

WACONIA CITY COUNCIL MEETING AGENDA



Monday, May 15, 2023
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) [May 1, 2023 Regular City Council Meeting Minutes](#)
Approve May 1, 2023 Regular City Council Meeting Minutes
- 2) [May 15, 2023 Expenditures](#)
Payment of May 15, 2023 Expenditures
- 3) [Rink Management Services Corporation Safari Island Community Center Expenditures Incurred April 2023](#)
Motion to Approve Rink Management Corporation Expenditures for Safari Island Community Center Incurred in April 2023
- 4) [Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred April 2023](#)
Motion to Approve Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in

April 2023

- 5) [Contractor Pay Request #2-Final - City Square Park Retaining Wall & Sidewalk](#)
Motion to approve Pay Estimate No. 2-Final to Sunram Construction, Inc. for the City Square Park Retaining Wall & Sidewalk.
- 6) [Kraus Anderson Contractor Pay Request - New Fire Station](#)
Motion to Approve Contractor Payment Request for the New Fire Station Project
- 7) [Contractor Pay Request #6 - Waterford Park - Water Reuse Station Project](#)
Motion to approve Pay Estimate No. 6 to S.M. Hentges & Sons for the Waterford Park - Water Reuse Station Project
- 8) [Use of Park: Waconia Library - Storywalk](#)
Motion Allowing for use of park by Waconia Library throughout summer of 2023.
- 9) [Parade Permit - Memorial Day Parade](#)
Adopt Resolution 2023-127, Approving Parade Permit & Use of Parks
- 10) [League of Minnesota Cities Insurance Trust - Tort Liability Waiver - 2023-2024 Policy Renewal](#)
Motion to Approve the Non-Waiver of Monetary Limits on the 2023-2024 Tort Liability Insurance Policy Renewal.
- 11) [Cigarette License for Casey's](#)
Adopt Resolution No. 2023-115, Approving Cigarette License
- 12) [Authorize Hire for Utility Maintenance Worker](#)
Adopt Resolution 2023-116, Authorizing Hire of Utility Maintenance Worker
- 13) [Authorize Hire for Street Maintenance Worker](#)
Adopt Resolution 2023-117, Authorizing Hire of Street Maintenance Worker
- 14) [Probationary Firefighters to Active Status](#)
Adopt Resolution 2023-118, appointing firefighters to active firefighter status.
- 15) [2023 2nd Quarter Budget Amendments](#)
Adopt Resolution No. 2023-119, Approving 2023 2nd Quarter Budget Amendments
- 16) [Carver County CDA Community Growth Partnership Initiative Grant](#)
Adopt Resolution 2023-120, Approving Application for the Carver County CDA Community Growth Partnership Initiative Program
- 17) [Performance Measures and Report for 2022](#)
Adopt Resolution 2023-121, Approving Performance Measures and Report for Local Results and Innovation.
- 18) [Authorize Hire for Park Maintenance Worker & Authorize Recruitment for Vacancy](#)
Adopt Resolution 2023-122, Authorizing Hire of Park Maintenance Worker and Motion to Authorize Recruitment for Vacancy
- 19) [Approval and Award of 2023 Downtown Lighting Improvement Costs](#)
Adopt Resolution 2023-123, Approval of Lighting Improvements To Choice Electric In The Amount Of \$487,452.00 For 2023 Downtown Improvement Project, CIP Project 128
- 20) [Façade Improvement Grant - Mocha Monkey](#)
Adopt Resolution 2023-128, Approving Façade Improvement Grant for 115 S Olive St

6. COUNCIL BUSINESS

- 1) [New Firefighter Oath & Badge Pinning](#)
Public swearing in ceremony and badge pinning of firefighters hired in November of 2022.
- 2) [2022 Audited Annual Comprehensive Financial Report](#)
Adopt Resolution 2023-124, Accepting Audited Annual Comprehensive Financial Report as of December 31, 2022
- 3) [Consider the Issuance and Sale of \\$4,295,000 General Obligation Bonds, Series 2023A-2023 Infrastructure Improvement Project and Equipment Purchases](#)
Adopt Resolution 2023-125, Providing for the Issuance and Sale of \$4,295,000 General Obligation Bonds, Series 2023A, Pledging for the Security Thereof Net Revenues, Special Assessments, and Levying a Tax for the Payment Thereof
- 4) [Wildcat Way Options](#)
Discussion & Direction

5) [Variance - 40 Lake Street East - Andrew Vasek](#)

Adopt Resolution 2023-126, approving the variance to construct a porch addition and make site improvements that would exceed the 25% maximum hardcover allowed in the Shoreland Overlay District.

6) [Ordinance Amendment regarding Section 571 and Section 572](#)

Adopt Ordinance No. 758 approving amendments to Section 571 Chickens and applicable sections of Section 710 and Section 1100.

Adopt Resolution 2023-112 approving Summary Publication of the amendments to Section 571, Section 710 and Section 1100.

Adopt Ordinance No. 759 approving amendments to Section 572 Bees and applicable sections of Section 710 and Section 1100.

Adopt Resolution 2023-113 approving Summary Publication of the amendments to Section 572, Section 710 and Section 1100.

7) [Pedestrian Amenity Discussion – Interlaken Village Commercial Development in Association with Twin Cities Orthopedic Future Expansion at 820 Village Way](#)

Motion indicating the proposed pedestrian improvements associated with the Twin Cities Orthopedic site plan and subdivision applications for the property are consistent with the original Interlaken Village Developer's Agreement.

8) [Maple & Main Intersection Removals](#)

Discussion & Direction

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. CLOSED SESSION: Consider the Sale of Real Property - 150 Sparrow Road

12. ADJOURN REGULAR MEETINGOFFICE OF THE CITY ADMINISTRATOR

Shane Fineran

UPCOMING CALENDAR OF EVENTS/MEETINGS:

Park Board - May 18th at 6:30 p.m.

Special City Council Meeting - May 22nd at 5:30 p.m.

Planning Commission - June 1st at 6:30 p.m.

City Council Meeting - June 5th at 6:00 p.m.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		May 1, 2023 Regular City Council Meeting Minutes					
Originating Department:		Administration					
Presented by:		Ann Meyerhoff					
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>							
Approve May 1, 2023 Regular City Council Meeting Minutes							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Attachments: 1. 05-01-2023 Minutes.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information: _____ Budgeted _____ Non Budgeted _____ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

CITY OF WACONIA
May 1, 2023

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 members were present: Nicole Waldron, Steve Yetzer, Jeff Grengs

Staff Present: Shane Fineran, Lane Braaten, Nicole Meyer, Craig Eldred, Justin Sorensen, Ann Meyerhoff, Sargent Stahn.

2) **PLEDGE OF ALLEGIANCE**

3) **ADOPT AGENDA**

Item number 2 was removed from Council Business.

Motion by Yetzer, seconded by Grengs 3) ADOPT AGENDA
MOTION carried

4) **VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE**

Sonia Johnson, 1343 Pond Circle, presented Council with a petition requesting that the City repair Wildcat Way.

5) **PUBLIC HEARING**

5.1 **Public Hearing for Consideration of Issuance by the City of Chaska of Revenue Notes on behalf of Ridgeview Medical Center.**

Cover Page

23106res Approving Resolution City of Waconia (RMC 2023)-v2.docx

Shane Fineran explained that Ridgeview Medical Center has approached the City of Chaska, Minnesota to assist with the issuance of conduit debt to finance equipment for and certain improvements to the health care facilities in the City of Chaska and the cities of Delano, Le Sueur and Waconia, Minnesota. Section 147(f) of the Internal revenue Code of 1986 requires that prior to the issuance of any debt by the City of Chaska on behalf of Ridgeview Medical Center for this project, each of Delano, Le Sueur and Waconia consent to and approve the financing after a public hearing.

City Staff has worked with Dorsey & Whitney LLP, bond counsel to the City of Chaska, and Taft Stettinius & Hollister LLP, bond counsel to the City of Waconia, to publish a notice of public hearing in the official newspaper of the City of Waconia, which notice

was published not less than seven days prior to the meeting and to prepare the approving resolution to be considered.

If approved the resolution will authorize the City of Chaska to issue debt on behalf of Ridgeview Medical Center. The City of Waconia will not issue the debt, nor will it be responsible to pay principal or interest when due on the proposed debt. The approval requested is needed as a matter of compliance with federal tax requirements associated with tax-exempt bonding.

Motion by Grengs seconded by Yetzer to Open the Public Hearing.

There was no public comment.

Motion by Yetzer seconded by Grengs to Close the Public Hearing.

Motion by Yetzer, seconded by Grengs Adopt Resolution 2022-106, Approving the issuance of revenue notes by the City of Chaska on behalf of Ridgeview Medical Center under Minnesota Statutes, Sections 469.152 to 469.165

MOTION carried

6) [ADOPT CONSENT AGENDA](#)

6.1 April 17, 2023 Regular City Council Meeting Minutes

[Cover Page](#)

[4-17-2023 Minutes.pdf](#)

6.2 May 1, 2023 Expenditures

[Cover Page](#)

[Council List-Expenditures 05.01.2023.pdf](#)

6.3 Temporary Liquor License for Lions Club

[Cover Page](#)

[23105res Temp On Sale Waconia Lions.doc](#)

6.4 Donation Acceptance & Pass Thru Recommendation - Cash Donation for Fire Safety & Prevention Efforts

[Cover Page](#)

[23107res_Donations_Received_Fire_05.01.23_National_Fire_Safety.doc](#)

6.5 Authorize Request for Local Partnership Program Grant Application

[Cover Page](#)

[23108res_Waconia_Hwy_5_LPP_Resolution.docx](#)

[2023-02-01 Waconia Hwy 5 One Pager.pdf](#)

[Waconia TH 5 Draft Funding Plan LLP Request.pdf](#)

6.6 Revolving Loan Request - Waconia Square, LLC - Subordination Agreement with Security Bank Waconia

[Cover Page](#)

[23109res_RLF_Subordination_Waconia_Square_LLC.doc](#)

[Subordination Form_Security Bank.pdf](#)

6.7 Approval of Two Resolutions Authorizing Submission of Drinking Water Revolving Fund Grants

[Cover Page](#)

[23110res Project_Priority_List_Resolution_Waconia_5_1_2023.doc](#)

[Intended Use Plan Resolution Waconia 5_1_2023.doc](#)

[Drinking Water Revolving Fund Information 2024.pdf](#)

Motion by Yetzer, seconded by Grengs 6) ADOPT CONSENT AGENDA
MOTION carried

7) COUNCIL BUSINESS

7.1 Authorize Preparation of Downtown Reconstruction, Phase II 2024 Improvement Project

[Cover Page](#)

[23111res](#)

[2024_Improvement_Project_Design__Feasibility_Report_Benefit_A_Res.doc](#)

[2024 Project Area Image Downtown.pdf](#)

Craig Eldred stated that the City Engineer is working with the awarded Contractor on Contracts and Scheduling of multiple items. Staff are coordinating items associated to

city supplied materials and final quotes for street lighting and communication items provided by the City Engineer.

In March of 2021 a geotechnical review of Phases I and II for the Downtown was done knowing that we would need to conduct soils and private property pre-construction reviews. Response to this process for Phase I is close to 100 percent completed. Multiple notifications have been sent with few inspections left for Phase I.

It is the intent to initiate design, prepare a Feasibility Report and Benefit Analysis upon completion of the Feasibility Report while continuing parcel inspections for Phase II. Coordination of the private property inspections should be easier to complete with staffing available due to construction of Phase I. These inspections would once again surround business access, water & Sewer service internal connections and structural review. Staff will also initiate information gathering of business operation, delivery practices and business client interaction or access practices.

The proposed 2024 improvement areas are consistent with what we intended with street reconstruction, sidewalk reconstruction, sanitary sewer, watermain, storm sewer, storm reuse, and street lighting as necessary. The following Street segments are proposed for improvements:

- Main Street West; Olive Street West to Elm Street East
- Main Street East; Elm Street to Spruce Street East
- Elm Street East; Main Street East to First Street East
- Pine Street ; Main Street East to First Street East
- Spruce Street East; Main Street East to First Street East

As a result of the defined sidewalk and street segments most areas will be consistent to the Phase I improvements. There are some inconsistencies with Main Street which will require some alterations due to rights of way. These items will be brought forth as part of the Feasibility Report completed by the City Engineer ultimately allowing for the benefit analysis process for Phase II improvements. Upon Council review and approval of the Feasibility study, staff will be initiating public meetings as usual for the impacted parcels and owners.

Motion by Grengs, seconded by Yetzer Adopt Resolution 2023-111, Authorizing preparation of Downtown Reconstruction, Phase II Design & Feasibility Report & Benefit Analysis for 2024 Improvement Project, CIP Project 129.

MOTION carried.

8) ITEMS REMOVED FROM CONSENT AGENDA

None

9) STAFF REPORTS

Craig thanked people that helped out with Arbor Day planting and clean up. Next week will be working with staff and an individual from Landscape Structures on a public meeting for Windmill Creek play system.

There have been questions about Downtown Phase I requesting more information. A pre-construction meeting will be May 4th at the Public Services building. In addition, on May 9th Staff will be at City Hall at 11:00 and 4:30 for downtown question and answer session.

Sargent Stahn presented the calls for service for the month of April 2023 with a comparison to 2022.

10) BOARD REPORTS

Council Member Yetzer had a meeting with Main Street Businesses.

Council Member Grengs attended the Chamber Lunch last Thursday. There was a panel of speakers talking about challenges businesses are having with recruiting employees.

Mayor Waldron filled in for the School Board meeting this month. Attended Carver County Leaders meeting and Ridgeview Board Meeting.

11) ANNOUNCEMENTS

12) ADJOURN REGULAR MEETING

Motion by Grengs, seconded by Yetzer 12) ADJOURN REGULAR MEETING at 6:31 p.m.

MOTION carried

Nicole Waldron, Mayor

ATTEST: _____

Ann Meyerhoff, Office Assistant



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023			
Item Name:		May 15, 2023 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>					
Payment of May 15, 2023 Expenditures					
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>					
Attached is the claim and disbursements registers for the City of Waconia as of May 15, 2023. 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:			Planning Commission		
_____ Budgeted			Parks and Recreation Board		
_____ Non Budgeted			Safari Island Advisory Board		
_____ Amendment Required			Other		



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Rink Management Services Corporation Safari Island Community Center Expenditures Incurred April 2023					
Originating Department:		Finance					
Presented by:		Amanda Ortloff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Rink Management Corporation Expenditures for Safari Island Community Center Incurred in April 2023							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Rink Management Services Corporation has provided the attached report for expenditures paid in April 2023. Per the City's contract with Rink Management, these expenditures are paid by Rink Management for the City's operation of the Safari Island Community Center.							
<u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: Safari Island Fund (231)							
Budget Information: ☒ X Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred April 2023					
Originating Department:		Finance					
Presented by:		Amanda Ortloff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in April 2023							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Rink Management Services Corporation has provided the attached report for expenditures paid in April 2023. Per the City's contract with Rink Management, these expenditures are paid by Rink Management for the City's operation of the Waconia Ice Arena.							
<u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: Ice Arena Fund (678)							
Budget Information:				Planning Commission			
☒ Budgeted				Parks and Recreation Board			
☐ Non Budgeted				Safari Island Advisory Board			
☐ Amendment Required				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Contractor Pay Request #2-Final - City Square Park Retaining Wall & Sidewalk					
Originating Department:		Finance					
Presented by:		Amanda Ortloff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to approve Pay Estimate No. 2-Final to Sunram Construction, Inc. for the City Square Park Retaining Wall & Sidewalk.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff has reviewed the contractor pay request for the City Square Park Retaining Wall & Sidewalk and recommends payment of \$64,009.30 based on the engineering request for payment. This payment represents approximately 108.0% of the total approved contract for the project.							
<u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: PIR Capital							
Budget Information: ☒ X Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023			
Item Name:		Kraus Anderson Contractor Pay Request - New Fire Station			
Originating Department:		Finance			
Presented by:		Amanda Ortloff			
Previous Council Action (if any):					
Item Type (X only one):	Consent	☒ X	Regular Session		Discussion Session
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>					
Motion to Approve Contractor Payment Request for the New Fire Station Project					
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>					
Kraus-Anderson Construction Co. has requested payment in the amount of \$13,825.00 for the builder's risk insurance policy. The policy term is for May 15, 2023 through June 30, 2024.					
<u>Attachments:</u>					
FINANCIAL IMPLICATIONS:			ADVISORY BOARD RECOMMENDATIONS:		
Funding Sources & Uses: PIR Fund					
Budget Information:			Planning Commission		
☒ X Budgeted			Parks and Recreation Board		
☐ Non Budgeted			Safari Island Advisory Board		
☐ Amendment Required			Other		



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Contractor Pay Request #6 - Waterford Park - Water Reuse Station Project					
Originating Department:		Finance					
Presented by:		Amanda Ortloff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒	X	Regular Session	☐	Discussion Session	☐
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to approve Pay Estimate No. 6 to S.M. Hentges & Sons for the Waterford Park - Water Reuse Station Project							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff has reviewed the contractor pay request for the Waterford Park - Water Reuse Station Project and recommends payment of \$28,208.63 based on the engineering request for payment. This payment represents approximately 91.0% of the total approved contract for the project.							
<u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: Storm Water Utility Fund							
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:		May 15, 2023					
Item Name:		Use of Park: Waconia Library - Storywalk					
Originating Department:		Administration					
Presented by:		Jackie Schulze					
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 Allowing for use of park by Waconia Library throughout summer of 2023.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The Waconia Library would like to request to do a weekly storywalk at Fountain Park during the summer. These would take place on Tuesdays, beginning June 6 through August 8. Storywalks are books printed on visual boards and visitors are then able to walk through to experience the story. In the past, the City Council has granted the library the ability to use Fountain Park for their summer storywalk series. No additional work on the City's behalf is required for this activity. <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:		May 15, 2023			
Item Name:		Parade Permit - Memorial Day Parade			
Originating Department:		Administration			
Presented by:		Shane Fineran			
Previous Council Action (if any):					
Item Type (X only one):	Consent	X	Regular Session		Discussion Session
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>					
Adopt Resolution 2023-127, Approving Parade Permit & Use of Parks					
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>					
Waconia American Legion Post 150 will conduct its annual Memorial Day parade and ceremony on May 29, 2023. The band and color guard will assemble in Lot 1 and proceed from Vine Street, eastward on 1st Street to City Square Park. Staging will occur at 10:30 a.m., parade to start at 10:45 a.m. and the program beginning at 11:00 p.m. at City Square Park. There are no street closures or parking restrictions requested as part of the parade. <u>Attachments:</u> 1. 23127res_Memorial_Day_Parade_Permit.doc 2. Memorial Day Parade.pdf					
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. 2023-127**

**RESOLUTION APPROVING PARADE ROUTE PERMIT FOR AMERICAN LEGION POST
150**

WHEREAS, City ordinance allows for the use of streets for a parade by permit; and

WHEREAS, American Legion Post #150 is requesting to conduct a parade of color guard and band on Sunday, May 28th utilizing a route from Lot 1, Vine Street S, 1st Street West and East to City Square Park from 10:30 a.m. to approximately 11:00 p.m.; and

WHEREAS, the parade will not require any street closure or parking restrictions; and

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby approves the parade route permit.

Adopted by the City Council of the City of Waconia this 15th day of May 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk



City of Waconia

201 Vine Street South, Waconia, MN 55387

Landscape_8x11

May 2023
19



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		League of Minnesota Cities Insurance Trust - Tort Liability Waiver - 2023-2024 Policy Renewal					
Originating Department:		Administration					
Presented by:		Jackie Schulze					
Previous Council Action (if any):		Non-Waiver of monetary limits on March 7, 2022 (must be approved annually as part of Property/Liability Insurance Renewal)					
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve the Non-Waiver of Monetary Limits on the 2023-2024 Tort Liability Insurance Policy Renewal.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
As part of the annual liability insurance renewal process, the City Council is required to waive or not waive the tort liability limit within our insurance program through the League of Minnesota Cities Insurance Trust (LMCIT). The <i>Liability Coverage-Waiver Form</i> included describes the waiver and the effect on a potential client. It has been past practice and staff recommends the continued non-waiver of the monetary limits for the 2023-2024 policy year. This means that an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply.							
Attachments:							
1. Liability-Coverage-Waiver-Form (1).pdf							
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			

LIABILITY COVERAGE – WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to psstech@lmc.org.

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.*
- *If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.*
- *If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.*

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name: _____

Check one:

☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).

☐ The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: _____

Signature: _____ Position: _____



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023			
Item Name:		Cigarette License for Casey's			
Originating Department:		Administration			
Presented by:		Ann Meyerhoff			
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. 2023-115, Approving Cigarette License					
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>					
We have received notification that Casey's will be opening at 1301 Oak Ave. A new application for a Cigarette License has been submitted. This License will be effective June 1 – January 31, 2024. We recommend approval of the new license, on condition of receipt of payment of fees, certificates of insurance, approval by the State Department of Revenue. <u>Attachments:</u> 1. 23115res Cigarette License for Casey's.docx					
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. 2023-115**

RESOLUTION APPROVING CIGARETTE LICENSE FOR CASEY’S

WHEREAS, Applications for a new cigarette license has been received in the Office of the City Clerk for Casey’s; and

WHEREAS, Licenses will be issued contingent upon receipt of appropriate fees and certificates of insurance as required by City Ordinance.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Waconia hereby approves License for the term June 1, 2023 through January 31, 2024.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Authorize Hire for Utility Maintenance Worker					
Originating Department:		Administration					
Presented by:		Jackie Schulze					
Previous Council Action (if any):		March 20, 2023: Resolution 2023-78: Authorization of Recruitment for Utility Maintenance Worker					
Item Type (X only one):	☐ Consent	☐	☐ Regular Session	☐	☐ Discussion Session	☒ X	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution 2023-116, Authorizing Hire of Utility Maintenance Worker							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
On March 20, 2023, the City Council authorized the recruitment for a Utility Maintenance Worker. City staff interviewed seven of the nine applicants for this position. Following interview, the City recommends the hire of Justin Govrik for this position. Justin has over ten years of previous experience working on a farm, and he is currently working with Entegris as welder. Justin will start at Step 1 on the Pay Scale for Utility Maintenance Worker and accrue PTO at our standard employee accrual rate. He has successfully passed all of the pre-employment contingencies. His expected start date is June 5, 2023.							
Attachments: 1. 23116res_Appointment_of_Utility_Maintenance_Worker (1).docx							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:				Personnel Committee: Recommend			
Budget Information: ☐ Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
RESOLUTION NO. 2023 - 116**

**RESOLUTION AUTHORIZING
HIRE OF UTILITY MAINTENANCE WORKER**

WHEREAS, on March 20, 2023, the City Council authorized the recruitment for the vacant Utility Maintenance Worker position; and

WHEREAS, the City recently completed recruitment for this position; and

WHEREAS, staff recommend the appointment of Justin Govrik to this position;

WHEREAS, Justin will start at Step 1 on the Utility Maintenance Worker pay scale and accrue PTO at the standard rate for new employees; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia authorizes the hire of Justin Govrik for the Utility Maintenance Worker position, effective June 5, 2023.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Authorize Hire for Street Maintenance Worker					
Originating Department:		Administration					
Presented by:		Jackie Schulze					
Previous Council Action (if any):		March 20, 2023: Resolution 2023-77: Authorization of Recruitment for Street Maintenance Worker					
Item Type (X only one):	☐ Consent	☐	☐ Regular Session	☐	☐ Discussion Session	☒ X	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution 2023-117, Authorizing Hire of Street Maintenance Worker							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
On March 20, 2023, the City Council authorized the recruitment for a Street Maintenance Worker. City staff interviewed five of the eleven applicants for this position. Following interviews, the City recommends the hire of Carter Borg for this position. Carter is currently a full-time maintenance worker with the City of Carver and was also a seasonal there for several years prior to assuming his full-time role. He also has obtained his Public Works Certificate through Hennepin Technical College and his Class B Commercial Driver's License. Carter also serves as a Waconia Firefighter. Carter will start at Step 1 on the Pay Scale for Street Maintenance Worker and accrue PTO at our standard employee accrual rate with a 40-hour bank upon hire. He has successfully passed all of the pre-employment contingencies. His expected start date is June 5, 2023.							
<u>Attachments:</u>							
1. 23117res_Appointment_of_Street_Maintenance_Worker.docx							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:				Personnel Committee: Recommend			
Budget Information: ☐ Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
RESOLUTION NO. 2023 - 117**

**RESOLUTION AUTHORIZING
HIRE OF STREET MAINTENANCE WORKER**

WHEREAS, on March 20, 2023, the City Council authorized the recruitment for the vacant Street Maintenance Worker position; and

WHEREAS, the City recently completed recruitment for this position; and

WHEREAS, staff recommend the appointment of Carter Borg to this position;

WHEREAS, Carter will start at Step 1 on the Street Maintenance Worker pay scale and accrue PTO at the standard rate for new employees, starting with a 40 hour bank upon hire; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia authorizes the hire of Carter Borg for the Utility Maintenance Worker position, effective June 5, 2023.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023			
Item Name:		Probationary Firefighters to Active Status			
Originating Department:		Fire			
Presented by:		Justin Sorensen			
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 2023-118, appointing firefighters to active firefighter status.					
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>					
Firefighters Aaron Jurek, Tony Kuczek, and Michael Eaton were hired by the Waconia Fire Department in November of 2022. They all have previous experience on other departments. Aaron with over 20 years in Victoria, Tony with a 25 plus in Minneapolis, and Michael with several on Bloomington. They have all been great additions to the department and their experience with different departments has brought a different perspective that has had a positive impact on our firefighters. When they were hired, they were required to serve as a probationary firefighters for six months. They have met all of the requirements of their probationary period. Aaron, Tony, and Michael have completed their six months in probationary firefighter status and are now eligible for active firefighter status.					
Attachments:					
1. 23118res Active_FF_Status_-_Resolution.docx					
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. 2023-118**

**RESOLUTION APPROVING
ACTIVE FIREFIGHTER STATUS**

WHEREAS, the City of Waconia hired Aaron Jurek, Tony Kuczek, and Michael Eaton as probationary firefighters in 2022; and

WHEREAS, Aaron, Tony, and Michael have previous experience with other fire departments but were required to spend 6 months as a probationary firefighter upon coming to Waconia;

WHEREAS, Aaron, Tony, and Michael are now eligible to move off of probationary status; and

WHEREAS, all of Aaron, Tony, and Michael's certifications and trainings are up to date; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves Aaron Jurek, Tony Kuczek, and Michael Eaton as active firefighters with Waconia Fire Department.

Adopted by the City Council of the City of Waconia this 15th day of May 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		2023 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. 2023-119, Approving 2023 2nd Quarter Budget Amendments							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff reviewed the 2023 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.							
Attachments:							
1. 23119res-Budget_Amendment_master (3).doc 2. Budgetment Amendments_Exhibit A.pdf							
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 2023-119**

RESOLUTION APPROVING 2023 2nd QUARTER BUDGET AMENDMENTS

WHEREAS, the City Council of the City of Waconia, Minnesota adopted the 2023 General, Enterprise, Special Revenue, Capital Projects, and Debt Service Fund budgets on December 19, 2022; and

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

WHEREAS, changes are recommended to revenue line items in the General, 2019A GO Bond, Water Utility, Sewer Utility, and Storm Water Utility Funds; 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 2023 2nd Quarter Budget Amendments as proposed.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

2023 - 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 - Technology	Fees & Licenses	\$ (480.00)	\$ 242,551.00	\$ 242,071.00	Expense	Removing fees and license expense from the technology budget as the fees and license for ActiveNet Connect App are being paid from the Safari Island operating fund. Connect App fees are budgeted for in fees and license as approved in the original 2023 Safari Island operating budget.
General Fund	Fund Balance	\$ 480.00	\$ -	\$ 480.00	Fund Balance	
General Fund - Finance		\$ (7,984.00)	\$ 67,000.00	\$ 59,016.00	Expense	
General Fund - Planning		\$ 8,650.00	\$ 50,250.00	\$ 58,900.00	Expense	
General Fund - Streets		\$ (6,600.00)	\$ 132,452.00	\$ 125,852.00	Expense	
General Fund	Fund Balance	\$ 5,934.00	\$ -	\$ 5,934.00	Fund Balance	During open enrollment, employees elected different coverage from what was originally budgeted for 2023. These changes were made too close to the approval of the budget to make changes prior to budget approval. Noting these changes for impacts to fund balance in each fund effected.
Storm Water Utility Fund		\$ 8,650.00	\$ 80,486.00	\$ 89,136.00	Expense	
Storm Water Utility Fund	Fund Balance	\$ (8,650.00)	\$ -	\$ (8,650.00)	Fund Balance	
General Fund - Central Facilities	Rental/Leasing Costs	\$ (7,200.00)	\$ 22,800.00	\$ 15,600.00	Expense	Removing expense for senior dining program lease with the American Legion. The meals on wheels program is operating out of the Ice Arena starting in 2023 so no rental income will be passed thru this year for this program.
General Fund	Fund Balance	\$ 7,200.00	\$ -	\$ 7,200.00	Fund Balance	
Storm Water Utility Fund	Rental/Leasing Costs	\$ (42,000.00)	\$ 64,100.00	\$ 22,100.00	Expense	
Storm Water Utility Fund	Bond Interest	\$ 10,661.46	\$ 94,552.00	\$ 105,213.46	Expense	In review of the new sweeper lease with the auditors, it was requested that we record the lease expenses in a different area then with the operating rental/leasing line item. The City will still have the expense this lease, however it will be recorded as interest expense and debt payable (balance sheet account).
Storm Water Utility Fund	Fund Balance	\$ 31,338.54	\$ -	\$ 31,338.54	Fund Balance	
Storm Water Utility Fund	Subscriptions & Memberships	\$ 180.00	\$ 1,640.00	\$ 1,820.00	Expense	Budgeted for subscriptions and memberships for LMC Storm Water Coalition and WateReuse Association memberships. Fees were higher than budgeted. Staff anticipates that these fees will continue to increase from year to year so recommend updating accordingly.
Storm Water Utility Fund	Fund Balance	\$ (180.00)	\$ -	\$ (180.00)	Fund Balance	
General Fund - Parks	Subscriptions & Memberships	\$ 599.00	\$ -	\$ 599.00	Expense	Minnesota Park & Recreation Membership for 2023. Currently not budgeted for in the parks department. This organization provides great benefit to the department. Staff will continue to sign up for this membership in future years and recommends adding it so it can be considered with the 2024 budget.
General Fund	Fund Balance	\$ (599.00)	\$ -	\$ (599.00)	Fund Balance	
General Fund - Administration	Miscellaneous	\$ 27,000.00	\$ 1,640.00	\$ 28,640.00	Revenue	The City receives a payment in lieu of taxes each year from Carver County with the January tax settlement. Historically these fees have been recorded in the general property tax line item. In doing this, staff cannot determine effectively the collection of taxes verses levied. Because of this, staff is recommending the payment be recorded in the miscellaneous line item in the administration budget each year. This change will be carried into 2024 as well.
General Fund	Fund Balance	\$ (180.00)	\$ -	\$ (180.00)	Fund Balance	
PEG Fund	Fees & Licenses	\$ 1,680.00	\$ 11,060.00	\$ 12,740.00	Expense	Received notice after approval of the budget that the expense for our website hosting would increase 10% over the 2022 costs. Increasing the budget for this in 2023 as the vendor identified regular increased costs for this line item in future budget years.
PEG Fund	Fund Balance	\$ (1,680.00)	\$ -	\$ (1,680.00)	Fund Balance	
PIR Debt Fund	Interfund Transfer Out	\$ 240,141.00	\$ -	\$ 240,141.00	Expense	
PIR Debt Fund	Fund Balance	\$ (240,141.00)	\$ -	\$ (240,141.00)	Fund Balance	Completed debt fund cash flows after 2022 audit completion. Found additional funds in PIR Debt Fund related to the City Hall Facility bonds which were refunded in 2019. Recommend transfer of these funds to the 2019A GO Bond
2019A GO Bond Debt Fund	Interfund Transfer In	\$ 240,141.00	\$ 28,700.00	\$ 268,841.00	Expense	
2019A GO Bond Debt Fund	Fund Balance	\$ (240,141.00)	\$ -	\$ (240,141.00)	Fund Balance	Debt Fund for future debt payments.

Department	Line Item	Amount	Current Budget	New Budget	Revenue Expense	Description
Ice Arena Debt Fund	Bond Principal	\$ (209.00)	\$ 366,683.00	\$ 366,474.00	Expense	Security Bank provided an updated debt schedule for this bond issue after approval of the 2023 budget. The new schedule outlines the updated interest rate per the bond documents. Staff recommends updating these line items to ensure proper tracking of payments in 2023.
Ice Arena Debt Fund	Bond Interest	\$ 495.00	\$ 63,054.00	\$ 63,549.00	Expense	
Ice Arena Debt Fund	Fund Balance	\$ 286.00	\$ -	\$ 286.00	Fund Balance	
PIR Capital Project Fund	Cost of Construction	\$ 226,000.00	\$ 17,038,042.00	\$ 17,264,042.00	Expense	Requesting to update the capital project budget for the 2023 infrastructure improvement project based on the low bids received. Staff had estimated these expenses in the current budget based on the feasibility study. Now that final numbers are received, the budget can be updated accordingly. In doing this, staff is better able to track project costs throughout the years the project is open.
PIR Capital Project Fund	Bond Proceeds	\$ (226,000.00)	\$ 2,000,000.00	\$ 2,226,000.00	Revenue	
Water Utility Fund	Cost of Construction	\$ (441,333.00)	\$ 1,045,114.00	\$ 603,781.00	Expense	
Water Utility Fund	Bond Proceeds	\$ 406,333.00	\$ 760,743.00	\$ 354,410.00	Revenue	
Water Utility Fund	Fund Balance	\$ (35,000.00)	\$ -	\$ (35,000.00)	Fund Balance	
Sewer Utility Fund	Cost of Construction	\$ (189,033.00)	\$ 590,374.00	\$ 401,341.00	Expense	
Sewer Utility Fund	Bond Proceeds	\$ 189,033.00	\$ 319,702.00	\$ 130,669.00	Revenue	
Storm Water Utility Fund	Cost of Construction	\$ 76,000.00	\$ 2,696,299.00	\$ 2,772,299.00	Expense	
Storm Water Utility Fund	Bond Proceeds	\$ (76,000.00)	\$ 643,299.00	\$ 719,299.00	Revenue	



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Carver County CDA Community Growth Partnership Initiative Grant					
Originating Department:		Administration					
Presented by:		Shane Fineran					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution 2023-120, Approving Application for the Carver County CDA Community Growth Partnership Initiative Program							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Carver County CDA has opened up the application period for the annual Community Growth Partnership Initiative program. This program makes available up to \$100,000 per city per year in grant funds that can be utilized by cities to support housing, redevelopment, and job creation in the community. It 2022 the City was successful in applications to support redevelopment of the Bode Gray's and Waconia American Legion sites. At this time, there are no other projects identified that meet application criteria or in a position for completion within the timeline constraints of the program which is 2 years from award. In this round of application it is recommended to apply for grant funds to support the future development of 76 units of housing targeted to seniors and will be affordable to those making 50% of the area median income. The project would consist of a mix of studio to 2 bedroom units. The building would be owned and managed by the Carver County CDA. This project would be located at 905 Airport Road, and would be adjacent to the recently opened Trails Edge apartment community. The projected development has an estimated cost of \$23 million dollars. The CDA continues to be active in the application for grants and tax credits through various programs with Minnesota Housing to complete the gap and the commitment of funds through the CGPI program will enhance the scoring that is utilized in those evaluations. No submittals for land use have been completed and would be necessary once funding of the entire project has been secured. At this time there is no timeline on possible submittal or construction.							
Attachments:							
1. 23120res_CDA_CGPI_Trails_Edge_Senior.doc 2. 2023 CGPI Trail's Edge Senior.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information: _____ Budgeted _____ Non Budgeted _____ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
RESOLUTION NO. 2023-120**

**RESOLUTION APPROVING CARVER COUNTY CDA COMMUNITY GROWTH
PARTNERSHIP INITIATIVE GRANT APPLICATION**

WHEREAS, the City of Waconia has identified a proposed project within the city that meets the Carver County Community Development Agency (CDA) Community Growth Partnership Initiative Grant Program’s purpose and criteria; and

WHEREAS, the City has established a Redevelopment Plan of which the proposed project is a component; and **OR WHEREAS**, the City has identified a project that will create living wage jobs; and

WHEREAS, the City has the capacity and capability to ensure the proposed project will be completed and administered within the Community Growth Partnership Initiative predevelopment program guidelines; and

WHEREAS, the City has the legal authority to apply for financial assistance; and

WHEREAS, the City is supportive of affordable housing and of the CDA’s mission to improve the lives of Carver County residents through affordable housing and community development.

NOW THEREFORE BE IT RESOLVED that the City of Waconia approves the application for funding from the Carver County CDA Community Growth Partnership Initiative Grant program.

BE IT FURTHER RESOLVED that if the application is approved by the Carver County CDA, the City Administrator, is hereby authorized to execute such agreements as are necessary to receive and use the funding for the proposed project.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk



2023 Community Growth Partnership Initiative

Request for Proposals Guide

**Applications Available
Applications due to CDA
Scoring Committee Mtg
CDA Board Meeting**

**April 17th, 2023
May 26th, 2023 @ 4:30pm
June 5th, 2023 @ 3:00pm
June 15th, 2023**

PURPOSE

The Community Growth Partnership Initiative Grant Program (CGPI) started in January 2016 with the goals to increase the tax base and improve the quality of life in Carver County through three specific strategies:

Affordable Housing: The program is intended to promote the development of affordable workforce and supportive housing. The need for affordable housing continues to grow in Carver County and opportunities for affordable housing development are becoming increasingly difficult. Affordable housing provides benefits beyond the housing itself, such as assisting area workers and providing housing for our future workforce.

Community Development: The CGPI is intended to assist cities in the area of job creation and community development as Carver County cities continue to work towards creating “Communities for a Lifetime”.

Redevelopment: The program is intended to assist with cities’ implementation of Redevelopment Plan goals. Blighted and under-utilized areas do not maximize their potential economic value, can negatively impact the livability of a community, and can be expensive to remedy.

PROGRAM INFORMATION

Funding Available: Up to \$400,000 in grant funds is available during 2023. The CDA will reserve ten percent (10%) for Pre-development grants. The maximum Pre-development grant amount is \$7,500. The remaining funds will be available for Community Development grants, with a maximum individual award amount of \$100,000.

Eligible Applicants: Eligible applicants for this program are Carver County cities. Only one application per city per year will be accepted for Pre-development grants. A maximum of \$100,000 in Community Development requests will be accepted per city per year either through one project or a combination of projects.

Application Instructions: It is the applicant’s responsibility to be aware of the submission requirements needed to prepare a complete application in accordance with this guide. The application consists of the program application and all required attachments. Applications may be submitted via email to chucks@carvercda.org or sent to the Carver County CDA; Attention: Chuck; 705 North Walnut Street; Chaska, MN 55318.

Pre-development grants are accepted on a pipeline basis, with applications due on the 1st of every month. Community Development grants are accepted up to twice per year if the funds are not expended in the first round.

Applications determined by the CDA to be incomplete will not be accepted and will be returned to the applicant. No applications, attachments or documentation will be accepted after the application due date unless requested by the CDA. The CDA retains the right to refuse the application in whole or in part for any reason. Contact Chuck Swanson, (952) 556-2778 or chucks@carvercda.org, if you have questions. Applicants are strongly encouraged to discuss their project prior to submission.

DEFINITIONS

Activity: Component(s) of the Project for which funds are requested.

Housing Affordability: “Affordable” is defined as (a) rental—available to households at or below 50% of the area median income; (b) owner—available to households at or below 80% of the area median income.

Living Wage Jobs: defined as \$17 per hour or more.

Project: Development component for which Community Development grant funds are requested.

Redevelopment: is defined as the reconstruction, re-use or change in use of any developed property that improves the economic use and value of property. Redevelopment is usually characterized by the partial or complete clearance of existing structures and new construction. The new use(s) may be residential, commercial, retail, industrial, office or other uses the city supports.

Redevelopment Plan: as defined by Minnesota Statutes 469.002 Subd. 16: *“Redevelopment plan” means a plan approved by the governing body, or by an agency designated by the governing body for the purpose of approving such plans or authorized by law to do so, of each city in which any of a redevelopment project is to be carried out, which plan provides an outline for the development or redevelopment of the area and is sufficiently complete (1) to indicate its relationship to definite local objectives as to appropriate land uses; and (2) to indicate general land uses and general standards of development or redevelopment.*

The Redevelopment Plan will identify a redevelopment area, activities to be undertaken within the area, as well as city objectives, land use requirements, and development or redevelopment standards. The city’s comprehensive plan or other city-wide planning documents do not qualify as Redevelopment Plans under the CGPI Program unless the area is specifically identified and documented in detail in the plan.

PRE-DEVELOPMENT GRANTS

Pre-development grant funding is restricted to activities directly related to a current or future project, including but not limited to:

Market Analysis	Concept Design
Site Design	Zoning Studies
Small Area Plans	TIF/Abatement Analysis
Engineering Studies	Stormwater Management Plans
Soil Testing	Blight Analysis
Certified Shovel Ready Site Documents	Environmental Studies/Assessments

Pre-development grants may also be used to fund activities that are required to establish a Redevelopment Plan. As such, the Redevelopment Plan is not required to be in place to be eligible for a Pre-development grant.

The application must meet the following threshold criteria to be scored:

- The application must be approved by the respective city council via resolution that includes the Required Resolution Provisions (sample resolution is attached to application).
- The city must be supportive of affordable housing and the CDA’s mission. The adopted resolution must contain the following required provision: *The City is supportive of affordable housing and of the CDA’s mission, to improve the lives of Carver County residents through affordable housing and community development.*
- There is a minimum leverage rate of \$1 of other funds (public or private) for every \$1 of Pre-development grant funds.

COMMUNITY DEVELOPMENT GRANTS

Community Development funding is restricted to the Eligible Activities, defined below, necessary to prepare for the development.

Eligible Activities

Grant funding is restricted to the following activities:

1. Property acquisition (see “Other Requirements” below for additional stipulations)
2. Relocation payments to occupants of property acquired with program funds
3. Clearance and demolition expenses related to site assemblage for redevelopment and consistent with the Redevelopment Plan
4. Clean up of pollution or other contaminants on the impacted site
5. Historic preservation (rehabilitation of properties with national or local significance in order to preserve that significance)
6. Necessary public improvements including, but not limited to, public parking structures, sewer and water, utilities, sidewalks, lighting, streetscape, street reconstruction, and stormwater
7. Corrections to soil conditions with extraordinary remediation expenses
8. Rehabilitation/expansion/new construction of a facility that is linked to job creation of living wage jobs or affordable housing units

Ineligible Activities

Grant funding cannot be used for the following activities:

1. Costs not included in the application
2. House moving
3. Administration expenses
4. Public facilities (non-parking)

Threshold Criteria

Applicants must first meet the threshold criteria to be considered for funding.

