programming cost component. A recently issued Federal Communications Commission pricing survey revealed that the monthly per subscriber fee per broadcast station rose 43% between 2013 and 2014. All told, the fees charged by broadcasters, according to SNL Kagan, grew from \$800 million to \$7.7 billion annually or 863% between 2009 and 2016.

The problems with sports programming are equally as alarming. One look at the skyrocketing rights fees announced with recent deals and it is easy to see that the marketplace for live televised sports is out of control. Broadcast networks and national and regional sports networks are shelling out billions of dollars for the rights to carry pro sports like the NFL, NBA, MLB and NHL, the Olympic Games, World Cup and NCAA football and basketball games. Unrestrained spending has become the hallmark of the sports programming business, and the American consumer, whether a sports fan or not, is left to pay the price.

¹ Depending on the terms of their contract, certain customers on promotional rates may or may not receive this rate change at this time.

In an effort to bring more transparency to the unjustified fee increases being taken by the owners of broadcast and sports television channels, Mediacom previously introduced a Local Broadcast Surcharge and a Regional Sports Surcharge. By identifying the cumulative fee increases being taken by these channel owners, we hope to draw the attention of consumers and their elected representatives to this rapidly escalating problem.

Despite the challenges we face, Mediacom has continued to aggressively invest in the communities we serve. As part of a 3-year, \$1 billion capital investment plan announced early this year, Mediacom has been aggressively installing the newest generation of broadband technology throughout its entire internet service territory. By year end, virtually all of the 3 million homes and businesses within the 1,500 communities that Mediacom serves across its 22 state footprint will be upgraded to the latest DOCSIS 3.1 "Gigasphere" platform. In doing so, Mediacom will be first major cable company in the United States to fully transition to the DOCSIS 3.1 network infrastructure.

As part of these network upgrades, Mediacom will be making major speed and/or data allowance enhancements to many of our most popular internet services tiers.² The below table summarizes the changes to our internet service tiers:

Current Speed (Up/Down)	Current Retail Price	Current Data Allowance	New Speed (Up/Down)	New Retail Price	New Data Allowance
3Mbps/512kbps	\$29.95	150GB	60Mbps/5Mbps	\$34.99	150GB
15Mbps/1Mbps	\$49.95	250GB	60Mbps/5Mbps	\$54.99	250GB
50Mbps/5Mbps	\$59.95	350GB	60Mbps/5Mbps	\$69.99	400GB
100Mbps/10Mbps	\$79.95	999GB	100Mbps/10Mbps	\$79.99	1000GB
150Mbps/20Mbps	\$99.99	2000GB	200Mbps/20Mbps	\$99.99	2000GB

In addition, Mediacom will be announcing the availability of our new Gigasphere powered 1-Gig service tier in your market in 2017. More details to follow.

Mediacom appreciates the opportunity to continue to serve your community's telecommunications needs. If you have any questions, please contact me directly at (507) 837-4878 or email at tsunde@mediacomcc.com

Sincerely,

Theresa Sunde

² Moving forward, Mediacom will be moving all its 3 Mbps/512kbps, 15Mbps/3Mbps and 50Mbps/5Mbps internet service customers to a service speed of 60Mbps/5Mbps. The distinguishing feature between these service levels moving forward will be a data allowance of 150GB, 250GB or 400GB. The entry level internet service tier offered to new customers moving forward will be 60Mbps/5Mbps and include a 400GB data allowance.

EXHIBIT N

MEDIACOM
SERVICE COMMITMENT AGREEMENT

Congratulations on choosing Mediacom as your service provider! By ordering, installing or using Mediacom's service you are agreeing to be bound by this agreement ("Commitment Agreement") with Mediacom for a fixed term ("Term"). This Commitment Agreement is made between you and the subsidiary of Mediacom Communications Corporation that owns the cable system that provides the Services (as defined below). You understand that with your commitment, your monthly rate will increase in accordance with the terms of the offer, and Mediacom may increase monthly package price if it increases or adds to the standard rates for services, equipment and other items corresponding to those in the offered package, so long as the discount from standard prices represented by the initial offer price is maintained during the term stated in your offer. After the term ends, Mediacom may elect at any time to charge you its standard rates in effect from time to time. If any Service (as defined below) is terminated prior to the end of the Term you may owe an Early Termination Fee as described below.

1. **Your Services.** The services that you have purchased ("Services") and their associated pricing, including promotional and package pricing you receive, if any, are listed in the monthly billing statement provided to you by Mediacom. Details of the services that you receive can be found in the rate card and channel lineup provided to you at installation, or at any time upon request by calling Mediacom at 1-855-633-4226. Mediacom's determinations regarding the identification of your Services and associated pricing are final. Should you desire to change the Services that you purchase, please call Mediacom at 1-855-633-4226 and talk to one of our agents, however, an Early Termination Fee may apply.
2. **Other Terms and Conditions Apply.** You agree that the Services are subject to the Mediacom Residential Customer and User Agreement ("Customer Agreement") and any other applicable terms, conditions and policies as provided by the Customer Agreement. You agree to be bound by the provisions of the Customer Agreement. This Commitment Agreement is limited to the express terms contained herein. Statements regarding your Services or the terms and conditions that apply to you by or on behalf of Mediacom or any of its affiliates on a website, in promotional or marketing materials, in a telephone conversation or otherwise than in an express provision of this Commitment Agreement are not part of this Commitment Agreement, do not change the express terms of this Commitment Agreement or any of the other applicable terms, conditions or policies, are not representations, warranties or commitments and do not create obligations or liability on the part of Mediacom.
3. **How to Get a Copy of the Customer Agreement.** The Customer Agreement can be found at <http://www.mediacomcable.com/site/legal.html> or you can call Mediacom at 1-855-633-4226 and request that we mail you a copy either electronically or via the US Postal Service. You agree that your failure to completely read or understand any provision of the Customer Agreement or your failure to receive a copy of the Customer Agreement following a request to Mediacom does not relieve you of any obligations or waive any of Mediacom's rights under the Customer Agreement. In instances where there is a conflict between the provisions of this Commitment Agreement and the Customer Agreement, the provisions of the Customer Agreement shall prevail.
4. **Changes in standard rates.** Mediacom reserves the right during the Term and thereafter to change the standard rates of your Services if the standard rate is increased in the community in which you receive your Services. Mediacom may institute new or increase or otherwise change fees and charges for or associated with the Services provided under this Commitment Agreement. In the event of an increase or new charge in your community, the Term will continue to apply and you will continue to receive the discounts off of the standard rates as noted on your Order Sheet.
5. **Early Termination Fees.** If you terminate this Commitment Agreement by cancelling any Service or all of the Services or if the Services are terminated based on non-payment or other cause before the end of the Term, you agree to pay Mediacom an early termination fee ("Early Termination Fee" or "ETF") of up to \$240.00 for two and three year agreements up to \$120 for one-year agreements. The ETF will be reduced by a prorated amount each day that you maintain the Services. Notwithstanding the foregoing, you may terminate this Commitment Agreement during the Cancellation Window described in Section 13 below and not be charged an ETF.
6. **Downgrading and Upgrading Services.** If you downgrade any Service or terminate some but not all of the Services before the end of the Term, in addition to any ETF owed pursuant to Section 5, above, you will be charged the then current standard rates for the Services and there will no longer be any discounts from the standard rates under this Commitment Agreement. If you wish to upgrade any of the Services during the Term, then you can call Mediacom at 1-855-633-4226 to find out how a particular upgrade would affect this Commitment Agreement.
7. **Relocation ETF.** If you relocate to an area where Mediacom does not serve or does not offer the Services, then this Commitment Agreement may be cancelled and you will be charged an ETF. If you relocate within an area where Mediacom provides the Services this Commitment Agreement remains in effect and you may be charged a transfer fee, not to exceed \$29, in addition to any other installation or other related charges at the new location.
8. **Relocation ETF Exception.** If you are active duty status in any branch of the United States Military and relocate to an area where Mediacom does not serve or does not offer the Services, then this Commitment Agreement may be cancelled without an ETF provided you 1) provide Mediacom prior written notice of the move including any documentation requested to substantiate the move 2) you return all Mediacom equipment and 3) you pay all outstanding amounts due. Information regarding the provision of notice, required documentation and equipment return can be obtained by contacting Mediacom's Customer Service at 1-855-633-4226.
9. **Other Fees and Charges.** The discounts are a set dollar amount off of the then current Standard Rate. Additional Services and equipment not included in your Mediacom Pak and other fees and charges, including charges such as taxes, fees and any other governmental or other charges or pass-throughs on any part of the Services are not affected by this Commitment Agreement and will be charged to you. You understand and

agree that such fees and charges may be changed, added or increased during the Term.

10. **Rates Upon Expiration.** Upon expiration of this Commitment Agreement, Mediacom may charge you the then current Standard Rates for the Services or may offer a discount from those Standard Rates at its discretion.
11. **Changes in Programming, Features and Functionality.** Mediacom reserves the right during the Commitment Period to change, re-arrange, add, delete or discontinue packages or services (including the networks, programs or other item in those packages or Mediacom Paks) and their features, functionality and other aspects of the Services. The availability of one or more programs, networks, channels, sporting events, websites or other content or resource may be permanently or temporarily interrupted. In addition, certain programming, including sports events, may be "blackout" in your area as required by law or for other reasons. The actions set forth in this section may occur without notice and without reducing your fees or charges, except as mandated by law.
12. **Severability.** If any provision of this Commitment Agreement is determined to be invalid, illegal, or unenforceable, it shall be severed from this Commitment Agreement. All other conditions and provisions of this Commitment Agreement shall nevertheless remain in full force and effect.
13. **Cancellation Window.** You may cancel this Commitment Agreement without an ETF within 90 days of signing this Commitment Agreement, provided that your account is in good standing, by calling Mediacom's Customer Service Department at 1-855-633-4226 returning any equipment and paying all outstanding amounts owed. In addition, provided you have returned all equipment in good working order and that your account is in good standing, upon request you may receive a refund of all monthly recurring fees actually paid for service and equipment rental during the first 90 days after signing this Commitment Agreement. Such refund does not include non-recurring or incidental fees such as installation, pay-per-view, home shopping charges, long distance phone charges, or similar charges.

YOUR SERVICE TERMS MAY CONTAIN A BINDING ARBITRATION PROVISION WHICH WOULD REQUIRE THAT DISPUTES BE SUBMITTED TO ARBITRATION.

Name: _____
Address: _____
City: _____
State: _____
Zip: _____
Phone Number: _____
Signature: _____
Date: _____

EXHIBIT O

Rates & Services

(All stated rates are monthly rates unless otherwise stated.)

Chanhassen, Hamburg, Medina, Minnetrista, Mound,
Norwood, Orono, Tonka Bay, Victoria, Waconia, Wayzata &
Young America, MN

Effective January 22, 2017

Digital TV Service Rates

Local Plus TV	\$29.95
Family TV* (Includes Local Plus TV)	\$74.95
Prime TV (Includes Family TV, Starz/Encore, Digital Receiver and Digital Gateway)	\$88.95
Local Broadcast Station Surcharge	\$8.09
Regional Sports Surcharge	\$3.73
HBO*	\$18.95
Showtime*	\$14.95
Cinemax*	\$12.95
Starz/Encore*	\$11.00
Hustler TV*	\$24.95
Vivid TV*	\$24.95
Canales Latinos*	\$7.95
International Channels*	\$9.99 each
(Rai Italia, RTL International, Russian TV Network, Channel One Russia, The Filipino Channel, TV5MONDE, TVK, SBTN)	
HD Pak*†	\$6.95
Kids & Variety Digital Pak*†	\$7.95
Sports & Information Digital Pak*†	\$7.95
Movies & Music Digital Pak*†	\$7.95
Digital Plus (no longer available for purchase)	\$16.00
Digital Gateway (Digital Receiver required. Includes interactive Guide, Digital Music and VOD/PPV access.)	\$4.00
Anime Network On Demand*†	\$6.99
Disney Family Movies On Demand*†	\$4.95
PPV/VOD Movies* (adult and special event prices may vary)	\$4.99 per movie
HD VOD/PPV Movies* (adult and special event prices may vary)	\$5.99 per movie
NFL RedZone (requires subscription to Sports & Information Pak)	\$49.95 per season
TiVo* DVR Service† (TiVo Receiver required)	\$14.95
TiVo* Multi-Room DVR Service† (TiVo Receivers required)	\$19.95
Digital Video Recorder Service	\$10.95
Digital Video Recorder Service Each Additional Device	\$6.00
Nonstandard DVR Fee	\$5.00

*Digital Receiver or Cable Card on your retail device required.

†Requires subscription to Family TV.

Rates are subject to change.

High Speed Internet Services

Download/Upload Speeds**/Data Allowance/Monthly Residential Rates

Launch Internet: 60 Mbps/5 Mbps/150 GB (No longer available for purchase after Jan. 21, 2017)	\$34.99
Prime Internet: 60 Mbps/5 Mbps/250 GB (No longer available for purchase after Jan. 21, 2017)	\$54.99
Prime Plus Internet: 60 Mbps/5 Mbps/400 GB (No longer available for purchase after Jan. 21, 2017)	\$64.99
Internet 60: 60 Mbps/5 Mbps/400 GB	\$69.99
Internet 100: 100 Mbps/10 Mbps/1000 GB	\$79.99
Internet 200: 200 Mbps/20 Mbps/2000 GB	\$99.99
Additional Dynamic IP Address	\$5.00
Wireless Home Networking (Wi-Fi)* (Must subscribe to Internet, included with modem after Jan. 21, 2017)	\$3.95
Internet Surcharge (applies to customers subscribing only to Mediacom High Speed Internet)	\$15.00

*Data modem required.

**Speeds are up to amounts, are not guaranteed and may vary.

Digital Phone Service

(Monthly fee includes unlimited calling in United States, Puerto Rico, US Virgin Islands and Canada, plus 13 calling features including Caller ID and Call Waiting)

Phone Service	\$49.95
Phone Service (with Family OR Internet Service)	\$39.95
Phone Service (with Family AND Internet Service)	\$29.95
WorldTalk 200 Phone Service for Landlines & Mobile* (200 minutes to 67 countries)	\$9.99
WorldTalk 250 Phone Service for Landlines & Mobile* (250 minutes to 67 countries)	\$19.99
200 Additional Minutes for WorldTalk 200 Phone Service for Landline & Mobile**	\$9.99
250 Additional Minutes for WorldTalk 250 Phone Service for Landline & Mobile**	\$14.99
World Plan Service for Landlines (250 minutes)* (no longer available after Aug. 22, 2016)	\$14.95
World Plan Phone Service for Landlines & Mobile (250 minutes)* (no longer available after Aug. 22, 2016)	\$19.95
250 Additional World Plan Phone Service for Landline Minutes**	\$14.95
250 Additional World Plan Phone Service for Landline & Mobile Minutes**	\$19.95
Voicemail	\$4.95
Non-published Directory Listing	\$4.50

*Requires Mediacom Phone Service.

**Only one block per month. All minute blocks expire at the end of the calendar month regardless of when purchased.

Xtream Bundles

(Available for new customers only.)

Xtream Local

(Includes Local Plus TV, TiVo DVR Service, TiVo Receiver, Wi-Fi†, Phone, Voicemail, your choice of high-speed data below)

Internet 100	\$149.98
--------------	----------

Xtream Silver

(Includes Family TV, TiVo DVR Service, TiVo Receiver, Wi-Fi†, Phone, 30 WorldTalk minutes*, Voicemail, your choice of high-speed data below)

Internet 100	\$179.98
--------------	----------

Xtream Gold HBO

(Includes Family TV, Multi-Room TiVo DVR Service††, TiVo Receiver, 1 Digital Pak, HBO, Wi-Fi†, Phone, 30 WorldTalk minutes*, Voicemail, your choice of high-speed data below)

Internet 100	\$199.98
--------------	----------

Xtream Gold Showtime/Starz-Encore

(Includes Family TV, Multi-Room TiVo DVR Service††, TiVo Receiver, 1 Digital Pak, Showtime or Starz, Wi-Fi†, Phone, 30 WorldTalk minutes*, Voicemail, your choice of high-speed data below)

Internet 100	\$199.98
--------------	----------

Xtream Platinum

(Includes Family TV, Multi-Room TiVo DVR Service††, TiVo Receiver, 3 Digital Paks, HBO, Cinemax, Starz/Encore, Showtime, Wi-Fi†, Phone, 30 WorldTalk minutes*, Voicemail, your choice of high-speed data below)

Internet 100	\$219.98
--------------	----------

Add-ons & Upgrades

Speed Boost to Internet 200	plus \$10.00
Additional TiVo Service (requires additional TiVo Receiver)	\$5.00

*Included 30 WorldTalk minutes are only available to customers without a WorldTalk plan subscription.

†Data modem required.

†† Additional TiVo* Receiver required.

Triple Play Bundles

Local 60 Triple (Includes Local Plus TV, HD Digital Receiver, Wi-Fi, Phone, Voicemail, Internet 60)	\$129.98
Family 60 Triple (Includes Family, HD Digital Receiver, Wi-Fi, Phone, Voicemail, Internet 60)	\$159.98
Family 60 Triple HBO (Includes Family, HD Digital Receiver, 1 Digital Pak, HBO, Wi-Fi, Phone, Voicemail, Internet 60)	\$179.98
Family 60 Triple Showtime/Starz-Encore (Includes Family, HD Digital Receiver, 1 Digital Pak, Showtime or Starz/Encore, Wi-Fi, Phone, Voicemail, Internet 60)	\$179.98
Family 60 Triple Plus (Includes Family TV, HD Digital Receiver, 3 Digital Paks, HBO, Cinemax, Showtime or Starz/Encore, Wi-Fi, Phone, Voicemail, Internet 60)	\$199.98

Add-ons & Upgrades

Speed Boost to Internet 100	plus \$20.00
Speed Boost to Internet 200	plus \$30.00

Monthly Equipment Fees

(Not all video service features may be available based on your equipment choices.)

HD Digital Receiver with Remote‡ (Includes Digital Gateway; for boxes installed after June 22, 2016)	\$10.50
HD Digital Receiver with Remote* (for boxes installed before June 22, 2016)	\$6.50
HD or Digital DVR Receiver with Remote*	\$6.50
Digital Receiver with Remote*	\$6.50
Digital Adapter† (no longer available after Aug. 22, 2016)	\$1.99
HD Digital Adapter† (no longer available after Aug. 22, 2016)	\$2.99
TiVo Receiver with Remote‡	\$10.50
Additional TiVo Receivers	\$5.00

8383-9200 (1490-1520, 1600-1620, 1660, 1670, 3010, 3170, 3180)

Mediacom

Contact us 24 hours a day/7 days a week: 855-633-4226

Rates & Services

Effective January 22, 2017

Cable Card** (for use with your retail device)	\$1.99
Data/Phone Modem Rental (includes Wi-Fi)	\$10.00
Data/Phone Modem Rental (not available for purchase after Jan. 22, 2017, Wi-Fi not included)	\$7.50
Wi-Fi Extender	\$2.95

*Will not enable Mediacom interactive guide, VOD/PPV access or premium services without Digital Gateway.

**Requires a compatible device.

†Does not support interactive guide, VOD/PPV access or premium services.

‡Enables Mediacom interactive guide, VOD/PPV access or premium services.

Home Controller Monthly Service Rates & Installation Fees

Basic Security*† (Includes 3 door/window sensors, 1 motion detector)	\$34.99
Basic Plus* (No longer available for purchase after June 22, 2016)	\$39.99
Home Management* (No longer available for purchase after June 22, 2016)	\$44.99
Home Controller Installation Fee	\$99.99

*Requires Mediacom High Speed Internet Service

†Includes Touchscreen and Wireless Router, which remain the property of Mediacom.

Home Controller Equipment Packages

Security Plus (Includes 1 key fob, 1 indoor or outdoor camera, 1 door lock)	\$360.00
Management Plus (Includes 4 lamp modules, 1 thermostat)	\$360.00
Additional Equipment*	
Motion Detector	\$50.00
Curtain (clip) Motion Detector	\$50.00
Mountable Indoor Camera	\$140.00
Door/Window Sensor	\$35.00
Smoke Detector	\$60.00
Appliance Module	\$60.00
Lamp Module	\$55.00
Moisture Sensor	\$45.00
Thermostat	\$140.00
Wireless Key Fob	\$30.00
Carbon Monoxide Detector	\$100.00
Outside Camera	\$150.00
Siren Repeater	\$85.00
Glass Break Sensor	\$125.00
Remote Door Lock	\$199.00
Wi-Fi Repeater	\$55.00

*All equipment charges are one-time fees.

Installation Fees

(All rates are one-time fees unless otherwise stated.)

Standard Installation for 1 Service*	\$49.99
Standard Installation for 2 Services*	\$74.99
Standard Installation for 3 Services*	\$99.99
Installation of Additional TV Outlets (same trip)	\$15.00
Installation of Additional TV Outlets (separate trip)	\$29.00
Wi-Fi Extender Installation	\$29.95
Installation of New Phone Jack (if needed)	\$75.00
Installation of Additional Phone Jacks (if needed)	\$49.00

*Applies to all standard installations for homes with existing wiring that are up to 150 feet from an access point on Mediacom's network. Some installations require custom work and prices may vary. Relocation of existing wiring, additional outlets, wall fishes and other custom work is not included.

Other Fees

(All rates are one-time fees unless otherwise stated.)

Data Overage Charge per 50 GB Block* (See Additional Terms document for details)	\$10.00
Home Wire Maintenance	\$4.95
Processing Fee for Payment by Phone with Customer Service Rep	\$5.00
Activation Fee	\$10.00
Field Reactivation of Account	\$29.00

Electronic Reactivation of Account	\$2.00
Transfer of Service	\$29.00
Field Service Charge	\$29.00
Field Change of Service	\$29.00
Electronic Change of Service	\$2.00
Change of Phone Number	\$15.00
Non-Published Number Set-Up Fee	\$15.00
Transfer Activation Fee	\$10.00
Wireless Adapter Purchase	\$39.95
Ultra Adapter Purchase	\$49.95
Battery Backup Purchase	\$49.99
TiVo® Stream Equipment Purchase	\$69.95
TiVo® Connector Kit Purchase	\$40.00
Late Payment Charge	\$8.50
Field Collection Charge	\$20.00
Insufficient Funds Handling Charge	\$29.00
Connection of Consumer Owned Equipment** (same trip)	\$5.99
Connection of Consumer Owned Equipment** (separate trip)	\$29.00
Unreturned Data/Phone Modem	\$139.00
Unreturned External Hard Drive	\$100.00
Unreturned Standard Digital Receiver/TiVo Receiver†	\$300.00-\$500.00
Unreturned HD, DVR, HD/DVR/TiVo DVR, Digital Receiver†	\$500.00
Unreturned TiVo Mini	\$150.00
Unreturned Receiver Remote Control	\$25.00
Unreturned Digital Adapter	\$100.00
Unreturned HD Digital Adapter	\$100.00
Unreturned Cable Card	\$300.00
Unreturned Modem Power Cord	\$25.00
Unreturned Receiver/Adapter Cord	\$10.00
Unreturned Home Controller Touchscreen	\$319.00
Unreturned Home Controller Router	\$39.99

*\$10 per 50 GB user over usage allowance.

**This is a per item charge, including such items as a VCR, DVD player, home stereo, game equipment, etc.

†Charge determined by model type.

TiVo® and the TiVo® logo are registered trademarks of TiVo Inc. or its subsidiaries worldwide.

Billing Policies

Services are billed one month in advance. Payments are due by the tenth day after the "bill from" date, after which a late payment charge will apply. Seven days advance notice is required for termination of service. All leased equipment must be returned.

Taxes and Fees

Listed rates do not include franchise fees; copyright fees; sports/local broadcast surcharges; federal, state and local taxes; or governmental regulatory fees.

How to Contact Us

Call Center (24 hours a day/7 days a week)	855-633-4226
Visit us on the Web: www.mediacomcable.com	
To view internet usage, visit: www.mediacomtoday.com	

Local Office: 1670 Lake Drive W, Chanhassen, MN
Hours: 8am-5pm M-F (closed 9-10am Wed)

Local Office: 2381 Wilshire Blvd, Mound, MN
Hours: 8am-5pm M-F (closed 11am-12pm M-F; 9-10am Wed)

8383-9200 (1490-1520, 1600-1620, 1660, 1670, 3010, 3170, 3180)

Mediacom

Contact us 24 hours a day/7 days a week: 855-633-4226

EXHIBIT P

LEARNER, A. E. 10/16/04

First Last Name

Technical Operations



Chanhassen, MN

Mediacom
the power to simplify

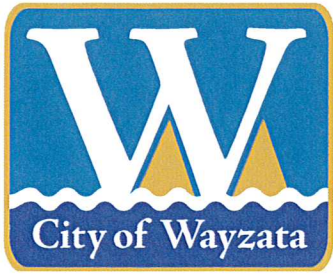
**Loss or Theft of this Card
Must be Reported to:**

**1504 2nd Street S.E.
P.O. Box 110
Waseca, MN 56093**

**Call for Verification
(507) 837- 4889**

Human Resources Dept

Mediacom
the power to simplify
Corporate Office
One Mediacom Way
Mediacom Park, New York



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

Mayor:
Ken Willcox

City Council:
Dan Koch
Johanna McCarthy
Alex Plechash
Steven Tyacke

City Manager:
Jeffrey Dahl

January 25, 2017

Ms. Theresa Sunde
Senior Manager, Government Relations
Mediacom Minnesota LLC
1504 Second Street NE P.O. Box 110
Waseca, MN 56093-0110

Re: Notice of Franchise Violation- City of Wayzata, Minnesota

Dear Ms. Sunde:

I am writing as follow up to the updated Quarterly Report you provided to the City in November, 2016, for 3rd Quarter 2016, which we made several requests for in August and October of last year.

After review, we still believe the report is incomplete, although it is an improvement over the previous version of the Report.

Attached is a chart that outlines each customer service obligation contained in Section 5.3 of the Franchise. Your Quarterly Report should demonstrate Mediacom's compliance with the terms and provisions of Section 5.3 of the Franchise. As noted in the chart, the Quarterly Report you submitted in November does not provide information to allow for verification of many of the obligations in Section 5.3.

Please revise your previously submitted Report for the 3rd Quarter to cover all of this information, and send us that along with a 4th Quarter Report that contains all of this information for the 4th Quarter 2016.

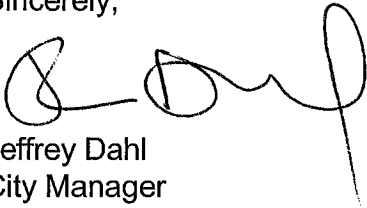
If we receive these Reports from you by February 28, we will not pursue the penalties provided for under the Ordinance for failure to provide the required Reports. If we fail to receive such Reports, we will immediately commence pursuit of the financial and other remedies outlined in my last letter (copy attached) and as otherwise specified in the Ordinance.

As I related in my last letter, the objective of the City is to address and resolve the continued dissatisfaction of Wayzata residents related to the provision of cable services provided by Mediacom. The City would not be pursuing this compliance matter if not for the continued cable subscriber complaints received by the City, which continue into the New Year.

We continue to reserve all of the City's enforcement rights and remedies under the Franchise and applicable law, including the right to draw from the letter of credit all penalties and other monies due the City.

I look forward to the updated 3rd Quarter Report and new 4th Quarter Report from you within the next 30 days.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Dahl', with a stylized, cursive script.

Jeffrey Dahl
City Manager

Attachments

cc: Bruce Gluckman, Mediacom Communications Corporation (via email and U.S. Mail)
David G. Schelzel, Wayzata City Attorney (via email)

000043/312006/2549527_1

MEDIACOM REPORT COMPLIANCE

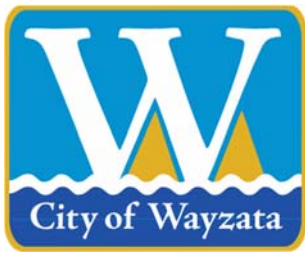
Dated as of 11/10/2016

City of Wayzata, MN

Section No.	Section Name	Compliance		Report	Comment
		Yes	No		
5.3(a)(i)	Local, toll-free or collect call telephone access line available 24/7			Not addressed in report	Unable to verify
5.3(a)(ii)	Telephone answer time within 30 seconds/transfer time within 30 seconds/met 90% measured quarterly	Yes		Chart provided in report	It is a fairly common practice in the cable industry to aggregate calls from many jurisdictions into a regional call center. The position has generally been that if the operator provides regional statistics, then the City will base franchise compliance on those same statistics despite the fact that subscribers outside of the franchise area are included in the numbers.
5.3(a)(iii)	Perform surveys or acquire equipment to measure compliance	Yes		Not applicable	
5.3(a)(iv)	Customers to receive a busy signal less than 3% of the time	Yes		Chart provided in report	
5.3(a)(v)	Customer service center and bill payment locations will be open during Normal Business Hours and conveniently located			Not addressed in report	Unable to verify
5.3(b)	Each of the following standards will be met 95% of the time each quarter:				
5.3(b)(i)	Standard installation performed within 7 days after order has been placed		No	Chart provided in report	It appears as many as 9 installs in the 3rd Quarter occurred after 7 days
5.3(b)(ii)	Operator will begin working on service interruptions no later than 24 hours after the interruption becomes known			Not addressed in report	Unable to verify

Section No.	Section Name	Report	Yes	No	Comment
5.3(b)(ii)	Operator will begin actions to correct other service problems the next business day after notification	Not addressed in report			Unable to verify
5.3(b)(iii)	Appointment window for installations, service calls and other installation activities will be at a specific time or a 4 hour block of time during normal business hours	Not addressed in report			Unable to verify
5.3(b)(iv)	Appointments will not be canceled after the close of business on the business day prior to the scheduled appointment.	Not addressed in report			Unable to verify
5.3(b)(v)	Customers will be contacted if representative is running late and will not be able to keep the appointment as scheduled	Not addressed in report			Unable to verify
5.3(c)(i)	Refunds will be issued upon the return of the operator's equipment if service is terminated or the customer's next billing cycle following resolution or 30 days, whichever is earlier	Not addressed in report			Unable to verify
5.3(c)(ii)	Credits will be issued no later than the customer's next billing cycle following the determination that a credit is due	Not addressed in report			Unable to verify
5.3(d)(i)	Operator's bills will be clear, concise, understandable, fully itemized and clearly indicate all activity during the billing period	Not addressed in report			Unable to verify
5.3(d)(ii)	Operator to respond to written billing disputes from subscribers within 30 days	Not addressed in report			Unable to verify
5.3(e)	Operator will provide to subscribers at the time of installation, at least annually to all subscribers and at any time upon request, the following information: products and services offered; prices and options for programming services; installation and service maintenance policies; instructions on how to use the cable service; channel positions of programming carried and billing and complaint procedures including the address and telephone number of the City's cable office	Not addressed in report			Unable to verify

Section No.	Section Name	Report	Yes	No	Comment
	Written notice given to subscribers a minimum of 30 days in advance of any changes in rates, programming services or Channel positions	Not addressed in report			Unable to verify
5.3(f)	Operator to provide 30 days written notice to the City and subscribers before implementing any rate or service change	Not addressed in report			Unable to verify
5.3(g)	Operator to provide the City with any standard form residential subscriber contract or details of any such contracts	Not addressed in report			Unable to verify
5.3(g)	A list of operator's current subscriber rates and charges for cable service shall be maintained on file with the City	Not addressed in report			Mediacom's cover memo indicated privacy notice, rate and service card, and channel line-up information was provided to the City but Moss & Barnett did not receive copies
5.3(h)	Operator shall credit a subscriber if service is interrupted or discontinued without cause for 24 or more consecutive hours, upon written request by the subscriber	Not addressed in report			Unable to verify
5.3(i)	Operator will comply with applicable state and federal laws regarding fee imposed upon subscribers for late payments of a bill	Not addressed in report			Unable to verify
5.3(k)	Operator will resolve complaints within 30 days and response to written complaints from the City within 15 days	Not addressed in report			Unable to verify
5.3(l)	Operator will provide subscribers information concerning complaint procedures.	Not addressed in report			Unable to verify
5.3(m)	Operator will provide employees entering private property with picture ID	Not addressed in report			Unable to verify



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 7d
TITLE: Approval of Municipal Licenses	
PROPOSED MOTION: To approve the Municipal Licenses as attached	
PREPARED BY: Julie Kaufman, Administrative Assistant/Payroll Clerk and Lori Krismer, Office Assistant	
REVIEWED BY: Becky Malone, Deputy City Clerk	

ACTION REQUESTED:

Staff recommends approval of the Municipal Licenses.

FINANCIAL OR BUDGET CONSIDERATION:

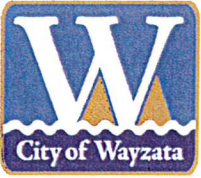
N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. One (1) Day to Four (4) Day Temporary On- Sale Liquor License
 - a. McCormick's St. Patrick's Day Festival
2. List of Municipal Licenses for City Council Approval, and Municipal Licenses Which Received Administrative Approval (Informational Only)



APPLICATION FOR A 1 DAY TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

RECEIVED

FEB 23 2017

CITY OF WAYZATA

NAME OF ORGANIZATION: McLORMICK HOSPITALITY GROUP, LLC
DATE(S) OF EVENT: 3/17 - 3/19 START TIME: 3/17 11am STOP TIME: 3/17 11pm
3/18 3pm 3/18 11pm
NAME OF EVENT: ST. PATRICK'S DAY FESTIVAL 3/19 11am 3/19 5pm

DESCRIPTION OF EVENT: _____

NAME OF LOCATION WHERE EVENT WILL BE HELD: McLORMICK'S

ADDRESS WHERE EVENT WILL BE HELD: 331 BROADWAY

NAME OF PERSON IN CHARGE AT EVENT: TIM McLORMICK

TELEPHONE NUMBER OF PERSON IN CHARGE AT EVENT: 763-607-4271

WHAT DO YOU PLAN TO CONSUME: BEER, WINE, INTOXICATING LIQUOR
(BEER, WINE, OR INTOXICATING LIQUOR)

DO YOU PLAN TO PROVIDE THE LIQUOR? ☐ NO, GUESTS WILL PROVIDE THEIR OWN LIQUOR
☒ YES

A CERTIFICATE OF LIQUOR LIABILITY INSURANCE COVERAGE MUST BE ATTACHED. COVERAGE FOR THE ACTUAL EVENT LOCATION AND EXACT DATES OF THE EVENT MUST BE SHOWN. IS IT ATTACHED? ☒ YES

LOCATION LICENSE/PERMIT WILL BE USED. IF AN OUTDOOR AREA, DESCRIBE:
TENT ADJACENT TO RESTAURANT/PATIO

PLEASE ATTACH A MAP AND/OR DRAWINGS WHICH ILLUSTRATE YOUR LOCATION AT THE EVENT INCLUDING LOCATION OF TABLES, LOCATION OR BAR, ILLUSTRATION OF CONTROL MEASURES, ETC.
ARE MAP/DRAWINGS ATTACHED? ☒ YES

I, the undersigned, agree to indemnify and hold the City of Wayzata harmless from all losses, liabilities, damages, legal liabilities, costs or expenses (including but not limited to reasonable attorneys' fees and other litigation costs and expenses) that may arise in association with the above event.

SIGNATURE OF LICENSEE: TIM McLORMICK DATE: 2/1/17

PRINT NAME: TIM McLORMICK

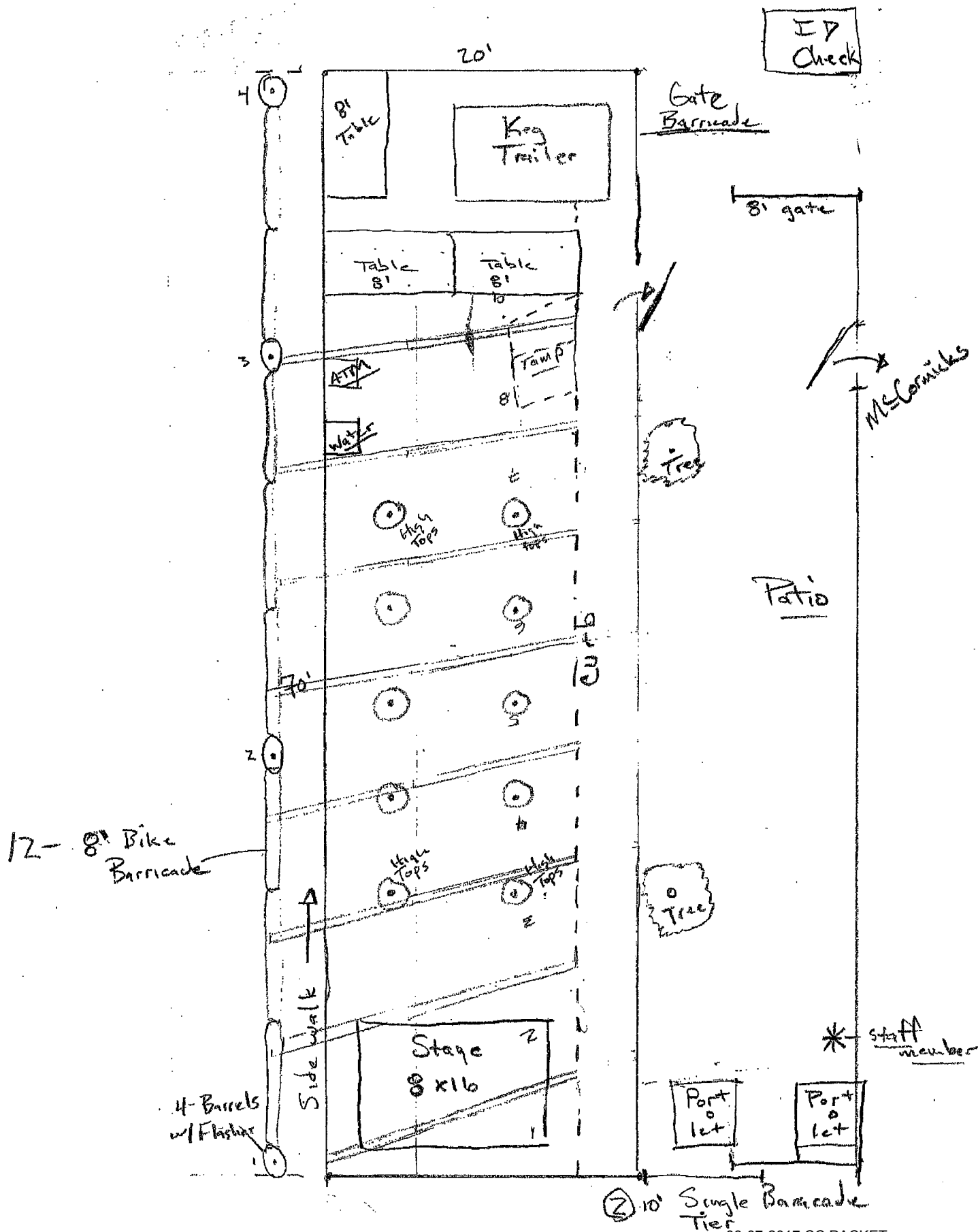
CITY FEE AMOUNT: \$75.00 DATE FEE PAID: 2/27/17 RECEIPT # 36482

POLICE CHIEF SIGNATURE: [Signature] DATE SIGNED: 2/28/17

APPROVED BY WAYZATA CITY COUNCIL ON: _____

DEPUTY CITY CLERK SIGNATURE: _____ DATE SIGNED: _____

St. Patrick's Day "2017"



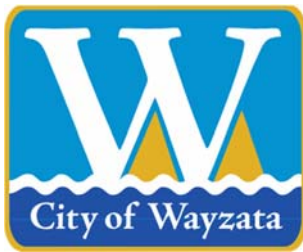
03/07/2017

LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL
(Recommended for approval, pending staff review for completeness of application materials.)

ONE DAY - FOUR DAY TEMPORARY ON-SALE LIQUOR LICENSE ON 3/17/17 to 3/19/17	
McCormick's St. Patrick's Day Festival	331 Broadway Ave So, Wayzata

**THE FOLLOWING MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY**

2017 GAS FITTER'S LICENSES	
Heating & Cooling Two, Inc.	Maple Grove, MN
2017 TREE REMOVAL AND TREATMENT LICENSES	
Arbor Tech Tree & Landscape, Inc.	Sauk Rapids, MN
Acer Tree Care LLC	Mound, MN
Stumpf's Tree Service	Pierz, MN



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 7e
TITLE: Resolution Accepting Donation by Coors Brewing Company via Workhouse Worldwide LLC	
PROPOSED MOTION: To approve Resolution No. 08-2017 Accepting Donation by Coors Brewing Company via Workhouse Worldwide LLC	
PREPARED BY: Dave Dudinsky, Director of Public Service	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff Recommends Approval of Resolution No. 08-2017

FINANCIAL OR BUDGET CONSIDERATION:

Coors Brewing Company, via Workhouse Worldwide LLC would like the \$5,000 donation to be dedicated to the Parks CIP Fund.

BACKGROUND:

In late January, the City was contacted by a local location scout inquiring about the possibility of filming a Coors Brewing Company commercial at the Klapprich Ice Rink. The location scout had shown the company in charge of filming the Coors commercial over twenty ice rink locations around the Metro area. Klapprich Ice Rink was their desired location and ultimately, the City issued a Special Event Permit for the filming of the commercial that took place on Thursday, February 2nd from mid-afternoon into the next morning.

City Parks Staff and Wayzata Police Officers were hired by the commercial filming company (a production crew of about 50 people) to provide assistance and security during the filming of the Coors commercial.

As a “Thank You” to the City for allowing the use of Klapprich Ice Rink for the filming of the Coors commercial, the City received a check in the amount of \$5,000 requesting the donation be used for Park Improvement Projects.

ATTACHMENTS:

1. Resolution No. 08-2017, Accepting Donation by Coors Brewing Company via Workhouse Worldwide LLC.

RESOLUTION NO. 08-2017

**RESOLUTION ACCEPTING DONATION BY COORS BREWING COMPANY VIA
WORKHOUSE WORLDWIDE LLC**

WHEREAS, Coors Brewing Company, via Workhouse Worldwide LLC, wishes to donate the sum of \$5,000 to the City of Wayzata (the “Coors Donation”); and

WHEREAS, Workhouse Worldwide LLC would like the donation dedicated to the Parks Capital Improvement Fund; and

WHEREAS, the City wishes to accept the Coors Donation to hold until such time as the funds may be disbursed for the use and benefit of the City and its inhabitants upon terms and conditions to be approved by the Council pursuant to Section 32 of the City Charter and Minnesota Statutes, Section 465.03;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the Coors Donation is hereby accepted and will be held by the City until such time that the City establishes and approves a public purpose for which the funds may be disbursed.

BE IT FURTHER RESOLVED, that the City Manager is authorized and designated to complete and sign any applicable IRS form on behalf of the City of Wayzata necessary to acknowledge the gift made by Coors Brewing Company.

Adopted by the Wayzata City Council this 7th day of March 2017.

Ken Willcox, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

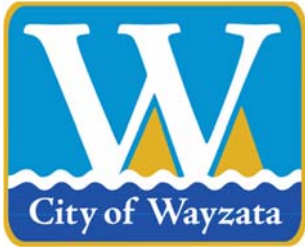
Abstained:
Absent:
Resolution:

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 March 7, 2017.

