

WACONIA CITY COUNCIL MEETING AGENDA



Monday, July 1, 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: STEVE YETZER
COUNCIL MEMBER: NICK GLEASON
COUNCIL MEMBER: JEFF GRENGS

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. **VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE**
5. **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 the June 17, 2024 City Council Minutes](#)
Motion to Approve June 17, 2024 City Council Meeting Minutes
 - 2) [Approve July 1, 2024 Expenditures](#)
Motion to Approve Payment of July 1, 2024 Expenditures
 - 3) [Contractor Pay Request #2 - Waconia Downtown Reconstruction - Phase 2](#)
Motion to approve Pay Estimate No. 2 to W.M. Mueller & Sons, Inc. for the Waconia Downtown Reconstruction - Phase 2 Project.
 - 4) [Execution of Quotes for the Replacement of Lift Station L52 VFD](#)
Adopt Resolution No. 2024-139 Authorizing City Staff to Execute Arrowmark LLC and Holton Electric Quotes for Lift Station L 52 VFD Replacement.
 - 5) [2024 2nd Quarter Budget Amendments](#)
Adopt Resolution No. 2024-140 Approving 2024 2nd Quarter Budget Amendments

- 6) [Donation Acceptance - Cash Donation for Parks Department Operations](#)
Adopt Resolution No. 2024-141 Accepting Cash Donation for Parks Department Operations
- 7) [Private Use of Public Property Request at 854 Beach Road](#)
Adopt Resolution No. 2024-142 Denying the request for Private Use of Public Property at 854 Beach Road.
- 8) [Approve Temporary On-Sale Liquor License, Application to Conduct Bingo, and Exempt Permit for Raffle for the Carver County Fair](#)
Motion to Adopt the following Resolutions for the Carver County Agriculture Society DBA Carver County Fair:
Resolution No. 2024-143 Approving Application for Temporary On-Sale Liquor License, Carver County Agriculture Society
Resolution No. 2024-144 Approving Application for Exempt Permit BINGO Carver County Agriculture Society
Resolution No. 2024-145 Approving Application for Exempt Permit, RAFFLE Carver County Agriculture Society

6. COUNCIL BUSINESS

- 1) [Reasonable Accommodation Denial for Battlefield Ministries, 415 W 1st Street](#)
Adopt Resolution No. 2024-146 Denying Request for Zoning Accommodation by Battlefield Ministries

7. ITEMS REMOVED FROM CONSENT AGENDA

8. STAFF REPORTS

9. BOARD REPORTS

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

10. ANNOUNCEMENTS

11. ADJOURN REGULAR MEETINGOFFICE OF THE CITY ADMINISTRATOR

Shane Fineran

Work Session: Fire Station Tour

UPCOMING CALENDAR OF EVENTS/MEETINGS:

Independence Day - July 4th (Offices Closed)
Special City Council Meeting - July 10th at 5:00 p.m.
Planning Commission - July 11th at 6:30 p.m.
Music in the Streets - July 11th - Mike Bustin
City Council Meeting - July 15th at 6:00 p.m.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		July 1, 2024			
Item Name:		Approve the June 17, 2024 City Council Minutes			
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 June 17, 2024 City Council Meeting Minutes					
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>					
Attachments: 1. June 17i, 2024 Council Minutes					
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
JUNE 17, 2024

1) **CALL MEETING TO ORDER AND ROLL CALL**

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

The following Council Members were present: Nicole Waldron, Nick Gleason, Jeff Grengs, Steve Yetzer, and Randy Sorensen.

The following staff were present: Shane Fineran, Jackie Schultz, Lane Braaten, Justin Sorensen, Jon Haukaas, City Attorney Mike Melchert

2) **PLEDGE OF ALLEGIANCE**

3) **ADOPT AGENDA**

Motion by Sorensen second by Yetzer to Adopt the Agenda as published.
MOTION CARRIED.

4) **PUBLIC HEARING**

Public Hearing (CONT.) - Zoning Accommodation Request - Battlefield Ministries

Cover Page

Battlefield Ministries Response Letter

Sober House Addendum to request for reasonable accommodation

John Curtiss Expert Report Letter 05-08-24

Jen Romero Carver County Health and Human Services Letter 05-07-24

Jessica Hart NorthStar Regional Treatment Center Letter 05-09-24

Tim Groth Letter w Attachment 05-08-24

Letter from the Landlord 05-07-24

Public Hearing Comments

Lane Braaten, Community Developer Director, gave the Council a brief background on this agenda item stating the Council attended a work session and discussed reasonable accommodations for Battlefield Ministries located at 415 1st Street West. Lane also stated, at the request of the applicant, this is a continuation of the public hearing from the

June 3, 2024, Council meeting. The City received an application for reasonable accommodation from Battlefield Ministries to allow up to six unrelated persons to live together at the property in a group sober living setting. The basis for the request is an accommodation under the federal Americans with Disabilities Act (ADA) and the federal Fair Housing Act (FHA). The City's zoning regulations do not allow six unrelated persons to live together in a single-family residence in the R-2 Zoning District.

The ADA and FHA both apply to cities and specifically to municipal zoning decisions. If Battlefield Ministries demonstrates eligibility for accommodation under either of these federal laws, then the City's Zoning Ordinance will be preempted. To be eligible for exemption from certain provisions of the City's zoning code under the FHA and ADA, Battlefield Ministries must show that their requested accommodation is reasonable and necessary for the amelioration of the effects of a disability. Based on the information and documentation submitted by Battlefield Ministries, the Council must determine if Battlefield Ministries' request meets these criteria.

--Mikayla Precht, St, Bonifacius

--Anthony Benedetti, 116 Huntington Drive, Waconia

--Tim Groth, Program Director for the Haven, 233 First West Street, Waconia

--Chris Edrington St Paul, Minnesota

--Anthony Benedetti spoke on the need for accommodation and introduced Chris Edrington to the Council. Chris spoke to the Council on his history of running sober houses and explained the effort and challenges to the residents of sober houses. Also, explained that sober houses need a number of people so that each individual in the house feels support, accountability, and structure.

--Tim Goth spoke on the importance of a sober house and treatment.

--Mikayla Precht spoke on clarifying supervision. Explaining there are house managers on site. Battlefield has staff during the day; however not overnight.

--Jennifer Romero, Carver County Housing Support Director spoke on the funding sources from the County to the residents of the sober house.

--Amanda Wilson, 401 1st Street West. Explained that alcohol and other items have been found in her garden and neighborhood and requesting the Council deny this request.

--Jennell Coulson, 441 West First Street. Does not want an unsupervised sober house near a school or in this neighborhood without a license.

--Sue Neumann, 440 1st Street West. Has lived in this house for more than 11 years. Is very grateful for the sober house but not this close to the school.

--Brad Devereaux, 310 Main Street West. Spoke at the last Council Meeting and is requesting the Council look up the number of police calls to the sober house as there have not been any in the past year.

Mayor Waldron reminded everyone that this is a policy issue for the Council.

--Alisha Titus, 415 West First Street. Explained to the Council that this sober house is her home and a great opportunity to stay sober.

--Brooke Campbell, Watertown. Treasurer of Battlefield Ministries. Understands the

issue is a policy issue. These residents are federally protected and in the correspondence answered why this is reasonable and necessary request.
--Randi Weinzierl, 415 1st Street West. Gave a description of her history and how she got here today. She had nowhere to turn and was accepted to this sober home which gave her the resources to get back on her feet.

Mayor Waldron requested Braaten to reiterate the request brought by Battlefield Ministries.

--Kayla Stidger, 415 West 1st Street. Would like to speak to the supervision of the sober house. It is supervised, just not a live supervisor. They are there when necessary, when needed, and it doesn't work to have a schedule.

Motion by Sorensen second by Gleason to close the public hearing.
MOTION CARRIED.

Council Member Yetzer questioned the City attorney if it is possible to add stipulations to this issue. Melchert does not recommend stipulations as this issue is to address reasonable accommodation.

Motion by Yetzer second by Sorensen to direct staff to draft a Resolution to deny the reasonable accommodation request from Battlefield Ministries.
MOTION CARRIED

5) VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE

Ashley Spang, Watertown. Freshwater Furniture Depot. Requesting the Council deny the site plan of Goodwill. Also gave a description of what the Freshwater Furniture Depot does and whom it helps.

Miles Jewel, 204 Main Street, Carver. Would like to speak in favor of Freshwater Furniture Depot and Trending Upward and is asking the Council to consider the greater impact on the community.

Annette Yoroway, Orono. A volunteer at the Freshwater Furniture Depot. Waconia has a hometown feel and requesting the Council deny the Goodwill request and to keep this great community.

Daniel Ehresmann, 200 East Lake Street. These are very different entities and is requesting the Council have Goodwill agree to a stipulation of limiting the floor space of furniture.

Ann Allen, 854 Beach Road. Addressing the Council regarding the landscaping on City property due to the steep hill next to her property. Is not interested in owning the property but will sign an agreement to maintain the landscaping. This will allow the community to use and enjoy the trail.

6) [ADOPT CONSENT AGENDA](#)

6.1 [Approve the June 3, 2024 City Council Minutes](#)

[Cover Page](#)

[June 3, 2024 Council Minutes](#)

6.2 [Approve June 17, 2024 Expenditures](#)

[Cover Page](#)

[Council List Expenditures 06-07-24 Electronic - Other](#)

[Council List Expenditures 06-07-24 Purchasing Card](#)

[Council List Expenditures 06-17-24 Regular](#)

6.3 [Approve Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred May 2024](#)

[Cover Page](#)

[Waconia Ice Bills Applied Payments May 2024](#)

6.4 [Approve Rink Management Services Corporation Safari Island Community Center Expenditures Incurred May 2024](#)

[Cover Page](#)

[Safari Island - Bills Applied Payments May 2024](#)

6.5 [Approve Kraus-Anderson Construction Pay Request #21 for the New Fire Station](#)

[Cover Page](#)

[Kraus Anderson Pay Request #21 For Fire Station](#)

6.6 [Contractor Pay Request #4 - 2023 Infrastructure Improvement Project](#)

[Cover Page](#)

[Pay Request #4 2023 Infrastructure Improvement 06-12-2024](#)

6.7 [Contractor Pay Request #8 - Waconia Downtown Reconstruction - Phase 1](#)

[Cover Page](#)

[Pay Request #8 Phase #1 Downtown Reconstruction 06-12-24](#)

6.8 Data Access Joint Powers Agreement with Carver County

[Cover Page](#)

[Joint Powers Agreement for Data Access with Carver County](#)

6.9 School Resource Officer Agreement with ISD #110

[Cover Page](#)

[School Resources Officer Agreement with ISD#110](#)

6.10 Approving Conveyance of Right-Of-Way Parcel to Carver County

[Cover Page](#)

[Resolution No. 2024-126 Approving Conveyance of Right-of-Way Parcel to Carver County](#)

[Quit Claim Deed with Carver County for Orchard Park Outlot](#)

6.11 Approve Kraus-Anderson Contractor Pay Request for the New Fire Station

[Cover Page](#)

[Pay Request from Kraus Anderson for New Fire Station](#)

6.12 Contract for Fire Alarm Inspections & Monitoring at Waconia Fire Station

[Cover Page](#)

[Resolution No. 2024-127 Authorizing Contracts for Fire Alarm Monitoring and Inspections with Johnson Controls](#)

[Fire Alarm Planned Service Agreement](#)

[Monitoring Planned Service Agreement](#)

6.13 Authorize City Staff to execute proposal and contract with CustomFire Apparatus for the purchase of a new 2026 Custom Fire Engine apparatus.

