

WAYZATA CITY COUNCIL MEETING AGENDA
 Wayzata City Hall Community Room, 600 Rice Street
 Tuesday, August 16, 2016

7:00 PM - CITY COUNCIL MEETING

ITEM	DESCRIPTION	PRESENTER	JM	AM	KW	BA	ST	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
a.	Proclamation Recognizing Dr. J. David McGill's Service	Willcox							
b.	Jake Houts' Eagle Scout Project	Jake Houts							
4	New Agenda Items (3 min/councilmember) - 1. Councilmember suggest item to add; 2. Must be seconded by another Councilmember; 3. Determine staff resources, scheduling & timeframe; 4. Discuss & vote to add to future agenda								
a.									
5	Consent Agenda								2
a.	Approval of City Council Workshop Meeting Minutes of July 25 & August 3, 2016 and City Council Regular Meeting Minutes of August 3, 2016								
b.	Approval of Check Register								
c.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
d.	Approval of Municipal Licenses								
e.	Police Activity Report								
f.	Building Activity Report								
g.	Approval of Amended Contract with HGA for Design of Mill Street Parking Ramp								
h.	Approval of Resolution No. 31-2016 Authorizing Signing Authority Allowing Access to MN Government Access Accounts for Electronic Court Records & Documents								
i.	Approval of Agreement to Amend the Settlement Agreement with UUCM								
j.	Approval of Resolution No. 33-2016 Granting Extension on Variance at 133 Ridgeview Drive E.								
6	New Business								
a.	Consider Resolution No. 32-2016 Approving Broadway Place Development at 326 and 332 Broadway Ave. S. and Consider First Reading of Ordinance 760 Rezoning Broadway Place Development at 326 and 332 Broadway Ave. S.	Dahl							121
b.	Approval of Memorial Committee Appointments for Wayzata Police Sgt. James Anderson's Memorial	Dahl							224
c.	Consider Approval of Agreement for Professional Services with Rainbow Tree Company to Provide Ash Tree Injection Services to Ash Trees on Private and Public Properties in Wayzata	Dudinsky							225
7	City Manager's Report and Discussion Items								
8	Public Forum (as necessary)								
9	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 - September 6 & 20, 2016
- Planning Commission - September 7 (Wednesday) & 19, 2016

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WAYZATA CITY COUNCIL
DRAFT – SPECIAL WORKSHOP MEETING MINUTES
July 25, 2016

5:30 PM Special Workshop Meeting

Mayor Willcox called the workshop meeting to order at 5:30 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Dahl, Director of Planning & Building Thomson, City Consultant Mary deLaittre with Groundwork the Foundation for City Building, and Mark Johnson and Scott Jordan with Civitas.

City Manager Dahl updated the Council on the current status of the Lake Effect Project and the feedback needed at the meeting in order to move forward with the approval of a defined scope, consultant agreements, and Conservancy Agreement.

The Group toured the lakefront along Lake Street and discussed different options and scenarios.

Mark Johnson and Scott Jordan with Civitas provided a brief presentation of the Lake Effect Schematic Design, the components and the inter-relationship between all the components.

The Council and consultants discussed all components of the project.

There was consensus on the Council to reduce the scale of the Lake Effect Project by eliminating improvements to the beach and marina. The main components of the project would include transforming the edge of the lakefront between the Eco Park and the Depot, creating a “Pop up Park” in the municipal parking lot at Lake and Broadway, and improving Lake Street from Barry to Broadway.

The workshop meeting was adjourned at 8:25 pm.

Respectfully submitted,

Becky Malone
Deputy City Clerk

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WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
August 3, 2016

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4:30 PM Council & Staff Budget Workshop

Mayor Willcox called the workshop meeting to order at 4:30 pm in the Community Room at Wayzata City Hall. Council Members present: McCarthy, and Tyacke. Council Member Anderson arrived at 5:30 pm, and Council Member Mullin arrived at 5:45 pm. Also present: City Manager Dahl, Director of Planning & Building Thomson, Director of Public Service Dudinsky, City Engineer/Assistant Director of Public Works Kelly, Police Chief Risvold, Senior Accountant Ovshak, Fire Chief Kevin Klapprich, Interim Building Official Jenkins, and Financial Consultant Steve McDonald with AEM.

Mr. McDonald reviewed the memo that was presented to Council in their meeting packet. Mr. McDonald then presented the 2017 preliminary general fund budget with an overall levy increase of 2.67 percent.

The Council reviewed the general fund budget in detail starting with revenues, and then reviewed the expenditures by department.

The Council asked staff to look into amending lifeguard services to increase the dates of coverage through the month of August.

Mrs. Anderson asked staff to be mindful on ways to decrease postal expenditures.

Mrs. McCarthy asked staff to look into the budget needs of Boards & Commissions, and valet parking expenses which will be incurred during the City parking ramp construction.

Mayor Willcox asked staff to prepare another preliminary budget with an overall levy increase of no more than 2.5 percent.

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6:00 PM Meeting with Mill Street Parking Ramp Steering Committee

Mayor Willcox called the workshop meeting to order at 6:15 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Dahl, Director of Planning & Building Thomson, Director of Public Service Dudinsky, City Attorney Schelzel, City Engineer Mike Kelly, City Consultants Johanna Harris with HGA, Inc, Victor Pechaty with HGA, Inc., Michael Anderson with HGA, Inc., Scott Froemming with Walker Parking, Nate Pearson with Tegra Group, Barry Petit with the HRA, Roger Wothe with the HRA, and Wayzata residents Chris Morrison, Steve Fox, and Jack Amdal.

Victor Pechaty with HGA discussed the latest design updates of the Mill Street Parking ramp with the group and highlighted next steps. Discussion focused on lighting Mill Street, landscaping, and pavers vs. concrete near plaza areas.

Mr. Pechaty indicated that based on the discussion, the Steering Committee would continue to update the plan for the September 30 completion deadline.

The workshop meetings were adjourned at 6:50 pm.

Respectfully submitted,

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Becky Malone
Deputy City Clerk

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WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
August 3, 2016

AGENDA ITEM 1. Call to Order and Roll Call.

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

Mayor Willcox stated the Council met in Workshop prior to the meeting and discussed 2017 budgets and met with the Mill Street Parking Ramp Steering Committee.

AGENDA ITEM 2. Approve Agenda.

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

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

a. Annual Report from the Parks and Trails Board

Dan Baasen, Parks and Trails Board Chair, reported on how the board was formed, accomplishments over the past few years, and capital improvements made this year. This year, they introduced programming for all ages and provided park enhancements. He noted that they are in full support of the Lake Effect and integrating their efforts as decisions are made.

Mrs. Anderson encouraged residents to get out and enjoy the enhancements made by the Board. She has witnessed the great turnout with the youth tennis program, the doggie park, and has enjoyed the Adirondack chairs.

Mr. Mullin thanked Kurt Klapprich for implementing all the details of these enhancements.

Mr. Baasen commented that the Public Works staff is fantastic and has saved the City a lot of money. He asked the Council to consider a platform tennis program, improved access to the water for eastern residents, and direction regarding an occasional event that brings people to the parks.

The Council thanked Mr. Baasen and the Parks and Trails Board for their work.

Mr. Willcox asked if there are projected numbers for participation levels with programs in 2017. Mr. Baasen responded they have learned what courses to offer, the audience they serve, and expect an overall increase of 30 to 60 percent. They have learned some things regarding registration and scheduling conflicts with tennis players that they will be aware of for planning in 2017. A preliminary report shows 80 percent of participants were from Wayzata.

Mr. Willcox encouraged Mr. Baasen and the Board to plan ahead regarding their budget needs for planned events.

b. Police Officer Awards

Police Chief Risvold thanked everyone who participated in Night to Unite. He recognized Officers Todd Peterson and Dan Lee and presented each with a medal of valor for their actions in apprehending a suspect in a very hostile and dangerous situation.

Mayor Willcox thanked the Officers for their work in keeping the community safe.

AGENDA ITEM 4. New Agenda Items.

None.

AGENDA ITEM 5. Consent Agenda.

Mr. Tyacke made a motion, seconded by Mr. Mullin, to approve the items on the consent agenda as presented, which were:

- 1 a. Council Workshop Meeting Minutes of July 19, 2016, and City Council Regular Meeting
 - 2 Minutes of July 19, 2016
 - 3 b. Check Register
 - 4 c. Municipal licenses which received administrative approval (informational only)
 - 5 d. Resolution No. 25-2016 Amending City Fee Schedule
 - 6 e. Agreement with Boatworks II, LLC for Parking Lot Alterations
 - 7 f. Resolution No. 28-2016 Adopting Exemption to Minnesota Partition Fence Law
- 8 The motion carried 5/0.
- 9

10 **AGENDA ITEM 6. New Business.**

11 **a. Consider Approval of Resolution No. 29-2016 Lake Effect Scope, Conservancy, and**

12 **Consultant Agreement for Pre-Design and Environmental Assessment**

13 City Manager Dahl introduced this item to the Council.

14 Mayor Willcox commented there has been a lot of citizen input to get to this point in the

15 project, without Council input and direction. He noted the Council will now determine where the

16 focus should be.

17 Mary deLaittre, Lake Effect Project Coordinator, addressed the Council on the several

18 items to be considered. She explained that the Public/Private Partnership Agreement regarding

19 Lake Effect defines the roles and responsibilities around two institutions, the City and the

20 Conservancy, regarding public and private fundraising.

21 Ms. deLaittre commented on the proposed Lake Effect Park Implementation Plan regarding

22 the Scope of the Lake Effect Plan, or Phase One of the plan. This phase includes: 1) Transforming

23 the Lake Edge (estimated cost of \$10,275,800); 2) Pop-Up Park (estimated cost of \$150,000); and,

24 3) Enhancing Lake Street (estimated cost of \$2,551,134). These three recommendations should be

25 done together and address connectivity, safety, ecology, and beauty. Additionally, they will provide

26 an opportunity to privately and publicly fundraise.

27 Ms. deLaittre reported on the pre-design components that need to be considered and

28 approved in order to maintain progress on the Lake Effect Park. These include: 1) Environmental

29 Assessment Worksheet (EAW) (estimated cost of \$74,865); 2) Maintenance and Operations review

30 (estimated cost of \$28,180; and, 3) Transition Period Design Services (estimated cost of \$26,000).

31 Mr. Tyacke inquired about the scope of the agreement with the railroad, and if it included

32 improvements at the Walker Street railroad crossing. Ms. deLaittre stated that based on the

33 discussion with the railroad to date, the impression is that the Walker Street crossing will not be

34 granted but that the crossings and Broadway and Barry will be improved. She noted that the

35 proposed lakewalk would involve property of the City of Wayzata and the Railroad, and that those

36 things will need to be confirmed.

37 Mr. Willcox commented the wording in the Resolution is not accurate regarding the Walker

38 Crossing. It states it is “not recommended for implementation in any future phase”.

39 Mrs. Anderson stated it was not recommended to move forward on the marina and beach,

40 but that those items are included in the EAW. She expressed concern about cost and inquired what

41 the cost savings would be to not have them as part of the worksheet. Director of Planning and

42 Building Thomson stated the first step in the EAW is to define the scope of what will be included.

43 The marina would not be included, but the beach improvements would be included because it is a

44 potential future implementation, and the EAW cost would not increase significantly because of it.

45 Mr. Willcox stated the beach was deferred, but not eliminated, as a possible component of

46 the project, and it would be good to know what the EAW cost would be to include it.

47 Mr. Mullin commented the EAW is needed in the area near the beach for adjusting the

48 holding pond and that is why the entire area was included in the EAW.

49 Ms. deLaittre commented it was discussed that the shape of the marina may need to be

50 looked at in the future if it keeps flooding, and that is why they considered keeping it part of the

51 EAW.

1 Mrs. Anderson inquired if a separate EAW could be considered if and when it was needed
2 that would focus only on the beach and marina.

3 Mr. Thomson stated the EAW does not expire.

4 Mrs. Anderson commented the words “Section Foreman House” should be included in the
5 Resolution.

6 City Manager Dahl stated they can look into any potential savings in the cost of the EAW
7 without the marina included.

8 Mrs. Anderson stated she would like the language in the Resolution to reflect that the Pop-
9 up Park is not dependent upon the building of the Mill Street Ramp. There is a surplus of parking
10 in the City and parking could be absorbed in other areas.

11 Mr. Tyacke stated the contingency was put on the Pop-Up Park area because if the ramp is
12 not built, that space may be needed for additional parking.

13 Mr. Willcox commented if the parking ramp is not built and the Carisch Ramp closes, the
14 Pop-Up Park area would be a critical area to have parking.

15 Mr. Mullin agreed with Messrs. Tyacke and Willcox.

16 Mr. Mullin made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 29-2016
17 Defining the Scope of the Lake Effect Project and Next Steps, as presented, with the inclusion of
18 the reference to the Section Foreman House in paragraph 16 and strike wording in paragraph 19
19 that states the Walker Street Railroad Crossing has not been recommended for implementation in
20 any future phase. The motion carried 5/0.

21 Mr. Mullin made a motion, seconded by Mrs. McCarthy, to approve the proposals from
22 Braun Intertec and Civitas, as presented, to provide consultant services for drafting the
23 Environmental Assessment Worksheet, with additional direction to staff to pursue a potential
24 adjusted fee with the exclusion of the marina from the EAW.

25 Mrs. Anderson commented the cost to the community for these items will be roughly
26 \$100,000 and it is not being covered by any other entity besides this community.

27 The motion carried 5/0.

28 Mr. Mullin made a motion, seconded by Mr. Tyacke, to approve the proposal from ETM
29 to provide consultant services for a Maintenance and Operations review.

30 Mrs. Anderson commented this item is costing the community roughly \$30,000.

31 The motion carried 5/0.

32 Mrs. McCarthy suggested the timing of the projects follow and be coordinated with the
33 construction of the Mill Street Ramp. The Council agreed.

34 City Attorney Schelzel discussed the proposed updated draft of the City’s agreement with
35 the Lake Effect Conservancy, at page 83 of the Council packet, and highlighted changes made to
36 the draft since last reviewed by the Council.

37 Mr. Tyacke referred to Section IV, Roles and Responsibilities, item B(4) of the Agreement,
38 and suggested it state, “Council will have the full discretion and approval of the design,
39 construction, and scheduling of the components.”

40 Mr. Tyacke referred to Section V, Constraints, item G, of the agreement and suggested it
41 state, “both parties recognize that constructing components according to the final design approved
42 by the Wayzata City Council, as well as programming, operating and maintaining those
43 components as determined and approved by the Wayzata City Council once open to the public will
44 impact the ongoing success of public and private fundraising.”

45 Mr. Schelzel recommended the changes proposed by Mr. Tyacke be incorporated into the
46 final draft of the agreement.

47 Mr. Willcox referred to the first page of the agreement, item C and inquired if there was a
48 legal prohibition against a City doing private fundraising. Mr. Schelzel stated generally cities may
49 accept gifts but not actively engage in private fundraising, and that is the role the Conservancy will
50 play.

1 Mr. Willcox referred to Section VI, item A, of the agreement and asked who the two City
2 representatives would be. Mr. Schelzel stated they would be appointed by Council. Ms. deLaittre
3 stated it would generally include a member of Council and the City Manager.

4 Mr. Mullin suggested the language read “as appointed by Council.”

5 Mr. Willcox referred to Section VII of the agreement, and inquired who the Lead Staff
6 Person would be. Ms. deLaittre stated that would be the City Manager for the City and the
7 Executive Director for the Conservancy, and they would work together. City Manager Dahl stated
8 in addition, the Conservancy could fund a project consultant to help out in this role.

9 Mrs. Anderson suggested the Council and community receive updates more frequently than
10 annually, which the current agreement requires. Mrs. McCarthy stated it is important to keep the
11 community informed. The Council suggested it require quarterly updates.

12 Mrs. Anderson suggested the agreement should state the role of Conservancy is to raise
13 funds for its operations, as well as the maintenance of sustaining the proposed projects.

14 Ms. deLaittre stated when funds are raised for a project, it also includes administrative
15 funds to support the Conservancy. It is up to the Council to determine what the maintenance and
16 operational costs will be and how it will be paid for.

17 After discussion, the Council agreed with Mr. Schelzel’s suggestion of adding language
18 that the Conservancy fundraising would include funds for its own administrative costs, and the
19 ongoing operations and maintenance of the project.

20 Mr. Mullin made a motion, seconded by Mr. Tyacke, to approve the draft agreement
21 between the City of Wayzata and the Lake Effect Conservancy to Financially Support and
22 Advocate for the Lake Effect Project, with the following additions:

- 23 1. Section IV, item C(1): add clarification on fundraising for maintenance and operations
24 and the intent to raise funds for administrative fees of Conservancy.
- 25 2. Section V, item G: state “both parties recognize that constructing components
26 according to the final design approved by the Wayzata City Council, as well as
27 programming, operating and maintaining those components as determined and
28 approved by the Wayzata City Council once open to the public will impact the ongoing
29 success of public and private fundraising.”
- 30 3. Section VI, item A: clarification on representative of the City, with language as
31 “appointed by the City Council.”
- 32 4. Section VII: add requirement of quarterly updates to the Council and community in
33 place of annual updates.
- 34 5. Section IV, item B(4): state “Council will have the sole discretion and approval of the
35 design, construction, and scheduling of the components.”

36 The motion carried 4/1. (Anderson)

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38 **b. Consider Resolution No. 27-2016 Approving Subdivision with Variances at 250 and**
39 **270 Bushaway Road**

40 Director of Planning and Building Thomson reported the applicant, Zev and Kristi Oman and
41 Robert Bolling, have submitted a development application to subdivide the properties at 250 and
42 270 Bushaway Rd. The applicant is proposing to subdivide the two existing lots into four single-
43 family residential lots. The two existing homes would remain and two new single-family homes
44 would be constructed. The proposal requires preliminary and final plat review with variances. The
45 Planning Commission recommends approval of the application.

46 Mrs. McCarthy inquired about Lot 4 and the zero-foot width. Mr. Thomson explained Lot
47 4 does not have any lot width on Bushaway Road, which is what the variance is for.

48 Mr. Tyacke inquired how many people will be accessing their homes via the private
49 roadway. Mr. Thomson stated ten residences would access the private road, plus a vacant lot.

50 City Attorney Schelzel stated one of the reasons the Planning Commission is comfortable
51 with the private road is that it would preserve a lot of the trees. If the access is made a public street,

1 it has to conform to current standards. The road would need to be widened and it would take out a
2 lot of significant trees.

3 Mr. Thomson stated there are two new lots that would take access from the private drive.
4 Both lots have frontage on Bushaway Road and could pursue access there. This would require
5 additional impervious surface with longer driveways, more grading, more tree removal, and
6 additional accesses on to Bushaway Road.

7 Ms. Kristi Oman, 250 Bushaway Road, commented the private drive is a very wooded
8 driveway and hundreds of trees would be lost if it was made into a public road.

9 Mr. Tyacke asked about the utilities to the new lots. City Engineer Kelly stated they would
10 both have to be provided with new service. Water and sewer are accessible from Bushaway Road.

11 Mrs. Anderson asked if the final plans for the homes and affected trees would come before
12 the Planning Commission. Mr. Thomson stated it is not required because the new tree ordinance
13 can be administered by staff through the building permit process, and because it is not part of a
14 PUD, the Planning Commission was comfortable that the homes would be consistent with what
15 was already there.

16 Mrs. McCarthy inquired about the Bushaway Conservation District requirements. Mrs.
17 Oman stated they previously did not meet the minimum two-acre lot size with an earlier application.
18 Since then, they have acquired additional land, and now they do meet the minimum requirement in
19 the current application.

20 Mr. Willcox stated he does not support lots that are nonconforming and does not support
21 this application.

22 Mr. Peter Benincasa, Executive Real Estate Professionals, 8749 Helwig Trail, Brooklyn
23 Park, stated the Omans had a curb cut and a road to their garage that was cut off by the
24 improvements to Bushaway Road, and this loss of entry to the property drove the request for a
25 private road.

26 Mrs. McCarthy pointed out this request is making Lot 4 nonconforming.

27 Mr. Tyacke made a motion, seconded by Mr. Mullin, to adopt Resolution No. 27-2016, as
28 presented, Approving Subdivision with Variances at 250 and 270 Bushaway Road.

29 Mr. Tyacke stated the residents have done everything to preserve trees and Bushaway Road
30 improvements have impacted their property.

31 Mrs. Anderson said the applicants are meeting the standards of the lot size, preserving
32 trees, and have had challenges with the Bushaway Road improvements.

33 Mrs. McCarthy asked what standards have been met regarding practical difficulty. She
34 does not support this application due to the non-conforming lots.

35 Mrs. Anderson stated the six lots in Enchanted Woods are all nonconforming. The practical
36 difficulty is for the use of the private roadway that already exists and they are trying to preserve the
37 trees. Work has been done to try and find a balance.

38 Mr. Willcox pointed out that Enchanted Woods was a PUD.

39 Mr. Schelzel commented the variances requested are from the subdivision ordinance
40 standards. It is a slightly different standard that is less stringent than the one for variances under
41 the zoning ordinance. But it does require a fourth-fifths affirmative vote of Council.

42 Mr. Mullin stated he struggles to hold the homes on Bushaway Road to a standard that the
43 existing homes do not provide. The practical difficulty is the existing private road is there and
44 serves other homes.

45 Mr. Willcox stated the lots being created are bizarre and nonconforming. It is being done
46 so that the applicant can economically maximize the return on the property.

47 The motion failed 3/2. (Willcox and McCarthy)

48 City Attorney Schelzel stated that although the Resolution passed, the request within it for
49 the variance for the private street did not receive the required four-fifths affirmative vote. Thus, the
50 private street variance was not granted, and practically speaking, that makes the rest of the
51 application impossible to implement.

1 Mr. Thomson commented the alternative options for the Applicant with this proposal
 2 include: 1) adding individual driveways for the two lots to Bushaway Road; 2) Upgrading the
 3 private street to a public street; or, 3) represent the project as a PUD, since the private street
 4 prohibition does not apply to a PUD.

5 Mr. Schelzel noted that if the applicant submitted a new application for a PUD for the
 6 project, it would only require a three-fifths vote from the Council.
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8 **c. Update on Wayzata Boulevard Sidewalk Connections**

9 City Engineer Kelly reported there are currently three areas that do not have sidewalk on Wayzata
 10 Boulevard between Central Avenue and Bushaway Road. These locations are adjacent to the David
 11 Lee Funeral Home, the Wayzata Home Center, and the KFC. The City currently has the installation
 12 of a sidewalk in this area included in the Parks and Trails Capital Improvement Plan (CIP) for the
 13 year 2020 and the project currently has a budget of \$291,000. There is also an area on the south
 14 side of Wayzata Boulevard between Minnetonka Avenue and MTC Park and Ride which does not
 15 have a sidewalk and this segment is not included in the Parks and Trails CIP and has an estimated
 16 cost of \$125,000.

17 Mr. Kelly stated Public Works staff has a meeting on August 11 with Hennepin County to
 18 discuss the City's long-term vision with CSAH 101 between Bushaway Road and Central Avenue
 19 and how that could align with future County project.

20 Mr. Kelly stated the section in front of the BP was paved and it was originally supposed to
 21 have sidewalk. Three trees will need to be removed before it can be replaced properly.

22 Mrs. Anderson commented there is sidewalk in some of these areas on the other side of the
 23 street. She inquired if the proposed new sidewalks could be put on hold in order to fund a parking
 24 ramp roof.

25 Mr. Mullin stated he requested this report because of the number of people in wheelchairs
 26 that use public transportation along Wayzata Boulevard. There are several transit stops that cannot
 27 be traversed from the boardwalk or the apartments.

28 Mrs. McCarthy stated if the sidewalk projects were moved out a few years, it may relieve
 29 some of the pressures that are currently going on.

30 Mr. Willcox commented this should be discussed at a future date.

31 Mrs. Anderson suggested talking to transit about the condition of the bus stops and
 32 implementing a quick fix until it can be addressed in the future. Mr. Kelly stated they plan to discuss
 33 it with Hennepin County at the scheduled meeting.

34 Mr. Tyacke stated bike traffic is also an issue in that area and he would like more
 35 information on how to address it.
 36

37 **d. Update on Wayzata Boulevard Median Planting Replacement**

38 City Engineer Kelly reported many of the plants in the median were removed or relocated because
 39 they had matured to the point that they were impeding sightlines from adjacent intersections. The
 40 new plants were planted earlier this week.

41 The Council thanked the Parks Department for their work.
 42

43 **e. Accept Dr. J. David McGill's Resignation from the Housing and Redevelopment
 44 Authority, and Charter Commission**

45 City Manager Dahl recommended accepting the letter of resignation from Dr. David McGill, and
 46 Council agreed, given the clear language of the authority's and commission's bylaws. Staff is
 47 preparing a proclamation and award for service to be presented to Dr. McGill at the next Council
 48 meeting.
 49

50 **f. Consider Resolution No. 30-2016 Amending 143 and 151 Westwood Lane
 51 Subdivision Approvals**

1 Director of Planning and Building Thomson reported the City Council previously approved the
 2 MacMillan Place subdivision at 143 and 151 Westwood Lane, which created two single-family
 3 residential lots. The resolution approving the subdivision (Resolution No. 17-2015) included and
 4 specifically referenced the plans for the subdivision as an attachment to the resolution. The plans
 5 included widening the existing driveway to 20 feet and that the driveway would be shared between
 6 the two lots. The final plat has been filed at Hennepin County and the property owner has a purchase
 7 agreement to sell the southern lot (Lot 2) to a buyer that is interested in constructing a home on the
 8 lot. The buyer of the lot is requesting the sole use of the existing driveway on Lot 2. The applicant,
 9 Scott Roe, is requesting an amendment to the approved plans to allow for separate driveways to
 10 serve each of the two lots. The location of the proposed new driveway would not impact any of the
 11 trees on the property. A portion of the existing arborvitae hedge within the City's right of way
 12 would need to be removed for the new curb cut to Westwood Lane.

13 Mr. Thomson advised Council that they received a written letter from Bob and Cori
 14 Mueffelmann, 172 Birch Lane West, regarding this request.

15 Mr. Tyacke stated the original subdivision was specific on approval with a single driveway
 16 as a means to save trees, but that a driveway is required for each property in a subdivision.

17 Mrs. Anderson stated there was a lot of discussion about traffic and being respectful of the
 18 existing neighbors with review of the original application, but the driveways are close together.

19 Mr. Scott Roe, Minneapolis, the applicant, stated he is asking for a new driveway so that
 20 he does not have to drive across his neighbor's lot to have access to Westwood Lane. The current
 21 driveway placement still has him drive across the neighbor's property and creates a limitation to
 22 get on to Westwood from the north lot.

23 Mr. Tyacke inquired if the proposed plan requires moving any utilities. City Engineer Kelly
 24 stated each property would be benefitted by having the utilities on the individual properties.

25 Ken Mcauliffe, 172 Westwood Lane, commented that the single driveway and single cut
 26 through the hedge was the one thing the neighbors wanted with the previously approved
 27 application. Otherwise, there are three driveways in less than 100 feet, which creates safety issues
 28 and new challenges.

29 The majority of the Council stated they do not support the Resolution for safety and
 30 aesthetic reasons.

31 Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to deny Resolution No. 30-
 32 2016 Amending the Approved Plans for the Macmillan Place Subdivision at 143 and 151
 33 Westwood Lane. The motion carried 5/0.

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

35 **a. Discuss Wayzata Police Sargent James Anderson's Memorial**

36 City Manager Dahl reported there has been discussion about moving Sargent James Anderson's
 37 memorial to a more prominent location. They talked with the City consultants about making it a
 38 part of the Lake Effect and putting together a committee to review what is proposed.

39 Ms. Gayle Wilson, 135 Broadway Avenue North, stated the memorial has not been
 40 maintained properly and it is embarrassing.

41 The Council agreed that the memorial should be part of Lake Effect, but also needs to be
 42 addressed and maintained sooner. It needs to be part of ongoing maintenance so that it does not get
 43 forgotten again. City staff will have a discussion with the Police Department for suggestions on
 44 where the memorial should be located. Mrs. McCarthy commented in the interim she will weed,
 45 plant flowers, and work with Public Works to get the supplies.

46 Mrs. McCarthy stated there was another tragedy in the community this week and they
 47 should be considering how to remember that family as well. City staff will work with City Engineer
 48 Kelly on some ideas.

49 Mr. Jim Wilson, 135 Broadway Avenue North, commented the memorial needs to be
 50 replaced in order to keep his name alive.
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b. Miscellaneous

- City Manager Dahl reported absentee ballots are available for the Primary Election, which is on August 8.
- City Manager Dahl commented he received a call from the League of Minnesota Cities requesting Mayor Willcox be on the Governor’s Freight Rail Committee and will appoint him next week.
- Mr. Mullin announced the Professional Sailing Race this weekend in Wayzata Bay that is open to the public.
- Mayor Willcox announced the funeral for Gordy Engel’s daughter and family will be Saturday morning.
- Mayor Willcox stated the high weeds at the pink building need to be taken care of.

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

There were no comments.

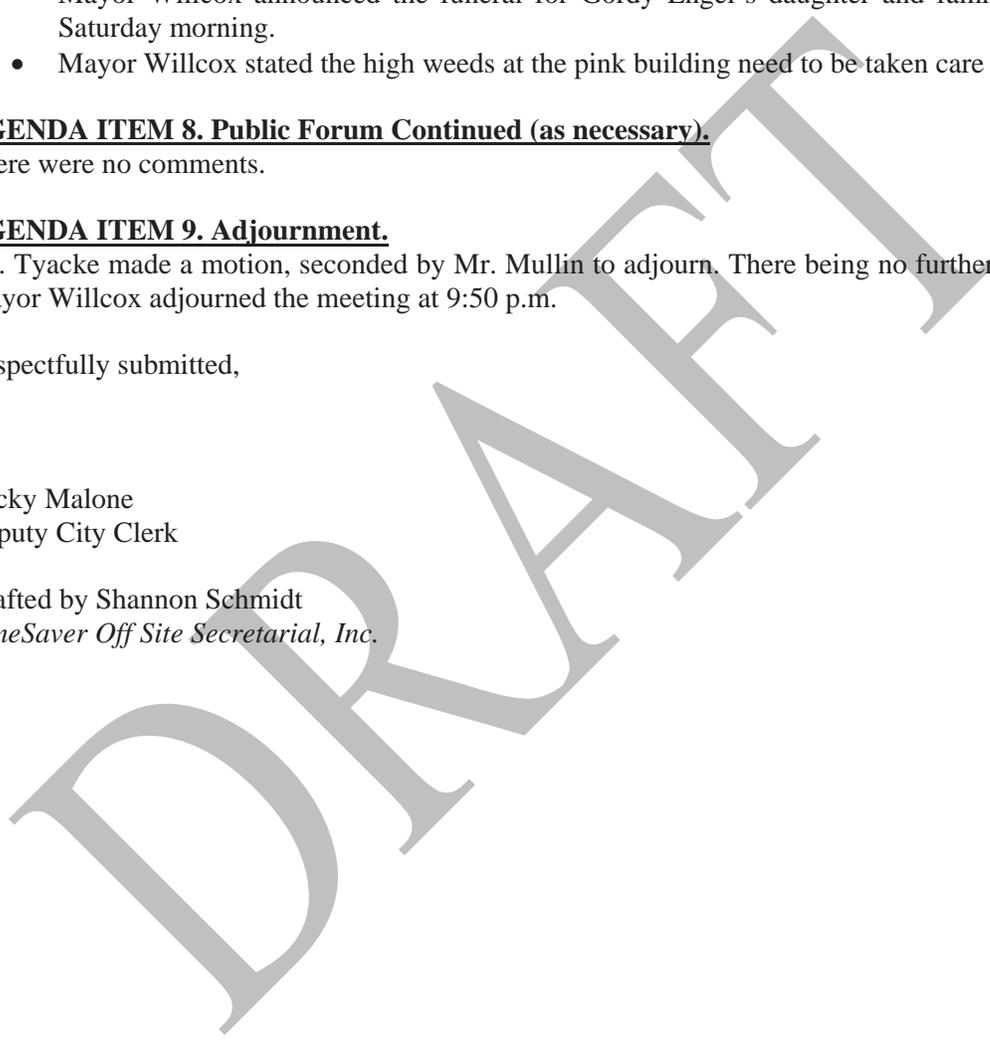
AGENDA ITEM 9. Adjournment.

Mr. Tyacke made a motion, seconded by Mr. Mullin to adjourn. There being no further business, Mayor Willcox adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Becky Malone
Deputy City Clerk

Drafted by Shannon Schmidt
TimeSaver Off Site Secretarial, Inc.



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July 2016 to August 2016

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	103167	8/4/2016	ARTISAN BEER COMPANY		
E 640-48000-253	Beer For Resale		\$270.00	3113312	BEER
E 640-47000-253	Beer For Resale		\$561.00	3113411	BEER
E 640-47000-253	Beer For Resale		\$183.75	3114941	BEER
E 640-47000-253	Beer For Resale		\$651.05	3116402	BEER
E 640-48000-253	Beer For Resale		(\$120.00)	351755	BEER
	Total ARTISAN BEER COMPANY		\$1,545.80		
Paid Chk# 103168 8/4/2016 BAGY JO, INC.					
E 640-47000-306	Personnel Expense		\$54.96	16241	STORE UNIFORM SHIRTS
	Total BAGY JO, INC.		\$54.96		
Paid Chk# 103169 8/4/2016 BAUHAUS BREW LABS					
E 640-47000-253	Beer For Resale		\$138.50	9678	BEER
	Total BAUHAUS BREW LABS		\$138.50		
Paid Chk# 103170 8/4/2016 BELLBOY BAR SUPPLY CORP.					
E 640-47000-251	Liquor For Resale		\$718.30	54470800	LIQUOR
E 640-47000-251	Liquor For Resale		\$417.00	54574900	LIQUOR
E 640-47000-252	Wine For Resale		\$682.00	54574900	WINE
E 640-47000-259	Freight		\$16.40	54574900	FREIGHT
E 640-47000-259	Freight		\$18.60	54671200	FREIGHT
E 640-47000-251	Liquor For Resale		\$817.95	54671200	LIQUOR
E 640-47000-254	Soft Drinks/Mix For Resale		\$70.00	54671200	MISC.MIX
E 640-47000-256	MISC.MDSE.RESALE		\$145.49	6675300	CIGARS
E 640-47000-254	Soft Drinks/Mix For Resale		\$98.00	94258400	MISC.MIX
E 640-47000-210	Operating Supplies (GENERAL)		\$45.05	94258400	SUPPLIES
E 640-47000-259	Freight		\$4.68	94298700	FREIGHT
E 640-47000-210	Operating Supplies (GENERAL)		\$67.80	94298700	SUPPLIES
E 640-47000-254	Soft Drinks/Mix For Resale		\$77.75	94298700	MISC.MIX
E 640-47000-254	Soft Drinks/Mix For Resale		\$18.80	94333700	MISC.MIX
E 640-47000-210	Operating Supplies (GENERAL)		\$108.80	94333700	SUPPLIES
E 640-47000-259	Freight		\$4.60	94333700	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$54.00	94337200	MISC.MDSE.
E 640-47000-259	Freight		\$2.25	94337200	FREIGHT
	Total BELLBOY BAR SUPPLY CORP.		\$3,367.47		
Paid Chk# 103171 8/4/2016 BERNICK'S WINE					
E 640-47000-254	Soft Drinks/Mix For Resale		\$103.20	308305	MISC.MIX
E 640-47000-253	Beer For Resale		\$200.52	308306	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$94.35	309545	MISC.MIX
E 640-47000-253	Beer For Resale		\$1,092.84	309546	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$98.30	310775	MISC.MIX
E 640-47000-253	Beer For Resale		\$120.00	310776	BEER
	Total BERNICK'S WINE		\$1,709.21		
Paid Chk# 103172 8/4/2016 BMI					
E 640-48000-433	Dues, Licensing & Seminars		\$335.00	28322147	BAR MUSIC LICENSE
	Total BMI		\$335.00		
Paid Chk# 103173 8/4/2016 BOURGET IMPORTS					
E 640-47000-259	Freight		\$1.50	135127	FREIGHT
E 640-47000-252	Wine For Resale		\$96.00	135127	WINE
E 640-47000-252	Wine For Resale		\$1,112.00	135275	WINE
E 640-47000-259	Freight		\$10.50	135275	FREIGHT
	Total BOURGET IMPORTS		\$1,220.00		

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			Check Amt	Invoice	Comment
Paid Chk#	103174	8/4/2016	BREAKTHRU BEVERAGE		
E 640-47000-252	Wine For Resale		\$376.00	1080497793	WINE
E 640-47000-259	Freight		\$4.35	1080497793	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,442.70	1080497864	LIQUOR
E 640-47000-259	Freight		\$13.29	1080497864	FREIGHT
E 640-47000-259	Freight		\$1.45	1080500609	FREIGHT
E 640-47000-252	Wine For Resale		\$72.00	1080500609	WINE
E 640-47000-259	Freight		\$55.10	1080500610	FREIGHT
E 640-47000-252	Wine For Resale		\$5,038.19	1080500610	WINE
E 640-47000-259	Freight		\$38.90	1080500611	FREIGHT
E 640-47000-251	Liquor For Resale		\$3,576.44	1080500611	LIQUOR
E 640-48000-252	Wine For Resale		\$299.60	1080500628	WINE
E 640-47000-251	Liquor For Resale		\$56.80	1080502365	LIQUOR
E 640-47000-259	Freight		\$1.45	1080502365	FREIGHT
E 640-47000-251	Liquor For Resale		\$738.75	1080502366	LIQUOR
E 640-47000-259	Freight		\$14.50	1080502366	FREIGHT
E 640-47000-259	Freight		\$1.45	1080503762	FREIGHT
E 640-47000-252	Wine For Resale		\$72.00	1080503762	WINE
E 640-47000-259	Freight		\$8.70	1080503763	FREIGHT
E 640-47000-252	Wine For Resale		\$581.25	1080503763	WINE
E 640-47000-259	Freight		\$40.11	1080503794	FREIGHT
E 640-47000-251	Liquor For Resale		\$3,044.58	1080503794	LIQUOR
E 640-48000-251	Liquor For Resale		\$216.00	1080503902	LIQUOR
E 640-48000-252	Wine For Resale		\$151.49	1080503902	LIQUOR
	Total BREAKTHRU BEVERAGE		\$15,845.10		
Paid Chk#	103175	8/4/2016	BREAKTHRY BEVERAGE BEER		
E 640-47000-253	Beer For Resale		\$1,498.20	1090585949	BEER
E 640-48000-253	Beer For Resale		\$267.00	1090588921	BEER
E 640-47000-253	Beer For Resale		\$23.80	1090588986	BEER
E 640-47000-253	Beer For Resale		\$2,245.05	1090588987	BEER
E 640-48000-253	Beer For Resale		\$297.00	1090591846	BEER
E 640-47000-253	Beer For Resale		\$1,747.45	1090592027	BEER
E 640-47000-253	Beer For Resale		\$90.00	1090592028	BEER
	Total BREAKTHRY BEVERAGE BEER		\$6,168.50		
Paid Chk#	103176	8/4/2016	CASTELLANO, KEVIN		
E 640-47000-433	Dues, Licensing & Seminars		\$379.77	REIMB.	CONF. EXP. - CAR RENTAL
	Total CASTELLANO, KEVIN		\$379.77		
Paid Chk#	103177	8/4/2016	CINTAS CORPORATION		
E 640-48500-210	Operating Supplies (GENERAL)		\$83.17	5005585305	FIRST AID SUPPLIES
	Total CINTAS CORPORATION		\$83.17		
Paid Chk#	103178	8/4/2016	CITY VIEW PLUMBING & HEATING		
E 640-48000-401	Repairs/Maint Buildings		\$148.00	44793	KITCHEN DRAIN CLOG
	Total CITY VIEW PLUMBING & HEATING		\$148.00		
Paid Chk#	103179	8/4/2016	COCA-COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$195.36	0178083421	MISC.BEV.
E 640-47000-254	Soft Drinks/Mix For Resale		\$106.28	0178083911	MISC.BEV.
E 640-47000-254	Soft Drinks/Mix For Resale		\$126.36	0188099531	MISC.BEV.
	Total COCA-COLA		\$428.00		
Paid Chk#	103180	8/4/2016	COZZINI BROS., INC.		
E 640-48500-415	Other Equipment Rentals		\$52.03	C2873801	KNIFE EXCHANGE
E 640-48500-415	Other Equipment Rentals		\$52.03	C2906786	KNIFE EXCHANGE

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July 2016 to August 2016

			Check Amt	Invoice	Comment
Total COZZINI BROS., INC.			\$104.06		
Paid Chk#	103181	8/4/2016	DAHLHEIMER DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale		\$691.20	1208508	BEER
E 640-48000-253	Beer For Resale		\$670.00	1208577	BEER
E 640-48000-253	Beer For Resale		\$453.00	1210827	BEER
E 640-48000-253	Beer For Resale		\$159.00	128973	BEER
E 640-47000-253	Beer For Resale		\$1,253.76	129547	BEER
Total DAHLHEIMER DISTRIBUTING CO.			\$3,226.96		
Paid Chk#	103182	8/4/2016	DENNYS 5TH AVENUE BAKERY		
E 640-48500-255	FOODIngredients For Resale		\$128.46	617085	FOOD
E 640-48500-255	FOODIngredients For Resale		\$67.93	617281	FOOD
E 640-48500-255	FOODIngredients For Resale		\$131.21	617576	FOOD
E 640-48500-255	FOODIngredients For Resale		\$137.80	617844	FOOD
E 640-48500-255	FOODIngredients For Resale		\$86.00	618253	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$2.74)	618309	FOOD
E 640-48500-255	FOODIngredients For Resale		\$93.60	618398	FOOD
E 640-48500-255	FOODIngredients For Resale		\$137.19	618608	FOOD
E 640-48500-255	FOODIngredients For Resale		\$221.46	619201	FOOD
E 640-48500-255	FOODIngredients For Resale		\$65.14	619415	FOOD
E 640-48500-255	FOODIngredients For Resale		\$113.92	619651	FOOD
E 640-48500-255	FOODIngredients For Resale		\$41.04	619798	FOOD
E 640-48500-255	FOODIngredients For Resale		\$113.56	620152	FOOD
Total DENNYS 5TH AVENUE BAKERY			\$1,334.57		
Paid Chk#	103183	8/4/2016	DMX MUSIC - MINNEAPOLIS		
E 640-48000-415	Other Equipment Rentals		\$103.67	52607721	BAR MUSIC
Total DMX MUSIC - MINNEAPOLIS			\$103.67		
Paid Chk#	103184	8/4/2016	ENKI BREWING COMPANY		
E 640-48000-253	Beer For Resale		\$215.00	5963	BEER
Total ENKI BREWING COMPANY			\$215.00		
Paid Chk#	103185	8/4/2016	G & K SERVICES		
E 640-48500-217	Uniforms		\$263.09	1013722608	KITCHEN UNIFORMS & SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$66.58	1013790724	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-217	Uniforms		\$103.00	1013790724	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$71.91	1013790724	KITCHEN UNIFORMS & SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$62.43	1013802043	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$72.91	1013802043	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-217	Uniforms		\$115.40	1013802043	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-217	Uniforms		\$91.47	1013813346	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$178.27	1013813346	KITCHEN UNIFORMS & SUPPLIES
Total G & K SERVICES			\$1,025.06		
Paid Chk#	103186	8/4/2016	GRAPE BEGINNINGS, INC.		
E 640-47000-252	Wine For Resale		\$576.68	7512	WINE
E 640-47000-259	Freight		\$6.75	7512	FREIGHT
E 640-47000-252	Wine For Resale		\$1,158.00	7716	WINE
E 640-47000-259	Freight		\$27.00	7716	FREIGHT
Total GRAPE BEGINNINGS, INC.			\$1,768.43		
Paid Chk#	103187	8/4/2016	HOHENSTEINS INC.		
E 640-47000-253	Beer For Resale		\$603.00	838940	BEER
Total HOHENSTEINS INC.			\$603.00		
Paid Chk#	103188	8/4/2016	JJ TAYLOR DISTRIBUTING OF MN		

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		Check Amt	Invoice	Comment
E 640-47000-253	Beer For Resale	(\$60.00)	2522569	BEER
E 640-47000-253	Beer For Resale	\$4,063.45	2541677	BEER
E 640-47000-253	Beer For Resale	\$2,956.04	2541718	BEER
E 640-47000-253	Beer For Resale	\$2,122.00	2541753	BEER
E 640-47000-253	Beer For Resale	\$4,810.80	2541786	BEER
E 640-48000-253	Beer For Resale	\$93.00	2556352	BEER
E 640-47000-253	Beer For Resale	\$2,749.65	2558619	BEER
E 640-48000-253	Beer For Resale	\$133.60	2564021	BEER
E 640-48000-253	Beer For Resale	\$822.00	2564022	BEER
E 640-48000-253	Beer For Resale	\$404.00	2564103	BEER
E 640-48000-253	Beer For Resale	\$109.20	2564104	BEER
Total JJ TAYLOR DISTRIBUTING OF MN		\$18,203.74		

Paid Chk#	Date	Vendor			
103189	8/4/2016	JOHNSON BROS.-ST.PAUL			
E 640-47000-252		Wine For Resale	\$1,056.00	5479170	WINE
E 640-47000-259		Freight	\$18.30	5479170	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resale	\$213.00	5488812	MISC.BEV
E 640-47000-251		Liquor For Resale	\$1,848.92	5489054	LIQUOR
E 640-47000-259		Freight	\$18.51	5489054	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resale	\$48.25	5489055	MISC.MIX
E 640-47000-252		Wine For Resale	\$716.30	5489055	WINE
E 640-47000-251		Liquor For Resale	\$48.00	5489055	LIQUOR
E 640-47000-259		Freight	\$14.64	5489055	FREIGHT
E 640-47000-251		Liquor For Resale	\$1,162.44	5490497	LIQUOR
E 640-47000-259		Freight	\$7.73	5490497	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resale	\$213.00	5494186	MISC.BEV.
E 640-47000-251		Liquor For Resale	\$2,245.24	5494462	LIQUOR
E 640-47000-259		Freight	\$23.18	5494462	FREIGHT
E 640-47000-259		Freight	\$37.82	5494463	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resale	\$24.00	5494463	MISC.MIX
E 640-47000-252		Wine For Resale	\$2,388.60	5494463	WINE
E 640-47000-251		Liquor For Resale	\$1,281.09	5495874	LIQUOR
E 640-47000-259		Freight	\$8.95	5495874	FREIGHT
E 640-47000-251		Liquor For Resale	(\$12.50)	582069	LIQUOR
E 640-47000-252		Wine For Resale	(\$33.22)	583790	WINE
Total JOHNSON BROS.-ST.PAUL		\$11,328.25			

Paid Chk#	Date	Vendor			
103190	8/4/2016	KARLSBURGER FOODS, INC.			
E 640-48500-255		FOODIngredients For Resale	\$263.40	413476	FOOD
E 640-48500-255		FOODIngredients For Resale	\$170.00	414166	FOOD
E 640-48500-255		FOODIngredients For Resale	\$347.75	414540	FOOD
E 640-48500-255		FOODIngredients For Resale	\$6.95	709934	FOOD
Total KARLSBURGER FOODS, INC.		\$788.10			

Paid Chk#	Date	Vendor			
103191	8/4/2016	KUUSISTO, SAM			
E 640-48000-341		General Promotions	\$300.00	8/4/16	BAR MUSIC 8/4/16
Total KUUSISTO, SAM		\$300.00			

Paid Chk#	Date	Vendor			
103192	8/4/2016	LEATHER MEDIC			
E 640-48000-401		Repairs/Maint Buildings	\$670.00	6/17/16	BOOTH REPAIRS
Total LEATHER MEDIC		\$670.00			

Paid Chk#	Date	Vendor			
103193	8/4/2016	LIBATION PROJECT			
E 640-47000-252		Wine For Resale	\$1,032.00	4408	WINE
E 640-47000-259		Freight	\$7.50	4408	FREIGHT
Total LIBATION PROJECT		\$1,039.50			