Becky Malone, Deputy City Clerk

SEAL

000043/316008/2566244_1



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 7f
TITLE: Approval of Resolution No. 11-2017 Supporting Condominium, Townhouse, and Cooperative Construction	
PROPOSED MOTION: To Adopt Resolution No. 11-2017 Supporting Condominium, Townhouse, and Cooperative Construction	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends adoption of the attached Resolution of Support to amend State Law in order to be more supportive of new construction of condominiums, townhouses, and cooperatives in the State of Minnesota.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

This item was brought forth by Mayor Willcox at the March 21, 2016 City Council Meeting and has been an initiative strongly supported by the Urban Land Institute and Regional Council of Mayors.

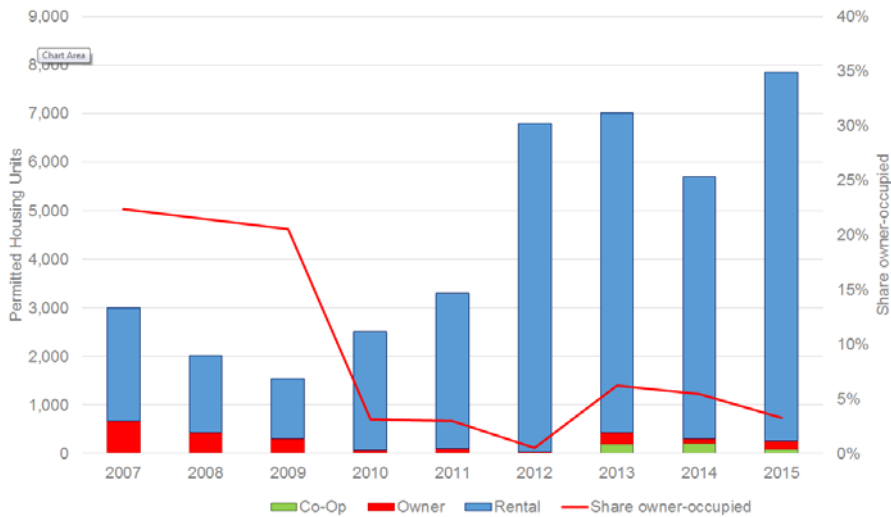
ATTACHMENTS:

1. Information regarding Construction of Owner Occupied Multi-family Housing vs. Construction of Rental
2. Resolution No. 11-2017 Supporting Condominium, Townhouse, and Cooperative Construction

Production of Condos and Townhomes Had Declined Dramatically

A full range of housing choices is critical to the wellbeing of Minnesota. Since the end of the recession, construction of multi-family housing and single family homes has increased dramatically. However, in 2015 only 3% of multifamily units were condos and townhomes. In 2007, 23% of multifamily units were condos and townhomes.

New Multifamily Housing Units in the seven-county Twin Cities area



Source: Metropolitan Council Residential Construction Survey



Housing in the Metropolitan Area

	2007	2015
Rentals	2329	7606
Condos	671	172
Townhomes	1851	554
Single Family	2648	4761

Housing in Your Communities

	2007	2015
Rentals		
Condos		
Townhomes		
Single Family		

Proposal to Encourage Development

SFXXXX

HF1538

This legislation seeks to encourage condo and townhome development by reducing the risk of litigation associated with these types of housing. It encourages all parties to resolve construction defect disputes through negotiations or mediation while preserving the warranty rights of owners.

Current Law

Proposed Change

Homeowner association boards allowed to pursue legal action on behalf all members without consent	Require a majority of homeowner association members approve the decision to pursue legal action
Homeowner association board not required to disclose information to all association members before taking legal action	Require complete disclosure to homeowner association members of any alleged defects
Mediation not required.	Require mediation as a cost effective and preferred method of dispute resolution before legal action
Recovery of attorney's fees in condo/townhome litigation allowed.	Require all parties to pay their own attorney's fees
No requirement for maintenance plan	Require all homeowner associations adopt and implement a preventative maintenance plan

This document was prepared by the Housing Options Coalition. For more information, contact Richard Forschler (612) 766-6902 or Peter Coyle (952) 896-3214.

CITY OF WAYZATA

RESOLUTION NO. 11-2017

RESOLUTION SUPPORTING CONDOMINIUM, TOWNHOUSE AND COOPERATIVE CONSTRUCTION

WHEREAS, the City of Wayzata agrees that a full range of housing choices is critical for the competitiveness of our region and that home ownership is a key component of healthy communities and resilient economies; and

WHEREAS, over the past decade, the production of condominiums, townhomes and cooperatives has declined dramatically; and

WHEREAS, the City of Wayzata supports the bipartisan legislative efforts at the Minnesota legislature to support the development of condominiums, townhouses and cooperatives by reducing the risk of unwarranted litigation; and

WHEREAS, the City of Wayzata affirms that to be effective, any legislation in Minnesota must include common sense elements:

- A requirement that a majority of homeowner association members approve the decision to pursue legal action against development parties; and
- A requirement for complete disclosure to homeowner association members regarding any alleged defects to enable association members to be fully informed before commencing legal proceedings; and
- A requirement for mediation as a cost effective and preferred method of dispute resolution before proceeding with binding legal action; and
- A requirement for all parties in any litigation to pay their own attorney's fees, as is required under comparable apartment and single family home warranty laws; and
- A requirement that all homeowner associations adopt and implement a preventative maintenance plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wayzata, Minnesota, that the City of Wayzata hereby supports these measures identified above to potentially increase condominium, townhouse and cooperative construction activity in the community of Wayzata.

Adopted by the Wayzata City Council this 7th day of March, 2017.

Ken Willcox, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

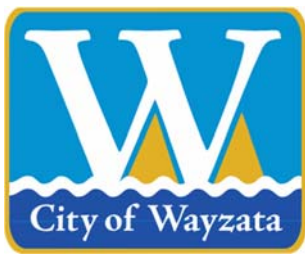
Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 11-2017 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on March 7, 2017.

Becky Malone, Deputy City Clerk

SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 8a
TITLE: Public Hearing and Consider Approval of an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License for Bellecour LLC DBA "Bellecour" at 739 Lake Street E	
PROPOSED MOTION: To approve an On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License for Bellecour LLC DBA "Bellecour" at 739 Lake Street E	
PREPARED BY: Becky Malone, Deputy City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Hold a public hearing for both liquor licenses, and approval of both liquor licenses.

FINANCIAL OR BUDGET CONSIDERATION:

The applicant applied for an on-sale intoxicating liquor license and Sunday on-sale intoxicating liquor license for the license period of March 10, 2017 through April 30, 2017. The applicant paid a pro-rated license fee of \$1,750.00. In addition, the applicant paid a background investigation fee of \$500.00.

BACKGROUND:

Bellecour LLC has applied for an on-sale intoxicating liquor license and Sunday on-sale intoxicating liquor license for Bellecour, a restaurant located at 739 Lake Street E. The licensed premises will include a first floor indoor restaurant, and an outdoor patio on the north side of the building. The outdoor patio on the north side of the building must have approved control measures in place prior to opening. Consumption of alcoholic beverages will not be permitted in the outdoor patio on the south side of the building without additional City approval.

A background investigation as it pertains to liquor licensing is still being conducted on the owners as of Thursday, March 2, 2017, but thus far has been found to be in satisfactory order. We will provide an update at the Council meeting.

The license must be reviewed by Alcohol and Gambling Enforcement following approval by the Wayzata City Council.

Executive Chef and Owner Gavin Kaysen, and Consultant Laura Boyd will be present at the meeting to answer questions.

ATTACHMENTS:

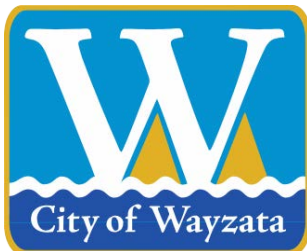
1. Municipal Licenses for City Council Approval

03/07/2017

LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

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

NEW On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License 03/10/2017 - 04/30/2017	
Bellecour LLC DBA "Bellecour"	739 Lake Street E., Wayzata



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 8b
TITLE: Consider Ordinance No. 768 vacating City right of way and public utility easements adjacent to 1430 and 1350 Lasalle Street	
PROPOSED MOTION: Adopt Ordinance No. 768	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Hold a public hearing for the vacation request and adopt Ordinance No. 768 vacating certain City right of way and public utility easements adjacent to 1430 Lasalle Street and 1350 Lasalle Street.

FINANCIAL OR BUDGET CONSIDERATION:

The requested right of way vacation does not have any impact on the City budget, but the increase in size of the two residential properties may increase the taxable market values of the properties.

BACKGROUND:

Jeff Callinan and Jack Amdal have submitted a letter requesting that the City vacate portions of Elliot St, Shore St, and Minnetonka Blvd street right of way adjacent to their respective properties located at 1350 and 1430 Lasalle St.

The right of way was dedicated as part of the historic plat, New Wayzata. The right of way was never developed with a public street, and it is not currently used for any public street or public utility purposes. In addition, Public Works has reviewed the vacation request and determined that there are no future plans for use of the right of way for utilities. Street construction is infeasible and impractical due to the wetlands and topography within the right of way, as well as the rail road tracks that are located along the south side of the properties.

The City's Charter states that, "the Council shall have the exclusive power, by ordinance passed by a unanimous vote of all the members thereof, to vacate or discontinue highways, streets and alleys within the city. Such vacations may be made only after notice and hearing of affected property owners and upon such further terms and by such procedure as the council may, by ordinance, prescribe. A record of each such vacation shall be filed in the office of the Register of Deeds of Hennepin County."

The City has sent notices to all property owners within 350 feet of the subject properties and published a public hearing notice in the Lakeshore Weekly News.

ATTACHMENTS:

1. Letter requesting street vacation
2. Surveys and legal descriptions
3. Ordinance No. 768

RECEIVED

FEB 16 2017

CITY OF WAYZATA

2/15/17

Jeffrey Dahl
Wayzata City Manager
600 Rice Street E
Wayzata, MN 55391

Re: Request for Street Vacation

Dear Jeffrey,

Jack Amdal and I have met with Jeff Thomson (Director of Planning and Building) and Mike Kelly (City Engineer) to discuss the possibility of the City vacating portions of abandoned streets that are adjacent to our properties. We have engaged David Pemberton of Sathre-Bergquist, Inc to develop the associated survey information. We hereby submit the following vacation request for consideration by the City Council:

- Street Vacation Descriptions and Plan Exhibit for properties located at 1430 Lasalle Street and 1350 Lasalle Street prepared by Sathre-Berquist, Inc.
- Easement Vacation Description and Plan Exhibit for property located at 1350 Lasalle Street prepared by Sathre-Berquist, Inc.
- A check for the processing fee of \$399
- Checks for the escrow amount of \$3,060 to be utilized as necessary for City expenses in this matter

Please let us know next steps in the process, and if further information is required.

Sincerely,

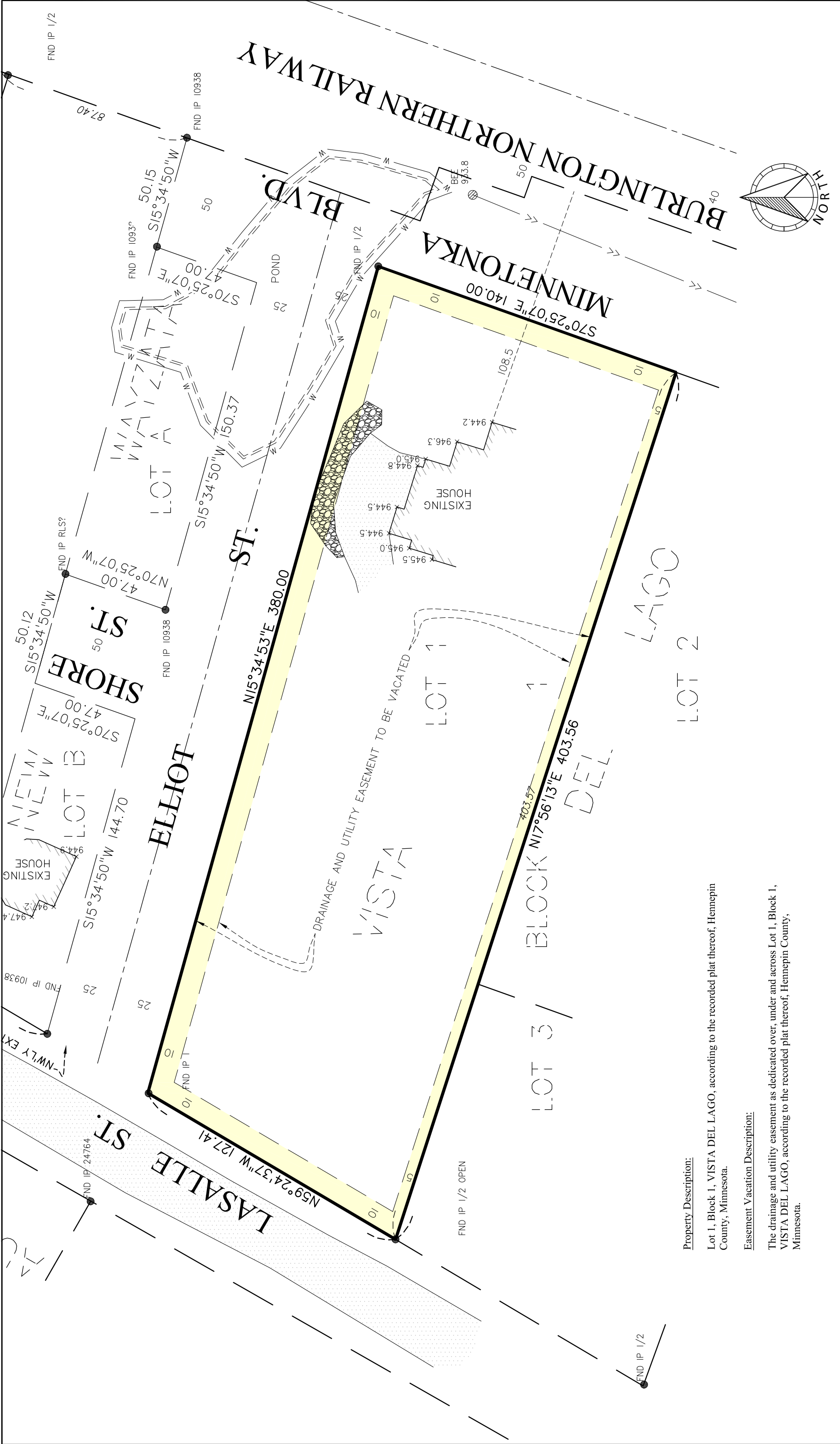


Jeff Callinan
1350 Lasalle St.
Wayzata, MN 55391
Jeff.callinan@jedunn.com
612-290-3498



Jack Amdal
1430 Lasalle St.
Wayzata, MN 55391
jack@studio55architects.com
612-802-2855

(enclosures)



Property Description:

Lot 1, Block 1, VISTA DEL LAGO, according to the recorded plat thereof, Hennepin County, Minnesota.

Easement Vacation Description:

The drainage and utility easement as dedicated over, under and across Lot 1, Block 1, VISTA DEL LAGO, according to the recorded plat thereof, Hennepin County, Minnesota.

JOB #: 12685-001	REVISIONS	 SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000	EASEMENT VACATION EXHIBIT PREPARED FOR Jeff Callinan	Section 05 - Township 117 - Range 22  SCALE IN FEET
FIELD CREW:				
DRAWN BY: DBP				
CHECKED BY: DBP				
DATE: 01/25/17				



STREET VACATION DESCRIPTION

Sathre-Bergquist, Inc.

Job# 10042-001/12685-001

Parcel 1 – 1430 Lasalle Street, Wayzata, MN 55391

That part of Elliot Street, Shore Street and Minnetonka Boulevard as dedicated on the plat of NEW WAYZATA, according to the recorded plat thereof Hennepin County, Minnesota which lies southeasterly of a line described as commencing at the northwesterly corner of Lot B, said NEW WAYZATA; thence on an assumed bearing of North 59 degrees 24 minutes 37 seconds West along the northwesterly extension of the northerly line of said Lot B a distance of 51.76 feet to the northeast corner of Lot 1, Block 1, VISTA DEL LAGO, according to the recorded plat thereof, Hennepin County, Minnesota; thence South 59 degrees 24 minutes 37 seconds East, along said northwesterly extension, a distance of 25.88 feet to the centerline of said Elliot Street and the point of beginning of the line to be described; thence South 15 degrees 34 minutes 53 seconds West along said centerline a distance of 400.30 feet to the northerly line of the Burlington Northern Railway (aka Great Northern Railway Company) and there terminating.

Parcel 2: - 1350 Lasalle Street, Wayzata, MN 55391

That part of Elliot Street and Minnetonka Boulevard as dedicated on the plat of NEW WAYZATA, according to the recorded plat thereof Hennepin County, Minnesota which lies northwesterly and northerly of a line to hereinafter be described as line "A" and southeasterly of the southerly extension of the west line of Lot 1, Block 1, VISTA DEL LAGO, according to the recorded plat thereof, Hennepin County, Minnesota.

Line "A" is described as commencing at the northwesterly corner of Lot B, said NEW WAYZATA; thence on an assumed bearing of North 59 degrees 24 minutes 37 seconds West along the northwesterly extension of the northerly line of said Lot B a distance of 51.76 feet to the northeast corner of Lot 1, Block 1, VISTA DEL LAGO, according to the recorded plat thereof, Hennepin County, Minnesota; thence South 59 degrees 24 minutes 37 seconds East, along said northwesterly extension, a distance of 25.88 feet to the centerline of said Elliot Street and the point of beginning of the line to be described; thence South 15 degrees 34 minutes 53 seconds West along said centerline a distance of 400.30 feet to the northerly line of the Burlington Northern Railway (aka Great Northern Railway Company); thence northwesterly along the northwesterly extension of said northerly line of the Burlington Northern Railway a distance of 166.10 feet to the intersection with said southerly extension of the west line of Lot 1, Block 1, VISTA DEL LAGO, and there terminating.

EASEMENT VACATION DESCRIPTION

Parcel 2: - 1350 Lasalle Street, Wayzata, MN 55391

Easement Vacation Description:

The drainage and utility easement as dedicated over, under and across Lot 1, Block 1, VISTA DEL LAGO, according to the recorded plat thereof, Hennepin County, Minnesota.

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 768

**AN ORDINANCE VACATING CERTAIN CITY RIGHT OF WAY
AND PUBLIC UTILITY EASEMENTS ADJACENT TO
1430 LASALLE STREET AND 1350 LASALLE STREET**

WHEREAS, Jack Amdal, Cheryl A. Amdal, Jessica J. Callinan, and Jeffrey M. Callinan (collectively, the “Applicants”) are the owners of the properties located at 1430 Lasalle Street (“Parcel 1”) and 1350 Lasalle Street, Wayzata, Minnesota (“Parcel 2”) (collectively, the “Properties”); and

WHEREAS, the Applicants have submitted an application (the “Application”) requesting the City of Wayzata to vacate certain portions of the street adjacent to the Properties as well as the drainage and utility easement located on Parcel 2, as depicted and legally described on the attached Exhibit A (the “City Right of Way and Public Utility Easements”); and

WHEREAS, the Applicants wish, as part of the Application, to dedicate new drainage and utility easements along Parcel 2 as shown on Exhibit A; and

WHEREAS, notice of a public hearing on the vacation request was published and provided to the owners of neighboring properties affected by the vacation; and

WHEREAS, the City Council of the City of Wayzata, pursuant to Section 70 of the Wayzata City Charter, has conducted such public hearing on March 7, 2017, and all persons present at said public hearing were given the opportunity to be heard.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Vacation. The City Right of Way and Public Utility Easements depicted on the attached Exhibit A are hereby vacated.

Section 2. Effective Date. This ordinance shall be in full force and effect after its passage and publication according to law, and its proper recordation by Applicants with the Hennepin County Surveyor’s Office and provision to the City of proof of such recordation.

Adopted by the City Council of Wayzata, Minnesota this _____ day of _____, 2017.

Mayor Ken Willcox

ATTEST:

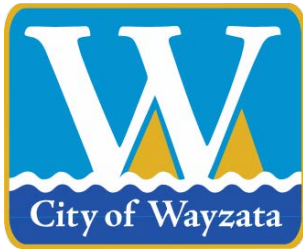
City Manager Jeffrey Dahl

First Reading:
Second Reading:
Publication:

ACTION ON THIS ORDINANCE:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Exhibit A



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 9a
TITLE: Consider Resolution No. 10-2017 approving Conditional Use Permit and Variance, and Bid Award for Construction of Telecommunications Monopole Tower at Wayzata West Middle School	
PROPOSED MOTION: Adopt Resolution No. 10-2017 and Approve Low Bidder, Structural Tower Services, Inc., in the amount of \$312,441, for the construction of telecommunications monopole tower at Wayzata West Middle School at 149 Barry Ave N	
PREPARED BY: Dave Dudinsky, Director of Public Service and Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION/S REQUESTED:

1. Adopt Resolution No. 10-2017 which approves a Conditional Use Permit and Variance for a Telecommunications Monopole Tower at 149 Barry Ave N
2. Approve the Low Bidder, Structural Tower Services, Inc., in the amount of \$312,441.00 for the construction of Telecommunications Monopole Tower at Wayzata West Middle School Site

STRATEGIC PLAN CONSIDERATION:

Relocation of telecom equipment from Wayzata's Water Tower is on the City's Strategic Priority List.

Below is an update to the City's Telecom Strategic Initiatives:

1. The City's telecom ordinance was amended in January of 2016.
2. The City is currently negotiating new leases with its tenants and has informed existing tenants of the City's intention to refurbish the water tower in the summer of 2018.
3. The proposed tower site location meets the following objectives:
 - a. All four existing tenants acknowledged the proposed tower location is suitable as a replacement macro site for their telecommunication operations currently at the City's water tower site. (Other locations further away from the water tower site would require additional telecom towers within the City to achieve similar cell coverage to the water tower site).
 - b. Satisfies the concerns and interests of the Wayzata School District as indicated by their willingness to sign a long-term land lease with the City.

FINANCIAL OR BUDGET CONSIDERATION:

The construction of the tower is budgeted in the City's Telecom Capital Improvement Plan (CIP). The attached letter from the City's finance consultant demonstrates the City can complete the construction of the monopole project with existing funds, planned revenue sources, and still have funds remaining in the Telecom CIP fund.

BACKGROUND:**CUP and Variance Application**

SEH, on behalf of the City of Wayzata, has submitted a development application to construct a commercial telecommunications tower on the Wayzata West Middle School property at 149 Barry Ave N. The proposal requires a conditional use permit and a variance. The Planning Commission reviewed the development application and held a public hearing at its meetings on February 6th and February 27th. After considering the development application, the Planning Commission voted four in favor and three opposed to adopt a report and recommendation of denial of the development application. Minutes of that meeting are attached.

Bids

The Telecommunications Tower Feasibility Study Relocation Cost Estimate was \$827,000.

The monopole manufacture company Sabre Communications Corp. who supplied SEH with the Telecom Feasibility Study construction estimate explained to SEH the elevation of the carrier platforms in the 2017 bid documents had three sectors lower down the monopole thus reducing the load significantly and allowing Sabre to use a more cost effective pole and foundation design. They also stated that as with all budgetary proposals they provide, they include a markup percentage.

The City received five (5) bids for the construction of the Telecommunications Monopole Tower at the Wayzata West Middle School Site. Of the five bids, the four (4) bidders that met all of the bidding requirements are listed below:

- | | |
|---|--------------|
| 1. Structural Tower Services, Inc. in the amount of : | \$312,441.00 |
| 2. Midwest Tower in the amount of: | \$386,657.00 |
| 3. Vertical Limit Construction in the amount of: | \$392,371.00 |
| 4. Sabre Communications Corporation in the amount of: | \$480,712.00 |

ATTACHMENTS:

1. Feasibility Study Report
2. Proposed Plans
3. Letter from SEH recommending award of bid
4. Memo regarding the financing of the Monopole Tower Relocation Project from the City's Finance Consulting Firm; Abdo, Eick, & Meyers LLC.
5. Spreadsheet showing the Feasibility Study Cost Estimates compared to current project estimates after receiving competitive bids for the construction of a 195-foot tall monopole tower located at the Wayzata West Middle School Site.
6. Appraisal Report completed by Nagell Appraisal & Consulting providing commentary concerning the impact, if any, on the residential property located at 315 Barry Avenue North as it relates to the construction of a monopole cell tower on the adjacent school property.
7. February 27, 2017 development application staff report
8. Planning Commission report and recommendation
9. February 6, 2017 Planning Commission meeting minutes
10. February 27, 2017 Planning Commission draft meeting minutes
11. Public comments
12. Draft Resolution No. 10-2017

Feasibility Study Report

Wayzata Middle School Communication Tower

City of Wayzata, Minnesota

SEH No. WAYZA 134285 4.00

October 4, 2016



Building a Better World
for All of Us®

Engineers | Architects | Planners | Scientists



October 4, 2016

RE: Wayzata Middle School Communication Tower
Feasibility Study Report
City of Wayzata, Minnesota
SEH No. WAYZA 134285

Mr. David Dudinsky
Director of Public Service
City of Wayzata
299 Wayzata Blvd. West
Wayzata, MN 55391

Dear Dave:

We are pleased to present to you the Wayzata Middle School Feasibility Study for the City of Wayzata. This report is intended to provide a detailed summation of investigation and preliminary activities in support of the development of this location for the construction of a new communication tower. The purpose of which is to provide a continuance of wireless communication services to the City of Wayzata.

Its origins are based on the longstanding desire of the City, and more specifically, area residence of Bell Courts with unobstructed use of the facilities. As indicated by the City, concerned over time has risen over Tenant access, noise and general aesthetics with both the site and the Gardner Street water tower. However, communication services provided at this site are necessary for the betterment and continued growth of the community at large.

This report is in part a culmination of investigative work as directed by the City of Wayzata following extensive staff and Tenant input regarding telecommunications infrastructure to meet the future needs of the City and the present tower occupants. This work included assessment of the present facility, followed by engagement with City staff, Wayzata School District, and commercial Tenants to assess present and future needs. This resulted in the investigation into the recommended site at the Wayzata Middle School.

As a result of the work completed, we have developed a recommendation for City consideration of the above site for construction of the new monopole facility. This recommendation serves to improve and update existing telecommunications system operations and efficiency. Cost estimates to aid in the consideration of the presented recommendation are also presented in this report.

We appreciate the assistance we received from Wayzata City staff in sharing their perspectives related to the further development of the proposed project. We further appreciate the assistance provided by the present facility Tenants. The input, knowledge, and experience with respect to the study was invaluable toward the development of its construction parameters.

It is our pleasure to assist the City of Wayzata with this project, and we look forward to discussing the contents of this report with you and or presenting it to Council. If you have any questions regarding this report, please contact me at 612.325.9995.

Sincerely,

Principal | Project Manager

dmk

s:\uzlw\wayza\134285\1-gen\14-corr\draft_final report 092316_wayzata middle school communication tower feasibility study dr 100616.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196

SEH is 100% employee-owned | sehinc.com | 651.490.2000 | 800.325.2055 | 888.908.8166 fax

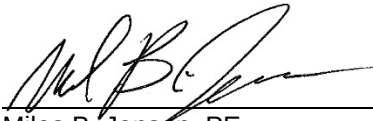
03-07-2017 CC PACKET
Page 115 of 273

Wayzata Middle School Communication Tower
Feasibility Study Report
City of Wayzata, Minnesota

SEH No. WAYZA 134285

October 4, 2016

I hereby certify that this report 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.



Miles B. Jensen, PE
Regional Practice Center Leader

Date: October 4, 2016

Lic. No.: 19869

Reviewed By: Dale Romsos

Date: October 4, 2016

Short Elliott Hendrickson Inc.
3535 Vadnais Center Drive
St. Paul, MN 55110-5196
651.490.2000



Executive Summary

Wayzata Middle School Communications Tower

The City of Wayzata currently provides wireless communications service coverage for the downtown area via the Gardner Street Water Tower located at 403 Gardner Street. Supporting Tenant ground equipment is housed within the confines of the Telecommunications compound located in Gardner Park. In recent years this site has been at issue with residents concerned with its location in a general use park, continuous access by the tenants for equipment maintenance and upgrades, and aesthetics. These concerns have led to previous studies by Short Elliott Hendrickson Inc. (SEH[®]), centering on both equipment site upgraders and complete facility relocation, with initial discussions beginning during the design of the new Water Treatment plant in 2008.

Since then the City with SEH has worked with the residing Tenants in re-designing their installations to the water tower during recent technology upgrades. This has included the removal of the AT&T lattice towers at the catwalk, installing attachment brackets for cable routing along the inside face of the support columns and requiring the use of manufactured white coaxial cables, and installing a new roof handrail system to better distribute the placement of mounted equipment. All for the purpose of providing better aesthetics. However, the above improvements did nothing to address resident concerns regarding Tenant site access, aesthetic regarding the equipment compound, or noise related to compressor operation (equipment cooling). At this time many of the Tenant leases are up for renewal which presented an opportunity for a more serious discussion regarding Tenant relocation.

As stated above, the Gardner Street Water Tower serves the City of Wayzata, in part, as a communication transmission tower for commercial Tenants, as well as the City of Wayzata Public Works specific to its SCADA system. Current revenues generated by the City of Wayzata from commercial Tenants are over \$300,000 annually, based on current lease information provided by the City, thus representing a relevant revenue stream.

On March 31, 2015, the City of Wayzata authorized SEH to provide an aerial assessment of multiple City sites for their consideration as future sites for telecommunications. Consideration for the tower site selection was based on a set criteria provided by the City with an emphasis on aesthetics. Other determining criteria was the need to maintain an equivalency in customer service that would equate equally to the coverage presently provided at the existing Gardner Street site. Further, the new facility would need to allow for future expansion and upgrades in Tenant technology. Sites under initial consideration were:

- Public Works Facility (299 Wayzata Blvd. West)
- Wayzata Middle School (149 Barry Avenue N)
- South Frontage Road (Lift Station #21)

These sites were assessed by an Unmanned Aerial Vehicle (UAV), or drone, with the purpose of simulating actual conditions in real-time as it relates to Tenant line-of-site as associated with radio frequency (RF) propagation used to determine signal coverage. The resulting information was then presented in a meeting to the Tenants by the City (April 24, 2015) for their input in determining the final location. Based on the review of information provided by the City of Wayzata and follow up responses from the represented Tenants, those being: AT&T, Sprint, T-Mobile, and Verizon, the Wayzata Middle School was selected. As directed by the City, SEH proceeded with the investigation into the feasibility of constructing a new communication tower.

Executive Summary (Continued)

As there are a number of design variations for tower construction; which include Lattice, guyed, monopoles, and specialty (Architecturally design), based on cost and aesthetics the City requested that the direction of the study center on a monopole. In addition to aforementioned criteria, this design has a smaller footprint and would accommodate the existing carriers as well as expansion and or consideration of technology upgrades. Initial costs for construction are estimated at \$827,000.

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Feasibility Study Report

Wayzata Middle School Communication Tower

Prepared for City of Wayzata

1.0 Introduction

1.1 Project Background

Since the beginning of pager and cellular service, water storage facilities have been sought out by the communications industry as a choice location for siting its equipment. This is due in part to their elevation, and in many cases, proximity to user density. They can reduce the overall site construction costs for the tenant. In turn this has benefited cities with good service and a new source of revenue. Over time City Telecommunication ordinances were developed to prioritize the location of Tenants onto City properties for the purpose of developing a basis for additional revenue, but just as important, reduce/control what was being seen as a blight of self-supporting towers. This too would create facility issues as water storage towers, already questionable aesthetically with neighborhood residents, were becoming more obtrusive with the addition of attached Tenant equipment and associated ground equipment.

Over the years each of these issues has been accentuated for the City of Wayzata, and most specifically residents directly adjacent to Bell Courts. The addition of further Tenants and Tenant upgrades, due to changes in both technology and use, had translated into a greater and more frequent need for site access. The need for access and the visual changes to the tower would have the greatest effect on residences along Gardner Street East and Minnetonka Avenue North. Of additional concern to area residents was the noise generated from the cycling of the air conditioning compressor units used to reduce heat generation from equipment operation.

Initial discussions between area residents and the City centered on modifications to the ground equipment compound, beginning during design of the new water treatment plant in 2008. A study was requested by the City and completed by SEH, but was not moved forward due to estimated project costs on the options presented and construction of the treatment plant. Options presented were as follows:

Table 1
Telecommunications Site Improvements

Option	Description	Estimated Cost	Time Line to Completion	Final Compound Removal Date
1	Removal of the existing fence, adding a berm and vegetation	\$61,500	Spring of 2015	
2A	Create inset compound and make temporary improvements to the existing compound	\$176,400	Summer of 2017	2021
2B	2B – Construct a walled compound and make temporary improvements to the existing compound	\$242,600	Summer of 2017	2021
2C	Construct an underground compound and temporarily improve the existing compound	\$478,800	Summer of 2017	2021

Please see Appendix A.

The issue was brought forward again in 2012, and a Telecommunications Rehabilitation Options Report was presented to Council by SEH. This time consideration focus was on site relocation and estimated associated costs.

Since then the City and SEH have worked collectively to confront, as best as possible, issues directly related to Tenant installations on the tower. As upgrades were brought forward, SEH worked with their engineers to address equipment clutter by creating a roof handrail system and relocating AT&T from their lattice towers. Coaxial cables were replaced by fiber hybrid cables and routed onto new bracketing attached to the inside face of the support columns. Cables were installed with manufactured white jacketing (as required by the City), or white tape. Though this may have helped aesthetically, it was not enough, and could not alleviate continuing issues such as site access, compressor noise, and overall compound visibility.

In 2015, siting the renewal period for a number of its leases, the City determined that the timing was right to entertain discussions with its Tenants the question of relocation. The discussions were preempted by the completion of a siting study, the purpose of which was to provide an aerial assessment of multiple City sites for their consideration as future sites. These sites included:

- Public Works Facility (299 Wayzata Blvd. West)
- Wayzata Middle School (149 Barry Avenue North)
- South Frontage Road (Lift Station #21)

These sites were assessed to simulate actual conditions as related to Tenant requirements for line-of-site as associated with radio frequency (RF) propagation used to determine signal coverage. The results of the assessment were presented to the Tenants at a meeting held April 24, 2015. At the conclusion of the meeting, Tenants, including AT&T, Sprint, T-Mobile, and Verizon, were requested to independently review the report and provide their own assessment of the proposed sites to determine which would provide coverage similar to the existing Gardner Street water tower. The consensus of the Tenants was the Wayzata Middle

School. The results of the survey and input from City staff were supported by City Council. At their direction SEH was contracted to proceed with the investigation into the feasibility of constructing a new communication tower at the site.

2.0 Tower Selection

Consideration for the tower selection was based on a set criteria with an emphasis on aesthetics as a driving factor for the project. Other determining criteria related to the towers need to maintain an equivalency in customer service that would equate to equal coverage by the current carriers as compared to the existing Gardner Street site. Furthermore, the new facility would need to consider expansion or upgrades in technology that may be required by each carrier from time to time.

It was determined early in the project through meetings with City staff that the design criteria should be reduced to consideration of a monopole in lieu of a lattice, or guyed style tower. A monopole would provide the least obtrusive design, require the smallest footprint, and could be the most cost-effective option for construction.

In a previous phase of the project, SEH investigated three sites as identified by the City for consideration. These sites included the following:

- Public Works Facility (299 Wayzata Blvd. West)
- Wayzata Middle School (149 Barry Avenue N)
- South Frontage Road (Lift Station #21)

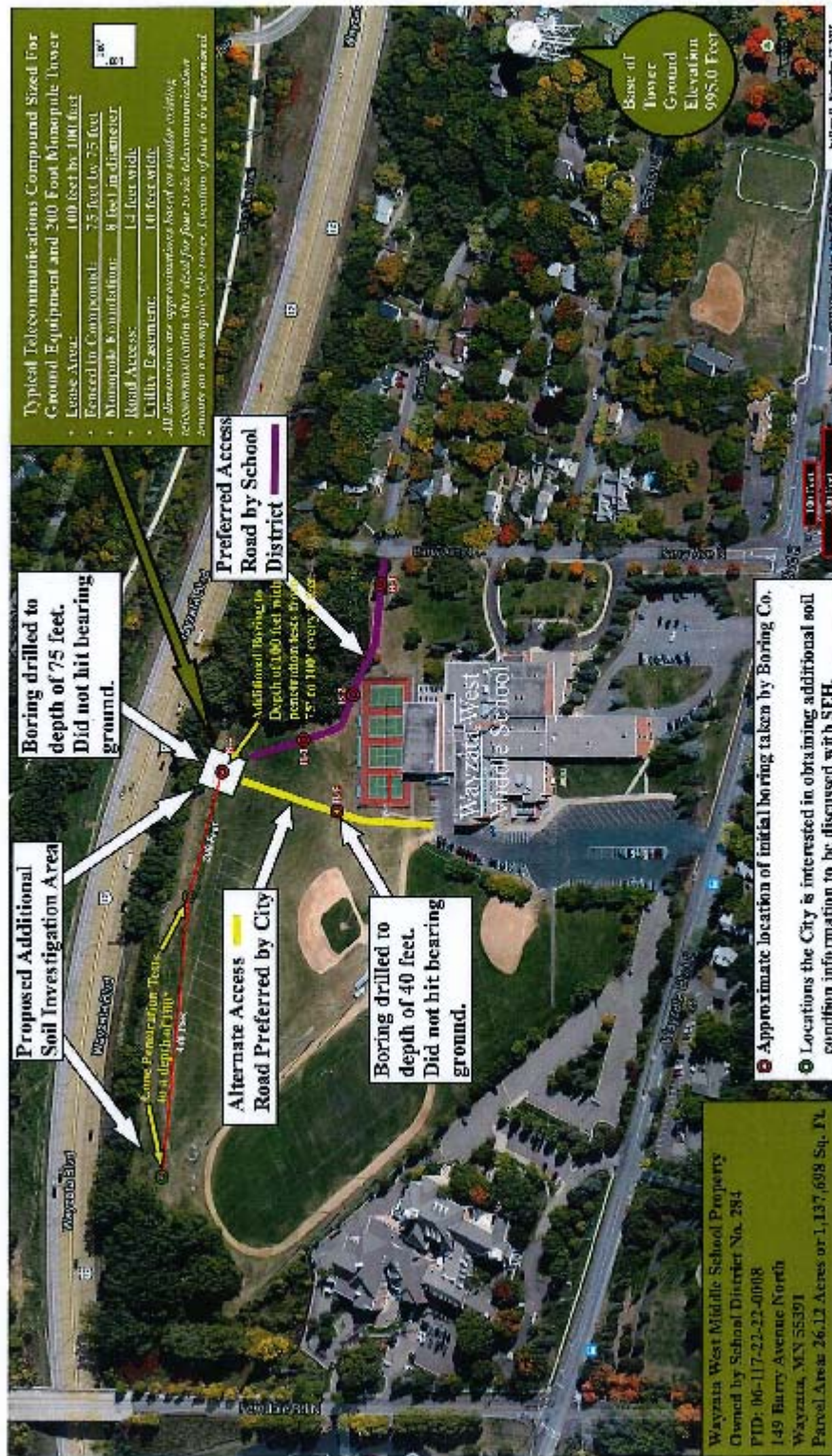
On March 31, 2015, SEH was contracted for performance of a video fly-over using an Unmanned Aerial Vehicle (UAV), or drone, at each of the sites. The purpose of which was to simulate actual conditions in real-time of vertical elevations at 10 ft. intervals to identify line-of-site issues associated with radio frequency (RF) propagation. RF propagation studies would be used by the carriers in determining signal coverage. It further simulated the current radiation or RAD centers of the carriers. The findings from this report were shared at a joint meeting commenced on April 24, 2015, attended by the City, SEH representatives, and current Tenant representatives. As identified in the SEH memorandum presented to the City of Wayzata dated June 17, 2015, based on review of the information provided inclusive of the City of Wayzata, the Tenant (carrier) meeting and follow up responses, it was the opinion of SEH that the Middle School site be considered as the site for construction of a new tower and future relocation of carrier equipment. (Please see Appendix B)

Initiation of the feasibility study began with a meeting between the City, SEH and representatives of the Wayzata School District No.284. The purpose of the meeting was to provide the school with a proposed project overview. This included discussion of the Following:

- Tower structure and compound
- Proposed location and footprint on its property
- Proposed points of access
- School site safety concerns
- Lines of communication and means of access (study related)

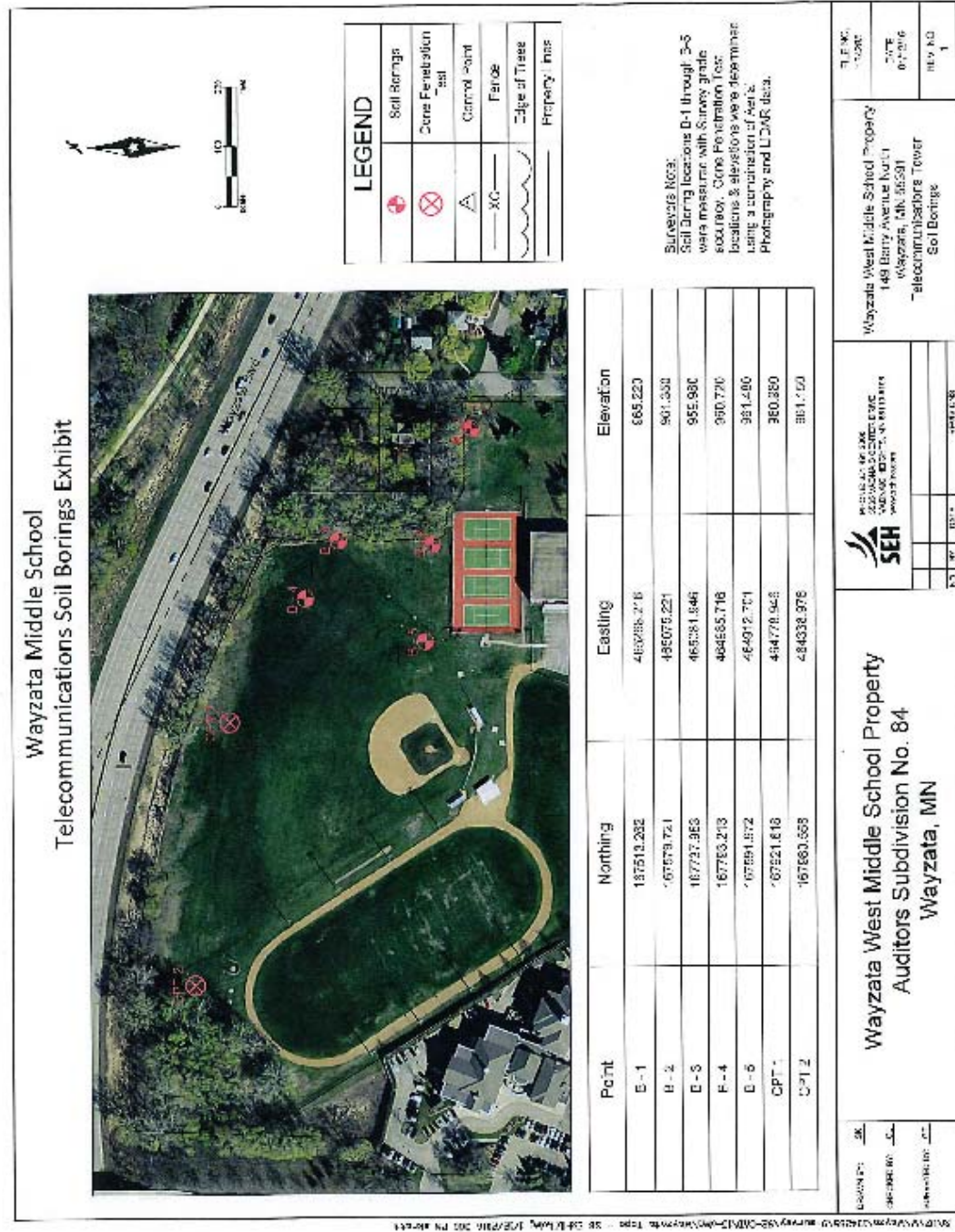
Specific to the tower, discussion focused on the approximate height, lease area requirements, fenced in compound and points of access. Identified were locations off Wayzata Blvd. E, through the schools parking lot, and Barry Avenue N.