1. The proposed project must be identified in the Redevelopment Plan (if it is a redevelopment project).
2. The application must be approved by the respective city council by resolution that includes the Required Resolution Provisions (sample resolution is attached to application attached).
3. The city must be supportive of affordable housing and the CDA’s mission. The adopted resolution must contain the following required provision: *The City is supportive of affordable housing and of the CDA’s mission, to improve the lives of Carver County residents through affordable housing and community development.*
4. The application must demonstrate a minimum leverage of \$2 of other funds for every \$1 of Community Development grant funds.
5. Demonstration of the project’s public purpose and financial need that other funding sources cannot fill.

Competitive Criteria

If the application meets all threshold criteria, it will be reviewed and ranked on the following competitive criteria.

1. **Leverage and Financial Need:** Applications should include other funding sources committed to the project. Examples include TIF/Abatement, DEED, Metropolitan Council, or other public and private resources. Evidence of funding commitments must be submitted with the application. The project should also show a financial need and demonstrate that other funding sources are not sufficient. [15 Points Maximum]
2. **Readiness to Proceed:** The applicant should be ready to proceed with the identified project upon funding award (e.g. city entitlements, site control secured, financing commitments in place). [10 Points Maximum]
3. **Housing Affordability:** To receive points for Housing Affordability, the project must be either a Tax Credit Development or receiving some other type of funding that requires income and/or rent restrictions (affordability compliance) with a federal, state or local agency. If the project is a rental project, the owner must be willing to accept Tenant Based Rental Assistance (Housing Choice Voucher/other tenant based rental assistance). Compliance reporting required by the federal, state or local agency will also need to be submitted to the CDA annually. [25 Points Maximum]
4. **Economic Benefit:** The project should have a defined impact on the local economy. This impact is measurable through growth in property taxes and new/retained Living Wage Jobs. [25 Points Maximum]
5. **Environmental Improvement:** Projects that will clean-up, prevent and protect from environmental hazards are encouraged. Applicants should work with state and local agencies and professional consultants to identify the optimum remedy and create sustainable redevelopment. [10 Points Maximum]
6. **Removal of Blight:** Points will be awarded to projects that demolish or clean up blighted properties and/or properties with obsolete structures beyond their useful life. [8 Points Maximum]
7. **Livability Concepts:** Redevelopment Plans and Projects should consider the need for public transit, reduced/shared parking, walkable neighborhoods, resiliency, green space, increased density, and mixed land uses that build a strong sense of community. [7 Points Maximum]

Other Requirements

Property Acquisition and Relocation

Property acquisition may be undertaken by a public, private or non-profit entity as part of a redevelopment project. In all instances, the CDA will provide grant funds to the city as grantee, which in turn, can provide those funds to another acquiring entity if necessary. The corresponding grant agreement will specify conditions whereby the acquiring entity will have no recourse to the CDA in matters related to the acquisition of real property.

If federal funds are used in whole or in part for a project, including property acquisition, clearance and/or construction, all provisions of 49 CFR 24.101 (the Uniform Relocation Act or URA) must be followed. With all funding sources, the cost of property acquisition must be based on a determination of fair market value as derived from an independent appraisal and/or county assessed value. If the final acquisition price exceeds the appraised value, the grant funds requested must be less than this value with the additional cost being paid by other funds.

Minnesota Statutes 117.50 et. seq. and related case law also requires that in all acquisitions undertaken by an acquiring entity without federal participation, the authority must provide relocation assistance as a cost of acquisition. Additionally, the Minnesota Supreme Court held that an authority may be responsible for certain relocation costs when the property is acquired by a private developer if the activities of the authority and the developer are so intertwined to produce a joint acquisition of the project.

Financial Need

As noted previously, leverage of other funding sources is required for a CGPI grant. In addition to identifying leverage, the applicant shall also explain how they have exhausted other resources.

Fair Housing

The Fair Housing Act prohibits discrimination in all housing related transactions based on race, color, religion, national origin, sex, familial status and disability. Projects shall comply with all federal laws, executive orders, and implementing rules and regulations. Projects shall also comply with Minnesota law and local city ordinances.

Reimbursement

The Community Development grant program works on a reimbursement basis. In order to be reimbursed, documentation must be submitted showing the criteria has been met. For example, if scoring is received in growth or retention of Living Wage Jobs, documentation must be submitted to support the number listed in the application.

SELECTION

Applications must be completed and received by the due date. Applications will be reviewed by CDA staff, and those meeting the threshold criteria and scoring highly on the competitive criteria will be submitted to the CDA Board of Commissioners. After selection and approval by the CDA Board of Commissioners, the CDA will issue a letter of commitment and enter into a grant agreement with the city.

GRANT AGREEMENT

CDA staff will work with the city and enter into a Grant Agreement. This agreement will detail the terms and conditions of the grant and allow for the release of funds to the city. The grant agreement will require funds to be spent within 18 months of the date of the agreement. Waivers and extensions to any provision in the agreement requested by the grantee will be considered on a case-by-case basis depending on the merits of the request. Grants will be paid on a reimbursement basis. Grantees will also be required to submit semi-annual progress reports and final report once the project is completed.

Community Growth Partnership Initiative 2023 Community Development Grant Application

Project name: Trail's Edge Senior

Applicant: City of Waconia

Contact name: Shane Fineran, City Administrator

Contact email and phone:sfineran@waconia.org, 952-442-3100

Authorized official for contract execution (name and title): Shane Fineran, City Administrator

Project Summary:

The proposed project is a 76 unit three-story elevator apartment building. The project will be owned and managed by the CDA. The project will primarily serve seniors earning 50% of the area median income or less. The project will include 7 units set aside for High Priority Homeless. These units will have Housing Support Room and Board rental assistance. 30% of the units (23 total units) will be affordable to seniors at or below 30% AMI.

Trails Edge Senior Apartments is part of a previously approved Master Planned Community that allowed for a wide variety and types of housing. The site is being developed to connect to adjacent and planned retail and high density residential uses, both existing and planned. Coordination between the City and County of sidewalks/trails to connect to city parks and a County regional trail have occurred. The density will support the existing retail and make the future paths more appealing to future businesses moving into the area based on the location and walkability. The project will be owned and managed for the long term by the CDA.

The City has historically been a preferred location for senior-oriented housing, and there are diverse options including housing with services. As a larger community, Waconia also has features and amenities that appeal to older adult households.

Property/unit amenities include: full size washer/dryer in each unit, controlled access/cameras, central air conditioning/individual Magic-Pak (temperature control in individual unit), full kitchen package (dishwashers, microwaves, stovetop/range, refrigerator), wired for high-speed internet/cable/satellite, enclosed parking and storage for each unit. Each unit will have a patio or full size balcony. All CDA owned property is 100% smoke free.

Staffing at the property will include a Senior Tenant Service coordinator. This staff member works with residents to make connections to services and programming. Staff will meet with residents to complete an intake and then determine what resources are needed. Staff will help residents complete applications such as Energy Assistance and SNAP. Staff connects residents to food shelves, free cell phones, the Workforce Center, transportation, River Valley Health Services (provides health related services to under and un-insured individuals), His House Foundation (is able to assist with furniture, etc.) and others. The Senior Tenant Service coordinator will work to make referrals to home and community based services. The CDA currently has a

Memorandum of Understanding signed with Carver County Adult Mental Health and Carver County Home and Community Based Care for several of our rental assistance programs. We have a great working relationship with both departments and will allow for warm hand-offs of clients needing this additional type of assistance to age in place.

1. Request Details

1a. Request Amount: \$100,000

1b. Proposed activities/use of CGPI funds (check all applicable boxes)

- | | | |
|--|---|--|
| ☐ Acquisition | ☐ Utilities | ☐ Sidewalks/Trails |
| ☐ Lighting | ☐ Site Work | ☐ Demolition |
| ☐ Landscaping | ☐ Roadways | ☐ Stormwater |
| ☐ Streetscaping | ☐ Soil Remediation | ☐ Environmental cleanup |
| ☐ Parking | ☐ Relocation | |
| ☐ Other (list) | | |

2. Readiness Details

Milestone	Commitment date or anticipated date	Amount
<i>Construction Timeline</i>		
Market/feasibility study	None Needed	
Land use approvals (including any zoning, comprehensive plan amendments, variances, etc.)	Funding Based	
Environmental approvals	None Needed	
Construction bids	Funding Based	
Permits	Funding Based	
Site control	Complete	
Financial closing	N/A	
Clean up/demolition	Not Applicable	
Begin construction	Funding Based	
Project completion	Funding Based	
<i>Project Funding Sources</i>		
First mortgage	December 2023	\$3,004,000
General partner cash/other equity		
Syndication proceeds	December 2023	\$6,493,291
Deferred loans	December 2023	\$12,264,000
TIF		
Sales tax/energy rebates	December 2023	\$448,322
Deferred developer fee		
Met Council TOD/LCDA/TBRA		
DEED Redevelopment/Cleanup		
DEED MIF/JCF		

Carver County CDA CGPI	June 2023	\$100,000
City: Water/sewer trunk fee waivers	Already committed	\$280,000
Other: ARPA	Already committed	\$1,000,000
Other: Energy Rebate	December 2023	\$17,360

2a. Total development cost: \$23M Percentage of funds committed: 4% (excluding water/sewer trunk fee waivers). ARPA funds committed.

2b. List other sources of funds requested or considered but not obtained for the project and explain why.

3. Project Details

3a. Site address(es) 905 Airport Rd Waconia, MN 55387

3b. Site size: 2.77 acres

3c. Number of parcels: 1

3d. Parcel ID(s): 753140030

Housing

3e. Are there any existing housing units on the site: Yes ☐ No ☒

If so, how many?

Are any of the units vacant? Yes No N/A

3f. Are any of the existing units affordable? Yes ☐ No ☒

3g. Housing Units *(Indicate the number of housing units planned in the project)*

	Total Units	New Units	Retained Units	Owner-Occupied	Rental Units	Market Rate	Affordable Units	Affordability Level (% AMI)
Single Family								
Townhome								
Apartments/Condos	76	76					76	23-30% 53-50%
Duplexes								
Other (Specify)								

3h. Is there a mechanism to ensure long term affordability? ☒ Yes No

3i. If yes, please describe the type and length of affordability. We are applying for funding with MN Housing and will have a 40 year minimum affordability period.

3j. Who is the target population for these units (seniors, families, etc.)? Seniors

3k. If the project is a rental project, is the owner willing to accept Tenant Based Rental Assistance (Housing Choice Voucher or other tenant based rental assistance)?

☒ Yes

☐ No

Commercial

3l. Are there existing commercial buildings on the site: Yes ☐ No ☒ If so, how many?
 Are any of the units vacant? Yes No N/A

3m. Commercial square footage (*Indicate the square footage and jobs planned for the project*)

	Total square footage	New square footage	Retained square footage	New FTEs	Retained FTEs	Jobs with wages $\geq$ \$17/hour
Retail/commercial						
Industrial						
Office						
Other (Specify)						

3n. List and describe any businesses that will be located on the site. Identify any that are Small Business Enterprises (SBE), Women Business Enterprises (WBE), Minority Business Enterprises (MBE) or Veteran owned.

4. Project Costs

4a. Current taxable market value of the site: \$770,000

4b. Anticipated taxable market value after redevelopment: \$12M

4c. Development costs

Acquisition cost: n/a

Total development cost: \$23M

4d. Proposed cost of activities/use of CGPI funds

Activity	Total Cost	CGPI Request
Acquisition		
Utilities		
Sidewalks/Trails		
Lighting		
Site Work	\$340,000	\$100,000
Demolition		
Landscaping		
Roadways		
Stormwater		
Streetscaping		
Soil Remediation		
Environmental cleanup		
Parking		
Other		
Other		

5. Narrative

5a. Describe how this project fits into the city's goals and the Redevelopment Plan, its public purpose, any extraordinary costs, and the community's need for the project. Describe other projects completed/underway as part of the Redevelopment Plan or in the area and how this project may catalyze additional (re)development.

The CDA purchased two parcels in 2010. The CDA just opened Trail's Edge South in November 2022. This is a 60-unit general occupancy low-income housing tax credit project and the first phase. The CDA is now working to fund the senior building on the adjacent parcel. As part of the City's 20040 Comprehensive Plan, the city outlines the need for Life-cycle housing, which includes senior housing. The plan outlines that senior housing "may impact access to healthcare, transportation and long-established social networks." Additionally, "a community with quality affordable housing helps to ensure the stability of both neighborhoods and communities that greatly benefit its residents and businesses.

5b. Provide a brief history of the site including previous uses, slum or blight, activities, contamination and other attempts at redevelopment.

This site was previously vacant. The CDA has owned this site since 2010 and has been trying to develop it since that time.

5c. How does your project create a more livable community? Include information about the mix of uses, proximity to transit, reduced/shared parking, resiliency, walkable neighborhoods, green space, increased density, benefits to businesses/organizations, and community building elements.

The site is part of a previously approved PUD that allowed for a wide variety and types of housing and includes multi-family housing. The adjacent parcels also are zoned and developed as multi-family housing communities. The site is being developed to connect to adjacent and planned retail and high density residential uses, both existing and planned. Coordination between the City and County of sidewalks/trails to connect to city parks and County regional trail, shared uses of adjacent properties for transit and parking. Current placement of the parking and building will allow for use of existing drainage and slope, better vistas/views of the building, provisions for transit shelter/bus pickup, future development of the lot to the northeast for high density residential shared parking/access. The density will support the existing retail and make the future paths more appealing to future businesses moving into the area based on the location and walkability. The proposed Boulevard that will act as an entrance to the building is designed for connectivity to Phase II and shows a commitment to future growth and expansion.

5d. Describe any contamination on the project site or in the redevelopment plan area. Was a Response Action Plan developed? Will the project be cleaning up any contaminated soil, hazardous waste or other elements? If so, describe the type of clean up.

A Phase I has been completed and there is no contamination.

5e. Describe how the project is maximizing the potential of the site.

The site is zoned by the City for high density residential use which would allow the CDA to develop the site to the maximum density. The site lends itself well to allow for shared access for the adjacent site. Trail's Edge South, a 60-unit general occupancy low-income housing tax credit project, just opened in November 2022. The parcel was part of a master planning process that considered full build out of the area in the plan. This forward-looking process allowed for upgraded infrastructure related to streets, and sewer and water capacity to be constructed for capacity when fully built rather than for just the first phase of development.

5f. Will any existing residents, tenants or businesses be temporarily or permanently relocated as a part of this project? If so, please describe how relocation will occur.

N/A

5g. Describe the biggest challenges or extraordinary costs facing your project and explain why the project is not feasible without CGPI funds. Please include any challenges not previously described such as status of site control, financing, rents and returns, tenants/leasing and other items pertinent to a successful project.

The cost of new construction continues to rise. The CDA has consistently had a gap on this project and has sought funding sources to fill that gap. While our market study may allow for higher rents, the CDA is committed to keeping our rents lower so they remain affordable. Not only would this funding help with the current gap, but we will utilize this funding as an opportunity to score points under MN Housing's criteria

Attachments

1. City Resolution (sample is attached and must contain all provisions listed)
2. Location map
3. Site plan and elevations (if available)
4. Existing conditions photos
5. Redevelopment plan (if it is a redevelopment project)
6. Relocation plan (if applicable)

7. Copies of any funding commitments
8. Evidence of site control
9. Development pro forma that includes such things as sources and uses, financing assumptions of any debt, debt service coverage ratio, loan to value, loan to cost, percent equity and cash on cash return.

Sample Resolution

WHEREAS, the City of _____ has identified a proposed project within the city that meets the Carver County Community Development Agency (CDA) Community Growth Partnership Initiative Grant Program's purpose and criteria; and

WHEREAS, the City has established a Redevelopment Plan of which the proposed project is a component; and
OR WHEREAS, the City has identified a project that will create living wage jobs; and

WHEREAS, the City has the capacity and capability to ensure the proposed project will be completed and administered within the Community Growth Partnership Initiative predevelopment program guidelines; and

WHEREAS, the City has the legal authority to apply for financial assistance; and

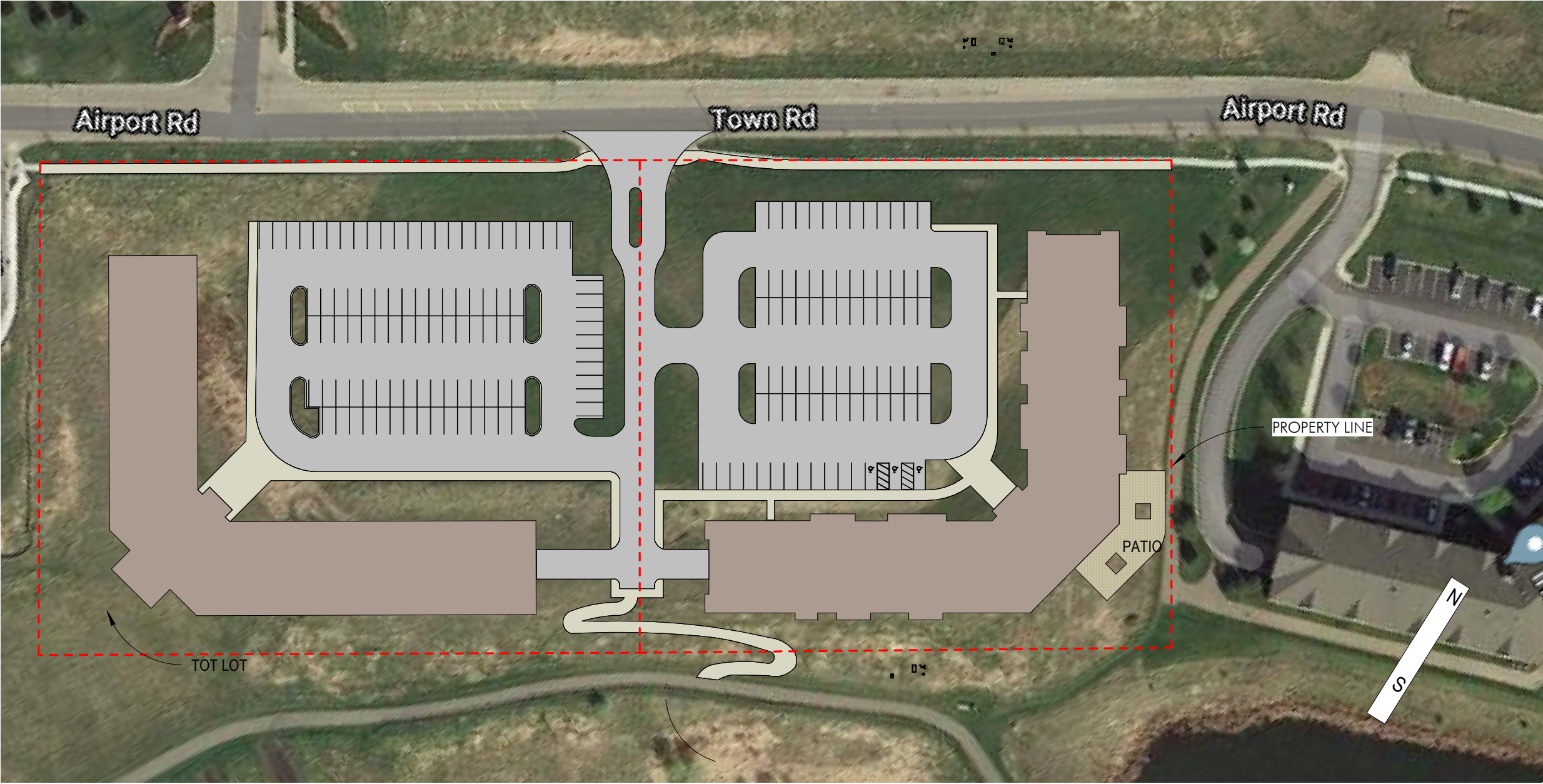
WHEREAS, the City is supportive of affordable housing and of the CDA's mission to improve the lives of Carver County residents through affordable housing and community development.

NOW THEREFORE BE IT RESOLVED that the City of _____ approves the application for funding from the Carver County CDA Community Growth Partnership Initiative Grant program.

BE IT FURTHER RESOLVED that if the application is approved by the Carver County CDA, _____, the _____, is hereby authorized to execute such agreements as are necessary to receive and use the funding for the proposed project.



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



① SD Site Plan
1" = 80'-0"

UNIT MIX PER FLOOR

Name	Count
Level 1	
Unit 0-1	3
Unit 1-0	9
Unit 1-1	1
Unit 2-0	5
Unit 3-2	4

22

Level 2	
Unit 0-1	3
Unit 1-0	9
Unit 1-1	2
Unit 2-0	6
Unit 3-0	1
Unit 3-1	2
Unit 3-2	4

27

Level 3	
Unit 0-1	3
Unit 1-0	9
Unit 1-1	2
Unit 2-0	6
Unit 3-0	1
Unit 3-1	2
Unit 3-2	4

27

Grand total 76

GROSS AREA - TOTAL

Level	Area
Level 3	27,251 ft²
Level 2	24,941 ft²
Level 1	27,391 ft²
Level -1	27,656 ft²
Grand total	107,238 ft²

PARKING

Level	Type	Count
Level -1		72
Level 1		176

248

Seniors Parking
Garage stalls = 72
Surface stalls = 176 - 96 stallls (workface surface parking) = 80 total Senior surface stalls
Total Senior stalls = 152 stalls

Parking ratio = 152 stalls / 76 units = 2.0 stalls/unit

UNIT MIX - GROSS AREA

Name	Count	Unit Gross Area	Total Area	%
		Main Floor		
1BR				
Unit 1-0	27		19,313 ft²	36%
Unit 1-1	5	775 ft²	3,874 ft²	7%
	32		23,187 ft²	42%

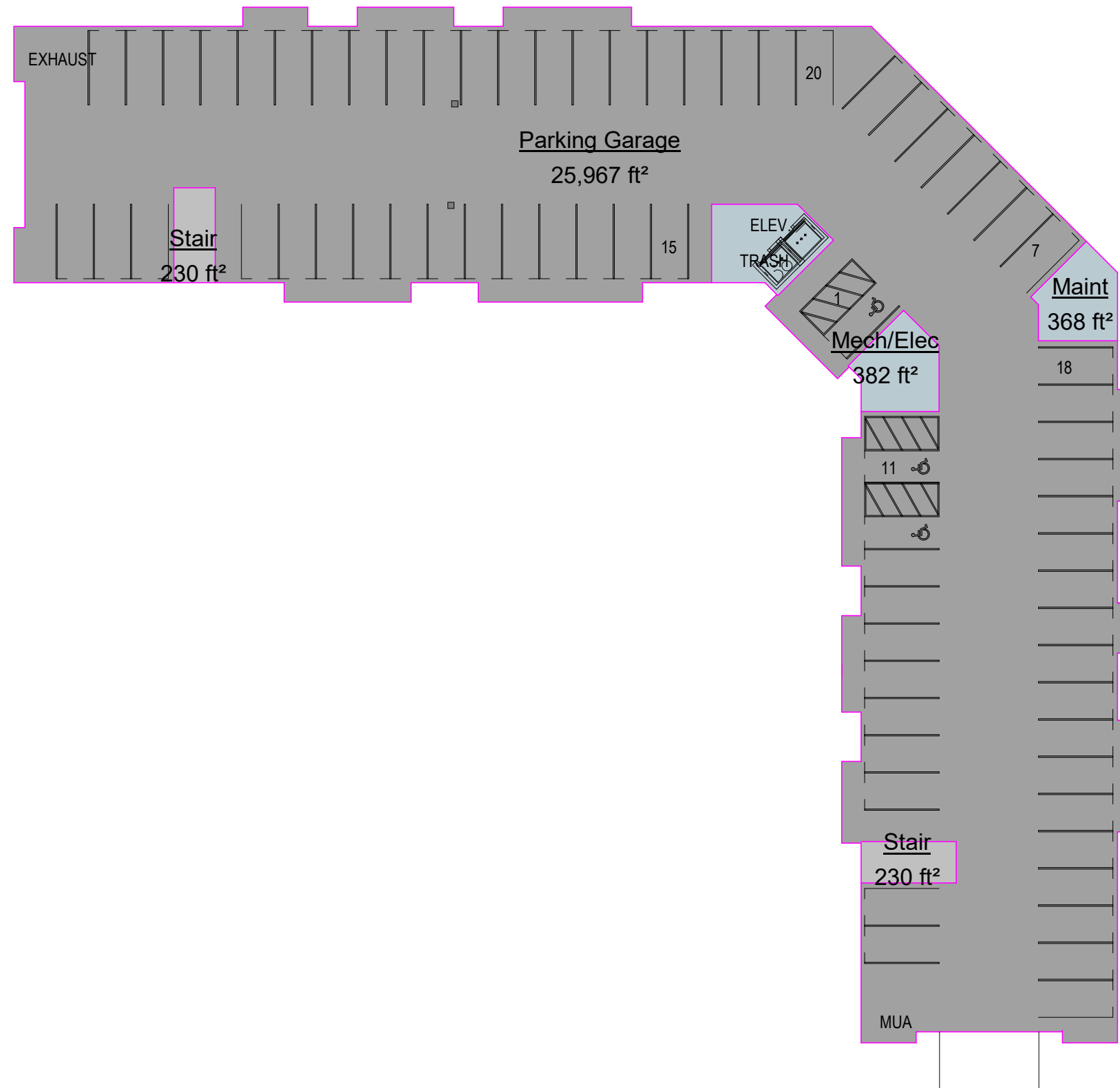
1BR + D				
Unit 2-0	17		16,212 ft²	22%
	17		16,212 ft²	22%

2BR/2BA				
Unit 3-0	2	939 ft²	1,878 ft²	3%
Unit 3-1	4	1,158 ft²	4,633 ft²	5%
Unit 3-2	12	1,074 ft²	12,886 ft²	16%
	18		19,397 ft²	24%

Studio				
Unit 0-1	9	609 ft²	5,477 ft²	12%
	9		5,477 ft²	12%
Grand total	76		64,272 ft²	100%

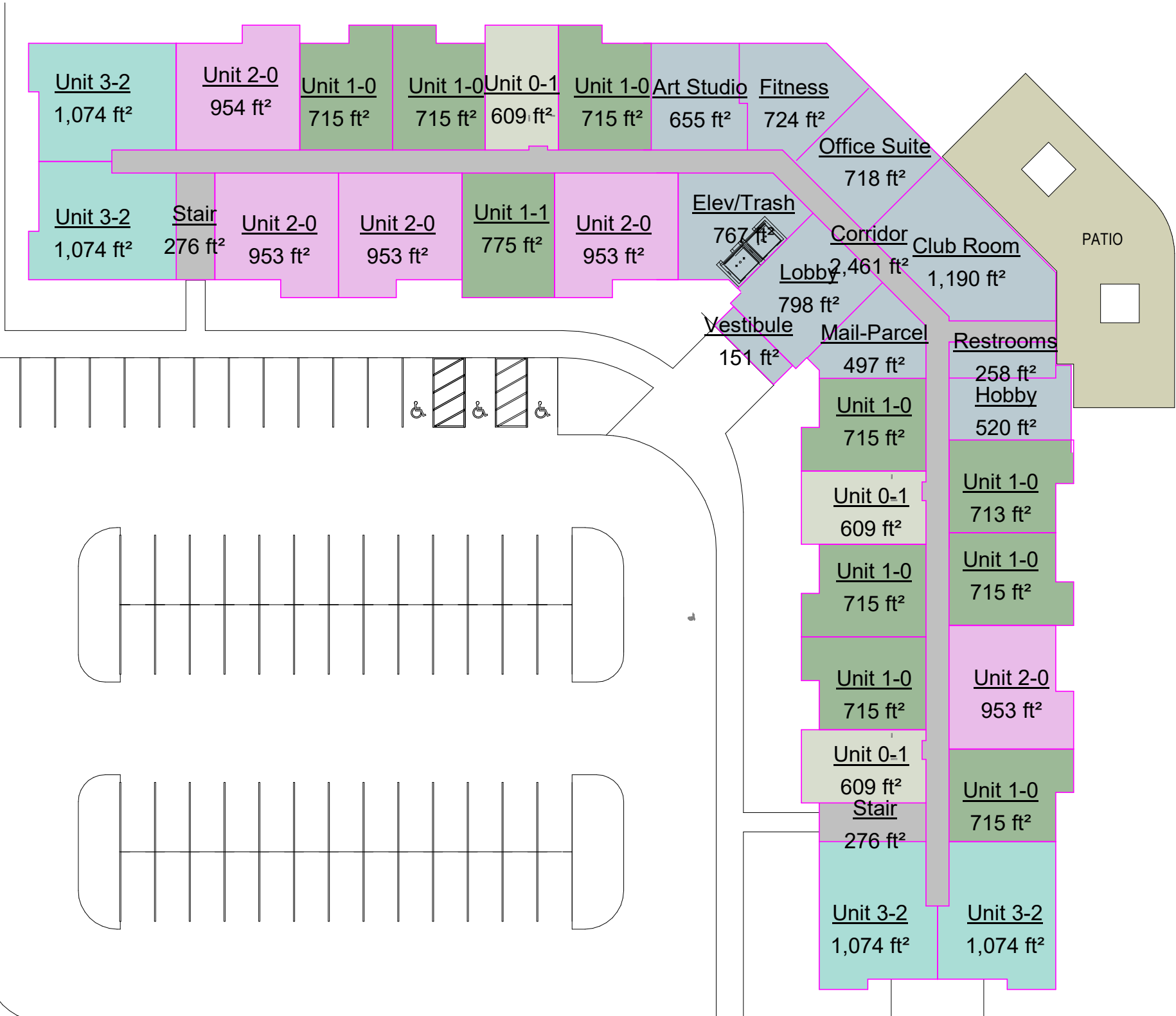
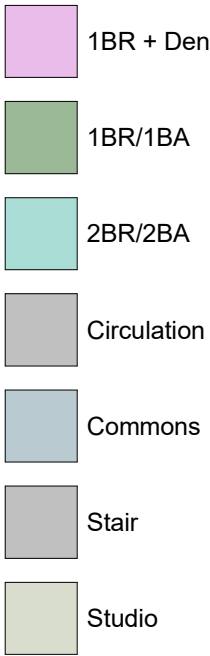
Schema 1 Legend

-  Circulation
-  Commons
-  Garage



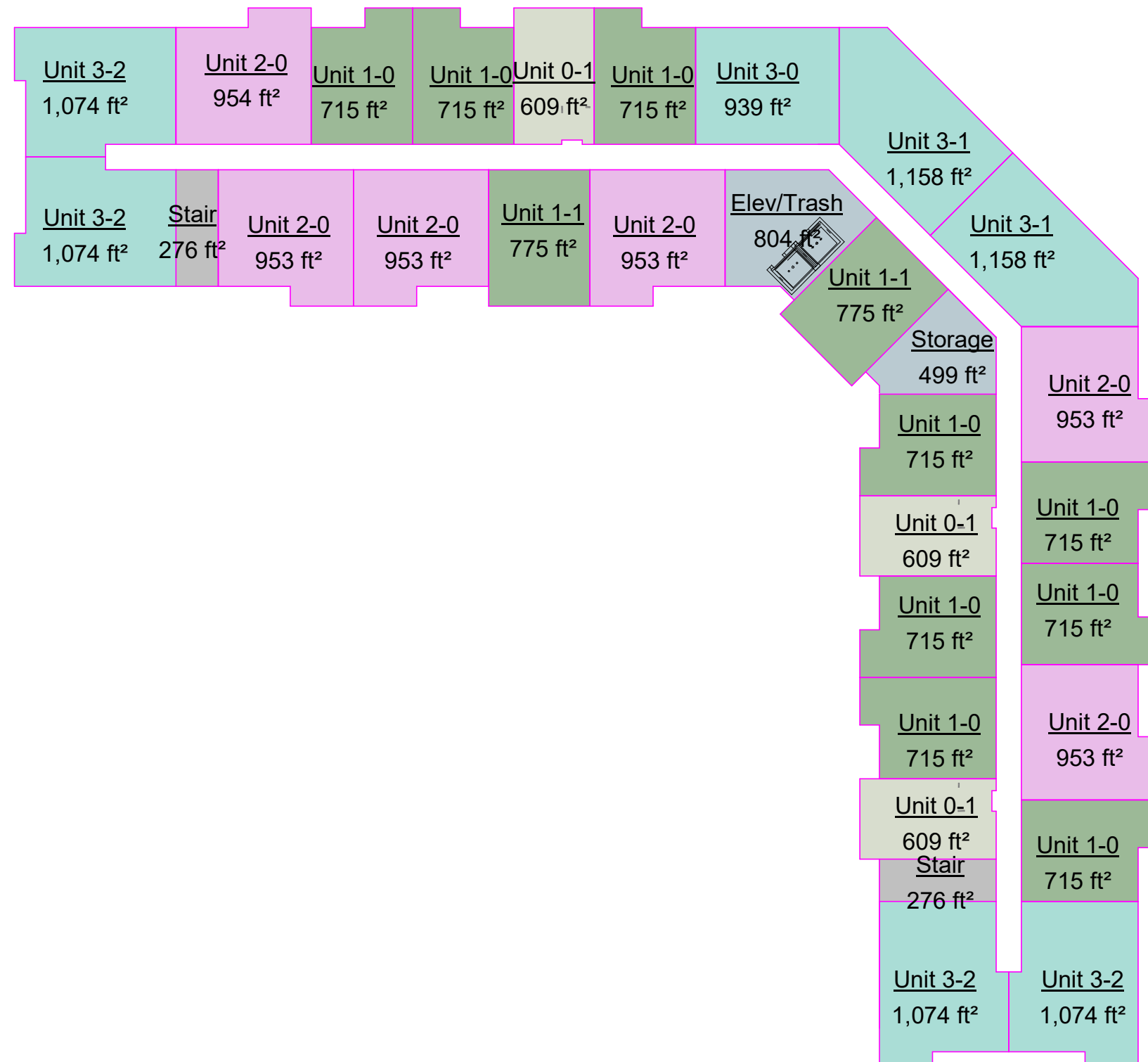
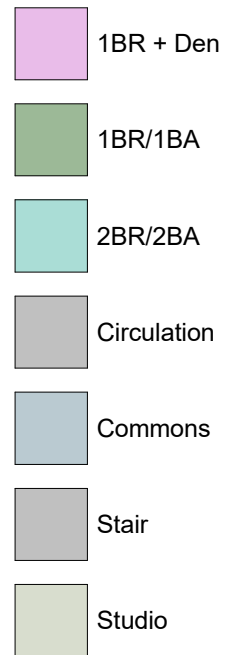
① Level -1
1/32" = 1'-0"

Schema 1 Legend



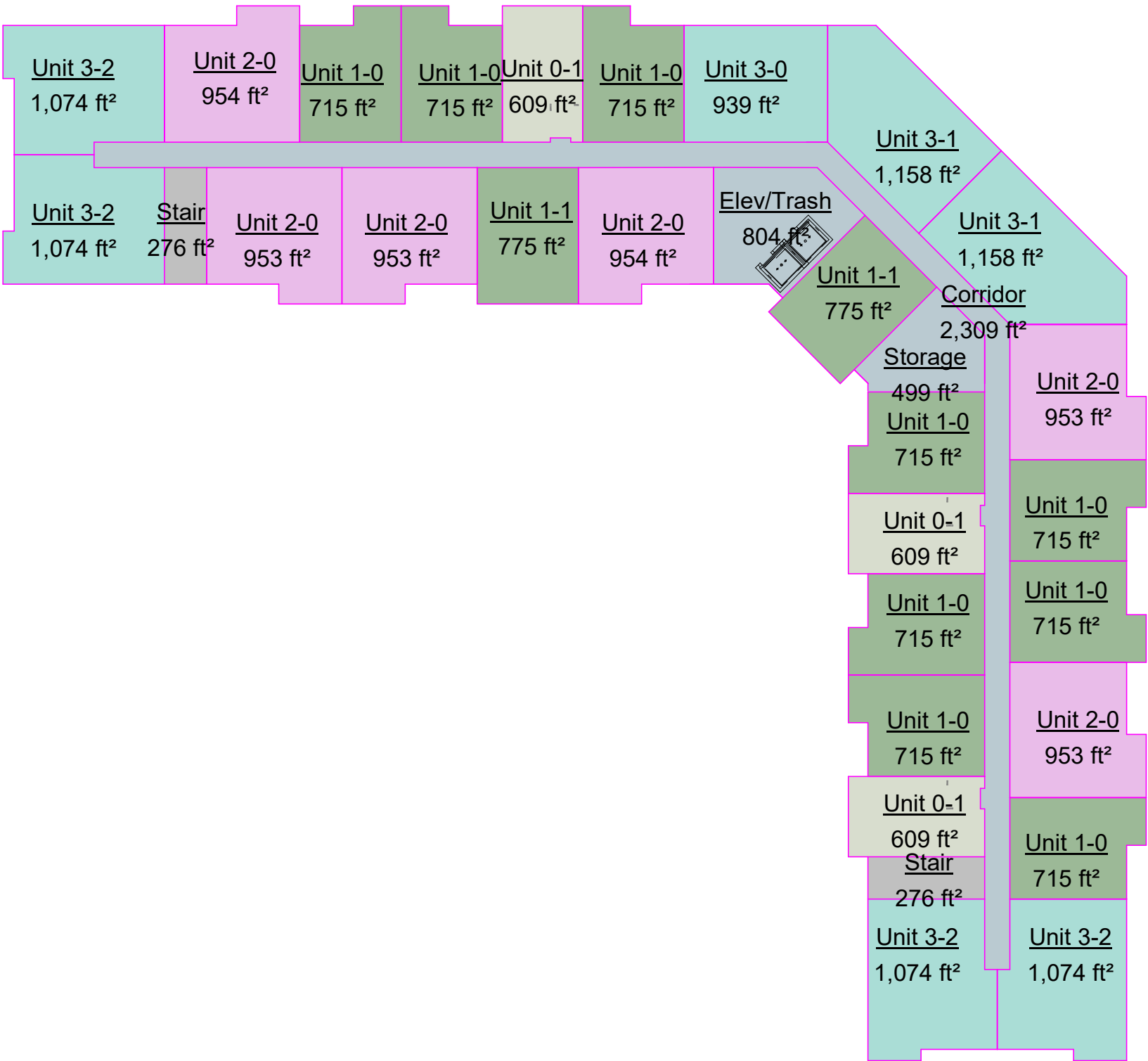
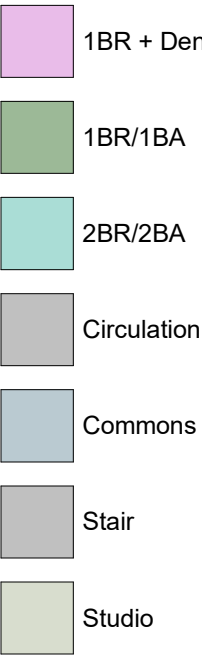
① Level 1
1/32" = 1'-0"

Schema 1 Legend



① Level 2
1/32" = 1'-0"

Schema 1 Legend



① Level 3
1/32" = 1'-0"

75-3150010
75-3150011
PID# 75-3140030
No delinquent taxes and transfer entered: Certificate of
Real Estate Value (X) Filed () Not Required
CRV # 078268
11-2, 20 10
Laurie Engeln Carver County Auditor
By [Signature] Deputy

Document No.
A 528125

OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA

Fee: \$46.00 Receipt#: RA 2010000096

Certified Recorded on 11/2/2010 at 03:17 ☐ AM ☒ PM



Mark Lundgren
County Recorder

(Top 3 inches Reserved for Recording Data)

LIMITED WARRANTY DEED
Business Entity to Business Entity

Minnesota Uniform Conveyancing Blanks
Form 10.2.9 (2006)

DEED TAX DUE: \$ 2,343.00

DATE: November 1
October, 2010
(month/day/year)

FOR VALUABLE CONSIDERATION, Lakeland Construction Finance, LLC, a limited liability company under the laws of Minnesota, ("Grantor"), hereby conveys and quitclaims to Carver County Community Development Agency, a public body corporate and politic under the laws of Minnesota, ("Grantee"), real property in Carver County, Minnesota, legally described as follows:

Lot 1, Block 1, Interlaken 4th Addition, Carver County, Minnesota; and
Lot 2, Block 2, Interlaken 3rd Addition, Carver County, Minnesota

Deed Tax of \$ 2,343.00
paid on 11-2-10 (Date)
Conservation Fee Paid
Carver County Auditor

Check here if part or all of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances.

This Deed conveys after-acquired title. Grantor warrants that Grantor has not done or suffered anything to encumber the property, EXCEPT:

None.

Check applicable box:

- ☐ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document.
- ☒ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

Lakeland Construction Finance, LLC

By: [Signature]

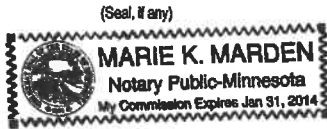
Richard Lerew

Its: Vice President

507 142664 HB
Stewart Title of Minnesota, Inc.
1700 West 82nd Street, Suite 100
Bloomington, Minnesota 55431

State of Minnesota, County of DAKOTA

This instrument was acknowledged before me on ^{November 1}~~October~~ , 2010 by Richard Lerew as Vice President of Lakeland Construction Finance, LLC, a Minnesota limited liability company, on behalf of said limited liability company.



Marie K. Marden
 (signature of notarial officer)
 Title (and Rank): Notary Public
 My commission expires: Jan 31, 2014
 (month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
 (insert name and address)

Leonard, Street and Deinard P.A. (BLP/ELM)
 150 South Fifth Street, Suite 2300
 Minneapolis, MN 55402

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS
 INSTRUMENT SHOULD BE SENT TO:

(insert name and address of Grantee to whom tax statements should be sent)

Carver County CDA
 Chief Financial Officer
 705 N. Walnut Street
 Chaska, MN 55318

Connection

Newsfeed

OneDrive

Sites

Nick Koktavý ▾



Close

CDA Grant Agreement Trails Edge, Carver, Rehab

Contract #	22-153	Contract Start Date	
External Parties	CARVER COUNTY CDA	Contract End Date	11/30/2026
Carver County Vendor #		Previous Related Contract #	
Originator	☐ Nick Koktavý	Contract State	Original
Division/Department	Public Services		
Type of Contract	Grant		
Type of Contract Explanation			
Fiscal Amount	\$5,000,000.00	Fiscal Terms	
Certificate of Insurance Required	No		
Quotes and Bids Obtained	No		
Approval Authority	Division, County Administrator, County Board		
RBA Number			

Sub-recipient grant agreement with the Carver County CDA for seed money on Trail's Edge Senior, Carver Oaks Senior and Carver Place. In addition, rehab work on Watertown/Mayer Rural Development Properties and Bluff Creek. Presented to the County Board on November 16, 2021.

