

WACONIA CITY COUNCIL MEETING AGENDA



Monday, October 21, 2024
6:00 PM

VISION STATEMENT

A thriving, connected community with deep roots: a great place to live for a lifetime.

MISSION STATEMENT

A city that leads, serves, and governs to enhance the quality of life for all community members.

MAYOR: NICOLE WALDRON
COUNCIL MEMBER : RANDY SORENSEN
COUNCIL MEMBER: NICK GLEASON
COUNCIL MEMBER: JEFF GRENGS
COUNCIL MEMBER: JACOB COLEMAN

NOTE: TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE BE PRESENT AT 6:00 P.M.

Those with items on the agenda should reach out to their staff contact. Others who wish to participate in the meeting, please contact the City Administrator at 952-442-3100 or sfineran@waconia.org to make certain that you are called upon during the meeting.

1. CALL MEETING TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

4. PUBLIC HEARING

1) [Certification of Delinquent Charges for Payment with Taxes - Pay 2025](#)

Motion to Call Public Hearing to Order and Accept Comments

Motion to Close Public Hearing

Adopt Resolution No. 2024-221 Adopting Certification of Delinquent Utility and Other Charges for Services for Payment with Taxes in 2025

2) [Tax Increment Financing District #6](#)

Conduct a public hearing regarding Tax Increment Financing District #6

Adopt Resolution No. 2024-222 Approving the Tax Increment Financing Plan and Agreement for Tax Increment Financing District #6

5. VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE

6. ADOPT CONSENT AGENDA

The items listed on the Consent Agenda are considered routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember, City Staff, or Citizen so requests; in which case, the item will be removed from the Consent Agenda and considered at the end of the Regular Agenda.

- 1) [Approve City Council Minutes October 7, 2024](#)
Motion to approve the October 7, 2024 Council Minutes
- 2) [Approve October 21, 2024 Expenditures](#)
Motion to Approve Payment of October 21, 2024 Expenditures
- 3) [Approve Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred September 2024](#)
Motion to Approve Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in September 2024
- 4) [Approve Rink Management Services Corporation Safari Island Community Center Expenditures Incurred September 2024](#)
Motion to Approve Rink Management Corporation Expenditures for Safari Island Community Center Incurred in September 2024
- 5) [Recruitment for Assistant Public Services Director](#)
Adopt Resolution No. 2024-223 Authorizing Recruitment for Assistant Public Services Director
- 6) [Authorize Acquisition of Replacement Aerial Lift Truck, CIP Project 308](#)
Adopt Resolution No. 2024-224 Authorizing the acquisition of a 2024 VersaLift VST-55-HDI aerial lift with Ford F600 Chassis as replacement to Bucket Truck Unit #39 as identified in the Capital Improvement Plan as Project 308.
- 7) [Contractor for Winter Towing & Impound Services](#)
Adopt Resolution No. 2024-225 Approving Contractor for 2024-2025 Winter Towing & Impound Services
- 8) [Accepting Donation and Approving Pass Thru Recommendation - Waconia Fire Relief Association](#)
Adopt Resolution No. 2024-226 Accepting Donation and Approving Pass Thru Recommendation from Waconia Fire Relief Association.
- 9) [Franchise Fee Study Proposal](#)
Adopt Resolution No. 2024-227 Approving Proposal for Franchise Fee Study with Ehlers
- 10) [Amend Section 900.05.3, R-2, Single-Family Residential District, Section 900.05.7, B-1 Highway Business District and Section 900.11 - Above Ground, Portable Fuel Storage](#)
Adopt Ordinance No. 776 amending Sections 900.05 and 900.11, which would allow above ground, portable fuel storage as an interim use in the B-1, Highway Business District and remove the use from the R-2, Single-Family Residential District.
Adopt Resolution No. 2024-228 approving Summary Publication of the Ordinance.
- 11) [Lockridge, Grindal, & Nauen Legislative Services](#)
Adopt Resolution No. 2024-229 Approve Contract for Legislative Services
- 12) [Request MnDOT Conduct a Speed Study of Waconia Parkway South](#)
Adopt Resolution No. 2024-230 Requesting MnDOT to Conduct a Speed Study for Waconia Parkway South
- 13) [Employee Conflict of Interest Acknowledgement & Invoice Payment Approval](#)
Adopt Resolution No. 2024-231 Approving Employee Conflict of Interest Acknowledgement & Invoice Payment Approval
- 14) [Authorize a Contract for a Rental Loader for use During the 2024-2025 Winter Maintenance Season](#)
Adopt Resolution No. 2024-232 Authorizing Loader Winter Rental
- 15) [Grants of Easements - 425 Lake Street East - Retaining Wall](#)
Adopt Resolution No. 2024-235 Approving Grants of Easements for the property located at 425 Lake Street East

7. COUNCIL BUSINESS

- 1) [Variance - 241 Olive Street South](#)
Adopt Resolution No. 2024-233 approving a variance to construct a detached garage and site improvements that would result in 45.2% impervious surface versus the maximum 35% and a 2 ft. rear yard accessory structure setback versus the 5 ft. minimum allowed in the R-2, Single Family Residential District.
- 2) [Site Plan & Design Review and Variance at 80 8th Street](#)

Adopt Resolution No. 2024-234 approving a Site Plan & Design Review and a Variance to construct a 24,640 industrial building and site improvements, which proposes loading berths to be located along the front of the building facing 8th Street.

8. ITEMS REMOVED FROM CONSENT AGENDA

9. STAFF REPORTS

10. BOARD REPORTS

- 1) Councilmember Sorensen
- 2) Councilmember Coleman
- 3) Councilmember Gleason
- 4) Councilmember Grengs
- 5) Mayor Waldron

11. ANNOUNCEMENTS

12. ADJOURN REGULAR MEETINGOFFICE OF THE CITY ADMINISTRATOR

Shane Fineran

Work Session: Public Services Update
Enterprise Funds Budgets & Rates

UPCOMING CALENDAR OF EVENTS/MEETINGS:

City Council Meeting - November 4th at 6:00 p.m.
Election Day - November 5th - Polls open 7:00 a.m. to 8:00 p.m.
Planning Commission - November 7th at 6:30 p.m.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	October 21, 2024					
Item Name:	Certification of Delinquent Charges for Payment with Taxes - Pay 2025					
Originating Department:	Finance					
Presented by:	Nicole Meyer					
Previous Council Action (if any):	Resolution No. 2024-198 Calling for a Public Hearing on Proposed Certification of Delinquent Utility and Other Charges for Services for Payment with 2025 Taxes - Dated: September 16, 2024					
Item Type (X only one):	Consent	☐	Regular Session	☒	Discussion Session	☐
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>						
Motion to Call Public Hearing to Order and Accept Comments Motion to Close Public Hearing Adopt Resolution No. 2024-221 Adopting Certification of Delinquent Utility and Other Charges for Services for Payment with Taxes in 2025						
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>						
Under Minnesota law, the City may certify for payment with tax collections, delinquent utility accounts and other charges for service that have not been paid during the course of normal collection procedures throughout each year. A public hearing is required prior to certification of delinquent charges. Property owners have been notified of the past due amounts for goods or services that have benefited their property and have been notified of the public hearing opportunity. A list of delinquent accounts will be provided just prior to the hearing; this including outstanding amounts paid up until the end of business on October 21, 2024. <u>Attachments:</u> 1. Resolution No. 2024-221 Adopting Certification of Delinquent Utility and Other Charges Taxes in 2024						
FINANCIAL IMPLICATIONS:			ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: All City Funds						
Budget Information:			Planning Commission			
☒ Budgeted			Parks and Recreation Board			
☐ Non Budgeted			Safari Island Advisory Board			
☐ Amendment Required			Other			

**CITY OF WACONIA
RESOLUTION NO. 2024-221**

**RESOLUTION ADOPTING CERTIFICATION OF DELINQUENT UTILITY AND OTHER
CHARGES FOR SERVICES FOR PAYMENT WITH TAXES IN 2024**

WHEREAS, Pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed certification with taxes for delinquent utility charges and charges for services as provided by the City, and has amended such proposed certification as it deems just:

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Waconia, Minnesota, as follows:

1. Such proposed certification, a copy of which is attached hereto and made a part hereof is hereby accepted and shall constitute the certification for payment with taxes against the lands named therein, and each track of land therein is hereby found to be benefited by the proposed certifications.
2. Such Certification shall be as follows:
 - a. The certification for payment with taxes shall be payable in one annual installment to be collectible with real estate taxes payable in 2025.
 - b. To the installment shall be added interest at the rate of six percent (6.0%) per annum on the entire principal amount of the assessment from the date of this resolution until November 27 of the year in which such installment is payable.
 - c. The owner of any property so certified may at any time prior to the certification to the County Auditor, pay the whole of the principal amount of the certification on such property with interest accrued to the date of payment to the Finance Director until November 27, 2024.
3. The Finance Director shall forthwith transmit a certified duplicate copy of this certification to the County Auditor to be extended on the tax list of the County.

Adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

Attest: _____
Jacqueline Schulze, Assistant City Administrator



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Tax Increment Financing District #6					
Originating Department:		Administration					
Presented by:		Shane Fineran					
Previous Council Action (if any):							
Item Type (X only one):		Consent		Regular Session	X	Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Conduct a public hearing regarding Tax Increment Financing District #6 Adopt Resolution No. 2024-222 Approving the Tax Increment Financing Plan and Agreement for Tax Increment Financing District #6							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Monarch Development Partners have submitted a municipal subsidy application for the redevelopment known as Olive & 2nd. This development encompasses all or portions of 6 parcels that will be redeveloped into 92 units of multi-family housing, 4,184 square feet of retail space, and up to 33 public parking spaces. The development group has submitted eligible TIF costs of \$2,930,220 for the redevelopment, These generally include acquisition, foundations, parking, grading & excavation, utilities, soil testing, and are included in its full list as exhibit C of the attached TIF Agreement. The pay as you go TIF note will earn interest of 6.95% over the life of the note and the full life of the district will be 26 years. Todd Hagen with Ehlers will be present to walk the City Council through the various elements of the TIF plan and development agreement. The City and developer will also need to execute a development agreement for the public improvements proposed on and adjacent to the site as well as the public parking easement documents and execute a purchase agreement for the city owned parcel proposed as part of the development project.							
Attachments:							
1. Resolution No. 2024-222 District 6 Tax Increment Financing 2. Tax Increment Financing District 6 3. Tax Increment Financing District 6 Agreement (Redevelopment)							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
General Fund>Tax Increment							
Budget Information:				Planning Commission			
X Budgeted				Parks and Recreation Board			
Non Budgeted				Safari Island Advisory Board			
Amendment Required				Other			

EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY
OF WACONIA, MINNESOTA

HELD: OCTOBER 21, 2024

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Waconia, Carver County, Minnesota, was duly called and held at the City Hall, on October 21, 2024, at 6:00 P.M.

The following members of the Council were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-222

RESOLUTION APPROVING THE MODIFICATION TO THE DEVELOPMENT PROGRAM FOR THE WACONIA DEVELOPMENT DISTRICT; ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 6 WITHIN THE WACONIA DEVELOPMENT DISTRICT; APPROVING THE TAX INCREMENT FINANCING PLAN THEREFOR; AUTHORIZING AN INTERFUND LOAN; AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT

A. WHEREAS, it has been proposed that the City of Waconia, Minnesota (the "City") (1) modify the Development Program for the Waconia Development District (the "Development District"); (2) establish Tax Increment Financing District No. 6 therein (the "TIF District"); (3) approve and adopt the proposed Tax Increment Financing Plan therefor under the provisions of Minnesota Statutes, Sections 469.174 to 469.1794, as amended (the "Act"); (4) authorize an Interfund Loan (hereinafter defined); and (5) authorize the execution of a development agreement (as hereinafter defined); and

B. WHEREAS, the City Council has investigated the facts and has caused to be prepared the Modification to the Development Program for the Development District (the "Development Program Modification"), and has caused to be prepared a proposed tax increment financing plan for the TIF District therein (the "TIF Plan"); and

C. WHEREAS, the City has performed all actions required by law to be performed prior to the approval of the modification of the Development District and the establishment of the TIF District therein, and the adoption of the Development Program Modification and TIF Plan therefor, including, but not limited to, notification of Carver County and Independent School District No. 110 (Waconia Public Schools) having taxing jurisdiction over the property to be included in the TIF District, and the holding of a public hearing upon published and mailed notice as required by law; and

D. WHEREAS, Monarch Development Partners, LLC, a Minnesota limited liability company (the "Developer") has requested the City to assist with the financing of certain costs incurred in connection with the construction of an apartment building containing ninety-two (92) units, approximately 4,184 square feet of retail space, and 33 spaces of public parking (the "Project") on property located in the City; and

E. WHEREAS, the Developer and the City have determined to enter into a development agreement providing for the City's tax increment financing assistance for the Project (the "Developer Agreement"); and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Waconia follows:

1. Development District. The City is not modifying the boundaries of the Development District.

2. Development Program Modification. The Modification to the Waconia Development District, a copy of which is on file in the office of the Finance Director, is adopted.

3. Tax Increment Financing District No. 6. There is hereby established in the City within the Development District, Tax Increment Financing District No. 6, a redevelopment tax increment financing district, the initial boundaries of which are determined as described in the TIF Plan.

4. Tax Increment Financing Plan. The TIF Plan is adopted as the tax increment financing plan for the TIF District, and the City Council makes the following findings:

(a) The TIF District is a redevelopment district as defined in Minnesota Statutes, Section 469.174, Subd. 10, the specific basis for such determination is set forth in Appendix C and Appendix D of the TIF Plan.

(b) The proposed development, in the opinion of the City Council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future. The reasons for such determination are set forth in Appendix C of the TIF Plan.

(c) In the opinion of the City Council, the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan. The reasons supporting this finding are set forth in Appendix B and Appendix C of the TIF Plan.

(d) The TIF Plan for the TIF District conforms to the general plan for development or redevelopment of the City as a whole. The reasons for supporting this finding are set forth in Appendix C of the TIF Plan.

(e) The TIF Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Development District by private enterprise. The reasons supporting this finding are set forth in Appendix C of the TIF Plan.

(f) Appendices B, C, and D of the TIF Plan are incorporated herein by reference.

5. Public Purpose. The adoption of the TIF Plan for the TIF District within the Development District conforms in all respects to the requirements of the Act and will help fulfill a need to develop an area of the State which is already built up to provide employment opportunities, to help prevent the emergence of blight, to improve the tax base and to improve the general economy of the State and thereby serves a public purpose.

6. Certification. The Auditor of Carver County is requested to certify the original net tax capacity of the TIF District as described in TIF Plan, and to certify in each year thereafter the amount by which the original net tax capacity has increased or decreased in accordance with the Act; and the Finance Director is authorized and directed to forthwith transmit this request to the County Auditor in such form and content as the Auditor may specify, together with a list of all properties within the TIF District for which building permits have been issued during the 18 months immediately preceding the adoption of this Resolution.

7. Filing. The Finance Director is further authorized and directed to file a copy of the Modification and TIF Plan for the TIF District with the Commissioner of Revenue and the Office of the State Auditor.

8. Administration. The administration of the Development District is assigned to the Finance Director who shall from time to time be granted such powers and duties pursuant to Minnesota Statutes, Sections 469.130 and 469.131 as the City Council may deem appropriate.

9. Interfund Loan. The City has determined that it may pay for certain costs (the "Qualified Costs") identified in the TIF Plan which costs may be financed on a temporary basis from the City's general fund or any other fund from which such advances may be legally made (the "Fund"). Under Minnesota Statutes, Section 469.178, Subd. 7, the City is authorized to advance or loan money from the Fund in order to finance the Qualified Costs. The City intends to reimburse itself for the payment of the Qualified Costs, plus interest thereon, from tax increments derived from the TIF District in accordance with the following terms (which terms are referred to collectively as the "Interfund Loan"):

(a) The City shall repay to the Fund from which the Qualified Costs are initially paid, the principal amount of \$300,263 (or, if less, the amount actually paid from such fund) together with interest at 5.00% per annum (which is not more than the greater of (i) the rate specified under Minnesota Statutes, Section 270C.40, or (ii) the rate specified under Minnesota Statutes, Section 549.09) from the date of the payment.

(b) Principal and interest on the Interfund Loan ("Payments") shall be paid annually on each December 31 commencing with the date the tax increments from the TIF District are available and not otherwise pledged to and including the earlier of (a) the date

the principal and accrued interest of the Interfund Loan is paid in full, or (b) the date of last receipt of tax increment from the TIF District ("Payment Dates") which Payments will be made in the amount and only to the extent of available tax increments. Payments shall be applied first to accrued interest, and then to unpaid principal.

(c) Payments on the Interfund Loan are payable solely from the tax increment generated in the preceding twelve (12) months with respect to the TIF District and remitted to the City by Carver County, all in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, as amended. Payments on this Interfund Loan are subordinate to any outstanding or future bonds, notes or contracts secured in whole or in part with tax increment, and are on parity with any other outstanding or future interfund loans secured in whole or in part with tax increments.

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

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

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

10. Development Agreement.

(a) The Council hereby approves the Development Agreement in substantially the form submitted and the Mayor and the City Administrator are hereby authorized and directed to execute the Development Agreement on behalf of the Council.

(b) The approval hereby given to the Development Agreement includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City officials authorized by this resolution to execute the Development Agreement. The execution of the Development Agreement by the appropriate

officer or officers of the City shall be conclusive evidence of the approval of the Development Agreement in accordance with the terms hereof..

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

and the following voted against same:

Adopted this 21st day of October, 2024.

Mayor

Attest: _____
City Administrator

STATE OF MINNESOTA
CARVER COUNTY
CITY OF WACONIA

I, the undersigned, being the duly qualified and acting City Administrator of the City of Waconia, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relate to the establishment of the Tax Increment Financing District No. 6 in the City, and authorization of an interfund loan.

WITNESS my hand as such City Administrator of the City Council of the City of Waconia, Minnesota this ____ day of October, 2024.

City Administrator

Adoption Date: October 21, 2024

City of Waconia

Carver County, Minnesota

MODIFICATION TO THE DEVELOPMENT PROGRAM

Waconia Development District
and

Tax Increment Financing (TIF) Plan

Establishment of Tax Increment Financing District No. 6
(Olive and Second Street Apartments)
(a redevelopment district)



Prepared by:

Ehlers
3060 Centre Pointe Drive
Roseville, Minnesota 55113

BUILDING COMMUNITIES. IT'S WHAT WE DO.

TABLE OF CONTENTS

Modification to the Development Program for Waconia Development District	1
FOREWORD	1
Tax Increment Financing Plan for Tax Increment Financing District No. 6 (Olive and Second Street Apartments)	2
FOREWORD	2
STATUTORY AUTHORITY	2
STATEMENT OF OBJECTIVES	2
DEVELOPMENT PROGRAM OVERVIEW	3
DESCRIPTION OF PROPERTY IN THE DISTRICT AND PROPERTY TO BE ACQUIRED	3
DISTRICT CLASSIFICATION	4
DURATION & FIRST YEAR OF DISTRICT'S TAX INCREMENT	4
ORIGINAL TAX CAPACITY, TAX RATE & ESTIMATED CAPTURED NET TAX CAPACITY VALUE/INCREMENT & NOTIFICATION OF PRIOR PLANNED IMPROVEMENTS	5
SOURCES OF REVENUE/BONDS TO BE ISSUED	6
USES OF FUNDS	7
FISCAL DISPARITIES ELECTION	8
ESTIMATED IMPACT ON OTHER TAXING JURISDICTIONS	8
SUPPORTING DOCUMENTATION	11
DISTRICT ADMINISTRATION	11
Appendix A: Map of Waconia Development District and the TIF District	
Appendix B: Estimated Cash Flow for the District	
Appendix C: Findings Including But/For Qualifications	
Appendix D: Redevelopment Qualifications for the District	
Appendix E: Building Permits	

Modification to the Development Program for Waconia Development District

FOREWORD

The following text represents a Modification to the Development Program for Waconia Development District. This modification represents a continuation of the goals and objectives set forth in the Development Program for Waconia Development District. Generally, the substantive changes include the establishment of Tax Increment Financing District No. 6.

For further information, a review of the Development Program for Waconia Development District, is recommended. It is available from the City Administrator at the City of Waconia. Other relevant information is contained in the tax increment financing plans for the tax increment financing districts located within Waconia Development District.

Tax Increment Financing Plan for Tax Increment Financing District No. 6 (Olive and Second Street Apartments)

FOREWORD

The City of Waconia (the "City"), staff and consultants have prepared the following information to expedite the establishment of Tax Increment Financing District No. 6 (the "District"), a redevelopment tax increment financing district, located in Waconia Development District.

STATUTORY AUTHORITY

Within the City, there exist areas where public involvement is necessary to cause development or redevelopment to occur. To this end, the City has certain statutory powers pursuant to *Minnesota Statutes ("M.S."), Sections 469.124 to 46.133*, inclusive, as amended, and *M.S., Sections 469.174 to 469.1794*, inclusive, as amended (the "TIF Act"), to assist in financing public costs related to this project.

This section contains the Tax Increment Financing Plan (the "TIF Plan") for the District. Other relevant information is contained in the Modification to the Development Program for Waconia Development District.

STATEMENT OF OBJECTIVES

The District currently consists of six (6) parcels of land and adjacent roads and internal rights-of-way. The District is being created to facilitate the construction of a 92-unit apartment building with 4,184 square feet of retail space facing Olive Street with approximately 41 spaces of public parking in the City in the City. The City has not entered into an agreement but has designated Monarch Development Partners, LLC as the developer at the time of preparation of this TIF Plan. Development is anticipated to begin in 2024. This TIF Plan is expected to achieve many of the objectives outlined in the Development Program for Waconia Development District.

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

DEVELOPMENT PROGRAM OVERVIEW

Pursuant to the Development Program and authorizing state statutes, the City is authorized to undertake the following activities in the District:

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

DESCRIPTION OF PROPERTY IN THE DISTRICT AND PROPERTY TO BE ACQUIRED

The District encompasses all property and adjacent roads rights-of-way and abutting roadways identified by the parcels listed below.

Parcel number	Address	Owner
75.0501450	136 ELM ST S	WACONIA LODGE
75.0501460	8 2ND ST W	BREEDEN
75.0501480	16 2ND ST W	RADDE TRUST
75.0501505	24 2ND ST W	YETZER
75.0501511	125 OLIVE ST S	YETZER
75.0501470	Unknown	CITY

Note: Parcel 75.0501511 is currently under the process of being replatted and subdivided.

Please also see the map in Appendix A for further information on the location of the District.

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

The City currently owns one (1) parcel of the property to be included in the District.

DISTRICT CLASSIFICATION

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

- The District is a redevelopment district consisting of six (6) parcels.
- An inventory shows that parcels consisting of more than 70% of the area in the District are occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures.
- An inspection of the buildings located within the District finds that more than 50% of the buildings are structurally substandard as defined in the TIF Act. (See Appendix D).

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

DURATION & FIRST YEAR OF DISTRICT'S TAX INCREMENT

Pursuant to *M.S., Section 469.175, Subd. 1, and Section 469.176, Subd. 1*, the duration and first year of tax increment of the District must be indicated within the TIF Plan. Pursuant to *M.S., Section 469.176, Subd. 1b.*, the duration of the District will be 25 years after receipt of the first increment by the City (a total of 26 years of tax increment). The City elects to receive the first tax increment in 2028, which is no later than four years following the year of approval of the District.

Thus, it is estimated that the District, including any modifications of the TIF Plan for subsequent phases or other changes, would terminate after 2053, or when the TIF Plan is satisfied. The City reserves the right to decertify the District prior to the legally required date.

ORIGINAL TAX CAPACITY, TAX RATE & ESTIMATED CAPTURED NET TAX CAPACITY VALUE/INCREMENT & NOTIFICATION OF PRIOR PLANNED IMPROVEMENTS

Pursuant to *M.S., Section 469.174, Subd. 7* and *M.S., Section 469.177, Subd. 1*, the Original Net Tax Capacity (ONTC) as certified for the District will be based on the market values placed on the property by the assessor in 2024 for taxes payable 2025.

Pursuant to *M.S., Section 469.177, Subds. 1 and 2*, the County Auditor shall certify in each year (beginning in the payment year 2028) the amount by which the original value has increased or decreased because of:

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

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

The original local tax rate for the District will be the local tax rate for taxes payable 2025, assuming the request for certification is made before June 30, 2025. The rates for 2025 were not available at the time the District was established. The ONTC and the Original Local Tax Rate for the District appear in the table below.

Pursuant to *M.S., Section 469.174 Subd. 4* and *M.S., Section 469.177, Subd. 1, 2, and 4*, the estimated Captured Net Tax Capacity (CTC) of the District, within Waconia Development District, upon completion of the projects within the District, will annually approximate tax increment revenues as shown in the table below. The City requests 100% of the available increase in tax capacity be used for repayment of the obligations of the City and current expenditures, beginning in the tax year payable 2028. The Project Tax Capacity (PTC) listed is an estimate of values when the projects within the District are completed.

Project Tax Capacity	
Project estimated Tax Capacity upon completion	505,409
Original estimated Net Tax Capacity	12,547
Fiscal Disparities	9,120
Estimated Captured Tax Capacity	483,742
Original Local Tax Rate	101.8823% Pay 2024
Estimated Annual Tax Increment	\$492,847
Percent Retained by the City	100%

Note: Tax capacity includes a 2% inflation factor for the duration of the District. The tax capacity included in this chart is the estimated tax capacity of the District in year 26. The tax capacity of the District in year one is estimated to be \$308,063.

Pursuant to *M.S., Section 469.177, Subd. 4*, the City shall, after a due and diligent search, accompany its request for certification to the County Auditor or its notice of the District enlargement pursuant to *M.S., Section 469.175, Subd. 4*, with a listing of all properties within the District or area of enlargement for which building permits have been issued during the eighteen (18) months immediately preceding approval of the TIF Plan by the municipality pursuant to *M.S., Section 469.175, Subd. 3*. The County Auditor shall increase the original net tax capacity of the District by the net tax capacity of improvements for which a building permit was issued.

The City has reviewed the area to be included in the District and found that some building permit(s) have been issued in the past 18 months, but none that should increase the original tax capacity. Please see Appendix E for the building permit(s) that were issued.

SOURCES OF REVENUE/BONDS TO BE ISSUED

The total estimated tax increment revenues for the District are shown in the table below:

SOURCES	
Tax Increment	\$ 10,008,763
Interest	1,000,876
TOTAL	\$ 11,009,639

The costs outlined in the Uses of Funds will be financed primarily through the annual collection of tax increments. The City reserves the right to issue bonds (as defined in the TIF Act) or incur other indebtedness because of the TIF Plan. As presently proposed, the projects within the District will be financed by pay-as-you-go notes and interfund loans.

Any refunding amounts will be deemed a budgeted cost without a formal modification to this TIF Plan. This provision does not obligate the City to incur debt. The City will issue bonds or incur other debt only upon the determination that such action is in the best interest of the City.

The City may issue bonds secured in whole or in part with tax increments from the District in a maximum principal amount of \$4,906,206. Such bonds may be in the form of pay-as-you-go notes, revenue bonds or notes, general obligation bonds, or interfund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan as of the date of approval.

USES OF FUNDS

Currently under consideration for the District is a proposal to facilitate the construction of a 92-unit apartment building with 4,184 square feet of retail space facing Olive Street with approximately 41 spaces of public parking in the City. The City has determined that it will be necessary to assist the project(s) for certain District costs, as described herein.

The City has studied the feasibility of the development or redevelopment of property in and around the District. To facilitate the establishment and development or redevelopment of the District, this TIF Plan authorizes the use of tax increment financing to pay for the cost of certain eligible expenses. The estimate of public costs and uses of funds associated with the District is outlined in the following table.

USES	
Land/Building Acquisition	\$ 1,300,000
Site Improvements/Preparation	2,500,000
Affordable Housing	-
Utilities	500,000
Other Qualifying Improvements	305,943
Administrative Costs (up to 10%)	300,263
PROJECT COSTS TOTAL	\$ 4,906,206
Interest	6,103,433
PROJECT AND INTEREST COSTS TOTAL	\$ 11,009,639

The total project cost, including financing costs (interest) listed in the table above does not exceed the total projected tax increments for the District as shown in the Sources of Revenue section.

Estimated costs associated with the District are subject to change among categories without a modification to the TIF Plan. The cost of all activities to be considered for tax increment financing will not exceed, without formal modification, the budget above pursuant to the applicable statutory requirements. Pursuant to *M.S., Section 469.1763, Subd. 2*, no more than 25% of the tax increment paid by property within the District will be spent on activities related to development or redevelopment outside of the District but within the boundaries of Waconia Development District, (including administrative costs, which are considered to be spent outside of the District) subject to the limitations as described in the TIF Plan.

FISCAL DISPARITIES ELECTION

Pursuant to *M.S., Section 469.177, Subd. 3*, the City may elect one of two methods to calculate fiscal disparities.

The City will choose to calculate fiscal disparities by clause b (inside).

ESTIMATED IMPACT ON OTHER TAXING JURISDICTIONS

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

Impact on Tax Base			
Entity	2023/Pay 2024 Total Net Tax Capacity	Estimated Captured Tax Capacity (CTC) upon completion	Percent of CTC to Entity Total
Carver County	216,690,435	483,742	0.2232%
City of Waconia	23,952,845	483,742	2.0196%
ISD 110 (Waconia Public Schools)	35,976,553	483,742	1.3446%

Impact on Tax Rates				
Entity	Pay 2024 Extension Rate	Percent of Total	CTC	Potential Taxes
Carver County	30.1050%	29.55%	483,742	\$145,630
City of Waconia	44.7788%	43.95%	483,742	216,614
ISD 110 (Waconia Public Schools)	23.7340%	23.30%	483,742	114,812
Other	3.2645%	3.20%	483,742	15,792
	101.8823%	100.00%		\$492,848

The estimates listed above display the captured tax capacity when all construction is completed. The tax rate used for calculations is the Pay 2024 rate. The total net capacity for the entities listed above are based on Pay 2024 figures. The District will be certified under the Pay 2025 rates, which were unavailable at the time this TIF Plan was prepared.

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

- (1) Estimate of total tax increment. It is estimated that the total amount of tax increment that will be generated over the life of the District is \$10,008,763;
- (2) Probable impact of the District on city provided services and ability to issue debt. An impact of the District on police protection is expected. With any addition of new residents or businesses, police calls for service will be increased. New developments add an increase in traffic, and additional overall demands to the call load. The City does not expect that the proposed development, in and of itself, will necessitate new capital investment in vehicles or facilities.

The probable impact of the District on fire protection is not expected to be significant. Typically, new buildings generate few calls, if any, and are of superior construction. The existing buildings, located at the site, which will be eliminated by the new development, have public safety concerns that include several unprotected old buildings with issues such as access, hydrant locations, and converted structures. The City does not expect that the proposed development, in and of itself, will necessitate new capital investment in vehicles or facilities.

The impact of the District on public infrastructure is expected to be minimal. The development is not expected to significantly impact any traffic movements in the area. The current infrastructure for sanitary sewer, storm sewer and water will be able to handle the additional volume generated from the proposed development. Based on the development plans, there are no additional costs associated with street maintenance, sweeping, plowing, lighting and sidewalks. The development in the District is expected to contribute to sanitary sewer (SAC) and water (WAC) connection fees.

The probable impact of the issuance of any general obligation tax increment bonds payable from tax increment revenues from the District on the City's ability to issue debt for general fund purposes is expected to be minimal. It is not anticipated that there will be any general obligation debt issued in relation to this project, therefore there will be no impact on the City's ability to issue future debt or on the City's debt limit.

- (3) Estimated amount of tax increment attributable to school district levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to school district levies, assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is \$2,331,595;
- (4) Estimated amount of tax increment attributable to county levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same, is \$2,957,466;
- (5) Additional information requested by the county or school district. The City is not aware of any standard questions in a county or school district written policy regarding tax increment districts and impact on county or school district services. The county or school district must request additional information pursuant to *M.S., Section 469.175 Subd. 2(b)* within 15 days after receipt of the tax increment financing plan.

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

SUPPORTING DOCUMENTATION

Pursuant to *M.S., Section 469.175, Subd. 1 (a), clause 7* this TIF Plan must contain identification and description of studies and analyses used to make the determination set forth in *M.S., Section 469.175, Subd. 3, clause (b)(2)* and the findings are required in the resolution approving the District.

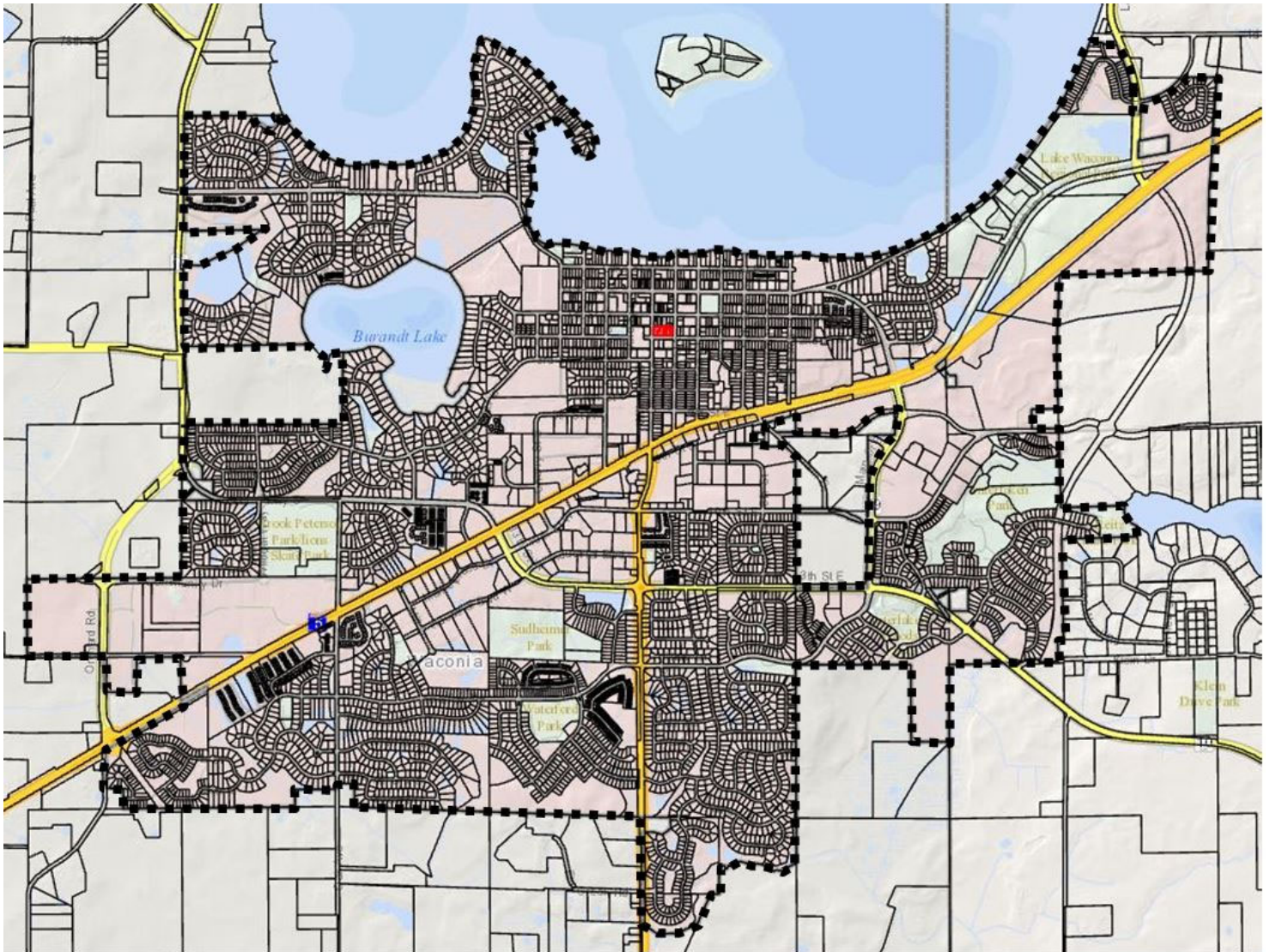
- (i) In making said determination, reliance has been placed upon (1) written representation made by the Developer to such effects, (2) review of the Developer's proforma; and (3) City staff awareness of the feasibility of developing the project site within the District, which is further outlined in the City Council resolution approving the establishment of the District and Appendix C.
- (ii) A comparative analysis of estimated market value both with and without establishment of the District and the use of tax increments has been performed. Such analysis is included with the cashflow in Appendix B and indicates that the increase in estimated market value of the proposed development (less the indicated subtractions) exceeds the estimated market value of the site absent the establishment of the District and the use of tax increments.

DISTRICT ADMINISTRATION

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

Appendix A: Map of Waconia Development District and the TIF District

Tax Increment Financing District No. 6
Waconia Development District
City of Waconia
Carver County, Minnesota



 Tax Increment Financing District No. 6

 Waconia Development District

***The boundaries of the Waconia Development District are coterminous with the corporate limits of the City of Waconia.*



Appendix B: Estimated Cash Flow for the District

Waconia Olive & 2nd Street Development - New TIF District w/2% Inflation

City of Waconia, Minnesota

92-unit apartment building with 4,184 SF retail space facing Olive Street w/approx 41 spaces of public parking



ASSUMPTIONS AND RATES

DistrictType:	Redevelopment
District Name/Number:	TBD
County District #:	TBD
First Year Construction or Inflation on Value	2026
Existing District - Specify No. Years Remaining	
Inflation Rate - Every Year:	2.00%
Interest Rate:	7.25%
Present Value Date:	1-Aug-26
First Period Ending	1-Feb-27
Tax Year District was Certified:	Pay 2025
Cashflow Assumes First Tax Increment For Development:	2028
Years of Tax Increment	26
Assumes Last Year of Tax Increment	2053
Fiscal Disparities Election [Outside (A), Inside (B), or NA]	Inside(B)
Incremental or Total Fiscal Disparities	Incremental
Fiscal Disparities Contribution Ratio	34.6351% Pay 2024
Fiscal Disparities Metro-Wide Tax Rate	123.0260% Pay 2024
Maximum/Frozen Local Tax Rate:	101.882% Pay 2024
Current Local Tax Rate: (Use lesser of Current or Max.)	101.882% Pay 2024
State-wide Tax Rate (Comm./Ind. only used for total taxes)	29.2940% Pay 2024
Market Value Tax Rate (Used for total taxes)	0.19281% Pay 2024

Tax Rates	
Exempt Class Rate (Exempt)	0.00%
Commercial Industrial Preferred Class Rate (C/I Pref.)	
First \$150,000	1.50%
Over \$150,000	2.00%
Commercial Industrial Class Rate (C/I)	2.00%
Rental Housing Class Rate (Rental)	1.25%
Affordable Rental Housing Class Rate (Aff. Rental)	
First \$100,000	0.25%
Over \$100,000	0.25%
Non-Homestead Residential (Non-H Res. 1 Unit)	
First \$500,000	1.00%
Over \$500,000	1.25%
Homestead Residential Class Rate (Hmstd. Res.)	
First \$500,000	1.00%
Over \$500,000	1.25%
Agricultural Non-Homestead	1.00%

BASE VALUE INFORMATION (Original Tax Capacity)

Map ID	PID	Owner	Address	Land Market Value	Building Market Value	Total Market Value	Percentage Of Value Used for District	Original Market Value	Tax Year Original Market Value	Property Tax Class	Current Original Tax Capacity	Class After Conversion	After Conversion Orig. Tax Cap.	Area/ Phase
1	75.0501450	WACONIA LODGE	136 ELM ST S	100,800	125,900	226,700	100%	226,700	Pay 2025	C/I Pref.	3,784	Rental	2,834	1
2	75.0501460	BREEDEN	8 2ND ST W	80,000	213,800	293,800	100%	293,800	Pay 2025	Hmstd. Res.	2,938	Rental	3,673	1
3	75.0501480	RADDE TRUST	16 2ND ST W	80,000	167,500	247,500	100%	247,500	Pay 2025	Hmstd. Res.	2,475	Rental	3,094	1
4	75.0501505	YETZER	24 2ND ST W	123,500	19,400	142,900	100%	142,900	Pay 2025	Hmstd. Res.	1,429	Rental	1,786	1
5	75.0501511	YETZER	125 OLIVE ST S	183,000	182,500	365,500	25%	91,375	Pay 2025	C/I Pref.	1,371	Rental	1,142	1
6	75.0501470	CITY	Unknown	1,500	0	1,500	100%	1,500	Pay 2025	Exempt	-	Rental	19	1
				568,800	709,100	1,277,900		1,003,775			11,997		12,547	

Note:

1. Base values are for pay 2025. PIN 75.0501511 will be divided to exclude the buildings from the TIF district. The replat was approved by the City Council on August 19, 2024.
2. Located in ISD #110, WS 067, and CARVER CO WMO.