Figure 1 – Wayzata Middle School Site Map



Initiation of the field investigation commenced with staking to identify the proposed locations for soil borings to be used to confirm the feasibility of the middle school location for both the tower and the access road. Utility locates were coordinated by SEH. This information would be further used to determine the availability/proximity with respect to the proposed compound location.

Figure 2 – Wayzata Middle School Boring Log



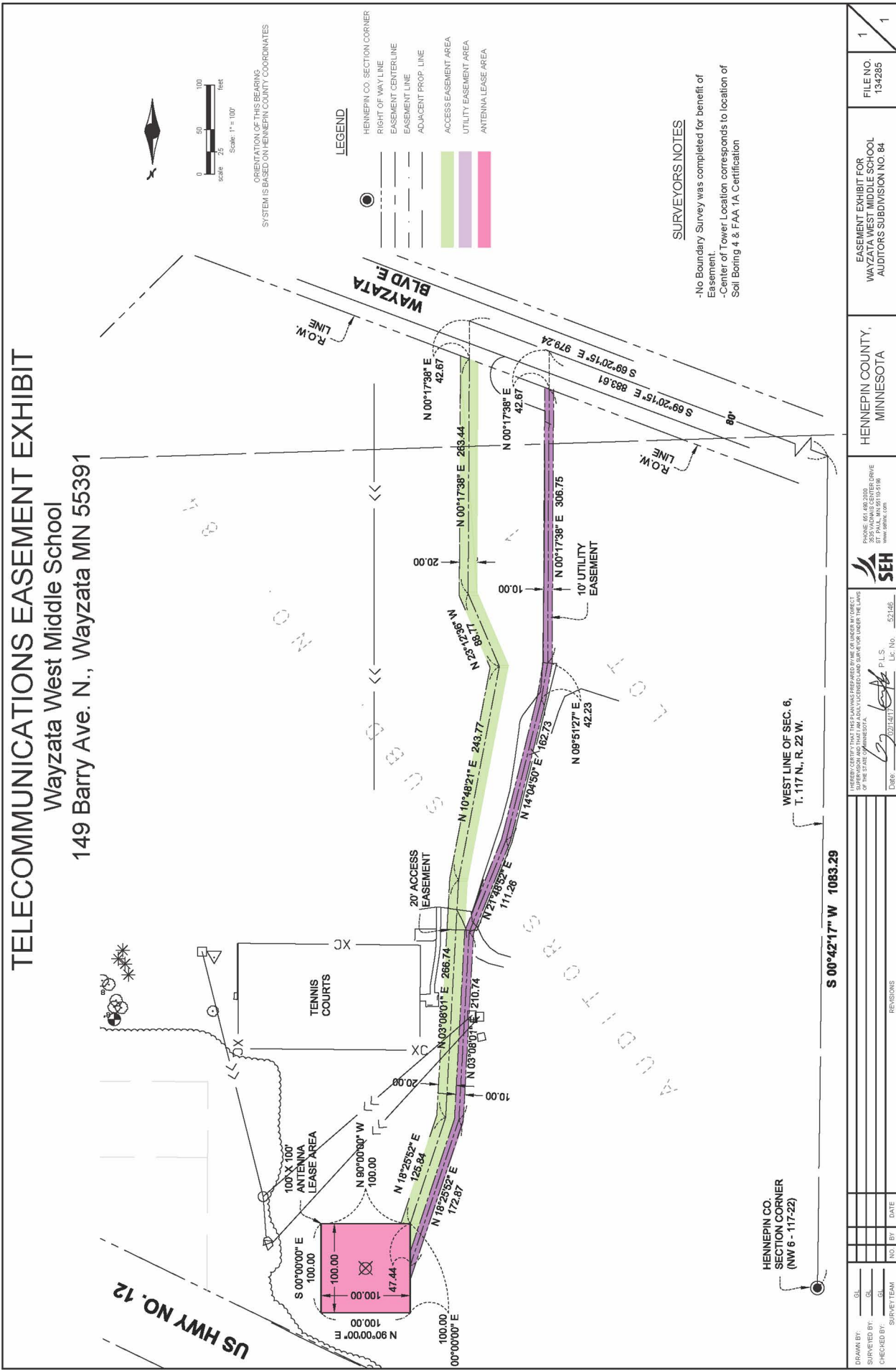
Soil boring locations, as identified in the SEH survey discussion above, were completed by Braun Intertec on October 16, 2015. The results included in that report dated February 4, 2016, identified near surface existence of peat and silty sand, and groundwater at depths between 5 ft. and 12.5 ft. Hard, sandy-lean clay was encountered at approximately 70 feet, with poorly graded sand identified at the bottom of the boring.

On December 4, 2016, additional testing was performed due to poorer than expected soil conditions. This included the investigation of two more sites using SPT borings and cone penetrometer testing (CPT). The results, inclusive of the additional testing as outlined in the report, and stated in the SEH memorandum dated December 15, 2015, state that competent soils were located at boring B-4, and appear to be most favorable for foundation construction. The summation of the report confirms the feasibility of the proposed tower at the selected Wayzata Middle School location. (Please see Appendix C)

Next was consideration of site access. Two routes were initially considered to the tower, the first along the tree line in the northeast corner of the school property and accessible from Barry Street. The second proposed access was from the school parking lot and cutting through the school grounds. Though soils were identified per the soils report as questionable, area residents had expressed that the City consider the second proposed access point through the school to minimize any additional traffic on Barry Street; which is the recommendation of this report.

Site Easement-Monopole Location at Boring B-4 (Correctly Surveyed)

Telecommunications Easement Exhibit



A complete site survey and legal description was completed by SEH following confirmation of recommendations for the site, as provided in the soils report, site regulatory clearance, and completion of a property agreement between the Wayzata School District and the City of Wayzata. (Please see Appendix D) Additionally, a property report was requested by SEH on behalf of the City of Wayzata from Land Title. The applicant being Independent School District No.284 for the property identified as 149 Barry Avenue North, Wayzata, Minnesota 55391. (Please see Appendix E)

3.0 Campus Safety Concerns

Safety issues relating to the proposed selected site evolved around access and radio frequency (RF).

Based on the request for proposed access through the school parking lot, school concerns focused on timing as related to both daily project work and work in general. Limitation to driveway access includes 45 minutes prior to the start of school and 30 minutes after dismissal to allow for busses dropping off and picking up students. Additionally, the school expressed a preference for major work to take place while school is in session, while staff is available to better monitor site access and work progress. Specific to notification, the school had requested the following:

- 48 hour notification – General work
- 24 hour notification – Emergency access

During the meeting between school officials, the City, and SEH, the question was brought up about maintaining safety while activities are occurring at the adjacent fields. The consensus was that field activities were far enough away from the proposed site. Site safety would be maintained by incorporating permanent fencing around the perimeter of carrier equipment in the project design. Temporary fencing would be required and installed to segregate the work zone during periods of construction and or upgrading.

Specific to concerns regarding RF, the following recommendations were made at the above referenced meeting:

- A radio frequency meter would be purchased by the City as part of the project, and kept at the Middle school to be made available to parents/residents upon request
- As an enhancement for the purpose of providing basic information regarding RF safety to the general public, educational materials incorporating FCC regulatory requirements could be developed and provided for the school and distributed on a per requested basis.

4.0 Regulatory Due Diligence

With consideration by the City in constructing a new communications tower, it was the responsibility of the City to complete regulatory due diligence associated with the property under consideration. Should the City move forward with the project; the information obtained will be required by each carrier as part of their documentation package as they proceed in the relocation of their equipment to the new facility. As per the project scope, SEH has completed the following:

The 1A Certification was completed directly by SEH and included a survey identifying the proposed horizontal coordinates for the center of the tower, both Latitude (NAD 83) 44 degrees 58 minutes 37.06 seconds North, and Longitude (NAD 83) 93 degrees 31 minutes

07.06 seconds West. Vertical data was based on an assumed tower height of 199 ft. above ground level (AGL). (Please see Appendix F)

Based on an air space analysis performed on 10/5/16, the coordinates for the proposed tower as outlined in the 1A Survey proved to be out of tolerance in the FAA Notice Criteria Tool. The FAA requested that this structure be filed. SEH initiated the FAA filing on 10/04/16, and forecast completion within ninety (90) days. (Please see Appendix F)

Both the Phase 1 Environmental Site Assessment (ESA) and National Environmental Policy Act (NEPA) were completed by Impact 7G, Inc. of Johnston, Iowa.

We have provided a spreadsheet (See Table 2 below) identifying the results on each of these regulatory segments. As stated in the attachment specific to the Environmental Site Assessment and within their Executive Summary, based on the data gathered, there is no further investigation warranted for the property at this time. Though two non-scope ASTM considerations were included, due to the absence of structures on the property, the risk of Asbestos Containing Materials (ACM) and Lead-Based Paint (LBP) exposure is minimal. (Please see Appendix G)

**Table 2
Project Summary**

Report Component	Sec.	REC¹	CREC²	HREC³	De Min⁴	Non-ASTM	Further Action	Comments
Current Property Use	1.0						NO	
Adjacent Properties	3.3						NO	
Historical Review	5.3						NO	
Previous Reports	4.7						NO	
User Provided Information	4.0						NO	
Regulatory Database Review	5.0						NO	
Site Reconnaissance:	6.0						NO	
• Hazardous Materials							NO	
• Petroleum Materials							NO	
Vapor Encroachment Screen	7.0						NO	
Interviews	8.0						NO	
ASTM Non-Scope:	13.0						NO	
• Lead Based Paint						X	NO	
• Asbestos						X	NO	

¹ Recognized Environmental Condition – See Definition in Executive Summary

² Controlled Recognized Environmental Condition – See Definition in Executive Summary

³ Historical Recognized Environmental Condition – See Definition in Executive Summary

⁴ De Minimis Condition – See Definition in Executive Summary

The NEPA investigation was finalized upon the completion of the Tower Construction Notification System (TCNS), as provided with the aforementioned spreadsheet. To date one (1) tribe (Crow Creek Sioux) has granted conditional approval based on the requirement of having their own monitor on the site during construction at the City's expense. Upon project approval by the City and confirmation of an approved construction schedule, SEH will

communicate with the tribe to coordinate site monitoring and determine estimated fees, which are anticipated to be a few thousand dollars.

Table 3
NEPA Checklist

Site #: N/A	Site Name: Wayzata Middle School	Site Address: Wayzata, MN 55391		
FCC Category	Fed/State Agencies	Summary of Negative Impacts	Check Box	
			Yes	No
1. Will the facility be located in an officially designated wilderness area?	National Park Service, Bureau of Land Management, National Wilderness Preservation System			X
2. Will the facility be located in an officially designated wildlife preserve?	U.S. Dept of Interior – Fish & Wildlife (USFWS)			X
3. Will the facility affect listed or proposed threatened or endangered species or designated critical habitat?	USFWS			X
4. Will the facility affect districts, sites, buildings, structures or objects listed, or eligible for listing on the National Register of Historic Places?	State Historic Preservation Office			X
5. Will the facility affect Indian Religious sites:	U.S. Dept of Interior – National Park Service	See Tribal Summary Table in Appendix D		X*
6. Will the facility be located in a Flood Plain?	Federal Emergency Management Agency			X
7. Will the facility construction involve significant change in surface features?	National Wetlands Inventory – US Fish and Wildlife Services			X
8. Will the antenna towers and/or supporting structure be equipped with High Intensity White Lights	Federal Aviation Administration	Client responsibility		X
9. Will the facility result in human exposure to radiation in excess of the applicable safety standards?	Federal Communications Commission	Client responsibility		X

**The Crow Creek Sioux Tribe requests a Tribal Monitor to be present during construction at this site.*

4.1 Conclusion

In conclusion, the proposed project facility does not appear to significantly affect any of the FCC Special Interest items; therefore, no further investigation is warranted at this time.

Figure 4 – TCNS Log

Tribal Name	1st Notification Completion	2nd Notification Completion	3rd Notification Completion	4th Notification Forecast	Tribal Survey Completion	Ethnographic Report Completion	Tribal Response/ Approval Forecast	Tribal Response/ Approval Received	Tribal Comments
Crow Creek Sioux	3/18/2016				6/15/2016			7/6/2016	Approved, but Tribal Monitor required to be onsite during construction at City's expense. Fees Assessed
Fort Peck	3/18/2016					6/2/2016		7/6/2016	Fees Assessed
Northern Arapaho	3/18/2016					6/2/2016		7/5/2016	Fees Assessed
Omaha	3/18/2016	5/22/2016	6/22/2016					6/29/2016	Fees Assessed
Wyandotte	3/18/2016	5/22/2016	6/22/2016	7/22/2016			8/5/2016		
Yankton	3/18/2016				6/15/2016		8/5/2016		
Chippewa Cree	3/18/2016							5/27/2016	Fees Assessed
Crow Tribe	3/18/2016							5/27/2016	Fees Assessed
Fort Belknap Indian Community	3/18/2016							5/27/2016	Fees Assessed
Keweenaw Bay Indian Community	3/18/2016							5/27/2016	Fees Assessed
Lac du Flambeau	3/18/2016							5/27/2016	Fees Assessed
Lac Vieux Desert Band of Lk Superior Chippewa	3/18/2016							5/27/2016	Fees Assessed
Lower Sioux Community of Minnesota	3/18/2016							5/27/2016	Fees Assessed
Menominee	3/18/2016							5/27/2016	Fees Assessed
Northern Cheyenne	3/18/2016							5/27/2016	Fees Assessed
Ottawa	3/18/2016							5/27/2016	Fees Assessed
Ponka	3/18/2016							5/27/2016	Fees Assessed
Red Cliff	3/18/2016							5/27/2016	Fees Assessed
Santee Sioux	3/18/2016							5/27/2016	Fees Assessed
Sisseton- Wahpeton Oyate	3/18/2016							5/27/2016	Fees Assessed
Spirit Lake Nation	3/18/2016							5/27/2016	Fees Assessed
Turtle Mountain Band	3/18/2016							5/27/2016	Fees Assessed
Upper Sioux Community of Minnesota	3/18/2016							5/27/2016	Fees Assessed

5.0 Financial Cost Assessment

As discussed above, recommendations for the new tower have been narrowed to a monopole design for reasons of aesthetics, functionality, and cost. As part of the study scope, SEH has reached out to two qualified area contractors for estimated project costs based on the proposed project parameters. (Please see Appendix H) The Estimated costs are shown in Table 3 below:

Table 4
Estimated Costs

Contractor	Estimated Construction Cost
Vertical Limit Construction, LLC	\$624,177.46
Vinco Inc.	\$451,200.00

A breakdown of these costs was provided in the February 15, 2016, letter provided by SEH and is provided as an attachment to this report. (Please see Appendix H) A revised project estimate was requested to be inclusive of associated costs for the decommissioning of the Gardner Street site, information that was not part of the original contractor estimates, but is included in Table 4 below:

Table 5
Telecommunications Tower Feasibility Study Relocation Cost Estimate

Item #	Description	Wayzata Middle School Monopole
1.0	PREPARE NEW SITE	
1.1	Detailed Bid Specifications & Construction Documents	\$ 30,000
1.2	Clear and Grade Compound and Tower Locations	\$ 55,000
1.3	Access Drive	\$ 30,000
1.4	Utility Right of Way Improvements	\$ 46,000
1.5	Tower Structure w/Foundation (installed)	\$ 350,000
1.6	Ice Bridge to Compound w/Spurs to Tenants	\$ 15,000
1.7	Equipment Shelter Compound: Aggregate, Gate, Fence.	\$ 65,000
1.8	Site Grounding System	\$ 15,000
1.9	New Electrical Service	\$ 78,000
1.10	City Project Mgmt (Admin, Legal & Coordination)/Inspection	\$ 35,015
1.11	Subtotal	\$ 719,015
1.12	Contingency 15% construction cost	\$ 107,852
1.13	New Site – Estimated Project Cost:	\$ 826,867
2.0	RELOCATE / ADD TENANTS (at Tenant Expense)	
2.1	City related PM / Coordination / Legal	\$ 15,000
3.0	DECOMMISSION AND CLEAN UP @ GARDNER SITE	
3.1	Remove Chain Link Fence	\$ 2,000
3.2	Remove Cables and Ice Bridges	\$ 3,000
3.3	Remove all Brush and Aggregate	\$ 3,000

3.4	Grade and Sod site	\$ 5,000
3.5	Project PM and Construction Admin.	\$ 2,000
3.6	Subtotal	\$ 15,000
3.7	Contingency	\$ 1000
3.8	Gardner Site Clean Up – Estimated Project Cost (City Expense)	\$ 16,000

Assumptions/Qualifications

1. Tower material pricing assumptions listed below:
 - a. 195' monopole
 - b. 5 antenna platforms with handrail kit, 12'face, no antenna pipes
 - c. Loading:
 - 5 carriers each with (12) antennas and (12) 1-5/8 coax lines
 - Structure Class II, Exposure Category C, Topography Category 1
2. Tower foundation pricing based on 9' diameter by 57'-6" depth caisson.
 - a. 9' diameter, 57'-6" length
 - b. Slurry water disposed of on site
 - c. Spoils removed from site
3. Soils information from geotechnical report furnished by SEH Engineer.
4. Access road – 12' wide, 690' long, ground stabilization fabric, 6" aggregate surfacing
5. Tower compound – 75' by 75', ground stabilization fabric, 6" aggregate surfacing
6. Fencing – 6' standard chain link, driven posts (no concrete)
7. Electric – 6-gang multi-meter fed with (6) 500 MCM conductors. Utility transformer located within 10' of metering equipment.
8. Fiber/Telco – not included.
9. Grounding – standard system, #2 solid, tinned conductor and 5/8" by 10' long ground rods.
10. Pricing does not include any carrier work.
11. All work completed in "no frost" conditions.

With respect to engineering, SEH proposes a fee of \$65,015 inclusive of design and specification development, bidding, construction administration, and construction observation. Upon completion of the feasibility study, SEH will provide the City of Wayzata with a final estimate based on the City's review and any final changes to the overall project scope. Our submission will include a comprehensive breakdown of tasks associated with our scope of work and corresponding fee.

6.0 Project Schedule

The table below outlines a tentative project schedule that gives consideration to forthcoming lease renewals by the carriers and the request by Wayzata Middle Schools to complete construction prior to the start of the 2017 -2018 school year.

Table 6
Project Schedule

Activity	Date
Engineering Phase	
Engineering Awarded	November 1, 2016
Project Initiation Meeting	Week of November 1, 2016
Development – Plans/Specifications	November 2, 2016
Tenant Meeting	December 8, 2016
Review by City Staff	December 15, 2016
Final Plans/Specifications	January 9, 2017
Bid Phase	
Project Approval by Council	January 17, 2017
Ad for Bid	January 23, 2016 - Depending on Publishing Date Req.
Pre Bid Meeting	February 9, 2017
Contractor Qualification Assessment	February 16, 2017
Bid Opening	February 23, 2017
Council Award	March 7, 2017
Contracts to Contractor	March 14, 2017
Construction Phase	
Submittal Review	April 7, 2017
Preconstruction Meeting	May 30, 2017
Site Mobilization/ Foundation Development	June 6, 2017
Tower Erection/Site Utilities/Tenant Ground Equipment	July 6, 2017
Access Road Development and Final Landscaping	August 5, 2017
Begin - Tenant Monopole Installations	September 4, 2017
Substantial Completion - Tenant Monopole Installations	October 6, 2017

Note: The above represents estimated dates

It has been identified by the City that due to the project type the City will need to go through the conditional use permitting (CUP) process, taking approximately 60 days to complete. It is our understanding that it is the City's intent to proceed with this process in tandem with other activities as outlined in the above schedule, with completion prior to contractor award.

7.0 Feasibility and Recommendation

As discussed in the introduction, water storage facilities have been utilized by Tenants for their height and location from the beginning. However, over the years the sheer number of Tenants and their equipment necessary to provide needed services for voice, data and streaming would ultimately create facility issues. The City of Wayzata neighborhood residence have become increasingly disturbed by equipment noise, continuous Tenant access, and the obtrusiveness of both the equipment compound and the Gardner Street water tower itself.

The City views telecommunication services as an important asset to the existing and future growth of the City. Based on considerations for location design parameters, cost, construction

scheduling, Tenant disruptions (service) and/or site reestablishment, and overall aesthetics, SEH recommends consideration by the City for new tower construction at the Wayzata Middle School site. We believe it is the option that most completely satisfies the criteria set by the City of Wayzata and that of the Tenants for providing continued telecommunications service today and for the future to the benefit of both area businesses and its residents.

dmk



December 9, 2016

RE: City of Wayzata, Minnesota
Telecommunications Tower at Wayzata
West Middle School
SEH No. WAYZA 139566 14.00

Mr. Dave Dudinsky
Director of Public Service
City of Wayzata
299 Wayzata Blvd. West
Wayzata, MN 55391

Dear Dave:

In accordance with requirements of the City of Wayzata's Conditional Use Permitting under Section 31 paragraph 6 – Applications for Telecommunications Facilities, item 3.g, Short Elliott Hendrickson Inc. (SEH) is submitting this letter specific to the tower design criteria.

In development of the construction documents for the above referenced project, SEH will follow standard TIA/EIA-222-G (Class II) for the design, fabrication and installation of this tower (or latest revision at the time of contract).

The loading criteria will be based on the installation of five carriers (Tenants), with one identified as future, as directed by the City. Carrier as-builts from their latest installation (Gardner water tower) will be used for the minimum baseline loading capacity for the tower. (Reference attached)

Should further clarification and or information be required please contact Dale Romsos at 612.325.9995.

Sincerely,

Michael Hemstad, PE
Minnesota License number 19165

dmk

Attachment

c: Dale Romsos – SEH Saint Paul
Daniel J. Zienty – SEH Saint Paul

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Building a Better World
for All of Us®

January 11, 2017

RE: City of Wayzata, Minnesota
Telecommunications Tower at Wayzata
West Middle School
SEH No. WAYZA 139566 14.00

Mr. Dave Dudinsky
Director of Public Service
City of Wayzata
299 Wayzata Blvd. West
Wayzata, MN 55391

Dear Dave:

SEH is requesting council to allow the increase in height for 190 to 195 based on carrier needs to provide cellular coverage and E-911 service. The request is based on criteria with in the City ordinance that allows for consideration based on public safety needs. The communication tower is being designed to accommodate multiple wireless telecommunication carriers that have federally regulated licenses. Part of these license requirements require the carrier to have E-911 service technology. This service becomes a local public safety service. The additional height will also allow for more vertical room on the tower for additional carriers and public service antenna.

Should further clarification and or information be required please contact Dale Romsos at 612.325.9995.

Sincerely,

Dale Romsos
Project Manager

dmk

Attachment

c: Dale Romsos – SEH Saint Paul
Daniel J. Zienty – SEH Saint Paul

s:\uz\w\wayza\139566\1-gen\14-corr\CUP varinace request 011117 wordx

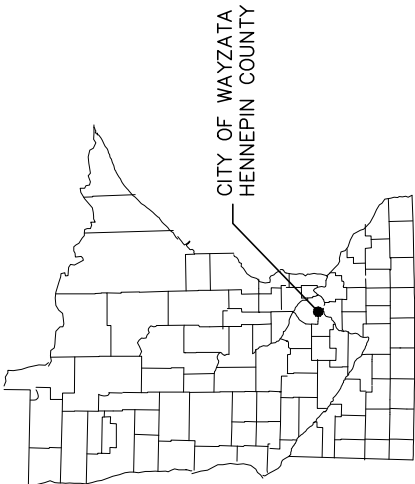


03-07-2017 CC PACKET
Page 139 of 273

RAD CENTER "A", AT&T, 190'
RAD CENTER "B", FUTURE, 180'
RAD CENTER "C", SPRINT, 160'
RAD CENTER "D", T-MOBILE, 150'
RAD CENTER "A", VERIZON, 140'

WAYZATA MIDDLE SCHOOL TELECOMMUNICATIONS TOWER FOR THE CITY OF WAYZATA, MINNESOTA CITY PROJECT NO. COM-2017-01

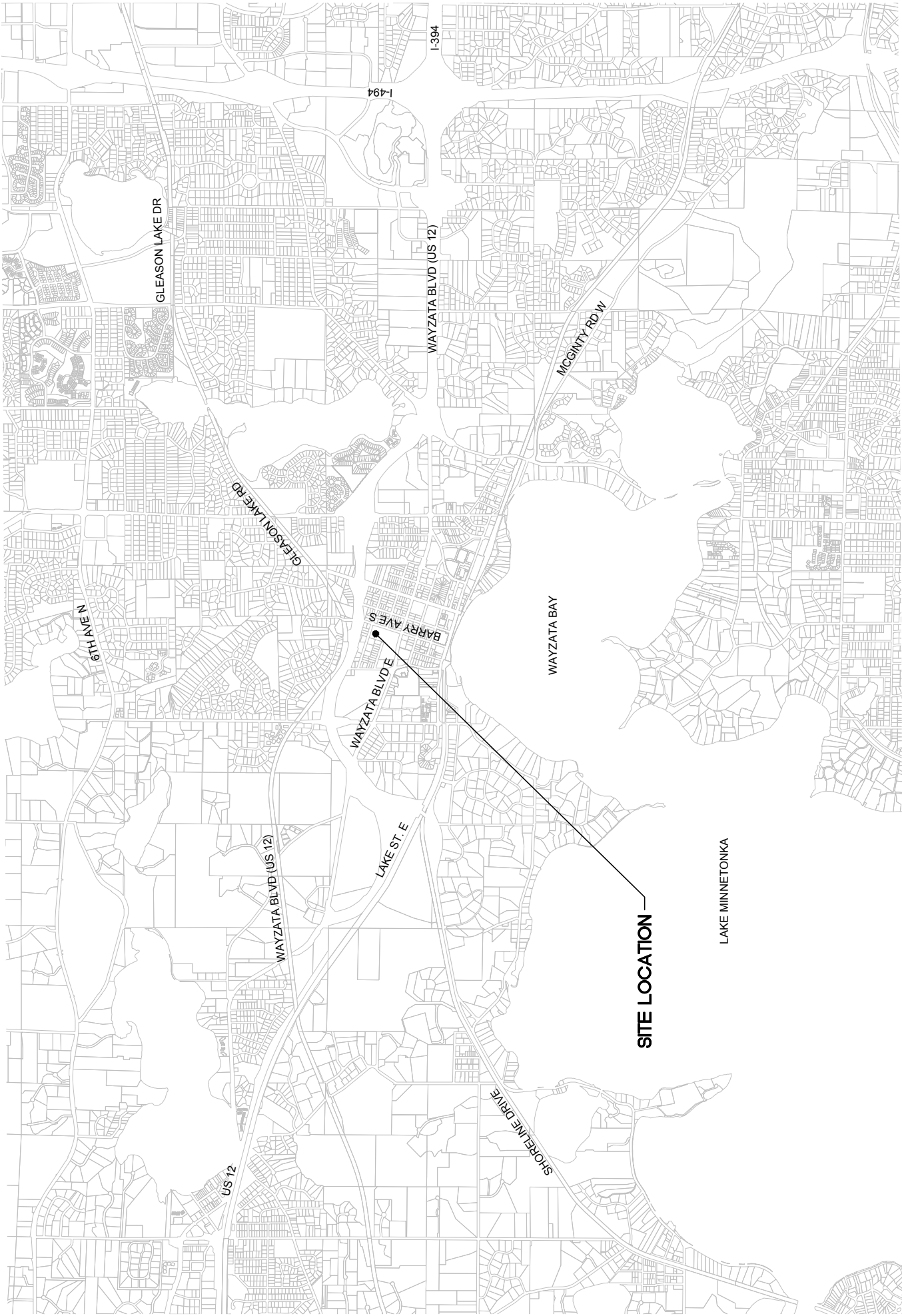
PROJECT LOCATION



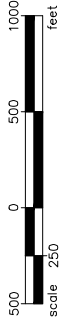
INDEX

SHEET NO.	DESCRIPTION
G1	TITLE SHEET
C1	EXISTING CONDITIONS & REMOVAL PLAN
C2	SITE PLAN & GRADING
C3	FENCING AND MONOPOLE DETAIL

THIS PLAN CONTAINS 4 SHEETS.



VICINITY MAP

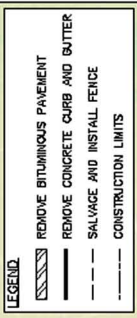


NOTE:
THE SUBSURFACE UTILITY QUALITY INFORMATION IN THIS PLAN IS LEVEL D.
THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE
GUIDELINES OF CI/ASCE 38-02 ENTITLED "STANDARD GUIDELINES FOR THE
COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."
THE CONTRACTOR SHALL CALL THE GOPHER STATE ONE CALL SYSTEM AT
811 BEFORE COMMENCING EXCAVATION.



Know what's below.
Call before you dig.

3. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO COMMENCING EXCAVATION. CONTRACTOR SHALL PROTECT EXISTING TREES ADJACENT TO THE PARKING LOT FOR BARK & LIMB DAMAGE. ANY TRIMMING OF LIMBS NECESSARY FOR CONDUIT INSTALLATION SHALL BE APPROVED BY THE SCHOOL DISTRICT.



SHEET
C1

EXISTING CONDITIONS &
REMOVAL PLAN

SET FILE NO. 4-WR12/1350B
 PROJECT NO.
 ISSUE DATE 02/15/2017
 DESIGNED BY CES
 DRAWN BY JPB

02/15/2017 ADDENDUM #1
LOCATION OF MONOPOLY
MOVED FROM 48'
DATE: 02/15/2017
REVISIONS

WAYZATA MIDDLE SCHOOL
TELECOMMUNICATION TOWER
CITY OF WAYZATA, MINNESOTA

DATE 12/30/2018 RECEIPT NO. 40813

CHD E. BETHLEHEM, P.E.

[Signature]

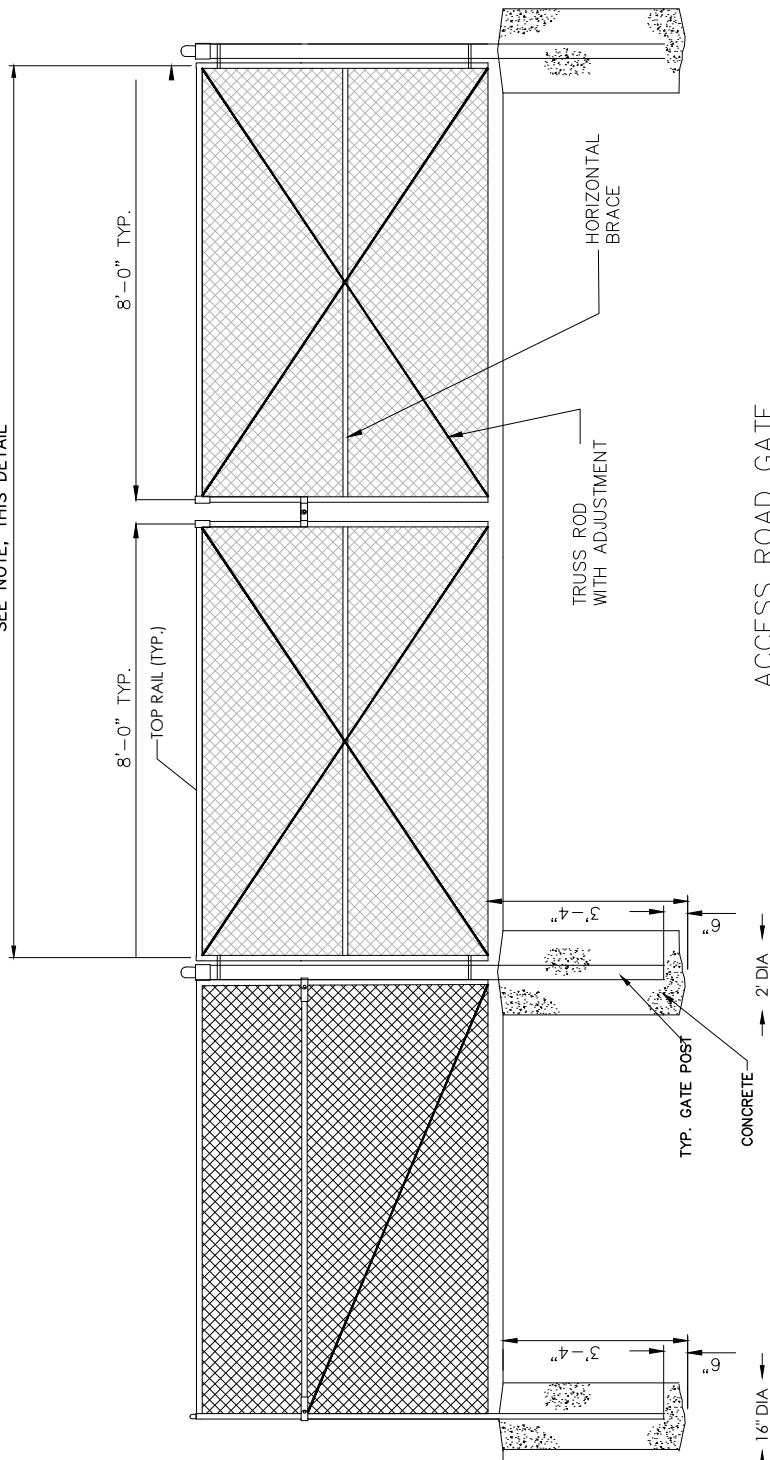
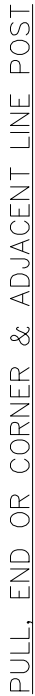
NAME OF MANAGER

MANAGERIAL OFFICE UNDER THE LAW OF THE

RECEIVED BY AND THAT I AM A CIVIL ENGINEER

THIS REPORT WAS PREPARED BY ME OR UNDER MY SUPERVISION





ACCESS R
NTS

COMMUNICATION MONOPOLE PROFILE

NTS

MONOPOLE NOTES:

1. ANTENNA FEED LINES RUN INSIDE POLE.
2. ALL DIMENSIONS ARE ABOVE GROUND LEVEL, UNLESS OTHERWISE SPECIFIED.
3. WEIGHTS SHOWN ARE ESTIMATES. FINAL WEIGHTS MAY VARY.
4. THE MONOPOLE WAS DESIGNED FOR A BASIC WIND SPEED OF 90 MPH WITH 0" OF RADIAL ICE, AND 50 MPH WITH 1" OF RADIAL ICE, IN ACCORDANCE WITH ANSI/TIA-222-G, STRUCTURAL CLASS II, EXPOSURE CATEGORY C, TOPOGRAPHIC CATEGORY 1.
5. FULL HEIGHT STEP BOLTS.

NOTE: PROVIDE LATCHING DEVICES TO HOLD GATES IN OPEN POSITION.

FENCE NOTES:

1. PROVIDE LATCHING DEVICES TO HOLD GATES IN OPEN POSITION.
2. IF ROCK IS ENCOUNTERED WHEN SETTING LINE POSTS, DRILL HOLES 4 INCHES LARGER IN DIAMETER THAN POSTS & BACKFILL TO GRADE WITH CLASS "B" CONCRETE.
3. ARCHITECTURAL GRADE FENCING PER SPECIFICATIONS.
4. TOP RAIL SHALL BE INSTALLED ON ALL FENCING & GATES.

*IF ROCK IS ENCOUNTERED WHEN SETTING LINE POSTS, DRILL HOLES 4 INCHES LARGER IN DIAMETER THAN POSTS AND BACKFILL TO GRADE WITH CLASS "B" CONCRETE



March 1, 2017

RE: City of Wayzata, Minnesota
Telecommunications Tower at Wayzata
West Middle School
SEH No WAYZA 139566 14.00

Mr. David Dudinsky
Director of Public Service
City of Wayzata
299 Wayzata Blvd. West
Wayzata, MN 55391

Dear Dave:

On February 23, 2017 at 10 a.m., the City of Wayzata completed the bid request for the construction of a communications tower at the Wayzata Middle School. Five bids were received prior to the 10 a.m. deadline. The bids packets were accepted and opened immediately after the deadline. Bids were checked for a Bid tab, Bid Bond, and addendum acknowledgement. Total Lump Sum bids were read aloud and recorded on a BIDS RECEIVED TAB (Attached).

Following the bid opening, SEH reviewed all bid document packages for completeness to bid requirements. One contractor was disqualified on grounds of missing required documents. The remaining four contractors had complete and acceptable bid packages.

Project References (document 00 44 14) were reviewed and verified of the lowest Lump Sum Bidder. Satisfactory reviews were given by all references.

As Lump Sum Bid amounts were considerably lower than what was identified in the feasibility report, SEH requested that the four remaining bidders verify components included in the bid so as not to have missed a portion of the bid request. The responses from the contractors regarding missed or assumed items are minor in nature to the total cost of the estimates. It was noted that the contractors all used Sabre industries as the Monopole provider in their bid packages. SEH had requested budgetary figures for the proceeding feasibility report from Sabre Industries on November of 2015. Sabre's design and cost was used to determine estimated construction. The foundation designed from the 2015 budgetary document to the recent contractor bid document is near to a 50% reduction in foundation size. SEH asked the two low bidders to inquire of Sabre industries the reasoning for such a large difference in foundation design, which can make up a large price difference in construction costs. On February 28, 2017, SEH also inquired of Sabre regarding the design difference but neither have received a satisfactory response to date.

We have reviewed the bid information for the above referenced project, and recommend awarding the project to Structural Towers Services, Inc., at their Lump Sum Bid Price of **\$312,441.00**.

Mr. David Dudinsky
March 1, 2017
Page 2

SEH welcomes the opportunity to work with the City of Wayzata, seeing this important project to a successful completion. Should you have any additional needs or requirements, please contact me directly at 612.325.9995.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

A handwritten signature in black ink that reads "Dale Romsos". The signature is written in a cursive, flowing style.

Dale Romsos
Project Manager

dmk

Enclosure

c: George Tourville – SEH Saint Paul

s:\uz\w\wayza\139566\6-bid-const\bidding docs\recommended award memo to city of wayzata 022817.docx



Building a Better World
for All of Us®

BIDS RECEIVED

Wayzata Middle School Telecommunications Tower
City of Wayzata, Minnesota
Project Manager: Dale Romsos

SEH No. WAYZA 139566 64.20
Client No.: COM-2017-01

Bid Date: February 23, 2017

Page 1

Bidder	Addendum Acknowledged	«BidBond»% Bid Bond	Bid Amount
Midwest Tower	✓	✓	\$386,657 ⁰⁰
Premier Electrical Corporation			
Sabre Communications Corporation	✓	✓	\$480,712 ⁰⁰
Structural Tower Services, Inc.	✓	✓	\$312,441 ⁰⁰
Vertical Limit Construction	✓	✓	\$392,371 ⁰⁰
Vinco	✓	✓	\$329,308 ⁰⁰

s:\uz\w\wayza\139566\6-bid-const\bidding docs\bids received.docx

February 27, 2017

Dave Dudinsky, Director of Public Service
 City of Wayzata
 600 Rice Street East
 Wayzata, MN 55391

Dear Dave,

Based on our discussion on February 27, 2017 regarding the Monopole Relocation project, we are to provide a summary of the current finances available for the project. The summary below provides information on the existing balance, anticipated lessee contributions, project costs and land lease costs:

	(+) or (-)	Balance
Telecom CIP Current Balance: 2/27/2017		\$ 446,173
Verizon Wireless Capital Contribution (within 60 days of lease signing)	\$ 84,678	\$ 530,851
Relocation Site - Estimated Project Cost:	\$ (434,074)	\$ 96,777
Wayzata SD Land Lease (Max. \$24,000) (Pro-rated 6 months)	\$ (12,000)	\$ 84,777

As noted above the City can complete the project with existing funds and planned revenue sources and still have funds remaining. The Verizon Capital Contribution is not in-hand but based on current negotiations is expected to be received. Our understanding is that you are still in negotiations with the other potential lessees and it is expected that they will add to the fund balance with their capital contributions. Overall, funds appear sufficient to complete the project with internally identified resources.

Please let me know if there are further questions or if you need further detail.

Sincerely



Steve McDonald
 Managing Partner

TELECOMMUNICATIONS TOWER RELOCATION COST ESTIMATES

Item #	Description	Project Estimate Per Feasibility Study	Project Estimate Incorporating Low Bid
1.0	PREPARE NEW SITE		
1.1	Detailed Bid Specifications & Const Documents	\$30,000	\$30,000
1.2	Clear and grade compound and tower locations	\$55,000	\$26,276
1.3	Access drive	\$30,000	\$14,332
1.4	Utility Right of Way improvements	\$46,000	\$21,976
1.5	Tower structure w foundation (installed)	\$350,000	\$167,208
1.6	Ice Bridge to Compound w Spurs to Tenants	\$15,000	\$7,166
1.7	Equipment Shelter Compound: aggregate, gate, fence.	\$65,000	\$31,053
1.8	Site grounding system	\$15,000	\$7,166
1.9	New Electrical Service	\$78,000	\$37,264
1.10	City Project Management (Admin, Legal & Coordination)/ Inspection	\$35,015	\$35,015
1.11	Subtotal:	\$719,015	\$377,456
1.12	Contingency 15%	\$107,852	\$56,618
1.13	Relocation Site - Estimated Project Cost:	\$826,867	\$434,074
2.0	RELOCATE / ADD TENANTS (at Tenants Expense)		
2.1	City Related PM / Coordination / Legal	\$15,000	\$15,000
3.0	DECOMMISSION AND CLEANUP @ GARDNER SITE		
3.1	Remove Chain Link Fence	\$2,000	\$2,000
3.2	Remove Cables and Ice Bridges	\$3,000	\$3,000
3.3	Remove all Brush and Aggregate	\$3,000	\$3,000
3.4	Grade and Sod Site	\$5,000	\$5,000
3.5	Project PM and Constuction Admin.	\$2,000	\$2,000
3.6	Subtotal:	\$15,000	\$15,000
3.7	Contingency	\$1,000	\$1,000
3.8	Gardner Site Clean Up - Estimated Project Cost (City Expense)	\$16,000	\$16,000

Construction Estimate Per Feasibility Study \$654,000	Construction Cost Per Low Bid \$312,441
--	--

Report Type
Real Estate Consulting
Letter Report

Effective Date
February 27, 2017

Client

City of Wayzata
Attn: David Dudinsky, Dir. Public Service
299 Wayzata Blvd.
Wayzata, MN 55391

Subject Property

Residential Home

315 Barry Avenue North
Wayzata, MN 55391
Owner: Karen Walker Trustee



File # G1702002

Prepared By:
William R. Waytas, Appraiser

Nagell Appraisal & Consulting, Inc.
12805 Highway 55, Suite 300
Plymouth, Minnesota 55441
Tel: 952.544.8966 | Fax: 952.544.8969

NAGELL APPRAISAL & CONSULTING

12805 Highway 55 #300
Plymouth, MN 55441
Established in 1968

Minneapolis 952-544-8966
St. Paul 651-209-6159
Central Fax 952-544-8969

Client: City of Wayzata
Attn: David Dudinsky, Director of Public Service
299 Wayzata Blvd., Wayzata, MN 55391

February 27, 2017

Subject Property: 315 Barry Avenue N
Wayzata, MN
Owner: Karen Walker Trustee

Dear David:

Assignment: Per your request, this is a letter report provides commentary concerning the impact, if any, on the above referenced residential property as it relates to the construction of a cell tower.