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			Check Amt	Invoice	Comment
E 640-48000-253	Beer For Resale		\$30.00	3543	BEER
E 640-48000-253	Beer For Resale		\$480.00	3660	BEER
Total LOCHER BROS., INC.			\$510.00		
Paid Chk#	103195	8/4/2016	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$767.99	220225	CIGARETTES
E 640-47000-256	MISC.MDSE.RESALE		\$824.23	220659	CIGARETTES
Total M.AMUNDSON LLP			\$1,592.22		
Paid Chk#	103196	8/4/2016	MARGRON SKOGLUND WINE IMPORTS		
E 640-47000-252	Wine For Resale		\$535.00	20019975	WINE
E 640-47000-259	Freight		\$10.50	20019975	WINE
tal MARGRON SKOGLUND WINE IMPORTS			\$545.50		
Paid Chk#	103197	8/4/2016	NAPA AUTO PARTS-WATERTOWN		
E 640-47000-404	Repairs/Maint - Machin/Equip		\$73.10	462410	DURANGO REPAIRS
Total NAPA AUTO PARTS-WATERTOWN			\$73.10		
Paid Chk#	103198	8/4/2016	NEW FRANCE WINE COMPANY		
E 640-47000-252	Wine For Resale		\$519.35	111708	WINE
E 640-47000-259	Freight		\$10.50	111708	FREIGHT
E 640-47000-252	Wine For Resale		\$640.00	111851	WINE
E 640-47000-259	Freight		\$7.50	111851	FREIGHT
Total NEW FRANCE WINE COMPANY			\$1,177.35		
Paid Chk#	103199	8/4/2016	NORTHWESTERN FRUIT COMPANY		
E 640-48500-255	FOODIngredients For Resale		(\$4.40)	842312	FOOD
E 640-48500-255	FOODIngredients For Resale		\$663.50	842392	FOOD
E 640-48000-253	Beer For Resale		\$21.70	842392	BEER
E 640-48000-251	Liquor For Resale		\$78.45	842560	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$550.65	842560	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$12.55)	842664	FOOD
E 640-48000-253	Beer For Resale		\$6.00	842746	BEER
E 640-48500-255	FOODIngredients For Resale		\$292.80	842746	FOOD
E 640-48500-255	FOODIngredients For Resale		\$461.15	842868	FOOD
E 640-48000-251	Liquor For Resale		\$22.10	843036	LIQUOR
E 640-48000-253	Beer For Resale		\$7.00	843036	BEER
E 640-48500-255	FOODIngredients For Resale		\$378.75	843036	FOOD
E 640-48000-253	Beer For Resale		\$21.70	843187	BEER
E 640-48000-251	Liquor For Resale		\$53.75	843187	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$369.00	843187	FOOD
E 640-48500-255	FOODIngredients For Resale		\$468.50	843346	FOOD
E 640-48500-255	FOODIngredients For Resale		\$612.75	843493	FOOD
E 640-48000-253	Beer For Resale		\$25.90	843493	BEER
E 640-48000-251	Liquor For Resale		\$62.85	843493	LIQUOR
E 640-48000-251	Liquor For Resale		\$21.80	843674	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$197.95	843674	FOOD
E 640-48000-253	Beer For Resale		\$15.20	843838	BEER
E 640-48500-255	FOODIngredients For Resale		\$779.90	843838	FOOD
Total NORTHWESTERN FRUIT COMPANY			\$5,094.45		
Paid Chk#	103200	8/4/2016	PAUSTIS & SONS		
E 640-47000-252	Wine For Resale		\$1,244.13	8554881	WINE
E 640-47000-259	Freight		\$13.75	8554881	FREIGHT
E 640-47000-252	Wine For Resale		\$910.24	8555742	WINE
E 640-47000-259	Freight		\$10.00	8555742	FREIGHT
E 640-47000-259	Freight		\$10.50	8556464	FREIGHT
E 640-47000-252	Wine For Resale		\$608.82	8556464	WINE

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			Check Amt	Invoice	Comment
Total PAUSTIS & SONS			\$2,797.44		
Paid Chk#	103201	8/4/2016	PEPSI -COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$268.50	46299661	MISC.MIX/BEV.
E 640-47000-254	Soft Drinks/Mix For Resale		\$186.80	46299704	MISC.MIX/BEV.
Total PEPSI -COLA			\$455.30		
Paid Chk#	103202	8/4/2016	PHILLIPS WINES & SPIRITS		
E 640-47000-259	Freight		\$10.98	2008322	FREIGHT
E 640-47000-251	Liquor For Resale		\$977.15	2008322	LIQUOR
E 640-47000-252	Wine For Resale		\$431.00	2008323	WINE
E 640-47000-259	Freight		\$4.88	2008323	FREIGHT
E 640-47000-259	Freight		\$7.32	2011990	FREIGHT
E 640-47000-251	Liquor For Resale		\$510.75	2011990	LIQUOR
E 640-47000-259	Freight		\$18.71	2011991	FREIGHT
E 640-47000-252	Wine For Resale		\$1,064.00	2011991	WINE
E 640-48000-251	Liquor For Resale		\$36.00	2013690	LIQUOR
E 640-48000-251	Liquor For Resale		\$564.01	2014543	LIQUOR
E 640-47000-251	Liquor For Resale		\$664.75	2015614	LIQUOR
E 640-47000-259	Freight		\$8.54	2015614	FREIGHT
E 640-47000-252	Wine For Resale		\$533.45	2015615	WINE
E 640-47000-259	Freight		\$10.98	2015615	FREIGHT
Total PHILLIPS WINES & SPIRITS			\$4,842.52		
Paid Chk#	103203	8/4/2016	RED BULL DISTRIBUTION COMPANY		
E 640-47000-254	Soft Drinks/Mix For Resale		\$307.00	K-18110133	MISC.BEV.
Total RED BULL DISTRIBUTION COMPANY			\$307.00		
Paid Chk#	103204	8/4/2016	REYCRAFT, TOM		
E 640-48000-341	General Promotions		\$300.00	8/11/16	BAR MUSIC 8/11/16
Total REYCRAFT, TOM			\$300.00		
Paid Chk#	103205	8/4/2016	ROOTSTOCK WINE COMPANY		
E 640-47000-252	Wine For Resale		\$611.02	16-7213	WINE
E 640-47000-259	Freight		\$3.00	16-7213	FREIGHT
E 640-47000-252	Wine For Resale		\$204.00	16-7374	WINE
E 640-47000-259	Freight		\$3.00	16-7374	FREIGHT
Total ROOTSTOCK WINE COMPANY			\$821.02		
Paid Chk#	103206	8/4/2016	SHAMROCK GROUP		
E 640-47000-254	Soft Drinks/Mix For Resale		\$80.30	2022170	ICE
E 640-47000-254	Soft Drinks/Mix For Resale		\$122.10	2022885	ICE
E 640-47000-254	Soft Drinks/Mix For Resale		\$138.90	2024132	ICE
E 640-47000-254	Soft Drinks/Mix For Resale		\$155.70	2026747	ICE
E 640-47000-254	Soft Drinks/Mix For Resale		\$68.60	2028032	ICE
Total SHAMROCK GROUP			\$565.60		
Paid Chk#	103207	8/4/2016	SMALL LOT MN		
E 640-47000-252	Wine For Resale		\$303.96	8242	WINE
E 640-47000-259	Freight		\$6.15	8242	FREIGHT
Total SMALL LOT MN			\$310.11		
Paid Chk#	103208	8/4/2016	SOUTHERN GLAZER'S OF MN		
E 640-47000-252	Wine For Resale		\$4,626.40	1430389	WINE
E 640-47000-259	Freight		\$19.20	1430389	FREIGHT
E 640-47000-259	Freight		\$13.01	1430390	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,393.67	1430390	LIQUOR
E 640-47000-259	Freight		\$3.84	1430391	FREIGHT

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E 640-47000-254	Soft Drinks/Mix For Resale	\$81.00	1430391	MISC.MIX
E 640-47000-251	Liquor For Resale	\$72.00	1430392	LIQUOR
E 640-47000-252	Wine For Resale	\$1,182.00	1430392	WINE
E 640-47000-259	Freight	\$20.59	1430392	FREIGHT
E 640-47000-252	Wine For Resale	\$1,502.00	1432883	WINE
E 640-47000-259	Freight	\$8.96	1432883	FREIGHT
E 640-47000-252	Wine For Resale	\$1,709.50	1432884	WINE
E 640-47000-259	Freight	\$25.60	1432884	FREIGHT
E 640-47000-251	Liquor For Resale	\$1,612.57	1432885	LIQUOR
E 640-47000-259	Freight	\$11.86	1432885	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$108.00	1432886	MISC.MIX
E 640-47000-259	Freight	\$5.12	1432886	FREIGHT
E 640-47000-259	Freight	\$10.35	1435378	FREIGHT
E 640-47000-251	Liquor For Resale	\$1,238.18	1435378	LIQUOR
E 640-47000-252	Wine For Resale	\$1,010.02	1435379	WINE
E 640-47000-259	Freight	\$17.92	1435379	FREIGHT
E 640-47000-259	Freight	\$1.28	1435380	FREIGHT
E 640-47000-252	Wine For Resale	\$160.00	1435380	WINE
E 640-47000-252	Wine For Resale	\$1,140.00	5016485	WINE
E 640-47000-259	Freight	\$7.68	5016485	FREIGHT
Total SOUTHERN GLAZER`S OF MN		\$15,980.75		

Paid Chk#	103209	8/4/2016	STRATEGIC EQUIPMENT AND		
E 640-48500-210	Operating Supplies (GENERAL)	\$4.29	2673201	KITCHEN SUPPLIES	
E 640-48500-210	Operating Supplies (GENERAL)	\$732.28	2673203	KITCHEN SUPPLIES	
E 640-48000-210	Operating Supplies (GENERAL)	\$279.65	2673203	BAR SUPPLIES	
E 640-48000-341	General Promotions	\$77.79	2673203	PROMO SUPPLIES	
E 640-48500-210	Operating Supplies (GENERAL)	\$113.00	2677601	KITCHEN SUPPLIES	
E 640-48500-210	Operating Supplies (GENERAL)	\$39.48	2677602	KITCHEN SUPPLIES	
E 640-48000-341	General Promotions	\$33.30	2677603	PROMO SUPPLIES	
E 640-48500-210	Operating Supplies (GENERAL)	\$331.07	2677603	KITCHEN SUPPLIES	
E 640-48000-210	Operating Supplies (GENERAL)	\$273.27	2677605	BAR SUPPLIES	
E 640-48500-210	Operating Supplies (GENERAL)	\$573.25	2682316	KITCHEN SUPPLIES	
E 640-48000-341	General Promotions	\$67.26	2682316	PROMO SUPPLIES	
Total STRATEGIC EQUIPMENT AND		\$2,524.64			

Paid Chk#	103210	8/4/2016	SUNBURST CHEMICALS, INC.		
E 640-48500-404	Repairs/Maint - Machin/Equip	\$92.37	0008495	EQUIPMENT LEASE	
E 640-48500-210	Operating Supplies (GENERAL)	\$672.04	0369803	KITCHEN SUPPLIES	
Total SUNBURST CHEMICALS, INC.		\$764.41			

Paid Chk#	103211	8/4/2016	T.D. ANDERSON INC.		
E 640-48000-409	Maint services & Improv	\$135.00	334854	BEER LINES CLEANED	
Total T.D. ANDERSON INC.		\$135.00			

Paid Chk#	103212	8/4/2016	THORPE DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale	(\$14.20)	1086277	BEER	
E 640-47000-253	Beer For Resale	\$2,331.01	1103465	BEER	
E 640-47000-253	Beer For Resale	\$5,255.32	1106822	BEER	
E 640-47000-253	Beer For Resale	\$948.97	1110187	BEER	
E 640-47000-253	Beer For Resale	\$76.35	1113546	BEER	
E 640-47000-253	Beer For Resale	\$2,110.67	1113621	BEER	
E 640-48000-253	Beer For Resale	\$110.00	1114062	BEER	
E 640-47000-253	Beer For Resale	\$20.45	1116946	BEER	
E 640-47000-253	Beer For Resale	\$27.55	1116947	BEER	
E 640-48000-253	Beer For Resale	\$525.00	1117439	BEER	
E 640-47000-253	Beer For Resale	\$151.85	1117608	BEER	
E 640-48000-253	Beer For Resale	\$190.00	1117609	BEER	

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E 640-47000-253	Beer For Resale		\$39.30	1120233	BEER
Total THORPE DISTRIBUTING CO.			\$11,772.27		
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Paid Chk#	103213	8/4/2016	TRADITION WINE & SPIRITS		
E 640-47000-259	Freight		\$2.00	9974	FREIGHT
E 640-47000-252	Wine For Resale		\$176.00	9974	WINE
Total TRADITION WINE & SPIRITS			\$178.00		
<hr/>					
Paid Chk#	103214	8/4/2016	TRUE BRANDS		
E 640-47000-254	Soft Drinks/Mix For Resale		\$78.32	135745	MISC.MDSE.RESALE
E 640-47000-254	Soft Drinks/Mix For Resale		\$338.49	135978	MISC.MDSE.RESALE
E 640-47000-254	Soft Drinks/Mix For Resale		\$76.87	141351	MISC.MDSE.RESALE
E 640-47000-254	Soft Drinks/Mix For Resale		\$255.93	142611	MISC.MDSE.RESALE
Total TRUE BRANDS			\$749.61		
<hr/>					
Paid Chk#	103215	8/4/2016	TRUSTED EMPLOYEES		
E 640-48000-306	Personnel Expense		\$100.00	0721612035S	BACKGROUND CHECK SERVICE
E 640-47000-306	Personnel Expense		\$20.00	0721612035S	BACKGROUND CHECK SERVICE
Total TRUSTED EMPLOYEES			\$120.00		
<hr/>					
Paid Chk#	103216	8/4/2016	UPS STORE		
E 640-47000-210	Operating Supplies (GENERAL)		\$98.69	5258	SUPPLIES
E 640-47000-200	Office Supplies (GENERAL)		\$33.90	8814	SUPPLIES
Total UPS STORE			\$132.59		
<hr/>					
Paid Chk#	103217	8/4/2016	US FOODS		
E 640-48500-255	FOODIngredients For Resale		(\$152.76)	3458998	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$33.82)	3545031	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$26.08)	3848524	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$65.25)	3977025	FOOD
E 640-48500-255	FOODIngredients For Resale		\$172.49	4150541	FOOD
E 640-48500-255	FOODIngredients For Resale		\$28.50	4408674	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$74.90)	4657730	FOOD
E 640-48500-255	FOODIngredients For Resale		\$595.67	4736215	FOOD
E 640-48500-255	FOODIngredients For Resale		\$227.96	4785115	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$107.34)	4785118	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$328.48)	4911034	FOOD
E 640-48500-255	FOODIngredients For Resale		\$56.97	5151601	FOOD
E 640-48000-342	Promotions - Food/Drinks		\$59.39	5159138	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$326.56	5159138	MISC.BEV
E 640-48000-253	Beer For Resale		\$10.55	5159138	BEER
E 640-48500-255	FOODIngredients For Resale		\$3,575.97	5159138	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$22.74	5159138	KITCHEN SUPPLIES
E 640-48000-251	Liquor For Resale		\$14.84	5159138	LIQUOR
E 640-48000-342	Promotions - Food/Drinks		\$22.70	5196811	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale		\$4,072.60	5196811	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$70.54	5196811	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$25.20	5207748	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$59.66	5241373	KITCHEN SUPPLIES
E 640-48500-255	FOODIngredients For Resale		\$31.70	5241373	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,036.76	5241376	FOOD
E 640-48000-251	Liquor For Resale		\$98.77	5241376	LIQUOR
E 640-48000-253	Beer For Resale		\$8.87	5241376	BEER
E 640-48500-210	Operating Supplies (GENERAL)		\$71.52	5241376	KITCHEN SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale		\$312.13	5241376	MISC.BEV
E 640-48500-255	FOODIngredients For Resale		\$4,413.49	5286633	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$71.39	5286633	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$60.89	5286633	PROMO FOOD

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		Check Amt	Invoice	Comment
E 640-48000-341	General Promotions	\$33.10	5286633	PROMO SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale	\$298.01	5286633	MISC.BEV
E 640-48000-251	Liquor For Resale	\$120.07	5286633	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$512.12	5322440	FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$72.42	5322441	MISC.BEV
E 640-48000-210	Operating Supplies (GENERAL)	\$55.13	5322441	BAR SUPPLIES
E 640-48500-255	FOODIngredients For Resale	\$2,870.84	5322441	FOOD
E 640-48000-342	Promotions - Food/Drinks	\$19.78	5322441	PROMO FOOD
E 640-48000-253	Beer For Resale	\$11.82	5365273	BEER
E 640-48000-251	Liquor For Resale	\$69.61	5365273	LIQUOR
E 640-48500-210	Operating Supplies (GENERAL)	\$153.19	5365273	KITCHEN SUPPLIES
E 640-48500-255	FOODIngredients For Resale	\$3,969.19	5365273	FOOD
E 640-48500-255	FOODIngredients For Resale	\$493.16	5403060	FOOD
E 640-48500-255	FOODIngredients For Resale	\$3,803.34	5413843	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$126.12	5413843	KITCHEN SUPPLIES
E 640-48000-251	Liquor For Resale	\$51.41	5413843	LIQUOR
E 640-48000-253	Beer For Resale	\$14.03	5413843	BEER
E 640-48000-254	Soft Drinks/Mix For Resale	\$482.62	5413843	MISC.BEV.
E 640-48000-342	Promotions - Food/Drinks	\$100.00	5413843	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale	\$60.17	5415423	FOOD
E 640-48500-255	FOODIngredients For Resale	\$3,941.87	5448177	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$170.07	5492736	KITCHEN SUPPLIES
E 640-48000-251	Liquor For Resale	\$130.30	5492736	LIQUOR
E 640-48000-254	Soft Drinks/Mix For Resale	\$215.84	5492736	MISC.BEV.
E 640-48500-255	FOODIngredients For Resale	\$2,922.29	5492736	FOOD
E 640-48500-255	FOODIngredients For Resale	\$4,449.31	5542545	FOOD
E 640-48000-251	Liquor For Resale	\$51.05	5542545	LIQUOR
E 640-48000-254	Soft Drinks/Mix For Resale	\$180.14	5542545	MISC.BEV.
E 640-48500-210	Operating Supplies (GENERAL)	\$168.68	5542545	KITCHEN SUPPLIES
E 640-48000-341	General Promotions	\$55.39	5542545	PROMO SUPPLIES
E 640-48500-255	FOODIngredients For Resale	(\$34.71)	5900362	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$10,000.00)	5900416	PRICING INCENTIVE CREDIT
E 640-48500-255	FOODIngredients For Resale	(\$4,150.61)	5909896	2ND QTR.PRICING INCENTIVE
E 640-48500-255	FOODIngredients For Resale	(\$41.95)	5919195	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$71.60)	5956161	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$54.58)	5971367	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$98.42)	5995854	FOOD
E 640-48500-255	FOODIngredients For Resale	\$112.39	5995855	FOOD
Total US FOODS		\$27,920.82		

Paid Chk#	Date	Vendor			
103218	8/4/2016	VINO COPIA			
E 640-47000-251	Liquor For Resale	\$364.82	0156472	LIQUOR	
E 640-47000-252	Wine For Resale	\$16.00	0156472	WINE	
E 640-47000-254	Soft Drinks/Mix For Resale	\$120.00	0156472	MISC.BEV	
E 640-47000-259	Freight	\$16.00	0156472	FREIGHT	
E 640-47000-251	Liquor For Resale	\$100.66	0156941	LIQUOR	
E 640-47000-252	Wine For Resale	\$112.00	0156941	WINE	
E 640-47000-259	Freight	\$5.00	0156941	FREIGHT	
E 640-47000-252	Wine For Resale	\$168.00	0157406	WINE	
E 640-47000-259	Freight	\$5.00	0157406	FREIGHT	
Total VINO COPIA		\$907.48			

Paid Chk#	Date	Vendor			
103219	8/4/2016	WINE COMPANY			
E 640-47000-252	Wine For Resale	\$366.67	430853	WINE	
E 640-47000-259	Freight	\$4.20	430853	FREIGHT	
E 640-47000-252	Wine For Resale	\$1,676.00	431712	WINE	
E 640-47000-259	Freight	\$16.50	431712	FREIGHT	

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E 640-47000-252	Wine For Resale		(\$120.00)	431898	WINE
E 640-47000-252	Wine For Resale		\$1,376.00	432133	WINE
E 640-47000-259	Freight		\$16.50	432133	FREIGHT
Total WINE COMPANY			\$3,335.87		
Paid Chk#	103220	8/4/2016	WINE MERCHANT		
E 640-47000-259	Freight		\$3.66	7089871	FREIGHT
E 640-47000-252	Wine For Resale		\$448.00	7089871	WINE
E 640-48000-252	Wine For Resale		\$400.88	7091036	WINE
E 640-47000-252	Wine For Resale		\$2,309.00	7091068	WINE
E 640-47000-259	Freight		\$16.17	7091068	FREIGHT
E 640-47000-252	Wine For Resale		\$1,360.58	7091797	WINE
E 640-47000-259	Freight		\$24.80	7091797	FREIGHT
E 640-48000-252	Wine For Resale		\$259.66	7091989	WINE
Total WINE MERCHANT			\$4,822.75		
Paid Chk#	103221	8/11/2016	A ONE JANITORIAL		
E 620-40000-225	Repair & Maint - System		\$65.63	900030	SUPPLIES
Total A ONE JANITORIAL			\$65.63		
Paid Chk#	103222	8/11/2016	AAA STRIPING SERVICE CO.		
E 101-43100-409	Maint services & Improv		\$6,253.87	103851	STREET STRIPING
Total AAA STRIPING SERVICE CO.			\$6,253.87		
Paid Chk#	103223	8/11/2016	AEM FINANCIAL SOLUTIONS		
E 101-41500-301	Auditing and Acct g Services		\$4,583.33	370671	FINANCE DIR.SERVICES
Total AEM FINANCIAL SOLUTIONS			\$4,583.33		
Paid Chk#	103224	8/11/2016	AIRTECH		
E 437-40000-404	Repairs/Maint - Machin/Equip		\$1,442.75	00058355	LIBRARY MAINT.
Total AIRTECH			\$1,442.75		
Paid Chk#	103225	8/11/2016	ANCHOR BANK-CARDMEMBER SERV.		
E 640-48500-210	Operating Supplies (GENERAL)		\$104.00		KITCHEN SUPPLIES
E 101-43300-433	Dues, Licensing & Seminars		\$135.00		BLDG.DEPT.DUES
E 101-41500-306	Personnel Expense		\$650.00		PERSONNEL EXP.
E 101-41500-200	Office Supplies (GENERAL)		\$72.73		ELECTION SUPPLIES
E 101-41910-433	Dues, Licensing & Seminars		\$310.00		PLANNING CONF
E 640-48000-340	Advertising		\$210.00		BAR AD
E 640-47000-340	Advertising		\$3,067.73		STORE ADS
E 630-40000-433	Dues, Licensing & Seminars		\$29.95		MV DUES
E 101-41500-499	Miscellaneous		\$111.10		PHOTO CONTEST
E 404-40000-499	Miscellaneous		(\$545.89)		RETURNS
E 101-42100-331	Mileage & Expense Account		\$200.00		CHAMBER LUNCHEON
E 101-42100-434	Training and schools		\$742.25		NITE TO UNITE TRAINING SUPPLIES
E 101-41500-331	Mileage & Expense Account		\$587.21		MTG.MEALS
E 101-43100-331	Mileage & Expense Account		\$136.88		PW MTG.MEALS
Total ANCHOR BANK-CARDMEMBER SERV.			\$5,810.96		
Paid Chk#	103226	8/11/2016	ASPEN EQUIPMENT CO.		
E 409-43100-540	Equipment		\$11,820.00	10165191	CURB MACHINE CONVEYOR
Total ASPEN EQUIPMENT CO.			\$11,820.00		
Paid Chk#	103227	8/11/2016	AT&T MOBILITY		
E 101-41940-321	Telephone		\$249.18	287250190047	SERVICE
Total AT&T MOBILITY			\$249.18		
Paid Chk#	103228	8/11/2016	AT&T MOBILITY		
E 101-41940-321	Telephone		\$119.21	287250008232	SERVICE

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Total AT&T MOBILITY			\$119.21		
Paid Chk#	103229	8/11/2016	BAASEN, DAN		
	R 610-00000-37110	W/S/Storm Sales	\$37.59	REFUND	OVERPAYMENT ON FINAL UTILITY BILL
Total BAASEN, DAN			\$37.59		
Paid Chk#	103230	8/11/2016	BACHMAN S		
	E 101-45200-227	Plantings	\$614.71	838417/50	PLANTINGS
Total BACHMAN S			\$614.71		
Paid Chk#	103231	8/11/2016	BEST & FLANAGAN		
	E 101-41500-304	Legal Fees	\$450.00	459623	COUNCIL WORKSHOPS
	E 101-41500-304	Legal Fees	\$810.00	459626	COUNCIL MEETINGS
	E 101-41500-304	Legal Fees	\$37.50	459628	LIQUOR LICENSES
	E 316-40000-304	Legal Fees	\$262.50	459631	DOWNTOWN PARKING
	E 101-41500-304	Legal Fees	\$450.00	459632	CONTRACT REVIEW
	E 233-40000-304	Legal Fees	\$1,050.00	459635	LAKE EFFECT
	E 101-41500-304	Legal Fees	\$150.00	459641	HRA
	E 101-41500-304	Legal Fees	\$771.30	459695	GENERAL
Total BEST & FLANAGAN			\$3,981.30		
Paid Chk#	103232	8/11/2016	CENTERPOINT ENERGY		
	E 101-42200-383	Fuel, oil and natural gas	\$54.06		SERVICE
	E 101-41940-383	Fuel, oil and natural gas	\$379.57		SERVICE
	E 610-40000-383	Fuel, oil and natural gas	\$77.70		SERVICE
	E 640-47000-383	Fuel, oil and natural gas	\$129.90		SERVICE
	E 640-48000-383	Fuel, oil and natural gas	\$519.58		SERVICE
	E 101-41940-383	Fuel, oil and natural gas	\$10.73		SERVICE
Total CENTERPOINT ENERGY			\$1,171.54		
Paid Chk#	103233	8/11/2016	CLASSIC CLEANING COMPANY		
	E 101-41940-409	Maint services & Improv	\$1,907.00	24038	MONTHLY CLEANING
	E 101-41940-409	Maint services & Improv	\$936.00	24039	MONTHLY CLEANING
Total CLASSIC CLEANING COMPANY			\$2,843.00		
Paid Chk#	103234	8/11/2016	CMS PREMIUM PRODUCTS LLC		
	E 101-42200-434	Training and schools	\$1,009.52	16329	FD TRAINING SUPPLIES
Total CMS PREMIUM PRODUCTS LLC			\$1,009.52		
Paid Chk#	103235	8/11/2016	COMMERCIAL ASPHALT CO.		
	E 430-40000-309	Contractual Services	\$979.08	160731	ASPHALT
Total COMMERCIAL ASPHALT CO.			\$979.08		
Paid Chk#	103236	8/11/2016	CULLIGAN-BOTTLED WATER		
	E 101-41940-210	Operating Supplies (GENERAL)	\$96.32	2014704	SUPPLIES
Total CULLIGAN-BOTTLED WATER			\$96.32		
Paid Chk#	103237	8/11/2016	DAKOTA COUNTY EXTENSIO &		
	E 101-41910-433	Dues, Licensing & Seminars	\$20.00	080916-2	PLANNING COMM.CLASS
Total DAKOTA COUNTY EXTENSIO &			\$20.00		
Paid Chk#	103238	8/11/2016	DAY MAINTENANCE & CONSTRUCTION		
	E 101-42200-499	Miscellaneous	\$600.00	11322	FD REPAIRS
Total DAY MAINTENANCE & CONSTRUCTION			\$600.00		
Paid Chk#	103239	8/11/2016	DIVERSIFIED ELECTRIC INC.		
	E 408-42200-520	Buildings and Structures	\$8,908.00	1385	FD BATHROOM REMODEL/ELECTRIC
	E 437-40000-401	Repairs/Maint Buildings	\$2,538.50	1387	LIBRARY LIGHTING

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Total DIVERSIFIED ELECTRIC INC.			\$11,446.50		
Paid Chk#	103240	8/11/2016	ECM PUBLISHERS, INC.		
E 101-41500-350	Printing & Publishing		\$115.00	385316	ELECTION NOTICE
E 316-40000-499	Miscellaneous		\$166.75	387936	TIF STATEMENT
E 101-41500-350	Printing & Publishing		\$74.75	387937	TREE ORDINANCE
Total ECM PUBLISHERS, INC.			\$356.50		
Paid Chk#	103241	8/11/2016	EMERGENCY MEDICAL PRODUCTS		
E 101-42100-210	Operating Supplies (GENERAL)		\$109.35	1841387	PD SUPPLIES
Total EMERGENCY MEDICAL PRODUCTS			\$109.35		
Paid Chk#	103242	8/11/2016	EMERYS TREE SERVICE, INC.		
E 404-40000-227	Plantings		\$6,365.00	20800	TREE REMOVAL & STUMP GRINDING
Total EMERYS TREE SERVICE, INC.			\$6,365.00		
Paid Chk#	103243	8/11/2016	ESS BROTHERS & SONS INC.		
E 620-40000-225	Repair & Maint - System		\$592.00	VV4970	PARTS
Total ESS BROTHERS & SONS INC.			\$592.00		
Paid Chk#	103244	8/11/2016	EULL S MANUFACTURING CO.,INC.		
E 620-40000-225	Repair & Maint - System		\$441.20	029220	PARTS
Total EULL S MANUFACTURING CO.,INC.			\$441.20		
Paid Chk#	103245	8/11/2016	FASTENAL		
E 101-43100-210	Operating Supplies (GENERAL)		\$31.35	MNPLY86845	SUPPLIES
Total FASTENAL			\$31.35		
Paid Chk#	103246	8/11/2016	FLOYD TOTAL SECURITY		
E 101-41940-210	Operating Supplies (GENERAL)		\$37.00	1138997	CITY HALL OFFICE KEYS
Total FLOYD TOTAL SECURITY			\$37.00		
Paid Chk#	103247	8/11/2016	GERTENS		
E 101-45200-227	Plantings		\$2,461.00	404013/1	PLANTINGS
E 101-45200-227	Plantings		(\$9.90)	A93578	PLANTINGS
Total GERTENS			\$2,451.10		
Paid Chk#	103248	8/11/2016	GOPHER STATE ONE CALL		
E 610-40000-313	Permit Fees/Gopher State		\$178.20	6070794	UTILITY LOCATES
E 620-40000-313	Permit Fees/Gopher State		\$178.20	6070794	UTILITY LOCATES
Total GOPHER STATE ONE CALL			\$356.40		
Paid Chk#	103249	8/11/2016	GRAINGER, INC.		
E 101-43100-240	Small Tools and Minor Equip		\$46.24	9178303153	TOOLS
Total GRAINGER, INC.			\$46.24		
Paid Chk#	103250	8/11/2016	HD SUPPLY WATERWORKS, LTD		
E 620-40000-225	Repair & Maint - System		\$456.00	F869461	PARTS
E 610-40000-225	Repair & Maint - System		(\$862.77)	F870105	PARTS
E 610-49100-405	Maint/Replac - System		\$2,254.78	F886683	PARTS
Total HD SUPPLY WATERWORKS, LTD			\$1,848.01		
Paid Chk#	103251	8/11/2016	HEITZ, CHRISTOPHER		
E 101-43100-331	Mileage & Expense Account		\$36.72	REIMB.	MILEAGE & TUITION REIMB.
E 101-43100-433	Dues, Licensing & Seminars		\$727.92	REIMB.	MILEAGE & TUITION REIMB.
Total HEITZ, CHRISTOPHER			\$764.64		
Paid Chk#	103252	8/11/2016	HENN.CNTY.ACCTG.SERVICES		
E 101-42120-308	Prisoner Care		\$1,382.42	1000079443	PRISONER PROCESSING

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Total HENN.CNTY.ACCTG.SERVICES		\$1,382.42		
Paid Chk#	103253	8/11/2016	HENN.CNTY.INFO.TECH.DEPT.	
E 101-42200-323	Radio Units	\$1,040.01	1000079620	RADIO CONNECTION
E 101-42100-323	Radio Units	\$900.97	1000079621	RADIO CONNECTION
E 101-45200-323	Radio Units	\$269.41	1000079759	RADIO CONNECTION
E 101-43100-323	Radio Units	\$269.41	1000079759	RADIO CONNECTION
Total HENN.CNTY.INFO.TECH.DEPT.		\$2,479.80		
Paid Chk#	103254	8/11/2016	HENNEPIN COUNTY PUBLIC RECORDS	
E 101-41500-304	Legal Fees	\$53.00	ACCT.#562	RECORDS SEARCH
Total HENNEPIN COUNTY PUBLIC RECORDS		\$53.00		
Paid Chk#	103255	8/11/2016	HENNEPIN COUNTY TREASURER	
G 650-20818	Garbage Sales Tax	\$1,396.52	9% REFUSE T	9% REFUSE TAX - JULY 2016
Total HENNEPIN COUNTY TREASURER		\$1,396.52		
Paid Chk#	103256	8/11/2016	HERITAGE SHADE TREE CONSULTANT	
E 404-40000-302	Consultants	\$1,610.00	5563	FORESTRY CONSULTING
Total HERITAGE SHADE TREE CONSULTANT		\$1,610.00		
Paid Chk#	103257	8/11/2016	HOME DEPOT	
E 670-40000-409	Maint services & Improv	\$138.58		SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)	\$212.23		SUPPLIES
E 101-45200-216	Chemicals and Chem Products	\$49.92		SUPPLIES
Total HOME DEPOT		\$400.73		
Paid Chk#	103258	8/11/2016	IMPERIAL WALL INC.	
E 408-40000-520	Buildings and Structures	\$6,221.00	655	DIAS FORTIFICATION
Total IMPERIAL WALL INC.		\$6,221.00		
Paid Chk#	103259	8/11/2016	JB SOD FARMS	
E 101-43100-229	Dirt, Sand and gravel	\$70.00	7/26/16	SOD
Total JB SOD FARMS		\$70.00		
Paid Chk#	103260	8/11/2016	JONES, REBECCA	
E 101-45200-499	Miscellaneous	\$28.04	REIMB.	JULY SUPPLIES
Total JONES, REBECCA		\$28.04		
Paid Chk#	103261	8/11/2016	KAHLER, ROBERT	
R 610-00000-37110	W/S/Storm Sales	\$7.62	REFUND	OVERPAYMENT ON FINAL UTILITY BILL
Total KAHLER, ROBERT		\$7.62		
Paid Chk#	103262	8/11/2016	KENNETH N. POTTS, PA	
E 101-42120-304	Legal Fees	\$237.50	7/27/16	PROSECUTING SERVICES
Total KENNETH N. POTTS, PA		\$237.50		
Paid Chk#	103263	8/11/2016	KILLMER ELECTRIC CO.,INC.	
E 101-45203-406	Street lights and Signal Maint	\$291.00	83129	TRAFFIC LIGHT REPAIRS
Total KILLMER ELECTRIC CO.,INC.		\$291.00		
Paid Chk#	103264	8/11/2016	KLAPPRICH, KURT	
E 101-45200-222	Repair & Maint - Equip	\$79.04	REIMB.	PARTS/REPAIRS
Total KLAPPRICH, KURT		\$79.04		
Paid Chk#	103265	8/11/2016	LEAGUE OF MN CITIES INS.TRUST	
E 101-49200-361	General Liability Ins	\$755.21	17642	FLAG POLE DAMAGE
E 101-41500-304	Legal Fees	\$3,053.53	C0024310	ACCESS PRIVATE DATA CLAIM
E 101-41500-304	Legal Fees	\$5,000.00	C0024591	GRANITE LEDGE ELECTRIC

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Total	LEAGUE OF MN CITIES INS.TRUST		\$8,808.74		
Paid Chk#	103266	8/11/2016	LEXISNEXIS RISK DATA		
E	101-42100-309	Contractual Services	\$33.00	121455020160	PD SERVICE
	Total	LEXISNEXIS RISK DATA	\$33.00		
Paid Chk#	103267	8/11/2016	LOFFLER COMPANIES, INC.		
E	409-40000-540	Equipment	\$955.26	2286469	COMPUTER REPLACEMENT
E	101-41500-311	Data Processing	\$2,870.00	2293166	NETWORK SUPPORT
	Total	LOFFLER COMPANIES, INC.	\$3,825.26		
Paid Chk#	103268	8/11/2016	LONG LAKE TRU VALUE		
E	101-41940-210	Operating Supplies (GENERAL)	\$64.94		SUPPLIES
E	101-45203-220	Repair/Maint Supply (GENERAL)	\$69.19		SUPPLIES
E	101-43100-210	Operating Supplies (GENERAL)	\$92.36		SUPPLIES
E	101-45200-210	Operating Supplies (GENERAL)	\$48.89		SUPPLIES
E	101-42200-210	Operating Supplies (GENERAL)	\$51.92		SUPPLIES
E	620-40000-225	Repair & Maint - System	\$89.46		SUPPLIES
E	610-40000-210	Operating Supplies (GENERAL)	\$39.99		SUPPLIES
	Total	LONG LAKE TRU VALUE	\$456.75		
Paid Chk#	103269	8/11/2016	LONG LAKE VETERINARY CLINIC		
E	101-42120-309	Contractual Services	\$50.00	243124	ANIMAL CONTROL SERVICE
	Total	LONG LAKE VETERINARY CLINIC	\$50.00		
Paid Chk#	103270	8/11/2016	MANSFIELD OIL COMPANY		
E	101-49200-212	Motor Fuels	\$1,376.37	601433	FUEL
E	101-49200-212	Motor Fuels	\$1,433.84	626998	FUEL
	Total	MANSFIELD OIL COMPANY	\$2,810.21		
Paid Chk#	103271	8/11/2016	MDRA		
E	630-40000-433	Dues, Licensing & Seminars	\$30.00	CONF.REG.	MV CONF.REGISTRATION
	Total	MDRA	\$30.00		
Paid Chk#	103272	8/11/2016	MEDIACOM		
E	610-49100-309	Contractual Services	\$1,620.00		SERVICE
	Total	MEDIACOM	\$1,620.00		
Paid Chk#	103273	8/11/2016	METROPOLITAN COUNCIL		
E	620-40000-386	Other Utilities	\$37,744.23	0001058301	SEWER SERVICE
	Total	METROPOLITAN COUNCIL	\$37,744.23		
Paid Chk#	103274	8/11/2016	MINGER CONSTRUCTION, INC.		
E	620-49100-309	Contractual Services	\$11,450.85	3	LIFTSTATION #5
	Total	MINGER CONSTRUCTION, INC.	\$11,450.85		
Paid Chk#	103275	8/11/2016	MINNESOTA EQUIPMENT		
E	101-45200-210	Operating Supplies (GENERAL)	\$31.50	P46042	SUPPLIES
E	101-45200-222	Repair & Maint - Equip	(\$6.44)	P46966	SUPPLIES
E	101-45200-222	Repair & Maint - Equip	\$37.43	P47087	SUPPLIES
	Total	MINNESOTA EQUIPMENT	\$62.49		
Paid Chk#	103276	8/11/2016	MMBA		
E	640-48000-433	Dues, Licensing & Seminars	\$1,850.00	2016 DUES	MUNICIPAL BEVERAGE ASSOC.DUES
E	640-47000-433	Dues, Licensing & Seminars	\$1,850.00	2016 DUES	MUNICIPAL BEVERAGE ASSOC.DUES
	Total	MMBA	\$3,700.00		
Paid Chk#	103277	8/11/2016	MN BATTERY LLC		
E	101-42100-404	Repairs/Maint - Machin/Equip	\$89.75	16473	PD REPAIRS
					08-16-2016 CC PACKET
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Total MN BATTERY LLC			\$89.75		
Paid Chk#	103278	8/11/2016	MN CHILD SUPPORT PAYMENT CENTE		
	G 101-21710	County WH	\$235.00	0015104841	WITHHOLDING ORDER
Total MN CHILD SUPPORT PAYMENT CENTE			\$235.00		
Paid Chk#	103279	8/11/2016	NAPA AUTO PARTS-WATERTOWN		
	E 101-42100-210	Operating Supplies (GENERAL)	\$34.15	461762	PARTS
	E 101-42100-404	Repairs/Maint - Machin/Equip	\$14.66	462584	PARTS
	E 101-45200-222	Repair & Maint - Equip	\$28.04	462763	PARTS
Total NAPA AUTO PARTS-WATERTOWN			\$76.85		
Paid Chk#	103280	8/11/2016	NEWMAN TRAFFIC SIGNS		
	E 101-43100-226	Sign Repair Materials	\$58.52	0300480	SIGNS
	E 101-43100-226	Sign Repair Materials	\$68.23	0300600	SIGNS
Total NEWMAN TRAFFIC SIGNS			\$126.75		
Paid Chk#	103281	8/11/2016	NORTHDAL CONSTRUCTION		
	E 610-49100-405	Maint/Replac - System	\$11,000.00	201601-X06	WATERMAIN REPLACEMENT
Total NORTHDAL CONSTRUCTION			\$11,000.00		
Paid Chk#	103282	8/11/2016	NORTHERN TOOL & EQUIPMENT		
	E 620-40000-225	Repair & Maint - System	\$228.44	35907546	PARTS
Total NORTHERN TOOL & EQUIPMENT			\$228.44		
Paid Chk#	103283	8/11/2016	OFFICE DEPOT		
	E 101-41500-200	Office Supplies (GENERAL)	(\$3.32)	821112012001	SUPPLIES
	E 101-41500-200	Office Supplies (GENERAL)	\$16.18	843865638001	SUPPLIES
	E 640-48000-200	Office Supplies (GENERAL)	\$74.47	852415327001	SUPPLIES
	E 101-41500-200	Office Supplies (GENERAL)	\$12.78	852415327001	SUPPLIES
	E 640-47000-200	Office Supplies (GENERAL)	\$43.73	852415327001	SUPPLIES
	E 640-48000-200	Office Supplies (GENERAL)	\$56.42	852415519001	SUPPLIES
	E 101-41500-200	Office Supplies (GENERAL)	\$115.58	853601070001	SUPPLIES
	E 101-42100-200	Office Supplies (GENERAL)	\$65.21	853601070001	SUPPLIES
	E 101-41500-200	Office Supplies (GENERAL)	\$6.18	853601145001	SUPPLIES
Total OFFICE DEPOT			\$387.23		
Paid Chk#	103284	8/11/2016	OLSEN COMPANIES		
	E 620-40000-210	Operating Supplies (GENERAL)	\$45.91	585107	SUPPLIES
Total OLSEN COMPANIES			\$45.91		
Paid Chk#	103285	8/11/2016	OTTEN BROTHERS		
	E 101-45200-216	Chemicals and Chem Products	\$17.99	1-1458271	CHEMICALS
Total OTTEN BROTHERS			\$17.99		
Paid Chk#	103286	8/11/2016	PETERSON, TODD		
	E 101-42100-331	Mileage & Expense Account	\$25.10	REIMB.	MILEAGE & PARKING
Total PETERSON, TODD			\$25.10		
Paid Chk#	103287	8/11/2016	PLANT & FLANGED EQUIPMENT CO.		
	E 610-40000-242	Well & F.P. Equipment	\$275.00	0067677	PARTS
Total PLANT & FLANGED EQUIPMENT CO.			\$275.00		
Paid Chk#	103288	8/11/2016	POPP TELECOM		
	E 101-42100-323	Radio Units	\$33.47	992353252	PD SERVICE
Total POPP TELECOM			\$33.47		
Paid Chk#	103289	8/11/2016	PRAIRIE RESTORATIONS, INC.		
	E 101-45200-309	Contractual Services	\$682.50	2568	PRAIRIE MAINT.

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Total PRAIRIE RESTORATIONS, INC.		\$682.50		
Paid Chk#	103290	8/11/2016	RUFFRIDGE JOHNSON EQUIPMENT CO	
E 101-43100-240	Small Tools and Minor Equip	\$39.80	IA04400	TOOLS
E 101-43100-240	Small Tools and Minor Equip	\$38.00	IA04433	TOOLS
Total RUFFRIDGE JOHNSON EQUIPMENT CO		\$77.80		
Paid Chk#	103291	8/11/2016	SITEONE LANDSCAPE SUPPLY	
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$119.80	76841190	PARTS
Total SITEONE LANDSCAPE SUPPLY		\$119.80		
Paid Chk#	103292	8/11/2016	SPRINT	
E 101-42100-323	Radio Units	\$132.82	134573312-17	PD SERVICE
Total SPRINT		\$132.82		
Paid Chk#	103293	8/11/2016	STREICHER S	
E 101-42100-210	Operating Supplies (GENERAL)	\$59.99	I1216162	PD SUPPLIES & UNIFORMS
E 101-42100-217	Uniforms	\$139.99	I1218196	PD SUPPLIES & UNIFORMS
Total STREICHER S		\$199.98		
Paid Chk#	103294	8/11/2016	TEGRA GROUP, INC.	
E 316-40000-309	Contractual Services	\$2,808.00	368.0216	PARKING RAMP
Total TEGRA GROUP, INC.		\$2,808.00		
Paid Chk#	103295	8/11/2016	THERMA-STOR	
E 408-40000-540	Equipment	\$3,547.50	2834747	BLDG.DEHUMIDIFIER
Total THERMA-STOR		\$3,547.50		
Paid Chk#	103296	8/11/2016	THRELKELD, CELIA	
G 802-20335	353 PARK	\$1,852.50		ESCROW REF VARIANCE ESCROW REFUND
Total THRELKELD, CELIA		\$1,852.50		
Paid Chk#	103297	8/11/2016	TIME SAVER	
E 101-41100-302	Consultants	\$748.08	M22292	MTG.MINUTES
Total TIME SAVER		\$748.08		
Paid Chk#	103298	8/11/2016	TRI-CITY	
E 610-40000-309	Contractual Services	\$52.50	7/1-7/31/16	WATER ANALYSIS
Total TRI-CITY		\$52.50		
Paid Chk#	103299	8/11/2016	TROPHIES BY LINDA	
E 101-41100-499	Miscellaneous	\$50.00	32802	MCGILL AWARD
Total TROPHIES BY LINDA		\$50.00		
Paid Chk#	103300	8/11/2016	TRUCK UTILITIES MFG.CO.	
E 101-45200-222	Repair & Maint - Equip	\$53.14	0300362	PARTS
Total TRUCK UTILITIES MFG.CO.		\$53.14		
Paid Chk#	103301	8/11/2016	UNIFORMS UNLIMITED	
E 101-42100-217	Uniforms	\$81.99	25433-2	PD UNIFORMS
E 101-42100-217	Uniforms	\$37.00	25976-2	PD UNIFORMS
Total UNIFORMS UNLIMITED		\$118.99		
Paid Chk#	103302	8/11/2016	UPS STORE	
E 101-43100-499	Miscellaneous	\$396.02	1845	EQUIPMENT PACKAGING & MAILING
Total UPS STORE		\$396.02		
Paid Chk#	103303	8/11/2016	VALLEY-RICH CO., INC.	
E 610-40000-405	Maint/Replac - System	\$3,362.48	23037	REPAIR OF WATERMAIN

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Total VALLEY-RICH CO., INC.			\$3,362.48		
Paid Chk#	103304	8/11/2016	VAN PAPER COMPANY		
E 101-43100-200	Office Supplies (GENERAL)		\$31.73	395589-00	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$15.86	395589-00	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)		\$15.86	395589-00	SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$31.73	395589-00	SUPPLIES
Total VAN PAPER COMPANY			\$95.18		
Paid Chk#	103305	8/11/2016	VERIZON WIRELESS		
E 101-42200-323	Radio Units		\$25.57	9769004252	FD SERVICE
Total VERIZON WIRELESS			\$25.57		
Paid Chk#	103306	8/11/2016	VIKING AUTOMATIC SPRINKLER CO.		
E 101-41940-401	Repairs/Maint Buildings		\$675.00	SP011387	ANNUAL INSPECTION
E 437-40000-401	Repairs/Maint Buildings		\$337.50	SP011387	ANNUAL INSPECTION
Total VIKING AUTOMATIC SPRINKLER CO.			\$1,012.50		
Paid Chk#	103307	8/11/2016	WARNING LITES		
E 610-40000-405	Maint/Replac - System		\$785.20	158809	TRAFFIC CONTROL EQUIP.RENTAL
Total WARNING LITES			\$785.20		
Paid Chk#	103308	8/11/2016	WAYZATA ROTARY CLUB		
E 101-41500-433	Dues, Licensing & Seminars		\$644.00	403	DUES & MEALS
Total WAYZATA ROTARY CLUB			\$644.00		
Paid Chk#	103309	8/11/2016	WSB & ASSOCIATES		
E 430-40000-309	Contractual Services		\$321.00	01204-470-5	2016 STREETS
Total WSB & ASSOCIATES			\$321.00		
Paid Chk#	103310	8/11/2016	XCEL ENERGY		
E 101-41940-381	Electric Utilities		\$11.42		SERVICE
E 101-45203-381	Electric Utilities		\$4,202.36		SERVICE
E 101-41940-381	Electric Utilities		\$4,744.98		SERVICE
E 101-42200-381	Electric Utilities		\$488.57		SERVICE
E 610-40000-381	Electric Utilities		\$7,041.40		SERVICE
E 640-47000-381	Electric Utilities		\$1,421.47		SERVICE
E 620-40000-381	Electric Utilities		\$1,525.98		SERVICE
E 640-48000-381	Electric Utilities		\$3,316.76		SERVICE
Total XCEL ENERGY			\$22,752.94		
Paid Chk#	103311	8/11/2016	XCEL ENERGY - ATTN: T.CARLSON		
G 101-20300	Deposits Payable		\$3,920.67		GROVE LANE UPGRADES
Total XCEL ENERGY - ATTN: T.CARLSON			\$3,920.67		
Paid Chk#	103312	8/11/2016	ZARNOTH BRUSH WORKS, INC.		
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$460.00	0161027	PARTS
Total ZARNOTH BRUSH WORKS, INC.			\$460.00		
10100 Anchor Bank			\$369,021.76		

***Check Detail Register©**

July 2016 to August 2016

Check Amt Invoice Comment

Fund Summary**10100 Anchor Bank**

101 GENERAL FUND	\$64,554.27		
233 LAKFRONT IMPROVE	\$1,050.00		
316 BAY CENTER	\$3,237.25		
404 PARK AND TRAIL CIP	\$7,429.11		
408 GENERAL CIP	\$18,676.50		
409 EQUIP REVOLVING	\$12,775.26		
430 STREET CIP	\$1,300.08		
437 LIBRARY/COMM.ROOM CIP	\$4,318.75		
610 WATER FUND	\$25,885.55		
620 SEWER FUND	\$52,833.76		
630 MOTOR VEHICLE	\$59.95		
640 LIQUOR	\$173,513.68		
650 SOLID WASTE	\$1,396.52		
670 STORMWATER	\$138.58		
802 ESCROW PROJECTS	\$1,852.50		
	<hr/>		
	\$369,021.76		

8/16/2016

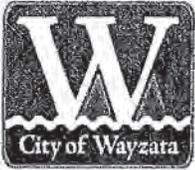
THE FOLLOWING 2016 MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

Special Event/Itinerant Food License Saint Bartholomew Catholic Faith Community - "The Gathering"	
Saint Bartholomew Catholic Faith Community	Wayzata, MN
Special Event/Itinerant Food License Wayzata Farmer's Market "Corn Roast"	
Wayzata Farmers' Market	Wayzata, MN
Special Event/Itinerant Food License Meridian Manor "50's Fever"	
Meridian Manor	Wayzata, MN
Special Event/Itinerant Food License RB Productions Wayzata Beach Bash	
RB Productions	Wayzata, MN
2016 Gas Fitter's License	
Twin City Fireplace & Stone	Edina, MN
2016 Gas Fitter's License	
Owens Companies, Inc	Bloomington, MN

**2016 MUNICIPAL LICENSES
FOR CITY COUNCIL APPROVAL ON 08/16/2016**

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

ONE (1) DAY Temporary On-Sale Liquor License on September 16, 2016, for "The Gathering" in the parking lot at St Bartholomew's	
St Bartholomew Catholic Faith Community	Wayzata, MN
THREE (3) DAY Temporary On-Sale Liquor License on October 14, 2016 to October 16, 2016, for "Brew Works Oktoberfest" in the parking lot at Brew Works	
Brew Works	Wayzata, MN
Solicitors License for the Purpose of Selling Pest Control Services	
Active Environment; Gregory Bess, David Daines, Tyler Finlayson, Payden Hathaway and George Parson	Wayzata, MN



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

NAME OF ORGANIZATION: St Bartholomew Catholic Faith Community

DATE(S) OF EVENT: 9/16/16 START TIME: 5pm STOP TIME: 11pm

NAME OF EVENT: The Gathering

DESCRIPTION OF EVENT: School Community Festival

NAME OF LOCATION WHERE EVENT WILL BE HELD: St. Bartholomew Parking Lot

ADDRESS WHERE EVENT WILL BE HELD: 630 E Wayzata Blvd

NAME OF PERSON IN CHARGE AT EVENT: Maggie Sinning

TELEPHONE NUMBER OF PERSON IN CHARGE AT EVENT: 612-306-8552

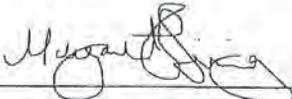
WHAT DO YOU PLAN TO CONSUME: 3.2 Beer/Wine
(BEER, WINE, OR INTOXICATING LIQUOR)

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:
adjacent to the west end of the church building in the parking lot. see attached map, outlined by fence.