Waconia Olive & 2nd Street Development - New TIF District w/2% Inflation

City of Waconia, Minnesota

92-unit apartment building with 4,184 SF retail space facing Olive Street w/approx 41 spaces of public parking



PROJECT INFORMATION (Project Tax Capacity)													
Area/Phase	New Use	Estimated Market Value Per Sq. Ft./Unit	Taxable Market Value Per Sq. Ft./Unit	Total Sq. Ft./Units	Total Taxable Market Value	Property Tax Class	Project Tax Capacity	Project Tax Capacity/Unit	Percentage Completed 2026	Percentage Completed 2027	Percentage Completed 2028	Percentage Completed 2029	First Year Full Taxes Payable
1	Apartments	253,924	253,924	92	23,361,000	Rental	292,013	3,174	100%	100%	100%	100%	2028
1	Retail	201	201	4,184	840,000	C/I Pref.	16,050	4	100%	100%	100%	100%	2028
TOTAL					24,201,000		308,063						
Subtotal Residential				92	23,361,000		292,013						
Subtotal Commercial/Ind.				4,184	840,000		16,050						

Note:

1. Market values are based upon estimate from County Assessor on August 8, 2024.

TAX CALCULATIONS									
New Use	Total Tax Capacity	Fiscal Disparities Tax Capacity	Local Tax Capacity	Local Property Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes	Taxes Per Sq. Ft./Unit
Apartments	292,013	0	292,013	297,509	0	0	45,042	342,552	3,723.39
Retail	16,050	5,559	10,491	10,689	6,839	4,043	1,620	23,190	5.54
TOTAL	308,063	5,559	302,504	308,198	6,839	4,043	46,662	365,741	

Note:

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

2. If tax increment in received in 2027, then the district will be one year shorter.

WHAT IS EXCLUDED FROM TIF?	
Total Property Taxes	365,741
less State-wide Taxes	(4,043)
less Fiscal Disp. Adj.	(6,839)
less Market Value Taxes	(46,662)
less Base Value Taxes	(12,783)
Annual Gross TIF	295,414

MARKET VALUE BUT / FOR ANALYSIS	
Current Market Value - Est.	1,003,775
New Market Value - Est.	24,201,000
Difference	23,197,225
Present Value of Tax Increment	3,729,992
Difference	19,467,233
Value likely to occur without Tax Increment is less than:	19,467,233



Waconia Olive & 2nd Street Development - New TIF District w/2% Inflation

City of Waconia, Minnesota

92-unit apartment building with 4,184 SF retail space facing Olive Street w/approx 41 spaces of public parking

TAX INCREMENT CASH FLOW														
% of OTC	Project Tax Capacity	Original Tax Capacity	Fiscal Disparities Incremental	Captured Tax Capacity	Local Tax Rate	Annual Gross Tax Increment	Semi-Annual Gross Tax Increment	State Auditor 0.36%	Admin. at 3%	Semi-Annual Net Tax Increment	Semi-Annual Present Value	PERIOD ENDING Yrs.	Tax Year	Payment Date
							-	-	-	-	-			02/01/27
							-	-	-	-	-			08/01/27
							-	-	-	-	-			02/01/28
100%	308,063	(12,547)	(5,559)	289,956	101.882%	295,414	147,707	(532)	(4,415)	142,760	123,808	0.5	2028	08/01/28
							147,707	(532)	(4,415)	142,760	243,285	1	2028	02/01/29
100%	314,224	(12,547)	(5,670)	296,006	101.882%	301,578	150,789	(543)	(4,507)	145,739	360,988	1.5	2029	08/01/29
							150,789	(543)	(4,507)	145,739	474,574	2	2029	02/01/30
100%	320,508	(12,547)	(5,784)	302,178	101.882%	307,865	153,933	(554)	(4,601)	148,777	586,471	2.5	2030	08/01/30
							153,933	(554)	(4,601)	148,777	694,454	3	2030	02/01/31
100%	326,918	(12,547)	(5,899)	308,472	101.882%	314,278	157,139	(566)	(4,697)	151,876	800,830	3.5	2031	08/01/31
							157,139	(566)	(4,697)	151,876	903,485	4	2031	02/01/32
100%	333,457	(12,547)	(6,017)	314,892	101.882%	320,820	160,410	(577)	(4,795)	155,037	1,004,611	4.5	2032	08/01/32
							160,410	(577)	(4,795)	155,037	1,102,199	5	2032	02/01/33
100%	340,126	(12,547)	(6,138)	321,441	101.882%	327,492	163,746	(589)	(4,895)	158,262	1,198,332	5.5	2033	08/01/33
							163,746	(589)	(4,895)	158,262	1,291,102	6	2033	02/01/34
100%	346,928	(12,547)	(6,260)	328,121	101.882%	334,297	167,149	(602)	(4,996)	161,550	1,382,487	6.5	2034	08/01/34
							167,149	(602)	(4,996)	161,550	1,470,676	7	2034	02/01/35
100%	353,867	(12,547)	(6,385)	334,934	101.882%	341,239	170,619	(614)	(5,100)	164,905	1,557,546	7.5	2035	08/01/35
							170,619	(614)	(5,100)	164,905	1,641,378	8	2035	02/01/36
100%	360,944	(12,547)	(6,513)	341,884	101.882%	348,319	174,160	(627)	(5,206)	168,327	1,723,955	8.5	2036	08/01/36
							174,160	(627)	(5,206)	168,327	1,803,644	9	2036	02/01/37
100%	368,163	(12,547)	(6,643)	348,973	101.882%	355,541	177,771	(640)	(5,314)	171,817	1,882,140	9.5	2037	08/01/37
							177,771	(640)	(5,314)	171,817	1,957,890	10	2037	02/01/38
100%	375,526	(12,547)	(6,776)	356,203	101.882%	362,908	181,454	(653)	(5,424)	175,377	2,032,504	10.5	2038	08/01/38
							181,454	(653)	(5,424)	175,377	2,104,508	11	2038	02/01/39
100%	383,037	(12,547)	(6,912)	363,578	101.882%	370,422	185,211	(667)	(5,536)	179,008	2,175,432	11.5	2039	08/01/39
							185,211	(667)	(5,536)	179,008	2,243,875	12	2039	02/01/40
100%	390,698	(12,547)	(7,050)	371,100	101.882%	378,086	189,043	(681)	(5,651)	182,711	2,311,291	12.5	2040	08/01/40
							189,043	(681)	(5,651)	182,711	2,376,348	13	2040	02/01/41
100%	398,512	(12,547)	(7,191)	378,773	101.882%	385,903	192,952	(695)	(5,768)	186,489	2,440,427	13.5	2041	08/01/41
							192,952	(695)	(5,768)	186,489	2,502,264	14	2041	02/01/42
100%	406,482	(12,547)	(7,335)	386,600	101.882%	393,877	196,938	(709)	(5,887)	190,343	2,563,172	14.5	2042	08/01/42
							196,938	(709)	(5,887)	190,343	2,621,949	15	2042	02/01/43
100%	414,612	(12,547)	(7,482)	394,583	101.882%	402,010	201,005	(724)	(6,008)	194,273	2,679,841	15.5	2043	08/01/43
							201,005	(724)	(6,008)	194,273	2,735,707	16	2043	02/01/44
100%	422,904	(12,547)	(7,631)	402,725	101.882%	410,306	205,153	(739)	(6,132)	198,282	2,790,732	16.5	2044	08/01/44
							205,153	(739)	(6,132)	198,282	2,843,832	17	2044	02/01/45
100%	431,362	(12,547)	(7,784)	411,031	101.882%	418,768	209,384	(754)	(6,259)	202,371	2,896,132	17.5	2045	08/01/45
							209,384	(754)	(6,259)	202,371	2,946,601	18	2045	02/01/46
100%	439,989	(12,547)	(7,940)	419,502	101.882%	427,399	213,699	(769)	(6,388)	206,542	2,996,310	18.5	2046	08/01/46
							213,699	(769)	(6,388)	206,542	3,044,279	19	2046	02/01/47
100%	448,789	(12,547)	(8,098)	428,143	101.882%	436,202	218,101	(785)	(6,519)	210,797	3,091,523	19.5	2047	08/01/47
							218,101	(785)	(6,519)	210,797	3,137,115	20	2047	02/01/48
100%	457,765	(12,547)	(8,260)	436,957	101.882%	445,182	222,591	(801)	(6,654)	215,136	3,182,018	20.5	2048	08/01/48
							222,591	(801)	(6,654)	215,136	3,225,350	21	2048	02/01/49
100%	466,920	(12,547)	(8,425)	445,947	101.882%	454,341	227,171	(818)	(6,791)	219,562	3,268,027	21.5	2049	08/01/49
							227,171	(818)	(6,791)	219,562	3,309,210	22	2049	02/01/50
100%	476,258	(12,547)	(8,594)	455,117	101.882%	463,684	231,842	(835)	(6,930)	224,077	3,349,770	22.5	2050	08/01/50
							231,842	(835)	(6,930)	224,077	3,388,912	23	2050	02/01/51
100%	485,784	(12,547)	(8,766)	464,470	101.882%	473,213	236,607	(852)	(7,073)	228,682	3,427,460	23.5	2051	08/01/51
							236,607	(852)	(7,073)	228,682	3,464,660	24	2051	02/01/52
100%	495,499	(12,547)	(8,941)	474,011	101.882%	482,933	241,467	(869)	(7,218)	233,379	3,501,296	24.5	2052	08/01/52
							241,467	(869)	(7,218)	233,379	3,536,650	25	2052	02/01/53
100%	505,409	(12,547)	(9,120)	483,742	101.882%	492,847	246,424	(887)	(7,366)	238,171	3,571,468	25.5	2053	08/01/53
							246,424	(887)	(7,366)	238,171	3,605,068	26	2053	02/01/54
Total							10,044,925	(36,162)	(300,263)	9,708,500				
Present Value From 08/01/2026							3,729,992	(13,428)	(111,497)	3,605,068				

Appendix C: Findings Including But/For Qualifications

The reasons and facts supporting the findings for the adoption of the Tax Increment Financing Plan (TIF Plan) for Tax Increment Financing District No. 6 (Olive and Second Street Apartments) (the “District”), as required pursuant to *Minnesota Statutes (M.S.), Section 469.175, Subdivision 3* are as follows:

1. *Finding that Tax Increment Financing District No. 6 (Olive and Second Street Apartments) is a redevelopment district as defined in M.S., Section 469.174, Subd. 10.*

The District consists of six (6) parcels and vacant right-of-way, with plans to redevelop the area for the construction of a 92-unit apartment building with 4,184 square feet of retail space facing Olive Street with approximately 41 spaces of public parking in the City. Parcels consisting of 70% of the area of the District are occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures and more than 50% of the buildings in the District, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance. (See Appendix D of the TIF Plan.)

2. *Finding that the proposed development, in the opinion of the City Council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of Tax Increment Financing District No. 6 (Olive and Second Street Apartments) permitted by the TIF Plan.*

The proposed development, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future: This finding is supported by the fact that the redevelopment proposed in the TIF Plan meets the City’s objectives for redevelopment. Due to the high cost of redevelopment on the parcels currently occupied by a substandard building, the incompatible land uses at close proximity, and the cost of financing the proposed improvements, this project is feasible only through assistance, in part, from tax increment financing. The Developer was asked for and provided a letter and a pro forma as justification that the Developer would not have gone forward without tax increment assistance.

The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the District permitted by the TIF Plan: This finding is justified on the grounds that the cost of site and public improvements and utilities add to the total redevelopment cost. Historically, construction costs, site and public improvements costs in this area have made redevelopment infeasible without tax increment assistance. The City reasonably determines that no other redevelopment of similar scope is anticipated on this site without substantially similar assistance being provided to the development.

Therefore, the City concludes as follows:

- a. The City's estimate of the amount by which the market value of the entire District will increase without the use of tax increment financing is \$0.
 - b. If the proposed development occurs, the total increase in market value will be \$23,197,225.
 - c. The present value of tax increments from the District for the maximum duration of the district permitted by the TIF Plan is estimated to be \$3,729,992.
 - d. Even if some development other than the proposed development were to occur, the Council finds that no alternative would occur that would produce a market value increase greater than \$19,467,233 (the amount in clause b less the amount in clause c) without tax increment assistance.
3. *Finding that the TIF Plan for the District conforms to the general plan for the development or redevelopment of the municipality as a whole.*

The City Council reviewed the TIF Plan and found that the TIF Plan conforms to the general development plan of the City.

4. *Finding that the TIF Plan for Tax Increment Financing District No. 6 (Olive and Second Street Apartments) will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of Waconia Development District by private enterprise.*

The project to be assisted by the District will result in increased employment in the City and the State of Minnesota, the renovation of substandard properties, increased tax base of the State and add a high-quality development to the City.

Through the implementation of the TIF Plan, City will increase the availability of safe and decent life-cycle housing in the City.

Appendix D: Redevelopment Qualifications for the District

REPORT OF INSPECTION PROCEDURES AND RESULTS
FOR
DETERMINING QUALIFICATIONS
OF A
TAX INCREMENT FINANCING DISTRICT

OLIVE AND SECOND
REDEVELOPMENT TIF DISTRICT

Prepared for

CITY OF WACONIA, MINNESOTA

September 3, 2024

Table of Contents

Part 1: Executive Summary	2
Purpose of the Evaluation.....	2
Scope of Work	2
Conclusion	2
Part 2: Minnesota Statute 469.174, Subdivision 10 Requirements	3
Interior Inspection	3
Exterior Inspection and Other Means	3
Documentation.....	3
Qualification Requirements.....	3
1. Coverage Test	3
2. Condition of Buildings Test	3
3. Distribution of Substandard Buildings	4
Part 3: Procedures Followed	5
Part 4: Findings	5
1. Coverage Test	5
2. Condition of Building Test	6
3. Distribution of Substandard Structures	7
Part 5: Team Credentials	8
Appendices.....	9
APPENDIX A Property Condition Assessment Summary Sheet	
APPENDIX B Building Code, Condition Deficiency and Context Analysis Reports	
APPENDIX C Building Replacement Cost Reports	
Code Deficiency Cost Reports	
Photographs	

Part 1: Executive Summary

Purpose of the Evaluation

LHB was hired by the City of Waconia to inspect and evaluate the properties within a Tax Increment Financing Redevelopment District ("TIF District") proposed to be established by the City. The proposed TIF District is bounded by Olive Street South, 2nd Street West, and Elm Street South (Diagram 1). The purpose of LHB's work is to determine whether the proposed TIF District meets the statutory requirements for coverage, and whether three (3) buildings on six (6) parcels located within the proposed TIF District, meet the qualifications required for a Redevelopment District.



Diagram 1: Proposed TIF District

Scope of Work

The proposed TIF District consists of six (6) parcels with three (3) structures. All three (3) buildings were inspected on August 7, 2024. Building Code and Condition Deficiency reports for the buildings that were inspected and found substandard are in Appendix B.

Conclusion

After inspecting and evaluating the properties within the proposed TIF District and applying current statutory criteria for a Redevelopment District under *Minnesota Statutes, Section 469.174, Subdivision 10*, it is our professional opinion that the proposed TIF District qualifies as a Redevelopment District because:

- The proposed TIF District has a coverage calculation of 100 percent which is above the 70 percent requirement.
- 66.7 percent of the buildings are structurally substandard which is above the 50 percent requirement.
- The substandard buildings are reasonably distributed.

The remainder of this report describes our process and findings in detail.

Part 2: Minnesota Statute 469.174, Subdivision 10 Requirements

The properties were inspected in accordance with the following requirements under *Minnesota Statutes, Section 469.174, Subdivision 10(c)*, which states:

Interior Inspection

"The municipality may not make such determination [that the building is structurally substandard] without an interior inspection of the property..."

Exterior Inspection and Other Means

"An interior inspection of the property is not required, if the municipality finds that

(1) the municipality or authority is unable to gain access to the property after using its best efforts to obtain permission from the party that owns or controls the property; and

(2) the evidence otherwise supports a reasonable conclusion that the building is structurally substandard."

Documentation

"Written documentation of the findings and reasons why an interior inspection was not conducted must be made and retained under section 469.175, subdivision 3(1)."

Qualification Requirements

Minnesota Statutes, Section 469.174, Subdivision 10 (a) (1) requires three tests for occupied parcels:

1. COVERAGE TEST

- a. *Minnesota Statutes, Section 469.174, Subdivision 10(a)(1)* states:

"parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, or paved or gravel parking lots..."

- b. The coverage required by the parcel to be considered occupied is defined under *Minnesota Statutes, Section 469.174, Subdivision 10(e)*, which states:

"For purposes of this subdivision, a parcel is not occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures unless 15 percent of the area of the parcel contains buildings, streets, utilities, paved or gravel parking lots, or other similar structures."

2. CONDITION OF BUILDINGS TEST

- a. *Minnesota Statutes, Section 469.174, Subdivision 10(a)* states:

"...and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;"

- b. Structurally substandard is defined under *Minnesota Statutes, Section 469.174, Subdivision 10(b)*, which states:

"For purposes of this subdivision, 'structurally substandard' shall mean containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance."

- i. We do not count energy code deficiencies toward the thresholds required by *Minnesota Statutes, Section 469.174, Subdivision 10(b)* defined as “structurally substandard”, due to concerns expressed by the State of Minnesota Court of Appeals in the *Walser Auto Sales, Inc. vs. City of Richfield* case filed November 13, 2001.
- c. Buildings are not eligible to be considered structurally substandard unless they meet certain additional criteria, as set forth in Subdivision 10(c) which states:

“A building is not structurally substandard if it follows the building code applicable to new buildings or could be modified to satisfy the building code at a cost of less than 15 percent of the cost of constructing a new structure of the same square footage and type on the site. The municipality may find that a building is not disqualified as structurally substandard under the preceding sentence based on reasonably available evidence, such as the size, type, and age of the building, the average cost of plumbing, electrical, or structural repairs, or other similar reliable evidence.”

“Items of evidence that support such a conclusion [that the building is not disqualified] include recent fire or police inspections, on-site property tax appraisals or housing inspections, exterior evidence of deterioration, or other similar reliable evidence.”

- i. LHB counts energy code deficiencies toward the 15 percent code threshold required by Minnesota Statutes, Section 469.174, Subdivision 10(c)) for the following reasons:
 - 1) The Minnesota energy code is one of ten building code areas highlighted by the Minnesota Department of Labor and Industry website where minimum construction standards are required by law.
 - 2) Chapter 13 of the 2015 *Minnesota Building Code* states, “Buildings shall be designed and constructed in accordance with the *International Energy Conservation Code*.” Furthermore, Minnesota Rules, Chapter 1305.0021 Subpart 9 states, “References to the *International Energy Conservation Code* in this code mean the *Minnesota Energy Code*...”
 - 3) Chapter 11 of the 2015 Minnesota Residential Code incorporates Minnesota Rules, Chapters, 1322 and 1323 *Minnesota Energy Code*.
 - 4) The Senior Building Code Representative for the Construction Codes and Licensing Division of the Minnesota Department of Labor and Industry confirmed that the Minnesota Energy Code is being enforced throughout the State of Minnesota.
 - 5) In a January 2002 report to the Minnesota Legislature, the Management Analysis Division of the Minnesota Department of Administration confirmed that the construction cost of new buildings complying with the Minnesota Energy Code is higher than buildings built prior to the enactment of the code.
 - 6) Proper TIF analysis requires a comparison between the replacement value of a new building built under current code standards with the repairs that would be necessary to bring the existing building up to current code standards. For an equal comparison to be made, all applicable code chapters should be applied to both scenarios. Since current construction estimating software automatically applies the construction cost of complying with the Minnesota Energy Code, energy code deficiencies should also be identified in the existing structures.

3. DISTRIBUTION OF SUBSTANDARD BUILDINGS

- a. Minnesota Statutes, Section 469.174, Subdivision 10, defines a Redevelopment District and requires one or more of the following conditions “reasonably distributed throughout the district.”:
 - “(1) Parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;
 - (2) the property consists of vacant, unused, underused, inappropriately used, or infrequently used rail yards, rail storage facilities, or excessive or vacated railroad rights-of-way;
 - (3) tank facilities, or property whose immediately previous use was for tank facilities...”

- b. Our interpretation of the distribution requirement is that the substandard buildings must be reasonably distributed throughout the district as compared to the location of all buildings in the district. For example, if all the buildings in a district are located on one half of the area of the district, with the other half occupied by parking lots (meeting the required 70 percent coverage for the district), we would evaluate the distribution of the substandard buildings compared with only the half of the district where the buildings are located. If all the buildings in a district are located evenly throughout the entire area of the district, the substandard buildings must be reasonably distributed throughout the entire area of the district. We believe this is consistent with the opinion expressed by the State of Minnesota Court of Appeals in the *Walser Auto Sales, Inc. vs. City of Richfield* case filed November 13, 2001.

Part 3: Procedures Followed

LHB inspected three buildings on August 7, 2024.

Part 4: Findings

1. Coverage Test

- a. The total square foot area of the parcel in the proposed TIF District was obtained from City records, GIS mapping and site verification.
- b. The total square foot area of buildings and site improvements on the parcels in the proposed TIF District was obtained from City records, GIS mapping and site verification.
- c. The percentage of coverage for each parcel in the proposed TIF District was computed to determine if the 15 percent minimum requirement was met. The total square footage of parcels meeting the 15 percent requirement was divided into the total square footage of the entire district to determine if the 70 percent requirement was met.

FINDING

The proposed TIF District met the coverage test under *Minnesota Statutes, Section 469.174, Subdivision 10(e)*, which resulted in parcels consisting of 100 percent of the area of the proposed TIF District being occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures (Diagram 2). This exceeds the 70 percent area coverage requirement for the proposed TIF District under *Minnesota Statutes, Section 469.174, Subdivision (a) (1)*.



Diagram 2 – Coverage Diagram

Shaded area depicts a parcel more than 15 percent occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures.

2. Condition of Building Test

a. BUILDING INSPECTION

- i. The first step in the evaluation process is the building inspection. After an initial walk-thru, the inspector makes a judgment whether a building “appears” to have enough defects or deficiencies of sufficient total significance to justify substantial renovation or clearance. If it does, the inspector documents with notes and photographs code and non-code deficiencies in the building.

b. REPLACEMENT COST

- i. The second step in evaluating a building to determine if it is substandard to a degree requiring substantial renovation or clearance is to determine its replacement cost. This is the cost of constructing a new structure of the same square footage and type on site. Replacement costs were researched using R.S. Means Cost Works square foot models for 2024.
- ii. A replacement cost was calculated by first establishing building use (office, retail, residential, etc.), building construction type (wood, concrete, masonry, etc.), and building size to obtain the appropriate median replacement cost, which factors in the costs of construction in Waconia, Minnesota.
- iii. Replacement cost includes labor, materials, and the contractor's overhead and profit. Replacement costs do not include architectural fees, legal fees or other “soft” costs not directly related to construction activities. Replacement cost for each building is tabulated in Appendix A.

c. CODE DEFICIENCIES

- i. The next step in evaluating a building is to determine what code deficiencies exist with respect to such building. Code deficiencies are those conditions for a building which are not in compliance with current building codes applicable to new buildings in the State of Minnesota.

- ii. Minnesota Statutes, Section 469.174, Subdivision 10(c), specifically provides that a building cannot be considered structurally substandard if its code deficiencies are not at least 15 percent of the replacement cost of the building. As a result, it was necessary to determine the extent of code deficiencies for each building in the proposed TIF District.
- iii. The evaluation was made by reviewing all available information with respect to such buildings contained in City Building Inspection records and making interior and exterior inspections of the buildings. LHB utilizes the current Minnesota State Building Code as the official code for our evaluations. The Minnesota State Building Code is a series of provisional codes written specifically for Minnesota only requirements, adoption of several international codes, and amendments to the adopted international codes.
- iv. After identifying the code deficiencies in each building, we used R.S. Means Cost Works 2024; Unit and Assembly Costs to determine the cost of correcting the identified deficiencies. We were then able to compare the correction costs with the replacement cost of each building to determine if the costs for correcting code deficiencies meet the required 15 percent threshold.

FINDING

Three (3) out of three (3) buildings (100 percent) in the proposed TIF District contained code deficiencies exceeding the 15 percent threshold required by Minnesota Statutes, Section 469.174, Subdivision 10(c). Building Code, Condition Deficiency and Context Analysis reports for the buildings in the proposed TIF District can be found in Appendix B of this report.

d. SYSTEM CONDITION DEFICIENCIES

- i. If a building meets the minimum code deficiency threshold under Minnesota Statutes, Section 469.174, Subdivision 10(c), then for such building to be “structurally substandard” under Minnesota Statutes, Section 469.174, Subdivision 10(b), the building’s defects, or deficiencies should be of sufficient total significance to justify “substantial renovation or clearance.” Based on this definition, LHB re-evaluated each of the buildings that met the code deficiency threshold under Minnesota Statutes, Section 469.174, Subdivision 10(c), to determine if the total deficiencies warranted “substantial renovation or clearance” based on the criteria we outlined above.
- ii. System condition deficiencies are a measurement of defects or substantial deterioration in site elements, structure, exterior envelope, mechanical and electrical components, fire protection and emergency systems, interior partitions, ceilings, floors, and doors.
- iii. The evaluation of system condition deficiencies was made by reviewing all available information contained in City records, and making interior and exterior inspections of the buildings. LHB only identified system condition deficiencies that were visible upon our inspection of the building or contained in City records. We did not consider the amount of “service life” used up for a particular component unless it was an obvious part of that component’s deficiencies.
- iv. After identifying the system condition deficiencies in each building, we used our professional judgment to determine if the list of defects or deficiencies is of sufficient total significance to justify “substantial renovation or clearance.”

FINDING

In our professional opinion, two (2) out of three (3) buildings (66.7 percent) in the proposed TIF District are structurally substandard to a degree requiring substantial renovation or clearance, because of defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance. This exceeds the 50 percent requirement of Subdivision 10a(1).

3. Distribution of Substandard Structures

- e. Much of this report has focused on the condition of individual buildings as they relate to requirements identified by Minnesota Statutes, Section 469.174, Subdivision 10. It is also important to look at the distribution of substandard buildings throughout the geographic area of the proposed TIF District (Diagram 3).

FINDING

The parcels with substandard buildings are reasonably distributed compared to all parcels that contain buildings.



Diagram 3 – Substandard Buildings

Shaded light yellow area depicts parcels with buildings.
Shaded orange area depicts substandard buildings.

Part 5: Team Credentials

Michael A. Fischer, AIA, LEED AP - Project Principal/TIF Analyst

Michael has 34 years of experience as project principal, project manager, project designer and project architect on planning, urban design, educational, commercial, and governmental projects. He has become an expert on Tax Increment Finance District analysis assisting over 120 cities with strategic planning for TIF Districts. He is an Architectural Principal and Vice President at LHB.

Michael completed a two-year Bush Fellowship, studying at MIT and Harvard in 1999, earning master's degrees in City Planning and Real Estate Development from MIT. He has served on more than 50 committees, boards, and community task forces, including a term as a City Council President, Chair of a Metropolitan Planning Organization, and Chair of the Edina Planning Commission. Most recently, he served as a member of the Edina city council and Secretary of the Edina HRA. Michael has also managed and designed several award-winning architectural projects and was one of four architects in the Country to receive the AIA Young Architects Citation in 1997.

Phil Fisher – Inspector

For 35 years, Phil Fisher worked in the field of Building Operations in Minnesota including White Bear Lake Area Schools. At the University of Minnesota he earned his Bachelor of Science in Industrial Technology. He is a Certified Playground Safety Inspector, Certified Plant Engineer, and is trained in Minnesota Enterprise Real Properties (MERP) Facility Condition Assessment (FCA). His FCA training was recently applied to the Minnesota Department of Natural Resources Facilities Condition Assessment project involving over 2,000 buildings.

Appendices

- APPENDIX A** Property Condition Assessment Summary Sheet
- APPENDIX B** Building Code, Condition Deficiency and Context Analysis Reports
- APPENDIX C** Building Replacement Cost Reports
 - Code Deficiency Cost Reports
 - Photographs

APPENDIX A

Property Condition Assessment Summary Sheet

Olive and Second Redevelopment TIF District

Property Condition Assessment Summary Sheet

Waconia, Minnesota

TIF Map No.	PID #	Property Address	Improved or Vacant	Survey Method Used	Site Area (S.F.)	Coverage Area of Improvements (S.F.)	Coverage Percent of Improvements	Coverage Quantity (S.F.)	No. of Buildings	Building Replacement Cost	15% of Replacement Cost	Building Code Deficiencies	No. of Buildings Exceeding 15% Criteria	No. of buildings determined substandard
A	750501450	136 South Elm Street	Improved	Interior/Exterior	8,276	3,287	39.7%	8,276	1	\$403,205	\$60,481	\$75,301	1	1
B	750501460	8 West 2nd Street	Improved	Interior/Exterior	6,534	3,332	51.0%	6,534	1	\$264,216	\$39,632	\$41,045	1	0
C	750501470	N/A	Vacant	Exterior	1,742	350	20.1%	1,742	0					
D	750501480	16 West 2nd Street	Improved	Interior/Exterior	8,276	5,380	65.0%	8,276	1	\$200,605	\$30,091	\$30,825	1	1
E	750501505	24 West 2nd Street	Improved	Exterior	13,503	2,971	22.0%	13,503	0	Note 1				
F	N/A	N/A	Vacant	Exterior	4,340	4,123	95.0%	4,340	0					
TOTALS					42,671	Total Coverage Percent:		42,671	3				3	2
Note 1: This parcel includes a garage which is considered an outbuilding								100.0%						
Percent of buildings exceeding 15 percent code deficiency threshold:													100.0%	66.7%
Percent of buildings determined substandard:														
M:\24Proj\240538\300 Design\Reports\Final Report\Olive and Second Redevelopment TIF Summary Spreadsheet.xlsxProperty Info														

APPENDIX B

Building Code, Condition Deficiency and Context Analysis Reports

Olive and Second Redevelopment TIF District

Building Code, Condition Deficiency and Context Analysis Report

Parcel A

Commercial Building

Address:	136 South Elm Street, Waconia, Minnesota 55387
Parcel ID:	750501450
Inspection Date(s) & Time(s):	August 7, 2024, 10:35 am
Inspection Type:	Interior and Exterior
Summary of Deficiencies:	It is our professional opinion that this building is Substandard because: - Substantial renovation is required to correct Conditions found. - Building Code deficiencies total more than 15% of replacement cost, NOT including energy code deficiencies.

Estimated Replacement Cost:	\$403,205
Estimated Cost to Correct Building Code Deficiencies:	\$75,301
Percentage of Replacement Cost for Building Code Deficiencies:	18.7%

DEFECTS IN STRUCTURAL ELEMENTS

1. Floor joists are not mechanically fastened per code.
2. Floor joists are rotting and should be replaced.
3. The porch rafters are not properly attached, per code.

COMBINATION OF DEFICIENCIES

1. Essential Utilities and Facilities
 - a. The restrooms do not comply with code.
2. Light and Ventilation
 - a. The lighting system does not comply with code.
 - b. The electrical system does not comply with code.
 - c. The HVAC system does not comply with code.
 - d. The kitchen stove does not have a code required exhaust system.
3. Fire Protection/Adequate Egress
 - a. The Basement stairs do not comply with code.
 - b. The second floor stairs do not comply with code.
 - c. There are no code compliant smoke detectors.
 - d. There are no code required carbon monoxide detectors.
 - e. Code-compliant Ground Fault Circuit Interrupters should be installed.
 - f. Code required Arc Fault Circuit Interrupters should be installed.

- g. There is no code required emergency lighting system.
 - h. There is no code required emergency notification system.
 - i. There is no code required emergency exit signage system.
 - j. There is a barrel bolt located on an egress door that does not comply with code.
4. Layout and Condition of Interior Partitions/Materials
- a. Walls should be repaired and repainted.
 - b. Ceilings should be repaired and repainted.
 - c. The plumbing system does not comply with code.
 - d. The flooring materials are stained and should be cleaned.
 - e. Mold is present in the basement.
5. Exterior Construction
- a. Stucco is cracked and failing, allowing for water intrusion which is contrary to code.
 - b. Windows are failing, allowing for water intrusion which is contrary to code.

DESCRIPTION OF CODE DEFICIENCIES

- 1. Floor joists should be mechanically fastened per code.
- 2. The porch rafters should be mechanically fastened per code.
- 3. A code-compliant lighting system should be installed.
- 4. A code-compliant electrical wiring system should be installed.
- 5. The HVAC system should be improved to comply with code.
- 6. The kitchen stove should have a code required exhaust system installed.
- 7. The stairs should be modified to comply with code.
- 8. Code-compliant smoke detectors should be installed.
- 9. Code required carbon monoxide detectors should be installed.
- 10. Install code-compliant GFCI's.
- 11. Install code required AFCI's.
- 12. Install a code-compliant emergency lighting system.
- 13. Install a code-compliant emergency exit sign system.
- 14. Install a code required emergency notification system.
- 15. Remove the barrel bolt on an egress door to comply with code.
- 16. Install a code compliant plumbing system.
- 17. Repair or replace failed stucco system to prevent water intrusion per code.
- 18. Replace failed windows to prevent water intrusion per code.

OVERVIEW OF DEFICIENCIES

This two-story structure is currently used as an apartment on the first floor and a private club on the second floor. Floor joists should be mechanically fastened per code. The porch rafters should be mechanically fastened per code. The interior lighting system does not comply with code. The electrical wiring system does not comply with code. The HVAC system does not comply with code. The plumbing system does not comply with code. The kitchen stove should have a code required exhaust system installed. Interior walls and ceilings should be repaired and repainted. The carpet is stained and should be cleaned. The two internal stairs do not comply with code and should be modified. Code-compliant smoke detectors should be installed. Code required carbon monoxide detectors should be installed. Code-compliant GFCI's should be installed. Code required AFCI's should be installed. A code-compliant emergency lighting system should be installed. Code-compliant emergency exit signs should be installed. The barrel bolt lock should be removed to comply with code. Repair or replace the failed stucco system to prevent water intrusion per code. Replace failed windows to prevent water intrusion per code.

ENERGY CODE DEFICIENCIES

In addition to the building code deficiencies listed above, the existing building does not comply with the current energy code. These deficiencies are not included in the estimated costs to correct code deficiencies and are not considered in determining whether the building is substandard.

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Olive and Second Redevelopment TIF District

Building Code, Condition Deficiency and Context Analysis Report

Parcel D

Residential Dwelling

Address:	16 West 2 nd Street, Waconia, Minnesota, 55387
Parcel ID:	750501480
Inspection Date(s) & Time(s):	August 7, 2024, 10:00 am
Inspection Type:	Interior and Exterior
Summary of Deficiencies:	It is our professional opinion that this building is Substandard because: - Substantial renovation is required to correct Conditions found. - Building Code deficiencies total more than 15% of replacement cost, NOT including energy code deficiencies.
Estimated Replacement Cost:	\$200,605
Estimated Cost to Correct Building Code Deficiencies:	\$30,825
Percentage of Replacement Cost for Building Code Deficiencies:	15.4%

DEFECTS IN STRUCTURAL ELEMENTS

1. The foundation walls are failing and should be repaired to prevent water intrusion, which is contrary to code.

COMBINATION OF DEFICIENCIES

1. Essential Utilities and Facilities
 - a. The basement shower room does not comply with code.
2. Light and Ventilation
 - a. The lighting system does not comply with code.
 - b. The electrical wiring system does not comply with code.
 - c. The HVAC system does not comply with code.
 - d. There is no code required kitchen exhaust system.
3. Fire Protection/Adequate Egress
 - a. The smoke detector system does not comply with code.
 - b. There are no code required carbon monoxide detectors.
 - c. There are no code compliant Ground Fault Circuit Interrupters
 - d. There are no code required Arc Fault Circuit Interrupters.
 - e. The stairway does not comply with code.
4. Layout and Condition of Interior Partitions/Materials
 - a. Interior walls should be repaired and repainted.

- b. Interior ceilings should be repaired and repainted.
 - c. Mold is present in the basement.
 - d. The finished flooring materials are missing and should be replaced.
5. Exterior Construction
- a. Windows that have not been replaced are failing and should be replaced to prevent water intrusion per code.
 - b. The exterior wood garage door should be repainted.

DESCRIPTION OF CODE DEFICIENCIES

1. Repair foundation walls to prevent water intrusion per code.
2. Modify basement shower room to comply with code.
3. Install a code compliant lighting system.
4. Install a code compliant electrical wiring system.
5. Install a code compliant HVAC system.
6. Install code compliant smoke detectors.
7. Install code compliant carbon monoxide detectors.
8. Install code compliant GFCI's.
9. Install code required AFCI's
10. Modify stairs to comply with code.
11. Replace failed windows to prevent water intrusion per code.

OVERVIEW OF DEFICIENCIES

This residential house is currently occupied. The sidewalk is cracked and should be repaired or replaced. Original windows are failing and should be replaced to prevent water intrusion per code. The garage door should be repainted. Foundation walls are failing, allowing for water intrusion which is contrary to code. The foundation walls had been previously repaired but are still showing signs of failure. The basement restroom does not comply with code. Finished flooring is missing and should be replaced. The electrical wiring and lighting systems do not comply with code. The HVAC system does not comply with code. Code-compliant smoke detectors should be installed. Code required carbon monoxide detectors should be installed. Code-compliant GFCI's should be installed. Code required AFCI's, should be installed. The stairs should be modified to comply with code. Failed windows should be replaced to prevent water intrusion per code. Interior walls should be repaired and repainted.

ENERGY CODE DEFICIENCIES

In addition to the building code deficiencies listed above, the existing building does not comply with the current energy code. These deficiencies are not included in the estimated costs to correct code deficiencies and are not considered in determining whether the building is substandard.

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APPENDIX C

Building Replacement Cost Reports

Code Deficiency Cost Reports

Photographs

Olive and Second Redevelopment TIF District

Replacement Cost Report

RSMeans data
from **BORDIAN**

Square Foot Cost Estimate Report

Date:

8/14/2024

Estimate Name:	136 S Elm St	
Building Type:	Commercial 2 Story with Stucco on Wood Frame	
Location:	WACONIA, MN	
Story Count:	2	
Story Height (L.F.):	8.00	
Floor Area (S.F.):	2399	
Labor Type:	RES	
Basement:	Unfinished	
Data Release:	Year 2024 Quarter 3	
Cost Per Square Foot:	\$135.73	
Building Cost:	\$325,626.81	



Costs are derived from a building model with basic components.
Scope differences and market conditions can cause costs to vary significantly.