Submit In Process

Submitter ☐ Nick Koktavý

Submit Date 4/21/2022

Attorney Approved

Attorney Approval Date 4/25/2022

Attorney Approver ☐ Patrick Conness

Risk Approved

Risk Approval Date 4/21/2022

Risk Approver ☐ Sonja Wolter

Division Approved

Division Approver ☐ Nick Koktavý

Division Approval Date 6/14/2022

Grant Agreement

Carver County Community Development Agency Equity-Focused Housing Projects

Carver County 600 East 4 th Street Chaska, MN 55318 DUNS #:003265407	Grant Program: Coronavirus State and Local Fiscal Recovery Funds Pass-through Entity: US Treasury Grant Agreement: Carver County Community Development Agency Equity-Focused Housing Projects.
Grantee: Carver County Community Development Agency 705 North Walnut Street Chaska, MN 55318 DUNS #:963493783	Grant Agreement Terms: Effective Date: 3/3/2021 Expiration Date: 11/30/2026.
Grantee's Authorized Representative: Julie Frick (952)448-7715	Grant Agreement Amount: Original Agreement: \$5,000,000.00 Matching Requirement: 0.00
County Authorized Representative: David Hemze (952)361-1526	Federal Funding: CFDA 21.027 FAIN: None Provided

THIS AGREEMENT, is made and entered into as of the 14 day of June, 2022, between the County of Carver (herein called "County") and the Carver County Community Development Agency (herein called "CDA").

RECITALS

WHEREAS, on March 11, 2021, the President of the United States signed into law the American Rescue Plan Act (ARPA) to provide additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses;

WHEREAS, under ARPA, federal fiscal recovery aid was made available for state and local governments through Coronavirus State and Local Fiscal Recover Funds (SLFRF);

WHEREAS, the County received SLFRF funds;

WHEREAS, on May 10, 2021, the Department of Treasury adopted the Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act;

WHEREAS, the interim final rules allow for building stronger communities through investments in housing where the pandemic resulted in disproportionate public health or economic outcomes to specific populations;

WHEREAS, on October 21, 2021 the CDA Board heard presentations on ARPA affordable housing projects and approved moving forward including executing agreements with the County on projects;

WHEREAS, on November 16, 2021 the CDA made a presentation to the County Board on ARPA affordable housing projects and the County Board approved moving forward including executing agreements with the County on projects;

WHEREAS, on January 6, 2022 the Department of Treasury issued Final Rule for State and Local Fiscal Recovery Funds Program to support the ongoing COVID response and enables local governments to meet immediate pandemic response needs and promote long-term recovery; and

WHEREAS, the County would like to distribute ARPA funds to the CDA through a sub-recipient grant relationship to provide affordable housing development to increase supply of affordable and high-quality living units within Carver County.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereafter contained, the parties agree as follows:

- 1) The Parties agree with all of the recitals set forth above, and agree to make each of the said recital part of this agreement.
- 2) The County agrees to distribute up to \$5,000,000.00 in ARPA funds to the CDA for the following projects:
 - a. Seed money towards:
 - i. Trail's Edge Senior: up to \$1,000,000 provided towards construction of a 76-unit affordable 55+ housing building including units for public housing. The project is located at 905 Airport Rd, in Waconia.
 - ii. Carver Oaks Senior: up to \$1,000,000 provided towards construction of a 43-unit affordable 55+ housing building including units for public housing. The project is located at 1591 Hartwell Drive in Carver.
 - iii. Carver Place: up to \$1,000,000 provided towards construction of 60 units of general occupancy affordable housing building including units for high priority homeless, people with disabilities and project-based voucher units. Project is located at 1591 Hartwell Drive in Carver.
 - b. Rehab work on:
 - i. Watertown/Mayer Rural Development Properties: up to \$1,800,000 towards rehabbing the rural development properties which serve households at or below 80% AMI. The three properties include 42 units.
 - ii. Bluff Creek: up to \$200,000 towards rehabbing the Bluff Creek property in Carver. This is an 18-unit property serving households at or below 80% AMI.
- 3) The CDA and their auditor will provide documentation and statistics to the County detailing how the projects identified in item 2 above meet the eligibility for ARPA funding. Furthermore, the documentation must identify how these projects will support populations disproportionately impacted by the pandemic. This document must be received and approved by the County's Property and Finance Director prior to distribution of funds.

- 4) The scopes of the projects and funding must match what was presented to the County Board on November 16, 2021. Any changes to the scope or funding must be approved by the County Board.
- 5) Funds for Trail's Edge Senior, Carver Oaks Senior, and Carver Place will be provided to the CDA once each project is fully funded, and a presentation on the project is made to the County Board.
- 6) Funds for the rehab work on the Watertown/Mayer Rural Development Properties and Bluff Creek will be provided after the work is complete and the CDA provides a written summary including the work completed and pictures of the improvements.
- 7) If the County determines that projects may not meet the ARPA deadlines or requirements, if the County determines that funds or projects are being mismanaged, or if the County determines that the projects are not being managed within the parameters presented to the County Board, the County reserves the right to obtain any unspent funds and stop the County's participation in the project.
- 8) Any remaining funds must be returned to the County once the project is complete. All County ARPA funds must be obligated by November 30th, 2024 and spent before November 30th, 2026. Any funds not spent by November 30th, 2026, must be returned to the County.
- 9) The CDA shall keep detailed records of the projects and funds and provide written report at least every 60 days updating the County on the progress. These written updates will be reviewed by the County Commissioners, County Administrator, Assistant County Administrator, and Property and Finance Director.
- 10) Pursuant to Minn. Stat. §16C.05, subd. 5, the CDA agrees that the County, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, et., which are pertinent to the accounting practices and procedures of the CDA and involve transactions relating to this Agreement. CDA agrees to maintain these records for a period of six years from the date of termination of this Agreement.
- 11) During the performance of this Agreement, the CDA and any of their contractors or sub-contractors agree to the following: No person shall, on the grounds of race, color, religion, age, sex, sexual orientation, disability, marital status, public assistance status, criminal record, creed or national origin be excluded from full employment rights in, participation in, be denied the benefits of or be otherwise subjected to discrimination under any and all applicable Federal and State laws against discrimination.
- 12) This Agreement shall be governed by and shall be construed in accordance with the laws of the State of Minnesota.
- 13) The Parties agree that the Carver County District Court shall have jurisdiction to enforce this Agreement.
- 14) This Agreement constitutes the entire agreement between the Parties, and neither the CDA nor the County is relying on any statements or promises by or on behalf of the other party, other than those statements or promises expressly stated in this Agreement.
- 15) The terms of this Agreement shall constitute a binding contract.
- 16) Each party shall bear its own costs, expenses, fees and disbursements occurred in enforcing this Agreement.

17) All CDA employees responsible for compliance shall obtain appropriate training in current grant administrative and compliance requirements.

18) Annual Audit.

a. Compliance with Single Audit Act. The CDA understands that these funds are subject to the requirements under the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart B-F..

b. Audit Disallowance. The CDA shall be liable for the entire amount for the audit adjustment attributed directly to the CDA's distribution.

19) No modification to this Agreement shall be valid or binding unless contained in a written instrument that is signed by each of the Parties.

20) This Agreement shall become effective upon execution by the CDA and by the County and the delivery of the fully signed Agreement to the CDA and to the County.

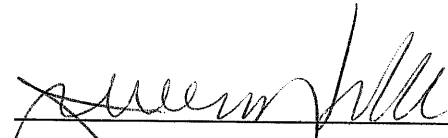
21) Each party shall be liable for its own acts to the extent provided by law and hereby agrees to indemnify, hold harmless and defend the other, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the other, its officers and employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the party, its agents, servants or employees, in the execution or performance or failure to adequately perform its obligations pursuant to this Agreement. It is understood and agreed that the County's liability shall be limited by the provisions of Minn.Stat.Chap.466 and/or other applicable law.

22) The persons signing this Agreement in their representative capacities represent and warrant that by signing this Agreement: It is their intent to bind their respective principals to the terms and conditions set forth herein; The persons signing in their representative capacity have been authorized to bind their respective principals to the terms stated herein; and It is the respective principals' intent to be bound.

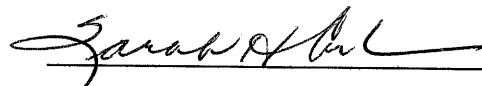
IN AGREEMENT, the undersigned have each executed and entered into this Agreement on the day and year set forth below.

CARVER COUNTY COMMUNITY DEVELOPMENT AGENCY:

Dated: _____, 2022

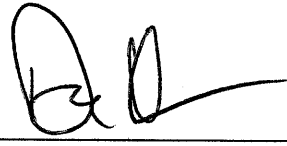

By: Julie Frick
Executive Director

Dated: _____, 2022


By: Sarah Carlson
CDA Board Chair

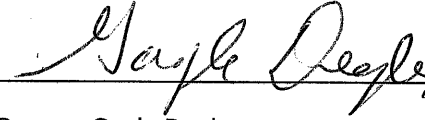
COUNTY OF CARVER:

Dated: 6-14, 2022



By: David Hemze
County Administrator

Dated: 6-14, 2022



By: Gayle Degler
County Board Chair



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Performance Measures and Report for 2022					
Originating Department:		Administration					
Presented by:		Jackie Schulze					
Previous Council Action (if any):		June 20, 2022 - Approve Performance Measures for 2021 (approve on an annual basis)					
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 2023-121, Approving Performance Measures and Report for Local Results and Innovation.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
In 2010, the State Legislature created the Council on Local Results and Innovation, which consisted of a variety of local elected and appointed officials. In 2011, the Council on Local Results released a standard set of ten performance measures for local governments that will aid residents, taxpayers, and state and local elected officials in determining the efficacy of local government in providing services, and measure residents' opinions of those services. Local units of government that choose to participate in the new standards measure program may be eligible for reimbursement in LGA, up to \$.14 per capita, up to \$25,000 and an exemption from levy limits, if levy limits are in effect. In reviewing the performance standards for cities, staff determined that many of the measures were again easy to gather data for Waconia. Much of this data is already being generated, such as law enforcement data and fire service response. The City stands to gain somewhere around \$2,000 in additional revenue through the implementation of this program. Attached is a copy of the measurement report showing data trends for the last several years. If the City wishes to continue its involvement for 2022, we need to adopt the measures, report on the measures, submit the report to the Office of the State Auditor, and provide a report to our residents. We will often publish this info in the newsletter and post to our website. Attachments: 1. Re23121res_Performance_Measures_OSA.docx 2. Annual Performance Measures Data 22.pdf							
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. 2023-121**

**RESOLUTION ADOPTING PERFORMANCE MEASURES
AND AUTHORIZING REPORTING**

WHEREAS, benefits to the City of Waconia for participation in the Minnesota Council on Local Results and Innovation's comprehensive performance measurement program are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, any city/county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, the City Council of Waconia has adopted and implemented at least 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

NOW THEREFORE LET IT BE RESOLVED THAT, the City of Waconia will continue to report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing, posting on the city's/county's website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

BE IT FURTHER RESOLVED, the City Council of Waconia will submit to the Office of the State Auditor the actual results of the performance measures adopted by the city.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

Annual Performance Measures Review

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
General												
Percent change in the taxable property value	-6.40%	-7.83%	-9.65%	6.83%	13.01%	7.53%	2.69%	7.45%	6.7%	12.6%	3.42%	4.70%
Number of Library Visits per 1,000 population	n/a	n/a	n/a	9,322	8,340	7,727	7,447	7,223	8260	1547	2964	3438
Bond Rating AA AA	AA	AA	AA	AA	AA+	AA+	AA+	AA+	AA+	AA+	AA+	AA+
Streets												
Average city street pavement condition rating	62	62	73.00	70.71	61.40	61.40	61.82	60.34	59.64	59.19	57.23	57.5
Average hours to complete road system during snow event	n/a	n/a	2,579	1,651	849	849	835.5	2,304.0	2264	535.25	532.23	TBD - awaiting data
Police Services*												
A Offenses	204	113	105	78	128	223	264	257	247	298	346	303
B Offenses	304	283	198	210	290	146	103	105	86	86	63	84
Non-Criminal Activity						2778	2775	2814	2713	2759	2892	3014
Traffic						2798	3135	2946	2627	2261	2281	2576
Total Crimes per 1,000 population	46.73	36.43	26.20	24.35	34.59	29.52	29.19	28.40	26.02	29.45	29.55	26.81
Fire & EMS Services												
Insurance industry rating of fire services	4	4	4	4	4	4	4	4	3	3	3	3
Average fire response time (minutes)**	1	1	1	2	1	2	**	2.43	2.10	2.48	1.43	2.63
Average fire arrival time (minutes)****										5.33	6.30	5.95
Fire calls per 1,000 population	31.0	31.6	30.4	31.7	30.6	29.6	31.8	40.1	56.6	40.3	46.0	66.3
Total Fire Calls	337	344	352	375	370	370	400	511	724	526	636	957
Water												
Operating costs per 1,000,000 Gallons of water pumped/produced	\$4,748	\$4,748	\$3,917	\$4,362	\$6,156	\$6,580	\$6,126	\$5,176	\$5,926	\$5,692	\$4,575	\$5,234
Total Population	10,621	10,873	11,563	11,827	12,085	12,500	12,571	12,745	12,797	13,038	13,841	14,433
per 1,000	10.87	10.87	11.56	11.83	12.09	12.50	12.57	12.75	12.80	13.04	13.84	14.43
per 100	108.73	108.73	115.63	118.27	120.85	125.00	125.71	127.45	127.97	130.38	138.41	144.33

*Sheriff's Office Updated their Reporting System in 2016. Numbers reported in 2016 were updated following the Sheriff's Year End Audit and update.

**No Data is Available for 2017, New Fire Chief is working on new data collection system.

***Corrected data from 2018 and 2019 which were reported as total number of calls by the department and not Waconia only

****time it takes to get on scene - only started reporting in 2020



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Authorize Hire for Park Maintenance Worker & Authorize Recruitment for Vacancy					
Originating Department:		Administration					
Presented by:		Jackie Schulze					
Previous Council Action (if any):		April 17, 2023: Authorization of Recruitment for Park Maintenance Worker					
Item Type (X only one):	Consent	☐	Regular Session	☐	Discussion Session	☒	X
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution 2023-122, Authorizing Hire of Park Maintenance Worker and Motion to Authorize Recruitment for Vacancy							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
On April 27, 2023, the City Council authorized the recruitment for a Park Maintenance Worker. Upon posting for this position, we received notification from Jesse Michel, Street Maintenance Worker, that he would like to transfer to the Park Maintenance Worker position. Jesse feels this position makes better use of his skill set, having eight years landscaping experience prior to starting at the City of Waconia in his Street Maintenance Worker role. Jesse's transfer will be considered a lateral transfer. Because it creates a vacancy in the Street Maintenance role, we would begin recruitment for that position right away. The transfer would be effective upon the hire and start date of a new Street Maintenance Employee.							
<u>Attachments:</u>							
1. 23122res_Appointment_of_Park_Maintenance_Worker.docx							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:				Personnel Committee: Recommend			
Budget Information: ☐ Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission		☐	
				Parks and Recreation Board		☐	
				Safari Island Advisory Board		☐	
				Other		☐	

**CITY OF WACONIA
RESOLUTION NO. 2023 - 122**

**RESOLUTION AUTHORIZING
INTERNAL TRANSFER TO
PARK MAINTENANCE POSITION**

WHEREAS, on April 17, 2023, the City Council authorized the recruitment for the vacant Park Maintenance Worker position; and

WHEREAS, we received internal interest from a current Public Services employee to transfer to that position; and

WHEREAS, staff recommend the appointment and internal transfer of Jesse Michel to this position;

WHEREAS, Jesse's transfer will be effective upon the hiring of his replacement in the Street Maintenance division; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia authorizes the internal transfer of Jesse Michel to the Park Maintenance Worker position.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Approval and Award of 2023 Downtown Lighting Improvement Costs					
Originating Department:		Public Services					
Presented by:		Craig Eldred					
Previous Council Action (if any):		April 17, 2023; Award of Construction Contract to GMH Asphalt, Corporation and Staff Acquisition of Project Related Material Items					
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 2023-123, Approval of Lighting Improvements To Choice Electric In The Amount Of \$487,452.00 For 2023 Downtown Improvement Project, CIP Project 128							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
As noted in the Previous Council Action line; GMH Asphalt was awarded the 2023 Downtown Improvement Project and City Staff were allocated funds for Lighting elements, Way Finding associated with delivering the entire Improvement Project. The lone outstanding item was the street lighting material and installation components for the Downtown. Staff advertised and received one bid for the material and installations components for the Downtown Lighting Improvements. We did receive on outside correspondence without further follow-up to email correspondence. Waconia has continuously worked with Architectural Lighting & Design by EMS Services on specifications of the lighting fixtures. Bidder's were directed as noted on the Bid Forms to connect with ALD by EMS for Pricing of the specified Cyclone products. Council may recall we are adding flower basket hangers to the design to soften the visual aspects and enhance greenery in the Downtown. Cumulatively the Fixture Costs are \$228,342.00 for Six A-3 Style and 20 A Style light fixtures. A-3 Fixtures are a little more expensive due to the logo feature in the upper hoop arm above the light. Installations and Materials Supplied by Choice Electric amounts to \$259,210.00. Included are banner pole installations supplied by the City and approved for acquisition in the previous City Council Meeting on April 17th. Timing of this approval is important as most materials are out several weeks. Last information collected was 10 to 12 Weeks. Upon approval these fixtures will be ordered for delivery to the City of Waconia and installation by Choice Electric upon arrival. Anchors and Concrete Bases will be installed as construction allows in advance of fixture installations as we have completed in the past. Staff recommends approval of this request allowing for award of the lighting materials and installations to Choice Electric.							
<u>Attachments:</u>							
1. 23123res_Downtown_Lighting_CIP_Project_128.doc 2. Fixture Bid Sheet CIP Project 128.pdf 3. Installation Bid Sheet CIP Project 128.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Bond							
Budget Information:				Planning Commission			

☒ Budgeted	Parks and Recreation Board	
☐ Non Budgeted	Safari Island Advisory Board	
☐ Amendment Required	Other	

**CITY OF WACONIA
RESOLUTION NO. 2023-123**

**RESOLUTION AUTHORIZING APPROVAL OF LIGHTING IMPROVEMENTS TO
CHOICE ELECTRIC IN THE AMOUNT OF \$487,452.00 FOR 2023 DOWNTOWN
IMPROVEMENT PROJECT, CIP PROJECT 128**

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

WHEREAS, upon advertisement and request of pricing of lighting fixtures and installations we received one bid as requested; and

WHEREAS, Choice Electric provided the following as programmed; and

Lighting Fixtures	
Cyclone Style A-3; 6 Units	\$55,362.00
Cyclone Style A; 20 Units	\$172,980.00
Final Fixture Cost	\$228,342.00
Street Light and Banner Pole Installations	
Part I Materials	\$82,350.00
Part II Wire Requirements & Installation	\$176,760.00
Final Part I & Part II	\$259,110.00
Total Combined	\$487,452.00

WHEREAS, Choice Electric has completed numerous lighting projects for the City of Waconia and is reputable in supporting work completed.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes approval of lighting improvements to Choice Electric in the amount of \$487,452.00 for 2023 Downtown Improvement Project, CIP Project 128.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk

2023 Waconia Improvement Project Street Lighting Fixture Bid Sheet

All lighting fixtures must be Cyclone Lighting with components as pre-approved by the City of Waconia through Architectural Lighting Designs by EMS Services. Attached with the Bid Sheet are the Design Cyclone Product Sheets for Fixtures known as Style A-3 and Style A

Contact for ALD by EMS Services:

Phil Gusick

Phone; 651-592-8160

Phil.gusick@emspartnersinc.com

Numbers of Fixtures were pre-determined through design and photo-metric layout with the following type fixtures:

Cyclone City Design Style A-3 Fixtures

Quantity; 6 units

Unit Bid Price: \$9,227⁰⁰

Total Cost: \$55,362⁰⁰

Cyclone City Design Style A Fixtures

Quantity; 20 units

Unit Bid Price: \$8,649⁰⁰

Total Cost: \$172,980⁰⁰

Final Fixture Cost All Cyclone Products

Final Cost: \$228,342⁰⁰

Bidder Signature: 

Date: 5/10/2023

The City has the Right to Reject Any or All Bids Received.

2023 Waconia Improvement Project Street Lighting and Banner Pole Installation Bid Sheet

All lighting fixtures will be Cyclone Products supplied by the low bidder of the 2023 Waconia improvement Project Street Lighting Fixture Bid. 26 Cyclone products and 6 ALD Banner Poles will be provided for installations base upon design with required materials as detailed below.

Part I: Material

Supplied By Bidder	Required Sona Tubes	Price/Unit
Cyclone Style A Lighting Fixture, 20 Units	2' Diameter by 8' Length	\$ <u>500⁰⁰</u>
Cyclone Style A-3 Lighting Fixture, 6 Units	2' Diameter by 8' Length	\$ <u>500⁰⁰</u>
*Cyclone Lighting Fixture will have Banner Arms, GFI Receptacle and Flower-Pot Hangers as components of each pole. (See Attachments)		
ALP Banner Poles 30' one GFI Fixture, (Installation Only) 4 Units	2' Diameter by 10' Length	\$ <u>500⁰⁰</u>
ALP Communication Poles, 60'; (Installation Only) 2 units	2.5' Diameter by 14' Length	\$ <u>3,000⁰⁰</u>
Requirements; Re-Rod for 2' Diameter Sona Tube Installations #5 Vertical Rods, (4) x #3 Rings Horizontal (6), One-Foot on Center 30 Units		\$ <u>1,395⁰⁰</u>
Requirements; Re-Rod for 2.5' Diameter Sona Tube Installations #7 Vertical Rods, (12) x #4 Rings Horizontal (6), One-Foot on Center 2 Units		\$ <u>9000⁰⁰</u>
Ground Rod 8' One Unit each Sona Tube 30 Units with clamp		\$ <u>50⁰⁰</u>
Installation of material 30 Units as Described above		<u>N/A</u>
Part I: Total Costs Materials and Installation Light Bases		\$ <u>82,350⁰⁰</u>

***Concrete must be 4,500 lb. Mix, Air Voids Must be Limited. City will establish exposed height based upon the light base and fixture installation.**



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023			
Item Name:		Façade Improvement Grant - Mocha Monkey			
Originating Department:		Administration			
Presented by:		Shane Fineran			
Previous Council Action (if any):					
Item Type (X only one):	Consent	☒ X	Regular Session		Discussion Session
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>					
Adopt Resolution 2023-128, Approving Façade Improvement Grant for 115 S Olive St					
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>					
Blue Rutile Inc. dba Mocha Monkey, 115 S Olive Street has submitted a Façade Improvement Grant application for eligible exterior building improvements to include window replacement and soffit painting. The total project expense is estimated at \$10,003.00. The Facade Improvement Grant program makes up to \$5,000 available in matching funds for eligible building improvements such as painting, window/door replacement, tuck pointing, etc. The applicant will be eligible for the full grant amount upon completion and proof of payment. Staff recommend approval of the grant award.					
Attachments:					
1. 23128res_Facade_Improvement_115_S_Olive.docx					
FINANCIAL IMPLICATIONS:			ADVISORY BOARD RECOMMENDATIONS:		
Funding Sources & Uses:					
Economic Development					
Budget Information:			Planning Commission		
☒ X Budgeted			Parks and Recreation Board		
☐ Non Budgeted			Safari Island Advisory Board		
☐ Amendment Required			Other		

CITY OF WACONIA

RESOLUTION 2023-128

**RESOLUTION APPROVING FAÇADE IMPROVEMENT GRANT
FOR 115 S OLIVE ST**

WHEREAS, the City has approved three economic development programs to support the downtown commercial core, commercial and industrial sectors, and small business start-ups; and

WHEREAS, the City has received a Façade improvement grant application from Blue Rutile Inc. dba Mocha Monkey; and

WHEREAS, proposed work exterior painting and window replacement; and

WHEREAS, the proposed work is consistent with the goals of the Façade Improvement Grant and Economic Development Programs; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia approves the \$5,000 grant for 115 S Olive St.

Adopted by the Waconia City Council this 5th day of June, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		New Firefighter Oath & Badge Pinning					
Originating Department:		Fire					
Presented by:		Justin Sorensen					
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>							
Public swearing in ceremony and badge pinning of firefighters hired in November of 2022.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Firefighters Aaron Jurek and Michael Eaton have completed their probationary firefighter period and have been assigned the position of Active Firefighter on the consent agenda of tonight's meeting. With them meeting the requirements of Active Firefighter, we would like to formally recognize their addition to our Fire Department with a formal swearing in and badge pinning. We request that Mayor Nicole Waldron swear the new firefighters in and allow their person(s) of choice to pin their badge and formally welcome them as active members to the department. Firefighter Tony Kuczek was also assigned to Active Status this evening, but was unable to make this meeting. He will be formally recognized at an upcoming meeting.							
<u>Attachments:</u>							
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			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		2022 Audited Annual Comprehensive Financial Report					
Originating Department:		Finance					
Presented by:		Nicole Meyer					
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 2023-124, Accepting Audited Annual Comprehensive Financial Report as of December 31, 2022							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
City staff and the auditing firm of Redpath and Company have concluded the audit fieldwork and have prepared the City of Waconia Annual Comprehensive Financial Report for the year ending December 31, 2022. Andy Hering from Redpath and Company will be providing a presentation of the final reports and audit results at the meeting. Due to the length of the financial statement, a copy of the Annual Comprehensive Financial Report will be provided to the City Council prior to the meeting under separate cover. The following reports provided by Redpath and Company will also be sent under separate cover for your review: Internal Control, Minnesota Legal Compliance, and Communication with Those Charged with Governance. These reports will show the City did not have any internal control or compliance findings in 2022. A copy of these final reports will also be available for review by the public at City Hall prior to the meeting. With the City Council's acceptance of the Comprehensive Annual Financial Report, staff will post a copy of the report on the City's website, forward a copy to the Office of the State Auditor and the Government Finance Officers Association for consideration for the Excellence in Financial Reporting Certificate. Attachments: 1. 23124res_2022_Audit.doc							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
General Fund - Finance							
Budget Information:				Planning Commission			
☒ Budgeted				Parks and Recreation Board			
☐ Non Budgeted				Safari Island Advisory Board			
☐ Amendment Required				Other			

CITY OF WACONIA

RESOLUTION NO. 2023-124

**RESOLUTION ACCEPTING AUDITED ANNUAL COMPREHENSIVE FINANCIAL
REPORT AS OF DECEMBER 31, 2022**

BE IT RESOLVED that the City Council of the City of Waconia hereby accepts the Annual Comprehensive Financial Report for the year ending December 31, 2022 as presented by the City's finance department and the City's auditing firm, Redpath and Company.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	May 15, 2023
Item Name:	Consider the Issuance and Sale of \$4,295,000 General Obligation Bonds, Series 2023A-2023 Infrastructure Improvement Project and Equipment Purchases
Originating Department:	Finance
Presented by:	Nicole Meyer
Previous Council Action (if any):	Resolution 2023-101: Resolution Providing for the Sale of \$5,085,000 General Obligation Bonds, Series 2023A – Approved April 17, 2023

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

Adopt Resolution 2023-125, Providing for the Issuance and Sale of \$4,295,000 General Obligation Bonds, Series 2023A, Pledging for the Security Thereof Net Revenues, Special Assessments, and Levying a Tax for the Payment Thereof

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

On April 17, 2023, the City Council approved resolution 2023-101 providing for the sale of \$5,085,000 in General Obligation Bonds, Series 2023A. The bonds are to be issued to finance the 2023 infrastructure improvement project and two dump trunk replacements (scheduled in the capital improvement plan for 2023 and 2024). The City budgeted to issue bonds for these improvements and equipment purchases. The attached resolution for approval is lower than the pre-sale bond resolution because the bids for the infrastructure project came in lower than anticipated in the feasibility study. Ehlers will provide a final resolution for approval at the meeting if the bond can be reduced further due to premium offered as part of the sale and with all the details of the sale. A listing of the funding sources for this project is attached as "Exhibit A."

With the Council's approval of the call for sale of the bonds, City staff and Ehlers took the next steps in the issuance process which included a due diligence and Standard & Poor's bond rating call. Standard and Poor's confirmed the City's bond rating of AA+ on May 10, 2023.

The bonds are being sold on May 15, 2023 - the day of the City Council meeting. Todd Hagen from Ehlers will attend the council meeting and make a presentation to the Council of the sale.

Attachments:

1. [23125res Waconia_2023A_Resolution_for_Council_Packets.docx](#)
2. [2023A Debt Issuance_Exhibit A.pdf](#)

FINANCIAL IMPLICATIONS:	ADVISORY BOARD RECOMMENDATIONS:	
Funding Sources & Uses:		
PIR Capital Project (103), Water Utility (601), Sewer Utility (602), and Storm Water Utility (655) Funds		
Budget Information:	Planning Commission	
☒ Budgeted	Parks and Recreation Board	
☐ Non Budgeted	Safari Island Advisory Board	
☐ Amendment Required	Other	



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

HELD: May 15, 2023

Pursuant to due call, a regular or special meeting of the City Council of the City of Waconia, Carver County, Minnesota, was duly held at the City Hall on May 15, 2023, at 6:00 P.M., for the purpose, in part, of authorizing the issuance and awarding the sale of \$4,295,000 General Obligation Bonds, Series 2023A.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-125

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF
\$4,295,000 GENERAL OBLIGATION BONDS, SERIES 2023A, PLEDGING
FOR THE SECURITY THEREOF NET REVENUES, SPECIAL
ASSESSMENTS AND LEVYING A TAX FOR THE PAYMENT THEREOF

A. WHEREAS, the City Council of the City of Waconia, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to issue \$4,295,000 General Obligation Bonds, Series 2023A (the "Bonds" or individually a "Bond"), pursuant to Minnesota Statutes, Chapter 475; and

1. Chapter 429 to finance various public improvements (the "Improvements"); and
2. Section 444.075 to finance improvements to the municipal water and storm water systems (the "Utility Projects"); and
3. Section 115.46 to finance improvements to the municipal sanitary sewer system (the "Sanitary Sewer Projects"); and
4. Section 412.301 to finance the acquisition of capital equipment for the City (the "Equipment"); and

B. WHEREAS, the Improvements and all their components have been ordered prior to the date hereof, and have been or will be constructed by the City under contracts which the City has or will let, all pursuant to and in accordance with the applicable provisions of Minnesota Statutes, Chapter 429; and

C. WHEREAS, the City owns and operates a municipal water system (the "Water System"), a storm water system (the "Storm Water System," and together with the Water System,

the "System") and a sanitary sewer system (the "Sanitary Sewer System") as separate revenue producing public utilities; and

D. WHEREAS, the net revenues of the Water System and the Sanitary Sewer System are pledged to the payment of the principal and interest of the City's outstanding \$1,654,000 original principal amount, of which a portion was designated the "Water Portion" and another portion was designated the "Sanitary Sewer Portion" of General Obligation Bonds, Series 2018A, dated September 12, 2018 (the "Outstanding Water and Sanitary Sewer Bonds"), and

E. WHEREAS, the net revenues of the System are pledged to the payment of the principal and interest of the City's outstanding (1) \$2,265,000 original principal amount, of which a portion was designated the "Water and Storm Sewer Portion," of General Obligation Bonds, Series 2014A, dated June 12, 2014; (2) \$9,650,000 original principal amount, of which a portion was designated the "Revenue Portion," of General Obligation Bonds, Series 2015A, dated July 9, 2015; (3) \$4,515,000 original principal amount, of which a portion was designated the "Utility Revenue Portion," of General Obligation Bonds, Series 2019A, dated August 22, 2019; (4) \$4,755,000 original principal amount, of which a portion was designated the "Water and Storm Sewer Portion," of General Obligation Bonds, Series 2020A, dated September 3, 2020; (5) \$7,215,000 original principal amount, of which a portion was designated the "Utility Revenue Portion," of General Obligation Bonds, Series 2021A, dated December 2, 2021; and (6) \$17,630,000 original principal amount, of which a portion was designated the "Utility Revenue Portion," of General Obligation Bonds, Series 2022A, dated October 6, 2022 (collectively, the "Outstanding System Bonds"); and

F. WHEREAS, each item of Equipment to be financed by the Equipment Portion of the Bonds, as hereinafter defined, has an expected useful life at least as long as the term of the Equipment Portion of the Bonds; and

G. WHEREAS, the principal amount of the Equipment Portion of the Bonds does not exceed one-quarter of one percent (0.25%) of the estimated market value of the taxable property in the City (\$2,172,934,300 times 0.25% is \$ 5,432,336); and

H. WHEREAS, the City has retained Ehlers and Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent municipal advisor for the sale of the Bonds and was therefore authorized to sell the Bonds by private negotiation in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9) and proposals to purchase the Bonds have been solicited by Ehlers; and

I. WHEREAS, the proposals set forth on Exhibit A attached hereto were received by the City Administrator, or designee, at the offices of Ehlers at 10:30 A.M. this same day pursuant to the Preliminary Official Statement for the Bonds, dated May 4, 2023; and

J. WHEREAS, it is in the best interests of the City that the Bonds be issued in book-entry form as hereinafter provided; and

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

1. Acceptance of Proposal. The proposal of _____ (the "Purchaser"), to purchase the Bonds in accordance with the Preliminary Official Statement, at the rates of interest hereinafter set forth, and to pay therefor the sum of \$_____, plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable proposal received and is hereby accepted and the Bonds are hereby awarded to the Purchaser. The Finance Director is directed to retain the deposit of the Purchaser and to return to the unsuccessful bidders any good faith checks or drafts.

2. Bond Terms.

(a) Original Issue Date; Denominations; Maturities; Term Bond Option. The Bonds shall be dated June 1, 2023, as the date of original issue and shall be issued forthwith on or after such date in fully registered form, shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations") and shall mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2025		2030	
2026		2031	
2027		2032	
2028		2033	
2029		2034	

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

(b) Allocation. The aggregate principal amount of \$_____ maturing in each of the years and amounts hereinafter set forth are issued to finance the Improvements (the "Improvement Portion"); the aggregate principal amount of \$_____ maturing in each of the years and amounts hereinafter set forth are issued to finance the Utility Projects (the "Utility Revenue Portion"); the aggregate principal amount of \$_____ maturing in each of the years and amounts hereinafter set forth are issued to finance the Sanitary Sewer Projects (the "Sanitary Sewer Portion"); and the aggregate principal amount of \$_____ maturing in each of the years and amounts hereinafter set forth are issued to finance the Equipment (the "Equipment Portion"):

<u>Year</u>	<u>Improvement Portion</u>	<u>Utility Revenue Portion</u>	<u>Sanitary Sewer Portion</u>	<u>Equipment Portion</u>	<u>Total Amount</u>
2025					
2026					
2027					

	<u>Improvement Portion</u>	<u>Utility Revenue Portion</u>	<u>Sanitary Sewer Portion</u>	<u>Equipment Portion</u>	<u>Total Amount</u>
<u>Year</u>					
2028					
2029					
2030					
2031					
2032					
2033					
2034					

If Bonds are prepaid, the prepayments shall be allocated to the portions of debt service (and hence allocated to the payment of Bonds treated as relating to a particular portion of debt service) as provided in this paragraph. If the source of prepayment moneys is the general fund of the City, or other generally available source, including the levy of taxes, the prepayment may be allocated to any portion of debt service in such amounts as the City shall determine. If the source of the prepayment is special assessments pledged to and taxes levied for the Improvements, the prepayment shall be allocated to the Improvement Portion of debt service. If the source of a prepayment is excess net revenues of the System pledged to the Utility Projects, the prepayment shall be allocated to the Utility Revenue Portion of debt service.

(c) Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or its successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds, and to this end:

(i) The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 5 and 10 Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.

(ii) Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by the Bond Registrar (as hereinafter defined) in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

(iii) With respect to the Bonds neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the

Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

(iv) The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.

(v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10 hereof, references to the Nominee hereunder shall refer to such new Nominee.

(vi) So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the case may be, to the Depository as provided in the Letter of Representations to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").

(vii) All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.

(viii) In connection with any notice or other communication to be provided to the Holders pursuant to this resolution by the City or Bond Registrar with respect to any

consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than fifteen calendar days in advance of such special record date to the extent possible.

(ix) Any successor Bond Registrar in its written acceptance of its duties under this resolution and any paying agency/bond registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

(d) Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:

(i) The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.

(ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with paragraph 10. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10, the Bonds will be delivered to the Beneficial Owners.

(iii) Nothing in this subparagraph (d) shall limit or restrict the provisions of paragraph 10.

(e) Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of this resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

3. Purpose. The Improvement Portion of the Bonds shall provide funds to finance the Improvements. The Utility Revenue Portion of the Bonds shall provide funds to finance the Utility Projects. The Sanitary Sewer Portion of the Bonds shall provide funds for the Sanitary Sewer Projects. The Equipment Portion of the Bonds shall provide funds to finance the

acquisition of the Equipment. The Improvements, the Utility Projects, the Sanitary Sewer Projects and the Equipment are herein referred to collectively as the Project. The total cost of the Project which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bonds. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Project proceeds with due diligence to completion and that any and all permits and studies required under law for the Project are obtained.

4. Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2024, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
2025		2030	
2026		2031	
2027		2032	
2028		2033	
2029		2034	

5. Redemption. All Bonds maturing on February 1, 2031 and thereafter, shall be subject to redemption and prepayment at the option of the City on February 1, 2030, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered Holder of the Bonds not more than sixty (60) days and not fewer thirty (30) days prior to the date fixed for redemption.

To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the City or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the City and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the City shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds

having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

6. Bond Registrar. Bond Trust Services Corporation, in Roseville, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor-paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12.

7. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

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

R-_____ \$_____

GENERAL OBLIGATION BOND, SERIES 2023A

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
_____%	February 1, 20__	June 1, 2023	930013

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Waconia, Carver County, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, unless called for earlier redemption, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2024, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of Bond Trust Services Corporation, in Roseville, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing

thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in the Letter of Representations, as defined in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this Bond. Until termination of the book-entry only system pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Optional Redemption. All Bonds of this issue (the "Bonds") maturing on February 1, 2031 and thereafter, are subject to redemption and prepayment at the option of the Issuer on February 1, 2030, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds not more than sixty (60) days and not fewer thirty (30) days prior to the date fixed for redemption.

Prior to the date on which any Bond or Bonds are directed by the Issuer to be redeemed in advance of maturity, the Issuer will cause notice of the call thereof for redemption identifying the Bonds to be redeemed to be mailed to the Bond Registrar and all Bondholders, at the addresses shown on the Bond Register. All Bonds so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption have been duly deposited.

Selection of Bonds for Redemption; Partial Redemption. To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form

satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$4,295,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on May 15, 2023 (the "Resolution"), for the purpose of providing money to finance public improvement projects all within the jurisdiction of the Issuer and the acquisition of capital equipment for the Issuer. This Bond is payable out of the General Obligation Bonds, Series 2023A Fund of the Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely in fully registered form in Authorized Denominations (as defined in the Resolution) and are exchangeable for fully registered Bonds of other Authorized Denominations in equal aggregate principal amounts at the office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or the Holder's attorney duly authorized in writing at the office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an Authorized Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided herein with respect to the Record Date) and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Qualified Tax-Exempt Obligation. This Bond has been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law; that the Issuer has covenanted and agreed with the Holders of the Bonds that it will impose and collect charges for the service, use and availability of its municipal water system and storm water system (together, the "System") at the times and in amounts necessary to produce net revenues, together with other sums pledged to the payment of the Utility Revenue Portion of the Bonds, as defined in the Resolution, adequate to pay all principal and interest when due on the Utility Revenue Portion of the Bonds; and that the Issuer will levy a direct, annual, irrevocable ad valorem tax upon all of the taxable property of the Issuer, without limitation as to rate or amount, for the years and in amounts sufficient to pay the principal and interest on Utility Revenue Portion of the Bonds as they respectively become due, if the net revenues from the System, and any other sums irrevocably appropriated to the Debt Service Account are insufficient therefor; and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Waconia, Carver County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its City Administrator, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration:

Registrable by: BOND TRUST SERVICES CORPORATION

Payable at: BOND TRUST SERVICES CORPORATION

BOND REGISTRAR'S
CERTIFICATE OF
AUTHENTICATION

CITY OF WACONIA,
CARVER COUNTY, MINNESOTA

This Bond is one of the Bonds
described in the Resolution
mentioned within.

BOND TRUST SERVICES
CORPORATION
Roseville, Minnesota
Bond Registrar

/s/ Facsimile
Mayor

s/ Facsimile
City Administrator

By: _____
Authorized Signature

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship and not as tenants in common

UTMA - _____ as custodian for _____

(Cust)

(Minor)

under the _____ Uniform Transfers to Minors Act

(State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Notice:

_____ The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Bond Registrar will not affect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Bond is held by joint account.)

8. Execution. The Bonds shall be in typewritten form, shall be executed on behalf of the City by the signatures of its Mayor and City Administrator and be sealed with the seal of the City; provided, as permitted by law, both signatures may be photocopied facsimiles and the corporate seal has been omitted. In the event of disability or resignation or other absence of either officer, the Bonds may be signed by the manual or facsimile signature of the officer who may act on behalf of the absent or disabled officer. In case either officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue of June 1, 2023. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or the Holder's attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The Finance Director is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

12. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the Finance Director to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Fund and Accounts. There is hereby established a special fund to be designated "General Obligation Bonds, Series 2023A Fund" (the "Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the

manner herein specified until all of the Bonds and the interest thereon have been fully paid. The Operation and Maintenance Account heretofore established by the City for the Water System shall continue to be maintained in the manner heretofore provided by the City. The Operation and Maintenance Account heretofore established by the City for the Storm Water System shall continue to be maintained in the manner heretofore provided by the City. The Operation and Maintenance Account for the Water System and the Operation and Maintenance Account for the Storm Water System are referred to collectively, herein, as the "Operation and Maintenance Accounts"). All moneys remaining after paying or providing for the items set forth in the resolution(s) establishing the Operation and Maintenance Accounts shall constitute or are referred to as "net revenues" until the Utility Revenue Portion of the Bonds have been paid. In such records there shall be established accounts of the Fund for the purposes and in the amounts as follows:

(a) Capital Account. To the Capital Account shall be credited the proceeds of the sale of the Bonds, less capitalized interest, plus any special assessments levied with respect to the Improvements and collected prior to completion of the Improvements and payment of the costs thereof. From the Construction Account there shall be paid all costs and expenses of making the Project, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65; and the moneys in the Construction Account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the anticipated date of commencement of the receipt of the collection of taxes or special assessments herein levied or covenanted to be levied; and provided further that if upon completion of the Project, there shall remain any unexpended balance in the Construction Account, the balance (other than any special assessments) may be transferred to the Debt Service Account provided that any funds attributable to the Improvement Portion of the Bonds may be transferred to the fund of any other improvement instituted pursuant to Minnesota Statutes, Chapter 429, and provided further that any special assessments credited to the Construction Account shall only be applied towards payment of the costs of the Improvements upon adoption of a resolution by the City Council determining that the application of the special assessments for such purpose will not cause the City to no longer be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

(b) Debt Service Account. There shall be maintained four separate subaccounts in the Debt Service Account to be designated the "Improvement Debt Service Subaccount," the "Utility Revenue Debt Service Subaccount," the "Sanitary Sewer Debt Service Subaccount," and the "Equipment Debt Service Subaccount." There are hereby irrevocably appropriated and pledged to, and there shall be credited to the separate subaccounts of the Debt Service Account:

(i) Improvement Debt Service Subaccount. To the Improvement Debt Service Subaccount there shall be credited: (1) capitalized interest in the amount of \$_____ (together with interest earnings thereon and subject to such other adjustments as are appropriate to provide sufficient funds to pay interest on the Improvement Portion of the Bonds on or before February 1, 2024); (2) all collections of special assessments herein covenanted to be levied with respect to the Improvements and either initially credited to the Capital Account and not already spent as permitted above and required to pay any principal and interest due on the Improvement Portion of the

Bonds or collected subsequent to the completion of the Improvements and payment of the costs thereof; (3) all collections of taxes herein and hereinafter levied for the payment of the Improvement Portion of the Bonds and interest thereon; (4) a pro rata share of all funds remaining in the Capital Account after completion of the Improvements and payment of the costs thereof; (5) all investment earnings on funds held in the Improvement Debt Service Subaccount; and (6) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Improvement Debt Service Subaccount. The Improvement Debt Service Subaccount shall be used solely to pay the principal and interest on the Improvement Portion of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said subaccount as provided by law.