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

SIGNATURE OF APPLICANT:  DATE: 7/19/16

PRINT NAME: Maggie Sinning

CITY FEE AMOUNT: 2500 DATE FEE PAID: 8/1/2016 RECEIPT # 34633

POLICE CHIEF SIGNATURE:  DATE SIGNED: 8/2/16

APPROVED BY WAYZATA CITY COUNCIL ON: _____

DEPUTY CITY CLERK SIGNATURE: _____ DATE SIGNED: _____



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization Date organized Tax exempt number
 St. Bartholomew Catholic Faith Community 9017486

Address City State Zip Code
 630 E Wayzata Blvd Wayzata Minnesota 55391

Name of person making application Business phone Home phone
 Maggie Sinning 952-473-6189 612-306-8552

Date(s) of event Type of organization
 Friday, September 16, 2016 Club Charitable Religious Other non-profit

Organization officer's name City State Zip Code
 Father Michael Van Sloun Wayzata Minnesota 55391

Organization officer's name City State Zip Code
 Minnesota

Organization officer's name City State Zip Code
 Minnesota

Organization officer's name City State Zip Code
 Minnesota

Location where permit will be used. If an outdoor area, describe.
 in the St. Bartholomew Parking lot, West side, in the "beer garden", outlined by a fence. see attached.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of Wayzata
 City or County approving the license
 \$ 25.00
 Fee Amount
 08-01-2016 # 34633
 Date Fee Paid

Date Approved
 Permit Date
 City or County E-mail Address
 City or County Phone Number

Signature City Clerk or County Official Approved Director Alcohol and Gambling Enforcement
 Deputy

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
 PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT
 BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**

Certificate of Coverage

Date: 7/29/2016

Certificate Holder
 Archdiocese of Saint Paul and Minneapolis
 Chancery Office
 226 Summit Avenue
 St. Paul, MN 55102

Covered Location
 St. Bartholomew Catholic Church
 630 East Wayzata Boulevard
 Wayzata, MN 55391

This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.

Company Affording Coverage
 THE CATHOLIC MUTUAL RELIEF
 SOCIETY OF AMERICA
 10843 OLD MILL RD
 OMAHA, NE 68154

Coverages

This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.

	Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits	
	Property				Real & Personal Property	
	D. General Liability <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Claims Made	8589	7/1/2016	7/1/2017	Each Occurrence	
					General Aggregate	1,000,000
					Products-Comp/OP Agg	
					Personal & Adv Injury	
					Fire Damage (Any one fire)	
					Med Exp (Any one person)	
	Excess Liability				Each Occurrence	
					Annual Aggregate	
	Other				Each Occurrence	
					Claims Made	
					Annual Aggregate	
					Limit/Coverage	

Description of Operations/Locations/Vehicles/Special Items (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language)

Coverage extends only for claims arising, directly and solely, from the negligence of Covered Location during the course of their The Gathering event to be held on parish grounds, September 16, 2016.

Includes Liquor Liability and Fidelity for Charitable Gambling

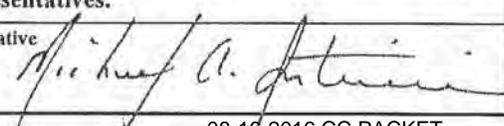
Holder of Certificate **Cancellation**

Additional Protected Person(s)

City of Wayzata
 600 Rice Street East
 Wayzata, MN 55391

0111009154

Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized Representative 

ENDORSEMENT

(TO BE ATTACHED TO CERTIFICATE)

Effective Date of Endorsement: 9/16/2016
Cancellation Date of Endorsement: 9/17/2016

Certificate Holder: Archdiocese of Saint Paul and Minneapolis
Chancery Office
226 Summit Avenue
St. Paul, MN 55102

Location: St. Bartholomew Catholic Church
630 East Wayzata Boulevard
Wayzata, MN 55391

Certificate No. 8589 of The Catholic Mutual Relief Society of America is amended as follows:

SECTION II - ADDITIONAL PROTECTED PERSON(S)

It is understood and agreed that Section II - Liability (only with respect to Coverage D - General Liability), is amended to include as an Additional Protected Person(s) members of the organizations shown in the schedule, but only with respect to their liability for the **Protected Person(s)** activities or activities they perform on behalf of the **Protected Person(s)**.

It is further understood and agreed that coverage extended under this endorsement is limited to and applies only with respect to liability assumed by contract or agreement; and this extension of coverage shall not enlarge the scope of coverage provided under this certificate or increase the limit of liability thereunder. Unless otherwise agreed by contract or agreement, coverage extended under this endorsement to the **Additional Protected Person(s)** will not precede the effective date of this certificate of coverage endorsement or extend beyond the cancellation date.

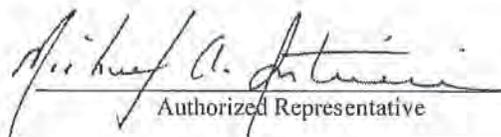
Schedule - ADDITIONAL PROTECTED PERSON(S)

City of Wayzata
600 Rice Street East
Wayzata, MN 55391

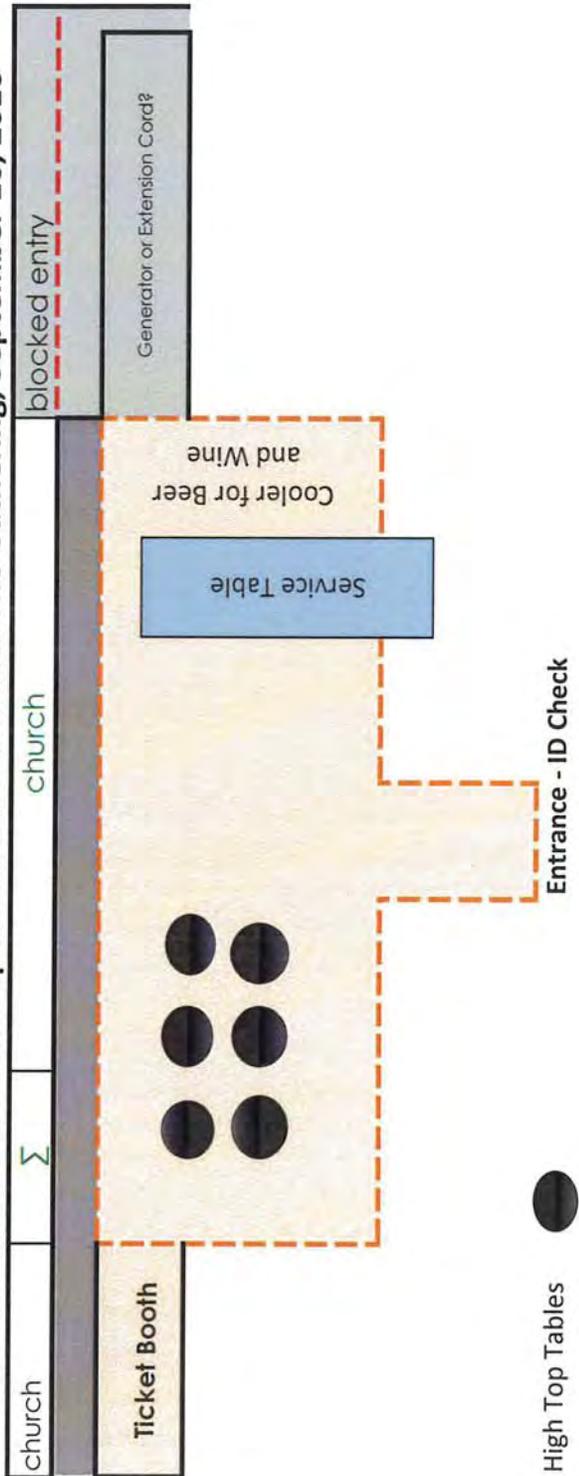
Remarks (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language):

Coverage extends only for claims arising, directly and solely, from the negligence of Covered Location during the course of their The Gathering event to be held on parish grounds, September 16, 2016.

Includes Liquor Liability and Fidelity for Charitable Gambling


Authorized Representative

Beer and Wine Tent Blow up for St. Bartholomew The Gathering, September 16, 2016



Fence in red surround perimeter of Beer and Wine Tent



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization Date organized Tax exempt number
 Wayzata Brew Works

Address City State Zip Code
 294 Grove Ln. E. Ste. 150 Wayzata Minnesota 55391

Name of person making application Business phone Home phone
 Ellen Schmidt (952) 737-1023

Date(s) of event Type of organization
 10/14/16 - 10/16/16 Club Charitable Religious Other non-profit

Organization officer's name City State Zip Code
 Robert Krick Wayzata Minnesota

Organization officer's name City State Zip Code
 Minnesota

Organization officer's name City State Zip Code
 Minnesota

Organization officer's name City State Zip Code
 Minnesota

Location where permit will be used. If an outdoor area, describe.
 The permit will be used in Wayzata Brew Works' parking lot. The parking lot will be surrounded with barricades and there will be a tent over the majority of the area.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of Wayzata
 City or County approving the license
 \$ 75.00
 Fee Amount
 8/10/16
 Date Fee Paid

 Date Approved

 Permit Date

 City or County E-mail Address

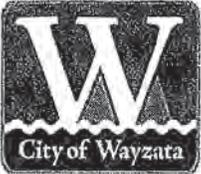
 City or County Phone Number

 Signature City Clerk or County Official

 Approved Director Alcohol and Gambling Enforcement

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
 PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US



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

NAME OF ORGANIZATION: Wayzata Brew Works
DATE(S) OF EVENT: 10/14/16 - 10/16/16 START TIME: 10/14 4pm-11pm STOP TIME: 10/15 Noon-11pm
NAME OF EVENT: Wayzata Brew Works Oktoberfest
DESCRIPTION OF EVENT: _____

NAME OF LOCATION WHERE EVENT WILL BE HELD: Wayzata Brew Works
ADDRESS WHERE EVENT WILL BE HELD: 294 Grove Ln. E. Ste. 150
NAME OF PERSON IN CHARGE AT EVENT: Robert Klick
TELEPHONE NUMBER OF PERSON IN CHARGE AT EVENT: (612) 220-9658

WHAT DO YOU PLAN TO CONSUME: Beer
(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:
Permit will be used in Wayzata Brew Works' parking lot. Barricades + tent will surround area. Security will also surround area.

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

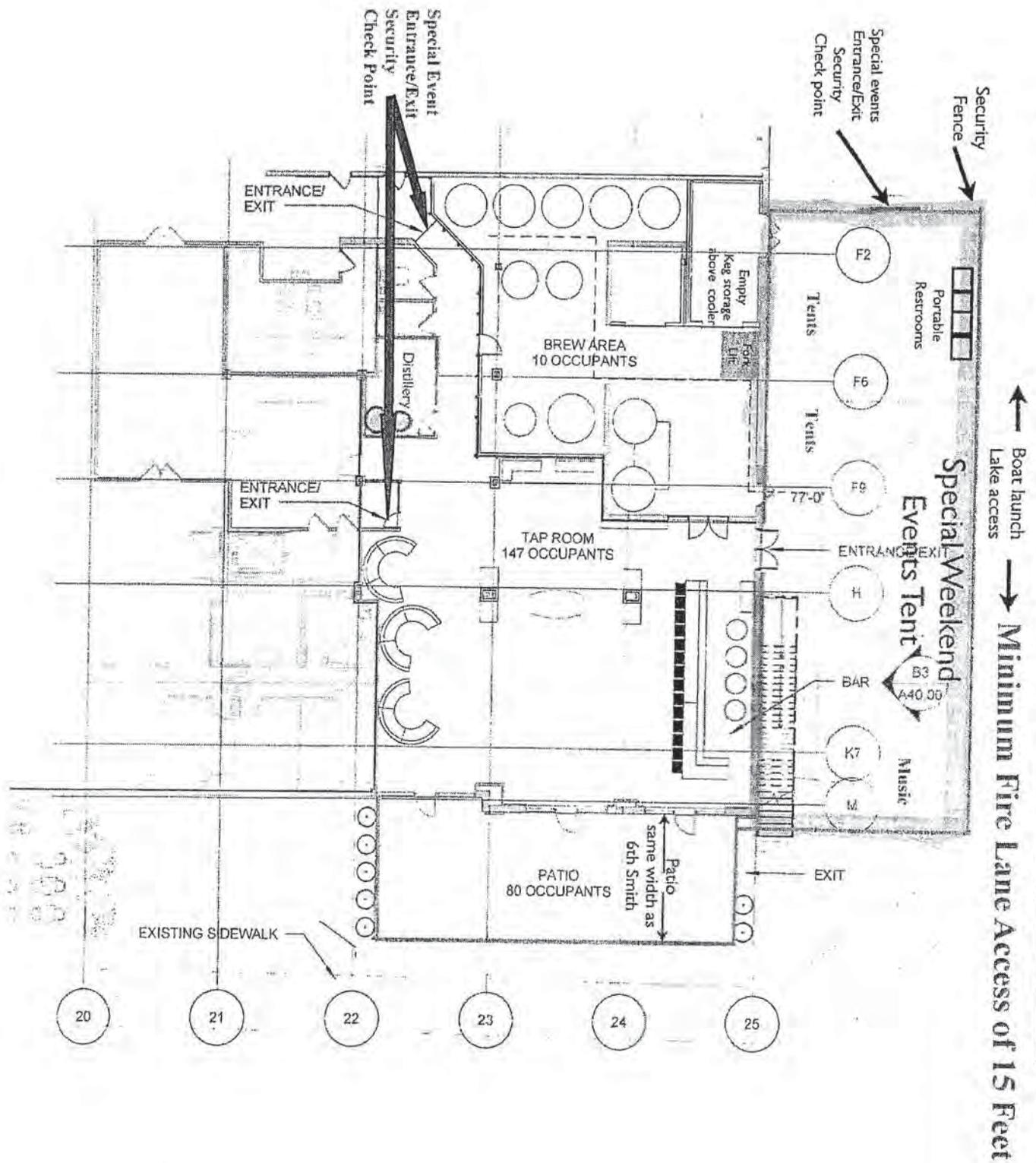
SIGNATURE OF APPLICANT: Elken Schmidt DATE: 7/19/16
PRINT NAME: Elken Schmidt

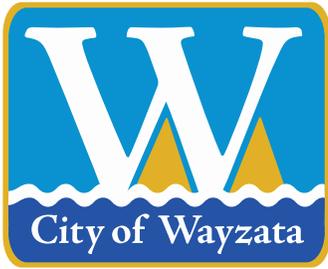
CITY FEE AMOUNT: \$75- DATE FEE PAID: 8/10/16 RECEIPT # 34715

POLICE CHIEF SIGNATURE: [Signature] DATE SIGNED: 8/10/16

APPROVED BY WAYZATA CITY COUNCIL ON: _____

DEPUTY CITY CLERK SIGNATURE: _____ DATE SIGNED: _____





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

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

MEMORANDUM

TO: City Council Members
FROM: Julie Kaufman, Admin Assistant/Payroll Clerk
DATE: August 2, 2016
RE: Applications for Solicitors License

Gregory Bess, David Daines, Tyler Finlayson, Payden Hathaway, and George Parson from Aptive Environment have submitted applications for door-to-door Solicitors License within the city limits of Wayzata for the purpose of selling pest control services.

The Wayzata Police Department has completed a background check on all and have recommended issuance of the Solicitors License. Wayzata City Code Section 520.03(b) stipulates that all such applications require City Council approval.

Where the applicants have submitted all requested and required information; and whereas background checks have been found to be satisfactory; therefore, staff recommends approval of the above-named applicants for a Solicitors License.

Respectfully submitted,

Julie Kaufman

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

Domestic **Reported:** 07-29-2016 1819

Report of a domestic dispute. Parties were counseled.

Addresses Involved

2200 block of Grand Ave, Long Lake, MN 55356

Financial Transaction Card Fraud **Reported:** 07-27-2016 1637

Report of a financial transaction card fraud. Unknown total loss at this time.

Addresses Involved

400 block of Peavey Rd, Wayzata, MN 55391 USA

Fraud **Reported:** 07-27-2016 1547

Resident getting voicemails from someone claiming to be the IRS. Advised it was a scam.

Addresses Involved

300 block of Waycliffe, Wayzata, MN 55391 USA

Disturbance **Reported:** 07-27-2016 1021

Noise complaint of loud music playing in the area. Unfounded.

Addresses Involved

200 block of Glenbrook Rd, Wayzata, MN 55391

Damage to Property - Criminal **Reported:** 07-26-2016 1506

Report of damage to a vehicle window. Loss under \$500.

Addresses Involved

400 block of Far Hill Road, Wayzata, MN 55391 USA

Theft from Vehicle **Reported:** 07-26-2016 1143

Report of a theft of a license plate.

Addresses Involved

700 block of Mill St, Wayzata, MN 55391 USA

Fraud **Reported:** 07-25-2016 1333

Resident received a phone call from a suspicious person who claimed to be from the IRS. Resident advised.

Addresses Involved

400 block of Wayzata Blvd, Wayzata, MN 55391

Domestic Assault **Reported:** 07-24-2016 2102

Report of a domestic assault. Charges pending.

Addresses Involved

2000 block of Orchard Lane, Long Lake, MN 55356

Disturbance **Reported:** 07-23-2016 2359

Loud music complaint. Advised resident.

Addresses Involved

200 block of Central Ave, Wayzata, MN 55391

Theft **Reported:** 07-23-2016 1528

Report of a theft of a bicycle. Loss \$300.

Addresses Involved

100 block of Birch Lane W, Wayzata, MN 55391

Warrant **Reported:** 07-23-2016 0147

28 year old male from Brooklyn Center arrested on an outstanding warrant. He paid cash bail and was released from the scene. Cited for driving after revocation.

Addresses Involved

100 block of Gleason Lake Rd, Wayzata, MN

Names Involved

(Arrested) Kanneh, Anthony Amara (Age:28)

Unwanted Person **Reported:** 07-22-2016 1858

Unwanted people at reporting party's house. Officers asked people to leave and they complied.

Addresses Involved

400 block of Peavey Rd, Wayzata, MN 55391

Domestic **Reported:** 07-22-2016 1823

Report of a verbal dispute. Parties had separated prior to officer arrival. Male wanted the incident documented.

Addresses Involved

Lake St E & Minnetonka Ave S, Wayzata, MN 55391

Fraud **Reported:** 07-22-2016 1512

Resident getting phone calls from someone claiming to be the IRS. Advised it was a scam.

Addresses Involved

100 block of Ridgeview Dr, Wayzata, MN 55391

Damage to Property - Criminal **Reported:** 07-22-2016 1504

Report of damage to a house. Loss approximately \$250.

Addresses Involved

400 block of Carpenters Point, Wayzata, MN 55391

Fraud **Reported:** 07-22-2016 1202

Reporting party received a phone call from a suspicious male who stated they are from the IRS.

Party advised this was a scam.

Addresses Involved

600 block of Rice St E, Wayzata, MN 55391

Controlled Substance **Reported:** 07-21-2016 2330

Cited for small amount of marijuana in a motor vehicle and drug paraphernalia.

Addresses Involved

Willow Drive N & West Industrial Blvd, Long Lake, MN

Theft **Reported:** 07-21-2016 1652

Report of a theft. Unknown loss at this time.

Addresses Involved

1100 block of Wayzata Blvd E, Wayzata, MN 55391

Theft **Reported:** 07-21-2016 0930

Report of a theft of patio pavers. Loss \$500.

Addresses Involved

2000 block of Wayzata Blvd E, Wayzata, MN 55391

Theft **Reported:** 07-21-2016 0830

Theft of boat motor from inflatable boat. Loss \$2650.

Addresses Involved

400 block of Arlington Cir S, Wayzata, MN 55391

Suspicious **Reported:** 07-20-2016 0122

Report of suspicious people jumping out of a vehicle and running. Unable to locate.

Addresses Involved

Brown Rd & Wayzata W, Long Lake, MN 55356

Disturbance **Reported:** 07-19-2016 2052

Report of a road rage incident. Both parties left prior to officer arrival. Officer spoke with RP via phone.

Addresses Involved

WB Hwy 12 E & Co 15 E, Wayzata, MN 55391

Fraud **Reported:** 07-19-2016 1709

Resident received call from a suspicious person claiming to be the IRS. Advised resident it was a scam.

Addresses Involved

100 block of Central Ave, Wayzata, MN 55391

Fraud **Reported:** 07-19-2016 1330

Resident received a phone call of a suspicious person pretending to be the IRS. Resident advised it was a scam.

Addresses Involved

100 block of Ridgeview Lane E, Wayzata, MN 55391 USA

Fraud **Reported:** 07-19-2016 0949

Resident received phone call from suspicious person pretending to be the IRS. Informed caller it was a scam and advised on identity theft information.

Addresses Involved

1400 block of Holdridge Circle, Wayzata, MN 55391 USA

DWI **Reported:** 07-18-2016 0030

24 year old male from Wayzata arrested for driving while under the influence of alcohol. Tested .09

Addresses Involved

800 block of Rice St E, Wayzata, MN 55391 USA

Names Involved

(Arrested) White, Reid Winston (Age:24)

Disorderly Conduct **Reported:** 07-17-2016 1843

Report of two parties arguing. Charges pending for disorderly conduct.

Addresses Involved

400 block of Wayzata Blvd E, Wayzata, MN 55391

Domestic Assault **Reported:** 07-16-2016 2227
Report of a domestic disturbance. Charges pending for interfering with a 911 call.
Addresses Involved
100 block of Gleason Lake Rd, Wayzata, MN 55391

Fraud **Reported:** 07-15-2016 1713
Attempted scam call from someone claiming to be from the IRS. No loss at this time.
Addresses Involved
300 block of Dupont St, Long Lake, MN 55356

Order Violation **Reported:** 07-15-2016 1119
Report of a violation of a Domestic Abuse No Contact Order. Suspect turned himself into the court.
Addresses Involved
1100 block of Hollybrook Dr, Wayzata, MN 55391

Theft from Vehicle **Reported:** 07-14-2016 1620
Report of a theft of two e-cigarettes from a vehicle. Loss \$25.
Addresses Involved
300 block of Walker Ave S, Wayzata, MN 55391

Theft **Reported:** 07-12-2016 1625
Report of a stolen wallet. Loss \$140.
Addresses Involved
600 block of Rice St E, Wayzata, MN 55391

Domestic Assault **Reported:** 07-11-2016 2146
85 year old male from Wayzata arrested for domestic assault.
Addresses Involved
1100 block of Hollybrook Dr, Wayzata, MN 55391
Names Involved
(Arrested) Olds, Horrace James (Age:85)

Suspicious **Reported:** 07-11-2016 1405
Report of an attempted phone scam. No loss at this time.
Addresses Involved
100 block of Gleason Lake Rd, Wayzata, MN 55391 USA

Theft from Vehicle **Reported:** 07-11-2016 0917
Report of a theft of a tailgate from a vehicle. Loss \$1000.
Addresses Involved
1800 block of Wayzata Blvd E, Wayzata, MN 55391

Suspicious **Reported:** 07-10-2016 2030
Report of hearing laughing and glass breaking. Area checked, possible newly broken window.
Addresses Involved
1900 block of Wayzata Blvd E, Long Lake, MN 55356

DWI**Reported:** 07-10-2016 0023

51 year old female from Minnetonka arrested for driving while under the influence. Refused to test.

Addresses Involved

Crosby Road & Portico Dr, Wayzata, MN 55391

Names Involved(Arrested) Wetzell, Terisa Joanne (Age:51)

Alcohol**Reported:** 07-09-2016 1902

Multiple intoxicated people outside restaurant fence. General manager advised of liquor violation.

Addresses Involved700 block of Lake St E, Wayzata, MN 55391

Juvenile**Reported:** 07-08-2016 1952

Report of a juvenile trying doors and climbing fences. Juvenile was transported home and parent was advised.

Addresses Involved100 block of Minnetonka Ave N , Wayzata, MN 55391 USA

Fraud**Reported:** 07-08-2016 1000

Report of an attempted IRS scam. No loss at this time.

Addresses Involved400 block of Peavey Lane, Wayzata, MN 55391

DWI**Reported:** 07-07-2016 1049

27 year old male from Prior Lake arrested for 2nd degree DWI. Tested .21

Addresses Involved

Highway 12 & Central Ave, Wayzata, MN 55391

Names Involved(Arrested) Dahlman, Justin Craig (Age:28)

Juvenile**Reported:** 07-06-2016 1452

Report of possible underage drinking in the park. Unfounded.

Addresses Involved300 block of Park St, Wayzata, MN 55391

Theft**Reported:** 07-06-2016 1233

60 year old female from Long Lake arrested for theft. Female was cited and released from the scene. Loss \$65.

Addresses Involved

1100 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved(Arrested) Cordova, Irma Beato (Age:60)

Domestic**Reported:** 07-06-2016 0240

Report of a verbal domestic between two people who were possibly doing drugs. Unfounded.

Addresses Involved100 block of Peavey Lane, Wayzata, MN 55391

Ordinance**Reported:** 07-06-2016 0232

Noise complaint. Noise caused by construction work. Supervisor stated he received permission from the city.

Addresses Involved

100 block of Central Ave, Wayzata, MN 55391

DWI**Reported:** 07-04-2016 2350

36 year old female from Robbinsdale arrested for driving while under the influence of alcohol. Tested .14

Addresses Involved

Lake St E & Superior Blvd , Wayzata, MN

Names Involved

(Arrested) Mueller, Melissa Lynn (Age:36)

Fire**Reported:** 07-04-2016 1910

Report of a fire in a trash can. Fire was extinguished prior to officer arrival.

Addresses Involved

200 block of Grove Lane E, Wayzata, MN 55391

Domestic Assault**Reported:** 07-03-2016 2159

49 year old female from Eden Prairie arrested for domestic assault.

Addresses Involved

400 block of Ferndale Rd, Wayzata, MN 55391

Names Involved

(Arrested) Jackson, Karen Anne (Age:49)

Disturbance**Reported:** 07-03-2016 2043

Report of a male yelling at female and causing a disturbance. Male agreed to leave.

Addresses Involved

200 block of Grove Lane E, Wayzata, MN 55391

Warrant**Reported:** 07-02-2016 0231

25 year old male arrested on an outstanding warrant. He paid cash bail and was released from the scene.

Addresses Involved

1400 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved

(Arrested) Thomas, Dontaye Javonne (Age:25)

Domestic Assault**Reported:** 07-01-2016 2027

38 year old female from Wayzata arrested for domestic assault.

Addresses Involved

100 block of Circle A Dr S, Wayzata, MN 55391

Names Involved

(Arrested) Saclolo, Marilyn Louise (Age:38)

Domestic Assault **Reported:** 07-01-2016 1545
 54 year old male from Minnetonka arrested for domestic assault.

Addresses Involved
 1400 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved
 (Arrested) Gerring, Martin Troy (Age:54)

Assault **Reported:** 07-01-2016 0421
 Report of one male assaulting another male while at a party.

Addresses Involved
 500 block of Harrington Rd, Wayzata, MN 55391

TRAFFIC – JULY, 2016

CITATIONS	181
WRITTEN WARNINGS	18
VERBAL WARNINGS	126

Description	Jul 2016
LITTERING	2
Juvenile Offense - citation	1
Juvenile Offense - verbal warning	1
VANDALISM/PROPERTY DAMAGE	1
No Ins in MV - Citation	2
MISSING PERSON	2
MISSING/LOST PROPERTY	4
FOUND ANIMAL	1
FOUND PROPERTY	8
ABANDONED VEHICLE	1
PIMV	7
PI INVOLVING BICYCLE/PED	1
PDMV	20
H & R PDMV	5
PDMV & DEER	1
FALL/CUT	1
Other Fire/Smoke	1
Grass/Brush Fire	1
Structure/Object Fire	1
FIRE ALARM	10
GAS LEAK/SMELL	1
GENERAL HAZARD	1
HAZ ROAD CONDITION	17

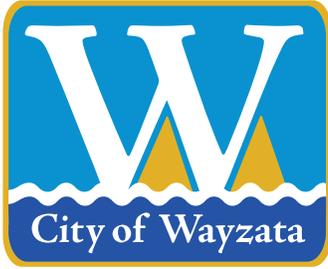
RR Crossing Hazard	3
SUICIDE THREAT	1
SUDDEN DEATH	1
OTHER MEDICAL	68
WELFARE CHECK - ADULT	24
WELFARE CHECK - JUV	3
MENTAL HEALTH ISSUE	1
INFO REC'D	29
VERBAL DOMESTIC	4
CIVIL MATTER	9
Trespass Warn/Order	1
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	9
RECEIVE COURT ORDER/OFP	6
SUSPICION	25
OPEN DOOR/WINDOW	1
SCAM/FRAUD ATTEMPT	10
FIREWORKS COMPL	3
MISC. JUVENILE PROBLEM	6
DRIVING/TRAFFIC COMPLAINT	40
PARKING COMPL	10
HOUSE/BUSINESS CHECKS	23
RECORD CHECKS	9
FIREARM PERMIT	5
HC SHERIFFS PERMIT TO CARRY	11
Solicitor Permit	5
PARKING PERMIT	6
PUBLIC NUISANCE - Citation	1
NOISE VIOLATION	1
ANIMAL VIOLATION	2
ANIMAL VIOLATION - Written Warning	1
HUNTING/TRAPPING/FISHING	1
ANIMAL COMPLAINT/CHECK	9
Dangerous Dog Registration	1
ANIMAL IMPOUND	1
DOG LICENSE ISSUED	2
PATROL REQUEST	5
POLICE ESCORT/STAND-BY	3
ADULT PROTECTION ASSIST	1
FINGERPRINTS	3
ASSIST CHILD PROTECTION	1
MOTORIST ASSIST/STALL	22
UTILITY PROBLEM	21
PUBLIC ASSIST	22
LOCKOUT	9
BUSINESS ALARM	24

HOME ALARM	16
911 HANG-UP	16
Liquor Laws	3
Park Violation	1
ASSIST OTHER DEPT	14
WARRANT/ATTEMPT/ARREST	5
COURT/CONSENT WARRANT	1
SPECIAL EVENT	2
TRAFFIC CONTROL / DIRECT ENFORCEMENT	13
Impound Release	1
CASE FOLLOW UP	4
PUBLIC RELATIONS	1
Sex Offender/POR Info/Checks	1
ASLT 5-MS-INFL OR ATTMPT HRM-HANDS-ADL STR	1
ASLT 5-MS-INFL OR ATTMPT HRM-HANDS-CHLD ST	1
DOM ASLT-MS-INFLT BODILY HARM-OTH WEAP-AD-FAM	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM	5
ASLT-DOMESTIC-MS-INFLT BODLY HRM-HNDS-ADLT-AC	1
DRUGS-SMALL AMOUNT MARIJUANA-POSSESSION	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-UNK	2
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	1
TRAF-ACC-GM-FAIL STOP-RPT ACC-UNK-MV	1
TRAF-AC-GM-2ND DEG DWI-UI ALCOHOL-MV	1
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	1
TRAF-AC-GM-3RD DEG DWI-REFUSAL TO TEST-MV	1
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
KDNAP-UNK CONDITION-RANS-UNK WEAP-CHLD-STR	1
CSC 1-UNK ACT-ACQUAINT-UNDER 13-M	1
JUVENILE-ALCOHOL OFFENDER-UNDER 18 YRS	1
LIQUOR-UNDERAGE CONSUMPTION 18-21	1
JUVENILE-CURFEW	2
DISTURB PEACE-GM-EMERGENCY TELEPHONE CALLS	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	3
DISTURB PEAC-MS-VIOL DOM ABUSE NO CONTACT ORD	1
PROP DAMAGE-MS-PRIVATE-UNK INTENT	1
PROP DAMAGE-MS-PRIVATE-OTHER INTENT	1
THEFT-1001-5000 DLRS FE-WATERCRAFT-UNK PROP	1
THEFT-501-1000 DLRS GM-VEHICLE-OTHER	1
THEFT-500 OR LESS MS-PERSON-MONEY	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	2
THEFT-500 OR LESS MS-YARDS-OTH PROP	2
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	2
FRAUD-FE-FIN-TRAN-CARD-NO-CONSENT-UNK-LOSS	1

	2015	2016 March	2016 April	2016 May	2016 June	2016 July	2016
BUILDING CONSTRUCTION							
NUMBER OF BLDG. PERMITS	259	13	17	20	14	18	116
PROJECT VALUE	\$50,380,054.75	\$617,445.00	\$37,137,225.83	\$3,301,920.40	\$2,216,062.00	\$1,813,184.52	\$48,501,567.37
BUILDING PERMIT FEE	\$329,932.64	\$7,406.75	\$161,004.75	\$21,697.25	\$16,002.00	\$10,189.25	\$243,744.25
PLAN CHECK FEE	\$181,911.71	\$3,973.98	\$98,467.75	\$12,449.86	\$9,229.39	\$2,726.36	\$143,606.32
EXTERIOR REPAIR							
NUMBER OF PERMITS	98	2	5	12	11	7	38
PROJECT VALUE	\$1,566,840.36	\$9,443.00	\$41,366.00	\$228,276.00	\$282,790.00	\$236,323.49	\$828,198.49
PERMIT FEE	\$24,942.50	\$250.75	\$811.25	\$3,693.25	\$4,071.50	\$2,906.25	\$12,199.75
MECHANICAL							
NUMBER OF PERMITS	228	17	12	14	11	15	96
PROJECT VALUE	\$3,391,980.96	\$169,410.25	\$142,437.52	138,775.51	130,924.00	251,778.00	\$1,490,732.48
PERMIT FEE	\$62,881.44	\$3,412.42	\$2,868.56	2,808.52	2,618.48	4,413.56	\$27,396.20
PLUMBING							
NUMBER OF PERMITS	240	14	12	16	12	12	102
PROJECT VALUE	\$1,895,967.76	\$1,253,162.00	\$59,670.00	\$91,697.88	\$75,939.00	\$90,617.00	\$2,216,610.88
PERMIT FEE	\$38,015.46	\$19,406.08	\$1,248.60	\$1,952.93	\$1,618.78	\$1,871.68	\$37,511.87
TOTAL # OF PERMITS	825	46	46	62	48	52	352
TOTAL INCOME	\$637,683.75	\$34,449.98	\$264,400.91	\$42,601.81	\$33,540.15	\$22,107.10	\$464,458.39

NUMBER OF INSPECTIONS							
BUILDING	1087	59	54	72	104	35	434
EXTERIOR	150	3	3	11	24	19	62
HVAC	466	29	25	29	62	29	228
PLUMBING	508	34	23	23	51	27	208
OTHER	5	1	0	1	0	0	3
TOTAL # OF INSPECTIONS	2216	126	105	136	241	110	935

RENTAL HOUSING INSPECTIONS							
INSPECTIONS	119	16	21	15	9	2	86



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

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

DATE: August 11, 2016

TO: Mayor Willcox and Councilmembers

FROM: Jeffrey Dahl, City Manager

SUBJECT: Consider Amendment to the Professional Services Agreement between the City of Wayzata and HGA, Inc.

Update

At its July 5th meeting, the City Council voted to move forward with design development of the Mill Street Parking Ramp with a base design that does not include a roof and three bid alternates that include:

- a ballasted half roof;
- additional landscaping (if no roof); and
- and a portal on the second level (if no roof).

The attached amendment allows HGA to move forward on those designs as they are above and beyond the services included in the original contract approved in 2015.

City Council Action Requested

Motion to approve the attached Amendment to the Professional Services Agreement.



AIA[®] Document G802[™] – 2007

Amendment to the Professional Services Agreement

Amendment Number: 001

TO: Jeff Thomson and Jeffrey Dahl
(Owner or Owner's Representative)

In accordance with the Agreement dated: March 28, 2016

BETWEEN the Owner:

(Name and address)

CITY OF WAYZATA, MINNESOTA
600 Rice Street East
Wayzata, Minnesota 55391

and the Architect:

(Name and address)

HAMMEL, GREEN AND ABRAHAMSON, INC.
420 5th Street North, Suite 100
Minneapolis, Minnesota 55401

for the Project:

(Name and address)

Mill Street Parking Structure
Intersection of Broadway Avenue and Mill Street
Wayzata, Minnesota 55391

HGA Commission Number 3874-002-00.

Authorization is requested

- to proceed with additionally proposed Basic Services.
- to proceed with Additional Services.
- to incur additional Reimbursable Expenses.

As follows:

The Architect is hereby authorized to proceed with the development of a Ballasted Roof option as discussed in the July 5, 2016 Schematic Design Presentation meeting.

The Architect shall provide the following Additional Services:

1. Prepare the following additional design and construction documents for functional elements that will need to be added to the Base Ramp option if the Owner chooses not to construct the roof at the conclusion of the Bidding Phase:
 - a. Lighting and power plans showing lighting layouts, photometric calculations, and circuiting for a fully-exposed upper parking level;
 - b. Plumbing plan for the fully-exposed upper parking level and an additional plumbing riser diagram, omitting the roof plumbing network; and
 - c. Construction Documents for an element to restrict access to passenger vehicles on the upper level.
2. Prepare the following individual additive bid alternates for three (3) enhancements which were presented as potential aesthetic upgrades to the base option:
 - a. Design of paint or wall pattern for the portion of the north retaining wall exposed above the upper parking level;

- b. Provide design and documentation of the entrance portal shown on page 27 of the Architect's Schematic Design presentation materials, dated July 5, 2016.
 - c. Provide design for enhanced landscaping on City property on the north side of the ramp. This landscaping will need to be coordinated with the requirements of the Owner's covenant with property owners to the north.
3. Assumptions:
- a. The Owner will provide the covenant documents or direction to the Architect regarding limits of landscaping planted between the north wall of the ramp and the north property line.
 - b. The upper level parking structural plan will be designed for the governing case of these two load conditions, slab covered by a roof or exposed slab, which will be determined in the Design Development Phase.

The following adjustments shall be made to compensation and time.
(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)

Compensation:

Compensation to the Architect for the Ballasted Roof option shall be on a Stipulated Sum basis in the amount of \$114,750 plus Reimbursable Expenses.

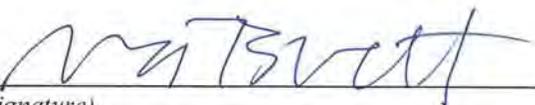
Compensation to the Architect for the above-listed Additional Services shall be on a Stipulated Sum basis in the amount of \$59,000 plus Reimbursable Expenses.

Time:

No Change.

SUBMITTED BY:

AGREED TO:


 (Signature)

 (Signature)

HAMMEL, GREEN AND ABRAHAMSON, INC.

CITY OF WAYZATA, MINNESOTA

Mia Blanchett
 Vice President

 (Printed name and title)

 (Printed name and title)

July 27, 2016

 (Date)

 (Date)

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WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

600 Rice Street
Wayzata, MN 55391-1734
(952) 404-5340
Fax: (952) 404-5359

MEMORANDUM

To: Jeffrey Dahl
From: Chief Michael Risvold
Date: August 9, 2016
Re: Resolution #31-2016

The Wayzata Police Department accesses the Minnesota Judicial Branch's database based on a Master Subscriber Agreement (MSA). The state has recently initiated a new system that requires the execution of a new MSA. This resolution, required by the Minnesota Judicial Branch, will confirm with state authorities that the city council has granted the authority for the Wayzata Police Chief to sign and execute this agreement.

CITY OF WAYZATA

RESOLUTION NO. 31-2016

**RESOLUTION AUTHORIZING SIGNING AUTHORITY
ALLOWING ACCESS TO MINNESOTA GOVERNMENT
ACCESS (MGA) ACCOUNTS FOR ELECTRONIC COURT
RECORDS AND DOCUMENTS**

WHEREAS, the City of Wayzata, Minnesota, desires to improve efficiencies through participating in a more efficient court process with the Minnesota Judicial Branch; and

WHEREAS, as the Minnesota Judicial Branch moves towards a more efficient court process, the eCourtMN initiative is committed to ensuring that non-court governmental agencies have appropriate access to court records and documents; and

WHEREAS, the Wayzata Police Department desires to subscribe to Minnesota Court Data Services Program.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wayzata approves and authorizes Michael Risvold, Wayzata Police Chief; or his successor, as the designated and Authorized Representative for the Wayzata Police Department, to sign the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the Minnesota Judicial Branch to maintain the City's connection to the systems and tools offered by the Minnesota Judicial Branch.

Adopted by the Wayzata City Council this 16th day of August, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeff Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 31-2016 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on August 16, 2016.

Deputy City Clerk Becky Malone

SEAL

**MASTER SUBSCRIBER AGREEMENT
FOR MINNESOTA COURT DATA SERVICES
FOR GOVERNMENTAL AGENCIES**

THIS AGREEMENT is entered into by and between

City of Wayzata

(Government Subscriber Name)

of 600 Rice Street East Wayzata, MN 55391

(Government Subscriber Address)

(hereinafter "Government Subscriber") and THE STATE OF MINNESOTA

Office of State Court Administration

of 25 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, Minnesota 55155

(hereinafter "the Court").

Recitals

The Court offers Court Data Services, as defined herein, to Minnesota Government Subscribers as authorized by the Rules of Public Access and Court Order. The Court Data Services are offered to Government Subscribers as governmental units and are offered solely for certain governmental use as permitted herein. Government Subscriber desires to use Court Data Services, and the Court desires to provide the same, to assist Government Subscriber in the efficient performance of its governmental duties as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.

Court Data Services are defined in the Definitions section of this Agreement and may involve a one-way or two-way transmission of information between the parties, some of which may include court information that is not accessible to the public pursuant to the Rules of Public Access and which may not be disclosed by Government Subscriber without the prior approval of the appropriate court or record custodian. Government Subscriber agrees herein to limit its access to and use of Court Records and Court Documents through Court Data Services to the Government Subscriber's "Legitimate Governmental Business Need" as defined herein.

Agreement

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the Court and Government Subscriber agree as follows:

1. TERM; TERMINATION; ONGOING OBLIGATIONS.

1.1 Term. This Agreement shall be effective on the date executed by the Court and shall remain in effect according to its terms.

1.2 Termination.

1.2.1 Either party may terminate this Agreement with or without cause by giving written notice to the other party. The effective date of the termination shall be thirty (30) days after the other party's receipt of the notice of termination, unless a later date is specified in the notice. Termination of this Agreement pursuant to Clause 4.5 shall be effective immediately and may occur without prior notice to Government Subscriber.

1.2.2 The provisions of Clauses 5, 6, 8, 9, 10, 12.2, 12.3 and 15 through 24 shall survive any termination of this Agreement, as shall any other provisions that by their nature are intended or expected to survive such termination. Upon termination, the Government Subscriber shall perform the responsibilities set forth in paragraph 8.6 hereof.

1.3 Subsequent Agreement. This Agreement may be superseded by a subsequent agreement between the parties.

2. DEFINITIONS.

2.1 "Agency Account Manager" means the Government Subscriber employee assigned with the tasks of: (1) being the point of contact for communications between Government Subscriber and the Court; (2) maintaining a current list Government Subscriber's Individual Users and their signed User Acknowledgment Forms and promptly notifying the Court when Government Subscriber's Individual Users with individual logins should have accounts added or deleted; (3) reporting violations of this agreement by Government Subscriber's Individual Users and steps taken to remedy violations to the Court.

2.2 "Court Data Services" means one or more of the following services and includes any additional or modified services identified as such on the Justice Agency Resource webpage of the Minnesota Judicial Branch website, which is currently www.mncourts.gov, or other location designated by the Court and/or its affiliates, as the same may be amended from time to time by the Court and/or its affiliates:

2.2.1 "Bulk Data Delivery" means the electronic transmission of Court Records in bulk form from the Court to the Government Subscriber, from one or more of the Court's databases and through any means of transmission, as described in applicable Policies & Notices and materials referenced therein.

2.2.2 "Court Integration Services" means pre-defined automated transmissions of i) Court Records from the Court's computer systems to Government Subscriber's computer systems; and/or ii) Government Subscriber Records from the Government Subscriber's computer systems to the Court's computer systems; on a periodic basis or as triggered by pre-determined events, as described in applicable Policies & Notices and materials referenced therein.

2.2.3 "MNCIS Login Accounts" means a digital login account created for and provided to the Government Subscriber for online access to and use of Court Records and Court Documents maintained by the Minnesota Court

Information System (“MNCIS”), as described in applicable Policies & Notices and materials referenced therein.

- 2.3 **“Court Data Services Databases”** means any databases and the data therein, used as a source for Court Data Services, together with any documentation related thereto, including without limitation descriptions of the format or contents of data, data schemas, and all related components.
- 2.4 **“Court Data Services Programs”** means any computer application programs, routines, transport mechanisms, and display screens used in connection with Court Data Services, together with any documentation related thereto.
- 2.5 **“Court Records”** means all information in any form made available by the Court and/or its affiliates to Government Subscriber for the purposes of carrying out this Agreement, including:
 - 2.5.1 **“Court Case Information”** means any information in the Court Records that conveys information about a particular case or controversy, including without limitation Court Confidential Case Information and Court Documents, as defined herein.
 - 2.5.2 **“Court Confidential Case Information”** means any information in the Court Records (including Court Documents) that is inaccessible to the public pursuant to the Rules of Public Access and that conveys information about a particular case or controversy.
 - 2.5.3 **“Court Confidential Security and Activation Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access and that explains how to use or gain access to Court Data Services, including but not limited to login account names, passwords, TCP/IP addresses, Court Data Services user manuals, Court Data Services Programs, Court Data Services Databases, and other technical information.
 - 2.5.4 **“Court Confidential Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access, including without limitation both i) Court Confidential Case Information; and ii) Court Confidential Security and Activation Information.
 - 2.5.5 **“Court Documents”** means electronic images of documents that are part of or included in a court file.
- 2.6 **“DCA”** means the District Court Administrator pursuant to Minnesota Statutes, section 485.01.
- 2.7 **“Government Subscriber Records”** means any information in any form made available by the Government Subscriber to the Court and/or its affiliates for the purposes of carrying out this Agreement.
- 2.8 **“Government Subscriber’s Individual Users”** means Government Subscriber’s employees or independent contractors whose use or access of Court Data Services,

as well as the access, use and dissemination of Court Records (including Court Documents), is necessary to effectuate the purposes of this Agreement.