		Quantity	% of Total	Cost Per S.F.	Cost
01	Site Work		1.39%	\$1.64	\$3,944.57
0104034	Footing excavation, building, 26' x 46', 4' deep	1		\$1.64	\$3,944.57
02	Foundation		12.60%	\$14.87	\$35,675.06
0204030	Footing systems, 10" thick by 20" wide footing	146.28		\$1.59	\$3,816.94
0208034	Block wall systems, 8" wall, grouted, full height	585.12		\$5.60	\$13,428.62
0208034	Block wall systems, 8" wall, grouted, full height	511.98		\$4.90	\$11,750.04
0220034	Floor slab systems, 4" thick slab	1199.5		\$2.78	\$6,679.46
03	Framing		19.79%	\$23.36	\$56,043.45
0302028	Floor framing systems, 2" x 8", 16" OC	1199.5		\$5.44	\$13,041.76
0302106	Floor framing, wood joists, #2 or better, pine, 2" x 8", 16" OC	1199.5		\$1.29	\$3,090.18
0302112	Floor framing, bridging, wood 1" x 3", joists 16" OC	1199.5		\$0.23	\$560.79
0302119	Box sills, #2 or better pine, 2" x 8"	1199.5		\$0.19	\$461.04
0308026	Exterior wall framing systems, 2" x 4", 16" OC	97.57		\$0.29	\$690.38
0308026	Exterior wall framing systems, 2" x 4", 16" OC	2059.63		\$6.07	\$14,573.53
0316042	Truss roof framing systems, 24" OC, 4/12 pitch, 1' overhang, 26' span	1199.5		\$4.90	\$11,760.40
0316138	Furring, 1" x 3", 16" OC	1199.5		\$1.16	\$2,771.49
0348026	Partition framing systems, 2" x 4", 16" OC	2741.71		\$3.79	\$9,093.88
04	Exterior Walls		20.57%	\$24.28	\$58,245.43
0402148	Stucco, 2 coats	97.57		\$0.26	\$611.79
0402148	Stucco, 2 coats	2059.63		\$5.38	\$12,914.49
0402155	Painting, lath, metal lath expanded 2.5 lb/SY, painted	97.57		\$0.07	\$171.85
0402155	Painting, lath, metal lath expanded 2.5 lb/SY, painted	2059.63		\$1.51	\$3,627.75
0420043	Non-rigid insul, batts, fbgl, kraft faced, 3-1/2" thick, R13, 15" W	2059.63		\$1.41	\$3,371.08
0420051	Non-rigid insul, batts, fbgl, kraft faced, 12" thick, R38, 23" wide	1199.5		\$1.19	\$2,854.98
0440026	Sliding window systems, builder's quality wood window, 3' x 2'	23.4		\$12.08	\$28,970.66
0452046	Door systems, solid core birch, flush, 3' x 6'-8"	3		\$1.76	\$4,211.31
0460025	Storm door, al, combination, storm & screen, anodized, 3'-0" x 6'-8"	3		\$0.63	\$1,511.52
05	Roofing		2.71%	\$3.20	\$7,679.70
0504034	Gable end roofing, asphalt, roof shingles, class A	1199.5		\$3.20	\$7,679.70
06	Interiors		29.83%	\$35.21	\$84,470.89
0604026	Wall system, 1/2" drywall, taped & finished	5483.43		\$9.50	\$22,779.37
0604026	Wall system, 1/2" drywall, taped & finished	2059.63		\$3.57	\$8,556.15
0608026	1/2" gypsum wallboard, taped & finished ceilings	2399		\$3.67	\$8,811.00
0620026	Lauan, flush door, hollow core, interior	19.99		\$8.37	\$20,089.67
0660017	Carpet, Olefin, 15 oz	1919.2		\$2.62	\$6,286.26
0660027	Padding, sponge rubber cushion, minimum	1919.2		\$0.85	\$2,044.87
0660038	Underlayment plywood, 1/2" thick	2399		\$2.87	\$6,884.07
0664029	Resilient flooring, vinyl sheet goods, backed, .070" thick, minimum	479.8		\$0.82	\$1,955.83
0664048	Resilient flooring, sleepers, treated, 16" OC, 1" x 3"	1199.5		\$0.49	\$1,167.79
0690026	Stairways 7 risers, oak treads, box stairs	1		\$0.78	\$1,859.55
0690036	Stairways 14 risers, oak treads, box stairs	1		\$1.68	\$4,036.33

07	Specialties		2.28%	\$2.69	\$73,909.10
0708026	Kitchen, economy grade	10		\$1.33	\$3,199.96
3102050	Hydraulic Passenger Elevator 1,500# 100 FPM 2 stop	1		\$28.11	\$67,459.80
0712035	Sinks, stainless steel, single bowl 16" x 20"	1		\$0.84	\$2,025.03
0712039	Water heater, electric, 30 gallon	1		\$0.51	\$1,224.31
08	Mechanical		7.77%	\$9.17	\$22,008.26
0812046	Three fixture bathroom with wall hung lavatory	1		\$2.41	\$5,790.12
0860101	Furnace, gas heating only, 100 MBH, area to 1200 SF	1		\$0.61	\$1,458.96
0860109	Intermittent pilot, 100 MBH furnace	1		\$0.20	\$476.28
0860111	Supply duct, rectangular, area to 1200 SF, rigid fiberglass	2		\$1.02	\$2,447.39
0860121	Return duct, sheet metal galvanized, to 1500 SF	2		\$1.96	\$4,706.54
0860123	Lateral ducts, flexible round 6" insulated, to 1200 SF	2		\$1.21	\$2,891.46
0860135	Register elbows, to 1500 SF	2		\$0.90	\$2,154.54
0860137	Floor registers, enameled steel w/damper, to 1500 SF	2		\$0.60	\$1,431.95
0860139	Return air grille, area to 1500 SF 12" x 12"	2		\$0.12	\$289.85
0860143	Thermostat, manual, 1 set back	1		\$0.06	\$150.05
0860147	Plenum, heating only, 100 MBH	1		\$0.09	\$211.12
09	Electrical		3.05%	\$3.60	\$8,637.09
0910036	100 amp electric service	1		\$0.68	\$1,632.20
0930018	Duplex receptacles using non-metallic sheathed cable	6		\$0.22	\$525.53
0935112	Wiring device systems, economy to 1200 S.F.	2		\$2.13	\$5,098.18
0945112	Light fixture systems, economy to 1200 S.F.	2		\$0.58	\$1,381.18
SubTotal			100%	\$146.15	\$350,613.55
Contractor Fees (General Conditions,Overhead,Profit)			15.0%	\$21.92	\$52,592.03
Architectural Fees			0.0%	\$0.00	\$0.00
User Fees			0.0%	\$0.00	\$0.00
Total Building Cost				\$168.07	\$403,205.58

Olive and Second Redevelopment TIF District

Code Deficiency Cost Report

Parcel A - 136 Elm Street South, Waconia, Minnesota, 55387
Parcel ID 150501450

Building Name or Type
Residential Dwelling

Code	Related Cost Items	Unit Cost	Units	Unit Quantity	Total
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Accessibility Items

No Deficiencies Observed \$ -

Structural Elements

Floor Joists
Properly connect floor joists per code \$ 1.00 SF 2,399 \$ 2,399.00

Porch Rafters
Properly connect roof rafters per code \$ 1.00 SF 100 \$ 100.00

Exiting

Stairs
Install code compliant stairs to second floor \$ 1.68 SF 2,399 \$ 4,030.32
Install code compliant stairs to basement \$ 0.78 SF 2,399 \$ 1,871.22

Emergency Lighting System
Instal a code compliant emergency lighting system \$2,500.00 Lump 1 \$ 2,500.00

Emergency Notification System
Install a code required emergency notification system \$1,500.00 Lump 1 \$ 1,500.00

Barrel Bolt
Remove the barrel bolt lock from the exit door to comply with code \$ 25.00 Lump 1 \$ 25.00

Fire Protection

Smoke Detectors
Install code compliant smoke detectors \$ 125.00 EA 6 \$ 750.00

Carbon Monoxide Detectors
Install code required carbon monoxide detectors \$ 125.00 EA 5 \$ 625.00

Ground Fault Circuit Interrupters
Install code compliant GFCI's \$ 125.00 EA 6 \$ 750.00

Arc Fault Circuit Interrupters
Install code required AFCI's \$ 125.00 EA 15 \$ 1,875.00

Exterior Construction

Stucco
Repair or replace failed stucco to prevent water intrusion per code \$ 1.55 SF 2,399 \$ 3,718.45

Windows
Replace failed windows to prevent water intrusion per code \$ 12.08 SF 2,399 \$ 28,979.92

Code	Related Cost Items	Unit Cost	Units	Unit Quantity	Total
Roof Construction					
	No Deficiencies Observed				\$ -
Mechanical - Electrical					
	Mechanical				
	Install code compliant HVAC system	\$ 6.16	SF	2,399	\$ 14,777.84
	Install a code compliant plumbing system	\$ 1.75	SF	2,399	\$ 4,198.25
	Kitchen Exhaust System	\$ 350.00	EA	2	\$ 700.00
	Electrical				
	Install code compliant lighting system	\$ 0.58	SF	2,399	\$ 1,391.42
	Install code compliant electrical wiring system	\$ 2.13	SF	2,399	\$ 5,109.87
Total Code Improvements					\$ 75,301

Olive and Second Redevelopment TIF District | Parcel A



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Olive and Second Redevelopment TIF District | Parcel A



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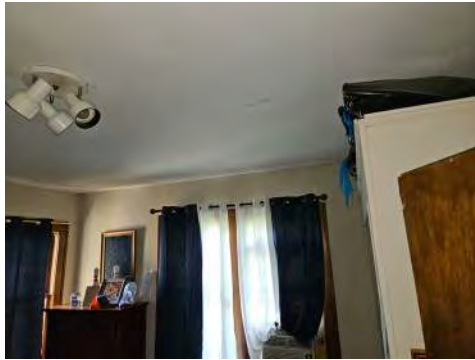
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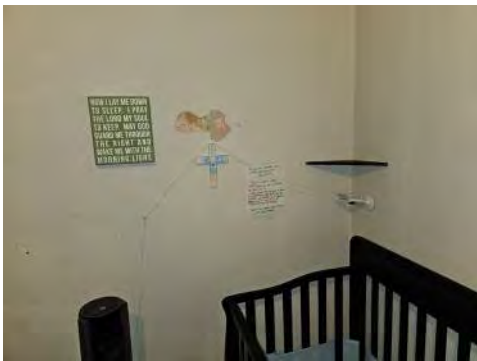
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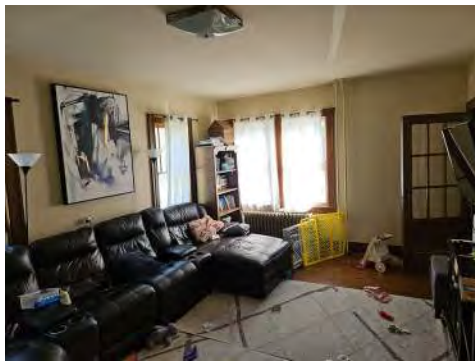
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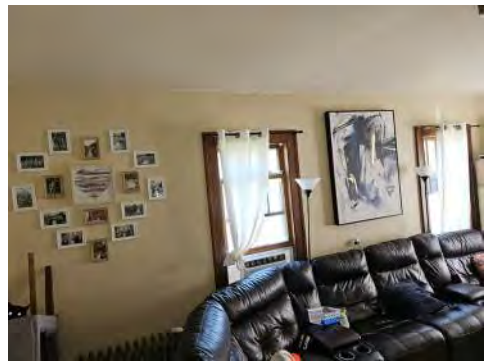
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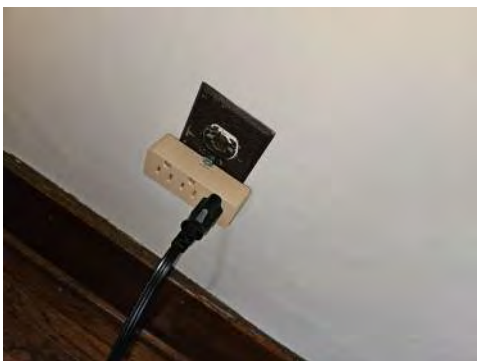
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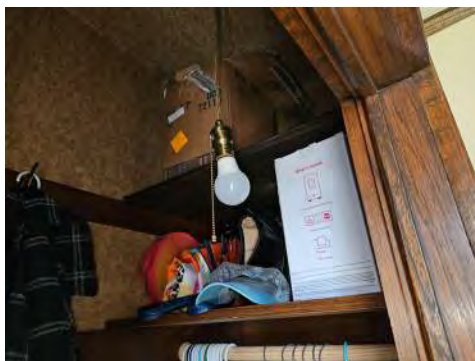
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Olive and Second Redevelopment TIF District | Parcel A



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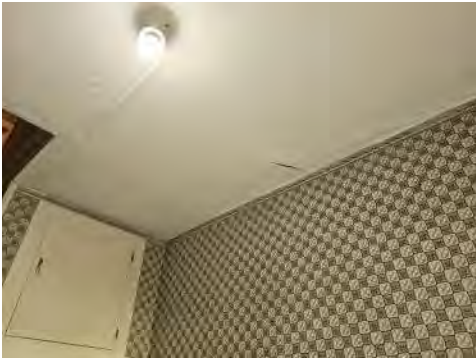
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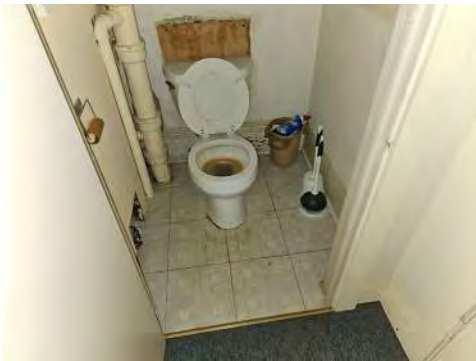
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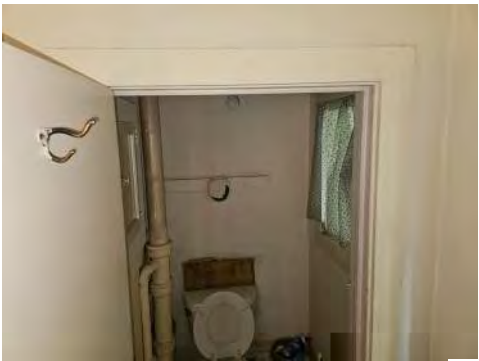
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Olive and Second Redevelopment TIF District | Parcel A



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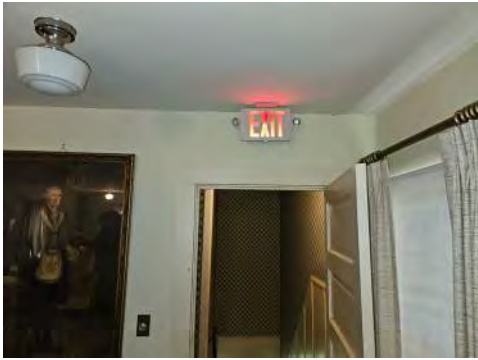
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Olive and Second Redevelopment TFI District

Replacement Cost Report

RSMean data from GORDIAN	Square Foot Cost Estimate Report	Date:	8/14/2024
Estimate Name:	16 W 2nd St		
Building Type:	Economy 1 Story with Wood Siding - Wood Frame		
Location:	WACONIA, MN	 Costs are derived from a building model with basic components. Scope differences and market conditions can cause costs to vary significantly.	
Story Count:	1		
Story Height (L.F.):	8.00		
Floor Area (S.F.):	1078		
Labor Type:	RES		
Basement:	Unfinished		
Data Release:	Year 2024 Quarter 3		
Cost Per Square Foot:	\$186.09		
Building Cost:	\$200,605.80		

		Quantity	% of Total	Cost Per S.F.	Cost
01	Site Work		2.26%	\$3.66	\$3,944.57
0104034	Footing excavation, building, 26' x 46', 4' deep	1		\$3.66	\$3,944.57
02	Foundation		19.15%	\$30.98	\$33,397.81
0204030	Footing systems, 10" thick by 20" wide footing	138.21		\$3.35	\$3,606.23
0208034	Block wall systems, 8" wall, grouted, full height	552.82		\$11.77	\$12,687.30
0208034	Block wall systems, 8" wall, grouted, full height	483.72		\$10.30	\$11,101.39
0220034	Floor slab systems, 4" thick slab	1078		\$5.57	\$6,002.89
03	Framing		14.84%	\$24.01	\$25,887.81
0302106	Floor framing, wood joists, #2 or better, pine, 2" x 8", 16" OC	1078		\$2.58	\$2,777.17
0302112	Floor framing, bridging, wood 1" x 3", joists 16" OC	1078		\$0.47	\$503.99
0302119	Box sills, #2 or better pine, 2" x 8"	1078		\$0.38	\$414.34
0308026	Exterior wall framing systems, 2" x 4", 16" OC	92.18		\$0.61	\$652.27
0308026	Exterior wall framing systems, 2" x 4", 16" OC	972.96		\$6.39	\$6,884.50
0316042	Truss roof framing systems, 24" OC, 4/12 pitch, 1' overhang, 26' span	1078		\$9.80	\$10,569.17
0348026	Partition framing systems, 2" x 4", 16" OC	1232		\$3.79	\$4,086.37
04	Exterior Walls		21.83%	\$35.32	\$38,078.11
0408034	Wood siding systems, 1/2" x 8" beveled cedar siding, "A" grade	972.96		\$13.46	\$14,511.33
0420043	Non-rigid insul, batts, fbgl, kraft faced, 3-1/2" thick, R13, 15" W	972.96		\$1.48	\$1,592.49
0420051	Non-rigid insul, batts, fbgl, kraft faced, 12" thick, R38, 23" wide	1078		\$2.38	\$2,565.79
0440026	Sliding window systems, builder's quality wood window, 3' x 2'	11.06		\$12.70	\$13,685.67
0452046	Door systems, solid core birch, flush, 3' x 6'-8"	3		\$3.91	\$4,211.31
0460025	Storm door, al, combination, storm & screen, anodized, 3'-0" x 6'-8"	3		\$1.40	\$1,511.52
05	Roofing		3.96%	\$6.40	\$6,901.81
0504034	Gable end roofing, asphalt, roof shingles, class A	1078		\$6.40	\$6,901.81
06	Interiors		23.17%	\$37.50	\$40,422.10
0604026	Wall system, 1/2" drywall, taped & finished	2464		\$9.50	\$10,236.00
0604026	Wall system, 1/2" drywall, taped & finished	972.96		\$3.75	\$4,041.91
0608026	1/2" gypsum wallboard, taped & finished ceilings	1078		\$3.67	\$3,959.26
0620026	Lauan, flush door, hollow core, interior	9.8		\$9.14	\$9,848.04
0660017	Carpet, Olefin, 15 oz	862.4		\$2.62	\$2,824.76
0660027	Padding, sponge rubber cushion, minimum	862.4		\$0.85	\$918.87
0660038	Underlayment plywood, 1/2" thick	1078		\$2.87	\$3,093.39
0664029	Resilient flooring, vinyl sheet goods, backed, .070" thick, minimum	215.6		\$0.82	\$878.86
0664048	Resilient flooring, sleepers, treated, 16" OC, 1" x 3"	1078		\$0.97	\$1,049.50
0690046	Stairways 14 risers, pine treads, box stairs	1		\$3.31	\$3,571.51
07	Specialties		3.70%	\$5.98	\$6,449.30
0708026	Kitchen, economy grade	10		\$2.97	\$3,199.96
0712035	Sinks, stainless steel, single bowl 16" x 20"	1		\$1.88	\$2,025.03
0712039	Water heater, electric, 30 gallon	1		\$1.14	\$1,224.31

08	Mechanical		8.22%	\$13.30	\$14,342.30
0812046	Three fixture bathroom with wall hung lavatory	1		\$5.37	\$5,790.12
0860101	Furnace, gas heating only, 100 MBH, area to 1200 SF	1		\$1.35	\$1,458.96
0860109	Intermittent pilot, 100 MBH furnace	1		\$0.44	\$476.28
0860111	Supply duct, rectangular, area to 1200 SF, rigid fiberglass	0.9		\$1.02	\$1,099.74
0860121	Return duct, sheet metal galvanized, to 1500 SF	0.9		\$1.96	\$2,114.90
0860123	Lateral ducts, flexible round 6" insulated, to 1200 SF	0.9		\$1.21	\$1,299.29
0860135	Register elbows, to 1500 SF	0.9		\$0.90	\$968.15
0860137	Floor registers, enameled steel w/damper, to 1500 SF	0.9		\$0.60	\$643.45
0860139	Return air grille, area to 1500 SF 12" x 12"	0.9		\$0.12	\$130.24
0860143	Thermostat, manual, 1 set back	1		\$0.14	\$150.05
0860147	Plenum, heating only, 100 MBH	1		\$0.20	\$211.12
09	Electrical		2.88%	\$4.65	\$5,016.02
0910036	100 amp electric service	1		\$1.51	\$1,632.20
0930018	Duplex receptacles using non-metallic sheathed cable	5.39		\$0.44	\$472.29
0935112	Wiring device systems, economy to 1200 S.F.	0.9		\$2.13	\$2,290.89
0945112	Light fixture systems, economy to 1200 S.F.	0.9		\$0.58	\$620.64
SubTotal			100%	\$161.82	\$174,439.83
Contractor Fees (General Conditions,Overhead,Profit)			15.0%	\$24.27	\$26,165.97
Architectural Fees			0.0%	\$0.00	\$0.00
User Fees			0.0%	\$0.00	\$0.00
Total Building Cost				\$186.09	\$200,605.80

Olive and Second Redevelopment TIF District

Code Deficiency Cost Report

Parcel D - 16 2nd Street West, Waconia, Minnesota 55387

Parcel ID 750501480

Building Name or Type

Residential Dwelling

Code	Related Cost Items	Unit Cost	Units	Unit Quantity	Total
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Accessibility Items

Restrooms

Modify basement restroom to comply with code	\$	2.50	SF	1,078	\$	2,695.00
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Structural Elements

Foundation Walls

Repair foundation walls to prevent water intrusion per code	\$	6.78	SF	483	\$	3,274.74
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Exiting

Stairs

Modify basement stairs to comply with code	\$	3.31	SF	1,078	\$	3,568.18
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Fire Protection

Smoke Detectors

Install code compliant smoke detectors	\$	125.00	EA	4	\$	500.00
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Carbon Monoxide Detectors

Install code required carbon monoxide detectors	\$	125.00	EA	6	\$	750.00
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Ground Fault Circuit Interrupters

Install code compliant GFCI's	\$	125.00	EA	4	\$	500.00
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Arc Fault Circuit Interrupters

Install code required AFCI's	\$	125.00	EA	10	\$	1,250.00
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Exterior Construction

Windows

Replace failing windows to prevent water intrusion per code	\$1,000.00	EA	6	\$	6,000.00
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Roof Construction

No Deficiencies Observed

\$ -

Mechanical - Electrical

Mechanical

Install a code compliant HVAC system	\$	6.59	SF	1,078	\$	7,104.02
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Install a code compliant plumbing system	\$	1.75	SF	1,078	\$	1,886.50
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Install a code required kitchen exhaust system	\$	375.00	EA	1	\$	375.00
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Code	Related Cost Items	Unit Cost	Units	Unit Quantity	Total
	Electrical				
	Install a code compliant lighting system	\$ 0.58	SF	1,078	\$ 625.24
	Install a code compliant electrical wiring system	\$ 2.13	SF	1,078	\$ 2,296.14
Total Code Improvements					\$ 30,825

Olive and Second Redevelopment TIF District | Parcel D



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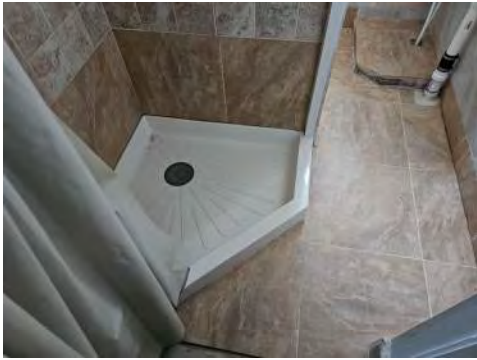
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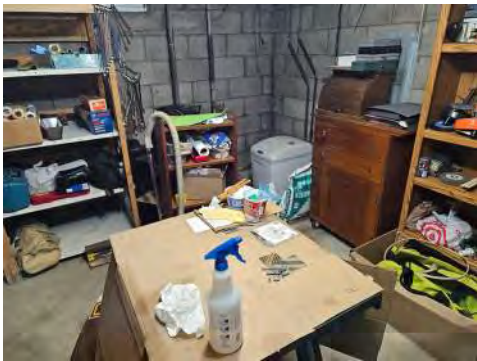
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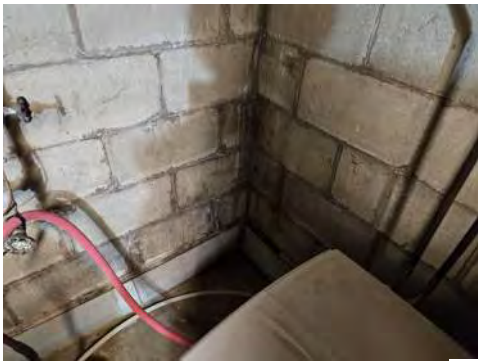
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Olive and Second Redevelopment TIF District | Parcel D



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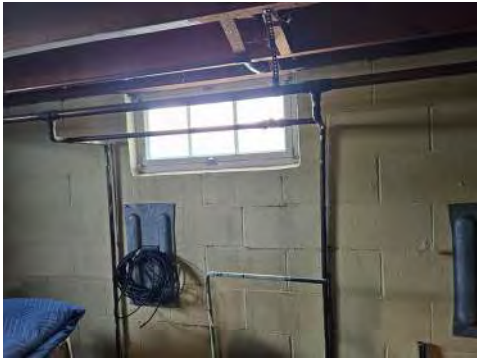
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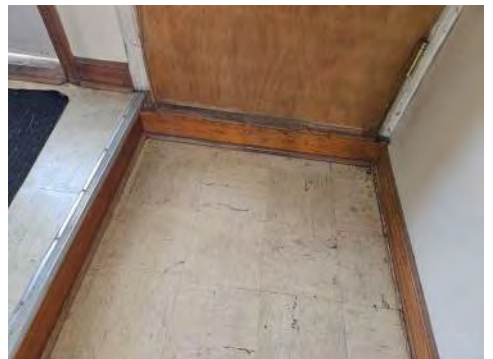
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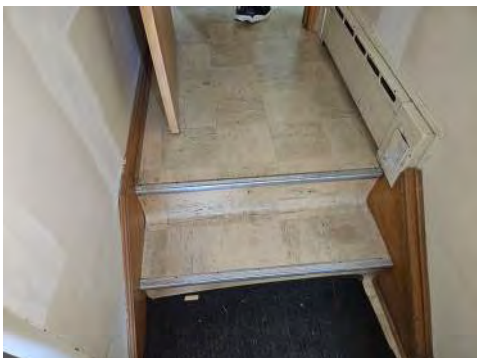
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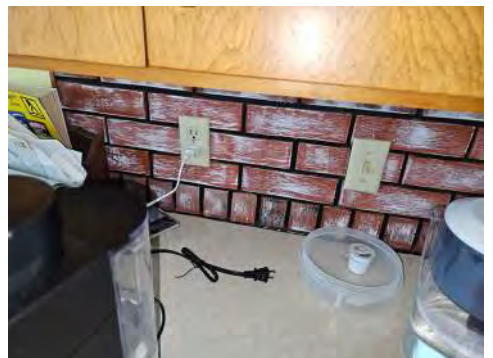
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Olive and Second Redevelopment TIF District | Parcel D



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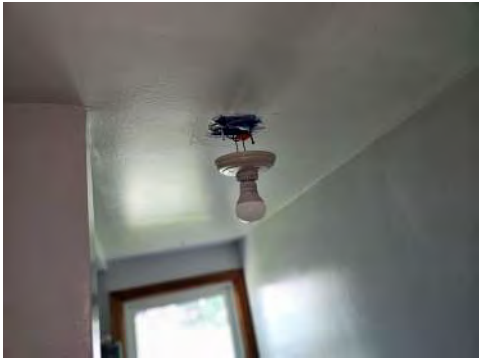
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Olive and Second Redevelopment TIF District | Parcel D



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Prepared by:



701 Washington Avenue North, Suite 200, Minneapolis, MN 55401

LHBcorp.com

LHB Project No. 240538.00

Appendix E: Building Permits

PERMIT

City of Waconia

201 Vine Street South
Waconia, MN 55387
www.waconia.org



Permit Type:
Permit Number:
Issued Date:

Building
WA305027
7/3/2024

Call Metro West for all inspections. 7:30 am to 4:30 pm - (763) 479-1720

Site Address: 136 Elm Street South

Lot: 001 Block: 016 Addition: City Lots Of Waconia
PID: 750501450
Business Use:

952-442-5689 Description:

Sub Type: Residential Construction Type:
Work Type: Alteration
Description: Excavate and revoce one 1,000 gallon
Census Code: - Occupancy:
Zoning:
Square Feet: 0

Comments:

Fee Summary:

Valuation: 3,000.00

<u>Description</u>	<u>Amount</u>
Building Permit Fee	\$95.74
Surcharge - Based on Valuation	\$1.50
Total:	\$97.24

Contractor:

- Applicant -

Dean'S Tank Inc
Po Box 22515
Robbinsdale MN 55422-0000
Phone: (763) 535-0194

Owner:

Waconia Lodge #326 Inc
PO Box 161
Waconia MN 55387-016

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the ordinances of the City of Waconia and the laws of the State of Minnesota regulating building construction.

City of Waconia - (952) 442-5689

Applicant/Permitee: Signature

Issued By: Signature

INSPECTION RECORD CARD

CITY OF WILMINGTON

Building Permit No. _____ Date 7-3 20 24

Location 136 ELM ST S Permit Expires **180 days**

Owner STEVE YETTER / OLIVE & SON INC

Contractor and/or Builder DEW'S TANK, INC

TO SCHEDULE INSPECTIONS - CALL 763-479-1720

Permission is hereby granted to install or construct the improvements applied for. This permit is granted upon the condition that the person to whom it is granted, and his agents, employees, and workmen, shall conform in all respects to the Ordinances of the City of _____ and to the Statutes of the State of Minnesota in such cases made and provided; this permit may be revoked at any time upon violation of any of the provisions of said Ordinances, Statutes, or for any misrepresentation in the application.

Building Inspector _____

Building Inspections

	Date	Inspector
Site Inspection		
Footings (Before Pouring Concrete)		
Poured Walls (Before Pouring Concrete)		
Framing		
Insulation		
<u>TANK</u>		
<u>OPEN EXCAVATION</u>		
<u>Final</u> <u>3/4 Backfill</u>		
Fireplace		
Decks		
Other:		

Plumbing, Mechanical, & Septic Inspections

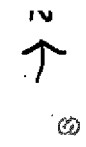
	Date	Inspector
Plumbing R.I.		
Plumbing Final		
Mechanical R.I.		
(Manometer Test)		
Mechanical Final		
Septic		
Sewer		
Water		
Other:		

NOTE: A Certificate of Occupancy will be issued when compliance with all pertinent codes and ordinances has been achieved.

THIS CARD MUST BE POSTED IN A CONSPICUOUS LOCATION.
\$30 FEE CHARGED TO REISSUE A LOST CARD.

Metro West Inspection Services, Inc.

INSPECTOR'S COPY

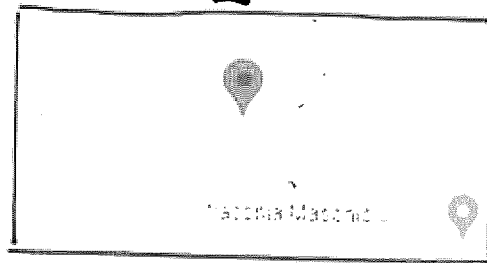


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CITY OF <u>WACO, TX</u>
Date <u>7.3.24</u>
REVIEWED <u>DW</u>
For Code Compliance

Minnesota Underground Storage Tank Contractor Certificate

Company Name: Dean's Tank, Inc. Expires: March 31, 2025

Address: PO Box 22515, Robbinsdale, Minnesota 55422

*The company issued this certificate has met the requirements of Minnesota Rules
Chapter 7105, and is certified to perform underground storage
State of Minnesota in the discipline(s) of*

Install/Repair/Closure

Certification No. 475

Minnesota Underground Storage Tank
Supervisor Certificate

Douglas Nething

Install
Repair
Closure

Cert#: 1076

Expires: 3/31/2027

Signature: _____



**MINNESOTA POLLUTION
CONTROL AGENCY**

DEVELOPMENT AGREEMENT

BY AND BETWEEN

CITY OF WACONIA, MINNESOTA

AND

MONARCH DEVELOPMENT PARTNERS, LLC

This document drafted by:

TAFT STETTINIUS & HOLLISTER LLP
2200 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402

TABLE OF CONTENTS

	Page
ARTICLE I DEFINITIONS.....	2
Section 1.1 Definitions.....	2
ARTICLE II REPRESENTATIONS AND WARRANTIES.....	4
Section 2.1 Representations and Warranties of the City.....	5
Section 2.2 Representations and Warranties of the Developer.....	5
ARTICLE III UNDERTAKINGS BY DEVELOPER AND CITY	7
Section 3.1 Development Property, Project; and Legal and Administrative Expenses	7
Section 3.2 Limitations on Undertaking of the City	7
Section 3.3 Reimbursement: TIF Note	7
Section 3.4 Prohibition Against Transfer of Project and Assignment of Agreement.....	8
Section 3.5 Real Property Taxes.....	8
Section 3.6 Compliance with City Fair Housing Policy	9
ARTICLE IV EVENTS OF DEFAULT	10
Section 4.1 Events of Default Defined	10
Section 4.2 Remedies on Default.....	10
Section 4.3 No Remedy Exclusive.....	11
Section 4.4 No Implied Waiver	11
Section 4.5 Agreement to Pay Attorney’s Fees and Expenses	11
Section 4.6 Indemnification of City.....	11
ARTICLE V DEVELOPER'S OPTION TO TERMINATE AGREEMENT	13
Section 5.1 The Developer's Option to Terminate.....	13
Section 5.2 Action to Terminate	13
Section 5.3 Effect of Termination.....	13
ARTICLE VI ADDITIONAL PROVISIONS	14
Section 6.1 Restrictions on Use	14
Section 6.2 Conflicts of Interest.....	14
Section 6.3 Titles of Articles and Sections	14
Section 6.4 Notices and Demands	14
Section 6.5 Counterparts.....	15
Section 6.6 Law Governing	15
Section 6.7 Expiration.....	15
Section 6.8 Provisions Surviving Rescission or Expiration.....	15
Section 6.9 Assignability of TIF Note	15
EXHIBIT A DESCRIPTION OF DEVELOPMENT PROPERTY	A-1
EXHIBIT B FORM OF TIF NOTE.....	B-1
EXHIBIT C SITE IMPROVEMENTS.....	C-1

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement"), made as of the 21st day of October, 2024, by and between the City of Waconia, Minnesota (the "City"), a municipal corporation existing under the laws of the State of Minnesota and Monarch Development Partners, LLC, a Minnesota limited liability company (the "Developer").

WITNESSETH:

WHEREAS, pursuant to Minnesota Statutes, Section 469.124 through 469.133, as amended, the City has heretofore established the Waconia Development District (the "Development District") and has adopted a development program therefor (the "Development Program"); and

WHEREAS, pursuant to the provisions of Minnesota Statutes, Section 469.174 through 469.1794, as amended (hereinafter, the "Tax Increment Act"), the City has heretofore established, within the Development District, Tax Increment Financing District No. 6 (the "Tax Increment District") and has adopted a tax increment financing plan therefor (the "Tax Increment Plan") which provides for the use of tax increment financing in connection with certain development within the Tax Increment District and the Development District; and

WHEREAS, in order to achieve the objectives of the Development Program and particularly to make the land in the Development District available for development by private enterprise in conformance with the Development Program, the City has determined to assist the Developer with the financing of certain costs of a Project (as hereinafter defined) to be constructed within the Tax Increment District as more particularly set forth in this Agreement; and

WHEREAS, the City believes that the redevelopment and construction of the Project, and fulfillment of this Agreement are vital and are in the best interests of the City, the health, safety, morals and welfare of residents of the City, and in accordance with the public purpose and provisions of the applicable state and local laws and requirements under which the Project has been undertaken and is being assisted; and

WHEREAS, the requirements of the Business Subsidy Law, Minnesota Statutes, Section 116J.993 through 116J.995, do not apply to this Agreement pursuant to an exemption for housing.

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

ARTICLE I

DEFINITIONS

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

Agreement means this Development Agreement by and between the City and the Developer, as the same may be from time to time modified, amended or supplemented;

Business Day means any day except a Saturday, Sunday or a legal holiday or a day on which banking institutions in the City are authorized by law or executive order to close;

City means the City of Waconia, Minnesota;

County means Carver County, Minnesota;

Developer means Monarch Development Partners, LLC, a Minnesota limited liability company, its successors, and assigns;

Development District means the Waconia Development District, including the real property described in the Development Program;

Development Program means the development program approved in connection with the Development District;

Development Property means the real property described in Exhibit A attached to this Agreement;

Event of Default means any of the events described in Section 4.1 hereof;

Legal and Administrative Expenses means the fees and expenses incurred by the City in connection with the review and analysis of the development proposed under this Agreement with the adoption and administration of the Tax Increment Financing Plan and establishment of the Tax Increment District, the preparation of this Agreement, the issuance of the TIF Note, including, but not limited to, attorney and municipal advisor fees and expenses;

Note Payment Date means August 1, 2028, and each February 1 and August 1 thereafter to and including August 1, 2045; provided, that if any such Note Payment Date should not be a Business Day, the Note Payment Date shall be the next succeeding Business Day;

Prime Rate means the rate of interest from time to time publicly announced by U.S. Bank National Association in Minneapolis, Minnesota, as its "reference rate" or any successor rate, which rate shall change as and when that prime rate or successor rate changes;

Project means the construction of an apartment building containing ninety-two (92) units, approximately 4,184 square feet of retail space, and up to 33 spaces of public parking by the Developer on the Development Property;

Site Improvements means the site improvements undertaken or to be undertaken on the Development Property, more particularly described on Exhibit C attached hereto;

State means the State of Minnesota;

Tax Increments means 97% of the tax increments derived from the Development Property which have been received and retained by the City in accordance with the provisions of Minnesota Statutes, Section 469.177, which tax increments from the Development Property are calculated in the sole discretion of the City;

Tax Increment Act means Minnesota Statutes, Sections 469.174 through 469.1794, as amended;

Tax Increment District means Tax Increment Financing District No. 6 located within the Development District, a description of which is set forth in the Tax Increment Financing Plan, and qualified as a redevelopment district under the Tax Increment Act;

Tax Increment Financing Plan means the tax increment financing plan approved for the Tax Increment District by the City Council on October 21, 2024, and any future amendments thereto;

Termination Date means the earlier of (i) August 1, 2045, (ii) the date the TIF Note is paid in full, (iii) the date the Developer has been reimbursed an amount not to exceed \$5,789,899, (iv) the date on which the Tax Increment District expires or is otherwise terminated, or (v) the date this Agreement is terminated or rescinded in accordance with its terms; and

TIF Note means the Tax Increment Revenue Note (Monarch Development Project) to be executed by the City and delivered to the Developer pursuant to Article III hereof, a form of which is attached hereto as Exhibit B; and

Unavoidable Delays means delays, outside the control of the party claiming its occurrence, which are the direct result of strikes, other labor troubles, material shortages, transportation shortages or interruptions, unusually severe or prolonged bad weather, acts of God, fire or other casualty to the Project, litigation commenced by third parties which, by injunction or other similar judicial action or by the exercise of reasonable discretion, directly results in delays, or acts of any federal, state or local governmental unit (other than the City) which directly result in delays, government order or law, national or regional emergency, disease, pandemics or epidemics.

ARTICLE II

REPRESENTATIONS AND WARRANTIES

Section 2.1 Representations and Warranties of the City. The City makes the following representations and warranties:

(1) The City is a municipal corporation and has the power to enter into this Agreement and carry out its obligations hereunder.

(2) The Tax Increment District is a "redevelopment district" within the meaning of Minnesota Statutes, Section 469.174, Subdivision 10 and was created, adopted and approved in accordance with the terms of the Tax Increment Act.

(3) The development contemplated by this Agreement is in conformance with the development objectives set forth in the Development Program.

(4) To finance certain costs within the Tax Increment District, the City agrees, subject to the further provisions of this Agreement, to apply Tax Increments to reimburse the Developer for a portion of the costs of the acquisition of the Development Property and the construction of Site Improvements incurred in connection with the Project as further provided in this Agreement.

(5) The City makes no representation or warranty, either expressed or implied, as to the Development Property or its condition or the soil conditions thereon, or that the Development Property shall be suitable for the Developer's or Developer's purposes or needs.

Section 2.2 Representations and Warranties of the Developer. The Developer makes the following representations and warranties:

(1) The Developer is a Minnesota limited liability company and has the power and authority to enter into this Agreement and to perform its obligations hereunder and doing so will not violate its articles of organization, member control agreement, or operating agreement, or the laws of the State and by proper action has authorized the execution and delivery of this Agreement.

(2) The Developer shall cause the Project to be constructed in accordance with the terms of this Agreement, the Development Program, Tax Increment Financing Plan, and all applicable local, state and federal laws and regulations (including, but not limited to, environmental, zoning, energy conservation, building code and public health laws and regulations).

(3) The construction of the Project would not be undertaken by the Developer, and in the opinion of the Developer would not have been or be economically feasible within the reasonably foreseeable future, without the assistance and benefit to the Developer provided for in this Agreement.

(4) The Developer will obtain, or cause to be obtained, in a timely manner, all required permits, licenses and approvals, and will meet, in a timely manner, all requirements of all applicable local, state, and federal laws and regulations which must be obtained or met before the Project may be lawfully constructed.

(5) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement is prevented, limited by or conflicts with or results in a breach of, the terms, conditions or provision of any contractual restriction, evidence of indebtedness, agreement or instrument of whatever nature to which the Developer is now a party or by which it is bound, or constitutes a default under any of the foregoing.

(6) The Developer will cooperate fully with the City with respect to any litigation commenced with respect to the Project.

(7) The Developer will cooperate fully with the City in resolution of any traffic, parking, trash removal or public safety problems which may arise in connection with the construction and operation of the Project.

(8) The construction of the Project will commence on or before November 1, 2024 and barring Unavoidable Delays, the Project will be substantially completed by July 31, 2026.