This letter is not an appraisal, but rather provides general commentary regarding market perception. The letter is for internal decision making and is only intended for the sole use of the named client.

The Subject Property and Area: The home was built in 1947, has 2,167 SF with a 1.5 story design on a 12,741 SF lot located in Wayzata, MN. It is located on a dead end street one lot south of I-394. Homes in the area are generally considered to be in good to very good condition and have good to very good appeal. Additionally, adding to the appeal of the immediate neighborhood is natural tree growth at the rear of the lots.

Wayzata is considered one of the more appealing cities in the Metro area, with a high standard of living with good schools, along with good access to medical and commercial services.

Located to the west of the home are the athletic fields of Wayzata West Middle School. A large tree buffer blocks the school and fields.

The Cell Tower Project: The city is considering allowing a cell tower to be constructed in the play field of the school. The tower is to be about 195' high and is a monopole design. It would be located in back of the subject property, see attached.

The Impact from the Cell Tower on the Subject: Assuming a typical view shed off of the rear of the subject of 180 degrees, the cell tower would take up less than 1% of the view shed area. Also the trees at the rear of the subject are substantial, most are on the school property, and would block most of the cell tower view (year round, as trees are heavy). For example, a telephone phone pole in the rear corner of the property could appear taller than the cell tower, as the cell tower is located farther away.

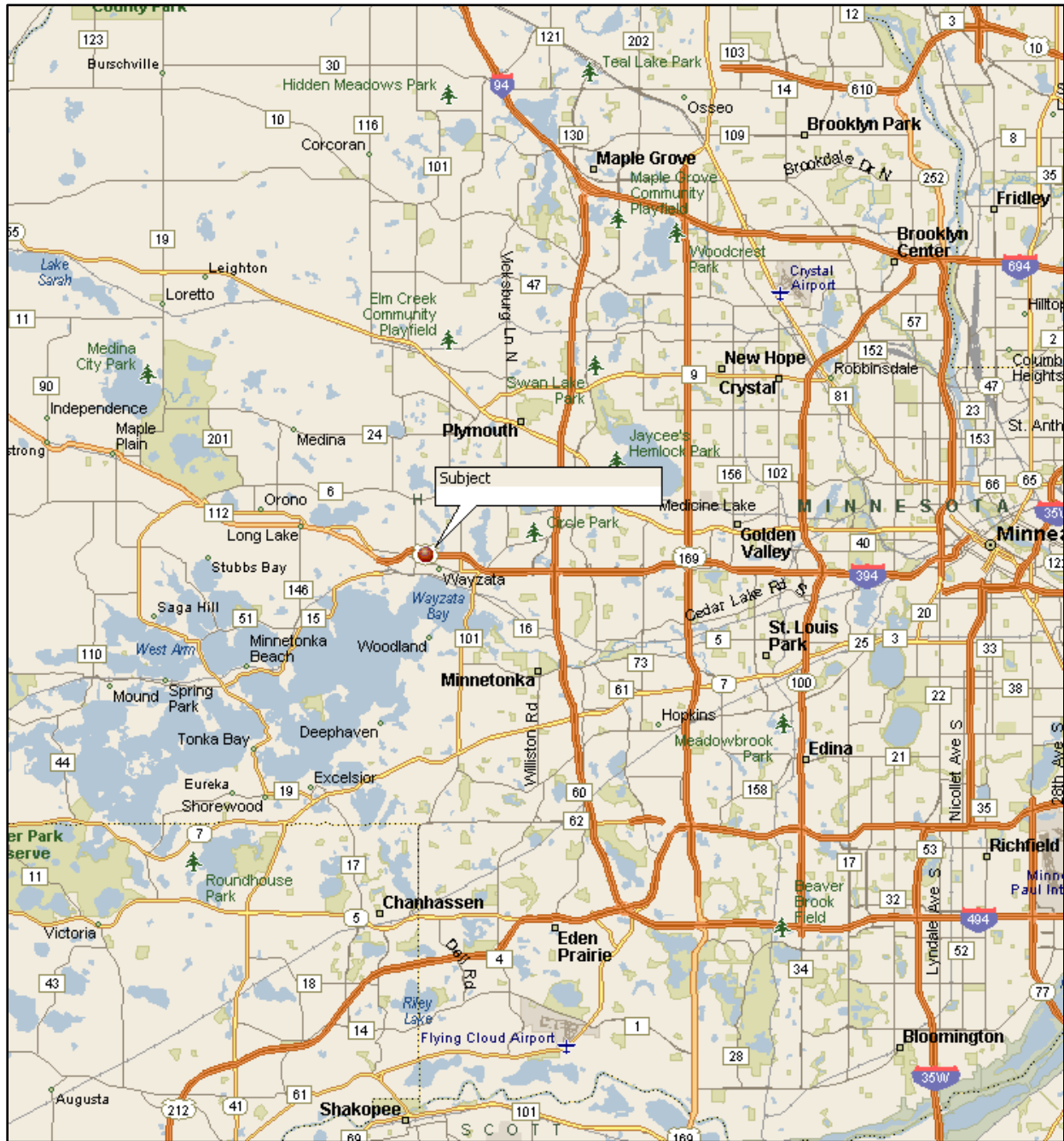
Market Impact: Considering the layout of the home, rear deck, tall trees in back, the exposure to the cell tower and appraiser's experience it is deemed to have a very minimal or nil impact on the subject from a typical buyer/seller perspective. Additionally, it appears the city's zoning allows for cell tower use. An informed buyer and seller would be aware that a cell tower use is allowed. This letter reflects a "typical" buyer and seller. There are potential buyers and sellers who would have more of an adverse reaction to the tower but these are not considered typical market participants (these buyers/sellers would be left tail participants, applying a Bell Curve Model).

Sincerely,

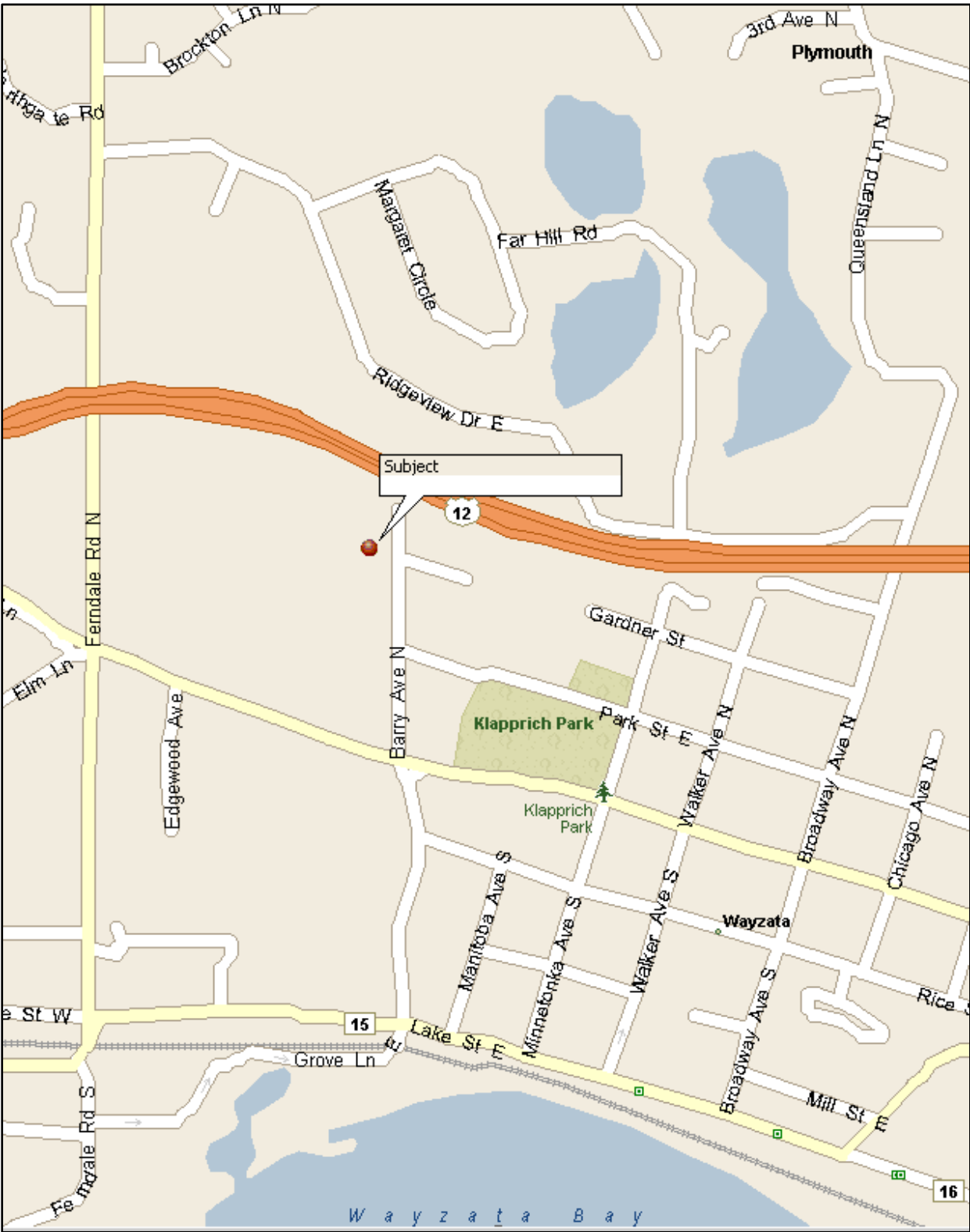

William R. Waytas, SRA, CRP
Certified General MN 4000813

www.nagellmn.com

LOCATION MAP



Location Map – Continued



PLAT MAP



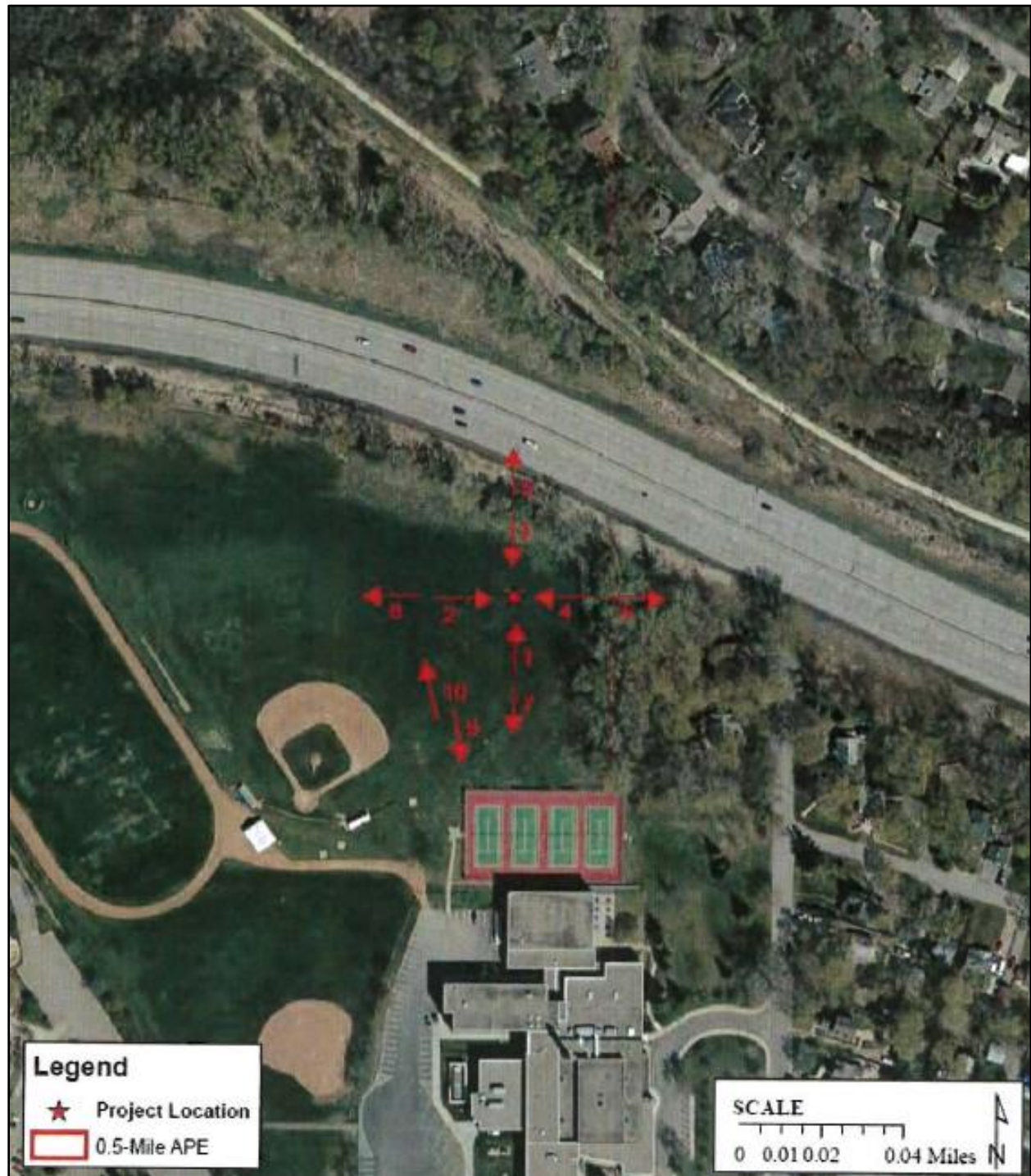
Per county

AERIAL VIEW

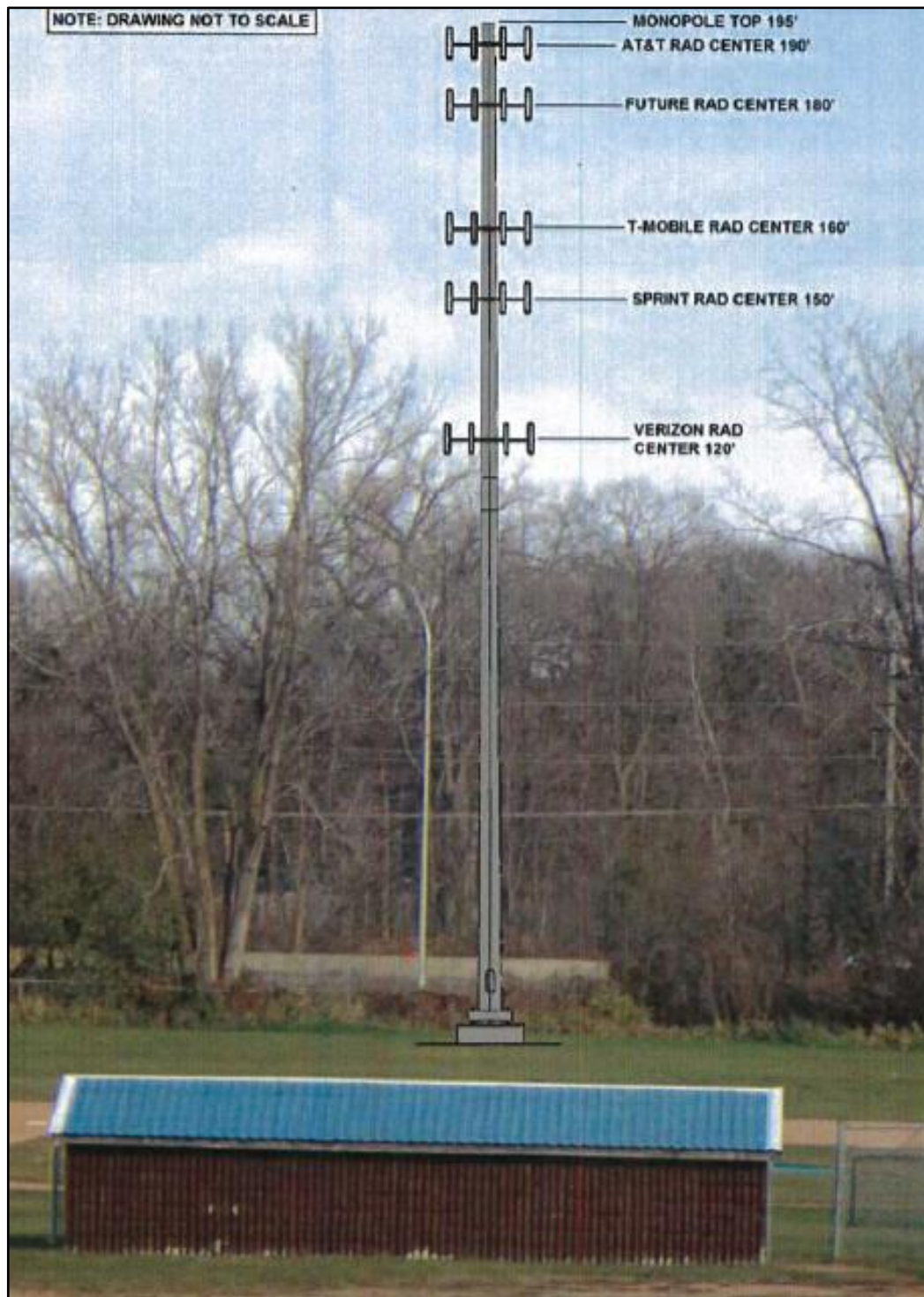


Subject indicated by red arrow.

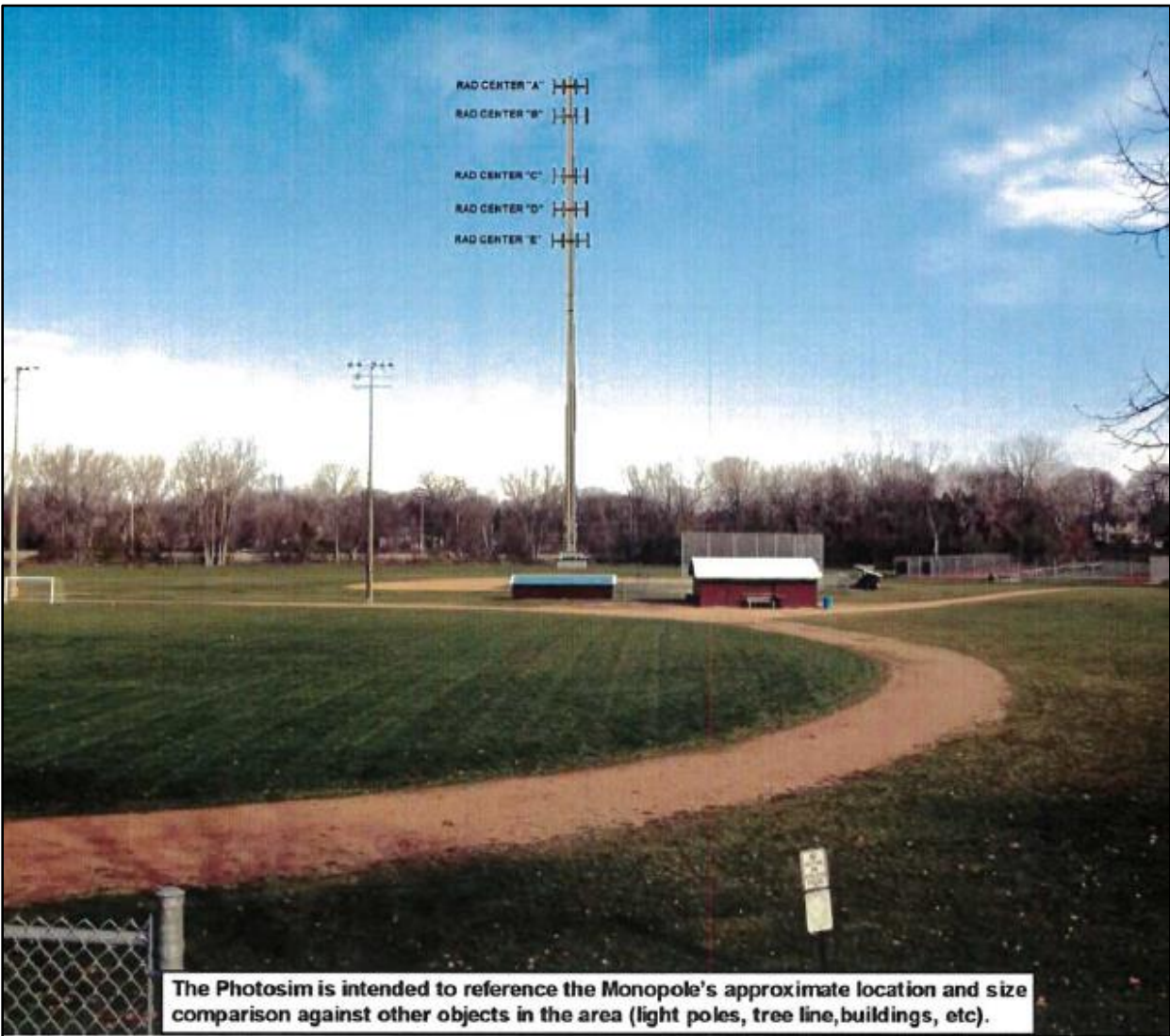
LOCATION OF CELL TOWER



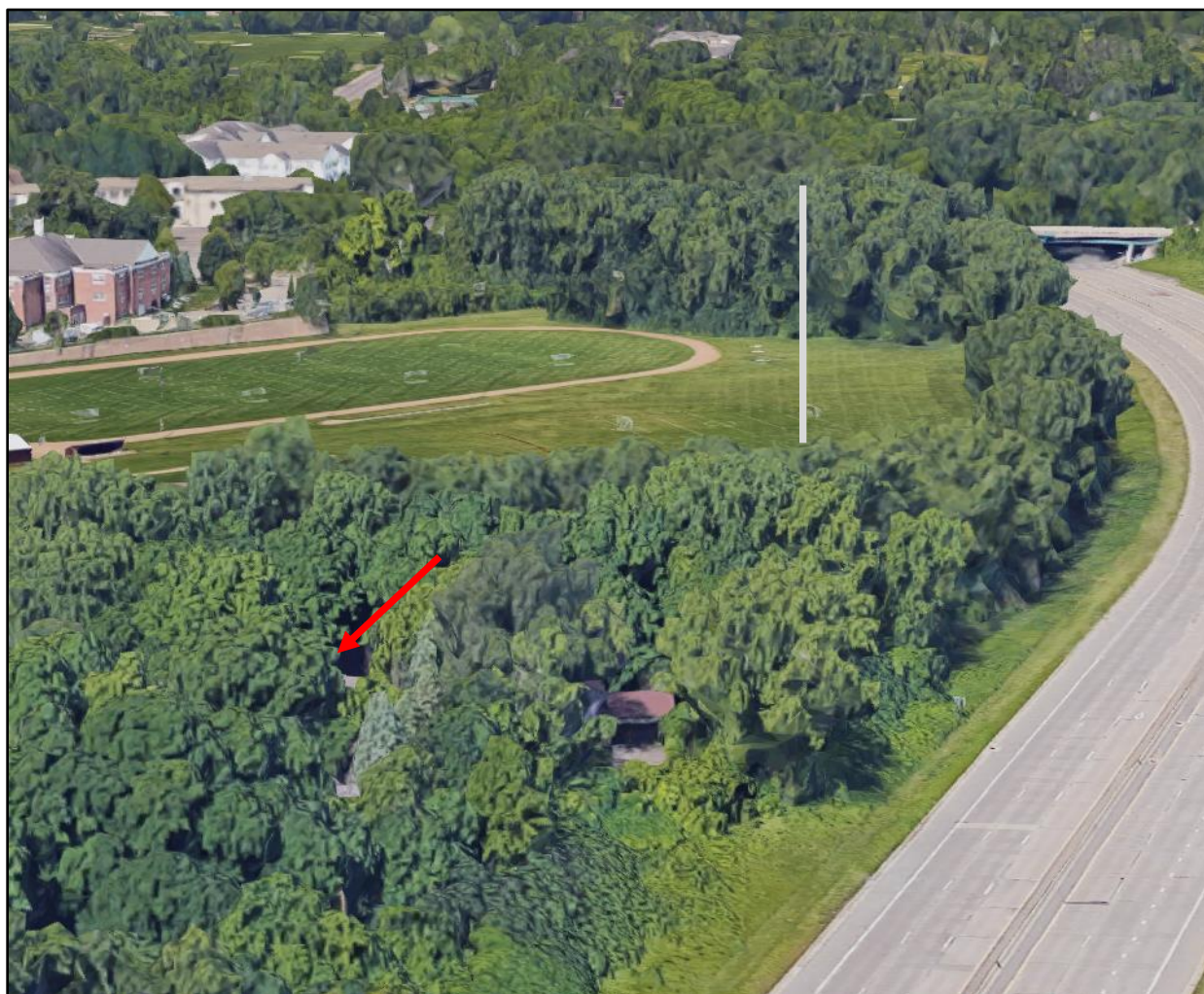
PROFILE OF CELL TOWER



Profile of Cell Tower -- Continued



Profile of Cell Tower – Continued



Subject indicated by red arrow. Cell tower indicated with gray line.

Use for illustrative purposes. Not drawn to scale.

PHOTOGRAPHS



Looking south on Barry Avenue North



Looking north on Barry Avenue North



Front view



Rear view

Project Photographs – Continued



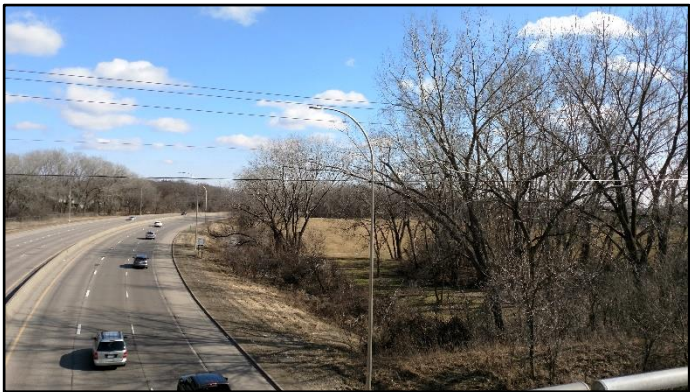
View of trees



Location of cell tower



Location of cell tower / Park view



Looking east on I-394

Appraisal Experience

Presently and since 1985, **William R. Waytas** has been employed as a full time real estate appraiser. Currently a partner and President of the Nagell Appraisal & Consulting, an independent appraisal firm (12 employees) who annually prepare 1,500 +/- appraisal reports of all types. Mr. Waytas was employed with Iver C. Johnson & Company, Ltd., Phoenix, AZ from 1985 to 1987.

Properties appraised:

- **Commercial** - low and high-density multi-family, retail, office, industrial, restaurant, church, strip-mall, fast-food, convenience stores, auto-service and repair, hotel, hotel water park, bed & breakfast, cinema, marina, numerous special use properties, and subdivision analysis.
- **Residential** – single-family residences, hobby farms, lakeshore, condominiums, townhouses, REO and land.
- **Eminent Domain** – extensive partial and total acquisition appraisal services provided to numerous governmental agencies and private owners.
- **Special Assessment** – numerous street improvement and utilities projects for both governmental and private owners.
- **Review** – residential, commercial and land development.
- **Clients** - served include banks, savings and loan associations, trust companies, corporations, governmental bodies, relocation companies, attorneys, REO companies, accountants and private individuals.
- **Area of Service** - most appraisal experience is in the greater Twin Cities Metro Area (typically an hour from downtown metro). Numerous assignments throughout Minnesota.

Professional Membership, Associations & Affiliations

License: Certified General Real Property Appraiser, MN License #4000813.
Appraisal Institute: SRA, Senior Residential Appraiser Designation,
General Associate Member
Employee Relocation Council: CRP Certified Relocation Professional Designation.
International Right-Of-Way Association: Member
HUD/FHA: On Lender Selection Roster and Review Appraiser
DNR: Approved appraiser for Department of Natural Resources

Testimony

-- Court, deposition, commission, arbitration & administrative testimony given.

Mediator

-- Court appointed in Wright County.

Committees

-- President of Metro/Minnesota Chapter, 2002, Appraisal Institute.
-- Chairman of Residential Admissions, Metro/MN Chapter, AI.
-- Chairman Residential Candidate Guidance, Metro/Minnesota Chapter, AI.
-- Elm Creek Watershed Commission, Medina representative 3 years.
-- Medina Park Commission, 3 years.

Curriculum Vitae -- continued

Education

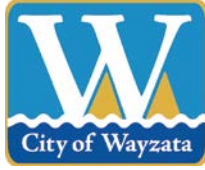
- Graduate of Bemidji State University, Minnesota. B.S. degree in Bus. Ad.
- During college, summer employment in building trades (residential and commercial).
- Graduate of Cecil Lawter Real Estate School. Past Arizona Real Estate License.
- **General & Professional Practice Courses & Seminars**
- Course 101-Introduction to Appraising Real Property.
- Numerous Standards of Professional Practice Seminar.
- Fair Lending Seminar.
- Eminent Domain & Condemnation Appraising.
- Eminent Domain (An In-Depth Analysis)
- Property Tax Appeal
- Eminent Domain
- Business Practices and Ethics
- Scope of Work
- Construction Disturbances and Temporary Loss of Going Concern
- Uniform Standards for Federal Land Acquisitions (Yellow Book Seminar)
- Partial Interest Valuation Divided (conservation easements, historic preservation easements, life estates, subsurface rights, access easements, air rights, water rights, transferable development rights)
- **Commercial/Industrial/Subdivision Courses & Seminars**
- Capitalization Theory & Techniques
- Highest & Best Use Seminar
- General & Residential State Certification Review Seminar
- Subdivision Analysis Seminar.
- Narrative Report Writing Seminar (general)
- Advanced Income Capitalization Seminar
- Advanced Industrial Valuation
- Appraisal of Local Retail Properties
- Appraising Convenience Stores
- Analyzing Distressed Real Estate
- Evaluating Commercial Construction
- Fundamentals of Separating Real Property, Personal Property and Intangible Business Assets
- **Residential Courses & Seminars**
- Course 102-Applied Residential Appraising
- Narrative Report Writing Seminar (residential)
- HUD Training session local office for FHA appraisals
- Familiar with HUD Handbook 4150.1 REV-1 & other material from local FHA office.
- Appraiser/Underwriter FHA Training
- Residential Property Construction and Inspection
- Numerous other continuing education seminars for state licensing & AI

Speaking Engagements

- Bankers
- Auditors
- Assessors
- Relocation (Panel Discussion)

Publications

- Real Estate Appraisal Practice (book): Acknowledgement
- Articles for Finance & Commerce and Minnesota Real Estate Journal



**Staff Report
Wayzata Planning Commission
February 27, 2017**

Project Name: Telecommunications Tower
Applicant Short Elliot Henrickson (SEH), City of Wayzata
Addresses of Request: 149 Barry Ave N
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: April 15, 2017

Development Application

Introduction

SEH, on behalf of the City of Wayzata, has submitted a development application to construct a commercial telecommunications tower on the Wayzata West Middle School property at 149 Barry Ave N. The proposal requires a conditional use permit and a variance.

Property Information

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

Address	PID	Owner
149 Barry Ave N	06-117-22-22-0008	School District No. 284

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

Current zoning:	INS/Institutional
Comp Plan designation:	Institutional/Public
Overlay districts:	None

Project Location

The property is the Wayzata West Middle School located on northwest corner of the Wayzata Blvd and Barry Ave S intersection:

Map 1: Project Location



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	Highway 12 Single-family homes	N/A R-2/Medium Density Single Family Residential District	N/A Low Density Single Family
East	Barry Ave N Single-family homes	N/A R-3A/Single and Two Family Residential District	N/A Low Density Single Family
South	Wayzata Blvd Single-family homes	N/A R-3/ Single and Two Family Residential District	N/A Low Density Single Family
West	Wayzata Community Church	PUD/Planned Unit Development	Institutional/Public

Application Requests

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

- A. Conditional Use Permit: New telecommunications towers require a conditional use permit by City Code Section 801.31.4.B.

- B. Setback Variance: The ordinance states that a telecommunications tower must be set back from all residential properties at least one foot for each foot in height, but not less than 100 feet. Based on the proposed height, the tower is required to be at least 195 feet from the adjacent residential properties to the east. The proposed tower would be set back 171 feet from the residential properties, which requires a variance.

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on January 26, 2017. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on January 27, 2017 and February 16, 2017.

Project Overview

The City is proposing to construct a new commercial telecommunications tower on the Wayzata West Middle School Property. The City currently has leases with four cellular providers that are located on the City's water tower at Klapprich Park. The City Council's strategic plan includes a strategic priority of relocating the telecommunications equipment from the water tower to another location. Over the past several years, the City has been reviewing options for relocating the cellular providers to a dedicated tower that the City would construct. The priority site for the tower is the Wayzata West Middle School, based on analysis from SEH and feedback from the cellular providers. The City has an agreement with the Wayzata School District to construct the proposed tower behind the tennis courts on the northeast portion of the school property.

The project includes construction of a 195-foot tall telecommunications tower, perimeter fencing to screen and secure the ground equipment, new underground utility connections, and an access drive. Access to the tower and ground equipment for both construction and ongoing maintenance would be via Wayzata Blvd through the school's existing parking lot. The scope of the City's project includes construction of the tower. The future tenants of the tower would be responsible for construction of the ground equipment within an accessory building and the adding antennas and associated equipment on the tower.

Telecommunications Ordinance

In 2015, the Planning Commission reviewed and the City Council adopted a new section of the zoning ordinance which pertains to all commercial telecommunications facilities in the City. In summary, the City's ordinance allows new telecommunications towers on only two properties in the City – the Wayzata West Middle School and Wayzata Public Works facility on Wayzata Blvd. All other telecommunications equipment may only be located on existing buildings or structures, with priority given to buildings located within 300 feet of Wayzata Blvd. In addition, the ordinance allows for "micro cell" sites to be located on existing utility structures within the City's right-of-way. The micro sites are "repeater" locations that support the capacity and coverage of larger existing telecommunications facilities located on nearby buildings or towers.

Tower Height

The telecommunications ordinance states that telecommunications tower shall not exceed 150 feet in height. The ordinance states that the City Council may increase this height up to 190 feet if the Council finds the increase in height would not have a significant visual impact, would not have a negative property value impact on surrounding properties because of proximity, topography, or screening by trees or buildings, or would accommodate two or more uses. In addition, the City Council may waive this height limitation for a telecommunications tower if used wholly or partially for essential public services, such as public safety.

The applicant is requesting the tower height be increased to 195 feet based on the public safety services provided by the cellular providers that would be located on the tower. The carrier's federal license requires that the carrier provide E-911 service, which is used by local public safety agencies. The additional height would allow for up to five antenna locations, which would allow for additional cellular carriers and public service antenna.

Stealth Design

The ordinance states that a telecommunications tower must use as many stealth design techniques as reasonably possible. Economic considerations or hardship shall not be the sole justification for failing to provide stealth design techniques. Stealth design means state-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public; minimizing the size and appearance of the telecommunications facilities; and designing towers to appear other than as towers, such as light poles, power poles, flag poles, and trees.

Action Steps

Adopt the attached Planning Commission Report and Recommendation, which recommends approval of conditional use permit and variance for telecommunications tower at 149 Barry Ave N.

Attachments

Applicant's Letters
Feasibility Study Report
Proposed Plans
Public Comments

Applicable Code Provisions for Review

Conditional Use Permits (801.04.2.F): The Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

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

General Standards for Telecommunication Facilities (801.31.5) All Telecommunications Facilities must comply with the following standards (although nothing in this Section 5 shall be read to allow the City to prohibit a Telecommunication Facilities Permit based solely upon a request by the owner/operator for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station and is otherwise an "eligible facilities request" under 47 U.S.C. Section 1455 (a) and 47 C.F.R. Section 1.40001 (c), as the same may be amended.) :

- A. **Vertical projection on Antenna support structures.** Antennas mounted on an existing Antenna Support Structure shall not extend more than 15 feet above the height of the structure to which they are attached. Wall or façade-mounted Antennas shall not extend above the cornice line and shall be constructed of a material or color that matches the exterior of the building.
- B. **Horizontal projection.** Antennas shall not project out from the side of the existing Antenna Support Structure, Telecommunications Tower, or wall or facade by more than three feet.
- C. **Fall Zone Analysis.** The Applicant must submit a fall zone analysis report completed by a qualified and licensed engineer that shows the

Telecommunications Facilities do not pose a threat to general health, safety and welfare of the City.

- D. **Setbacks.** Telecommunications Facilities shall meet the building setback that is established for the zoning district where it is to be located, and the following additional standards:
1. A Telecommunications Tower shall be set back from all residential property lines at least one (1) foot for each foot in height, but shall have a minimum setback of at least one hundred (100) feet. The Tower setbacks may be increased by the City Council dependent on the results of the engineered fall zone analysis report submitted by the Applicant as part of the permit application.
 2. Towers and Telecommunications Equipment shall not encroach upon any easements unless written permission is obtained from the underlying property owner burdened by the easement and the beneficiary of the easement.
 3. The required setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the City Council, when the Telecommunications Equipment is integrated into an existing or proposed structure such as a building, light or utility pole.
- E. **Height.** The height of an Antenna and/or Telecommunications Tower shall be the minimum necessary to meet the Applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. Any new or replacement Tower and Antenna, including attachments other than lightning rods, shall not exceed 150 feet in height, measured from grade. The City Council may, but shall not be required to, increase this height up to 190 feet if the Council finds: (1) the increase in height would not have a significant visual impact, (2) would not have a negative property value impact on surrounding properties because of proximity, topography or screening by trees or buildings or (3) would accommodate two or more users.
- F. **Exterior surfaces.** Towers and Antennas shall be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, green, brown, or silver, or have a galvanized finish to reduce visual impact. Metal Towers shall be constructed of, or treated with, corrosion-resistant material.
- G. **Ground-mounted equipment.** Ground-mounted Accessory Equipment and/or equipment storage facilities shall be architecturally designed to blend in with the surrounding environment, including the principal structure

and/or shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the character of the surrounding neighborhood. No more than one Equipment Shelter or accessory building is permitted for each Tower. Equipment Shelters or accessory buildings shall be designed to accommodate additional space needed for the co-location of additional Antennas at the site. The additional space must either be built within the first shelter/building or that shelter/building must be designed to allow for future expansions and/or additions. Design of the building or equipment cabinet, screening, and landscaping are subject to applicable Design Standards criteria under Section 801.09 of the Wayzata Zoning Ordinance. The Applicant shall be responsible for maintaining the structure in a high-quality condition. If the Applicant abandons or vacates the structure, it shall be forfeited to the City or torn down by the Applicant at their expense, at the discretion of the City Council.

- H. **Construction.** Telecommunications Facilities shall be in compliance with all buildings and electrical code requirements. All applicable federal, state and local agency licenses and/or permits shall be obtained. A Telecommunications Tower shall be designed and certified by a licensed structural engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the Telecommunications Facilities shall be in compliance with the manufacturer's specifications. If, upon inspection, the City concludes that a Tower or other portion of a Telecommunications Facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the Telecommunication Facility or Tower, the owner shall have thirty (30) days to bring such Tower or Telecommunication Facility into compliance with such standards. Failure to bring such Tower or Telecommunication Facility into compliance with such thirty-day period shall constitute grounds for the removal of the Tower or Telecommunication Facility at the owner's expense.
- I. **Interference with Public Safety Telecommunications.** No Telecommunications Tower or Telecommunications Facility shall interfere with public safety Telecommunications. All Towers and Telecommunication Facilities shall comply with FCC regulations and licensing requirements.
- J. **Security Fencing and Screening.** Telecommunication Facilities and Towers shall be enclosed by security fencing not less than the height of the equipment located therein and shall also be equipped with an appropriate anti-climbing device. Fencing within one hundred (100) feet of a residential or parking property shall be constructed of a well-designed fence of wood or other environmentally sound material, and be compatible

with the surrounding character of the area. The Telecommunication Facilities and Towers shall also include a landscape screen, at least six (6) in height, around the perimeter of equipment area, as approved by the City Council.

- K. **Other Protections.** The City may require shields to protect from ice falling from Towers, anti-climbing devices to prevent unauthorized persons from climbing Towers, or other appurtenances necessary to protect life and property.
- L. **Noise.** If the proposed Telecommunications Facility includes equipment that causes significant sound levels, sound buffers may be required including but not limited to, baffling, barriers, enclosures, walls and plantings. The Applicant shall submit an acoustical analysis (measured to the property line) and report prepared by a licensed and/or accredited sound engineer certifying that the noise to be generated from the proposed Telecommunication Facility shall not impact adjacent properties. Said report shall include, without limitation, a written description of all noise generated by the Facility, including retractable monopole motors, Antenna rotators, power generation, heating or air conditioning, and related equipment, and shall include the estimated times, frequency, duration and decibel levels of the noise. All equipment shall conform to Minnesota Pollution Control Agency decibel standards.
- M. **Sensitive Habitats.** No Telecommunication Facility shall be located in environmentally sensitive habitats, including but not limited to wetlands, shorelines, established animal habitats, conservation districts, and significant tree groups, unless mitigation measures can be adopted which would reduce potential impacts to levels of non-significance.
- N. **Radio Frequency Emissions.** Telecommunications Facilities shall comply with Federal Communication Commission standards for radio frequency emissions and interference.
- O. **Interference.** No Telecommunication Facility shall be permitted that causes interference with commercial or private use and enjoyment of other legally operating telecommunications devices including, but not limited to, radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems, and other electronic equipment and devices in violation of any Federal Communication Commission standards relating to radio frequency interference. Unless otherwise prohibited by Federal Communication Commission standards, an Applicant shall furnish a state registered engineer's certification that no such interference shall occur, or identify what interference may occur and how the Applicant shall mitigate any potential interference that may occur.

- P. **Risk of Danger.** Telecommunications Facilities and Towers shall not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive or hazardous materials. Telecommunication Facilities, Towers, Antennas, and Accessory Equipment shall be subject to state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such Facilities. If new, more restrictive standards are adopted, the Facilities shall be made to comply or continued operations may be restricted by the City Council. The cost of verification of compliance shall be borne by the Applicant.
- Q. **Maintenance.** All Telecommunication Facilities and Towers shall at all times (i) be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any person, and (ii) allow sufficient access for service vehicles and personnel. Maintenance of equipment shall be scheduled for between 7:00am-6:00pm, Monday through Friday, unless in case of emergency or otherwise agreed to by the City. Service vehicles for equipment maintenance shall be parked on city streets, unless paved and screened off-street is available at the site. In the case of maintenance of Telecommunication Facilities on the City Water Tower, service vehicles shall park on the service entrance of the City Water Treatment Plant, whenever possible.
- R. **Co-location opportunity.** The Applicant, the Tower owner, the landowner, and their successors and assigns shall allow the shared use of the Tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, shall submit a dispute over the potential terms and conditions to binding arbitration, and shall sign the Conditional Use Permit agreeing to these requirements. The City Council may waive these co-location requirements if necessary to implement stealth design.
1. All Telecommunications Facility providers shall cooperate with each other in co-locating Telecommunication Facilities and shall exercise good faith in co-locating with other licensed carriers and in the sharing of sites, including the sharing of technical information necessary to evaluate the feasibility of collocation. In the event a dispute arises as to a co-location issue, the City may require a third-party technical study to evaluate the feasibility of co-locating at the expense of each wireless telecommunications providers involved in the third-party study;
 2. All proposed new Telecommunications Towers shall be designed to accommodate both the Applicant's Antennas and Antennas for as many other licensed carriers as can be technically located thereon, but not less than one additional;

3. All new Telecommunications Facilities and Towers owned by a telecommunications provider shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically located thereon, but not less than one additional;
 4. All proposed new Telecommunications Towers shall be designed to allow for future rearrangement of Antennas or Tower modifications, and to accept Antennas mounted at varying heights unless the City otherwise agrees in order to accommodate Stealth Design techniques;
- S. **Successors and Assigns.** Any Permit or lease for a Telecommunications Facility shall run with the Property, and shall be binding upon and inure to the benefit of the parties, their respective successors, personal representatives, and assigns.
- T. **External messages.** No advertising message or identification signs, other than warning or equipment information signs as legally required, shall be affixed to the Telecommunications Facilities.
- U. **Lighting.** Telecommunications Facilities or Towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment. Any lighting or artificial illumination utilized shall be shielded and not cast glare onto adjacent properties. All lighting shall be measured to the property line.
- V. **On-site employees.** There shall be no employees on the site at a Telecommunications Facility on a permanent basis. Occasional or temporary repair and service activities are allowed.
- W. **Advances in Stealth Technology.** Whenever an applicant proposes to install and/or replace antennas or other telecommunications equipment, the Applicant shall submit a report describing all available technology for installation or replacement. The report shall include the purpose of equipment to be installed (expand coverage, expand capacity, expand bandwidth, etc.) and the performance specifications and physical dimensions of the equipment. The report conclusions must provide an analysis of performance versus visual impacts and/or stealth technology. The City retains the right to evaluate the reports analysis and perform a third party technical review at the applicants cost. The City shall have the ability to require the stealth or lower visual profile equipment based on the third party technical recommendation.

