

CITY OF WACONIA
May 6, 2022

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 Bloudek at 6:00 p.m. The following members were present: Kent Bloudek, Nicole Waldron, Randy Sorensen, Pete Leo, Carl Pierson

Staff Present: Shane Fineran, Craig Eldred, Lane Braaten, Ann Meyerhoff, Mike Melchert, Justin Sorensen

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

2) [PLEDGE OF ALLEGIANCE](#)

3) [ADOPT AGENDA](#)

Motion by Waldron , seconded by Leo 3) ADOPT THE AGENDA
MOTION carried

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

5) [ADOPT CONSENT AGENDA](#)

5.1 May 16, 2022 City Council Meeting Minutes

[Minutes 5-16-2022.pdf](#)

5.2 June 6, 2022 Expenditures

[Council List-Expenditures 06.06.2022_Final.pdf](#)

5.3 Contractor Pay Request #7 - Everson New Storage Shed

[Payment Application #07.pdf](#)

5.4 Contractor Pay Request #2 - Waconia East Frontage Road Improvements

[EFR Pay Request 2.pdf](#)

5.5 Contractor Pay Request #1 - Waconia 2022 Infrastructure Improvements

[2022 Infrastructure Pay Request 1.pdf](#)

5.6 Authorize Recruitment of Park Maintenance Worker

[Jobs Parks Maintenance Worker Job Description FINAL.pdf](#)

- 5.7 Donation Acceptance & Pass Thru - Cash Donation for Fire Safety & Prevention Efforts
[22150res_Donations_Received_Fire_06.06.22_National_Fire_Safety.doc](#)
- 5.8 Donation Acceptance - Cash Donations for Operations of the Fire Department
[22151res_Donations_Received_Fire_06.06.22.doc](#)
- 5.9 Donation Acceptance - Cash Donations for Adaptive Playground Equipment
[22152res_Donations_Received_Donations_for_Playground_06.06.22_Res.doc](#)
- 5.10 Staffing & Organizational Study
[22153res_Approving_staffing_org_study.doc](#)
[Rapp Proposal.pdf](#)
[Baker Tilly Proposal.pdf](#)
- 5.11 Resignation of Mechanic and Authorization of Recruitment
[22154res_Mechanic_Resignation_2022.docx](#)
[Fleet Mechanic Job Description](#)
- 5.12 Community Safety Grant
[22155res_Community_Safety_Grant_Award.doc](#)
[CP Energy Safety Grant.pdf](#)
- 5.13 Approve Demolition and Award Structure Removal
[22156res_Demolition_Award_10250_10th_Street_East.doc](#)
[Completion Letter - 10250 E 10th St.pdf](#)
[Henning Quote.pdf](#)
[Estimate_1459_from_Schneider_Excavating__Grading_Inc.pdf](#)
- 5.14 Orchard Park 3rd Addition - Development Agreement - M/I Homes
[22157res_Approving_the_Dev_Agreement_Draft.docx](#)

[Orchard Park 3rd Addition Dev Agreement.docx](#)

- 5.15 Car Wash Donation for Organizational Use

[22158res Donation_Received_Fire_Sota_Shine_Car_Wash.doc](#)

- 5.16 Updated Allocation of American Rescue Act (ARPA) Funding

[22159res_ARPA_Funding_Allocation_Updated_06.06.22.doc](#)

- 5.17 Amendment to Solar Garden Subscription Agreement

[22160Res_-_Novel_Solar_Agreement_Amendment__2.doc](#)

[Waconia 3rd Amendment - Increased Capacity.docx](#)

- 5.18 Approval of Paddle Craft Rack Rental Agreement

[22161res_Paddlecraft_Resolution.doc](#)

[15123 Cedar Point Park Paddlecraft Rack Lease Agreement Revised 22 Never Bored Adventures.docx](#)

- 5.19 Authorize Structure Monitoring Review For 2023 Improvement Project

[22162res 2023_Improvement_Project_Structure_Monitoring_Res.doc](#)

- 5.20 Application for Exempt Permit Waconia Band Boosters

[22166res waconia band boosters raffle.doc](#)

Council Member Sorensen requested item number 6 be removed from the Consent Agenda for further discussion.

