

**WAYZATA CITY COUNCIL**  
**MEETING MINUTES**  
**May 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: Interim City Manager Reeder, City Engineer Kelly, Director of Public Service Dudinsky, Police Chief Risvold, City Attorney Schelzel, and Director of Planning and Building Thomson.

Mayor Willcox reported that Council met in Workshop prior to the meeting to consider alternatives for tax assessing services and a possible special event permit for the Camp Cambria Classic Concert.

**AGENDA ITEM 2. Approve Agenda.**

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

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

**a. Heritage Preservation Board Presentation of the Centennial House Award**

Kim Anderson, Chair of the Heritage Preservation Board (HPB), described the 2016 Centennial House recognition, and presented an award and cake to the Unitarian Universalist Church of Minnetonka, also known as the Church on Piety Hill, at 605 Rice Street. Rev. Kent Hemmen Saleska accepted the award on behalf of the church and stated for the month of May they will be giving their offering to the Wayzata Historical Society.

Mayor Willcox thanked the HPB for highlighting the properties, to Lunds and Byerlys for the cake, and to Merrily Babcock for sketches of the property.

Ms. Anderson announced on Sunday, May 15, the HPB is hosting a Centennial Open House at the church from 1:00 p.m. to 4:00 p.m.

Elissa Madson, Vice-Chair of the HPB, highlighted three of the most historically significant neighborhoods in Wayzata, which consist of the original plat. These include: the Bluff Neighborhood, the North Neighborhood, and Old Holdridge.

**b. Presentation of Chamber Exceptional Service Award to “6 Smith”**

Sara Kaelberer, Greater Area Wayzata Chamber of Commerce, and Mayor Willcox presented the Exceptional Service Award to Randy Stanley of 6Smith Restaurant. Mr. Stanley thanked the Chamber for the award. Mayor Willcox acknowledged Mr. Stanley for his work.

**c. Yearly Update from Wayzata Volunteers**

Lynn McCarthy, Volunteer Coordinator, reported that 365 volunteers gave over 4,000 hours of service to the City last year, saving Wayzata \$80,000. New projects included planting trees at entrance of Public Works building and landscaping the gateway entrance at 394 and 101/Central Avenue. She announced Dig It Day is May 21, Buckthorn Pull is May 14, and the Garlic Mustard Pull is May 6.

Mayor Willcox thanked Ms. McCarthy and the volunteers of Wayzata for their work in the community.

**d. Presentation of Arbor Month Proclamation**

Mayor Willcox read the proclamation designating May 2016 as Arbor Month in Wayzata.

1 **AGENDA ITEM 4. New Agenda Items.**

2 None.

3  
4 **AGENDA ITEM 5. Consent Agenda.**

5 Mrs. Anderson requested that her comments on page 5, line 50 through page 6, line 13 from the  
6 April 19 Regular Meeting Minutes be transcribed verbatim.

7 Mrs. Anderson also requested Item 5e Consideration of Temporary Encroachment Permit  
8 for Gianni's Steakhouse be pulled from the Consent Agenda for discussion. Mayor Willcox  
9 moved Item 5e from the Consent Agenda for consideration as Item 6g under New Business.

10 Mr. Mullin made a motion, seconded by Mr. Tyacke, to approve the following items on  
11 the amended consent agenda:

- 12 a. City Council Workshop Minutes of April 12 and April 19, 2016, and Special City  
13 Council Meeting of April 12  
14 b. Check Register  
15 c. Municipal licenses which received administrative approval (informational only)  
16 d. Municipal Licenses  
17 e. ~~Consideration of Temporary Encroachment Permit for Gianni's Steakhouse~~

18 The motion carried 5/0.

19  
20 **AGENDA ITEM 6. New Business.**

21 **a. Consider Resolution No. 13-2016 Accepting Schematic Design of Lake Effect**  
22 **Signature Park Project**

23 Mayor Willcox stated at the last meeting there was a public forum on the Schematic Design of  
24 Lake Effect Signature Park Project, and good representation from the citizens of Wayzata on how  
25 they feel about Lake Effect. He explained that tonight the Council will express their views on  
26 Lake Effect, go over the language of a proposed Resolution on the schematic design and next  
27 steps, and vote on the resolution.

28 Transcribed verbatim at Mrs. Anderson's request:

29 *Mrs. Anderson: You know, I'm fine with starting off, but if there is anyone else that would*  
30 *like to go first. I guess not.*

31 *So for those who maybe weren't here from last week, I basically made comments slightly*  
32 *recapping what I felt people were speaking to, and I will do that again tonight. I've kind of*  
33 *prepared things once again. This is a lot of complicated issues that people are dealing with.*  
34 *There are a lot of arguments going on here. There are a lot of different paths of thought. I want to*  
35 *acknowledge what the community came forward and voiced the other night. The message I heard*  
36 *from the community was scale it down, slow it down, and make it financially sound.*

37 *First of all, scale it down. What I heard people confirm they would be comfortable with*  
38 *the Lake Effect Signature project is some type of lakewalk or path or something to do with the*  
39 *shoreline if its affordable and the City can afford to maintain without jeopardizing their existing*  
40 *quality of life. Doing something with the shoreline is the common ground I think everybody feels*  
41 *comfortable with. No one that I have talked to in the City has said they are against improving*  
42 *what is there with our community. But a lot of people do feel we already have a great community*  
43 *with great existing things that they do not want to see changed. And as I proposed at the last*  
44 *meeting, maybe a quick, relatively inexpensive low-hanging fruit is to look at something to do*  
45 *with the parking lot by Cōv, in front of that shoreline, because that is where this all started. And*  
46 *to observe what happens there while a larger lakepath/lakewalk process is being figured out from*  
47 *a financial standpoint.*

48 *Slow it down. What I heard the community say is that this is going too fast from their*  
49 *perspective and much more needs to be flushed out before any final decision or any acceptance of*  
50 *any plan should be made and the community has an opportunity to give a sign off on what is*  
51 *planned through some type of poll or survey. There are organizations that deal with this type of*

1 *thing. We've dealt with it before in this community. The Trust For Public Land did larger surveys*  
2 *and polls for this community dealing with the big woods and they would be helpful and have that*  
3 *service for us again.*