(ii) Utility Revenue Debt Service Subaccount. To the Utility Revenue Debt Service Subaccount there shall be credited: (1) the net revenues of the System not otherwise pledged and applied to the payment of other obligations of the City, in an amount, together with other funds which may herein or hereafter from time to time be irrevocably appropriated to the Utility Revenue Debt Service Subaccount, sufficient to meet the requirements of Minnesota Statutes, Section 475.61 for the payment of the principal and interest of the Utility Revenue Portion of the Bonds; (2) all collections of taxes which may hereafter be levied in the event that the net revenues of the System and other funds herein pledged to the payment of the principal and interest on the Utility Revenue Portion of the Bonds are insufficient therefore; (3) a pro rata share of all funds remaining in the Capital Account after completion of the Project and payment of the costs thereof; (4) all investment earnings on funds held in the Utility Revenue Debt Service Subaccount; and (5) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Utility Revenue Debt Service Subaccount. The Utility Revenue Debt Service Subaccount shall be used solely to pay the principal and interest on the Utility Revenue Portion of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said subaccount as provided by law.

(iii) Sanitary Sewer Debt Service Subaccount. To the Sanitary Sewer Debt Service Subaccount there shall be credited: (1) available funds of the City in the amount of \$_____ which is sufficient to pay interest due on the Sanitary Sewer Portion of the Bonds on or before February 1, 2024; (2) all collections of taxes which herein or hereafter levied for the payment of the principal and interest on the Sanitary Sewer Portion of the Bonds; (3) a pro rata share of all funds remaining in the Capital Account after completion of the Project and payment of the costs thereof; (4) all investment earnings on funds held in the Sanitary Sewer Debt Service Subaccount; and (5) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Sanitary Sewer Debt Service Subaccount. The Sanitary Sewer Debt Service Subaccount shall be used solely to pay the principal and interest on the Sanitary Sewer Portion of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said subaccount as provided by law.

(iv) Equipment Debt Service Subaccount. To the Equipment Debt Service Subaccount there shall be credited: (1) capitalized interest in the amount of \$_____

(together with interest earnings thereon and subject to such other adjustments as are appropriate to provide sufficient funds to pay interest due on the Equipment Portion of the Bonds on or before February 1, 2024); (2) all collections of taxes herein or hereinafter levied for the payment of the Equipment Portion of the Bonds and interest thereon; (3) a pro rata share of all funds remaining in the Capital Account after completion of the Project and payment of the costs thereof; (4) all investment earnings on funds held in the Equipment Debt Service Subaccount; and (5) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Equipment Debt Service Subaccount. The Equipment Debt Service Subaccount shall be used solely to pay the principal and interest on the Equipment Portion of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said subaccount as provided by law.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of five percent of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Capital Account, Operation and Maintenance Accounts or Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the bonds payable therefrom) in excess of amounts which under then applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

16. Covenants Relating to the Improvement Portion of the Bonds.

(a) Special Assessments. It is hereby determined that no less than twenty percent of the cost to the City of each Improvement financed hereunder within the meaning of Minnesota Statutes, Section 475.58, Subdivision 1(3), shall be paid by special assessments to be levied against every assessable lot, piece and parcel of land benefited by any of the Improvements. The City hereby covenants and agrees that it will let all construction contracts not heretofore let within one year after ordering each Improvement financed hereunder unless the resolution ordering the Improvement specifies a different time limit for the letting of construction contracts. The City hereby further covenants and agrees that it will do and perform as soon as they may be done all acts and things necessary for the final and valid levy of such special assessments, and in the event that any such special assessment be at any time held invalid with respect to any lot, piece or parcel of land due to any error, defect, or irregularity in any action or proceedings taken or to be taken by the City or the City Council or any of the City officers or employees, either in the making of the special assessments or in the performance of any condition precedent thereto, the City and the City Council will forthwith do all further acts and take all further proceedings as

may be required by law to make the special assessments a valid and binding lien upon such property.

The special assessments have heretofore been authorized. Subject to such adjustments as are required by conditions in existence at the time the assessments are levied, it is hereby determined that the assessments shall be payable in equal, consecutive, annual installments, including both principal and interest, with interest at a rate per annum set forth below:

<u>Improvement Designation</u>	<u>Amount</u>	<u>Levy Years</u>	<u>Collection Years</u>	<u>Rate</u>
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See Attached Schedule in Exhibit B

At the time the assessments are in fact levied the City Council shall, based on the then-current estimated collections of the assessments, make any adjustments in any ad valorem taxes required to be levied in order to assure that the City continues to be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

(b) Tax Levy. To provide moneys for payment of the principal and interest on the Improvement Portion of the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
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See Attached Schedule in Exhibit B

(c) Coverage Test. The tax levies are such that if collected in full they, together with estimated collections of special assessments and other revenues herein pledged for the payment of the Improvement Portion of the Bonds, will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Improvement Portion of the Bonds. The tax levies shall be irrevocable so long as any of the Improvement Portion of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

17. Covenants Relating to the Sanitary Sewer Portion of the Bonds.

(a) Tax Levy. To provide moneys for payment of the principal and interest on the Sanitary Sewer Portion of the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
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See Attached Schedule in Exhibit B

(b) Coverage Test. The tax levies are such that if collected in full they will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Sanitary Sewer Portion of the Bonds. The tax levies shall be irrevocable so long as any of the Sanitary Sewer Portion of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

18. Covenants Relating to the Utility Revenue Portion of the Bonds.

(a) Sufficiency of Net Revenues. It is hereby found, determined and declared that the net revenues of the System are sufficient in amount to pay when due the principal of and interest on the Utility Revenue Portion of the Bonds and the Outstanding System Bonds and a sum at least five percent in excess thereof. The net revenues of the Water System and the Sanitary Sewer System are sufficient to pay when due the principal and interest on the Outstanding Water and Sanitary Sewer Bonds and a sum at least five percent in excess thereof. The net revenues of the System are hereby pledged on a parity lien with the Outstanding System Bonds and the Outstanding Water and the Sanitary Sewer Bonds and shall be applied for that purpose, but solely to the extent required to meet, together with other pledged sums, the principal and interest requirements of the Utility Revenue Portion of the Bonds as the same become due. Nothing contained herein shall be deemed to preclude the City from making further pledges and appropriations of the net revenues of the System for the payment of other or additional obligations of the City, provided that it has first been determined by the City Council that the estimated net revenues of the System will be sufficient in addition to all other sources, for the payment of the Utility Revenue Portion of the Bonds and such additional obligations and any such pledge and appropriation of the net revenues may be made superior or subordinate to, or on a parity with the pledge and appropriation herein.

(b) Excess Net Revenues. Net revenues in excess of those required for the foregoing may be used for any proper purpose.

(c) Covenant to Maintain Rates and Charges. In accordance with Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the Holders of the Utility Revenue Portion of the Bonds that it will impose and collect charges for the service, use, availability and connection to the System at the times and in the amounts required to produce net revenues adequate to pay all principal and interest when due on the Utility Revenue Portion of the Bonds. Minnesota Statutes, Section 444.075, Subdivision 2, provides as follows: "Real estate tax revenues should be used only, and then on a temporary basis, to pay general or special obligations when the other revenues are insufficient to meet the obligations."

19. Covenants Relating to the Equipment Portion of the Bonds; Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the Equipment Portion of the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
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See attached schedule in Exhibit B

The tax levies are such that if collected in full they, together with other revenues herein pledged for the payment of the Equipment Portion of the Bonds, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Equipment Portion of the Bonds. The tax levies shall be irrevocable so long as any of the Equipment Portion of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

20. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the net revenues of the System appropriated and pledged to the payment of principal and interest on the Utility Revenue Portion of the Bonds, together with other funds irrevocably appropriated to the Utility Revenue Debt Service Subaccount herein established, shall at any time be insufficient to pay such principal and interest when due, the City covenants and agrees to levy, without limitation as to rate or amount an ad valorem tax upon all taxable property in the City sufficient to pay such principal and interest as it becomes due. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

21. Continuing Disclosure. The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described to:

(a) Provide or cause to be provided to the Municipal Securities Rulemaking Board (the "MSRB") by filing at www.emma.msrb.org in accordance with the Rule, certain annual financial information and operating data in accordance with the Undertaking. The City reserves the right to modify from time to time the terms of the Undertaking as provided therein.

(b) Provide or cause to be provided to the MSRB notice of the occurrence of certain events with respect to the Bonds in not more than ten (10) business days after the occurrence of the event, in accordance with the Undertaking.

(c) Provide or cause to be provided to the MSRB notice of a failure by the City to provide the annual financial information with respect to the City described in the Undertaking, in not more than ten (10) business days following such occurrence.

(d) The City agrees that its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking is intended to be for the benefit of the Holders of the Bonds and shall be

enforceable on behalf of such Holders; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

The Mayor and City Administrator or any other officer of the City authorized to act in their place (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the City Council subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the Purchaser of the Bonds, and (iii) acceptable to the Officers.

22. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

23. Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than sixty days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid

(collectively the "Project"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar prefatory costs, which in the aggregate do not exceed twenty percent of the "issue price" of the Bonds, and (ii) a *de minimis* amount of Reimbursement Expenditures not in excess of the lesser of \$100,000 or five percent of the proceeds of the Bonds.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Bonds or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Bonds, and not later than three years after the later of (i) the date of the payment of the Reimbursement Expenditure, or (ii) the date on which the Project to which the Reimbursement Expenditure relates is first placed in service.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Bonds are issued, shall be treated as made on the day the Bonds are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its Bond Counsel for the Bonds stating in effect that such action will not impair the tax-exempt status of the Bonds.

24. Certificate of Registration and Tax Levy. The City Administrator is hereby directed to file a certified copy of this resolution with the County Auditor of Carver County, Minnesota, together with such other information as the Auditor shall require, and to obtain the County Auditor's certificate that the Bonds have been entered in the County Auditor's Bond Register and the tax levy required by law has been made.

25. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

26. Negative Covenant as to Use of Bond Proceeds and Project. The City hereby covenants not to use the proceeds of the Bonds or to use the Project, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Project, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

27. Tax-Exempt Status of the Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (i) requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Bonds, and (iii) the rebate of excess investment earnings to the United States if the Bonds (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceed the small-issuer exception amount of \$5,000,000.

For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements for governmental units issuing \$5,000,000 or less of bonds, the City hereby finds, determines and declares that (i) the Bonds are issued by a governmental unit with general taxing powers; (ii) no Bonds are a private activity bond; (iii) 95% or more of the net proceeds of the Bonds are to be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); and (iv) the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City (and all entities subordinate to, or treated as one issuer with the City) during the calendar year in which the Bonds are issued and outstanding at one time is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

28. Designation of Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

- (a) the Bonds are issued after August 7, 1986;
- (b) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;
- (c) the City hereby designates Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;
- (d) the reasonably anticipated amount of tax exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2023 will not exceed \$10,000,000;
- (e) not more than \$10,000,000 of obligations issued by the City during this calendar year 2023 have been designated for purposes of Section 265(b)(3) of the Code; and
- (f) the aggregate face amount of the Bonds does not exceed \$10,000,000.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

29. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

30. Official Statement. The Official Statement relating to the Bonds prepared and distributed by Ehlers is hereby approved and the officers of the City are authorized in connection with the delivery of the Bonds to sign such certificates as may be necessary with respect to the completeness and accuracy of the Official Statement.

31. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to Wells Fargo Bank, San Francisco, California, on the closing date for further distribution as directed by Ehlers.

32. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

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

and the following voted against the same:

Whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF CARVER
CITY OF WACONIA

I, the undersigned, being the duly qualified and acting City Administrator of the City of Waconia, Minnesota, do hereby certify that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council, duly called and held on the date therein indicated, insofar as such minutes relate to authorizing the issuance and awarding the sale of \$4,295,000 General Obligation Bonds, Series 2023A.

WITNESS my hand on May 15, 2023.

City Administrator

EXHIBIT A

PROPOSALS

[To be supplied by Ehlers & Associates, Inc.]

EXHIBIT B

TAX LEVY SCHEDULES

[To be supplied by Ehlers & Associates, Inc.]

"Exhibit A"

Number	Project	Project Cost	Financing	Notes
1	Street Reconstruction - Main/Olive Street - Stree	\$ 1,919,774	429 Special Assessment Bonds	Based on final bid plus engineering
1	Street Reconstruction - Main/Olive Street - Sidewal	\$ 306,041	429 Special Assessment Bonds	Based on final bid plus engineering
1	Street Reconstruction - Main/Olive Street - Wate	\$ 541,910	Water Bonds - 444/American Rescue Fund Act	Based on final bid plus engineering
1	Street Reconstruction - Main/Olive Street - Sewe	\$ 318,169	Sewer Bonds - 115/American Rescue Fund Act	Based on final bid plus engineering
1	Street Reconstruction - Main/Olive Street - Storm Wate	\$ 712,299	Storm Water Bonds - 444	Based on final bid plus engineering
2	Storm Water Reuse System - Core Downtown	\$ 1,191,050	CCWMO Grants/Storm Water Cash	Based on final bid plus engineering
3	Single Axel Dump Truck with Plow - Truck #36 Replacemen	\$ 312,392	Equipment Certificate	Based on resolutions approved
4	Tandem Dump Truck - Truck #40 Replacemen	\$ 351,406	Equipment Certificate	Based on resolutions approved
Total 2023 Project Costs:		\$ 5,653,042		

429 Special Assessment Bonds

Number	Project	Project Cost	Financing
1	Street Reconstruction - Main/Olive Street - Stree	\$ 1,919,774	429 Special Assessment Bonds
1	Street Reconstruction - Main/Olive Street - Sidewal	\$ 306,041	429 Special Assessment Bonds
Total 429 Special Assessment Bonds:		\$ 2,225,815.08	

Water Bonds

Number	Project	Project Cost	Financing
1	Street Reconstruction - Main/Olive Street - Wate	\$ 541,910	Water Bonds - 444/American Rescue Fund Act
	American Rescue Act Funding	\$ (187,500)	ARPA
Total Water Bonds:		\$ 354,410	

Sewer Bonds

Number	Project	Project Cost	Financing
1	Street Reconstruction - Main/Olive Street - Sewe	\$ 318,169	Sewer Bonds - 115/American Rescue Fund Act
	American Rescue Act Funding	\$ (187,500)	ARPA
Total Sewer Bonds:		\$ 130,669	

Storm Water Bonds

Number	Project	Project Cost	Financing
1	Street Reconstruction - Main/Olive Street - Storm Wate	\$ 712,299	Storm Water Bonds - 444
2	Storm Water Reuse System - Core Downtown	\$ 1,191,050	CCWMO Grants/Storm Water Cash
	2022 CCWMO Cost Share Grant (Approved)	\$ (10,000)	Carver County Water Management Organizatio
	2023 CCWMO Cost Share Grant	\$ (50,000)	Carver County Water Management Organizatio
	2023 Watershed-Based Implementation Funding	\$ (200,000)	Carver County Water Management Organizatio
	City Storm Water Utility Fund	\$ (931,050)	City of Waconia
Total Storm Water Bonds:		\$ 712,299	

Equipment Certificates

Number	Project	Project Cost	Financing
3	Single Axel Dump Truck with Plow - Truck #36 Replacemen	\$ 312,392	Equipment Certificate
4	Tandem Dump Truck - Truck #40 Replacemen	\$ 351,406	Equipment Certificate
Total Sewer Bonds:		\$ 663,798	

Other Sources

Number	Project	Project Cost	Financing
	2022 CCWMO Cost Share Grant (Approved)	\$ 10,000	Carver County Water Management Organizatio
	2023 CCWMO Cost Share Grant	\$ 50,000	Carver County Water Management Organizatio
	2023 Watershed-Based Implementation Funding	\$ 200,000	Carver County Water Management Organizatio
	City Storm Water Utility Fund	\$ 931,050	City of Waconia
	City Water and Sewer Utility Func	\$ 375,000	American Rescue Fund Act
Total Other Sources:		\$ 1,566,050	



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Wildcat Way Options					
Originating Department:		Administration					
Presented by:							
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>							
Discussion & Direction							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Wildcat Way and Community Drive were initially developed as part of the school campus development area that saw the construction of what was then known as Clearwater Middle School, now Waconia High School, and the Safari Island Community Center. Prior to this point access into the now middle school campus area was a driveway access onto Oak Avenue. This development was approached a little differently by the city and school in which it was more of a joint/cooperative venture with the construction of the Safari Island Community Center as part of the project. This is in comparison to the traditional city/developer type relationship which we now operate, and in which the high school campus expansion project was developed under later. In the traditional model the appropriate right of way or easement is provided and conditioned via development agreement and City Council approval. Thus, no formal development agreement was executed between the city and school district as part of the construction of the original middle school/Safari Island Community Center expansion. As part of the transportation feasibility study completed prior to the original campus expansion project in 1999, the development of a new east/west connector street to Oak Avenue and north/south private drive to Pond Lane was recommended to serve the development area. Community Drive is the east/west connector, and the north/south private drive is Wildcat Way. The provision of deeds and/or easements of the Community Drive segment, which is contained on school district property was also noted in the operating lease for the Safari Island Community Center between the school district and the city. These easements were ultimately executed and recorded in 2009. The most recent traffic count information was collected in November of 2020. Community Drive saw an average of 507 trips per weekday and Wildcat Way saw an average of 417 trips per day. Wildcat Way is contained on city property and in review of documents, easement granted by the city to the school district for this private drive was drafted in 2001, which provided for maintenance of this private drive to be the responsibility of the school district. Ultimately, based on recollection of the city attorney, this was rejected by the school board at that time. Engineering Analysis As indicated by the record plans available Wildcat way was not built to a typical standard city street section. The road base is comprised of 4" of bituminous, 8" of aggregate, and 12" of sand compared to 4.5" bituminous, 6" of aggregate, 12" of sand plus geotextile fabric and drain tile. A standard truck route increases the depth of construction materials. Over the years data has been collected on the segment via soil borings and show only 3.5" to 4.5" of bituminous over minimal aggregate. The subgrade is substandard and portions of the segment also include organic material which would need to be removed and drainage greatly improved via drain tile and storm							

sewer to properly support a roadway.

Present Options

The subgrade of Wildcat Way is poor, and a long-lasting permanent fix in which the subgrade is significantly enhanced would be the proper way to repair this street segment, albeit at significant expense, estimated at \$650,000. The city could also consider temporary repairs such as reclaiming the street surface, repaving, and some minor drainage improvements as rehabilitation, but this would be done with the knowledge that the longevity of the street segment would be limited.

Since the street segment sits wholly on municipal property and no rights or easements are granted to another party the City also has the option to close the street, and it would be recommended to tear up the surface and curbing, and re-establish to turf. Removals and re-route of some storm sewer and street lighting electrical would also be necessary and reconstruction of some of the pedestrian facilities in the area would also be recommended. Access would need to be maintained from the south into the parking lot that serves the park and baseball facility. Estimate for this effort is approximately \$183,000 and it would be recommend to scope and bid as part of a larger construction project to gain efficiencies and economy of scale.

Feedback solicited from the school district has been that closure would be supported of this segment. Staff and the City Council has received some public input regarding the desire to see this segment maintained as part of the roadway system in this area and that feedback is provided in the packet for review.

Staff is seeking discussion and direction on the preference of the City Council as to the future of Wildcat Way. If either of the options presented, which include reconstruction, rehabilitation, or removal are directed, staff will prepare more detailed plans and estimates for this work for Council consideration but it would be recommended that any of that work be included as part of the budget planning process for 2024 and that the roadway remain closed in its current fashion until then other than some better maintenance to maintain and improve the safety of the trail crossing into the park in this area.

Attachments:

1. [1997 Aerial.pdf](#)
2. [2022 Aerial.pdf](#)
3. [Pages from Feasibility Study \(002\).pdf](#)
4. [Pages from 1999 Construction Plans](#)
5. [Pages from 2020 Project Geotech Report.pdf](#)
6. [Hillman Correspondence.pdf](#)
7. [Country Ponds Resident Feedback.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted
_____ Non Budgeted
_____ Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

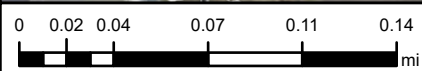
Planning Commission

Parks and Recreation Board

Safari Island Advisory Board

Other





Coordinate System:
WGS 1984 Web Mercator Auxiliary Sphere



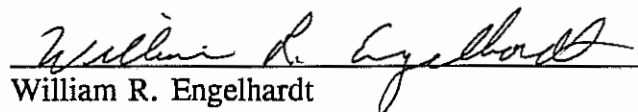
City of Waconia

201 Vine Street South, Waconia, MN 55387

Landscape_11x17

**FEASIBILITY STUDY
FOR
MIDDLE SCHOOL/CITY COMMUNITY CENTER
TRANSPORTATION FACILITIES
CITY OF WACONIA, MINNESOTA**

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.



William R. Engelhardt

Date: January 14, 1999

Registration No. 12026

WILLIAM R. ENGELHARDT ASSOCIATES, INC.

Consulting Engineers

MD 52 • 1107 HAZELTINE BOULEVARD
CHASKA, MINNESOTA 55318-1008

(612) 448-8838

January 14, 1999

City of Waconia
c/o Mr. Bruce Eisenhauer
109 South Elm Street
Waconia, MN. 55387

RE: Middle School/City Community Center
Transportation Facilities

Honorable Mayor and City Council Members:

Pursuant to your request we have prepared a feasibility study which outlines the transportation facilities to serve the proposed Waconia Middle School/City Community Center facility. This report builds on the concept information provided in the appended memo by Benshoof & Associates, Inc. on the same subject.

We have included maps which show the existing study area and the proposed improvements. In addition, itemized costs for the recommended improvements have been included.

We will be available to address any questions you may have concerning this project.

Respectfully submitted,
WILLIAM R. ENGELHARDT ASSOCIATES, INC.



William R. Engelhardt

WRE/las

SUMMARY AND CONCLUSIONS

SUMMARY AND CONCLUSIONS

- (1) The improvements to the transportation system recommended within this report are feasible from an engineering standpoint. In addition, the analysis shows the improvements are necessary and represent cost effective solutions to the transportation issues within the study area.
- (2) Analysis of the transportation facilities required to serve the proposed middle school/community center lying west of the existing high school was completed by Benshoof & Associates, Inc. and related in a memorandum dated November 10, 1998. The major conclusions and recommendations in this memorandum include the following:
 - * Two streets are required to adequately serve the existing and proposed facilities within the study area area including the high school, middle school and community center.
 - * The two streets required include an east/west street lying north of the existing high school facilities accessing Oak Avenue and a north/south street along the west line of the city park accessing CSAH 32 by way of Pond Lane.
 - * The intersection of the east/west street and Oak Avenue should align with the future access to the commercial property located in the northeast corner of the T.H. 5/Oak Avenue intersection.
 - * The development traffic will have negligible impact on the operation of the Oak Avenue and CSAH 32 intersections.
 - * The development traffic will have no adverse impact on the operation of Oak Avenue, CSAH 32 or T.H. 5.

- * The vehicle activity at the T.H. 5/Oak Avenue intersection will satisfy signal warrants following the completion of the middle school/community center in the year 2001.
- (3) The area which will be impacted by the transportation facilities includes parcels owned by the school district and city park. The surrounding area is essentially developed at this time with the exception of the parcel proposed to contain the middle school/community center, the commercial parcel in the northeast corner of the T.H. 5/Oak Avenue intersection and the remaining phases of the Country Ponds development.
- (4) The transportation facilities constructed to serve the study area should possess the following characteristics to the extent practicable:
- * Adequate emergency vehicle access.
 - * Adequate routes of ingress and egress to convey peak traffic flows in a safe, efficient and orderly manner.
 - * Tolerable impact to collector and arterial facilities including Oak Avenue, CSAH 32 and T.H. 5.
 - * Intersections of the proper type, control and acceptable capacity (level of service) during peak traffic periods.
 - * Streets including proper turn lanes to facilitate turning movements as required.
- (5) The improvements which are recommended for implementation within the study area which satisfy the characteristics outlined in Item 4 include the following:
- * Construction of an east/west public street 40 feet in width extending

approximately 1,450 feet west of Oak Avenue. This street lies north of the existing high school parking facilities.

- * Construction of a north/south private drive 28 feet in width extending approximately 1,100 feet in length from the east/west public street to Pond Lane in the Country Ponds development.
 - * Installation of all-way stop control at the intersection of the public street and future commercial access and Oak Avenue.
 - * Installation of a traffic signal at the T.H. 5/Oak Avenue intersection and minor geometric improvements to Oak Avenue both north and south of T.H. 5 when warrants justify the installation. (Anticipated in 2001.)
- (6) The north/south private drive concept is recommended versus a north/south public street concept for a variety of reasons including maintaining the majority of turning movements onto the lower speed local street (Oak Avenue) and flexibility for the school district to manage the facility as desired.
- (7) It is recommended the east/west public street and the north/south private drive be constructed concurrently or prior to middle school/community center construction. The remaining improvements are recommended to be completed as part of the signalization project.
- (8) It is anticipated construction of the recommended facilities will not require displacement of existing park facilities.
- (9) The estimated project cost for the recommended improvements are as follows:

East/West Public Street	:	\$ 435,000
North/South Private Drive	:	<u>\$ 185,000</u>
Total	:	\$ 620,000

- (10) Cost apportionment for the project between the school district and the city needs to be determined and may be addressed as part of a supplemental report.

Site Work For 2001 WACONIA MIDDLE SCHOOL & COMMUNITY CENTER

INDEPENDENT SCHOOL DISTRICT 110 WACONIA, MINNESOTA

BOARD OF EDUCATION ISD 110

	SCOTT JENSEN CHAIRPERSON	
BOB HIBEN TREASURER	THERESA PESCH VICE CHAIRPERSON	BRYAN PAWELA CLERK
DAVID FALK DIRECTOR	JOEL HENTGES DIRECTOR	RONDA LEIVERMANN DIRECTOR

ADMINISTRATION

RIC DRESSEN	SUPERINTENDENT OF SCHOOLS
PETER GUSTOFSON	PRINCIPAL
LARRY SHARRATT	BUSINESS MANAGER

CITY GOVERNMENT

PAUL JOHNSON	MAYOR
JOHN HILGERS	CITY PLANNER
BRUCE EISENHAEUER	CITY COUNCIL ADMINISTRATOR
WENDY KUNTZ	COUNCIL MEMBER
DAN STEINHAGEN	COUNCIL MEMBER
JUNE HILGERS	COUNCIL MEMBER
DONALD JOHNSON	COUNCIL MEMBER

CONSULTANTS

Civil Engineers
Anderson-Johnson Associates, Inc.
Valley Square Office Center, Suite 200
7575 Golden Valley Road
Minneapolis, MN 55427
612-544-7129
FAX 612-544-0531

SHEET INDEX

TITLE

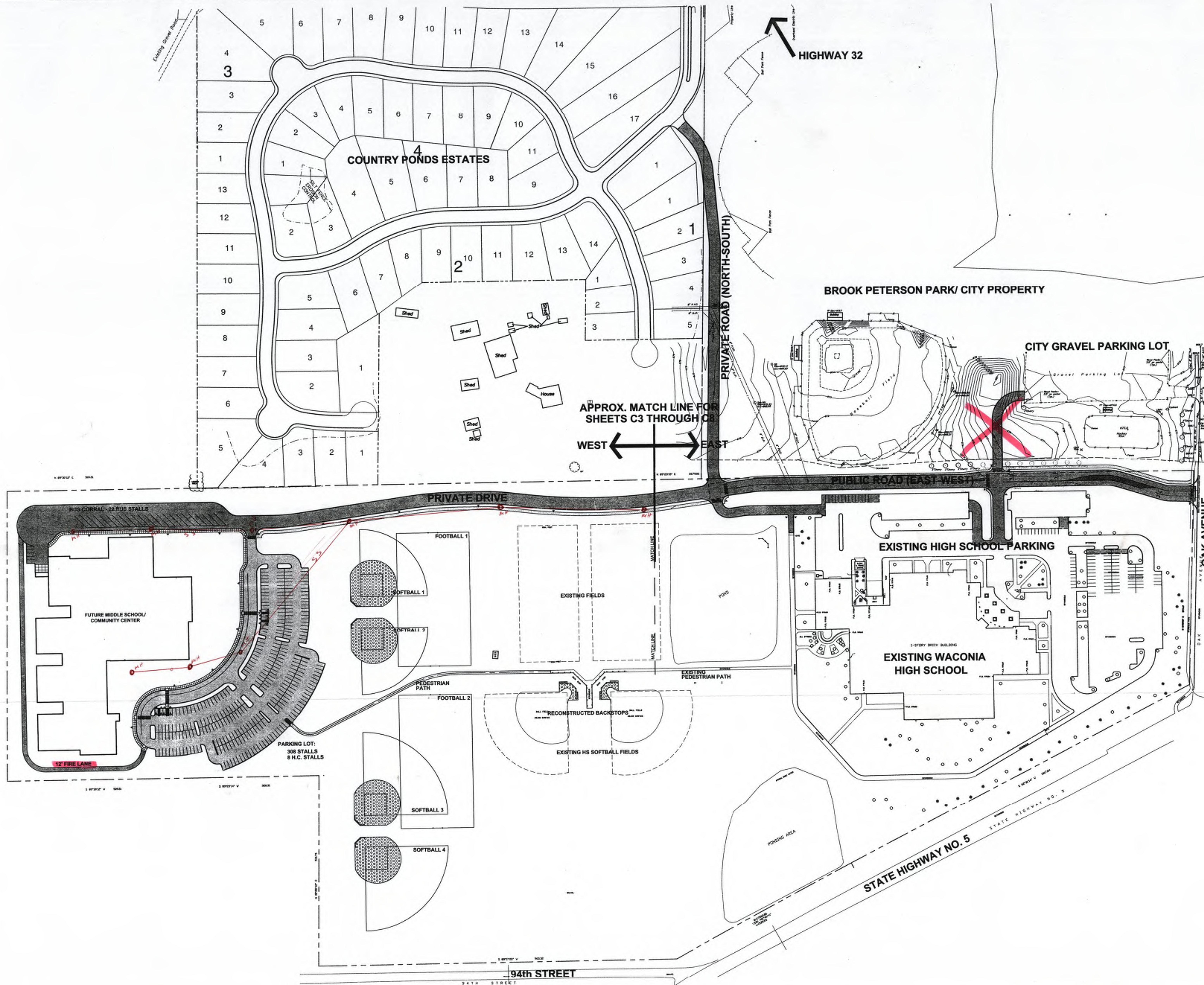
SHEET T10 Title Sheet

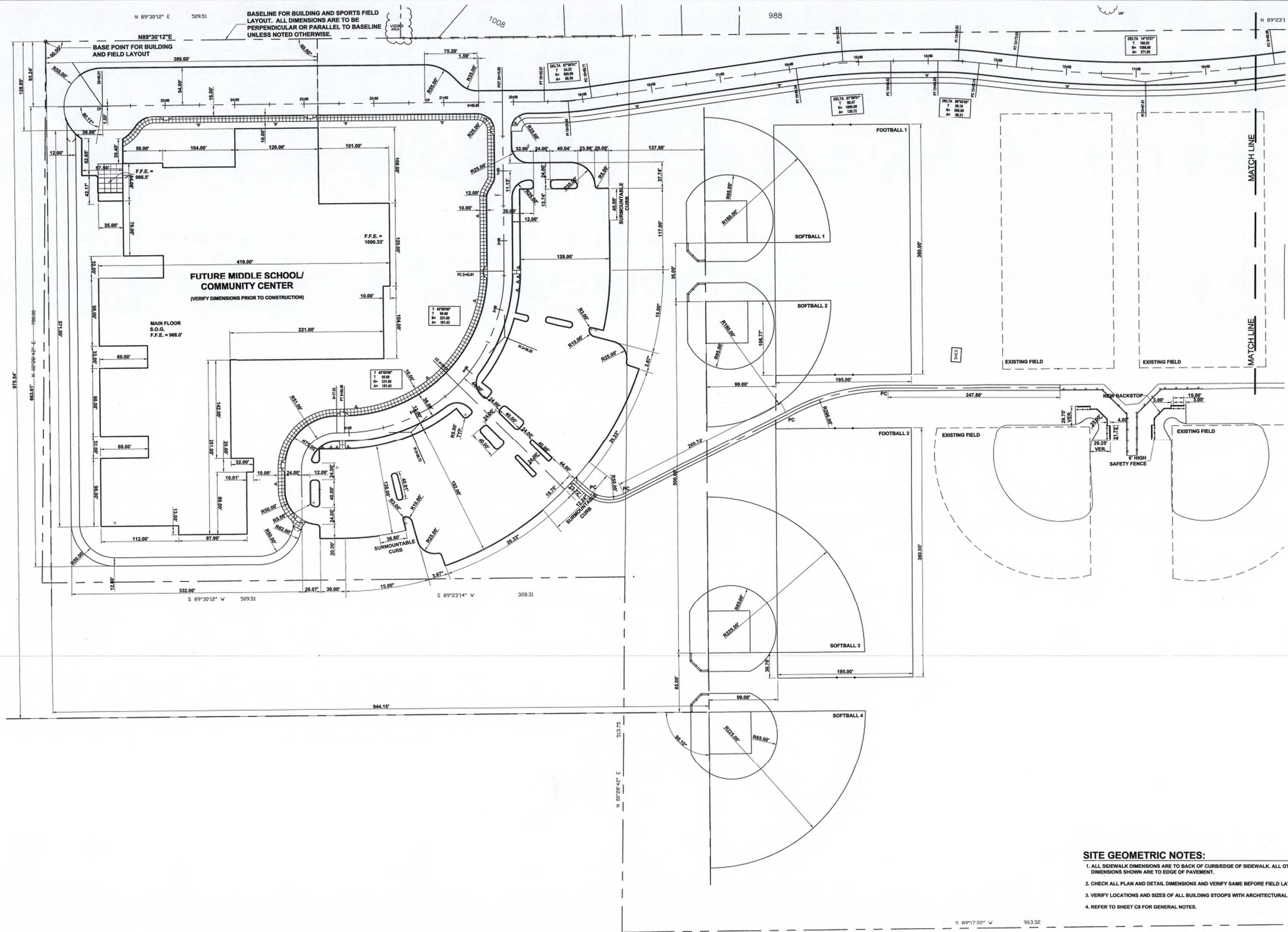
EXHIBITS

SHEET Ex01 Clerk's Boundary and Topographic Survey
Ex02 Clerk's Boundary and Topographic Survey
Ex03 Otto's Topographic Survey
Ex04 County Ponds Estates - Existing Conditions Survey

CIVIL

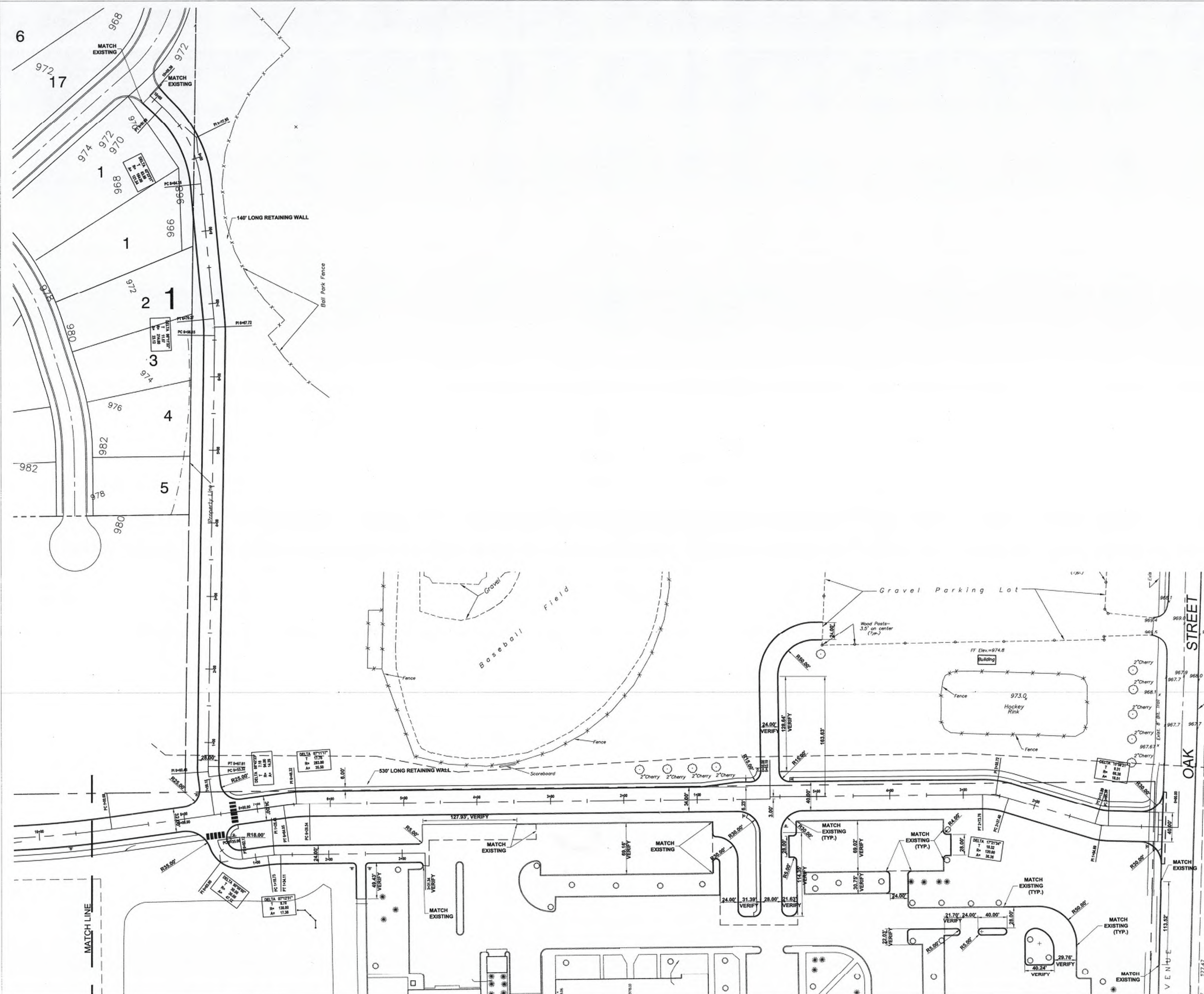
SHEET C11 Existing Conditions/Removal Plan
C12 Site Layout Plan
C13 Geometric Plan West
C14 Geometric Plan East
C15 Paving and Striping Plan - West
C16 Paving and Striping Plan - East
C17 Grading, Drainage and Utility Plan - West
C18 Grading, Drainage and Utility Plan - East
C19 Landscape, Seeding and Sodding Plan
C110 Site Details
C111 Site Details





SITE GEOMETRIC NOTES:

1. ALL SIDEWALK DIMENSIONS ARE TO BACK OF CURB/EDGE OF SIDEWALK. ALL OTHER DIMENSIONS SHOWN ARE TO EDGE OF PAVEMENT.
2. CHECK ALL PLAN AND DETAIL DIMENSIONS AND VERIFY SAME BEFORE FIELD LAYOUT.
3. VERIFY LOCATIONS AND SIZES OF ALL BUILDING STOOPS WITH ARCHITECTURAL PLANS.
4. REFER TO SHEET C3 FOR GENERAL NOTES.



- SITE GEOMETRIC NOTES:**
1. ALL SIDEWALK DIMENSIONS ARE TO BACK OF CURB/EDGE OF SIDEWALK. ALL OTHER DIMENSIONS SHOWN ARE TO EDGE OF PAVEMENT.
 2. CHECK ALL PLAN AND DETAIL DIMENSIONS AND VERIFY SAME BEFORE FIELD LAYOUT.
 3. VERIFY LOCATIONS AND SIZES OF ALL BUILDING STOOPS WITH ARCHITECTURAL PLANS.
 4. REFER TO SHEET C7 FOR GENERAL NOTES.