(9) The Developer acknowledges that Tax Increment projections contained in the Tax Increment Financing Plan are estimates only and the Developer acknowledges that it shall place no reliance on the amount of projected Tax Increments and the sufficiency of such Tax Increments to reimburse the Developer for a portion of the costs of the acquisition of the Development Property and the construction of the Site Improvements as provided in Article III.

ARTICLE III

UNDERTAKINGS BY DEVELOPER AND CITY

Section 3.1 Development Property, Site Improvements; and Legal and Administrative Expenses.

(1) The parties agree that the acquisition of the Development Property by the Developer and the Site Improvements to be constructed by the Developer are essential to the successful completion of the Project. The costs of the acquisition of the Development Property and the construction of the Site Improvements shall be paid by the Developer. The City shall reimburse the Developer for the lesser of (a) \$2,930,220 or (b) the costs of acquisition of the Development Property and constructing the Site Improvements actually incurred and paid by the Developer (the "Developer Reimbursement Amount") as further provided in Section 3.3.

(2) The Developer shall pay the Legal and Administrative Expenses incurred by the City.

Section 3.2 Limitations on Undertaking of the City. Notwithstanding the provisions of Section 3.3, the City shall have no obligation to the Developer under this Agreement to reimburse the Developer for the Reimbursement Amount, if the City, at the time or times such payment is to be made is entitled under Section 4.2 to exercise any of the remedies set forth therein as a result of an Event of Default which has not been cured.

Section 3.3 Reimbursement: TIF Note. The City shall reimburse for the costs identified in Section 3.3 through the issuance of the City's TIF Note in substantially the form attached to this Agreement as Exhibit B, subject to the following conditions:

(1) The Note shall be dated, issued and delivered when the Developer shall have demonstrated in writing to the reasonable satisfaction of the City that the Developer has (a) completed the Project and has incurred and paid the costs of the acquisition of the Development Property and the construction of the Site Improvements, as described in and limited by Section 3.1(1) and (b) the Developer has provided the City with a settlement statement or other evidence of payment of the costs of the acquisition of the Development Property and copies of paid invoices for the Site Improvements in an amount not less than the Reimbursement Amount.

(2) The unpaid principal amount of the TIF Note shall bear simple, non-compounding interest from the date of issuance of the TIF Note, at 6.95% per annum. Interest shall be computed on the basis of a 360 day year consisting of twelve (12) 30-day months.

(3) The principal amount of the TIF Note and the interest thereon shall be payable solely from the Tax Increments.

(4) On each Note Payment Date and subject to the provisions of the TIF Note, the City shall pay, against the principal and interest outstanding on the TIF Note, the Tax Increments received by the City during the preceding six (6) months. All such payments shall be applied first to accrued interest and then to reduce the principal of the TIF Note.

(5) The TIF Note shall be a special and limited obligation of the City and not a general obligation of the City, and only Tax Increments shall be used to pay the principal of and interest on the TIF Note. If, on any Note Payment Date, the Tax Increments for the payment of the accrued and unpaid interest on the TIF Note are insufficient for such purposes, the difference shall be carried forward, without interest accruing thereon, and shall be paid if and to the extent that on a future Note Payment Date there are Tax Increments in excess of the amounts needed to pay the accrued interest then due on the TIF Note.

(6) The City's obligation to make payments on the TIF Note on any Note Payment Date or any date thereafter shall be conditioned upon the requirement that there shall not at that time be an Event of Default that has occurred and is continuing under this Agreement.

(7) The TIF Note shall be governed by and payable pursuant to the additional terms thereof, as set forth in Exhibit B. In the event of any conflict between the terms of the TIF Note and the terms of this Section 3.3, the terms of the TIF Note shall govern. The issuance of the TIF Note pursuant and subject to the terms of this Agreement, and the taking by the City of such additional actions as bond counsel for the TIF Note may require in connection therewith, are hereby authorized and approved by the City.

Section 3.4 Prohibition Against Transfer of Project and Assignment of Agreement. The Developer represents and agrees that prior to the Termination Date the Developer shall not transfer the Project or any part thereof or any interest therein to a unrelated entity, without the prior written approval of the City. The City shall be entitled to require as conditions to any such approval that:

(1) Any proposed transferee shall have the qualifications and financial responsibility, in the reasonable judgment of the City, necessary and adequate to fulfill the obligations undertaken in this Agreement by the Developer.

(2) Any proposed transferee, by instrument in writing satisfactory to the City shall, for itself and its successors and assigns, and expressly for the benefit of the City, have expressly assumed all of the obligations of the Developer under this Agreement and agreed to be subject to all the conditions and restrictions to which the Developer is subject.

(3) There shall be submitted to the City for review and prior written approval all instruments and other legal documents involved in effecting the transfer of any interest in this Agreement or the Project.

Section 3.5 Real Property Taxes. Prior to the Termination Date, the Developer shall pay all real property taxes payable with respect to all and any parts of the Development Property acquired and owned by it until the Developer's obligations have been assumed by any other person pursuant to the provisions of this Agreement.

The Developer agrees that, so long as it owns all or any portion of the Development Property, prior to the Termination Date:

(1) It will not seek administrative review or judicial review of the applicability of any tax statute relating to the ad valorem property taxation of real property contained on the Development Property determined by any tax official to be applicable to the Project or the Developer or raise the inapplicability of any such tax statute as a defense in any proceedings with

respect to the Development Property, including delinquent tax proceedings; provided, however, "tax statute" does not include any local ordinance or resolution levying a tax;

(2) It will not seek administrative review or judicial review of the constitutionality of any tax statute relating to the taxation of real property contained on the Development Property determined by any tax official to be applicable to the Project or the Developer or raise the unconstitutionality of any such tax statute as a defense in any proceedings, including delinquent tax proceedings with respect to the Development Property; provided, however, "tax statute" does not include any local ordinance or resolution levying a tax;

(3) It will not seek any tax deferral or abatement, either presently or prospectively authorized under Minnesota Statutes, Section 469.1813, or any other State or federal law, of the ad valorem property taxation of the Development Property between the date of execution of this Agreement and the Termination Date; and

(4) It will not seek a reduction in the market value as determined by the Carver County Assessor of the Project or other facilities, if any, that it constructs on the Development Property, pursuant to the provisions of this Agreement, for so long as the TIF Note remains outstanding.

Section 3.6 Compliance with City Fair Housing Policy. The Developer has read and understood the Waconia Fair Housing Policy (the "Policy"), which is fully incorporated herein by reference. The Developer shall at all times comply with the Policy. Through its operation of the Project, the Developer shall not discriminate upon the basis of race, color, religion, gender, sexual orientation, marital status, status with regard to public assistances, familial status, national origin, or disability.

ARTICLE IV

EVENTS OF DEFAULT

Section 4.1 Events of Default Defined. The following shall be "Events of Default" under this Agreement and the term "Event of Default" shall mean whenever it is used in this Agreement any one or more of the following events:

(1) Failure by the Developer to timely pay any ad valorem real property taxes and special assessments levied against the Development Property and all public utility or other City payments due and owing with respect to the Development Property when due and payable.

(2) Failure by the Developer to cause the construction of the Project to be completed pursuant to the terms, conditions and limitations of this Agreement.

(3) Failure of the Developer to observe or perform any other covenant, condition, obligation or agreement on its part to be observed or performed under this Agreement.

(4) The holder of any mortgage on the Development Property or any improvements thereon, or any portion thereof, commences foreclosure proceedings as a result of any default under the applicable mortgage documents.

(5) If the Developer shall:

(A) file any petition in bankruptcy or for any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under the United States Bankruptcy Act of 1978, as amended or under any similar federal or state law; or

(B) make an assignment for the benefit of its creditors; or

(C) admit in writing its inability to pay its debts generally as they become due;
or

(D) be adjudicated as bankrupt or insolvent; or if a petition or answer proposing the adjudication of the Developer as bankrupt or its reorganization under any present or future federal bankruptcy act or any similar federal or state law shall be filed in any court and such petition or answer shall not be discharged or denied within sixty (60) days after the filing thereof; or a receiver, trustee or liquidator of the Developer, or of the Project, or part thereof, shall be appointed in any proceeding brought against the Developer, and shall not be discharged within sixty (60) days after such appointment, or if the Developer, shall consent to or acquiesce in such appointment.

Section 4.2 Remedies on Default. Whenever any Event of Default referred to in Section 4.1 occurs and is continuing, the City, as specified below, may take any one or more of the following actions after the giving of thirty (30) days' written notice to the Developer, but only if the Event of Default has not been cured within said thirty (30) days:

(1) The City may suspend its performance under this Agreement and the TIF Note until it receives assurances from the Developer, deemed adequate by the City, that the Developer will cure its default and continue its performance under this Agreement.

(2) The City may cancel and rescind the Agreement and the TIF Note.

(3) The City may take any action, including legal or administrative action, in law or equity, which may appear necessary or desirable to enforce performance and observance of any obligation, agreement, or covenant of the Developer under this Agreement.

Section 4.3 No Remedy Exclusive. No remedy herein conferred upon or reserved to the City is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

Section 4.4 No Implied Waiver. In the event any agreement contained in this Agreement should be breached by any party and thereafter waived by any other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other concurrent, previous or subsequent breach hereunder.

Section 4.5 Agreement to Pay Attorney's Fees and Expenses. Whenever any Event of Default occurs and the City shall employ attorneys or incur other expenses for the collection of payments due or to become due or for the enforcement or performance or observance of any obligation or agreement on the part of the Developer herein contained, the Developer agrees that it shall, on demand therefor, pay to the City the fees of such attorneys and such other expenses so incurred by the City.

Section 4.6 Indemnification of City.

(1) The Developer releases from and covenants and agrees that the City, its governing body members, officers, agents, including the independent contractors, consultants and legal counsel, servants and employees thereof (hereinafter, for purposes of this Section, collectively the "Indemnified Parties") shall not be liable for and agrees to indemnify and hold harmless the Indemnified Parties against any loss or damage to property or any injury to or death of any person occurring at or about or resulting from any defect in the Project, provided that the foregoing indemnification shall not be effective for any actions of the Indemnified Parties that are not contemplated by this Agreement.

(2) Except for any willful misrepresentation or any willful or wanton misconduct of the Indemnified Parties, the Developer agrees to protect and defend the Indemnified Parties, now and forever, and further agrees to hold the aforesaid harmless from any claim, demand, suit, action or other proceeding whatsoever by any person or entity whatsoever arising or purportedly arising from the actions or inactions of the Developer (or other persons acting on its behalf or under its direction or control) under this Agreement, or the transactions contemplated hereby or the acquisition, construction, installation, ownership, and operation of the Project; provided, that this indemnification shall not apply to the warranties made or obligations undertaken by the City in this Agreement or to any actions undertaken by the City which are not contemplated by this Agreement but shall, in any event and without regard to any fault on the part of the City, apply to any pecuniary loss or penalty (including interest thereon from the date the loss is incurred or penalty is paid by the City at a rate equal to the Prime Rate) as a result of the Developer operating

the Project so that the Tax Increment District does not qualify or cease to qualify as a "redevelopment district" under Section 469.174, Subdivision 10, of the Act, or (ii) to violate limitations as to the use of Tax Increments as set forth in Section 469.176, Subdivision 4j.

(3) All covenants, stipulations, promises, agreements and obligations of the City contained herein shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not of any governing body member, officer, agent, servant or employee of the City.

ARTICLE V

DEVELOPER'S OPTION TO TERMINATE AGREEMENT

Section 5.1 The Developer's Option to Terminate. This Agreement may be terminated by Developer, if (i) the Developer is in compliance with all material terms of this Agreement and no Event of Default has occurred; and (ii) the City fails to comply with any material term of this Agreement, and, after written notice by the Developer of such failure, the City has failed to cure such noncompliance within ninety (90) days of receipt of such notice, or, if such noncompliance cannot reasonably be cured by the City within ninety (90) days, of receipt of such notice, the City has not provided assurances, reasonably satisfactory to the Developer that such noncompliance will be cured as soon as reasonably possible.

Section 5.2 Action to Terminate. Termination of this Agreement pursuant to Section 5.1 must be accomplished by written notification by the Developer to the City within sixty (60) days after the date when such option to terminate may first be exercised. A failure by the Developer to terminate this Agreement within such period constitutes a waiver by the Developer of their rights to terminate this Agreement due to such occurrence or event.

Section 5.3 Effect of Termination. If this Agreement is terminated pursuant to this Article V, this Agreement shall be from such date forward null and void and of no further effect; provided, however, the termination of this Agreement shall not affect the rights of either party to institute any action, claim or demand for damages suffered as a result of breach or default of the terms of this Agreement by the other party, or to recover amounts which had accrued and become due and payable as of the date of such termination. Upon termination of this Agreement pursuant to this Article V, the Developer shall be free to proceed with the Project at their own expense and without regard to the provisions of this Agreement; provided, however, that the City shall have no further obligations to the Developer with respect to reimbursement of the expenses set forth in Section 3.3, or to make any further payments on the TIF Note (but the termination of such obligations is not intended to relieve the City for any damages to Developer caused by the City's failure to comply with its obligations under this Agreement or the TIF Note).

ARTICLE VI

ADDITIONAL PROVISIONS

Section 6.1 Restrictions on Use. The Developer agrees for itself, its successors and assigns and every successor in interest to the Project that during the term of this Agreement the Developer and its successors and assigns shall operate, or cause to be operated, the Project as contemplated in this Agreement, and shall devote the Project to, and in accordance with, the uses specified in this Agreement.

Section 6.2 Conflicts of Interest. No member of the governing body or other official of the City shall have any financial interest, direct or indirect, in this Agreement, the Development Property or the Project, or any contract, agreement or other transaction contemplated to occur or be undertaken thereunder or with respect thereto, nor shall any such member of the governing body or other official participate in any decision relating to the Agreement which affects his or her personal interests or the interests of any corporation, partnership or association in which he or she is directly or indirectly interested. No member, official or employee of the City shall be personally liable to the City in the event of any default or breach by the Developer or successor or on any obligations under the terms of this Agreement.

Section 6.3 Titles of Articles and Sections. Any titles of the several parts, articles and sections of the Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

Section 6.4 Notices and Demands. Except as otherwise expressly provided in this Agreement, a notice, demand or other communication under this Agreement by any party to any other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, and

- (1) in the case of the Developer is addressed to or delivered personally to:

Monarch Development Partners, LLC
441 Second St.
Excelsior, MN 55331

- (2) in the case of the City is addressed to or delivered personally to the City at:

City of Waconia, Minnesota
201 South Vine St.
Waconia, MN 55387

with a copy to:

Taft Stettinius & Hollister LLP
Attention: Mary Ippel
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402

or at such other address with respect to any such party as that party may, from time to time, designate in writing and forward to the other, as provided in this Section.

Section 6.5 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

Section 6.6 Law Governing. This Agreement will be governed and construed in accordance with the laws of the State.

Section 6.7 Expiration. This Agreement shall expire on the Termination Date.

Section 6.8 Provisions Surviving Rescission or Expiration. Sections 4.5 and 4.6 shall survive any rescission, termination or expiration of this Agreement with respect to or arising out of any event, occurrence or circumstance existing prior to the date thereof.

Section 6.9 Assignability of TIF Note. The TIF Note may only be assigned pursuant to the terms of the TIF Note.

IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in its name and on its behalf and its seal to be hereunto duly affixed, the Developer has caused this Agreement to be duly executed on its behalf, on or as of the date first above written.

CITY OF WACONIA, MINNESOTA

By _____
Its Mayor

By _____
Its City Administrator

This is a signature page to the Development Agreement by and between the City of Waconia, and Monarch Development Partners, LLC

MONARCH DEVELOPMENT PARTNERS,
LLC

Its

Its

This is a signature page to the Development Agreement by and between the City of Waconia,
and Monarch Development Partners, LLC.

EXHIBIT A

DESCRIPTION OF DEVELOPMENT PROPERTY

Property located in the City of Waconia, Carver County, Minnesota with the following parcel identification number:

75.050.1450	75.050.1480	75.050.1511
75.050.1460	75.050.1505	75.050.1470

EXHIBIT B

FORM OF TIF NOTE

No. R-1

\$ _____

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF CARVER
CITY OF WACONIA

TAX INCREMENT REVENUE NOTE
(MONARCH DEVELOPMENT PROJECT)

The City of Waconia, Minnesota (the "City"), hereby acknowledges itself to be indebted and, for value received, hereby promises to pay the amounts hereinafter described (the "Payment Amounts") to Monarch Development Partners, LLC, a Minnesota limited liability company, or its registered assigns (the "Developer" or "Registered Owner"), but only in the manner, at the times, from the sources of revenue, and to the extent hereinafter provided.

The principal amount of this Note shall equal from time to time the principal amount stated above, as reduced to the extent that such principal installments shall have been paid in whole or in part pursuant to the terms hereof; provided that the sum of the principal amount listed above shall in no event exceed \$2,930,220 as provided in that certain Development Agreement, dated as of October 21, 2024, as the same may be amended from time to time (the "TIF Agreement"), by and between the City and the Developer. The unpaid principal amount hereof shall bear interest from the date of this Note at the simple, non-compounding interest at a rate of seven and a quarter percent (6.95%) per annum. Interest shall be computed on the basis of a 360 day year consisting of twelve (12) 30-day months.

The amounts due under this Note shall be payable on August 1, 2028, and on each February 1 and August 1 thereafter to and including August 1, 2045, or, if the first should not be a Business Day (as defined in the TIF Agreement), the next succeeding Business Day (the "Payment Dates"). On each Payment Date the City shall pay by check or draft mailed to the person that was the Registered Owner of this Note at the close of the last business day of the City preceding such Payment Date an amount equal to the sum of the Tax Increments (hereinafter defined) received by the City during the six (6) month period preceding such Payment Date. All payments made by the City under this Note shall first be applied to accrued interest and then to principal. This Note is prepayable by the City, in whole or in part, on any date.

The Payment Amounts due hereon shall be payable solely from 97% of the tax increments (the "Tax Increments") from the Development Property (as defined in the Development Agreement) within the City's Tax Increment Financing District No. 6 (the "Tax Increment District") within its Waconia Development District which are paid to the City and which the City is entitled to retain pursuant to the provisions of Minnesota Statutes, Sections 469.174 through 469.1794, as the same may be amended or supplemented from time to time (the "Tax Increment Act"). This Note shall terminate and be of no further force and effect (i) following the termination

of the Tax Increment District, (ii) on any date upon which the City shall have terminated the Development Agreement under Section 4.2(2) thereof or the Developer shall have terminated the Development Agreement under Article V thereof, (iii) on the date that all principal and interest payable hereunder shall have been paid in full, (iv) or on the date the Developer has been reimbursed an amount not to exceed \$5,789,899 whichever occurs earliest.

The City makes no representation or covenant, expressed or implied, that the Tax Increments will be sufficient to pay, in whole or in part, the amounts which are or may become due and payable hereunder.

The City's payment obligations hereunder shall be further conditioned on the fact that no Event of Default under the Development Agreement shall have occurred and be continuing at the time payment is otherwise due hereunder, but such unpaid amounts shall become payable if said Event of Default shall thereafter have been cured; and, further, if pursuant to the occurrence of an Event of Default under the Development Agreement the City elects to cancel and rescind the Development Agreement, the City shall have no further debt or obligation under this Note whatsoever. Reference is hereby made to all of the provisions of the Development Agreement, including without limitation Section 3.3 thereof, for a fuller statement of the rights and obligations of the City to pay the principal of this Note, and said provisions are hereby incorporated into this Note as though set out in full herein.

This Note is a special, limited revenue obligation and not a general obligation of the City and is payable by the City only from the sources and subject to the qualifications stated or referenced herein. This Note is not a general obligation of the City of Waconia, Minnesota, and neither the full faith and credit nor the taxing powers of the City are pledged to the payment of the principal of this Note and no property or other asset of the City, save and except the above-referenced Tax Increments, is or shall be a source of payment of the City's obligations hereunder.

This Note is issued by the City in aid of financing a project pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including the Tax Increment Act.

This Note is subject to prepayment in immediately available funds on any date at the option of the City, in whole or in part and without penalty.

This Note may be assigned only with the consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. In order to assign the Note, the assignee shall surrender the same to the City either in exchange for a new fully registered note or for transfer of this Note on the registration records for the Note maintained by the City. Each permitted assignee shall take this Note subject to the foregoing conditions and subject to all provisions stated or referenced herein.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions, and things required by the Constitution and laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; and that this Note, together with all other indebtedness of the City outstanding on the date hereof and on the date of

its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional, statutory or charter limitation thereon.

IN WITNESS WHEREOF, City of Waconia, Minnesota, by its City Council, has caused this Note to be executed by the manual signatures of its Mayor and City Administrator and has caused this Note to be issued on and dated _____, 20__.

City Administrator

Mayor

DO NOT EXECUTE UNTIL PAID INVOICES, A SETTLEMENT STATEMENT OR OTHER EVIDENCE OF PAYMENT FOR LAND ACQUISITION AND SITE IMPROVEMENTS ARE GIVEN TO THE CITY - REFER TO SECTION 3.3(1).

CERTIFICATION OF REGISTRATION

It is hereby certified that the foregoing Note, as originally issued on _____, 20__, was on said date registered in the name of MONARCH DEVELOPMENT PARTNERS, LLC, and that, at the request of the Registered Owner of this Note, the undersigned has this day registered the Note in the name of such Registered Owner, as indicated in the registration blank below, on the books kept by the undersigned for such purposes.

NAME AND ADDRESS OF
REGISTERED OWNER

DATE OF
REGISTRATION

SIGNATURE OF
CITY ADMINISTRATOR

Monarch Development Partners, LLC
441 Second St.
Excelsior, MN 55331

EXHIBIT C

SITE IMPROVEMENTS

Building Permit Fees
Engineering
Environmental Testing
Foundations and Footings
Grading/earthwork
Landscaping, including irrigation
Onsite Utilities
Onsite Road, Curb, Gutter, Driveway, Sidewalk and Streetscape Improvements
Outdoor Lighting
Parking
SAC/WAC Fees
Site Preparation
Site Utilities
Soil Testing & Boring
Storm Water/Ponding
Survey



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Approve City Council Minutes October 7, 2024					
Originating Department:		Administration					
Presented by:		Sue Schwalbe					
Previous Council Action (if any):							
Item Type (X only one):		Consent	X	Regular Session		Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to approve the October 7, 2024 Council Minutes							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Approve City Council Minutes of October 7, 2024.							
<u>Attachments:</u>							
1. October 7, 2024 Council Minutes							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information: ☐ Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
OCTOBER 7, 2024**

1) [**CALL MEETING TO ORDER AND ROLL CALL**](#)

Pursuant to due call and notice thereof, the regular meeting of the Waconia City Council was called to order by Mayor Waldron at 6:00 p.m.

The following Council Members were present: Nicole Waldron, Jacob Coleman, Jeff Grengs, Randy Sorensen, and Nick Gleason

The following staff were present: Shane Fineran, Jackie Schulze, Nicole Meyer, Nevin Waldron, Jon Haukaas, Justin Sorensen, Jake Saulsbury, Lane Braaten, and Sergeant Tyler Stahn

2) [**PLEDGE OF ALLEGIANCE**](#)

3) [**ADOPT AGENDA**](#)

Motion by Sorensen second by Grengs to Adopt the Agenda as published.

MOTION CARRIED

4) [**VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE**](#)

Joyce Stuewe, 521 Goldenrod Trail, Waconia addressed the Council regarding absentee ballot election integrity in Minnesota. Stuewe gave a detailed explanation of the process regarding how absentee and mail-in ballots are handled by the County and have the most potential for fraud. Stuewe is requesting the Council approve a Resolution stating the City's support to have a post-election review option as deemed necessary by the Council.

5) [**ADOPT CONSENT AGENDA**](#)

5.1 Approve City Council Minutes September 16, 2024

[Cover Page](#)

[September 16, 2024 City Council Minutes](#)

5.2 Approve October 7, 2024 Expenditures

[Cover Page](#)

[10-07-2024 Council List Expenditures](#)

5.3 Approve Lodging Tax Fund Request - Waconia CVB

[Cover Page](#)

[10-01-2024 Lodging Tax Request](#)

- 5.4 Contractor Pay Request #5 - Waconia Downtown Reconstruction - Phase 2

[Cover Page](#)

[Downtown Reconstruction Phase 2 Pay Request No. 5 with Bolton & Menk](#)

- 5.5 Contractor Pay Request #9-Final - Waconia East Frontage Road Improvements

[Cover Page](#)

[10-01-2024 East Frontage Road Improvements Pay Request #9 Final](#)

- 5.6 Contractor Pay Request #1 - 2024 Infrastructure Improvements

[Cover Page](#)

[10-01-2024 Infrastructure Improvements Pay Request #1](#)

- 5.7 Accepting Grant Proceeds from the Minnesota Department of Natural Resources
Emerald Ash Borer Program

[Cover Page](#)

[Resolution No. 2024-206 Accepting Grant Proceeds from the Minnesota DNR
Emerald Ash Borer Program](#)

- 5.8 Accepting Cash Donations for Operations of the Fire Department

[Cover Page](#)

[Resolution No. 2024-207 Accepting Cash Donations for Operations of the Fire
Department](#)

- 5.9 Authorize City Staff to execute proposal and contract with Flexible Pipe Tools &
Equipment for the purchase of a new 2026 Vacuum/Jetting Truck.

[Cover Page](#)

[Resolution No. 2024-208 Authorizing Purchase Agreement Vacuum Jetting Truck
Replacement](#)

[900 Eco Combo Unit Quote](#)

- 5.10 Approve Contracts for the Construction of Well #9 and associated Modification to Water Treatment Plant 3

[Cover Page](#)

[Resolution No. 2024-209 Authorizing Award of Contracts Construction Well #9 and Water Treatment Plant #3 Piping](#)

[09-27-2024 Well No. 9 Award](#)

[09-27-2024 Water Treatment Facility Piping Award](#)

- 5.11 Authorize Obtaining Quotes for Test and Monitoring Wells for Future Well Development as Identified in the East Area Development Feasibility Study.

[Cover Page](#)

[Resolution No. 2024-210 Authorizing Solicitation Quotes for Test and Monitoring Wells](#)

[Project Location Maps](#)

[Future Well and Water Distribution Map](#)

- 5.12 2024 Downtown Phase 2 Reconstruction Final Costs, Preparing Proposed Assessment, and Calling Public Hearing

[Cover Page](#)

[Resolution No. 2024-211 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment](#)

[Resolution No. 2024-212 Receiving Proposed Assessments and Calling for a Public Hearing on Proposed Assessment](#)

[10-01-2024 Downtown Reconstruction Phase 2 Project](#)

- 5.13 Approving Interfund Loan for Lion's Field Lighting Improvement - First Amendment to the Baseball Park Agreement

[Cover Page](#)

[Resolution No. 2024-213 Approving Interfund Loan for Lion's Field Lighting Improvement First Amendment](#)

- 5.14 2025 GIS Analyst Shared Position Agreement with Carver County

[Cover Page](#)

[Resolution No. 2024-214 Approving Carver County GIS Analyst Shared Position Agreement for 2025](#)

[Agreement with Carver County GIS Analysis Shared Position](#)

5.15 Accepting Shores of Lake Waconia East Development Municipal Improvements

[Cover Page](#)

[Resolution No. 2024-215 Accepting Shores of Lake Waconia East Development Municipal Improvements](#)

5.16 Resignation of Street Lead and Recruitment of Stormwater/Street Lead

[Cover Page](#)

[Resolution No. 2024-216 Accepting Voluntary Resignation of Street Maintenance Lead and Recruitment](#)

[Stormwater Street Maintenance Lead Job Description](#)

5.17 Appointment of Election Judges for 2024 General Elections

[Cover Page](#)

[Resolution No. 2024-217 Authorizing Appointment of Judges for the 2024 General Election](#)

5.18 Special Event Permit - Paws Inn Pet Parade

[Cover Page](#)

[Resolution No. 2024-218 Approving Special Event Permit Paws Inn Pet Parade](#)

[Special Event Permit Paws Inn Pet Parade 2024](#)

5.19 Contamination Cleanup and Investigation Grant Application

[Cover Page](#)

[Resolution No. 2024-219 Approving Contamination Cleanup Grant Application](#)

[Resolution No. 2024-220 Committing Local Match and Authorizing Contract Signature](#)

Motion by Coleman second by Sorensen to Adopt the Consent Agenda as Published.
MOTION CARRIED

6) **COUNCIL BUSINESS**

61. Zoning Accommodation Request - Dormann - 145 Maple Terrace

[Cover Page](#)

[Pool Permit #WA302981](#)

[2023 April Concept Plan.pdf](#)

[06-10-2024 Follow up Correspondence](#)

Lane Braaten, Community Development Directed stated that the City received a Zoning Accommodation Request from 145 Maple Terrace. The applicant is requesting a departure from the hard surface limits of the zoning code applicable to the Property. The City's zoning regulations do not allow the subject Property to exceed the 35% hardcover maximum allowed in the Shores of Lake Waconia Planned Unit Development District. The basis for the request is as an accommodation under the Federal Americans with Disabilities Act and the federal Fair Housing Act.

The City Council moved into closed session pursuant to Minnesota Statue Section 13d.05 sub-division 2a 3, and 4. The subject to be discussed was a request for accommodation under the Americans with Disabilities Act and the Fair Housing Act. This was a discussion of medical data and medical records of an individual.

Motion by Sorensen second by Coleman to enter into closed session.

MOTION CARRIED

The Mayor Stated the Council return to regular/open session of the Waconia City Council for an action on item 6.1 of the agenda as a request for accommodation under the Americans with Disabilities Act and Fair Housing Act

Motion by Grengs second by Gleason to grant reasonable accommodation to the property at 145 Maple Terrace, upon the submittal of a stormwater mitigation plan that meets the treatment goals as identified in the City's Zoning Code and that will be submitted within 90 days for review by City staff and with completion of the project by July 1, 2025.

MOTION CARRIED

7) **ITEMS REMOVED FROM CONSENT AGENDA**

NONE

8) **STAFF REPORTS**

Sergeant Tyler Stahn reported to the Council on the time from January through September of 2024.

For the first three quarters of the year, total patrol activity rose by 2% from January through September for a total of 5,183 calls which averages to 19 calls for service per day and of those calls exactly 300 have been criminal in nature.

There has been a mild rise in assault calls with 51 as opposed to 42 in the same time period last year. DWI's are up to 40 from 31 at this point last year.

Drug offences have dropped considerably with 23 last year and just 4 this year in the same point as last year mostly due to the changes in the marijuana laws.

Non-criminal calls for services remain steady with 73 for this quarter.

Medical calls for services continue to rise with 911 this quarter 749 as this same time last year.

Halloween falls on a Thursday this year and the patrol squads will be distributing candy to the trick or treaters.

October is Domestic Assault Awareness Month. Through September 30, deputies across Carver County have responded to a total of 247 reports of domestic violence, resulting in 114 criminal charges being filed.

9) BOARD REPORTS

Council Member Sorensen: Attended the Park Board Meeting and discussed Pickleball as a new proposal was presented. This item failed at a 3-2 vote.

Council Member Coleman: Nothing to report

Council Member Grengs: Attended the Planning Commission meeting. There were a number of items moved forward to the next Planning Commission meeting.

Council Member Gleason: Nothing to report

Mayor Waldron: Nothing to report

10) ANNOUNCEMENTS

Jackie Schulze, Assistant City Administrator stated the Teddy Bear Band will be performing October 8th at 5:00 City Square Park.

Mayor Waldron stated she attended the Fire Department Open House which was very well attended and thanked everyone involved to make the event a success.

11) RECESS TO CLOSED SESSION The City Council will meet in closed session pursuant to Minn.Stat.13D.05, subd 3.

Accommodation Request 145 Maple Terrace

12) ADJOURN REGULAR MEETING

Motion by Coleman second by Gleason to adjourn the October 7, 2024 City Council meeting at 7:10 p.m.

MOTION CARRIED

Nicole Waldron, Mayor

ATTEST: _____

Sue Schwalbe, Office Specialist



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Approve October 21, 2024 Expenditures					
Originating Department:		Finance					
Presented by:		Nicole Meyer					
Previous Council Action (if any):							
Item Type (X only one):		Consent	X	Regular Session		Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Payment of October 21, 2024 Expenditures							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Attached is the claim and disbursements register for the City of Waconia as of October 21, 2024. Payments are made to vendors via check, electric payment, and through the City's purchasing card program.							
<u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information: _____ Budgeted _____ Non Budgeted _____ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Approve Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred September 2024					
Originating Department:		Finance					
Presented by:		Amanda Ortloff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in September 2024							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Rink Management Services Corporation has provided the attached report for expenditures paid in September 2024. Per the City's contract with Rink Management, these expenditures are paid by Rink Management for the City's operation of the Waconia Ice Arena.							
<u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: Ice Arena Fund (678)							
Budget Information:				Planning Commission			
☒ Budgeted				Parks and Recreation Board			
☐ Non Budgeted				Safari Island Advisory Board			
☐ Amendment Required				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Approve Rink Management Services Corporation Safari Island Community Center Expenditures Incurred September 2024					
Originating Department:		Finance					
Presented by:		Amanda Ortloff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Rink Management Corporation Expenditures for Safari Island Community Center Incurred in September 2024							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Rink Management Services Corporation has provided the attached report for expenditures paid in September 2024. Per the City's contract with Rink Management, these expenditures are paid by Rink Management for the City's operation of the Safari Island Community Center. <u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: Safari Island Fund (231)							
Budget Information: ☒ Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	October 21, 2024						
Item Name:	Recruitment for Assistant Public Services Director						
Originating Department:	Administration						
Presented by:	Jackie Schulze						
Previous Council Action (if any):	Resolution 2022-153 - Resolution Approving Staffing & Organizational Study Resolution 2023-271 - Adoption of 2024 Budget for all General, Enterprise, Special Revenue, Capital Project, and Debt Service Funds						
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-223 Authorizing Recruitment for Assistant Public Services Director							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
In 2022, the City of Waconia conducted an organizational study, which involved analyzing the City's current staffing levels and making recommendations for staffing for the next several years. As a result of this study, an Assistant Public Services Director position was recommended and approved as part of the 2024 Budget Process. This position will oversee and plan the day-to-day operations of the Public Services Department maintenance divisions of streets, utilities, parks, and fleet. They will also partner with the Public Services Director on long-range planning, major projects, budget management, and budget preparation. The City plans to post this position on Tuesday, October 22 and leave the position open for three weeks. Interviews are tentatively scheduled for Thursday, November 21, with the goal of having the City Council formally appoint someone to this role at the first meeting in December. With this timeline, we are likely looking towards a start date after the first of the year. This position falls into Pay Grade 14. Attachments: 1. Resolution No. 2024-223 Authorizing Recruitment Assistant Public Services Director 2. Assistant Public Services Director							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:				Personnel Committee: Recommend			
Budget Information:				Planning Commission			
☒ Budgeted ☐ Non Budgeted ☐ Amendment Required				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
RESOLUTION NO. 2024 - 223**

**RESOLUTION AUTHORIZING RECRUITMENT
FOR ASSISTANT PUBLIC SERVICES DIRECTOR**

WHEREAS, an Assistant Public Services Director position was identified as part of the City's 2022 staffing and organization study and included as part of the 2024 budget process; and

WHEREAS, the job description and pay grade for the position has been finalized; and

WHEREAS, the City plans to recruit for this position over the next several weeks; and

NOW, THEREFORE, BE IT RESOLVED, that, the City Council hereby approves the job description and authorizes recruitment for the Assistant Public Services Director position.

Adopted by the City Council of the City of Waconia this 7th day of October 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, Assistant City Administrator

Job Title: Assistant Public Services Director

Department: Public Services

Status: Full-time regular position, Exempt

Benefits: Qualifies for full-time benefits

Reporting Relationship: Reports to Director of Public Services

Supervisory Duties: This position directly supervises the Maintenance Supervisors (Parks, Streets, Utilities) and Fleet Mechanics

Position Details: The Assistant Public Services director is responsible for overseeing and planning the day-to-day operations of the Public Services Department maintenance divisions of streets, utilities, parks, and fleet. Partner with Public Services Director on long-range planning, major projects, budget management and budget preparation.

Manage Department Operations:

- Oversee maintenance divisions of streets, parks, utilities, and fleet. Oversee all maintenance and new construction related to these areas.
- Recruit and supervise staff. Identify training opportunities for staff. Train, motivate, assign, prioritize, and inspect work. Develop within department and City policies the standards of performance for all staff. Complete employee performance evaluations. Participate in selection of maintenance employees.
- Develop and oversee implementation of operating policies and procedures to accomplish departmental goals and objectives.
- Review utility permits, use of street permits, right of way permits, franchise utility payments, etc.
- Perform public improvement inspection activities within public right-of-way.
- Support the Street Supervisor in Winter Maintenance Operations for snow and ice control. Work with staff to properly implement Smart Salting initiatives and the use of the Force America Precise controls.
- Oversee and maintain City's Pavement Management Program in partnership with Street Maintenance Supervisor.
- Recommend long range plan for replacement and purchase of equipment with input from staff and Fleet Mechanics.
- Lead the implementation of Cartegraph Fleet Maintenance Management system for tracking/maintaining equipment in partnership with the Fleet Mechanics.
- Oversee construction of trails and parks and related public services projects in partnership with the Parks Supervisor.
- Support the Utility Supervisor in the ongoing maintenance of the water, wastewater, and stormwater utility systems to ensure the City meets all regulatory requirements and customer service needs.
- Ensure compliance with time and budget parameters for projects competed by each of the Divisions.
- Engage the public on department projects. Partner with City staff on communication materials for City website and social media pages. Respond to telephone and email requests from the public for information, complaints, and project requests.
- Work with Cartegraph software to ensure workflows are set up and to create efficiencies across all maintenance divisions.



- Assess department needs and prepare budgets with the Public Services Director and Maintenance Supervisors. Analyze past expenditures, expected needs, and future cost projections; approve department expenditures.
- Prepare reports and agenda items for City Council, Park Board and outside agencies. Attend City Council meetings and work sessions and advise on public services matters as needed.
- Coordinate with outside city departments on service delivery, reports, and requests for service.
- Operate computer programs which aid in the design work and recommend purchase of new products or upgrades.

Supervisory Duties:

- Manages selection and recruitment; recommends staff hires and promotions.
- Oversees professional development of staff.
- Plans, reviews, assigns, and evaluates work of staff.
- Provides coaching, feedback and evaluates staff performance.
- Resolves staff conflicts and concerns.
- Prepares work schedules and approves timecard records.

Additional Duties:

- Operate software programs utilized in delivery of public services department systems.
- Maintain contact with City, State and Federal agencies, professional and technical groups and the general public regarding Department activities and services. Monitor inter-governmental actions affecting public services division.
- Participates in training, education, conferences, etc.
- Attend and represent the City at various local, City, regional, and state level meetings.
- Perform other duties and assume responsibilities as apparent or assigned.

While these are the primary focus of the position, we believe strongly in teamwork and employees will be called upon to perform a variety of duties as part of their role with the City.

Position Requirements

Knowledge, Skills and Abilities:

- Ability to communicate complex technical information effectively, both verbally and in writing, and maintain effective working relationships with contractors, developers, property owners, employees, consultants, other governmental agency representatives, City officials, committee members, co-workers and the general public.
- Knowledge of utility operations not limited to Water, Sewer, Storm Water and Street Lighting.
- Knowledge/background of street maintenance operations and best practices.
- Knowledge of construction standards, methods and materials used in municipal public improvement projects.
- Ability to operate a personal computer, including word processing, spreadsheet, database and computer aided design software and mobile radio.
- Ability to prepare costs estimates, analyze data, prepare feasibility reports and make presentations.
- Ability to manage multiple tasks on a timely basis. Ability to establish and achieve priorities.

- Ability to develop and implement goals and objectives; plan, coordinate, direct and evaluate the work of others; develop and implement policies and procedures; and to supervise personnel in a manner conducive to efficient performance and high morale.
- Ability to use considerable analytical ability to select, evaluate and interpret data from several sources and to interpret guidelines, policies and procedures.
- Normal working hours: Monday – Friday, 6:30 am – 3:00 pm. Ability to work extended hours and attend meetings outside of normal work hours.
- Ability to attend work punctually and regularly and to respond to emergencies 24/7.

Education: High school diploma or equivalent.

Requirements:

- Five or more years' experience in Public Works
- Two or more years' experience in leadership capacity
- Successful completion of a criminal background check and driving check.

Desired Qualifications:

- Two or Four-year degree in a related field
- APWA Public Works Certificate Program
- Proficiency in GIS mapping applications.
- Knowledge/experience with Cartegraph Asset Management systems.
- Knowledge/experience in Excel, Windows, Word, Power Point and Publisher.
- Knowledge/experience using ArcView GIS software.