4 *The community wants to take baby steps. Pace controlled changes that occur and how*  
5 *those changes are paid for. They want to maintain balance that is critical to the resident's*  
6 *comfort level as the community evolves. And I think our former Mayor Barry Petit stated it very*  
7 *well last meeting when he asked the question that should be continually asked through this*  
8 *process: What is Wayzata's saturation point? What is enough development and what is enough*  
9 *development that we as a City should be instigating versus that development we cannot control by*  
10 *outside development?*

11 *Make it financially sound. We need confirmed financial sustainability. What I heard our*  
12 *residents, our voters communicate is that they want to see a financial plan for the construction,*  
13 *operation and maintenance. For a limited scope of the Lake Effect initiative. Specifically, an*  
14 *appropriate sized lakepath or lakewalk, for their review prior to any design or plan being*  
15 *accepted. The community wants a plan to be financially sustainable for not five years or 20 years,*  
16 *but 100 years from now. Which I think is a very reasonable request. It is common sense. We*  
17 *should be concerned with operating and maintenance costs. We are not maintaining what we*  
18 *have now. And that's no offense to our staff, our Public Works staff that work very hard. But, we*  
19 *need to add additional people, and we don't have that in the budget right now. And as you just*  
20 *heard as an example, we have volunteers that have spent 4,000 hours just last year alone. That's*  
21 *an \$80,000 a year savings annually for this community that we don't have in the budget if we had*  
22 *to maintain our current infrastructure. They were put in place as a temporary, and now they are*  
23 *maintaining all those beautiful gardens and things we may take for granted. But I feel when we*  
24 *talk about finances we have to look at the bigger picture. People brought that up last week about*  
25 *what does this all mean in relation to one another. So I start looking at what this means. I am a*  
26 *visual person. I need visuals to keep track of things in my mind. So bear with me as Jeff pulls*  
27 *some thoughts that I've put up that I'd like us as a Council and as a community to think about*  
28 *and discuss.*

29 *So you people kind of understand, we have besides Lake Effect, we have some other*  
30 *projects that we are proposing or in the works or that we are looking at. So, on your left side, we*  
31 *have some capital outlays, these are just off the top of my head, that we are currently*  
32 *considering: Lake Effect. A parking structure. We have telecomm relocation that we are moving*  
33 *ahead on and investigating. There are other landscaping projects such as Bushaway Road, which*  
34 *we have to maintain and we need money for that. Public Art installations. We have Eastman Lane*  
35 *landscaping, which we have just done a first layer, which we haven't done the additional phases*  
36 *for that as well. And there are just things off the top of my head.*

37 *And then if you go further up on that column, you'll see the maintenance bracket section.*  
38 *And there are just the things that we will have to maintain in our future that we don't have in our*  
39 *budget today. So Lake Effect, it is great. It is something that I think we all want to do. But I have*  
40 *to look at the big picture as I sit in this chair, and wonder how do we maintain this and keep it*  
41 *going forward with the quality of life and our expectations that we want.*

42 *So on the right, we have different revenue streams. And I know there are many others, but*  
43 *I just bucketed the big ones. We work off of property taxes that we get revenue from, sewer and*  
44 *water. Those are kind of some constants we can control. Then the middle section is some more*  
45 *revenue, but they vary. It really can depend or it can go away. Telecomm is a technology that*  
46 *they keep telling us in the future we may not have the way it works today, and a revenue. That's*  
47 *over \$300,000 or \$350,000 a year that we have for revenue.*

48 *And then the top bracket are things that we are proposing to have as a revenue to help*  
49 *pay for some of the maintenance. And those we do not have in effect today. So I look at what we*  
50 *are trying to do and how do we have money to pay for it. And how do we keep moving forward.*

1           So, Jeff, next slide. Thank you Jeff. Those top two brackets for a park district and a  
2 mobility district are things we are proposing. Those probably are two big, big projects we have  
3 going on in the City right now that we are looking to do. Once again, rough concept. I'm sure  
4 others can pick apart and get more nuances, but this is the high-level picture. I look at what are  
5 we going to be doing to our property owners along Lake Street with these big projects. So you see  
6 the black horizontal line. Below that line is basically the bigger buckets of what a commercial  
7 property owner would have for expenses. Property tax, mortgage, and some other maintenance  
8 things. Above that black line is possible, possible proposals of what this City would be putting on  
9 as I deem, a potential burden to the commercial property owners that they don't have today. And  
10 that is if we have a mobility district to help pay for the operation and maintenance of a ramp.  
11 There are two tiers of assessments for that depending upon if they are parked or self-parked.  
12 Then there is the park district which is the operation and maintenance that is proposed to help  
13 pay for the park district. And then for each one of these different districts, and I've spoken to the  
14 principal assessor at Hennepin County, they would be increasing taxes because rents would  
15 increase. Their taxes would go up even more. So then I have concerns of how big do we want to  
16 go. Then I hear the residents say how big do we want to go and maybe we don't want to go that  
17 big. So I take this all into account and see how we can stay balanced. So then I have a problem  
18 with how big with this resolution and how do I want to scale it back and really prioritize and take  
19 baby steps to see how our community can absorb not only the physical changes, but as well as  
20 absorb the financial changes that will occur to our budget, and then sustain those. These are the  
21 things that are going on in my head for this community and I am really concerned about how we  
22 roll them out and do it in a very responsible way so that we can maintain the great quality of life  
23 that we already have without adding some changes and trying to make us a beacon, which I am  
24 not sure that we want to do.

25           So I, with the resolution, want to scale it back. I want a lot more steps in the process with  
26 more dialogue and a community poll. I think we are getting too big and I think the carts ahead of  
27 the horse with the conservancy board. But we can discuss various details of the resolution. And I  
28 want us to follow one of the main value statements that we put forward and adopted as a  
29 community with Lake Effect. It's be Wayzata, and do no harm. First, do no harm. And I think we  
30 have to take that into effect and that is what I hope to do. Because my job here is to represent the  
31 people of this community and not just do what I feel I want to do. So that's my viewpoints. Thank  
32 you for the opportunity for letting me speak on it. It's clearly probably one of the first and only  
33 opportunities we've really had as a Council to let you folks know how we each individually feel.  
34 So thank you.

35           Mr. Tyacke commented he sees Lake Effect as a work in progress. From the beginning it  
36 has been an open process and everyone knew the "wish list" Civitas was directed to work on  
37 would need to be made smaller. He is impressed with the work of Civitas and thanked everyone  
38 who was involved on committees. He found the comments of the residents who participated in the  
39 public forum, at Council meetings and through written letters very helpful.