ANDERSON-JOHNSON ASSOCIATES, INC.
AJA
 Landscape Architects • Site Planning • Civil Engineering
 Valley Square Office Center • Suite 200 • 1075 Golden Valley Road • Minneapolis, MN 55427
 PH (612) 644-1129 • FAX (612) 644-0651

I hereby certify that this Drawing was prepared by me or under my direct supervision and that I am a duly registered engineer under the Laws of the State of Minnesota.
 [Signature]
 Reg. No. 17279



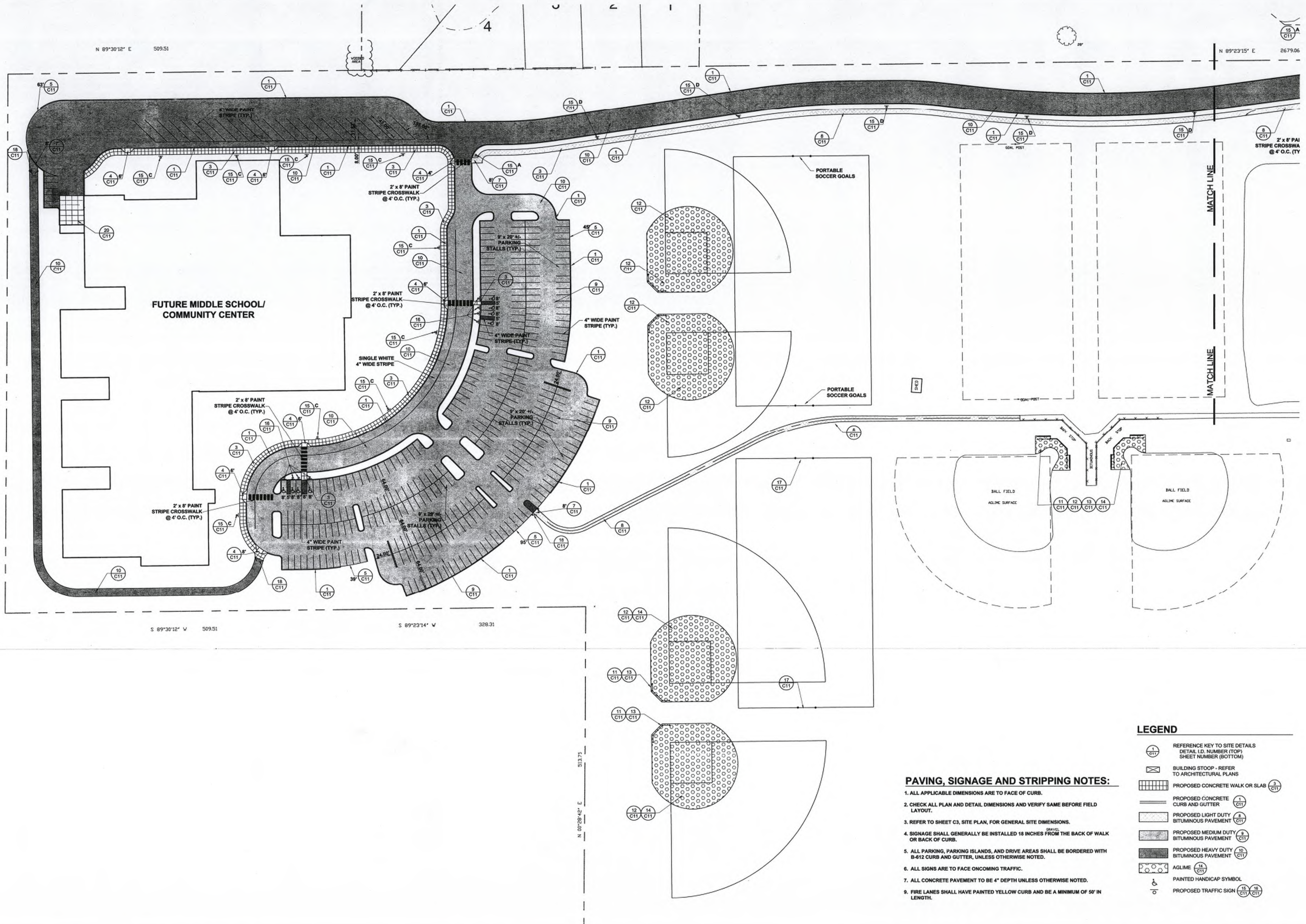
Abendroth, Rego, & Youngquist Architects, Inc.
 5217 Wayzata Boulevard, St. Louis Park, Minnesota 55416 (612) 544-8941

2001 WACINIA MIDDLE SCHOOL AND COMMUNITY CENTER SITE WORK
 IDS #110 WACONIA, MINNESOTA

North
 SCALE 1"=50'

Sheet Title
GEOMETRIC PLAN-EAST

Drawn By PJS Sheet No.
 Checked By DLJ
 Date 5.24.99
 Comm. No. 98123
 Revised
C4
 4 of 11 Sheets

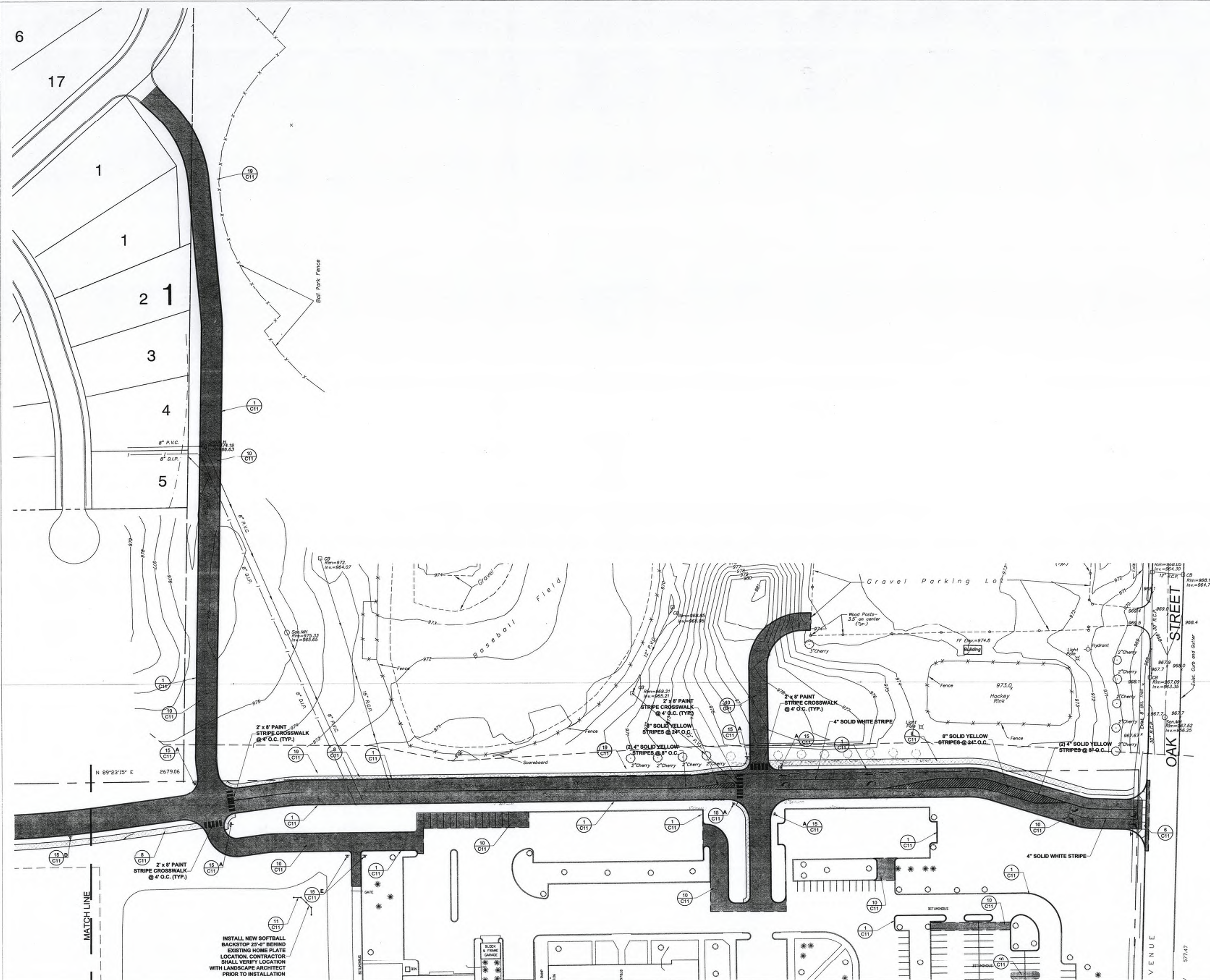


LEGEND

- 1 C11 REFERENCE KEY TO SITE DETAILS
DETAIL I.D. NUMBER (TOP)
SHEET NUMBER (BOTTOM)
- BUILDING STOOP - REFER
TO ARCHITECTURAL PLANS
- PROPOSED CONCRETE WALK OR SLAB 3 C11
- PROPOSED CONCRETE
CURB AND GUTTER 1 C11
- PROPOSED LIGHT DUTY
BITUMINOUS PAVEMENT 4 C11
- PROPOSED MEDIUM DUTY
BITUMINOUS PAVEMENT 9 C11
- PROPOSED HEAVY DUTY
BITUMINOUS PAVEMENT 10 C11
- AGLINE 14 C11
- PAINTED HANDICAP SYMBOL 15 C11
- PROPOSED TRAFFIC SIGN 16 C11

PAVING, SIGNAGE AND STRIPPING NOTES:

1. ALL APPLICABLE DIMENSIONS ARE TO FACE OF CURB.
2. CHECK ALL PLAN AND DETAIL DIMENSIONS AND VERIFY SAME BEFORE FIELD LAYOUT.
3. REFER TO SHEET C3, SITE PLAN, FOR GENERAL SITE DIMENSIONS.
4. SIGNAGE SHALL GENERALLY BE INSTALLED 18 INCHES FROM THE BACK OF WALK OR BACK OF CURB.
5. ALL PARKING, PARKING ISLANDS, AND DRIVE AREAS SHALL BE BORDERED WITH B-612 CURB AND GUTTER, UNLESS OTHERWISE NOTED.
6. ALL SIGNS ARE TO FACE ONCOMING TRAFFIC.
7. ALL CONCRETE PAVEMENT TO BE 4" DEPTH UNLESS OTHERWISE NOTED.
8. FIRE LANES SHALL HAVE PAINTED YELLOW CURB AND BE A MINIMUM OF 50' IN LENGTH.



PAVING, SIGNAGE AND STRIPING NOTES:

1. ALL APPLICABLE DIMENSIONS ARE TO FACE OF CURB.
2. CHECK ALL PLAN AND DETAIL DIMENSIONS AND VERIFY SAME BEFORE FIELD LAYOUT.
3. REFER TO SHEET C3, SITE PLAN, FOR GENERAL SITE DIMENSIONS.
4. SIGNAGE SHALL GENERALLY BE INSTALLED 18 INCHES FROM THE BACK OF WALK OR BACK OF CURB.
5. ALL PARKING, PARKING ISLANDS, AND DRIVE AREAS SHALL BE BORDERED WITH B612 CURB AND GUTTER, UNLESS OTHERWISE NOTED.
6. ALL CROSSWALK STRIPING TO BE YELLOW 6" WIDE STRIPE.
7. ALL SIGNS ARE TO FACE ONCOMING TRAFFIC.
8. ALL CONCRETE PAVEMENT TO BE 5" DEPTH UNLESS OTHERWISE NOTED.
9. FIRE LANES SHALL HAVE PAINTED YELLOW CURB AND BE A MINIMUM OF 50' IN LENGTH. PROVIDE ONE DOUBLE SIDED FIRE LANE SIGN AT EACH END.

LEGEND

- REFERENCE KEY TO SITE DETAILS
DETAIL ID. NUMBER (TOP)
SHEET NUMBER (BOTTOM)
- BUILDING STOOP - REFER
TO ARCHITECTURAL PLANS
- PROPOSED CONCRETE WALK OR SLAB
- PROPOSED CONCRETE
CURB AND GUTTER
- PROPOSED CONCRETE
CURB AND GUTTER
- PROPOSED LIGHT DUTY
BITUMINOUS PAVEMENT
- PROPOSED MEDIUM DUTY
BITUMINOUS PAVEMENT
- PROPOSED HEAVY DUTY
BITUMINOUS PAVEMENT
- AGLIME
- PAINTED HANDICAP SYMBOL
- PROPOSED TRAFFIC SIGN

ANDERSON-JOHNSON ASSOCIATES, INC.
AJA
 Landscape Architects • Site Planning • Civil Engineering
 Valley Square Office Center • Suite 205 • 1075 Golden Valley Road • Minneapolis, MN 55427
 PH (612) 544-7128 • FAX (612) 544-0631

I hereby certify that this Drawing was prepared by me or under my direct supervision and that I am a duly registered ENGINEER under the Laws of the State of Minnesota.

 Reg. No. 17279



Abendroth, Rego, & Youngquist Architects, Inc.
 5217 Wayzata Boulevard, St. Louis Park, Minnesota 55416 (612) 544-8941

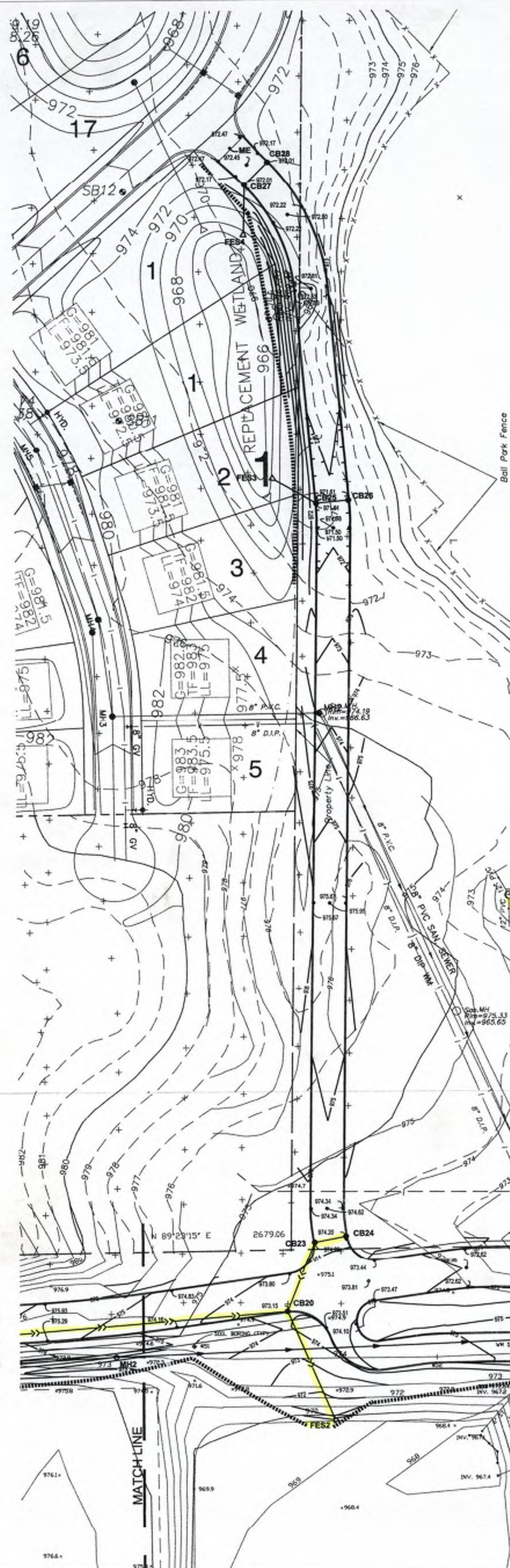
2001 WACONIA MIDDLE SCHOOL AND COMMUNITY CENTER SITE WORK
 IDS #110 WACONIA, MINNESOTA

North

 SCALE 1"=50'

Sheet Title
PAVING AND STRIPING PLAN - EAST

Drawn By PJS Sheet No.
 Checked By DLJ
 Date 5.24.99
 Comm. No. 98123
 Revised
C6
 6 of 11 Sheets



STORM SEWER STRUCTURE SCHEDULE					
STRUCTURE NUMBER	NEENAH CASTING	RIM ELEV.	INVERT ELEV.	STRUCTURE SIZE	PIPE LENGTH, DIA. & SLOPE TO UPSTREAM STRUCTURE
FES 1	N/A	N/A	969.00	84" ID	293' - 42" @ 0.20%
MH 101	R-1733	977.2	969.64	84" ID	51' - 42" @ 0.22%
CB 1	R-2503-D	977.3	969.76	96" ID	241' - 42" @ 0.22%
CB 2	R-2503-D	979.5	971.28W 970.89N	96" ID	206' - 36" @ 0.30%
CB 3	R-3067-V	985.1	971.90E 970.00NW	72" ID	141' - 33" @ 0.27%
CB 4	R-3067-V	982.6	972.48NE 972.68W	60" ID	150' - 30" @ 0.32%
CB 5	R-3067-V	981.2	973.16E 974.90W 973.76N	72" ID	231' - 24" @ 0.40%
MH 102	R-1733	985.5	975.83E 976.03W	60" ID	140' - 21" @ 0.21%
CB 6	R-1733	981.7	976.32	60" ID	124' - 21" @ 0.21%
CB 7	R-2503-D	982.6	976.58	48" ID	130' - 21" @ 0.21%
CB 8	R-2503-D	983.6	976.85	48" ID	126' - 21" @ 0.21%
MH 103	R-1733	984.6	977.12	48" ID	50' - 15" @ 0.35%
CB 9	R-2503-D	983.0	977.30	48" ID	97' - 15" @ 0.39%
CB 10	R-3067-V	981.7	977.67	48" ID	N/A
CB 5	SA	SA	973.16E 974.90W 973.76N	SA	139' - 21" @ 0.26%
CB 11	R-3067-V	983.3	974.11S 974.31NW 979.31NE	48" ID	132' - 18" @ 0.50%
CB 12	R-2503-D	984.4	974.97	48" ID	N/A
CB 11	SA	SA	974.11S 974.31NW 979.31NE	SA	92' - 12" @ 0.96%
CB 13	R-2503-D	984.2	980.19	48" ID	N/A
CB 3	SA	SA	971.90E 972.10W 980.00NW	SA	223' - 18" @ 2.21%
CB 14	R-3067-V	990.2	984.53	48" ID	216' - 18" @ 2.81%
MH 104	R-1733	997.1	991.00	48" ID	N/A
CB 2	SA	SA	970.29S 971.28W 970.89N	SA	297' - 21" @ 1.23%
CB 15	R-2503-D	982.8	974.53	48" ID	238' - 21" @ 0.40%
CB 16	R-3067-V	986.9	975.48SE 975.68NW	48" ID	145' - 18" @ 0.50%
CB 17	R-3067-V	986.9	976.41	48" ID	130' - 18" @ 0.45%
CB 18	R-3067-V	983.8	977.00	48" ID	233' - 18" @ 0.45%
CB 18A	R-3067-V	982.0	978.04	48" ID	N/A
FES 2	N/A	N/A	969.50	18" APRON	99' - 18" @ 0.25%
CB 20	R-3067-V	973.1	969.75	48" ID	320' - 12" @ 0.83%
CB 21	R-3067-V	976.4	972.41	48" ID	320' - 12" @ 1.00%
CB 22	R-3067-V	979.6	975.60	48" ID	N/A
CB 20	SA	SA	969.75	SA	65' - 15" @ 0.48%
CB 23	R-3067-V	974.2	970.06	48" ID	28' - 12" @ 0.48%
CB 24	R-3067-V	974.2	970.20	2' X 3'	N/A
FES 3	N/A	N/A	967.00	15" APRON	40' - 15" @ 0.88%
CB 25	R-3067-V	971.6	967.35	48" ID	28' - 15" @ 0.88%
CB 26	R-3067-V	971.6	967.60	2' X 3'	N/A
FES 4	N/A	N/A	967.57	15" APRON	40' - 15" @ 0.63%
CB 27	R-3067-V	972.0	967.82	48" ID	28' - 15" @ 0.63%
CB 28	R-3067-V	972.0	968.00	2' X 3'	N/A
FES 5	N/A	N/A	963.31	24" APRON	42' - 24" @ 0.70%
MH 105	R-1733	971.4	963.60	48" ID	17' - 24" @ 0.70%
CB 29	R-3067-V	971.3	963.72S 963.72W 966.54N	60" ID	205' - 24" @ 0.30%
CB 30	R-3067-V	971.5	964.34E 964.54W 967.15NW	60" ID	88' - 21" @ 0.30%

SANITARY SEWER STRUCTURE SCHEDULE					
STRUCTURE NUMBER	NEENAH CASTING	RIM ELEV.	INVERT ELEV.	STRUCTURE SIZE	PIPE LENGTH, DIA. & SLOPE TO UPSTREAM STRUCTURE
CB 31	R-3067-V	971.9	964.80E 965.00SW	48" ID	41' - 18" @ 0.60%
CB 32	R-3067-V	973.9	965.25NE 965.25W 969.52S	48" ID	350' - 18" @ 0.30%
CB 33	R-3067-V	970.5	966.30E 966.47SW 966.30N	48" ID	45' - 12" @ 7.22%
CB 34	R-3067-V	973.7	969.72	2' X 3'	N/A
CB 29	SA	SA	963.72S 963.72W 966.54N	SA	40' - 12" @ 1.00%
CB 29A	R-3067-V	971.3	967.34	2' X 3'	N/A
CB 30	SA	SA	964.34E 964.54W 967.15NW	SA	43' - 12" @ 1.00%
CB 30A	R-3067-V	971.6	967.58	2' X 3'	N/A
CB 32	SA	SA	965.25NE 965.25W 969.52S	SA	65' - 12" @ 0.50%
CB 32A	R-3067-V	973.8	969.84	2' X 3'	N/A
CB 33	SA	SA	966.30E 966.47SW 966.30N	SA	34' - 12" @ 0.50%
CB 33A	R-3067-V	970.5	966.47	2' X 3'	N/A
CB 35	N/A	969.2	965.20	N/A	134' - 12" @ 0.44%
CB 36	R-2503-D	968.5	965.79	30" ID	N/A
FES 6	N/A	N/A	962.37	33" APRON	29' - 33" @ 0.30%
CB 37	R-3067-V	968.4	962.46	60" ID	39' - 33" @ 0.30%
CB 38	R-3067-V	968.4	962.58	72" ID	75' - 33" @ 0.30%
CB 39	N/A	966.6	962.80	60" ID	N/A
FES 7	N/A	N/A	963.30	18" APRON	37' - 18" @ 7.57%
CB 40	N/A	970.7	966.10	N/A	N/A
MH 107	R-1733	969.0	959.80S 960.30W	60" ID	23' - 8" @ 13.04%
FES 8	N/A	N/A	963.30	*	N/A

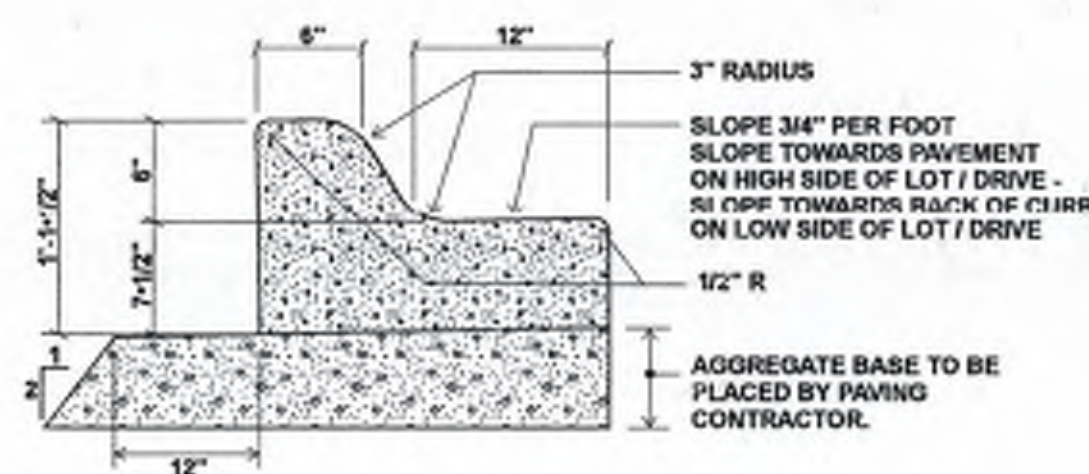
ABBREVIATIONS:
 CB = CATCH BASIN
 SD = BUILDING DRAIN
 ID = INSIDE DIAMETER
 MH = MANHOLE
 FES = FLARED END SECTION
 SA = SEE ABOVE
 N/A = NOT APPLICABLE
 *N/S/E/W REFER TO NORTH/SOUTH/EAST/WEST DIRECTIONS

NOTES:
 1. ALL RCP STORM SEWER PIPE SHALL BE CLASS III OR BETTER. PVC PIPE MAY BE USED AS AN ALTERNATE TO RCP OUTSIDE PAVEMENT AREAS PROVIDED THE DESIGN PROFILE RESULTS IN AT LEAST 3 FEET OF COVER AND NO MORE THAN 15 FEET OF COVER OVER THE TOP OF PIPE.
 2. ALL UTILITY CASTINGS (SANITARY AND STORM SEWER) SHALL BE FURNISHED WITH "M-GARD" LOCKBOLTS AS SUPPLIED BY NEENAH FOUNDRY, OR APPROVED EQUAL.
 3. NEENAH R-1733 CASTINGS SHALL BE FURNISHED WITH SOLID LIDS WITH TWO LIFT HOLES.
 4. VERIFY LOCATIONS, SIZES AND INVERT ELEVATIONS OF PROPOSED BUILDING DRAINS WITH MECHANICAL PLANS PRIOR TO CONSTRUCTION. COORDINATE WITH THE MECHANICAL CONTRACTOR (PHASE 2 CONTRACTOR).
 5. MITER CUT END OF PIPE TO MATCH FINISHED SLOPE

SANITARY SEWER STRUCTURE SCHEDULE					
STRUCTURE NUMBER	NEENAH CASTING	RIM ELEV.	INVERT ELEV.	STRUCTURE SIZE	PIPE LENGTH, DIA. & SLOPE TO UPSTREAM STRUCTURE
MH 1	R-1733	974.9	964.70	48" ID	380' - 8" @ 0.40%
MH 2	R-1733	973.0	966.22	48" ID	406' - 8" @ 1.06%
MH 3	R-1733	978.6	970.46	48" ID	406' - 8" @ 0.40%
MH 4	R-1733	986.2	972.08	48" ID	256' - 8" @ 0.85%
MH 5	R-1733	985.8	974.26	48" ID	244' - 8" @ 0.40%
MH 6	R-1733	984.0	975.24	48" ID	240' - 8" @ 0.40%
MH 7	R-1733	983.0	976.20	48" ID	N/A
MH 4	SA	SA	972.08	SA	394' - 8" @ 0.40%
MH 8	R-1733	993.1	973.66	48" ID	166' - 8" @ 0.40%
MH 9	R-1733	985.0	974.32	48" ID	168' - 8" @ 0.40%
MH 10	R-1733	985.1	975.00	48" ID	N/A
MH 8	SA	SA	973.66	SA	108' - 8" @ 16.98%
MH 11	R-1733	996.9	992.00	48" ID	N/A

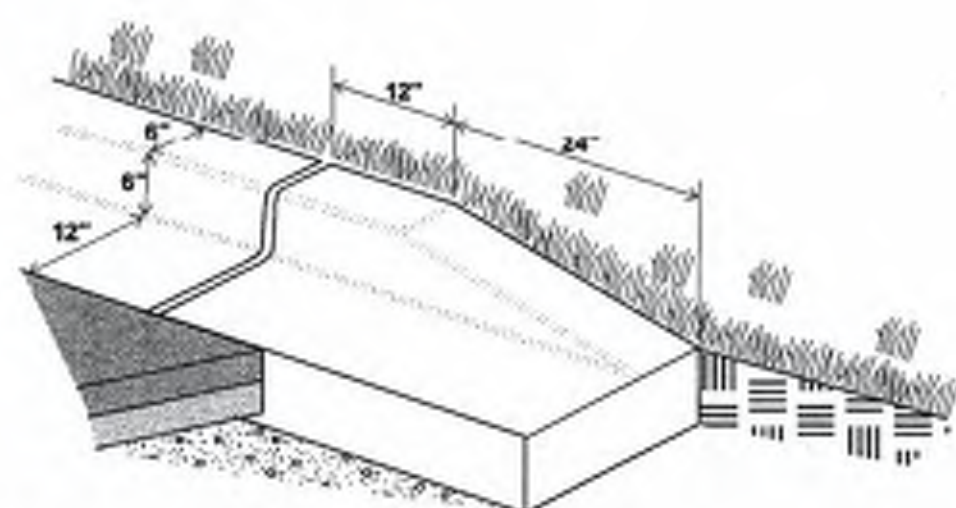
- GENERAL NOTES**
- ALL CONSTRUCTION MUST COMPLY WITH APPLICABLE STATE AND LOCAL ORDINANCES.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND PAY FOR ALL CONSTRUCTION STAKING / LAYOUT.
 - THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL RELATED CONSTRUCTION PERMITS.
 - INSPECT SITE AND REVIEW SOIL BORINGS TO DETERMINE EXTENT OF WORK AND NATURE OF MATERIALS TO BE HANDLED.
 - REFER TO SPECIFICATIONS FOR DEWATERING REQUIREMENTS.
 - CHECK ALL PLAN AND DETAIL DIMENSIONS AND VERIFY SAME BEFORE FIELD LAYOUT.
 - VERIFY BUILDING DIMENSIONS WITH ARCHITECT PRIOR TO CONSTRUCTION STAKING / LAYOUT.
 - INSTALL CONTROL FENCING AND BARRICADES AS NECESSARY TO PROTECT THE PUBLIC.
 - INSTALL SILT FENCE BEFORE BEGINNING EXCAVATION OR GRADING. MAINTAIN AND REPAIR FENCES INCLUDING SILT REMOVAL UNTIL CONSTRUCTION IS COMPLETE AND VEGETATION ESTABLISHED. REMOVE SILT FENCE, INCLUDING FILLING IN TRENCH, FOLLOWING TURF RESTORATION AND ESTABLISHMENT.
 - PROVIDE TEMPORARY SEDIMENT BASINS (POND) AS NECESSARY TO CONTROL RUNOFF OFF SITE. CONTRACTOR SHALL MAINTAIN TEMPORARY SEDIMENT BASINS UNTIL STORM SEWER SYSTEM IS COMPLETE.
 - ALL EXISTING AND PROPOSED UTILITY STRUCTURES, AFFECTED BY STORM WATER RUNOFF FROM THE CONSTRUCTION SITE, SHALL BE PROTECTED WITH EROSION CONTROL AS SHOWN ON DETAIL 2, SHEET C10. MAINTAIN EROSION CONTROL, INCLUDING SILT REMOVAL, THROUGHOUT CONSTRUCTION. REMOVE EROSION CONTROL FOLLOWING TURF ESTABLISHMENT OR PAVING, IF APPLICABLE.
 - MAINTAIN ADJACENT PROPERTY AND CITY STREETS CLEAN FROM CONSTRUCTION CAUSED DIRT AND DEBRIS ON A DAILY BASIS. PROTECT DRAINAGE SYSTEMS FROM SEDIMENTATION AS A RESULT OF CONSTRUCTION RELATED DIRT AND DEBRIS.
 - MAINTAIN DUST CONTROL DURING GRADING OPERATIONS.
 - CONTRACTOR SHALL MINIMIZE DISTURBANCE TO SITE AND PROTECT EXISTING SITE FEATURES (CURBS, WALKS, PAVEMENTS, STRUCTURES, TREES, VEGETATION, UTILITIES, FACILITIES, ETC.) WHICH ARE TO REMAIN.
 - PROPOSED CONTOURS AND SPOT ELEVATIONS ARE SHOWN TO FINISH GRADE UNLESS OTHERWISE NOTED.
 - PROPOSED ELEVATIONS SHOWN TYPICALLY 80.4 OR 80 SHALL BE UNDERSTOOD TO MEAN 80.4 OR 80.
 - THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING QUANTITIES OF FILL AND WASTE MATERIALS TO BE HANDLED, AND FOR AMOUNT OF GRADING TO BE DONE IN ORDER TO COMPLETELY PERFORM ALL WORK INDICATED ON THE DRAWINGS. COST OF IMPORTING FILL OR EXPORTING WASTE MATERIALS SHALL BE INCIDENTAL TO THE CONTRACT.
 - IT IS INTENDED THAT THE GRADING OPERATIONS (CUTTING AND FILLING) WILL BALANCE. ADJUST FIELD ELEVATIONS (FOOTBALL 1 THROUGH 4 AND FOOTBALL 1 AND 2) NO MORE THAN 1.4 UP OR DOWN TO DISPOSE OF (OR BORROW) SOILS. PRIOR TO MODIFYING ANY PROPOSED GRADES, SUBMIT PROPOSED GRADING REVISIONS TO ENGINEER FOR REVIEW AND APPROVAL. ALLOW AT LEAST 48 HOURS FOR REVIEW BY ENGINEER.
 - NO FINISHED SLOPES SHALL EXCEED 3' HORIZONTAL TO 1' VERTICAL (3:1), UNLESS OTHERWISE NOTED.
 - ALL DISTURBED AREAS OUTSIDE THE BUILDING PAD WHICH ARE NOT DESIGNATED TO BE PAVED SHALL RECEIVE AT LEAST 6" OF TOPSOIL AND SHALL BE SODED.
 - ALL WATERMAIN SHALL BE DIP, UNLESS OTHERWISE NOTED. ALL WATERMAIN SHALL HAVE 7" 4" BURY (TOP OF PIPE TO FINISH GRADE). REFER TO DETAIL 15, SHEET C10 FOR WATERMAIN / SEWER CROSSING.
 - ALL SANITARY SEWER PIPE SHALL BE PVC PIPE (ASTM D 3034, SDR 26, SDR 35), UNLESS OTHERWISE NOTED.
 - ALL STORM SEWER PIPE SHALL BE RCP, CLASS III, WITH FLEXIBLE WATER TIGHT JOINTS IN ACCORDANCE WITH ASTM C-361, UNLESS OTHERWISE NOTED.
 - LOCATE ALL EXISTING UTILITIES AND VERIFY LOCATION, SIZE AND INVERT ELEVATION OF ALL EXISTING UTILITIES. VERIFY LOCATIONS, SIZES AND ELEVATIONS OF SAME BEFORE BEGINNING CONSTRUCTION.
 - BITUMINOUS PAVEMENTS AND CURB AND GUTTER (REMOVED FOR WATERMAIN CONSTRUCTION IN CITY STREETS) SHALL BE RESTORED TO EXISTING CONDITIONS IMMEDIATELY FOLLOWING INSTALLATION OF PROPOSED UTILITIES. PROVIDE TRAFFIC CONTROL AS REQUIRED.
 - THE CONTRACTOR SHALL NOT STAGE MATERIALS / EQUIPMENT ON PROPOSED PARKING LOTS, OR DRIVES. DAMAGE TO SUBGRADE MATERIALS OR SAND SUB-BASES FROM RUTTING, PUMPING OF SOILS, OR CONTAMINATION OF SAND SUB-BASES SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER TO THE SATISFACTION OF THE ENGINEER.
 - RESURFACING OF TOPSOIL WITHIN THE MIDDLE SCHOOL "BUILDING AREA" GENERALLY DEFINED AS FALLING BEHIND THE INSIDE OF THE PARKING LOTS AND FIRE RING ROAD, SHALL BE DELAYED UNTIL THE BUILDING CONTRACTOR (SUBSEQUENT CONTRACT) IS PREPARED TO HAVE SUBJECT AREA FINISH GRADED. TEMPORARILY STOCKPILE SUFFICIENT TOPSOIL TO COMPLETE THE SUBJECT SECTION. PROVIDE POSITIVE DRAINAGE ADJACENT TO THE TEMPORARY STOCKPILE(S). COORDINATE W/ LANDSCAPE CONTRACTOR.
 - ROUGH GRADING AROUND PROPOSED POWER POLES "BY OTHERS" SHALL BE COMPLETED IMMEDIATELY FOLLOWING MOBILIZATION PRIOR TO SIGHT GRADING TO ALLOW FOR UTILITY ACCESS.

- LEGEND**
- REFERENCE KEY TO SITE DETAILS SHEET NUMBER (BOTTOM)
 - EXISTING CONTOUR
 - EXISTING SPOT ELEVATION
 - PROPOSED CONTOUR
 - PROPOSED SPOT ELEVATION
 - MATCH EXISTING GRADE
 - SOIL BORING
 - SILT FENCE
 - PROPOSED WATERMAIN (WM) AND GATE VALVE (GV) AND FIRE HYDRANT (FHD)
 - PROPOSED GRAVITY SANITARY AND MANHOLE (MH)
 - PROPOSED STORM SEWER WITH CATCH BASIN (CB), FLARED END SECTION (FES), MANHOLE (MH) AND OUTLET CONTROL STRUCTURE (OS)
 - VERIFY 4.5' MIN. COVER OVER 8" SANITARY LINE
 - LOWER GAS MAIN TO PROVIDE 7.5' COVER
 - PROPOSED FINGER DRAIN

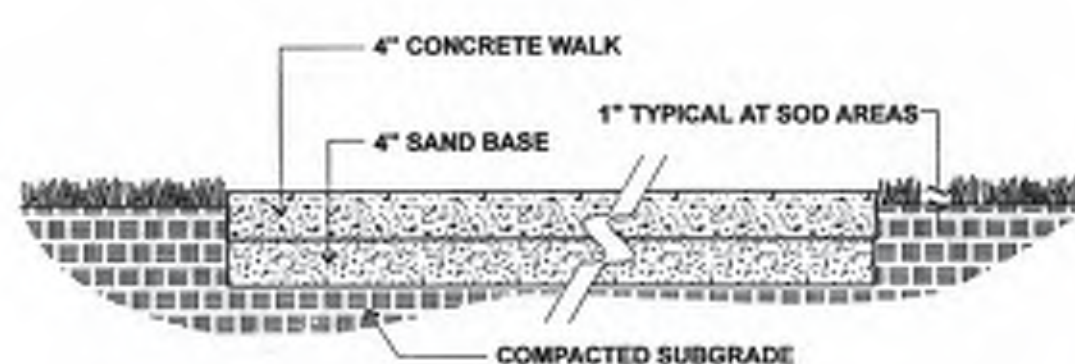


NOTE: DIRECTION OF TRANSVERSE GUTTER SLOPE TO MATCH DIRECTION OF ADJACENT PAVEMENT SLOPE.

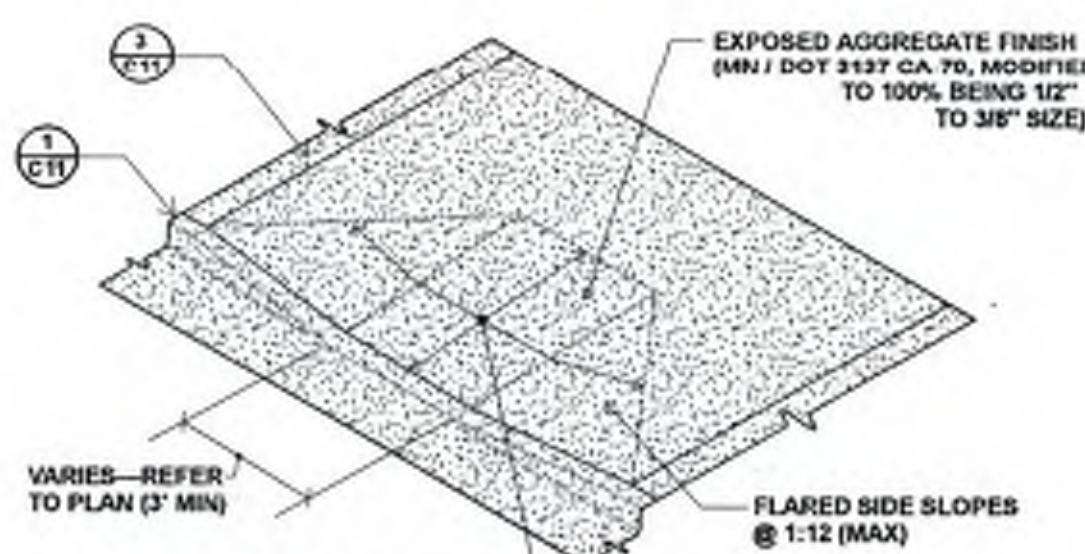
1 B-612 CURB AND GUTTER
C11



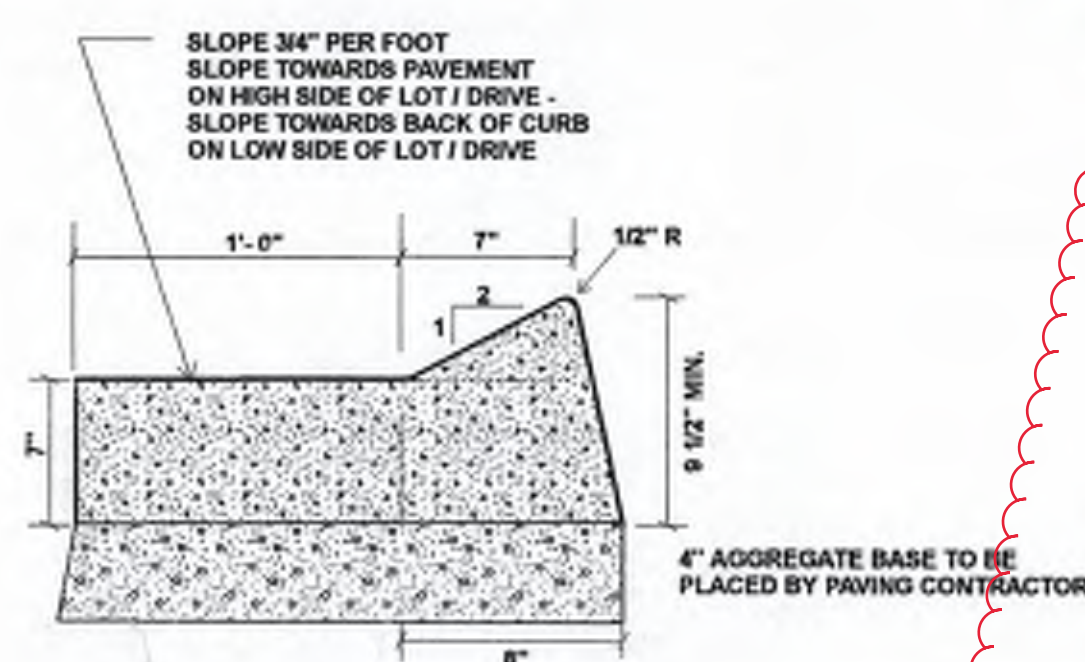
2 CURB TERMINATOR
C11



3 CONCRETE WALK SECTION
C11

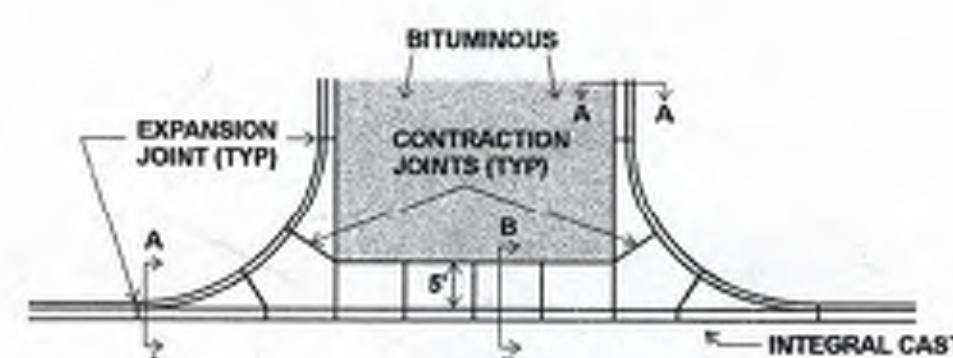


4 CURB RAMP
C11

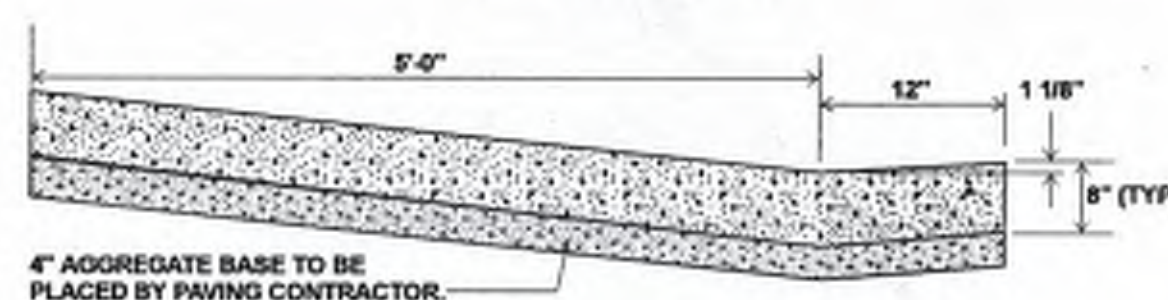


NOTE: DIRECTION OF TRANSVERSE GUTTER SLOPE TO MATCH DIRECTION OF ADJACENT PAVEMENT SLOPE.