Physical and Mental Requirements: The employee frequently is required to sit and talk or hear; use hands to finger, handle or feel objects, tools or controls; and reach with hands and arms. Must be able to walk and climb on all terrains and various stages of a construction site. Must be able to drive, bend, stoop, crouch, kneel, push and pull, and perform near activity. Considerable ability to use fine motor skills to manipulate objects requiring manual dexterity. Ability to work outside year-round, during inclement weather, and under adverse field conditions. Ability to frequently lift and/or move objects weighing 50 pounds. Ability to hear, talk, see, touch, smell and taste. Specific vision abilities required by this position include close vision, distance vision, depth perception, peripheral vision and ability to focus as it relates to such tasks as reading manuals, processing paperwork, overseeing public activities, viewing a computer monitor. Ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

***The physical demands described here are representative to those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations can be made to enable individuals with disabilities to perform the essential functions.*

Working Conditions: Work is performed primarily in vehicles, outdoor and office settings; the employee regularly sits for extended periods at a personal computer using repetitive movements and small motor skills and is exposed to moderate noise levels in the office environment. The employee may be exposed to fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock and exposure to loud noises from operating equipment. The employee is occasionally exposed to inclement weather conditions.

Position Competencies

Coaching and Mentoring

- Enables others to grow and succeed through feedback, instruction, and encouragement.
- Coaches' others regardless of performance level. Shares specialized approaches and skills that will increase capabilities.
- Takes time to observe behaviors that contribute to or detract from others' success. Highlights performance strengths and weaknesses by giving factual, specific, non-judgmental feedback.
- Builds relationships with teammates so that coaching efforts are received in a positive, developmental manner. Takes steps to learn the work interests and career goals of teammates.
- Models' success behaviors, a high-performance work ethic, and constant self-improvement.

Leadership

- Oversees all department operations and work activities, including the staff of the department in alignment with the vision and directives of the City.
- Leads the operation of the department, ensures City policies/safety/rules/procedures are followed, assists staff with problem solving issues, performs appropriate decision making, and follows through on projects to ensure work product is consistently high quality.
- Clearly defines responsibilities, expectations and authority limits to employees.
- Inspires others to achieve results by promoting involvement, participation and cooperation.
- Works respectfully and effectively with managers and leadership of the department and creates a work environment among reporting staff that encourages and provides impactful outcomes through teamwork.
- Creates and supports effective working relationships within and between City departments, divisions and outside agencies.
- Research best practices, literature, and data to synthesize for department policy and budget development.
- Interprets laws, rules, and regulations at the City, State, and Federal level.
- Directs implementation of laws and regulations in accordance with City, State, and Federal laws and regulations.
- Conducts regular department meetings with supervisors and line staff to inform them of significant issues, events, policies, or legislative changes.

Risk Management

- Identifying, assessing, and managing risk, while striving to attain objectives.
- Assessing the risk while considering the objectives and parameters of the organization.
- Identifying levels of risk and communicating to the group, stakeholders, or sponsors suggested options for achieving the objective with a shared understanding of the risks.

Safety conscious

- Promotes and supports safety and loss control programs to ensure a safe and healthy working environment that will minimize hazards and/or risks that could result in personal injury, illness, and/or property damage.
- Keeps abreast of accident/injury trends within the Department, ensuring proper action was taken to investigate incidents/accidents in determining causes and reducing injuries.

Competencies Common to All City Positions:

- Develop, maintain a thorough working knowledge of, and comply with all

- departmental and applicable City policies and procedures.
- Demonstration by personal example the spirit of service, excellence, and integrity expected from all staff.
 - Develop respectful and cooperative working relationships with co-workers, including willing assistance to newer staff so job responsibilities can be performed with confidence as quickly as possible.
 - Confer regularly with and keep immediate supervisor informed of all important matters which pertain to the applicable job functions and responsibilities.
 - Represent the City of Waconia in a professional manner to the public, outside contacts and constituencies.

***The work environment characteristics described here are representative to those an employee encounters while performing essential functions of this job. Reasonable accommodations can be made to enable individuals with disabilities to perform the essential functions.*

NON-DISCRIMINATION POLICY: The City of Waconia will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation or status with regard to public assistance. (These examples are intended only as illustrations of various types of work performed and are not necessarily all inclusive. The job description is subject to change as the needs of the employer and requirements of the job change. The City of Waconia reserves the right to change and/or eliminate any and all job duties if needed.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	October 21, 2024
Item Name:	Authorize Acquisition of Replacement Aerial Lift Truck, CIP Project 308
Originating Department:	Public Services
Presented by:	Jon Haukaas
Previous Council Action (if any):	Resolution 2023-60 authorizing city staff to obtain chassis and equipment pricing for replacement of Unity #39, 2008 Sterling Bucket Truck, CIP Project 308 for 2024 acquisition.

Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Adopt Resolution No. 2024-224 Authorizing the acquisition of a 2024 VersaLift VST-55-HDI aerial lift with Ford F600 Chassis as replacement to Bucket Truck Unit #39 as identified in the Capital Improvement Plan as Project 308.

EXPLANATION OF AGENDA ITEM *(Include a description of background, benefits, and recommendations.)*

The 2024 Capital Improvement Program identified the replacement of the current bucket truck, a 2008 Sterling Acterra with a VersaLift VST-5000 aerial platform. This equipment is used to perform tree trimming, lighting repair and maintenance, hanging holiday decorations and banners throughout the year, and various other tasks requiring access to elevated infrastructure. The hydraulics on the unit are in need of replacement and the boom itself has enough wear that we have been advised it will soon need a full renovation to continue to meet safety standards.

A staff committee was formed to look at how the unit is being used and what specifications need to be included as the city researched replacement unit. Key findings were that they were very satisfied with the general performance of the existing unit and would like to add additional reach as well as improving the stability when in the fully extended position.

Quotes and information was reviewed from multiple sources as shown below:

Brand	Model	Working Height	Chassis	Price	Availability
ABM - VersaLift	VST-55-HDI	59.5 ft	Ford F600	\$258,200.00	November 2024
Global Rental - Altec	TA600	64.8 ft	Freightliner M2-106	\$266,958.00	January 2026
Terex USA	TL-55	60.1 ft	Freightliner M2-106	\$333,250.00	January 2026

Staff recommends the acquisition of the VersaLift VST-55-HDI on the Ford F600 Chassis for multiple reasons. This is essentially a taller modern version of the current unit so there will be minimal new training necessary. The utility box is the same size and will fit all of the additional accessories. Additionally, the new unit comes with a four post outrigger system that will significantly improve stability of the unit. The Ford F600 Chassis is smaller than the current Sterling single axle chassis which will allow better access down trails or tighter areas. Finally, this unit is available for immediate delivery while the Freightliner single axle chassis has a 12-16 month lead time.

Attachments:

1. [Resolution No. 2024-224 Authorizing Acquisition Replacement to Unit #39](#)

2. [Quote VST 55HDI BFX 84 Ford F600](#)
3. [VST-55-HDI-Brochure](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Capital Equipment Cash, Street Light Cash

Budget Information:

☒ Budgeted

☐ Non Budgeted

☐ Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission

Parks and Recreation Board

Safari Island Advisory Board

Other

**CITY OF WACONIA
RESOLUTION NO. 2024-224**

**RESOLUTION AUTHORIZING ACQUISITION OF 2024
VERSALIFT VST-55-HDI AERIAL PLATFORM LIFT WITH FORD F600 CHASSIS,
REPLACEMENT TO UNIT #39, CIP PROJECT 308**

WHEREAS, one of the City’s Priorities is to “manage, maintain, and improve our current and future physical assets”; and

WHEREAS, the City Council authorized staff to research and obtain pricing for the replacement of Unit #39, a 2008 Sterling Acterra Bucket Truck; and

WHEREAS, a staff committee was formed to determine the specifications and needs of the department when determining the best replacement for this equipment; and

WHEREAS, the city staff have solicited quotes from the vendors which have this equipment listed on the Minnesota State Cooperative Purchasing Contracting system and also compared to direct available ‘on lot’ purchases to guarantee best government pricing; and

WHEREAS, this replacement was included in the 2024 Capital Equipment replacement plan with adequate funds to cover the cost; and

WHEREAS, Staff recommend approval of the acquisition of the equipment per the attached quote.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes acquisition of the VersaLift VST-55-HDL on a Ford F600 chassis from ABM Equipment of Hopkins, MN in the amount of \$258,200.00.

Adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, Assistant City Administrator



333 2nd Street NE
Hopkins, MN 55343
952-938-5451
800-229-5451
Fax 952-938-0159
www.abmequip.com

Custom Truck Equipment for the Utility, Construction, Municipal and Refuse Industries

Quotation #100424-114

October 4th, 2024

Customer: City of Waconia
Attn: Jon Haukaas
Contact: jhaukaas@waconia.org, 952-442-4265

We are pleased to quote the VERSALIFT VST-55-HDI, insulated 54 ft. 7 in. (16.6 m) articulating, telescopic aerial platform lift, 59 ft. 7 in. (18.2 m) working height with a horizontal reach of 33 ft. 5 in. (10.2 m) and to include the following items:

- Standard platform capacity of 600 lbs.
- **TruGuard™** dielectric isolating system with right hand single-stick control. All control handles are isolated and tested per ANSI 92.2. The high resistive dielectric system is protected from direct environmental and job related contamination. **TruGuard™** technology incorporates the use of full hydraulic controls with durable metal handles and linkages.
- Hydraulic platform rotator.
- Hydraulic dual arm **articulating** jib pole and winch package for up to 1,000 lbs. (454 kg.) capacity, including insulated jib pole
- 360° continuous rotation including slip rings
- Six GPM (22.7 LPM) open center hydraulic system with a 3000 psi (210 kg/cm²) operating pressure
- Side mounted telescopic upper boom allows low stowing of platform. Fiberglass inner boom provides insulation gap of 54 inches (1.4 m) fully retracted meeting ANSI A92.2 requirements for Category C 46KV and below.
- Chassis insulating system (fiberglass lower boom insert) providing 12 in. (0.305 m) insulation gap and including accommodations to bridge insulation gap for testing per ANSI 92.2
- Inner boom finished with white urethane paint over a white gel coat.
- Non-lube bearings used throughout.
- One set of hydraulic tool outlets with pressure limit valve. Valve can be adjusted from 1000 to 2500 psi.
- Sub frame mounted main A-frame outriggers with pivot feet, two control valves, and a selector valve.
- Auxiliary independent narrow knock down A Frame outriggers with pivot feet
- Outrigger boom interlock system for main and auxiliary outriggers
- Integral reservoir with a 17-gallon (64.4 l) capacity and dual sight gauges.
- Side mounted closed heavy-duty one-step 24 in. X 48 in. X 42 in. (0.61m X 1.22m X 1.07m) fiberglass platform including platform liner and vinyl cover.
- Individual full pressure controls at the turret actuate all boom functions and is equipped with a selector valve to override upper controls
- 12 volt DC backup pump providing power to all boom functions
- Automatic throttle control
- Auto boom latch for mounting on inner boom. The rotary auto boom latch works off the lift hydraulic pressure to open and close.
- Standard white urethane paint



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Fax 952-938-0159
www.abmequip.com

Custom Truck Equipment for the Utility, Construction, Municipal and Refuse Industries

Quotation #100424-114

October 4th, 2024

- Safety harness and lanyard
- Two operator manuals and service manuals

Cab and chassis to the following specifications:

- 2024 Ford F-600 4x4 cab and chassis with a CA of 84" (GVWR: 22,500 lbs.)
- 6.7L Power Stroke Turbo Diesel V8
- 10-speed automatic transmission
- Full specifications available.

BFX Bodies 132" long x 42" high x 94" wide service body including the following:

- 30 inch aluminum tread plate platform extension
- BFX LED lighting package installed in tail shelf.
- Cable access step at rear and side access.
- Two (2) stainless steel grab handles at side access and two (2) aluminum grab rails at rear tail shelf.
- Wheel chock storage and outrigger pad holders.
- Push/pull rod lock system
 - **42" High Street side compartments as follows**
- 1st Vertical: Two (2) adjustable shelves with dividers and cutout for outrigger
- 2nd Vertical: Two (2) adjustable shelves with dividers
- Horizontal: One (1) removable shelf with dividers
- Rear Vertical: Two (2) adjustable shelves with dividers
- 132" x 18" x 11" fiberglass hotstick top box with door at rear.
 - **42" High Curbside compartments as follows**
- 1st Vertical: Two (2) adjustable shelves with dividers and cutout for outrigger
- 2nd Vertical: Grip strut access steps to bed area with removable plastic tail board.
- Horizontal: One (1) adjustable shelf with dividers
- Rear Vertical: Five (5) fixed material hooks 1-3-1

Installation to include the following:

- Install VERSALIFT VST-55-HDI, mounting hardware, PTO and pump.
- Install service body and accessories.
- Install combo pintle hitch, D rings and 7 prong trailer connector.
- Install two (2) amber strobe lights in tail shelf and two (2) strobe lights in front grill.
- Install grounding kit, park brake interlock system, back up alarm and mud flaps.
- Supply outrigger pads, wheel chocks, fire extinguisher, and 3 piece triangle reflector kit.
- Test ride completed unit for one (1) hour.



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Quotation #100424-114

October 4th, 2024

- Test and certify per ANSI A92.2

Total for unit:	\$254,700.00
F.O.B. Hopkins MN:	\$3,500.00
Total:	\$258,200.00



ABOVE PRICES DO NOT INCLUDE ANY APPLICABLE TAXES

Thank you for considering ABM Equipment. With the enclosed information, I hope you can place this business with us. Should you have any questions or need additional information, please do not hesitate to contact me at 612.590.4788.

Sincerely,

Rick Loosbrock

Rick Loosbrock
Regional Sales Manager



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Custom Truck Equipment for the Utility, Construction, Municipal and Refuse Industries

Quotation #100424-114

October 4th, 2024

Terms and Conditions – per MN State Contract

Estimated Completion Date: (subject to availability)

Validity of Quote: per MN State Contract (in force)

Payment: Payment terms are Net 30 days.

Taxes: This quote excludes applicable local, state, or (F.E.T.) federal taxes.

Delivery: Unless otherwise noted on this quotation, equipment is sold F.O.B. point of shipment, and ABM Equipment, LLC's responsibility shall cease upon delivering the equipment in good order to the carrier. ABM Equipment, LLC shall not be responsible for delays in delivery due to reasons beyond its control, including labor disputes and supply chain issues.

Warranty: Warranty coverage shall be per the warranty terms of the manufacturer. Warranty work is to be performed at ABM Equipment, LLC. The warranty does not include travel charges.

Cancellation: It is understood that any order on this quotation and accepted by the seller shall be firm in as much as ABM Equipment, LLC, in turn, must place firm orders for the equipment and of the parts thereof. No cancellations may be made except on terms agreed to by ABM Equipment, LLC in writing.

Liability: ABM Equipment, LLC assumes no liability for damage due to theft, vandalism, fire, weather, or damage due to gradual deterioration or inherent defects in such property. In addition, we assume no liability for damage of any kind during the storage of your chassis or parts on our premises while awaiting modification or installation. ABM Equipment, LLC shall determine the storage location of the property at its discretion.

Entire Agreement: This quotation sets forth the terms and conditions applicable to the equipment described herein and may not be modified without ABM Equipment, LLC's written consent. The terms and conditions of this quotation shall prevail over those of any other writing concerning this equipment in case of any inconsistency between them.

Confidentiality: The information contained in this quote, and all supporting documentation is confidential and may only be used by ABM Equipment, LLC, and the customer listed on this quote.

Please sign below indicating your intent to purchase the above equipment at the price and terms quoted; or with modifications as stated below. Proposed modifications of materials to be supplied, terms of sale, or pricing are contingent upon acceptance by ABM Equipment, LLC.

Accepted: _____

Print Name: NICOLE WALDRON, MAYOR

Date: OCTOBER 21, 2024

Company: CITY OF WACONIA

VST-55-HDI

Non-CDL Insulated Articulated/Telescopic Aerial Device

- **WORKING HEIGHT:** Up to 59 ft 6 in (18.2 m)
with Standard Pedestal
- **HORIZONTAL REACH:** Up to 33 ft 5 in (10.2 m)
- **PLATFORM CAPACITY:** Up to 600 lbs (272 kg)
- **JIB CAPACITY (Optional):** Up to 1000 lbs (454 kg)

**BEST
PAYLOAD
IN ITS CLASS**

**JIB & WINCH
OPTIONAL**

Non-CDL Chassis
GVWR <26,000lb



VST-55-HDI shown with Material Handling option.

VERSALIFT®

**NEW
INNOVATIVE
SOLUTION**

Lighter, More Reliable Design
on a Non-CDL Chassis

VST-55-HDI

Non-CDL Insulated/Articulated/Telescopic Aerial Device



GENERAL SPECIFICATIONS:

Horizontal Reach	33 ft 5 in (10.2 m)
Maximum Platform Capacity	600 lbs (272 kg)
Inner Boom Extension	103 in (2.6 m)
Outer/Inner Boom Articulation	-25° to +80°
Lower Boom Articulation	81°
Rotation	360° Continuous

WITH STANDARD PEDESTAL:

Height to Bottom of Platform	54 ft 6 in (16.6 m)
Working Height	59 ft 6 in (18.2 m)
Stowed Travel Height	11 ft 1 in (3.4 m)

INSULATION GAP:

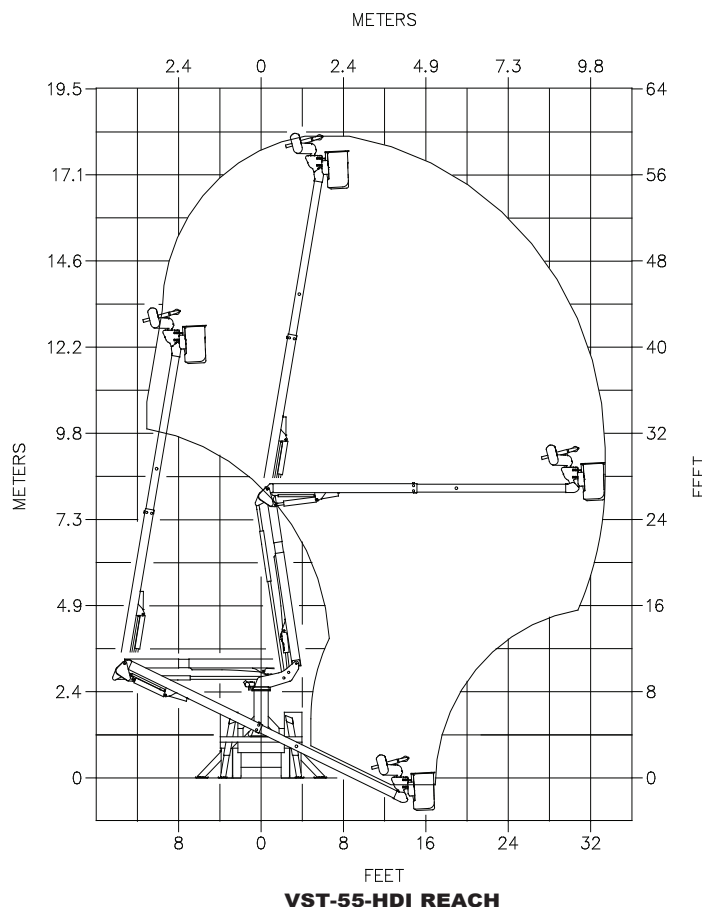
Upper Boom Fully Retracted	54 in (1.4 m)
Lower Boom	12 in (305 mm)

HYDRAULIC SYSTEM:

Operating Pressure	3000 psi (207 bar)
Flow Rate	6 gpm (22.7 lpm)
System Type	Open Center

OPTIONS:

- Auxiliary Outriggers
- Second Set of Tool Power Ports
- Platform Elevator
- Various Pedestal Heights
- Automatic Boom Latch
- SlopeMAX
- Hydraulic Jib/Winch (Reduces Platform Capacity 100 lbs)
- Jib up to 1000 lb (454 kg) capacity



Note: Specifications on units may vary or change without prior notification due to option selections.

REV. 03/24

VERSALIFT is a leading manufacturer of bucket trucks, digger derricks and cable placers. Customers in the electric utility, telecommunications, forestry and sign, light & traffic industries experience a lower true cost of ownership by choosing Versalift. Our equipment is engineered to be lighter, while keeping the designs simple, which provides advantages like less unscheduled maintenance, greater payloads and ease of maintenance. Versalift has the lowest recall rate in the industry making it the smarter and most reliable choice. Versalift aerial lifts are the only units to feature the patented TruGuard® safety system, which provides additional protection to linemen in the bucket. Versalift is a Time Manufacturing Company, and together with Aspen Aerials has more than 2,000 employees worldwide.

REV. 03/19



7601 Imperial Drive | Waco, Texas 76712 | 254.399.2100 | VERSALIFT.com

129



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Contractor for Winter Towing & Impound Services					
Originating Department:		Finance					
Presented by:		Nicole Meyer					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-225 Approving Contractor for 2024-2025 Winter Towing & Impound Services							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
City staff created a request for proposal for winter towing and impound services for November 1, 2024 thru April 1, 2025. The request for proposal contained the parameters and service needs required by the City. The request included a worksheet to be completed and returned to City staff by October 10, 2024. The request and application forms were mailed directly to four towing service locations within a 15 mile radius of the City of Waconia. Two proposals were received by the deadline. The proposals have been reviewed by Public Services staff and there were no additional questions. The cost for a basic tow due to violation of the of the City's winter parking regulations are listed below: • Colony Plaza - Waconia, MN - \$175 for the tow plus \$25 admin fee and \$85 for the storage (after 48 hours). Total for tow and one day of storage \$200. Customers can pick up their car in Waconia. • R&V Service & Towing LLC - Mayer, MN - \$140 for the tow plus \$35 for one day of storage (minimum). Total for tow and one day of storage \$175. Customers would need to drive to Mayer to retrieve their vehicle. (Same price that was given for towing services in 2023-2024). City staff is recommending the City Council consider moving forward with a contract with Colony Plaza. Although they are not the least expensive contractor, cars that are towed can be picked up in Waconia verses customers having to drive to Mayer to retrieve their vehicle. With the Council's approval to move forward with Colony Plaza, staff will work with Melchert, Hubert, Sjodin to develop a contract for consideration by the City and contractor. City staff and the City Council review the winter maintenance and towing and impound services annually. Staff expects to review this contract again in the summer of 2025 to prepare for the 2025-2026 winter season.							
<u>Attachments:</u>							
1. Resolution No. 2024-225 Approving Contractor 2024-2025 Winter Towing and Impound Services							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: General Fund - Streets (101)							
Budget Information:				Planning Commission			
X Budgeted				Parks and Recreation Board			
Non Budgeted				Safari Island Advisory Board			

_____Amendment Required	Other
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**CITY OF WACONIA
RESOLUTION NO. 2024-225**

**RESOLUTION APPROVING CONTRACTOR FOR 2024-2025 WINTER TOWING &
IMPOUND SERVICES**

WHEREAS, City staff sent a request for proposal to four towing service contractors within a 15-mile radius of the City of Waconia for winter towing and impound services for November 1, 2024 thru April 1, 2025; and

WHEREAS, two proposals were received by the deadline from contractors that received the proposal; and

WHEREAS, the cost for a basic tow due to violation of the City's winter parking regulations are listed below:

- Colony Plaza - Waconia, MN - Total for tow and one day of storage \$200. Customers can pick up their car in Waconia.
- R&V Service & Towing LLC - Mayer, MN - Total for tow and one day of storage \$175. Customers would need to drive to Mayer to retrieve their vehicle; and

WHEREAS, it is recommended to move forward with the proposal received from Colony Plaza as the local vendor and so those in violation can retrieve their vehicle in Waconia; and

WHEREAS, with approval of this contractor, City staff will work with the contractor and Melchert, Hubert, Sjodin in execution of an agreeable contract.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia hereby approves Colony Plaza as the City's towing and impound service provided for the 2024-2025 winter season.

Adopted by the City Council of the City of Waconia this 21st day of October, 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, Assistant City Administrator



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Accepting Donation and Approving Pass Thru Recommendation - Waconia Fire Relief Association					
Originating Department:		Finance					
Presented by:		Nicole Meyer					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-226 Accepting Donation and Approving Pass Thru Recommendation from Waconia Fire Relief Association.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City received a donation from the Waconia Fire Department Gambling Board totaling \$6,000. The gambling board approved this donation as a pass thru for the following purposes: \$70.00 – Big League Shirts – Shipping of Uniforms \$80.00 – Minnesota State Fire Chief’s Association – Banquet Tickets for Borg Family \$6,003.80 – Fireman’s BBQ, Rolling Hearth Bistro, The Squeaky Cow, Sizzle Street, Ozzie’s – Food Trucks at the Fire Station Public Open House Event on October 6, 2024 With the Council’s acceptance of the donation and recommended purpose for pass thru from the gambling board, City staff will recognize the donation revenue and off-setting expenditures in the General Fund - Fire budget. Overall, the City has receipted \$25,222.20 in donation revenue from the gambling board in 2024 and expensed \$20,155.54 for purposes approved by the board. One expense is still outstanding for \$5,000 for interior design work at the new fire station (Approved on August 19, 2024). The remaining funds to be allocated for spending is \$66.66.							
Attachments:							
1. Resolution No. 2024-226 Accepting Donation and Pass Thru Recommendation from Waconia Fire Relief Association							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
General Fund - Fire (101)							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
X Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

CITY OF WACONIA
RESOLUTION NO. 2024-226
RESOLUTION ACCEPTING DONATION AND PASS THRU RECOMMENDATION FROM
WACONIA FIRE RELIEF ASSOCIATION

WHEREAS, the City of Waconia is generally authorized to accept contributions of real and personal property pursuant to Minnesota Statutes Sections 412.21 and 465.03 for the benefit of its citizens and is specifically authorized to accept gifts and requests for the benefit of recreational facilities, services and the development of programs to benefit residents pursuant to Minnesota Statutes Section 471.17; and

WHEREAS, the following persons and/or entities have offered to contribute the items set forth below to the City:

<u>Name of Donor</u>	<u>Item</u>	<u>Value</u>	<u>Department/Fund</u>
Waconia Fire Gambling Board	Check	\$6,000	General Fund - Fire

WHEREAS, these donations have been contributed for the benefit of residents within the City's corporate limits either alone or in cooperation with others, as allowed by law; and

WHEREAS, the City Council hereby finds that it is appropriate to accept the contributions offered.

WHEREAS, the Waconia Fire Department Gambling Board wishes to enhance the donation by passing the funds thru for the following purpose:

- \$70.00 – Big League Shirts – Shipping of Uniforms
- \$80.00 – Minnesota State Fire Chief's Association – Banquet Tickets for Borg Family
- \$6,003.80 – Fireman's BBQ, Rolling Hearth Bistro, The Squeaky Cow, Sizzle Street, Ozzie's – Food Trucks at the Fire Station Public Open House Event on October 6, 2024

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WACONIA, MINNESOTA, AS FOLLOWS:

1. The contribution described above is hereby accepted and acknowledged with gratitude.
2. Said contribution shall be deposited to the appropriate funds and used for the designated purposes.
3. That the Finance Director is hereby directed to issue receipts to the donor acknowledging the City's receipt of the donor's contribution.

Adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, Assistant City Administrator



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Franchise Fee Study Proposal					
Originating Department:		Finance					
Presented by:		Nicole Meyer					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-227 Approving Proposal for Franchise Fee Study with Ehlers							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
City staff have been reviewing alternate funding sources for the City's capital plan. Many communities are using franchise fees to assist in funding capital projects and programs. At a recent finance conference, staff was made aware that Ehlers (the City's Financial Advisor) is able to work with utility companies and provide estimated revenues from franchise fee agreements. The City currently has one franchise fee agreement with MediaCom for cable services. The City does not otherwise have franchise agreements with other utility companies. Ehlers provided the attached proposal which includes their scope of work, deliverables, project timing, and cost. Staff would like to work with Ehlers to see what proposed franchise fees would generate in revenue. This proposal will assist staff in knowing if this is an avenue that could be used as an additional funding source and how the fees would effect residents and utility customers. Next steps would include working through public education, ordinance amendments, coordination with the utility companies, and generating agreements for approved. Because this study was not a planned expense in the City's budget in 2024, staff did review budget line items and found an additional \$7,000 in the audit services line item in the General Fund finance departmental budget. This money was budgeted due to audit requirements set for federal spending in 2023. The City did not have enough federal grants or spending in 2023 so a single audit report was not required; therefore the money will remain unspent in 2024. Staff would propose using these funds to assist with the costs identified in the proposal as a not to exceed \$6,500 fee for the study. Finance staff will be working with Ehlers to complete this study and line up future work sessions with the City Council to discuss the findings.							
Attachments:							
1. Resolution No. 2024-227 Approving Proposal for Franchise Fee Study with Ehlers 2. Franchise Fee Study Proposal							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: General Fund - Finance (101)							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
☒ X Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2024-227**

**RESOLUTION APPROVING PROPOSAL FOR FRANCHISE FEE STUDY
WITH EHLERS**

WHEREAS, City staff have reviewed the possibility of additional funding sources for the City's 10-year capital improvement program with the Long-Range Capital Improvement Plan (LRCIP) Committee; and

WHEREAS, one option for alternative funding is through franchise fees with electric and natural gas providers; and

WHEREAS, the City's approved financial provider, Ehlers, is able to complete this type of study in the past; and

WHEREAS, the study will provide what kind of revenue would be generated from franchise fees so the City Council can decide if it is an option in future planning; and

WHEREAS, funds to pay for the proposed study are included in the General Fund – Finance budget in 2024.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia hereby approves the proposal for a franchise fee study with Ehlers.

Adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, Assistant City Administrator

October 21, 2024

Nicole Meyer
Finance Director
City of Waconia
201 Vine Street South
Waconia, MN 55387

RE: Proposal for Franchise Fee Study

Dear Nicole,

Thank you for the opportunity to submit a proposal to assist the City of Waconia, Minnesota (the "City") with an analysis of potential electric and natural gas franchise fees (the "Franchise Fees") within the City (the "Study"). We are grateful for our long-standing relationship with the City and appreciate the opportunity to complete the Study.

Generally, the process outlined in the Scope of Work will allow the City to consider the potential implementation of Franchise Fees to support improvements to various streets throughout the community. The Study will also provide an estimate of the monthly Franchise Fees by utility type and user classification as well as a comparative analysis of Franchise Fees imposed by similar or surrounding communities.

Scope of Work and Deliverables

The Study will provide data collection, analysis and recommendations related to the potential implementation of new Franchise Fees within the City, including:

- Requesting data from the applicable utility providers;
- Developing up to two (2) Franchise Fee schedules;
- Compiling comparative Franchise Fees from up to ten (10) other municipalities;
- Presenting the findings of the Study in various forums, including:
 - One (1) senior leadership team or other internal meeting;
 - Up to two (2) City Council meetings or work sessions; and
- Revising the Study based on feedback from City staff, the City Council and/or other stakeholders.

Prior to presenting any information at the meetings outlined above, we plan to meet with City staff to review the expectations for the discussion and finalize any materials, if applicable.

Since the City would implement any Franchise Fees in the form of an ordinance, Ehlers recommends the involvement of the City Attorney or other legal practitioner to discuss any aspects of potential implementation. Additionally, this proposal does not include any costs for legal services, or any potential costs incurred by the City Attorney.

Project Team

The Project Team will include Todd Hagen and Dan Tienter. While Todd will provide general Study oversight, Dan will serve as Project Manager and be the primary point-of-contact for the City. Ehlers may also include other staff to ensure the timely delivery of the Study.

Project Timing and Cost

Depending upon guidance from the City and potential feedback from the various stakeholders, we plan to complete the Study by February 28, 2025.

Ehlers proposes to complete the Study at a cost not-to-exceed \$6,500 and further proposes to bill it at a rate of \$285 per hour. As such, the final cost of the Study may be less than the proposed amount. Ehlers will prepare monthly invoices for review by the City for work completed in the prior month. If the City requests any additional work beyond the scope of this proposal, Ehlers proposes to bill it at \$285 per hour.

Thank you for your consideration of our proposal – we are excited for the opportunity to continue working with the City!

Sincerely,



Todd Hagen
Senior Municipal Advisor
(651) 697-8508
thagen@ehlers-inc.com



Daniel Tienter
Municipal Advisor
(651) 697-8537
dtienter@ehlers-inc.com



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	October 21, 2024
Item Name:	Amend Section 900.05.3, R-2, Single-Family Residential District, Section 900.05.7, B-1 Highway Business District and Section 900.11 - Above Ground, Portable Fuel Storage
Originating Department:	Community Development
Presented by:	Lane Braaten
Previous Council Action (if any):	

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Adopt Ordinance No. 776 amending Sections 900.05 and 900.11, which would allow above ground, portable fuel storage as an interim use in the B-1, Highway Business District and remove the use from the R-2, Single-Family Residential District.

Adopt Resolution No. 2024-228 approving Summary Publication of the Ordinance.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

APPLICANT INFORMATION

Applicant: Brian Koch

REQUEST

The applicant, Brian Koch, has submitted an Ordinance Amendment application proposing to amend Sections 900.05.3 - R-2, Single-Family Residential District, Section 900.05.7, B-1- Highway Business District, and Section 900.11 - Uses Permitted by Conditional Use Permit (CUP) and Interim Use Permit (IUP). Specifically, the applicant is proposing to allow above ground, portable fuel storage as an interim use in the B-1, Highway Business district rather than its existing allowance in the R-2, Single-Family Residential District. The applicant has indicated a need for fuel storage for the Koch Bus garage facility located at 150 Victor Court.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05.3. R-2, Single-Family Residential District
2. Section 900.05.7. B-1, Highway Business District
3. Section 900.11. Uses Permitted by Conditional Use Permit (CUP) and Interim Use Permit (IUP)

BACKGROUND:

The Ordinance Amendment is in response to conversations with the applicant related to the need for fuel storage associated with their bus transportation use at 150 Victor Court.

ORDINANCE AMENDMENT ANALYSIS:

1. The proposed use appears to be consistent with the intent and purposes of the B-1, Highway Business District which states “*The purpose of this district is to provide for an appropriate range of businesses that will be utilized by area residents as well as vehicular traffic generated from the surrounding area.*”
2. An interim use is defined as “*a use allowed on an interim or temporary basis, consistent with the zoning ordinance. An interim use shall have a known termination date.*”
3. General requirements/findings before an IUP shall be issued. The Planning Commission and Council shall find that the following requirements are met:
 - a. The use does not have an undue adverse impact on the public health, welfare or safety of the neighborhood or the city.
 - b. The use is consistent with the goals, objectives and policies of the City’s comprehensive plan.
 - c. The use is consistent with the intent of this chapter.

- d. The use is adequately served by public facilities and services and will not create excessive demands for additional public services.
 - e. The use complies with the performance standards specified in Section 900.08 of this chapter.
 - f. (The use) will not result in the loss of solar access, significant natural, scenic or historical features.
 - g. The date or event that will terminate the use can be identified with certainty.
 - h. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
 - i. The user agrees to any conditions that the city council deems appropriate for permission of the use.
4. City Code currently allows above ground, fuel storage tanks as an Interim Use in the R-2, Single-Family Residential District which seems contrary to the purpose and intent of the district. Based on a review of the ordinance amendment associated with allowing this use as an IUP in the R-2, it is staff's finding that the amendment was approved in relation to the previous location of Koch Bus Company along Birch Street.
 5. The draft language was reviewed by the City Attorney, the Fire Chief and the Planning Commission and they recommend approval of the draft language if the Council determines the use is consistent with the B-1, Highway Business District.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on September 19th, 2024, posted on the City of Waconia website and posted at Waconia City Hall. To date no public hearing comments have been received.

RECOMMENDATION:

The Planning Commission, at their regular meeting on October 3rd, 2024, reviewed all of the pertinent information, held a public hearing and took all public comment related to the proposed draft ordinance language. The Planning Commission recommended approval via a 5-0 vote.

Attachments:

1. [Ordinance 776 Amending Chapter 900 Regarding Zoning](#)
2. [Resolution No. 2024-228 Summary Publication Ordinance No. 776](#)
3. [Sample Fuel Tank Photo](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

ADVISORY BOARD RECOMMENDATIONS:

Budget Information:

- ☐ Budgeted
- ☐ Non Budgeted
- ☐ Amendment Required

Planning Commission

Parks and Recreation Board

Safari Island Advisory Board

Other

CITY OF WACONIA
ORDINANCE NO. 776

AN ORDINANCE AMENDING CHAPTER 900 OF THE WACONIA CITY CODE
REGARDING ZONING

The City Council of the City of Waconia Ordains:

FINDINGS AND PURPOSE

A business located in the City of Waconia (the “City”) has petitioned the City to amend the Waconia City Code (the “Code”) to list above-ground portable fuel systems (“Fuel Systems”) as a use permitted by an interim use permit (“IUP”) in the B-1 highway business district (the “B-1 District”). The City Council finds it is appropriate to allow this type of use in the B-1 District, subject to IUP requirements and conditions.

Further, Fuel Systems are currently allowed in the City’s R-2 residential housing district (the “R-2 District”). The City Council finds no Fuel Systems currently exist in the R-2 District, and that it is appropriate to disallow Fuel Systems in the R-2 District given they are incompatible with residential use.

The purpose of this ordinance is: i) to amend Section 900.05.3, A, 6, of the Code to remove above-ground portable fuel storage systems as a use permitted by IUP in the R-2 District; ii) to amend Section 900.05.7, A, 6, of the Code to add above-ground portable fuel storage systems as a use permitted by IUP in the B-1 highway business district; and iii) to amend Section 900.11, subd. 2, B, 6, of the Code to update IUP requirements for above-ground portable fuel storage systems.

AMENDMENTS

Section 900.05.3, A, 6 of the Code, regarding uses permitted by IUP in the R-2 District, is amended to delete subpart b in its entirety, which eliminates the City’s ability to issue IUPs for Fuel Systems in the R-2 District.

Section 900.05.7, A, 6, of the Code, regarding uses permitted by IUP in the B-1 District, is amended to add the following as a use permitted by IUP:

“b. Above ground, portable fuel systems.”

Section 900.11, Subd. 2, B, 6, of the Code, which addresses the requirements for Fuel Systems, is amended, in its entirety, to read as follows:

6. Above ground, portable fuel systems subject to the following:
 - a. The fuel system must be located on a parcel of land with a minimum aggregate area of fifteen thousand (15,000) square feet.

- b. The fuel system must be located upon the property associated with a commercial fleet of motor vehicles.
- c. Protective bumper guards or pole structures shall be placed around the fuel system to prevent vehicles or objects from striking any fuel system tank. The fire chief shall review and approve the number of poles or amounts and location of bumper guards to be placed.
- d. A fence shall be placed around three (3) of the four (4) sides of each fuel system tank or all sides facing a residential housing unit, whichever is more restrictive. Multiple tanks that are located near each other may be screened by a single fence. Each required fence shall be opaque in nature and shall be of a height set by the City Council and memorialized in the applicable interim use permit. Further, each fence shall be maintained in an aesthetically pleasing manner at all times.
- e. Prior to the commencement of construction of fuel system, the city shall have on file, in writing, approvals from the Building Official, the office of the State Fire Marshal, the Minnesota Pollution Control Agency and the Waconia Fire Chief stating that said fuel system, as proposed, will be in compliance with all local, state and federal fire codes.
- f. The maximum storage capacity of the fuel system shall not exceed ten thousand (10,000) gallons of diesel fuel, two thousand (2,000) gallons of gasoline, and five hundred (500) gallons of propane and shall be limited to no more than four storage tanks.
- g. The fuel system shall be utilized exclusively by a single user for a commercial fleet of motor vehicles stored on the property where the fuel system is located. No retail sale of the fuel to the public is allowed.
- h. The applicant shall agree to remove the fuel system on or before the expiration date of the IUP specified pursuant to Section 900.11, Subd. 2, A, 3, and to restore the property to the condition which existed prior to construction of the fuel system.

EFFECTIVE DATE

This ordinance is effective upon publication.