40           Mr. Tyacke stated he has four assumptions about the project: 1) The conservancy  
41 organization is going to raise 100 percent of the funds needed for the Lake Effect improvements  
42 that are built, through private and public agency contributions. It will be a prerequisite to have  
43 that funding in place before the City proceeds with any decisions on improvements, and he is not  
44 in favor of a tax levy; 2) Some projects that are contemplated will overlap with Capital  
45 Improvement Projects that have already been approved by the Council, like widening of the  
46 sidewalks. They will have to make sure these projects all line up; 3) He agrees the City needs to  
47 come up with a strategy to address operations and maintenance. However, those costs are scalable  
48 based on how much of the projects the City decides to build; and 4) The City will have to work  
49 with the railroad on the safety of the crossings and the actual construction of the proposed  
50 lakewalk. It is unknown what the railroad will permit the City to do, so it is premature to talk  
51 about it until it is clear what can be done.

1 Mr. Tyacke stated he is in support of Design Alternative A in the Civitas report, which he  
2 understands would be about \$6,500,000. This alternative will have least impact on existing park  
3 spaces, will avoid major approval issues with regulatory agencies, and create a unified lakefront.  
4 He is not in favor of relocating or doing a lot of modifications to the existing beach, or including  
5 a diving pier, digging a new channel for a new marina, and would like Shaver Park and the small  
6 bridge left alone. The operation and maintenance cost of only pursuing Design Alternative A  
7 would come down as well, and this design would not disrupt what is already working well in the  
8 City.

9 Mr. Tyacke stated at this point, he does not favor a survey or referendum. Going forward,  
10 it is important the process continues under typical City planning processes to see how the  
11 proposed designs fit in with the comprehensive plan. Once a specific design or element is decided  
12 on, and the funding in place, then it should proceed. It is important to have an actual design or  
13 element to talk about, and to include public comment on that moving forward from that point.

14 Mrs. McCarthy stated Wayzata is already great, but there are always small areas of  
15 improvement to consider. It is the Council's job to break down each element of the proposed  
16 design and decide how to move forward. It will be done in a fiscally responsible way. The main  
17 question from the residents is how will the project be paid for and maintained, and is scope  
18 appropriate. She stated if the conservancy cannot raise the money, the projects will not move  
19 forward. If the conservancy does raise the money, but the scope is not appropriate, the Council  
20 will need to decide whether and how to proceed. She is focused now on what the proposed  
21 resolution before the Council this evening says, what the next step is, and what the City is  
22 agreeing to. She sees the resolution as an acceptance of the project that Civitas completed, but it  
23 does not mean that the City is going to fulfill every piece of it.

24 Mr. Mullin thanked the citizens, the Council, and previous two Councils, who have  
25 participated in the Lake Effect process. In addition, he thanked Jan Callison, Chair of Hennepin  
26 County; Jennifer Munt, Commissioner from Met Council; Keith Parker, DNR Regional Director;  
27 Sherry White, Chair of Minnehaha Creek Watershed District; Dan Baasen, Former Chair of  
28 LMCD; Tom Fisher, Director of Design at U of M Architectural Center; Senator David Osmek,  
29 and Brian Sweeney from Burlington Northern Railroad. He thanked residents John Nolan, Terri  
30 Huml, Dan Baasen, Lynn Gruber, Rufus Winton, Mick Johnson, Dan Koch, Sharon Lind, Tyler  
31 Purdy, Sarah Showalter, Susan Johnson, Sue Sorrentino, Jay Soule, Holly Evans, Clement Wong,  
32 and Casey Rosen.

33 Mr. Mullin stated a lakewalk was first proposed for Wayzata 96 years ago, but no plan  
34 has ever materialized. Many plans since then fell short because they could not demonstrate an  
35 overall agreement and acceptance of an objective. In 2011, the Lake Front Task Force was given  
36 the task to initiate a process that could be embraced by the community. This led to working with  
37 St. Paul Riverfront and developing a plan, which again prioritized a lakewalk, lake access,  
38 improved connectivity, enhanced venues, and better parking and circulations. The City's existing  
39 comprehensive plan calls for a connected community, preservation and enhancement of views,  
40 improved ecological and water quality, enhanced bicycle trails or street bike trails and  
41 preservation of historical assets. It also states the City shall/will continue to monitor as necessary  
42 proposed facility upgrades or new parkland areas, and he believes the Lake Effect plan does that.

43 Mr. Mullin stated there has been valuable feedback from community and agrees no taxes  
44 or borrowing of money should be used for this plan. A conservancy is the best way to fund this  
45 project. In addition to several parks in Minnesota, there are 125 conservancies, foundations and  
46 trusts in the United States that follow this model, and it can be researched at the City Park  
47 Alliance. He stated there are good options to choose from without adding taxes, and good options  
48 for maintenance, including voluntary membership, value capture, and earned income.

49 Mr. Mullin stated he does not support all 11 project elements of the Civitas report. He has  
50 a lot of concern with Phase 2, which includes a major reconfiguration of the marina. Also, if the  
51 Mill Street Parking Ramp moves forward, the parking lot next to Cōv should be looked at to

1 make it a full park. He supports looking into a bike trailhead at Shaver Park. He does favor most  
2 of the elements defined in Phase 1 and Phase 1A.

3 Mr. Mullin stated he has been involved in work on this since 2010 and with a more recent  
4 role of serving as a designee to the conservancy. This project will unite disconnected sites in  
5 Wayzata, make it easier and safer to reach the lakefront, include long overdue basic amenities,  
6 make it more comfortable for the residents, and have a variety of activities for all residents to  
7 enjoy. It will open up the waterfront to a much greater range of people, while restoring the  
8 ecology of the lake at the same time. It would be the single largest shore restoration project of all  
9 time undertaken on Lake Minnetonka to improve water quality. It is socially aware, economically  
10 smart, and environmentally responsible, with a landscape that is sensitively handled and  
11 beautifully detailed.

12 Mayor Willcox thanked everyone involved in the Lake Effect process. He indicated the  
13 Council has not been involved in shaping the schematic design, and the plan that Civitas came up  
14 with is a reflection of what the community has asked for. The Council has a good sense of what  
15 the people want, and will strive to reach a balance of all those things guided by the following  
16 priorities: 1) The residents of Wayzata; 2) Railroad safety; 3) Ecological restoration; and 4)  
17 accomplishing the plan without further financial burden to the citizens.