- X. **Removal.** After one hundred twenty (120) days' notice from the City to the Permit Holder all Telecommunications Facilities, Antennas, or Towers shall be required to be removed at the Permit Holder's expense, if such improvement is found to be in violation of any portion of this Ordinance by the City and such violation is not cured within such thirty day time period. Obsolete or unused Telecommunications Facilities and all related equipment shall be removed within six (6) months after cessation of their use at the site, unless an exemption is granted by the City Council. Telecommunications Facilities and related equipment that have become hazardous shall be removed or made not hazardous within 30 days after written notice to the current Permit Holder and to any separate landowner, unless an exemption is granted by the City Council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Hennepin County tax records. Telecommunications Facilities and all related equipment that are not removed within this time are declared to be public nuisances and may be removed by the City. The City may assess its costs of removal against the Property.
- Y. **No Recourse Against the City.** Every permit shall provide that, without limiting such immunities as the City or other persons may have under applicable law, an Applicant/Permit Holder shall have no monetary recourse whatsoever against the City or its elected officials, boards, commissions, agents, employees or volunteers for any loss, costs, expense or damage arising out of any provision or requirement of this Ordinance or because of the enforcement or lack of enforcement of this Ordinance or the City's exercise of its authority pursuant to this Ordinance, a permit, a lease, or other applicable law, unless the same shall be caused by criminal acts or by willful gross negligence. Nothing herein shall be construed as a waiver of sovereign immunity.

Variance Standards (Section 801.05.1C): The conditions governing considerations of variance requests:

1. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by this Ordinance;

- (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- 4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- 5. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- 6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- 7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- 8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

WAYZATA PLANNING COMMISSION

February 27, 2017

REPORT AND RECOMMENDATION OF DENIAL OF CONDITIONAL USE PERMIT AND VARIANCE FOR TELECOMMUNICATIONS TOWER AT 149 BARRY AVE N

SUMMARY OF RECOMMENDATION

Denial of Conditional Use Permit for Telecommunications Tower
Denial of Variance from the Zoning District standards for setback

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. SEH, on behalf of the City of Wayzata, (the "Applicant") has submitted a development application (the "Application") for a new City-owned commercial telecommunications tower (the "Project" or "Telecom Tower") on the Wayzata West Middle School property at 149 Barry Ave N (the "Property"). The City has entered into a long-term agreement with the owner of the Property that would allow the City to construct and maintain the Telecommunications Tower on the Property. The proposal requires a conditional use permit and variance.
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Conditional Use Permit for New Telecommunication Tower. The Project requires a conditional use permit for a 195 foot telecommunications tower (the "Telecom Tower CUP").
 - B. Setback Variance. The Project requires a variance for the proposed 171 foot setback from the adjacent residential neighborhood (the "Setback Variance").
- 1.3 Property. The street address, property identification number and owner of the Property are:

149 Barry Ave N	06-117-22-22-0008	School District No. 284
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- 1.4 Land Use. The Property is the location of the Wayzata Middle School and related athletic and recreational fields, and is adjacent to Highway 12, residential neighborhoods and the Wayzata Community Church. The Property is zoned INS/Institutional and guided Institutional/Public under the Wayzata Comprehensive Plan.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on January 26, 2017. A copy of the notice was mailed to all property owners located with 350 feet of the Property on January 27, 2017 and February 16, 2017. The public hearing on the Application was held at the February 6, 2017 and February 27, 2017 Planning Commission meetings.

Section 2. STANDARDS

- 2.1 Standards for Telecommunications Towers. Telecommunications towers, facilities and equipment are regulated under Section 31 of the Wayzata Zoning Ordinance (the "Telecom Ordinance"; defined terms in the Telecom Ordinance are used in this Report). Applicable standards include:
- A. Location. Telecommunications Towers may be located only on certain parcels owned and/or controlled by the City of Wayzata. Section 801.31.4.B(1).
 - B. Height. The height of an Antenna and/or Telecommunications Tower shall be the minimum necessary to meet the Applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The height of a Telecommunication Tower and Antenna may not exceed 150 feet, measured from grade. However, the City Council may increase this height up to 190 feet if the Council finds the increase in height (1) would not have a significant visual impact, (2) would not have a negative property value impact on surrounding properties because of proximity, topography or screening by trees or buildings or (3) would accommodate two or more users. In addition, the City Council may waive this height limitation for a Telecommunications Tower and/or Antenna if used wholly or partially for essential public services, such as public safety. Sections 801.31.4.B(1)a. and 5.E.
 - C. Stealth Design. The Telecommunications Tower shall use as many Stealth Design techniques as reasonably possible and include non-proprietary information on stealth design technology. Economic considerations or hardships shall not be the sole justification for failing to provide Stealth Design techniques. Section 801.31.4.A(1)b.

- D. Setbacks. Telecommunications Facilities must meet the building setback that is established for the zoning district where it is to be located. In addition, a Telecommunications Tower must be set back from all residential property lines at least one (1) foot for each foot in height, but shall have a minimum setback of at least one hundred (100) feet. The Tower setbacks may be increased by the City Council dependent on the results of the engineered fall zone analysis report submitted by the Applicant as part of the permit application. Section 801.31.5.D.

2.2 Conditional Use Permit for Telecommunications Facilities. New Telecommunications Equipment may be located on a Telecommunications Tower which has an approved Conditional Use Permit. Section 801.31.4.B. Such Conditional Use Permit requires compliance with all of the provisions of the Telecom Ordinance and the provisions of Section 801.04.2.F of the Zoning Ordinance, which requires City Council to consider possible adverse effects of the proposed conditional use. Council's judgment shall be based upon (but not limited to) the following factors:

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

2.3 Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 801.05.1.C. are:

- A. Variances shall only be permitted when they are:
(i) in harmony with the general purposes and intent of the Zoning Ordinance;
and

- (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

- 3.1 Based on the Application materials, staff reports, public comment presented at the public hearings, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata finds that (1) the proposed Telecom Tower does not meet all of the standards of Section 31 of the Telecom Ordinance, and the standards for a Telecom Tower CUP; and (2) the requested Setback Variance does not meet all of the criteria for granting a variance, based on the following findings:
 - A. The proposed use is not compatible with present and future uses of the area. The site is in close proximity to single family homes, and the commercial operation of a telecommunications tower, including construction and ongoing operation and maintenance, is not compatible with the current institutional and residential uses on the site and surrounding properties.
 - B. The proposed use would have an adverse effect on the area because it would be visible from the nearby residential properties and would present safety issues on the neighborhood and users of the school property.

- C. The proposed use would adversely impact the public facilities provided on the school property by limiting the use of the school property for outdoor recreational uses.
- D. The proposed use may have a negative impact upon property values of residential properties in the area.
- E. The proposed use does not conform to all performance standards, since the Applicant is requesting a setback variance from the residential properties.
- F. The proposed variance would alter the essential character of the locality because the close proximity of the tower to the surrounding residential properties would have adverse visual and land use impacts on the residential properties.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends denial of all requests of the Application listed in Section 1.2 of this Report.

Adopted by the Wayzata Planning Commission this 27th day of February 2017.

Voting In Favor: Flannigan, Iverson, Murray, Young

Voting Against: Buchanan, Gonzalez, Gruber

Abstaining: None

Absent: None

1 The Planning Commission recessed at 9:27 p.m.

2
3 The Planning Commission reconvened at 9:38 p.m.

4
5 **b.) Telecommunications Tower – 149 Barry Avenue N**
6 **i. Conditional Use Permit, Variances**
7

8 Director of Planning and Building Thomson stated SEH, on behalf of the City of Wayzata, has
9 submitted a development application to construct a commercial telecommunications tower on the
10 Wayzata West Middle School property at 149 Barry Avenue N. The proposal requires a
11 conditional use permit (CUP), and setback variance. The ordinance states that a
12 telecommunications tower must be set back from all residential properties at least 1-foot for each
13 foot in height. Based on the proposed height, the tower is required to be at least 195-feet from
14 the adjacent residential properties to the east. The tower would be set back approximately 150-
15 feet and this requires a variance. He stated that the variance for the accessory structures that is
16 discussed in the staff report is no longer needed, as the City is agreeable to including terms in the
17 lease with individual tenants that would not allow more than one accessory building. Therefore,
18 the variance for the accessory buildings is no longer required.

19
20 Commissioner Gonzalez asked if a variance would be required for the height of the tower
21 because the code allows for 190-feet and the applicant is requesting 195-feet.

22
23 Mr. Thomson stated the tower is 195-feet, and the code states the City can increase the height to
24 190-feet if the Council finds the increase in height would not have a significant visual impact,
25 would not have a negative property value impact on surrounding properties because of
26 proximity, topography, or screening by trees or buildings, or would accommodate two or more
27 uses. In addition, the City may waive this height limitation for a telecommunications tower if
28 used wholly or partially for essential public services, such as public safety.

29
30 City consultant, Mr. Dale Romsos, Short Elliot Hendrickson Inc. (SEH), 3535 Vadnais Center
31 Drive, St. Paul, stated the application is based on a feasibility study that was completed in 2016.
32 This report is in part a culmination of investigative work as directed by the City of Wayzata
33 following extensive staff and Tenant input regarding telecommunications infrastructure to meet
34 the future needs of the City and the present tower occupants. He reviewed the fallout area of the
35 tower and the design of the tower.

36
37 Commissioner Gruber asked if the baseball diamond was inside the fall zone area.

38
39 Mr. Romsos clarified the pole is designed to break into two smaller section in order to decrease
40 the fallout area.

41
42 Mr. Dudinsky, stated they had made every effort to keep the tower as far from the diamond fields
43 as possible.

44
45 Commissioner Flannigan asked how much of the tower residents on Barry Avenue and Gardner
46 Street would see.

1
2 Mr. Romsos stated if the trees are 40-feet then they would see about 150-feet of the tower.
3

4 Commissioner Flannigan asked why this was not being proposed at the Public Works facility.
5

6 Mr. Dudinsky stated they had been studying possible relocations of the City's telecom tower
7 since 2008, including different screening options and underground equipment at the current site.
8 It had been determined that if a tower were located at Public Works, it would mandate at least
9 one more tower be built at the other end of town to meet coverage needs. He explained the
10 reason they were requesting 195-feet in height was because AT&T would need this height to
11 maintain the height they currently have at the water tower. He stated the mass of this tower is
12 less than the water tower and will not have to be painted.
13

14 Commissioner Flannigan asked what the noise level would be.
15

16 Mr. Dudinsky stated some noise would be generated from the ground building because some of
17 the equipment it houses needs to be in a climate-controlled environment. There will be air
18 conditioners and heating units that run in that facility. There have been complaints in the past
19 related to this kind of activity, but this tower will be located further from residential properties
20 and the new equipment has changed to be quieter than the older equipment. He explained the
21 location at the school provided two access points, and the residents had stated a preference for
22 access to be from Wayzata Blvd.
23

24 Chair Iverson asked about the safety of the kids at the school.
25

26 Mr. Dudinsky stated there is an access driveway that will be used to access the site. Unless there
27 is an emergency, there will not be access to the telecommunications site by tenants during the
28 times when students are arriving or leaving the school. This is a controlled site and the tenants
29 have to give the school 24-hour notice that they will be on site. He stated the construction of the
30 tower and related facilities would take place during the 3-months of summer break.
31

32 Commissioner Buchanan asked how close the homes on Barry Avenue were to the tower site.
33

34 Mr. Dudinsky stated the closest home would be 160-feet and the home owners are aware of the
35 project.
36

37 Chair Iverson opened the public hearing at 10:06 p.m.
38

39 Ms. Katie Cullinan, 216 Barry Avenue N, asked the Commission to consider public safety. The
40 tower is designed to break when it falls but this field is always busy. She stated there are soccer
41 fields located underneath the tower location.
42

43 Mr. Dudinsky stated the tower would be to the east of the soccer fields.
44

1 Ms. Cullinan stated there are still people and children in the area. She expressed concerns about
2 the eyesore this would create for the neighboring residents. She does not feel that two access
3 points are safe.

4
5 Ms. Naomi Bovee, 910 Brockton Lane, Plymouth, asked why the City would need another tower
6 if these are already located on the water tower.

7
8 Mr. Dudinsky stated the equipment that is on the water tower would be relocated to the proposed
9 site, and the water tower decommissioned as a cell tower site.

10
11 Ms. Bovee asked where the next tower would be. She does not understand the purpose of these
12 towers. She asked how many watts the tower was.

13
14 Mr. Dudinsky stated all the information Ms. Bovee was asking for could be found in the
15 feasibility report commissioned by the City for the project. There will be metering devices
16 available to ensure that there are no hazards to residents. All the different carriers have different
17 equipment and towers. This would be the macro tower or the main communications tower for
18 the City of Wayzata. By relocating close to the existing location, there should not be a
19 disturbance in coverage. He stated he would be able to meet with Ms. Bovee to answer
20 additional questions.

21
22 There being no one further wishing to speak, Chair Iverson closed the public hearing at 10:18
23 p.m.

24
25 Commissioner Gonzalez asked what the practical difficulties were that a variance should be
26 granted.

27
28 Mr. Thomson stated the site programming is the main practical difficulty because there is not
29 another location on the property where the tower could be located where the soil is suitable for
30 construction, and where the location would not impact existing outdoor facilities for the school. .

31
32 Commissioner Flannigan stated he appreciated there was a lot of time and expense on planning
33 for this particular tower, but this is only moving a problem from one side of Gardner St. to the
34 other side of Gardner. The prospect of looking at a 195-foot cell tower feels like it would
35 devalue the residential properties. He stated the Public Works facility would be a better option
36 even though there would have to be a secondary tower constructed. He stated this should be
37 looked at further. He does not believe this is in the best interest for the residents in the area or
38 the students and employees at the school.

39
40 Commissioner Gonzalez asked if the City had to provide or allow a site under Federal law.

41
42 Mr. Dudinsky stated this was correct.

43
44 Chair Iverson stated she agrees with Commissioner Flannigan, and she is not comfortable with
45 this being located at a school.

1 Mr. Dudinsky stated the school district does have towers located at other schools.

2
3 Commissioner Gonzalez stated the City has made a policy decision and chosen the site that they
4 would like to have this tower located. She asked how much input the Commission would have
5 on this location.

6
7 City Attorney Schelzel stated the question before the Commission is not about the best location
8 for a new tower but if the Commission would recommend approval of the CUP and the setback
9 variance for this particular location based on the telecommunications ordinance.

10
11 Commissioner Gonzalez asked if there would be any lighting on the tower.

12
13 Mr. Dudinsky stated lighting is required if the tower is over 200-feet in height.

14
15 Commissioner Buchanan stated he appreciates the school safety concerns, but the school has
16 weighed in on this and they have signed off on it. Towers do blend in overtime, and the
17 neighbors that are directly behind it have not expressed concerns. This is the most appropriate
18 place based on the information provided and the function. He would support the application and
19 the variance request.

20
21 Commissioner Gonzalez stated the application does meet the requirements of the Conditional
22 Use Permit, and she would support granting a CUP. The land lease agreement does have hours
23 of servicing operations established. She stated the City has met the requirements of the variance
24 ordinance, and she would also support the variance request.

25
26 Commissioner Gruber stated she would agree with Commissioner Gonzalez and support the
27 application. The school has approved the location and set the hours of operation they felt would
28 be acceptable.

29
30 Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to direct staff to
31 prepare a draft Planning Commissioner Report and Recommendation with appropriate findings
32 recommending approval of the CUP for the Telecommunications Tower at 149 Barry Avenue N
33 and approval of the setback variance.

34
35 Chair Iverson stated this does meet all of the criteria, but she is not in favor of the location. She
36 would vote to recommend approval of the application because it does meet all of the code
37 requirements.

38
39 Commissioner Flannigan stated when this is brought to the City Council for approval, residents
40 can express that this is not an appropriate place for a 195-foot tower.

41
42 The motion was called to a vote. The motion carried 4 ayes and 1 nay (Flannigan).

43
44
45 **AGENDA ITEM 6. Other Items:**

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
FEBRUARY 27, 2017

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, Gonzalez, Iverson, Murray, Flannigan and Buchanan. Absent: None. Director of Planning and Building Jeff Thomson, Director of Public Services Dave Dudinsky, 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 February 27, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) February 6, 2017 Regular Meeting

Chair Iverson asked for any corrections or other changes to the February 6, 2017 meeting minutes as presented.

Commissioner Gruber stated on page 6 line 24 the word "prosed" should be changed to "proposed".

Commissioner Buchanan made a motion, Seconded by Commissioner Gruber, to approve the February 6, 2017 meeting minutes, as amended. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) Telecommunications Tower – 149 Barry Ave N

i. Conditional Use Permit

Director of Planning and Building Thomson stated SEH, on behalf of the City of Wayzata, has submitted a development application to construct a commercial telecommunications tower on the Wayzata West Middle School property at 149 Barry Avenue N. The proposal requires a conditional use permit and a variance. The Planning Commission held a public hearing and reviewed the development application at its meeting on February 6, 2017. At the meeting, the Commission voted four in favor and one opposed to direct staff to prepare a report and recommendation for approval of the development application. Since the Planning Commission

1 meeting, the City's consultant identified an error on the plans that were reviewed by the Planning
2 Commission. The proposed telecommunications tower would be located 48-feet further to the
3 north and west from where the tower was shown on the previous plans. Due to the discrepancy
4 in the application, City staff has republished notice of a public hearing on the application at this
5 evening's meeting.

6
7 Commissioner Gruber asked if the correct location was closer to the residential properties.

8
9 Mr. Dudinsky stated the proposed location is further from the residential properties and closer to
10 the right of way fence along Highway 12 than previously indicated.

11
12 Commissioner Gonzalez asked if the condition of the soils was driving where the tower would be
13 located.

14
15 Mr. Dudinsky stated the City has been looking at this project since 2008. The goal was to find a
16 location that would work for the telecommunication tenants so that there would not be a need for
17 more than one macro tower in the City to replace the current location on the City's water tower.
18 The tenants determined the proposed site would work if the tower was 195-feet in height, and the
19 school wanted the tower to be in this corner of the ball field. Mr. Dudinsky stated the City
20 considered the fall zone of the proposed tower, and this location would allow a 100-foot fall zone
21 without impacting the tennis courts or other adjacent properties.

22
23 Chair Iverson asked if the tower would work if it were shorter than the proposed 195-feet.

24
25 Mr. Dudinsky stated a shorter height would not work for all the tenants, and for providing the
26 E911 services.

27
28 Commissioner Gruber noted that the proposed height would work for all of the tenants and
29 would not require the need for an additional tower in the City.

30
31 Commissioner Flannigan stated from a cost perspective, the increased height in the tower would
32 make sense but does not from a neighborhood perspective.

33
34 Chair Iverson opened the public hearing at 7:12 p.m.

35
36 Ms. Karen Walker, 315 Barry Ave N, Wayzata, stated the Commission has received her
37 correspondence expressing her significant concerns regarding the relocation of the tower. She
38 had requested that the Commissioners visit her property to see what negative impacts the tower
39 would have on her property and other residents along Barry Avenue. She had a realtor assess her
40 property and the impacts the tower would have on her property. The realtor wrote to the mayor:
41 "Ken, I am writing you today on behalf of the residents on Barry Avenue and most especially
42 Karen Walker. I stood on her deck the other day to observe where the cell tower would go. I
43 don't have to tell you, the new cell tower will most definitely have a negative impact on the
44 value of properties along Barry, most acutely to Karen's property at 315 Barry Avenue. I
45 understand the City needs to move the cell tower from the water tower on Gardner but putting it
46 on Barry does not solve the problem because property values will be substantially affected. The

1 City should find another solution to this.” Ms. Walker stated the impact would clearly be
2 devastating to her retirement income. The proposed site is not a logical solution to the issue and
3 should not be considered.

4
5 Ms. Lucy Bruntjen, 402 Gardner Street, Wayzata, stated the City project not only includes the
6 construction of an access road and monopole but also a fence to surround the cellular ground
7 equipment and monopole. She asked if a fence would be enough to provide site security. She
8 stated there is no setback on the west side of the current telecommunications facility, and the
9 ground equipment is only 19-feet from her property. There is not a lot of room for construction
10 workers at the current location. She asked how the City would ensure there was not
11 telecommunications “spill over” into the sports field and residential properties. She asked where
12 the maintenance vehicles would park, where the no trespassing signs and construction hat zone
13 signs would be posted, and who would be responsible for closing the gate and the enclosures to
14 the trailers when workers were coming and going.

15
16 Mr. Dudinsky stated there would be restricted times for tenants to be on site for maintenance,
17 and they would have to provide 24-hour notice. The monopole is made for telecommunications
18 equipment, so the large equipment that was seen around the water tower would not be required.
19 These vehicles can park on the access road. The compound is 100x100 feet and the fenced area
20 is 75x75 feet. The school and the City both feel this is a workable solution.

21
22 Ms. Bruntjen asked if there was any work that would be going on in the 25 feet between the
23 fence and the compound boundaries.

24
25 Mr. Dudinsky stated this 25-foot area around the fence would be for vehicles to park. They
26 would take the equipment they would be working with into the fence area, and the tenants are
27 responsible for securing the site when they are there.

28
29 Ms. Bruntjen stated that the workers would not close their vehicles or equipment trailers every
30 time they leave them. She feels there needs to be more done to ensure the safety of residents.

31
32 Mr. Dudinsky stated the City would monitor safety. He clarified the equipment used to maintain
33 the cell equipment at the water tower would not be the same equipment used at the monopole.
34 The City and the school have reviewed this application, and it is everyone’s goal to make this a
35 safe project.

36
37 Ms. Walker expressed additional concerns about the invasion this project would create for the
38 residents on Barry Avenue. She stated there is a lot of activity on these fields, and she was
39 surprised that the school has agreed to this facility on their property. She is concerned about the
40 safety of the kids.

41
42 Mr. Joe Madson, 344 Gardner Street E, Wayzata, stated there had been concerns that the access
43 road would be off Barry, so he was glad to see that this was not the case. He expressed concerns
44 that the City was moving a problem from one side of the neighborhood to the other side of the
45 neighborhood. He also expressed concerns for people using the fields at the school. He also
46 expressed concerns about the industrial blight that is occurring in the City.

1
2 Ms. Elyssa Madson, 344 Gardner Street E., Wayzata, asked who would be responsible if there
3 were an accident on the access road or on the cell site property.
4

5 Mr. Dudinsky stated the City, the School, and the tenants would be involved, but this part of the
6 lease with the school district and is part of the safety measures taken. The City and the school
7 have looked at these safety concerns and they feel confident that they have done their due
8 diligence and taken the proper safety measures.
9

10 Ms. Madson expressed her deep concern for moving this equipment from a public facility to a
11 public park, and stated that she is dissatisfied with this location.
12

13 Chair Iverson closed the public hearing at 7:32 p.m.
14

15 Commissioner Flannigan asked how many contractors would access the property each year.
16

17 Mr. Dudinsky stated when new technology is installed on the site, there would be a major
18 upgrade that would involve upgrading existing antennas or swapping out the antennas. He
19 explained the monopole was designed for telecommunications equipment, and doing
20 maintenance would not require the heavy equipment that is used when doing the same
21 maintenance at the water tower. Between upgrades, the only time the tenants would be on site is
22 when there are problems.
23

24 Commissioner Flannigan asked whether there would be a security check in process with the
25 school both during school hours and outside of school hours.
26

27 Mr. Dudinsky stated tenants would be required to give 24-hour notice for both working on the
28 equipment on the pole and working in the enclosure. The school stated there would be no access
29 during morning bus time and afternoon bus times.
30

31 Commissioner Flannigan asked if the City was legally obligated to provide the vendors with this
32 tower.
33

34 City Attorney Schelzel stated the City has ongoing lease obligations with existing tenants at the
35 water tower site, and other legal obligations under Federal law to give reasonable access to
36 telecommunications providers in the City. They could not be banned from the City. He stated
37 he understands the proposed tower height is driven by the tenant's desire and need to provide the
38 same level of coverage to City residents as they are currently receiving.
39

40 Commissioner Flannigan asked how much money the school would receive from these leases.
41

42 Mr. Dudinsky stated the first year the school would receive \$24,000 and there would be
43 inflationary increases after that.
44

45 Chair Iverson asked what would happen if someone was on site without notifying the school.
46 She asked how this would be enforced and what the penalties would be.

1
2 Mr. Dudinsky stated access to the site would be denied until the proper notification had been
3 provided. The tenant would be in violation of the lease if they accessed the site without proper
4 notification.

5
6 Commissioner Young clarified if the pole were relocated to the public works facility there would
7 be a need for a second pole in Wayzata in order to provide proper coverage to residents.

8
9 Mr. Dudinsky stated that was correct and that there might be a third one in the downtown area
10 needed as well. He could not say whether the height would be less on these additional poles.

11
12 Commissioner Buchanan clarified the City and the school has looked at all possible safety
13 concerns, and they feel these have been addressed.

14
15 Mr. Dudinsky stated that there have been several meetings with the school and during the school
16 year, and that there is a school resource police officer assigned to the school. This will be well
17 monitored, and the school feels these concerns have been addressed.

18
19 Commissioner Gonzalez noted that the Commission's role in this application is limited. The
20 City made a policy decision on the location. The Commission is to look at the Conditional Use
21 Permit and variance application and determine if the application meets the City's codes.

22
23 Chair Iverson stated she does not believe the applicant has met the CUP criteria in section
24 801.04.2.F.G., which look at the proposed use's impact upon existing public services and
25 facilities including parks, school, streets, and utilities, and the City's service capacity. In her
26 opinion, this project is adversely affecting the school from a safety standpoint.

27
28 City Attorney Schelzel recommended that the Commission vote on the draft Report and
29 Recommendation they had requested staff to prepare. He clarified the draft report should be
30 updated to reflect the correct variance information and that item 1.2.B should state 171-feet, not
31 150-feet.

32
33 Commissioner Buchanan made a motion, Seconded by Commissioner Gonzalez, to adopt the
34 draft Planning Commission Report and Recommendation recommending approval of the
35 Conditional Use Permit and variance for telecommunications tower at 149 Barry Avenue N, as
36 presented with the amendment to item 1.2.B from 150-feet to 171-feet.

37
38 Commissioner Flannigan stated he was disappointed in what the City has moved forward with.
39 There are factors in the CUP that the project does not meet, including impacting the area, home
40 values, and residents. He suggested voting the proposal down.

41
42 Commissioner Gruber stated item 3.2.5 states the proposed use will not have a significant
43 negative impact upon property values in the area. She asked what this had been based on.
44

Mr. Dudinsky stated the City did have an appraiser take a cursory look at the area properties, and the appraiser indicated that there would not be an adverse affect on the values of the properties on Barry Avenue.

The motion was called to a vote.

The motion failed. 3 Ayes and 4 nays (Young, Iverson, Murray, Flannigan).

Mr. Thomson suggested the Commission consider and adopt an alternative Report and Recommendation. He stated the findings the Commission had referenced in its discussion which would support a recommendation of denial of the development application included: the use is not compatible with present or future uses of the area because the site is in close proximity to single-family residential homes, and the commercial use as a telecommunications tower is not compatible with the current residential and institutional uses; the proposed use would have an adverse affect on the area because it would be visible to nearby residential properties and would present safety issues to the neighborhood and to the users of the school property; the proposed use would adversely impact the public facilities on the school property by limiting the use of the school property for other outdoor activities; the proposed tower does not meet the setback requirements and would alter the essential character of the locality due to its proximity to nearby residential properties; and the project would have a significant negative impact on the property values of surrounding properties due to operational and visual impacts.

Commissioner Flannigan made a motion, Seconded by Commissioner Young to adopt a Planning Commission Report and Recommendation recommending denial of the Conditional Use Permit and variance for telecommunications tower at 149 Barry Avenue N based on the findings read into the record by Mr. Thomson. The motion carried. 4 ayes and 3 nays (Gruber, Gonzalez, Buchanan)

AGENDA ITEM 5. Old Business Items:

a.) Gardner Place – 350 Gardner St E

i. Preliminary Plat Subdivision, Variances

Director of Planning and Building Thomson stated Bohland Homes has submitted a development application to subdivide the property at 350 Gardener St E. into three single-family residential lots. The Planning Commission held a public hearing and reviewed the development application at its meeting on February 6, 2017. At the meeting, the Planning Commission voted four in favor and one opposed to direct staff to prepare a draft report and recommendation of denial of the development application. Since the Planning Commission meeting, the City's consulting arborist, Manuel Jordan, has reviewed the tree inventory and tree plans submitted by the applicant.

Commissioner Gonzalez stated that if the Council decides to approve the development application, she would recommend that the Council consider the comments provided by Manuel Jordan on the tree preservation and landscape plans as conditions of approval.

Jeff Thomson

From: Laurent Frecon [REDACTED]
Sent: Monday, February 06, 2017 12:36 PM
To: Jeff Thomson
Subject: Cell Tower Site

Hi Jeff,

My wife and I do not see the benefit in moving the site to the proposed location and are opposed to it. There is substantial cost (build and revenue loss) and one of the primary concerns of moving the tower was the fact that it is located in a park. We see more children/residents utilizing the field of the West Middle School during all times/seasons than we ever do around the current cell site. We feel that moving the tower to the proposed site is a not only a step backwards for residents but also for students.

If the tower does get approved, we echo our neighbors' concerns about the access road on Barry Ave and prefer the access road through the Middle School parking lot, which we understand to be the current proposal.

Sincerely,
Laurent and Madeline Frecon
238 Barry Ave N

February 17, 2017

Ken Wilcox
Wayzata City Council
Planning Commission
600 Rice Street
Wayzata, MN 55391

Re: Relocation of Cell Tower

Dear Ken, City Council members and planning commission

I am writing today as a concerned resident. By way of introduction, my name is Karen Walker and I live at 315 Barry Ave N, directly adjacent to the proposed site for the relocated cell tower. You may recall that I have written previously regarding my serious concerns over the proposed site. (See attached Letters dated 11-1-15 and 2-29-16). The 2015 letter was entered into public record by Mayor Wilcox 11-4-17. Despite my repeated attempts to voice my concerns to City Council and City Staff on the impact the proposed site will have on my property, it appears that there has been little adjustment to the proposal to move the cell tower. Thus, I am writing yet again.

It is my understanding that the original objective of moving the cell tower was to address the impact the current tower has on the residents of Wayzata, in particular a few residents on Gardner Street. I appreciate that the City has expended significant tax payer dollars to research and investigate all possible options for a new location and that there are no perfect solutions. However, given the stated objective, the proposed site must be eliminated from consideration. It is truly without logic and unacceptable to move the cell tower 1294 feet at considerable expense to tax payers to ultimately place it directly adjacent to other residents who will be equally impacted by this nuisance.

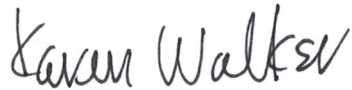
If City Council approves the proposal it will have failed in what it set out to accomplish and failed the citizens of Wayzata. If approved, City Council will have:

- Placed the considerations of some citizens above the rights of others and directly pit Wayzata neighbors against each other;
- Expended significant tax payer dollars and yet failed to accomplish the goal of eliminating the impact of the tower on its residents; and
- Drastically impacted the property value of several smaller homes despite its assertions that it seeks to protect the small home inventory in Wayzata.

If you are questioning the true impact the proposed site will have on me and the value of my property, I invite you to come to my home and see for yourself. Mr. Dudinsky has placed a cone at the heart of the proposed site, which stands out like a beacon from my deck. All you need to do is envision an access road with numerous service trucks servicing the tower on what is reported to be a daily basis and a 5 foot plus high fence around the cone to appreciate that the proposed site is untenable. It will either drastically reduce the value of my home or, even worse, render it unsaleable.

I have reached out to Andy Brehm and other Barry Ave N residents. They share my serious concerns regarding the impact this relocation would have on their property. If the city continues to proceed with the proposed site, I will seek all legal remedies available to me. I fully expect the City to compensate me for the lost value to my home should the tower be relocated to the proposed site. I am not in a financial position to have my retirement income stolen by the city of Wayzata.

I strongly encourage you to go back to the drawing board and evaluate other less impactful options for relocation of the cell tower.

A handwritten signature in black ink that reads "Karen Walker". The script is cursive and fluid, with the first name "Karen" and last name "Walker" clearly distinguishable.

Karen Walker
315 Barry Ave. N
Wayzata, MN 55391

November 1, 2015

Ken Wilcox (Mayor)
Wayzata City Council
600 Rice Street
Wayzata, MN 55391

Re: Relocation of Cell Tower

Dear Ken and City Council Members,

As a means of introduction I am Karen Walker, I live at 315 Barry Ave. N. I am writing to share to my significant concerns regarding the logic of the potential relocation of the cell tower:

1. Moving the tower from one neighborhood to another like neighborhood a mere 1294 ft. away
2. Moving out of a park environment on to the school athletic field including the tennis courts

As a point of information the green space next to my home is often used as a park experience by Wayzata residents: (example)

- a. activities with family and friends (Frisbee, football, catch)
- b. exercising and playing with pets,
- c. practicing Golf swings.

This truly is one of the last green spaces left in Wayzata

3. Moving the equipment would be at a significant cost: Is the end result worth the cost?

On a personal note I purchased my home not only to live in Wayzata but as an investment toward my retirement goals. As a conscience resident I have worked thoughtfully to improve and maintain my home to realize that investment goal. Throughout the years I have incurred some significant changes. Low income housing was built next door. Not with standing they are nice people it is expensive and hard work to maintain a home. I have dealt with toilets and abandoned vehicles left in the drive. After a fair amount of time I contacted the city to help correct the problem. The freeway was added changing the noise factor greatly with no noise reduction plan scheduled for now or in the near future. Finally with the purposed relocation of the cell tower to my back yard and the access road on two sides of my property the city will have rendered my home virtually a none saleable property. The goal of realizing retirement income from my home has been completely negated. It goes without saying this is a frightening concern.

It is my fervent hope that you and the City council will give this matter more careful thought with the intent of finding a less invasive and destructive location.

In advance thank you for your consideration,

Karen Walker
315 Barry Ave N.
Wayzata, MN 55391

February 29, 2016

Ken Wilcox (Mayor)
Wayzata City Council
600 Rice Street
Wayzata, MN 55391

Re: Relocation of Cell Tower

Dear Ken and City Council Members,

My concerns continue to mount as I watch and note the documentation released to the public regarding the relocation of the cell tower.

A brief recap of my concerns:

- Pitting one neighborhood against the importance of another like neighborhood. (1294 ft. apart)
- Excessive and growing cost to the community
- Negative financial impact on my property and other Barry Ave. N. residents

My hope is that a completely different site is found that addresses the above stated concerns. However, if after aggressive searching this is the only choice; please move the access road and cell tower as far west as possible to at least lessen the negative impact on Barry residents.

Again thank you for your thoughtful consideration,

Karen Walker
315 Barry Ave. N
Wayzata, MN 55391

DRAFT RESOLUTION NO. 10-2017

**RESOLUTION APPROVING CONDITIONAL USE PERMIT AND VARIANCE
FOR TELECOMMUNICATIONS TOWER
AT 149 BARRY AVE N**

WHEREAS, SEH, on behalf of the City of Wayzata, (the “Applicant”) has submitted a development application (the “Application”) for a new City-owned commercial telecommunications tower (the “Project”) on the Wayzata West Middle School property at 149 Barry Ave N (the “Property”);

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application on February 6, 2017, and directed staff to prepare a draft Report and Recommendation to the City Council to approve the Application, a copy of which is attached to this Resolution as Attachment A (“Draft PC Report and Recommendation of Approval”);

WHEREAS, the Wayzata Planning Commission, held a second public hearing on the Application on February 27, 2017 (in light of a change made to the Application to reduce the size of the requested setback variance), and at that time voted to adopt an alternative Report and Recommendation to the City Council to deny the Application, a copy of which is in the record; and

WHEREAS, the City Council concurs with the findings and recommendation of the original, draft Report and Recommendation of approval.

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

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearings, the standards of the Wayzata Zoning Ordinance, and the findings and recommendations of the Draft PC Report and Recommendation of Approval of the Application, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application meets the applicable requirements of Wayzata’s Zoning Ordinance.

B. Based on the foregoing, the Telecom Tower CUP and Setback Variance requested in the Application, and as defined in the record, are hereby **APPROVED**, subject to satisfaction and continuing compliance with all of the following:

1. All future Telecommunications Equipment and Facilities on the Property and the Telecom Tower must comply with all relevant provisions of the Telecommunications Ordinance.

2. The Applicant must secure all necessary building and other permits for construction, and all laws and regulations applicable to the Project.

Adopted by the Wayzata City Council this 7th day of March, 2017.

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 March 7, 2017.

Becky Malone, Deputy City Clerk
SEAL

Attachment A

Draft Planning Commission Report and Recommendation, dated February 27, 2017

WAYZATA PLANNING COMMISSION

February 27, 2017

REPORT AND RECOMMENDATION OF APPROVAL OF CONDITIONAL USE PERMIT AND VARIANCE FOR TELECOMMUNICATIONS TOWER AT 149 BARRY AVE N

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of Conditional Use Permit for Telecommunications Tower
Approval* of Variance from the Zoning Ordinance standards for setback

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. SEH, on behalf of the City of Wayzata, (the “Applicant”) has submitted a development application (the “Application”) for a new City-owned commercial telecommunications tower (the “Project” or “Telecom Tower”) on the Wayzata West Middle School property at 149 Barry Ave N (the “Property”). The City has entered into a long-term agreement with the owner of the Property that would allow the City to construct and maintain the Telecom Tower on the Property. The proposal requires a conditional use permit and variance.
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Conditional Use Permit for New Telecommunication Tower. The Project requires a conditional use permit for a 195 foot telecommunications tower (the “Telecom Tower CUP”).
 - B. Setback Variance. The Project requires a variance for the proposed 171 foot setback from the adjacent residential neighborhood (the “Setback Variance”).

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

149 Barry Ave N	06-117-22-22-0008	School District No. 284
-----------------	-------------------	-------------------------

- 1.4 Land Use. The Property is the location of the Wayzata West Middle School and related athletic and recreational fields, and is adjacent to Highway 12, residential neighborhoods and the Wayzata Community Church. The Property is zoned INS/Institutional and guided Institutional/Public under the Wayzata Comprehensive Plan.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on January 26, 2017. A copy of the notice was mailed to all property owners located within 350 feet of the Property on January 27, 2017 and February 16, 2017. The public hearing on the Application was held at the February 6, 2017 and February 27, 2017 Planning Commission meetings.

Section 2. STANDARDS

- 2.1 Standards for Telecommunications Towers. Telecommunications towers, facilities and equipment are regulated under Section 31 of the Wayzata Zoning Ordinance (the "Telecom Ordinance"; defined terms in the Telecom Ordinance are used in this Report). Applicable standards include:
- A. Location. Telecommunications Towers may be located only on certain parcels owned and/or controlled by the City of Wayzata. Section 801.31.4.B(1).
 - B. Height. The height of an Antenna and/or Telecommunications Tower shall be the minimum necessary to meet the Applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The height of a Telecommunication Tower and Antenna may not exceed 150 feet, measured from grade. However, the City Council may increase this height up to 190 feet if the Council finds the increase in height (1) would not have a significant visual impact, (2) would not have a negative property value impact on surrounding properties because of proximity, topography or screening by trees or buildings or (3) would accommodate two or more users. In addition, the City Council may waive this height limitation for a Telecommunications Tower and/or Antenna if used wholly or partially for essential public services, such as public safety. Sections 801.31.4.B(1)a. and 5.E.
 - C. Stealth Design. The Telecommunications Tower shall use as many Stealth Design techniques as reasonably possible and include non-proprietary information on stealth design technology. Economic considerations or

hardships shall not be the sole justification for failing to provide Stealth Design techniques. Section 801.31.4.A(1)b.

- D. Setbacks. Telecommunications Facilities must meet the building setback that is established for the zoning district where it is to be located. In addition, a Telecommunications Tower must be set back from all residential property lines at least one (1) foot for each foot in height, but shall have a minimum setback of at least one hundred (100) feet. The Tower setbacks may be increased by the City Council dependent on the results of the engineered fall zone analysis report submitted by the Applicant as part of the permit application. Section 801.31.5.D.

2.2 Conditional Use Permit for Telecommunications Facilities. New Telecommunications Equipment may be located on a Telecommunications Tower which has an approved Conditional Use Permit. Section 801.31.4.B. Such Conditional Use Permit requires compliance with all of the provisions of the Telecom Ordinance and the provisions of Section 801.04.2.F of the Zoning Ordinance, which requires City Council to consider possible adverse effects of the proposed conditional use. Council's judgment shall be based upon (but not limited to) the following factors:

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

2.3 Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 801.05.1.C. are:

- A. Variances shall only be permitted when they are:

- (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff reports, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Standards for Telecommunications Towers. The proposed Telecom Tower meets all of the standards of Section 31 of the Telecom Ordinance, and the standards for the requested Telecom Tower CUP and Setback Variance as detailed in this Report.
 - A. Location. The Telecom Tower would be located on a parcel controlled by the City of Wayzata pursuant to a long term lease with the owner of the Property.
 - B. Height. The proposed 195 foot height of the Telecom Tower is the minimum necessary to meet the Applicant's coverage and capacity needs, as verified in studies conducted by Applicant and the contemplated service provider-

tenants of the Telecom Tower. The increase in height above 150 feet (1) would not have a significant visual impact, (2) would not have a negative property value impact on surrounding properties because of its distance from such properties, and the topography and screening by trees and buildings, and in any event (3) would accommodate two or more users. In addition, the Telecom Tower will be partially utilized for essential public services, including the E-911 public safety service.

- C. Stealth Design. Given the limited number of possible locations, the characteristics of the Property, and multi-user purpose of the Telecom Tower, the Telecom Tower uses all reasonably possible stealth design technology. The Telecom Tower will be nestled into the surrounding landscape, at the edge of the Property, so that the topography and trees on the Property reduces its visibility. It will be located in the limited area of the City that is permitted and practically usable for such a Telecommunications Tower, and on a part of the Property, that will result in the least amount of visibility to the public.