Passed and adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

ATTEST:

Jacqueline Schulze, Assistant City Administrator

CITY OF WACONIA
RESOLUTION NO. 2024-228

A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 776

WHEREAS, the City Council of the City of Waconia, Minnesota (the “City”) adopted Ordinance No. 776 on October 21st, 2024 (the “Ordinance”); and

WHEREAS, pursuant to Minnesota Statutes §412.191, the City may publish the title and a summary of an Ordinance instead of its full text if the summary informs the public of the intent and effect of the Ordinance and the summary is approved by a four-fifths vote of the City Council; and

WHEREAS, the City Council finds: i) the summary set forth below informs the public of the intent and effect of the Ordinance; and ii) the title and summary of the Ordinance should be published instead of the full text of the Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Waconia, Minnesota, as follows:

1. The above recitals and findings are incorporated as resolutions of the City Council.
2. The following official summary of Ordinance No. 776 is hereby approved:

ORDINANCE NO. 776, AN ORDINANCE AMENDING CHAPTER 900 REGARDING ZONING: i) modifies Section 900.05.3, A, 6, of the Waconia City Code (Code) to remove above-ground portable fuel storage systems as a use permitted by interim use permit (IUP) in the R-2 single-family residential district; ii) modifies Section 900.05.7, A, 6, of the Code to add above-ground portable fuel storage systems as a use permitted by IUP in the B-1 highway business district; and iii) modifies Section 900.11, subd. 2, B, 6, which addresses the requirements for above-ground portable fuel storage systems.

The full text of the ordinance is available for public inspection during regular office hours at the office of the City Clerk, City Hall, 201 South Vine Street, Waconia, and will also be posted at City Hall. Further, any person may request the City to send the full text of the ordinance via standard or electronic mail by calling City Hall at (952) 442-2184.

3. The City Administrator shall submit the Ordinance title and summary to a qualified newspaper for publication using bold type no smaller than eight points in size.

Passed and adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

ATTEST:

Jacqueline Schulze, Assistant City Administrator





REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Lockridge, Grindal, & Nauen Legislative Services					
Originating Department:		Administration					
Presented by:		Shane Fineran					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-229 Approve Contract for Legislative Services							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Since 2022 the City has engaged with Lockridge, Grindal, & Nauen to advocate and lobby for the city's interests at the state capital. The focus of this work as been to secure state funding for the Highway 5 Phase 2 improvements. The city has been successful in obtaining outside funding for the work envisioned as part of this project along the trunk highway corridor, but a gap of \$4.7 million exists to complete the frontage road portion of this transportation project and network within the community. Additionally, the city has begun the efforts to plan for future water infrastructure such as treatment and storage to serve the growth of the community. The legislative efforts of LGN will be focused on obtaining funding for the transportation project with the ability to shift to water infrastructure funding depending upon how successful we are in legislative appropriation. This consultant service is needed in order to reduce the burden on local tax payers for transportation improvements and within the community on state and county roadway systems that serve a regional and local benefit. The community has invested heavily over the past years on these transportation corridors and the goal is to increase state support and participation in the financial investment of these systems so that goods, services, and people can move safely and efficiently to and through the community. The contract is for up to 2 years with a termination provision of written notice of 60 days. Attachments: 1. Resolution No. 2024-229 Approving Legislative Services Contract 2. Legislative Services Agreement with Lockridge Grindal Nauen							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
PIR							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2024-229**

RESOLUTION APPROVING LEGISLATIVE SERVICES CONTRACT

WHEREAS, the City of Waconia (the “City”) depends on county and state roadways to serve the transportation of goods, people, and services to and through the community; and

WHEREAS, the City has made significant local investment in constructing and expanding these roadways as well as local connection to them ; and

WHEREAS, the City needs state support to continue to enhance these roadways to lessen the burden of local tax payers for the investment in regional transportation corridors; and

WHEREAS, the City has determined that the best way to secure state support is through the services of a legislative services consultant who will advocate, monitor, and lobby on the City’s behalf at the state legislature for additional funding support for transportation funding; and

WHEREAS, the City wishes to engage with Lockridge, Grindal, & Nauen for these services.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby approves the contract for services with Lockridge, Grindal, & Nauen and authorizes the City Administrator to execute the contract documents.

Adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulz, Assistant City Administrator

LEGISLATIVE SERVICES AGREEMENT

THIS AGREEMENT, made and entered into by and between **City of Waconia** (“Client”) and **LOCKRIDGE GRINDAL NAUEN PLLP** (“Consultant” or “LGN”) (collectively the “Parties”).

W I T N E S S E T H

WHEREAS, Client, wishes to purchase the services of Consultant to assist Client in monitoring, reporting, and lobbying related to certain state legislative and administrative matters;

NOW, THEREFORE, in consideration of the mutual undertakings and promises hereinafter set forth, Client and Consultant agree as follows:

1. CONSULTANT SERVICES

Consultant shall provide, in coordination with Client’s officers, committees and staff, the services listed in Exhibit A hereto. If additional services, projects or work is agreed upon by both Consultant and Client, fees for such additional services, project or work will be negotiated and mutually agreed upon in writing prior to the performance of additional services, projects or work.

2. TERM AND TERMINATION

2.1 Term. The term of engagement for the services provided shall be **November 1, 2024-October 31, 2026**, with an option to continue at the same rate for an additional two years, subject to termination as provided in Section 2.2.

2.2 Termination. This Agreement may be terminated prior to its expiration only as follows:

2.2.1 Upon the written mutual agreement of the Parties hereto;

2.2.2 By either Party upon sixty (60) days written notice to the other Party.

2.2.3 In the event of termination, fees owed by the Client shall be prorated as of the date of termination.

3. COST OF AND PAYMENT FOR SERVICES

3.1 Fees. In consideration of services performed as specified in Section 1 and Exhibit A of this Agreement, Client shall pay Consultant the professional fees in the amount of **\$40,000 payable in twelve (12) equal installments of \$3,333.33 per month**, commencing November 1, 2024 and November 1, 2025.

3.2 Costs. In addition to payment for professional fees, Client shall pay Consultant for all reasonable incidental expenses incurred by Consultant on Client’s behalf.

3.3 Payment. Payment for professional fees and expenses shall be made to Consultant upon submission by Consultant to Client of invoices for services rendered and expenses incurred and Client shall pay Consultant by the dates listed above.

4. INDEPENDENT CONTRACTOR

Consultant shall select the means, method, and manner of performing the services herein. Consultant is and shall remain an independent contractor with respect to all services performed under this Agreement.

5. COMPLETE AGREEMENT

The Parties each agree and understand that this Agreement, including all Exhibits hereto, constitutes the entire agreement between the Parties and supersedes any prior or contemporaneous oral understandings or agreements with respect to the subject matter hereof.

6. AMENDMENTS AND WAIVERS

This Agreement may not be amended, altered, enlarged, supplemented, abridged, or modified, nor can any provision hereof be waived, except by a writing executed by both Parties which shall be attached hereto. Failure of any Party to enforce any provision of this Agreement shall not constitute or be construed as a waiver of such provision nor of the right to enforce such provision.

7. NOTICES

All notices, demands, and requests permitted or required to be given under this Agreement shall be in writing and deemed given when mailed by the United States mail, postage prepaid, registered or certified mail, return receipt requested, to the address of the appropriate Party as provided herein.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties hereto have executed this Agreement this 21st day of October 2024.

ADDRESS:

201 South Vine Street
Waconia, MN 55387

CLIENT:

City of Waconia

By: Nichole Waldron

Its: Mayor

ADDRESS:

Suite 2200
100 Washington Avenue South
Minneapolis, MN 55401

CONSULTANT:

LOCKRIDGE GRINDAL NAUEN PLLP

By: Harry Gallaher

Its: Managing Partner

EXHIBIT A

LGN will provide state lobbying services for state transportation funding and bonding legislation.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Request MnDOT Conduct a Speed Study of Waconia Parkway South					
Originating Department:		Public Services					
Presented by:		Jon Haukaas					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-230 Requesting MnDOT to Conduct a Speed Study for Waconia Parkway South							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Concerns about the speed on Waconia Parkway South have recently been raised by members of the public and also reported to us from the Carver County Transportation department. This roadway was previously Carver County State Aid Highway 10 before the Highway 10 bypass was completed in 2018. The roadway was turned back to the City and renamed as a local street. The roundabout was added at Pond Lane/Wildflower Way in 2021 and a signal was added at Oak Avenue in 2022. Additionally, the Field development has been being completed rapidly over the past several years adding a significant amount of traffic to this roadway. Additional non-motorized (pedestrian, bicycle, etc.) traffic has increased with the trail added to the north side of the corridor with the Fields Development. Throughout all this change, the speed limits have remained constant. Changes to speed limits fall under Minnesota State Statute 169.14. This law establishes statutory speed limits on most typical roadways under ideal conditions. Unless otherwise posted it is 30 mph on streets in urban districts and 55 mph on other roads. The speed limit already differs from this but would need to be evaluated in order to change the current posting. Anecdotally, it seems the majority of traffic is traveling less than the posted speed limits. It is the differential between the typical driver and the allowed speed that begins to create issues and accidents. In order to update the speed limit, the City needs to request a speed study be conducted by MnDOT. This study will record what the average speeds currently are on the roadway and typically sets the speed at the 85th percentile average. The City could collect our own speed data ahead of the study so that we can have an idea of what may be the state recommendation. Staff recommends the City Council request that MnDOT conduct this speed study so that we can set appropriate speed limits for this section of Waconia Parkway South.							
Attachments:							
1. Resolution No. 2024-230 Requesting MnDOT Conduct Speed Study of Waconia Parkway South							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Street Operating Contractual Services							
Budget Information:				Planning Commission			
X Budgeted				Parks and Recreation Board			
Non Budgeted				Safari Island Advisory Board			
Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2024-230**

**RESOLUTION REQUESTING THE MINNESOTA DEPARTMENT OF
TRANSPORTATION CONDUCT A SPEED STUDY OF
WACONIA PARKWAY SOUTH**

WHEREAS, the segment of Waconia Parkway South was a turnback of a County State Aid Route with speeds posted at 35mph, 45mph, and 50 mph; and

WHEREAS, a roundabout was constructed at the intersection of Waconia Parkway South and Pond Lane/Wildflower Way in 2021; and

WHEREAS, a signal system was added at the intersection of Waconia Parkway South and Oak Avenue in 2022; and

WHEREAS, traffic volumes have steadily increased with the addition of developments to the north; and

WHEREAS, pedestrian traffic has steadily increased due to a trail being added to the north side of the corridor and with new crossings added at the roundabout; and

WHEREAS, concerns have been raised by residents to the City and to the County Commissioners about the high speeds in this area of transition into the city; and

WHEREAS, Minnesota State Statute 169.14 sets the speed limits for roadways; and

WHEREAS, the authority to change roadway speeds lays with the Minnesota Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby requests the Minnesota Department of Transportation initiate and complete a speed study of Waconia Parkway South between the roundabout intersection with Carver County State Aid Highway 10 on the west boundary of the city to the intersection with State Trunk Highway 5.

Adopted by the City Council of the City of Waconia this 21st day of October, 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, Assistant City Administrator



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Employee Conflict of Interest Acknowledgement & Invoice Payment Approval					
Originating Department:		Finance					
Presented by:		Nicole Meyer					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-231 Approving Employee Conflict of Interest Acknowledgement & Invoice Payment Approval							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
State statute and regulatory compliance requires that cities acknowledge when an employee or public official could benefit from doing business with the City. Public services staff worked to get quotes for Emerald Ash Borer treatment within the City limits earlier this summer. Three quotes were received from vendors. The lowest quote received was from Cousin Tree Care. Park Maintenance Worker, Sam Cousin did not prepare the proposal for staff's consideration, but Sam has part ownership in the company and completed the treatment to the trees in the City limits. Staff had no issues with the quotes received and is very satisfied with the work performed by Cousin Tree Care. However due to the regulations set forward in state statute, staff needs the City Council to acknowledge this relationship and approve the invoice for payment to Cousin Tree Care for the work performed. Staff budgeted for this type of work in the 2024 budget under the General Fund - Parks contract services expense. <u>Attachments:</u> 1. Resolution No. 2024-231 Approving Employee Conflict of Interest Acknowledgement							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: General Fund - Finance (101)							
Budget Information: ☒ X Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
RESOLUTION NO. 2024-231**

**RESOLUTION APPROVING EMPLOYEE CONFLICT OF INTEREST
ACKNOWLEDGEMENT & INVOICE PAYMENT APPROVAL**

WHEREAS, City staff budgeted to complete Emerald Ash Borer treatment to ash trees throughout the community in 2024; and

WHEREAS, staff received three quotes for the service with the lowest being from Cousin Tree Care; and

WHEREAS, Parks Maintenance Worker, Sam Cousin is a partial owner and performs work for Cousin Tree Care outside of his duties with the City of Waconia; and

WHEREAS, due to Minnesota State statutes and compliance regulations, staff needs to acknowledge this relationship and approval of payment for invoices to Cousin Tree Care outside of the regular encumbrance listing; and

WHEREAS, Cousin Tree Care successfully completed the work for the City and staff is very satisfied with the service provided.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia hereby approves the employee conflict of interest acknowledgement and invoice payment for services provided.

Adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, Assistant City Administrator



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	October 21, 2024
Item Name:	Authorize a Contract for a Rental Loader for use During the 2024-2025 Winter Maintenance Season
Originating Department:	Public Services
Presented by:	Jon Haukaas
Previous Council Action (if any):	November 20, 2023 - Adopt Resolution No. 2023-249 Authorizing Loader Winter Rental

Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Adopt Resolution No. 2024-232 Authorizing Loader Winter Rental

EXPLANATION OF AGENDA ITEM *(Include a description of background, benefits, and recommendations.)*

For the past several years, staff has budgeted costs for a loader rental to use with our large box plow and expand our capabilities for moving snow during winter maintenance events. Several companies offer a wheel loader that has the capability to do this work yet each has individual characteristics that must be accommodated before we can use it with our equipment.

To ensure a fair comparison, staff reviewed the connection and operational requirements of our box plow and blower that must be met for a rental loader to be compatible and effective for our use. The primary requirements include the following minimum specifications: 35,000 operating weight, 175 horsepower, JRB construction industry standard attachment bracket, and third valve hydraulic controls installed. We then asked for a quote providing the cost per month, hours allowed per month or season total, and cost per hour over included allowance. It is anticipated the rental period would be from mid-November through mid-April.

Winters in this area typically have about 22 events per season. Using an average use of 1.5 days or 12 hours per event means we could potentially use the machine for 264 hours per season or 53 hours per month.

Quotes were requested from six local vendors for their offering of wheel loaders. Five vendors were able to respond with a compatible unit. The attached spreadsheet provides an expanded comparison of cost based on hours used.

Vendor	Brand	Model	Hours Limit	Use \$/Hr	OT \$/Hr	\$\$/month	Addtl Charges	Total at 53hrs/Mo
RDO	John Deere	624P	0	56	56	\$ 2,000.00		\$ 24,840
Lano Equip	SANY	SW405K	40		75	\$ 5,500.00		\$ 27,500
RMS	Komatsu	WA380	80	0	35	\$ 6,200.00		\$ 31,000
United Rentals	CASE	821G-XR	160	0	0	\$ 5,775.00	\$ 2,250.00	\$ 31,125
Zeigler	Caterpillar	938M	80	0	42	\$ 6,250.00		\$ 31,250

The quote from RDO Equipment Co for a John Deere 624 stood out based on their pricing structure.

RDO proposed to charge a base rate with no included hours so that we only pay for hours we use the machine. This provides us maximum flexibility to control costs. Even in an extreme winter, we would have up to approximately 150% our anticipated need before one of the other offerings is more economical.

Attachments:

1. [Resolution No. 2024-232 Authorizing Approval of Loader Rental for Winter Operations](#)
2. [Rental Loader Comparison 2024-2025](#)
3. [RDO - JD 624 Quote](#)
4. [RDO JD624 Photo](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Street Operating Contractual Services

ADVISORY BOARD RECOMMENDATIONS:

Budget Information:

☒ Budgeted

☐ Non Budgeted

☐ Amendment Required

Planning Commission

Parks and Recreation Board

Safari Island Advisory Board

Other

**CITY OF WACONIA
RESOLUTION NO. 2024-232**

**RESOLUTION AUTHORIZING APPROVAL OF
LOADER RENTAL FOR WINTER OPERATIONS**

WHEREAS, one of the City’s Priorities is to “manage, maintain, and improve our current and future physical assets”; and

WHEREAS, staff budgeted costs for a loader rental for the past several years to use with our large box plow and expand our capabilities for moving snow during winter maintenance events; and

WHEREAS, staff developed a set of criteria for the rental program to ensure we received equipment that meets our needs and to create a fair and equitable bidding environment for vendors; and

WHEREAS, the City has solicited quotes for a rental loader piece of equipment to utilize for winter maintenance operations; and

WHEREAS, quotes were evaluated and determined that the best value to the City was the offering from RDO Equipment Company of Burnsville, MN for the rental of a John Deere 624 Wheel Loader; and

WHEREAS, Staff recommend approval of the attached quote for loader rental for the 2024-2025 winter maintenance season.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby approves the quote submitted by RDO Equipment Company of Burnsville, MN for the rental loader during the 2024-2025 winter season.

Adopted by the City Council of the City of Waconia this 21st day of October, 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, Assistant City Administrator

Wheel Loader Rental 2024-2025

Quote Comparison

Vendor	Brand	Model	HP net	Op. Wt.	Bracket Plate	Hours Limit	Use \$/Hr	OT \$/Hr	Term (mo)	\$/month	Addtl Charges	Total at 40hrs/Mo	Total at 60hrs/Mo	Total at 80hrs/Mo	Total at 100hrs/Mo	Misc Notes	
RDO	John Deere	624P	193	35770	JRB	0	56	56	5	\$ 2,000.00		\$ 21,200	\$ 26,800	\$ 32,400	\$ 38,000	Pay only for hours used	Michelin XHA2 20.5 L3 3Pc
RMS	Komatsu	WA380	191	41000	JRB	80	0	35	5	\$ 6,200.00		\$ 31,000	\$ 31,000	\$ 31,000	\$ 34,500		
United Rentals	CASE	821G-XR	207	43005	Adapter	160	0	0	5	\$ 5,775.00	\$ 2,250.00	\$ 31,125	\$ 31,125	\$ 31,125	\$ 31,125	City adapter, Delivery Charges	23.5R25 L3 Radial tires
Lano Equipment	SANY	SW405K	228	40786	JRB418	40		75	5	\$ 5,500.00		\$ 27,500	\$ 35,000	\$ 42,500	\$ 50,000	200 total hours for season	
Zeigler	Caterpillar	938M	188	35800	CAT	80	0	42	5	\$ 6,250.00		\$ 31,250	\$ 31,250	\$ 31,250	\$ 35,450		
Nuss	Volvo	L90H														No 3rd Valve Loaders available	



Rental Schedule

RDO Equipment Co.
12500 DuPont Avenue South
Burnsville MN, 55337
Phone: (952) 890-8880 - Fax: (952) 890-7046

Invoice To:
CITY OF WACONIA
ATTN CRAIG ELDRED
201 S VINE ST
WACONIA, MN, 553871337
County: CARVER
(952) 442-4265

Rental Type: Rental
Deal Number: 1825918
Customer Account#: 4265009
Sales Professional: Katie Schmitt
Phone: (952) 890-8880
Fax:
Email: kschmitt@rdoequipment.com

Rental Information

Ordered By: Jon Haukaas
Estimated Rental Schedule: Starting on: 11/15/2024, Ending on: 4/4/2025
Billing Dates: Starting on: 11/15/2024, Ending on: 4/4/2025
Job Site Address: ATTN CRAIG ELDRED
201 S VINE ST
WACONIA, MN 553871337

Equipment Rental Rates

Serial	Stock	Year/Make/Model	Quantity	OT/Hourly	Monthly
1DW624PAKPLX20747	X370591	2023  JOHN DEERE 624P	Final Tier 4 (FT4) Certified Engine 1	\$56.00	\$2,000.00
AKR69907	X484356	Attachment - 2021 JRB 624K5.0C	1	\$0.00	\$0.00

Rental Rate Totals

	Monthly
Base Rental Rate:	\$2,000.00
Environmental Fee:(3% of Rental)	\$60.00
Cost Per Term (Before Additional Charges)	\$2,060.00

Legal Information

Term, start, end dates, rental rates, and sales tax are all approximated and subject to change. RDO Equipment Co. reserve the right to replace equipment with 'like' equipment at any time. The rental rate for Equipment covers normal use only not to exceed 0-hours/1day, 0 hours/week, or 0 hours/month, based on 0 working days. Any excess hours will be charged at the designated Overtime Rate (OT Rate). Equipment returned that require fuel, cleanup, repair work or replacement parts due to unusual wear & tear will warrant additional charges. Should you not provide RDO Equipment Co. with physical damage insurance coverage, a Loss Damage Waiver fee of 14% of the rental charge will be applied. Applicable sales tax, property and environmental fees to apply. Use only Low Sulfur Diesel (ULSD). Applicant agrees this be a Schedule to the Rental Agreement.

By placing this order and receiving a copy of this Schedule (whether in person or by email or facsimile), customer agrees to be bound by the Terms contained herein as well as those of the Master Rental Agreement, and is accepting the equipment, including attachments, in "AS IS" condition, and agreeing to notify RDO Equipment Co. within 24 hours of any damages or discrepancies found upon receipt of equipment.

Signature Area



There are machine(s) on this Rental that are equipped with Final Tier 4 (FT4) certified engine(s). Use John Deere Plus-50 II Low Ash Engine Oil (#TY26673), or equivalent; **Do not mix oils or brands.** Use John Deere Cool Gard II antifreeze / coolant (#TY26576), or equivalent. Use John Deere Exhaust Fluid (#SWDEF025), or equivalent. Use Low Sulfur Diesel (ULSD)

Applicant:

(Customer's Signature)

(Customer's Printed Name)

(Applicant Title)

(Date Signed)

This is not an invoice. You will receive an invoice when the first billing cycle is complete, or when the machines are returned, whichever occurs first.
This Rental Schedule was created on 10/4/2024 and is valid until 11/2/2024. After that date, the terms may need to be revised



JOHN DEERE

Equipment Picture Page

RDO Equipment Co.
12500 DuPont Avenue South
Burnsville MN, 55337
Phone: (952) 890-8880 - Fax: (952) 890-7046

Sales Professional:
Phone:
Fax:
Email:

Katie Schmitt
(952) 890-8880

kschmitt@rdoequipment.com

Equipment Information

Year / Make / Model: 2023 JOHN DEERE 624P
Serial Number: 1DW624PAKPLX20747
Approximate Hours: 179

Equipment Images



> Machine Details

> Warranty Coverage

> Component Serial Numbers

▼ Order Base/Option Codes

Code	Component	Base Machine Code
Filter Code	Filter Component	Filter Base Machine Code
6041DW0202	UNITED STATES	6041DW
6041DW0259	ENGLISH OPS MANUAL	6041DW
6041DW0351	TRANSLATED LABELS	6041DW
6041DW0400	STANDARD LOADER	6041DW
6041DW0451	STANDARD Z-BAR	6041DW
6041DW0613	LEVEL 3 TRIM	6041DW
6041DW0659	LEVEL 4 PERFORMANCE	6041DW
6041DW0951	REAR CAMERA PRIMARY DISPLAY	6041DW
6041DW1100	LESS DETECTION SYSTEM	6041DW
6041DW1301	LEFT SIDE STEPS	6041DW
6041DW183E	JDLINK	6041DW
6041DW2201	LESS PAYLOAD W/ CYCLE COUNT	6041DW
6041DW4095	JD POWERTECH PVS 6.8L FT4/EU	6041DW
6041DW5315	MICHELIN XHA2 20.5 L3 3PC	6041DW
6041DW5552	FRONT FENDERS	6041DW
6041DW6522	REAR COUNTERWEIGHT & R.HITCH	6041DW
6041DW7026	JOYSTICK CONTROLS	6041DW
6041DW7054	THREE FUNCTION HYDRAULICS	6041DW
6041DW7403	HYDRAULIC COUPLER JRB 416	6041DW
6041DW7458	BOLT-ON CUTTING EDGE	6041DW
6041DW7500	LESS FORK FRAME	6041DW
6041DW7700	LESS TINES	6041DW
6041DW7827	3.50YD (2.70CM) ENH. PERFORM	6041DW
6041DW8295	HEATED AND POWERED MIRRORS	6041DW
6041DW8500	COLD WEATHER PACKAGE	6041DW
6041DW8501	DEBRIS PACKAGE	6041DW
6041DW8502	MAINTENANCE&SERVICE PACKAGE	6041DW
6041DW8505	GUARDS TRANSMISSION & BOTTOM	6041DW

> Customer History

> Claim History



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		October 21, 2024					
Item Name:		Grants of Easements - 425 Lake Street East - Retaining Wall					
Originating Department:		Community Development					
Presented by:		Ethan Nelson					
Previous Council Action (if any):		City Council approved grants of easements for the reconstruction of the retaining wall on August 15, 2022.					
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-235 Approving Grants of Easements for the property located at 425 Lake Street East							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
BACKGROUND The City Council, at their regular session on September 20, 2021 directed staff to facilitate permit review for the repair of the existing retaining wall and draft the appropriate agreements for proposed improvements for the property located at 425 Lake Street East. Staff has since drafted a Permanent Retaining Wall Easement Agreement, Temporary Construction Easement Agreement and an Encroachment Agreement that was signed by the property owners along with the submission of relevant fees and was approved by the City Council on August 15th, 2022. Staff has been contacted by the contractor (the "applicant") representing the property owners, indicating that repair work is necessary. The applicant has detailed removing up to four (4) of the eight (8) existing blocks of the wall in order to remove and export the drainage aggregate and clay that was used for the backfill in 2022, and replacing it with crushed ¾" Clear Limestone Aggregate. Staff has prepared the attached resolution and temporary easement to reflect the applicants proposal and recommend approval based upon the conditions noted in Exhibit B - Retaining Wall Checklist and listed below: 1. The applicant shall replace any existing trees and/or ground cover plantings in the impacted area in conformance with Section 900.06, Subd.D. 2. Silt fence and/or biologs shall be required to keep material on site. Additionally, inlet protection shall be required at the first catch basin down the hill on the south side of Lake Street East. 3. Turf restoration shall be required 48 hours after construction. 4. Steep slopes (greater than 3:1) shall require erosion control blankets. 5. When the retaining wall is constructed, the applicant shall install a fence approved by the City on top of the retaining wall. 6. All costs associated with the City's review of the project, document preparation, applicant's consultants, construction of the retaining wall, construction of the fence, and connection to the city's storm sewer system shall be paid by applicant. Attachments: 1. Resolution No. 2024-235 Approving Grants of Easements 2. Temporary Construction Easement Agreement							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
Budgeted				Parks and Recreation Board			
Non Budgeted				Safari Island Advisory Board			

Amendment Required	Other
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CITY OF WACONIA
RESOLUTION NO. 2024-235
RESOLUTION APPROVING GRANTS OF EASEMENTS

WHEREAS, the City of Waconia (the “City”) owns the parcel of land legally described on attached Exhibit A (the “Property”); and

WHEREAS, Daniel and Gina Brethorst (“Homeowners”) desire to acquire a temporary construction easement (“Temporary Easement”) over the Property for the purpose of maintaining, repairing, and/or rebuilding a retaining wall along the boundary between the Property and their own parcel;

WHEREAS, as a condition of granting the Temporary Easement, the City shall also require the Homeowners to reconstruct, at their expense, a portion of the existing retaining wall that currently encroaches into the right-of-way of Lake Street East; and

WHEREAS, the Temporary Easement are the “Transaction Documents;” and

WHEREAS, the City Council finds the form of the proposed Transaction Documents acceptable; and

WHEREAS, the City Council further finds it is in the best interests of the City and its residents to convey the easement described in the Transaction documents in exchange for the consideration; and

WHEREAS, pursuant to Minnesota Statutes §462.356, subd. 2, the City Council further finds that the granting of the easements over the Property has no relationship to the City’s comprehensive municipal plan and the City may dispense with the requirements of Minnesota Statutes §462.356, subd. 2, to the extent such requirements apply.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WACONIA, MINNESOTA:

1. The above recitals and findings are incorporated as resolutions of the City Council.
2. The grant of the proposed temporary construction easement over the Property to Homeowners are approved, subject to the terms and conditions of the Checklist.
3. The terms and conditions of the Checklist attached as Exhibit B are approved; provided, however, that the City Administrator and City Attorney are authorized to make revisions to the Checklist they deem necessary or desirable.
4. The Mayor and City Clerk, on behalf of the City, are authorized to execute and deliver the Transaction Documents on behalf of the City. The execution of any

document or instrument by such officers of the City shall be conclusive evidence of the approval of such document or instrument in accordance with the terms of this resolution.

- 5. The City Clerk is authorized to expend City funds to pay any costs allocated to the City or incurred by the City in connection with the Transaction Documents.

Passed and adopted by the City Council of the City of Waconia this 21st day of October 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, Assistant City Administrator

EXHIBIT A

Legal Description of Property

Lot 19, Block 43, VILLAGE OF WACONIA, Carver County, Minnesota.

EXHIBIT B

425th Street East – Retaining Wall Checklist

1. The City staff shall draft the necessary 15 ft. temporary construction easement. The applicant's surveyor shall provide legal descriptions and diagrams for the easement areas to the City for its review and use in the easement documents. The necessary temporary easement shall be recorded against the subject properties.
2. The applicant shall replace any existing trees and/or ground cover plantings in the impacted area in conformance with Section 900.06, Subd.8.D.
3. Silt fence and/or biologs shall be required to keep material on site. Additionally, inlet protection shall be required at the first catch basin down the hill on the south side of Lake Street East.
4. Turf restoration shall be required 48 hours after construction.
5. Steep slopes (greater than 3:1) shall require erosion control blankets.
6. When the retaining wall is constructed, the applicant shall install a fence approved by the City on top of the retaining wall.
7. All costs associated with the City's review of the project, document preparation, applicant's consultants, construction of the retaining wall, construction of the fence, and connection to the city's storm sewer system shall be paid by applicant.

EXHIBIT C
Form of Temporary Easement

TEMPORARY CONSTRUCTION EASEMENT

Date _____, 2024
(State Deed Tax Exempt)

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of Waconia, a Minnesota municipal corporation, Carver County, Minnesota (“Grantor”) hereby grants to Daniel G. Brethorst and Gina E. Brethorst, husband and wife, and their successors and assigns (“Grantees”) a temporary construction easement over, under, and across that certain real property legally described on attached Exhibit A and as depicted as “Temporary Construction Easement” on attached Exhibit B (the “Temporary Easement Area”) for the purpose of allowing construction activities on the Temporary Easement Area in connection with Grantees’ retaining wall project (the “Project”).

This easement includes, but is not limited to: i) the right of Grantees, and their agents, contractors, designees, successors, and assigns (the “Grantee Parties”) to enter and go upon the Temporary Easement Area for the purpose of excavating, grading, and installing a retaining wall and other necessary improvements in connection with the Project; and ii) the right to use and store equipment and materials for the Project.

Grantees have undertaken to examine the site with ground penetrating radar and represent that there are no human remains located in the Easement Area. Grantees will, to the fullest extent permissible by law, be responsible for and will indemnify Grantor from liability for the cost of proper handling and care of any human remains found during the work.

The requirements of the 425 Lake Street East – Retaining Wall Checklist provided by Grantor to Grantees dated remain in full force and effect. When the Project is complete, Grantees shall restore the Temporary Easement Area to substantially the same condition as existed prior

to construction, subject to any improvements and modifications made by Grantees pursuant to the Checklist requirements.

This instrument shall be construed and governed by the laws of the State of Minnesota.

This Temporary Construction Easement shall automatically expire on November 30th, 2024.

IN WITNESS WHEREOF, Grantor has executed this instrument effective the day and year first above written.

[Signature page follows.]

Dated this 21st day of October, 2024

Grantor:
City of Waconia,
a Minnesota municipal corporation

By: _____
Nicole Waldron, Mayor

By: _____
Jacqueline Schulze, Assistant City Administrator

STATE OF MINNESOTA)
) SS.
COUNTY OF CARVER)

This instrument was acknowledged before me this 21st day of October, 2024, by Nicole Waldron, Mayor, and Jacqueline Schulze, Assistant City Administrator of the City of Waconia, a Minnesota municipal corporation, on behalf of the City.

Notary Public

SIGNATURE PAGE TO PERMANENT RETAINING WALL EASEMENT

Dated this _____ day of _____, 2024

Grantees:

By: _____
Daniel G. Brethorst

By: _____
Gina E. Brethorst

STATE OF MINNESOTA)
) SS.
COUNTY OF CARVER)

This instrument was acknowledged before me this _____ day of _____, 2024,
by Daniel Brethorst and Gina Brethorst, married to each other.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY
AND RETURN TO:

Melchert Hubert Sjodin, PLLP
Attorneys at Law
121 West Main Street, #200
Waconia, MN 55387
CLM/clw

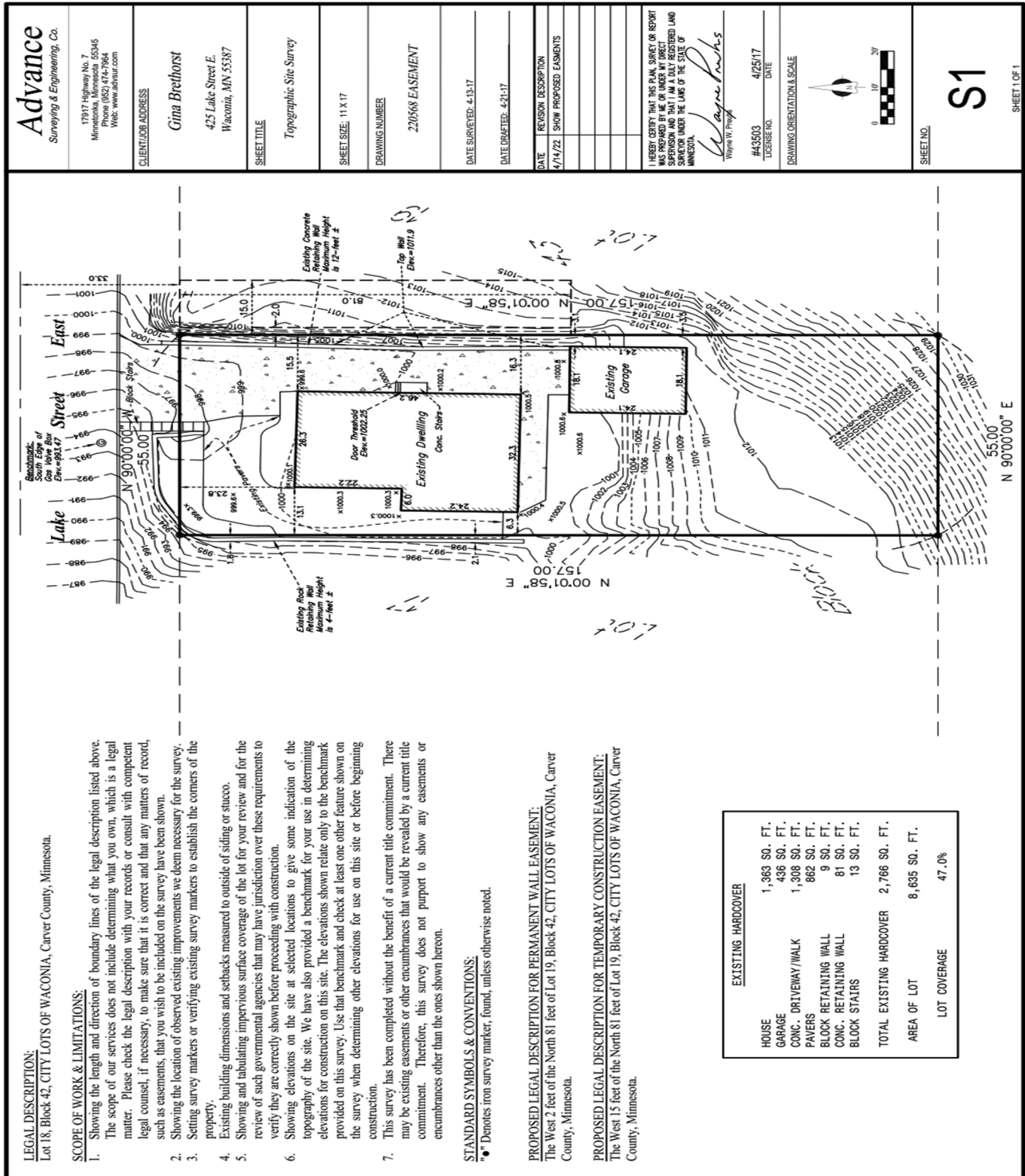
EXHIBIT A

Legal Description of Temporary Easement Area

The West 15 feet of the North 81 feet of Lot 19, Block 42, CITY LOTS OF WACONIA, Carver County, Minnesota.

EXHIBIT B

Map of Temporary Easement Area





REQUEST FOR CITY COUNCIL ACTION

Meeting Date: October 21, 2024

Item Name: Variance - 241 Olive Street South

Originating Department: Community Development

Presented by: Ethan Nelson

Previous Council Action (if any):

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Adopt Resolution No. 2024-233 approving a variance to construct a detached garage and site improvements that would result in 45.2% impervious surface versus the maximum 35% and a 2 ft. rear yard accessory structure setback versus the 5 ft. minimum allowed in the R-2, Single Family Residential District.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

BACKGROUND

Applicant: Dan Perrel

Owner: Brian Krupski

Address: 241 Olive Street South

PID# 750504081

Zoning: R-2, Single-Family Residential District

REQUEST:

The City has received a variance application from Dan Parrel for the property located at 241 Olive Street South to construct a detached garage and site improvements that exceeds the 35% impervious surface maximum allowed in the R-2, Single-Family Residential District. The structure is also proposed to encroach beyond the minimum 5 ft. accessory structure rear yard setback required in the R-2, Single-Family Residential District. The applicant has indicated that the variance is necessary due to the existing shared driveway with the property to the south and existing garage location.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.B. - R-2, Single-Family Residential District
2. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 – Variances

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statue 462.357, Subd. 6 establishes

criteria to be considered when contemplating the issuance of a Variance in terms of “practical difficulty” as follows: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the Variance are consistent with the Comprehensive Plan.” So a City evaluating a Variance application should make findings as to:

1. Is the Variance in *harmony* with the purposes and intent of the ordinance?
2. Is the Variance *consistent* with the Comprehensive Plan?
3. Does the proposal put the property to use in a *reasonable* manner?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the Variance, if granted, alter the *essential character* of the locality?

State Statute specifically notes that economic considerations alone cannot create a practical difficulty. Whereas, practical difficulties exist only when the three statutory factors are met (1. Reasonableness, 2. Uniqueness, and 3. Essential character).

VARIANCE ANALYSIS:

The subject property currently includes an existing principal structure and a 326 sq. ft. detached garage. The property also has a shared driveway with the property to the south. The driveway portion of hardcover on the subject property amounts to 1,086 sq. ft. Additionally, there is a 440 sq. ft. of paver improvements between the house and garage.

The applicant is proposing to construct a 728 sq. ft. detached two-stall garage located in the rear portion of the property. The structure would be located 2 ft. from the rear lot line. The proposed improvements would result in an impervious surface of 45.2%. The applicant is proposing an approximately 10x10 rain garden system that would be installed in the open space between the house and the garage.

Table 1.1 below indicates the existing, required and proposed lot requirements for the property as indicated in the R-2, Single-Family Residential District. The analysis of this variance submittal is based on the information provided on the attached survey.

Table 1.1

LOT REQUIREMENTS*	R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT	EXISTING CONDITIONS	PROPOSED CONDITIONS
MAXIMUM LOT SIZE	7,850 sq. ft.	8,780 sq. ft.	8,780 sq. ft.

MAXIMUM IMPERVIOUS SURFACE	35%	39.02%	45.2%
FRONT YARD SETBACK	25 ft.	30.5 ft.	30.5 ft.
NORTH SIDE SETBACK	5 ft.	Conforming	6.4 ft.
SOUTH SIDE SETBACK	5 ft.	Conforming	Conforming
REAR YARD SETBACK	5 ft.	2 ft.	2 ft.

*Setbacks are denoted for Accessory Structures.

PLANNING CONSIDERATIONS:

1. Minnesota State Statute Sec. 394.27 Subd. 7. states: " *The board of adjustment 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.*"
2. The existing 326 sq. ft. garage in the rear portion of the property is proposed to be demolished and a 728 sq. ft. garage is proposed that would be located 2 ft. from the rear property line.
3. The applicant has proposed a rain garden located in the open space between the house and garage as part of their stormwater plan.
4. The applicant provided an updated stormwater plan with a french drain and a request to avoid connecting to the city stormwater system. Planning Commission discussed the updated plan during their regular session and revised condition #1 to allow the City Engineer to determine if the connection was necessary. The City Engineer has reviewed the initial and revised stormwater plans provided by the applicants and noted that the system layout is generally acceptable as shown. Further, the City Engineer noted that either system would still require an emergency overflow tile outlet to the north of the existing home toward Olive Street.
5. The applicant indicated they intend to use their original stormwater plan, with the understanding they are required to connect to city stormwater lines. That plan has been attached to this report.

