

**CITY OF WACONIA
JUNE 20, 2022**

1) CALL MEETING TO ORDER AND ROLL CALL

2) PLEDGE OF ALLEGIANCE

3) ADOPT AGENDA

Resolution 2022-184 was added for a summary publication of the amended Liquor License Ordinance.

Motion by Nicole Waldron, seconded by Randy Sorensen 3) ADOPT AGENDA
MOTION carried

4) VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE

5) PUBLIC HEARING

5.1 Public Hearing; Approve Annual SWPPP Report for 2021

[22176res 2021_SWPPP_Report_Resolution.doc](#)

Craig Eldred stated that by June 30th of each calendar year the city is required to hold a Public Hearing for its annual Storm Water Pollution Plan. The City is currently working under new permit guidelines. The target goals for 2021 are:

- Meet storm water management items related to the SWPPP. New permit reporting items for 2021 were target items for Chloride reporting, education, and Pet Waste education. Waconia has been active in these areas previously to the new requirements.
- Continue to train staff on Best Management Practices. Staff are active in updates and training of new storm water related BMP activities.
- New storm water ordinance improvements. Waconia's new permit was provided in November of 2021. Therefore, we have some time to provide updated ordinance improvement within 12 months. We expect to provide recommended updates to Council in the coming months.
- Continue to meet storm water reuse requirements. The volume of reuse water distributed in 2021 was slightly lower than that of 2020 by .327 MD due to the dry conditions and some operational items with certain systems. 9 MG was still exceeded in total.
- Continue to promote Low Impact Design practices into Urban and Re-Development growth. This particular item has been part of Waterford, Fields, and Orchard Park Developments. A means of reuse and native plantings and reservation of forested areas in Orchard Park.
- Continue to work on current partnerships and enhancement of funding sources for storm water improvements. Waconia continues to work at obtaining grant funds

and utilizes local funds to further obtain more competitive grants by meeting required funding for said grants.

- Expand Education of storm water. Staff have added new materials to the newsletter regarding required items within the new permit.
- Monitor Standard Practices, Improvements, and Maintenance activities of storm water systems. Staff have previously and lately assisted in training of Standard Practices for BMP's by assisting the U of M Extension on permeable pavement practices. Staff continually provide measurable removal information of Total Phosphorus and Total Suspended Solids to the U of M Extension for tracking purposes. Chloride monitoring is another effort staff have presented on at national conferences. Its relationship with winter maintenance and impacts for storm reuse water from storm water ponds.
- Pond Maintenance, one of the comments presented in 2021. We have initiated work internally and with our Engineer and outsourced Engineering on testing and planning for future pond cleaning programming in the Capital Plan. Sediment testing and pond scans are two of the first items taking place towards this planning effort.

Eldred added that staff received the new storm water permit on November 18, 2021. The permit expiration date will be November 15, 2025. Several items have been added to the new permit for tracking purposes.

1. Winter Maintenance and its relationship to de-icing salts, impacts on receiving waters, proper storage and method to reduce. Fortunately, Waconia has no legal requirement to date. We want to maintain that approach.
2. Development Review Documentation and its relationship to tracking of necessary storm water related check lists for new developments.
3. Dog Pet Waste; including education and regulatory mechanisms to reduce pet waste entrance into receiving waters.
4. Public Education; while this previously existed its requirements were enhanced some to meet the new requirements.
5. Construction Site run-off; maintained and updated with some new requirements.
6. Post Construction; utilization of BMP's to prevent discharge off work areas completed.
7. Pollution Prevention and Housekeeping of Municipal Operations; Continues and staff are aware of needs and monitor situations and reporting.
8. Waste Load Allocations; Fortunately, we have been able to ward off Phosphorus requirements for Lake Waconia. Currently, Lake Waconia waivers on impairment. We continue to maintain current BMP's and work on enhancement of street sweeping one of the most benefitting BMP's to reduce Phosphorus impacts. Any BMP we can add into the watershed, they provide benefit to preventing impairment to Lake Waconia.

Council Member Pierson asked if we are still sharing the street sweeper? Eldred responded yes we are and it is working well.