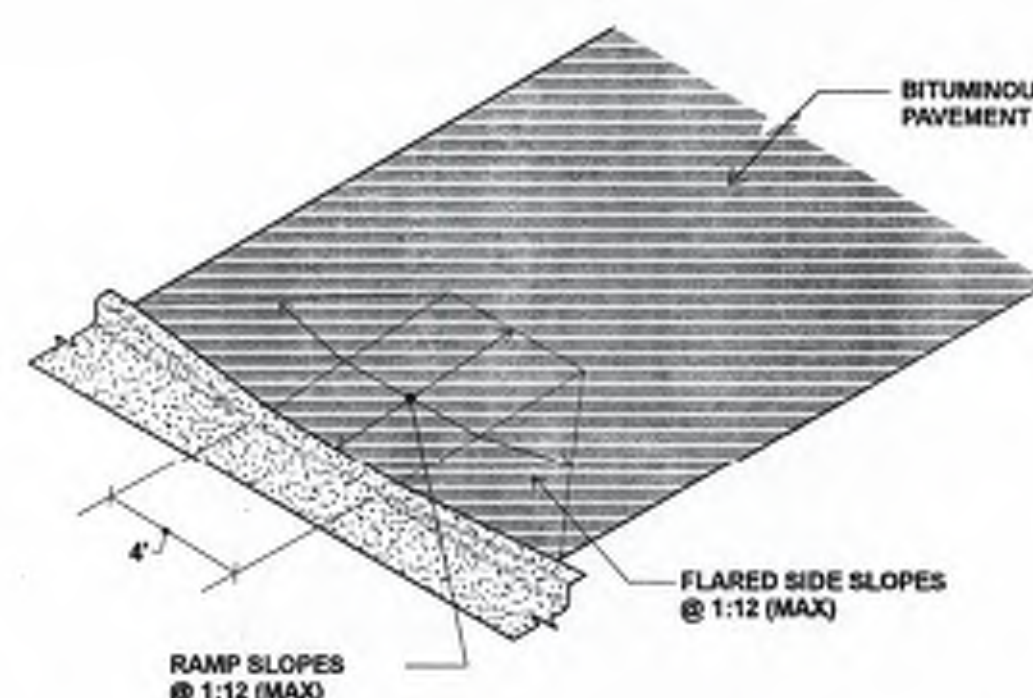
5 D-312 CURB & GUTTER
C11



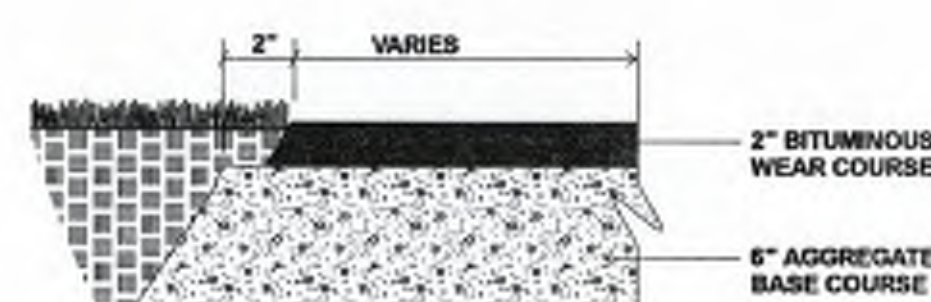
SECTION A-A THRU B612 C.G.



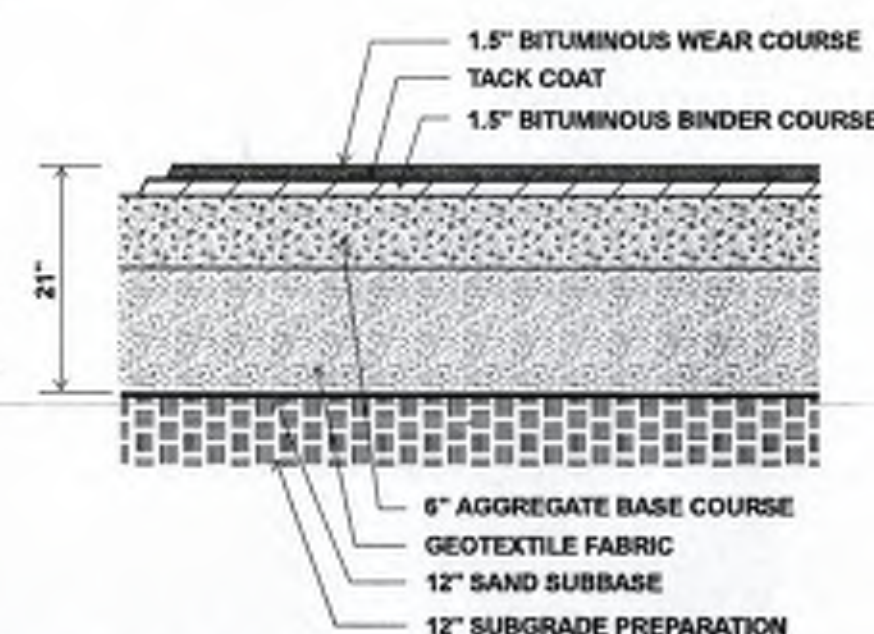
6 SECTION B-B THRU CONCRETE GUTTER CONCRETE ENTRANCE SLAB
C11



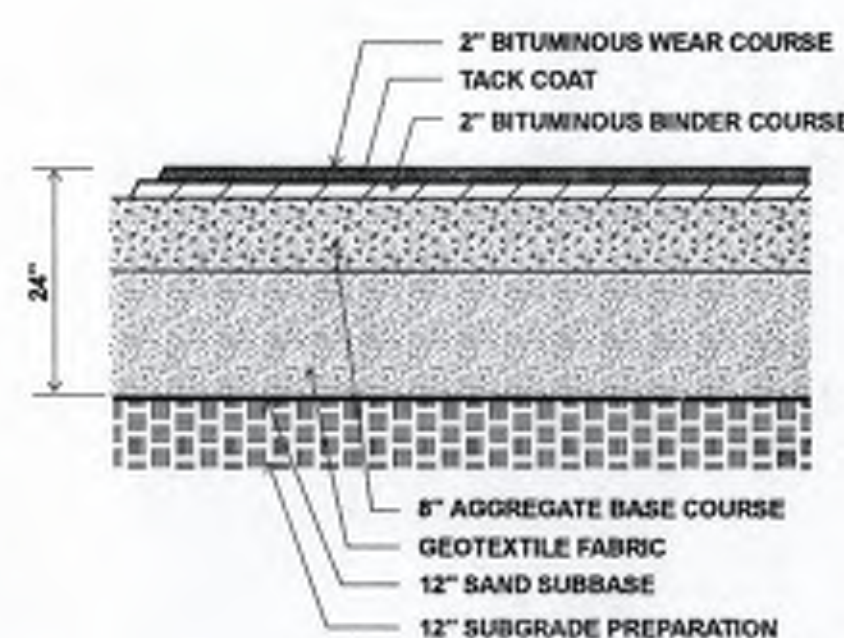
7 BITUMINOUS CURB RAMP
C11



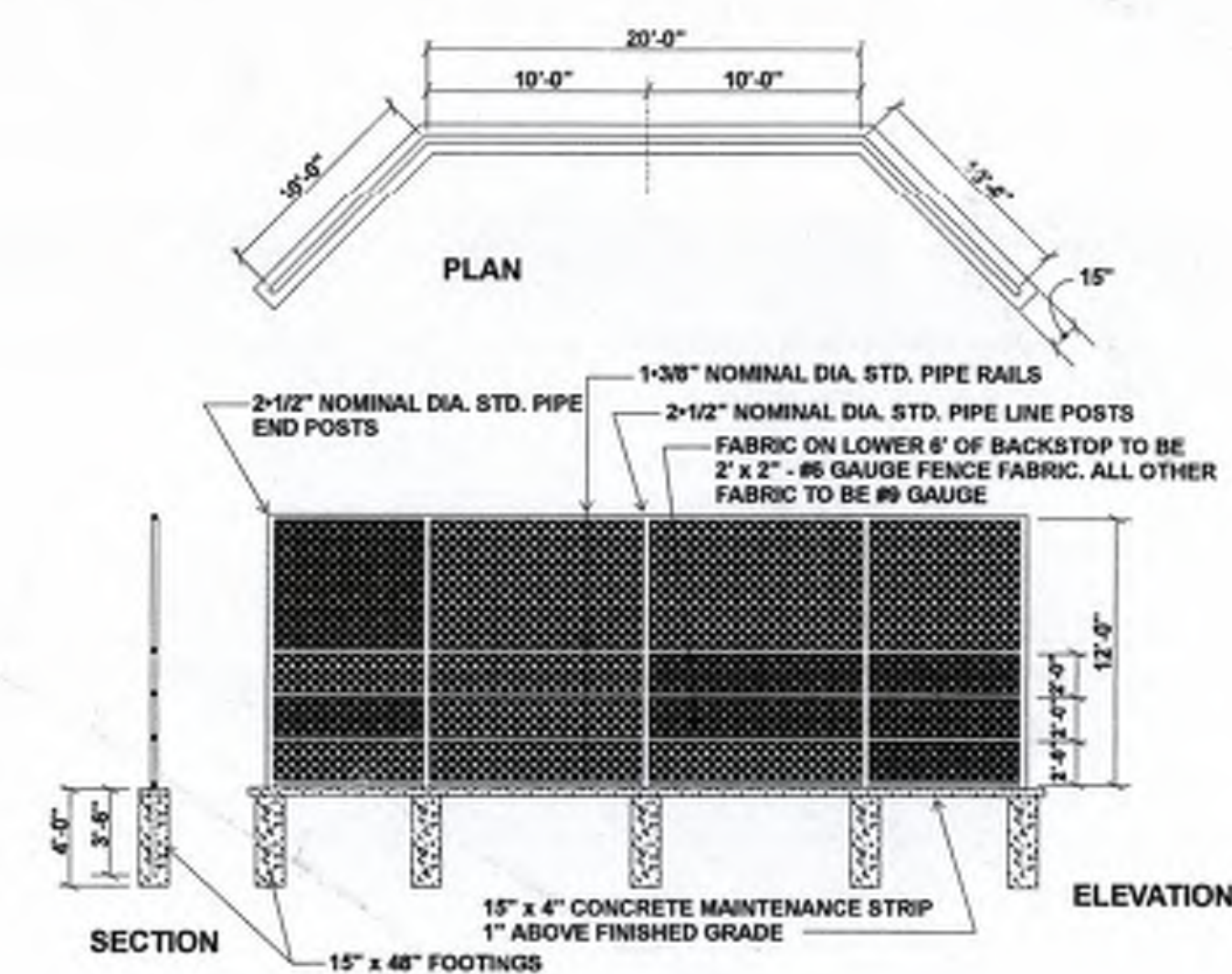
8 LIGHT DUTY PAVEMENT
C11



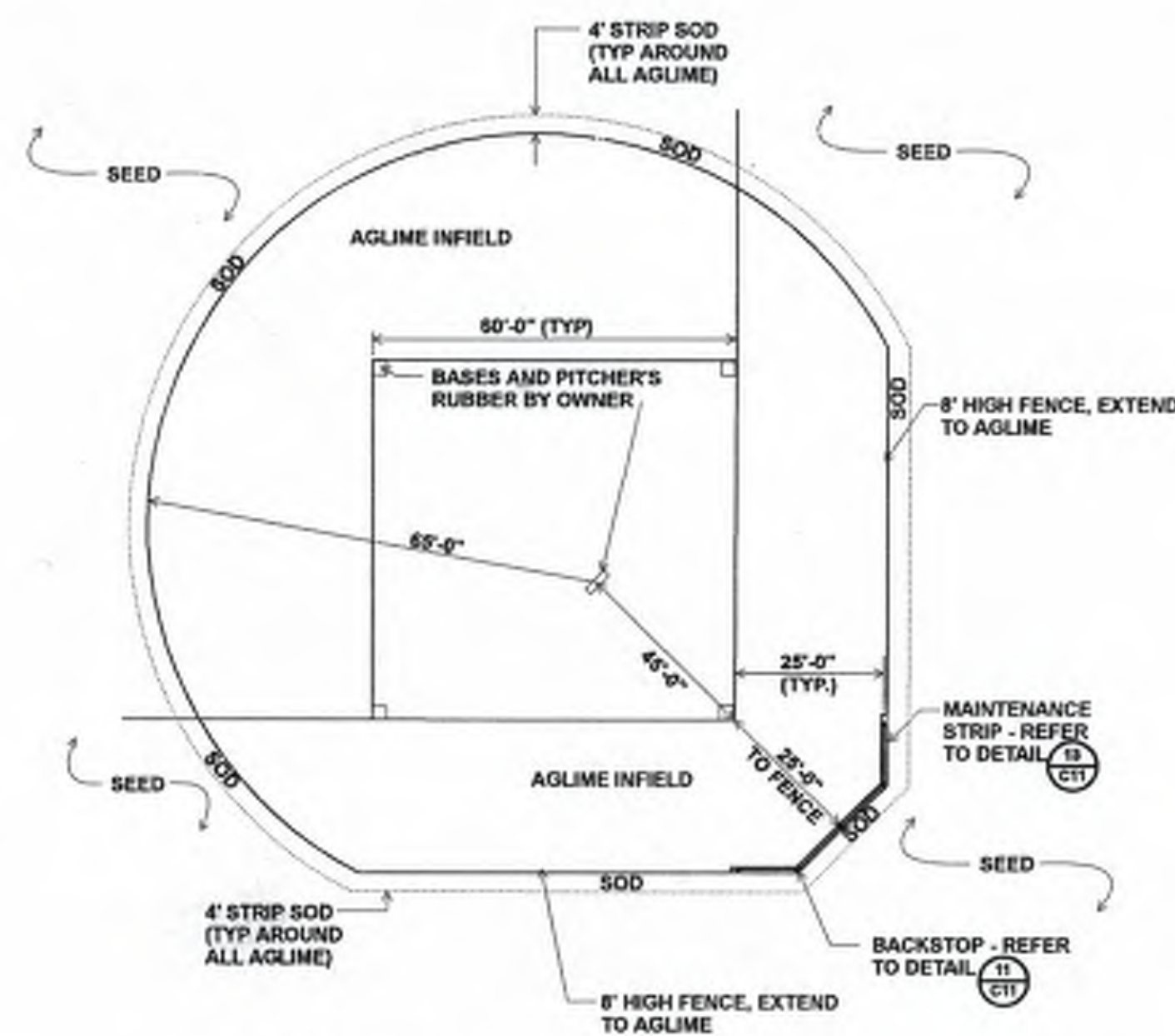
9 MEDIUM DUTY PAVEMENT
C11



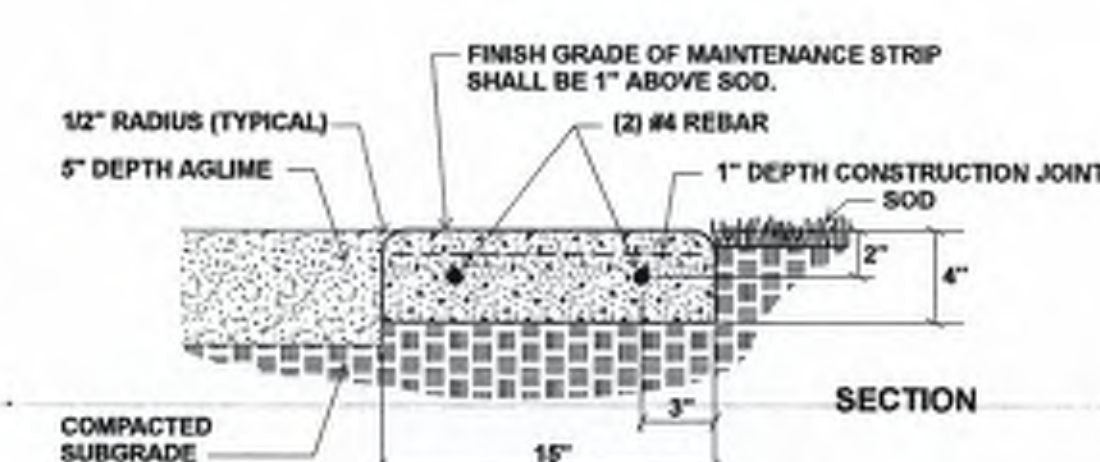
10 HEAVY DUTY PAVEMENT
C11



11 SOFTBALL BACKSTOP
C11



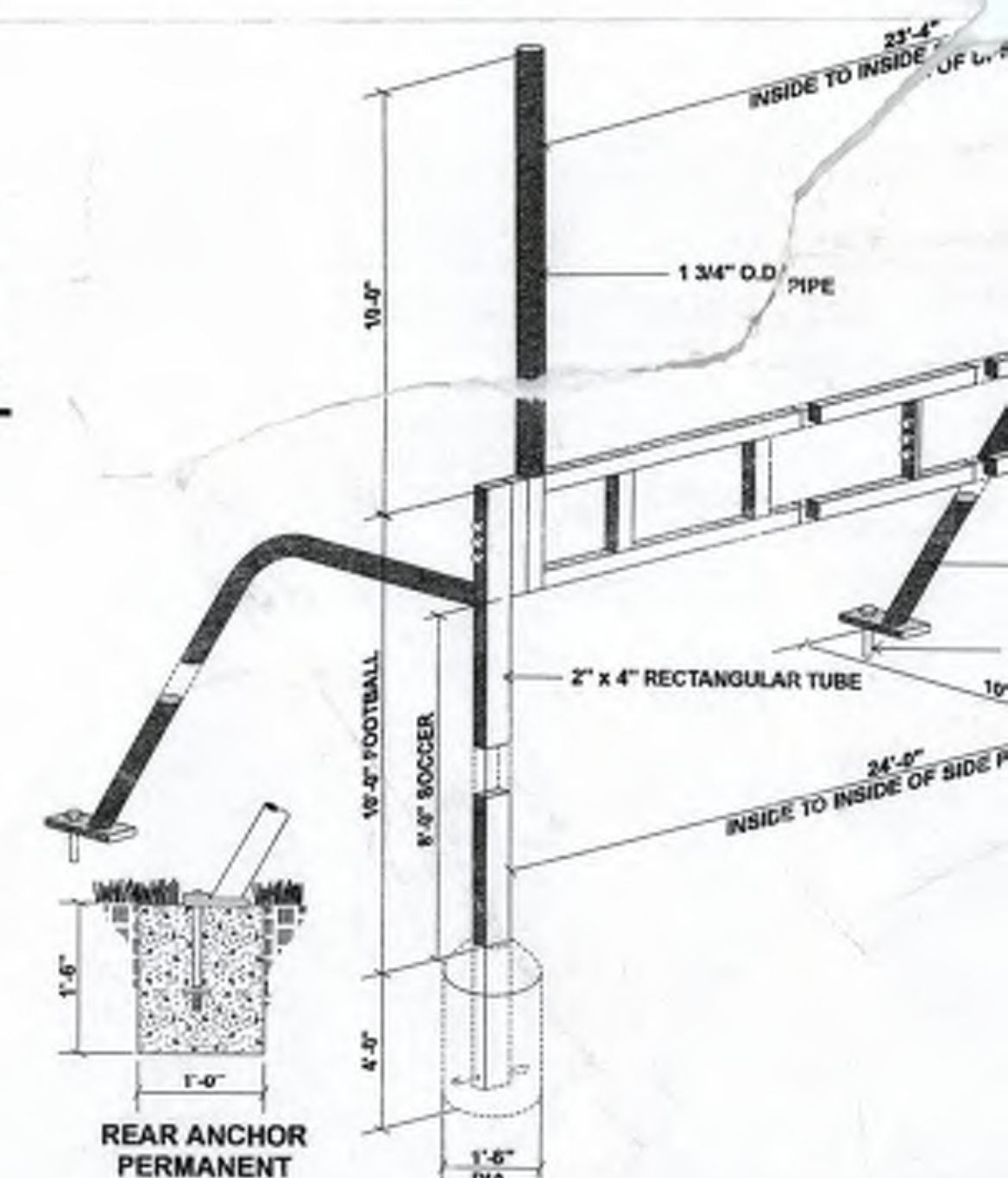
12 SOFTBALL INFILDE
C11



13 CONCRETE MAINTENANCE STRIP
C11



14 AGLIME AT TURF EDGE
C11



17 GOAL POST DETAIL
C11

15 TRAFFIC SIGN AND POST
C11



16 ACCESSIBLE PARKING SIGN & POST
C11

section. The buried topsoil was black in color and was slightly organic to organic. Organic soils or soils contain organic materials are generally compressible and are poor quality soils for pavement support. We recommend removing the buried topsoil from below the new pavement and oversize areas. If new utilities will be installed along this portion of Walnut Street then removal of the buried topsoil could be incidental to construction.

Walnut Street from Second Street to Third Street & Third Street from Cherry Street to Walnut Street

Soil borings SB-6, thru SB-10 were completed along this stretch of the improvement project and pipe invert elevations are anticipated to range from about 11 to 17 feet below the ground surface. At these depths the soil boring encountered native sandy lean clay glacial till that had a medium to stiff consistency and in our opinion is suitable for pipe support.

Buried topsoil was encountered below the existing pavement section in boring SB-6, SB-7 and SB-8 that extended to depths ranging from about 7 to 10 feet below the ground surface and as discussed above the buried topsoil is generally compressible and a poor-quality material for pavement, or pipe support, support. We recommend that the buried topsoil be removed from below the proposed pavement areas and replaced with suitable compacted engineered fill. Since pipe invert elevations are anticipate to range from about 11 to 17 feet below the ground surface, removal of the buried topsoil will likely be incidental to construction.

Wildcat Way Improvements Soil borings SB-11 thru SB-15 were completed along Wildcat Way. Soil boring SB-11 encountered buried topsoil below the existing pavement section that extended to a depth of about 6 ½ feet below the ground surface. Soil boring SB-12 encountered about 7 feet of silty sand Fill overlying about 10 feet of peat that extended to a depth of about 17 feet below the ground surface.

The peat encountered in soil boring SB-12 is highly compressible and is not suitable for pavement support. We typically recommend removing all peat and organic soil below the pavement sections. In this case excavations extending 17 feet, or more, below the ground surface will be required to remove the peat. Because of the required excavation depths, it may not be feasible or cost effective to remove the peat. If the peat will remain in-place, it should be anticipated that pavements constructed in this area will likely experience some settlement due to long-term consolidation of the peat. Minimizing raising grade for the new pavements can aid in reducing the risk of settlement.

Alternately the area could be “surcharged” to accelerate the consolidation process. Surcharging generally involves placing an additional soil load over the area and monitoring settlement for an extended period of time. This option could limit access to the residences west of Wildcat Way and because of that surcharging may not be a viable option. If this option is selected, additional soil borings along with laboratory consolidation testing will be required to develop a surcharging plan.

The lateral limits of the peat were not determined as part of this exploration but appears to be located between soil boring SB-11 and SB-13 and appears to be located along an approximate 400-foot length of the roadway alignment. If required or requested additional soil borings could be performed to further define the lateral limits of the peat.

The remaining boring (SB-13, SB-14 and SB-15) completed along Wildcat Way encountered about 4 to 5 feet of sandy Fill soils underlain by clayey glacial till soils or native sandy lean clay glacial till which extended to the termination depths of the borings. The existing Fill and clayey glacial till soils are generally suitable for pavement support and for re-use as engineered fill or backfill.

Groundwater Groundwater was encountered in soil borings SB-5, SB-9 and SB-10 at depths ranging from about 13 to 18 ½ feet below the ground surface. With pipe invert elevations anticipated to range from about 11 to 17 feet below the ground surface near those borings, groundwater could be encountered and dewatering could be required.

In clayey soils it may be possible to control groundwater with sump and pumps. If sandy soils are encountered more aggressive dewatering techniques could be required.

The following sections provide our recommendations for utility installation and street reconstruction.

4.3 Utility and Pavement Subgrade Preparation

Excavations We recommend that all pavements, vegetation, topsoil, organic soils and other unsuitable materials, if encountered, be removed from below the proposed utilities, pavement and oversize areas. We anticipate that the utilities will be supported on engineered fill and/or the native clayey glacial till soils which in our opinion are suitable for pipe support.

Table 3. Anticipated Excavation Depths

Boring Number	Measured Surface Elevation (feet)	Anticipated Excavation Depth (feet)*	Anticipated Excavation Elevation (feet)*	Anticipated Groundwater Elevation (feet)*
Main Street - Maple Street to Walnut Street				
SB-1	1023.0	1	1021	NE
SB-2	1028.5	1 ½	1027	NE
SB-3	1030.0	1 ½	1028 ½	NE
Walnut Street - First Street W to Third Street W				
SB-4	1016.0	1	1015	NE
SB-5	1011.5	4 ½	1007	993 ½
SB-6	1012.0	7	1005	NE
SB-7	1014.0	4 ½	1009 ½	NE
SB-8	1013.0	7	1006	NE
SB-9	1018.0	1	1017	1005
SB-10	1021.5	½	1021	1003
Wildcat Way - Waconia Parkway to Community Drive				
SB-11	973.5	6 ½	967	NE
SB-12	973.0	17	956	NE
SB-13	973.5	1	972 ½	NE
SB-14	976.0	1	975	NE
SB-14	976.0	1	975	NE

* = Excavation elevations were rounded to nearest ½ foot.

Shane Fineran

From: scott@scotthillmandesign.com
Sent: Friday, April 21, 2023 8:27 AM
To: Shane Fineran
Subject: Re: Wildcat Way update

Shane,

Thank you for the thorough response, it's much appreciated.

I will close out by stating my position (as a taxpayer and parent of kids attending ISD110) - for what it's worth. Obviously I'm not a decision maker or was involved with any of the decisions that led us to where we are with that road (nor were you, so no blame on yourself or anyone in particular) - but I know from speaking with neighbors and others around town that this road is a concern with a lot of people. It was built as a private drive 20 odd years ago, but as the community has grown it has morphed into a public road. The ADA parking lot for Lions field was built off of it, the city turned it into a through street two years ago for easy access to Lions Field from the north, it is heavily traveled (even when full of potholes) and it is on municipal property. And a portion of it has been reconstructed already from both directions, and 2 roundabouts were put in on either side of it. It's an important road to the community, and when events are hosted at Lions Field it's an important road for visitors to our city. So I think the city should look into creative ways to fund fixing it, and not just putting the burden on ISD110, since it has gone from being a private drive to a city street.

Thanks again for taking the time to thoroughly answer all of my questions, I truly appreciate it.

Have a good weekend
Scott Hillman



Scott Hillman

[Redacted signature block]

Wildcat Way Petition

Requesting Waconia city and School to repair or replacement of Wildcat Way road. Sidewalks and roads need to be ADA-accessible. Forward to others prior to May 1st, 2023.

[Sign in to Google](#) to save your progress.
[Learn more](#)

* Indicates required question



This document states that you are a constituent of Waconia or a parent/youth who attends the Waconia school district and utilizes Wildcat Way.

By putting your name and contact information on this form you agree to have your information given to the City of Waconia as a concerned constituent.

By putting your name and contact information on this form you agree to be contacted at the next Waconia city council meeting concerning this issue via the **optional** email address you provide.

Your name and contact information will be safeguarded on a need-to-know basis and will not be shared with anything or anyone outside of this issue and desire to have wildcat way replaced or heavily repaired.

Thank you for your vested interest, we are looking forward to getting this on the City's budget and working with you in a collective and positive way to resolve the road we and others access daily.

First and last name *

Your answer

Signature *

Your answer

Your role (select all that apply) *

- ☐ Parent/Guardian
- ☐ Student
- ☐ Local resident
- ☐ School Staff
- ☐ Other:

Why do you want Wildcat way to be repaired or replaced *

Your answer

Email

Your answer

Address

Your answer

Comments - (Why is this important to you)

Your answer

Pictures to show the state of the road







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Never submit passwords through Google Forms.

This form was created inside of Waconia Public Schools.

[Report Abuse](#)

Google Forms

Why do you want Wildcat way to be retained or replaced	Comments - Why is this important to you?
Can't drive or ride down road. Very unsafe	Nephew was recently hurt hitting an unavoidable pothole riding his bike home from school
The city flows all the loose gravel into the back of my yard and makes a mess. It's disruptive to the landscape	I lived at my house for 5 years and nothing has been done
Baseball home games	
Road is not safe	
We live in Country Ponds and cannot drive on Wildcat Way to the schools without risking damage to our cars. This has been a problem for years, with this year being the worst I've seen.	
It's useless and hazardous in its current condition. I live in Country Ponds and my kids go to Waconia Middle School. Busses do not come to this neighborhood. This road needs to be fixed to prevent further injuries to kids and damage to vehicles. I pay taxes for all roads to be maintained not just some. Why the city has chosen to ignore maintenance on this road needs to be justified to the taxpayers.	The condition of this road is worse than a county gravel road. At least those are maintained and graded. It's easy for me to avoid using Wildcat Way altogether, which I've done for quite some time now, but it's dangerous for those who use it and it's an embarrassment to our community.
To prevent damage to vehicles and keep kids safe on bus. I've heard it's a very bumpy ride from the kids.	
Because it's a hazard for drivers	
It is unsafe and was poorly designed. Any excuses from 20 years ago are null and void now that it's a thoroughfare for multiple schools and sports fields.	
Can. At drive down it. It's very unsafe for passengers and pedestrians.	You literally just fixed the top of the road with the new roundabout so it can be done. Finish the job over the summer.
Baseball season is here and many people use that road	Just look at it.
High traffic road - a lot of people would use this road if it weren't in such disrepair as it allows much needed access to the schools, fields, and surrounding park and facilities. Not repaving will cause damage to vehicles and is causing frequent traffic flow issues with only one other entrance to this area.	As stated above
It is dangerous to drive on, which with attempting to evade potholes, could result in injuries of other parties. In addition, damage repairs are costly and the cost of fixing the road would overall be much less than waiting for every car damaged.	
It's broken	
The road is in horrible condition for the volume of traffic that travel on it.	This road is one of two entrances to my neighborhood.
It's ruining cars and is unsafe. Busses go through here daily. It's disgusting.	It makes our town look like no one cares. And it's unsafe. You took one road away from our neighborhood. Let's do better!
The road is awful and unsafe.	It's an unsafe road and looks terrible. Busses drive everyday on this road and our kids say it's awful too.
It's an alternative route to the schools so you minimize school traffic. Also two roundabouts lead into it already	It's a road we would use daily if it were in better shape and we pay a ton of taxes so it would be nice to see tax dollars at work.
It is the road we use to get from Country Ponds to the middle school, high school and community center.	
It is unsafe and has gone unaddressed much too long. We pay too much in taxes for this to be such a big issue.	
Un safe	I pay taxes.
For safety and access to school and ballpark.	
This road is horrible. We will have guests visiting our community to watch baseball games and visit our schools. This is embarrassing. This road will be talked about by other communities. They will remember the bad road before acknowledging the well paved roads.	With all the new houses and traffic this road is important and helps with school traffic.
Additionally, the community is growing and investments have been made in the surrounding areas all for not if this road is not repaired.	
Furthermore, this road is a small, singular example of how our city and school system perceive and pursue excellence. This road says it's ok to do a poor job if it's difficult or not obvious. The road says we don't have to do things well. We must set a better example of excellence for our city and school state. In order to be proud of who we are and where we live and encourage our students to do the same, we must attend to this road and set an example for our students of excellence.	Excellence and pride for our community
because of the pot holes	because the road is awful and unsafe
My girlfriend lives in pond curve and I'm also a delivery driver for dominos and having that road be so disrepair all the time really sucks	I hate potholes and being a delivery driver it makes deliveries longer because I can't use that road
Safe travel	Damage to car tires and unsafe for travel by school children
We use it several times a week to get to and from Safari Island. I have seen buses using it and having to go very slow, backing up traffic of several other cars during school drop off that also wished to use the roads. Serious damage is going to occur to a bus eventually if the road doesn't get addressed. Our Country ponds neighbors are not the only residents who use the road. A large roundabout was put in on Waconia parkway to make it easier to use wildcat way for the new neighborhoods going in to the north, and the road is access to parking and concession equipment for our beautiful Waconia ball field	I care about this town. This road is frequently used for events that bring people in from the surrounding area and it looks bad. A neighbor's son was hurt on his bike crossing it at the cross walk. I'm afraid of more injuries or damage to vehicles or those in the vehicles, like buses and students. And I used the road frequently, as it is a much more convenient route than going around that I have to do now
Safety	I take this road to school

Why do you want Wildcat way to be repaired or replaced?	Comments - Why is this important to you?
In addition to being a huge inconvenience, it's an embarrassment to the city.	Is an embarrassment. It became a main thoroughfare with road to close all summer with truck traffic. It's a main entrance to two schools. It's less than 1/8 of a mile. They city should just fix it instead of getting into a petty fight with the school district, who is in a budget crisis. The entire school board and mayor ran on a platform of working with isd110.
It is a hazard to cars and embarrassment to our community.	
Because I would use that road to pick up son up from school.	I have to go out of my way to avoid this road.
It is the right thing to do. It is a highly used road, low maintenance roads belong in the wilderness not Wildcat Way.	Because it is a public roadway that has access to a ball park. It is Not safe.
Because I don't like losing my front teeth eat time I drive down it.	
The road is becoming hazardous. You can damage your car going on that road. It is right behind my house and it is a poor reflection on our city.	The city spends plenty of money on things that aren't as necessary as this is.
Kid safety	Safety of kids and cars
It is too bumpy	So I can ride my bike on it
Shorter way to get to the middle school or high school using this road.	Unacceptable the road condition and it needs to be fixed.
The road is terrible and unsafe	The road is terrible and unsafe
Safety hazard	We use the sidewalk and road frequently during summer
It is a hazard.	
It's unsafe for kids walking, biking and harmful to vehicles	Safety
It's horribly annoying, dangerous and causes damage to my car. I take this route to work daily.	Safety
High volume access road to schools, community athletic facilities and neighborhoods has been long overdue for repair/replace. Hazardous to vehicles, dangerous and an eyesore.	It's embarrassing to Waconia to have folks from other communities come to a ball game and see this level of disrepair. We have to post travel at your own risk signs and cover our paved inner corridor roads with gravel just to make it passable. This isn't typical of a hole damage. Fix it.
The road is used by many in our community for school and athletic functions. It's current state of disrepair is not functional for this frequent use in the community.	As residents of County Ponds neighborhood, my family used to use the road to get to community functions at the middle school and Safari Island.
Because it is dangerous to cars, bicyclists and pedestrians	
Because the road is dangerous for everyone that travels it and the city won't replace parts when they get broken on cars	
Common sense we pay taxes to the city to take care of our roads during the closure to put in the roundabout 90% of the traffic cut through Wildcat way creating the problem now.	
I drive on it daily. Except now I can't.	It's not safe and not driveable on
I live in County Ponds, the neighborhood next to Wildcat Way. Wildcat Way gets so repeatedly bad, despite the light gravel patch ups. It is typically too bad to even consider driving.	I would really like to even be able to use it.
Replaced	When the roundabout was being built for the new development at the intersection of Wildcat way and Waconia parkway for those DR Horton homes, those semi's used Wildcat way daily and destroyed the road, so either the city or DR Horton needs to replace it. I assumed after that was completed they would tear it up and replace it for the damage they did. I guess I was wrong. Someone needs to take responsibility for it
It is dangerous	It makes for a safe environment for residents and students
It's bad for my vehicle! This is a city road that the city plows, they should fix it	
Replaced	This road is unsafe both drivers, walkers, bikers, skaters, pets....it is terrible and in shambles. Not a great representation of our city, school district, or neighborhood.
This is not a necessary road. It could be closed with I'll affect. However if it remains open it must be fully redone and made to match similar design and condition of the roads around it.	This is a poor reflection on what the town is trying to present as an image of a growing modern city.
It's a pain to drive on and I go around it because of all the pot wholes	It makes me go around the neighborhood instead of going on the road
Because it blows	Because I almost wrecked my car
It is dangerously not taken care of	It is atrociously dangerous
It's unsafe to drive on currently. It also reveals a long running dispute between the city and the school District, as to who owns the road. Either the school or the city needs to repair it or cover it up. As tax payers we have paid for the repair in our taxes one way or another. The city used it when they were updating Hwy10 and the school uses it too, either way we as tax payers have paid for it to be fixed or cover it up with grass and connect the side wall. It is an eyesore and a safety hazard to anyone that drives, walks, or rides on it.	I drive this road multiple times each week
It is not driveable. It's unacceptable that kids cannot get to the high school from our neighborhood without driving around on a much busier road	I own property in County Ponds
I live on Pond Curve and need to exit my neighborhood on that road without serious damage to my vehicle.	I would like to drive on that road to Safari Island. It's really unacceptable to have a road in the middle of town in this condition. This isn't a rural road driven by one family three months out of the year. Really shocked this is even a question
It is the quickest way to access adjacent neighborhood. However, do not wish to destroy trees, alignment etc. on my vehicle due to poor condition of road.	My family and friends who also regularly visit our home would like to be able to access our neighborhood via Wildcat Way without potholes/tires!
I come to visit my sister and family regularly who live in the next neighborhood over and we always come through Wildcat way, which is currently very difficult to navigate. I know my sister and her family are passionate about a safe and family friendly neighborhood, and as a regular visitor I want to show my support!	
It's almost impassable at this time	I want a safe paved street for cars, bikes, pedestrians, and strollers for residents and visitors alike
	Current condition is an embarrassment to a city. I want to be proud of.

Why do you want Wildcat way to be repaired or replaced	Comments - Why is this important to you
It's dangerous for our kids who bike and walk to school each day. Someone is going to get hurt. Someone's vehicle is going to be damaged. It's also a main road in the middle of a growing town. This road is next to ball fields that host major events each summer and the high school and middle and community center that also have major events. Why we even need to get a petition to get something done about it is ridiculous. Please fix the road!	
Now that Wildcat Way is a through street, the current state of the roadway is unacceptable. The road needs to either be properly rehabilitated or permanently shut down and removed from Pond Lane to the ball field parking lot and Pond Lane re-established as the through street. Whichever agency owns the road needs to budget for either option and complete the work.	
We live in Country ponds neighborhood and the kids use this road to get to and from school. The middle school kids cross this daily to get to school. We do not have busing from our neighborhood.	My family commutes on it and walks adjacent to it or across it daily. Even walking across it at the crosswalk from Pond Curvethe park can be a hazard.
Terrible pot holes. We use road frequently.	
The road is unusable and dangerous in its current state.	
Replaced	
Wildcat way should be replaced because every time it gets repaired it falls apart again. It should also be replaced because the road is to damaged to only be repaired.	I live in the County Ponds neighborhood and Wildcat Way is the most direct route to the high school and middle school.
I live in county Ponds and this is one way I access the schools to get my kids to their sporting events. That roadway is very inconvenient.	I drive this road every to bring my kids to school. It's in terrible condition and is very difficult to traverse.
This is a public road that should be safe to drive one	The potholes are very deep and I makes it very difficult to get to school fast.
Wrecks vehicles and looks awful	
Close the road- it's not needed. Too much run off from ball fields will never make it a good road.	This is busy a busy road that should be drivable
I use the road 3-4 times a day and now have to take roads that add a few minutes on to each day's trip	Too has to drive on at all, close it
Waconia can do better. This is an affluent community but the road is White Trash Way.	
Because, really?	It's terrible.
It is unsafe. There is a lot of children who play and ride their bikes. Plenty of families that walk and use the paths.	We pay taxes! Basic maintenance should be a given!
It's dangerous and it's a MESS!!	
It's a vital travel way for the schools and park	This is near our home and a main road used. If it was not meant to be a main road then remove it.
	I live 3 the neighborhood connected to this road.

Why do you want Wildcat Way to be repaired or replaced	Comments - Why is this important to you? A family member of mine is disabled and she cannot cross the road without extreme danger. My child walks to high school and does not have a safe way to walk to school. Next school year I will have a middle schooler who will be walking, this is very concerning considering their age and ability to navigate morning traffic with such conditions. We cannot safely drive down the road. I live in the neighborhood next to this road. It's not only an eyesore, it's a safety hazard. Because I am a resident of County Ponds neighborhood and my son crosses this street daily. Someone needs to take ownership of this street and do something about it. This is now a safety hazard, not just an eyesore and well within the city limits. Wildcat Way is not safe for human beings and/or vehicles. To have a safe road way for driver and cyclist. This should have been addressed last year! I live and work here and my three children go to school here. It is visible when entering two schools, the community center, the ice arena, and the baseball park. It's important to me for the safety of others. This road can cause injuries to people and can damage your vehicle. See above Look at the road!!! We deal with this every year. Stop watching and fix the problem. My kids drive this every day to school as I'm sure most high schoolers from western downtown do to avoid lights and traffic at the middle school. My husband and I take this route to Safari Island to avoid multiple stop lights and traffic. It's a safety issue for cars/buses/bikes These potholes have probably done damage to my vehicle. I use this road everyday to bring my daughter to the high school. As of now, I need to take a new route as those potholes are so dangerous! I don't care who is supposed to pay for the damaged road. But we pay enough taxes to this city that it's not even my problem to care who pays for it. Please figure it out! It's a road in my neighborhood. It needs to either be completely repaired or no longer a road. To avoid Damage to my car Use the road road yet through town Pedestrian and Vehicle Safety is responsibility of the city. The city needs to take ownership of this road or right of way, even if currently owned by the school district. It is an embarrassment to allow continued use of a road in such disrepair It's a mess every spring Roads behind my house and is unsafe for both cars and pedestrians. Due to volume of traffic this needs to be better maintained and should be considered a city road. If not maintained well by the schoolcity the road should be removed to ensure safety if proper maintenance cannot happen. Do not like hearing about kids falling off bikes due to holes or cars getting damaged due to road negligence. If the city does not take ownership of this road I'd prefer removal of the road and have the city road only lead into pond curve. Because it's NOT safe and roads in Waconia should be safe to travel on! My son uses this road to get to Waconia middle school. County ponds access was changed when Wildcat way was made a thru h street. It's in my back yard.
I am a resident of County Ponds neighborhood. My child crosses Wildcat Way everyday to get to and from school. Bussing is NOT offered through our neighborhood for the middle school since we live close to the school. This is now a safety issue. I live in the County Ponds neighborhood next to Wildcat Way and my son crosses this street to get to and from school each day. It has now become a safety hazard. My son was injured crossing this road on the marked crosswalk to enter our neighborhood when he hit a pothole with his bike. This is the only cross-walked path into our neighborhood. One was not built at the entrance of our neighborhood when the new roundabout was put in. Wildcat Way is not safe for human beings and/or vehicles. It's cause a danger to drivers and cyclist. To avoid injury to adults and kids Use of roadway Safety, traffic flow, eye sore, city embarrassment Unsafe conditions while I'm driving to school, this road needs to be fixed by someone. It is an important road to travel to the baseball field, the HS and MS and the adjacent neighborhood. It is a safety concern as it currently sits. Kids are getting hurt crossing the road at the crosswalk I live in County Ponds and the road is terrible and dangerous for cars, bikers and kids. 1. Desire to maintain and keep road to spread out traffic on more routes during busy school traffic hours. 2. Because the city has already removed one access road to the school zone for those who live near Burand Ave by closing a neighborhood exit at Oak and Waconia Parkway. 3. Because the city owns the ballpark and providing a road to the ballpark is a reasonable and reasonable choice. The potholes are dangerous In disrepair I use that road every day to drive my daughter to school. I am scared the potholes are going to wreck my vehicle. It's ridiculous! Because it's undrivable It is a roadway that the city plows so I believe that they should maintain it. If the city believes it is school property, they should not plow it in the winter and I would recommend that the school just close it down along with all access to the lions field as well. Replaced Increase safety of the road Pedestrian and Vehicle Safety The road is just plain unsafe for walking, driving, anything at this point Replaced Replaced The road is in my backyard and it is any eye sore to look at in its current state. It is also embarrassing that we have such a nice ball field and people have to travel on such a terrible road to get to it. It is also dangerous as some of the potholes are in the pedestrian crossing area. Not safe It NEEDS to be fixed, this road is a joke to Waconia! It's not safe for our kids. Please bite the bullet and take care of this. It's been going on long enough! Thank you It's a public safety hazard. It was turned into a thru street off Waconia Parkway and has lions field access off of it. Dangerous. It's trashy, destructive, causes excessive noise	



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: May 15, 2023

Item Name: Variance - 40 Lake Street East - Andrew Vasek

Originating Department: Community Development

Presented by: Ethan Nelson

Previous Council Action (if any):

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

Adopt Resolution 2023-126, approving the variance to construct a porch addition and make site improvements that would exceed the 25% maximum hardcover allowed in the Shoreland Overlay District.