Motion by Sorensen, seconded by Pierson 5) ADOPT CONSENT AGENDA.

MOTION carried.

6) COUNCIL BUSINESS

- 6.1 Authorize Preliminary Trail Design; City Project 129-D

[22163res_Preliminary_Trail_Design_City_Project_129_D.doc](#)

[ExhibitA_Site Location.pdf](#)

[Wetland_WCA_NOD.pdf](#)

[Trail Corridor for Hwy 10.pdf](#)

Craig Eldred stated that the City has previously worked with Carver County on traffic studies, grant submission and received award of funds to off-set construction costs of the Capital Programmed Roundabout for Waconia Parkway North and Highway 10 intersection. Long-term and part of the 2014 Sidewalk and Trail Improvement Policy the vacant link of Hwy 10 trail between Oak Avenue and Hilks Townhome Development raised concerns of the public for multi-use trails of the West and Northwest links of the community. As part of the Hwy 10 construction in 2017 & 2018 the link of Community Drive, 94th Street and TH 5 to Sterling Hills took place allowing for a improved pedestrian trail link. As part of the Fields Development the trail link of Hwy 10 and Oak Avenue will occur in 2022. While looking at other opportunities to link pedestrian trails; this particular vacant trail link between Sterling Hills and Hilks Development presents some interesting challenges.

In the Capital Improvement Plan, City Project 129-D, this project specifically details costs for the Sterling Hill and Hilks Development pedestrian trail link. Cost for this improvement as detailed in the CIP are for at grade and raised helical elevated trail segments at an estimated cost of 1.6 M. A wetland boundary review was completed with engagement of all necessary entities in calendar year 2021, which now has a sun-set dated of September 2026 for any project completion.

City Staff met with Carver County Public Works Staff in May to discuss multiple transportation projects; those within our Capital Program and those programmed in the County Capital Program. The intersection of Waconia Parkway North and Hwy 10 is one of the major focuses with each entity desiring to complete additional work outside of the intersection improvements. City focus is one of defining a means to reduce improvement costs associated with the proposed pedestrian trail improvements and limit wetland impacts while providing a safe pedestrian corridor improvement.

Eldred explained that reason for this request is to allow City Staff and Engineer's to complete soil borings, define in greater detail wetland impact costs and prepare a preliminary design, which may include alignment adjustments of Hwy 10 to balance and reduce wetland impact costs. Now is the time to complete this review, as Carver County Public Works has programmed this segment of Hwy 10 for a resurfacing improvement coinciding with RAB improvement project. The estimated costs for the work detailed to cost \$30 -\$40,000 to define all necessary elements. This work in advance will define costs and should reduce financial impacts of the proposed 1.6 M to construct the proposed pedestrian trail.

Council Member Sorensen asked where the 1.6 million come from and if the trail is moved what would the cost savings be?

Eldred stated that the number came from Bolton and Menk for a boardwalk and the savings could be up to 50%.

Motion by Leo , seconded by Waldron Adopt Resolution 2022-163; Approval of Preliminary Design Review of Proposed Trail Corridor Improvements for City Project 129-D; Link of Sterling Hills Development with Hilks Townhome Development for 2024
MOTION carried

6.2 TIF District No. 5 Development Agreement

[22164res_TIF_Development_Agreement.Waconia_Investment_Partners.doc](#)

[73651350-v1-Waconia TIF No. 5 Development Agreement \(Redev\) \(002\).docx](#)

Shane Fineran indicated that earlier this year the City Council approved modification to the Waconia Development District and established Tax Increment Financing (TIF) District #5 in advance of providing municipal assistance to redevelopment efforts in the central business district of the downtown area. Last fall the City Council also approved the site plan or redevelopment of the former American Legion site located at 233 Olive St S into a 44 unit market rate apartment building.