3.2 Telecom Tower CUP. The proposed construction and use of the Telecom Tower on the Property (the "Proposed Use") would meet the criteria for a conditional use permit, subject to and regulated by Section 801.04 of the Zoning Ordinance for CUPs.

1. The Proposed Use complies with the specific policies or provisions of the official City Comprehensive Plan which guides the property for institutional uses.
2. The Proposed Use is compatible with present and future uses of the area, which include other institutional uses and proximity to a major transportation corridor. In addition, the Wayzata school district has similar Telecommunications Facilities at other properties in the district.
3. The Proposed Use conforms with all applicable performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.) except that for which a variance is being requested.
4. The Proposed Use will not have a significant negative effect on the area in which it is proposed, as the use will be confined to the edge of the Property and otherwise meet the standards of the Telecom Ordinance and the Zoning Ordinance.
5. The Proposed Use will not have a significant negative impact upon property values in the area.
6. The Proposed Use will not generate significant traffic above the current use.

7. The Proposed Use will not have a negative impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity. As noted above, the Wayzata school district has similar Telecommunications Facilities at other properties in the district.

3.3 Setback Variance. The Setback Variance is not a use variance in that does not change the current permitted institutional uses for the Property. The Setback Variance requested is in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan.

- A. The soil conditions, playing fields, school building and grounds, access points, highway proximity, topography and parameters required for adequate provision of telecom services in the City create practical difficulties in complying with the setback requirements.
- B. The Setback Variance requested is reasonable, due to circumstances noted above, and if granted would not alter the essential character of the locality.
- C. The practical difficulties necessitating the Setback Variance are not economic in nature. The existing layout, elevations and characteristics of soils of the Property are significant factors in the practical difficulty with meeting the Zoning Ordinance requirements.
- D. The proposed use for the Property is permitted within the INS/Institutional District.
- E. The conditions for granting approval of the Setback Variance listed below in Section 4 of this Report should be considered by City Council.
- F. The Applicant has provided the reasons that the Setback Variance is justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends approval of all requests of the Application listed in Section 1.2 of this Report, subject to the following conditions:

- A. All future Telecommunications Equipment and Facilities on the Property and the Telecom Tower must comply with all relevant provisions of the Telecommunications Ordinance.

- B. The Applicant must secure all necessary building and other permits for construction, and all laws and regulations applicable to the Project.

Adopted by the Wayzata Planning Commission this 27th day of February 2017.

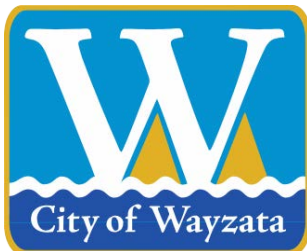
Voting In Favor:

Voting Against:

Abstaining:

Absent:

DRAFT



City of Wayzata City Council Agenda Report

MEETING DATE: March 7, 2017	AGENDA ITEM: 9b
TITLE: Consider Resolution No. 09-2017 denying preliminary plat subdivision and variances at 350 Gardner St E	
PROPOSED MOTION: Adopt Resolution No. 09-2017	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Adopt Resolution No. 09-2017 denying preliminary plat subdivision and variances at 350 Gardner St E

FINANCIAL OR BUDGET CONSIDERATION:

The development application does not have any impact on the City budget.

BACKGROUND:

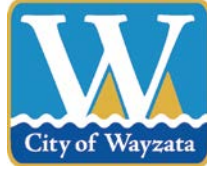
The applicant, Bohland Homes, has submitted a development application to subdivide the property at 350 Gardner St E into three single-family residential lots. The existing house would be demolished, and three new homes would be constructed with access from a private street. The development application includes preliminary plat subdivision, variance from the subdivision ordinance to allow access by a private street, and variance from the zoning ordinance impervious surface requirements.

The Planning Commission held a public hearing and reviewed the development application at its meeting on February 6, 2017. At its meeting on February 27, 2017, the Planning Commission voted five in favor, one opposed, and one abstention, to adopt a report and recommendation which recommends denial of the proposed preliminary plat subdivision and variances. The Planning Commission meeting minutes are attached.

There have been no changes or additional information received regarding the development application since the Planning Commission's review.

ATTACHMENTS:

1. February 6, 2017 Staff Report
2. Applicant's narrative
3. Proposed plans
4. July 6, 2016 Planning Commission meeting minutes
5. February 6, 2017 Planning Commission meeting minutes
6. February 27, 2017 Planning Commission draft meeting minutes
7. Public comments
8. Draft Resolution No. 09-2017
9. Planning Commission Report and Recommendation



**Staff Report
February 6, 2017**

Project Name: Gardner Place
Applicant Bohland Homes, Inc.
Addresses of Request: 350 Gardner Street E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: March 10, 2017

Development Application

Introduction

The applicant, Bohland Homes, has submitted a development application to subdivide the property at 350 Gardner St E into three single-family residential lots. The existing house would be demolished, and three new homes would be constructed with access from a private street.

Property Information

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

Address	PID	Owner
350 Gardner St E	06-117-22-21-0027	Bohland Homes, Inc.

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

Current zoning:	R-3A/Single and Two Family Residential District
Comp plan designation:	Low Density Single Family
Total site area:	29,974 sq. ft. (0.69 acres)

Project Location

The property is located on Gardner Street E, east of Barry Avenue.

Map 1: Project Location



Application Requests

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

- A. Preliminary plat subdivision: The proposed requires preliminary plat review to subdivide the one existing lot into three lots. (City Code Section 805.14)
- B. Variance from the subdivision ordinance to allow use of a private roadway: The subdivision ordinance states that private streets, except in the case of planned unit developments, are prohibited. In addition, any subdivision that adjoins an existing private street, the private street is required to be dedicated for public use and scheduled for improvement to public street standards. The applicant is proposing to provide access to the two new lots by improving the existing private street. The private street would not be public and would not be built to public street specifications, which requires a variance. (City Code Section 805.27.K)
- C. Impervious Surface Variance: The R-3A zoning district establishes a maximum impervious surface coverage of 35% for each individual lot. The proposed lots would have impervious surface coverage ranging from 38.2 to 41.1%, which requires a variance.

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-3A/Single and Two Family Residential District	Low Density Single Family
East	Single-family home	R-3A/Single and Two Family Residential District	Low Density Single Family
South	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family
West	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on January 26, 2017. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on January 13, 2017.

Planning Commission Review

The Planning Commission held a public hearing and previously reviewed the development application at its meeting on July 6, 2016. At that meeting, the Planning Commission requested the following additional information from the applicant:

- Updated tree inventory that includes trees located on adjacent properties and trees located in the Gardner Street right of way
- Amount of fill associated with the proposed grading plan
- Lot coverage and impervious surface information
- Tree preservation plan
- Stormwater management plan

The applicant has submitted revised plans for the project which include the additional information requested by the Planning Commission.

Analysis of Application

Lot Requirements

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

	Lot area (sq. ft.)	Lot width	Lot depth
R-3A Requirements	9,000 (min.)	60 ft. (min.)	100 ft. (min.)
Lot 1	9,900 sq. ft.	60 ft.	165 ft.
Lot 2	9,900 sq. ft.	60 ft.	165 ft.
Lot 3	9,900 sq. ft.	60 ft.	165 ft.

Surrounding Lot Sizes

The following summarizes the lot areas of the R-3A lots located immediately adjacent to the subject property:

Address	Lot area
344 Gardner St E	19,983 sq. ft.
402 Gardner St E	27,554 sq. ft.
345 Gardner St E	37,965 sq. ft.
343 Park St E	10,007 sq. ft.
353 Park St E	10,007 sq. ft.
359 Park St E	10,007 sq. ft.

Proposed Houses:

The applicant has submitted preliminary plans for the new houses that would be constructed on each of the lots. The proposed homes would be two stories in height. The proposed homes on Lots 1 and 2 would include a full basement, and the new house on Lot 3 would have a tuck-under garage at basement level. The proposed house locations would meet all setback requirements.

Access and Private Street

The property currently has a private driveway from the end of Gardner Street that is shared with the adjacent property at 344 Gardner Street East. Although the driveway would be commonly referred to as a shared driveway, the subdivision ordinance provides a broad definition of a private street. The definition includes a drive that serves as vehicular access to *two or more* parcels of land that is not dedicated to the public and is owned by one or more private parties. Therefore, the existing shared driveway is considered a private street. The applicant is proposing to extend the private street to serve the three lots, which requires a variance from the City's subdivision ordinance.

Each of the new homes would need to meet the fire code access requirements. The fire code typically requires a 20-foot wide fire access lane. The applicant has stated that each of the new homes would have a fire sprinkler system. Based on this, the City's fire marshal has determined that the private street serving the new homes would need to be a minimum of 16 feet in width and provide a turnaround at the end. The applicant is proposing to widen the existing private street to 16 feet in width in order to meet this requirement. The proposed plans also include a 50-foot turnaround between Lots 2 and 3 that would be constructed of a TrueGrid paver system. The fire marshal has stated that the turnaround would need to be paved.

Grading and Drainage

The site currently slopes from the high point at the southeast corner of the lot to the north and west towards the Gardner Street right of way. The proposed garage elevations of the houses on Lots 1 and 2 would be set similar to the existing grade. The house on Lot 3 would be cut into the existing hill, with a retaining wall constructed along the side and back of the house. Drainage from the rear of the site would be directed to a storm sewer catch basin on the back of Lots 1 and 2. Drainage from the front of the

homes, individual driveways, and shared driveway would be directed to a catch basin within the shared driveway and directed to the Gardner Street right of way, below the retaining wall.

In order to widen the private street, a retaining wall would need to be constructed on the north side of the driveway. The proposed wall would be partially located within the City's right of way, and would extend from the end of Gardner Street to the east property line of the development, where it would be extended along the east property line to accommodate the grading for the new house on Lot 3. The proposed retaining wall would range from four to six feet in height along the front of the property, and two to four feet in height along the east property line. The proposed site plan does not show how the existing driveway at 344 Gardener would be tied into the new driveway. This would need to be worked out with the adjacent property owner along with the plan and responsibilities for maintaining the shared driveway.

The proposed grading plan includes 650 cubic yards of total cut and 1,223 cubic yards of total fill, for a net of 573 cubic yards of fill. This results in an average change in grade of 1.3 feet for Lot 1, 2.0 feet for Lot 2, and 2.0 feet for Lot 3. Modifications which serve to alter the average natural grade of an individual lot more than two feet shall require approval of the City Council.

Utilities

The existing house on the lot is served by public sewer and water services from the end of Gardner Street. The applicant is proposing to extend the water and sewer to provide three new services to the new lots. The proposed sanitary sewer extension would be a force main which would be located underneath the proposed driveway. The proposed water main extension would be located south of the sanitary sewer line. The City engineer recommends that the water main extension be public, and the applicant would need to dedicate the necessary easements to the City. The City engineer recommends that the sanitary sewer force main be private with an agreement between the three lots for maintenance.

Tree Preservation

There are 14 trees located on the property with a total size of 227 inches. Of the 14 trees on the property, 13 are classified as significant trees by the City's tree ordinance and 1 tree is a heritage tree. The plans include removal of 9 trees on the property for the proposed homes, driveways, private street, and associated grading. All of the removed trees are significant trees. The tree ordinance allows the removal of up to 25 percent of the inches of significant trees before mitigation is required on an inch for inch basis. The proposed plans result in the removal of 66 percent of the inches of significant trees. Based on the tree ordinance requirements, the applicant would be required to plant 93 inches of trees as mitigation.

In addition to the trees located on the site, the applicant has included the trees within the Gardner Street right of way in the updated tree inventory. The plans indicate that two healthy trees would be removed within the Gardner Street right of way. However,

several of the other healthy trees that are identified for preservation are located within or at the grading limits for the street and retaining wall construction. In addition, the proposed plans include the removal of many trees that are identified by the applicant as being dead or in very poor condition.

The City's consulting arborist, Manuel Jordan, has reviewed the tree inventory and tree plans submitted by the applicant. The following is a summary of the consultant's comments:

Tree Inventory

The tree inventory is mostly accurate. There are minor changes needed, including one tree that is misidentified as a boxelder, and a tree on an adjacent property that is not included in the inventory. The City's arborist agrees that the trees within the right of way that are identified as dead, diseased, dying, or hazardous are accurate, and that these trees would be excluded from the mitigation requirements by the City's tree preservation ordinance.

Tree Removal

The City's arborist confirmed that there would be additional trees removed or significantly impacted by construction beyond what is shown on the proposed plans. There is one additional tree that would be removed on the property, and several additional trees that would be removed within the City's right of way than what is indicated on the plans.

Landscaping Plan

The City's arborist recommends changing some of the species included on the landscape plan given the site conditions which include lack of light, tight site conditions, and ensuring the preservation of existing trees. In particular, the arborist recommends the black hill spruce, autumn blaze maples, and techny arborvitae be replaced with more site appropriate species.

Tree Preservation

In addition, the arborist recommends that the tree plan include the tree preservation techniques that would be used to ensure the preservation of trees as shown, which should include how the retaining walls would be constructed to minimize impacts to the trees.

Public Comments

The City has received one letter regarding the project since the last Planning Commission meeting in July. All of the public comments received to date are included in the attachments.

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.

Subdivision Variance Criteria (805.60): The City Council may approve a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

Zoning Variance Standards (Section 801.05.1C): The conditions governing considerations of variance requests:

1. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.

2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by this Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

**City of Wayzata
Planning Commission**

February 2, 2017

Gardner Place – 350 Gardner Street East

Legal Description: Lots 2, 3 and 4, “Wayzata Park Addition”, Hennepin County.

BohLand Homes

Application Narrative:

Request to Re-Plat into two additional lots.

350 Gardner Street East currently has one single family home set on the most westerly 60' portion of the property that was previously three 60' individually platted lots. The Legal Description for the property is Lots 2, 3 and 4, “Wayzata Park Addition”, Hennepin County. We are not sure when the lots were joined, however, we can only assume it was when the current homes was built in 1955 (according to Hennepin County Property Records). The original intent for this property was for (3) 60' wide lots similar to almost all other lots within a 7 block area.

The existing home has structural defects and the property currently has a non-conforming “private street” access which does not have the necessary easements for utility uses for both this and an adjoining property. Our intent is to “re-subdivide” this property to three 60' wide lots resulting in two additional single family lots. Simultaneously, we will put in place the necessary easements for the utilities etc. Due to its condition, we will remove the existing building and rebuild a new home on that lot. We are adding only 2 additional lots similar to most other properties surrounding this property.

Due to the northerly slope primarily in the City ROW (beginning on the north edge of our property) we have an improved solution compared to creating a street within the City ROW. This will avoid any significant tree removal, and substantial clearing and grading to install a larger retaining wall and turn-about within the City ROW. We are requesting that the road and utilities move farther south onto our property and outside of the ROW resulting in a better use of the land and less disruption of the slope and soils.

Our proposal has been reviewed and approved to meet required fire safety concerns and we have reviewed this with staff regarding sewer/water and storm sewer improvements. The street width and design was prepared to meet necessary standards.

Notes from the Planning Commission meeting July 6, 2016.

I believe we captured all of the comments from the Planning Commission meeting based on our notes, the meeting minutes, and follow-up conversation with staff. If not, we are happy to address any further comments or questions.

Thank you for the information and comments we received at the Planning Commission Meeting July 6, 2016. We requested an extension to our submission and now have additional information in response to your comments for your consideration.

In addition to the original application, we heard the following questions and requests. We have tried to respond based on your comments and will do our best to further answer any questions at the public hearing. They are numbered for reference, but not necessarily in the order they were brought up.

1. Comment:

Perform a tree inventory for those trees within the City ROW and the impact of the tree buffer and the significant trees currently on our site.

Response:

This has been completed and attached for reference.

BohLand Project Manager Andrew Volkenant conducted a site visit with City Staff Member Kurt Klapprich.

We also hired Steve Nicholson, a Certified Arborist, to review the trees and provide his professional opinion as to the condition of the trees. This is included in our submission.

The city ROW contains a variety of tree species which show signs of a challenging growing conditions. Many of the trees that seem to be in good health have had to compromise their growth patterns due to the dominance of larger older unhealthy trees.

There are several large boxelder trees that are the most distressed from their age. The base of these trees have been rotted out giving uncertainty to their future existence. They also have shown signs of disease and decay from the base to the canopy, which most of the canopies on the boxelders have been removed due to broken branches caused by poor health.

A few elm trees are present in the ROW but have been forced to grow at extreme angles due to the boxelders broken limbs and dominance.

Many of the Boxelders show high levels of distress within their canopies above 20' and do not provide any screening from the freeway. Early leaf drop exposes their uncertain health and vulnerability to storm damage and decay.

The large ash tree is beginning to show signs of distress but has very little competition for sun light as it creates the upper most canopy above 30'.

A majority of the visual screening come from the mass of underbrush which contains a large amount of buck thorn.

Enhancing the ROW with a mix of coniferous trees and fast growing deciduous trees will help maintain a long lasting sound and visual screening for all of the residence to the south and to the west of the property.

Currently there is a significant degradation of poor and unhealthy trees that will be replaced with hardwoods and coniferous trees, screening vegetation, and more attractive landscaping than the current conditions. We have additional tree photos, however, we encourage you to visit the site to fully understand their conditions.

2. Comment:

What impact would the grading have on the new building pads and house placement. What is the height of the retaining wall on the east side of the home on lot 3?

Response:

We have adjusted the wall height and grading plan to reduce the impact of the cut and the retaining wall on the east side of the home (see plan). Our revised grading plan is within the current City requirements of less than 2%.

Comment:

What is the impact of sound transmission for the proposed removal of the trees?

Response:

The construction of three new homes should certainly offer a better sound barrier than the existing conditions. This site is obviously impacted by Hwy 12 noise and there is little that can be done to change this. Nothing can be done to the north of these properties that will improve

this condition beyond what is naturally occurring. The best possibility is found in our landscape plan that installs a denser vegetative buffer. We believe that the only significant change that can be made is to create a sound barrier with the construction of the new homes that may improve the sound quality to the adjoining neighbors to the south. Once the leaves drop for the winter, the homes and conifers will continue to create a sound as well as a visual barrier to HWY 12.

3. Comment:

Prepare a landscape plan.

Response:

We have included with this submission a landscape plan considering the concerns for the entrance into the property and any removal of trees in that location. Due to the old growth and poor growth and damaged trees, we believe the replacement and keeping of the larger old growth healthy trees will enhance the aesthetics to these properties and benefit the views driving east down the street.

This change is in the City ROW and only “visually” effects one property (Madson’s) in addition to our property, and our intent is to improve the current situation for their property and our new residents.

The landscaping (except for immediately surrounding the homes during construction) will be completed as soon as the overall site work is completed. As soon as the driveway retaining wall is completed we will re-install the landscaping.

4. Comment:

Reference the Applicable Code Provisions for Review and the Preliminary Plat Criteria Section 80-5.1.E.

Response:

We have responded below in blue.

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.

We believe this conforms to the neighborhood characteristics and 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. We believe that the only impact we will have is removing some trees and our landscape plan will provide a better long term solution. No other impact will occur to lakes, streams, wetlands, or wildlife habitat.

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.

We have adjusted our proposed grading plan and the foundation for the home on lot 3 to minimize excavation. Lots 1 and 2 will have minimal grading to accommodate surface storm water runoff.

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.

For the most part, the overall site has few trees inside the property lines and we will remove only what is necessary for the new homes to be built. Unfortunately, most of the trees to be removed and replaced are on the City ROW and our plan is to remove the trees in poor health and replace with an improved long term landscape plan.

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.

Our plan is consistent with the neighborhood use and size of lots. This is proven by all the adjoining properties within blocks of this property and the fact that the lots were initially platted as three lots. The new homes built we be proportionate to the size and scale of property and other new homes built in the area.

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.

Same as above.

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.

Same as above.

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.

Same as above.

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.

Same as above.

10. The proposed lot layout and building pads shall conform with all performance standards contained herein.

We meet the standards for lot size and setbacks.

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.

Building three new homes and the accompanying landscape plan will improve values to the neighborhood. The current structure of the existing home has deficiencies and should be replaced.

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.

The new utilities on the site will be improved in accordance with City standards and non-conforming use of a current private street will be resolved with accurate easements and property descriptions. The extension of the private street will be maintained by the homeowners and still have access for utilities. Trash and snow removal on-site will be the responsibility of the owners through deed restrictions and requirements.

5. Comment:

Would the large tree on the eastern edge of the property be removed?

Response:

No, based on our revised grading plan we will do our best to save the tree. We cannot guarantee the life of the tree, but we will carefully grade around the tree and do our best to protect it during construction. See plan.

6. Comment:

The impact of the grade from the easterly adjoin property to the home on lot 3.

Response:

We adjusted the grade on the east side of the home to reduce the slope and size of retaining wall. The retaining wall height is limited to 4' and this does not require any code related fencing or landscape barriers.

7. Comment:

How many truck loads will there be. Cubic yard calculation.

Response:

In order to correct the soil conditions we will need to balance the soils with about 500 cubic yards depending on amount of export due to poor soil conditions. This means that we will have approximately 35-50 truckloads over a 2-3 day period weather permitting. Trucks can serve dual purpose and export any poor or contaminated soils while importing new fill. Larger trucks may be used if needed to reduce number of trips.

If we do not have to correct existing soils there may be considerably fewer truckloads.

We modified our plans to limit the grading to under the allowed 2% required City standard to reduce the import and export of the site.

8. Comment:

Storm water management

Response:

See Plan.

This has been reviewed and our proposal provides a better solution than the current run off from the existing use and driveways.

9. Comment:

What is the appropriate approval for a Private Street Variance?

Response:

We will rely on recommendations from Wayzata Planning Staff.

Options:

- Private Street as variance.
- PUD
- Public Street in the ROW.

Subdivision Variance Requirements

805.60: Variances, City Council Approval, Standards:

A. Findings. The City Council may approve a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

Response:

We believe we meet every condition in the Variance Standards above that allows for subdivision of the property. This is certainly the case due to the geographic challenges within the City ROW and our proposal for a better solution to preserve natural characteristics and adhering to the intent of the three lots for this property. Another alternative would be to resubmit the application as a PUD, however, allowing a variance meets the standards and may be the best solution for the property.

10. Comment:

Could the property line be moved farther south to avoid the row and removal of trees?

Response:

It is our opinion that our proposed plan best utilizes the property to conform to lot size, efficient grading, and placement of the homes on the lots.

11. Comment:

Madson neighbor concerns.

Response:

We understand the Madson's concern for two new lots adjoining theirs and this is not uncommon when there is a change to a property. It is, however, conforming to most all other properties in this neighborhood. This will be a significant improvement and was initially intended for this property. Our intent is to improve the landscaping within the City ROW to benefit our three properties and the entrance to the Madson's driveway. There are currently inconsistent property access and boundary issues due to the current private street use and history of the properties. These will be corrected with this revised plat and recorded along with the appropriate easements.

Based on our survey and historical information, it is not uncommon that there is a property line dispute and our intent is to clean up any issues when we record a new plat. This includes a fence along the property line and sidewalk/decking. In addition, the current property lines for both properties are inconsistent with current standards relative to the current "private drive" access. We anticipate that the Madson's will participate in this effort and our other option is to acquire a portion of their property through an Adverse Possession claim allowed under State Law.

We understand that there has not been a coordinated effort at the end of Gardner Street for snow removal, trash removal, mail delivery etc. Our plan is to coordinate with our property

owners and make it a part of their condition in owning a lot to have; trash in front of their individual garages with a singular vendor for pick up and have the same snow removal contractor handle snow removal in front of their homes to the end of the new street. This can be done through a recorded document perpetual with the deed.

We received a letter from Madson's attorney outlining their concerns and also demanding the "repaving of the Madson's entire driveway". I believe we can address most of the concerns, but will not engage in financial leveraging and demands.

I hope that the Madson's have an interest in participating in a cooperative effort to resolve the property line dispute, public utility easements and practical use issues that benefit both properties and the City of Wayzata.

Comment:

A concern for three lots.

Response:

This re-plat adds two lots. It is very clear that this conforms to almost all properties within a 7 block radius of this property and the original property plat was clearly identified to be three lots.

12. Comment:

Are there similar retaining walls of this type in Wayzata?

Response:

Referring to the retaining wall for the driveway, there is a very similar retaining wall at the property at 110 Grand Ave installed within the last few years. This had a very similar situation to create a workable driveway and to protect a wetland and trees. The retaining wall for the home on lot 3 is not uncommon to create placement of a home on a lot with similar grades.

13. Comment:

Make sure we flag removed trees.

Response:

The significant trees are flagged.

14. Comment:

Hardcover and impervious surfaces calculations

Response:

We have included the hardcover calculations and they comply with building requirements for house and driveway only. With the addition of the Private Street moved southerly onto the properties we still meet set back requirements, however, with the addition of the street in the calculations we exceed the hard surface coverage with the addition of the street added below:

Total Site:

29,974 SF Total Site

Each Lot is approximately (60x 166)

Lot 1 9,885

Lot 2 2,891

Lot 3 9,897

The allowable structural hardcover (house only) is 30% and total lot coverage is 35% for each lot.

Lot 1:

House	2,568	(26%)	
Drive, sidewalk and retaining	861		
Total	3,429	(34.7%)	- .03%
Include Private Street	633		
Total	4,062	(41.1%)	+6.10%

Lot 2:

House	2,224	(22.5%)	
Drive, sidewalk and retaining	670		
Total	2,894	(29.3%)	- .07%
Include Private Street	970		
Total	3,864	(39.1%)	+4.1%

Lot 3:

House	2,181	(22%)	
Drive, sidewalk and retaining	823		
Total	3,004	(30.4%)	-4.6%
Include Private Street	778		
Total	3,782	(38.2%)	+3.2%

Based on our efforts to stay outside of the City ROW due to the hardships of grades, significant tree removal, and other impractical issues, we have designed a plan that brings the road onto our property. This meets all other requirements, but due to the interest of saving trees and additional grading, we are seeking a variance for the hardcover calculations that are impacted by the road onto the lots.

Comment:

Have the proposed buildings staked on the property.

Response:

We have staked the four corners of each proposed home building pad.

Summary:

Based on the original intent for this property, and our ability to correct some non-conforming issues related to the historical use of utilities and landscaping issues in the City ROW, we believe that adding two more homes in this area meets the intent for land use in Wayzata.

We thoroughly understand that there is a benefit to the tree and vegetative buffer for the adjoining neighbor and equally important to our new homeowners. By removing the unhealthy and decaying trees and keeping the larger old growth healthy trees with a more attractive long term landscaping solution makes common sense and a long term benefit for the these properties.

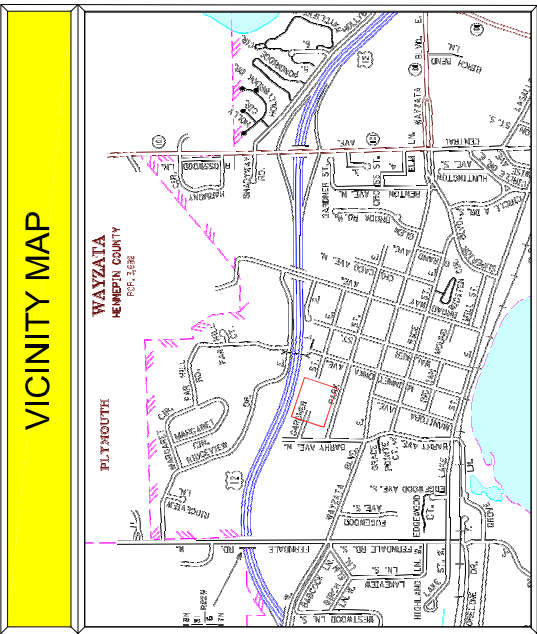
Due to primarily topographical issues we have provided a practical and reasonable solution to a unique situation that still adheres to what is typically built in the surrounding neighborhood.



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				1	06/16/16
				2	3d Illustrations
				3	



LOT STANDARDS
R-3A - ZONING MIN LOT AREA-9,000 SF MIN LOT DEPTH-100' MIN LOT WIDTH-60' MIN. FRONT YARD SETBACK = 20' MIN. SIDE YARD SETBACK = 10' MIN. REAR YARD SETBACK = 20' EXISTING ZONING: R-3A PROPOSED ZONING: R-3A WETLAND BUFFER-30' WETLAND SETBACK- N/A APPLICABLE

SHEET INDEX TABLE	
SHEET	Description
1	Title Sheet
2	Street Plan
3-4	Utility Plans
5	Grading Plan
6	Tree Survey
7	Removal Plan

CLIENT/DEVELOPER
BOHLAND HOMES, LLC,
825 Wayzata Boulevard East
Wayzata, MN 55391
Contact: Steve Bohl
T-952-473-2089

LAND SURVEYOR/CIVIL ENGINEER
SATHRE-BERGQUIST INC.
150 S. Broadway Ave.
Wayzata, MN 55391
Contact: Dan Schnitt
T-952-476-6000
F-952-476-0104

ENGINEERS

PLANNERS

SURVEYORS

LAND

SATHRE-BERGQUIST, INC.

150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO.

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WAYZATA,
MINNESOTA

OPTION B - 15' DRIVE
GARDNER PLACE
BOHLAND HOMES, LLC

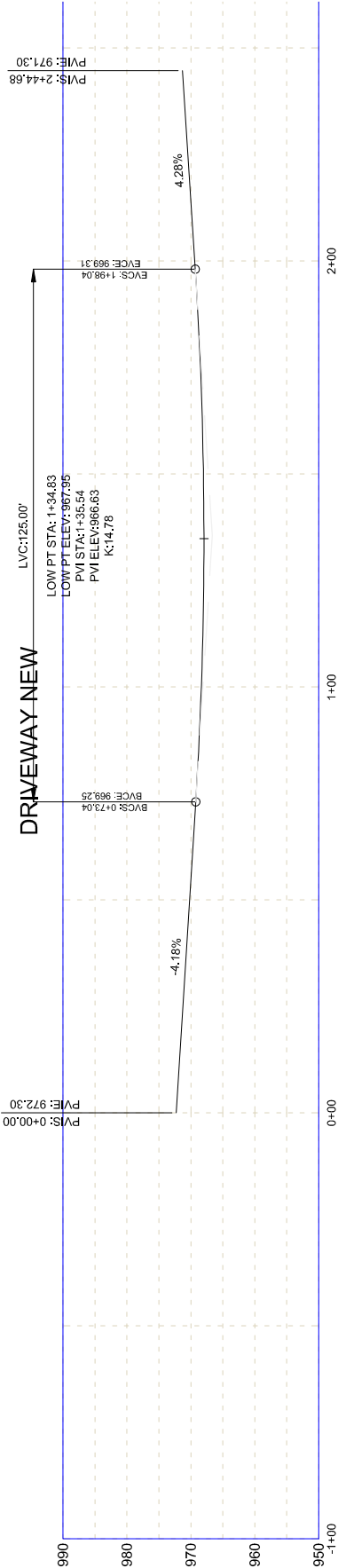
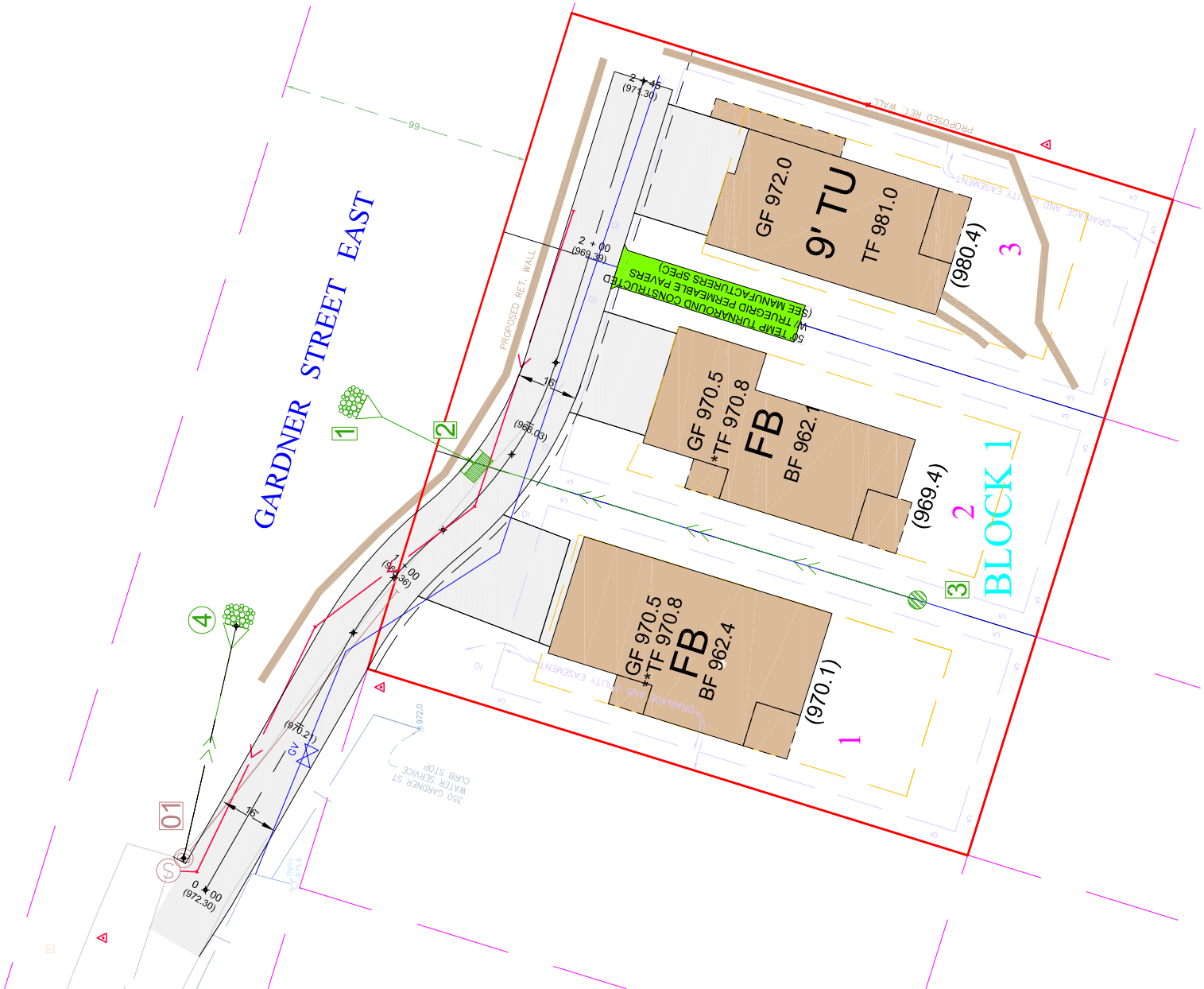
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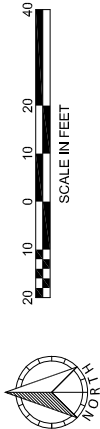
Daniel J. Schnitt
Name: P.E. *Daniel J. Schnitt* Lic. No. 26147
Date: 06/07/16

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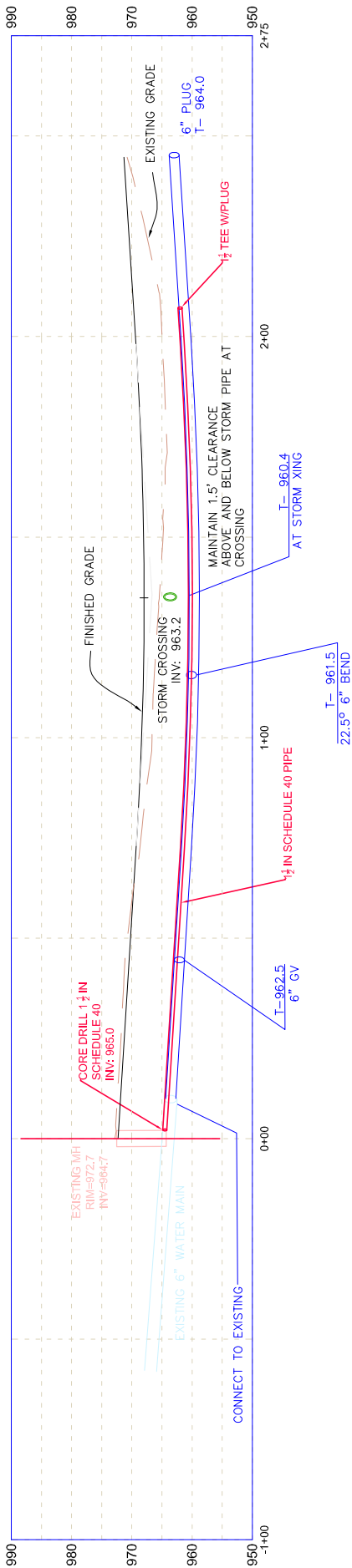
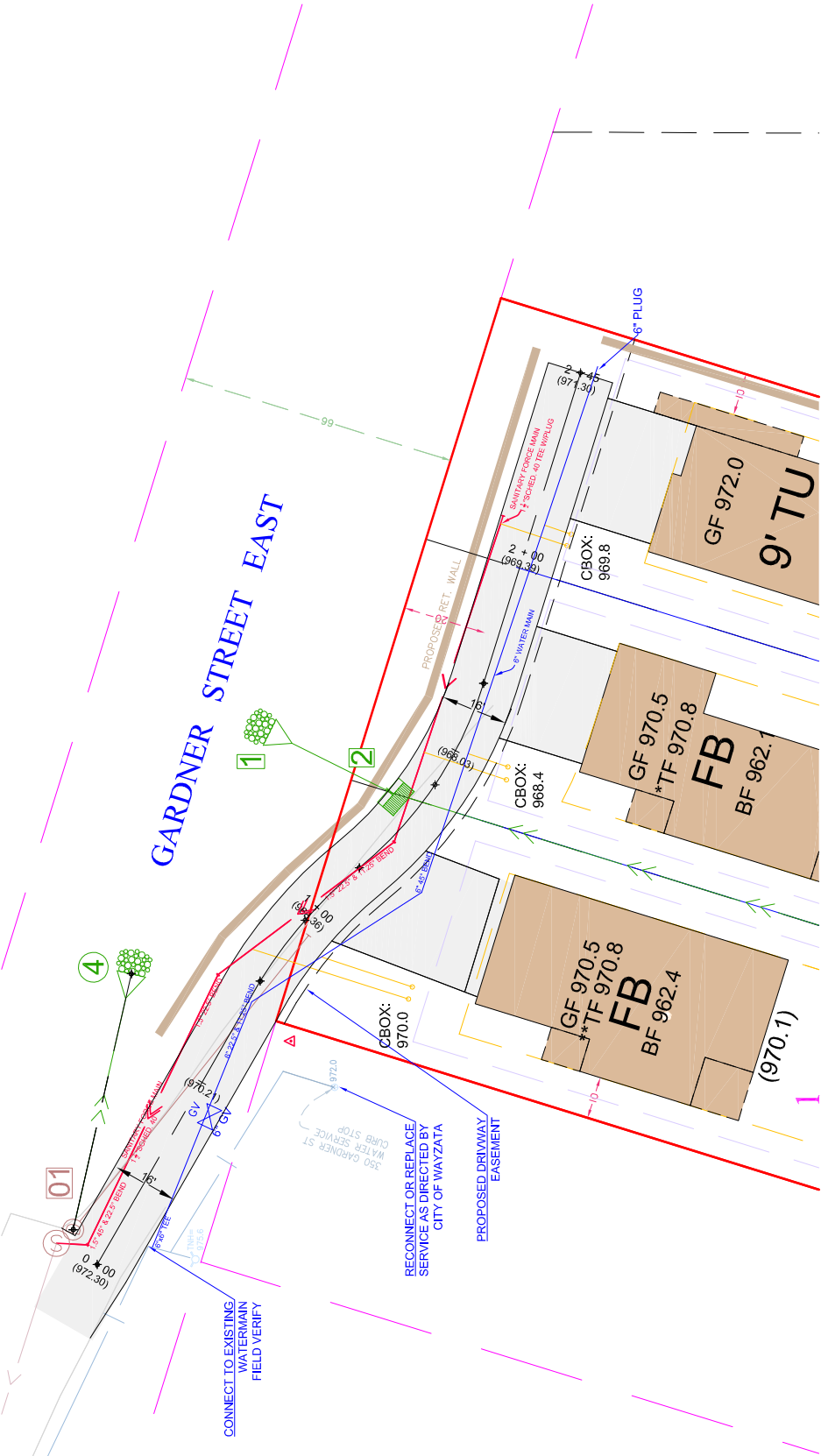


PROPOSED STREET SECTION
1.5" WEAR COURSE
2.0" BASE COURSE
8" CLASS 5
12" SELECT GRANULAR BORROW - CHECK WITH
CITY TO SEE IF EXISTING SOILS ARE ACCEPTABLE



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					Date: 06/07/16	
					CITY PROJECT NO. --	
					WAYZATA, MINNESOTA	
					SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000	
					FINAL STREET PLAN GARDNER PLACE BOHLAND HOMES, LLC	
					FILE NO. 7806-041	
					2	
					7	

1. UNITS TO BE SERVICED FOR SANITARY SEWER BY GRINDER PUMPS AND 1 $\frac{1}{4}$ IN SCHEDULE 40 SERVICE. SEE DETAILS PROVIDED BY GRINDER PUMP MANUFACTURER.



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Donald J. Schmitt
Name: P.E. _____ Lic. No.: 28147
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150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 475-6000

CITY PROJECT NO.