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

BACKGROUND

Applicant: Andrew Vasek

Owner: Chris & Leah Stickney

Address: 40 Lake Street East

PID# 750504520

Zoning: R-4, Mixed Residential District

Special District: Shoreland Overlay District

REQUEST:

The City has received a variance application from Andrew Vasek (the "Applicant"), on behalf of Chris and Leah Stickney (the "Owners"), requesting approval of a variance to construct a porch addition that would be located on the rear portion of the principal structure. The applicant is proposing the porch addition and other site modifications that would result in a proposed impervious surface of approximately 26.9% versus the maximum 25% allowed in the Shoreland Overlay District. The applicants indicated the variance is necessary due the existing portion of the structure being inadequate and unsafe.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.D. - R-4, Mixed Residential District
2. Section 900.06.7 - Shoreland Overlay Regulations
3. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 – Variances

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a Variance in terms of “practical difficulty” as follows: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the Variance are consistent with the Comprehensive Plan.” So a City evaluating a Variance application should make findings as to:

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

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

VARIANCE ANALYSIS:

The subject property currently includes an existing principal structure that was completed April 24, 2002 after the previous home was demolished. In addition to the principal structure, site improvements have been made throughout the subsequent years including a driveway accessing Lake Street East, a sidewalk and small patio from the front driveway to the front porch, a driveway and sidewalk that faces and extends into the right-of-way to the east, concrete patios/pavers, a shed and improvements within the Shore Impact Zone that contain a gazebo and additional concrete area. The rear façade of the principal structure has a 112 sq. ft. area on the north-west corner that was not improved with hardcover, as indicated in the Certificate of Survey.

Based upon historical aerial imagery, City records, and the Certificate of Survey provided by the applicant, staff have reviewed hardcover improvements that have been made since the new home was completed in 2002 to the present date. These areas include a minor expansion to the sidewalk to the front porch installed between 2008-2011. A sidewalk that starts in the front yard of the property in the south east and then continues on the east side of house which partially extends beyond the property line that was improved between 2014-2016. A driveway that connects to the attached garage on the rear portion of the principal structure. The aforementioned driveway/parking pad also partially extends beyond the property line. This improvement was likely done between 2019 -2020. The patio adjacent to the rear façade of the home appears to have been installed and expanded between 2017-2020. A patio area was also installed in the Shore Impact Zone around the existing Gazebo in 2019-2020. The existing rear yard shed located .8 ft. away from the neighboring property line and the Gazebo located in the Shore Impact Zone appear to have been on the subject property since at least 2008, however staff is unable to determine when both structures were installed.

The proposed porch would improve the aforementioned 112 sq. ft. area to impervious surface and the

applicant is proposing to remove 500 sq. ft. of patio directly next to the north façade and restore the shoreline per the attached site plan. The existing lot circumstances, legal nonconformities and proposed changes to the lot conditions are reflected in Table 1.1 below.

Table 1.1

Lot Requirements	R-4 Mixed Residential District & Shoreland Overlay District	Existing Conditions	Proposed Conditions
Minimum Lot Size	15,000 sq. ft.	11,936 sq. ft.	11,936 sq. ft.
Maximum Impervious Surface	25%	32.2%*	26.9%**
Front Yard Setback	25 ft.	15.6 ft.	15.6 ft.
Left (West) Side Yard Setback	5 ft.	5.4 ft.	5.4 ft.
Right (East) Side Yard Setback	5 ft.	5.2 ft.	5.2 ft.
OHWL Setback	50 ft.	182.2 ft.	182.2 ft.

*Staff notes that the impervious surface depicted in the existing conditions is per surveyed work, minus the 112 sq. ft. area not currently impervious. The 112 sq. ft. requested to be improved as part of the variance results in 32.2%. It is important to note that City records indicate a significant portion of hardcover noted on the existing Certificate of Survey was installed after City approvals. It is likely that the property existed at approximately 26% impervious surface area when the new home was approved by the City for construction.

**Approximate impervious surface based upon proposed removals.

The Planning Commission initially tabled the application and required the applicant to submit a landscaping plan that included shoreline restoration and included additional hardcover removals. Based on the review and recommendation of the Planning Commission the applicant submitted a revised stormwater plan dated May 8th, 2023. The submitted revised plan is consistent with the Planning Commission recommendation of additional hardcover removals, relocation of the existing gazebo to a conforming location, and restoration of a specific area of the Shore Impact Zone, which is reflected in the plan in front of the Council for consideration.

CONCLUSION / RECOMMENDATION

The Planning Commission, at their regular meeting on May 4th, 2023, reviewed the pertinent information and recommended approval of the proposed Variance application via a 4-0 vote.

If the City Council chooses to approve the afore-mentioned land use application, the Planning Commission and staff would recommend the approvals with the following conditions:

1. The applicant shall remove the 500 sq. ft. patio adjacent to the rear façade of the principal structure and restore portions of the Shore Impact Zone as noted in the revised plan dated May 8th, 2023.

2. The applicant shall submit a landscape plan that details the restoration of the shoreline with native and/or natural vegetation to provide habitat, functional soil stability and vegetative screening from view from public waters to the satisfaction of the Community Development Department and Carver County Soil & Water Conservation District.
3. The applicant shall remove all concrete areas within the Shore Impact Zone.
4. The applicant shall relocate the Gazebo from the Shore Impact Zone.
5. The applicant shall provide the City with cash, corporate surety bond, approved letter of credit or other surety satisfactory to the City to guarantee the proper removal and/or installation and growth of the approved plans.

Attachments:

1. [23126res Lake Street Variance.docx](#)
2. [Applicant Narrative \(2 Pages\)](#)
3. [Proposed Survey 5-8-23 \(1 Page\).pdf](#)
4. [DNR natural buffer guidelines \(4 Pages\)](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted

_____ Non Budgeted

_____ Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission

Parks and Recreation Board

Safari Island Advisory Board

Other

**CITY OF WACONIA
RESOLUTION 2023-126**

**A RESOLUTION APPROVING A VARIANCE
FOR THE PROPERTY LOCATED AT 40 LAKE STREET EAST**

WHEREAS, Andrew Vasek (the “**Applicant**”), has submitted a Variance application for the property located at 40 Lake Street East (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

WHEREAS, the subject parcel is identified as PID# 750504520; and

WHEREAS, the City received a variance application from the Applicant to construct a porch addition and other site modifications that would result in a proposed impervious surface of approximately 26.9% versus the maximum 25% allowed in the Shoreland Overlay District; and

WHEREAS, the Planning Commission, at their regular meeting on May 4th, 2023, held the required public hearing and recommended approval of the Variance application to allow the porch addition and site improvements for the property located at 40 Lake Street East via a 4-0 vote with the following conditions:

1. The applicant shall remove the 500 sq. ft. patio adjacent to the rear façade of the principal structure and restore portions of the Shore Impact Zone as noted in the revised plan dated May 8th, 2023.
2. The applicant shall submit a landscape plan that details the restoration of the shoreline with native and/or natural vegetation to provide habitat, functional soil stability and vegetative screening from view from public waters to the satisfaction of the Community Development Department and Carver County Soil & Water Conservation District.
3. The applicant shall remove all concrete areas within the Shore Impact Zone.
4. The applicant shall relocate the Gazebo from the Shore Impact Zone.
5. The applicant shall provide the City with cash, corporate surety bond, approved letter of credit or other surety satisfactory to the City to guarantee the proper removal and/or installation and growth of the approved plans.

WHEREAS, the City Council finds and concludes:

- 1) There is a unique circumstance that was not created by the property owners as all the improvements exceeding the hardcover maximum were installed prior to ownership.
- 2) The property would be put to use in a reasonable manner as the improvements are correcting a safety need from the existing, deteriorating structure.
- 3) The variance is in harmony with the purposes and intent of the ordinance since the addition proposed is a permitted use within the district.
- 4) The applicant’s request is reasonable because the stormwater and shoreland improvements would help off-set the hardcover that exceeds the maximum allowed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Variance application for Andrew Vasek to construct a porch addition and other site modifications for the property located at 40 Lake Street East subject to the conditions,

findings and recommendations of the Waconia City Council and Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

MATHEWS+VASEK

CONSTRUCTION

CUSTOM HOMES • REMODELING • COMMERCIAL

Date 3-2-23

We are requesting a variance for the property located at 40 Lake Street East. The property currently is over the 25% hardcover as required in the Shoreland Overlay District.

Our intent is to remove the existing 3 level wood structure that is structurally inadequate and unsafe. We will be rebuilding an addition that includes an expansion of the midfloor living room, expansion of the Master Bedroom, Decks, and Screen Porch. The addition will be within the footprint of the existing wood structure as shown in attached pictures and survey.

The addition meets the setback requirements to property boundaries and lake setback.

We understand the variance is required due to a portion of the existing wood structure being constructed as a traditional wood deck or pervious surface. That portion is the Northwest corner comprised of approximately 112sqft.

Feel free to reach out if you have any further questions or comments.

Sincerely,

Andy Vasek

1040 Adams Street SE Suite #2
Hutchinson, MN 55350
320-587-9669
andyv@mathewsvasekconst.com

MATHEWS+VASEK

CONSTRUCTION

CUSTOM HOMES • REMODELING • COMMERCIAL

Date 3-2-23

Stormwater Management Plan

We are proposing to do the following at 40 Lake Street East.

- install gutters on eaves of existing home
- install gutters on eaves of proposed addition
- install downspouts to drain tile. (see attached)
- removal of approximately 500s sq. ft. concrete patio (see attached) This will reduce our hardcover from 32.2% to approximately 28%

1040 Adams Street SE Suite #2
Hutchinson, MN 55350
320-587-9669
andyv@mathewsvasekconst.com

of
Existing Conditions
for
Xpand, Inc.

AREAS:

EXISTING COVERAGE AREAS:	
LOT AREA=	11,936 SQ.FT.
EXISTING HOUSE AREA=	2,523 SQ.FT.-112 sq.ft.
EXISTING GAZEBO AREA=	143 SQ.FT.
EXISTING SHED=	81 SQ.FT.
CONCRETE AREAS=	1,167 SQ.FT.
PAVER AREAS=	43 SQ.FT.
TOTAL EXISTING IMPERVIOUS SURFACE= 3,957 SQ.FT.(33.2%)	
Total Existing Impervious Surface= 3,845 Sq. Ft.(32.2%)	

LEGEND:

- DENOTES CURB
- DENOTES ARBORVITAE TREE LINE
- DENOTES FIRE HYDRANT
- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET AND MARKED BY LIC.NO.41905
- DENOTES PAVER AREA
- DENOTES CONCRETE AREA
- DENOTES AIR CONDITIONER PEDASTAL AREA
- DENOTES ELECTRICAL BOX OR CYLINDER
- DENOTES SANITARY SEWER MANHOLE
- DENOTES STORM SEWER MANHOLE
- DENOTES GATE VALVE
- DENOTES CATCH BASIN
- DENOTES TREE
- DENOTES RETAINING WALL
- DENOTES ROCK RETAINING WALL
- DENOTES COMMUNICATIONS BOX OR CYLINDER
- 900 DENOTES CONTOUR ELEVATION

Gutters

Drain Tile w/Pop-up

Downspouts
-route water to city
storm water, per
DNR
Recommendations

ing wall details not shown.

2. Ordinary High Water Level of Lake Waconia Datum is NGVD29.

Scale: 1" = 30'

ADDRESS:

40 Lake St. E., Waconia, MN 55387

PROPERTY DESCRIPTION:

Lot 1, Block 50,
CITY OF WACONIA,
Carver County, Minnesota

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

Michael H. Brandt Michael H. Brandt
Date 19 July 2022 Reg. No. 41905

BRANDT ENGINEERING & SURVEYING
1713 Southcross Drive W., Suite A
Burnsville, MN 55306
(952) 435-1966

Shoreline Alterations: Natural Buffers and Lakescaping



Where can I find additional information?

Book and Online Resources

Lakescaping for Wildlife and Water Quality

(C.L. Henderson, C.J. Dindorf, F.J. Rozumalski, 1999, Department of Natural Resources*) is a book showing techniques to prevent shoreline erosion and restore wildlife habitat, wildflowers, and clean water.



Restore Your Shore

(2002, Department of Natural Resources) is a sequel to the lakescaping book. This on-line tool presents ideas to use in protecting and restoring natural shorelands. Visit the *Restore Your Shore* website at: mndnr.gov/restoreyourshore



Score Your Shore is a tool for landowners to evaluate the habitat on their developed lake lots. Visit the *Score Your Shore* website at: mndnr.gov/scoreyourshore

Information about native plants and suppliers is available through the DNR, University of Minnesota Extension Service, and Wild Ones:

- mndnr.gov/gardens/nativeplants/suppliers.html
- extension.umn.edu/distribution/horticulture/DG7447.html
- extension.umn.edu/shoreland
- wildones.org/landscap

Technical assistance is available from local watershed districts and soil and water conservation districts:

- bwsr.state.mn.us/directories

*Available through Minnesota's Bookstore: minnesotasbookstore.com

What can I do to create a more natural shoreline?

A natural shoreline is a complex ecosystem that sustains fish and wildlife and protects the entire lake. Native vegetation along the shore acts as a buffer zone, intercepting nutrients and reducing runoff, erosion, and sedimentation. Aquatic plants provide food and shelter for ducks, songbirds, and other animals while reducing problems caused by Canada geese and burrowing muskrats. Plants growing in and near the water are critical for wildlife and fish habitat and a healthy lakeshore. Tall plants like bulrush, lake sedge, and cattail can reduce the energy of wave action to minimize erosion and help maintain water quality.

Creation of a buffer zone is the essence of the lakescaping concept. A buffer zone is an unmowed strip of native vegetation that extends both lakeward and landward from the water's edge. **A buffer zone that extends 25-50 feet from shore is preferable, but even 10-15 feet provides benefits.** Installing a buffer zone can restore many functions critical to the health of the lake that may have been eliminated previously by sod, hard structures, or mowing. Planting grasses and flowering plants that are native to your area will diversify and enhance your shoreline and provide a seasonal show of color.



A buffer zone of vegetation provides a natural appearance to your shoreline and protects wildlife habitat, water quality, and fish.

Creating and maintaining natural buffer zones along the shore does not mean your property has to look unkempt. Buffers and upland islands of trees, shrubs, and flowers can bring natural beauty to your yard. Additionally, tall native plants typically have deep root systems. They will slow erosion, decrease ice damage, increase rain infiltration, and act as a barrier to discourage geese from walking on your shoreline property.

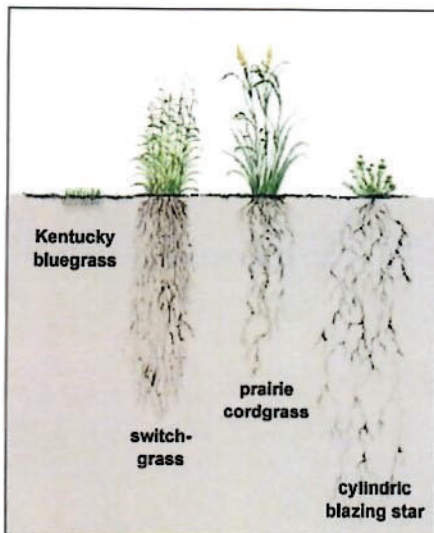
Your shoreline is part of a larger community and ecosystem. Individual choices by many have cumulative impacts on a lake and its ecosystem. Your actions can restore or degrade the quality of the ecosystem. Restoring your lakeshore to a more natural condition is important, even if your neighbors are not restoring theirs, because it can help wildlife habitat, water quality, and fish.

Shoreline Alterations: Natural Buffers and Lakescaping

Lakescaping and Erosion Control

Vegetation is extremely important for controlling erosion. Native trees, shrubs, and grasses dissipate the energy of raindrops, slow the water, and allow it to infiltrate the soil. The DNR and your county soil and water conservation district can help you select the right plants for your project. Listed below are some other erosion-control recommendations.

- Prevent erosion. Preventing erosion by maintaining native vegetation is less costly than fixing an eroded area. Think “root systems.” Native plants typically have greater rooting depth and root density. For example, the roots of the little bluestem (*Schizachyrium scoparium*) are about 2-3 feet long and have a great capacity to hold soil. In contrast, the roots of lawn grass are only 2-3 inches long.
- Identify and address the cause of erosion. Causes may include excessive foot traffic on fragile soils, vegetation clearing (both upland and in the lake), yard waste on the bank that kills vegetation, wave action from boat traffic and prevailing winds (especially when water is high), ice heaves, overland runoff down slopes, stairways that channel water, and runoff from impervious surfaces.
- Choose erosion-control methods that are “light” on the landscape. For example, use biodegradable erosion control materials that contain biodegradable netting, not photodegradable plastic netting which can trap wildlife. If wave action is eroding the bottom (toe) of the bank, consider reinforcing only the toe of the bank and planting native vegetation on the remainder.
- Plant aquatic vegetation. In-lake vegetation can help prevent erosion. Native aquatic vegetation disperses wave energy, anchors soil, limits ice heaves, and provides excellent fish and wildlife habitat.



The picture contrasts the shallow (2-3 inches) roots of Kentucky bluegrass to the deep (3-5 feet) and dense roots of native grasses. The root systems of native grasses may be effective for preventing erosion.

Steve Adams



Contrast the eroded shoreline lacking vegetation (foreground) with the well-vegetated, uneroded shoreline in the distance.

Lakescaping Design Factors to Consider

Look around your lake and note how nature works to minimize erosion on healthy, more natural shorelines. What types of wildflowers, grasses, trees, and shrubs do you see in your area? Then determine how much of your lakeshore to naturalize, keeping in mind how much you need for lake access, swimming areas, docks, and dock storage areas. Talk to your neighbors, share ideas, and coordinate efforts to increase habitat and natural shorelines. Natural shorelines are gaining acceptance as people understand the important role shorelines play in protecting their lake and a diverse ecosystem. Many lake associations are developing demonstration projects on area lakes.

Steps for Creating a Buffer Zone

Describe your shoreline area, including the following elements:

- Natural features, including existing vegetation and woody debris, fish and wildlife use, and opportunities for links to neighboring habitat;
 - Removal of structures or construction debris, such as retaining walls or concrete, respectively;
 - Location of the house, views, trees, pathways or stairways, docks, and swimming areas;
 - Sun, including amount and number of hours of direct sunlight;
 - Topography, including ice ridges and slopes (facing directions and steepness);
 - Soil characteristics, including type, drainage, texture, and fertility;
 - Water, such as natural seeps, wet areas during high water, drainage, wave action, and runoff; and
 - Fetch (miles of open water/waves), prevailing winds and ice push.
- These elements will help determine what types of erosion control measures (biologs, brush bundles, erosion control fabric) might be needed in order to get vegetation established on the site.

Shoreline Alterations: Natural Buffers and Lakescaping

Think about your preferences. How will the site be used (viewing, swimming, boating, fishing)? What kinds of native trees, shrubs, flowers, and grasses do you like? Consider their color, height, and appearances at different times of the year. The type of vegetation you select may affect the shoreline's ability to withstand erosion.

Develop a design and management plan based on your lakeshore and preferences. Consult references such as the *Lakescaping for Wildlife and Water Quality* book or the on-line program *Restore Your Shore* (see front page) for assistance on designing your restoration project. You can also look at the DNR Fisheries lake surveys for information. Visit nearby natural areas or other shorelines to get ideas. Obtain any necessary permits from your local unit of government or the DNR. Be realistic about the size of your shoreline project. Start small, if necessary, and add to it in phases.



Planting

Identify the areas for planting native vegetation and prepare the site for planting. It may be necessary to control non-native, invasive species and turf grass first. Upland plants should be spaced from 1 foot to 3 feet apart; trees and shrubs should be 6 feet to 14 feet apart. If you decide to use an erosion-control blanket, the supplier can help you determine which type to use. After installing the blanket, simply cut a hole in it for each plant. As an alternative to the blanket, mulch could be used to control erosion, retain moisture, and suppress weeds.

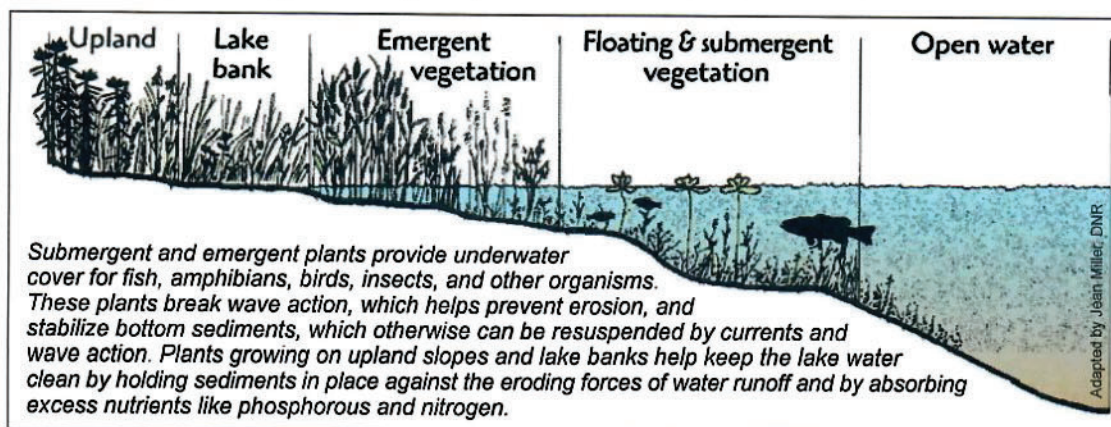


(TOP) Lakefront of home on Lake Marion, Dakota County. (BOTTOM) Closer view of the same lakefront after revegetation.

If you add aquatic plants, a temporary barrier in the water may be needed to protect new plants until they are established. For guidance on aquatic plantings, please refer to the *Restore Your Shore* on-line program or your local Soil and Water Conservation District.

Maintenance

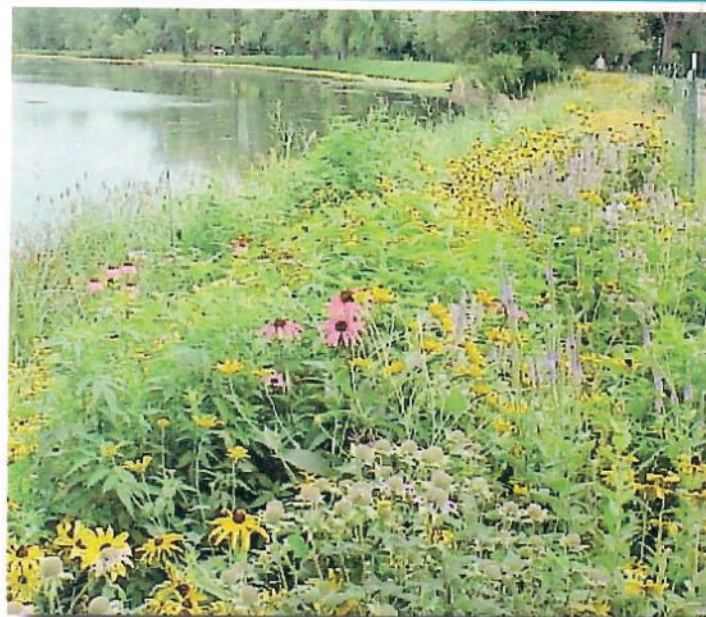
Your new plantings require some maintenance in the first few years as they become established. Provide from 1 inch to 2 inches of water per week the first season and during dry periods in the second season. Weeding during the first few years helps the plants become established and gives them an edge. Replace vegetation that did not survive by replanting species that were most successful at your site. By the third year, watering is no longer necessary, but you should continue to remove weeds.



Shoreline Alterations: Natural Buffers and Lakescaping



(ABOVE) In 2000, start of restoration along Lake Phalen in St. Paul. (RIGHT) View of the same site in 2002.



photos by Bill Bartodziej

Permit Requirements

For most projects constructed *below* the ordinary high-water level* (OHWL) of public waters as determined by the DNR, an individual Public Waters Work Permit is required, but an individual permit is not required for planting buffer zones. Collecting, transplanting, spraying, or removing aquatic vegetation below the OHWL, however, may require a permit from the DNR Fisheries Aquatic Plant Management (APM) Program. Please go to: mndnr.gov/shorelandmgmt/apg/regulations.html for more information on APM Permits.

If you have questions concerning the contents of this information sheet, contact your local DNR Area Hydrologist. Other governmental units (federal, state, city, county, township, and watershed authority) may require a permit for that portion of the project within their jurisdiction, which usually involves work above the OHWL. It is advisable to contact them.

*For lakes and wetlands, the OHWL is the highest elevation that has been maintained as to leave evidence on the landscape. It is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHWL is the top of the bank of the channel. For reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.

Summary

Maintaining a healthy lake is far less costly than trying to fix a degraded one. If you are fortunate enough to have a natural shoreline, maintain or enhance it as a buffer zone and minimize erosion on the areas used for access or recreation. If your property lacks natural areas, plant native vegetation or let areas grow naturally. You will be surprised at the aesthetic appeal, as well as the energy and time you save, of helping your lake help itself.



DNR Contact Information



DNR Ecological and Water Resources
website and a listing of Area Hydrologists:
mndnr.gov/contact/ewr.html
DNR Ecological and Water Resources
500 Lafayette Road, Box 32
St. Paul, MN 55155
(651) 259-5100

DNR Shoreland Habitat Coordinator in St. Paul:
500 Lafayette Road, Box 12, St. Paul, MN 55155, (651) 259-5212

DNR Information Center

Twin Cities: (651) 296-6157
Minnesota toll free: 1-888-646-6367
Telecommunication device for the deaf (TDD): (651) 296-5484
TDD toll free: 1-800-657-3929

Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available regardless of race, color, national origin, sex, sexual orientation, marital status, status with regard to public assistance, age, or disability. Discrimination inquiries should be sent to Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4049; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.

This information is available in an alternative format on request.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: May 15, 2023

Item Name: Ordinance Amendment regarding Section 571 and Section 572

Originating Department: Community Development

Presented by: Ethan Nelson

Previous Council Action (if any):

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

Adopt Ordinance No. 758 approving amendments to Section 571 Chickens and applicable sections of Section 710 and Section 1100.

Adopt Resolution 2023-112 approving Summary Publication of the amendments to Section 571, Section 710 and Section 1100.

Adopt Ordinance No. 759 approving amendments to Section 572 Bees and applicable sections of Section 710 and Section 1100.

Adopt Resolution 2023-113 approving Summary Publication of the amendments to Section 572, Section 710 and Section 1100.

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

BACKGROUND:

Staff is proposing amendments to Chapters 571 and Chapter 572, Chicken and Bee Regulations along with accompanying changes to Chapter 710 Regarding Public Peace and Safety and Chapter 1100, Fees. The intent of these revisions originates from staff's desire to simplify both Chicken and Bee regulatory and financial burden on the City and license holders that reside in City limits.

APPLICABLE ORDINANCE PROVISIONS:

1. City Code Section 571, Chickens
2. City Code Section 572, Bees
3. City Code Section 710, Protection of Public Peace and Safety
4. City Code Section 1100, Fees

ANALYSIS:

CHICKENS

To further break down the proposed changes to Section 571, each section will be summarized as to if the changes were made.

Section 571.01 Definitions

Updates to terminology and defines Licensee's and Qualified Applicants.

Section 571.03 - Licenses

The most significant change to this section is the revision of a required annual license to a one time license review fee and allow the property owner to maintain chickens unless revoked pursuant to Section 571.06 or transferred per Section 571.03. This would allow staff to continue to inspect and regulate chicken coops and runs in the same way as the existing regulations require, but align the process to be more similar to permits. If a license were transferred, the requirements are further outlined in Subd. 2, Subd. 4. and Subd. 7. Additionally, fees are revised to reflect license costs as noted in Section 1100. Formatting and language updates were made to reflect to change noted

above.

Section 571.04 - Operation

The Operation section was updated to reflect licensee General Requirements in Subd. 1. and Coop/Run Removal requirements in Subd. 4.

Section 571.05 - Inspection

Inspection provisions were revised to set a more appropriate timeframe in which staff can inspect a premises in addition to providing a licensee at least a 24 hour notice prior to inspection.

Section 571.06 - Revocation

Updated language to establish revocation requirements as previously listed in Section 571.04 - Operation.

Section 571.07 - Right to a Hearing

Updated language for request of hearing that would stay license expiration until 30 days after the hearing.

Section 571.08 - Application of Chapter to Other Requirements

Minor formatting changes.

BEES

To further break down the proposed changes to Section 572, each section with revisions will be summarized.

Section 572.01 - Definitions

Minor grammatical edit.

Section 572.02 - General Prohibition

Licensing requirements have been revised to a one time fee due upon license issuance. This license would be issued for the property to maintain bees, unless revoked pursuant to Section 571.06. This would allow staff to continue to inspect and regulate beehives in the same way as the existing regulations require, but align the process to be more similar to permits. Additionally, fees are revised to reflect license costs as noted in Section 1100. Formatting and language updates were made to reflect to changed noted above.

Section 572.03 - Licenses

Minor grammatical edits.

Section 572.04 - Operation

Formatting and grammatical revisions were made to reflect the changes made in Section 572.02 - General Prohibition.

572.05 - Inspection

Inspection provisions were revised to set a more appropriate timeframe in which staff can inspect a premises in addition to providing a licensee at least a 24 hour notice prior to inspection.

Section 572.06 - Revocation

Minor grammatical edit.

Section 572.07 - Right to a Hearing

Minor grammatical edits.

572.08 - Application of Chapter to Other Requirements

Minor grammatical and formatting revisions.

710 - Protection of Public Peace and Safety

Chickens and bees allowed by licensed issued pursuant to Chapter 571 and 572.

1100 - Fees

Updates to Licensing and Renewal Fees.

RECOMMENDATION

The Planning Commission, at their regular meeting on March 2nd, 2023, held the required public hearing and reviewed the pertinent information, recommending approval of the proposed Ordinance Amendments via a 5-0 vote.

Attachments:

1. [23112res_Chapter_571_Summary_Publication_Resolution__Draft_04-24-2023_.docx](#)
2. [Ord_758_Chapter_571_Chicken_Ordinance_Amendment__Draft_04-24-2023_.docx](#)
3. [23113res_Chapter_572__Summary_Publication_Resolution__Draft_04-24-2023_.docx](#)
4. [Ord_759_Chapter_572_Bee_Ordinance_Amendment__Draft_4-24-2023_.docx](#)
5. [Chapter 571 Chickens \(Original v. 04-24-2023 REDLINE\).pdf](#)
6. [Chapter 572 Bees \(Original v. 04-24-2023 REDLINE\).pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission recommendation of approval via a 5-0 vote on March 2nd, 2023

Budget Information:

_____ Budgeted
 _____ Non Budgeted
 _____ Amendment Required

Planning Commission

Parks and Recreation Board

Safari Island Advisory Board

Other

CITY OF WACONIA
RESOLUTION NO. 112

A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 758

WHEREAS, the City Council of the City of Waconia, Minnesota (the "City") adopted Ordinance No. 758 on May 15, 2023 (the "Ordinance"); and

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

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

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

1. The above recitals and findings are incorporated as resolutions of the City Council.
2. The following official summary of Ordinance No. 758 is hereby approved:

ORDINANCE NO. 758, AN ORDINANCE AMENDING CHAPTER 571 REGARDING CHICKENS; CHAPTER 710 REGARDING PUBLIC PEACE AND SAFETY, AND CHAPTER 1100 REGARDING FEES, amends Chapter 571 of the Waconia City Code (Code) to restructure the process for obtaining a license to keep chickens. The ordinance still requires a license to keep chickens within the City, but removes the annual license renewal requirement. The ordinance makes other minor revisions to Chapter 571, amends Chapter 710 to clarify that chickens are not a prohibited animal in the City if kept pursuant to a valid license, and amends Chapter 1100 to revise fees related to chicken licenses.

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

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

Passed and adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST:

Jacqueline Schulze, City Clerk

[https://mhslaw.sharepoint.com/sites/1/41908/draftdocs/ordinances/part 05 regulation/chapter 571 chickens/chapter 571 summary publication resolution \(draft 12-06-2022\).docx](https://mhslaw.sharepoint.com/sites/1/41908/draftdocs/ordinances/part%2005%20regulation/chapter%20571%20chickens/chapter%20571%20summary%20publication%20resolution%20(draft%2012-06-2022).docx)

CITY OF WACONIA
ORDINANCE NO. 758

AN ORDINANCE AMENDING CHAPTER 571 REGARDING CHICKENS;
CHAPTER 710 REGARDING PUBLIC PEACE AND SAFETY; AND CHAPTER 1100 REGARDING FEES

The City Council of the City of Waconia ordains:

FINDINGS AND PURPOSE

The City Council of the City of Waconia (the “City”) finds it is appropriate to amend Chapter 571 of the Waconia City Code (“Code”) to simplify the licensing procedure for keeping chickens in the City and to update related license fees found in Chapter 1100 of the Code. The City Council further finds it is appropriate to clarify Section 710.15 of the Code, which generally prohibits farm animals within the City, to create an exception for chickens kept in conformance with Chapter 571.

Given the above findings, the purpose of this ordinance is to amend Chapter 571 of the Code to simplify the licensing procedure for keeping chickens in the City, to update corresponding fees in Chapter 1100 of the Code, and to clarify that chickens are permitted under Section 710.15 of the Code.

AMENDMENTS TO CHAPTER 571

Chapter 571 of the Waconia City Code, *Chickens*, is amended in its entirety to read as follows:

CHAPTER 571

CHICKENS

Section

- 571.01 Definitions
- 571.02 General Prohibition
- 571.03 Licenses
- 571.04 Operation
- 571.05 Inspection
- 571.06 Revocation
- 571.07 Right to a Hearing

571.08 Application of Chapter to Other Requirements

571.01 Definitions.

The following terms, as used in this chapter, shall have the meanings stated in this section:

“Chicken” means all life stages of the fowl of the genus Gallus and species Gallus domesticus.

“Coop” means a cage or pen for confining chickens.

“Hen” means a female chicken.

“Licensed premises” means the lot for which a chicken license has been applied for or granted, as the applicable context requires.

“Licensee” means the person to whom a chicken license has been issued.

“Lot” means a contiguous parcel of land under common ownership.

“Qualified applicant” means a natural person or a revokable trust created by a natural person who is both a grantor of the revokable trust and serves as a current trustee.

“Rooster” means a male chicken.

“Run” means an area inside a fence where chickens are kept and allowed to walk around.

571.02 General Prohibition.

No person shall keep a chicken within the corporate limits of the City, except as allowed by this chapter or Section 710.15 of the Code. This prohibition does not apply to those portions of the City zoned for agricultural purposes.

571.03 Licenses.

Subd. 1 License Required. A licensee may keep a coop with up to six (6) hens at a licensed premises in compliance with the requirements of this chapter. Roosters are not allowed. Only one (1) chicken license may be issued per lot.

Subd. 2 License Period. A license is effective when issued and continues in effect until the license expires or is revoked pursuant to this chapter. A license shall expire thirty (30) days after the date the licensee no longer holds a fee title interest in the licensed premises unless an application to transfer the license is submitted to the City within such thirty (30) day period and approved by the City Administrator (or his/her designee). If a timely submitted application to transfer a license is denied by the City, the license shall expire thirty (30) days after the date of denial. If a licensee is a natural

person and the licensee dies, the estate of such person shall be deemed the licensee and the personal representative of the estate may act on behalf of the licensee.

Subd. 3 License Application. A qualified applicant that desires a license may apply for the license using forms supplied by the City Clerk. The application shall include, but not be limited to, the following information and agreements:

- A. The address of the lot where the hens will be kept.
- B. A scaled drawing showing the location, size, and dimensions of the coop and run on the lot including their distance from other structures on the lot and neighboring property lines.
- C. The number of hens to be kept at the lot.
- D. An agreement by the qualified applicant that the licensed premises may be inspected by the City during business hours with 24 hours' notice to ensure compliance with this chapter.
- E. A statement that the qualified applicant understands the conditions and requirements of this chapter.
- F. A statement that the qualified applicant is a fee title owner of the licensed premises.

Subd. 4 License Transfer Application. A licensee that desires to transfer an existing license to another qualified applicant may apply for the transfer using forms supplied by the City Clerk. The application shall include, but not be limited to, the items listed in Subd. 3, A, C, D, E, and F above. Further, an application to transfer a license shall be executed by both the current licensee and a qualified applicant that desires to assume the license.

Subd. 5. License Requirements. No license shall be issued until the City Administrator (or his or her designee) has determined all of the following conditions have been met:

- A. An application has been submitted with accurate and complete information.
- B. An inspection of the lot, coop and run described in the application has been performed by the City with the qualified applicant's permission.
- C. Based on the application and inspection, the requirements of this chapter have been met regarding the construction and location of the chicken coop and run on the lot.
- D. Public health and safety will not be endangered by granting or renewing the requested license.

Subd. 6 Fees. An application for a license or license transfer shall be accompanied by the appropriate chicken license fee set forth in Section 1100 of the Waconia City Code.

Subd. 7 No Real Property Interest Created. Licenses are personal to the licensee and do not run with the licensed premises. As such, they create no rights in real estate and they do not transfer with real estate. The rights granted to a licensee do not apply to a tenant or other occupant of a licensed premises, except that incidental help is permitted as described in Section 571.04, Subd.1, below.

571.04 Operation.

Subd. 1 General Requirements.

- A. A licensee may keep a coop with up to six (6) hens at a licensed premises. In addition, members of a licensee's household other persons may, from time to time, provide incidental assistance under the licensee's supervision. The licensee shall, at all times, assure full compliance with the requirements of this chapter.
- B. Chickens must be confined on the licensed premises in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.
- C. All chicken grains and feed must be stored in a rodent proof container.
- D. Chickens shall not be kept for breeding purposes.
- E. The use of chickens for cockfighting is prohibited.

Subd.2 Coop and Run.

- A. All chickens shall be provided access to both a coop and a run.
- B. The coop and run shall be located in the rear yard of the licensed premises: i) setback from the principal dwelling; ii) not less than thirty-five (35) feet away from the principal dwellings on the adjacent properties; and iii) not less than ten (10) feet from the property lines of the licensed premises. In all cases, the coop and run shall be located closer to the principal dwelling of the licensed premises than to any principal dwelling on any adjacent properties. Further, the coop and run shall be set back at least twenty- five (25) feet from: i) any delineated wetland edge; or ii) the top of any bank of a pond, filtration basin, or infiltration basin. No coop or run shall be located in any easement or right-of-way area.
- C. Chicken coops shall have a maximum footprint area of ten (10) square feet per chicken and a minimum footprint area of five (5) square feet per chicken.

Chicken runs shall have a maximum footprint area of twenty (20) square feet per chicken and a minimum footprint area of ten (10) square feet per chicken. The coop shall be elevated above ground and may not exceed a height of seven (7) feet as measured from the ground.

- D. The coop and run shall be completely enclosed and rodent proof. Further, the coop shall provide adequate protection from the elements and shall be winterized. All fencing and electrical work associated with the coop and run shall comply with all building and zoning codes and all appropriate permits and licenses shall be obtained therefore.

Subd. 3. Waste.

- A. The coop and run shall be kept in a sanitary and odor free condition, including the regular and frequent removal, storage in a leak proof container and proper disposal of any accumulated feces or waste.
- B. Composting or burying feces, discarded feed or dead chickens on the licensed premises is prohibited.

Subd. 4. Removal. No later than thirty (30) days after a license expires or is revoked, the licensee shall, at the licensee's sole expense, remove the coop, equipment, and other improvements associated with the chickens from the licensed premises.

571.05 Inspection.

The City may inspect a licensed premises during the City's normal business hours with at least 24 hours' notice to the licensee or other occupant of the licensed premises. Refusal to allow inspection shall constitute grounds for revocation of the applicable license.

571.06 Revocation.

The City may revoke a license if any requirement set forth in this chapter is violated or if the Minnesota Department of Revenue sends the City notice requiring revocation. Nothing herein shall be interpreted as preventing the City from also prosecuting any violation of this chapter as a criminal violation pursuant to Chapter 102 of the Code.

571.07 Right to a Hearing.

Except for a denial or revocation required by the Minnesota Department of Revenue, any qualified applicant under this chapter that has been denied the issuance or transfer of a license or any person whose license has been revoked may, upon written request to the City Clerk promptly made after the denial or revocation has occurred, request a hearing before the City Council to present evidence and to appeal the decision. A request for a hearing after the denial of a transfer application will stay the expiration of the license until thirty (30) days after the hearing.

571.08 Application of Chapter to Other Requirements.

Subd. 1 Private Restrictions and Covenants.

- A. Notwithstanding the issuance of a license by the City, private restrictions or covenants regarding the use of any licensed premises shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant declarations.
- B. A license issued for a licensed premises subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

Subd. 2 Coordination with Other Code Provisions.

- A. Compliance with this chapter shall not be a defense to a proceeding alleging that a given chicken or group of chickens constitutes a nuisance.
- B. Compliance with this chapter shall not be a defense to a proceeding alleging that a given chicken or group of chickens violates applicable ordinances regarding public health.