- 2.9 **“Legitimate Governmental Business Need”** means a requirement, duty or obligation for the efficient performance of governmental tasks or governmental responsibilities and as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.
- 2.10 **“Policies & Notices”** means the policies and notices published by the Court and/or its affiliates in connection with each of its Court Data Services, on a website or other location designated by the Court and/or its affiliates, as the same may be amended from time to time by the Court and/or its affiliates. Policies & Notices for each Court Data Service, hereby made part of this Agreement by reference, provide additional terms and conditions that govern Government Subscriber’s use of such services, including but not limited to provisions on fees, access and use limitations, and identification of various third party applications, such as transport mechanisms, that Government Subscriber may need to procure separately to use Court Data Services.
- 2.11 **“Rules of Public Access”** means the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court, as the same may be amended from time to time, including without limitation lists or tables published from time to time by the Court and/or the SCAO entitled “Limits on Public Access to Case Records” or “Limits on Public Access to Administrative Records,” all of which by this reference are made a part of this Agreement. It is the obligation of Government Subscriber to check from time to time for updated rules, lists, and tables and be familiar with the contents thereof. Such rules, lists, and tables are posted on the main website for the Court, for which the current address is www.mncourts.gov.
- 2.12 **“SCAO”** means the State of Minnesota, State Court Administrator's Office.
- 2.13 **“This Agreement”** means this Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies, including all Exhibits, Policies & Notices, and other documents referenced, attached to, or submitted or issued hereunder.
- 2.14 **“Trade Secret Information of SCAO and its licensors”** is defined in sections 8.1, 8.2 and 8.4 of this Agreement.
- 2.15 **“User Acknowledgement Form”** means the form signed by Government Subscriber’s Individual Users to confirm in writing that the Individual User has read and understands the requirements and restrictions in this Agreement (Exhibit A).
3. **DATA ACCESS SERVICES PROVIDED TO GOVERNMENT AGENCY.** Following execution of this Agreement by both parties, Government Subscriber will be offered access to the Court Records (including Court Documents) described in the Government Subscriber Access Chart, which is posted on the Policies & Notices.

4. AUTHORIZED ACCESS, USE, AND DISSEMINATION OF COURT DATA SERVICES AND COURT RECORDS LIMITED; TRAINING; VIOLATIONS; SANCTIONS.

4.1 Authorized Access to Court Data Services and Court Records.

- 4.1.1 Government Subscriber and Government Subscriber's Individual Users shall access only the Court Data Services and Court Records (including Court Documents) necessary for a Legitimate Governmental Business Need.
- 4.1.2 The access of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal or non-official use, or any use that is not a "Legitimate Governmental Business Need" as defined herein, is prohibited.
- 4.1.3 Government Subscriber and Government Subscriber's Individual Users shall not access or attempt to access Court Data Services or Court Records (including Court Documents) in any manner not set forth in this Agreement, Policies & Notices, or other Court Data Services documentation.

4.2 Authorized Use of Court Data Services and Court Records.

- 4.2.1 Government Subscriber and Government Subscriber's Individual Users shall use the Court Data Services and Court Records (including Court Documents) accessed only for a Legitimate Governmental Business Need and according to the instructions provided in corresponding Policies & Notices or other materials.
- 4.2.2 The use of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal or non-official use, or any use that is not a "Legitimate Governmental Business Need" as defined herein, is prohibited.
- 4.2.3 Government Subscriber and Government Subscriber's Individual Users shall not use or attempt to use Court Data Services or Court Records (including Court Documents) in any manner not set forth in this Agreement, Policies & Notices, or other Court Data Services documentation.

4.3 Dissemination of Court Records. Government Subscriber and Government Subscriber's Individual Users shall not share the Court Records (including Court Documents) accessed and data therefrom with third parties and other individuals other than as needed to further a Legitimate Governmental Business Need.

4.4 Training. Government Subscriber shall provide Government Subscriber's Individual Users training in the proper access, use, and dissemination of Court Records (including Court Documents).

4.5 Violations.

- 4.5.1 The access, use, or dissemination of Court Data Services or Court Records (including Court Documents) beyond what is necessary for a Legitimate

Governmental Business Need by Government Subscriber or Government Subscriber's Individual Users is a violation of this Agreement. The access, use or dissemination of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal use is a violation of this Agreement.

4.5.2 Any violation pursuant to Clause 4.5.1, or any unauthorized or attempted access, use or dissemination of Court Data Services, Court Records or Court Documents by Government Subscriber or Government Subscriber's Individual Users shall be grounds for the Court to impose sanctions as described in Clause 4.6 and to terminate this Agreement without prior notice to Government Subscriber and/or Government Subscriber's Individual Users.

4.6 Sanctions.

4.6.1 Sanctions for a violation pursuant to Clause 4.5.1 may be imposed upon a Government Subscriber and/or Government Subscriber's Individual Users and may include the suspension of access or termination of access for Government Subscriber and/or Government Subscriber's Individual Users.

4.6.2 If the Court decides to terminate the access for Government Subscriber and/or Government Subscriber's Individual Users, the Court shall notify the affected party in writing. The termination shall be effective immediately. Prior notice to Government Subscriber and/or Government Subscriber's Individual Users is not required. Reinstatement of the access shall only be upon the written direction of the Court.

5. GUARANTEES OF CONFIDENTIALITY. Government Subscriber agrees:

5.1 To not disclose Court Confidential Information to any third party except where necessary to carry out the Government Subscriber's Legitimate Governmental Business Need as defined in this Agreement.

5.2 To take all appropriate action, whether by instruction, agreement, or otherwise, to insure the protection, confidentiality and security of Court Confidential Information and to satisfy Government Subscriber's obligations under this Agreement.

5.3 To limit the use of and access to Court Confidential Information to Government Subscriber's Individual Users. Government Subscriber shall advise Government Subscriber's Individual Users of the restrictions upon access, use and disclosure contained in this Agreement, requiring each Government Subscriber's Individual User to acknowledge in writing that the individual has read and understands such restrictions. Government Subscriber's Individual Users shall sign the User Acknowledgment Form (Exhibit A) before accessing Court Data Services.

5.4 That, without limiting Clause 1 of this Agreement, the obligations of Government Subscriber and Government Subscriber's Individual Users with respect to the confidentiality and security of Court Confidential Information shall survive the termination of this Agreement and the termination of their relationship with Government Subscriber.

5.5 That, notwithstanding any federal or state law applicable to the nondisclosure obligations of Government Subscriber and Government Subscriber's Individual Users under this Agreement, such obligations of Government Subscriber and Government Subscriber's Individual Users are founded independently on the provisions of this Agreement.

5.6 That, a violation of Government Subscriber's agreements contained in this Clause 5, or a violation of those same agreements by Government Subscriber's Individual Users, shall be grounds for the Court to terminate this agreement and Government Subscriber and/or Government Subscriber's Individual Users access to Court Data Services and Court Records (including Court Documents).

6. **APPLICABILITY TO COURT CASE INFORMATION PROVIDED UNDER LEGAL MANDATE AND PREVIOUSLY DISCLOSED COURT RECORDS AND COURT DOCUMENTS.** Subscriber acknowledges and agrees:

6.1 **Court Case Information Provided Under Legal Mandate.** When the Court is required to provide Government Subscriber with Court Case Information under a legal mandate and the provision of such data by the Court is not optional or otherwise left to the discretion of the Court, for example in the case of a state statutory reporting requirement, the provisions of this Agreement that govern or restrict Government Subscriber's access to and use of Court Case Information do not apply to the specific data elements identified in the legal mandate, but remain in effect with respect to all other Court Case Information provided by the Court to Government Subscriber. All other provisions of this Agreement remain in full effect, including, without limitation, provisions that govern or restrict Government Subscriber's access to and use of Court Confidential Security and Activation Information.

6.2 **Previously Disclosed Court Records and Court Documents.** Without limiting section 6.1, all Court Records and Court Documents disclosed to Government Subscriber prior to the effective date of this Agreement shall be subject to the provisions of this Agreement.

7. **ACKNOWLEDGMENT BY INDIVIDUALS WITH ACCESS TO COURT RECORDS UNDER THIS AGREEMENT.**

7.1 **Requirement to Advise Government Subscriber's Individual Users.** To affect the purposes of this Agreement, Government Subscriber shall advise each of Government Subscriber's Individual Users who are permitted to use and/or access Court Data Services and Court Records (including Court Documents) under this Agreement of the requirements and restrictions in this Agreement.

7.2 **Required Acknowledgement by Government Subscriber's Individual Users.**

7.2.1 Government Subscriber shall require each of Government Subscriber's Individual Users to sign the User Acknowledgement Form (Exhibit A).

7.2.2 The User Acknowledgement Forms of current Government Subscriber's Individual Users must be obtained prior to submitting this Agreement to the

Court for approval and shall accompany the submission of this Agreement for approval.

7.2.3 Until the User Acknowledgement Form required in Clause 7.2.1 is signed, a Government Subscriber's Individual User is prohibited from accessing, using or disseminating Court Data Services and Court Records (including Court Documents). The access, use or dissemination of Court Data Services or Court Records (including Court Documents) by a Government Subscriber's Individual User that has not completed a User Acknowledgement Form as required in Clause 7.2.1 is a violation of this Agreement.

7.2.4 Government Subscriber shall keep all such written User Acknowledgment Forms on file while this Agreement is in effect and for one (1) year following the termination of this Agreement. Government Subscriber shall promptly provide the Court with access to, and copies of, such acknowledgements upon request to the Agency Account Manager.

7.2.5 The User Acknowledgment Forms are incorporated herein by reference.

8. LICENSE AND PROTECTION OF PROPRIETARY RIGHTS. During the term of this Agreement, subject to the terms and conditions hereof, the Court, with the permission of the SCAO, hereby grants to Government Subscriber a nonexclusive, nontransferable, limited license to use Court Data Services Programs and Court Data Services Databases to access or receive Court Records (including Court Documents). SCAO and the Court reserve the right to make modifications to the Court Data Services, Court Data Services Programs, and Court Data Services Databases, and related materials without notice to Government Subscriber. These modifications shall be treated in all respects as their previous counterparts.

8.1 Court Data Services Programs. SCAO is the copyright owner and licensor of the Court Data Services Programs. The combination of ideas, procedures, processes, systems, logic, coherence and methods of operation embodied within the Court Data Services Programs, and all information contained in documentation pertaining to the Court Data Services Programs, including but not limited to manuals, user documentation, and passwords, are trade secret information of SCAO and its licensors.

8.2 Court Data Services Databases. SCAO is the copyright owner and licensor of the Court Data Services Databases and of all copyrightable aspects and components thereof. All specifications and information pertaining to the Court Data Services Databases and their structure, sequence and organization, including without limitation data schemas such as the Court XML Schema, are trade secret information of SCAO and its licensors.

8.3 Marks. Government Subscriber shall neither have nor claim any right, title, or interest in or use of any trademark used in connection with Court Data Services, including but not limited to the marks "MNCIS" and "Odyssey."

8.4 Restrictions on Duplication, Disclosure, and Use.

8.4.1 Trade secret information of SCAO and its licensors will be treated by Government Subscriber in the same manner as Court Confidential

Information. In addition, Government Subscriber will not copy any part of the Court Data Services Programs or Court Data Services Databases, or reverse engineer or otherwise attempt to discern the source code of the Court Data Services Programs or Court Data Services Databases, or use any trademark of SCAO or its licensors, in any way or for any purpose not specifically and expressly authorized by this Agreement. As used herein, "trade secret information of SCAO and its licensors" means any information possessed by SCAO which derives independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. "Trade secret information of SCAO and its licensors" does not, however, include information which was known to Government Subscriber prior to Government Subscriber's receipt thereof, either directly or indirectly, from SCAO or its licensors, information which is independently developed by Government Subscriber without reference to or use of information received from SCAO or its licensors, or information which would not qualify as a trade secret under Minnesota law.

8.4.2 It will not be a violation of Clause 8.4 for Government Subscriber to make up to one (1) copy of training materials and configuration documentation for each individual authorized to access, use, or configure Court Data Services, solely for its own use in connection with this Agreement.

8.4.3 Government Subscriber will take all steps reasonably necessary to protect the copyright, trade secret, and trademark rights of SCAO and its licensors and Government Subscriber will advise Government Subscriber's Individual Users who are permitted access to any of the Court Data Services Programs and Court Data Services Databases, and trade secret information of SCAO and its licensors, of the restrictions upon duplication, disclosure and use contained in this Agreement.

8.5 Proprietary Notices. Government Subscriber will not remove any copyright or proprietary notices included in and/or on the Court Data Services Programs or Court Data Services Databases, related documentation, or trade secret information of SCAO and its licensors, or any part thereof, made available by SCAO or the Court, and Government Subscriber will include in and/or on any copy of the Court Data Services Programs or Court Data Services Databases, or trade secret information of SCAO and its licensors and any documents pertaining thereto, the same copyright and other proprietary notices as appear on the copies made available to Government Subscriber by SCAO or the Court, except that copyright notices shall be updated and other proprietary notices added as may be appropriate.

8.6 Title; Return. The Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration material, if any, and logon account information and passwords, made available by the Court and SCAO to Government Subscriber hereunder, and all copies, including partial copies, thereof are and remain the property of the respective licensor. Within ten days of the effective date of termination of this Agreement, Government Subscriber shall either: (i) uninstall and return any and all copies of the applicable Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration

materials, if any, and logon account information; or (2) destroy the same and certify in writing to the Court that the same have been destroyed.

- 8.7 Reasonable Security Measures.** The Court may add reasonable security measures including, but not limited to, a time-out feature, to Court Data Services Programs.
- 9. INJUNCTIVE RELIEF; LIABILITY.** Government Subscriber acknowledges that the Court, SCAO, SCAO's licensors, and DCA will be irreparably harmed if Government Subscriber's obligations under this Agreement are not specifically enforced and that the Court, SCAO, SCAO's licensors, and DCA would not have an adequate remedy at law in the event of an actual or threatened violation by Government Subscriber of its obligations. Therefore, Government Subscriber agrees that the Court, SCAO, SCAO's licensors, and DCA shall be entitled to an injunction or any appropriate decree of specific performance for any actual or threatened violations or breaches by Government Subscriber or Government Subscriber's Individual Users without the necessity of the Court, SCAO, SCAO's licensors, or DCA showing actual damages or that monetary damages would not afford an adequate remedy. Unless Government Subscriber is an office, officer, agency, department, division, or bureau of the state of Minnesota, Government Subscriber shall be liable to the Court, SCAO, SCAO's licensors, and DCA for reasonable attorney's fees incurred by the Court, SCAO, SCAO's licensors, and DCA in obtaining any relief pursuant to this Agreement.
- 10. COMPROMISE LIABILITY.** Government Subscriber and the Court agree that, except as otherwise expressly provided herein, each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. Liability shall be governed by applicable law. Without limiting the foregoing, liability of the Court and any Government Subscriber that is an office, officer, agency, department, division, or bureau of the state of Minnesota shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, section 3.376, and other applicable law. Without limiting the foregoing, if Government Subscriber is a political subdivision of the state of Minnesota, liability of the Subscriber shall be governed by the provisions of Minn. Stat. Ch. 466 (Tort Liability, Political Subdivisions) or other applicable law.
- 11. AVAILABILITY.** Specific terms of availability shall be established by the Court and set forth in the Policies & Notices. The Court reserves the right to terminate this Agreement immediately and/or temporarily suspend Government Subscriber's approved Court Data Services in the event the capacity of any host computer system or legislative appropriation of funds is determined solely by the Court to be insufficient to meet the computer needs of the courts served by the host computer system. Monthly fees, if any, shall be prorated only for periods of suspension or upon termination of this Agreement.
- 12. ADDITIONAL USER OBLIGATIONS.** The obligations of the Government Subscriber set forth in this section are in addition to the other obligations of the Government Subscriber set forth elsewhere in this Agreement.
- 12.1 Judicial Policy Statement.** Government Subscriber agrees to comply with all policies identified in applicable Policies & Notices. Upon failure of the Government Subscriber to comply with such policies, the Court shall have the option of immediately suspending or terminating the Government Subscriber's Court Data Services on a temporary basis and/or immediately terminating this Agreement.

12.2 Access and Use; Log.

- 12.2.1 Government Subscriber shall be responsible for all access to and use of Court Data Services and Court Records (including Court Documents) by Government Subscriber's Individual Users or by means of Government Subscriber's equipment or passwords, whether or not Government Subscriber has knowledge of or authorizes such access and use.
- 12.2.2 Government Subscriber shall also maintain a log identifying all persons to whom Government Subscriber has disclosed its Court Confidential Security and Activation Information, such as user ID(s) and password(s), including the date of such disclosure. Government Subscriber shall maintain such logs while this Agreement is in effect and for a period of one (1) year following termination of this Agreement. Government Subscriber shall promptly provide the Court with access to, and copies of, such logs upon request.
- 12.2.3 Government Subscriber, through the Agency Account Manager, shall promptly notify the Court when Government Subscriber's Individual Users with individual logins should have accounts added or deleted. Upon Government Subscriber's failure to notify the Court of these changes, the Court may terminate this Agreement without prior notice to Government Subscriber.
- 12.2.4 The Court may conduct audits of Government Subscriber's logs and use of Court Data Services and Court Records (including Court Documents) from time to time. Upon Government Subscriber's failure to maintain such logs, to maintain accurate logs, or to promptly provide access by the Court to such logs, the Court may terminate this Agreement without prior notice to Government Subscriber.

12.3 Personnel. Government Subscriber agrees to investigate (including conducting audits), at the request of the Court, allegations of misconduct pertaining to Government Subscriber's Individual Users having access to or use of Court Data Services, Court Confidential Information, or trade secret information of the SCAO and its licensors where such persons violate the provisions of this Agreement, Policies & Notices, Judicial Branch policies, or other security requirements or laws regulating access to the Court Records. Government Subscriber, through the Agency Account Manager, agrees to notify the Court of the results of such investigation, including any disciplinary actions, and of steps taken to prevent further misconduct. Government Subscriber agrees to reimburse the Court for costs to the Court for the investigation of improper use of Court Data Services, Court Records (including Court Documents), or trade secret information of the SCAO and its licensors.

13. FEES AND INVOICES. Applicable monthly fees commence ten (10) days after notice of the Court's approval of this Agreement or upon the initial Government Subscriber transaction as defined in the Policies & Notices, whichever occurs earlier. When fees apply, the State shall invoice Government Subscriber on a monthly basis for charges incurred in the preceding month and applicable taxes, if any, and payment of all amounts shall be due upon receipt of invoice. If all amounts are not paid within thirty (30) days of the date of the invoice, the Court may immediately cancel this Agreement without notice to Government Subscriber and pursue all available legal remedies. Government Subscriber certifies that

funds have been appropriated for the payment of charges under this Agreement for the current fiscal year, if applicable.

14. **MODIFICATION OF FEES.** SCAO may modify the fees by amending the Policies & Notices as provided herein, and the modified fees shall be effective on the date specified in the Policies & Notices, which shall not be less than thirty (30) days from the publication of the Policies & Notices. Government Subscriber shall have the option of accepting such changes or terminating this Agreement as provided in section 1 hereof.
15. **WARRANTY DISCLAIMERS.**
 - 15.1 **WARRANTY EXCLUSIONS.** EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED HEREIN, COURT, SCAO, SCAO'S LICENSORS, AND DCA MAKE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY, NOR ARE ANY WARRANTIES TO BE IMPLIED, WITH RESPECT TO THE INFORMATION, SERVICES OR COMPUTER PROGRAMS MADE AVAILABLE UNDER THIS AGREEMENT.
 - 15.2 **ACCURACY, COMPLETENESS AND AVAILABILITY OF INFORMATION.** WITHOUT LIMITING THE GENERALITY OF THE PRECEDING PARAGRAPH, COURT, SCAO, SCAO'S LICENSORS, AND DCA MAKE NO WARRANTIES AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED IN THE COURT RECORDS. THE COURT IS NOT LIABLE FOR ANY COURT RECORDS OR COURT DOCUMENTS NOT AVAILABLE THROUGH COURT DATA SERVICES DUE TO COMPUTER OR NETWORK MALFUNCTION, MISTAKE OR USER ERROR.
16. **RELATIONSHIP OF THE PARTIES.** Government Subscriber is an independent contractor and shall not be deemed for any purpose to be an employee, partner, agent or franchisee of the Court, SCAO, SCAO'S licensors, or DCA. Neither Government Subscriber nor the Court, SCAO, SCAO'S licensors, or DCA shall have the right nor the authority to assume, create or incur any liability or obligation of any kind, express or implied, against or in the name of or on behalf of the other.
17. **NOTICE.** Except as provided in Clause 2 regarding notices of or modifications to Court Data Services and Policies & Notices, and in Clauses 13 and 14 regarding notices of or modification of fees, any notice to Court or Government Subscriber hereunder shall be deemed to have been received when personally delivered in writing or seventy-two (72) hours after it has been deposited in the United States mail, first class, proper postage prepaid, addressed to the party to whom it is intended at the address set forth on page one of this Agreement or at such other address of which notice has been given in accordance herewith.
18. **NON-WAIVER.** The failure by either Party at any time to enforce any of the provisions of this Agreement or any right or remedy available hereunder or at law or in equity, or to exercise any option herein provided, shall not constitute a waiver of such provision, remedy or option or in any way affect the validity of this Agreement. The waiver of any default by either Party shall not be deemed a continuing waiver, but shall apply solely to the instance to which such waiver is directed.

19. **FORCE MAJEURE.** Neither party shall be responsible for failure or delay in the performance of their respective obligations hereunder caused by acts beyond their reasonable control.
20. **SEVERABILITY.** Every provision of this Agreement shall be construed, to the extent possible, so as to be valid and enforceable. If any provision of this Agreement so construed is held by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, such provision shall be deemed severed from this Agreement, and all other provisions shall remain in full force and effect.
21. **ASSIGNMENT AND BINDING EFFECT.** Except as otherwise expressly permitted herein, neither Party may assign, delegate and/or otherwise transfer this Agreement or any of its rights or obligations hereunder without the prior written consent of the other. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns, including any corporation or other legal entity into, by or with which Government Subscriber may be merged, acquired or consolidated or which may purchase the entire assets of Government Subscriber.
22. **GOVERNING LAW.** This Agreement shall in all respects be governed by and interpreted, construed and enforced in accordance with the laws of the United States and of the State of Minnesota.
23. **VENUE AND JURISDICTION.** Any action arising out of or relating to this Agreement, its performance, enforcement or breach will be venued in a state or federal court situated within the State of Minnesota. Government Subscriber hereby irrevocably consents and submits itself to the personal jurisdiction of said courts for that purpose.
24. **INTEGRATION.** This Agreement sets forth the entire Agreement and understanding between the Parties regarding the subject matter hereof and supersedes any prior representations, statements, proposals, negotiations, discussions, understandings, or agreements regarding the same subject matter. Except as otherwise expressly provided in Clause 2 regarding Court Data Services and Policies & Notices, and in Clauses 13 and 14 regarding fees, any amendments or modifications to this Agreement shall be in writing signed by both Parties.
25. **MINNESOTA DATA PRACTICES ACT APPLICABILITY.** If Government Subscriber is a Minnesota Government entity that is subject to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, Government Subscriber acknowledges and agrees that: (1) the Court is not subject to Minn. Stat. Ch. 13 (*see* section 13.90) but is subject to the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court; (2) Minn. Stat. section 13.03, subdivision 4(e) requires that Government Subscriber comply with the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court for access to Court Records provided under this Agreement; (3) the use of and access to Court Records may be restricted by rules promulgated by the Minnesota Supreme Court, applicable state statute or federal law; and (4) these applicable restrictions must be followed in the appropriate circumstances.

IN WITNESS WHEREOF, the Parties have, by their duly authorized officers, executed this Agreement, intending to be bound thereby.

1. GOVERNMENT SUBSCRIBER
Government Subscriber must attach documented verification of authority to sign on behalf of and bind the entity ("Master Subscriber Agreement Signing Authority"), such as a council resolution, board authority or legally binding decision maker, and attach same as Exhibit B.

By _____
(SIGNATURE)

Date _____

Name (typed) Michael Risvold

Title Chief of Police

Office 952-404-5343

2. THE COURT

By _____
(SIGNATURE)

Date _____

Title CIO/Director

Information Technology
Division of State Court
Administration

3. Form and execution approved for Court by:

By: _____
(SIGNATURE)

Title: Staff Attorney - Legal Counsel Division

Date: _____

User Acknowledgment Form

The Agency identified below that I work for has contracted with the Office of State Court Administration (the "Court") for the access and use of the Court's Records and Documents. Under that contract, the Agency is required to have employees, student attorneys and contractors sign the written acknowledgment below before they are permitted access.

I, _____, as an employee/student attorney/contractor of _____ ("the Agency"), state the following:

1. I have read and understand the requirements and restrictions in the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies between the Agency and the Court.
2. I understand that I am not to share my login and password information.
3. I shall access and use the Court Records and Court Documents provided for only "legitimate governmental business needs." I understand a "legitimate governmental business need" is limited to a requirement, duty or obligation for the efficient performance of governmental tasks or governmental responsibilities that is required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.
4. I shall not access or use Court Records or Court Documents for personal or non-official use or any use that is not a legitimate governmental business need as defined in paragraph 3, above.
5. I will not share Court Records or Court Documents with third parties other than as needed to further legitimate governmental business needs as defined in paragraph 3, above.
6. I understand that the Court is not liable for any Court Records or Court Documents not available due to computer or network malfunction, mistake or user error. The Court makes no warranties as to the completeness or accuracy of the Court Records and Court Documents provided.
7. I agree to notify the Court when I no longer work for the Agency or no longer have a legitimate governmental business need for Court Records and Court Documents. I agree to stop accessing court records and documents when this occurs.
8. I understand that should I violate paragraphs 3., 4., or 5., it would result in the suspension or termination of my access to Court Records and Documents, and may result in the suspension or termination of the access to Court Records and Documents by the Agency, and other civil and criminal liability.

Date: _____

By: _____
Employee/Student Attorney/Contractor for Agency

Memorandum

DATE: August 16, 2016
TO: Wayzata City Council
FROM: Wayzata City Attorney
REGARDING: Amendment to UUCM Settlement Agreement

Recommended Council Action:

Approval of Agreement to amend the Settlement Agreement with UUCM to satisfy the condition of City Council Resolution No. 15-2016

Summary:

When the Unitarian Universalist Church of Minnetonka (UUCM) submitted its application for final land use approvals for the construction of a new church building and parking at 2030 Wayzata Blvd East and adjacent property, it included a request that some of the easterly portion of the property be subdivided out and designated for residential use.

That request was approved by the City as part of Resolution No. 15-2016 upon the condition that the Settlement Agreement between UUCM and the City be amended to remove the express limitation in that agreement on the use of the property to “uses that are customarily incidental to a Church”.

The City Attorney and UUCM’s attorney have prepared and approved the attached agreement that would satisfy such condition and amend the Settlement Agreement accordingly, as well as memorialize certain related terms.

Staff and the City Attorney recommend approval.

AGREEMENT

This Agreement (“Agreement”) is made by and between the City of Wayzata, a Minnesota municipal corporation, (the “City”) and the Unitarian Universalist Church of Minnetonka, a Minnesota non-profit corporation, with an address of 605 Rice Street, Wayzata, MN (“UUCM”). The City and UUCM are sometimes referred to in this Agreement as the “Parties”.

BACKGROUND

A September 13, 2012 agreement between the Parties settled litigation brought by UUCM against the City (the “Settlement Agreement”) related to UUCM’s development application to construct a new church building and associated parking at 2030 Wayzata Blvd East, Wayzata, MN and adjacent property (the “Property”).

The Settlement Agreement expressly limits the use of all of the Property to “a Church, including uses that are customarily incidental to a Church, including: a) gatherings or meetings of members of the community or of a community or non-profit organizations or groups; and b) charitable activities or services associated with a religious body” (the “Church Use Restriction”).

When UUCM submitted its final development application for the Property under the terms and process of the Settlement Agreement, UUCM included the request that some of the easterly portion of the Property be subdivided from the Property and designated instead for residential use.

That request was approved by the City as part of Resolution No. 15-2016 upon the condition of “the Settlement Agreement being amended by the Parties to be consistent with the action taken in this Resolution, in a form acceptable to the City Attorney and the Applicant’s attorney”.

The Parties wish to satisfy such condition and amend the Settlement Agreement accordingly, as well as memorialize certain related terms.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Settlement Agreement is hereby amended to remove the Church Use Restriction on that portion of the Property subdivided, guided and zoned for residential use pursuant to Resolution No. 15-2016.

2. The actions taken by the City in Resolution No. 15-2016 are consistent with, and not a violation of, the Settlement Agreement, as amended hereby.

3. This Agreement, the Settlement Agreement, Resolution No. 62-2012 and Resolution No. 15-2016 shall constitute the PUD Agreement that is contemplated by the Settlement Agreement, including the agreements, terms and conditions referenced therein.

4. This Agreement has been reviewed and approved by the City Attorney and UUCM's attorney.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed on the day and year set forth below.

Dated: _____, 2016

UNITARIAN UNIVERSALIST CHURCH OF MINNETONKA

By _____
Michael D. Elliot
President of the Board of Trustees

STATE OF MINNESOTA }
COUNTY OF _____ } ss

On this ____ day of _____, 2016, before me personally appeared Michael D. Elliot to me know to be the person described in the foregoing instrument and who did say he is the President of the Board of Trustees of the UNITARIAN UNIVERSALIST CHURCH OF MINNETONKA, a Minnesota non-profit corporation.

Notary Public

Dated: _____, 2016

CITY OF WAYZATA

By _____

Ken Willcox

Its: Mayor

By _____

Becky Malone

Its: Deputy City Clerk

STATE OF MINNESOTA }
COUNTY OF HENNEPIN } ss

This instrument was acknowledged before me on _____, 2016, by Ken Willcox and Becky Malone, the Mayor and Deputy City Clerk, respectively, of the CITY OF WAYZATA, a Minnesota municipal corporation.

Notary Public

000043/280018/2436752_5



Planning Report
August 16, 2016
Wayzata City Council Meeting

File Case No: PR 2015-10
Owner: Graham and Nancy Gnos
Address of request: 133 Ridgeview Drive E
PID number: 31-118-22-33-0023
Prepared By: Eric Zweber, Interim City Planner
Summary: Request for a 12 month extension to commence work associated with previously approved Setback Variance for garage expansion.

Section 1: Background.

In September 1, 2015, Graham and Nancy Gnos (collectively, the “Owner” or “Applicant”) received approval of a setback variance to construct a four (4) ft wide by twenty five (25) ft long, one hundred square foot (100 SF) expansion to an existing attached garage (the “Project”) at 133 Ridgeview Drive E (the “Property”). The variance allowed encroachment into the ten (10) ft sideyard setback to a distance of 5.6 ft to allow for the location of a driveway to a side-loading garage (the “Variance”). The Resolution 29-2015 approving the Variance is proved in Attachment A of this report.

Sec. 801.05.3 of the Zoning Ordinance states that a variance shall become null and void twelve (12) month after the date of approval “unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the variance” but also that the applicant has the right to submit an application for a time extension under the process outlined in this section.

Mr. Gnos submitted a timely application on July 25, 2016 (the “Application”; Attachment B) for a twelve (12) month extension of the time to begin construction of the garage expansion allowed by the Variance, which would extend the time period from September 1, 2016 to September 1, 2017 (the “Extension”).

Under Sec. 801.05.3.C, the Council should hear the Application and determine whether the Applicant has shown “a good faith attempt to utilize the variance”. The City Council shall consider such factors as:

- The type, design and size of the proposed construction,
- any applicable restrictions on financing, or
- special and/or unique circumstances beyond the control of the applicant which have caused the delay

In support of the Application and Extension, Mr. Gnos states that the sale of his house closed on July 29, 2016 and that the purchaser has requested Mr. Gnos to request the variance extension so that the new owner can complete the garage addition with other remodeling that the new owner plans on doing within the next twelve (12) months.

Section 2. Action Steps.

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

1. Adopt draft Resolution No. 33-2016 included as Attachment C of this Report approving the Extension.
2. If the Council finds the Application does not meet the applicable standards of the Zoning Ordinance and should be denied, the Council should direct staff to prepare a Resolution reflecting the denial for review and adoption at the next Council meeting.

Attachments:

1. Attachment A: September 1, 2015 City Council Resolution
2. Attachment B: Gnos Extension Request Letter and Application
3. Attachment C: Draft Resolution 33-2016

Memorandum

DATE: September 1, 2015
TO: Wayzata City Council
FROM: Wayzata City Attorney
REGARDING: Review and Action on 133 Ridgeview Drive E Variance Application

At its last meeting, City Council considered a development application submitted by Graham and Nancy Gnos for a sideyard setback variance to expand their existing garage. After discussing the application and being unable to assemble an affirmative majority of members to approve or deny the application (Council Member Anderson has recused herself from this item), Council voted to table this item until its next meeting.

As Council resumes the discussion and takes action on the application, and in light of Council Member Anderson's recusal, I would advise the following procedure:

- Take time for any discussion among the Council, and with staff and the Applicant, and take any public comment, as desired by Council. The materials on this application from the last meeting are again included with your packet.
- Entertain a motion to adopt the draft approval resolution included with your packet (based on the PC Report & Recommendation). Importantly, those voting against the approval motion should state that they are voting against approval (i) for the reasons they have stated on the record, and (ii) based on the findings referenced at the end of this memo (or a variation thereof), which are based on the record from the PC meeting and the last Council meeting.
- If the motion to adopt the approval resolution obtains 3 or more affirmative votes, the motion will pass and the variance will be granted. If the motion fails to receive 3 or more affirmative votes, and those voting against the motion make the statements noted above, the variance will be denied.

The basic rule for Council action is that an affirmative vote of the majority of Council members is needed to adopt a resolution approving a variance. If there is no affirmative majority (3 yes votes), then the applicant does not get the variance. Another rule at play is the "60 Day Rule", a state law under which the Council must vote to approve or deny a request related to zoning within 60 days (or any permitted extension of time). Denials must state in writing the

reasons for the denial at the time the denials are made. Failure to deny a request within the required time frame is deemed approval of the request as a matter of law. However, if an approval motion fails, that failure constitutes a denial for the purpose of the 60 Day Rule provided those voting against the approval motion state on the record the reasons why they oppose the request.

POSSIBLE FINDINGS FOR DENIAL

1. The Applicant has not established that there are “practical difficulties” in complying with the Zoning Ordinance in that the plight driving the need for the variance is not due to circumstances unique to the property, such as topography or lot size, but was created by a previous landowner who expanded the kitchen into the garage, reducing the garage from a 2 car garage to a 1 car garage. The Applicant was aware of this condition when purchasing the property.
2. Economic considerations appear to be the sole reason for the variance, as the Applicant is selling the home, and has stated that the need of the variance for the 2 car garage is to sell the home more quickly and at a higher price.

000043/315010/2199261_1

Bryan Gadow

From: Craig & Kelly Heide <airkeaton@yahoo.com>
Sent: Monday, August 24, 2015 11:29 AM
To: Bryan Gadow; Bridget Anderson; Johanna McCarthy; Andrew Mullin; Steven Tyacke; Ken Willcox; dschelzel@bestlaw.com
Cc: graham.gnos@accenture.com
Subject: Gnos 133 Ridgeview Drive- Side Setback Variance Request

Mr. Gadow,

We spoke a few weeks ago regarding our own property and now I am reaching out to you in reference to our neighbors, Graham & Nancy Gnos. My husband Craig and are writing you in regards to the proposed side setback variance request at 133 Ridgeview submitted by the Gnos'. We live directly next store to the East, at 141 Ridgeview Drive and our home would be directly impacted by this request. After multiple conversations with the Gnos' and upon reviewing the proposed garage expansion we support their request and would urge the City Council to approve. Please note the following reasons for our support:

1. Our home along with the Gnos' have a unique shared driveway configuration (only one in neighborhood). In addition, the lot line between the two homes is at an angle to the North. These combined make it extremely difficult for any type of garage expansion without removing significant trees throughout the lot. The shared driveway and angled lot line have been in place for at least the last 65+ years based on our lot survey research.
2. Every home in the neighborhood today has a two car garage and what the Gnos' are proposing would keep the look and feel of the home intact with the rest of the neighborhood.
3. Today, the Gnos' have to park one of their cars in the driveway. We feel by allowing them to have a two car garage and being able to park two cars in the garage....it will actually improve the value of homes in the area and look much better for everyone instead of having to always have a car in the driveway.
4. A two car garage for this house versus the current one car configuration will help maintain and improve home values in the neighborhood. This is good for the entire City.

In closing, today's families want and need at least a two car garage. It's no secret that any family can find plenty of 2+ car garages with all of the new developments in Plymouth. Wayzata is not Plymouth, nor do we want it to be...however we do want to continue to attract new families to the area that will continue to make Wayzata a great place to live. This, along with the points above is why we support the Gnos' request.

Regards,

Kelly & Craig Heide
141 Ridgeview Drive



Planning Report
August 18, 2015
Wayzata City Council Meeting

File Case No:	PR 2015-10
Owner:	Graham and Nancy Gnos
Address of request:	133 Ridgeview Drive E
PID number:	31-118-22-33-0023
Prepared By:	Bryan Gadow, Director of Planning and Building
Project Summary:	The Application is for a Variance from the Ten (10) ft Sideyard Setback requirement in the R-2 District.

Section 1: Background.

Graham and Nancy Gnos (collectively, the “Owner” or “Applicant”) have submitted a development application (the “Application”) requesting approval to construct a four (4) ft wide by twenty five (25) ft long, one hundred square foot (100 SF) expansion to an existing attached garage (the “Project”) at 133 Ridgeview Drive E (the “Property”). The Application requests approval to encroach into the ten (10) ft sideyard setback to a distance of 5.6 ft to allow for the location of a driveway to a side loading garage (the “Project”). The proposed site plan and building plans for the garage expansion are included as Attachment A to this Report.

The zoning request included in the Application is:

- A Variance from the Ten (10) ft Sideyard Setback in the R-2 District (Section 801.54.6.B.1.b) to a distance of 5.6 ft (the “Setback Variance”)

1.1 Approval Requests.

The Project includes one (1) approval requests associated with the Application:

A. *Variance for Sideyard Setback*

The southeast corner of the existing garage attached to the residence on the Property is pre-existing at 9.6 ft. The Applicant proposes a four (4) ft wide, 100 SF garage addition on the east side of the garage to a distance of 5.6 ft from the side property line. The request required approval of a

Setback Variance from the ten (10) ft side yard setback requirement in the R-2 Medium Density Single Family District.

1.2 Applicant's Narrative.

The Applicant provided the following narrative describing their request:

Prior to buying our house at 133 Ridgeview Drive in 2003, the previous owner expanded the kitchen, which sits directly next to the garage's West interior wall. The previous owner expanded the kitchen out into the garage approximately 4'. While from the street the garage still looks like a two car garage, you are unable to park more than one car in the garage at any time. Our objective of bumping the garage out by 4' is to bring the garage back as well as the house to rhythm of the neighborhood, where every house has a two car garage. This would allow us to park both of our cars in the garage together. In addition to seeking a garage that fits with the rest of the neighborhood that allows two cars to be parked in it, our home at 133 Ridgeview Drive is also on the market for sale. We have bought a house/lot a block down the road on Margaret Circle and will begin building in the coming weeks. Having a two car garage at 133 Ridgeview will also put us in a better competitive position with all of the other homes currently on the market in Wayzata and at our price point. We have been told by many buyers that they would buy our home, but will not, given the current garage footprint. That said, we would still seek the variance regardless of moving or not.

1.2 Relevant Property Information.

Zoning:	R-2 Medium Density Single Family District
Comp Plan:	Low Density Single Family
Total lot size:	14,987 square feet (SF) or 0.34 acres

Map 1: Existing Property Aerial



1.3 Legal Description.

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

133 Ridgeview Drive E	31-118-22-33-0023	Graham and Nancy Gnos
-----------------------	-------------------	-----------------------

1.4 Public Noticing Requirements.

Zoning Ordinance Section 801.05 requires the Planning Commission to hold a public hearing on the Application. The Notice of Public Hearing was published in the Lakeshore Weekly on July 21, 2015. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject property on July 23, 2015.

1.5 Planning Commission Meeting Summary.

The Planning Commission reviewed the Application and held a Public Hearing on August 3, 2015. Two individuals provided written public comment on the Application, which is attached as Attachment C. The Planning Commission voted four (4) in favor, one (1) opposed, with one (1) abstention, and one (1) absence to direct Staff to prepare a draft *Planning Commission Report and Recommendation* for approval of the Application at the August 17, 2015 Planning Commission meeting. A copy of the draft Planning Commission meeting minutes of August 3, 2015 is included as Attachment D.

The Planning Commission reviewed and adopted the draft *Planning Commission Report and Recommendation* on a vote of ___ to _____. A copy of the draft *Planning Commission Report and Recommendation* is included as Attachment E. A draft Resolution of approval based upon the draft *Planning Commission Report and Recommendation* is included as Attachment F.

Section 2. Summary of Issues.

2.1 Zoning Analysis.

Adjacent property uses are:

Adjacent Property	Zoning	Uses
North	R-2	Single Family Residences
West	R-2	Single Family Residences
East	R-2	Single Family Residences
South	R-2	Single Family Residences

A comparison of the R-2 Standards and the proposed Project is as follows:

R-2 District	Code Standard	Proposed
Minimum Lot Area	15,000 square feet (SF)	14,987 SF
Minimum Lot Width	100 ft	100 ft
Minimum Lot Depth	100 ft	150 ft
Front Yard Setback (min.)	25 ft	48 ft
Side Yard Setback (West)	10 ft	17.2 ft
Side Yard Setback (East)	10 ft	9.6 ft (Existing) 5.6 ft (Proposed)
Rear Yard Setback (min.)	20 ft	48 ft
Lot Coverage	20%	17.6% (2,643 SF)
Impervious Surface	30%	25.7% (3,847 SF)

Section 3. Applicable Review Criteria:

3.1 Zoning Ordinance Variance Standards. Section 801.05.1.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria are as follows (with Staff’s comments included in *italics*):

A. 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.

The Property is guided for Low Density Single Family residential use. The Application proposes to construct an expansion to an existing attached garage on the Property, and encroach 4.6 ft into the required ten (10) ft side yard setback. The Planning Commission and City Council should make a finding of fact on whether or not the variance requests are in harmony with the general purpose and intent of the ordinance and 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 this Ordinance.

The Planning Commission and City Council should make a finding of fact on whether or not the Applicant has established that there are practical difficulties in complying with the 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 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.

The Property is currently guided for single family use, and the Applicant desires to continue that use and construct an expansion to an existing attached garage on the Property. The Planning Commission and City Council should make a finding of fact on whether or not the Project meets the practical difficulties and reasonableness standard.

- 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.

The Planning Commission and City Council should make a finding of fact on whether or not economic considerations are the sole reason for the practical difficulties.

- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.

Not applicable in this case, as the Applicant is not proposing earth sheltered construction.

- F. 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.

The proposed addition to the existing garage of the existing single family detached house is a permitted use in the R-2 District.

- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

The Planning Commission and City Council should determine if there are any applicable conditions that apply, if the Project is recommended for approval.

- 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.

The Applicant has provided a narrative, included in Section 1.2 of this Report, to describe their reasons for requesting the Variance.

Section 4. Action Steps.

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

1. Adopt the draft approval Resolution No. 29-2015 included as Attachment E of this Report.
2. If the Council wishes to significantly modify the Resolution for approval, the Council should direct staff to prepare a revised Resolution for review and adoption at the next Council meeting.
3. If the Council wishes to pursue a denial motion, the Council should direct staff to prepare a revised Resolution reflecting the denial motion for review and adoption at the next Council meeting.

Attachments:

1. Attachment A: Letter of Recusal
2. Attachment B: Submitted Plan Set
 - Existing Conditions Site Plan
 - Proposed Site Plan
 - Garage Remodel Plans

133 Ridgeview Drive E.

p. 7

3. Attachment C: Received Public Comment
4. Attachment D: Draft Planning Commission Meeting Minutes of August 3, 2015
5. Attachment E: Draft Planning Commission Report and Recommendation
6. Attachment F: Draft Resolution 29-2015

Attachment A

Mr. Tom Vanderheyden, Chair
Wayzata Planning Commission
Re: August 3rd Planning Meeting
July 28, 2015

Chairman Vanderheyden

I wanted to make you aware that I have submitted a side setback variance request for our home at 133 Ridgeview Drive for consideration during the August 3rd, 2015 planning commission meeting. As a result of this request, I wanted to make you aware that I am planning on recusing myself during this portion of the August 3rd meeting and any subsequent discussion on my application request.

Please let me know if you have any questions.

Regards,

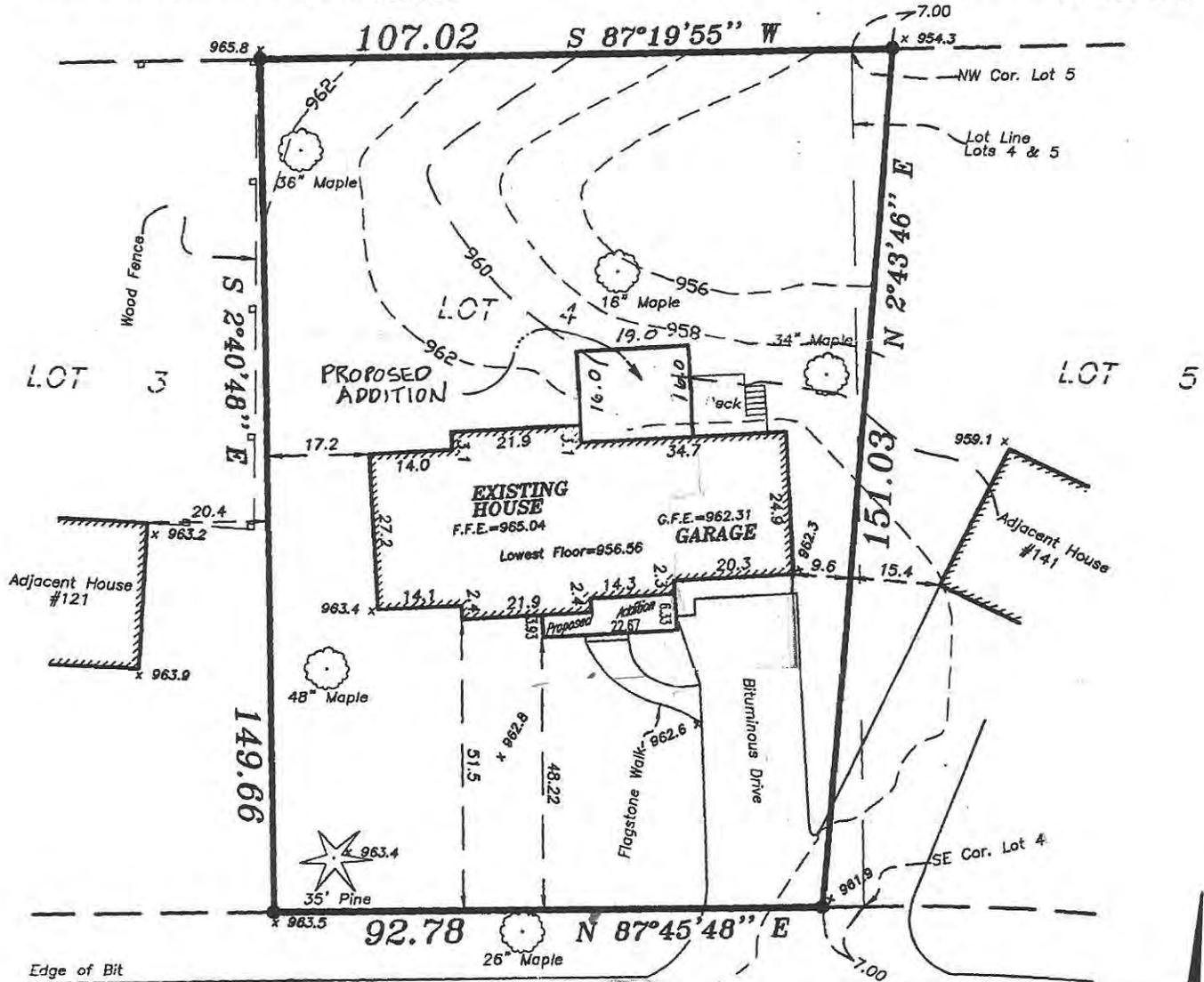
Graham L. Gnos

CERTIFICATE OF SURVEY Attachment B

FOR: GRAHAM AND NANCY GNOS

LEGAL DESCRIPTION

That part of lots 4 and 5, Block 1, Second Addition To Ridgeview Heights, lying westerly of a line drawn from a point on the south line of said Lot 4, a distance of 7.00 feet west from the southeast corner thereof, to a point in the north line of said lot 5, a distance of 7.00 feet east from the northwest corner thereof.



These are the existing hardcover calculations

RIDGEVIEW DRIVE EAST

Site Address
133 Ridgeview Drive E.
Wayzata, MN 55391

Existing Hardcover

House/Deck	2,115.7 Sq. Ft.
Stoop/Walks/Drive	1,247.3 Sq. Ft.
Total Hardcover	3,363.0 Sq. Ft.
Lot Area	14,987.4 Sq. Ft.
Percent of Hardcover = 22.4%	

Proposed Hardcover

House/Deck	2,543.11 Sq. Ft.
Stoop/Walks/Drive	1,204.3 Sq. Ft.
Total Hardcover	3,747.41 Sq. Ft.
Lot Area	14,987.4 Sq. Ft.
Percent of Proposed Hardcover = 25.0%	
-Addition to match existing grades-	

○ Denotes iron monument
● Denotes found monument
x 000.0 Denotes existing elev.

DEMARS-GABRIEL AND SURVEYORS, INC.

3030 Harbor Lane No.
Plymouth, MN 55447
Phone: (763) 559-0908

I hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

As surveyed by me this 20th day of November, 2006.