18 Mayor Willcox addressed the concerns that were raised by the residents during the public  
19 forum: 1) Cost. The Council will not move forward on any plans unless there is funding in place.  
20 2) Crowds. This is not being done to bring more people to Wayzata. The proposal is modest and  
21 involves safer and more pleasant walkways and experience, but it is not Coney Island. 3)  
22 Railroads. A lot of work needs to be done to coordinate this project with the railroads, and the  
23 plans for the crossings remain to be seen. 4) Do no harm. The project should not harm what we  
24 love about Wayzata, but is Wayzata all it can be? There is room for improvement, and this project  
25 can do that. 5) Marina. It is not part of the initial priority at this time. 6) Referendum. The State  
26 Statute does not allow a referendum for a preference type of poll, and referendums are not very  
27 reliable. 7) Ploy to benefit businesses. This project was never launched with the single intent to  
28 improve the businesses. However, they are core to the City and they are responsible for the City  
29 having one of the lowest tax rates in the area. Wayzata needs a healthy business core.

30 Mayor Willcox stated Civitas gave Wayzata world-class recommendations for the  
31 lakefront. The proposal restores and revitalizes the lakefront and the ecology of the water, it  
32 provides safety for the residents and access to the lake. Each element of the proposal will be  
33 tackled individually, and it could take ten years to complete if all the funding comes through. If it  
34 is accomplished, the City will have an asset that will be a significant improvement to the  
35 lakefront.

36 Mayor Willcox read parts of the draft resolution. He stated by accepting the Schematic  
37 Design Plan, it is acknowledging the City has received it, not that it is approved for  
38 implementation.

39 Mrs. McCarthy stated she is comfortable with the overall direction of the resolution. She  
40 referred to page 102, and said she prefers the language "acknowledges the delivery of the work  
41 contained in". She would also like this reflected in the title at the top of page 101.

42 Mr. Tyacke agreed with Mrs. McCarthy and proposed two additional changes. On page  
43 102, the paragraph that talks about the conservancy, he would like to see a specific charter  
44 directive included and suggested language "to raise the prerequisite private and public funds, to  
45 finance the individual elements of the project". He would like to see it stated the staff analysis  
46 will be of Design Alternative A in the Schematic Design Plan presented by Civitas.  
47 Transcribed verbatim at Mrs. Anderson's request:

48 *Mrs. Anderson: So I agree with Steve related to the scope. I think we need to break this*  
49 *up. For me, language is about acknowledging the delivery of the work that Civitas did. That's the*  
50 *title of the resolution. Then we can specifically pull out the component that we would like to focus*  
51 *on as a priority. I think we heard from this community. Others that I feel we are comfortable with*

1 *which is lakepath and the environmental aspects related to stormwater management, Steve,*  
2 *maybe that is probably our number one priority. I mean if Lake Minnetonka is our number one*  
3 *asset, which I don't think it is. I think our residents are our number one asset. But, if it's our*  
4 *number two asset, then our priority should be to save the lake. So it should be our environmental*  
5 *concerns and then the lakepath that this community feels comfortable with. If there are additional*  
6 *phases to this, and money is raised, then we can draft a resolution based on funding and future*  
7 *projects on what that would be. I am in support of Steve's recommendation. I also am in support*  
8 *of the language acknowledging versus accepting, both in the title and the top paragraph on page*  
9 *102. I have a little bit of a problem with the vagueness of the direction to staff with the explore*  
10 *implementations. I don't know what that means. That can mean many different things. Staff has*  
11 *been given instruction and has already done so by exploring railroad crossings and having*  
12 *meetings with individuals with lobbying the railroad and we haven't even accepted the work. So,*  
13 *I get nervous about how far people may take some of this language. I am not sure if we need to be*  
14 *a little more definite with that.*

15 *I also think that the conservancy component needs to be explored in much greater detail.*  
16 *There are other avenues we can look at without possibly spending taxpayers' dollars on*  
17 *supporting conservancy. We can have committees, we can have existing parks and trails boards. I*  
18 *spoke to individuals that are in these fields. There are communities all over the country that use*  
19 *committees to first raise initial funds and special accounts that cities set aside when monies are*  
20 *raised just to see if things actually take off and enough money is raised. I think we need to explore*  
21 *that more and we need to understand what that contract all means. We have designees, we have a*  
22 *group working on that. I'd like to see a report and feedback from them to see what that structure*  
23 *actually looks like. And our title of this resolution says nothing about conservancy boards. It says*  
24 *about acknowledging the work of a lake signature park schematic design. I'd like to see a whole*  
25 *separate resolution around the conservancy, what that means, what the structure is, what their*  
26 *mission is, how they'll interact with the City, and have that broken down more. I think we really*  
27 *need to understand the legalities of it and have that spelled out in a separate resolution. Those*  
28 *are my recommendations and what I am comfortable with supporting going forward.*

29 Mr. Mullin stated he is comfortable with Mr. Tyacke's recommendation to table Phase 2  
30 and bring forward Phase 1 and 1A. A supermajority of the Council already funded the work of  
31 creating the conservancy, and this resolution is simply the authorization to begin the work on that.  
32 The work will bring to the Council more specifics of how the conservancy is going to operate. He  
33 is comfortable with the language changes suggested by Mrs. McCarthy. He would also not want  
34 future Council and community members to believe that Shaver Park will never be touched.

35 Mr. Tyacke stated there is a specific provision in the comprehensive plan that talks about  
36 developing a connector for a regional trail. He sees that as a separate piece that does not mean  
37 you have to modify Shaver Park, but a connector can be developed.

38 Mayor Willcox stated he is comfortable language changes suggested by Mrs. McCarthy  
39 and the other current wording of the resolution. He would also like to see a specific charter  
40 directive included with the conservancy language and is comfortable with moving forward with  
41 Phases 1 and 1A.

42 Mrs. Anderson asked for clarification between 1 and 1A noting that she was not sure if  
43 the audience and others remembered exactly what that is.