[Cover Page](#)

[Resolution No. 2024-128 Authorizing City Staff to Execute Purchase Agreement for Fire Rescue Truck Replacement](#)

[05-22-24 Sourcewell Quote MPCU](#)

[Waconia24 REV6.pdf](#)

[06-05-24 Ancom Headset Quote](#)

[06-05-24 Motorola Mobile Radios Quote](#)

6.14 Hiring of Probationary Firefighter

[Cover Page](#)

[Resolution No. 2024-129 Authorizing the Hiring of Probationary Firefighter](#)

6.15 Accepting Cash Donation for Parks Department War Memorial Annual Maintenance

[Cover Page](#)

[Resolution No. 2024-130 Accepting Cash Donation for Park Department War Memorial Annual Maintenance](#)

6.16 Approving 3-Year Agreement for Microsoft Office 365 License & Service Fees

[Cover Page](#)

[Resolution No. 2024-131 Approve 3-Year Agreement for Microsoft Office 365 License and Service Fees](#)

[Microsoft Office 365 License and Service Fee Agreement](#)

6.17 Special Event Permit - Waconia Brewing Nickle Dickle Day Beer Garden

[Cover Page](#)

[Resolution. No. 2024-132 Approving Special Event Permit for Waconia Brewing Company Nickle Dickle Day](#)

[Special Event Permit Application Waconia Brewing Nickle Dickle](#)

6.18 Approve Temporary Off-Sale Liquor License Waconia Brewing Company

[Cover Page](#)

Resolution No. 2024-133 Approving Temporary Off-Sale Liquor License Waconia Brewing Company Nickle Dickle Day

6.19 Amend Chapter 415 Regarding Storm Water Reuse Systems

Cover Page

Ordinance No. 772 Adding Multiple Properties To Chapter 415

Resolution No. 2024-134 Approving Summary Publication of Ordinance 772 Amending Chapter 415

Motion by Sorensen second Grengs by to adopt the Consent Agenda as published.

MOTION CARRIED.

7) COUNCIL BUSINESS

7.1 Approve Site Plan and Design Review - Goodwill Waconia

Cover Page

Resolution No. 2024-135 Approving Site Plan and Design Review for the Proposed Goodwill Project at 860 Marketplace Drive

Project Location Map

Plan Set - Goodwill Waconia

Braaten stated the applicant has submitted a site plan and design review application proposing the construction of a 20,867 square foot stand-alone Goodwill building at 850 and 860 Marketplace Drive. At the June 6, 2024, Planning Commission meeting recommended approval with a 5-0 vote with the proposed conditions. Under the zoning code, the City determines the rules within that district.

Melchert stated if all conditions and requirements are met, it is very difficult to deny a request.

Fineran agreed that if a business meets all requirements the expectation is that business will be approved.

Chris Whitehouse, Architecture with DJR Architecture in Minneapolis. Has worked on 45-50 Goodwill Stores and this is Goodwill's image. Furniture is not the largest square footage of the building—mostly cloths.

Motion by Yetzer second by Sorensen to adopt Resolution No. 2024-135 approving Site Plan and Design Review for the proposed Goodwill project at 860 Marketplace

7.2 Private Use of Public Property Request at 854 Beach Road

[Cover Page](#)

[Property Location Map](#)

[Property Pictures](#)

The City has received an application requesting approval of an after-the-fact permit allowing private improvements on public property. The property owner has installed landscape improvements along the trail on the public property to the north of the parcel which includes landscape plantings, rocks, mulch, landscape edging, staircase, boulders, and more.

Mayor Waldron stated that she has concerns with after-the-fact permits.

Motion by Sorensen second by Grengs to deny the requested private use of public property and directing staff to draft a Resolution for review and approval for consideration at the July 1, 2024, Council meeting.

MOTION CARRIED (3 to 2)

[7.3 Approve Contract for the Waconia Parkway North Mill and Overlay Project with Bituminous Roadways, Inc.](#)

[Cover Page](#)

[Resolution No. 2024-136 Award of Contract for Waconia Parkway North Mill and Overlay Project](#)

[2024-06-12 Waconia Parkway North Award](#)

Jon Haukass, Public Services Director gave a brief description of this agenda item. Bids were received on June 11, 2024, for this project. Received six bids ranging from \$454,176.23 to \$687,113.96. The engineer's estimate was in this range. Staff recommends awarding this project to Bituminous Roadways as indicated in Resolution No. 2024-136.

Motion by Yetzer second by Gleason to adopt Resolution No. 2024-136 authorizing the award of a construction contract for the Waconia Parkway North Mill and Overlay to Bituminous Roadways, Inc.

MOTION CARRIED.

[7.4 Trail Reconstruction - Change Order No. 1 to the 2024 Infrastructure Improvements Project.](#)

[Cover Page](#)

Resolution No. 2024-137 Authorizing Approval to the 2024 Infrastructure Improvements Project Change Order No. 1

2024 Infrastructure Improvements Change Order No. 1

Jon Haukaas stated that the Resolution will approve Change Order No. 1 in the amount of \$45,121.50 for the trail reconstruction.

Motion by Yetzer second by Gleason to adopt Resolution No. 2024-137 authorizing approval to the 2024 Infrastructure Improvements Project Change Order No. 1

MOTION CARRIED.

7.5 City Council Resignation and Vacancy

Cover Page

Resolution No. 2024-138 Accepting Resignation and Declaring Vacancy on the City Council

Fineran stated that Council Member Yetzer submitted his resignation from the City Council effective June 30, 2024. Council Member Yetzer's term would expire on December 31, 2024. The Council needs to determine whether to leave the seat vacant, fill the vacancy with appointment, or hold a special election.

Mayor Waldron and the Council thanked Council Member Yetzer for his time on the Council.

Staff recommends to fill the remainder of the term by appointment with interested applications submitting a letter of interest and resume by July 5, 2024, with the selected member assuming the season July 15, 2024.

Motion by Gleason second by Grengs to adopt Resolution No. 2024-138 accepting resignation and declaring vacancy.

MOTION CARRIED.

8) ITEMS REMOVED FROM CONSENT AGENDA

NONE

9) STAFF REPORTS

Jackie Schulze, Assistant City Administrator, stated staff met with County Election Officials and Candidate filing opens July 30th through August 13th. Absentee voting begins on June 28, 2024, at City Hall.

10) BOARD REPORTS

Grengs: Nothing to report

Gleason: Will be attending the Park Board Meeting and will be discussing Cedar Pointe Park Pickleball.

Yetzer: Nothing to report

Sorensen: Attended the Planning Commission Meeting and the CIP Meeting.

Waldron: Attended a legislative update from the Minnesota Chamber of Commerce discussing updates on the new tax and employment laws.

11) ANNOUNCEMENTS

Schulze reminded Council of the music in the park this week will be the Teddy Bear Band at Waterford Park. Staff will be monitoring the weather.

12) ADJOURN REGULAR MEETING

Motion by Sorensen second by Gleason to adjourn the June 17, 2024, City Council meeting at 8:40 p.m.

MOTION CARRIED

Nicole Waldron, Mayor

ATTEST: _____

Sue Schwalbe, Office Assistant



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		July 1, 2024					
Item Name:		Approve July 1, 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 July 1, 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 July 1, 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:		July 1, 2024					
Item Name:		Contractor Pay Request #2 - Waconia Downtown Reconstruction - Phase 2					
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 Pay Estimate No. 2 to W.M. Mueller & Sons, Inc. for the Waconia Downtown Reconstruction - Phase 2 Project.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff has reviewed the contractor pay request for the Waconia Downtown Reconstruction - Phase 2 Project and recommends payment of \$551,113.64 based on the engineering request for payment. This payment represents approximately 30.8% of the total approved contract for the project.							
Attachments:							
1. Downtown Reconstruction Phase 2 Pay Request #2							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: PIR, Water, Sewer, Storm Water							
Budget Information:				Planning Commission			
☒ Budgeted				Parks and Recreation Board			
☐ Non Budgeted				Safari Island Advisory Board			
☐ Amendment Required				Other			



**BOLTON
& MENK**

Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

June 26, 2024

City of Waconia
Attn: Nicole Meyer
201 South Vine St.
Waconia, MN 55387

**RE: Waconia Downtown Reconstruction – Phase 2
Pay Request No. 2**

Dear Mrs. Meyer:

Enclosed please find Pay Request No. 2 for work completed through 6/21/2024 on the above referenced project. The work completed includes payment for mobilization, traffic control, erosion control, removals, street construction, watermain, sanitary sewer, storm sewer, draintile, irrigation lines, and other miscellaneous items.

We have reviewed the estimate, verified the quantities, and recommend the City make payment in the amount of **\$551,113.64** to W.M. Mueller & Sons, Inc. Below is a total for the project as well as the estimated percent of work completed for each funding type.

Funding Group	Total Payment	Street	Storm	Irrigation	Sewer	Watermain	Sidewalk
Recon	\$551,113.64	72%	10%	11%	3%	3%	1%
TOTAL	\$551,113.64						

Please contact me if you have any questions regarding this pay request.

Respectfully Submitted,
Bolton & Menk, Inc.

Jake Saulsbury, P.E.

cc: Shane Fineran, City of Waconia
Ryan Johnson, Bolton & Menk

Enclosure

CONTRACTOR'S PAY REQUEST**DOWNTOWN RECONSTRUCTION, PHASE 2****BOLTON
& MENK**

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DISTRIBUTION:

CONTRACTOR (1)

OWNER (1)

ENGINEER (1)

CITY OF WACONIA -**BMI PROJECT NO. C14.121688**

TOTAL AMOUNT OF ORIGINAL BID	\$3,372,332.19
TOTAL AMOUNT OF EXTRA WORK AND CHANGE ORDERS	\$30,288.20
TOTAL AMOUNT OF BID PLUS EXTRA WORK AND CHANGE ORDERS	\$3,402,620.39
TOTAL, COMPLETED WORK TO DATE	\$1,050,415.70
TOTAL, STORED MATERIALS TO DATE	\$0.00
DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED	\$0.00
TOTAL, COMPLETED WORK & STORED MATERIALS	\$1,050,415.70
RETAINED PERCENTAGE (5.0%)	\$52,520.79
TOTAL AMOUNT OF OTHER PAYMENTS OR (DEDUCTIONS)	\$0.00
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$997,894.92
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$446,781.28
PAY CONTRACTOR AS ESTIMATE NO. 2	\$551,113.64

CERTIFICATE FOR PARTIAL PAYMENT

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor:

Wm. Mueller & Sons, Inc.
831 Park Avenue
Hamburg, MN 55339

By Cory Hoernemann PM
Name Title

Date 6/26/2024

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:**ENGINEER: BOLTON & MENK, INC., 2638 SHADOW LANE, STE 200, CHASKA, MN 55318**

By Ryan R Johnson, CONSULTING ENGINEER

Date 6/26/2024

APPROVED FOR PAYMENT:**OWNER:**

By Nicole Waldron Mayor July 1, 2024

And Shane Fineran City Administrator July 1, 2024

Pay Request No.:

2

DOWNTOWN RECONSTRUCTION, PHASE 2



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CITY OF WACONIA

BMI PROJECT NO. C14.121688

WORK COMPLETED THROUGH FRIDAY, JUNE 21, 2024

ITEM NO.	ITEM	UNIT PRICE	AS BID			PREVIOUS ESTIMATE			COMPLETED TO DATE		
			ESTIMATED QUANTITY		ESTIMATED AMOUNT	ESTIMATED QUANTITY		ESTIMATED AMOUNT	ESTIMATED QUANTITY		ESTIMATED AMOUNT
1	MOBILIZATION	\$142,300.00	1.00	LUMP SUM	\$142,300.00	0.50	LUMP SUM	\$71,150.00	0.70	LUMP SUM	\$99,610.00
2	TRAFFIC CONTROL	\$19,000.00	1.00	LUMP SUM	\$19,000.00	0.50	LUMP SUM	\$9,500.00	0.70	LUMP SUM	\$13,300.00
3	TEMPORARY PEDESTRIAN ACCESS ROUTES	\$23,500.00	1.00	LUMP SUM	\$23,500.00	0.30	LUMP SUM	\$7,050.00	0.40	LUMP SUM	\$9,400.00
4	CLEAR & GRUB TREE	\$675.00	28.00	EACH	\$18,900.00	33.00	EACH	\$22,275.00	33.00	EACH	\$22,275.00
5	CLEAR & GRUB BUSHES	\$200.00	3.00	EACH	\$600.00	6.00	EACH	\$1,200.00	6.00	EACH	\$1,200.00
6	SALVAGE & REINSTALL FLAG POLE	\$2,400.00	1.00	EACH	\$2,400.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
7	SALVAGE PAVERS	\$7.00	150.00	SQ FT	\$1,050.00	0.00	SQ FT	\$0.00	0.00	SQ FT	\$0.00
8	SALVAGE & INSTALL CASTING (STORM)	\$985.00	1.00	EACH	\$985.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
9	SALVAGE & INSTALL CASTING (SANITARY)	\$1,175.00	2.00	EACH	\$2,350.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
10	SALVAGE & INSTALL METAL PEDESTRIAN RAMP	\$1,600.00	1.00	EACH	\$1,600.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
11	SALVAGE & INSTALL MAILBOX	\$750.00	1.00	EACH	\$750.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
12	SALVAGE & INSTALL GATE VALVE BOX	\$250.00	1.00	EACH	\$250.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
13	SALVAGE SIGN & DELIVER TO CITY	\$100.00	36.00	EACH	\$3,600.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
14	SALVAGE & INSTALL SIGN	\$550.00	1.00	EACH	\$550.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
15	SALVAGE & INSTALL SIGN SPECIAL	\$750.00	1.00	EACH	\$750.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
16	SALVAGE MONUMENT SIGN	\$950.00	1.00	EACH	\$950.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
17	SALVAGE & INSTALL RETAINING WALL	\$140.00	75.00	LIN FT	\$10,500.00	0.00	LIN FT	\$0.00	0.00	LIN FT	\$0.00
18	SALVAGE RETAINING WALL BLOCK	\$40.00	50.00	LIN FT	\$2,000.00	0.00	LIN FT	\$0.00	0.00	LIN FT	\$0.00
19	REMOVE HYDRANT	\$250.00	3.00	EACH	\$750.00	1.00	EACH	\$250.00	1.00	EACH	\$250.00
20	CUT DOWN EXISTING CURB STOP	\$100.00	5.00	EACH	\$500.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
21	CUT CONCRETE RETAINING WALL	\$950.00	1.00	EACH	\$950.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
22	REMOVE DRAINAGE STRUCTURE	\$300.00	8.00	EACH	\$2,400.00	1.00	EACH	\$300.00	1.00	EACH	\$300.00
23	REMOVE SANITARY SEWER STRUCTURE	\$500.00	4.00	EACH	\$2,000.00	2.00	EACH	\$1,000.00	2.00	EACH	\$1,000.00
24	REMOVE WATERMAIN	\$3.00	1,017.00	LIN FT	\$3,051.00	100.00	LIN FT	\$300.00	785.00	LIN FT	\$2,355.00
25	REMOVE SEWER PIPE (STORM)	\$7.50	608.00	LIN FT	\$4,560.00	0.00	LIN FT	\$0.00	0.00	LIN FT	\$0.00
26	REMOVE SEWER PIPE (SANITARY)	\$10.00	1,510.00	LIN FT	\$15,100.00	324.00	LIN FT	\$3,240.00	324.00	LIN FT	\$3,240.00
27	REMOVE CURB AND GUTTER	\$5.70	4,533.00	LIN FT	\$25,838.10	2,151.00	LIN FT	\$12,260.70	2,800.00	LIN FT	\$15,960.00
28	REMOVE DRAINTILE	\$1.00	50.00	LIN FT	\$50.00	0.00	LIN FT	\$0.00	0.00	LIN FT	\$0.00
29	REMOVE SANITARY SERVICE PIPE	\$0.50	1,090.00	LIN FT	\$545.00	140.00	LIN FT	\$70.00	278.00	LIN FT	\$139.00
30	REMOVE WATER SERVICE PIPE	\$0.01	1,070.00	LIN FT	\$10.70	175.00	LIN FT	\$1.75	440.00	LIN FT	\$4.40
31	ABANDON WATERMAIN	\$5.00	790.00	LIN FT	\$3,950.00	0.00	LIN FT	\$0.00	0.00	LIN FT	\$0.00
32	REMOVE CONCRETE STEPS	\$5.50	54.00	SQ FT	\$297.00	48.00	SQ FT	\$264.00	48.00	SQ FT	\$264.00
33	REMOVE CONCRETE SWALE	\$725.00	1.00	EACH	\$725.00	0.00	EACH	\$0.00	0.00	EACH	\$0.00
34	REMOVE CONCRETE VALLEY GUTTER	\$9.00	34.00	LIN FT	\$306.00	0.00	LIN FT	\$0.00	0.00	LIN FT	\$0.00
35	REMOVE RESIDENTIAL RAILING	\$12.00	50.00	LIN FT	\$600.00	0.00	LIN FT	\$0.00	0.00	LIN FT	\$0.00
36	REMOVE RETAINING WALL	\$30.00	35.00	LIN FT	\$1,050.00	23.00	LIN FT	\$690.00	23.00	LIN FT	\$690.00
37	REMOVE CONCRETE WALK	\$1.80	17,706.00	SQ FT	\$31,870.80	4,762.00	SQ FT	\$8,571.60	5,667.00	SQ FT	\$10,200.60
38	REMOVE CONCRETE DRIVEWAY PAVEMENT	\$1.80	2,978.00	SQ FT	\$5,360.40	1,430.00	SQ FT	\$2,574.00	2,237.00	SQ FT	\$4,026.60
39	REMOVE BITUMINOUS PAVEMENT	\$3.73	14,107.00	SQ YD	\$52,619.11	7,644.00	SQ YD	\$28,512.12	9,253.00	SQ YD	\$34,513.69
40	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	\$1.40	4,938.00	SQ FT	\$6,913.20	0.00	SQ FT	\$0.00	0.00	SQ FT	\$0.00
41	MILL OUT BITUMINOUS RAMP CURB EDGE	\$3.55	4,409.00	LIN FT	\$15,651.95	0.00	LIN FT	\$0.00	0.00	LIN FT	\$0.00
42	GEOTEXTILE FABRIC TYPE V	\$2.00	15,343.00	SQ YD	\$30,686.00	0.00	SQ YD	\$0.00	8,409.00	SQ YD	\$16,818.00
43	SELECT GRANULAR BORROW	\$14.80	9,415.00	TON	\$139,342.00	0.00	TON	\$0.00	5,649.00	TON	\$83,605.20
44	EXCAVATION - COMMON (EV) (P)	\$22.23	9,780.00	CU YD	\$217,409.40	0.00	CU YD	\$0.00	5,868.00	CU YD	\$130,445.64
45	EXCAVATION - SUBGRADE (EV)	\$13.00	951.00	CU YD	\$12,363.00	0.00	CU YD	\$0.00	0.00	CU YD	\$0.00
46	STABILIZING AGGREGATE - 3 INCH MINUS CRUSHED	\$19.90	1,898.00	TON	\$37,770.20	20.00	TON	\$398.00	40.00	TON	\$796.00
47	6" AGGREGATE SURFACING	\$57.00	32.00	TON	\$1,824.00	0.00	TON	\$0.00	0.00	TON	\$0.00
48	EXPLORATORY EXCAVATION	\$0.01	40.00	HOURL	\$0.40	0.00	HOURL	\$0.00	0.00	HOURL	\$0.00
49	AGGREGATE BASE CLASS 5	\$30.80	5,237.00	CU YD	\$161,299.60	0.00	CU YD	\$0.00	3,142.00	CU YD	\$96,773.60
50	TYPE SP 9.5 WEARING COURSE MIX (3.C)	\$82.00	2,494.00	TON	\$204,508.00	0.00	TON	\$0.00	0.00	TON	\$0.00
51	TYPE SP 12.5 NON WEAR COURSE MIX (3.B)	\$75.00	2,468.00	TON	\$185,100.00	0.00	TON	\$0.00	0.00	TON	\$0.00

Pay Request No.:

2

DOWNTOWN RECONSTRUCTION, PHASE 2



Real People. Real Solutions.

