

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

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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 a 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 in 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
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[Waconia Ice Bills Applied Payments May 2024](#)
- 6.4 Approve Rink Management Services Corporation Safari Island Community Center Expenditures Incurred May 2024
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[Safari Island - Bills Applied Payments May 2024](#)
- 6.5 Approve Kraus-Anderson Construction Pay Request #21 for the New Fire Station
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[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
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[Pay Request #8 Phase #1 Downtown Reconstruction 06-12-24](#)

6.8 Data Access Joint Powers Agreement with Carver County

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

6.9 School Resource Officer Agreement with ISD #110

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

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

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[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

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

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

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[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

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

6.15 Accepting Cash Donation for Parks Department War Memorial Annual Maintenance

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[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

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[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

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[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 clothes.

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

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[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 request 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 position 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