44 Mr. Mullin read from the Civitas Report on what was included in Phase 2: Shaver Park,  
45 Shaver Park parking lot and roadway changes, and Walker Street railroad crossing. Phase 1:  
46 Lakewalk from Broadway to Depot Park, Depot Park, Boatworks, beach, ecopark, and enhanced  
47 rail crossings at Broadway and Barry Avenue. Phase 1A: Lake Street, excludes from BOC to rail  
48 tracks at Plaza, and Lake Street Plaza.

49 Transcribed verbatim at Mrs. Anderson's request:

50 *Mrs. Anderson: I guess that is not what my comfort level is. I am talking basically of a*  
51 *lakepath and the environmental factors related to the stormwater management. 1A, I don't think*

1 *the community was looking into all of that and they definitely weren't talking about an ecopark*  
2 *and depot. I think the majority of the residents felt that Phase 1 meant a lakepath and lakewalk*  
3 *and they were comfortable with the price point of looking at that. So, we might have to use*  
4 *different wording and language on what is put in the resolution versus Phase 1 or Phase 1A.*

5 Mayor Willcox commented this resolution is not designed to say specifically what the  
6 City is going to complete. It is authorizing staff to work with Council to help determine which  
7 components of the design the Council wants to pursue.

8 Mr. Tyacke stated he was focused on Design Alternative A, which is different than Phase  
9 1 and Phase 2. Alternative A includes: continuous lakewalk between Broadway and the Depot,  
10 enhancing rail crossings at Broadway and Barry, creating an ecopark adjacent to the Section  
11 Foreman's House, providing park enhancements at the beach and depot, and establishing a new  
12 rail crossing at Walker Avenue.

13 Mr. Mullin suggest the resolution read the Council will not pursue Phase 2.

14 Mr. Tyacke stated he supports the Walker Street crossing and that is included in Phase 2.  
15 Transcribed verbatim at Mrs. Anderson's request:

16 *Mrs. Anderson: So what's wrong with the comfort level of basically putting in the*  
17 *resolution a scope area of three to five projects that this community voiced very strongly that they*  
18 *were the most comfortable with and exploring those moving forward and seeing what the*  
19 *feasibility is of those for staff to focus on. We do have a limited staff. So having staff focus on*  
20 *exploration of implementation and the financial feasibility on eight is a lot more difficult than*  
21 *focusing on three to five that this Council could very easily put forth tonight. Then there is*  
22 *nothing stopping this Council and staff coming back and saying, you know, these are a little bit*  
23 *too narrow. Let's broaden it down the road. Because we are asking staff then to spread*  
24 *themselves thinner with everything else that is going on and I think this community has spoken*  
25 *very loudly on the comfort level and the amount of money they are looking for any committee to*  
26 *raise and the feasibility of it in a short time frame versus three to five years. And I think that is the*  
27 *expectation. So what's wrong with just limiting the resolution. I'm a little confused on why we are*  
28 *so uncomfortable with that moving forward.*

29 Mr. Mullin stated he does not support Mrs. Anderson's recommendation.

30 Mrs. McCarthy stated she is not sure why this is being discussed and requested the City  
31 Attorney explain the impact of passing a resolution, the long-term consequences of a resolution  
32 and how that changes the scope of what the Council does at Council meetings. This conversation  
33 about limiting alternatives is not appropriate at this juncture with the limited information that is  
34 available on the scope of the project. She does not want to limit what can be done before the  
35 project even begins. It is the Council's responsibility to carefully evaluate every aspect of the  
36 project proposed by Civitas, to hold the conservancy and each other accountable, and to listen to  
37 the community.

38 City Attorney Schelzel stated the language in this resolution acknowledges the delivery  
39 of the Civitas report and directs staff to go do some groundwork things related to the project. In  
40 that sense, the Council is not making any decision about anything except how it is going to direct  
41 staff tonight. It would be helpful to direct staff where they should begin their review, like Design  
42 Alternative A, rather than saying do not look at a particular part of the proposed design, unless  
43 Council wanted to rule out that part.

44 Mrs. McCarthy asked how passing a resolution is different than if the Council has a  
45 conversation and takes a vote. Mr. Schelzel stated it depends what the vote is being taken on.  
46 Council acts by motion, resolution, or ordinance, so a vote would normally related to one of those  
47 things.

48 Mrs. McCarthy asked what has to happen for a Council to change an action from a  
49 previous Council. Mr. Schelzel stated if the Council action could be changed, a new Council  
50 action could change it. For example, if this resolution did pass, and Council directed staff to look

1 at Design Alternative A only, the Council could at a future meeting direct staff to look at  
2 something different.

3 Mr. Tyacke stated Design Alternative A is a good starting point.

4 Mr. Mullin stated given what Mr. Schelzel said, the resolution is good as it is.

5 Director of Planning and Building Thomson asked for clarification on the wording in the  
6 resolution around the conservancy. Mr. Tyacke stated “to initiate creating the legal organizational  
7 structure of the Lake Effect Conservancy chartered to raise the prerequisite private and public  
8 funding to finance the individual elements”.

9 Mr. Schelzel commented the conservancy documents would not be executed or filed until  
10 they are brought back to the Council for approval.

11 Mrs. Anderson asked Mr. Schelzel whether the resolution title should reflect that, noting  
12 that right now it just talks about Lake Effect Signature Park Design Schematic Acknowledgement  
13 and it does not speak to that component. I think that should be added so that people understand.

14 Mr. Schelzel stated there is a lot more covered in the resolution than the title highlights,  
15 and it would be fine to say “and directing staff to move forward with the next steps”.

16 Mr. Tyacke and Mrs. Anderson expressed support for stating in the resolution “Design  
17 Alternative A” and Mr. Mullin and Mrs. McCarthy related that they do not. Mrs. McCarthy  
18 referred to page 102, fifth paragraph, and asked if the Council would support the words “direct  
19 City staff to work with the City Council to explore implementation of the schematic design and  
20 the priorities and sequencing of...”

21 City Manager Reeder suggested the words, “give priority to Design Alternative A” so  
22 that staff focuses on that first, but does not exclude other options.

23 Mr. Mullin made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 13-  
24 2016 Accepting Schematic Design of Lake Effect Signature Park Project, with wording of the  
25 title “Acknowledging Delivery of the Work Contained In The Lake Effect Signature Park  
26 Schematic Design and Directing Staff on Next Steps”, change to wording in resolution to state  
27 “acknowledges delivery of the work contained in”, and in reference to the conservancy,  
28 “organized to raise the prerequisite private and public funds for the elements of the project.”