David E. Crook

Minn. Reg. No. 22414

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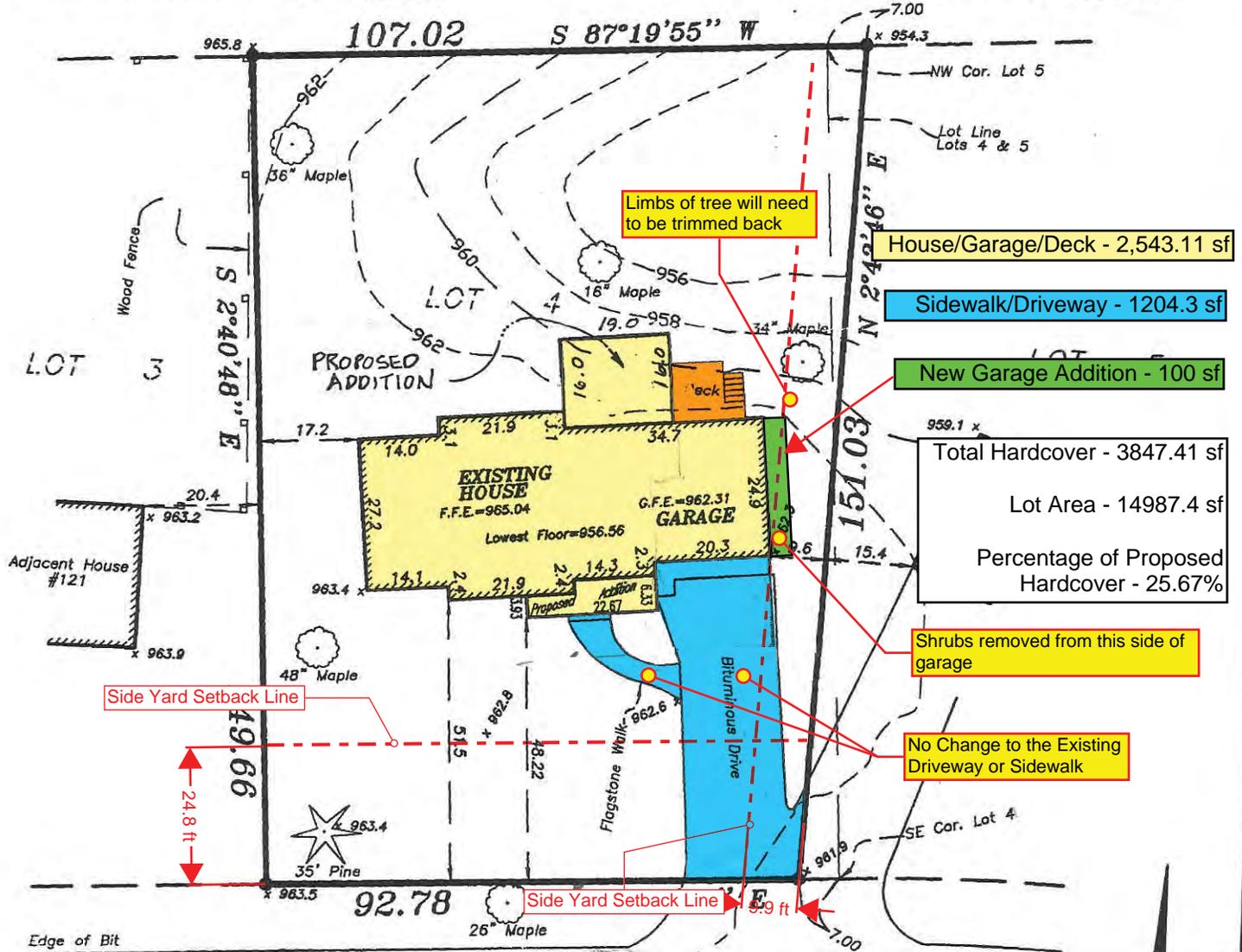
File No.	13284
Book-Page	445-3
Scale	1"=30'

FOR: Custom Homes, Inc

GRAHAM AND NANCY GNOS

LEGAL DESCRIPTION

That part of lots 4 and 5, Block 1, Second Addition To Ridgeview Heights, lying westerly of a line drawn from a point on the south line of said Lot 4, a distance of 7.00 feet west from the southeast corner thereof, to a point in the north line of said lot 5, a distance of 7.00 feet east from the northwest corner thereof.



House/Garage/Deck - 2,543.11 sf
 Sidewalk/Driveway - 1204.3 sf
 New Garage Addition - 100 sf
 Total Hardcover - 3847.41 sf
 Lot Area - 14987.4 sf
 Percentage of Proposed Hardcover - 25.67%

RIDGEVIEW DRIVE EAST

Site Address
 133 Ridgeview Drive E.
 Wayzata, MN 55391

Existing Hardcover

House/Deck 2,115.7 Sq. Ft.
 Stoop/Walks/Drive 1,247.3 Sq. Ft.
 Total Hardcover 3,363.0 Sq. Ft.
 Lot Area 14,987.4 Sq. Ft.
 Percent of Hardcover = 22.4%

Proposed Hardcover

House/Deck 2,543.11 Sq. Ft.
 Stoop/Walks/Drive 1,204.3 Sq. Ft.
 Total Hardcover 3,747.41 Sq. Ft.
 Lot Area 14,987.4 Sq. Ft.
 Percent of Proposed Hardcover = 25.0%
 -Addition to match existing grades-

o Denotes iron monument
 ● Denotes found monument
 x 000.0 Denotes existing elev.

DEMARS-GABRIEL AND SURVEYORS, INC.

3030 Harbor Lane No.
 Plymouth, MN 55447
 Phone:(763) 559-0908

I hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

As surveyed by me this 20th day of November, 2006.

David E. Crook

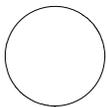
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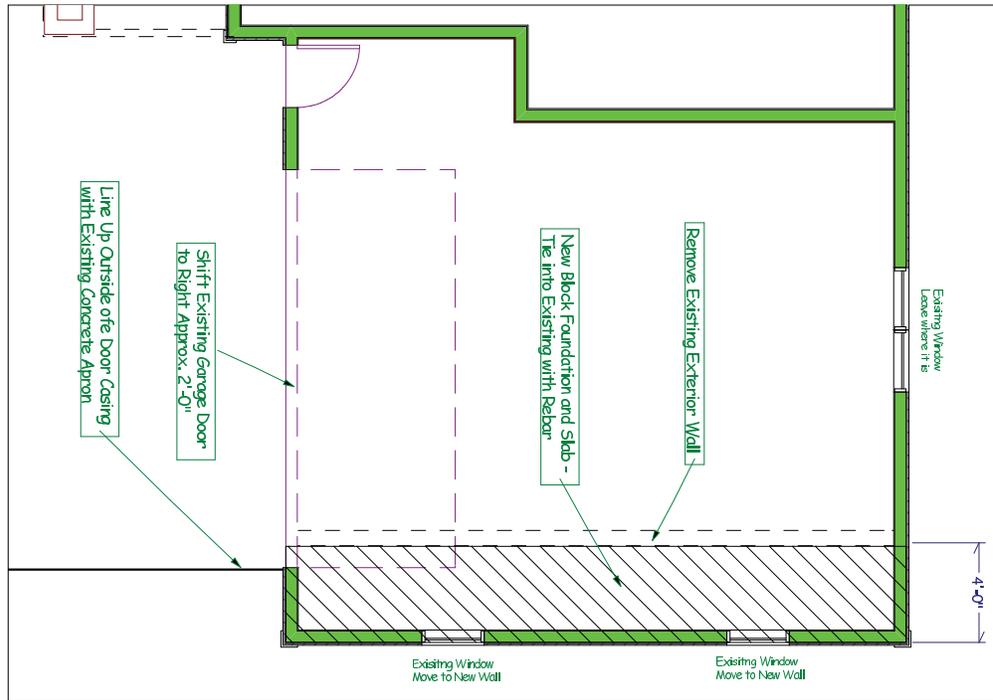
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File No.
 13284

Book-Page
 445-3

Scale
 1"=30'


Floor Plan
 1/8" = 1'-0"



Graham and Nancy Gnos
 Ridgeview Drive E. Wayzata, MN

Orig. Draft:
 05/20/2015

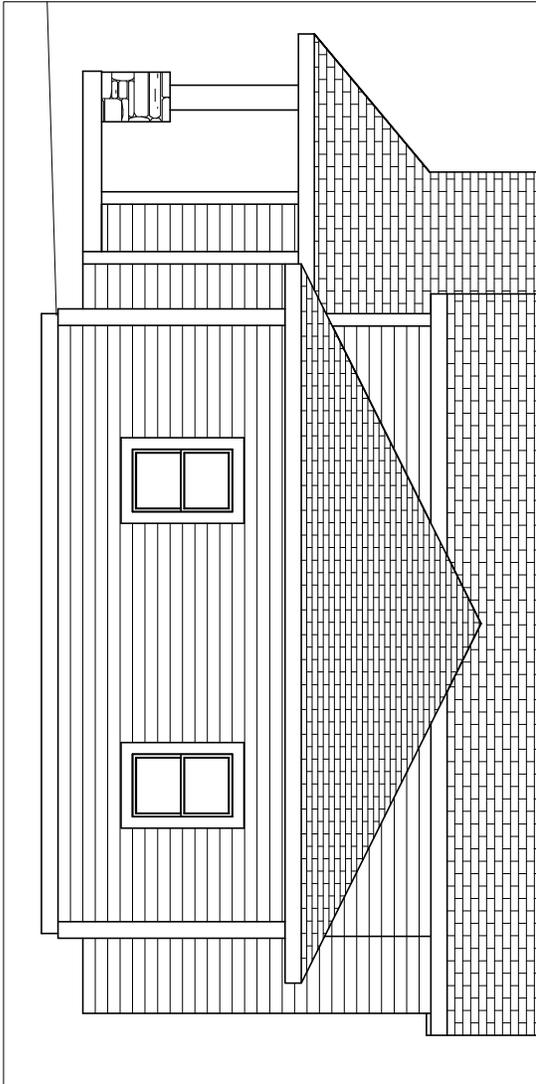
Denali
 Custom Homes, Inc

Revisions:

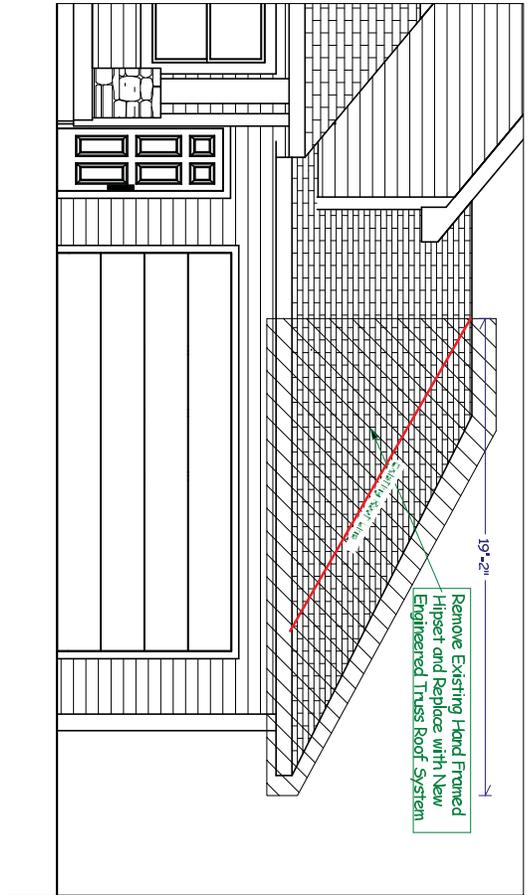
Page No.

1

Side Elevation
1/8" = 1'-0"



Front Elevation
1/8" = 1'-0"



Graham and Nancy Gnos
Ridgeview Drive E. Wayzata, MN

Orig. Draft:
05/20/2015

Denali
Custom Homes, Inc

Revisions:

Page No.

2

Attachment B

Attachment C

Bryan Gadow

From: SSorenson@doughertymarkets.com
Sent: Monday, August 03, 2015 9:29 AM
To: Bryan Gadow
Subject: Proposed Gnos Garage Expansion

Steve Sorenson
162 Ridgeview Drive
Wayzata, MN 55391

August 3, 2015

Mr. Gadow,

I received notice of the Gnos' requested garage expansion at 133 Ridgeview Drive and while I had hoped to attend the planning commission meeting in person this evening, my schedule does not permit. Please note that I believe the Gnos' request to bump their garage out makes complete sense and I support their request. The look and feel of the house will remain constant with the neighborhood and allowing them to be able to park two cars in the garage is the right thing to do.

Please accept this email as support of their request to the city.

Regards,

Steve Sorenson

Steven D. Sorenson

Vice President- Institutional Equity Sales

Dougherty & Company LLC

90 S 7th St, Suite 4300

Minneapolis, Minnesota

612.317.2012 (Direct) | 612.207.4113 (cell)

ssorenson@doughertymarkets.com

AOL IM: ssorensonDCO

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For additional disclosure information see <http://www.doughertymarkets.com/disclosures/general-disclosure>

Attachment C

Jonathan Pyne and Carla Mackedanz

156 Ridgeview Lane East

Wayzata, MN 55391

August 3, 2015

Brian Gadow
Director of Planning and Building
City of Wayzata
600 Rice Street E
Wayzata, MN 55391

Dear Mr. Gadow,

We received notice of the Gnos' requested garage expansion at 133 Ridgeview Drive. My wife, Carla and I believe the Gnos' request to bump their garage out is a good idea, when our homes were built, mudrooms and larger garages were not seen as necessary. Things have changed. We remodeled our home to add a mudroom and a second garage stall. These made our home much more comfortable. We support their request, it will add to their home and to our neighborhood.

We had hoped to attend the planning commission meeting, but our schedules will not allow us to attend. We wanted to send this letter to ensure that the planning commission understands our support. The look and feel of the house will remain constant with the neighborhood. Please accept this email as support of their request to the city.

Sincerely,

Jonathan Pyne

Carla Mackedanz

1 Mr. Gnos stated the existing apron and black top would remain the same. The existing door is a
2 two car garage door and this would be shifted over to allow for two cars to be parked in the
3 garage.

4
5 Commissioner Gonzalez asked if the applicant had talked with the neighbors regarding the
6 expansion.

7
8 Mr. Gnos stated he had discussed the plans with neighbors and they have stated they are open to
9 the expansion. He also let them know the Planning Commission would be holding a public
10 hearing on the application today.

11
12 Commissioner Gonzalez asked if the height of the existing structure would change.

13
14 Mr. Gnos clarified the existing structure height would not change.

15
16 Chair Vanderheyden asked if there was a formal easement for how the neighbor's driveway sits
17 on Mr. Gnos' property.

18
19 Mr. Gnos stated he was not aware of a formal easement.

20
21 Chair Vanderheyden opened the public hearing at 7:12 p.m.

22
23 There being no comments from the public, Chair Vanderheyden closed the public hearing at 7:13
24 p.m.

25
26 Commissioner Ramy asked if there had been other situations in the City where the building had
27 created the hardship. He stated the situation was an economic one because the owner still had
28 reasonable use of the land and building.

29
30 Commissioner Gonzalez clarified the Planning Commission's role was to determine if there were
31 practical difficulties, not a hardship, and if the request is reasonable.

32
33 City Attorney Schelzel stated the Commissioner should focus on the standards in the Zoning
34 Ordinance. He stated the Ordinance states that a variance can be granted if the applicant
35 establishes that there are practical difficulties in complying with the Ordinance, and there are
36 three criteria outlined in the Ordinance that must be met in order to establish practical
37 difficulties. He clarified if the applicant was requesting the variance for economic
38 considerations only, then the variance should be denied; but if the applicant establishes there are
39 additional reasons for the variance request then the Commission may chose to grant the variance.

40
41 Commissioner Gonzalez recommended approval of the variance request for the following
42 reasons: there are practical difficulties because it is an existing building and the applicant has no
43 alternatives for expansion, the existing setback is currently non-conforming and the request will
44 not affect the neighboring property, the trees on the property will remain, the height of the
45 structure will not change, the difficulties are unique to the property because all of the homes in

1 this neighborhood have double garages and this property does not have alternatives for this, the
2 variance will not alter the essential character of the neighborhood and the request is reasonable.

3
4 Commissioner Ramy stated the house was designed with a two car garage, and the home could
5 be a two car garage if the applicant were to put the kitchen back to the way the original design
6 had been and moved the kitchen from the garage.

7
8 Commissioner Gonzalez clarified that her decision is not based on knowing the applicant. The
9 application as presented meets the standards in the Ordinance for granting a variance. The
10 practical difficulties are established.

11
12 Commissioner Young stated the previous owner made the change and the applicant bought the
13 house knowing of the change. But based on the application, he would support the variance.

14
15 Chair Vanderheyden stated he would also support the request. The current landowner did not
16 create the practical difficulties. He understands there could be cascading effects that may occur
17 with this over time if the Commission sets a precedent by granting the variance. But the request
18 does not alter the character of the locality. This is a neighborhood of two car garages, and the
19 applicant has a single stall garage. Further, being able to park two cars inside is beneficial to the
20 neighborhood in that it keeps more cars off the street and out of sight.

21
22 Commissioner Gruber stated she would not support the request because of the language “the
23 plight of the landowner is due to circumstances unique to the property, and not created by the
24 landowner”. In this case, a landowner created the circumstances, and the applicant has lived in
25 the home for 12-years and has known about the situation and lived with a single stall garage for
26 that time. She stated economic considerations have become paramount for the applicant, as he
27 has been unable to sell the home with a single stall garage. This is an opportunity to negotiate on
28 the price of the property. She expressed concerns about setting a precedent for future applicants
29 that may have unique circumstances created by previous landowners.

30
31 Commissioner Ramy stated this is a reasonable request and would improve the aesthetics of the
32 neighborhood as pointed out by the Chair. He stated he would support the variance request.

33
34 Commissioner Young made a motion, Seconded by Commissioner Gonzalez, to direct Staff
35 prepare a Planning Commission Report and Recommendation of approval for a sideyard setback
36 variance at 133 Ridgeview Drive E for reasons discussed by the Planning Commission. The
37 motion carried 4 ayes; 1 nay (Gruber).

38
39
40 **AGENDA ITEM 3. Other Items:**

41
42 **a. Review of Development Activities**

43
44 Mr. Gadow stated the August 17 meeting would start with a joint workshop with the City
45 Council at 5:30 to discuss the proposed Telecommunications Ordinance. The regular agenda
46 would include a variance application for a fence at 324 Bushaway Road. The City received an



WAYZATA PLANNING COMMISSION

August 17, 2015

REPORT AND RECOMMENDATION ON APPLICATION FOR SIDE YARD SETBACK VARIANCE AT 133 RIDGEVIEW DRIVE EAST

SUMMARY OF RECOMMENDATION

- Approval* of Side Yard Setback Variance

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Graham and Nancy Gnos (collectively, the “Owner” or “Applicant”) have submitted a development application (the “Application”) requesting approval to construct a four (4) ft wide by twenty five (25) ft long, one hundred square foot (100 SF) expansion to an existing attached garage (the “Project”) at 133 Ridgeview Drive E (the “Property”). The Application requests approval of a variance to encroach 5.6 ft into the ten (10) ft sideyard setback to allow for the location of a driveway to a side loading garage.

1.2 Application Request. As part of the Application, the Applicant is requesting approval of the following item:

- A. A variance from the required ten (10) ft Sideyard Setback in the R-2 District (Section 801.54.6.B.1.b) to allow encroachment of 5.6 ft into the setback (the “Setback Variance”)

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

133 Ridgeview Drive E	31-118-22-33-0023	Graham and Nancy Gnos
-----------------------	-------------------	-----------------------

- 1.4 Land Use. Uses in the general vicinity are single family detached residential. The Property and adjacent properties are zoned R-2 (5,000 SF minimum lot sizes).
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly* on July 21, 2015. A copy of the notice was mailed to all property owners located with 350 feet of the Property on July 23, 2015. The required public hearing was held at the August 3, 2015 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Side Yard Setback. The front yard setback in the R-2 District is ten (10) feet. Section 801.54.6.B.1.b.
- 2.2 Zoning Ordinance Variance Standards. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:
- 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 this 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 this Ordinance.
 - F. 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.

- 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, staff reports, public comment presented at the hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Setback Variance:

3.1 Variance.

- A. The Setback Variance requested in the Application does not change the current single family residential use. The Setback Variance requested is in harmony with the general purposes and intent of the Ordinance and is consistent with the Comprehensive Plan.
- B. A previous property owner remodeled the kitchen, prior to the Applicant purchasing the Property, and extended the kitchen four (4) ft into the garage area, which created a practical difficulty utilizing the existing attached garage as a two stall attached garage. The Applicant's Setback Variance request is to address the practical difficulty created by the previous property owner.
- C. The Setback Variance requested is reasonable, due to circumstances driven by the existing lot layout and the previous property owner's interior remodel project. If granted, the Setback Variance would not alter the essential character of the locality in that the height of the building would not change, no trees would be lost, the existing driveway would remain unaltered, and many residences in the neighborhood have two car garages.
- D. The practical difficulties necessitating the Setback Variance are not solely economic in nature. The existing interior layout of residence on the Property is a significant factor in the practical difficulty with meeting the ordinance requirements.
- E. The proposed uses for the Property, including the attached garage, are permitted accessory uses within the R-2 District.

- F. The conditions for granting approval of the Setback Variance listed below in Section 4 of this Report should be considered by City Council.
- G. The Applicant has provided the reasons that the Setback Variance is justified under the criteria of this section 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 Setback Variance request included the Application (Attachment A), subject to the following conditions:
 - A. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
 - B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 17th day of August 2015.

Chair, Planning Commission

Attachment A

Applicant Submittals

Attachment F

DRAFT RESOLUTION NO. 29-2015

RESOLUTION APPROVING SIDE YARD SETBACK VARIANCE AT 133 RIDGEVIEW DRIVE EAST

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

Section 1. BACKGROUND

1.1 Project. Graham and Nancy Gnos (collectively, the “Owner” or “Applicant”) have submitted a development application (the “Application”) requesting approval to construct a four (4) ft wide by twenty five (25) ft long, one hundred square foot (100 SF) expansion to an existing attached garage (the “Project”) at 133 Ridgeview Drive E (the “Property”). The Application requests approval of a variance to encroach 5.6 ft into the ten (10) ft sideyard setback to allow for the location of a driveway to a side loading garage.

1.2 Application Request. As part of the Application, the Applicant is requesting approval of the following item:

A. A variance from the required ten (10) ft Sideyard Setback in the R-2 District (Section 801.54.6.B.1.b) to allow encroachment of 5.6 ft into the setback (the “Setback Variance”)

1.3 Property. The property identification number and owner of the affected property (the “Property”) are:

133 Ridgeview Drive E	31-118-22-33-0023	Graham and Nancy Gnos
-----------------------	-------------------	-----------------------

1.4 Land Use. Uses in the general vicinity are single family detached residential. The Property and adjacent properties are zoned R-2 (15,000 SF minimum lot sizes).

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly* on July 21, 2015. A copy of the notice was mailed to all property owners located with 350 feet of the Property on July 23, 2015. The required public hearing was held at the August 3, 2015 Planning Commission meeting.

1.6 Planning Commission Action. The Planning Commission reviewed the Application and held a Public Hearing on August 3, 2015. No individuals spoke at the Public Hearing, but two individuals provided written comment on the Application. The Planning Commission voted four (4) in favor and one (1) opposed, with one (1) abstention, and one (1) absent to direct staff to prepare a draft *Planning Commission Report and Recommendation* for approval of the Application.

The Planning Commission reviewed the draft *Planning Commission Report and Recommendation* on August 17, 2015, where a motion to adopt the Report was approved on a ____ in favor and ____ opposed vote.

Section 2. STANDARDS

- 2.1 Side Yard Setback. The front yard setback in the R-2 District is ten (10) feet. Section 801.54.6.B.1.b.
- 2.2 Zoning Ordinance Variance Standards. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:
 - 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 this 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 this Ordinance.
 - F. 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.

- 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

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

3.1 Variance.

- A. The Setback Variance requested in the Application does not change the current single family residential use. The Setback Variance requested is in harmony with the general purposes and intent of the Ordinance and is consistent with the Comprehensive Plan.
- B. A previous property owner remodeled the kitchen, prior to the Applicant purchasing the Property, and extended the kitchen four (4) ft into the garage area, which created a practical difficulty utilizing the existing attached garage as a two stall attached garage. The Applicant's Setback Variance request is to address the practical difficulty created by the previous property owner.
- C. The Setback Variance requested is reasonable, due to circumstances driven by the existing lot layout and the previous property owner's interior remodel project. If granted, the Setback Variance would not alter the essential character of the locality in that the height of the building would not change, no trees would be lost, the existing driveway would remain unaltered, and many residences in the neighborhood have two car garages.
- D. The practical difficulties necessitating the Setback Variance are not solely economic in nature. The existing interior layout of residence on the Property is a significant factor in the practical difficulty with meeting the ordinance requirements.
- E. The proposed uses for the Property, including the attached garage, are permitted accessory uses within the R-2 District.

- F. The conditions for granting approval of the Setback Variance are listed below in Section 4 of this Resolution.
- G. The Applicant has provided the reasons that the Setback Variance is justified under the criteria of this section in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings of this Resolution, the request for approval of the Setback Variance as set forth in the Application (Attachment A), is hereby **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of this approval):
 - A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project.
 - B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

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

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2015.

Becky Malone, Deputy City Clerk
SEAL

Attachment A

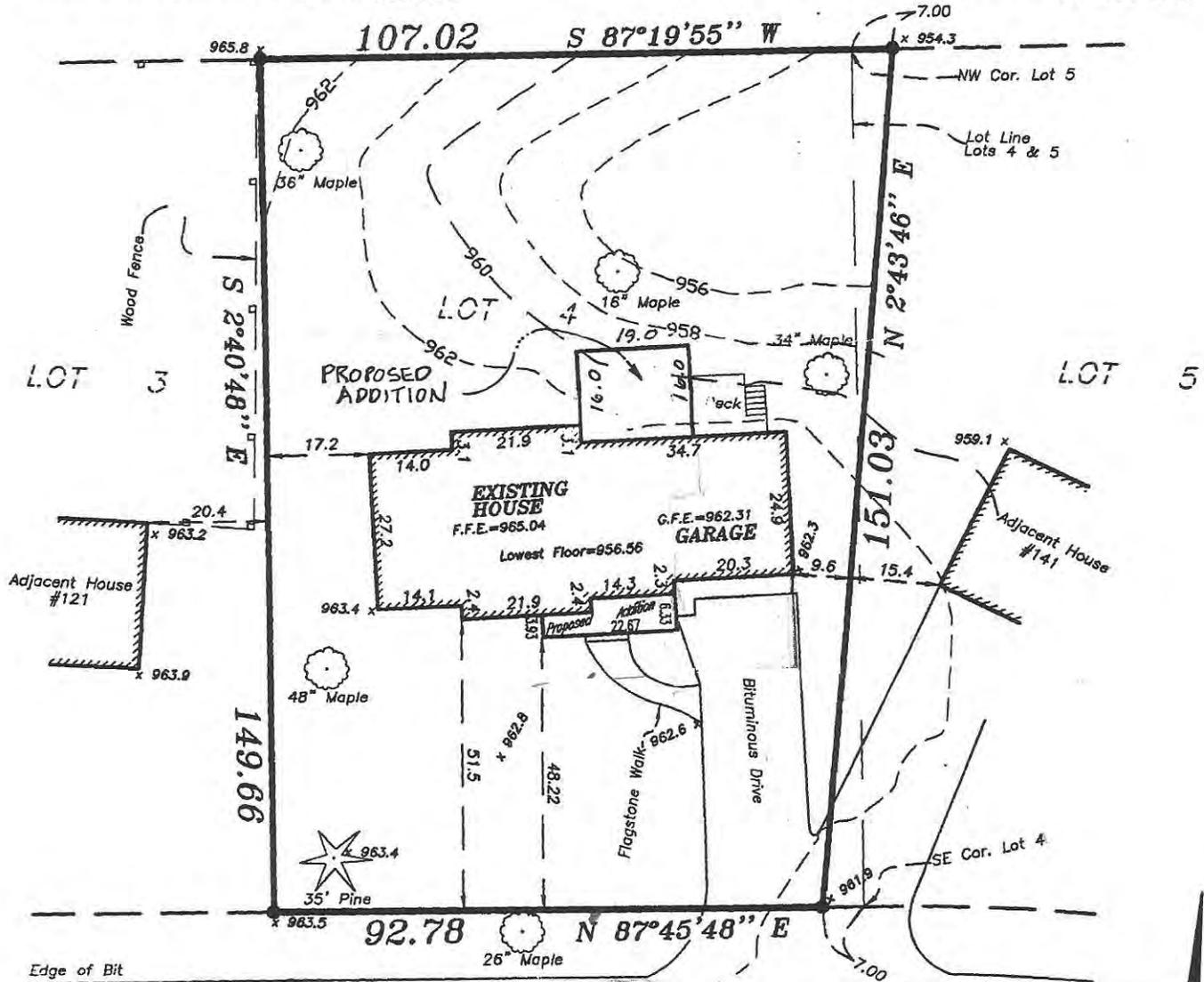
Applicant Submittals

Certificate of Survey

FOR: **GRAHAM AND NANCY GNOS**

LEGAL DESCRIPTION

That part of lots 4 and 5, Block 1, Second Addition To Ridgeview Heights, lying westerly of a line drawn from a point on the south line of said Lot 4, a distance of 7.00 feet west from the southeast corner thereof, to a point in the north line of said lot 5, a distance of 7.00 feet east from the northwest corner thereof.



These are the existing hardcover calculations

RIDGEVIEW DRIVE EAST

Site Address
133 Ridgeview Drive E.
Wayzata, MN 55391

Existing Hardcover

House/Deck	2,115.7 Sq. Ft.
Stoop/Walks/Drive	1,247.3 Sq. Ft.
Total Hardcover	3,363.0 Sq. Ft.
Lot Area	14,987.4 Sq. Ft.
Percent of Hardcover = 22.4%	

~~Proposed Hardcover~~

House/Deck	2,543.11 Sq. Ft.
Stoop/Walks/Drive	1,204.3 Sq. Ft.
Total Hardcover	3,747.41 Sq. Ft.
Lot Area	14,987.4 Sq. Ft.
Percent of Proposed Hardcover = 25.0%	
-Addition to match existing grades-	

○ Denotes iron monument
● Denotes found monument
x 000.0 Denotes existing elev.

C:\EP\DRAW\13284.DWG

DEMARS-GABRIEL AND SURVEYORS, INC.

3030 Harbor Lane No.
Plymouth, MN 55447
Phone: (763) 559-0908

I hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

As surveyed by me this 20th day of November, 2006.

David E. Crook

David E. Crook

Minn. Reg. No. 22414

File No.
13284

Book-Page
445-3

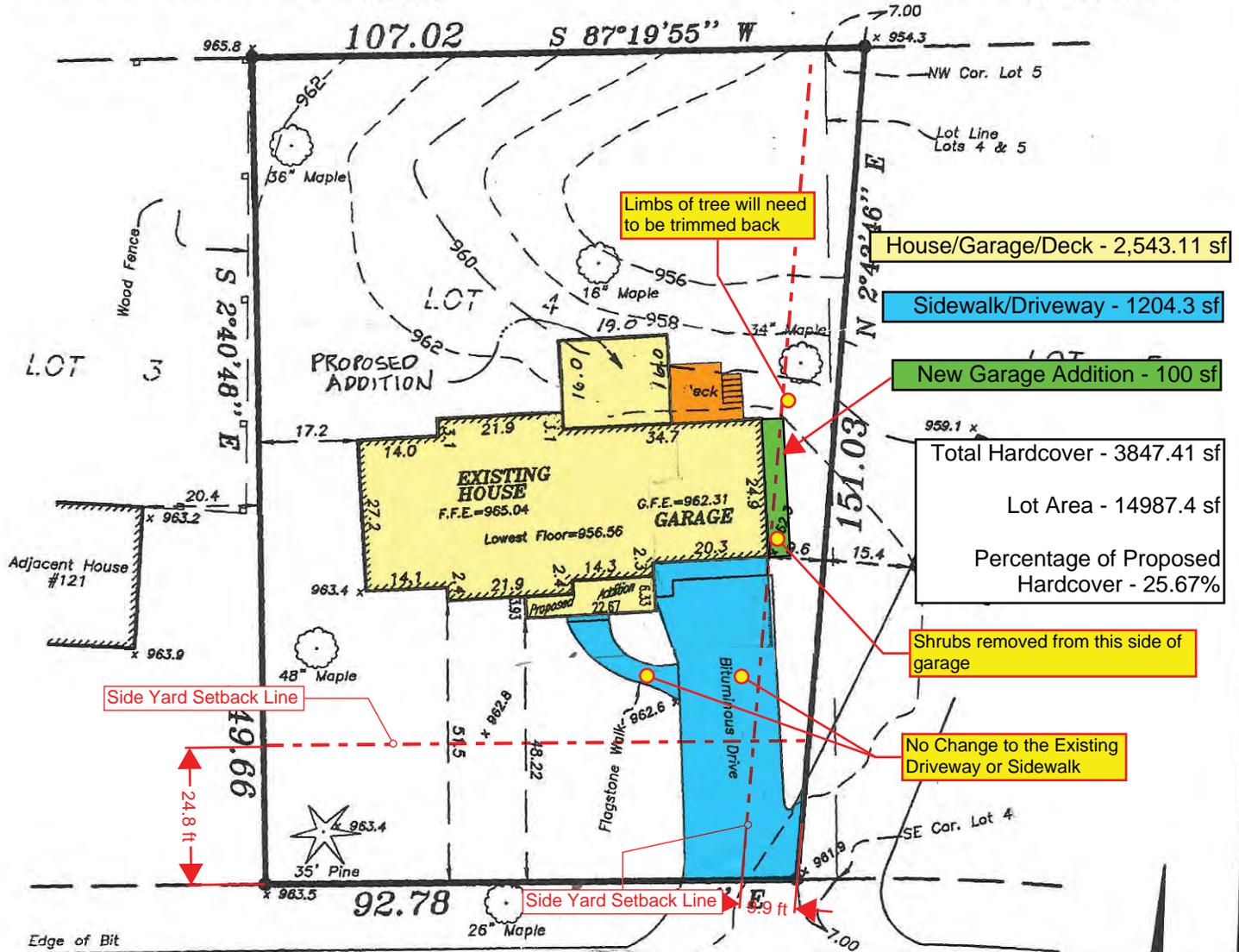
Scale
1"=30'

CERTIFICATE OF SURVEY

FOR: **GRAHAM AND NANCY GNOS**

LEGAL DESCRIPTION

That part of lots 4 and 5, Block 1, Second Addition To Ridgeview Heights, lying westerly of a line drawn from a point on the south line of said Lot 4, a distance of 7.00 feet west from the southeast corner thereof, to a point in the north line of said lot 5, a distance of 7.00 feet east from the northwest corner thereof.



House/Garage/Deck - 2,543.11 sf

Sidewalk/Driveway - 1204.3 sf

New Garage Addition - 100 sf

Total Hardcover - 3847.41 sf

Lot Area - 14987.4 sf

Percentage of Proposed Hardcover - 25.67%

Shrubs removed from this side of garage

No Change to the Existing Driveway or Sidewalk

Side Yard Setback Line

Side Yard Setback Line

RIDGEVIEW DRIVE EAST

Site Address
133 Ridgeview Drive E.
Wayzata, MN 55391

Existing Hardcover

House/Deck 2,115.7 Sq. Ft.
Stoop/Walks/Drive 1,247.3 Sq. Ft.
Total Hardcover 3,363.0 Sq. Ft.
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Total Hardcover 3,747.41 Sq. Ft.
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Percent of Proposed Hardcover = 25.0%
-Addition to match existing grades-

o Denotes iron monument
● Denotes found monument
x 000.0 Denotes existing elev.

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DEMARS-GABRIEL AND SURVEYORS, INC.

3030 Harbor Lane No.
Plymouth, MN 55447
Phone:(763) 559-0908

I hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

As surveyed by me this 20th day of November, 2006.

David E. Crook

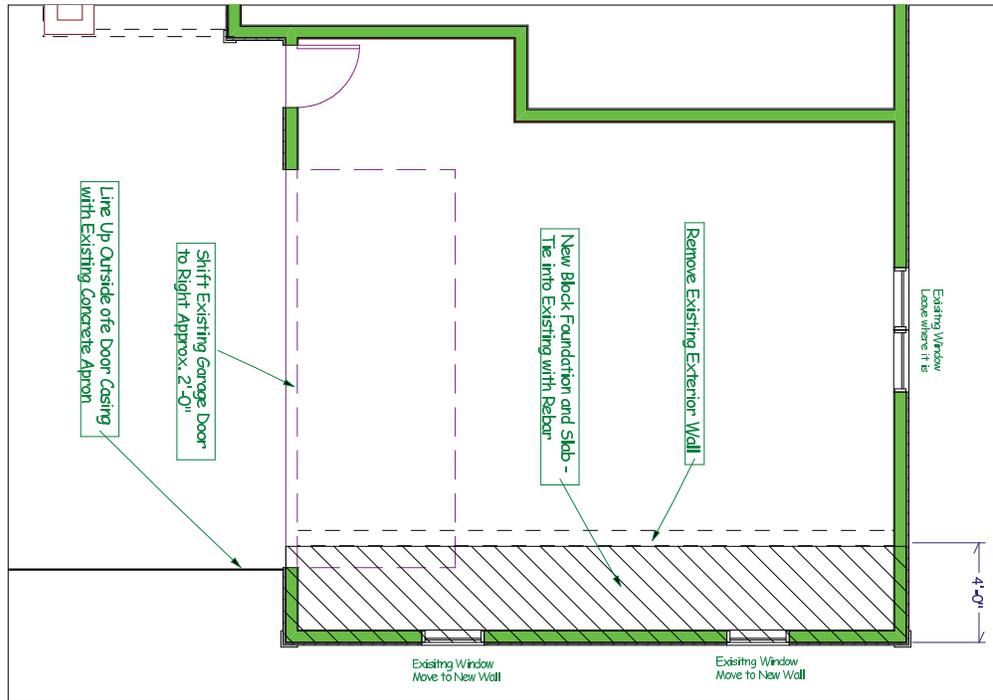
Minn. Reg. No. 22414

File No.
13284

Book-Page
445-3

Scale
1"=30'

Floor Plan
1/8" = 1'-0"



Graham and Nancy Gnos
Ridgeview Drive E. Wayzata, MN

Orig. Draft:
05/20/2015

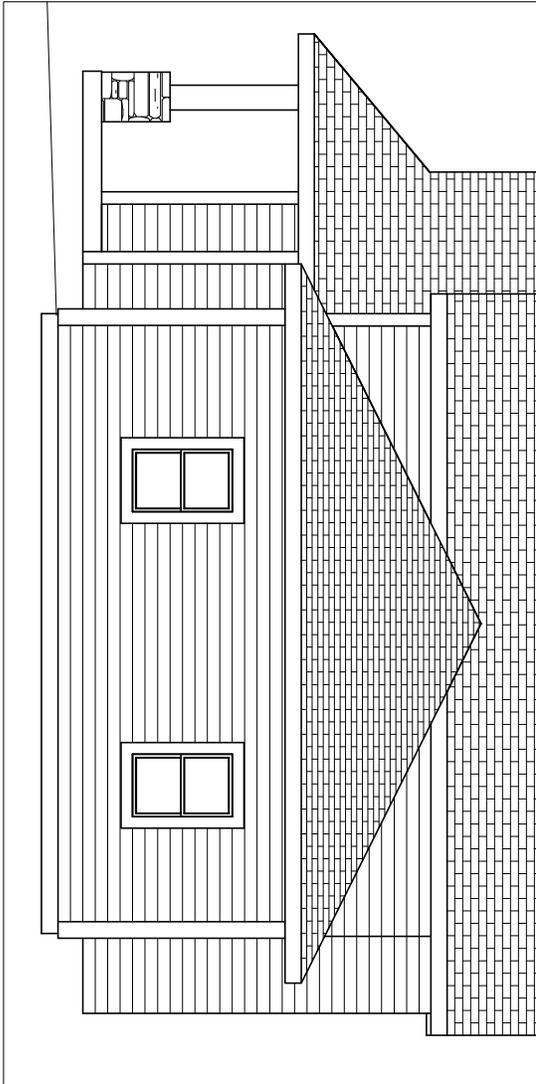
Denali
Custom Homes, Inc

Revisions:

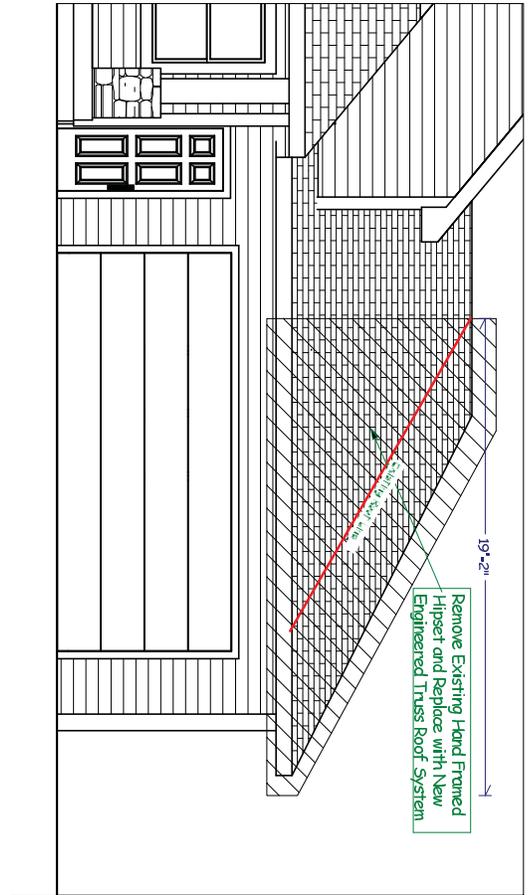
Page No.

1

Side Elevation
1/8" = 1'-0"



Front Elevation
1/8" = 1'-0"



Graham and Nancy Gnos
Ridgeview Drive E. Wayzata, MN

Orig. Draft:
05/20/2015

Denali
Custom Homes, Inc

Revisions:

Page No.

2

July 25, 2016

Jeff Thompson

City Planner, City of Wayzata

Re: 133 Ridgeview Drive Approved Side Setback Variance Extension Request

Jeff,

The Wayzata City Council approved our side setback variance for our home at 133 Ridgeview Drive and it was signed by Mayor Wilcox on September 1, 2015. Please note that I have attached a copy of the signed variance for the record.

Per our email exchange, I advised that our home was on the market for sale and that we had a two interested parties that we were discussing a sale of the home to. The parties interested in the house requested that they have the ability to execute against the proposed garage extension versus it be done by us. The request was based on the desire to complete the garage at the same time as other home improvements (these improvements do not require any variance), which would create project synergies. Based on this request, we opted to wait on extending the garage. As a follow on, I did reach out to the city attorney (David Schelzel) requesting clarification of the zoning ordinance regarding the term of the zoning approval. David did confirm the following:

An application to extend the approval of a variance shall be submitted to the Zoning Administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction. The application shall be heard and decided by the City Council prior to the lapse of approval of the original request. In making its determination on whether an applicant has made a good faith attempt to utilize the variance, the City Council shall consider such factors as the type, design and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

Please note that we have agreed to terms with one of the parties and the home is scheduled close on 7/29/16 at 11am. The buying party fully intends to utilize the approved variance for the home. Given the timeframe for the sale of the home on 7/29/16 and the approved variance expiring on 9/1/16, I am formally requesting an extension to the approved variance of 12 months given the time of the construction season, although the project will likely begin and finish before an additional 12 months. The buyer is eager to execute against the approved variance and please also note that the intended use of the variance remains as approved, which is a 4' extension of the side of the garage.

Thank you in advance Jeff for your time and consideration. Please let me know if you have any questions and I look forward to hearing from you soon.

Regards,

Graham L. Gnos

DRAFT RESOLUTION NO. 33-2016

RESOLUTION GRANTING A TWELVE (12) MONTH EXTENSION TO START WORK ON GARAGE EXTENSION ASSOCIATED WITH PREVIOUSLY APPROVED SIDE YARD SETBACK VARIANCE AT 133 RIDGEVIEW DRIVE EAST

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

Section 1. BACKGROUND

- 1.1 Previously Approved Variance for Project. On September 1, 2015, pursuant to City Council Resolution 29-2015, Graham and Nancy Gnos (collectively, the “Owner” or “Applicant”) received approval of a variance to encroach 5.6 ft into a ten (10) ft sideyard setback (the “Variance”) to allow for the location of a driveway associated with the expansion of an existing attached garage (the “Project”) at 133 Ridgeview Drive E (the “Property”).
- 1.2 Request for Extension. On July 25, 2016, the Owner submitted an (the “Application”) for a twelve (12) month extension of the time to begin construction of the garage expansion allowed by the Variance, which would extend the time period from September 1, 2016 to September 1, 2017 (the “Extension”).
- 1.3 Property. The property identification number and owner of the affected property (the “Property”) are:

133 Ridgeview Drive E	31-118-22-33-0023	Graham and Nancy Gnos
-----------------------	-------------------	-----------------------

Section 2. STANDARDS

- 2.1 Lapse of Variance; Extension Request. Zoning Ordinance Section 801.05.03 A. states that a variance shall become null and void twelve (12) months after the date of approval “unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the variance”. Prior to the expiration of this time period, the applicant has the right to submit an application for a time extension under the process outlined in this section.
- 2.2 Variance Extension Standards. Section 801.05.03.C states in determining if an extension is justified, the City Council shall determine whether an applicant has made a “good faith attempt to utilize” the variance and consider such factors as:
 - The type, design and size of the proposed construction,
 - any applicable restrictions on financing, or
 - special and/or unique circumstances beyond the control of the applicant which have caused the delay

Section 3. FINDINGS

- 3.1 Based on the Application, the Staff Report and public record of the August 16, 2016 City Council meeting, the City Council of the City of Wayzata hereby confirms and memorializes that the Application for the Extension of the Setback Variance meets the applicable requirements of Wayzata's Zoning Ordinance, based upon the following findings of fact made on the record (as well as all Application materials and staff reports):
- A. The Applicant acknowledged the existence of the Variance when marketing his home and expressed the requirement garage extension would need to be constructed by September 1, 2016.
 - B. The purchaser of the Applicant's house requested that the Applicant request the twelve (12) extension to the variance so that the new owner can complete the garage addition along with additional renovations that new owner plans on making within the next twelve (12) months.
 - C. The City Council finds that the applicant has made a good faith effort to utilize the Variance within the original twelve (12) month period but has been delayed by the circumstances and time frame of the pending sale of the Property.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings of this Resolution, the Extension is hereby **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of this approval):
- A. The Applicant and any future owner of the Property must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project.
 - B. The Applicant shall record this Resolution in accordance with the Zoning Ordinance requirements within 30 days of the approval of this Resolution.
 - C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this _____ day of August, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

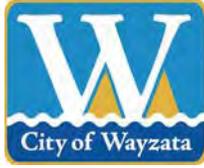
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2016.

Becky Malone, Deputy City Clerk
SEAL

Attachment A

Applicant's Request Letter



**Planning Report
City Council
August 16, 2016**

Project Name: Broadway Place
Applicant Beltz Enterprises, LLC
Addresses of Request: 326 and 332 Broadway Ave S
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: August 18, 2016

Development Application

Introduction

The applicant, Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC, have submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S. The development application includes demolition of the two existing commercial buildings and construction of a three story mixed use building which would consist of retail uses on the ground level and office uses on the upper two levels.

Property Information

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

Address	PID	Owner
326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

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

Current zoning:	C-4B/Central Business District
Comp plan designation:	Central Business District
Total site area:	7,518 square feet (0.17 acres)

Project Location

The property is located on the southeast corner of the Broadway Ave/Mill Street E intersection.

Map 1: Project Location



Application Requests

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

- A. Rezoning from C-4B to PUD/Planned Unit Development: The property is currently zoned C-4B, and the applicant is requesting a rezoning to PUD.
- B. Concurrent PUD Concept and General Plan of Development Review: A rezoning to PUD requires both concept and general plan of development review. The applicant is requesting concurrent review of both the concept plan and general plan.
- C. Design Review: Construction of a new building requires design review by City Code Section 801.09.1.5.
- D. Variance from the maximum building height requirement: The maximum building height in the PUD zoning district is 35 feet and 3 stories, whichever is less. The proposed building would be 3 stories in height, but would be 38 feet in height, which requires a variance.
- E. Shoreland Impact Plan/Conditional Use Permit for the building height: In addition to the PUD zoning district, the shoreland overlay district also includes a maximum height requirement of 35 feet. The shoreland ordinance states that building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit.

- F. Shoreland Impact Plan/Conditional Use Permit for impervious surface: The shoreland overlay district also establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a shoreland impact plan/conditional use permit. The proposed plan would have an impervious surface coverage of approximately 96%.
- G. Preliminary and Final Plat Subdivision to combine the lots: The City's subdivision ordinance defines subdivision as the division of land into two or more lots or combination of two or more lots. The applicant's proposal to combine the two existing lots into one lot requires subdivision review and approval.

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	Mill Street municipal parking lot	Institutional	Institutional/Public
East	701 Lake St E mixed use building	PUD/Planned Unit Development	Central Business District
South	COV restaurant mixed use building	C-4B/Central Business District	Central Business District
West	Marquee Place mixed use building	C-4B/Central Business District	Central Business District

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on July 7, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 8, 2016. The Planning Commission held the public hearing at its meeting on July 18, 2016.