RECOMMENDATION

The Planning Commission held the required public hearing, reviewed the Variance application based upon the Variance Criteria stated above and recommended approval via a 5-0 vote.

If the City Council chooses to recommend approval, staff recommends including the following conditions:

1. The rain garden shall have an emergency overflow tile outlet to the north of the existing home toward Olive Street. The rain garden shall be connected to the City's storm sewer system via a direct connection to the storm sewer line near the northwest corner of the existing home. Waiver of this requirement shall be at the City Engineer's discretion.
2. A Maintenance Agreement for any private stormwater management structures and facilities is required and shall be recorded against the property.
3. The following conditions shall also be noted on the plans:
 - a. Construction of the rain garden and overflow tile shall be observed by the City to ensure it

is constructed as approved.

- b. Storm sewer connection and/or swale grading should be confirmed by the City prior to final approval to ensure runoff is not directed to adjacent properties.
- c. Perimeter erosion control should be installed by the Contractor and inspected by the City prior to any other work.

Attachments:

- 1. [Resolution No. 2024-233 Approving Variance at 241 Oliver Street North](#)
- 2. [Variance Letter](#)
- 3. [Location Map](#)
- 4. [Site & Stormwater Plans \(2 Pages\)](#)

<i>FINANCIAL IMPLICATIONS:</i>		<i>ADVISORY BOARD RECOMMENDATIONS:</i>	
Funding Sources & Uses:			
Budget Information: _____ Budgeted _____ Non Budgeted _____ Amendment Required		Planning Commission	
		Parks and Recreation Board	
		Safari Island Advisory Board	
		Other	

**CITY OF WACONIA
RESOLUTION NO. 2024-233**

**A RESOLUTION APPROVING A VARIANCE
FOR THE PROPERTY LOCATED AT 241 OLIVE STREET SOUTH**

WHEREAS, Dan Parrel (the “**Applicant**”), has submitted a Variance application for the property located at 241 Olive Street South (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

WHEREAS, the subject parcel is identified as PID# 750504081; and

WHEREAS, the City received a variance application from the Applicant to construct a 728 sq. ft. detached garage at 241 Olive Street South that would replace the existing 326 sq. ft. detached garage resulting in an impervious surface of 45.2% versus the maximum 35% requirement and a 2 ft. accessory structure rear yard setback versus the 5 ft. minimum required for the R-2, Single Family Residential District; and

WHEREAS, the Planning Commission, at their regular meeting on October 3rd, held the required public hearing and recommended approval of the Variance application to allow the proposed fence for the property located at 241 Olive Street South via a 5-0 vote with the following conditions:

1. The rain garden shall have an emergency overflow tile outlet to the north of the existing home toward Olive Street. The rain garden shall be connected to the City’s storm sewer system via a direct connection to the storm sewer line near the northwest corner of the existing home. Waiver of this requirement shall be at the City Engineer's discretion.
2. A Maintenance Agreement for any private stormwater management structures and facilities is required and shall be recorded against the property.
3. The following conditions shall also be noted on the plans:
 - a. Construction of the rain garden and overflow tile shall be observed by the City to ensure it is constructed as approved.
 - b. Storm sewer connection and/or swale grading should be confirmed by the City prior to final approval to ensure runoff is not directed to adjacent properties.
 - c. Perimeter erosion control should be installed by the Contractor and inspected by the City prior to any other work.

WHEREAS, the City Council finds and concludes:

- 1) There is a unique circumstance that was not created by the property owner due to the existing shared driveway with 249 Olive Street South
- 2) The property would be put to use in a reasonable manner because the proposed stormwater plan adequately retains the increased stormwater runoff caused by the increased structure size.
- 3) The variance is in harmony with the purposes and intent of the ordinances because the accessory garage is a permitted use within the district.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Variance application for Dan Parrel to construct detached garage resulting in an impervious surface of 45.2% versus the maximum 35% requirement and a 2 ft. accessory

structure rear yard setback versus the 5 ft. minimum required for the R-2, Single Family Residential District for the property located at 241 Olive Street South subject to the conditions, findings and recommendations of the Waconia City Council and Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 21st day of October, 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, Assistant City Administrator

First Street Construction and Remodeling
16735 County Road 30
New Germany, MN 55367

Sept. 10, 2024

TO: City of Waconia, Planning and Zoning, Variance Requests

REQUEST: Impervious Surface Limitation Variance

SITE: 241 South Olive Street, Waconia, MN

To Whom it concerns,

The property at 241 South Olive Street, Waconia requests a variance to the hard surface limitation in order to build a two-stall garage in replacement of the dilapidated single stall garage built in 1936.

The lot is long and narrow at only 8780 square feet. It has the unique characteristic of a 159' long shared, paved driveway. The driveway totals 1086 square feet, or 12.4% of the lot's hard surface. The proposed garage will have less square footage than the driveway. There is no alley access on this city block. Thus, the long drive is the only legitimate access.

As it currently stands, with the single stall 1936 garage, the lot is already exceeding the hard surface limitation by 9.02%. This gives you a picture of how cramped this lot is and the reason for the variance request.

The homeowner would like to build a two-car garage at 28' wide by 26' deep. This will result in exceeding the 30% hard surface limitation by approximately 15%, or increasing the hard surface from its existing state by an additional 6%. The attached Certificate of Survey shows the setback for the proposed garage at 6.4' from the lot's north boundary. We plan to move the garage location south another 4'. This will give us a 10' setback on the north side. Additionally, this will reduce our hard surface use to slightly under the 15% total overage.

Therefore, this variance request is to permit the construction of a two-stall garage, 28'x26', that will result in 241 South Olive Street exceeding the total hard surface limitation by 15% (an increase of the current impervious surface by approximately 6%).

Regarding the East property line setback: Every home on that block (southward of 241 South Olive) has a rear building/structure, including a large garage and a barn, and all the buildings set on or within 2' of their property lines. The existing garage at 241 is 2' off the east property line. We request that the new garage be allowed to stay at that distance.

Regarding Stormwater: The homeowner will build a Rain Garden system approximately 10'x10' into which the 6/12 pitch run-off will be directed. Specifications for shape and plantings will be taken from the University of Minnesota Extension website: <https://extension.umn.edu/landscape-design/rain-gardens#shape-and-size-1778662>.

Dan Perrel, First Street Construction and Remodeling, BC770393

612-597-8661, dan.perrel@firststreetconstruction.com



Carver County GIS, City of Waconia

0

12.5

25

50

75

100

ft

N

Coordinate System:
WGS 1984 Web Mercator Auxiliary Sphere

September 2024

City of Waconia
201 Vine Street South, Waconia, MN 55387

Landscape_11x17

Certificate of Survey

~ for ~ 1st Street Construction

of: 241 Olive St. S.
Waconia, MN 55387



0 20 40
SCALE IN FEET

EXISTING IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE: 1,294 S.F.
CONCRETE: 140 S.F.
COVERED ENTRY: 42 S.F.
PAVERS: 538 S.F.
DRIVEWAY: 1,086 S.F.
GARAGE: 326 S.F.

TOTAL IMPERVIOUS: 3,426 S.F.

LOT AREA: 8,780 S.F.

IMPERVIOUS COVERAGE: 39.02 %

PROPOSED IMPERVIOUS SURFACE COVERAGE:

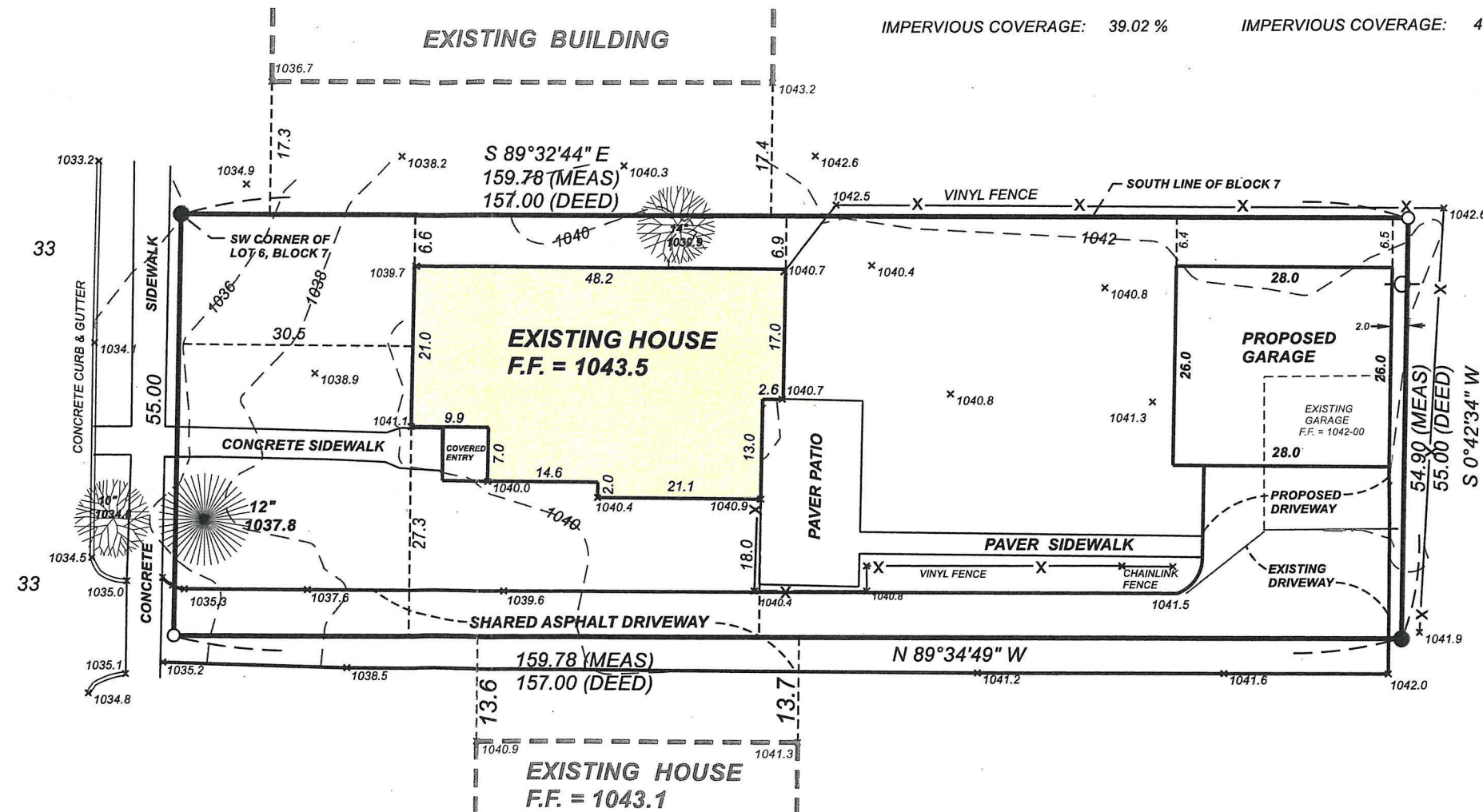
EXISTING HOUSE: 1,294 S.F.
CONCRETE: 140 S.F.
COVERED ENTRY: 42 S.F.
PAVERS: 440 S.F.
DRIVEWAY: 1,327 S.F.
PROPOSED GARAGE: 728 S.F.

TOTAL IMPERVIOUS: 3,971 S.F.

LOT AREA: 8,780 S.F.

IMPERVIOUS COVERAGE: 45.2 %

OLIVE ST. S.



LEGEND

- Set 1/2" X 14" rebar marked with cap number 22703
- Found Iron Monument
- ⊗ Pine Tree
- ⊙ Deciduous Tree
- - - Contour Line
- × Spot Elevation
- Power Pole

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische

22703
License No.

08/28/24
Date

REVISED: 08/29/24 - PROPOSED GARAGE

PROJ. #2417-01 NAVD88 VERTICAL DATUM

LEGAL DESCRIPTION:

That part of the Northwest Quarter of the Northwest Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota, described as follows:

Commencing at the Southwest corner of Lot 6 of Block 7 of the CITY OF WACONIA, Carver County, Minnesota; thence running East along the South line of Lots 6, 5 and 4 of aforesaid Block 7, 157 feet; thence South 55 feet; thence West 157 feet; thence North 55 feet to the place of beginning.

PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010

of: 241 Olive St. S.
Waconia, MN 55387

**EXISTING IMPERVIOUS
SURFACE COVERAGE:**

EXISTING HOUSE: 1,294 S.F.
CONCRETE: 140 S.F.
COVERED ENTRY: 42 S.F.
PAVERS: 538 S.F.
DRIVEWAY: 1,086 S.F.
GARAGE: 326 S.F.

TOTAL IMPERVIOUS: 3,426 S.F.

LOT AREA: 8,780 S.F.

IMPERVIOUS COVERAGE: 39.02 %

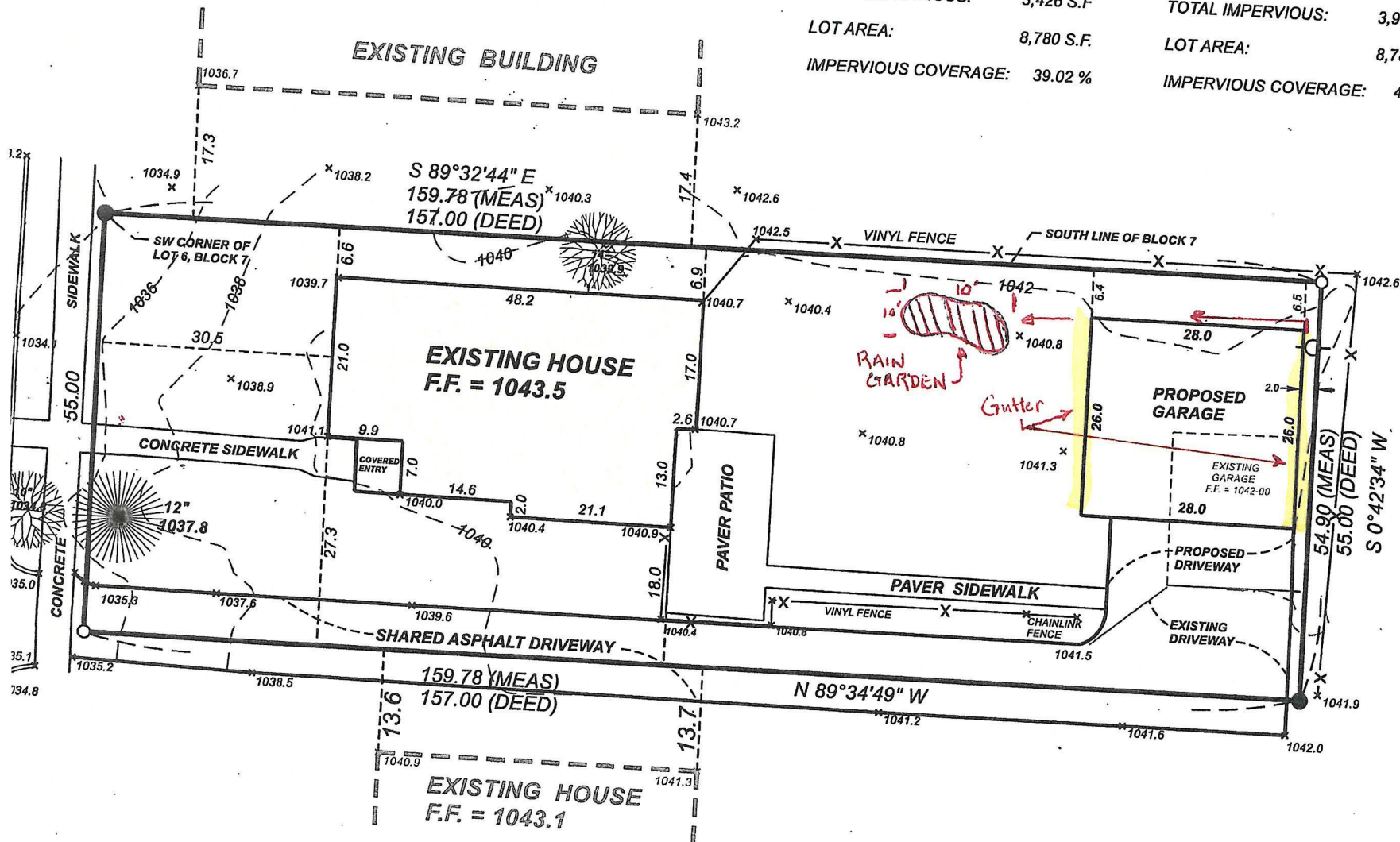
**PROPOSED IMPERVIOUS
SURFACE COVERAGE:**

EXISTING HOUSE: 1,294 S.F.
CONCRETE: 140 S.F.
COVERED ENTRY: 42 S.F.
PAVERS: 440 S.F.
DRIVEWAY: 1,327 S.F.
PROPOSED GARAGE: 728 S.F.

TOTAL IMPERVIOUS: 3,971 S.F.

LOT AREA: 8,780 S.F.

IMPERVIOUS COVERAGE: 45.2 %



LEGAL DESCRIPTION:

That part of the Northwest Quarter of the Northwest Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota, described as follows:

Commencing at the Southwest corner of the lot...





REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	October 21, 2024
Item Name:	Site Plan & Design Review and Variance at 80 8th Street
Originating Department:	Community Development
Presented by:	Ethan Nelson
Previous Council Action (if any):	

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Adopt Resolution No. 2024-234 approving a Site Plan & Design Review and a Variance to construct a 24,640 industrial building and site improvements, which proposes loading berths to be located along the front of the building facing 8th Street.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

BACKGROUND

Applicant: Saltire, LLC

Owner: 1 Micro, LLC

Address: 80 8th Street

PID# 753700040 & 753050051

Zoning: I-1, Industrial Park District

REQUEST:

The City has received Site Plan & Design Review and Variance Request applications from Saltire, LLC for the property located at 80 8th Street to construct a 24,640 sq. ft. industrial building and site improvements which proposes a loading dock to be located along the front of the building facing 8th Street. The applicants have indicated that the variance is necessary due to steep slopes and extreme elevations that exist on the property.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 - District Regulations - I-1, Industrial Park District
2. Section 900.06 – Supplementary Regulations, Subd. 9 – Architectural Design Standards
3. Section 900.07 – Landscaping and Fencing
4. Section 900.08 – Performance Standards
5. Section 900.09 – Off-Street Parking, Loading, and Access Regulations
6. Section 900.10 – Sign Regulations
7. Section 900.12 – Administration, Enforcement and Procedures Subd. 10 - Site Plan Review

8. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 – Variances

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statue 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a Variance in terms of “practical difficulty” as follows: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the Variance are consistent with the Comprehensive Plan.” So a City evaluating a Variance application should make findings as to:

1. Is the Variance in *harmony* with the purposes and intent of the ordinance?
2. Is the Variance *consistent* with the Comprehensive Plan?
3. Does the proposal put the property to use in a *reasonable* manner?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the Variance, if granted, alter the *essential character* of the locality?

State Statute specifically notes that economic considerations alone cannot create a practical difficulty. Whereas, practical difficulties exist only when the three statutory factors are met (1. Reasonableness, 2. Uniqueness, and 3. Essential character).

VARIANCE ANALYSIS AND PLANNING CONSIDERATIONS:

The subject property currently is currently undeveloped. The applicant is proposing to construct the 24,640 industrial facility with a front facing loading dock due to challenging elevations on the property. All properties facing the proposed industrial building are also zoned I-1, Industrial Park District. The applicant is proposing some landscaping on the opposite side of the parking lot that would screen some of the loading dock area from 8th Street. The Planning Commission discussed the proposed design and layout during their regular session on October 3rd, 2024 and were supportive of the variance request meeting the review criteria noted above.

Table 1.1 below indicates the existing, required and proposed lot requirements for the property as indicated in the I-1, Industrial Park District. The analysis of this variance submittal is based on the information provided on the attached survey.

Table 1.1

LOT REQUIREMENTS	I-1 INDUSTRIAL PARK DISTRICT	EXISTING CONDITIONS	PROPOSED CONDITIONS
LOT SIZE	43,560 sq. ft.	103,814 sq. ft.	103,814 sq. ft.
MAXIMUM IMPERVIOUS SURFACE	85%	0%	53.86%
FRONT YARD SETBACK	50 ft.	N/A	128 ft.

WEST SIDE YARD SETBACK	20 ft.	N/A	103.87 ft.
EAST SIDE YARD SETBACK	20 ft.	N/A	40 ft.
REAR YARD SETBACK	30 ft.	N/A	31.54 ft.
BUILDING HEIGHT	50 ft.	N/A	26 ft.

SCREENING OF EQUIPMENT

The applicant indicates one ground mounted unit on the proposed site plan. There does not appear to be proposed rooftop mechanical equipment on the roof plan or elevation plans A3-A4. All proposed and future outdoor and/or rooftop mechanical equipment shall be screened from neighboring properties and public road right-of-way in compliance with the City Code.

OFF-STREET PARKING

The proposed 24,640 industrial building indicates 2,464 sq. ft. of office space and 22,176 sq. ft. of warehousing. Below, applicable code requirements are noted.

Professional, personal and business offices: One(1) space per two hundred (200) square feet of gross floor area but at least three(3) parking spaces.

And

Warehousing, storage or handling of build goods: That space with is solely used as office space shall comply with the office use requirement and one(1) space for each one thousand (1,000) square feet of floor area, plus one(1) space for each employee on maximum shift.

The applicant is proposing to construct 34 parking spaces as part of their site improvements to service the 24,640 sq. ft. building. 2 of those spaces are ADA compliant. The minimum parking required is 36 spaces (13 spaces required for office, and 23 required for warehousing). The applicant shall be required to add two (2) additional parking spaces.

LANDSCAPING

Section 900.07B states that for the I -1, Industrial Park District, the following plantings are required: One (1) tree for every one thousand (1,000) square feet of total building floor area.

The gross building floor area of the proposed building is 24,640 sq. ft. The applicant is proposing 37 trees. 22 trees meet the minimum size requirements. City code requires One (1) tree meeting minimum planting size (2.5 Cal. Inches for deciduous or 6 ft. in height for coniferous) is required per one thousand (1,000) square feet of gross building floor area. 25 trees are required and currently 22 trees meet minimum size standards. Further, the complement of trees fulfilling the requirements of this policy shall be not less than twenty-five (25) percent deciduous and not less than thirty-three (33)

percent coniferous.

SIGNS

The applicant is proposing wall signage on the south face of the building, facing 8th Street. Although all signage shall require a separate sign permit application and review, it should be noted that only one wall sign is permitted per façade.

LIGHTING

Section 900.08, Subd. 1.C provides standards for exterior lighting. The applicants have noted lighting on Sheet A-1 and A-4 that generally appears to meet City code requirements. The applicants shall submit lighting specifications for the proposed fixtures at the time of permit submission.

VEHICULAR ACCESS

One full access entrance is proposed off 8th Street. Vehicle loading is located off the front of the building facing the parking lot. This access location and configuration is acceptable as proposed.

PEDESTRIAN ACCESS

There is a proposed sidewalk along the north, east and portions of the south side of the building. There is also a planned sidewalk running along the south side of 8th Street that will be installed at a future date. The proposed design is in conformance with City Standards.

TRASH

City Ordinance requires *“All trash and trash handling equipment to be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye-level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structure.”*

The plans show an exterior trash enclosure on the south-west side of the property. The elevations shown on the plan page A1 appear to propose material consistent with the principal structure as noted in the code language above.

GRADING, DRAINAGE & UTILITIES

The City Engineer and Public Services Director have conducted their initial review of the grading, drainage and utilities based upon the plans dated 9/3/2024. The applicants have received staff comments and have indicated they accept all staff comments and intend to submit revisions when they are complete. Staff has attached condition #7, requiring staff review comment revisions to be completed prior to any work commencing on site.

SEWER AVAILABILITY CHARGE (SAC) AND CITY TRUNK FEES

New construction, a new business, a change in location or change in the use of space in a way that creates more potential demand on the wastewater system will require submission to the Metropolitan Council for a Sewer Availability Charge (SAC) determination. The SAC determination made by the Metropolitan Council informs the City sewer and water trunk fees associated with the potential development, redevelopment and/or remodeling of the subject property, location, or business. City code requires that for every SAC unit determined by the Metropolitan Council, the project will require the payment of one City sewer trunk fee and one City water trunk fee. The 2024 SAC and City trunk fees are included below for convenience. Please note that the current 2024 per unit cost, which includes SAC, water trunk fee, and sewer trunk fee, is \$11,185 plus any applicable hook-up and stormwater connection fees.

SAC CHARGE	\$2,485 per SAC unit determined by the Metropolitan Council
SEWER TRUNK FEE	\$3,600 per SAC unit determined by the Metropolitan Council
WATER TRUNK FEE	\$5,100 per SAC unit determined by the Metropolitan Council
STORMWATER TRUNK FEE	\$11,200 per acre
STORMWATER ACCESS FEE	\$1,600

DESIGN REVIEW – INDUSTRIAL DISTRICT

City Ordinance requires Design Review with the understanding that “*the visual character and historic resources of the City are important attributes of its quality of life.*” City Ordinance requires Design Review to be conducted as part of the Site Plan Review process.

Based on a review of the plan set provided for the proposed Transportation Security industrial facility, staff indicates the applicant meets all design review requirements.

CONCLUSION / RECOMMENDATION

The Planning Commission held the required public hearing, reviewed the Site Plan & Design Review and Variance applications based upon the Variance Criteria and findings stated above and recommended approval via a 5-0 vote.

If the City Council chooses to recommend approval, staff recommends including the following conditions:

1. The proposed improvements shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall provide the City with an escrow or letter of credit to guarantee the proper installation and growth of the approved landscape plan. The escrow/letter of credit shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The escrow/letter of credit shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.
4. City Public Services staff shall be notified upon landscape planting to note the quantity of plants, and initiation of the warranty period.
5. All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The applicant shall make revisions based upon staff review comments dated September 18, 2024 to the satisfaction of the City Engineer, Community Development Director and Public Services Director prior to any work commencing on site.
7. The applicant shall submit a Lot Combination application to Carver County to combine PID#s 753700040 & 753050051 within 6 months from the date of approval.
8. The applicant shall submit a revised landscaping plan, meeting the 25 tree requirement.
9. The applicant shall submit lighting specifications for the proposed fixtures at the time of permit submission.
10. The applicant will be required to obtain a General Construction Permit for Stormwater associated with Construction Activity (NPDES) since this is part of an ultimate development greater than 1 acre. A copy of the permit should be submitted conditional to Final Site Plan approval.
11. Any/all exterior rooftop or ground mounted mechanical equipment shall be screened from public streets.
12. The applicant will be required to obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any permits/approvals should be submitted conditional to Final Site Plan approval.
13. The applicant shall revise the off-street parking to meet the required 36 parking stalls.

Attachments:

1. [Resolution No. 2024-234 Approving Site Plan & Design Review and Variance Applications at 80 3th Street](#)
2. [Variance Letter \(2 Pages\)](#)
3. [Location Map](#)
4. [Site Plan \(7 Pages\)](#)
5. [Staff Review Comments \(4 Pages\)](#)

<i>FINANCIAL IMPLICATIONS:</i>		<i>ADVISORY BOARD RECOMMENDATIONS:</i>	
Funding Sources & Uses:			
Budget Information: ☐ Budgeted ☐ Non Budgeted ☐ Amendment Required		Planning Commission	
		Parks and Recreation Board	
		Safari Island Advisory Board	
		Other	

**CITY OF WACONIA
RESOLUTION 2024-234**

**RESOLUTION APPROVING SITE PLAN & DESIGN REVIEW AND VARIANCE
APPLICATIONS FOR THE PROPERTY LOCATED AT 80 8TH STREET**

WHEREAS, Saltire, LLC (the “**Applicant**”), has submitted a Site Plan & Design Review plan set and Variance application for the property located at 80 8th Street (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

WHEREAS, the subject parcel is identified as PID# 753700040 & 753050051; and

WHEREAS, the property is zoned for I-1, Industrial Park District and is located within the Industrial Design Standards District; and

WHEREAS, the Applicant is proposing a new freestanding 24,640 sq. ft. industrial facility with a front facing loading dock and site improvements; and

WHEREAS, the City’s Planning Commission, at their regular meeting on October 3rd, 2024, recommended approval of the Site Plan & Design Review application via a 5-0 vote with the following conditions:

1. The proposed improvements shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall provide the City with an escrow or letter of credit to guarantee the proper installation and growth of the approved landscape plan. The escrow/letter of credit shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The escrow/letter of credit shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.
4. City Public Services staff shall be notified upon landscape planting to note the quantity of plants, and initiation of the warranty period.
5. All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The applicant shall make revisions based upon staff review comments dated September 18, 2024 to the satisfaction of the City Engineer, Community Development Director and Public Services Director prior to any work commencing on site.
7. The applicant shall submit a Lot Combination application to Carver County to combine PID#s 753700040 & 753050051 within 6 months from the date of approval.
8. The applicant shall submit a revised landscaping plan, meeting the 25 tree requirement.
9. The applicant shall submit lighting specifications for the proposed fixtures at the time of permit submission.

10. The applicant will be required to obtain a General Construction Permit for Stormwater associated with Construction Activity (NPDES) since this is part of an ultimate development greater than 1 acre. A copy of the permit should be submitted conditional to Final Site Plan approval.
11. Any/all exterior rooftop or ground mounted mechanical equipment shall be screened from public streets.
12. The applicant will be required to obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any permits/approvals should be submitted conditional to Final Site Plan approval.
13. The applicant shall revise the off-street parking to meet the required 36 parking stalls.

WHEREAS, the City Council finds and concludes:

- 1) There is a unique circumstance that was not created by the property owner due to the existing elevations of the property.
- 2) The property would be put to use in a reasonable manner because the proposed uses are permitted within the I-1, Industrial Park District and meets all other Industrial Design Standards.
- 3) The variance is in harmony with the purposes and intent of the ordinances because the loading dock does not face any residential areas and only faces other industrial properties.
- 4) The location of the loading dock would not alter the essential character of the locality.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Site Plan & Design Review plan set and variance application submitted by Saltire, LLC for the property located at 80 8th Street subject to the conditions, findings and recommendations of the Planning Commission and staff stated above.

Adopted by the City Council of the City of Waconia this 21st day of October, 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, Assistant City Administrator

September 5, 2024

City of Waconia
201 South Vine Street
Waconia, MN 55387

RE: Variance Application – 80 8th Street, Waconia, MN 55387

Dear City Staff,

My name is Justin Stueve, I am the broker/owner for Copperwood Real Estate LLC, and I represent Brian Falk who is the owner of Transport Security Inc. and Saltire, LLC the applicant for the variance request. Transport Security Inc. has operated in the City of Waconia for over 30 years and the owner Brian, and his family have been deeply rooted in the community for Brian's entire life. Transport Security Inc. is currently in need of a larger facility due to the increased demands of their business and greatly desires to expand their footprint and stay in the City of Waconia. We have identified a site to build a new facility for Transport Security Inc, which would allow them to achieve the desired square footage needed for expansion, but the site presents challenges forcing us to modify the design to the building.

Please let this letter serve as a supplement to our formal request and application for a building design variance of the I-1 Industrial Park District City ordinance. Sec. 900.05.11 Sub Section 4 in the I-1 Industrial Park District ordinance states "Off-street loading shall not be located on the side of a building which faces a public street or a residential district. Docks shall be screened so as not to be visible from streets or residential areas." We are requesting the City grant us a variance to allow the design of our loading dock area on the side of the building and loading doors on the front of the structure. The subject site, which happens to be the last parcel in the Pine Industrial Park, is an overall tricky and compromised site due to the existing conditions of the steep slopes and extreme grades that encumber it. From one side of the site to the other there is over 25' of elevation change within the parcel. This provides a severe obstacle with site design restricting loading, truck traffic, drive entrance and parking while still trying to maintain a usable and serviceable flat area to achieve the correct size for a building. In my professional opinion, any business or individual with a desire to build or develop this site will be obstructed by, and ultimately deterred from building on the site. Specific examples include former prospect J. Carver Distillery and current owner 1 Micro, LLC.

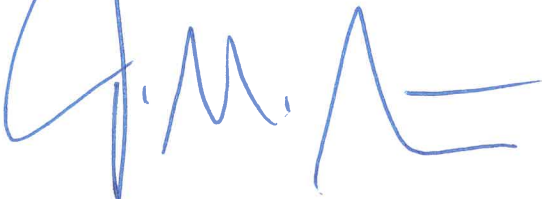
Transport Security Inc. and our development team were able to design a plan that not only allows Transport Security Inc. to construct a serviceable sized building to suit their needs allowing them to expand within Waconia, but also effectively address the concerns that the City ordinance is designed to protect. All of this can still be accomplished by constructing a loading dock on the side of the building thus eliminating

the limitations of this vacant site. With guidance from our architect, we understand that loading berths shall not occupy a front yard. Per design, the first loading berth must be 60 ft in length (dock door). Additional loading berths must be 30 ft in length (drive-in doors). Also, per our design, the 60 ft loading berth will be 128 ft from the front property line and tucked beside the building. The 30 ft loading berths will be almost 100 ft from the front property line. With this design there will be ample room between the curb and the front property line to effectively screen these loading berths and help protect them from the public roadways.

The spirit of the ordinance is to protect a potential eyesore in the industrial park from public view. Some items of note, there is no residential area adjacent to our site which helps alleviate part of the side and front-loading concerns. Second, all the existing industrial properties neighboring the site along the same roadway to the west have their loading facing the public roadway. Our plan design will bring an updated modern design concept to the park with a brand-new, state of the art industrial building constructed with the newest materials offering incredible curb appeal to an otherwise vacant mountain of weeds. With the City's help we have a great opportunity to not only add a new property to the tax role, but to improve and fill the Pine Industrial Park while keeping a 30+ year business resident within the city limits of Waconia.

My team is available for any questions or concerns. Please don't hesitate to reach out, 612-360-8104.

Respectfully submitted,



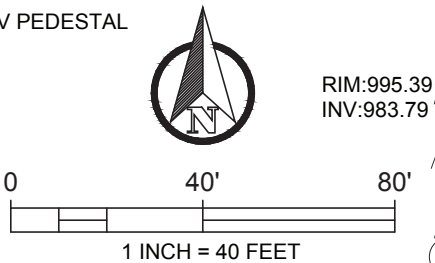
Justin M. Stueve
Broker/Owner
Copperwood Real Estate LLC
As agent for Transport Security Inc./Saltire, LLC



0 50 100 200 300 400 ft Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere September 2024		City of Waconia 201 Vine Street South, Waconia, MN 55387	Landscape_11x17
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LEGEND

	PLATTED & EXISTING LOT LINES
	EXISTING RIGHT OF WAY
	EASEMENT LINES
	BOUNDARY LINE
	STORM SEWER LINE
	SANITARY SEWER LINE
	WATERMAIN
	UNDERGROUND FIBER
	UNDERGROUND ELECTRIC
	UNDERGROUND GAS LINE
	BUILDING
	EDGE OF TREE LINE OR WOODS
	CONCRETE PAVEMENT
	BITUMINOUS PAVEMENT
	LANDSCAPING
	HYDRANT
	GATE VALVE
	SANITARY MANHOLE
	STORM MANHOLE
	CATCH BASIN
	HAND HOLE
	SIGN
	DECIDUOUS TREE
	CONIFEROUS TREE
	TV PEDESTAL



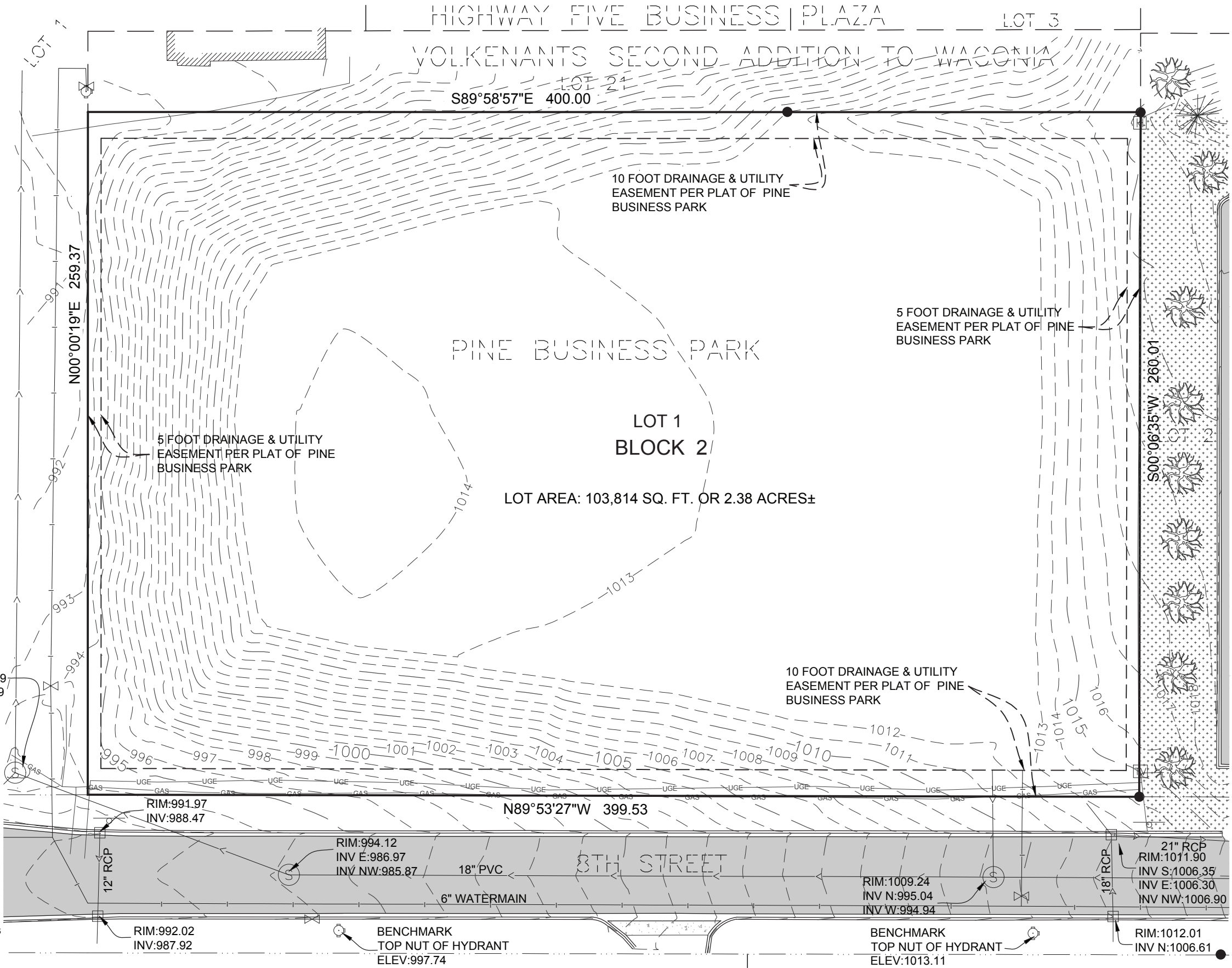
Legal Description

Lot 1, Block 2, PINE BUSINESS PARK, according to the recorded plat thereof, Carver County, Minnesota.

Surveyor's Note:

- The underground utilities shown hereon have been located from field survey information and existing record drawings. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible from information available. The contractor is responsible to ensure that any existing utilities (shown or not shown) are not damaged during construction. The surveyor has physically located the underground utilities per Gopher State One Call Ticket No. 242213696.
- The survey does not constitute a title search by Design Tree Engineering and Land Surveying to determine ownership or easements of record.