29 Transcribed verbatim at Mrs. Anderson’s request:

30 *Mrs. Anderson: I don’t know if we can bring this up now, but I believe Mayor, there was  
31 someone that wanted to speak on this subject and filled out an agenda card.*

32 Mayor Willcox stated last week was when the public forum on this topic and this meeting  
33 was for the Council to deliberate.

34 Transcribed verbatim at Mrs. Anderson’s request:

35 *Mrs. Anderson: Wow. Okay. I don’t know if I am comfortable with that. I will have  
36 further discussion that I will be denying this resolution based on fact that we are not limiting the  
37 scope of this resolution. We do have the power to add on to it with future projects and this  
38 community has made it quite clear on the projects they would like focused on. I will be voting  
39 against this resolution as well as the inclusion to initiate the creation of the legal organization of  
40 the Lake Effect Conservancy since we have not fully explored other avenue, paths, and the  
41 structure and the consequences the board and what that means. I will be voting denial of this  
42 resolution.*

43 Mr. Tyacke stated he is also voting against the resolution because it does not limit the  
44 next steps to Design Alternative A.

45 Upon roll call vote, with McCarthy, Mullin, and Willcox voting yes, and Anderson and  
46 Tyacke voting no, the motion passed. (3/2)

47 Mayor Willcox advised staff as discussions continue regarding Lake Effect, staff should  
48 focus on Design Alternative A.

49  
50 The Council recessed the meeting at 9:00 p.m. and reconvened at 9:07 p.m.

51

1 **b. Consider Speed Hump Petitions at Wise Avenue South and Central Avenue South;**  
2 **Discuss Roundabout at Lake Street**

3 City Engineer Kelly reported on brief history of the roundabout, and the speed hump petitions  
4 that have been initiated at Wise Avenue South and Central Avenue South. The concerns continue  
5 to be the illegal movements that are being made both into and out of the east neighborhood at the  
6 roundabout.

7 Police Chief Risvold stated all sorts of people get stopped going the wrong way in the  
8 roundabout. The one way movements seem to confuse motorists, and it is a good time to have the  
9 conversation about speed humps and whether that will slow people down enough to have the one-  
10 way roundabout make sense.

11 Mrs. Anderson requested an update on the additional time and citations the police force  
12 have spent at the roundabout site. Mr. Risvold stated this area receives consistent complaints and  
13 patrol focuses on the area when they can. A wrong way on a one-way ticket is over \$200.

14 Mr. Kelly stated online mapping technologies also direct people out of the neighborhoods  
15 the wrong way and they have attempted to update those mapping technologies, working with  
16 Google to get the problem fixed.

17 Mr. Kelly reported to make the changes necessary to go from a one-way roundabout to a  
18 full-access roundabout would cost about \$75,000 - \$100,000, and everything would be within  
19 City right-of-way.

20 Mr. Kelly reported the request for speed humps is a resident driven process. A petition  
21 has been submitted for East Lake Street and Wise Avenue South, with additional petitions going  
22 on for the Circle E area and South Central Avenue, and on La Salle Street.

23 Mrs. McCarthy asked why a roundabout is preferred to a four-way stop. Mr. Kelly stated  
24 eight different intersection options were discussed when the intersection was last updated, and the  
25 roundabout was chosen among those in part to give people the ability to turn around at the end of  
26 Lake Street without using resident's driveways. The restricted access roundabout design was  
27 intended to minimize cut through traffic in the neighborhood. What it did instead was divert  
28 inbound traffic to Lake Street and outbound traffic to Circle E. Mr. Kelly noted that the majority  
29 of citations in 2016 were given in one weekend due to a closure on Lake Street and that is why  
30 the citation number is higher.

31 Mrs. McCarthy stated her concern is there were problems to start with, which was why it  
32 was designed a certain way, and it is worth exploring new traffic data based on the changes that  
33 have taken place in the City more recently.

34 Mr. Kelly stated he supports collecting additional data, but not at this time. There are  
35 several houses being constructed and traffic counters would give false information due to the  
36 construction traffic.

37 Mr. Kelly stated speed humps in the neighborhood would be beneficial and are less  
38 permanent. But he recommended the Council wait and to see what the outcome is for the other  
39 petitions and look at the possible speed bumps in the neighborhood as a group, find a good time  
40 to do a traffic study after road construction and home construction is done, and then see what  
41 changes need to be made to the roundabout.

42 Mrs. McCarthy stated she supports the speed humps, but would have to see more data  
43 before supporting any changes to the roundabout.

44 Lisa Penningroth, 1030 Lake Street East, stated people are very supportive of speed  
45 humps in the neighborhood. The traffic studies were done in 2009 and there have been significant  
46 changes since then that have resulted in a lot of traffic through the neighborhoods. People are  
47 violating the traffic laws at all times of the day. The issue is larger than traffic, and she supports  
48 redoing traffic studies. She recommends better signage into downtown Wayzata and directing  
49 traffic to Circle Drive E to the roundabout and continued police enforcement. She expressed  
50 concern of additional traffic and taxis going through the neighborhood when the hotel opens.

1 Cathy Iverson, 220 Central Avenue South, commented the traffic study in 2009 showed  
2 that 67 percent of the traffic was pass-through traffic. She is concerned about the safety of the  
3 children in the neighborhood, especially with the new hotel opening soon. She stated speed  
4 humps are a good place to start in addressing this issue.

5 Wendy Shore, 1030 Circle Drive E, commented she wants to sign the petition. Walking  
6 in the neighborhood is not safe due to the traffic and some of the signage is blocked by fencing.  
7 She was against the idea of the roundabout at first, but it has cut down some of the traffic on  
8 Circle E and Circle A. She expressed concern if speed humps are only put on Wise and Central,  
9 will it push the traffic back to Circle E and Circle A. She requested the Council wait to  
10 reconfigure the roundabout and conduct a traffic study until the hotel is completed, retail is 50  
11 percent full, and construction is completed. She is also in favor of completely closing it.

12 Gordy Straka, 130 Huntington Avenue, commented the biggest problem is no one is  
13 stopping at stop signs. He supports changing the roundabout, but does not want speed humps.