Analysis of Application

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Central Business District. The objective of the Central Business District land use category is to promote a diversity of retail, office, service, and residential land uses at a high level of development quality to enhance it as a regional destination. The Comprehensive Plan includes the follow "1st Tier" priorities for the Central Business District:

- Allow a mix of commercial, office, and residential uses that strengthen the CBD as the shopping, employment, and entertainment destination of Wayzata.

- Update development standards continually to assure the highest development quality possible for the Central Business District.
- Complement the CBD and its strong sense of place through land use choices, urban design principles, traffic, parking, and architectural style.
- Investigate strategies to increase retail vitality throughout the CBD. 2.5 Define and evaluate on-street/off-street parking needs consistent with land use, and requirements within the CBD so as to emphasize circulation ease and access control.
- Continue to provide a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.
- Enhance the image and identity of the CBD by emphasizing street trees and landscaping elements.
- Plan for an orderly transition between the CBD development and adjacent residential neighborhoods.
- Accommodate traffic without negatively compromising the integrity of the downtown and its adjacent neighborhoods.
- Consider complementing abutting edges, both residential and retail/commercial.
- Consider public financial support that is fiscally responsible and provides value to the City's infrastructure and community systems.
- Consider ways to assist with redevelopment when properties become a liability to the community.
- Commercial buildings on Lake Street, west of Barry Avenue, should not be required to have a first floor retail use, although it is allowed and encouraged. Transparency requirements under the Lake Street District of the Design Standards remain in effect.
- Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.

In addition, the Comprehensive Plan includes the following “2nd Tier” priorities:

- Plan development of parking so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.
- Adjust City's Zoning Ordinance to address concerns of sun-orientation on southern side of Lake Street by requiring upper story setbacks for all new construction to avoid shading the north side of Lake Street.
- Continue to evaluate ways to encourage a variety of housing options for upper-story housing.
- Consider 3rd story' uses with appropriate considerations for design and scale. Commercial and residential uses are allowed as a third story, but the third story must be set back significantly more from the front facade of the floor below.

Zoning

The Property is currently zoned C-4B/Central Business District. The following table outlines the zoning standards for the C-4B, PUD, and shoreland overlay districts:

	C-4B Zoning	PUD Zoning	Shoreland Overlay District	Proposed PUD
Height	2 stories and 30 feet, whichever is less	3 stories and 35 feet, whichever is less	35 feet	38 feet ⁽¹⁾⁽²⁾
Floor Area Ratio	2.0	No maximum	N/A	2.66 (approx.)
Impervious Surface	No maximum	No maximum	25% 75% with stormwater management 100% with shoreland impact plan/CUP	96% ⁽²⁾ (approx.)
Setbacks	None	Same as imposed by zoning district	N/A	The proposed building would be set back 0 feet from all property lines.

⁽¹⁾ Variance required

⁽²⁾ Shoreland impact plan/conditional use permit required

In addition to the zoning standards outlined above, the permitted uses in the C-4B zoning district include retail and service establishments in the ground level of the building that deal directly with the customer for whom the goods or services are furnished, and retail, service, office, laboratories, schools, or residential dwelling units within upper levels of the building. The PUD zoning district states that uses within the

building must be consistent with the Comprehensive Plan land use designation. The proposed building would consist of retail uses on the ground level and office uses on the upper two levels, which would comply with the C-4B zoning district and the Central Business District land use designation in the Comprehensive Plan.

The proposed project includes three deviations from the requirements of the C-4B zoning district. First, the C-4B district has a maximum building height requirement of 30 feet or 2 stories, whichever is less. The applicant's request to rezone the property to PUD would allow a 3 story building with a maximum height of 35 feet. In addition to the PUD zoning for the increased building height, the applicant is also requesting a variance to exceed the 35-foot maximum height of the PUD district.

The second deviation from the C-4B district requirements is to the maximum floor area ratio (FAR) of 2.0. However, the PUD district does not include a maximum FAR. The proposed building would have an FAR of approximately 2.66.

The third deviation from the C-4B district is from the minimum lot area requirements. The C-4B district includes a minimum lot area of 12,000 square feet. However, the PUD zoning district does not have a minimum lot size for non-residential projects. The proposed lot combination would result in a lot size of 7,518 square feet, which would not meet the C-4B requirements, but would meet the PUD requirements.

The PUD zoning district is an ordinance that can be used to allow for greater flexibility in development by incorporating design modifications from the strict application of the standard zoning district requirements. The PUD zoning district allows modifications of the strict standards for projects that meet a specific purpose, as outlined in "Applicable Code Provisions" section of this report. In addition, the PUD zoning district establishes general standards for a PUD, which are also outlined below.

Proposed Building

The proposed building would be three stories and would consist of first floor retail and office uses on the upper two floors. The total building size is approximately 20,000 square feet, which would include approximately 7,000 ground floor retail, and 13,000 square feet of office. The ground floor retail space could include single or multiple tenants, and each ground level tenant space would have an individual entrance from Broadway Avenue or Mill Street. The upper level office would be accessed by an entrance from Mill Street on the northeast corner of the building. The back of the building includes a common corridor, elevator, staircases, and common restrooms. Service and deliveries could be provided from both Mill Street and from the alley on the back of the property. Trash and recycling services for the building would be accommodated by the trash area within the existing 701 Lake Street East building.

Design Review

The project is subject to the design standards for the Lake Street design district. A design review critique of the proposal is included as Attachment B. The following

summarizes the items that do not meet the design standards, and would require a deviation from the standards:

- Building recession: The design standards require that the third story of the building be recessed from the lower floors for the entire length of the building along a public right of way. The third story of the proposed building is recessed 10 feet from the second story along most of the right of way frontages from Broadway Avenue and Mill Street. The only portion of the third story that is not recessed is the northwest corner of the building. In addition, the second story must be recessed for 25% of the length of the building. The second story along Broadway Avenue is recessed for 40% of the length of the building and the second story along Mill Street is recessed for 30% of the length of the building. However, the second story is recessed only 3 feet from the first floor façade, not the 6 feet required by the design standards.
- Exterior building materials: The exterior materials of the proposed building would consist of brick, cast stone, and metal paneling/detailing. Brick and cast stone are permitted exterior building materials. However, the metal panels would comprise 35% of the non-glass surfaces of the north elevation and 40% of the west elevation, which exceeds the maximum of 10% established by the design standards.
- Sidewalks and streetscape: The design standards require a continuous sidewalk of at least 12 feet in width along all public street frontages. The applicant is proposing a sidewalk between 5 feet and 8.6 feet in width along Broadway Avenue. The sidewalk could be widened to 12 feet, however that would result in removal of a large tree on the southwest corner of the site, and the existing landscaping and decorative brick.
- Roof Top Mechanicals: The proposed plans include mechanical equipment on the roof of the building, which would be fully surrounded by the parapet and cornice of the building. The design standards for the Lake Street district state that no mechanical equipment for a building may be located on the roof deck.

Parking

The City's parking ordinance establishes the minimum number of parking stalls that must be provided in a development. The minimum parking requirements for the 7,000 square feet of retail is 19 stalls, and the minimum parking requirement for the 13,000 square feet of office is 35 stalls. Based on the revised parking ordinance recently adopted by the City Council, the project would require a minimum of 52 parking stalls. The reduced parking requirement is a result of the new shared parking standards that account for daily and hourly changes in the parking demand of mixed use buildings.

The proposed plans do not provide any off-site parking. The City Council has previously discussed the project with the applicant in a workshop format. The discussions by the

applicant and City Council have included the potential for an alternative parking plan where the applicant would use a portion of the additional parking stalls that would be constructed in the new Mill Street parking ramp that is currently being designed by the City. Through a potential downtown mobility district, the applicant would then pay the City annually for the number of stalls that are required for the development.

There are a number of details that need to be negotiated between the City and the applicant regarding the potential alternative parking plan. In addition, the alternative parking plan would be contingent on the City constructing a parking ramp on the Mill Street property and the adoption of a downtown mobility district. In a previous workshop with the applicant, the City Council indicated they supported the applicant applying for the development application and going through the standard development review process, with the understanding that if the project were to be approved, the approval would be contingent and conditioned on providing an alternative parking plan. The potential benefit to the City of reviewing the development application prior to the final approval of the Mill Street parking ramp and downtown mobility district is to allow for coordinated construction of the two projects. If the Planning Commission recommends approval of the project, City staff would recommend a condition of approval for the PUD regarding the alternative parking plan.

Stormwater Management

Stormwater management for the site would be provided by a stormwater storage device on the roof of the building which would capture all of the runoff from the flat roof. The storage device would limit the discharge of the stormwater from the roof during the designated storm events. From the roof, the stormwater would be directed to an underground hydrodynamic separator which would be constructed in the public alley behind the building. The hydrodynamic separator would provide treatment of the stormwater prior to being discharged into the City’s storm sewer system. The City engineer has reviewed the proposed plans and finds that it is a best management practice to treating the stormwater runoff from the development. An encroachment agreement with the City would be required for the storm sewer improvements within the City’s alley easement.

Proposed Subdivision

The applicant is proposing to combine the two existing lots into one platted lot. Both of the existing lots have lot areas that are non-conforming to the current C-4B zoning district. The following table outlines the existing and proposed lots:

	Lot area	Lot width	Lot depth
C-4B Requirements	12,000 sq. ft. (min.)	No minimum	No minimum
PUD Requirement	No minimum	No minimum	No minimum
326 Broadway Ave S (existing lot)	2,467 sq. ft.	25 ft.	100 ft.
332 Broadway Ave S (existing lot)	4,934 sq. ft.	50 ft.	100 ft.

Combined Lot (proposed)	7,518 sq. ft.	75 ft.	100 ft.
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As outlined in the PUD information of this report, the PUD zoning does not have minimum lot size, width or depth requirements, and the proposed subdivision would meet the lot requirement of the PUD zoning district.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meetings on July 18, 2016 and August 1, 2016. The Planning Commission voted four (4) in favor and one (1) abstention to adopt the Report and Recommendation recommending approval of the application. The Planning Commission minutes and Report and Recommendation are attached to this report.

Applicable Code Provisions for Review

Amendments to Zoning Ordinance (Section 801.03.2.F): City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. Minn. Stat. Section 462.357; Wayzata City Code Section 801.03. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by petition of affected property owners. Minn. Stat. Section 462.357, Subd. 4. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission and City Council shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

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

Purpose of PUDs: Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
- G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

PUD General Standards. Section 801.33.2.A sets forth the general standards for review of a PUD application. These are:

- A. Health Safety and Welfare. In reviewing the PUD application, the Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
- B. Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.

- C. Ownership. Applicant/s must own all of the property to be included in the PUD.
- D. Comprehensive Plan. The PUD project must be consistent with the City's Comprehensive Plan.
- E. Sanitary Sewer Plan. The PUD project must be consistent with the City's Sanitary Sewer Plan.
- F. Common Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
- G. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
- H. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
- I. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
- J. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
- K. Setbacks. The front, rear and side yard restrictions on the periphery of the PUD shall be the same as imposed in the respective districts.

Concurrent PUD Plan – 801.33.5. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The applicant shall comply with all provisions of this section applicable to submission of General Plan of Development. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of Section 801.33.6 hereof.

Design Standards City Code §801.09: The design standards set forth in Section 9 of the Wayzata City Zoning Ordinance are referred to collectively as the “Design Standards” or

the “Standards”. The purpose of the Design Standards is to shape the City’s physical form and to promote the quality, character and compatibility of new development in the City. The Standards function to:

- A. To guide the expansion and renovation of existing structures and the construction of new buildings and parking, within the commercial districts of the City;
- B. To assist the City in reviewing development proposals;
- C. To improve the City’s public spaces including its streets, sidewalks, walkways, streetscape, and landscape treatments.

Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission’s recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

- A. The extent to which the project advances specific policies and provisions of the City’s Comprehensive Plan.
- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
- C. The positive effect of the project on the area in which the project is proposed.
- D. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
- E. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
- F. A national, state or local historic designation.
- G. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria are as follows:

- A. 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.

- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this 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 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.
- 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 this Ordinance.
- F. 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.
- 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.

Shoreland Impact Plan/Conditional Use Permit: Section 801.91.19 states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Section 801.04 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

Conditional Use Permits: City Code Section 801.04.2.F. states that 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.

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:

- A. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
- B. 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.
- C. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
- D. 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.
- E. 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.

- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. The proposed lot layout and building pads shall conform with all performance standards contained herein.
- K. 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.
- L. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Action Steps

- 1) Adopt draft Resolution No. 32-2016 approving the PUD concept and general plans, PUD rezoning, project design, height variance, shoreland height and impervious surface CUPs, and preliminary and final plat subdivision at 326 and 332 Broadway Ave S.
- 2) Adopt the first reading of draft Ordinance No. 760 amending the official zoning map of the City to rezone property at 326 and 332 Broadway Ave S to PUD/Planned Unit Development District.

Attachments

- Attachment A: Applicant's Narrative
- Attachment B: Proposed Plans

- Attachment C: Design Review Critique
- Attachment C: July 18, 2016 and draft August 1, 2016 Planning Commission Meeting Minutes
- Attachment D: Planning Commission Report and Recommendation
- Attachment E: Draft Resolution No. 32-2016
- Attachment F: Draft Ordinance No. 760

Broadway Place Development Design Standards Review Response by Applicant

The Broadway Place building is designed with several key factors in mind to enhance the downtown Wayzata area and to align with the ideals promoted by the Lake Effect plan, including Pedestrian-friendly and human-scale concepts. The massing of the building and variations in the levels along with the level of detailing create a welcoming pedestrian experience. The enhanced sidewalk design will provide a functional, aesthetically pleasing walkway from the adjacent ramp, along Mill Street, and down Broadway toward the lake. The materials are selected and placed to create a visually-appealing, long-lasting aesthetic that will appeal to locals and first time visitors alike. Special care has been taken to cultivate an overall building that adds to the visual and experiential character of the area.

Mr. Beltz, who is the owner of the 701 building that surrounds the site of the proposed Broadway Place building, is excited to bring another strong building design to the City of Wayzata to help enhance the experience of both locals and visitors to the area.

In response to the Design Critique prepared by City Staff based on Architectural Plans dated 6/17/2016 and Civil Plans dated 6/16/2016 we have prepared the response below to address the concerns expressed.

Building Recesses:

The design proposed for Broadway Place incorporates many building recesses on each level. The first level has the main entries set back from the pedestrian walkway to allow window display vitrines to show passersby the retail goods for sale in an attractive manner. These vitrines will create visible shadow lines and visual interest along not only the Broadway facing side of the building but also along the Mill street side, helping to transform the experience on Mill street from a "back-of-building alley" feel to a store-front filled extension of Lake street which will be particularly important to the city as the parking ramp is constructed across the street and the North side of this parcel is one of the first things that visitors will encounter.

Upper Story Setbacks:

Along with these horizontal variations in plane the proposed building design steps back as it progresses further up vertically. The second floor is set back from the vitrines approximately 3 feet which allows for small balconies from the office area above. Per code, the 3rd level is set back even further to 10 feet from the front face of the first level; this setback allows for both a visual relief from the pedestrian level so that the building only feels 2 levels tall from the street level and also creates a sought-after outdoor space for the office tenant on the 3rd level of the building above the 2nd floor below.

Roof Design:

The proposed roof material will be a flat roof of dark color.

Screening for Rooftop Equipment:

All rooftop equipment will be below the height of the parapet and cornice included in the design. It will be set down into a pit on the roof and will not extend above the roof edge.

Facade Transparency:

In an effort to provide both an attractive building to pedestrians on the street and to maximize window frontage for the retail tenants and office occupants, the design of Broadway Place has

maximized the glazing area while keeping enough brick and cast stone to maintain the desired Back Bay Boston appeal. Design guidelines call for 25% transparency along the public right-of-ways, Broadway and Mill Streets. Broadway place will greatly exceed these requirements to provide an elevated experience along both building fronts.

Ground Level Expression:

Broadway Place is a multi-story building that strives to relate to the pedestrian experience with several features that differentiate each of the levels. There are balcony and rail lines, tops of vitrines, and variances in depth and material as you progress up the building. The building incorporates many smaller, human-scale details to achieve an attractive ground-level experience.

Building Materials and Quality:

The main materials for the Broadway Place design are glass, brick and cast stone. Maximization of glass is an important part of the design to allow visual access to the retail spaces from the exterior and views to the outdoors from the office spaces. The glass percentage of the Mill and Broadway facades greatly exceed the city's design guidelines. Due to the amount of glass used, there is a smaller percentage of the overall facade left for other materials. One of the materials used by the building to add pedestrian interest is metal; this is used as an accent detail material - in the cornices, sills, pilaster, balcony edges, etc. Metal is not used in any large-area formats. These metal details complement the major materials outside of glass, which are brick and cast stone. The cast stone is found at the base, where snow and salt are kept away from the brick, and also at the lintels above the third floor windows. Both locations add interest, color differentiation, and an enhanced quality of material. The balance of the elevations outside of the cast stone accents, glass expanses, and metal detailing is brick.

Walkways:

Sidewalks will be reconstructed on the north (Mill Street) and west (Broadway Avenue) sides of the building. The proposed building has multiple entrances on these sides and a uniform ground floor elevation to maximize flexibility and adaptability of the street level retail space. An accessible sidewalk is planned within the street right-of-way along the north and west sides of the building. This walk connects to existing walks with a minimum width of 5 feet.

Along Mill Street there is a 4' wide area between the 5' wide accessible walk and the street as well as a 4' wide area between the 5' wide accessible walk and the new building. These 4' wide areas can be surfaced to provide extra walk width (up to 13' total width) except where the four proposed tree plantings occur. Some of the 4' wide walk areas will have steep cross slopes due to the existing street elevations and planned building entrance locations.

Along Broadway Avenue there is a 3'-8" wide area between the 5' wide accessible walk and the new building. This 3.67' wide area can be surfaced to provide extra walk width (up to 8.67' total width). Some of the 3.67' wide walk area will have steep cross slopes (5%) due to the existing street and walk elevations and planned building entrance locations. Between the 5' wide accessible walk and Broadway Avenue is an existing landscape area with brick pavers, benches and two mature trees. The current plan is to limit disturbance of this existing landscape area, and restore any disturbed area to its current state.

Landscaping:

The site plan includes removal of four trees (3 along Mill Street and one next to the 322 Broadway building). Four new trees are proposed along Mill Street. The new trees could be

Maples, Locusts or some other acceptable street tree species. The small landscape areas at the base of the building will be planters with perennials or pavers with flower pots.

Bicycle Parking:

Possible locations of spaces for bike racks near the new building are in the alley on the east side of the building or within the landscape area along Broadway Avenue on the west side of the building.

Broadway Place - Variance

The Broadway Place building is designed to create a positive pedestrian experience that will work in harmony with the new parking ramp, as well as to align with the visions and goals of the Wayzata Lake Effect. The design fits with the highest design standards set forth in Wayzata and the building's horizontal and vertical articulation are used to create visual interest and a building character similar to what is found throughout downtown Wayzata.

The structure across Mill Street and the 701 building (see enclosed drawing) that the Broadway Place building would be nestled within are both 38 feet tall. In keeping with the massing and heights of the surrounding buildings and in trying to attract top-tier retail and office tenants by providing industry-standard floor-to-floor heights, the proposed structure is also 38 feet tall. This requires a variance from the PUD zoning height of 35 feet. By matching the heights of the surrounding structures the proposed building is in harmony with the general purpose of the Zoning Ordinance and is consistent with the Comprehensive Plan.

The practical difficulties that the site faces are illustrated in the attached building section drawings and described below. In order to deal with the stormwater on the project site we are proposing holding water on the rooftop by providing a parapet wall around a portion of the 'flat roof' and then limiting its flow through the roof drains and down to a basin below grade in the alley to filter the water. This parapet wall is part of the 38 foot building height, is above the roofline, and also provides a backdrop surface for the decorative cornice that runs along the Broadway and Mill Street elevations contributing the character of the building. Below the roof, the 12' floor to floor height for the first floor and second floor and 10' floor to roof height on the third floor are then reduced by the thickness of the structure and by the space needed for the mechanical distribution and lighting. The ceiling heights in the retail and office spaces will be within what the market is requiring for clear heights. The caliber of tenant is looking to come to downtown Wayzata, and the caliber that Mr. Beltz would like to attract will likely find the proposed ceiling heights adequate. If the building were lowered to 35 feet in elevation, the ceiling heights in these spaces would need to be reduced to elevations that are below market requirements.

We feel that in dealing with this practical difficulty we are in fact providing a more attractive design that although not permitted by the ordinance is quite reasonable and would not alter the character of the surrounding area, but rather fit in with and in fact enhance it. Therefore we request that the commission consider granting our request for a height variance for the Broadway Place building. The project, as it is being submitted, with its pedestrian-level window display vitrines, its balcony above the second floor with the 3rd floor set back, its timeless materials and design, and its care and attention to extending the walkable experience from Lake Street and Broadway around the corner onto Mill Street to help connect the new parking ramp with the shops and restaurants on Lake, will be a great addition to the community and help to achieve the vision set forth in the Lake Effect.



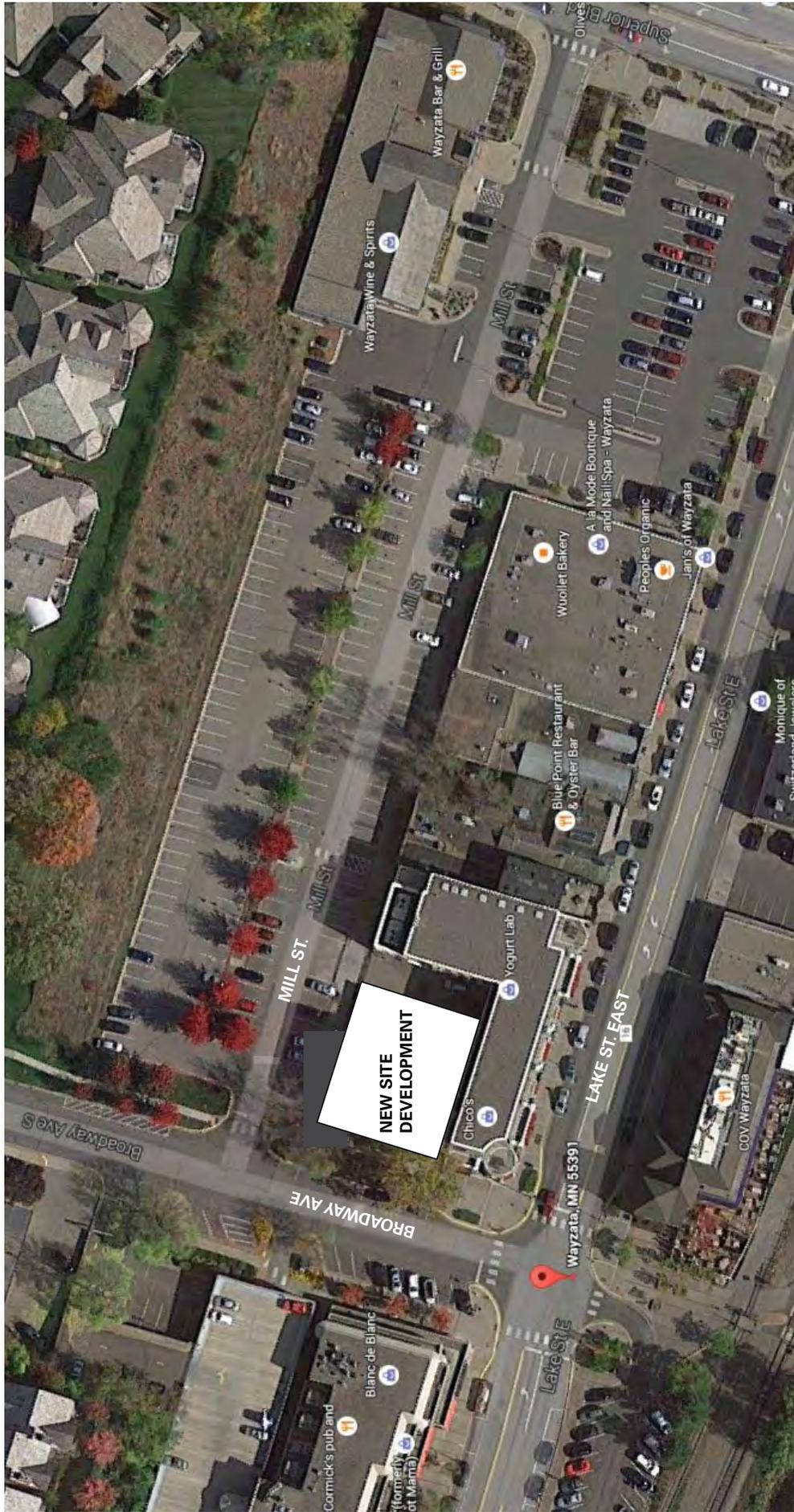
Broadway Place Wayzata Development



JIM BELTZ
July 19, 2016

7241.00

Aerial View



Broadway Ave Towards Lake St.



7241.00

JIM BELTZ | WAYZATA DEVELOPMENT

July 19, 2016

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Exterior Design Rendering



 7241.00

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page 4

Exterior Evening Design Rendering



7241.00
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JIM BELTZ | WAYZATA DEVELOPMENT

July 19, 2016

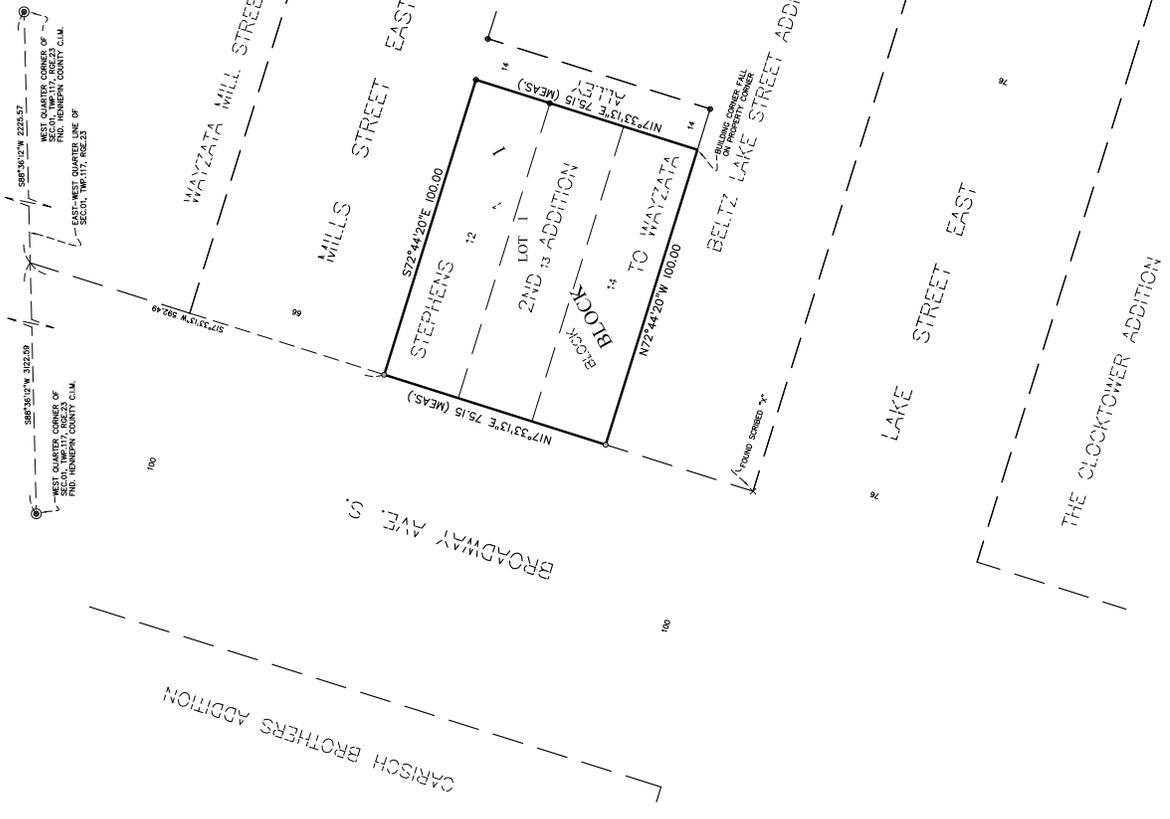
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Exterior Design Details



BELTZ MILL STREET ADDITION

C.R. DOC. NO.



KNOW ALL PERSONS BY THESE PRESENTS, That M Mill Center, L.L.C. a Minnesota limited liability company, for owner of the following described property situated in the State of Minnesota, County of Hennepin, to wit:

Lot 12, 13, 14, Block 1, Stephens Second Addition to Wayzata

Has caused the same to be surveyed and plat defined in BELTZ MILL STREET ADDITION.

In witness whereof said M Mill Center, L.L.C., a Minnesota limited liability company, has caused these presents to be signed by its proper officer, this _____ day of _____, 2016.

_____, President
 Jim Belzer

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Jim Belzer, President of M Mill Center, L.L.C. a Minnesota limited liability company on behalf of the company.

Notary Public, Hennepin County, Minnesota _____ My Commission Expires _____

I, David B. Peschke, do hereby certify that this plat was prepared by me or under my direct supervision, that I am a duly Licensed Land Surveyor in the State of Minnesota, that this plat is a correct representation of the boundary survey, that all mathematical data and labels are correctly designated on the plat, that all instruments depicted on the plat have been or will be correctly set within one year, and that all distances and bearings are true, as defined by Minnesota Statutes, Section 360.01, Subd. 3. As of the date of this certificate, as shown and indicated on this plat, and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2016.

David B. Peschke, Licensed Land Surveyor
 Minnesota License No. 40184

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 2016, by David B. Peschke.

Notary Public, Hennepin County, Minnesota _____ My Commission Expires _____

WAYZATA, MINNESOTA

This plat of BELTZ MILL STREET ADDITION was approved and accepted by the City Council of Wayzata, Minnesota at a regular meeting held this _____ day of _____, 2016. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City of Wayzata, Minnesota on _____ day of _____, 2016. I depose that the true and correct copy of this instrument and recommendation, as provided by Minnesota Statutes, Section 360.05, Subdivision 2.

By: _____ Mayor _____ City Clerk

RESIDENT AND REAL ESTATE SERVICES
 Hennepin County, Minnesota

I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat. Dated this _____ day of _____, 2016.

Maria V. Chapin, Hennepin County Auditor

By: _____ Deputy

SARAH J. HANSON
 Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 360.05 (1999), this plat has been approved this _____ day of _____, 2016.

Chris F. Martin, Hennepin County Surveyor

By: _____ Deputy

COUNTY RECORDER
 Hennepin County, Minnesota

I hereby certify that the within plat of BELTZ MILL STREET ADDITION was recorded in the office this _____ day of _____, 2016, at _____ o'clock _____ M.

Miriam McCormick, County Recorder

This block for the bearing system is the First West Quarter line of Section 1, Township 117, Range 23 which is assumed to bear S88 degrees 36 minutes 12 seconds West

Division is 1/2 inch by 1/4 inch iron pipe set in the ground and marked by License No. 40184

Division is Found from Monument

Division is Found Cash-In-Monument

SATHRE-BERGQUIST, INC.





10 South Eighth Street
Minneapolis, MN 55415
612.338.5277
612.338.2020
shea@shea.com

CONTRACT
TBD

TBD

PROJECT
BROADWAY PLACE
CORNER OF BROADWAY & MILL
WANTZATA, MN

DATE
JUN 17, 2016

RVD SUBMITTAL
JUNE 17, 2016

DATE	2016.06.17
BY	DAS
FOR	DAS

PROJECT
BROADWAY PLACE
CORNER OF BROADWAY & MILL
WANTZATA, MN

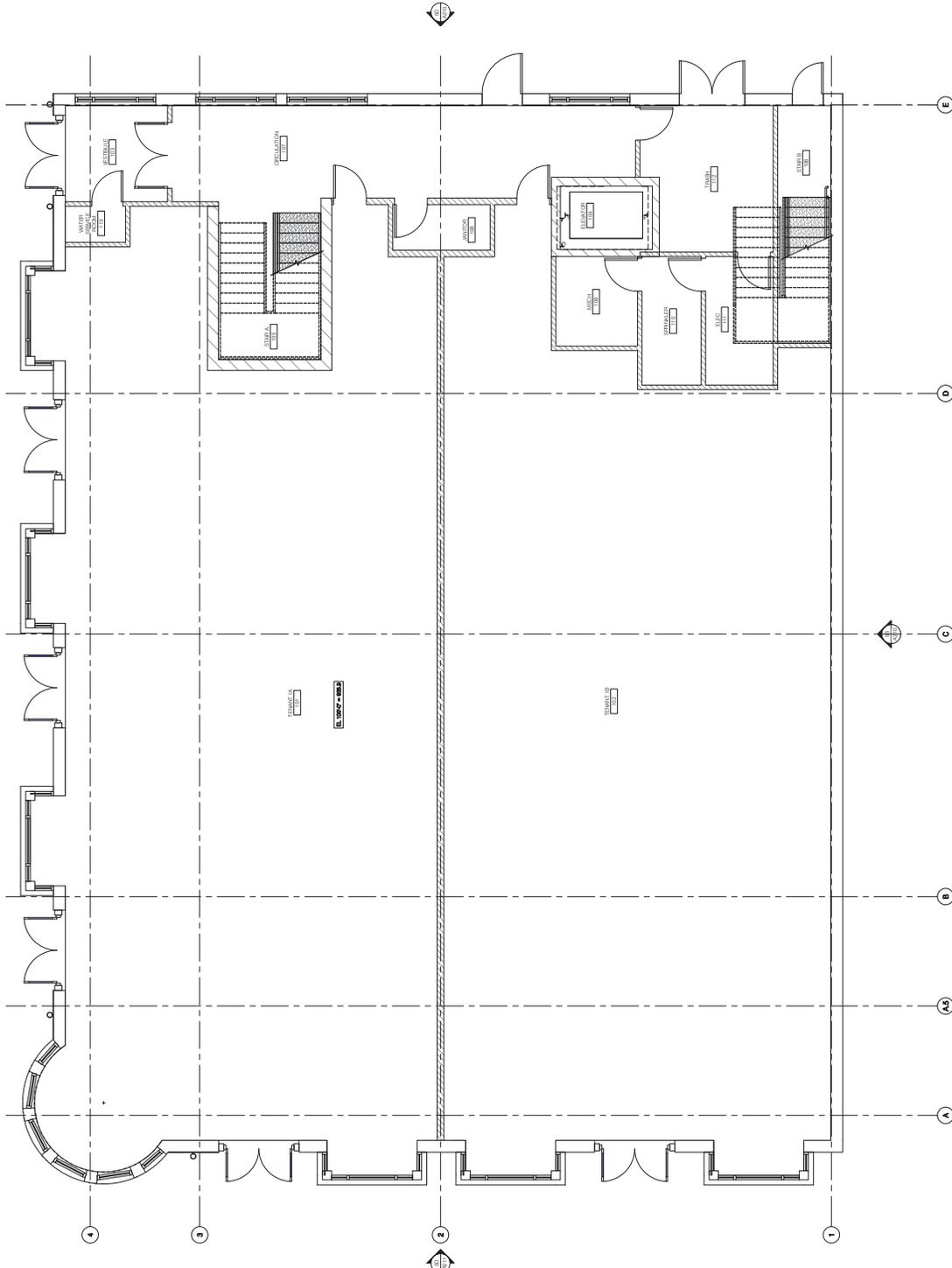
A111

FLOOR PLAN NOTES

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS AND THE STATE OF MINNESOTA.
2. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS AND THE STATE OF MINNESOTA.
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FLOOR KEY NOTES

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22	22.00	22.00



A-FLOOR PLAN-01
SCALE: 1/8" = 1'-0"



10 South Eighth Street
 Minneapolis, MN 55402
 612.338.5277
 612.338.2020
 shea@shea.com

CONTRACT
 TBD

TBD

PROJECT
 BROADWAY PLACE
 CORNER OF BROADWAY & MILL
 WYATZATA, MN

DATE
 JUN 17, 2016

RVD SUBMITTAL
 JUNE 17, 2016

DATE
 2016.06.17
 TIME
 10:30 AM
 BY
 JMS

PROJECT
 7951.000
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 2016.06.17

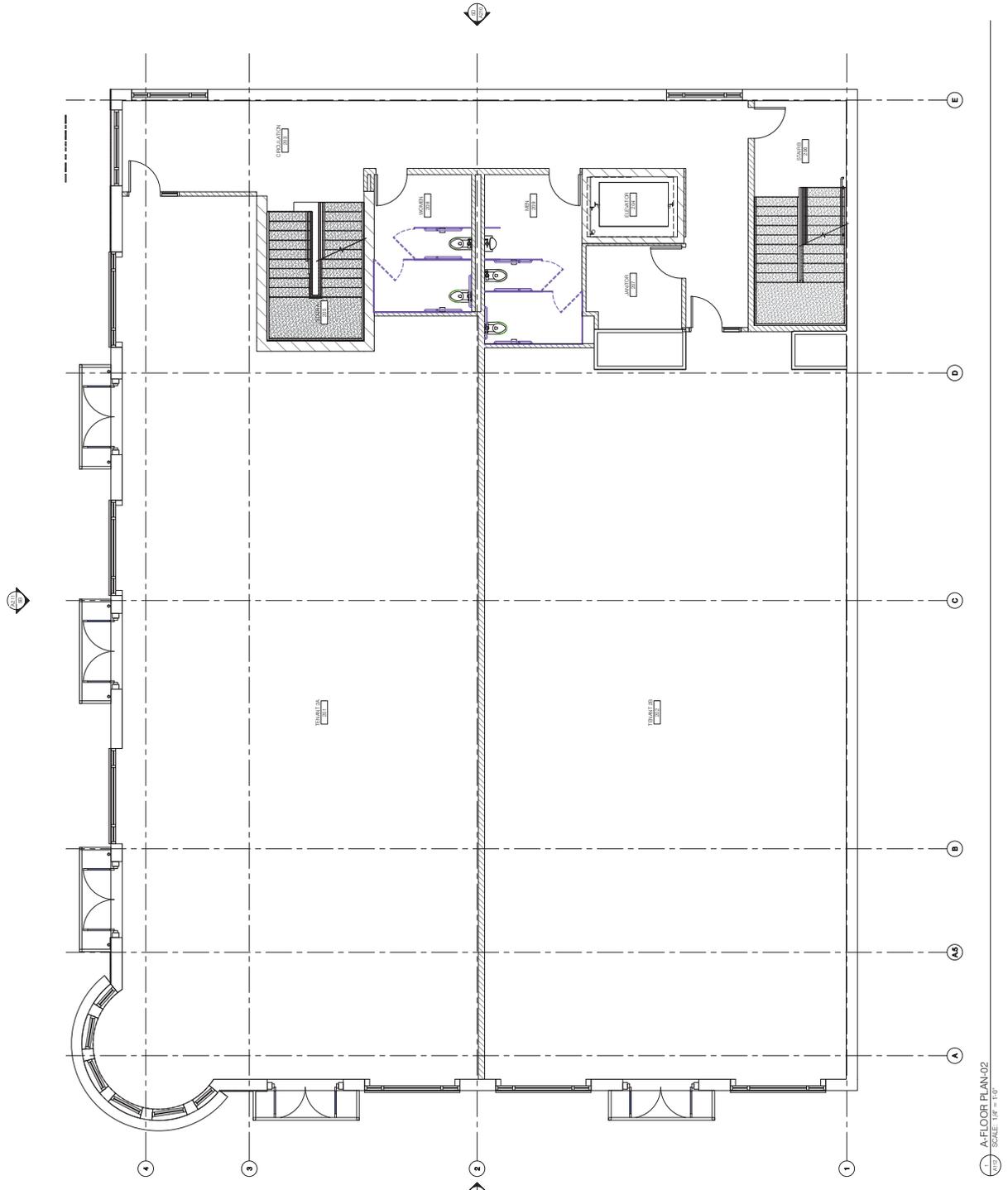
FLOOR PLAN - 2ND LEVEL
 A112

FLOOR PLAN NOTES

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WYATZATA, MN.
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FLOOR KEY NOTES

1. FLOOR FINISHES
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A-FLOOR PLAN-02
 SCALE: 1/4" = 1'-0"



10 South Eighth Street
 Minneapolis, MN 55402
 612.338.5277
 612.338.2020
 shea@shea.com

CONTRACT
 TBD

TBD

PROJECT
 BROADWAY PLACE
 CORNER OF BROADWAY & MILL
 WATZATA, MN

DATE
 JIM BELTZ

RVD SUBMITTAL
 JUNE 17, 2016

DATE
 2016.06.17
 DRAWN
 DMS
 CHECKED
 DMS

PROJECT
 794.1.00
 2016.06.17
 DRAWN
 DMS
 CHECKED
 DMS

PROJECT
 BROADWAY PLACE
 CORNER OF BROADWAY & MILL
 WATZATA, MN

DATE
 JUNE 17, 2016

SCALE
 1/4" = 1'-0"

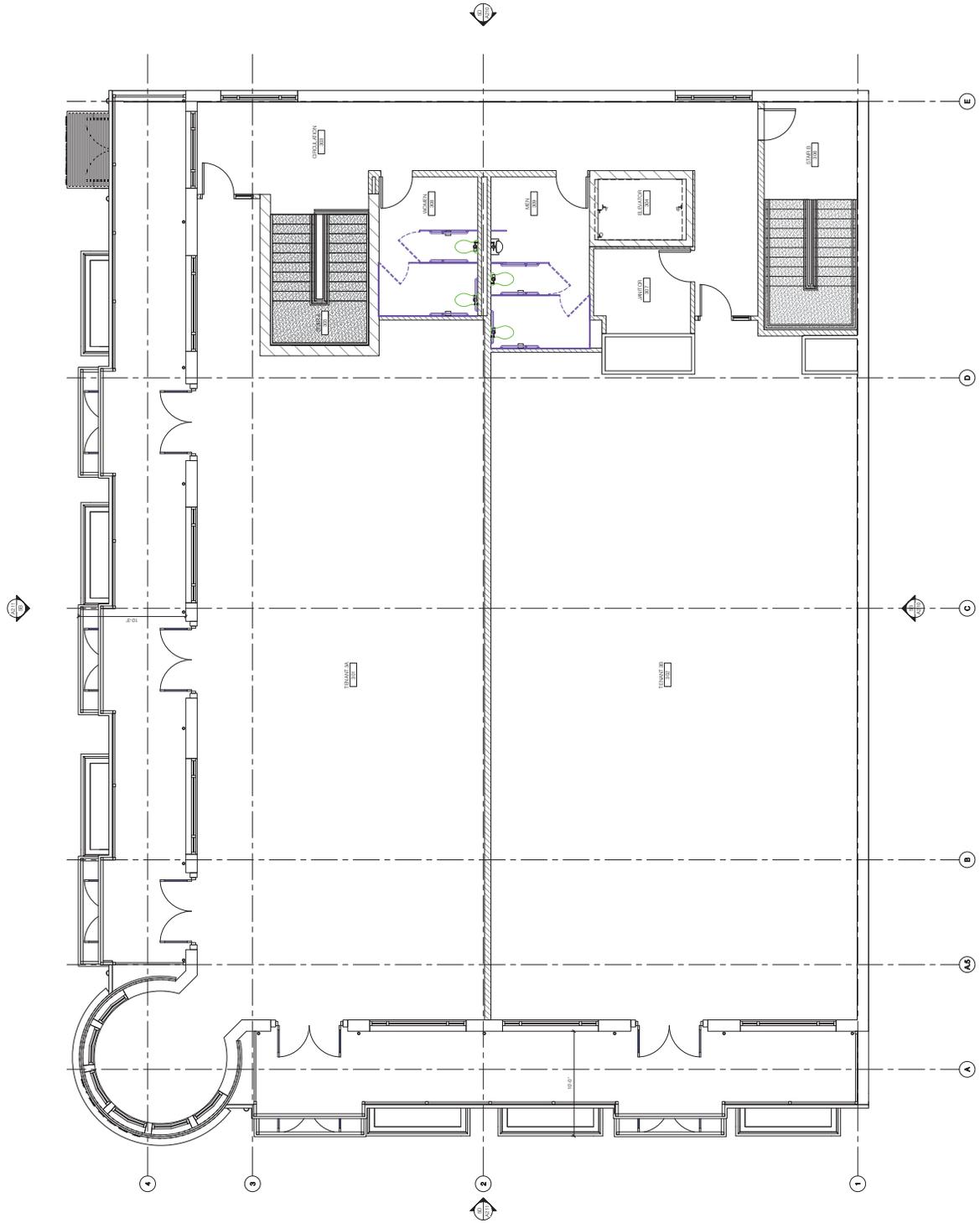
PROJECT
 BROADWAY PLACE
 CORNER OF BROADWAY & MILL
 WATZATA, MN

FLOOR PLAN NOTES

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
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FLOOR KEY NOTES

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A-FLOOR PLAN-03
 SCALE: 1/4" = 1'-0"



10 South Eighth Street
 Minneapolis, MN 55402
 612.338.7277
 612.338.2020
 sheahq.com

OWNER
 TBD

ARCHITECT
 TBD

PROJECT NAME
 BROADWAY PLACE
 CORNER OF BROADWAY & MILL
 WYATKA, MN

DATE
 JIM BELTZ

NO. 000

RUD SUBMITTAL
 JUNE 17, 2016

DATE	2016.06.17
PROJECT NO.	7541.000
OWNER	BND
DESIGNER	DAS
PROJECT	EXTERIOR ELEVATIONS

A210

EXTERIOR ELEVATION NOTES

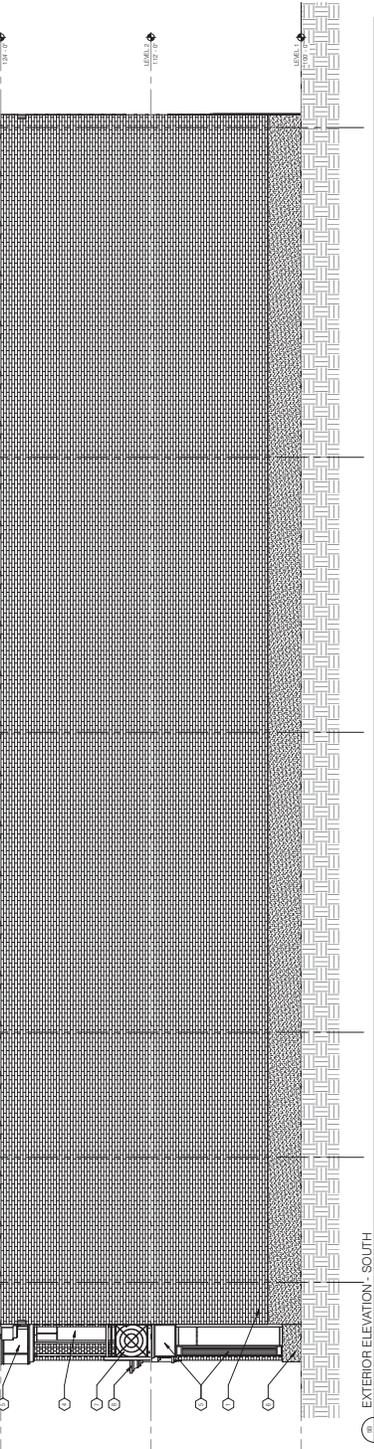
1. CONSULT WITH ARCHITECTURAL, ELECTRICAL, PLUMBING AND MECHANICAL ENGINEERS FOR ALL DETAILS AND CONDITIONS OF THE EXTERIOR ELEVATION.
2. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT AND THE CITY OF MINNEAPOLIS.
3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE EXTERIOR ELEVATION.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE EXTERIOR ELEVATION.
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10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE EXTERIOR ELEVATION.