CITY OF WACONIA

BMI PROJECT NO. C14.121688

WORK COMPLETED THROUGH FRIDAY, JUNE 21, 2024

ITEM NO.	ITEM	UNIT PRICE	AS BID		PREVIOUS ESTIMATE		COMPLETED TO DATE	
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT
52	4" PERF PE PIPE DRAIN	\$13.00	4,007.00	LIN FT \$52,091.00	0.00	LIN FT \$0.00	2,377.00	LIN FT \$30,901.00
53	CONNECT TO EXISTING DRAIN TILE	\$200.00	9.00	EACH \$1,800.00	0.00	EACH \$0.00	0.00	EACH \$0.00
54	SUMP PUMP SERVICE CONNECTION BOX	\$582.00	15.00	EACH \$8,730.00	0.00	EACH \$0.00	2.00	EACH \$1,164.00
55	4" PVC PIPE DRAIN CLEANOUT	\$277.00	12.00	EACH \$3,324.00	0.00	EACH \$0.00	7.00	EACH \$1,939.00
56	12" RC PIPE SEWER DESIGN 3006 CLASS V	\$86.00	18.00	LIN FT \$1,548.00	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
57	15" RC PIPE SEWER DESIGN 3006 CLASS V	\$67.00	1,101.00	LIN FT \$73,767.00	248.00	LIN FT \$16,616.00	918.00	LIN FT \$61,506.00
58	18" RC PIPE SEWER DESIGN 3006 CLASS V	\$80.00	400.00	LIN FT \$32,000.00	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
59	CONSTRUCT DRAINAGE STRUCTURE DESIGN 2'X3'	\$569.00	30.80	LIN FT \$17,525.20	6.40	LIN FT \$3,641.60	23.40	LIN FT \$13,314.60
60	CONSTRUCT DRAINAGE STRUCTURE DES. 48-4020	\$586.00	28.10	LIN FT \$16,466.60	3.70	LIN FT \$2,168.20	3.70	LIN FT \$2,168.20
61	CONSTRUCT DRAINAGE STRUCTURE DESIGN G	\$1,743.00	1.70	LIN FT \$2,963.10	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
62	CONSTRUCT DRAINAGE STRUCTURE DES. 48-4022	\$586.00	22.80	LIN FT \$13,360.80	3.90	LIN FT \$2,285.40	8.90	LIN FT \$5,215.40
62A	CONSTRUCT DRAINAGE STRUCTURE DES. 60 - 4020	\$882.00	14.00	LIN FT \$12,348.00	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
62B	CONSTRUCT DRAINAGE STRUCTURE DES. 60 - 4022	\$882.00	9.90	LIN FT \$8,731.80	9.50	LIN FT \$8,379.00	9.50	LIN FT \$8,379.00
62C	STORM BAFFLE	\$13,068.00	2.00	EACH \$26,136.00	0.00	EACH \$0.00	0.00	EACH \$0.00
63	15" RC PIPE PLUG	\$250.00	1.00	EACH \$250.00	0.00	EACH \$0.00	1.00	EACH \$250.00
64	CONNECT TO EXISTING STORM SEWER	\$1,500.00	6.00	EACH \$9,000.00	1.00	EACH \$1,500.00	1.00	EACH \$1,500.00
65	BULKHEAD EXISTING STORM INVERT	\$500.00	1.00	EACH \$500.00	0.00	EACH \$0.00	0.00	EACH \$0.00
66	CASTING ASSEMBLY (STORM)	\$995.00	19.00	EACH \$18,905.00	0.00	EACH \$0.00	0.00	EACH \$0.00
67	DOWNSPOUT DRAIN W/ SPLASH GUARD	\$500.00	1.00	EACH \$500.00	0.00	EACH \$0.00	0.00	EACH \$0.00
68	TEMP. SANITARY SEWER BYPASS PUMPING	\$5,000.00	1.00	LUMP SUM \$5,000.00	0.00	LUMP SUM \$0.00	0.50	LUMP SUM \$2,500.00
69	8" PVC SDR 26 PIPE SEWER	\$80.00	553.00	LIN FT \$44,240.00	133.00	LIN FT \$10,640.00	133.00	LIN FT \$10,640.00
70	8" PVC SDR 35 PIPE SEWER	\$68.00	964.00	LIN FT \$65,552.00	191.00	LIN FT \$12,988.00	191.00	LIN FT \$12,988.00
71	CONNECT TO EXISTING SAN. SEWER STRUCTURE	\$5,000.00	2.00	EACH \$10,000.00	0.00	EACH \$0.00	1.00	EACH \$5,000.00
72	CONNECT TO EXISTING SANITARY SEWER PIPE	\$4,000.00	3.00	EACH \$12,000.00	2.00	EACH \$8,000.00	2.00	EACH \$8,000.00
73	CONNECT TO EXISTING SANITARY SEWER SERVICE	\$500.00	39.00	EACH \$19,500.00	10.00	EACH \$5,000.00	14.00	EACH \$7,000.00
74	8"X6" PVC WYE	\$495.00	44.00	EACH \$21,780.00	10.00	EACH \$4,950.00	14.00	EACH \$6,930.00
75	6" PVC SANITARY SERVICE PIPE	\$29.00	1,090.00	LIN FT \$31,610.00	196.00	LIN FT \$5,684.00	351.00	LIN FT \$10,179.00
76	6" SANITARY SEWER - DRILLED	\$0.01	75.00	LIN FT \$0.75	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
77	CONSTRUCT SANITARY SEWER MANHOLE (48")	\$536.00	57.30	LIN FT \$30,712.80	29.70	LIN FT \$15,919.20	29.70	LIN FT \$15,919.20
78	EXTERNAL CHIMNEY SEAL	\$345.00	6.00	EACH \$2,070.00	0.00	EACH \$0.00	0.00	EACH \$0.00
79	CASTING ASSEMBLY (SANITARY)	\$1,015.00	4.00	EACH \$4,060.00	0.00	EACH \$0.00	0.00	EACH \$0.00
80	TEMPORARY WATER SERVICE	\$20,000.00	1.00	LUMP SUM \$20,000.00	0.50	LUMP SUM \$10,000.00	0.50	LUMP SUM \$10,000.00
81	CONNECT TO EXISTING WATERMAIN	\$3,000.00	6.00	EACH \$18,000.00	3.00	EACH \$9,000.00	3.00	EACH \$9,000.00
82	CONNECT TO EXISTING WATER SERVICE	\$500.00	29.00	EACH \$14,500.00	5.00	EACH \$2,500.00	14.00	EACH \$7,000.00
83	BORE FOUNDATION WALL & REPLACE FLOOR	\$500.00	12.00	EACH \$6,000.00	0.00	EACH \$0.00	0.00	EACH \$0.00
84	RESET WATER METER & ADJUST PIPING	\$500.00	12.00	EACH \$6,000.00	0.00	EACH \$0.00	0.00	EACH \$0.00
85	MOVE ELECTR.GROUND FROM WATER SERVICE	\$350.00	12.00	EACH \$4,200.00	0.00	EACH \$0.00	0.00	EACH \$0.00
86	HAND EXC. TO CONNECT WATER SERVICE (IN BASEMENT)	\$300.00	12.00	EACH \$3,600.00	0.00	EACH \$0.00	0.00	EACH \$0.00
87	HYDRANT	\$7,411.00	3.00	EACH \$22,233.00	2.00	EACH \$14,822.00	2.00	EACH \$14,822.00
88	1.0" CORPORATION STOP	\$500.00	29.00	EACH \$14,500.00	5.00	EACH \$2,500.00	13.00	EACH \$6,500.00
89	2.0" CORPORATION STOP	\$1,609.00	1.00	EACH \$1,609.00	1.00	EACH \$1,609.00	1.00	EACH \$1,609.00
90	6" GATE VALVE & BOX	\$2,447.00	8.00	EACH \$19,576.00	5.00	EACH \$12,235.00	5.00	EACH \$12,235.00
91	8" GATE VALVE & BOX	\$3,404.00	10.00	EACH \$34,040.00	6.00	EACH \$20,424.00	6.00	EACH \$20,424.00
92	1.0" CURB STOP & BOX	\$647.00	29.00	EACH \$18,763.00	5.00	EACH \$3,235.00	13.00	EACH \$8,411.00
93	2.0" CURB STOP & BOX	\$1,890.00	1.00	EACH \$1,890.00	1.00	EACH \$1,890.00	1.00	EACH \$1,890.00
94	CASTING ASSEMBLY - CURB STOP (A-1)	\$265.00	11.00	EACH \$2,915.00	0.00	EACH \$0.00	0.00	EACH \$0.00
95	CASTING ASSEMBLY - CURB STOP (R-1970)	\$370.00	14.00	EACH \$5,180.00	0.00	EACH \$0.00	0.00	EACH \$0.00
96	1.0" DIRECTIONALLY DRILLED WATER SERVICE	\$0.01	165.00	LIN FT \$1.65	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
97	1.0" PULLED WATER SERVICE PIPE	\$117.00	370.00	LIN FT \$43,290.00	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
98	1.0" OPEN CUT WATER SERVICE - TYPE K COPPER	\$19.50	1,100.00	LIN FT \$21,450.00	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
99	2.0" OPEN CUT WATER SERVICE - TYPE K COPPER	\$54.00	57.00	LIN FT \$3,078.00	0.00	LIN FT \$0.00	0.00	LIN FT \$0.00
100	6" WATERMAIN DUCTILE IRON CL 52	\$74.00	236.00	LIN FT \$17,464.00	83.00	LIN FT \$6,142.00	83.00	LIN FT \$6,142.00

Pay Request No.:

2

DOWNTOWN RECONSTRUCTION, PHASE 2



Real People. Real Solutions.

CITY OF WACONIA

BMI PROJECT NO. C14.121688

WORK COMPLETED THROUGH FRIDAY, JUNE 21, 2024

ITEM NO.	ITEM	UNIT PRICE	AS BID		PREVIOUS ESTIMATE		COMPLETED TO DATE	
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT
101	8" PVC C900 DR18 WATERMAIN	\$76.00	2,077.00	LIN FT	\$157,852.00	1,198.00	LIN FT	\$91,048.00
102	4" POLYSTYRENE INSULATION	\$60.00	50.00	SQ YD	\$3,000.00	0.00	SQ YD	\$0.00
103	DUCTILE IRON FITTINGS (WATERMAIN)	\$0.01	2,040.00	POUND	\$20.40	781.00	POUND	\$7.81
104	TRACER WIRE ACCESS BOX	\$238.00	3.00	EACH	\$714.00	0.00	EACH	\$0.00
105	3LB ANODE	\$201.00	12.00	EACH	\$2,412.00	2.00	EACH	\$402.00
106	9LB ANODE	\$275.00	11.00	EACH	\$3,025.00	5.00	EACH	\$1,375.00
107	4" CONDUIT FOR IRRIGATION MAIN	\$10.00	2,707.00	LIN FT	\$27,070.00	0.00	LIN FT	\$0.00
108	1" PVC IRRIGATION PIPE	\$4.50	2,331.00	LIN FT	\$10,489.50	0.00	LIN FT	\$0.00
109	2" PVC IRRIGATION PIPE	\$7.00	378.00	LIN FT	\$2,646.00	0.00	LIN FT	\$0.00
110	4" PVC IRRIGATION MAIN	\$33.00	1,336.00	LIN FT	\$44,088.00	0.00	LIN FT	\$0.00
111	ADJUST ACCESS MANHOLE CASTING	\$1,340.00	1.00	EACH	\$1,340.00	0.00	EACH	\$0.00
112	IRRIGATION ACCESS MANHOLE CASTING	\$895.00	6.00	EACH	\$5,370.00	0.00	EACH	\$0.00
113	IRRIGATION BLOWOFF STRUCTURE CASTING	\$1,740.00	8.00	EACH	\$13,920.00	0.00	EACH	\$0.00
114	4" PVC C900 DR18 WATERMAIN	\$50.00	10.00	LIN FT	\$500.00	0.00	LIN FT	\$0.00
115	DUCTILE IRON FITTINGS (IRRIGATION SYSTEM)	\$0.01	632.00	POUND	\$6.32	0.00	POUND	\$0.00
116	CONNECT TO IRRIGATION SYSTEM	\$1,000.00	1.00	EACH	\$1,000.00	0.00	EACH	\$0.00
117	IRRIGATION METER BOX	\$4,300.00	1.00	EACH	\$4,300.00	0.00	EACH	\$0.00
118	IRRI. CONNECTOR IN PRECAST CONC. HANDHOLE	\$929.00	15.00	EACH	\$13,935.00	0.00	EACH	\$0.00
119	IRRIGATION BLOWOFF IN PRECAST CONC. MH	\$907.00	8.00	EACH	\$7,256.00	0.00	EACH	\$0.00
120	ACCESS MANHOLE (60")	\$7,685.00	5.00	EACH	\$38,425.00	0.00	EACH	\$0.00
121	ACCESS MANHOLE WITH BLOWOFF (60")	\$7,769.00	1.00	EACH	\$7,769.00	0.00	EACH	\$0.00
122	4" GATE VALVE & BOX (IRRIGATION SYSTEM)	\$1,967.00	1.00	EACH	\$1,967.00	0.00	EACH	\$0.00
123	4" CONCRETE WALK(W/6" AGG. BASE CL 5)	\$6.73	10,052.00	SQ FT	\$67,649.96	0.00	SQ FT	\$0.00
124	4" CONCRETE WALK(W/9" AGG. BASE CL 5)	\$8.95	9,679.00	SQ FT	\$86,627.05	0.00	SQ FT	\$0.00
125	6" CONCRETE WALK(W/6" AGG. BASE CL 5)	\$15.41	2,238.00	SQ FT	\$34,487.58	0.00	SQ FT	\$0.00
126	CONCRETE CURB & GUTTER DESIGN B618	\$21.50	4,429.00	LIN FT	\$95,223.50	0.00	LIN FT	\$0.00
127	6" CONCRETE DW PVM(T/W/6" AGG. BASE CL 5)	\$9.87	4,216.00	SQ FT	\$41,611.92	0.00	SQ FT	\$0.00
128	CONCRETE STAIRS	\$55.00	100.00	SQ FT	\$5,500.00	0.00	SQ FT	\$0.00
129	CONCRETE SWALE	\$500.00	1.00	EACH	\$500.00	0.00	EACH	\$0.00
130	CONCRETE VALLEY GUTTER	\$55.00	40.00	LIN FT	\$2,200.00	0.00	LIN FT	\$0.00
131	CONSTRUCT RETAINING WALL	\$52.00	386.00	SQ FT	\$20,072.00	0.00	SQ FT	\$0.00
132	INSTALL PAVERS	\$30.00	88.00	SQ FT	\$2,640.00	0.00	SQ FT	\$0.00
133	FURNISH & INSTALL RESIDENTIAL RAILING	\$326.00	50.00	LIN FT	\$16,300.00	0.00	LIN FT	\$0.00
134	3" BIT. DW PAVEMENT(W/6" AGG. BASE CL 5)	\$6.05	3,444.00	SQ FT	\$20,836.20	0.00	SQ FT	\$0.00
135	BITUMINOUS RAMP CURB EDGE	\$4.95	4,409.00	LIN FT	\$21,824.55	0.00	LIN FT	\$0.00
136	TRUNCATED DOMES	\$60.00	328.00	SQ FT	\$19,680.00	0.00	SQ FT	\$0.00
137	STABILIZED CONSTRUCTION EXIT	\$2,000.00	1.00	LUMP SUM	\$2,000.00	0.50	LUMP SUM	\$1,000.00
138	EROSION CONTROL SUPERVISOR	\$4,000.00	1.00	LUMP SUM	\$4,000.00	0.50	LUMP SUM	\$2,000.00
139	STORM DRAIN INLET PROTECTION	\$235.00	40.00	EACH	\$9,400.00	21.00	EACH	\$4,935.00
140	SILT FENCE, TYPE MS	\$5.00	239.00	LIN FT	\$1,195.00	368.00	LIN FT	\$1,840.00
141	SEDIMENT CONTROL LOG TYPE STRAW	\$3.00	791.00	LIN FT	\$2,373.00	175.00	LIN FT	\$525.00
142	COMMON TOPSOIL BORROW (LV)	\$45.10	569.00	CU YD	\$25,661.90	0.00	CU YD	\$0.00
143	SODDING TYPE LAWN	\$13.75	3,343.00	SQ YD	\$45,966.25	0.00	SQ YD	\$0.00
144	4" DOUBLE SOLID LINE PAINT (YELLOW)	\$1.40	2,921.00	LIN FT	\$4,089.40	0.00	LIN FT	\$0.00
145	4" SOLID LINE PAINT (WHITE)	\$1.00	5,460.00	LIN FT	\$5,460.00	0.00	LIN FT	\$0.00
146	24" SOLID LINE PAINT (WHITE)	\$6.10	12.00	LIN FT	\$73.20	0.00	LIN FT	\$0.00
147	HANDICAP PARKING PAVEMENT MARKING	\$140.00	10.00	EACH	\$1,400.00	0.00	EACH	\$0.00
148	CROSS WALK PAVEMENT MARKING	\$3.20	3,492.00	SQ FT	\$11,174.40	0.00	SQ FT	\$0.00
149	CONSTRUCT BANNER POLE BASE	\$600.00	6.00	EACH	\$3,600.00	0.00	EACH	\$0.00
150	FURNISH & INSTALL BANNER POLE	\$4,000.00	6.00	EACH	\$24,000.00	0.00	EACH	\$0.00
151	FIBER CONDUIT	\$4.50	1,663.00	LIN FT	\$7,483.50	0.00	LIN FT	\$0.00
152	ELECTRICAL INSTALLATION	\$100,000.00	1.00	LUMP SUM	\$100,000.00	0.00	LUMP SUM	\$0.00