Council Member Sorensen asked where the street sweeper is stored? Eldred answered in Norwood but we can get it whenever needed.

Mayor Bloudek opened the Public Hearing.

Motion by Sorensen, seconded by Waldron CLOSE PUBLIC HEARING. **MOTION carried.**

Motion by Waldron, seconded by Pierson Adopt Resolution 2022-176, Authorizing Approval of Public Hearing of Annual Storm Water Pollution Prevention Plan (SWPPP) Report for Calendar Year 2021.

MOTION carried

6) **ADOPT CONSENT AGENDA**

5.1 June 6, 2022 City Council Meeting Minutes

[Minutes 06-06-2022.pdf](#)

5.2 June 20, 2022 Expenditures

[Council List-Expenditures 06.20.2022_Regular.pdf](#)

[Council List-Expenditures 06.20.2022_Other.pdf](#)

[Council List-Expenditures 06.20.2022_Purchasing Card.pdf](#)

5.3 Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred in May 2022

[Waconia Ice Arena Bills and Applied Payments May 2022.pdf](#)

5.4 Rink Management Services Corporation Safari Island Community Center Expenditures Incurred in May 2022

[Safari Island Bills and Applied Payments May 2022.pdf](#)

5.5 Motion to Approve Request for Lodging Tax Reimbursement from the Waconia CVB for Expenditures Incurred April - June 2022.

5.6 Contractor Pay Request #5 - Waconia Parkway South Improvements

[2022-06-15 WPS Payment #5.pdf](#)

5.7 Approve Temporary Liquor License for Lions Club

[22167res Temp On Sale Waconia Lions.doc](#)

5.8 Amendment to Chapter 580 Regulating Alcoholic Beverages

[Ordinance 750 Amending Chapter 580 and Chapter 1100 \(Draft 06-10-2022\).docx](#)

[22184res Chapter 580 Summary Publication Resolution \(Draft 06-20-2022\).docx](#)

5.9 Small Brewer Off Sale - 128 Ounces, Waconia Brewing Company

[22168res Waconia Brewing Company Off Sale License.docx](#)

5.10 Performance Measures and Report for 2021

[22169res Performance_Measurement_Local_Results_-_Res_2022.docx](#)

[2021 Data Performance Measures for 2022.pdf](#)

5.11 Authorize Master SCADA Upgrade

[22170res Master_SCADA_Upgrade_Agreement.doc](#)

[Master SCADA Fee Information.pdf](#)

[XYLEM Outpost SCADA.pdf](#)

5.12 Approve Parking Request

[22171memo Domino_s_Carside_Delivery_Res.doc](#)

[Parking Stall Location Request Carside Pickup Domino's.pdf](#)

[DCD_Signage_Options.pdf](#)

5.13 Kwik Trip 1173 Final Plat

[22172res_Kwik_Trip_Final_Plat.doc](#)

[Location Map Kwik Trip Final Plat.pdf](#)

[Kwik Trip 1173 Final Plat.pdf](#)

5.14 Gift Card Donation for Organizational Use

[22173res Donation_Received_Fire_DQ.doc](#)

5.15 Temp. On-Sale Liquor License and Application to Conduct Bingo

[22174res Temp On Sale Carver Co. Ag. Society.doc](#)

[22175res Bingo Carver Co. Ag. Society.doc](#)

Consent to Ridgeview Medical Center Loan

[Signed Letter Requesting City Consent for LOC 06 14 22.pdf](#)

[22183res City Resolution Approving Revolving Loan \(Draft 06-13-2022\) \(002\).docx](#)

Council Member asked for item #12 be pulled from the Consent Agenda.