FINISH SCHEDULE - EXTERIOR

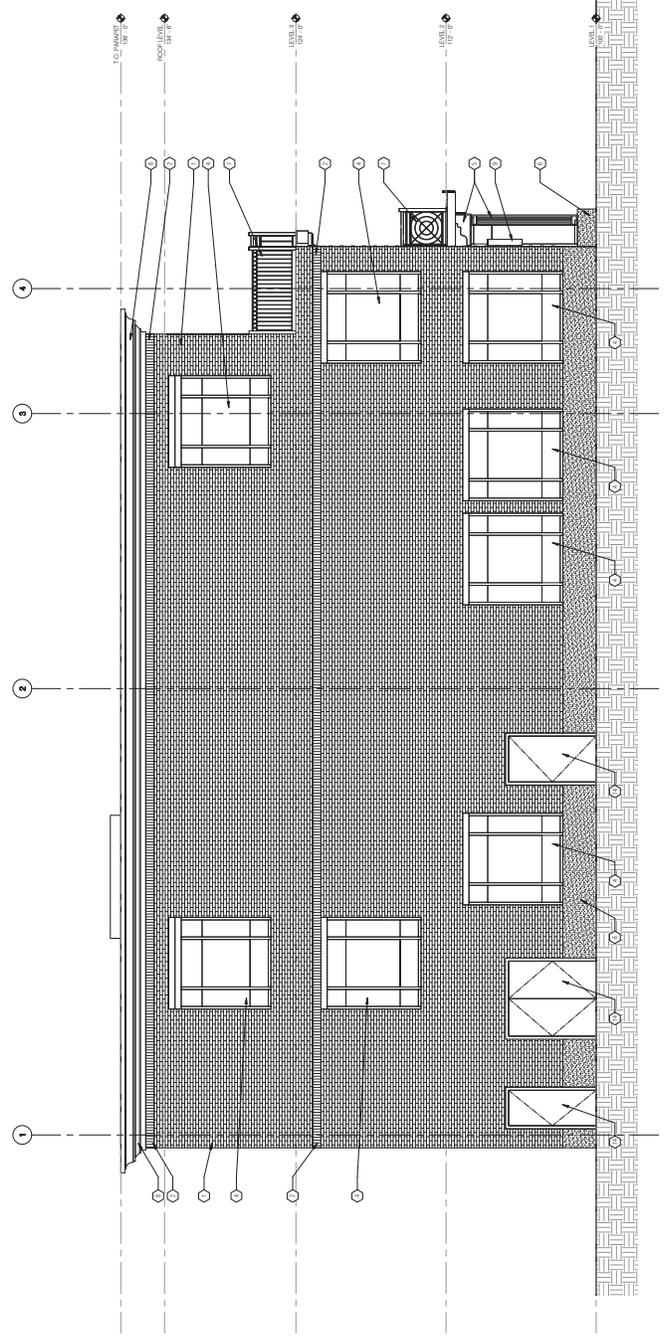
NO.	DESCRIPTION	FINISH
1	BRICK	EXTERIOR

EXTERIOR KEY NOTES

NO.	DESCRIPTION
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20	BRICK



EXTERIOR ELEVATION - SOUTH
 SCALE: 1/8" = 1'-0"



EXTERIOR ELEVATION - EAST
 SCALE: 1/8" = 1'-0"



10 South Eighth Street
Minneapolis, MN 55402

612.336.5277
612.336.2020
sheahq.com

OWNER
TBD

TBD

PROJECT
BROADWAY PLACE
CORNER OF BROADWAY & MILL
WATZATA, MN

ARCHITECT
JIM BELTZ

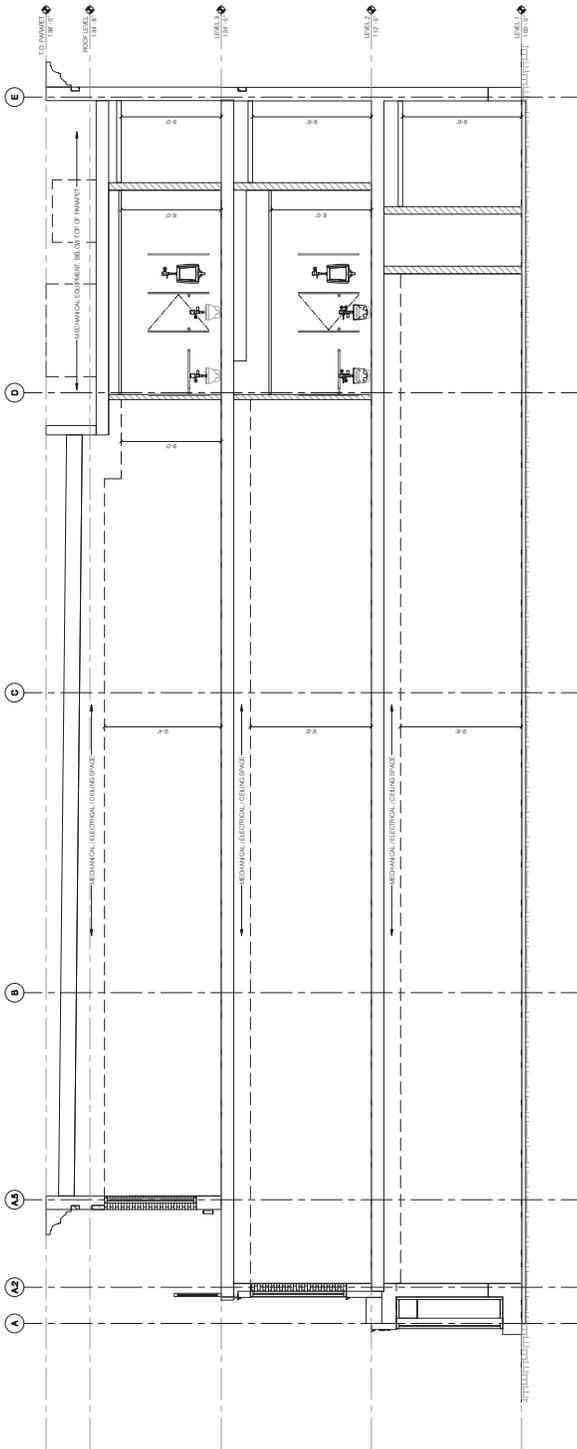
RUD SUBMITTAL REV 1
JULY 28, 2016

NO.	DATE	DESCRIPTION
01	07/28/16	ISSUED FOR PERMITS
02	07/28/16	ISSUED FOR PERMITS
03	07/28/16	ISSUED FOR PERMITS
04	07/28/16	ISSUED FOR PERMITS
05	07/28/16	ISSUED FOR PERMITS
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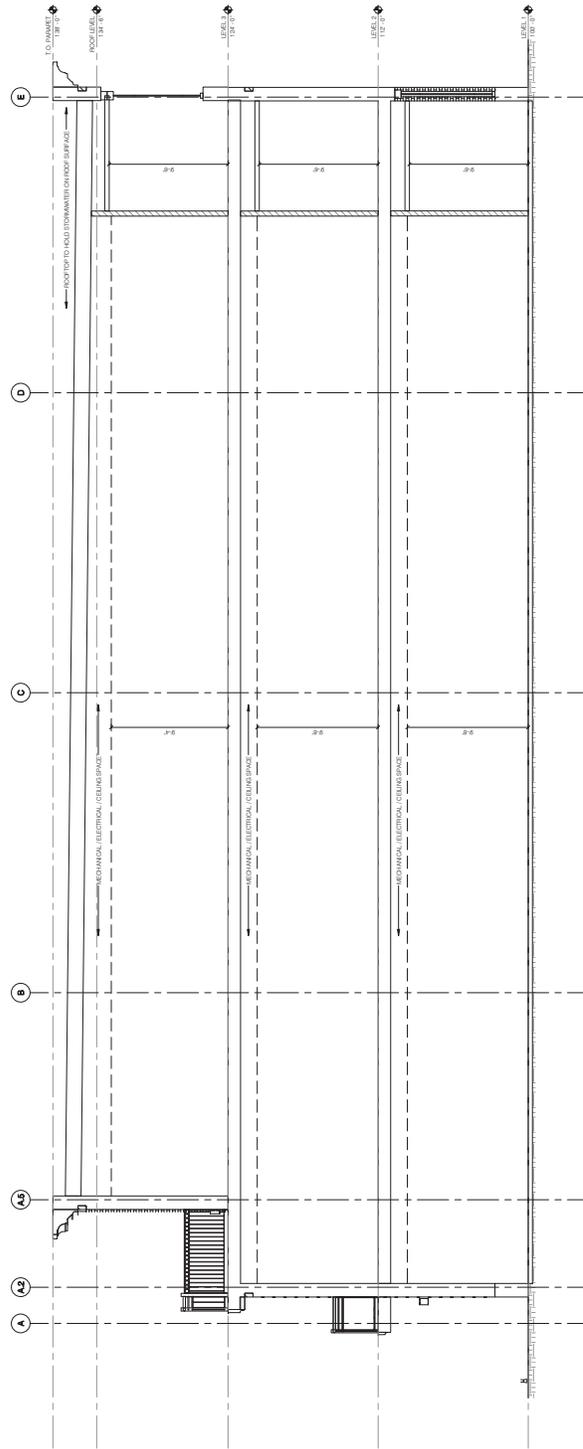
PROJECT NO.	20160728
DATE	07/28/16
BY	DAS
CHECKED BY	DAS
SCALE	

BUILDING SECTIONS

A310



1.1 BUILDING SECTION AT MECHANICAL PIT
SCALE: 1/4\"/>



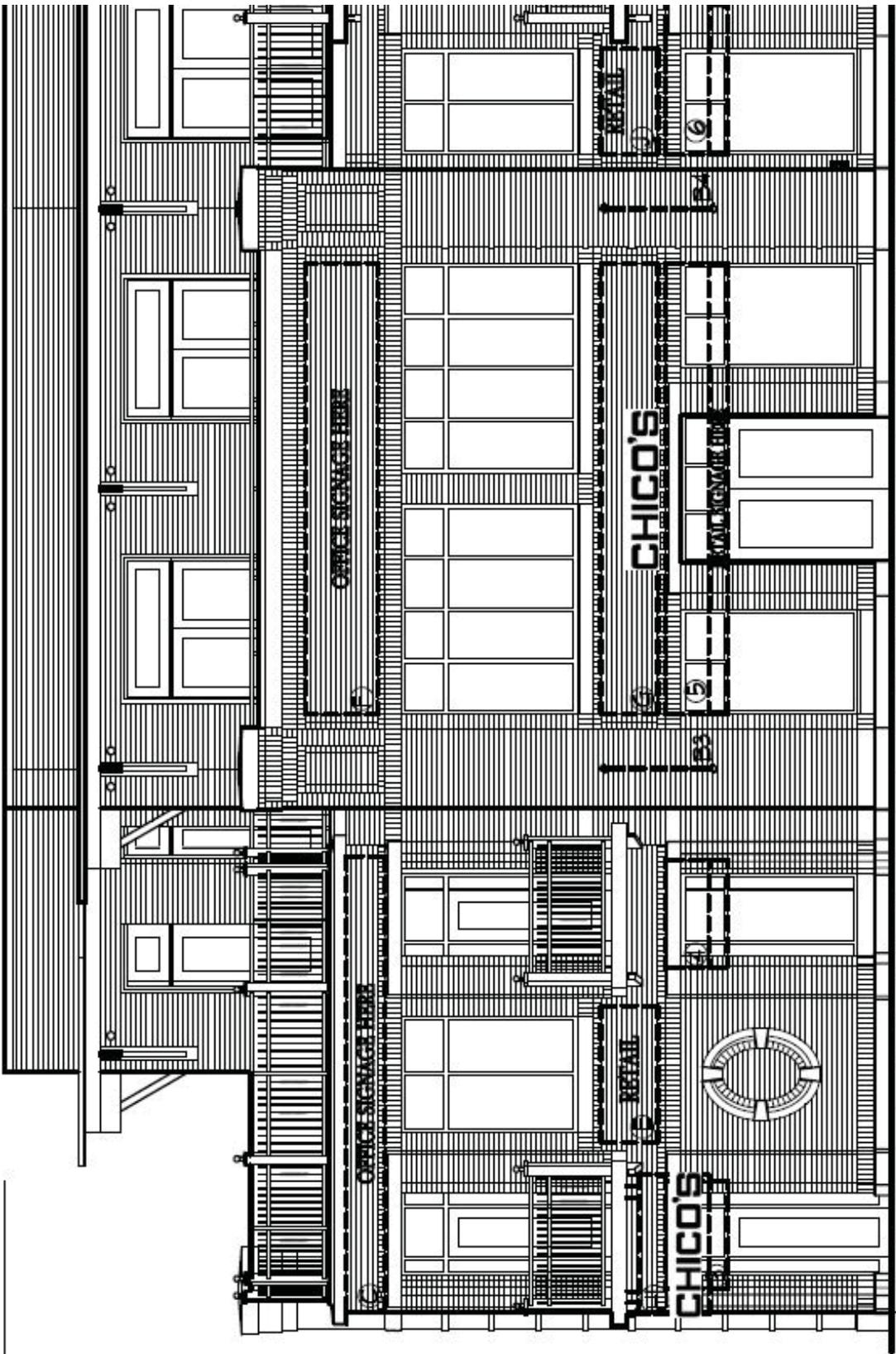
1.2 TYPICAL BUILDING SECTION
SCALE: 1/4\"/>

TOP OF PARAPET
138'-0"

THIRD FLOOR
124'-0"

SECOND FLOOR
112'-0"

GROUND FLOOR
100'-0"



SOUTH ELEVATION

2
A3.1

1/8" = 1'-0"

**Broadway Place – 326 and 332 Broadway Ave S
 Design Critique (Based on Architectural Plans dated 6/17/2016 and Civil Plans dated 6/16/2016 and Revised Plans
 dated July 26, 2016)
 July 28, 2016**

Building Uses		Comments	Compliance
<p>801.09.2.1 – Lake Street District All new buildings east of Barry Avenue on Lake Street shall have retail usage at least eighty percent (80%) of the ground floor facing Lake Street. The remaining twenty percent (20%) of the ground floor frontage may only be used for walkways, public access, or public facilities. Retail activities shall comprise a total of at least fifty percent (50%) of the usage of the total building footprint.</p>		<p>The building is not located on Lake Street.</p>	<p>Not Applicable</p>
Building Recesses			
<p>801.09.3.1.A – All Districts Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level</p>		<p>The proposed building utilizes recesses and changes in materials to break up the façade.</p>	<p>Yes</p>
<p>801.09.3.1.B Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.</p>		<p>The Broadway Avenue right of way adjacent to the site currently has a landscaped area, benches, and plaza with decorative brick. The proposed plan would retain these improvements.</p>	<p>Yes</p>

	Comments	Compliance
<p>Building Width</p> <p>801.09.4.1 All Districts – New Buildings</p> <p>In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design:</p> <ol style="list-style-type: none"> 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements 	<p>The proposed building includes window bays, articulation of the façade, and a rhythm of elements.</p>	<p>Yes</p>

Upper Story Setbacks		
<p><u>801.09.5.1.A – All Districts – New Buildings</u></p> <p>Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3rd story height from the second (2nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3rd story structure shall be closer than six (6) feet to the 2nd story façade. The 3rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3rd story façade.</p>	<p>The third story is recessed 10 feet from the second story along most of the right of way frontages from Broadway Avenue and Mill Street. The only portion of the third story that is not recessed is the northwest corner of the building. The recessed portion of the third story would be utilized as a balcony area, and would include railings to break up the third story façade.</p>	<p>Deviation Requested</p>
<p><u>801.09.5.1.B – All Districts – New Buildings</u></p> <p>The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.</p>	<p>The building is 75 feet in length along Broadway Avenue and 100 feet in length along Mill Street. The second story along Broadway Avenue is recessed back for 40% of the length of the building and the second story along Mill Street is recessed back for 30% of the length of the building. However, the second story is recessed only 3 feet from the first floor façade, not the required 6 feet.</p>	<p>Deviation Requested</p>
<p><u>801.09.5.1.C – All Districts – New Buildings</u></p> <p>Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.</p>	<p>The applicant has requested a height variance from the maximum height of 35 feet in the PUD district to 38 feet. The proposed building would be the same height as the adjacent building and would not adversely impact sun orientation, solar access, or views of Lake Minnetonka.</p>	<p>Yes</p>

Roof Design		
<p>801.09.6.1 – All Districts “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.</p>	<p>The proposed building does not include a green roof.</p>	<p>Not Applicable</p>
<p>801.09.6.2.A – All Districts – <u>Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors.</p> <p>801.09.6.2.B – All Districts – <u>Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.</p>	<p>The proposed building has a flat roof in a dark color.</p>	<p>Yes</p>
Screening of Rooftop Equipment		
<p>801.09.7.1 – <u>Lake Street and Bluff Districts</u> No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.</p>	<p>The proposed plans include mechanical equipment on the roof of the building, which would be fully surrounded by the parapet and cornice of the building.</p>	<p>Deviation Requested</p>

	Comments	Compliance
<p>Facade Transparency</p> <p>801.09.8.2 – Lake Street District No less than fifty percent (50%) of the ground level façade of any building fronting Lake Street shall be transparent glass. No less than twenty-five percent (25%) of the ground level side and rear façade facing a public right of way, parking area or open space shall be transparent glass.</p>	<p>The building does not have any frontage on Lake Street. The north and west elevations of the building, which face public right of way, would be comprised of 44% glass along the entire building façade. The glass is equally distributed along all three levels of the building. Therefore, the ground level would be comprised of more than 25% of transparent glass.</p>	<p>Yes</p>
<p>Ground Level Expression</p> <p>801.09.9.1 – All Districts In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements:</p> <ol style="list-style-type: none"> 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels 	<p>The proposed building includes the following elements to distinguish the ground floor from the upper levels:</p> <ul style="list-style-type: none"> • Special window lintels • Difference in building materials or detailing with the balconies and decorative railings • An offset in the façade at the ground level entrances and window bays 	<p>Yes</p>
<p>Entries</p> <p>801.09.10.1 – All Districts The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.</p>	<p>The proposed plans include a landscaped area adjacent to each of the ground floor entrances which would be planted with perennials or pavers with flower pots.</p>	<p>Yes</p>

<p>Building Materials and Quality</p> <p><u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials:</p> <ol style="list-style-type: none"> 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: <ol style="list-style-type: none"> a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco 	<p>The non-glass surfaces of the east and south elevations would be comprised of 90% of brick.</p> <p>The non-glass surfaces of the north elevation would be comprised of 55% brick, 35% metal paneling/detailing, and 10% cast stone.</p> <p>The non-glass surfaces of the west elevation would be comprised of 50% brick, 40% metal paneling/detailing, and 10% cast stone.</p> <p>The metal paneling/detailing materials on the north and west elevations require a deviation from the design standards.</p>	<p>The proposed building includes the same materials, brick, metal paneling/detailing, and cast stone on all sides of the building.</p>	<p>Deviation Requested</p>
<p><u>801.09.11.1.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.</p>	<p>The details of the brick construction would be reviewed with the final building plans.</p>	<p>Yes</p>	<p>Yes</p>
<p><u>801.09.11.1.C – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>

<p><u>801.09.11.1.D – Façade Detail – All Districts</u></p> <p>1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints.</p> <p>2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.</p>	<p>The details of the brick construction would be reviewed with the final building plans.</p>	<p>Yes</p>
<p><u>801.09.11.1.E – Brick Joints – All Districts</u></p> <p>1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick.</p> <p>2. All brick walls must be built to avoid efflorescence</p>	<p>The details of the brick construction would be reviewed with the final building plans.</p>	<p>Yes</p>
<p><u>801.09.11.1.F – Stone Joints – All Districts</u></p> <p>Stone joints shall be no larger than one-fourth (1/4) inch.</p>	<p>The details of the stone construction would be reviewed with the final building plans.</p>	<p>Yes</p>

<p>801.09.11.1.G – Accent Materials – All Districts Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade:</p> <ol style="list-style-type: none"> 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS 	<p>The lintels, sills, cornices, and base of the building are comprised of metal panels and cast stone.</p>	<p>Yes</p>
<p>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</p> <ol style="list-style-type: none"> 1. Only the following materials may be used for parapets, flashing and coping: <ol style="list-style-type: none"> a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches. 	<p>The proposed building includes parapets and coping comprised of brick and a metal paneling cornice.</p>	<p>Yes</p>

<p><u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used:</p> <ul style="list-style-type: none"> a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings <p>2. Backlit awnings are prohibited.</p> <p>3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.</p>	<p>The proposed building plans do not include any awnings.</p>	<p>Not Applicable</p>
<p><u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.</p>	<p>The proposed building includes balconies on the second and third floors. Each of the balconies includes a doorway from the building, and would be usable. The proposed balconies would be located within the property and would be surrounded by decorative metal railings.</p>	<p>Yes</p>
<p><u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects</p>	<p>The proposed glass would not be mirrored, reflective, or darkened.</p>	<p>Yes</p>

<p>801.09.11.1.L – Door Systems – All Districts Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.</p>	<p>The proposed entry doors would be all be comprised of glass.</p>	<p>Yes</p>
<p>Franchise Architecture</p>		
<p>801.09.12.1 – All Districts A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801.09.18 by the Planning Commission at the time of Design Standards Review application</p>	<p>The proposed building would not be franchise architecture.</p>	<p>Not Applicable</p>
<p>Comments</p>		
<p>Compliance</p>		

	Comments	Compliance
<p>Walkways</p> <p>801.09.13.1 – Lake Street District</p> <p>A. Continuous sidewalks at least twelve (12) feet in width shall be provided along all public street frontages.</p> <p>B. Lighted sidewalks shall extend between rear and side parking areas and building entrances. All sidewalk lighting must project downward.</p> <p>C. Buildings with street frontage exceeding fifty (50) feet shall have at least one (1) bench.</p> <p>D. All sidewalk surfaces must match the exposed aggregate/brick accent sidewalks on Lake Street.</p>	<p>There is 26 feet of boulevard area between the curb line of Broadway Avenue and the west property line. The boulevard area currently contains a landscaped area, benches, and plaza with decorative brick. The applicant is proposing to reconstruct the sidewalk which would be 8.6 feet in width in front of the building and 5 feet in width on the north side of the right of way. The sidewalk could be widened to 12 feet, however that would result in removal of the existing landscaping and decorative brick.</p> <p>There is 13 feet of boulevard area between the curb line of the Mill Street parking lot and the north property line. The applicant is proposing to construct a 13-foot wide sidewalk along Mill Street, which would meet the design standards.</p> <p>In addition, the sidewalk materials should be changed to the exposed aggregate per the City's downtown sidewalk specifications, which is included as a condition of approval.</p>	<p>Deviation Requested</p>

	Comments	Compliance
<p>Landscaping</p> <p>801.09.14.1 – All Districts</p> <p>A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level.</p> <p>B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings.</p> <p>C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area.</p> <p>D. Streetscaping shall include all of the following:</p> <ol style="list-style-type: none"> 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers 	<p>The proposed plans include a landscaped area adjacent to each of the ground floor entrances. The landscaped areas would consist of four new trees and planters with perennial or pavers with flower pots.</p> <p>The boulevard area currently contains a landscaped area, benches, and plaza with decorative brick, and existing boulevard trees.</p>	<p>Yes</p>

<p>801.09.14.2 – Lake Street District A. Established Lake Street landscape treatments shall be followed in accordance with the specifications of the Wayzata Engineering Guidelines set forth in Wayzata City Code. Exposed aggregate with brick accent sidewalks shall be used. B. Approved boulevard trees, planted in sidewalk areas, shall be planted no more than twenty six (26) feet on center from each other.</p>	<p>As previously indicated, the sidewalk materials would need to be modified to exposed aggregate to comply with the City's engineering guidelines, which is included as a condition of approval.</p>	<p>Yes</p>
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	Comments	Compliance
<p>Parking Lot Landscaping 801.09.15.1 – All Districts A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.</p>	<p>The proposed project does not include any surface parking lots.</p>	<p>Not Applicable</p>
<p>Surface Parking 801.09.16.1 – All Districts A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.</p>	<p>The proposed project does not include any surface parking lots.</p>	<p>Not Applicable</p>

	Comments	Compliance
<p>801.09.16.2 – All Districts – Bicycle Parking Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.</p>	<p>The proposed building would require more than 20 parking spaces. The applicant states that bicycle parking will be provided in the alley on the east side of the building or within the landscaped area along Broadway Avenue.</p>	<p>Yes</p>
<p>Parking Structures</p>		
<p>801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards:</p> <p>A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings.</p> <p>B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade.</p> <p>C. Windows or openings shall be similar to those of surrounding buildings.</p> <p>D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.</p>	<p>This section is not applicable, as there is no parking ramp associated with the project.</p>	<p>Not Applicable</p>

<p>801.09.17.2 – Lake Street District</p> <p>A. If any part of a parking structure abuts Lake Street, that entire portion of the ground floor façade shall be occupied by at least eighty percent (80%) retail usage, extending to a depth of at least thirty (30) feet.</p> <p>B. The ground floor level of a parking structure shall not come within forty (40) feet of Lake Street.</p> <p>C. The top decks of parking structures visible from adjacent properties shall be designed with trellises and landscaping sufficient to screen at least fifty percent (50%) of the visible area.</p>	<p>This section is not applicable, as there is no parking ramp associated with the project.</p>	<p>Not Applicable</p>
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Signs	Comments	Compliance
<p><u>801.09.18.1 – All Districts</u> A. <u>Compatibility</u> 1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design.</p> <p>2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context.</p> <p>3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties.</p> <p>4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.</p>	<p>The proposed building would include wall signs along the north and west building elevations to identify the individual tenants. The sign band areas are incorporated into the building and site design.</p>	<p>Yes</p>

<p>801.09.18.2 – Permitted Signs – Lake Street District A. Only the following types of signs are permitted in the Lake Street District:</p> <ol style="list-style-type: none"> 1. Awning, canopy or marquee signs 2. Wall signs 3. Monument or ground signs 4. Projecting signs 5. Window signs (small accent signs) 6. Roof signs if located on pitched-roof buildings, below the peak of the roof 	<p>The proposed building would include wall signs.</p>	<p>Yes</p>
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	Comments	Compliance
<p>Parking Lot and Building Lighting</p> <p>801.09.19.1 – All Districts</p> <p>A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare.</p> <p>B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution.</p> <p>C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets.</p> <p>D. Light posts shall be of a dark color.</p> <p>E. Lighting fixtures shall be compatible with the architecture of the building.</p> <p>F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards.</p> <p>G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.</p>	<p>The project does not include any parking lot lighting.</p> <p>The building lighting includes exterior mounted wall sconces and would cast light on the building façade, but would be screened by the building's architectural design to eliminate glare onto adjacent properties.</p>	<p>Yes</p>

1 Commissioner Gonzalez clarified she would support the variances requested because they would
2 save several trees.

3
4 Commissioner Gonzalez made a motion, seconded by Commissioner Gnos to adopt the Report
5 and Recommendation, as presented, recommending approval of the Preliminary and Final Plat,
6 Lot Width Variances, and Private Street Variance at 250 and 270 Bushaway Road with the
7 conditions of approval in the Report. The motion carried 4-ayes; 1 abstain (Young).
8
9

10 **b.) Broadway Place – 326 and 332 Broadway Ave S**

11 **i. Rezoning, Concurrent PUD Concept and General Plan of Development,**
12 **Design Review, Variances, Shoreland Impact Plan/Conditional Use**
13 **Permit, and Preliminary and Final Plat Subdivision**
14

15 Director of Planning and Building Thomson stated the applicant, Beltz Enterprises, LLC, and the
16 property owner, MJ Mail Center, LLC, had submitted a development application to redevelop the
17 Gold Mine and Mail Center properties at 326 and 332 Broadway Avenue S. The development
18 application includes demolition of the two (2) existing buildings and construction of a three story
19 mixed use building, which would consist of retail uses on the ground level and office uses on the
20 upper two levels. The property is currently zoned C-4B, and the applicant is requesting a
21 rezoning to a PUD and concurrent review of both a Concept Plan and General Plan. The
22 maximum building height in the PUD rezoning district is 35-feet and 3-stories, whichever is less.
23 The proposed building would be 3-stories but 38-feet in height, which requires a variance. In
24 addition to the PUD zoning district, the Shoreland Overlay district also includes a maximum
25 height requirement of 35-feet. The Shoreland Ordinance states that building heights over 35-feet
26 may be allowed through approval of a Shoreland Impact Plan/Conditional use Permit. The
27 Shoreland Overlay district also establishes a maximum impervious surface of 25% of the lot
28 area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a
29 Shoreland Impact Plan/Conditional Use Permit. The proposed plan would have an impervious
30 surface coverage of approximately 96%. The applicant's proposal to combine the two (2) lots
31 into one (1) also requires subdivision review and approval. Mr. Thomson reviewed the Design
32 Standards deviations outlined in the Design Critique based on architectural plans in the
33 application dated 6/17/16 and Civil Plans dated 6/16/16. Mr. Thomson reviewed the deviations
34 from the Design Standards, including the upper story setbacks of the second and third floor,
35 exterior building materials, and sidewalk and streetscape improvements. In addition, the
36 sidewalk materials should be changed to be exposed aggregate with concrete bands. Mr.
37 Thomson noted that the project requires 52 parking stalls. He further explained that the City
38 Council has directed staff to initiate the Mobility District concurrently with the City's Mill Street
39 parking ramp project. The Mobility District would allow property owners to utilize excess
40 parking in the parking ramp to meet parking requirements for changes in use and redevelopment
41 of their property. The property owner would pay the City annually for the number of parking
42 stalls in the ramp that were required by the property uses. Mr. Thomson noted that the Mill
43 Street parking ramp project is still going through the City Council review and approval process.
44 If the City approves this project, there may be an opportunity to coordinate the work on the
45 applicant's project with the Mill Street Ramp construction to minimize the impacts on the
46 neighborhood.

1
2 Commissioner Gruber clarified the Mobility District had not been approved by the City Council
3 yet.

4
5 Mr. Thomson stated this was correct and it was part of the Mill Street ramp project. It would take
6 several months to work through the process of establishing this district.

7
8 Commissioner Gonzalez asked if the applicant could work with owners of the Carisch Ramp to
9 provide parking.

10
11 Mr. Thomson stated there is a public easement over the Carisch Ramp but this expires in 2017.
12 He was unaware of any conversations between the applicant and the owner of the Carisch ramp.
13 The project has been moving forward based on the Mill Street parking ramp option.

14
15 Commissioner Gonzalez stated the south elevation would be a solid wall and the building on the
16 corner has a balcony with some windows. She expressed concerns that the project would be
17 built on the property line and this would block in the owner of that property.

18
19 Commissioner Flannigan asked why the 12-foot sidewalk was required.

20
21 Mr. Thomson stated the City's Engineering Guidelines call for the material requirements and the
22 Design Standards establish the required widths of the sidewalks. The 12-foot sidewalk does
23 allow for the planting of trees.

24
25 Commissioner Gonzalez asked if a 5-foot wide sidewalk complied with the ADA requirements.

26
27 Mr. Thomson stated staff would verify this.

28
29 Commissioner Young asked what the height was of the surrounding buildings.

30
31 Mr. Thomson stated he did not have this information at this time and they would request it.

32
33 Applicant's architect and representative, Mr. David Shea, 10 South 8th Street, Minneapolis,
34 stated Mr. Beltz owns the property at 701 and he is going to continue that synergy into this
35 property. They would like to see the smaller sidewalks, to be more inviting to pedestrian traffic
36 and continue the walk ability of Wayzata from Lake Street to Broadway and onto Mill Street.
37 He explained the architectural elements and the design elements that they were using in the
38 building. The balconies form a canopy for the entrances and provide an access to outdoors for
39 the office spaces. He stated the outdoor patio on the third floor would provide a unique option
40 for the office spaces. They are matching the floor-to-floor heights of the 701 building. He stated
41 they are taking the neighboring building into consideration along the north side. He explained
42 the construction process that would be used to ensure the construction would not encroach on the
43 neighboring building.

44
45 Commissioner Gonzalez stated there was equipment on the site currently doing borings between
46 he existing buildings. She asked what the purpose was for this.

1
2 Mr. Shea stated these were soil borings to determine what type of soil was there because they
3 will be putting in footings, foundations and grade beams.

4
5 Commissioner Gonzalez stated there are boulevard trees. She asked if these would be preserved.

6
7 Mr. Shea stated they would make every effort to save these trees. They would provide additional
8 information in the landscape plan.

9
10 Commissioner Gonzalez asked to see samples of the building materials.

11
12 Mr. Shea provided samples of some of the materials and stated that they would have a full board
13 for the materials during the next meeting. He explained that they did not have a sample of the
14 metal material at this time. The metal is an architectural material that can be formed to create the
15 molding appearance on the outside of the building.

16
17 Commissioner Gonzalez asked what the practical difficulties were that would justify the
18 Commission granting a building height variance.

19
20 Mr. Shea stated they are providing a reasonable height for a ground level retail space. If the
21 ceilings are too low, it would not meet the requirements for retail space. They are also using the
22 fascia to hide any elements that are on the roof.

23
24 Commissioner Gonzalez stated the application does not state there would be equipment on the
25 roof.

26
27 Mr. Shea clarified they were going to use the fascia to hide recesses and water storage elements
28 on the roof.

29
30 Commissioner Gruber asked Mr. Shea to describe the storm water management.

31
32 Commissioner Flannigan asked why Mr. Shea thought a 5-foot sidewalk was more walkable than
33 a wider sidewalk.

34
35 Mr. Shea stated the felt that narrower sidewalks that opened to larger green space areas were
36 more appealing. He can make the sidewalks larger but he would like to keep green areas along
37 the building. The best thing for a livable city is to have green in it.

38
39 Applicant's civil engineer, Mr. Kenny Horns, with HGA, 420 N 5th St., Minneapolis, stated they
40 had met with City Engineer Mike Kelly. Based on the footprint of the building and the size of
41 the lot, there is a limit to the stormwater management practices that can be used. They are
42 managing runoff from a rooftop only and not a parking lot. Runoff from rooftops typically has
43 less pollutants and sediments than a parking lot. To manage the runoff, they are required to
44 match to peak discharge rate for the 2, 10, and 100-year design storm events. This will be
45 achieved through temporary storage of runoff on the roof. The roof would still drain within a 24-
46 hour period. The hydrodynamic separator would address the sediment in the runoff. This

1 equipment would be located in the alley. The applicant would work with the City to reach an
2 agreement to locate this equipment in the alley right of way. He stated the challenge with the
3 building is there are multiple entrances around the perimeter on Mill Street and Broadway. One
4 of the design goals is to have all of the entrances at the same one floor elevation. There is a 3-
5 foot difference in elevation on the street grades. Having all of the entrances at the same level is a
6 challenge for grading. The 5-foot sidewalk meets accessibility requirements in terms of being
7 less than a 5% slope and 2% cross slope. Along Mill Street there is a 4-foot area between the
8 proposed sidewalk and the building and a 4-foot area from the sidewalk to the curb. If the
9 sidewalk is widened there would be a steeper cross slope and this would not comply with being
10 an accessible walk.

11
12 Commissioner Young asked if there were concerns about the amount of office space that was
13 being proposed. Other developments that have come before the Commission are moving away
14 from office space.

15
16 Mr. Shea stated the first floor retail makes sense given the location. There are very few small
17 office spaces available, and they are offering a special office space with the amenities.

18
19 Commissioner Gruber opened the public hearing at 8:18 p.m.

20
21 Ms. Stacy Carisch, representing the Marquee Building on the 600 Block, asked what the
22 Mobility District was.

23
24 Commissioner Gruber stated the Mobility District has not been created yet but it is a concept the
25 City is working with and looking at to address the parking issues in the downtown area.

26
27 Mr. Thomson stated there is a public process the City would go through to create the Mobility
28 District. It would be set up as a special service district. This would allow for the use of the Mill
29 Street Ramp for businesses to meet their parking requirements, and it would create some services
30 for the properties within the district, such as a public valet.

31
32 Ms. Carisch expressed concerns about parking. She stated parking would be very difficult if
33 both the proposed project and the Mill Street Ramp are constructed together. The City needs to
34 assist with policing the parking at the Carisch Ramp. Some things to consider are the how close
35 the project would be to the road.

36
37 Commissioner Gruber closed the public hearing at 8:25 p.m.

38
39 Commissioner Gonzalez stated a PUD is not a tool to go around the Zoning Ordinance, and it
40 needs to make sense for the City and the applicant. She would not support the 38-foot height
41 variance. If the 35-foot height restriction is not meeting the needs of the community, then it
42 should be reviewed and rewritten, rather than granting variances. If granted the zoning change to
43 a PUD the applicant is gaining a floor so they should be able to comply with the height
44 requirements. The surrounding buildings are at 38-feet, but they were all constructed prior to the
45 current Zoning Ordinance going into effect.

46

1 Commissioner Flannigan stated having a 2-story building in this location would look out of place
2 because the surrounding buildings are 3-stories; so rezoning from C-4B to PUD would make
3 sense.

4
5 Commissioner Gonzalez stated she would be willing to recommend a PUD for this project;
6 however, she is not sure that the height variance is justified.

7
8 Commissioner Gruber inquired whether the Commissioners would generally support the
9 rezoning request from C-4B to PUD because it would fit with the neighboring buildings.

10
11 Commissioner Young stated with the information provided and the height of the surrounding
12 buildings, he would support the 38-foot height variance. This would be keeping with the
13 aesthetics of the neighborhood.

14
15 Commissioner Gonzalez asked what the practical difficulties would be for not being able to meet
16 the requirements of the ordinance. The project does not meet the requirements of the Variance
17 Ordinance.

18
19 Commissioner Young stated the totality of what is being proposed is fair, and it would be a
20 positive addition to the area.

21
22 Commissioner Gnos stated he would support the height variance because it would be in keeping
23 with the character of the neighborhood.

24
25 Commissioner Flannigan asked what the grading was for the property.

26
27 Mr. Horns stated from the north side of the property to the east there is a 3-foot grade difference.

28
29 Commissioner Flannigan stated the applicant is trying to keep one level of entry around the
30 building and to accomplish this they may have a standard point in the building that requires them
31 to get to 38-feet. There is a standard that is required for retail space on the corner of Broadway
32 and Lake Street. If the City requires retail on the first level, then they need to give the developer
33 the ability to attain that standard.

34
35 Mr. Thomson stated the materials presented did not include a written statement on the practical
36 difficulties, but they were stated during the meeting.

37
38 City Attorney Schelzel suggested the Commission request this information in writing from the
39 applicant for the next meeting.

40
41 Commissioner Gruber asked if the design standards allow metal for the exterior.

42
43 Mr. Thomson stated the Design Standards pertain to the non-glass portions of the building, and
44 metal is restricted to no more than 10% of those areas.

45

1 Commissioner Gonzalez stated it would be difficult to recommend a deviation on the materials
2 for the use of the metal because they do not have a sample of what the applicant would be using.

3
4 Mr. Shea stated they are using molded/cast alternative material. It is not large flat panels of
5 metal.

6
7 Commissioner Gonzalez asked what color the roof would be. If they are not doing a dark roof
8 they would need to make a case for this and request a deviation.

9
10 Mr. Shea stated they could go with either a white or dark roof. If they decide to use a white roof
11 they will make a case for this.

12
13 Commissioner Gonzalez asked how the entrances would be landscaped. She explained the
14 requirements in the Design Standards including the requirement for a bench and bicycle parking.

15
16 Mr. Shea stated they are in favor of greening up an urban environment and would work with the
17 Design Standards. He explained they were requesting narrower sidewalks in order to comply
18 with accessibility requirements. A wider sidewalk would increase the slope. If the sidewalks are
19 narrow, then they can also include the landscaping the Commission has requested.

20
21 Commissioner Gonzalez cautioned Mr. Shea to work with City staff regarding the materials they
22 would be using for the sidewalk.

23
24 Commissioner Flannigan expressed concerns about the width of the sidewalk. He asked the
25 applicant to provide renderings that more closely represent what the area would look like.

26
27 Commissioner Gonzalez stated the Commission would like feedback from the City Engineer
28 regarding the impervious surface request and if the storm water management plan would meet
29 the requirements.

30
31 Applicant's representative, Dave Link, 2399 Wayzata Boulevard, Wayzata, stated Mr. Kelly
32 reviewed the storm water management and classified it as a best in class practice.

33
34 Commissioner Flannigan asked about the building setbacks.

35
36 Mr. Thomson stated the C-4B does not have setback requirements so the project does comply.
37 He suggested the Commission add a condition of approval the applicant work with the City for
38 an encroachment agreement to allow the storm water management system to be in the City alley.

39
40 Commissioner Gonzalez asked what plans had been made in regards to trash bins.

41
42 Mr. Link stated the garbage would be housed in the 701 building and consolidated between the
43 two.

44

1 Mr. Thomson stated the design standards require the second floor to be setback 6-feet and they
2 are showing 3-feet and the third floor should be recessed and the applicant is showing it the same
3 as the second floor. These would require a deviation.

4
5 Commissioner Flannigan asked if the applicant would need to provide an explanation why the
6 deviation was required.

7
8 Commissioner Young stated the intent of the setbacks for the second and third floor was to avoid
9 large walls, and the applicant is breaking up these walls with design features, including windows
10 and patios.

11
12 City Attorney Schelzel stated the aspects of the project that do not meet the Zoning Ordinance's
13 design standards require deviations, not variances, so they are not subject to the same strict legal
14 standards as a variance request. The applicant is not required to provide a narrative in the
15 application about the reasons the deviation is justified under the criteria for a variance. The
16 deviation must be based on one or more findings that justify the deviation, including the positive
17 effect of the project in the area it's proposed. The Commission has heard from the applicant on
18 the positive impacts the design would have on the surrounding area.

19
20 Vice Chair Gruber asked what additional information the Commission would like to see.

21
22 Commissioner Gonzalez stated they would need to bring a sample of the metal they are
23 proposing to use and the missing information for the design standards.

24
25 Mr. Thomson summarized the Commission's discussion that staff should work with the applicant
26 on the design standards issues discussed by the Commission. He noted the Commission requests
27 a narrative from the applicant be added to the application outlining the practical difficulties
28 justifying approval of the height variance. Staff will discuss sidewalk widths and the roofing
29 material with the applicant.

30
31 Commissioner Young made a motion, seconded by Commissioner Gnos to direct staff to prepare
32 a draft Report and Recommendation recommending approval of the rezoning from C-4B to
33 PUD/Planned Unit Development, Concurrent PUD Concept and General Plan of Development
34 Review, Design, Variance from the maximum building height requirement, Shoreland Impact
35 Plan/Conditional Use Permit for the building height, Shoreland Impact Plan/Conditional Use
36 Permit for impervious surface, and Preliminary and Final Plat Subdivision to combine lots at 326
37 and 332 Broadway Ave S, subject to the conditions of approval outlined in the Commission's
38 discussions, and requesting that the applicant provide the additional information requested by the
39 Commission. The motion carried 4 ayes; 1 nay (Gonzalez)

40
41 Commissioner Gonzalez stated the reason she would not support the motion and direction on the
42 recommendation was that project as proposed and the application as presented was not complete.
43 She did not have enough information to recommend approval of the variance because there was
44 no narrative in the application.

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
AUGUST 1, 2016

AGENDA ITEM 1. Call to Order and Roll Call

Chair Iverson called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Young, Gruber, Iverson, Murray and Gnos. Absent and excused: Commissioners Gonzalez and Flannigan. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Young made a motion, Seconded by Commissioner Murray to approve the August 1, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of July 6, 2016 Planning Commission Minutes

Commissioner Gruber made a motion, Seconded by Commissioner Murray to approve the July 6, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

b.) Approval of July 18, 2016 Planning Commission Minutes

Commissioner Murray stated on page 7, line 29 change “they” to “the”.

Commissioner Murray made a motion, Seconded by Commissioner Gruber to approve the June 20, 2016 Planning Commission Minutes as amended. The motion carried 4 ayes-1 abstain (Iverson).

AGENDA ITEM 4. Old Business Items:

a.) Broadway Place – 326 and 332 Broadway Ave S

i. Rezoning, Concurrent PUD Concept and General Plan of Development, Design Review, Variances, Shoreland Impact Plan/Conditional Use Permit, and Preliminary and Final Plat Subdivision

Mr. Thomson stated the applicant, Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC, had submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Avenue S. The development application includes

1 demolition of the two (2) existing buildings and construction of a three story mixed use building,
2 which would consist of retail uses on the ground level and office uses on the upper two levels.
3 The Planning Commission reviewed the development application and held a public hearing at the
4 July 18, 2016 meeting. After discussing the application, the Commission asked the applicant to
5 provide additional information regarding the roof top mechanical equipment, sidewalk widths on
6 Broadway and Mill Street, and height comparison to the 701 Lake Street building. The
7 Commission also asked the applicant to respond to the design critique, outline the reasons for the
8 deviations from the design standards, and provide written justification for the height variance.
9 After discussing the application, the Planning Commission directed staff to prepare a Planning
10 Commission Report and Recommendation recommending approval of the development
11 application. The applicant had submitted revised plans for the project that include increased
12 sidewalk widths along both Broadway and Mill Street. He reviewed the design standard
13 deviations requested including the building recessions, the exterior building materials, the
14 sidewalk widths, and the rooftop mechanical equipment. He outlined the conditions of approval
15 in the draft Report and Recommendation.

16
17 Commissioner Young asked if the previous proposal included green space along Mill Street in
18 lieu of the 13-foot sidewalk.

19
20 Mr. Thomson stated the previous plan included a 4-foot buffer then a 5-foot sidewalk and an
21 additional landscape buffer between the sidewalk and the building.

22
23 Commissioner Gruber stated the sidewalk along Broadway was proposed to be narrower to
24 preserve the bench, landscaping, and decorative brick. She asked what the current condition was
25 for these features and if the applicant planned to make any improvements to these features.

26
27 Applicant's Representative, Mr. David Link, 2399 Wayzata Blvd West, stated the features
28 Commissioner Gruber is referring to are located in the City right-of-way and the applicant does
29 not have the right to make improvements to these features. The applicant would be willing to
30 work with the City and discuss what could be done to improve this area. He clarified the
31 sidewalk is narrower along Broadway in order to preserve a large tree.

32
33 Chair Iverson stated there were open issues with the parking at this time. She asked if the
34 applicant does work out an agreement with City if they would be leasing this parking from the
35 City.

36
37 Mr. Thomson explained through the Mill Street parking structure the City would be providing
38 additional parking to what currently exists on Mill Street. There will be a mechanism in place to
39 allow property owners to contribute an annual fee to the City for the number of parking stalls
40 that would be needed for their development but are not able to provide onsite.

41
42 Chair Iverson asked if the building located at 701 had been granted a height variance.

43
44 Commissioner Gruber stated the height requirement did not pertain to the 701 building due to the
45 building being constructed prior to the requirement.

46

1 Chair Iverson asked if the sidewalks would be heated.

2
3 Mr. Link stated they would not be including heated sidewalks. The heated sidewalks at
4 Presbyterian Homes were installed because the facility does not have anywhere to put snow and
5 was part of the overall storm water management system for that project.

6
7 Chair Iverson asked if the project would include a bike rack.

8
9 Mr. Link stated there is bike parking in the alley and also an opportunity for a bike rack on the
10 corner. They would work with the City on where this could be located.

11
12 Chair Iverson asked if there would be any part of the existing buildings preserved and included
13 in the new project.

14
15 Commissioner Gruber suggested contacting the Historical Society so they could take pictures of
16 the building before it is removed.

17
18 Mr. Link stated the Beltz Family could help to facilitate a project.

19
20 Chair Iverson stated she would not support a variance for a 25% increase in the building height.

21
22 Commissioner Young stated he does not believe the Commission has accomplished what they
23 wanted by asking for wider sidewalks along Mill Street. He preferred the landscape buffers in
24 the previous proposal versus sidewalks up to the building.

25
26 Mr. Thomson stated the final sidewalk design would be worked out with the City and this was
27 outlined in the draft recommendation.

28
29 Chair Iverson asked why the Storm Water Management Plan was not included in the proposal.

30
31 Mr. Thomson explained Condition D for approval refers to the actual maintenance agreement for
32 maintenance of the stormwater management facilities and this does not get recorded until final
33 design.

34
35 Chair Iverson stated the Planning Commission has received Stormwater Management Plans to
36 review with feedback from the City Engineer for other applications.

37
38 Mr. Link stated the original submission included the Stormwater Management Plan and Mr.
39 Kelley did sign off on it and documented it was a best in practice management plan.

40
41 Commissioner Young made a motion, Seconded by Commissioner Gruber to approve the draft
42 Planning Commission Report and Recommendation recommending approval of the Rezoning,
43 Concurrent PUD concept and General Plan of Development, Design Review, Variances,
44 Shoreland Impact Plan/Conditional Use Permit, and Preliminary and Final Plat Subdivision for
45 Broadway Place located at 326 and 332 Broadway Avenue S with the conditioned outlined in the
46 report. The motion carried 4-ayes, 1-abstain (Iverson).

1
2 Chair Iverson explained she abstained because she was not at the last meeting and she did not
3 feel she had enough information to make a final decision.
4

5
6 **AGENDA ITEM 5. Public Hearing Items:**
7

8 a.) None.
9

10
11 **AGENDA ITEM 6. Other Items:**
12

13 a.) **Review Adopted Tree Ordinance**
14

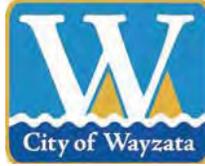
15 Mr. Thomson reviewed the Tree Ordinance, Chapter 710 – Maintenance and Removal of Trees
16 and Chapter 801 Section 801.36 – Zoning Ordinance, adopted by the City Council. Chapter 801
17 Section 36 is a new Section in the Zoning Ordinance and is development focused. Chapter 710
18 is separate from the Zoning Ordinance and includes pathogen control program, nuisance
19 abatement, transporting diseased wood, and licensing requirements. He stated Chapter 801
20 would apply to subdivisions, public infrastructure projects, construction of single-family homes
21 on vacant lots, grading permits, design review and expansions to existing single-family homes.
22 He clarified the lower threshold for significant tree removal for existing single-family homes
23 takes into consideration the number of significant trees that may have been removed during
24 initial construction. The replacement calculations are based on the number of inches for the trees
25 on the site not the number of trees on the site. The Ordinance does include language that would
26 allow the City Council to waive the replacement of trees for public infrastructure projects if the
27 replacement would create undue financial burden on the project and the public benefits of the
28 public infrastructure project outweigh the benefits of the tree replacement. He reviewed the tree
29 replacement ratios, the size requirements, and the fee-in-lieu of replacement project.
30

31 Commissioner Gruber asked if the Ordinance would apply to redevelopment or development
32 projects.
33

34 Mr. Thomson stated development and redevelopment projects require a design review and the
35 Tree Ordinance applies to the design review of the project. The two projects that the Planning
36 Commission would see that involve the Tree Ordinance are for subdivisions and design reviews.
37 All subdivisions and design reviews will require a Tree Preservation Plan to be reviewed by the
38 Planning Commission and City Council. The Planning Commission will review this during the
39 review of the development application.
40

41 Chair Iverson asked if a homeowner could remove all the trees on their property.
42

43 Mr. Thomson clarified the only way a home owner could remove any trees on their property is if
44 they are not doing any development or construction. The City Council removed the language
45 that required a homeowner to apply for a permit to remove trees on their property.
46



WAYZATA PLANNING COMMISSION

August 1, 2016

REPORT AND RECOMMENDATION OF APPROVAL OF PUD CONCEPT AND GENERAL PLANS, PUD REZONING, PROJECT DESIGN, HEIGHT VARIANCE, SHORELAND HEIGHT AND IMPERVIOUS SURFACE CUPs, AND PRELIMINARY AND FINAL PLAT AT 326 AND 332 BROADWAY AVE S

SUMMARY OF RECOMMENDATION

1. **Approval*** of Concurrent PUD Concept and General Plan of Development
2. **Approval*** of Rezoning from C-4B to PUD/Planned Unit Development
3. **Approval*** of Design of Project
4. **Approval*** of Building Height Variance
5. **Approval*** of Shoreland Impact Plan/CUP for Building Height
6. **Approval*** of Shoreland Impact Plan/CUP for Impervious Surface
7. **Approval*** of Preliminary and Final Plat Subdivision

* with certain conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC (collectively, the "Applicant") have submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S (the "Property"). The proposed redevelopment involves the demolition of the two existing commercial buildings on the property, and construction of a new three story mixed use building consisting of retail uses on the ground level and office uses on the upper two levels (the "Project").