The developer of the project has submitted final TIF eligible costs of \$1,783,873 which includes but is not limited to demolition, site preparation, grading, parking, site utilities, etc. Of those eligible costs the developer is requesting municipal assistance through pay as you go TIF in an amount of \$713,549. Based upon the projections the TIF note will be paid in approximately 10 years, with a maximum life of the TIF district of 26 years. The city keeps 10% of TIF payments for administration of the district. TIF payments to the developer will be paid bi-annually, following tax payment by the developer. The TIF note is only a limited revenue obligation of the city and only from sources generated by the project.

The financial projects have been provided by Ehler's, the city's municipal advisor and the agreement has been drafted by Taft, Stettinius & Hollister LLP, the city's bond counsel.

Motion by Waldron , seconded by Pierson Adopt Resolution 2022-164, Approving TIF Development Agreement
MOTION carried

6.3 After-The-Fact Steep Slope Alteration Permit request by Cornerstone Landscaping the property located at 233 Lakeview Terrace Boulevard

[22165res_Denying_the_After_the_Fact_Steep_Slope_Land_Alteration_Permit.docx](#)

[Attachment 2 Location Map.pdf](#)

[Attachment 3 Certificate of Survey 233 Lakeview Terrace Boulevard.pdf](#)

[Attachment 4 August 3rd 2021 Property Pictures.pdf](#)

[Attachment 5 August 16 2021 Property Pictures.pdf](#)

[Attachment 6 Initial Steep Slope Permit Information.pdf](#)

[Attachment 7 August 24 2021 Soil and Water Comments Seth Ristow.pdf](#)

[Attachment 8 August 26th 2021 MN DNR Comments Taylor Huinker.pdf](#)

[Attachment 9 November 16th 2021 Carver Soil and Water Letter Seth Ristow.pdf](#)

[Attachment 10 November 17th 2021 MN DNR Letter Taylor Huinker.pdf](#)

[Attachment 11 March 24 2022 Submittal by Cornerstone Landscaping.pdf](#)

[Attachment 12 March 24th Revised Planting Plan.pdf](#)

[Attachment 13 May 2nd EMAIL SWCD Seth Ristow Review Comments.pdf](#)

[Attachment 14 EMAIL Tim Lovett.pdf](#)

Lane Braaten stated that the City has received an after-the-fact Steep Slope Alteration Permit application from Tim Lovett/Cornerstone Landscaping to allow improvements within a steep slope on the property located at 233 Lakeview Terrace Boulevard.

Braaten explained that City Code requires, prior to commencement of any development on a steep slope, an application for a permit shall be made to the City for review and approval by the Planning Commission and City Council. Steep Slopes, as defined in the Shoreland Overlay District, are slopes exceeding 12% over a distance of 50 feet or more, which are not bluffs. Properties outside of the Shoreland Overlay District are also required to get approval of a Steep Slope Alteration Permit prior to commencement of any work for slopes of 18% or more.

In summary of the City Code, shoreland alterations are allowed as long as the applicant is not intensively clearing the vegetation on the steep slope, the structures on the property are reasonably screened as viewed from the water, pesticide use is minimized on the property, grading and or filling done in a way as not to detrimentally affect the lake or neighboring properties, exposure of bare ground is limited and methods to control soil erosion are put in place.

Braaten referenced the timeline of notification and visits that took place while work was being done after being told they need to have the permit and submit plans to the DNR and Soil and Water. This was brought to staffs attention through a complaint.

The Planning Commission most recently reviewed the after-the-fact Steep Slope Alteration Permit application at their regular meeting on May 5, 2022. As the applicant has not revised the application to the satisfaction of Carver Soil and Water and the DNR

the Planning Commission recommendation is to deny the after-the-fact Steep Slope Land Alteration Permit.