CITY OF WACONIA
BMI PROJECT NO. C14.121688
WORK COMPLETED THROUGH FRIDAY, JUNE 21, 2024

ITEM NO.	ITEM	UNIT PRICE	AS BID		PREVIOUS ESTIMATE		COMPLETED TO DATE				
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT			
153	TEMPORARY LIGHTING	\$15,000.00	1.00	ALLOWANCE	\$15,000.00	0.00	ALLOWANCE	\$0.00	0.00	ALLOWANCE	\$0.00
154	REPAIR EXTERIOR BUILDING FAÇADE	\$25,000.00	1.00	ALLOWANCE	\$25,000.00	0.00	ALLOWANCE	\$0.00	0.00	ALLOWANCE	\$0.00
155	LANDSCAPING	\$15,000.00	1.00	ALLOWANCE	\$15,000.00	0.00	ALLOWANCE	\$0.00	0.00	ALLOWANCE	\$0.00
156	IRRIGATION REPAIRS	\$5,000.00	1.00	ALLOWANCE	\$5,000.00	0.00	ALLOWANCE	\$0.00	0.00	ALLOWANCE	\$0.00
157	ADDITIONAL TEMP SIGNAGE FOR BUSINESSES	\$15,000.00	1.00	ALLOWANCE	\$15,000.00	0.00	ALLOWANCE	\$0.00	0.11	ALLOWANCE	\$1,594.40
158	EARLY COMPLETION INCENTIVE (STAGE 1)	\$15,000.00	1.00	ALLOWANCE	\$15,000.00	0.00	ALLOWANCE	\$0.00	0.00	ALLOWANCE	\$0.00
159	EARLY COMPLETION INCENTIVE (STAGE 2)	\$30,000.00	1.00	ALLOWANCE	\$30,000.00	0.00	ALLOWANCE	\$0.00	0.00	ALLOWANCE	\$0.00
EW1	WET TAP WATERMAIN CONNECTION ON 1ST STREET	\$1,500.00	1.00	LUMP SUM	\$1,500.00	1.00	LUMP SUM	\$1,500.00	1.00	LUMP SUM	\$1,500.00
EW2	TRAFFIC CONTROL REVISIONS	\$7,845.20	1.00	LUMP SUM	\$7,845.20	1.00	LUMP SUM	\$7,845.20	1.00	LUMP SUM	\$7,845.20
EW3	1.0" OPEN CUT WATER SERVICE - PE	\$16.50	1,100.00	LIN FT	\$18,150.00	235.00	LIN FT	\$3,877.50	569.00	LIN FT	\$9,388.50
EW4	2.0" OPEN CUT WATER SERVICE - PE	\$49.00	57.00	LIN FT	\$2,793.00	45.00	LIN FT	\$2,205.00	45.00	LIN FT	\$2,205.00
									0		0
	TOTAL AMOUNT:										
					\$3,372,332.19			\$470,296.08			\$1,050,415.70



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		July 1, 2024					
Item Name:		Execution of Quotes for the Replacement of Lift Station L52 VFD					
Originating Department:		Public Services					
Presented by:		Jon Haukaas					
Previous Council Action (if any):		None					
Item Type (X only one):	☐ Consent	☐	☐ Regular Session	☐	☐ Discussion Session	☐	☐
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2024-139 Authorizing City Staff to Execute Arrowmark LLC and Holton Electric Quotes for Lift Station L 52 VFD Replacement.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
During the storms in early June 2024, one of two Variable Frequency Drive (VFD) for the pumps at Lift Station 52 (L52) failed. The supplier for this equipment was called out to diagnose the problem and determined that the cost to repair would be in excess of \$5,000 without a firm guarantee of how long it would last based on the age. Maximum lifespan for VFDs is typically in the 12-15 year range and this equipment was more than 10 years old. The lift station (L52) has two pumps powered by VFDs and is a critical piece of infrastructure to maintain sewer flow for a large portion of the community. The second VFD is still functioning but should be replaced soon. This second one will be added to the Capital Improvement Plan for 2025. Staff requested a quote for replacement from the equipment supplier Arrowmark LLC. That quote came back in two parts; to provide the hardware for \$15,522.45, and provide startup for \$3,300. A separate quote was necessary from Holton Electric to perform the electrical wiring and connection work for \$1,370. The total cost is estimated at \$20,192.45. Staff recommends approval of these quotes to execute replacement of the failed VFD at L52 in order to maintain the health and safety of our community. Attachments: 1. Resolution No. 2024-139 Execute Lift Station 152 VFD Replacement Quotes 2. LS52 VFD Replacement Pricing 2024 3. L52 VFD Replacement PR 6948 Electrical							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:				N/A			
Sewer Utility Contractual Maintenance budget							
Budget Information:				Planning Commission			
☒ Budgeted				Parks and Recreation Board			

_____ Non Budgeted _____ Amendment Required	Safari Island Advisory Board	
	Other	

**CITY OF WACONIA
RESOLUTION NO. 2024-139**

**RESOLUTION AUTHORIZING CITY STAFF TO EXECUTE
LIFT STATION L52 VFD REPLACEMENT QUOTES**

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

WHEREAS, during the storms in early June of this year one of two Variable Frequency Drive (VFD) for the pumps at Lift Station 52 (L52) failed; and

WHEREAS, this VFD is a critical piece of infrastructure to maintain sewer flow for a large portion of the community and subsequent inspection determined that the costs to repair were not feasible as the VFD was also nearing the end of its useful life; and

WHEREAS, repair quotes were obtained from Arrowmark LLC to provide the hardware for \$15,522.45, and provide startup for \$3,300.00. A separate quote was necessary from Holton Electric to perform the electrical wiring and connection work for \$1,370.00. The total cost is estimated at \$20,192.45 to be paid from the Sewer Utility Contractual Maintenance budget; and

WHEREAS, Staff recommend approval of these quotes to execute replacement of one of the L52 VFDs.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes City staff to execute the L52 lift station VFD replacement, electrical connection, and startup quotes.

Adopted by the City Council of the City of Waconia this 1st day of July 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk



PO Box 328
Scandia, MN 55073-0328
www.arrowmarkllc.net
(651)247-0299

6/19/2024

Doug Bode
City of Waconia
1250 Highway 284 South
Waconia, MN 55387

Ref: VFD Replacement LS-52

Doug,

Per your request, I have put together the following quote for use as a budgetary tool. Delivery is very good for these products as you will see.

Scope:

LS52 VFD Pump Replacement. West side
Technical integration support and start-up by Arrowmark LLC
(A1 Electric - Electrician Install Separately)

VFD will have the appropriate I/O capabilities to interface with existing SCADA
VFD will have use existing remote mounted HIM operator module mounted on door.
VFD will reuse a DVDT Filter because of long motor leads.
VFD will reuse Ine reactor
VFD to be mounted inside existing cabinets.

Price:

Hardware	\$ 15,522.45
Arrowmark LLC Start-Up	\$ 3,300.00
Electrician (A-1)	\$ by others (similar to well#7 VFD install \$\$)
Freight	(TBD)

Delivery:

Stock.

Thanks Doug,

Regards,

Robert R Connelly
651-247-0299

From: [Doug Bode](#)
To: [Jon Haukaas](#)
Subject: Fwd: L52 VFD Replacement PR 6948
Date: Thursday, June 20, 2024 11:13:06 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Here is the electrical for L-52

Doug

Sent from my iPhone

Begin forwarded message:

From: Ted LaFrance <tlafrance@holtonelectric.com>
Date: June 19, 2024 at 7:57:46 AM CDT
To: Doug Bode <DBode@waconia.org>
Cc: Holton Electric Contractors <office@holtonelectric.com>
Subject: L52 VFD Replacement PR 6948

Hi Doug,

Good morning! Please see the below based on Rick's recent review of the replacement of the VFD at L52.

- Disconnect wiring for old VFD
- Remove old VFD
- Install new VFD (provided by others)
- Reconnect wiring for new VFD with misc materials as required
- Test operation

ESTIMATED COST: \$1,370

Thank you, Doug! If we beat this estimate we'll charge less accordingly but wanted to give a little room if it isn't like for like with terminals, etc. with the new unit.

Ted



Ted LaFrance
Holton Electric Contractors **651.769.4110**
A-1 Electric Services **952.442.5332**

tlafrance@holtonelectric.com





REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		July 1, 2024					
Item Name:		2024 2nd Quarter Budget Amendments					
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. 2024-140 Approving 2024 2nd Quarter Budget Amendments							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff reviewed the 2024 operating and capital budgets and recommends budget amendments as outlined in the attached "Exhibit A". An explanation is provided for each of the amendments. Staff reviews these adjustments based on how future budgets may be considered and reviewed so changes can be carried over and year to year review is easier to understand. Also, staff watches budget to actuals closely each month. Some of the amendments are recommended as updates to ensure tracking of revenues and expenditures throughout the course of the budget year. These budget amendments will be posted as of June 28, 2024 (the last business day of the 2nd quarter) and will be reflected in the June 30, 2024 budget to actual reports presented to the City Council on or after July 15, 2024.							
<u>Attachments:</u>							
1. Resolution No. 2024-140 Approving 2nd Quarter 2024 Budget Amendments 2. Budget Amendments 2nd Quarter Exhibit A							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ X Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO 2024-140**

RESOLUTION APPROVING 2024 2nd QUARTER BUDGET AMENDMENTS

WHEREAS, the City Council of the City of Waconia, Minnesota adopted the 2024 General, Enterprise, Special Revenue, Capital Projects, and Debt Service Fund budgets on December 18, 2023; and

WHEREAS, changes are recommended to expenditure line items in the General, PIR Capital Project, Water Utility, Sewer Utility, and Storm Water Utility Funds; and

WHEREAS, changes are recommended to revenue line items in the General, PIR Capital Project, Water Utility, Sewer Utility, and Storm Water Utility Funds; and

WHEREAS, the budget amendments will be posted in the City’s financial systems as of June 28, 2024 which is the last business day of the 2nd quarter; and

WHEREAS, City staff recommends budget amendments as identified in the attached document known as “EXHIBIT A”.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia hereby approves the 2024 2nd Quarter Budget Amendments as proposed.