14 Jon Halverson, 137 Central Avenue South, thanked the Council for their work. He  
15 commented traffic has gotten worse, and the neighborhood is not designed to be a pass-through  
16 neighborhood. There are elderly people and children in the neighborhood and it is a safety issue.  
17 It is important to consider a comprehensive solution for the entire neighborhood, and supports  
18 going beyond the speed humps to find a solution.

19 Dan Gustafson, Circle Drive E, commented the East Neighborhood is a popular  
20 neighborhood due to the walkability to downtown. He referenced the study done in 2008 and  
21 stated the traffic counts in that study are worse now than they were in 2008. He supports creating  
22 a policy regarding the commercial and transient traffic through the neighborhood. Once the policy  
23 question is answered, then the design becomes easier. He encouraged the Council and  
24 neighborhood to work together to come up with a comprehensive plan, and does not support  
25 hiring consultants to count cars. He is willing to volunteer to help find a solution.

26 Casey Chermak, 575 Far Hill Road, stated he is in favor of the speed humps, as they are a  
27 non-monitored way to reduce traffic, speed, and the number of cars.

28 Mr. Mullin stated the opening of Bushaway Road and the opening of the hotel need to be  
29 in place before the Council takes action on the roundabout. He does not support putting speed  
30 humps in one area of the neighborhood, only to push traffic to another part of the neighborhood,  
31 and supports waiting for all the petitions to be submitted before making decisions on speed  
32 humps.

33 Mrs. Anderson stated staff has broken the neighborhoods down because one part may not  
34 affect the traffic flow of another. She supports moving forward with the speed humps because she  
35 believes the traffic will not move to another neighborhood with the addition of the speed humps.  
36 In her own neighborhood, speed humps work very well to slow traffic down and deter some  
37 traffic. The roundabout is something that should be addressed after things settle with other  
38 projects going on. She stated these are public streets and people have the right to drive and park  
39 on them.

40 Mr. Tyacke stated he feels the opening of the hotel and Bushaway will increase the flow  
41 of traffic through the neighborhood. He supports discussing a plan in a Workshop session to look  
42 at different options.

43 Mrs. McCarthy stated she is in favor of the implementation of speed humps. She  
44 expressed concern that addressing the speed humps Wise and Central Avenue only will have an  
45 adverse impact on Circle Drive E. These speed humps need to be looked at collectively with  
46 Circle Drive E and Circle Drive A. She supports addressing the roundabout when Bushaway  
47 Road and the hotel have opened.

48 Mayor Willcox stated he would like to discuss in a workshop session a comprehensive  
49 and time phased recommendation from staff on how they want to proceed. He favors speed  
50 humps through the neighborhoods. He is not in favor of closing public roads and would want to

1 make the roundabout full access. He noted that the reconfiguration of the intersection at Wayzata  
2 Boulevard and Superior may have a positive impact on traffic through the neighborhood.

3 Mr. Mullin clarified that the Council can choose to implement speed humps without a  
4 petition and they can choose to reject a petition.

5 Mr. Silikowski, 173 Huntington Ave. S., stated the speed humps also make it miserable  
6 for the people who live there and does not support them. If traffic from Highway 101 south could  
7 be redirected, it would eliminate a lot of traffic through the neighborhood.

8 Mr. Mullin made a motion, seconded by Mr. Tyacke, to address the speed humps and  
9 roundabout in a Workshop for Council to review along with more information on the petition.  
10 The motion carried 5/0.

11  
12 **g. Consideration of Temporary Encroachment Permit for Gianni's Steakhouse**

13 Director of Planning and Building Thomson reported Gianni's restaurant is requesting an  
14 encroachment permit to construct a metal pergola over the seasonal patio that is put in place for  
15 outdoor dining on the sidewalk in front of the restaurant. It does not change the footprint or set up  
16 of the patio. The only change is for the pergola to go over the patio in lieu of doing umbrellas that  
17 have been done in the past.

18 Mrs. McCarthy asked how the pergola will be stabilized. Mr. Thomson stated it will be  
19 anchored to the sidewalk, and Gianni's would be responsible for any damage that is caused to the  
20 sidewalk. Director of Public Service Dudinsky stated the holes are plugged with flush screws so it  
21 is not a tripping hazard.

22 Mrs. Anderson stated she is concerned about the permanent feel of the pergola, the trees  
23 and shrubs that are affected, and the extension of the patio on to public right-of-way.

24 Mr. Tyacke stated it looks great and does not see it as an expansion, but as a better way to  
25 screen the diners from the sun.

26 Mayor Willcox asked about the curtains on the structure and requested having a condition  
27 restricting the curtains from being closed. Director of Planning and Building Thomson stated the  
28 intention for the curtains is for them to remain open. The only portion that would potentially be  
29 closed would be on the west side due to the afternoon sun.

30 Terri Huml, 293 Grace Point Road, stated the curtains are strictly an aesthetic feature of  
31 the design. On the west side, there will be two sheer panels that could be lowered to block the sun  
32 for about one hour when it is directly on the diners. She stated she was trying to come up with a  
33 structure that would be a little different, but still serve a shading purpose. She noted that other  
34 communities are following what Wayzata is doing with its sidewalk seating areas.

35 Mr. Mullin made a motion, seconded by Mr. Tyacke, to approve a Temporary  
36 Encroachment Permit for Gianni's Steakhouse.

37 Mrs. Anderson asked about length of time for this Temporary Encroachment and if it is  
38 part of the permitting that needs to be looked at every year. Mr. Dudinsky stated the  
39 encroachment permit goes from April until October. Mr. Thomson stated one of the conditions  
40 for the encroachment permit states it must comply with all the conditions of the conditional use  
41 permit for an outdoor sidewalk café that runs with the land.

42 Mrs. Anderson stated she has reservations with the structure, in that it is being anchored  
43 in, it does have a footing, and it is on a public right-of-way.

44 The motion carried 5/0.

45  
46 **c. Consider Bid Award for 2016 Watermain Project**

47 City Engineer Kelly reported the Public Works Department received three bids for the 2016  
48 Watermain Improvements project. The difference in price between the low bid from Valley Rich  
49 Co., Inc. and the Engineer's Estimate is mainly due to differences in asphalt prices. The proposed  
50 project is scheduled to start in late May or early June and be completed by July 22, 2016. Staff  
51 recommends approval of the low bid of \$330,665.00 from Valley Rich Co, Inc.