Motion by Sorensen, seconded by Pierson 6) ADOPT CONSENT AGENDA

MOTION carried

7) COUNCIL BUSINESS

6.1 Variance - 115 Maple Terrace - Patrick Olson

[22177res _115_Maple_Terrace.docx](#)

[Location map \(1 Page\).pdf](#)

[Variance Application and Letter \(5 Pages\).pdf](#)

[Existing and Proposed Plan \(5 Pages\).pdf](#)

[Revised Stormwater Plan \(1 Page\).pdf](#)

[Permeable Plan Review \(1 Page\).doc](#)

Ethan Nelson stated that the City has received a Variance application from Patrick Olson requesting approval of a variance to construct a 442 sq. ft. permeable patio, a 371 sq. Ft. synthetic putting green and other stormwater improvements, which is proposed to improve the property to 42.5% impervious surface versus the 35% maximum allowed in the PUD, Planned Unit Development District. The property is located at 115 Maple Terrace, Waconia.

Nelson went over the Planning Considerations:

1. The property currently exists slightly under the impervious surface maximum. In August 2019, the developer, M/I Homes received PUD approval based upon the 35% impervious surface maximum. In September of 2020, the developer requested to increase the maximum hardcover requirement from 35% to 45%. The

- Planning Commission and City Council considered the request and denied the application based upon the following items: a. The request was submitted after the setbacks and other approvals for the PUD were previously addressed as part of an integrated plan; b. The purpose of managing the impervious surface is to manage the water quality and the requested change will result in reduced water quality; and c. If houses are built on lots that allow 45% impervious surface, it will create situations where variances and code enforcement are inevitable in the future.
2. The applicant is proposing to add 773 sq. Ft. of patio and synthetic putting green. Both areas are proposed with a pervious design under the surface to allow drainage into the proposed rain garden adjacent to the improvements in the original.
 3. The Public Services Director and City Engineer reviewed the proposed stormwater plan and recommend denial.

The Planning Commission, at their regular meeting on May 5, 2022, reviewed the pertinent information, held the required public hearing and recommended approval of the proposed Variance application via a 3-2 vote with the condition that the applicant receive approval of the proposed stormwater plan. The applicant has not received approval of the stormwater plan at this time. Staff and the Planning Commission recommend denial of the application.

Mayor Bloudek stated that it is hard to give approval with Planning Commission approval.

The homeowners spoke and explained the process that they went through with Ethan on what needed to be done. They feel that they went above and beyond and were never given the opportunity to meet with Craig and the City Engineer.

Carl appreciates that they are trying to do to meet the ordinance. Is there anything that they can do to meet the requirements. Nelson said the applicants were given the opportunity to submit a revised plan and staff reviews them as they come in when time is available.

Shane talked about variances and how they work with consideration of a brand new property versus a property that was developed many years ago.

Mayor Bloudek said it makes it harder when it is a new area where the requirements have already been agreed on and they don't have a plan in front of them to approve.

Council Member Sorensen expressed concern about maintenance.

Council discussed the percentage of the surface area from development to development.

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Motion by Waldron, seconded by Pierson Adopt Resolution No. 2022-177 denying the Variance application for the proposed rear yard site improvements, rain garden and other improvements for the property located at 115 Maple Terrace.

MOTION carried

6.2 Variance - 24 Dana Circle - John Rosenau

[22178res 24 Dana Circle.docx](#)

[Location Map \(1 Page\).pdf](#)

[Proposed Site Plan \(1 Page\).pdf](#)

[Stormwater Plan \(1 Page\).pdf](#)

[Variance Letter \(1 Page\).pdf](#)

Ethan Nelson presented that the City has received a variance application from John Rosenau requesting approval of a variance to construct a porch addition that would be located 21.6 ft. from the rear yard versus the minimum 30 ft rear yard setback allowed in the R-2 Single Family District and increase the impervious surface to 28.4% versus the maximum 25% allowed in the Shoreland Overlay District. The applicants indicated the variance is necessary due to the limited living space, privacy needs and to limit headlight shine into the home.

The property currently includes an existing principal structure, driveway, concrete patios and a shed. The property has received permit approvals in the late 90's and early 2000's for various improvements that encroach beyond existing City Code requirements. The applicant is proposing a 360 square foot porch attached to the rear portion of the principle structure, replacing the existing 221 square foot porch. The applicant is also proposing to remove a rear yard patio area and a shed. Since patios do not require a permit with the city, it is believed the patio improvements along with the existing rear yard shed were made at some point after the last city permit review and would not be counted towards the existing impervious surface below. Nelson shared he existing lot circumstances, legal nonconformities and proposed changes to the lot conditions.