CERTIFICATE OF SURVEY



● = DENOTES FOUND IRON MONUMENT

○ = DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS# 45352, UNLESS NOTED OTHERWISE

NO.	DATE	DESCRIPTION
COPYRIGHT © 2024 BY DESIGN TREE ENGINEERING INCORPORATED		

DATE:	08/20/24
SCALE:	AS SHOWN
DRAWN BY:	JDS
CHECKED BY:	CWK
PROJECT NO.	00024046

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

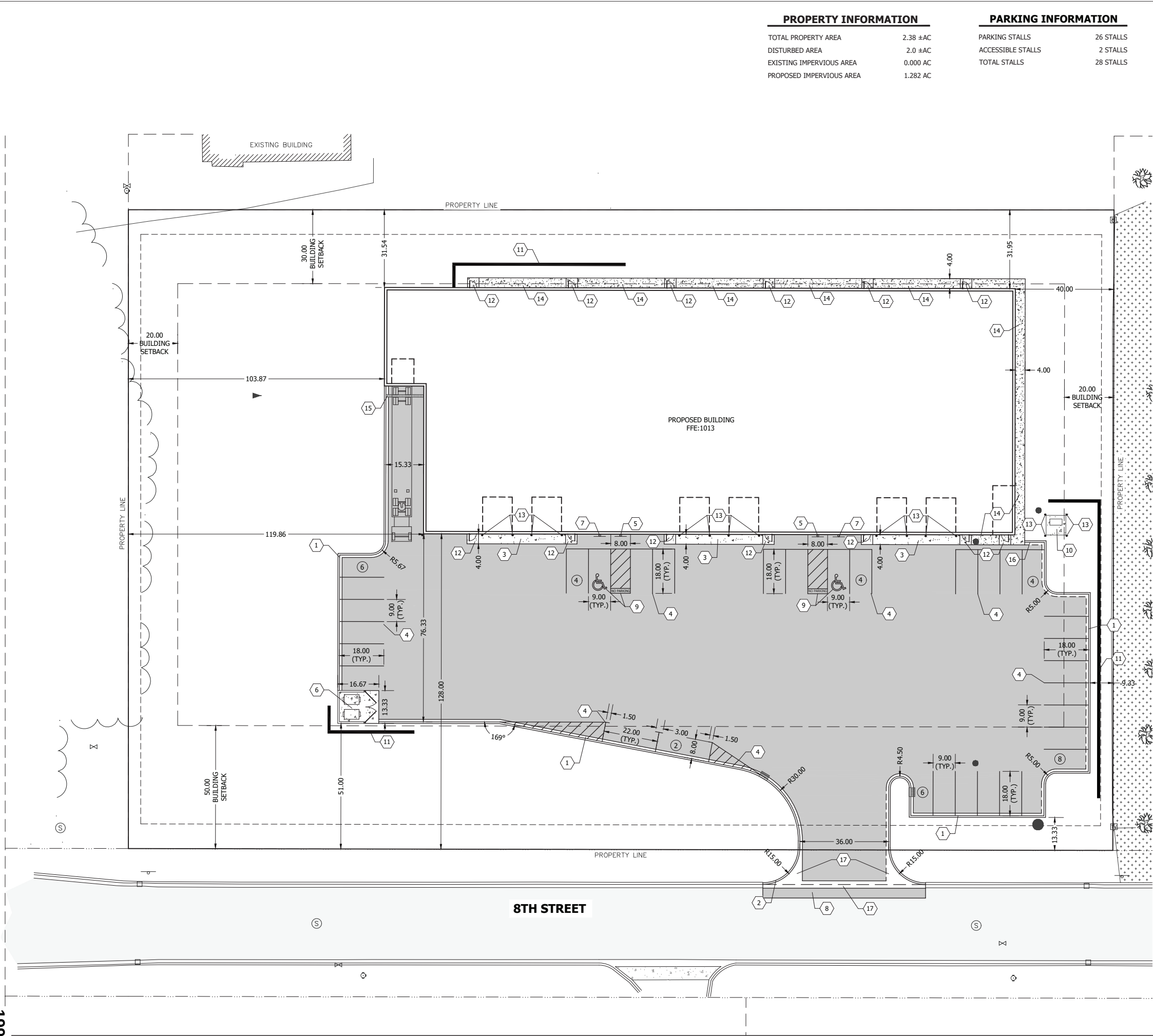
Jonathan D. Schuette 45352 DATE:XX/XX/XX

PREPARED FOR:

SHERBURNE SLATER
CONSTRUCTION

DESIGN TREE
engineering + land surveying

Corporate Office:
120 17th Ave W Alexandria, MN 56308
888-216-1916



PROPERTY INFORMATION

TOTAL PROPERTY AREA	2.38 ±AC
DISTURBED AREA	2.0 ±AC
EXISTING IMPERVIOUS AREA	0.000 AC
PROPOSED IMPERVIOUS AREA	1.282 AC

PARKING INFORMATION

PARKING STALLS	26 STALLS
ACCESSIBLE STALLS	2 STALLS
TOTAL STALLS	28 STALLS

NOTES:

- ALL DIMENSIONS SHOWN ARE TO FLOW LINE, CENTERLINE OF FENCE, EDGE OF PAVEMENT, OR EXTERIOR FACE OF BUILDING, UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL VERIFY ALL PLAN AND DETAIL DIMENSIONS PRIOR TO CONSTRUCTION.
- ALL INTERIOR PARKING STALL STRIPING SHALL BE 4" AND YELLOW IN COLOR.
- ACCESSIBLE PARKING STALL STRIPING, ACCESS AISLE, SYMBOL, AND SIGNAGE SHALL BE IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS.
- CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES.
- ALL SITE WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
- CONTRACTOR SHALL PROVIDE A TEMPORARY PEDESTRIAN ACCESS ROUTE PLAN FOR ANY WORK PERFORMED WITHIN THE PUBLIC RIGHT-OF-WAY.
- CONTRACTOR SHALL PROVIDE A TEMPORARY TRAFFIC CONTROL PLAN FOR ANY WORK PERFORMED WITHIN THE PUBLIC RIGHT-OF-WAY.
- GOPHER STATE ONE CALL DAMAGE PREVENTION SYSTEM FOR BURIED UTILITIES. 1-800-252-1166. CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATOR TO ASSIST WITH PRIVATE UTILITY LOCATES.

SITE LEGEND

- BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- CURB AND GUTTER
- TIPPED CURB AND GUTTER
- RETAINING WALL
- PAINTED DIRECTIONAL ARROW
- PAINTED ACCESSIBLE PARKING SYMBOL

KEY NOTES:

- B612 CURB & GUTTER
- CONCRETE DRIVE APRON
- CONCRETE APRON (SEE STRUCTURAL)
- PARKING STRIPING
- "NO PARKING" SIGN & POST
- TRASH ENCLOSURE (SEE ARCHITECTURAL)
- "ACCESSIBLE PARKING" SIGN & POST
- BITUMINOUS STREET REPAIR (SEE DETAIL)
- ACCESSIBLE PARKING SYMBOL & STRIPING
- ELECTRICAL EQUIPMENT (SEE ARCHITECTURAL)
- RETAINING WALL
- STOOP (SEE ARCH.)
- BOLLARD (SEE ARCH.)
- CONCRETE SIDEWALK
- TRENCH DRAIN THROUGH LOADING DOCK
- 4' CURB TAPER
- 3' WIDE VALLEY GUTTER W/CONCRETE RADIUS

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SHERBURNESLATER
CONSTRUCTION

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

PRINTED NAME: MICHAEL J. GERBER
DATE: 09/03/2024 LICENSE #: 56653

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SECURITY INC
PRELIMINARY:
NOT FOR
CONSTRUCTION
80 8TH ST
WACONIA, MN 55387

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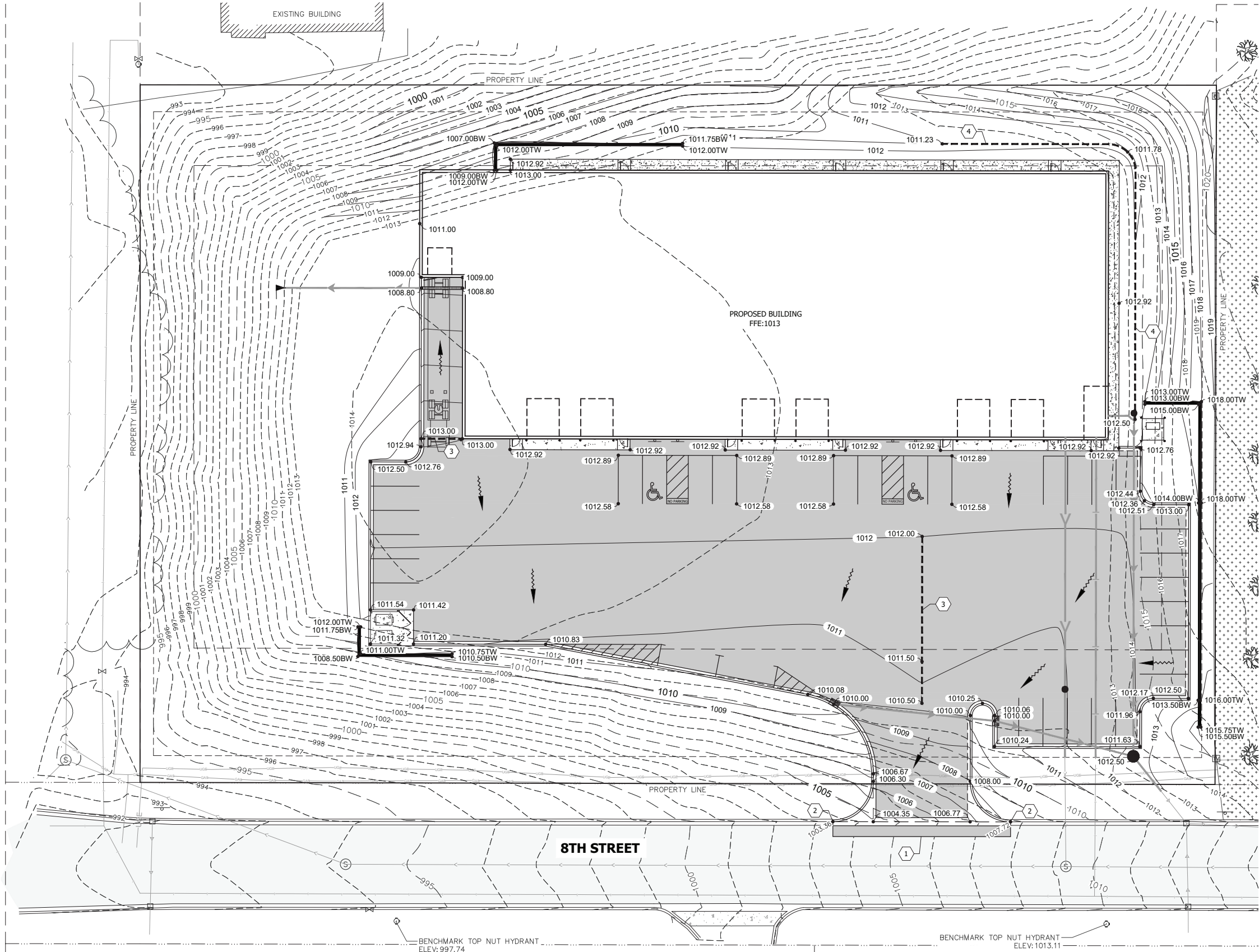
PROJECT NO.:

NO.	DATE	DESCRIPTION

SITE PLAN

DRAWING NO.

C201



NOTES:

- THE LOCATIONS AND ELEVATIONS OF THE EXISTING UTILITIES SHOWN HEREIN ARE APPROXIMATE. THEY HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND/OR RECORDS. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING LOCATION AND ELEVATION TO ENSURE THAT ANY EXISTING UTILITIES (SHOWN OR NOT SHOWN) ARE NOT DAMAGED DURING CONSTRUCTION.
- SIDEWALKS SHALL MEET ADA REQUIREMENTS, AND SHALL NOT EXCEED 2.00% CROSS SLOPE, OR 5.00% LONGITUDINAL SLOPE.
- CONCRETE ENTRANCES AND APPROACHES SHALL NOT EXCEED 2.00% CROSS SLOPE IN SIDEWALK AREAS.
- ACCESSIBLE PARKING STALLS SHALL MEET ADA REQUIREMENTS, AND SHALL NOT EXCEED 2.00% SLOPE IN ALL DIRECTIONS.
- PEDESTRIAN RAMPS SHALL MEET ADA REQUIREMENTS.
- ALL EXCESS OR WASTE MATERIAL GENERATED AS PART OF CONSTRUCTION SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS.
- ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL/SURFACE RESTORATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA.
- ALL SITE WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
- SPOT ELEVATIONS SHOWN INDICATE FINISHED PAVEMENT ELEVATIONS & GUTTER FLOW LINE UNLESS OTHERWISE NOTED. PROPOSED CONTOURS ARE TO FINISHED SURFACE GRADE.
- GOPHER STATE ONE CALL DAMAGE PREVENTION SYSTEM FOR BURIED UTILITIES. 1-800-252-1166. CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATOR TO ASSIST WITH PRIVATE UTILITY LOCATES.

GRADING LEGEND

- = EXISTING MAJOR CONTOUR
- - - = EXISTING MINOR CONTOUR
- - - 100 - - - = EXISTING CONTOUR LABEL
- = PROPOSED MAJOR CONTOUR
- - - = PROPOSED MINOR CONTOUR
- 100 --- = PROPOSED CONTOUR LABEL
- o = EXISTING SPOT ELEVATION*
- x = PROPOSED SPOT ELEVATION*
- xxxxtw = PROPOSED SPOT ELEVATION AT TOP OF RETAINING WALL
- xxxxtwbw = PROPOSED SPOT ELEVATION AT BOTTOM OF RETAINING WALL
- = PROPOSED SURFACE FLOW DIRECTION

*SPOT ELEVATIONS ALONG CURB & GUTTER AND OTHER REVEALS ARE TO FLOWLINE, UNLESS OTHERWISE NOTED.

KEY NOTES:

- 1 MATCH INTO EXISTING BITUMINOUS PAVEMENT
- 2 MATCH INTO EXISTING CURB & GUTTER
- 3 GRADE BREAK
- 4 GRADE BREAK (SWALE)

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PRINTED NAME: MICHAEL J. GERBER

DATE: 09/03/2024

LICENSE #: 56653

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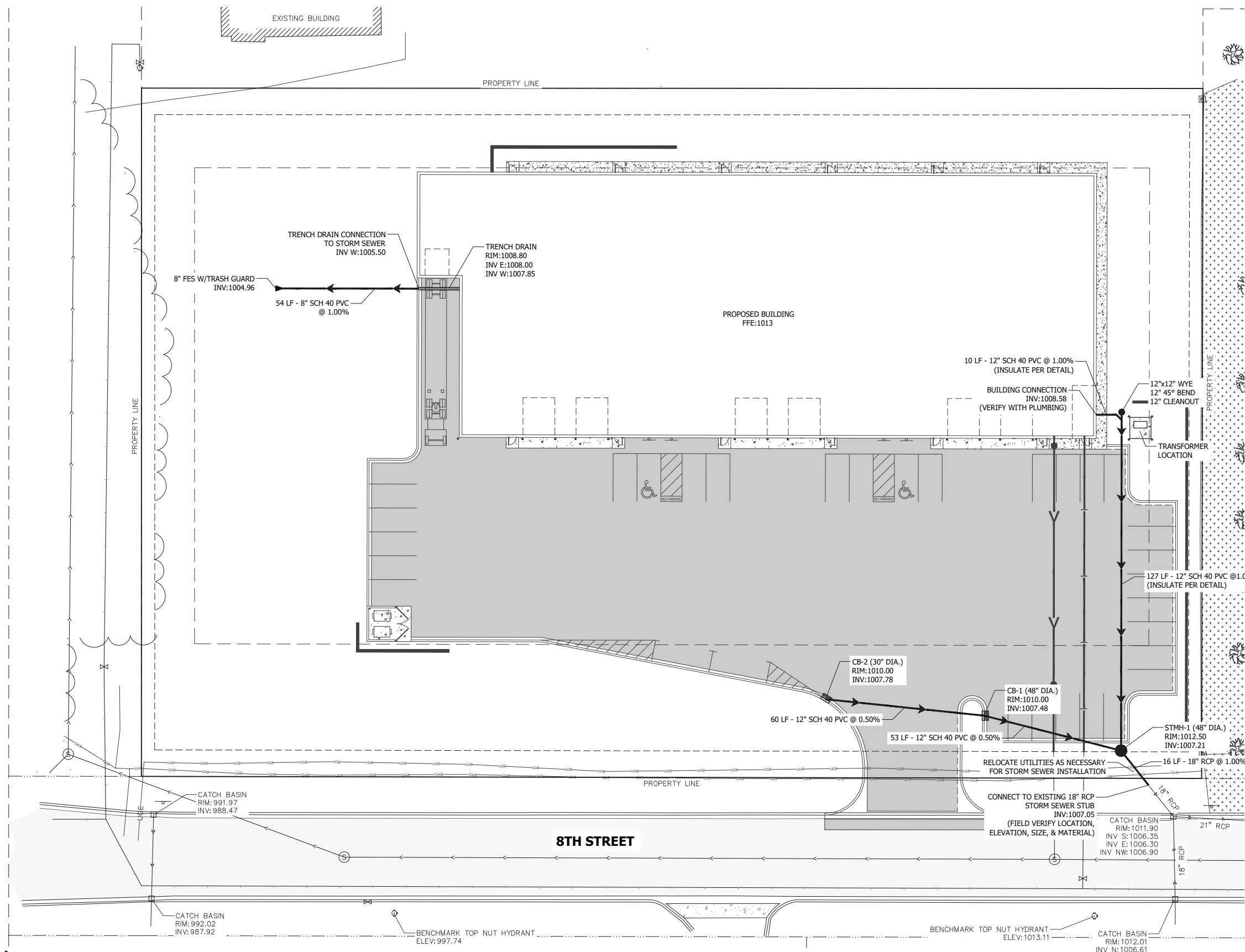
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GRADING PLAN

DRAWING NO.

C301





NOTES:

- THE LOCATIONS AND ELEVATIONS OF THE EXISTING UTILITIES SHOWN HEREIN ARE APPROXIMATE. THEY HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND/ OR RECORDS. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING LOCATION AND ELEVATION TO ENSURE THAT ANY EXISTING UTILITIES (SHOWN OR NOT SHOWN) ARE NOT DAMAGED DURING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY AND COORDINATE BUILDING UTILITY CONNECTION SIZES, LOCATIONS, AND ELEVATIONS WITH PLUMBING, MECHANICAL, AND ELECTRICAL CONTRACTORS.
- ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL/SURFACE RESTORATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA.
- ALL WATER PIPING SHALL BE BURIED A MINIMUM OF 8'.
- A MINIMUM VERTICAL SEPARATION OF 18 INCHES IS REQUIRED AT ALL WATER LINE CROSSINGS WITH SANITARY SEWER OR STORM SEWER. THE WATER LINE SHALL NOT HAVE JOINTS OR CONNECTIONS WITHIN 10 FEET OF THE CROSSING. INSULATE CROSSINGS WITH STORM SEWER.
- SANITARY SEWER CLEANOUTS SHALL BE PROVIDED WITHIN 5' OF THE BUILDING FOR UNIT'S CONNECTION.
- SANITARY SEWER CLEANOUT SPACING SHALL NOT EXCEED 90'.
- SANITARY SEWER SERVICES SHALL HAVE A MINIMUM OF 2.00% GRADE UNLESS OTHERWISE NOTED ON THE PLANS.
- ALL NONCONDUCTIVE PIPE SHALL BE INSTALLED WITH A LOCATE (TRACER) WIRE PER MINNESOTA RULES, PART 7560.0150
- ALL CONSTRUCTION, MATERIALS, AND TESTING SHALL BE IN ACCORDANCE WITH THE MINNESOTA STATE PLUMBING CODE.
- CONTRACTOR SHALL COORDINATE UTILITY INSPECTIONS WITH LOCAL AUTHORITIES HAVING JURISDICTION.
- GOPHER STATE ONE CALL DAMAGE PREVENTION SYSTEM FOR BURIED UTILITIES. 1-800-252-1166. CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATOR TO ASSIST WITH PRIVATE UTILITY LOCATES.

UTILITY LEGEND

- = HYDRANT
- = CURB STOP
- = GATE VALVE
- = SANITARY MANHOLE
- = CLEANOUT
- = STORM MANHOLE
- = CATCH BASIN
- = CULVERT APRON
- = WATER LINE
- = SANITARY LINE
- = STORM LINE



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PRINTED NAME: MICHAEL J. GERBER

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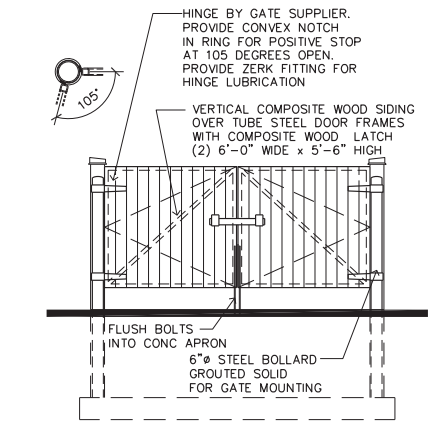
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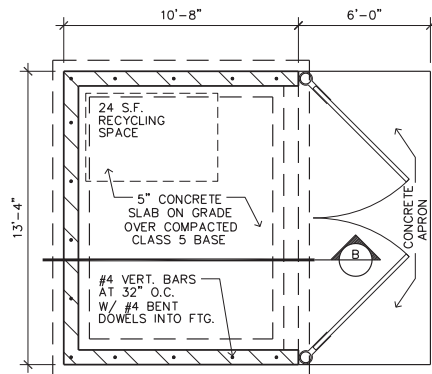
UTILITY PLAN
STORM SEWER

DRAWING NO.

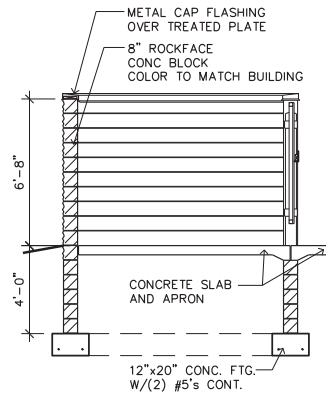
C402



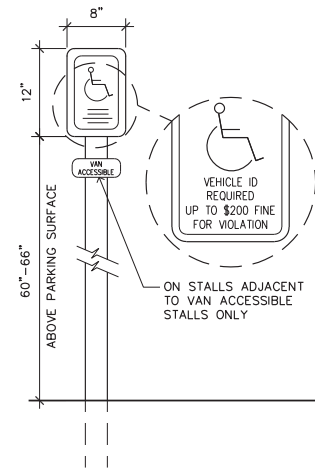
ELEVATION 'A'



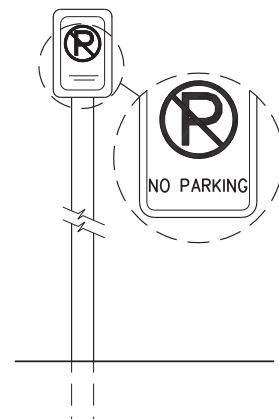
6 TRASH ENCLOSURE
A1 SCALE: 1/4" = 1'-0"



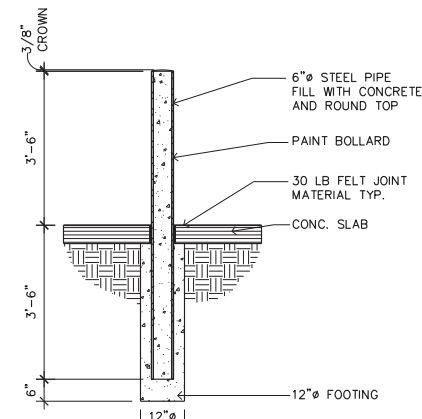
SECTION 'B'



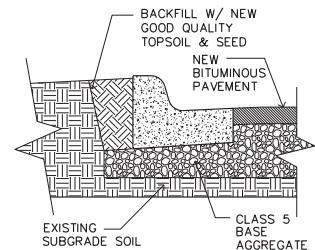
5 ACCESSIBLE PARKING SIGN
A1 SCALE: 1" = 1'-0"



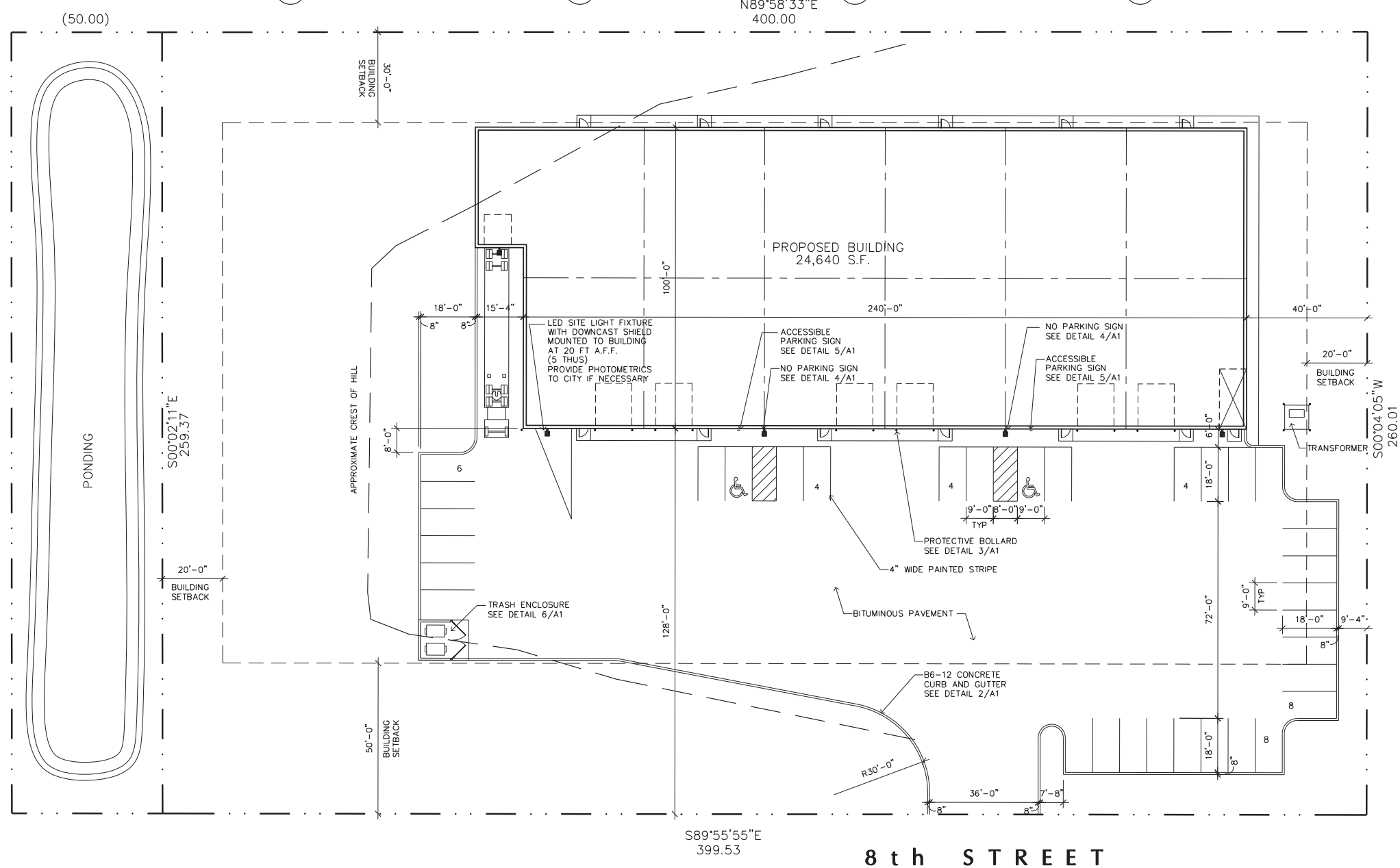
4 NO PARKING SIGN
A1 SCALE: 1" = 1'-0"



3 PROTECTIVE BOLLARD
A1 SCALE: 1/2" = 1'-0"



2 B6-12 CONCRETE CURB
A1 SCALE: 1/2" = 1'-0"



1 SITE PLAN
A1 SCALE: 1" = 20'-0"



LAMPERT ARCHITECTS
420 Summit Avenue
St. Paul, MN 55102
Phone: 763.755.1211 Fax: 763.757.2849
lampo@lampo-arch.com

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

PRELIMINARY NOT FOR CONSTRUCTION

SIGNATURE: LEONARD LAMPERT
PRINT: LEONARD LAMPERT
LICENSE: 13669
DATE:

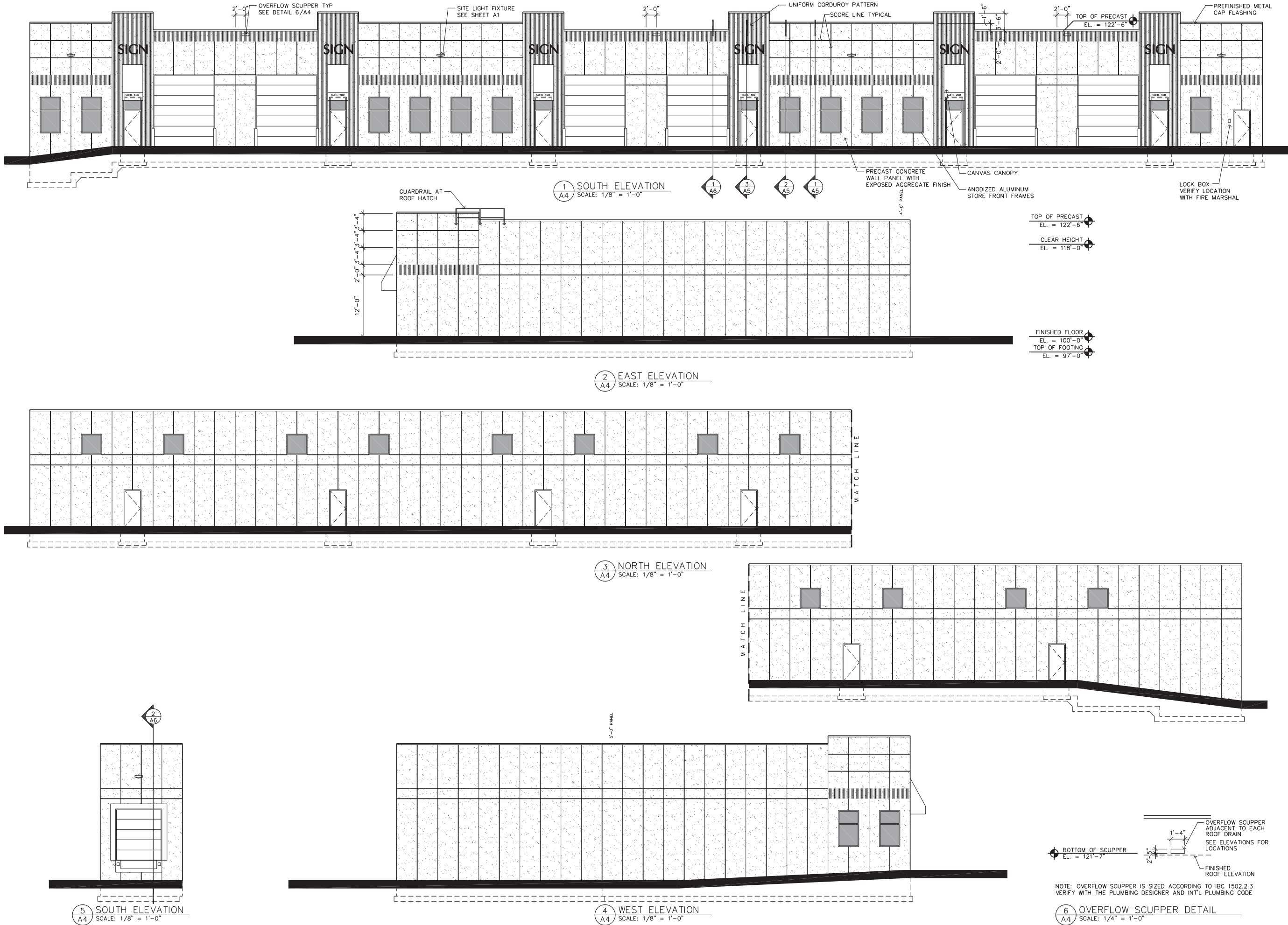
SHERBURNE SLATER CONSTRUCTION
6550 York Ave S, Suite 202
Edina, MN 55435
Ph: 612-655-7450

TRANSPORT SECURITY INC
Waconia, Minnesota

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Project Designer: JAMES B	
Drawn By: JRB	
Checked By: LL	
Revisions	
6/7/24	PRELIMINARY
8/15/24	FINAL REVIEW

SITE PLAN
Sheet Number

A1
Project No. 240530-2



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ARCHITECTS

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

PRELIMINARY
NOT FOR
CONSTRUCTION

SIGNATURE
LEONARD LAMPERT
PRINT NAME
LEONARD LAMPERT
LICENSE NO.
13669
DATE

SHERBURNESLATER
CONSTRUCTION

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TRANSPORT SECURITY INC

Waconia, Minnesota

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Leonard Lampert Architects Inc.

Project Designer: JAMES B

Drawn By: JRB

Checked By: LL

Revisions

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BUILDING ELEVATIONS

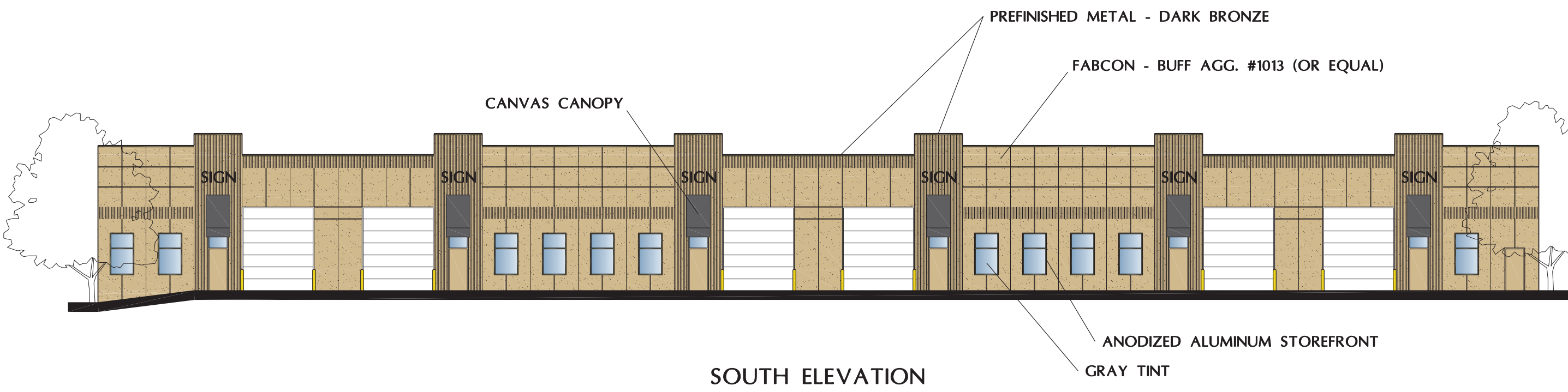
Sheet Number

A4

Project No. 240530-2



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TRANSPORT SECURITY

Waconia, Minnesota

NOTE: THIS DRAWING IS FOR
ILLUSTRATING PURPOSES ONLY.
ACTUAL COLORS NEED TO BE
FIELD VERIFIED.

Transport Security Review #1

September 18, 2024

This review is based on the construction plans dated 9/3/2024 and received on 9/10/2024.

General Comments

1. Stormwater management for this site is provided by three different ponds. A stub is provided to the site at approximate elevation 1006.0 (parking lot surface at 1010-1013) on the southeast corner and drains to the pond east of the site (located on 88 8th Street and ultimately drains east to Reitz Lake). This stub is intended to manage the majority of runoff from this property. Due to steep slopes on the south, west, and north property lines, these areas drain to two different ponds. The south slope drains to a pond southwest of the site (on City property – 200 10th Street). The west and north slopes drain to the new pond installed on the East Frontage Road. The following should be considered regarding stormwater management:
 - a. The impervious surface directed to the Pine Business Park development basin east of the site has been maximized. A roof drain connection is provided at the southeast corner of the proposed building and overflow scuppers are directed to the parking lot. Inlets are provided in the parking lot and near the entrance to direct runoff to the stub connection. Due to a lack of elevation, the loading dock area is directed northwest to the East Frontage Road pond. The front slope will continue to drain to the pond southwest of the site.
 - b. The Pine Business Park Addition was constructed in 2006, and the CCWMO rules have changed since then. Therefore, the CCWMO may require additional on-site treatment. The applicant should submit plans directly to the CCWMO to see if any additional treatment is necessary to meet their requirements.
 - c. Since this project is part of a larger development that provided stormwater management, no additional treatment is required per NPDES requirements.
2. The applicant will be required to obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any permits/approvals should be submitted conditional to Final Site Plan approval.
3. The applicant will be required to obtain a General Construction Permit for Stormwater associated with Construction Activity (NPDES) since this is part of an ultimate development greater than 1 acre. A copy of the permit should be submitted conditional to Final Site Plan approval.
4. The condition of the adjacent street should be reviewed by the City and Contractor prior to any work and verified with video or pictures. Any damage to the street after work commences should be deemed to be caused by the Contractor and the Owner's responsibility to repair.
5. The condition of the existing storm sewer in 8th Street shall be documented prior to any work. Any sediment deposited in the sewer after construction begins shall be deemed to be the

responsibility of the Contractor and shall be removed at the Contractor's expense prior to final site approval.

6. Work within public right-of-way must be coordinated with the Waconia Public Services Department. Contractor must provide a minimum 48-hour notice prior to any work being performed. Bituminous pavement shall be saw-cut and concrete removed to joint to provide clean match lines.
7. Record drawings must be submitted upon completion of the project.
8. Signage shall require a separate permit application and review.

Site Plan

9. Pavement sections included in the details are as follows:
 - a. A Concrete Pavement section of 6" concrete over 8" aggregate is proposed. This section is acceptable.
 - b. A Bituminous Pavement section of 2.0" wear bituminous, 2.5" base bituminous, and 12" aggregate is proposed. This section is also acceptable.
10. A concrete apron shall be provided at the entrance, consistent with the overall development.
11. Any/all exterior rooftop or ground mounted mechanical equipment shall be screened from public streets.
12. The trash enclosure shall be constructed of the same building material as the principal structure.

Utility Plan

13. The sanitary service provided to the site is 8" PVC SDR 26. The elevation of the stub will need to be verified in the field, but adequate elevation appears available to provide service to the proposed building.
14. A cleanout should be provided at the connection to facilitate change of pipe diameter to 6" PVC.
15. Additional detail shall be provided on the sanitary service connection. Invert and rim elevations shall be provided for cleanouts. Pipe characteristics (diameter, material, length, and slope) shall be provided for piping.
16. An 8" DIP water service is provided to the site. Additional detail should be provided to indicate how the change to 6" PVC. All DIP pipe and all metal fitting are required to be wrapped with polyethylene encasement material.

17. Tracer wire shall be installed with all PVC watermain pipe.
18. As per the Fire Chief, a hydrant shall be added to the green space near the southeast or east side of the parking lot. This hydrant (and hydrant lead) shall be included in a D&U easement.
19. The outlet from the trench drain in the loading dock area should be revised to outlet in the northwest corner of the site at the bottom of the slope to better direct runoff toward the new East Frontage Road basin and limit potential for erosion on the slope.
20. Inadequate cover is provided over the proposed storm sewer in the entrance. The stub to the site should be removed to the existing manhole and re-laid at minimum slope. In addition, RCP shall be utilized in lieu of PVC in the entrance to provide a more structurally sound section.
21. An additional inlet should be provided on the east side of the entrance to maximize capture of runoff in the parking lot prior to discharging to street.
22. Due to heavy clay soils, the applicant should consider installing draitile at low point catchbasins.
23. A manhole structure schedule shall be provided in the plans that includes the specific manhole number, manhole diameter, and casting.
24. City inspection is required during the utility installations. A note shall be added stating that notification is required 48 hours in advance of utility installation work. This note shall also include the Public Services office phone number of 952-442-2615.

Grading, Drainage and Erosion Control Plan

25. The proposed ponding is within an easement for an 18-inch sanitary sewer line and a 6-inch watermain. This ponding or stormwater management BMP (if required by the CCWMO) shall be moved to the east out of the easement area. Alternatively, the proposed location could be considered if 8 feet of cover is able to be maintained above to the utility mains and the south limit of the ponding excludes the existing sanitary sewer manhole.
26. The SWPPP should be updated with the contact and training information for the party responsible for implementing the SWPPP during construction. See the attached SWPPP Review Checklist for a complete list of requirements.
27. Perimeter erosion control measures should be installed by the contractor and inspected by the City prior to any other work. Contractor must provide 24-hour notice prior to inspection.
28. Retaining walls 4' or greater in height must be designed by a licensed professional engineer. Certified wall plans should be submitted for review and approval.

Landscape Plan

29. One (1) tree meeting minimum planting size (2.5 Cal. Inches for deciduous or 6 ft. in height for coniferous) is required per one thousand (1,000) square feet of gross building floor area. 25 trees are required and currently 22 trees meet minimum size standards.
30. The complement of trees fulfilling the requirements of this policy shall be not less than twenty-five (25) percent deciduous and not less than thirty-three (33) percent coniferous.
31. City Public Services staff shall be notified upon landscape planting to note the quantity of plants, and initiation of the warranty period.
32. Contact Public Services; 952-442-2615 to complete final grade and topsoil inspection prior to installation of Landscaping, irrigation and sod.