WAYZATA,
MINNESOTA

FINAL SANITARY SEWER AND WATER MAIN PLAN
GARDNER PLACE

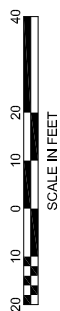
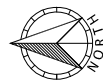
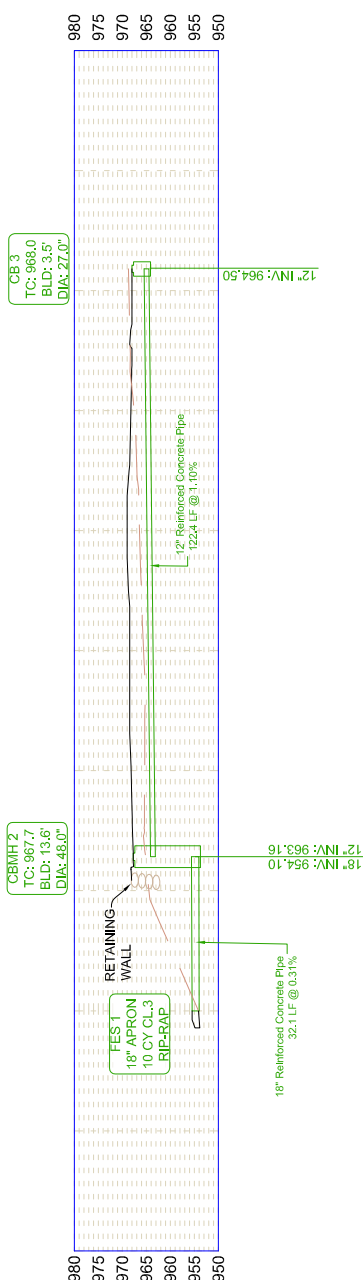
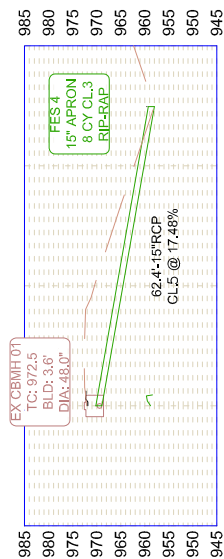
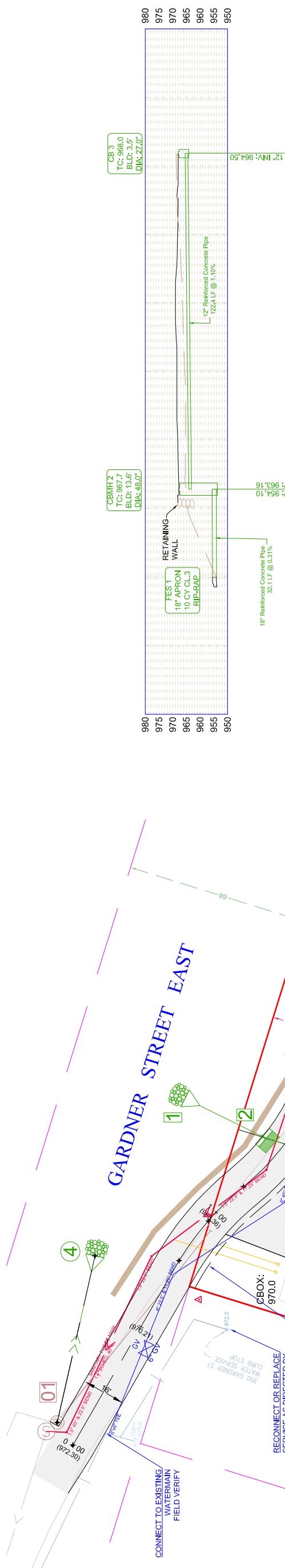
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BOHLAND HOMES, LLC



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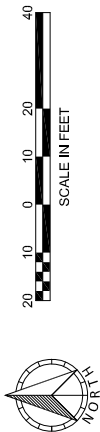
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1	Ash, green	15.0		Good	1	No		15.0	
2	Ash, green	8.0		Fair	1	No		8.0	
3	Elm, red	17.5		Fair	1	No		17.5	
4	Basswood	21.5		Good	1	No		21.5	
5	Basswood	56.0		Fair	4	No		56.0	
6	Boxelder	9.5		Fair	1	No	9.5		
7	Boxelder	11.5		Fair	2	No	11.5		
8	Oak, red	19.0		Good	1	No		19.0	
9	Ash, green	11.0		Fair	1	No		11.0	
10	Ash, green	24.0		Good	1	No		24.0	
11	Elm, American	14.0		Fair	1	No		14.0	
12	Boxelder	24.0		Fair	1	No		24.0	
13	Hackberry	17.0		Good	1	No		17.0	
14	Ash, green	7.0		Good	1	No			
15	Elm, American	16.5		Good	1	No	7.0		
16	Ash, green	6.5		Fair	1	No		16.5	
17	Ash, green	8.0		Good	1	No		6.5	
18	Ash, green	8.0		Fair	1	No		8.0	
19	Ash, green	8.5		Fair	1	No			
20	Hackberry	16.5		Good	1	No		8.5	
21	Ash, green	7.0		Fair	1	No		16.5	
22	Boxelder	14.0		Fair	1	No	14.0		
23	Boxelder	12.5		Fair	1	No		12.5	
24	Maple, silver	24.5		Good	1	No			
25	Oak, red	32.0		Good	1	Yes	24.5		
26	Maple, sugar	22.0		Good	1	No		32.0	
27	Boxelder	13.5		Fair	1	No		22.0	
28	Maple, sugar	21.5		Good	1	No	21.5		
29	Maple, sugar	18.0		Good	1	No		13.5	
30	Oak, red	24.5		Good	1	No	18.0		
31	Oak, red	28.0		Good	1	Yes		21.5	
32	Maple, sugar	22.0		Good	1	No	22.0		
33	Maple, sugar	22.0		Good	1	No		28.0	
34	Ironwood	7.0		Good	1	No	22.0		
272	Maple, sugar	17.0		Poor	1	No	N/A	N/A	large cavity/hollow
273	Boxelder	12.0		Dead	1	No	N/A	N/A	dead & damaged
274	Boxelder	22.0		Very Poor	1	No	N/A	N/A	decay
275	Boxelder	17.0		Very Poor	1	No	N/A	N/A	decay/hollow
276	Hackberry	8.0		Very Poor	1	No	N/A	N/A	top missing
277	Boxelder	10.0		Very Poor	1	No	N/A	N/A	hollow, cracked
278	Boxelder	16.5		Very Poor	1	No	N/A	N/A	nearly dead & extensive decay
279	Boxelder	14.5		Very Poor	1	No	N/A	N/A	decay/hollow
280	Boxelder	10.0		Very Poor	1	No	N/A	N/A	dead top
281	Boxelder	13.0		Very Poor	1	No	N/A	N/A	decay/top missing
282	Boxelder	36.0		Poor	3	No	N/A	N/A	tops missing from all stems
Total Caliper Inches		587.50	147.00			Number of Trees		437.00	
						Number of Trees Removed w/Variance		9.0	
						Number of Trees Removed w/o Variance		23.0	
						% Removed w/Variance		26.5%	
						% Removed w/o Variance		67.6%	
						Caliper Inches			
						Caliper inches removed w/Variance		150.0	
						Caliper inches removed w/o Variance		437.0	
						% Removed w/Variance		25.5%	
						% Removed w/o Variance		74.4%	

LEGEND

TREES REMOVED

TREES EXEMPT

TREES SAVED



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BASE

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MDM

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DLS

DATE

04/29/16

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Donal J. Schniitt

Name: P.E.

Date: 06/07/16

Lic. No. 26147

ENGINEERS

PLANNERS

SURVEYORS

SATHRE-BERGQUIST, INC.

150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO.

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WAYZATA, MINNESOTA

TREE PLAN

GARDNER PLACE

BOHLAND HOMES, LLC

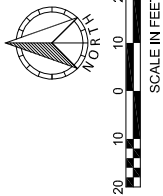
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Page 232 of 273



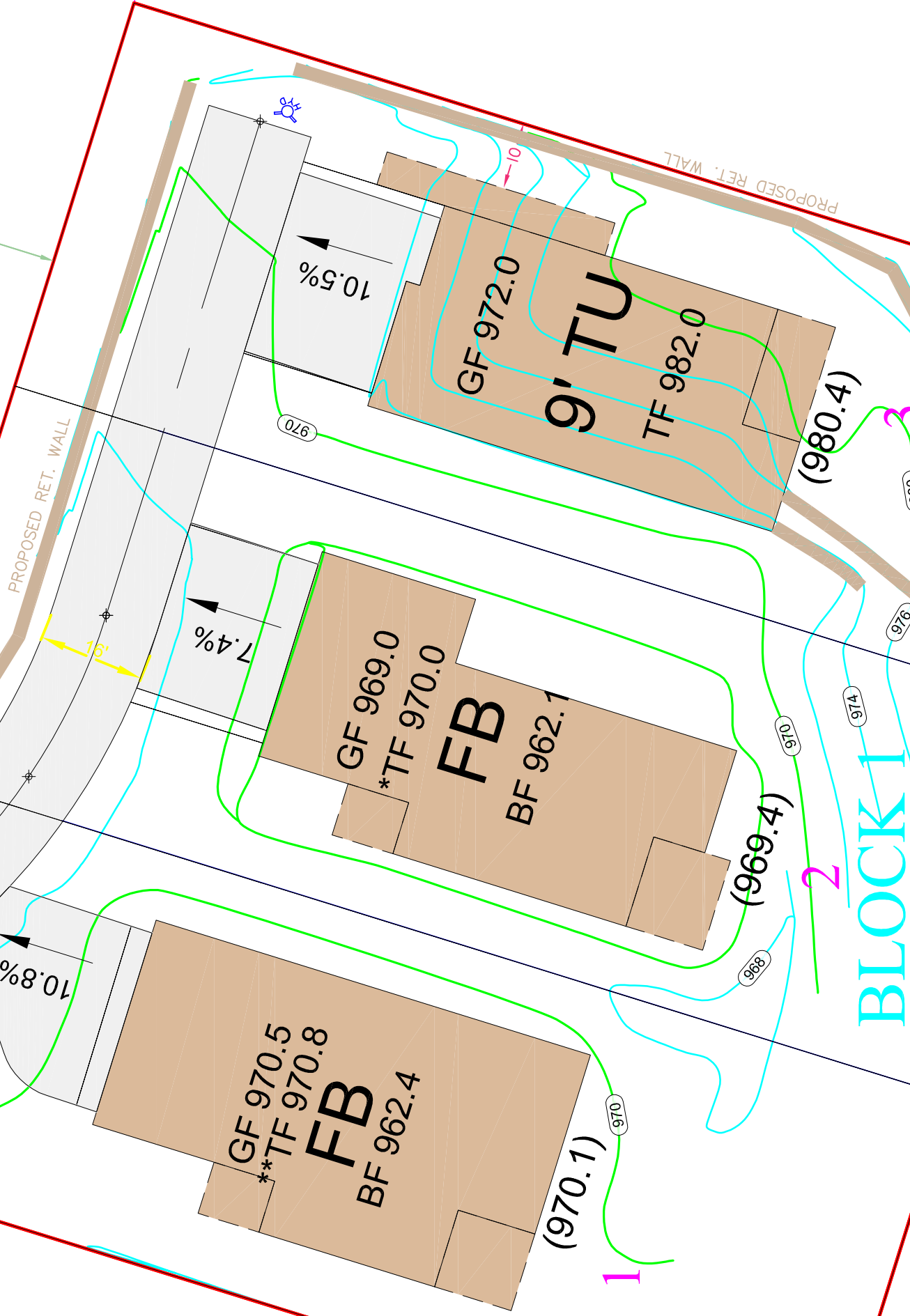
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GARDNER STREET EAST

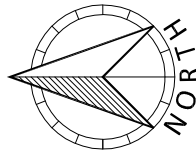
LOT 1
CUT: 32 CY
FILL: 420 CY
TOTAL: 452 C.Y.
AREA 9,878 SF
AVE:1.3 FT

LOT 2
CUT: 160 CY
FILL: 570 CY
TOTAL: 730 C.Y.
AREA 9,890 SF
AVE:2.0 FT

LOT 3
CUT 458 CY
FILL: 233 CY
TOTAL: 691 C.Y.
AREA 9,900 SF
AVE:1.9 FT



HARDCOVER CALCULATION WORKSHEET				
CLIENT: Bohland Homes, LLC. JOB # 7806-014				
DATE: 2/2/2017				
PROPOSED HARDCOVER IN LOT 1				
Hardcover Item	AREA	COMMENTS		
LOT AREA	= 9,885.53	SF.		
HOUSE	= 2,568.00	SF.		
RET. WALL	109.00	SF.		
SIDEWALK	113.00	SF.		
ROADWAY	= 633.50	SF.		
DRIVEWAY	= 635.00	SF.		
Total Existing Hardcover			4,058.50	SF.
Total Coverage			41.1%	
PROPOSED HARDCOVER IN LOT 2				
Hardcover Item	AREA	COMMENTS		
LOT AREA	= 9,891.24	SF.		
HOUSE	= 2,224.00	SF.		
RET. WALL	62.00	SF.		
SIDEWALK	86.00	SF.		
ROADWAY	= 970.05	SF.		
DRIVEWAY	= 522.00	SF.		
Total Existing Hardcover			3,864.05	SF.
Total Coverage			39.1%	
PROPOSED HARDCOVER IN LOT 3				
Hardcover Item	AREA	COMMENTS		
LOT AREA	= 9,897.01	SF.		
HOUSE	= 2,181.42	SF.		
RET. WALL	241.00	SF.		
ROADWAY	= 778.83	SF.		
DRIVEWAY	= 582.00	SF.		
Total Existing Hardcover			3,783.25	SF.
Total Coverage			38.2%	



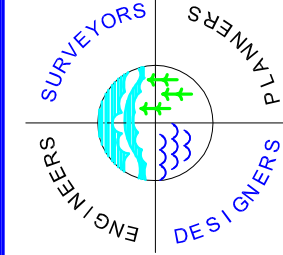
DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE				
DRAWN BY				
MDM				
CHECKED BY				
DLS				
DATE				
04/29/16				

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Donald J. Schmitt
Name, P.E. _____
Date: 04/07/16 _____ Lic. No. 26147

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



CITY PROJECT NO. ---
WAYZATA, MINNESOTA

HARDCOVER CALCULATIONS
GARDNER PLACE
BOHLAND HOMES, LLC

FILE NO.
7806-041

1

1

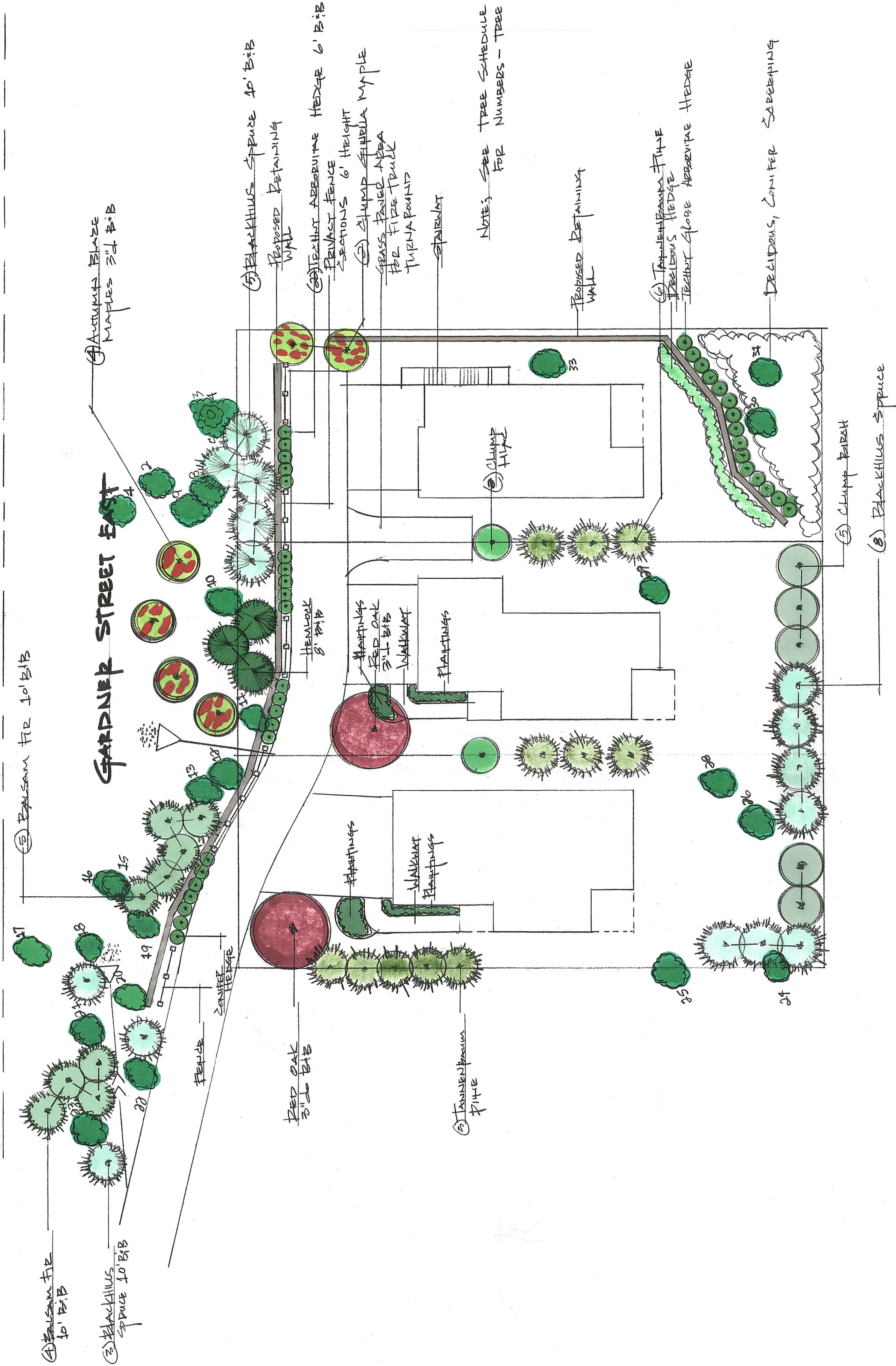
Issue Date
Contract
Start Date

Scale: 1/4" = 1'-0"
Date: 12-23-16
Approved By: [Signature]

Drawn By: [Signature]
Revised:
Drawing Number

Tree #	Species	DBH	Condition	Stems
1	Ash, green	15.0	Good	1
2	Ash, green	8.0	Fair	1
3	Elm, red	17.5	Fair	1
4	Basswood	21.5	Good	1
5	Basswood	56.0	Fair	4
6	Boxelder	9.5	Fair	1
7	Boxelder	11.5	Fair	2
8	Oak, red	19.0	Good	1
9	Ash, green	11.0	Fair	1
10	Ash, green	24.0	Good	1
11	Elm, American	14.0	Fair	1
12	Boxelder	24.0	Fair	1
13	Hackberry	17.0	Good	1
14	Ash, green	7.0	Good	1
15	Elm, American	16.5	Good	1
16	Ash, green	6.5	Fair	1
17	Ash, green	8.0	Good	1
18	Ash, green	8.0	Fair	1
19	Ash, green	8.5	Fair	1
20	Hackberry	16.5	Good	1
21	Ash, green	7.0	Fair	1
22	Boxelder	14.0	Fair	1
23	Boxelder	12.5	Fair	1
24	Maple, silver	24.5	Good	1
25	Oak, red	32.0	Good	1
26	Maple, sugar	22.0	Good	1
27	Boxelder	13.5	Fair	1
28	Maple, sugar	21.5	Good	1
29	Maple, sugar	18.0	Good	1
30	Oak, red	24.5	Good	1
31	Oak, red	28.0	Good	1
32	Maple, sugar	22.0	Good	1
33	Maple, sugar	22.0	Good	1
34	Ironwood	7.0	Good	1

Tree Installation Proposal
Bohland & Thmel LLC
Project: Gardner Street East
Addition
WYATA, MN



NOTE: SEE TREE SCHEDULE
FOR NUMBERS - TREE VARIETY (SPECIES)

1 applicant can provide information on the materials that would be used for the sides and back of
2 the home.

3
4 Commissioner Gonzalez asked if the rear boundary had been established.

5
6 City Attorney Schelzel stated the subdivision and plats have been approved and filed, and the
7 Planning Commission's review at this time is just on the conditions related to the proposed
8 house.

9
10 Mr. Thomson stated if there was a problem with the plat, it would have had to be resolved prior
11 to the plat being recorded, which has been completed.

12
13 Chair Iverson noted that the applicant was not at the meeting, and asked Staff to request the
14 applicant attend the City Council meeting so the City could review the materials for the side and
15 rear of the home.

16
17 Commissioner Gruber made a motion, seconded by Commissioner Gonzalez, to recommend the
18 City Council approve the preliminary house plans for 141 Wooddale Ave, based on the findings
19 that the design meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies
20 the condition of Resolution No. 05-2015. The motion carried unanimously.

21
22 Chair Iverson recommended the applicant provide building material information for the sides and
23 rear of the home for the City Council's review.

24
25
26 **AGENDA ITEM 6. Public Hearing Items:**

27
28 **a.) Gardner Place – 350 Gardner St E**

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

30
31 Mr. Thomson stated the applicant, BohLand Homes, had submitted a development application to
32 subdivide the property at 350 Gardner St. E. into three (3) single family residential lots. The
33 existing house would be demolished and three (3) new homes would be constructed. The
34 proposed lots would meet the minimum lot requirements for the R-3A Zoning District. The
35 applicant submitted preliminary plans for the new houses that would be constructed on each of
36 the lots and the proposed house locations would meet all setback requirements. Additional
37 information would be needed on the proposed lot coverage and impervious surface for the
38 homes. The new homes would be subject to a maximum 30% lot coverage and 35% impervious
39 surface outlined in the R-3A Zoning District. The applicant is proposing to extend an existing
40 private driveway to serve the three (3) lots and this would be widened to 16-feet in order to meet
41 the fire code access requirements. He reviewed the subdivision street standards and the options
42 for the application including a PUD, public street, or a variance to allow for a private street. He
43 reviewed the grading and drainage plans proposed for the project, the proposed retaining walls
44 and the extension of the sanitary sewer line. He reviewed the tree preservation plan and
45 explained Staff has requested a tree inventory of the Gardner Street right-of-way in order to
46 determine the number of trees that would be removed within the City's right-of-way.

1
2 Mr. Thomson explained that the application would need to come back to the Planning
3 Commission, and may be amended based on recommendations of the Planning Commission and
4 changes the applicant would make regarding the private street parameters. There would also
5 need to be a second public hearing for a private street variance request.
6

7 Commissioner Flannigan asked if the property had been used as a public dump previously, and if
8 there had been discussions regarding potential environmental concerns.
9

10 Mr. Thomson stated there was no record of the property being a public dump. The City is not
11 aware of any environmental testing that has been done on the property. The City would only be
12 aware of testing if it was completed by a property owner and submitted to the City. There are
13 preliminary site investigations that can be done, but he is not aware that the applicant has had
14 any environmental studies done on the property.
15

16 Commissioner Flannigan asked if the applicant would provide additional information regarding
17 the trees along the street.
18

19 Mr. Thomson stated the applicant is currently working on a tree inventory for the trees along the
20 street and this would be provided to the Commission at the next meeting on the application.
21

22 Commissioner Gonzalez requested the applicant mark every tree that would be removed, and that
23 the proposed buildings be staked out on the parcels as well as the boundaries for the proposed
24 street.
25

26 Commissioner Gruber stated the amount of fill brought to the site will be a concern. The
27 property is unique and will require a large amount of fill.
28

29 Mr. Thomson stated the applicant has not provided the cut and fill calculation for the property.
30

31 Commissioner Gonzalez asked how far the proposed retaining wall along the east side of the
32 property would be from the property line. There is a large oak tree along the property line, and
33 the root system would be damaged with any excavation in this area.
34

35 Mr. Thomson stated the retaining wall would be within 1-foot of the property line.
36

37 Commissioner Gonzalez stated if the application moves forward, she would recommend a
38 condition that the construction along the east property line be setback 10-feet in order to protect
39 the oak tree.
40

41 Chair Iverson stated a 7-foot retaining wall could be dangerous. She asked if there were
42 retaining walls this high in other areas of the City.
43

44 Mr. Thomson stated he did not know of specific examples. Retaining walls are allowed by the
45 Ordinances and there is not a setback requirement to them.
46

1 Commissioner Gonzalez stated if the application comes back as a PUD, it would be reasonable to
2 add a condition for the retaining wall that would address the health, welfare, and safety of the
3 residents of the adjacent properties.

4
5 Mr. Thomson stated Staff would ask the applicant to inventory the trees immediately adjacent to
6 the property line and show critical root zones and how these relate to the proposed retaining wall
7 location. This would help the Commission in determining any changes to the retaining wall that
8 may be warranted to reduce potential impacts.

9
10 Commissioner Flannigan asked if the retaining wall would be above the grade of the street or if it
11 would be filled in and the retaining wall at grade.

12
13 Mr. Thomson explained the retaining wall is on the north side of the driveway and the top of the
14 retaining wall would be similar to the grade of the proposed driveway. The face of the retaining
15 wall is on the north side as the grade falls off.

16
17 Applicant's representative, Mr. Steve Bohl, 550 Far Hill Road, Wayzata, provided historical
18 background on the property and the proposed development. He stated they had done some
19 testing, and he does not believe there is a sizable dump on the site. He explained they were
20 proposing a private driveway because of the challenges with creating a city street due to the
21 topography and grading of the property. The proposed driveway would be built to the
22 requirements of fire safety. He clarified the three homes presented would be the three homes
23 that would be built on the lots. They are currently working on trying to drop the second home 1
24 to 2 feet in order to drop the height of the retaining wall proposed for 5 to 7 feet to 4 to 5 feet. He
25 acknowledged that the neighbors have expressed concerns, and they are working to ensure the
26 proposal works for the neighborhood. He explained the property currently has a non-conforming
27 private driveway, and they are proposing to make some improvements to this and keep it as a
28 private driveway. They would prefer to have a variance request approved, rather than having the
29 project go through the Planned Unit Development (PUD) process for the private street. This
30 street would not be the responsibility of the City because it would be private and would be
31 managed by an easement between the property owners.

32
33 Commissioner Gruber asked how much fill would need to be brought into the site.

34
35 Mr. Bohl stated the grading plan calculates the import and export amount of fill. They are
36 planning to have the base of the street done, and will be removing all of the poor soil from the
37 existing driveway and all of the calculations include this soil correction. The first home would
38 be at the existing grade, the second home is about 3-feet above grade, and the third home is about
39 the same. The grade at the back of the homes works for the plans proposed. They are proposing
40 to fill the "bowl" of the property about 3-feet.

41
42 Chair Iverson requested a calculation based on the number of truckloads of fill that would be
43 imported and exported from the site.

1 Mr. Bohl stated he would provide this information for the homes and for the street. He is not
2 sure on the street at this time because he does not know how deep they will have to go to correct
3 the soils of the street. Currently they are calculating 20 trucks.

4
5 Commissioner Gonzalez expressed concerns about the vegetation in the right-of-way to the
6 north. This screens the homes to the south. She asked if the applicant had talked with the
7 neighbors about moving the private road further south to avoid having to put the retaining wall
8 and the clear cutting in the right-of-way.

9
10 Mr. Bohl stated he had not talked specifically about moving the road further south. They intend
11 to replace the trees removed with conifers.

12
13 Commissioner Gonzalez asked if the applicant had calculations for lot coverage and impervious
14 surface coverage in order to ensure they are meeting the maximum requirements.

15
16 Mr. Bohl stated the impervious surface coverage would be: Lot 1 is 30.5%, Lot 2 is 27%, and
17 Lot 3 is 28%.

18
19 Commissioner Gonzalez asked how the applicant would justify the granting of a variance for a
20 private street.

21
22 Mr. Bohl stated the property is unique in that it is a dead end on a public right-of-way and the
23 primary reason they are looking a private street is a public street in the City right-of-way would
24 require a large amount of excavating and the removal of more trees. If the homes were pushed
25 30-feet north the impacts would be devastating. The variance request is to have the least amount
26 of impact on the current setting.

27
28 Commissioner Gonzalez stated the Code would require the applicant to have a cul-de-sac and
29 there is not enough land for three (3) homes and a cul-de-sac.

30
31 Mr. Bohl stated he had looked at a hammer head design for fire safety and they could do this
32 with a public street, but this design would disrupt more soils. With the current proposed
33 driveway, the Fire Marshal had requested the proposed homes have fire sprinkler systems
34 installed.

35
36 Commissioner Flannigan asked the applicant to explain what justified changing the aesthetics of
37 the property and the neighborhood. He asked if the Applicant had done any studies on the effect
38 the project would have on the noise levels for the neighborhood. He asked what the reasoning
39 would be to remove all of the trees and put an undue burden on the sight lines and sound quality
40 to the neighborhood to the south.

41
42 Mr. Bohl stated the original platting for this property was for three (3) parcels. Those parcels
43 had been combined into one (1) when the existing home was constructed. All of the trees north
44 of the retaining wall would remain in the proposed project. He stated the proposed removal of
45 six trees would not likely have an impact on noise for the neighborhood. They are proposing to
46 remove dead and damaged boxelder trees and replace these with conifers at the entrance. The

1 proposal meets all of the requirements outlined in the Staff Report with the exception of the
2 private street. Three homes in this area would provide a better sound barrier than the six trees
3 that are being removed. Several of the trees are in the core of the site.

4
5 Chair Iverson stated having the trees tagged on the site would help to answer some of the
6 questions and concerns the Commission has presented.

7
8 Commissioner Murray clarified the current home was approximately 40-feet wide, and noted that
9 the addition of two (2) additional homes the same size would add 80-feet of sound barrier that
10 currently does not exist on the property.

11
12 Commissioner Gonzalez expressed concerns about the preservation of the trees close to the
13 property line to the east. She would like to see a plan on how these trees would be protected.

14
15 Mr. Bohl stated they would talk with the neighbor and work on a preservation plan for those
16 trees.

17
18 Commissioner Gnos requested a landscape plan be included with the application that shows
19 where new trees would be planted and the types of trees that would be planted.

20
21 Chair Iverson opened the public hearing at 8:08 p.m.

22
23 Mr. Joe Madson, 344 Gardner St. E., Wayzata, requested the trees not be marked with spray
24 paint. He requested the information he had given to City staff be included as part of the record
25 of the discussions on this development. He expressed concerns regarding the width and location
26 of the private driveway and the impacts this would have to the trees on his property, which
27 shares the existing private driveway and is adjacent to the proposed development. He stated they
28 are close to the Highway and any removal of trees would impact their experience as a
29 homeowner and their ability to sell their home in the future. He expressed concerns about the
30 water main placement. The water main would be on the corner of his property, and there is not
31 an easement in place at this time. He asked what rights or responsibility he would have as a
32 property owner since it would be serving three (3) additional homes instead of one (1). He also
33 expressed concerns regarding the access for maintenance for this water main. The driveway
34 repair and replacement is more than he had expected and this is a shared driveway. He does not
35 want the existing bushes near the home that will be demolished to be impacted. He asked the
36 Commission to consider the tree removal and the storm water runoff and the impacts these would
37 have on his property and neighboring properties. He expressed concerns with the private
38 driveway and having to share a driveway with three (3) additional homes.

39
40 Ms. Elissa Madson, 344 Gardner St. E., Wayzata, stated she lives on the property that shares the
41 driveway with the applicant's property, and the properties currently have access to the street
42 through an easement in their front yard. She stated the biggest concern is the project location
43 and the shared driveway. There will be a significant number of drivers using this road and the
44 maintenance of this road would increase and have a greater impact on them. Garbage is
45 currently collected in her front yard for the two existing homes and she expressed concerns that
46 there would be eight garbage cans in her front yard on garbage days. She stated all homes in the

1 north platted neighborhood of Wayzata have access to a public street. There are four (4) other
2 shared driveways in the north neighborhoods. Anywhere there is a shared driveway in this area
3 it serves two (2) homes only. She expressed concerns about who would be responsible for
4 maintaining the driveway and for snow removal, where the trash and recycling pickup would
5 occur for these new homes, and if her home would be expected to be a part of the new
6 homeowners' association. She stated the project location was in conflict with the preliminary
7 plat criteria of the City's Subdivision Ordinance in that: the creation of a lot or lots shall not
8 adversely impact the scale, pattern, or character of the City, neighborhoods, or its commercial
9 areas; the design of a lot, the building pad, and the site layout shall respond to and be reflective
10 of the surrounding lots and neighborhood character; the lot size that results from a subdivision or
11 lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding
12 neighborhood or commercial area; and the proposed subdivision or lot combination shall be
13 accommodated with existing public services, primarily related to transportation and utility
14 systems, and will not overburden the City's service capacity. She stated there are no other
15 locations in Wayzata where four (4) homes share a driveway, the parcels in this area are larger
16 due to the topography, and a significant character of Wayzata is the large heritage trees and
17 removal of these would impact the neighborhood. The City right-of-way has several large trees
18 that provide a significant site and sound barrier for the neighborhood and these are owned by the
19 City, not the applicant, and this is in conflict with the criteria that: building pads that result from
20 a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands,
21 wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community
22 assets; existing stand of significant trees shall be retained where possible. Building pads that
23 result from a subdivision or lot combination shall be sensitively integrated into existing trees;
24 and the proposed subdivision or lot combination shall not tend to or actually depreciate the
25 values of neighboring properties in the area in which the subdivision or lot combination is
26 proposed. She stated the proposed plan would drastically change the topography of the land.
27 The ground level would be raised up to 5-feet and require significant retaining walls and this is
28 in conflict of the criteria that the building pads that result from subdivisions or lot combinations
29 shall be selected and located with respect to natural topography to minimize filing or grading.
30 She expressed concerns about safety because there would be a large number of trucks going to
31 and from the property and there are several children under the age of 10 in this area.

32
33 Ms. Lucy Brunschen, 402 Gardner Street, stated her property shares a significant tree with the
34 Applicant's property and has other features that buffer her property. The property has remained
35 largely unchanged, and provides character and privacy for the neighborhood. The proposed
36 development would change the topography. She stated subdividing the property would be
37 insensitive to the natural topography, requires the removal of several significant trees, and
38 requires a massive 4 to 7-foot retaining wall. She asked about the storm water management that
39 would be included on the site. She stated there are too many homes expected to share a
40 driveway, and this is a safety concern.

41
42 Ms. Marilee Babcock, 337 Reno Street, Wayzata, expressed concerns about the community trees
43 that would be impacted, and that there was not a tree survey included in the proposal. She asked
44 who would be paying to remove these trees and build the retaining wall.

1 Mr. Thomson stated the cost for the removal of trees and the construction of retaining walls
2 would be the obligation of the applicant.

3
4 Ms. Babcock asked where the applicant would place the conifer trees proposed because the top
5 of the hill would be hardcover. The trees in this area clean the pollutants coming from the
6 highway as well as serve as a sound barrier for the neighborhood. She would like to see a tree
7 survey of the public right-of-way reflecting the caliper inches that would be removed.

8
9 Ms. Linda Linden, 345 Gardner St. E., Wayzata, stated she would like to know if it is normal
10 practice to advertise for something that has not been approved yet.

11
12 Mr. Thomson stated the City's role in any subdivision application is the review and approval of
13 the Planning Commission and City Council. The City manages the public process for review of
14 these applications in terms of noticing the neighborhood, putting it in the newspaper, and sending
15 notices to the neighborhoods about the public hearing. Nothing is approved for the property until
16 the City Council has taken action to approve it, and staff has issued permits for the project.
17 However, there is nothing that restricts a developer from marketing a project that may not have
18 gone through this whole review and approval process. He noted that it is not unusual for
19 developers to market a project, and there are no restrictions in the City's Ordinances.

20
21 City Attorney Schelzel further clarified in this case there are also several issues related to the
22 Application that would need to be worked out with the neighbors, and these are not all City
23 issues. The City can only address those things that pertain to the applicable criteria of the City's
24 Code, and not issues between neighbors. Based on the public comments, there are issues that the
25 neighbors will have to work out or this project will not move forward as presented.

26
27 Chair Iverson closed the public hearing at 8:40 p.m.

28
29 Commissioner Gruber stated this project does not fit the topography of the site. She expressed
30 concerns about the private street, the tree removal, the storm water management has not been
31 discussed, the details of the water main need to be worked out and there are safety concerns with
32 adding additional homes in this area. This application is not ready to be forwarded to the City
33 Council. She stated the project does not meet several of the Preliminary Plat Criteria in the
34 Subdivision Ordinance.

35
36 Commissioner Gonzalez stated the Comprehensive Plan discusses protecting neighborhoods
37 from encroachment or intrusion by incompatible uses or higher densities. This project has too
38 many homes for the size of the site in comparison to what is already there. The applicant has the
39 right to develop the site with one building and this would not require much action from the
40 Planning Commission. She stated the property may be able to have two (2) buildings but she
41 would not support having three (3) new homes on this property as presented, especially the clear
42 cutting of the trees in the City's right-of-way. She stated the possible variance request is being
43 economically driven and she would not support the request. The project is too intrusive for the
44 neighborhood.

1 Commissioner Gnos stated he would like to see a landscape plan, tree inventory, and fill
2 calculations.

3
4 Commissioner Flannigan stated the applicant purchased the property to build three (3) homes.
5 Just because three (3) homes will mathematically fit on the property does not mean that there
6 should be three (3) homes there. Mr. Bohl was not able to demonstrate how the plan he
7 presented addressed the Preliminary Plat Criteria of the Subdivision Ordinance. He would not
8 support a variance because it would be due to economic reasons. There are also impacts to the
9 neighborhood that have not been looked into.

10
11 Commissioner Murray stated the property is unique, and that the project is not the right one for
12 this parcel.

13
14 Chair Iverson stated she would agree with the concerns brought up with the project. The project
15 does not meet the Preliminary Plat Criteria. She expressed concerns that the topography of the
16 property will be changed, and there would be significant removal of trees. The applicant could
17 have worked more with the neighborhood to work out some of the concerns prior to the project
18 coming to the Commission. She stated density, traffic, and snow removal are concerns. She
19 does not believe the turnaround proposed is adequate for fire trucks to turn around. She stated
20 she would not support a variance request.

21
22 Commissioner Gonzalez stated what is presented does not meet the Code because they are
23 proposing a private street and this is not allowed in the City. She stated there is not a variance
24 requested presented at this time, and when a properly prepared variance is proposed she would
25 give due consider at that time.

26
27 Mr. Thomson stated staff would work with the applicant on addressing the Preliminary Plat
28 Criteria and the private street issues. He again noted that the Subdivision Ordinance states that
29 in a subdivision, private streets are prohibited. The intent of this regulation is to construct public
30 streets to serve a subdivision or development. He stated the three options for this project would
31 be a PUD, a variance, or a public street. The applicant has looked at the public street option.
32 Staff can review this information as compared to the private street proposed. A public street
33 would be larger and potentially have more impacts on the natural resources of the site.

34
35 City Attorney Schelzel stated based on the statements of the Commissioners, the Commission
36 could direct staff to prepare a Report and Recommendation recommending denial of the
37 application, or they could continue the application to future meeting to review additional
38 information from the applicant.

39
40 Mr. Bohl stated the Commission had not discussed several specifics of the application. He
41 clarified the private street would be managed similar to public streets in Wayzata, but the
42 responsibilities will be on the three (3) home owners.

43
44 Commissioner Gonzalez stated some of the concerns raised are private matters and should be
45 negotiated and settled between neighbors. The Commission is looking at the application to
46 determine if it meets the City's Code. As presented the application does not meet the code

1 because they are proposing a private street and this is not allowed under the Subdivision
2 Ordinance.

3
4 Mr. Bohl asked what specific information the Planning Commission was looking for. He noted
5 that some of the information requested is in the application, but the Commission has not
6 discussed it yet. He stated they would prepare a landscape plan for the City.

7
8 Chair Iverson recommended the applicant walk through the Preliminary Plat Criteria of the
9 Subdivision Ordinance, and provide information on each of the criteria points on how the
10 application meets the criteria.

11
12 Mr. Bohl stated he was prepared to answer the questions and concerns brought up.

13
14 Commissioner Gruber stated the Commission has stated the plan is too dense for the area. A
15 plan with fewer homes would not have the same issues as the one presented.

16
17 Mr. Bohl stated having one (1) home on the property would have the same number of trees
18 removed with the exception of the driveway.

19
20 Mr. Thomson summarized the additional information the Planning Commission is requesting be
21 included as part of the application: provide a tree inventory for the public right-of-way; flag the
22 trees that would be removed with red flags; stake out the homes and other site improvements to
23 provide reference for site investigation; submit the amount of site disturbance and fill including
24 the number of trucks; update the tree inventory to include the trees on the adjacent properties
25 with the critical root zone and look at the retaining wall based on this; provide the tree
26 replacement plan; provide information on the impervious surface requirements.

27
28 Commissioner Gonzalez requested a storm water runoff plan.

29
30 Chair Iverson requested information on the impact the project would have on the existing trees
31 and retaining wall at 344 Gardner Street E.

32
33 Mr. Thomson stated the applicant will need to determine what option for the street and driveway
34 they would like to pursue, and noted that there is a significant amount of private negotiations that
35 would need to be worked out. It is the applicant's responsibility to respond to the concerns and
36 comments.

37
38 Commissioner Flannigan stated he would like to see less impact to the trees on the south portion
39 of the property.

40
41 Mr. Bohl asked for a clarification on the extent of the grading plan for the tree inventory for the
42 right-of-way.

43
44 Chair Iverson stated staff would provide a boundary for Mr. Bohl to inventory.

1 Commissioner Gonzalez requested the applicant consider plans that would avoid or reduce the
2 need to build the large retaining walls.

3
4 Mr. Bohl explained they would look into this and provide additional information to the
5 Commission. He stated he would work with the neighbor to come to agreement on their
6 concerns.

7
8 Chair Iverson stated the existing water main is on private property. She asked how this
9 connection would work.

10
11 Mr. Bohl stated he would provide an alternative plan to what is included in the application.

12
13 Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan, to continue the
14 application to a future Commission meeting to provide the applicant and Staff an opportunity to
15 explore other possibilities and to address the concerns that were expressed by the Commission
16 and the public. The motion carried unanimously.

17
18 The Planning Commission recessed at 9:10 p.m.

19
20 The Planning Commission reconvened at 9:15 p.m.

21
22 **b.) Frenchwood Third Addition – 250 and 270 Bushaway Rd**

23 **i. Preliminary and Final Plat Subdivision with Variances**

24
25 Mr. Thomson stated the applicant submitted a development application to subdivide the
26 properties at 250 and 270 Bushaway Road. The applicant is proposing to subdivide the two (2)
27 existing lots into four (4) single-family residential lots. The two (2) existing homes would
28 remain and two (2) new homes would be built. The applicant is requesting approval of a
29 concurrent Preliminary and Final Plat review and lot width variance. The R-1 Zoning District
30 requires a minimum lot width of 150-feet for each lot. Three (3) of the four (4) lots would have
31 lot widths that are less than 150-feet, which requires a variance for each of the lots. The
32 proposed plans include a tree inventory for Lots 1, 2, and 3, but a tree inventory has not been
33 completed for Lot 4 since the applicant is not proposing any construction on the existing 270
34 Bushaway property. The existing 270 Bushaway Road property is encumbered by a private
35 driveway, which serves both the 250 and 270 Bushaway Road properties, the vacant property
36 adjacent to the east, and the six lots within the Enchanted Woods development. The proposed
37 plans would not change the driveway access for the two (2) existing homes, and the two (2) new
38 homes on Lots 2 and 3 would have a driveway access from the existing shared driveway. The
39 Street Design Standards state if a subdivision of parcels adjoins an existing private street, the
40 private street must be dedicated to the public and scheduled for improvement to public street
41 standards. The applicant thus has the option of moving forward with a PUD, a public street, or a
42 variance for this street, which would require an amendment to the application. The applicant
43 could put driveways that would connect with a public street but this may involve additional
44 grading impacts and would result in additional access points on Bushaway Road. He stated there
45 are no home designs at this time. If this moves forward the Commission may want to consider

meeting on January 18, 2017. Since the last Planning Commission meeting, the applicant provided updated information on the prices for the condominiums, and conveyed that it is open to including flexibility in the PUD to allow retail uses on the ground floor of the building. At the January 18th meeting, the Planning Commission directed staff to prepare a Planning Commission Report and Recommendation for approval of the development application.

Commissioner Gonzalez asked if the Planning Commission Report should include references to the additional information from the applicant's email to the City on design detail.

Mr. Thomson stated he discussed this with the City Attorney and it had been determined this design detail for the construction of the building, and any related conditions of approval, could be included when the Planning Commission and City Council review the PUD general plan of development and design review that will be necessary for the next stage of project approvals.

Commissioner Gruber asked if there would be common open space as required by the PUD ordinance.

Mr. Thomson stated there has not been a specific proposal for this particular PUD standard, and it would need to be addressed as part of the general plan review.

Commissioner Gonzalez stated she would like to have additional information when the general plans are submitted regarding the private agreement for parking between the 259 Lake St E property and the Boatworks property across the street, so that the Planning Commission can understand how it would impact what the City would be able to approve.

Commissioner Gruber stated she is disappointed that there are no units that are moderately priced.

Commissioner Gonzalez made a motion, Seconded by Commissioner Buchanan to approve the Planning Commission Report and Recommendation, recommending approval of the PUD Rezoning and PUD Concept Plan of Development for New Three-Story Mixed-Use Development at 259, 269, and 275 Lake Street E and 339 Barry Avenue S, as drafted by staff.

Chair Iverson stated she was glad the applicant would be willing to look at including retail.