Planning Considerations:

1. The subject property currently has in impervious surface of 30.9% versus the 25% maximum allowed in the Shoreland Overlay District. It is important to note that the last city permit review of the property occurred in 2004 and approved 27.27% of impervious surface. Since the last staff approval, the property has had additional patio surface and a shed installed that have increased the impervious surface to 30.9%. Despite proposed removals of the aforementioned patio and shed areas, these improvements do not appear to have been reviewed or approved via city permits based upon existing city records. Therefore, staff considers the variance request as a 1.13% increase to the approved existing impervious surface of 27.7% to the proposed 28.4%.

2. The applicant is proposing to demolish the previously approved 221 sq. ft. attached porch and replace it with a 360 sq. ft. attached porch with 2 rain barrels with drip irrigation. The Public Services Director and City Engineer reviewed the proposed stormwater plan and are not in favor of the plan as proposed and the expansion of hard cover.
3. The Planning Commission should review the proposed location and property circumstances and determine if the request meets all of the variance criteria.

The Planning Commission at their regular meeting on June 2, 2022, reviewed the pertinent information, held the required public hearing and recommended approval of the proposed Variance application via a 4-0 vote.

Mayor Bloudek expressed concern with the rain barrels and the run off.

Council Member Sorensen asked if the concrete being removed to stay at 25% in compliance and can we be assured that the shed will be removed. It was explained that it is in the application but there really is no assurance since there is no permit required.

Council Member Pierson asked Council Member Sorensen about the rationale from the Planning Commission. He responded that it was indicated that the hard cover was minimal.

Kent asked if with the water run off does this help removing the hard surface? Ethan addressed the issue.

Council Member Waldron stated that because of item number 4 under Variance criteria she cannot approve because there are not unique circumstances to the property not created by the landowner.

Motion by Randy Sorensen, seconded by Carl Pierson Adopt Resolution No. 2022-178, approving the Variance application for the proposed improvements to the principal structure and other site improvements for the property located at 24 Dana Circle. Mayor Bloudek and Council Member Waldron voted nay.

MOTION failed

[6.3 Approve Americans with Disabilities Act Self-Evaluation and Transition Plan](#)

[22179res ADA_Self-Evaluation_and_Transition_Plan_Res.doc](#)

[Waconia_Transition_Plan_FINAL_-_May_2022.pdf](#)

Craig Eldred reminded Council that staff has been working on the communities ADA Self-Evaluation and Transition Plan since late calendar year 2020. The first step was an evaluation of all of the communities' pedestrian facilities, preparing tables of issues, concerns and road-mapping a financial strategy to amend and repair the negative findings. The emphasis of the financial strategy was developed on a pavement

preservation plan including reconstruction and street surfacing projects, which predicate the requirement for said improvements. A comment period was provided as were mailings to local businesses, Schools, Day Care and Assisted Living facilities.

In the final report is information on the findings, priority and severity items surrounding the plan. Upon approval, staff will create an avenue for public outreach including forms for procedures and standard practices to be maintained on the city website, ultimately allowing staff to work with residents who may have filed a grievance or concern of an accessible path or sidewalk. Finally, there will be a monitoring process to measure and maintain said improvements on an annual basis.

Motion by Waldron, seconded by Pierson Adopt Resolution 2022-179; Approving Waconia Americans with Disabilities Act Self-Evaluation and Transition Plan
MOTION carried

[6.4 Small Business Trunk Fee Deferral Policy](#)

[22180res_Trunk_Fee_Deferral_Policy.doc](#)

[SAC Deferral Program Application.pdf](#)

[Small Business Trunk Fee Deferral_.docx](#)

Shane Fineran stated that City Council met in work session to review its trunk fee waiver program and other potential options or amendments to assist small businesses with expansion or new construction. Staff have prepared a new policy statement, that will work in partnership with the SAC Deferral Program of the Metropolitan Council, which will allow small commercial projects to defer and finance the investment related to paying for utility trunk fees associated with new builds or expansion.