Council Member Sorensen asked if they had gotten a permit first would everything have been spelled out as to what they could and could not do. Braaten responded that is correct.

Council Member Pierson asked if we as a council give stamp of approval and Soil and Water does not what happens. Braaten said that the City is the regulating authority.

Tim Lovett, Cornerstone Landscaping and Michael Swoboda, property owner addressed the Council and shared:

- that they were aware of the steep slope but unaware if needed a permit. Should have come in and gotten a permit but didn't think they needed it.
- Soil and Water wants to see a natural restoration that was like it was 30 years ago. The erosion problem was horrible when started and the property has been greatly improved.
- Soil and Water and DNR are bound by the rules they have to follow and there is no middle ground.

Council had a discussion and shared their comments and concerns.

Mayor Bloudek:

- Concerned that he wasn't sure about needing the permit but knew it was a steep slope. Why didn't they just call.
- Why did the Builder not advise about the Steep Slope and what was required?

Council Member Waldron:

- Concerned that the plantings went in after they were contacted about the permit.
- Being a Landscaper, it is his job to know this.
- Recommends Denial

Council Member Sorensen:

- Asked if it was attempted to go along with Soil and Water on what needs to be done
- Concerned that what they are asking for is unrealistic and unhealthy for the lake.

Council Member Pierson:

- Looks like Planning Commission just said to comply with Soil and Water. How burdensome is it to take out the plantings that are not approved?
- Inquired about what would happen complaints are made on other properties.

Council Member Leo:

- Concerned that there was not a conversation about the plantings after being contacted by staff
- If they would have gotten the list with the permit this would have gone differently

Motion by Waldron , seconded by Leo Adopt Resolution 2022-165 denying the After-The-Fact Steep Slope Alteration Permit to allow improvements within a steep slope for the property located at 233 Lakeview Terrace Blvd.

MOTION carried

7) **ITEMS REMOVED FROM CONSENT AGENDA**

Authorize Recruitment of Park Maintenance Worker

Council Member Sorensen stated that he is on the fence with this item. He pulled the item because he questioned if we need to hold off until the staff study or do we need to hire right away?

Council Member Waldron said it was discussed by the Personnel Committee and she thinks that it is currently a need.

Council Member Sorensen asked how competitive the salary is for this position.

Fineran responded that the City does a market analysis annually and feel pretty confident we are competitive.

Motion by Waldron, seconded by Leo to Authorize Recruitment of Park Maintenance Worker.

MOTION carried. Sorensen, Nay.

8) **STAFF REPORTS**

9) **BOARD REPORTS**

Council Member Sorensen: Attended School Board meeting and it was a full house.

Council Member Pierson: There has been news since the school board meeting. Contracts have been approved.

10) **ANNOUNCEMENTS**

Music and Movie in the Park starts June 9th.

Council Member Sorensen asked about gazebo. Craig Eldred responded that the Gazebo is done just waiting for railings.

Fire Chief Sorensen commented on the house fire on Memorial Day. There is estimated \$250,000 in damage. Lightening is suspected with a strike on the peak of the house.

Lane Braaten gave update on permits. At last count 108 living units with 160 budgeted new homes.

11) **ADJOURN REGULAR MEETING**

Motion by Sorensen, seconded by Waldron 11) Adjourn Regular Meeting at 7:35 p.m.

MOTION carried

Work Session: Future Policing Discussion, Utility Trunk Fee Waiver Program

UPCOMING CALENDAR OF EVENTS/MEETINGS:Music in the Park - Tricia & The Toonies - June 9thMovie in the Park - Clifford - June 9thMusic in the Park - Traveled Ground - June 16thPark Commission - June 16thCity Council Meeting - June 20th

Kent Bloudek, Mayor

ATTEST: _____

Ann Meyerhoff, Office Assistant