Adopted by the City Council of the City of Waconia this 1st day of July 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, Assistant City Administrator

2024 - 2nd Quarter Budget Amendments
Amendment Amount/Current Budget/New Budget

"EXHIBIT A"

Department	Line Item	Amount	Current Budget	New Budget	Revenue Expense	Description
General Fund - Parks	Contract Services	\$ 56,400.00	\$ 131,000.00	\$ 187,400.00	Expense	The City Council approved a change order to the contract with Valley Paving on Monday, June 17th. This this change, staff will expense the trail reconstruction fees to the parks contract services line item as this is a maintenance and repair contract. Staff added some contingency for engineering and inspection of the project.
Fund Balance	Fund Balance	\$ (56,400.00)	\$ -		Fund Balance	
General Fund - Administration	Full Time Salary & Wages	\$ 1,409.00	\$ 399,838.00	\$ 401,247.00	Expense	Staff estimated with the budget process those employees that would take advantage of the PTO pay out program in December 2024. Employees completed their designation with the benefit open enrollment process in December 2023; this after the budget was set for approval. Staff slightly under estimated these expenditures and is requesting an amendment so that it is accurate for year end 2024.
General Fund - Administration	FICA/Medicare	\$ 107.00	\$ 37,813.00	\$ 37,920.00	Expense	
Fund Balance	Fund Balance	\$ (1,516.00)	\$ -	\$ (1,516.00)	Fund Balance	
General Fund - Central Facilities	Waste Disposal/Recycling	\$ 700.00	\$ 500.00	\$ 1,200.00	Expense	The City is seeing increased fees for hazardous waste (MPCA) and regular disposal of materials. Staff is evaluating our trash vendor and will have additional updates for the 2025 budget discussions.
Fund Balance	Fund Balance	\$ (700.00)	\$ -		Fund Balance	
General Fund - Fire	Aid	\$ 130,000.00	\$ 29,000.00	\$ 159,000.00	Revenue	The Office of the State Auditor is requiring the City to record the state aid received and passed thru to PERA for the Waconia Fire Relief Association. The revenue in and expense out are balanced. Completing this budget amendment with an estimate of the aid to be received for 2024. The final aid amount is reported to the City in October of each year.
General Fund - Fire	Pension Contribution	\$ 130,000.00	\$ 10,000.00	\$ 140,000.00	Expense	
PIR Capital Project Fund	Aid	\$ (317,589.00)	\$ 2,870,396.00	\$ 2,552,807.00	Revenue	Project - Overlay William Lakeshore Drive/Burandt Blvd will not be completed in 2024. Capital project #129-B will be updated.
PIR Capital Project Fund	Contract Services	\$ (317,589.00)	\$ 1,263,986.00	\$ 946,397.00	Expense	
PIR Capital Project Fund	Aid	\$ (201,807.00)	\$ 2,552,807.00	\$ 2,351,000.00	Revenue	Project - Overlay Waconia Parkway - final bids received and much lower than budgeted. Reducing budget based on final contract and contingency for engineering and inspections.
PIR Capital Project Fund	Contract Services	\$ (201,807.00)	\$ 946,397.00	\$ 744,590.00	Expense	
PIR Capital Project Fund	Cost of Construction	\$ 275,000.00	\$ 9,134,018.00	\$ 9,409,018.00	Expense	Addition of Lion's Field Lighting Project to PIR Capital Project Fund. Approved project, but not included in the approved final budget. An interfund loan from the revolving loan fund will be identified on the balance sheet to cover the cost of this project and is planned to be paid over time by the Waconia Baseball Association.
PIR Capital Project Fund	Fund Balance	\$ (275,000.00)	\$ -	\$ (275,000.00)	Fund Balance	
Sewer Utility Fund	Trunk Charges	\$ 331,160.00	\$ 820,760.00	\$ 489,600.00	Revenue	In review of these Met Council transactions with the City's auditing firm, it was decided to move the payments in from customers and out to the Met Council to the City's balance sheet (account 602000.1065). The City retains 1% of the Met Council SAC fee collected when the reports are submitted on time. This revenue will be recorded as reimbursement and refund revenue.
Sewer Utility Fund	Reimbursements & Refunds	\$ 3,312.00	\$ -	\$ 3,312.00	Revenue	
Sewer Utility Fund	SAC Charges	\$ 327,848.00	\$ 327,848.00	\$ -	Expense	

2024 - 2nd Quarter Budget Amendments
Amendment Amount/Current Budget/New Budget

"EXHIBIT A"

Department	Line Item	Amount	Current Budget	New Budget	Revenue Expense	Description
Sewer Utility Fund	Bond Proceeds	\$ (2,891,671.00)	\$ 3,106,671.00	\$ 215,000.00	Revenue	The City is not planning to complete the Falk Property Development in 2024; instead a study of the southeast area transportation and utilities is planned in the budget under engineering expense as the Growth Area Feasibility Study.
Sewer Utility Fund	Cost of Construction	\$ (2,891,671.00)	\$ 3,685,653.00	\$ 793,982.00	Expense	
Water Utility Fund	Contract Services	\$ 3,600.00	\$ 140,037.00	\$ 143,637.00	Expense	The Minnesota Department of Natural Resources increased the fee for summer surcharge from \$30 to \$50 per gallon starting with the report filed for 2023 in early 2024. This fee increase will continue with future reports to this entity for summer consumption.
Water Utility Fund	Fund Balance	\$ (3,600.00)	\$ -	\$ (3,600.00)	Fund Balance	
PIR Capital Project Fund	Bond Proceeds	\$ (871,796.00)	\$ 4,076,000.00	\$ 3,204,204.00	Revenue	With the final bids received and bonds issued for the 2024 infrastructure improvement projects and the change of the construction of Well #9 from fiscal year 2024 from 2025, staff is recommending the attached budget amendments to the bond proceeds and cost of construction line items to better reflect final costs.
PIR Capital Project Fund	Cost of Construction	\$ (871,796.00)	\$ 9,409,018.00	\$ 8,537,222.00	Expense	
Water Utility Fund	Bond Proceeds	\$ 1,228,100.00	\$ 716,900.00	\$ 1,945,000.00	Revenue	
Water Utility Fund	Cost of Construction	\$ 1,329,702.00	\$ 1,098,036.00	\$ 2,427,738.00	Expense	
Sewer Utility Fund	Bond Proceeds	\$ 50,000.00	\$ 215,000.00	\$ 265,000.00	Expense	
Sewer Utility Fund	Cost of Construction	\$ 50,000.00	\$ 793,982.00	\$ 843,982.00	Revenue	
Storm Water Utility Fund	Bond Proceeds	\$ (155,000.00)	\$ 700,000.00	\$ 545,000.00	Revenue	
Storm Water Utility Fund	Cost of Construction	\$ (155,000.00)	\$ 1,045,000.00	\$ 890,000.00	Expense	
PIR Capital Project Fund	Aid	\$ (1,760,000.00)	\$ 2,351,000.00	\$ 591,000.00	Revenue	The City will not be completing the Waconia Parkway North Turbo Roundabout project in 2024. Instead due to delays, the project will be moved and bid in 2025. With these changes, staff is updating the cost of construction budgets and corresponding revenue line items for the project in the 2024. Staff is also adding some engineering expense for continued work and monitoring of the project in 2024.
PIR Capital Project Fund	Grants	\$ (175,000.00)	\$ 175,000.00	\$ -	Revenue	
PIR Capital Project Fund	Developers Cost Apportionment	\$ (75,000.00)	\$ 75,000.00	\$ -	Revenue	
PIR Capital Project Fund	Cost of Construction	\$ (2,675,000.00)	\$ 8,537,222.00	\$ 5,862,222.00	Expense	
PIR Capital Project Fund	Engineering Services	\$ 264,000.00	\$ 72,000.00	\$ 336,000.00	Expense	
Storm Water Utility Fund	Engineering Services	\$ 24,000.00	\$ 80,000.00	\$ 104,000.00	Expense	
Storm Water Utility Fund	Fund Balance	\$ (24,000.00)	\$ -	\$ (24,000.00)	Fund Balance	



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		July 1, 2024					
Item Name:		Donation Acceptance - Cash Donation for Parks Department Operations					
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. 2024-141 Accepting Cash Donation for Parks Department Operations							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City received a cash donation of \$20 from Mavis Mathistad in memory of D. Brunsvold towards operations of the City's inclusive playground. The funds have been recorded as a donation in the General Fund - Parks department (101). <u>Attachments:</u> 1. Resolution No. 2024-141 Accepting Cash Donation Parks Department Operations							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
General Fund - Parks							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
X _____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2024-141**

**RESOLUTION ACCEPTING CASH DONATION FOR
PARKS DEPARTMENT OPERATIONS**

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 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>
Mavis Mathistad in Memory of D. Brunsvold	Cash	\$20

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 for the City's operations and maintenance of the inclusive playground.

NOW, THEREFORE, BE IT RESOLVED

1. The contribution described above is hereby accepted and acknowledged with gratitude.
2. Said contribution shall be 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 1st day of July 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, Assistant City Administrator



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		July 1, 2024					
Item Name:		Private Use of Public Property Request at 854 Beach Road					
Originating Department:		Community Development					
Presented by:		Lane Braaten					
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. 2024-142 Denying the request for Private Use of Public Property at 854 Beach Road.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City Council, at their regular meeting on June 17th, 2024, considered a request by Bruce Allen (the “Applicant”) to allow after-the-fact approval for private landscape improvements made on City owned property directly north of his property located at 854 Beach Road. Upon review of the relevant information the Council, via a 3-2 vote, directed staff to draft a resolution of denial for the after-the-fact Private Use of Public Property accommodation request based on the findings identified by the City Council, which have been included in the draft resolution for consideration. CONCLUSION/RECOMMENDATION City staff would recommend approval of the attached resolution if the City Council determines that the findings are consistent with the statement and direction of the Council from the June 17th, 2024 City Council meeting. Attachments: 1. Resolution No. 2024-142 Denying After-The-Fact Private Use of Public Property at 854 Beach Road							
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			

**CITY OF WACONIA
RESOLUTION 2024-142**

**A RESOLUTION DENYING AN AFTER-THE-FACT PRIVATE USE OF PUBLIC
PROPERTY REQUEST FOR THE PROPERTY LOCATED AT 854 BEACH ROAD**

WHEREAS, Bruce Allen (the “**Applicant**”), has submitted an after-the-fact request for private use of public property directly adjacent to his property located at 854 Beach Road (the “**Property**”) pursuant to Section 320.01 of the City Code; and

WHEREAS, the Applicant installed landscaping on City owned property just north of the subject parcel which is described as Lot 2, Block 4, LEGACY VILLAGE AT WACONIA, Carver County, Minnesota and identified as PID# 753130370; and

WHEREAS, the City received an after-the-fact request from the Applicant to allow the landscape improvements, which include landscape plantings, rocks, mulch and landscape edging, to remain in the current location and configuration; and

WHEREAS, the City Council, at their regular meeting on June 17th, 2024, reviewed the applicable information related to the after-the-fact request; and

WHEREAS, the City Council finds and concludes:

- 1) Allowing the improvements to remain in their current configuration and location is not in the best interest of the City.
- 2) The Applicant’s approach of “asking forgiveness rather than permission” for private use of public property is a fundamental alteration from Section 320.01. The City Code section is meant to **proactively** address any private improvements within City owned property, which the Applicant did not do.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby denies the after-the-fact request application by Bruce Allen to allow private improvements within public property subject to the findings stated above.