The motion was called to a vote. The motion carried unanimously.

AGENDA ITEM 5. Public Hearing Items:

a.) Gardner Place – 350 Gardner Street E

i. Preliminary Plat Subdivision, Variances

Director of Planning and Building Thomson stated the applicant, Bohland Homes, has submitted a development application to subdivide the property at 350 Gardner Street E into three single-family residential lots. The existing house would be demolished and three new homes would be

1 constructed with access from a private street. As part of the submitted development application,
2 the applicant is requesting approval of the preliminary plat subdivision, a variance from the
3 Subdivision Ordinance to allow use of a private street, and a variance from the Zoning Ordinance
4 to exceed the maximum impervious surface standard for each lot. The Planning Commission
5 held a public hearing and previously reviewed the development application at its meeting on July
6 16, 2016. At that meeting, the Planning Commission requested the applicant provide an updated
7 tree inventory that includes trees located on adjacent properties and trees located in the Gardner
8 Street right of way, the amount of fill associated with the proposed grading plan, lot coverage
9 and impervious surface information, a tree preservation plan, and a storm water management
10 plan. Mr. Thomson noted that the applicant has submitted revised plans for the project which
11 includes the additional information requested by the Planning Commission and for which a new
12 public hearing is required. Mr. Thomson explained that each of the new homes would need to
13 meet the fire code requirements. The fire code typically requires a 20-foot wide fire access lane
14 unless additional measures are taken to address fire safety. The applicant has stated that each of
15 the new homes would have a fire sprinkler system and based on this, the City's fire marshal has
16 determined that the private street serving the new homes would need to be a minimum of 16-feet
17 in width and provide a turnaround at the end. The applicant is proposing to widen the existing
18 driveway to 16-feet in width in order to meet this requirement. The proposed plans also include
19 a 50-foot turnaround between lots 2 and 3 that would be constructed of a grass paver system.
20 The fire marshal has stated that the turnaround would need to be paved. Staff has requested the
21 City Forrester review the tree preservation plan and tree inventory and provide feedback on what
22 trees in the right of way would be impacted.

23
24 Commissioner Flannigan asked how many truckloads of fill would be brought to and from the
25 site.

26
27 Mr. Kelly stated 575 yards is what is the minimum projected for the project, and each truckload
28 is about 12-15 yards. The total number of trucks is estimated to be 50-60 trucks. There will be
29 additional activity with the reconstruction of the street.

30
31 Commissioner Gruber asked why so much fill would be required.

32
33 Mr. Kelly explained as the proposed access road goes east, the applicant is proposing to fill the
34 roadway to level it, so there would be a less steep driveway for the last lot. The proposed
35 retaining wall would be a minimum of 3-feet and a maximum of 6-feet. He also explained the
36 water and sewer would be relocated from its current location because the existing water line
37 crosses the corner of the adjacent property.

38
39 Commissioner Gonzalez asked whether the proposed private street would overlap onto the
40 adjacent lot.

41
42 Mr. Kelly stated the street, as shown in the Applicant's plans, is off the neighbor's property and
43 is located fully in the right of way until it reaches the Applicant's property.

44
45 Chair Iverson stated map 6.5 of the Comprehensive Plan for 2030 looks at soil quality, and this
46 particular site shows poor quality with severe limitations, and map 6.3 of the Comp Plan

1 (topographic map) shows that the property exceeds the 12% slope. She stated that it seemed
2 there would be a large amount of fill coming from Lot 3. She asked where this would be going.
3

4 Mr. Kelly stated from the information he has, the applicant is proposing a retaining wall along
5 the east property line. They would be reusing as much of the excavated material on site as
6 possible. The existing house is located where the soil quality map shows the soil as poor quality
7 with severe limitations.
8

9 Commissioner Flannigan asked if the proposed private road was factored into the impervious
10 surface for the properties and if not, why the proposed impervious surface coverage was so high.
11

12 Mr. Thomson stated the private street does count as impervious surface on each of the individual
13 lots because the street is located on the lots, not within the right of way.
14

15 Commissioner Gonzalez asked if the hardcover calculations would increase if the turnaround
16 between Lot 2 and Lot 3 were paved as required by the fire marshal.
17

18 Mr. Thomson stated the impervious surface coverage would increase for those lots if the
19 turnaround was paved.
20

21 Applicant's representative, Mr. Steve Bohl, 550 Far Hill Road, Wayzata, stated they are working
22 to comply with all of the City and Fire codes and regulations with the exception of the private
23 road. He stated the homes would have fire sprinklers, and there is a fire hydrant on the corner of
24 Lot 1. He stated he has hired a certified arborist to review the tree inventory of the site. He
25 stated the original intent for this property had been three lots, and it is legally described as Lots
26 2, 3, and 4. The uniqueness of the properties' grade does present some challenges. He clarified
27 the hardcover variance they were requesting was from 3% to 6%. They could reduce the
28 hardcover by limiting the garage size on each lot to a two-car garage size. In his opinion, they
29 are presenting the best option for accessing the three lots. Lot 3 does present topographical
30 challenges. He stated the retaining wall along the east side would have a maximum height of 4-
31 feet. He stated he would be willing to apply for a Planned Unit Development (PUD) if the
32 Planning Commission preferred this as a way to incorporate the private street, instead of the
33 variance. He stated the reason they pulled the street out of the right of way was because of the
34 topography of the right of way and the trees that are located in the right of way. Moving the road
35 off the property and into the right of way would disturb the area more, and would impact more
36 trees. He stated there are other examples of private streets for this type of development within
37 the City.
38

39 Chair Iverson asked if the applicant had tried to work with the neighbors to use part of the
40 existing driveway.
41

42 Mr. Bohl stated they were planning to go as close to the existing driveway as possible. He stated
43 the City could consider a 26-foot wide public street in the right of way, but he does not believe
44 this is the best access for this property.
45

46 Commissioner Gonzalez asked how far from the east property line the house would be on Lot 3.

1
2 Mr. Bohl stated it would meet the setbacks. The retaining wall would be located on the edge of
3 the property line and the house would be setback 10-feet from that.
4

5 Commissioner Gonzalez stated that excavating this close to the property line would impact the
6 trees on the adjacent property.
7

8 Mr. Bohl stated there was one tree on the adjacent property that would be impacted.
9

10 Commissioner Flannigan stated that the existing canopy of trees would be completely removed
11 with the way the houses are situated on the proposed lots, and this would impact the
12 neighborhood.
13

14 Mr. Bohl stated that the tree calculations include the removal of trees in the right of way. The
15 number of trees being removed from the property is 7.
16

17 Commissioner Flannigan stated he would estimate the applicant would make 4-5 times more
18 money if he were to build 3 homes versus 1 home.
19

20 Mr. Bohl stated it was not the Planning Commission's place to make those determinations. He
21 stated he bought this particular property because he believes it is ideal for 3 single-family homes.
22

23 Commissioner Flannigan asked if removing 60% of the significant trees is consistent with the
24 statement in the Application that "for the most part, the overall site has few trees inside the
25 property lines..."
26

27 Mr. Bohl clarified the number of trees being removed does include those in the City right of way,
28 and these are not located on the property.
29

30 Commissioner Flannigan asked if the practical difficulties were because of the road or because
31 the applicant wanted to subdivide the property.
32

33 Mr. Bohl stated if they were to put one home on the property they would still be removing 6
34 trees.
35

36 Commissioner Buchanan asked what amount of the trees being removed would be considered
37 desirable trees.
38

39 Applicant's consultant, Mr. Steve Nicholson, 2275 Hyland Parkway, St. Paul, certified forester
40 and arborist, stated the best trees are up the hill from the existing home, and these will be
41 preserved under the proposed plan. There will be a couple of the nicer trees removed. Most of
42 the lesser quality trees are located in the City's right of way. The basement for the home on Lot
43 3 would not be as close to the tree on the lot-line but there would be some impact to the root
44 system. Even so, there is a fair chance of saving this tree.
45

1 Commissioner Gonzalez asked what measures could be taken to prevent damage to the trees on
2 the neighbor's property.

3
4 Mr. Nicholson stated most communities require a fencing system that would prevent heavy
5 equipment from working near the root zone. He stated it would not be necessary to remove all of
6 the root system in the eastern side of the tree in order to put in the foundation and basement for
7 the home on Lot 3.

8
9 Chair Iverson opened the public hearing at 8:14 p.m.

10
11 Mr. Joseph Madson, 344 Gardner Street E, stated his property is directly west of the project and
12 would be significantly impacted. He pointed out that the current lot is consistent with the
13 adjacent lots. He asked if the right of way work to the north of his property would be considered
14 an encroachment, an easement, or a vacation of this land.

15
16 Mr. Kelly stated it would be considered an encroachment in the public right of way, and it would
17 require an agreement between the City and the developer for the maintenance of their portion of
18 the improvements. This agreement would carry with the properties.

19
20 Mr. Madson stated this land is not fully developed because of the topography and soil. He stated
21 the Comprehensive Plan states "Much of the remaining privately owned parcels are impacted by
22 wetlands and steep sloped, which will limit the amount of development that is allowed on those
23 parcels." He stated there are smaller lots 7-blocks away but in this neighborhood the lots are
24 larger with one home. He stated proposed Lot 3 has a slope of 12% and the soil is not good.
25 Any grading done in this area will have an impact on the surrounding area. He expressed
26 concerns about the number of trucks that would be using his private driveway to construct the
27 private street. He stated the subdivision provisions specifically stated unsuitable property as
28 "soil and rock formations with server limitations for development, server erosion potential, steep
29 topography, inadequate water supply or sewage removal capabilities ...". He stated there are 3
30 trees that are in the right of way that are currently provide screening for his property and these
31 would be removed as part of the private road construction. He explained his property does
32 receive significant screening and noise reduction from the existing trees and removing these
33 would impact this. He also expressed concerns about the water runoff and where this would go.

34
35 Ms. Alyssa Madson, 344 Gardner Street E, stated the proposed drainage plan is different than
36 what currently exists and would significantly alter where the water is draining. The proposal is
37 moving the drains from Lot 3 further to the west into Lot 1 and this is closer to the housing pad
38 at 345 Gardner Street. She stated in the north plat of Wayzata there are only 5 shared driveways
39 and adding a private street in this neighborhood would not be in keeping with the neighborhood
40 because shared driveways are not common in this neighborhood. She has shared a driveway
41 with one other person for the last 4-years and understands why the City has strong language in
42 the subdivision ordinance against private streets. She expressed concerns about two more homes
43 using a portion of their private driveway. The additional homes would also significantly increase
44 the traffic in front of her home and she has young children. She feels this additional traffic
45 threatens their safety. She stated the private road would also make their home less desirable if
46 they decide to sell the property. She stated the street variance violates the City's preliminary plat

1 criteria because the proposed subdivision would depreciate the value of neighboring properties,
2 and the proposed subdivision is not accommodated with existing public services, primarily
3 related to transportation and utility services. She expressed concerns about the heritage tree that
4 is on her property but adjacent to the project. The proposed corner of the home for Lot 1 is 12-
5 feet 5-inches from the trunk of this tree. She talked with three different tree experts, and all three
6 stated that the tree would not survive. They each stated the tree may last as long as five years,
7 but it would eventually need to be removed and the cost to have it removed would be more than
8 \$7,000. She stated the City Council had recently denied a project on Holdridge Road due to the
9 significant slope of the property and the amount of fill that would be required.

10
11 Ms. Lucy Bruntjen, 402 Gardner Street, stated that this is a uniquely quiet and woodsy
12 neighborhood. If this project were located on the other side of the hill the City of Wayzata
13 would not allow this type of character changing, land altering project. She stated there would be
14 a safety concern with the additional traffic three new homes would bring. She stated three new
15 homes would be too much for the neighborhood, and the removal of all the trees would greatly
16 impact the character of the neighborhood.

17
18 Ms. Merrily Babcock, 337 Reno Street, expressed concerns about the number of trees that would
19 be removed. She stated one of the trees marked to be preserved is a boxelder tree but they are
20 removing a large sugar maple and two large oak trees. She pointed out that these trees filter
21 pollutants, and new trees will not be as effective. She stated that fill cannot be put in around the
22 trees because this will kill these trees.

23
24 Ms. Celia Threlkeld, 353 Park Street E, stated she would like to see the best use of the property,
25 and for it to be fair and right. She stated the Hennepin County maps had showed this property as
26 three 60-foot lots. She knew when she bought her property that it would be possible to have
27 three homes behind hers, and anyone who purchased a home in that neighborhood should have
28 known as well. The privacy that they have enjoyed is not enough to criticize the project because
29 this parcel was going to be three lots. Adding these new homes will be an improvement to this
30 street and neighborhood. She stated Mr. Bohn is a reputable developer and would make the
31 project beautiful and make sure the drainage is properly taken care of. She pointed out that if the
32 developer decided to extend the public street at 26-feet wide this would create more hard surface
33 and reduce the need for a hard surface variance on the properties than the smaller private street
34 they are currently proposing.

35
36 Mr. Madson asked if the encroachment would be temporary or permanent.

37
38 Mr. Thomson stated there is a section of the City's code that addresses three types of
39 encroachments. Permanent encroachments are projections of structures themselves from private
40 property into the right of way, which does not apply to the development application.

41
42 Mr. Madson stated temporary encroachments are advertising signs, landscape planters or other
43 items that would be temporary in nature, and an awning would refer to any awning or structural
44 support that projects over the public right of way. He stated the code states permanent
45 encroachments can only be granted to property in the C-4 zoning district. He asked if this
46 request would be added to the application.

1
2 Mr. Thomson stated there was a letter and email included in the packet and request for it to be
3 read into the record.
4

5 Chair Iverson read the letter from Linda Lyndon, 350 Gardner Street E for the record:

6 I understand that development and change is a natural progression in life but I would
7 wonder if you give permission to the property at 350 Gardner to be subdivided into three
8 lots for single family homes are you technically saying yes to the plans that are already
9 presented at the July 6, 2016 Planning Commission meeting, which the neighbors stated
10 had many detrimental issues. I would appreciate anyone voting on this to look at the
11 property being developed and the properties neighbor to fully understand what is asked of
12 you. I don't feel the plans tell the whole story. It presently has one house there for a
13 reason. You are dealing with the hill, driveway issues, and the destruction of natural tree
14 lines in the City right of way that is very important to our neighborhood. I was told that
15 the City never gives away property. If you allow a retaining wall to be built on the City
16 right of way you are giving away the City property that will affect my property and
17 neighbors to the east. I am also very concerned about the drainage that would be directed
18 to my property. We have owned the property since 1970 and have never had a water
19 issue in our home or yard. Presently the water is directed to the lowest are of our yard,
20 which has worked perfectly. I see no reason for someone's development to harm my
21 property or any of my neighbors. After reading the 48 page Subdivision Ordinance,
22 Chapter 805 of the City Code, last amended 9/20/2007, it was nice to see that we have
23 many rules to protect our neighborhoods. I expect that our leaders will uphold every one
24 of them. Thank you for your time and thoughtful consideration of what is before you.
25

26 Chair Iverson read the email from Laurent and Madeline Frecon, 238 Barry Avenue N for the
27 record:

28 Regarding the Gardner project and our previous email, my wife and I wanted to clarify
29 that our primary concern is the traffic created during construction and how to migrate the
30 disruption. However, if those involved can come to an agreement, we think the
31 improvements to the lots would benefit the neighborhood and surrounding home values.
32

33 There being no one further wishing to speak, Chair Iverson closed the public hearing at 9:02 p.m.
34

35 Commissioner Gonzalez suggested the Commission review the application and the subdivision
36 variance criteria.
37

38 Commissioner Gruber stated the issues that have been pointed out include drainage, the creation
39 of a bigger private street, retaining walls, and the amount of fill, the steep slopes, tree removal,
40 and the increase in hard surface. There are zoning and subdivision standards that are in
41 opposition to this request. Mr. Bohl stated he had purchased the property for economic reasons.
42 This is a beautiful lot, and he could create a beautiful home on this lot. Based on the variance
43 criteria, this application does not meet any of those conditions. The Comp Plan shows this site
44 as having poor soil and severe limitations for development. She stated the proposed project does
45 not meet the preliminary plat criteria as well. There are enough legal standards that supports not
46 subdividing this property, and she would not support this subdivision of this property.

1
2 Commissioner Flannigan stated there is currently one lot. There was a decision made in the
3 1970s for tax purposes to combine the 3 lots into one. The letter provided to the property owner
4 at the time of the requested lot combination pointed out there may be problems subdividing the
5 property in the future. There are 14 different hurdles and obstacles that the developer will have
6 to address and resolve. He stated the applicant does not meet the Preliminary Plat criteria
7 (Section 805.14.E0 items, 3, 4, 5, 6, 7, 11, and 12, and in the Subdivision Variance criteria
8 (805.60) items 1, 2, 3, 4, and 5. He would not support this application at this time.
9

10 Commissioner Buchanan stated there is a degree of interpretation involved in applying the
11 criteria, and it is speculative to assume that the neighboring property values would depreciate.
12 He stated the Commission can make recommendations.
13

14 Commissioner Gonzalez stated the code clearly states that a private street shall not be allowed in
15 a subdivision except as a Planned Unit Development (PUD). The variance criteria state that the
16 applicant has to show an undue hardship as part of the requirements for a variance. The
17 applicant has not met the requirements of the variance criteria, and the Commission should not
18 recommend approval of the variance for the private street. The applicant can build a home on
19 the existing lot that would not require a variance. The applicant created the undue hardship. The
20 City did suggest the applicant consider a 2-lot subdivision. The applicant is also requesting a
21 variance for the hardcover, and this request is being driven by the private street, which is being
22 driven by the applicant's desire to have 3 homes on this property. She stated she could not
23 support the variance requests. The Commission's job is to ensure the application meets the
24 requirements of the City's Codes and Regulations.
25

26 Mr. Thomson clarified if the applicant built one home on the property, a variance from the
27 Subdivision Ordinance would not be required for the private street because the property would
28 not be subdivided, but the fire code would still apply.
29

30 Chair Iverson stated she agreed that the application did not meet the variance requirements or the
31 preliminary plat criteria. She is concerned with the topography impacts and the removal of the
32 heritage trees on the property. She stated more information is needed pertaining to the soil
33 quality and how this will affect the retaining walls. She would recommend denial at this time.
34

35 Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan, to direct staff to
36 prepare a draft Planning Commission Report and Recommendation with appropriate findings
37 recommending denial of the Subdivision at 350 Gardner Street, the variance request for a private
38 street, and the variance request for the increased hard surface coverage. The motion carried 4-
39 ayes and 1 nay (Buchanan).
40

41 Ms. Threlkeld asked for clarification on the fire access requirements for a single home.
42

43 Mr. Thomson stated that any new construction in the City would have to meet the City's fire
44 code including access requirements. He noted that a draft Report and Recommendation on the
45 Application will be in front of the Commission at their February 27 meeting.
46

1 Mr. Dudinsky stated the City did have an appraiser take a cursory look at the area properties, and
 2 the appraiser indicated that there would not be an adverse affect on the values of the properties
 3 on Barry Avenue.

4
 5 The motion was called to a vote.

6
 7 The motion failed. 3 Ayes and 4 nays (Young, Iverson, Murray, Flannigan).
 8

9 Mr. Thomson suggested the Commission consider and adopt an alternative Report and
 10 Recommendation. He stated the findings the Commission had referenced in its discussion which
 11 would support a recommendation of denial of the development application included: the use is
 12 not compatible with present or future uses of the area because the site is in close proximity to
 13 single-family residential homes, and the commercial use as a telecommunications tower is not
 14 compatible with the current residential and institutional uses; the proposed use would have an
 15 adverse affect on the area because it would be visible to nearby residential properties and would
 16 present safety issues to the neighborhood and to the users of the school property; the proposed
 17 use would adversely impact the public facilities on the school property by limiting the use of the
 18 school property for other outdoor activities; the proposed tower does not meet the setback
 19 requirements and would alter the essential character of the locality due to is proximity to nearby
 20 residential properties; and the project would have a significant negative impact on the property
 21 values of surrounding properties due to operational and visual impacts.
 22

23 Commissioner Flannigan made a motion, Seconded by Commissioner Young to adopt a Planning
 24 Commission Report and Recommendation recommending denial of the Conditional Use Permit
 25 and variance for telecommunications tower at 149 Barry Avenue N based on the findings read
 26 into the record by Mr. Thomson. The motion carried. 4 ayes and 3 nays (Gruber, Gonzalez,
 27 Buchanan)
 28
 29

30 **AGENDA ITEM 5. Old Business Items:**

31 **a.) Gardner Place – 350 Gardner St E**

32 **i. Preliminary Plat Subdivision, Variances**

33
 34
 35 Director of Planning and Building Thomson stated Bohland Homes has submitted a development
 36 application to subdivide the property at 350 Gardener St E. into three single-family residential
 37 lots. The Planning Commission held a public hearing and reviewed the development application
 38 at its meeting on February 6, 2017. At the meeting, the Planning Commission voted four in
 39 favor and one opposed to direct staff to prepare a draft report and recommendation of denial of
 40 the development application. Since the Planning Commission meeting, the City's consulting
 41 arborist, Manuel Jordan, has reviewed the tree inventory and tree plans submitted by the
 42 applicant.
 43

44 Commissioner Gonzalez stated that if the Council decides to approve the development
 45 application, she would recommend that the Council consider the comments provided by Manuel
 46 Jordan on the tree preservation and landscape plans as conditions of approval.

Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan, to adopt the Planning Commission Report and Recommendation of denial of proposed preliminary plat subdivision and variances at 350 Gardner St E, as presented. The motion carried. 5 ayes, 1 nay (Buchanan) and 1 abstain (Young).

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Director of Planning and Building Thomson stated there were no development applications scheduled for the March 6 and March 20th meetings, and both of these meeting could be cancelled. The Commission could consider items from their work plan for the first meeting in April.

It was the consensus of the Commission to cancel the regular meetings scheduled for March.

Mr. Thomson reviewed the actions of the City Council at its last meeting, including the approval of the initial land use requests for the Wayzata Blu project, as recommended by the Planning Commission, approval of a liquor license for the Baja Haus restaurant, the approval of the sculptor Foster Willey proposal for the roundabout public art project, and awarding of the bid for the Bushaway Rd landscaping project.

b.) Next Meeting is Scheduled for April 3, 2017

AGENDA ITEM 7. Adjournment.

Commissioner Gruber made a motion, seconded by Commissioner Murray, to adjourn the meeting of the Planning Commission. The motion carried unanimously.

The Planning Commission meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.

February 2, 2017

To Whom it May Concern:

As the residents of Gardner Street East, Barry Avenue North, and Park Street East, we are concerned about the most recent subdivision proposal submitted for 350 Gardner Street. Most specifically, we are concerned about the tree removal that is proposed to occur in the public property of the city-owned right-of-way along the north side of the private driveway. As residents of this neighborhood, we rely on that mature natural buffer to provide both a sight and sound barrier, as well as natural pollution control, from the nearly 60,000 cars that pass daily through the 6-lane Highway 12 corridor at the speed of 65 mph.

Please consider our desire to maintain that natural tree buffer to our neighborhood, located on public property, and how it impacts our quality of life given our proximity to Highway 12.

Thank you.

Sincerely,

Joe Madson (344 Gardner Street East)
Elissa Madson (344 Gardner Street East)
Joel Hjelmeland (339 Gardner Street East)
Cheryl Abelson-Hjelmeland (339 Gardner Street East)
Michelle Langevin (330 Gardner Street East)
Linda Linden (345 Gardner Street East)
William Linden (345 Gardner Street East)
Lucy Bruntjen (402 Gardner Street East)
Shane Cullinan (216 Barry Avenue North)
Katie Cullinan (216 Barry Avenue North)
Suzanne Flannigan (331 Park Street East)
Matt Brinza (315 Park Street East)
Deanna Brinza (315 Park Street East)
Ken Luby (343 Park Street East)

JEFFREY S. JOHNSON
RUSSELL H. CROWDER
MICHAEL F. HURLEY
DOUGLAS G. SAUTER
HERMAN L. TALLE
CHARLES M. SEYKORA
DANIEL D. GANTER, JR.
BEVERLY K. DODGE
JAMES D. HOEFT
*JOAN M. QUADE
*JOHN T. BUCHMAN
SCOTT M. LEPAK
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July 6, 2016

Jeff Thomson, Director of Planning and Building
City of Wayzata
600 Rice Street E
Wayzata, MN 55391

In re: Gardner Place – 350 Gardner Street East

Dear Mr. Thomson,

Please be advised that our office represents Joseph and Elissa Madson, who reside at 344 Gardner Street East, in the City of Wayzata. We request that this letter be made part of the public record of the Wayzata Planning Commission meeting dated July 6, 2016, regarding the above-captioned matter.

This letter is in regards to the single-family home development (the “**Development**”) proposed by Bohland Homes, LLC, known as Gardner Place, and situated immediately to the east of the Madsons’ property. By this letter we seek to inform the City of Wayzata (“**City**”) of various real property and development related concerns that will have an impact on the Madsons’ property in relation to the Development. We request that all of the below concerns be incorporated as developer covenants and conditions into any development agreement entered into between the City and the developer (“**Development Agreement**”).

Our concerns are as follows:

- **Liability:** Protection against any liability for any work/persons/machinery that takes place on our property serving this development site
- **Private Drive:** A privately maintained drive is located to the north of the Madsons’ property, beginning at the midway point of the northern edge of their property (the “**Drive**”). The Drive is situated partly within the right-of-way of Gardner Street East and partly on private property. As part of the Development, the asphalt on the Drive would be removed and significant infrastructure installed in the roadway for the Development, causing access issues for the Madsons’ resulting from poor road quality and construction traffic and activity. Any

impact to the accessibility of the Madson property by vehicle must be compensated for lack of access to the home/driveway during the construction process.

- Water Main Replacement: The Development proposes replacement of a water main that is partially located on the Madsons' property, running across the area where the Madsons enter their property off of Gardner Street/the Drive. If there is no existing easement for the water main across Madsons' property, an easement needs to be acquired from the Madsons on terms and conditions, and for consideration deemed acceptable to the Madsons. The Development Agreement and any easement agreement relating to access over the Madsons' property must contemplate access concerns during the water main construction, including coordination of construction activity on no less than 48-hour notice to the Madsons. The Development Agreement and easement agreement must also include repair and replacement provisions relating to the Madsons' property.
- Driveway Repair / Replacement: Due to the impact related to the reconstruction of the private shared Drive and the impact of the Water Main Replacement, the Madsons specifically request that the Development Agreement and easement agreement require repaving of the Madsons' entire driveway, at the cost of the developer, following completion of all construction activities. The Development Agreement and easement agreement must also contain typical indemnification and hold harmless provisions relating to construction activities on the Madsons' property.
- Removal of Existing Residential Structure. The residential structure currently located at 350 Gardner Street East is encroaching on the Madsons' property. The Development Agreement and any temporary construction easement agreement related to the removal of the structure must include indemnification and hold harmless provisions relating to removal activities on the Madsons' property. They must also include full repair and replacement provisions and an agreed upon driveway and landscaping plan for those areas of the Madsons' property affected by the removal of the structure to an equal or better than predevelopment nature.
- Tree Removal: The current tree removal plan is not sufficient to maintain an adequate sound and sight barrier from the significant traffic on US Highway 12, a short distance to the north of the property. The Development plans do not address tree removal or maintenance within the sixty-six foot wide right-of-way for Gardner Street East that is directly to the north of the proposed Development. The proposed plans include construction of a retaining wall to be located within the City right-of-way, indicating that trees will be removed from that area, but tree inventory and removal plans are only detailed with respect to the private property in the Development. A tree plan for the City right-of-way needs to be completed by a third party and specifically incorporated into the Development Agreement. The tree plan needs to preserve a sufficient number of trees and natural vegetation so as to not adversely impact the desirability of the Madsons' property, and to maintain the sound/sight barrier to Highway 12. This would include holding the developer responsible for sound and visual mitigation measures from Highway 12 to restore the stc (sound transmission coefficient) rating associated to the loss of any trees and associated vegetation to equal or better than predevelopment levels.
- Storm Water Impact: Any Development plans should refer specifically to the Madsons property in terms of silt fences, repair of turf, and general storm water runoff during the

construction process. The Final Grading Plan should include elevations of the Madsons' property so the City can determine whether the Final Grading Plan is appropriate not only for the Development, but also for the Madsons' property.

- Pre- and Post-Construction Surveys: Pre- and Post-Construction Surveys of the Madsons' structures and improvements should be completed both prior to and following construction, at the expense of the developer, to ensure that there have been no adverse impacts on the Madsons' structures or improvements during the construction period. Any adverse impacts identified must be remedied at the expense of the developer.
- Post-Construction Private Drive Issues: The Madsons property is the westernmost property that is served by the Drive. Increasing the number of parcels served by the Drive will result in greater traffic on the drive, in terms of residential vehicular traffic, delivery vehicles, service vehicles, trash hauling, mail service and guest traffic / parking. The Development as proposed would result in up to eight waste removal bins being placed in front of the Madson property on trash removal days. This results in a unsafe and unsightly atmosphere at the Madsons' property. Additionally, the Planning Report for this project makes reference to the need for a fifty foot truck turnaround between Lots 2 and 3, but the submitted plans indicate that the turnaround is only a temporary truck turnaround. The Development must formally arrange for services to be provided in such a fashion that the Madsons' property is not negatively impacted by: (i) truck turnaround or extensive parking of service and delivery trucks as well as guest parking in front of the Madson property, (ii) mail delivery to the Development, (iii) trash and recycling pickup from the Development, (iv) failure to promptly remove snow from the Drive, and (v) failure to adequately maintain, repair and replace the Drive.

Our clients request that their above concerns be considered and addressed in the review process of the City's Planning Commission and City Council. They specifically request that the Development Agreement and any easement agreements affecting their property be delivered as soon as reasonably possible so they can keep our office engaged in maintaining the existing condition of their property. They further request that all legal fees they incur in such maintenance of the condition of their property be paid by the developer of the Development.

Please feel free to contact me or the Madsons about any of the above.

Sincerely,

BARNA, GUZY & STEFFEN, LTD.



By: Jeffrey S. Johnson

Jeff Thomson

From: Laurent Frecon <laurent.frecon@gmail.com>
Sent: Wednesday, July 06, 2016 3:58 PM
To: Jeff Thomson
Cc: Madeline Frecon
Subject: 350 Gardner St E Proposal

Hi Jeffrey,

My wife and I are the owners and residents of 238 Barry Ave N, which is on the corner of Gardner and Barry. We would like to voice our concern of traffic over the proposed subdivision at the end of our side street. Barry Ave already sees very heavy traffic during the school year from parents coming down the street and turning around, and during the summer people parking on the street for access to the tennis courts and baseball field. Furthermore, Gardner, which is a smaller/narrower dead-end street than Barry, already has amplified traffic due to the small group home located at 323 Gardner. This traffic includes transportation, caregivers and parents at all times of the day. Adding the traffic created by the simultaneous construction of three new homes would be very disruptive and potentially dangerous to residents of this area.

We urge the city to consider this impact to our small street and hopefully there is a way to somehow mitigate this issue by staggering construction or any other means the city may decide on.

Sincerely,

Laurent & Madeline Frecon

238 Barry Ave N.

Wayzata, MN

Gustafson

1040 East Circle Drive
Wayzata, MN 55391

Wayzata Planning Commission
600 Rice Street
Wayzata, MN 55391

Chair Iverson and Commissioners,

In speaking with our good friends Joe and Elissa Madson, they have expressed concerns about a number of topics concerning the subdivision next door including but not limited to the safety of their children during the project and the removal of trees.

My wife Elisha and I have dealt firsthand with a significant threat to the health and safety of our children caused by the developer proposing this subdivision during the construction of the Landing. The response was less than satisfactory from our point of view.

Additionally there were significant inconsistencies when comparing proposed vs actual tree removal on the Landing project; moreover the developer did not appear at a required East Neighborhood meeting where the proposed tree removal plan was presented.

While we do support strongly property rights and the ability of an owner to subdivide when and where appropriate, these property rights carry with them significant responsibilities to the community. As such, we ask the Planning Commission to act in whatever capacity they see fit to protect and safeguard the health, safety and welfare of the Madson children while concurrently keeping a watchful eye on any tree removal plans and happenings to verify accuracy.

Best,



Dan & Elisha Gustafson

Preliminary questions about the proposed development of Gardner Place at
350 Gardner Street East... From Robert and Linda Linden @ 345 Gardner Street East

Proposed retaining wall on north side of property development

How will the power company access main lines when repair is needed?

Would, giving permission to build a retaining wall **partially on city right of way...** mean that you do not plan to complete the road that would connect the 2 Gardners. Also how would it affect street parking, mailbox locations and future access to our property, if we ever need to change our driveway entrance at 345 Gardner?

The proposed retaining wall on city right of way and on the north side of 350 Gardner property development.... would be facing our property. We would like to know what governs it's appearance to us. If they decide to include a fence for privacy or noise abatement. We would appreciate thoughtful consideration of material selection before a variance is issued, since some materials might reflect the highway sound back to us?

Tree line

On page 6... the tree plan. There is no mention of any trees being protected on city right of way OR the north retaining wall side of development. There are many trees in that location that provide privacy, erosion control on the steep slope and air purification. **How will that tree line be protected during construction of the retaining wall.** It also helps to muffle the noise pollution from Highway 394. What is the law pertaining to this?

Drainage Issues

Why is moving the storm drain necessary? It is presently close to the low wet area of our yard and not visually intrusive.

Will changing the grade of the property and adding more homes cause excess water to drain into our yard?

Access to our property during demolition and development of property

What rights do we have....and what is their obligation to the neighborhood?

What is the logistics plan for all the trucks, equipment and workers that will be coming to our narrow street. And what days and times are they allowed to disrupt the neighborhood.

Miscellaneous

Location of trash and recycle bins on collection day...in front of their homes or their neighbors?

To avoid parking problems...How many parking spots are allotted per home for family and guest?

Final thoughts for now

Why advertise in the Lakeshore Weekly News dated June 28, 2016 that 3 exclusive homesites are starting construction June 2017before having approval to build them? That seems quite presumptuous. Why waste our time being heard on the matter, if it's a done deal? We would like to think our city cares about **all** of it's residents. Thank you for your time.

Linda J. Linden 7-5-16
Robert R. Linden 7-5-2016
03-07-2017 CC PACKET
Page 262 of 273

OPENING SUMMER 2017

Two-Story Restaurant | Outdoor Veranda Seating | Full Day Service
Scandinavian Influenced Spa | Community & Family Meeting Facilities
Stunning Events Space For Weddings & Special Events
92 Room Boutique Hotel | Bridal Suite | Executive & Presidential Suites

LANDINGWAYZATA.com
BOHLANDDEVELOPMENT.com



DOWNTOWN WAYZATA

NEW - 3 Exclusive Homesites
Construction Starting Summer 2017
Home Packages Starting Low \$800's



PLYMOUTH

Minutes to Wayzata
Home Packages \$1.3m+
Only 6 Lots Remaining

**BOHLAND
HOMES**

Presented By |
Turnquist Spilseth Group
Lakes Sotheby's International Realty
952. 230. 3194
Andrew.Spilseth@lakesmn.com
TCody.Turnquist@lakesmn.com

AST | WAYZATA | 952.473.2089 | BUILDERS LIC. #BC547551

Revolution supports the Our

Jeff Thomson

From: Katie Cullinan <kkarkela@comcast.net>
Sent: Thursday, June 30, 2016 9:17 AM
To: Jeff Thomson
Cc: Shane Cullinan; Katie Cullinan
Subject: City Concerns / Upcoming City Meeting / Current Wayzata Resident

Importance: High

To whom it may concern:

I am writing on behalf of my husband and neighbors to express my deep concern with two major issues pertaining to the city of Wayzata and proposals.

The first issue we have is regarding the property at 350 Gardner Street East. We are very concerned about the significant heritage tree removal and effect that will have on the screen of trees and highway view and sound. Those trees and the landscape give large scale privacy and is part of the wonderful history of Wayzata. Additionally, we have concerns that there will be massive amounts of construction trucks traveling our small city roads to do such a large scale development. Our roads are already so busy with school traffic and traffic into downtown Wayzata that this would negatively impact our daily lives.

The second and equally upsetting issue is the moving of the cell tower to the newly proposed site (Wayzata West Middle School Fields) only yards away from it's original site. This is not only a complete and utter waste of money and time but, since work has started, they have cleared so much of the tree lining and this has opened up major sound problems for us and our neighbors and has impacted the appeal of the wooded area and changed the landscape forever.

Please consider the opinions of the residents and neighbors in the area before considering these proposals, they will significantly impact our home and neighborhood in the future.

Shane & Katie Cullinan
Kkarkela@comcast.net
216 Barry Ave North
Wayzata, MN 55391

DRAFT RESOLUTION NO. 09-2017

**RESOLUTION DENYING PRELIMINARY PLAT SUBDIVISION AND VARIANCES
AT 350 GARDNER ST E**

WHEREAS, Bohland Homes (the “Applicant”) has submitted a development application (the “Application”) to subdivide the property at 350 Gardner St E into three single-family residential lots accessed from a private street; and

WHEREAS, the Wayzata Planning Commission, pursuant to the Subdivision and Zoning Ordinances, 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 (the “Planning Commission Report and Recommendation”);

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

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Subdivision and Zoning Ordinances, and the findings and recommendation of the Planning Commission Report and Recommendation, 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 does not meet the applicable requirements of Wayzata’s Subdivision and Zoning Ordinances.

B. Based on the foregoing, the preliminary plat subdivision and variances requested in the Application are **HEREBY DENIED**.

Adopted by the Wayzata City Council this 7th day of March, 2017.

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:

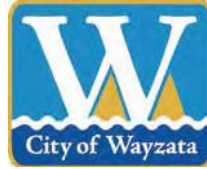
Resolution adopted.

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 March 7, 2017.

Becky Malone, Deputy City Clerk
SEAL

Attachment A

Planning Commission Report and Recommendation, dated February 27, 2017



WAYZATA PLANNING COMMISSION

February 27, 2017

REPORT AND RECOMMENDATION OF DENIAL OF PROPOSED PRELIMINARY PLAT SUBDIVISION AND VARIANCES AT 350 GARDNER ST E

SUMMARY OF RECOMMENDATION

1. **Denial** of Preliminary Plat subdividing existing lot into three lots
 2. **Denial** of Variance for Private Street
 3. **Denial** of Variance for Impervious Surface
-

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** Bohland Homes (the “Applicant”) has submitted a development application (the “Application”) to subdivide the property at 350 Gardner St E into three single-family residential lots. The existing house would be demolished, and three new homes would be constructed with access from a private street.
- 1.2 **Property.** The address, property identification number and owner of the parcel comprising the subject property (the “Property”) are:

350 Gardner St E	06-117-22-21-0027	Bohland Homes, Inc.
------------------	-------------------	---------------------

- 1.3 **Application Requests.** The Applicant is requesting approval of the following:
 - A. **Preliminary Plat Subdivision.** Preliminary Plat to subdivide the Property into three lots.
 - B. **Private Street Variance.** A variance from the Subdivision Ordinance prohibition of private streets to allow use of a private roadway to access the newly created lots on the Property.

- C. Impervious Surface Variance. A variance from the Zoning Ordinance's 35% impervious surface coverage limit in the R-3A zoning district for the proposed lots which would have impervious surface coverage ranging from 38.2 to 41.1%.

1.4 Land Use Designations. The Property is zoned and guided as follows:

Zoning:	R-3A/Single and Two Family Residential District
Comprehensive Plan:	Low Density Single Family

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on January 26, 2017. A copy of the notice was mailed to all property owners located with 350 feet of the Property on January 13, 2017. A public hearing on the Application was held at the February 6, 2017 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Subdivision / Preliminary Plat. Before any subdivision plat shall be recorded or be of any validity, it shall be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the City's Subdivision Ordinance, Ch. 805 of City Code. In reviewing subdivision plats, 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.

2.2 Private Street Variance. Section 805.27.K. of the Subdivision Ordinance prohibits private streets except in the case of planned unit developments, and requires that all streets in a new subdivision be dedicated for public use. Section 805.60 of the Subdivision Ordinance provides the standards and criteria for reviewing variances from the standards of the Subdivision Ordinance, which are as follows:

- A. The City Council may approve a variance from the minimum standards of the Subdivision Ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic

conditions in the vicinity. A variance shall only be approved when the City Council finds:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

A variance from the provisions of the Subdivision Ordinance requires an affirmative four-fifths (4/5) vote of the full City Council. Section 805.60.B.14.

2.3 Impervious Surface Variance. Sec. 801.55.7.A of the Zoning Ordinance establishes a maximum impervious surface coverage of a lot in the R-3A zoning district of 35% of the lot area. Sec. 801.05.1.C of the Zoning Ordinance provides the following standards and criteria for reviewing variances from the standards of the Zoning Ordinance:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.

- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with the Zoning Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

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

3.1 Preliminary / Final Plat.

- 1. The proposed Subdivision is inconsistent with the Wayzata Comprehensive Plan's objectives and policies related to natural and community resources in that the Subdivision does not support healthy tree coverage, and the Subdivision does not preserve and protect existing stands of mature trees on public and private property.
- 2. The building pads that result from the Subdivision will not preserve the sensitive areas on the Property, including trees and vegetation that provide a major sound, visual and emissions buffer for the surrounding properties and the neighborhood from the significant traffic on Highway 12.
- 3. The building pads that result from the Subdivision have not been selected and located with respect to natural topography, nor minimize filling or grading, in that major grading, filling and soil correction will need to be completed for the project, given the steep slopes, difficult access, and poor soils of the Property.

4. Existing stands of significant trees on the Property and the adjacent right of way will be lost that make up an important buffer as noted in the record. The building pads resulting from the Subdivision are not sensitively integrated into existing trees.
5. The Subdivision will adversely impact the scale, pattern and character of the surrounding neighborhood, with the loss of trees and vegetation, and natural topography.
6. The design of the lots, the building pads, and the site layout does not respond to nor is it reflective of the surrounding lots and neighborhood character.
8. The proposed lot layouts and building pads do not conform with all of the performance standards contained in the Subdivision Ordinance in that two variances are requested.

3.2 Private Street Variance.

1. The Private Street Variance is contingent upon approval of the proposed Subdivision, which for reasons noted in this Report, should be denied.
2. The strict application of the provisions of the Subdivision Ordinance would not deprive the Applicant of the reasonable use of the Property.
3. Granting of the Private Street Variance and allowing the proposed Subdivision and project to proceed would be detrimental to public safety and welfare, and injurious to other property in the territory in which Property is situated, as noted in the record.

3.3 Impervious Surface Variance.

- A. The Impervious Surface Variance is contingent upon approval of the proposed Subdivision, which for reasons noted in this Report, should be denied.
- B. The Applicant has not established that there are practical difficulties in complying with the impervious surface limits of the Zoning Ordinance.
 1. The plight of the landowner of the Property is due to the size of the proposed building pads and other impervious surfaces related to the proposed homes.
 2. The Impervious Surface Variance and associated Subdivision, if granted, would alter the essential character of the locality and not preserve it as noted in this Report.

- C. Economic considerations are a significant reason for the Impervious Surface Variance in that a reasonable reduction in the size of the proposed homes and related impervious surfaces would obviate the need for the variance.

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 Preliminary Plat Subdivision, Private Street Variance and Impervious Surface Variance requested in the Application.

Adopted by the Wayzata Planning Commission this 27th day of February 2017.

Voting In Favor: Flannigan, Gonzalez, Gruber, Iverson, Murray
Voting Against: Buchanan
Abstaining: Young
Absent: None