1.2 Application Requests. The Application includes requests for approval of:

- A. Concurrent PUD Concept and General Plan of Development (the "PUD" or "PUD Concept and General Plans"): The Project would be built according to an approved PUD for the proposed new building on the Property with

ground level retail and upper level office use. The Applicant is requesting concurrent concept and general plan review and approval.

- B. Rezoning from C-4B to PUD/Planned Unit Development (the “Rezoning” or “Zoning Amendment”): In connection with approval of the PUD, the Property would be rezoned from the current C-4B District to the PUD District.
- C. Design (the “Design”): The newly constructed building of the Project is subject to the Design Standards. The Applicant is requesting approval of the design elements of the building as well as deviations from the Design Standards, further detailed in the Design Critique, that pertain to (i) building recession; (ii) exterior building materials; (iii) sidewalks and streetscape; and (iv) roof-top mechanical equipment (the “Deviations”).
- D. Variance from the Maximum Building Height Limit (the “Height Variance”): The Project requires a variance from the maximum building height limit in the PUD Zoning District of 35 feet and 3 stories, whichever is less. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.
- E. Shoreland Impact Plan/Conditional Use Permit for the Building Height (the “Shoreland Height CUP”): The Project requires a shoreland impact plan/conditional use permit for a building in excess of 35 feet. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.
- F. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface (the “Shoreland Impervious Surface CUP”): The Project requires a shoreland impact plan/conditional use permit for having impervious surface coverage that exceeds 75% of the lot area. The proposed Project would have an impervious surface coverage of approximately 96%.
- G. Preliminary and Final Plat Subdivision to combine the Lots (the “Subdivision”, “Preliminary and Final Plats” or “Lot Combination”): The Project would combine the two existing lots comprising the Property into a new single lot.
- 1.3 Property. The address, property identification numbers and owners of the Property involved in the Project are:

326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

- 1.4 Land Use. The Property is falls within the C-4B Central Business District, the Shoreland Overlay District, and the Lake Street Design District, under the Zoning

Ordinance, and is guided Central Business District in the Comprehensive Plan. 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	Mill Street Parking Lot	Institutional	Institutional/Public
East	701 Lake St E mixed use building	PUD/Planned Unit Development	Central Business District
South	COV restaurant mixed use building	C-4B/Central Business District	Central Business District
West	Marquee Place mixed use building	C-4B/Central Business District	Central Business District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on July 7, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 8, 2016.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

- A. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.

3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.

3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.

12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Zoning Ordinance Amendments / Rezoning.

In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon the following factors:

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

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

2.3 Design Standards. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment A). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.4 Building Height; Variances. Under Section 801.33.2.14, the maximum building height in the PUD Zoning District is thirty-five (35) feet and three (3) stories, whichever is less. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

- 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 this 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 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 this Ordinance.
- F. 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.
- 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.

2.5 Shoreland Impact Plan/Conditional Use Permit for Building Height. The maximum height of buildings in the Shoreland Overlay District is 35 feet. Building heights over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit. Section 801.91.10. Section 801.91.19 states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application

as regulated by Section 801.04 of this Ordinance and a plan of development, referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

Conditional Use Permits. City Code Section 801.04.2.F. states that 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.
- 2.6 Shoreland CUP for Impervious Surface Coverage. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a shoreland impact plan/conditional use permit.
- 2.7 Subdivision / Preliminary and Final Plat. Review and approval of subdivisions of property, combinations of two or more lots, and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 805.14.E:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.

10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Section 3. FINDINGS OF FACT

Based on the Application materials, additional materials submitted by the Applicant, staff reports and documents, 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 PUD. The PUD Concept Plan meets the purpose and intent of the PUD Ordinance.
 - A. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - B. The PUD includes a mixed use building consisting of appropriate retail and unique office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
 - C. The PUD creates a more desirable and creative environment than would be possible under the existing C-4B Central Business District. The ground floor retail spaces and upper stories of small office spaces creates a more desirable and creative environment.

In addition, the PUD meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance, except for the height requirement for which the Applicant has requested the Height Variance.

- 3.2 Zoning Ordinance Amendments / Rezoning. The Rezoning for the proposed use (the "Proposed Use") would not have an adverse effect on surrounding properties or the community, and meets the standards for a zoning ordinance amendment:

- A. The Proposed Use is consistent with the Comprehensive Plan land use designation of the Property, and meets the policies of the Comp Plan.
- B. The Proposed Use is consistent with current and future land uses in the area.
- C. The Proposed Use would meet the performance standards outlined in the Zoning Ordinance, except those for which the Variance and CUPs have been requested.
- D. The Proposed Use would not adversely impact surrounding properties.
- E. The Proposed Use would not impact property values in the area.
- F. The existing transportation facilities can meet the traffic demand of the Proposed Use.
- G. The Proposed Use would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

3.3 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations. Any negative impacts of the Deviations are outweighed by one or more of the following factors:

- 1. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
- 2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
- 3. The positive effect of the Project on the area in which the Project is proposed.

3.4 Height Variance. The Height Variance meets the standards for granting a variance:

- A. The Height Variance is in harmony with the purpose and intent of the zoning ordinance, and is consistent with the comprehensive plan.
- B. The Applicant has demonstrated that there are practical difficulties in complying with the applicable building height requirement.

- C. There are practical difficulties in complying with the maximum building height requirement in that the need for the increased building height for the Project is a result of the terrain and slope of the Property.
- D. The Height Variance is requested based on the topography and elevation of the property and adjacent public streets, not based on economic factors.
- F. The Applicant is not proposing earth sheltered construction.
- E. The Height Variance is from the building height, not from the use requirements of the zoning district.

3.5 Shoreland CUP for Building Height. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

- 1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
- 2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

- 1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.
- 2. The proposed use is compatible with present and future uses of the area.
- 3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.
- 4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.
- 5. The proposed structure and associated use will not have a negative impact upon surrounding property values.
- 6. The proposed structure and associated use will not increase traffic.
- 7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.6 Shoreland CUP for Impervious Surface Coverage. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.
4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.
5. The proposed structure and associated use will not have a negative impact upon surrounding property values.
6. The proposed structure and associated use will not increase traffic.
7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.7 Preliminary / Final Plat Subdivision for Lot Combination.

1. The Subdivision is consistent with the Wayzata Comprehensive Plan.
2. The building pad that results from the Subdivision not impact sensitive areas on the Property.
3. The building pad that results from the Subdivision have been selected and located with respect to natural topography to minimize filing or grading.

4. Existing stands of significant trees will be retained where possible.
5. The building pad that results from the Subdivision is sensitively integrated into existing trees on the right of way.
5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
7. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in the surrounding neighborhood.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.
9. The building proposed for the Subdivision meets the applicable Design District and the Design Review Board/City Council review criteria and process outlined in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance with the exception of those for which a variance and CUPs are being requested.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the following requests made in the Application: (i) Concurrent PUD Concept and General Plan of Development for New Retail and Office Development; (ii)

Rezoning from C-4B to PUD/Planned Unit Development; (iii) Design of Project; (iv) Building Height Variance; (v) Shoreland Height CUP; (vi) Shoreland Impervious Surface CUP; and (vii) Preliminary and Final Plat Subdivision to combine the existing two lots into a single lot, subject to the following conditions:

- A. The Property Owner must comply with all current and future parking requirements for the uses associated with the Project.
- B. The City will not issue a building permit for construction of the building until the Property Owner provides 52 parking stalls for the project either through a Downtown Mobility District or a separate agreement between the Property Owner and the City of Wayzata for use of parking stalls within the Mill Street parking lot (or future parking ramp) located on the north side of the site.
- C. Final Utility, Stormwater Management, Grading, Drainage, and Erosion Plans must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
- D. A stormwater facility maintenance agreement for maintenance of the stormwater management facilities is required.
- E. The Property Owner must enter into an encroachment agreement with the City for the grease trap and stormwater treatment structure located within the City's right of way.
- F. The final design of the sidewalks with the City's right of way must be reviewed and approved by the City Engineer and Building Official for compliance with the City's engineering and design standards and the State building code.
- G. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
- H. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 1st day of August 2016.

Voting In Favor: Gnos, Gruber, Murray, Young

Voting Against: None

Abstaining: Iverson

Absent: Flannigan, Gonzalez

DRAFT RESOLUTION NO. 32-2016

RESOLUTION APPROVING PUD CONCEPT AND GENERAL PLANS, PUD REZONING, PROJECT DESIGN, HEIGHT VARIANCE, SHORELAND HEIGHT AND IMPERVIOUS SURFACE CUPS, AND PRELIMINARY AND FINAL PLAT AT 326 AND 332 BROADWAY AVE S

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

Section 1. BACKGROUND

- 1.1 Project. Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC (collectively, the “Applicant”) have submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S (the “Property”). The proposed redevelopment involves the demolition of the two existing commercial buildings on the property, and construction of a new three story mixed use building consisting of retail uses on the ground level and office uses on the upper two levels (the “Project”).
- 1.2 Application Requests. The Application includes requests for approval of:
 - A. Concurrent PUD Concept and General Plan of Development (the “PUD” or “PUD Concept and General Plans”): The Project would be built according to an approved PUD for the proposed new building on the Property with ground level retail and upper level office use. The Applicant is requesting concurrent concept and general plan review and approval.
 - B. Rezoning from C-4B to PUD/Planned Unit Development (the “Rezoning” or “Zoning Amendment”): In connection with approval of the PUD, the Property would be rezoned from the current C-4B District to the PUD District.
 - C. Design (the “Design”): The newly constructed building of the Project is subject to the Design Standards. The Applicant is requesting approval of the design elements of the building as well as deviations from the Design Standards, further detailed in the Design Critique, that pertain to (i) building recession; (ii) exterior building materials; (iii) sidewalks and streetscape; and (iv) roof-top mechanical equipment (the “Deviations”).
 - D. Variance from the Maximum Building Height Limit (the “Height Variance”): The Project requires a variance from the maximum building height limit in the PUD Zoning District of 35 feet and 3 stories, whichever is less. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.

- E. Shoreland Impact Plan/Conditional Use Permit for the Building Height (the "Shoreland Height CUP"): The Project requires a shoreland impact plan/conditional use permit for a building in excess of 35 feet. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.
- F. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface (the "Shoreland Impervious Surface CUP"): The Project requires a shoreland impact plan/conditional use permit for having impervious surface coverage that exceeds 75% of the lot area. The proposed Project would have an impervious surface coverage of approximately 96%.
- G. Preliminary and Final Plat Subdivision to combine the Lots (the "Subdivision", "Preliminary and Final Plats" or "Lot Combination"): The Project would combine the two existing lots comprising the Property into a new single lot.

- 1.3 Property. The address, property identification numbers and owners of the Property involved in the Project are:

326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

- 1.4 Land Use. The Property is falls within the C-4B Central Business District, the Shoreland Overlay District, and the Lake Street Design District, under the Zoning Ordinance, and is guided Central Business District in the Comprehensive Plan. 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	Mill Street Parking Lot	Institutional	Institutional/Public
East	701 Lake St E mixed use building	PUD/Planned Unit Development	Central Business District
South	COV restaurant mixed use building	C-4B/Central Business District	Central Business District
West	Marquee Place mixed use building	C-4B/Central Business District	Central Business District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on July 7, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 8, 2016.
- 1.6 Planning Commission Action. The Planning Commission held a public hearing and reviewed the Application on July 18, 2016. At its August 1, 2016 meeting, the Planning Commission adopted a Report and Recommendation recommending approval of all the requests in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

- A. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
 1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
 6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the

continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the

building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Zoning Ordinance Amendments / Rezoning.

In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon the following factors:

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

- ## 2.3 Design Standards.
- All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment A). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City

Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.4 Building Height; Variances. Under Section 801.33.2.14, the maximum building height in the PUD Zoning District is thirty-five (35) feet and three (3) stories, whichever is less. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

- 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 this 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 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 this Ordinance.
 - F. 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.
 - 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.
- 2.5 Shoreland Impact Plan/Conditional Use Permit for Building Height. The maximum height of buildings in the Shoreland Overlay District is 35 feet. Building heights over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit. Section 801.91.10. Section 801.91.19 states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Section 801.04 of this Ordinance and a plan of development, referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

Conditional Use Permits. City Code Section 801.04.2.F. states that 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.
- 2.6 Shoreland CUP for Impervious Surface Coverage. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a shoreland impact plan/conditional use permit.
- 2.7 Subdivision / Preliminary and Final Plat. Review and approval of subdivisions of property, combinations of two or more lots, and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 805.14.E:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to

minimize filing or grading.

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (i) Concurrent PUD Concept and General Plan of Development for New Retail and Office Development; (ii) Rezoning from C-4B to PUD/Planned Unit Development; (iii) Design of Project; (iv) Building Height Variance; (v) Shoreland Height CUP; (vi) Shoreland Impervious Surface CUP; and (vii) Preliminary and Final Plat Subdivision that are requested as part of the Application meet all of the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, Applicant's additional submittals, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

3.1 PUD. The PUD Concept Plan meets the purpose and intent of the PUD Ordinance.

- A. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- B. The PUD includes a mixed use building consisting of appropriate retail and unique office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
- C. The PUD creates a more desirable and creative environment than would be possible under the existing C-4B Central Business District. The ground floor retail spaces and upper stories of small office spaces creates a more desirable and creative environment.

In addition, the PUD meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance, except for the height requirement for which the Applicant has requested the Height Variance.

3.2 Zoning Ordinance Amendments / Rezoning. The Rezoning for the proposed use (the "Proposed Use") would not have an adverse effect on surrounding properties or the community, and meets the standards for a zoning ordinance amendment:

- A. The Proposed Use is consistent with the Comprehensive Plan land use designation of the Property, and meets the policies of the Comp Plan.
- B. The Proposed Use is consistent with current and future land uses in the area.
- C. The Proposed Use would meet the performance standards outlined in the Zoning Ordinance, except those for which the Variance and CUPs have been requested.

- D. The Proposed Use would not adversely impact surrounding properties.
- E. The Proposed Use would not impact property values in the area.
- F. The existing transportation facilities can meet the traffic demand of the Proposed Use.
- G. The Proposed Use would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

3.3 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations. Any negative impacts of the Deviations are outweighed by one or more of the following factors:

- 1. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
- 2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
- 3. The positive effect of the Project on the area in which the Project is proposed.

3.4 Height Variance. The Height Variance meets the standards for granting a variance:

- A. The Height Variance is in harmony with the purpose and intent of the zoning ordinance, and is consistent with the comprehensive plan.
- B. The Applicant has demonstrated that there are practical difficulties in complying with the applicable building height requirement.
- C. There are practical difficulties in complying with the maximum building height requirement in that the need for the increased building height for the Project is a result of the terrain and slope of the Property.
- D. The Height Variance is requested based on the topography and elevation of the property and adjacent public streets, not based on economic factors.
- F. The Applicant is not proposing earth sheltered construction.

E. The Height Variance is from the building height, not from the use requirements of the zoning district.

3.5 Shoreland CUP for Building Height. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.
4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.
5. The proposed structure and associated use will not have a negative impact upon surrounding property values.
6. The proposed structure and associated use will not increase traffic.
7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.6 Shoreland CUP for Impervious Surface Coverage. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.

2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.
4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.
5. The proposed structure and associated use will not have a negative impact upon surrounding property values.
6. The proposed structure and associated use will not increase traffic.
7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.7 Preliminary / Final Plat Subdivision for Lot Combination.

1. The Subdivision is consistent with the Wayzata Comprehensive Plan.
2. The building pad that results from the Subdivision not impact sensitive areas on the Property.
3. The building pad that results from the Subdivision have been selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees will be retained where possible.
5. The building pad that results from the Subdivision is sensitively integrated into existing trees on the right of way.
5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

6. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
7. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in the surrounding neighborhood.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.
9. The building proposed for the Subdivision meets the applicable Design District and the Design Review Board/City Council review criteria and process outlined in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance with the exception of those for which a variance and CUPs are being requested.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution, the (i) Concurrent PUD Concept and General Plan of Development for New Retail and Office Development; (ii) Rezoning from C-4B to PUD/Planned Unit Development; (iii) Design of Project; (iv) Building Height Variance; (v) Shoreland Height CUP; (vi) Shoreland Impervious Surface CUP; and (vii) Preliminary and Final Plat Subdivision to combine the existing two lots into a single lot, subject to the following conditions and restrictions:
- A. The Property Owner must comply with all current and future parking requirements for the uses associated with the Project.
 - B. The City will not issue a building permit for construction of the building on the Property as proposed until the Property Owner provides 52

parking stalls for the Project, either through a Downtown Mobility District, City parking policy, and/or a separate agreement between the Property Owner and the City of Wayzata for use of parking stalls within the Mill Street parking lot (or future parking ramp) located on the north side of the site.

- C. Final Utility, Stormwater Management, Grading, Drainage, and Erosion Plans must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
- D. A stormwater facility maintenance agreement for maintenance of the stormwater management facilities on the Property must be executed for the Property in a form acceptable to the City Engineer.
- E. The Property Owner must enter into an encroachment agreement with the City for the grease trap and stormwater treatment structure located within the City's right of way.
- F. The final design of the sidewalks with the City's right of way must be reviewed and approved by the City Engineer and Building Official for compliance with the City's engineering and design standards and the State building code.
- G. Prior to the City issuing a building permit for the Project, the Applicant must submit evidence of a private easement or other agreement acceptable to the City Attorney for use of the trash and recycling facilities by the Project located with the existing building at 701 Lake St E.
- H. Prior to the City issuing a building permit for the Project, the Applicant must submit a construction management plan to City staff for review and approval. The construction management plan must outline locations of construction staging, construction-related parking, and employee parking. All construction-related and employee parking must be located off-site and may not be located within the Mill Street parking lot, Broadway Avenue, Lake Street, or the municipal parking lot located at Broadway Avenue and Lake Street.
- I. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
- J. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 16th day of August, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on August 16, 2016.

Becky Malone, Deputy City Clerk
SEAL

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
DRAFT ORDINANCE NO. 760

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE PROPERTY AT 326 AND 332 BROADWAY AVE S TO
PUD PLANNED UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolution 32-2016 (the “Resolution”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolution, to PUD Planned Unit Development District.

Section 2. Effective Date

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

Adopted by the City Council this _____ day of _____ 2016.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

600 Rice Street
Wayzata, MN 55391-1734
(952) 404-5340
Fax: (952) 404-5359

MEMORANDUM

To: Jeff Dahl
From: Chief Michael Risvold
Date: August 5, 2016
Re: James Anderson Memorial

Members of the Wayzata Police Department are appreciative of the attention being given to the James Anderson Memorial. We agree that this is a piece of history in Wayzata that should be highlighted more prominently. An officer giving his life while protecting others is indeed the ultimate sacrifice worthy of recognition.

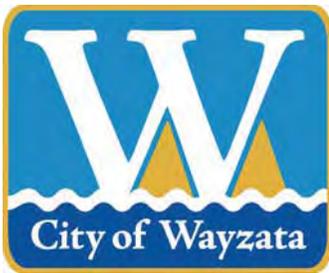
It's my understanding that council direction was to task the police department with coming up with a plan of some type. I'm not entirely comfortable with this being a police driven initiative. While we would certainly like input, I feel that a committee of stakeholders would be the best approach. A potential committee could consist of the following:

- City Manager
- City Council Member
- Police Representative (1-2)
- Public Works/Parks
- Wayzata Crime Prevention Coalition Member
- Wayzata Citizen

The memorial means a great deal to our law enforcement family. I believe that given a more public stage, it would mean much more to the entire Wayzata community and ensure that James Anderson's sacrifice is never forgotten. Let me know how you and the council would like to proceed.

Recommended Action

Motion to approve the aforementioned Committee structure. In September, staff could come back with recommendations on who could fill the seats on the committee.



City of Wayzata Public Works

299 Wayzata Blvd. W
Wayzata, MN 55391

Director Of Public Service
David Dudinsky

City Engineer/Assist. Public Works Director
Mike Kelly

Public Works Superintendent
Jim Eibensteiner

Public Works Secretary/Utility Billing Clerk
Rebecca Jones

Memorandum

TO: City Council and City Manager
FROM: Dave Dudinsky, Director of Public Service
DATE: August 10, 2016
SUBJECT: Consider Approval of Agreement for Professional Services with Rainbow Tree Company to Provide Ash Tree Injection Services to Ash Trees on Private and Public Properties in Wayzata

As part of the continuing management efforts of City of Wayzata in planning for the Emerald Ash Borer (EAB) infestation, staff is proposing the City enter into a service contract with Rainbow Tree Care that provides tree injection services to selected Ash Trees on private and public properties within the City at a discounted treatment rate.

CITY PROPERTY: Ash trees on City property identified by the City as trees to receive injection treatments will begin after EAB has been confirmed with the Wayzata city limits and City staff has made the decision to proceed with such Work. Unless City staff directs otherwise, all ash injections must be completed between June 1st and September 30th of each year, or before fall leaf color, whichever occurs sooner.

PRIVATE PROPERTY: Homeowners will contact Rainbow Treecare directly to initiate an inspection, receive a quote and provide permission to perform the Work. Rainbow Treecare will inspect the ash trees on private property and determine whether they are appropriate for treatment and all invoices will be submitted directly to the homeowner, and the City shall have no liability for or involvement in the provision of such Work. All ash injections must be completed between June 1st and September 30th of each year or before fall leaf color, whichever occurs sooner.

PROMOTION OF THE ASH TREE INJECTION PROGRAM: The City will refer residents interested in private property tree injections throughout the treatment period of June-September of each year in a format mutually agreed upon.

TERM OF AGREEMENT: The term of the agreement is from the signing date of the agreement through October 30, 2017.

Staff recommends approval of Agreement for Professional Services with Rainbow Tree Company (Rainbow Treecare) to Provide Ash Tree Injection Services to Ash Trees on Private and Public Properties in Wayzata

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made effective _____ 2016 by and between the City of Wayzata, 600 Rice Street East Wayzata MN, 55391 (the "City") and Rainbow Tree Company (the "Contractor") whose business address is 11571 K-Tel Drive Minnetonka, MN 55343.

PRELIMINARY STATEMENT

The purpose of this agreement is to set forth terms and conditions for the provision of certain professional tree care services by the Contractor to residents and property owners within the City, and to the City.

The City and the Contractor agree as follows:

1. **Contractor's Services.** The Contractor agrees to provide professional tree care services as described in Attachment A—Scope of Services and made a part of this Agreement ("the Work"). If there is any conflict between the language of this document and the language of Attachment A, the language of this document prevails.
2. **Project Manager and Staffing.** The Contractor has designated Jeff Hafner to be the project superintendent for the Work. This person may be assisted by other staff members as necessary to facilitate the completion of the Work in accordance with the terms of this Agreement. The Contractor may not remove or replace the designated project superintendent without the City's prior approval.
3. **Time for Performance of Services.** The Contractor must perform the Work within the timeframe set forth in the attached Scope of Services. If Contractor is delayed in performance due to any cause beyond its reasonable control, such as strikes, riots, fires, acts of God, governmental actions, actions of a third party, or actions or inactions of City, the time for performance will be extended by the period of time lost by reason of the delay.
4. **Compensation for Services.** Contractor shall be paid for the Work in the manner described in the Attached Scope of Services, and made a part of this Agreement. A change in the Scope of Services that may increase the compensation due to Contractor will not be effective unless the City has given prior written approval.
5. **Method of Payment.** The Contractor must submit an itemized invoice for Work provided to the owner of the property on which the services are provided. Invoices submitted for Work provided to the City will be paid in the same manner as other invoices submitted to the City. The Contractor must verify all statements submitted to the City for payment in compliance with Minnesota Statutes Sections 471.38 and 471.391.

6. **Audit Disclosure.** The Contractor must allow the City or its duly authorized agents reasonable access to the Contractor's books and records that are pertinent to all Work provided to the City under this Agreement, including books and records of any approved subcontractors, for six years after the effective date of this Agreement. Any reports, information, data, etc. given to, or prepared or assembled by, the Contractor and its subcontractors under this Agreement which the City requests to be kept confidential must not be made available to any individual or organization without the City's prior written approval.
7. **Data Privacy and Security.** The Contractor will take all reasonable and prudent measures to ensure the security of all data that it handles in connection with the Work. The Contractor agrees to comply with the applicable provisions of the Minnesota Government Data Practices Act and all other applicable state and federal laws relating to data privacy or confidentiality. The Contractor must immediately report to the City any requests from third parties for information relating to this Agreement. The City agrees to promptly respond to inquiries from the Contractor concerning data requests. The Contractor agrees to hold the City, its officers, and employees harmless from any claims resulting from the Contractor's unlawful disclosure or use of data protected under state and federal laws.
8. **Document Ownership.** All finished or unfinished documents, data, and reports prepared by the Contractor related to Work for the City will become the property of the City upon termination of this Agreement, but Contractor may retain copies of such documents as records of the Work provided. Except to the extent that Minnesota Statutes Chapter 466 limits the City's liability, the City agrees to defend and indemnify the Contractor for any claims or losses resulting from the City's use of such documents not contemplated by the parties at the time of the preparation.
9. **Term.** The term of this Agreement is from the Effective Date through October 30, 2017, the date of signature by the parties notwithstanding. This Agreement may be extended upon the written mutual consent of the parties for such additional period as they deem appropriate, and upon the terms and conditions as stated in this Agreement.
10. **Termination.** This Agreement may be terminated by either party by thirty days advance written notice delivered to the other party at the address written above. Upon termination under this provision if there is no fault of the Contractor, the Contractor will be paid for Work rendered and reimbursable expenses hereunder until the effective date of termination. If however, the City terminates the Agreement because the Contractor has failed to perform in accordance with this Agreement, no further payment will be made to the Contractor, and the City may retain another Contractor to undertake or complete the Work.
11. **Subcontractor.** The Contractor may not enter into subcontracts for Work provided in this Agreement except as noted in Exhibit A, without the express prior written consent of the City. The Contractor agrees to pay any subcontractor within ten days of the Contractor's

receipt of payment from the City for undisputed services provided by the subcontractor. The Contractor must pay interest of 1.5% per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For any unpaid balance of less than \$100, the Contractor must pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from the Contractor must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action. This paragraph is inserted in this Agreement pursuant to Minn. Stat. §471.425, Subd. 4a.

12. **Independent Contractor.** At all times and for all purposes under this Agreement, the Contractor is an independent contractor and not an employee of the City. No statement in this Agreement may be construed to find the Contractor an employee of the City.
13. **Assignment.** Neither party may assign this Agreement without the written consent of the other party.
14. **Services not Provided For.** No claim for services furnished by the Contractor not specifically provided for in this Agreement will be honored by the City or its residents.
15. **Severability.** The provisions of this Agreement are severable. If any portion is held by a court of competent jurisdiction to be contrary to law, that decision will not affect the remaining provisions of the Agreement.
16. **Entire Agreement.** The entire agreement of the parties is contained in this Agreement. This Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter of this Agreement as well as any previous agreements presently in effect between the parties relating to the same subject matter. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement will be valid only when expressed in writing and signed by the parties, unless otherwise provided in this Agreement. The residents and property owners of the City of Wayzata who are provided Work under the terms of this Agreement are third party beneficiaries and shall have all of the rights afforded to the City hereunder related to such Work.
17. **Compliance with Laws and Regulations.** In providing services under this Agreement, the Contractor must abide by all statutes, ordinances, rules, and regulations pertaining to the provision of services to be provided. Any violation constitutes a material breach of this Agreement and entitles the City to immediately terminate this Agreement.
18. **Equal Opportunity.** The contractor agrees during the life of this contract not to discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age. This contract may be cancelled or terminated by the City, and all money due or to become due hereunder may be forfeited, for a second or

subsequent violation of the terms and conditions of this paragraph. The Contractor must post in places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause and stating that all qualified applicants will receive consideration for employment. The Contractor must incorporate the foregoing requirements of this paragraph in all of its subcontracts for program work, and will require all of its subcontractors for such work to incorporate such requirements in all subcontracts for program work.

19. **Waiver.** Any waiver by either party of a breach of any provisions of this Agreement will not affect, in any respect, the validity of the remainder of this Agreement.
20. **Indemnification.** Contractor agrees to defend, indemnify and hold the City, its officers, and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorney's fees, resulting directly or indirectly from an act or omission (including without limitation professional errors or omissions) of the Contractor, its agents, employees, or subcontractors in the performance of the Work and against all losses by reason of the failure of the Contractor fully to perform, in any respect, all obligations under this Agreement.
21. **Insurance.** During the term of this Agreement, Contractor must maintain the following insurance and furnish a certificate of insurance. The certificate must specifically state and verify that the contractor has the required insurance coverage:
 1. Worker's Compensation Insurance
 - a. Statutory Compensation Coverage
 - b. Coverage B - Employers Liability with limits of not less than:
 - \$100,000 Bodily Injury by Disease per Employee
 - \$500,000 Bodily Injury by Disease Aggregate
 - \$100,000 Bodily Injury by Accident
 2. Automobile Liability Insurance
 - a. Minimum Limits of Liability:
 - \$1,000,000 - Per Occurrence- Bodily Injury and Property Damage Combined Single Limit.
 - b. Coverages:
 - Owned Automobile
 - Non-owned Automobile
 - Hired Automobile
 3. General Liability Insurance
 - a. Minimum Limits of Liability:

\$1,000,000 - Per Occurrence

\$2,000,000 - Annual Aggregate

\$2,000,000 - Annual Aggregate applying to Products/Completed Operations

b. Coverages:

X Premises and Operations Bodily Injury and Property Damage

X Personal & Advertising Injury

X Blanket Contractual

X Products and Completed Operations

X Other; if applicable, please list: _____

X City of Wayzata is named as Additional Insured

The contractor must obtain insurance policy(ies) from insurance companies having an "AM Best" rating of A-(minus), Financial Size Category of VII or better, and be authorized to do business in the State of Minnesota. An Umbrella or Excess Liability insurance policy may be used to supplement the Contractor's policy limits to satisfy the full policy limits required by the Contract.

The contractor and authorized insurance representatives must maintain coverage in these amounts during the term of the contract and notify the City thirty (30) days before the required insurance is cancelled or changed.

If the contractor furnishes Property Damage Liability Insurance which has a deductible amount in the policy, they must also furnish and maintain to the City either of the following:

1. A cash bond in the amount of 4 times the deductible amounts (e.g. \$500 deductible- furnish the City with a \$2,000 cash bond). The cash bond will be used by the City to pay any unresolved property damage claims which exceed 30 days.
2. A letter from the insurance agent or the insurance company stating that, in the event of a claim, the claim will be paid in full by the insurance company including the deductible amount and the amount of the deductible will be paid by the contractor.
 - a. A general liability insurance policy with limits of at least \$1,000,000 per occurrence, and \$2,000,000 general aggregate, for both personal injury and property damage.

The insurance policies must name the City as an additional insured for the services provided under this Agreement and must provide that the Contractor's coverage will be the primary coverage in the event of a loss. A certificate of insurance on the City's approved form that verifies the existence of these insurance coverages must be provided to the City before work under this Agreement is begun. Any policy deductibles or retention shall be the responsibility of the Contractor. No deductible greater than \$50,000 is allowed on any required insurance policy without prior approval of the City's attorney.

21. **Governing Law.** This Agreement will be controlled by the laws of the State of Minnesota.

22. **Disputes.** In an effort to resolve any conflicts that arise during or following the completion of the Work described in this Agreement, the dispute will first be submitted to non-binding mediation unless the parties mutually agree otherwise. The cost of mediation will be shared equally by the parties.

23. **Attachments**

- A. Scope of Services
- B. Ash Tree Injection Price Quote Form for City Property
- C. Ash Tree Injection Price Quote Form for Private Property
- D. EAB Treatment Guarantee
- E. Copy of Insurance Certificate

CITY OF Wayzata:
600 Rice St E
Wayzata, MN 55391

By _____
Jeffrey J. Dahl, City Manager

By _____
Ken Willcox, Mayor

Rainbow Treecare:
11571 K-Tel Drive
Minnetonka, MN 55343

By: _____

Name: _____

By: _____

Title: _____

Rainbow Treecare Ash Tree Injection Services to the City of Wayzata

Project Understanding

The Emerald Ash Borer (EAB) threatens the lives of the thousands of ash trees located in the City of Wayzata (the “City”).

As the City continues to prepare for this devastating infestation and infection, the City has agreed to enter a contract with Rainbow Tree Company (“Rainbow Treecare”) to provide tree injection services for ash trees (“ash injections” or the “Work”) within two separate areas: City-owned property and private property as specified herein (the “Project”).

Project Goals

- Be ready to protect ash trees from emerald ash borer infestation on City-owned properties, including parks. Treatments of City-owned trees will begin after EAB has been confirmed within the City of Wayzata and City staff makes the decision to begin treatments.
- Provide a bulk discount program to all private property owners within the City of Wayzata to encourage residents to proactively inject their ash trees growing in order to help preserve the City’s tree canopy and the accompanying economic and environmental benefits.

Project Areas

Area 1- City property

Ash trees on City property identified by the City as trees to receive injection treatments will begin after EAB has been confirmed with the Wayzata city limits and City staff has made the decision to proceed with such Work. Unless City staff directs otherwise, all ash injections must be completed between June 1st and September 30th of each year, or before fall leaf color, whichever occurs sooner.

Area 2 – Private property

Homeowners will contact Rainbow Treecare directly to initiate an inspection, receive a quote and provide permission to perform the Work. Rainbow Treecare will inspect the ash trees on private property and determine whether they are appropriate for treatment and all invoices will be submitted directly to the homeowner, and the City shall have no liability for or involvement in the provision of such Work. All ash injections must be completed between June 1st and September 30th of each year or before fall leaf color, whichever occurs sooner.

Project Period and Completion Dates

The tree injection period will run from approximately June 1st—September 30th of each year. Rainbow Treecare may reserve the right to group tree injections based on geographic proximity within the injection period in order to achieve the efficiency needed to provide a discounted rate. Injections will occur on trees that have fully expanded leaves and have not reached fall senescence (fall leaf color). The city forester or person designated by the City Manager reserves the right to extend or limit the time period based on seasonal conditions.

Rainbow Treecare Qualifications

Founded in 1976, Rainbow Treecare (RTC) has built a reputation on a solid commitment to the science of tree care and is uniquely positioned to offer the most comprehensive ash and elm protection services in the state. A pioneer of Dutch elm disease protection since 1976 and emerald ash borer protection since 2004, RTC has been working on a national level to develop cost-effective management solutions for EAB. RTC currently has more than 13,000 ash trees under protection with numerous government and public agency clients.

With the most International Society of Arboriculture (ISA) Certified Arborists, Board-Certified Master Arborists, and members of the American Society of Consulting Arborists in Minnesota, no other company can offer the depth of skill, experience, and knowledge of tree pest and pathogen issues.

Full-time GIS/GPS staff is available to manage tree inventory data and develop interactive maps of public and private trees, and our in-house art and marketing department can produce materials that widely and effectively communicate the Project details and assist with homeowner enrollment and involvement. Example maps and proposed marketing materials are available in attachment (E) Qualifications.

Insurance

At the time the executed contract and performance bond is delivered to the City, Rainbow Treecare shall also furnish a certificate of insurance. A copy of the insurance certificate can be found in attachment (E).

Indemnification

Rainbow Treecare shall indemnify and hold harmless the City and its employees, and its residents and property owners from and against all claims, damages, losses and expenses including attorney's fees, arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expense is:

- (a) Attributable to bodily injury, sickness, disease or death, or to injury to, or destruction of tangible property including the loss of use resulting there from, and
- (b) Caused in whole or in part by any negligent or wrongful act or omission of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them for whose acts any of them may be liable.

The Project Team

Contract Supervisor: Jeff Hafner, Certified Arborist (WE 6506-A) will act as the Contract Supervisor for this Project. Mr. Hafner, Rainbow Treecare Director of Municipal Consulting, has an Associate's Degree in Commercial Horticulture and over 20 years' experience in the horticulture industry. As a dedicated full-time employee focused on municipal and governmental forestry, Mr. Hafner is available to quickly respond to any issues that might arise throughout the contract period.

Field Inspectors: Private property tree inspections will be primarily performed by:

Dave Strootman, Board Certified Master Arborist (MN-0251B). Mr. Strootman obtained a B.S. in Urban Forestry from the University of Minnesota and joined RTC in 1998.

Technicians: All treatment technicians for this Project will be drawn from the production staff at RTC and will serve the citizens of Wayzata with a commitment to the highest level of customer service during the protection of trees located within the City. A list of RTC technicians certified by the Minnesota Department of Agriculture can be found in Attachment (E) Qualifications for Requirements.

Equipment and Treatment Specifications

Upon request, Rainbow Treecare will demonstrate proficiency with the injection equipment and knowledge of the products used to prevent EAB.

Safety Standards: Rainbow Treecare will use work methods, safety procedures and personal protective equipment conforming to all ANSI and OSHA standards in performing the work under this contract and will supply any Material Safety Data Sheets (MSDS) to the City upon request.

Formulation Rates: It is the responsibility of Rainbow Treecare to follow all insecticide or fungicide label instructions. Any alterations in the formulations or equipment must be approved in advance by the city forester or person designated by the City Manager. In order to remain responsive to emerging research, the City reserves the right to request a change in formulation rates or application methods for the duration of the contract. Any such change and additional costs incurred would be agreed to in written correspondence between the Rainbow Treecare and the City.

Ash Trees

- 1) All injections of ash trees must be with a liquid formulation of 4% Emamectin benzoate every two years. No substitutions of the formulations shall be allowed.
- 2) Rainbow Treecare shall inject Emamectin benzoate at the medium rate specified chart in Attachments (B) and (C). Determination of dosage shall be on the inches of diameter at breast height (DBH) within specific diameter classes listed in Attachment (B) and (C).
- 3) Injections must be made at the root flare to ensure the best distribution of the insecticide throughout the tree.

Equipment: Rainbow Treecare will provide all necessary equipment to complete the Work under these specifications:

- 1) Equipment will remain in proper operating condition throughout the term of the Agreement and RTC is responsible for cleaning and providing upkeep to the injection system on a daily basis. Any maintenance issues or repairs are the sole responsibility of Rainbow Treecare.
- 2) Treatment technicians will use a high-helix drill bit and must replace the drill bits after every 100 DBH inches to maintain high efficiency. Drilled holes must be the size recommended by the injection equipment manufacturer. The diameter of drilled holes is available in Attachment (E) Qualifications.
- 3) Injection holes on ash must be drilled to a depth of approximately 1 inch below the bark to maximize delivery of Emamectin benzoate into ash trees.
- 4) Emamectin benzoate will be injected into ash trees using current industry standard injection systems that have efficacy data that supports their use, and follow all manufacturer's specifications.

5) All injected trees must be tagged with the year of injection clearly indicated on the tag. The City will provide tags for trees on City property, but it is Rainbow Treecare's responsibility to provide tags for trees growing on private properties. The tags must be of a design and type that can persist on the tree for at least 3 years.

Guarantees and Warranties

Rainbow Treecare offers the following written guarantees for the treatments of ash trees for emerald ash borer:

Ash Trees

Rainbow Treecare guarantees public and private ash trees in good condition that are treated by our technicians with a 4% liquid formulation of Emamectin Benzoate will not die from an emerald ash borer infestation for two years after the treatment date. This fully transferable money back guarantee refunds the cost of the most recent treatment for any treated trees that die due to an EAB infestation within two years of treatment date. Our arborists and technicians will evaluate each ash tree prior to injection and coordinate inspections with City staff to make sure protection is warranted. Rainbow Treecare reserves the right to treat private property ash trees in poor condition without the warranty.

A full written description of Rainbow Treecare's guaranties and warranties, including all criteria and eligibility, can be found in Attachment (D). This warranty applies to all healthy ash trees treated within the City, regardless of ownership (public or private).

Property Access and Notification

Rainbow Treecare shall not enter private property without having previously obtained permission from the property owner. If Rainbow Treecare personnel desire to enter private property to access trees on a City owned property, it is their responsibility to notify the underlying property owner by knocking on the door at the time of the site visit or making a phone call ahead of time. Every attempt shall be made to contact the City forester to notify of the intent on accessing a City owned site through private property.

Contract Supervision and Form of Order to Proceed

The City will refer residents interested in private property tree injections throughout the treatment period of June-September of each year in a format mutually agreed upon prior to the start of the Project.

Private Property Tree Inspections

Prior to recommending treatment, all proposed ash trees shall be inspected by a qualified Rainbow Treecare employee. There may be instances when a tree is not in suitable health or condition to recommend treatment. Rainbow Treecare shall have an individual experienced in communicating tree information to the general public to explain such decisions. The person assigned to inspect the trees shall be, at the very minimum, a Certified Minnesota Tree Inspector, or have a degree in forestry, or be an ISA Certified Arborist. The individual shall be qualified to diagnose emerald ash borer; and have experience evaluating tree condition. Additionally, the individual shall be able to explain the benefits and risks of all ash protection options, with regard to pollinators, water quality, human health, and tree health and condition.

Hours of Operations and Uniform

The City reserves the right to set limits on hours of operation for Work on Saturdays, Sundays and holidays. All weekend or holiday Work must be approved by the city manager ahead of time. Certified applicators and GPS staff shall wear company uniform and/or a high visibility/safety vest at all times during field operations. Every vehicle associated with the Project shall display a company logo or name.

Attachment B- Rainbow Treecare Ash Tree Injection Price Quote for Emamectin Benzoate on Wayzata City Property (including Parks). Prices valid June 1, 2016 through October 1, 2017.

Medium Rate (ml. product/tree)	Tree Diameter (DBH) in inches	Number of trees	Price Per Tree	Price per inch (DBH)
55	10	TBD	\$ 39.90	\$ 3.99
55	11	TBD	\$ 43.89	\$ 3.99
55	12	TBD	\$ 47.88	\$ 3.99
70	13	TBD	\$ 51.87	\$ 3.99
70	14	TBD	\$ 55.86	\$ 3.99
70	15	TBD	\$ 59.85	\$ 3.99
85	16	TBD	\$ 63.84	\$ 3.99
85	17	TBD	\$ 67.83	\$ 3.99
85	18	TBD	\$ 71.82	\$ 3.99
100	19	TBD	\$ 75.81	\$ 3.99
100	20	TBD	\$ 79.80	\$ 3.99
100	21	TBD	\$ 83.79	\$ 3.99
115	22	TBD	\$ 87.78	\$ 3.99
115	23	TBD	\$ 91.77	\$ 3.99
115	24	TBD	\$ 95.76	\$ 3.99
130	25	TBD	\$ 99.75	\$ 3.99
130	26	TBD	\$ 103.74	\$ 3.99
130	27	TBD	\$ 107.73	\$ 3.99
145	28	TBD	\$ 111.72	\$ 3.99
145	29	TBD	\$ 115.71	\$ 3.99
145	30	TBD	\$ 119.70	\$ 3.99
160	31	TBD	\$ 123.69	\$ 3.99
160	32	TBD	\$ 127.68	\$ 3.99
160	33	TBD	\$ 131.67	\$ 3.99
175	34	TBD	\$ 135.66	\$ 3.99
175	35	TBD	\$ 139.65	\$ 3.99
175	36	TBD	\$ 143.64	\$ 3.99
190	37	TBD	\$ 147.63	\$ 3.99
190	38	TBD	\$ 151.62	\$ 3.99
190	39	TBD	\$ 155.61	\$ 3.99
205	40	TBD	\$ 159.60	\$ 3.99

Total	Determined by Number of Trees
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Name of Company: Rainbow Treecare
11571 K-Tel Drive Minnetonka,
 Address: MN 55343
 Phone: 952-252-0596

Authorized Signature: _____
 Date: 5/23/2016

Attachment C- Rainbow Treecare Ash Tree Injection Price Quote for Emamectin Benzoate on Private Property Located Within the City of Wayzata. Prices valid June 1, 2016 through October 1, 2017.

Medium Rate (ml. product/tree)	Diameter (DBH) in inches	Number of trees	Price Per Tree	Price per inch (DBH)
55	10	TBD	\$ 57.50	\$ 5.75
55	11	TBD	\$ 63.25	\$ 5.75
55	12	TBD	\$ 69.00	\$ 5.75
70	13	TBD	\$ 74.75	\$ 5.75
70	14	TBD	\$ 80.50	\$ 5.75
70	15	TBD	\$ 86.25	\$ 5.75
85	16	TBD	\$ 92.00	\$ 5.75
85	17	TBD	\$ 97.75	\$ 5.75
85	18	TBD	\$ 103.50	\$ 5.75
100	19	TBD	\$ 109.25	\$ 5.75
100	20	TBD	\$ 115.00	\$ 5.75
100	21	TBD	\$ 120.75	\$ 5.75
115	22	TBD	\$ 126.50	\$ 5.75
115	23	TBD	\$ 132.25	\$ 5.75
115	24	TBD	\$ 138.00	\$ 5.75
130	25	TBD	\$ 143.75	\$ 5.75
130	26	TBD	\$ 149.50	\$ 5.75
130	27	TBD	\$ 155.25	\$ 5.75
145	28	TBD	\$ 161.00	\$ 5.75
145	29	TBD	\$ 166.75	\$ 5.75
145	30	TBD	\$ 172.50	\$ 5.75
160	31	TBD	\$ 178.25	\$ 5.75
160	32	TBD	\$ 184.00	\$ 5.75
160	33	TBD	\$ 189.75	\$ 5.75
175	34	TBD	\$ 195.50	\$ 5.75
175	35	TBD	\$ 201.25	\$ 5.75
175	36	TBD	\$ 207.00	\$ 5.75
190	37	TBD	\$ 212.75	\$ 5.75
190	38	TBD	\$ 218.50	\$ 5.75
190	39	TBD	\$ 224.25	\$ 5.75
205	40	TBD	\$ 230.00	\$ 5.75

Total			Determined by Number of Trees
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Name of Company: Rainbow Treecare
11571 K-Tel Drive
Address: Minnetonka, MN 55343
Phone: 952-252-0596

Authorized Signature: _____

Date: 5/23/2016

Guaranteed to Prevent Death from Emerald Ash Borer Infestations

Your ash tree **will not die** from an Emerald Ash Borer (EAB) infestation while under our guarantee.

If your tree dies from an EAB infestation, you will be refunded your most recent EAB treatment cost(s).

Tree Will Probably Be Attacked

Trees protected from Emerald Ash Borer infestation will still be attacked. It is possible that up to 20% of the tree's canopy may decline or dieback under heavy pressure.

Proven Effective

- Proven highly effective in University research to prevent death from EAB infestation.
- Visual inspections are performed every 1-2 years.
- Important to continue treatment until beetle is no longer a threat.

Emerald Ash Borer Protection Guarantee

Rainbow Tree Company Guarantees:

- Your ash tree will not die from an Emerald Ash Borer (EAB) infestation while under our guarantee. If your ash tree dies from an EAB infestation while under guarantee, you will be refunded your most recent EAB treatment cost(s).
- We will visually inspect your protected tree(s) every 1-2 years to examine for evidence of Emerald Ash Borer infestation. This inspection may take place at the time of re-treatment. We are available to look at your tree at any time should you be concerned about its condition.
- Our trunk injected emamectin benzoate EAB guarantee will begin upon treatment and will last for two years from the date of treatment. The guarantee will not lapse if the re-treatment has been approved prior to the expiration of the two year warranty period and your account is in good standing.
- You may elect to have us auto-renew your treatment(s) for your convenience and to make sure your trees remain protected. You will still be provided the cost of treatment and notified prior to the work being performed. For those choosing not to auto-renew their treatment – you will be contacted about re-treatment in the spring of the year your tree(s) are due for re-protection.
- Trees protected from Emerald Ash Borer infestation will still be attacked by Emerald Ash Borer. It is possible that up to 20% of a tree's canopy may decline or dieback under heavy pressure. Tree removal, routine pruning or deadwood removal caused by Emerald Ash Borer larvae is NOT covered under this guarantee.



Important

- This guarantee is fully transferable to a new property owner.
- Auto-renewal ensures protection and guarantees are continuous.
- Tree removal, routine pruning or deadwood removal from EAB infestation is NOT COVERED under this guarantee.