1 Mr. Mullin made a motion, seconded by Mrs. Anderson, to accept the low bid of  
2 \$330,665.00 from Valley Rich Co., Inc., for the 2016 Watermain Improvements Project. The  
3 motion carried 5/0.  
4

5 **d. Consider Bid Award for 2016 Street Reconstruction Project**

6 City Engineer Kelly reported the Public Works Department received five bids for the 2016 Street  
7 Improvements project. The difference in price between the low bid from Omann Contracting  
8 Companies, Inc. and the Engineer's Estimate is mainly due to differences in asphalt prices. The  
9 proposed project is scheduled to start after July 4 and be completed in late-September. Staff  
10 recommends approval of the low bid of \$625,174.04 by Omann Contracting Companies, Inc.

11 Mr. Tyacke made a motion, seconded by Mr. Mullin, to accept the low bid of  
12 \$625,174.04 by Omann Contracting Companies, Inc. for the 2016 Street Reconstruction Project.  
13 The motion carried 5/0.  
14

15 **e. Consideration of Tree Preservation Ordinance**

16 Interim City Manager Reeder requested this item be tabled and brought back at a future Council  
17 meeting. The Council agreed.  
18

19 **f. Consider Approval of Grant Submission and Funding Agreement with Homestead  
20 Partners LLC for Meyer Bros. Dairy Property Environmental Remediation  
21 (Resolution 09-2016 through 12-2016)**

22 Interim City Manager Reeder reported on the requests made by Homestead Partners for the City's  
23 assistance in environmental remediation of the Meyer Bros. Dairy property. The developers are  
24 requesting the City submit applications on the developer's behalf for grant funds from the  
25 Minnesota Department of Employment and Economic Development, the Metropolitan Council,  
26 and Hennepin County. The grants would be to do environmental remediation on the property to  
27 clean up pollution from a nearby gas station, which had leaky tanks. Even if the proposed  
28 Homestead Partners' development project is never approved, it is in the City's best interested to  
29 have the property cleaned up.

30 Mrs. McCarthy asked what would happen if the grants are approved and the developer  
31 fronts the City's share of the money for remediation, but the project does not go through. Mr.  
32 Reeder stated the City is not tied to anything. The developer will have to make the decision at that  
33 time whether or not to go through with remediation, and the grants can be cancelled.

34 Mr. Tyacke commented there is legal system of pursuing owners of adjacent properties if  
35 there is pollution that has leaked on to your property, and he has a problem with the State paying  
36 for the cleanup when the person responsible for it should be. He also referred to page 163 of the  
37 packet, the fifth paragraph that reads, "the City of Wayzata finds that the required contamination  
38 cleanup will not occur through private or other public investment with the reasonably foreseeable  
39 future without Tax Base Revitalization Account grant funding" and stated he does not have  
40 anything in the record on which to base that finding.

41 Mr. Reeder stated it is a finding required for the grant application, and it is a reasonable  
42 estimate that it would be difficult for someone to clean up the site without the grant.

43 City Attorney Schelzel stated the only thing to base this finding on at this time are the  
44 representations of the applicant and of staff who has looked into the situation and made this  
45 conclusion. It is for the judgement of the Council to determine if there is enough of a reasonable  
46 factual basis to make the required finding.

47 Mr. Reeder stated if the City decided not to proceed with the grant applications, it would  
48 likely cost the developer an additional \$400,000 to go through with the project.

49 The Council asked if the grant were denied, could the developer pursue other grants or  
50 wait until the next grant period.

1 Mr. Reeder stated it is in the best interest of the City to clean up the property, and the  
 2 developer would gladly write the City a finding confirming that they cannot afford to do anything  
 3 on the property without grant funding to clean it up.

4 Mrs. Anderson referred to page 157 of the packet, the second paragraph that states, "the  
 5 City if Wayzata supports the cleanup of this site and is in agreement with the redevelopment of  
 6 this site." She stated it the word agreement could be misinterpreted. Mr. Schelzel stated a lot of  
 7 the language of these resolutions is language in the form resolutions provided by the programs  
 8 that the grants are offered through, and staff tried not to change anything in them unless  
 9 necessary. This language was acceptable to staff because the comprehensive plan does call for  
 10 redevelopment of this particular site, and staff was careful to make sure that the agreement  
 11 language does not tie it to the specific proposal that is being brought forth to redevelop the  
 12 property by this developer.

13 Mr. Tyacke stated he has a problem with applying for a grant from the State to pay for  
 14 this.

15 Mrs. Anderson made a motion, seconded by Mr. Mullin, to adopt Resolution No. 09-2016  
 16 Approving the Submission of a Grant Application to DEED for the Cleanup of the Meyer  
 17 Property at 105 Lake Street E, Resolution No. 10-2016 Agreement to Provide the Local Match of  
 18 Funding for a Cleanup Grant for the Meyer Property at 105 Lake Street E., Subject to an  
 19 Agreement with Homestead Partners, LLC., Resolution No. 11-2016 Approving the Submission  
 20 of an Environmental Response Fund Grant Application to Hennepin County for Cleanup of the  
 21 Meyer Property at 105 Lake Street E, Resolution No. 12-2016 Authorizing an Application to the  
 22 Metropolitan Council for the Tax Base Revitalization Account for the Meyer Property at 105  
 23 Lake Street E., and a Funding Agreement with Homestead Partners, LLC. The motion passed 4/1.  
 24 (Tyacke)

25  
 26 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

27 **a. New City Manager Jeff Dahl**

28 Interim City Manager Reeder advised that the new City Manager, Jeff Dahl, assumes his new  
 29 position with the City of Wayzata on May 16, and there will be an open house for him at City  
 30 Hall from 5:30 p.m. to 6:30 p.m. that day.

31  
 32 Mayor Willcox thanked Mr. Reeder for his work with Wayzata during this interim period.

33  
 34 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

35 There were no comments.

36  
 37 **AGENDA ITEM 9. Adjournment.**

38 Mr. Tyacke made a motion, seconded by Mrs. McCarthy to adjourn. There being no further  
 39 business, Mayor Willcox adjourned the meeting at 11:05 p.m.

40  
 41 Respectfully submitted,

42  
 43 *Becky Malone 05-17-2016*

44  
 45 Becky Malone  
 46 Deputy City Clerk

47  
 48 Drafted by Shannon Schmidt  
 49 *TimeSaver Off Site Secretarial, Inc.*