Adopted by the City Council of the City of Waconia this 1st day of July 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		July 1, 2024					
Item Name:		Approve Temporary On-Sale Liquor License, Application to Conduct Bingo, and Exempt Permit for Raffle for the Carver County Fair					
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 Adopt the following Resolutions for the Carver County Agriculture Society DBA Carver County Fair: Resolution No. 2024-143 Approving Application for Temporary On-Sale Liquor License, Carver County Agriculture Society Resolution No. 2024-144 Approving Application for Exempt Permit BINGO Carver County Agriculture Society Resolution No. 2024-145 Approving Application for Exempt Permit, RAFFLE Carver County Agriculture Society							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City has received an application for a temporary on-sale liquor license from the Carver County Agriculture Society to sell liquor at the Carver County Fair, August 6, 2024 through August 11, 2024. Sales and consumption of malt liquor beverages and liquor will be limited to the beer garden and the grandstand. All liquor beverage containers must be completely opened upon sale. The City has received an application for an exempt permit from the Carver County Agriculture Society in order to conduct BINGO at the Carver County Fair August 7, 2024 through August 11, 2024 at the Carver County Fairgrounds. The City has received an application for an exempt permit from the Carver County Agriculture Society in order to conduct a RAFFLE at the Carver County Fair on August 11, 2024 at the Carver County Fairgrounds.							
Attachments:							
1. Resolution No. 2024-143 Approving On-Sale Liquor License Carver County Fair 2. Resolution No. 2024-144 Approving Tax Exempt Permit BINGO Carver County Fair 3. Resolution No. 2024-145 Approving Tax Exempt Permit RAFFLE Carver County Fair							
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			

**CITY OF WACONIA
RESOLUTION NO. 2024-143**

**RESOLUTION APPROVING TEMPORARY ON-SALE
LIQUOR LICENSE APPLICATION CARVER COUNTY AGRICULTURE SOCIETY
dba CARVER COUNTY FAIR**

WHEREAS, an application for a temporary on-sale liquor license has been received in the Office of the City Administrator from the Carver County Agriculture Society for August 6, 2024 through August 11, 2024 at the Carver County Fairgrounds, Waconia Minnesota; and

WHEREAS, sale and consumption of alcoholic beverages will be limited to the beer garden and grandstand of the Carver County; and

WHEREAS, the applicant shall furnish the City of Waconia a certificate of insurance naming the city as additional insured with the limits consistent with the Special Events Policy and at least two weeks prior to the event; and

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby approves the temporary on-sale liquor license application of the Carver County Agriculture Society from August 6, 2024, through August 11, 2024, contingent upon completion of all forms, payment of fees, receipt of certificate of insurance, and proof of compliance with state and local requirements

Adopted by the City Council of the City of Waconia this 1st day of July 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk

**CITY OF WACONIA
RESOLUTION NO. 2024-144**

**RESOLUTION APPROVING APPLICATION FOR EXEMPT PERMIT, CARVER COUNTY
AGRICULTURE SOCIETY dba CARVER COUNTY FAIR**

WHEREAS, an application for An Exempt Permit has been received in the Office of the City Administrator from the Carver County Agriculture Society for August 7, 2024, through August 11, 2024 at the Carver County Fairgrounds, Waconia Minnesota; and

WHEREAS, the Carver County Agricultural Society requested this exempt permit in order to conduct “Bingo” at the Carver County Fairgrounds in conjunction with the Carver County Fair as stated on the application for said exempt permit; and

WHEREAS, the applicant shall furnish the City of Waconia a certificate of insurance naming the city as additional insured with the limits consistent with the Special Events Policy and at least two weeks prior to the event; and

WHEREAS, the City Clerk is hereby instructed to provide a copy of this Resolution to be included with the permit application to the Department of Gaming, Gambling Control Division, State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby approves the temporary on-sale liquor license application of the Carver County Agriculture Society from August 7, 2024, through August 11, 2024, contingent upon completion of all forms, payment of fees, receipt of certificate of insurance, and proof of compliance with state and local requirements

Adopted by the City Council of the City of Waconia this 1st day of July 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk

**CITY OF WACONIA
RESOLUTION NO. 2024-145**

**RESOLUTION APPROVING APPLICATION FOR EXEMPT PERMIT, CARVER COUNTY
AGRICULTURE SOCIETY dba CARVER COUNTY FAIR**

WHEREAS, an application for An Exempt Permit has been received in the Office of the City Administrator from the Carver County Agriculture Society for Sunday, August 11, 2024, at the Carver County Fairgrounds, Waconia Minnesota; and

WHEREAS, the Carver County Agricultural Society requested this exempt permit in order to conduct a “Raffle” at the Carver County Fairgrounds in conjunction with the Carver County Fair as stated on the application for said exempt permit; and

WHEREAS, the applicant shall furnish the City of Waconia a certificate of insurance naming the city as additional insured with the limits consistent with the Special Events Policy and at least two weeks prior to the event; and

WHEREAS, the City Clerk is hereby instructed to provide a copy of this Resolution to be included with the permit application to the Department of Gaming, Gambling Control Division, State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby approves the temporary on-sale liquor license application of the Carver County Agriculture Society for Sunday August 11, 2024, contingent upon completion of all forms, payment of fees, receipt of certificate of insurance, and proof of compliance with state and local requirements

Adopted by the City Council of the City of Waconia this 1st day of July 2024.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	July 1, 2024					
Item Name:	Reasonable Accommodation Denial for Battlefield Ministries, 415 W 1st Street					
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>						
Adopt Resolution No. 2024-146 Denying Request for Zoning Accommodation by Battlefield Ministries						
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>						
The City Council conducted a public hearing regarding Battlefield Ministries application for reasonable accommodation to the City's zoning regulations that do not allow more than three unrelated persons to live together in a single family home in the R-2 zoning district located at 415 W 1st Street. Upon reviewing the written materials submitted by Battlefield Ministries and taking public testimony, the City Council directed staff to prepare a denial Resolution to the request based upon the request to be found unreasonable and unnecessary to ameliorate the effects of a disability.						
Attachments:						
1. Resolution No. 2024-146. Denying Request For Zoning Accommodation by Battlefield Ministries						
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			

**CITY OF WACONIA
RESOLUTION NO. 2024-146**

**RESOLUTION DENYING REQUEST FOR ZONING ACCOMMODATION
BY BATTLEFIELD MINISTRIES**

WHEREAS, sometime in 2023, Battlefield Ministries, Inc., a Minnesota nonprofit corporation (the “**Applicant**”) began operating a six (6) person sober home at 415 W. 1st Street in the City of Waconia (the “**Property**”), which is zoned R-2 single family residential district (“**R-2 District**”); and

WHEREAS, the Applicant began operating the sober home at the Property without making any attempt to comply with the City’s zoning ordinance and without asking the City for an accommodation; and

WHEREAS, on November 16, 2023, the City sent the Applicant a letter notifying the Applicant that six (6) unrelated people living at the Property violated the City’s zoning ordinance for the R-2 District, which limits the number of unrelated people living at the Property to three (3); and

WHEREAS, on April 8, 2024, the City sent the Applicant a follow up enforcement letter notifying the Applicant that its use of the Property was violating the City’s zoning ordinance and requiring it to cease its violations; and

WHEREAS, on April 14, 2024, the Applicant submitted a request for an accommodation under the federal Americans with Disabilities Act (“**ADA**”) and the federal Fair Housing Act (“**FHA**”) to allow a deviation from the City’s zoning ordinance; and

WHEREAS, the City is allowed to enforce its zoning ordinance unless an accommodation is required under the ADA and FHA to provide disabled persons with equal opportunity to enjoy housing; and

WHEREAS, on April 24, 2024, the City sent the Applicant a letter requesting additional information to aid the City’s consideration of the accommodation request; and

WHEREAS, in response to the City’s April 24, 2024 letter, the Applicant provided additional information supporting its accommodation request; and

WHEREAS, in support of its requested accommodation, the Applicant submitted a statement prepared by the Applicant (“**Applicant’s Statement**”) and other statements by third-parties; and

WHEREAS, a detailed summary of the Applicant's Statement and all other written submissions related to the Applicant’s request is attached to this Resolution in Appendix 1; and

WHEREAS, the City Council finds that the Applicant’s Statement and the other third-party statements provide no specific information about the financial viability of the Applicant’s sober house; and

WHEREAS, the City Council further finds that the Applicant's Statement, the other third-party statements, and the materials do not establish the minimum number of people necessary to create the "therapeutic milieu" necessary to alleviate the disabilities of the Applicant's residents, and further, that none of the statements or the materials cited therein support a finding that more than three (3) people are necessary to alleviate the disabilities of Applicant's residents; and

WHEREAS, on Monday June 3, 2024, the City Council held a public hearing regarding the requested accommodation, which was continued at the Applicant's request to June 17, 2024, (collectively, the "**Public Hearing**") so that Applicant could offer testimony from its invited experts; and

WHEREAS, a summary of the Public Hearing testimony is attached as Appendix 2; and

WHEREAS, at the Public Hearing the City Council heard testimony from persons supporting Applicant's request and from members of the community opposing Applicant's request; and

WHEREAS, the City's Mayor reminded those speaking that the City Council was not deciding whether a sober house use should be allowed at the Property, but only the narrow issue of whether the Applicant's request to exceed the permitted number of unrelated individuals was reasonable and necessary to ameliorate the effect of a disability; and

WHEREAS, during the Public Hearing, the City's Mayor repeatedly prompted the Applicant and its credentialed supporters to make a statement defining the minimum number of people required to create a therapeutic milieu for individuals recovering from substance abuse; and

WHEREAS, the City Council finds that none of the individuals who spoke at the Public Hearing stated that six (6) residents are necessary at the Property to ameliorate the disabilities at issue; and

WHEREAS, the City Council further finds that none of the individuals who spoke at the Public Hearing stated that Applicant could not ameliorate the disabilities of its residents with three (3) people living at the Property, in compliance with the City Code; and

WHEREAS, the City Council analyzed the request according to factors articulated this year by the Eighth Circuit Court of Appeals, which is the federal circuit in which the City is situated (*One Love Hous., LLC v. City of Anoka, Minnesota*, 93 F.4th 424 (8th Cir., 2024)); and

WHEREAS, to be eligible for an accommodation, Battlefield Ministries must show its requested accommodation is both 1) reasonable and 2) necessary for the amelioration of the effects of a disability as follows:

- 1) Reasonable. An accommodation is reasonable if supported by logical grounds, unless it has characteristics that make it unreasonable. An accommodation is unreasonable if it:
 - a. Imposes an undue financial or administrative burden on the City;
 - b. Requires a fundamental alteration of the nature of the zoning provision;
 - c. Is not required to mitigate the impacts of the disability; or
 - d. Is solely motivated by economic or financial considerations;

2) Necessary For the Amelioration of the effects of a Disability. An accommodation is necessary if it:

- a. Is “Indispensable, essential, something that cannot be done without”
- b. Is required to achieve equal housing opportunities for those with disabilities and those without; and
- c. Provides a direct amelioration of the effects of a disability recognizable under the ADA or FHA;

and

WHEREAS, applying the applicable review standards to the Applicant’s request for accommodation, the City finds as follows:

PRESENCE OF A RECONGNIZABLE DISABILITY

The Applicant’s Statement, the written statement of Jen Romero, and the statement of the Property’s owner show that Applicant made its request on behalf of individuals with disabilities recognized by the ADA and FHA, and the City Council acknowledges Applicant’s standing to make an accommodation request on behalf of the Property’s residents.

REASONABLENESS

The Applicant’s requested accommodation is unreasonable for the reasons set forth in this section.

Administrative Burden.

Applicant’s requested accommodation creates an undue administrative burden on the City. The record supports the proposition that sober homes do not generally create more police response than any other average home. On the other hand, Applicant’s admitted history of disregarding zoning regulations and the availability of additional space at the Property to house additional residents beyond six (6) makes it likely that the City will be required to continually oversee Applicant’s compliance, and therefore assume an undue burden from the requested accommodation.

The Applicant’s operators and at least one member of the community, Mr. Devereaux, spoke to support the proposition that the Applicant’s use should not generate an administrative burden in the form of police calls to the Property. Mr. Edrington also alluded to research conducted by himself or his organization indicating that sober homes statistically do not generate increased police calls than an average residence. This research, however, was not presented to the City Council.

The statements from the Property’s residents and other community members were emotionally charged and based primarily on perceptions about individuals recovering from substance abuse. The City Council sets aside these statements as mostly irrelevant to the issue of administrative burden and potentially discriminatory against a class of people protected by federal law. Mr. Devereaux’s statement alone is treated differently from other community members’ statements because he supported his statement with reference to public records, and it is relevant to the issue of the City’s potential administrative burden from the requested accommodation.

The Applicant's operators stated that the Property has a double bedroom, meaning that the Property can accommodate at least up to seven (7) people, which the operators decided to limit to six (6). The Applicant's operators offered the County's funding limit of six (6) people as assurance the Applicant would not later expand the operation beyond any approved accommodation. Jen Romero's statement confirmed the County's limit, but her statement did not indicate that the Applicant would lose funding approval if it offered accommodation for more than six (6) people. Further, the Applicant stated that financing was a secondary concern. Applicant's history of ignoring applicable zoning regulations raises a likelihood that Applicant may disregard the upper limit of any requested accommodation despite not receiving the marginal support from the County for additional residents.

Fundamental Alteration of the Zoning Code.

The Applicant's approach of "asking forgiveness rather than permission" with an ADA/FHA accommodation requires a fundamental alteration of the City's zoning policy. The City's zoning policy is meant to **proactively** address planning and zoning matters. This purpose is recognized by both the City's zoning code at Section 900.02, and in Minnesota Statutes § 462.351, which defines the intent of the statute empowering Minnesota cities to enact planning and zoning ordinances.