This policy is consistent and in support of the strategic priorities of the city in Effective Growth Management and its desired outcomes of improved properties, reduced vacancies, and increased business retention.

The City's plan will allow commercial projects that result in 25 SAC unit determinations or less to defer up to 80% of the trunk fees associated with water, sewer, and stormwater utilities up to 10 years. The program would require 20% of the trunk fees to be paid in year 1, with the balance amortized out in equal bi-annual installments in years 2 through 10. The deferred amount will be subject to an interest rate charge equal to the rate charged by the Metropolitan Council SAC Deferral Program.

This program will reduce start-up costs for small businesses that are constructing new or expanded buildings and will ensure that the enterprise funds of the city will not be asked to support economic development efforts in the community.

The city's existing Trunk Fee Waiver program will remain in effect and will be available for commercial projects with SAC determinations over 25 units, industrial projects and housing projects.

Council Member Sorensen asked when this would be implemented. Fineran said he would have to submit to Met Council and plan to do it as soon as possible.

Council Member Pierson expressed that he is excited about this because he has heard that the fees have prevented some small businesses from improvements.

Motion by Pierson, seconded by Waldron Adopt Resolution 2022-180, Approving the Small Business Trunk Fee Deferral Plan Policy

MOTION carried

6.5 New Gambling Premises for American Legion

[22181res_Legion_New_Premises_Gambling.doc](#)

Shane Fineran stated that the American Legion is licensed to conduct lawful gambling activities in the City of Waconia. As of September 1, 2022 the lawful gambling will occur at a new premises located in the community at 4 E Main Street. The City needs to pass a resolution approving this new location as part of the approved licenses and update provided to the Minnesota Gambling Board to be completed by the American Legion.

Motion by Waldron, seconded by Pierson Adopt Resolution 2022-181, Approving New Premises. Council Member Sorensen abstained.

MOTION carried

6.6 Revolving Loan Request by Waconia American Legion Post 150

[22182res_rlf_loan_new.doc](#)

Shane Fineran indicated that City Staff received a revolving loan application from Thomas Kaliher on behalf of the Waconia American Legion Post 150. The Waconia American Legion Post 150 is in the process of moving their operations from 233 Olive Street South to 4 Main Street East in downtown Waconia. The request for revolving loan funds is for large equipment purchases for their updated rental space. This includes kitchen equipment, walk-in and bar coolers. The total equipment costs are estimated to be \$115,000.

Staff recommends approval of a \$115,000 revolving loan for the term of ten years with an interest rate of 5.00%.

Motion by Pierson, seconded by Waldron Adopt Resolution 2022-182, Approving the Revolving Loan Request for American Legion Post 150. Council Member Sorensen abstained.

MOTION carried

8) ITEMS REMOVED FROM CONSENT AGENDA

Item 12 Approving Parking Request

Council Member Sorensen worried about limiting parking downtown. Will the business pay for the signs? Are they removeable?

Craig Eldred said he would be more comfortable with them being closer to the building in the concrete.

Motion by Sorensen, seconded by Waldron Adopt Resolution 2022-171, Authorizing Approval of Domino's Carside Delivery Use of two Parking Stalls within Lot One

MOTION carried

9) STAFF REPORTS

Braaten gave an update on the permits.

- Just over 1000 for the year.
- E-permits are now available.

10) BOARD REPORTS

Council Member Waldron: Chamber will meet at the park on Thursday

11) ANNOUNCEMENTS

Music in the Park.

Donations for the Fireworks.

12) ADJOURN REGULAR MEETING

Motion by Waldron, seconded by Sorensen 12) ADJOURN REGULAR MEETING AT 7:40

MOTION carried

Work Session: 2023 Downtown Construction Project

UPCOMING CALENDAR OF EVENTS/MEETINGS:Music in the Park - Echos of Elvis - June 23rd4th of July - Offices ClosedCity Council Meeting (CANCELLED) - July 5thPlanning Commission - July 7thMusic in the Park - Just Dave & The Rocking All Stars - July 14th

Kent Bloudek, Mayor

ATTEST: _____

Ann Meyerhoff, Office Assistant