The Applicant could have requested an accommodation or filed a variance request before beginning its operations, but it did not. Instead, Applicant's approach requires the City to respond **retroactively** to zoning violations by analyzing them under ADA and FHA frameworks. Applicant's approach seems intended to force a hasty approval of a marginal and unfounded request under implied threats of litigation.

The City Council acknowledges that retroactive accommodation requests can be reasonable in instances where accommodation is necessary and reasonable in other respects. However, the Applicant has not shown that its accommodation is otherwise necessary and reasonable, and this element therefore weighs against the reasonableness of Applicant's requested accommodation.

NECESSITY FOR THE AMELIORATION OF THE EFFECTS OF A DISABILITY

The Applicant did not prove or show that the requested accommodation is necessary for the amelioration of a disability. The record is devoid of any affirmative statement by any creditable source that a group setting of three (3) people would be ineffective at providing an amelioration of a disability or that a group setting of three (3) people would not provide an amelioration of the applicable disability.

The only statement in the record indicating that three (3) residents would be insufficient to ameliorate the disabilities of the Applicant's residents was a conclusory, unsupported, and self-serving assertion in the Applicant's Statement. Courts have determined that such self-serving statements by applicants are not sufficient to demonstrate necessity for the purpose of FHA and ADA analysis. *One Love Hous., LLC v. City of Anoka, Minnesota*, 93 F.4th 424 (8th Cir., 2024).

The report submitted by John Curtiss on Applicant's behalf also does not support a finding that an accommodation is necessary. Mr. Curtiss stated that "[T]he therapeutic benefit of sober home living will be **less than optimal** at Battlefield Ministries sober home in

Waconia if it is limited to three residents”. (“Expert Report of John Curtiss”, emphasis added). This statement is nearly identical to a statement made by Mr. Curtiss in a similar situation which a federal court determined to be equivocal and not sufficient to show necessity for the purposes of the ADA and FHA. *See Meraki Recovery Housing, LLC v. City of Coon Rapids, Minnesota*, No. 20-CV-0203 (Unreported - D. Minn., November 29, 2021, 2021 WL 5567898) (the court wrote: “Less than optimal” is a far cry from “necessary,” which is what the law requires”). The *Meraki* court’s finding regarding Mr. Curtiss’s statement was noted by the Eighth Circuit in a footnote in *One Love Hous., LLC v. City of Anoka, Minnesota*, 93 F.4th 424 (8th Cir., 2024), for which Mr. Curtiss also submitted a statement of support.

The City Council finds that Applicant’s written submissions and the testimony at the Public Hearing only show that having six (6) people at the Property would be “merely preferable” to having the three (3) people allowed under the City’s zoning ordinance. Based on the testimony of the Applicant’s operators, it appears that Applicant’s primary and most compelling reason for requesting an accommodation is solely financial – because Carver County will fund up to six individuals.

The Applicant offered no evidence other than unsupported, self-serving statements by its own officers that a sober house at the Property is not financially feasible unless it has at least six (6) residents. Applicable case law directs that unsupported self-serving assertions by applicants for accommodation under the ADA and FHA are insufficient to support findings in favor of granting the requested accommodation. *One Love Hous., LLC v. City of Anoka, Minnesota*, 93 F.4th 424 (8th Cir., 2024).

NOW, THEREFORE, BE IT RESOLVED BY THE WACONIA CITY COUNCIL as follows:

1. The above recitals and findings, including the referenced appendices, are incorporated as resolutions of the City Council.
2. The Applicant’s request for accommodation is DENIED.
3. The Applicant made no request or representation related to whether the structure of the Property is compliant with applicable provisions of the State of Minnesota’s building code, fire code, accessibility code, or ADA accessibility requirements. This Resolution does not address or determine any issue of the application of those or similar relevant requirements to the Property or the Applicant’s intended use of the Property.

Adopted by the City Council of Waconia, Minnesota, this 1st day of July 2024.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

Appendix 1

SUMMARY OF APPLICANT'S WRITTEN SUBMISSIONS

Terms used in this summary have the same meaning as defined in the Resolution to which it is attached. Full copies of the written submissions of the Applicant and its supporters are attached to the Resolution.

The Applicant provided the following written submissions in support of its request:

- Applicant's Statement, which included:
 - A statement that the Property's owner-landlord permits the Applicant's use of the Property.
 - A statement that Applicant's residents each have a disability.
 - Statements about parking availability at the Property and that no structural alterations are planned for the Property.
 - A statement about the number of individuals necessary to make the Property financially viable and to provide the "optimal" "therapeutic milieu and business model" for sober living facilities. Applicant's statement provided no specific information about the financial viability of the Applicant's program. Applicant's statement about the "optimal therapeutic milieu" was only supported by the statement of John Curtiss, described below, which does not support a finding that an ordinance-compliant number of residents would not sufficiently ameliorate the residents' disabilities.
- A statement by Jessica Hart, the program director of NorthStar Regional Women's Residential Treatment Facility, and a licensed alcohol and drug counselor. Ms. Hart stated that sober homes are beneficial to the recovery progress of individuals who are in recovery from drug and alcohol addiction, a description of the ways which sober homes help people in recovery, and assurances that sober homes are generally not major sources of disruptive activity needing police presence. Ms. Hart did not opine on the number of residents necessary to provide the supportive environment in a sober home. Ms. Hart also included references to research papers that discuss the therapeutic value of sober homes, but those sources did not contain any statement or finding about the number of people in a home necessary to provide amelioration of a disability.
- A statement by Tim Groth, the program director of Haven Chemical Health and a licensed alcohol and drug counselor. Mr. Groth's statement described alcohol and drug addiction as being disabilities. It also attached references to research papers discussing the efficacy of sober homes for the improvement of treatment outcomes for drug and alcohol recovery. Neither Mr. Groth's statement nor the studies referenced in his statement addressed the number of individuals necessary to provide an environment suitable for ameliorating a disability.
- A statement by John Curtiss, the President of the Community of Recovering People and The Retreat. Mr. Curtiss's statement addressed:

- o His perception of need for sober homes in Waconia based on an extrapolation of statistical data on alcoholism and substance abuse,
- o A description of a “Minnesota Model of Care” for individuals recovering from substance abuse (Mr. Curtiss made no statement about whether such a model was being applied by the Applicant), and
- o A statement that “[T]he therapeutic benefit of sober home living will be **less than optimal** at Battlefield Ministries sober home in Waconia if it is limited to three residents”. (“Expert Report of John Curtiss”, emphasis added).

Mr. Curtiss’s statement only cursorily addressed the City of Waconia and the Applicant. The statement appears to be a form statement of support where the name of the applicant and the applicant’s locality could be replaced with the name of any applicant in any locality in Minnesota. As discussed in the body of the Resolution, it includes language which is almost identical in form to language he offered in support of a similar application in Coon Rapids, Minnesota.

- A statement from the owner-landlord of the Property that the Applicant had the landlord’s permission to use the Property as a sober home so long as no financial burden is placed on the landlord and that the use does not cause a “basic change in the nature of the housing available”.
- A statement from Jen Romero, a Housing Unit Supervisor for Carver County Health and Human Services stating that each of Applicant’s residents who receives aid from the County is determined by the County to have a qualifying disability.

APPENDIX 2

SUMMARY OF TESTIMONY RECEIVED AT PUBLIC HEARING

Terms used in this summary have the same meaning as defined in the Resolution to which it is attached.

At the public hearing on both Monday, June 3, 2024, and the hearing's continued session on Monday, June 17, 2024, the City Council heard the following testimony:

- Statements by residents of the Property about their experiences at the Property with Applicant, about the positive impact of group living on their recovery progress, about the Applicant's internal policies which promote recovery and prevent relapse and related negative behavior related to relapse, and in support of the proposition that the Applicant's use of the Property does not generate police calls.
- Statements by Brad Devereux, a resident of the City of Waconia, for the positive benefit of safe sober living facilities. Mr. Devereux referenced public information to support the proposition that the Applicant's use of the Property has not generated police responses resulting in criminal charges.
- Statements by residents of the City, especially in the immediately surrounding neighborhood, opposing the location of the Applicant's sober living facility. As noted by the City's mayor during the public hearing on several occasions, many of these statements were based on grounds or perceptions of individuals who are recovering from substance abuse which are irrelevant to the issue before the City Council and these statements were therefor not considered in making the City Council's decision.
- Statements by Chris Edrington, a board member of the Minnesota Association of Sober Homes (MASH) in support of the Applicant's requested accommodation. Mr. Edrington owns and operates numerous sober living facilities.
 - Mr. Edrington described the efficacy of sober housing for assisting recovery from substance abuse and the theory of how sober living homes positively impact the recovery from alcohol and drug addiction.
 - Mr. Edrington stated that the intent of sober homes is not to "skirt zoning laws" to increase the number of individuals paying rent on a property, but to provide a situation where people in recovery help one another to be accountable for progress in recovery.
 - Mr. Edrington described a "critical mass" of people for recovery support, but made no statement that three people would be insufficient to provide "critical mass" to ameliorate disability.
 - Mr. Edrington's strongest statement on the minimum number of people required to provide this "critical mass" was that group settings are **preferable to being alone**. Mr. Edrington stated that most members of MASH have live-in managers at the sober home.

- Mr. Edrington also stated, according to research his organization conducted, that there are statistically fewer police calls to sober homes than to average homes.
- Statements by Tim Groth, program director at The Haven, generally in support of the Applicant. He stated that individuals who live in sober homes have better results in treatment, and that residents of sober homes have better attitudes toward addiction counseling. He also stated that his organization is looking into establishing sober homes, and that he knows of successful sober homes with varying numbers of people, *including 4, 5, or 6-person homes* (emphasis added). Mr. Groth made no statement that three people would be too few. He also stated that larger homes tend to have more problems than smaller ones.
- Statements by the Applicant's operators Kayla Precht and Anthony Benedetti.
 - Ms. Precht and Mr. Benedetti discussed potential situations for on-site management of the Property.
 - Mr. Benedetti admitted that the Applicant did not investigate the City's zoning code and failed to follow the procedure for requesting accommodation or variance "out of ignorance".
 - Mr. Benedetti spoke vaguely about "case law" which found that sober residents of a sober home are a "single family resident".
 - Mr. Benedetti described how the location of the Property is convenient for residents as opposed to being isolated in the countryside.
 - Neither Ms. Precht nor Mr. Benedetti made a statement about whether three people would be too few people to provide a therapeutic environment.
 - Mr. Benedetti stated that there was a "sweet spot" for an effective number which may be different for different people and different facilities.
 - Mr. Benedetti stated that financing was a secondary concern, and that the operators had "discussed" not paying themselves.
 - Mr. Benedetti also stated that the Applicant's reasons for requesting to house up to six people are that the Property has six bedrooms and that Carver County will fund up to six people to stay at the Property.
 - Ms. Precht and Mr. Benedetti both stated that the Property has a double room and the Property could accommodate more than six residents, but that they made a decision to limit the occupancy to 6.
 - They stated that the County will not approve funding for more than 6 individuals as a form of assurance that the Applicant will not allow more than 6 individuals to reside at the Property.

- Statements by Jen Romero, a Housing Unit Supervisor for Carver County Health and Human Services. Ms. Romero declined to comment on the minimum necessary number of individuals to create a therapeutic environment for Applicant's residents. She described her procedure for working with the Applicant to set up the operating procedures for the house. She also apologized for not directing the Applicant to cooperate with the City's zoning procedures, but noted that it was the Applicant's responsibility to ensure that zoning was compliant. Ms. Romero stated that the County had approved funding for only six people at a time for the Property. Ms. Romero also indicated that each of the Applicant's residents has their own sublease or residency agreement with the Applicant.
- Statements by Brooke Campbell, the Applicant's treasurer. Ms. Campbell acknowledged that the Applicant was mistaken to not review the City's zoning requirements prior to establishing the Applicant's sober home use. Ms. Campbell made no statement about the minimum number of people necessary to provide a therapeutic environment to ameliorate the applicable disabilities of Applicant's residents.