AMENDMENT TO CHAPTER 710

Chapter 710 of the Waconia City Code, *Protection of Public Peace and Safety*, is amended to add the following provision to the end of Section 710.15, Subd. 2:

F. Chickens allowed by a license issued pursuant to Chapter 571.

AMENDMENTS TO CHAPTER 1100

Chapter 1100 of the Waconia City Code, *Fees*, is amended to revise the “Animals” section under “Licenses & Permits” to read as follows:

Licenses & Permits

Animals

<u>Fee Description</u>	<u>Current Rate</u>	<u>Unit</u>	<u>Related Code</u>	<u>Additional Information</u>
Bee License Fee	\$100.00	Each	572.03	
Bee License Fee – Transfer	\$25.00	Each	572.04	
Chicken License Fee	\$100.00	Each	571.03	
Chicken License Fee - Transfer	\$25.00	Each	571.04	
Violation-Fail to Clean Up Waste Material	\$ 50.00	Offense	560.11	
Violation-Habitual Barking	\$50.00	Offense	560.11	

Commercial Kennel License - Initial Fee	\$150.00	Each
Commercial Kennel License - Annual Renewal	\$50.00	Annual

EFFECTIVE DATE AND EXISTING LICENSES

This ordinance is effective upon publication. Any license previously issued pursuant to Chapter 571 of the Waconia City Code that is valid and unexpired on the effective date of this ordinance shall continue in effect pursuant to the provisions of Chapter 571, as amended, until it is revoked.

Passed and adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

CITY OF WACONIA
RESOLUTION NO. 113

A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 759

WHEREAS, the City Council of the City of Waconia, Minnesota (the “City”) adopted Ordinance No. 759 on May 15, 2023 (the “Ordinance”); and

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

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

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

1. The above recitals and findings are incorporated as resolutions of the City Council.
2. The following official summary of Ordinance No. 759 is hereby approved:

ORDINANCE NO. 759, AN ORDINANCE AMENDING CHAPTER 572 REGARDING BEES; CHAPTER 710 REGARDING PUBLIC PEACE AND SAFETY, AND CHAPTER 1100 REGARDING FEES, amends Chapter 572 of the Waconia City Code (Code) to restructure the process for obtaining a license to keep honey bees. The ordinance still requires a license to keep honey bees within the City, but removes the annual license renewal requirement. The ordinance makes other minor revisions to Chapter 572, amends Chapter 710 to clarify that honey bees are not a prohibited animal in the City if kept pursuant to a valid license, and amends Chapter 1100 to revise fees related to honey bee licenses.

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

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

Passed and adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST:

Jacqueline Schulze, City Clerk

[https://mhslaw.sharepoint.com/sites/1/41908/draftdocs/ordinances/part 05 regulation/chapter 572 bees/chapter 572 summary publication resolution \(draft 04-24-2022\).docx](https://mhslaw.sharepoint.com/sites/1/41908/draftdocs/ordinances/part%2005%20regulation/chapter%20572%20bees/chapter%20572%20summary%20publication%20resolution%20(draft%2004-24-2022).docx)

CITY OF WACONIA
ORDINANCE NO. 759

AN ORDINANCE AMENDING CHAPTER 572 REGARDING HONEY BEES; CHAPTER 710
REGARDING PUBLIC PEACE AND SAFETY; AND CHAPTER 1100 REGARDING FEES

The City Council of the City of Waconia ordains:

FINDINGS AND PURPOSE

The City Council of the City of Waconia (the “City”) finds it is appropriate to amend Chapter 572 of the Waconia City Code (“Code”) to simplify the licensing procedure for keeping honey bees in the City and to update related license fees found in Chapter 1100 of the Code. The City Council further finds it is appropriate to clarify Section 710.15 of the Code, which generally prohibits farm animals within the City, to create an exception for honey bees kept in conformance with Chapter 572.

Given the above findings, the purpose of this ordinance is to amend Chapter 572 of the Code to simplify the licensing procedure for keeping honey bees in the City, to update corresponding fees in Chapter 1100 of the Code, and to clarify that honey bees are permitted under Section 710.15 of the Code.

AMENDMENTS TO CHAPTER 572

Chapter 572 of the Waconia City Code, *Bees*, is amended in its entirety to read as follows:

CHAPTER 572
BEES

Section

- 572.01 Definitions
- 572.02 General Prohibition
- 572.03 Licenses
- 572.04 Operation
- 572.05 Inspection
- 572.06 Revocation
- 572.07 Right to a Hearing
- 572.08 Application of Chapter to Other Requirements

572.01 Definitions.

The following terms, as used in this chapter, shall have the meanings stated in this section:

“Apiary” means the assembly of one or more colonies of honey bees at a single location.

“Beekeeping equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

“Colony” means an aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

“Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.

“Honey bee” or “honeybee” or “bee” means all life stages of the common domestic honey bee, *apis mellifera* species.

“License” means a honey bee license issued pursuant to this chapter.

“Licensee” means a qualified applicant to whom a honey bee license has been issued.

“Licensed premises” means the lot identified in a honey bee license.

“Lot” means a contiguous parcel of land under common ownership.

“Nucleus colony” means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

“Qualified applicant” means a natural person or a revokable trust created by a natural person who is both a grantor of the revokable trust and serves as a current trustee.

“Undeveloped property” means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

572.02 General Prohibition.

No person shall keep honey bees within the corporate limits of the City, except as allowed by this chapter or Section 710.15 of the Code. This prohibition does not apply to those portions of the City zoned for agricultural purposes.

572.03 Licenses.

Subd. 1 License Required. A licensee may keep an apiary at a licensed premises in compliance with the requirements of this chapter. Only one (1) honey bee license may be issued per lot.

Subd. 2 License Period. A license is effective when issued and continues in effect until the license expires or is revoked pursuant to this chapter. A license shall expire thirty (30) days after the date the licensee no longer holds a fee title interest in the licensed premises unless an application to transfer the license is submitted to the City within such thirty (30) day period and approved by the City Administrator (or his/her designee). If a timely submitted application to transfer a license is denied by the City, the license shall expire thirty (30) days after the date of denial. If a licensee is a natural person and the licensee dies, the estate of such person shall be deemed the licensee and the personal representative of the estate may act on behalf of the licensee.

Subd. 3 License Application. A qualified applicant that desires a license may apply for the license using forms supplied by the City Clerk. The application shall include, but not be limited to, the following information and agreements:

- A. The address of the lot where the apiary will be kept.
- B. A scaled drawing showing the location, size, and dimensions of all hives located on the lot including their distance from other structures on the lot and neighboring property lines.
- C. An agreement by the qualified applicant that the licensed premises may be inspected by the City during business hours with 24 hours' notice to ensure compliance with this chapter.
- D. A statement that the qualified applicant understands the conditions and requirements of this chapter.
- E. A statement that the qualified applicant is a fee title owner of the licensed premises.

Subd. 4 License Transfer Application. A licensee that desires to transfer an existing license to another qualified applicant may apply for the transfer using forms supplied by the City Clerk. The application shall include, but not be limited to, the items listed in Subd. 3, A, C, D, and E above. Further, an application to transfer a license shall be executed by both the current licensee and a qualified applicant that desires to assume the license.

Subd. 5. License Requirements. No license shall be issued until the City Administrator (or his or her designee) has determined all of the following conditions have been met:

- A. An application has been submitted with accurate and complete information.

- B. An inspection of the lot and hives described in the application has been performed by the City with the qualified applicant's permission.
- C. Based on the application and inspection, the requirements of this chapter have been met regarding the proposed apiary on the lot.
- D. Public health and safety will not be endangered by granting or renewing the requested license.

Subd. 6 Fees. An application for a license or license transfer shall be accompanied by the appropriate fee set forth in Section 1100 of the Waconia City Code.

Subd. 7 No Real Property Interest Created. Licenses are personal to the licensee and do not run with the licensed premises. As such, they create no rights in real estate and they do not transfer with real estate. The rights granted to a licensee do not apply to a tenant or other occupant of a licensed premises, except that incidental help is permitted as described in Section 572.04, Subd.1, below.

572.04 Operation.

Subd. 1 General Requirements. A licensee may conduct beekeeping at a licensed premises. In addition, members of a licensee's household and other persons may, from time to time, provide incidental assistance under the licensee's supervision. The licensee shall, at all times, assure full compliance with the requirements of this chapter.

Subd.2 Colony and Hive Requirements.

- A. No licensee shall keep more than the following numbers of colonies on a licensed premises, based upon the size or configuration of the licensed premises:
 - One half acre or smaller lot – 2 hives
 - Larger than 1/2 acre but smaller than 3/4 acre lot – 4 hives
 - Larger than 3/4 acre lot but smaller than one acre lot – 6 hives
 - One acre but smaller than five acres - 8 hives
 - Larger than five acres - no restriction
- B. For each colony permitted to be maintained under this chapter, there may also be maintained upon the same licensed premises, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.

- C. Except as otherwise provided in this chapter, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the licensed premises upon which the apiary is located, as measured from the nearest point on the hive to the property line, the licensee shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the licensed premises lot line for ten (10) feet in either direction from the hive, or contain the hive or hives in an enclosure at least six (6) feet in height. A flyway barrier is not required if the property adjoining the licensed premises lot line (1) is undeveloped or (2) is zoned agricultural, industrial or is outside of the City limits.
- D. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. Further, a licensee shall maintain his/her beekeeping equipment in good condition, including keeping the hives painted if they are peeling or flaking, and securing unused equipment from weather, potential theft, or vandalism, and occupancy by swarms. It shall not be a defense to a violation of this chapter that a licensee's unused equipment attracted a swarm and that the licensee is not intentionally keeping bees.
- E. Each licensee shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

Subd. 3. Waste. Materials from a hive or colony which might encourage the presence of honey bees, such as wax combs, shall be promptly disposed of in a sealed container, or placed within a building or other bee-proof enclosure.

Subd. 4. Removal. No later than thirty (30) days after a honey bee license expires or is revoked, the licensee shall, at the licensee's sole expense, remove all hives, equipment, and other improvements associated with the apiary from the licensed premises.

572.05 Inspection.

The City may inspect a licensed premises during the City's normal business hours with at least twenty-four (24) hours' notice to the licensee or other occupant of the licensed premises. Refusal to allow inspection shall constitute grounds for revocation of the applicable honey bee license.

572.06 Revocation.

The City may revoke a license if any requirement set forth in this chapter is violated or if the Minnesota Department of Revenue sends the City notice requiring revocation. Nothing herein

shall be interpreted as preventing the City from also prosecuting any violation of this chapter as a criminal violation pursuant to Chapter 102 of the Code.

572.07 Right to a Hearing.

Except for a denial or revocation required by the Minnesota Department of Revenue, any qualified applicant under this chapter that has been denied the issuance or transfer of a license or any person whose license has been revoked may, upon written request to the City Clerk promptly made after the denial or revocation has occurred, request a hearing before the City Council to present evidence and to appeal the decision. A request for a hearing after the denial of a transfer application will stay the expiration of the license until thirty (30) days after the hearing.

572.08 Application of Chapter to Other Requirements.

Subd. 1 Private Restrictions and Covenants.

- A. Notwithstanding the issuance of a license by the City, private restrictions or covenants regarding the use of any licensed premises shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant declarations.
- B. A license issued for a licensed premises subject to private restrictions and/or covenants that prohibit the keeping of honey bees is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

Subd. 2 Coordination with Other Code Provisions.

- A. Compliance with this chapter shall not be a defense to a proceeding alleging that a given honey bee colony constitutes a nuisance.
- B. Compliance with this chapter shall not be a defense to a proceeding alleging that a given honey bee colony violates applicable ordinances regarding public health.

AMENDMENT TO CHAPTER 710

Chapter 710 of the Waconia City Code, *Protection of Public Peace and Safety*, is amended to add the following provision to the end of Section 710.15, Subd. 2:

- G. Honey bees allowed by a license issued pursuant to Chapter 572.

AMENDMENTS TO CHAPTER 1100

Chapter 1100 of the Waconia City Code, *Fees*, is amended to revise the “Animals” section under “Licenses & Permits” to read as follows:

Licenses & Permits

Animals

<u>Fee Description</u>	<u>Current Rate</u>	<u>Unit</u>	<u>Related Code</u>	<u>Additional Information</u>
Bee License Fee	\$100.00	Each	572.03	
Bee License Fee – Transfer	\$25.00	Each	572.04	
Chicken License Fee	\$100.00	Each	571.03	
Chicken License Fee - Transfer	\$25.00	Each	571.04	
Violation-Fail to Clean Up Waste Material	\$ 50.00	Offense	560.11	
Violation-Habitual Barking	\$50.00	Offense	560.11	
Commercial Kennel License - Initial Fee	\$150.00	Each		
Commercial Kennel License - Annual Renewal	\$50.00	Annual		

EFFECTIVE DATE AND EXISTING LICENSES

This ordinance is effective upon publication. Any license previously issued pursuant to Chapter 572 of the Waconia City Code that is valid and unexpired on the effective date of this ordinance shall continue in effect pursuant to the provisions of Chapter 572, as amended, until it is revoked.

Passed and adopted by the City Council of the City of Waconia this 15th day of May, 2023.

Nicole Waldron, Mayor

ATTEST:

Jacqueline Schulze, City Clerk

CHAPTER 571

CHICKENS

Section

- 571.01 ~~-~~Definitions
- 571.02- General Prohibition
- 571.03 ~~-~~Licenses
- 571.04 ~~-~~Operation
- 571.05- Inspection
- 571.06 ~~-~~Revocation
- 571.07- Right to a Hearing
- 571.08 ~~-~~Application of Chapter to Other Requirements

571.01- Definitions.

The following terms, as used in this ~~Chapter~~chapter, shall have the meanings stated in this section:

“Chicken” means all life stages of the fowl of the genus Gallus and species Gallus domesticus.

“Coop” means a cage or pen for confining chickens.

“Hen” means a female chicken.

“Licensed ~~Premises~~premises” means the lot for which a chicken license has been applied for or granted, as the applicable context requires.

“Licensee” means the person to whom a chicken license has been issued.

“Lot” means a contiguous parcel of land under common ownership.

“Qualified applicant” means a natural person or a revokable trust created by a natural person who is both a grantor of the revokable trust and serves as a current trustee.

“Rooster” means a male chicken.

“Run” means an area inside a fence where chickens are kept and allowed to walk around.

571.02- General Prohibition.

No person shall keep a chicken within the corporate limits of the City, except as allowed by this ~~Chapter~~chapter or Section 710.15 of the Code. This prohibition does not apply to those portions of the City zoned for agricultural purposes.

571.03- Licenses.

Subd. 1- License Required. A ~~person~~licensee may keep a coop with up to six (6) hens ~~on a lot if the person holds a current~~ at a licensed premises in compliance with the requirements of this chapter. Roosters are not allowed. Only one (1) chicken license may be issued per lot.

Subd. 2 License Period. A license is effective when issued and continues in effect until the license expires or is revoked pursuant to this ~~Chapter and the hens are, at all times, confined to the lot described in the license. Roosters are prohibited and may not be licensed. Each person holding a current chicken~~chapter. A license shall at all times comply with the requirements of this Chapter~~expire thirty (30) days after the date the licensee no longer holds a fee title interest in the licensed premises unless an application to transfer the license is submitted to the City within such thirty (30) day period and approved by the City Administrator (or his/her designee). If a timely submitted application to transfer a license is denied by the City, the license shall expire thirty (30) days after the date of denial. If a licensee is a natural person and the licensee dies, the estate of such person shall be deemed the licensee and the personal representative of the estate may act on behalf of the licensee.~~

~~Subd. 2 License Period. Chicken licenses are effective for one year commencing at the beginning of the day on July 1st of each year and expiring at the end of the day on June 30th of the following year. Each chicken license issued after July 1st shall run for a partial year from the beginning of the day the license was issued to the end of the applicable license period.~~

Subd. 3- License Application. ~~A person desiring to keep hens in the City must~~ A qualified applicant that desires a license may apply for ~~an annual chicken~~the license using forms supplied by the City Clerk. ~~An application for an initial license may be made at any time. An application for a renewal license may be made at any time after May 1st for the upcoming license period.~~ The application ~~for an initial or renewal license~~ shall include, but not be limited to, the following information and agreements:

A.- The address of the lot where the hens will be kept.

B.- A scaled drawing showing the location, size, and dimensions of the coop and run on the lot including ~~the~~their distance ~~of the coop and run~~ from other structures on the ~~licensed premises~~lot and neighboring property lines.

C.- The number of hens to be kept at the ~~licensed premises~~lot.

D.- An agreement by the qualified applicant that the licensed premises may be inspected by the City ~~at any time~~ during business hours with 24 hours' notice to ensure compliance with this ~~Chapter~~ chapter.

E.- A statement that the qualified applicant understands the conditions and requirements of this ~~Chapter~~ chapter.

F. A statement that the qualified applicant is a fee title owner of the licensed premises.

Subd. 4 License Transfer Application. A licensee that desires to transfer an existing license to another qualified applicant may apply for the transfer using forms supplied by the City Clerk. The application shall include, but not be limited to, the items listed in Subd. 3, A, C, D, E, and F above. Further, an application to transfer a license shall be executed by both the current licensee and a qualified applicant that desires to assume the license.

Subd. 5. ~~Subd. 4.~~ License Requirements. No ~~chicken~~ license shall be issued ~~or renewed~~ until the City Administrator (or his or her designee) has determined ~~that~~ all of the following conditions have been met:

A.- An application has been submitted with accurate and complete information.

B.- An inspection of the ~~premises~~ lot, coop and run described in the application has been performed by the City with the qualified applicant's permission.

C.- Based on the application and inspection, the requirements of this ~~Chapter~~ chapter have been met ~~in regard to~~ regarding the construction and location of the chicken coop and run on the ~~licensed premises~~ lot.

~~D. Based on the application and inspection, all other improvements and equipment required to meet the requirements of this Chapter have been installed on the premises.~~

~~E.-~~ D. Public health and safety will not be endangered by granting or renewing the requested license.

Subd. 5-6 Fees.

~~A.~~ An application for a ~~chicken~~ license or a ~~renewal chicken~~ license transfer shall be accompanied by the appropriate chicken license fee set forth in Section 1100 of the Waconia City Code. ~~If an initial chicken license is for a partial year, the fee shall be prorated based upon the number of days between the preceding July 1st and the date of issuance as compared to the number of days between the date of issuance and the following June 30th, provided the minimum license fee shall be \$25.00 and an proration shall not reduce the license fee below such amount.~~

~~B. If the application is denied, the license fee, less \$25.00, shall be returned~~ Subd. ~~to the applicant.~~

~~C. If a license is surrendered by a license holder or revoked before the end of the license period, no refund shall be given.~~

~~571.04-7~~ No Real Property Interest Created. Licenses are personal to the licensee and do not run with the licensed premises. As such, they create no rights in real estate and they do not transfer with real estate. The rights granted to a licensee do not apply to a tenant or other occupant of a licensed premises, except that incidental help is permitted as described in Section 571.04, Subd.1, below.

571.04 Operation.

~~Subd.~~ Subd. 1- General Requirements.

~~A. The owner of the chickens must occupy the licensed premises for which the license was issued.~~

A. A licensee may keep a coop with up to six (6) hens at a licensed premises. In addition, members of a licensee's household other persons may, from time to time, provide incidental assistance under the licensee's supervision. The licensee shall, at all times, assure full compliance with the requirements of this chapter.

B. Chickens must be confined on the licensed premises~~at all times, under control of the licensee,~~ in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.

C. All chicken grains and feed must be stored in a rodent proof container.

D. Chickens shall not be kept for breeding purposes.

E. The use of chickens for cockfighting is prohibited.

Subd.2- Coop and Run.

A. All chickens shall be provided access to both a coop and a run.

B. The coop and run shall be located in the rear yard of the licensed premises: i) setback from the principal dwelling; ii) not less than ~~thirtyfive~~thirty-five (35) feet away from the principal dwellings on the adjacent properties; and iii) not less than ten (10) feet from the property lines of the licensed premises. In all cases, the coop and run shall be located closer to the principal dwelling of the licensed premises than to any principal dwelling on any adjacent properties. Further, the coop and run shall be set back at least twenty- five (25) feet from: i) any delineated wetland edge; or ii) the top of any bank of a pond, filtration basin, or infiltration basin. No coop or run shall be located in any easement or right-of-way area.

- C.- Chicken coops shall have a maximum footprint area of ten (10) square feet per chicken and a minimum footprint area of five (5) square feet per chicken. Chicken runs shall have a maximum footprint area of twenty (20) square feet per chicken and a minimum footprint area of ten (10) square feet per chicken. The coop shall be elevated above ground and may not exceed a height of seven (7) feet as measured from the ground.
- D.- The coop and run shall be completely enclosed and rodent proof. Further, the coop shall provide adequate protection from the elements and shall be winterized. All fencing and electrical work associated with the ~~chicken~~ coop and run shall comply with all building and zoning codes and all appropriate permits and licenses shall be obtained therefore.

~~E. When a chicken license expires or is revoked, the licensee shall remove the coop and run from the licensed premises no later than sixty (60) days after the expiration or revocation date. Removal shall not be required, however, so long as a chicken license is renewed before it expires or within sixty (60) days after it expires.~~

Subd. 3.- Waste.

- A.- The ~~chicken~~ coop and run shall be kept in a sanitary and odor free condition, including the regular and frequent removal, storage in a leak proof container and proper disposal of any accumulated feces or waste.
- B.- Composting or burying feces, discarded feed or dead chickens on the licensed premises is prohibited.

Subd. 4. Removal. No later than thirty (30) days after a license expires or is revoked, the licensee shall, at the licensee's sole expense, remove the coop, equipment, and other improvements associated with the chickens from the licensed premises.

571.05- Inspection.

The City may inspect a licensed premises ~~at any time~~ during the City's normal business hours with at least 24 hours' notice to ~~confirm compliance with the requirements~~ the licensee or other occupant of this Chapter the licensed premises. Refusal to allow inspection shall constitute grounds for revocation of the applicable license.

571.06- Revocation.

The City may revoke a ~~chicken~~ license if any requirement set forth in this ~~Chapter~~ chapter is violated or if the Minnesota Department of Revenue sends the City notice requiring revocation. Nothing herein shall be interpreted as preventing the City from also prosecuting any violation of this ~~Chapter~~ chapter as a criminal violation pursuant to Chapter 102 of the ~~Waconia City~~ Code.

571.07- Right to a Hearing.

Except for a denial or revocation required by the Minnesota Department of Revenue, any qualified applicant under this chapter that has been denied the issuance or transfer of a ~~chicken~~ license or any person whose ~~chicken~~ license has been revoked may, upon written request to the City Clerk promptly made after the denial or revocation has occurred, request a hearing before the City Council to present evidence and to appeal the decision. A request for a hearing after the denial of a transfer application will stay the expiration of the license until thirty (30) days after the hearing.

571.08- Application of Chapter to Other Requirements.

Subd. 1- Private Restrictions and Covenants.

- A.- Notwithstanding the issuance of a license by the City, private restrictions or covenants ~~on~~regarding the use of any licensed premises shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant declarations.
- B.- A ~~chicken~~ license issued ~~to~~for a ~~person whose~~ licensed premises ~~is~~ subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

Subd. 2- Coordination with Other Code Provisions.

- ~~C.-~~A. Compliance with this ~~Chapter~~chapter shall not be a defense to a proceeding alleging that a given chicken or group of chickens constitutes a nuisance.
- ~~D.-~~B. Compliance with this ~~Chapter~~chapter shall not be a defense to a proceeding alleging that a given chicken or group of chickens violates applicable ordinances regarding public health.

CHAPTER 572
BEES

Section

572.01-___ Definitions

572.02-___ General Prohibition

572.03-___ Licenses

572.04-___ Operation

572.05-___ Inspection

572.06-___ Revocation

572.07-___ Right to a Hearing

572.08-___ Application of Chapter to Other Requirements

572.01-___ Definitions.

The following terms, as used in this ~~Chapter~~chapter, shall have the meanings stated in this section:

“Apiary” means the assembly of one or more colonies of honey bees at a single location.

~~“Beekeeper” means a person who owns or has charge of one or more colonies of bees.~~

“Beekeeping equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

“Colony” means an aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

“Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.

“Honey bee” or “honeybee” or “bee” means all life stages of the common domestic honey bee, *apis mellifera* species.

~~“Licensed Premises License”~~ means ~~the lot for which a~~ honey ~~bee~~ license issued pursuant to this chapter.

“Licensee” means a qualified applicant to whom a honey bee license has been ~~applied for or granted, as the applicable context requires~~issued.

“Licensed premises” means the lot identified in a honey bee license.

“Lot” means a contiguous parcel of land under common ownership.

“Nucleus colony” means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

“Qualified applicant” means a natural person or a revokable trust created by a natural person who is both a grantor of the revokable trust and serves as a current trustee.

“Undeveloped property” means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

572.02- General Prohibition.

No person shall keep honey bees within the corporate limits of the City, except as allowed by this ~~Chapter~~chapter or Section 710.15 of the Code. This prohibition does not apply to those portions of the City zoned for agricultural purposes.

572.03- Licenses.

Subd. 1- License Required. A ~~person~~licensee may keep an apiary ~~if the person holds a current~~at a licensed premises in compliance with the requirements of this chapter. Only one ~~(1)~~ honey bee license may be issued per lot.

Subd. 2 License Period. A license is effective when issued and continues in effect until the ~~license expires or is revoked pursuant to this Chapter. Each person holding a current~~license expires thirty (30) days after the date the licensee no longer holds a fee title interest in the licensed premises unless an application to transfer the license is submitted to the City within such thirty (30) day period and approved by the City Administrator (or his/her designee). If a timely submitted application to transfer a license is denied by the City, the license shall expire thirty (30) days after the date of denial. If a licensee is a natural person and the licensee dies, the estate of such person shall be deemed the licensee and the personal representative of the estate may act on behalf of the licensee.

¶

~~Subd. 2 License Period. Honey bee licenses are effective for one year commencing at the beginning of the day on July 1st of each year and expiring at the end of the day on June 30th of the following year. Each honey bee license issued after July 1st shall run for a partial year from the beginning of the day the license was issued to the end of the applicable license period.~~

Subd. 3- License Application. ~~A person desiring to keep an apiary in the City must~~A qualified applicant that desires a license may apply for ~~an annual honey bee~~the license using

forms supplied by the City Clerk. ~~An application for an initial license may be made at any time. An application for a renewal license may be made at any time after May 1st for the upcoming license period.~~ The application ~~for an initial or renewal license~~ shall include, but not be limited to, the following information and agreements:

- A.- The address of the ~~licensed premises lot~~ where the apiary will be kept.
- B.- A scaled drawing showing the location, size, and dimensions of all hives located on the ~~licensed premises lot~~ including their distance from other structures on the lot and neighboring property lines.
- C.- An agreement by the qualified applicant that the licensed premises may be inspected by the City ~~at any time~~ during business hours with 24 hours' notice to ensure compliance with this ~~Chapter~~ chapter.
- D.- A statement that the qualified applicant understands the conditions and requirements of this ~~Chapter~~ chapter.
- E. A statement that the qualified applicant is a fee title owner of the licensed premises.

Subd. 4 ~~License Transfer Application.~~ A licensee that desires to transfer an existing license to another qualified applicant may apply for the transfer using forms supplied by the City Clerk. The application shall include, but not be limited to, the items listed in Subd. 3, A, C, D, and E above. Further, an application to transfer a license shall be executed by both the current licensee and a qualified applicant that desires to assume the license.

Subd. 5. ~~Subd. 4.~~ License Requirements. No ~~bee~~ license shall be issued ~~or renewed~~ until the City Administrator (or his or her designee) has determined ~~that~~ all of the following conditions have been met:

- A.- An application has been submitted with accurate and complete information.
- B.- An inspection of the ~~licensed premises lot~~ and hives described in the application has been performed by the City with the qualified applicant's permission.
- C.- Based on the application and inspection, the requirements of this ~~Chapter~~ chapter have been met ~~in regard to~~ regarding the proposed apiary on the ~~licensed premises lot~~.
- D.- Public health and safety will not be endangered by granting or renewing the requested license.

Subd. 5-6 Fees.

~~A.~~ An application for a ~~honey bee~~ license or a ~~renewal honey bee~~ license transfer shall be accompanied by the appropriate ~~honey bee license~~ fee set forth in Section 1100 of the Waconia City Code. ~~If an initial honey bee license is for~~

Subd. ~~a partial year, the fee shall be prorated based upon the number of days between the preceding July 1stst and the date of issuance as compared to the number of days between the date of issuance and the following June 30th, provided the minimum license fee shall be \$25.00 and any proration shall not reduce the license fee below such amount.~~

~~B. If the application is denied, the license fee, less \$25.00, shall be returned to the applicant.~~

~~C. If a license is surrendered by a license holder or revoked before the end of the license period, no refund shall be given.~~

572.04-7 No Real Property Interest Created. Licenses are personal to the licensee and do not run with the licensed premises. As such, they create no rights in real estate and they do not transfer with real estate. The rights granted to a licensee do not apply to a tenant or other occupant of a licensed premises, except that incidental help is permitted as described in Section 572.04, Subd.1, below.

572.04 Operation.

Subd. 1 ~~Subd. 1. General Requirements.~~

~~A beekeeper must occupy the licensed premises for which the honey bee license was issued.~~

General Requirements. A licensee may conduct beekeeping at a licensed premises. In addition, members of a licensee's household and other persons may, from time to time, provide incidental assistance under the licensee's supervision. The licensee shall, at all times, assure full compliance with the requirements of this chapter.

Subd.2- Colony and Hive Requirements.

A. ~~A.~~ No ~~person~~licensee shall keep more than the following numbers of colonies on ~~any~~ licensed premises ~~within the City~~, based upon the size or configuration of the licensed premises:

- One half acre or smaller lot – 2 hives
- Larger than 1/2 acre but smaller than 3/4 acre lot – 4 hives
- Larger than 3/4 acre lot but smaller than one acre lot – 6 hives
- One acre but smaller than five acres - 8 hives
- Larger than five acres - no restriction

B.- For each colony permitted to be maintained under this ~~Chapter~~chapter, there may also be maintained upon the same licensed premises, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.

- C.- Except as otherwise provided in this ~~Chapter~~chapter, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the licensed premises upon which the apiary is located, as measured from the nearest point on the hive to the property line, the ~~beekeeper~~licensee shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the licensed premises lot line for ten (10) feet in either direction from the hive, or contain the hive or hives in an enclosure at least six (6) feet in height. A flyway barrier is not required if the property adjoining the licensed premises lot line (1) is undeveloped or (2) is zoned agricultural, industrial or is outside of the City limits.
- D.- Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. Further, ~~each beekeeper~~a licensee shall maintain his/her beekeeping equipment in good condition, including keeping the hives painted if they are peeling or flaking, and securing unused equipment from weather, potential theft, or vandalism, and occupancy by swarms. It shall not be a defense to a violation of this ~~Chapter~~chapter that a ~~beekeeper's~~licensee's unused equipment attracted a swarm and that the ~~beekeeper~~licensee is not intentionally keeping bees.
- E.- Each ~~beekeeper~~licensee shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

Subd. 3- Waste.

~~Each beekeeper shall ensure that materials~~ Materials from a hive or colony which might encourage the presence of honey bees, such as wax combs, shall be promptly disposed of in a sealed container, or placed within a building or other bee-proof enclosure.

Subd. 4. Removal. No later than thirty (30) days after a honey bee license expires or is revoked, the licensee shall, at the licensee's sole expense, remove all hives, equipment, and other improvements associated with the apiary from the licensed premises.

572.05- Inspection.

The City may inspect a licensed premises ~~at any time during the City's normal business hours with at least twenty-four (24) hours' notice to confirm compliance with the requirements~~the licensee or other occupant of this Chapter the licensed premises. Refusal to allow inspection shall constitute grounds for revocation of the applicable honey bee license.

572.06- Revocation.

The City may revoke a ~~honey bee~~ license if any requirement set forth in this ~~Chapter~~chapter is violated or if the Minnesota Department of Revenue sends the City notice requiring revocation. Nothing herein shall be interpreted as preventing the City from also prosecuting any violation of this ~~Chapter~~chapter as a criminal violation pursuant to Chapter 102 of the ~~Waconia City~~ Code.

572.07- Right to a Hearing.

Except for a denial or revocation required by the Minnesota Department of Revenue, any qualified applicant under this chapter that has been denied the issuance or transfer of a ~~honey bee~~ license or any person whose ~~honey bee~~ license has been revoked may, upon written request to the City Clerk promptly made after the denial or revocation has occurred, request a hearing before the City Council to present evidence and to appeal the decision. A request for a hearing after the denial of a transfer application will stay the expiration of the license until thirty (30) days after the hearing.

572.08- Application of Chapter to Other Requirements.

Subd. 1- Private Restrictions and Covenants.

- A.- Notwithstanding the issuance of a license by the City, private restrictions or covenants ~~on~~regarding the use of any licensed premises shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant declarations.
- B.- A ~~honey bee~~ license issued ~~to~~for a ~~person whose~~ licensed premises ~~is~~ subject to private restrictions and/or covenants that prohibit the keeping of honey bees is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

Subd. 2- Coordination with Other Code Provisions.

- A.- Compliance with this ~~Chapter~~chapter shall not be a defense to a proceeding alleging that a given honey bee colony constitutes a nuisance.
- B.- Compliance with this ~~Chapter~~chapter shall not be a defense to a proceeding alleging that a given honey bee colony violates applicable ordinances regarding public health.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	May 15, 2023					
Item Name:	Pedestrian Amenity Discussion – Interlaken Village Commercial Development in Association with Twin Cities Orthopedic Future Expansion at 820 Village Way					
Originating Department:	Community Development					
Presented by:	Lane Braaten					
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>						
Motion indicating the proposed pedestrian improvements associated with the Twin Cities Orthopedic site plan and subdivision applications for the property are consistent with the original Interlaken Village Developer's Agreement.						
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>						
<u>BACKGROUND</u> The City Council, on May 1st, 2006, adopted Resolution 2006-103 conditionally approving the preliminary plat of INTERLAKEN VILLAGE. The Interlaken Village Preliminary Plat consisted of 40 acres, which included 9 lots. Lot 1 was developed as a Target store, and Lots 2 through 9 were guided as development pads for free-standing structures that would support uses allowed in the B-1, Highway Business District. Concurrent with the filing of the Interlaken Village Final Plat, the property owner and the City entered into a Developer's Agreement for Interlaken Village which required future phases to meet specified requirements. Specifically, the development agreement required that the owner of Outlot A, which is all of the property located north of Village Way, to substantially construct the pedestrian corridor identified in the agreement as the "Interlaken Village Site Plan" (see attached images). The development agreement further indicated that the improvements would be required as depicted unless the City agreed to an alternate plan. With the initial approval of the Twin Cities Orthopedic (TCO) building at 820 Village Way it was anticipated that an alternate plan may be necessary based on the actual vs. planned growth of the area. So, last month, TCO submitted a revised site plan that included further subdivision/platting of the property and staff reminded both the current property owner and TCO that the required public improvement plan would need to be addressed prior to consideration of any further land use applications. As such, TCO has submitted a revised draft plan which includes some public pedestrian improvements, which they would propose to construct to meet their portion of the required improvements. Staff has had some conversation with the underlying property owner for the remaining outlots and have reminded them that the possible approval by the Council of the TCO public improvements would not preclude the remaining outlots from constructing and installing additional improvements on the remaining undeveloped sites. They are aware of this requirement but were hesitant to provide a fully revised plan that included these sites as they are not sure how they will develop in the future, especially with all of the TCO expansion in the area. They are aware a plan will need to be submitted for review and consideration as each of these properties are developed.						
<u>CONCLUSION/RECOMMENDATION</u>						
The City Council should review the proposed pedestrian improvements for Lot 1, Block 1, INTERLAKEN 3RD ADDITION and determine if they meet the intent of the City Code and development agreement associated with the Interlaken Commercial Development. If the improvements are acceptable the City Council should consider the attached resolution of approval. Approval would allow the Planning Commission to review the proposed TCO Site Plan application and INTERLAKEN 3RD ADDITION plat at their upcoming meeting on June 1st, 2023.						

Attachments:

1. [Location Map_TCO.pdf](#)
2. [TCO Expansion Project Plan.pdf](#)
3. [Site Amenity Narrative.pdf](#)
4. [Public Pedestrian Amenity Plan.pdf](#)
5. [Original Pedestrian Amenity Package_Interlaken Village Commercial.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

☐ Budgeted
☐ Non Budgeted
☐ Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

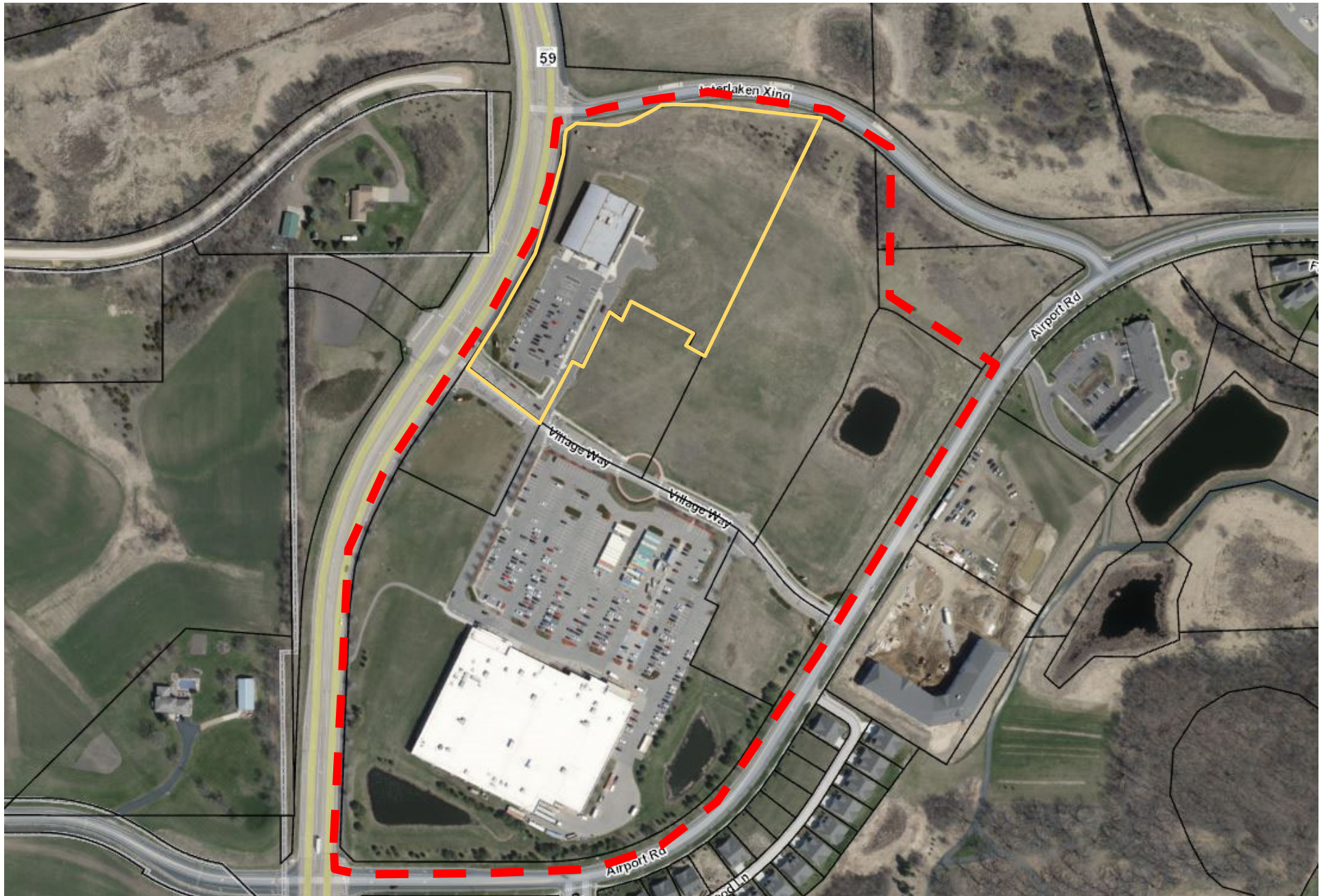
Planning Commission

Parks and Recreation Board

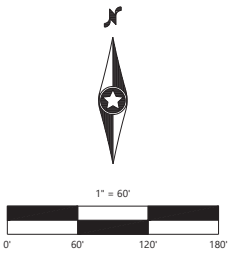
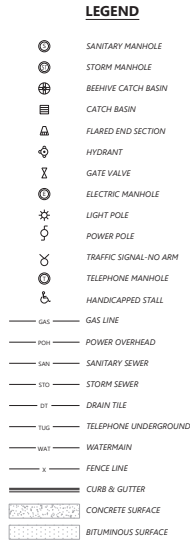
Safari Island Advisory Board

Other

LOCATION MAP—820 VILLAGE WAY—TWIN CITIES ORTHOPEDICS



— INTERLAKEN VILLAGE COMMERCIAL DEVELOPMENT



Lot 1, Block 1 and Outlot A, INTERLAKEN VILLAGE 2ND ADDITION, Carver County, Minnesota.

1. This survey was prepared using First American Title Insurance Company, Title Commitment Number NCS-1156563-MPLS having an effective date of February 08, 2023 at 7:30 A.M.
2. The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area shown or that the information is complete and accurate. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. (Gopher State One Call ticket number: 223261186)
3. Bearings of property lines shown herein are based on the Carver County coordinate system, (NAD 83 - 96 Control Adjustment).
4. Lengths of lines and distances between features are measured in US Survey Feet.

PROPOSED LOT 1, BLOCK 1 = 470,405 Square Feet /10.80 Acres
 PROPOSED OUTLOT A = 102,871 Square Feet / 2.36 Acres
 TOTAL PROPERTY = 573,276 Square Feet / 13.16 Acres

TCO Real Estate fund 2 LLC
4200 Dahlberg Dr. Ste. 300
Golden Valley MN 55422

Twin Cities Orthopedic
4200 W. Dahlgren Dr., Ste. 300
Phone: 952-442-2163

Westwood Professional Services
12701 Whitewater Drive, Suite 300,
Minnetonka, Minnesota 55343
Phone: 952-937-5150

Waconia Interlaken OVA LLC
6600 France Avenue S. Ste. 550
Edina, MN 55435

CHECKED: CNA	REVISIONS
DRAWN: BY	
FIELD CREW	
FIELD WORK DATE	

TWIN CITIES ORTHOPEDIC

820 VILLAGE WAY
Waconia, MN

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minnetonka, MN 55343
Toll Free (888) 937-5150 www.westwoodps.com

Westwood Professional Services, Inc.

PRELIMINARY PLAT OF
INTERLAKEN VILLAGE 3RD
ADDITION

OF
BRD

PROJECT NUMBER: 0036304

SHEET NUMBER:
1 OF

DATE: 03/30/2023

Site Amenity Narrative

5/9/2023

TCO Waconia Site Development

SRa #: 21-124

A new outdoor patio of approximately 3,330 sf for the Twin Cities Orthopedics Waconia site has been placed to meet the intent of a connective path and respite area for the overall development in the revised city submittal set. The outdoor patio is connected by the existing pedestrian sidewalk system that leads from Village Way along the existing TCO parking lot and building. The new connection provides a crosswalk to a new pedestrian sidewalk which extends along the new parking lot to the new outdoor patio.

The new outdoor patio has an area of stained & stamped concrete with benches and a sail shade with posts. It also includes a grassy area for a place to lay out blankets, if desired. The outdoor patio also has a variety of shrubs and perennials. See the civil and landscape plans dated 5/9/2023 prepared by Westwood for more detailed information.

Rendered images below:



Figure 1 - View from the South

TCO Waconia Site Amenity

21-124

5/9/2023

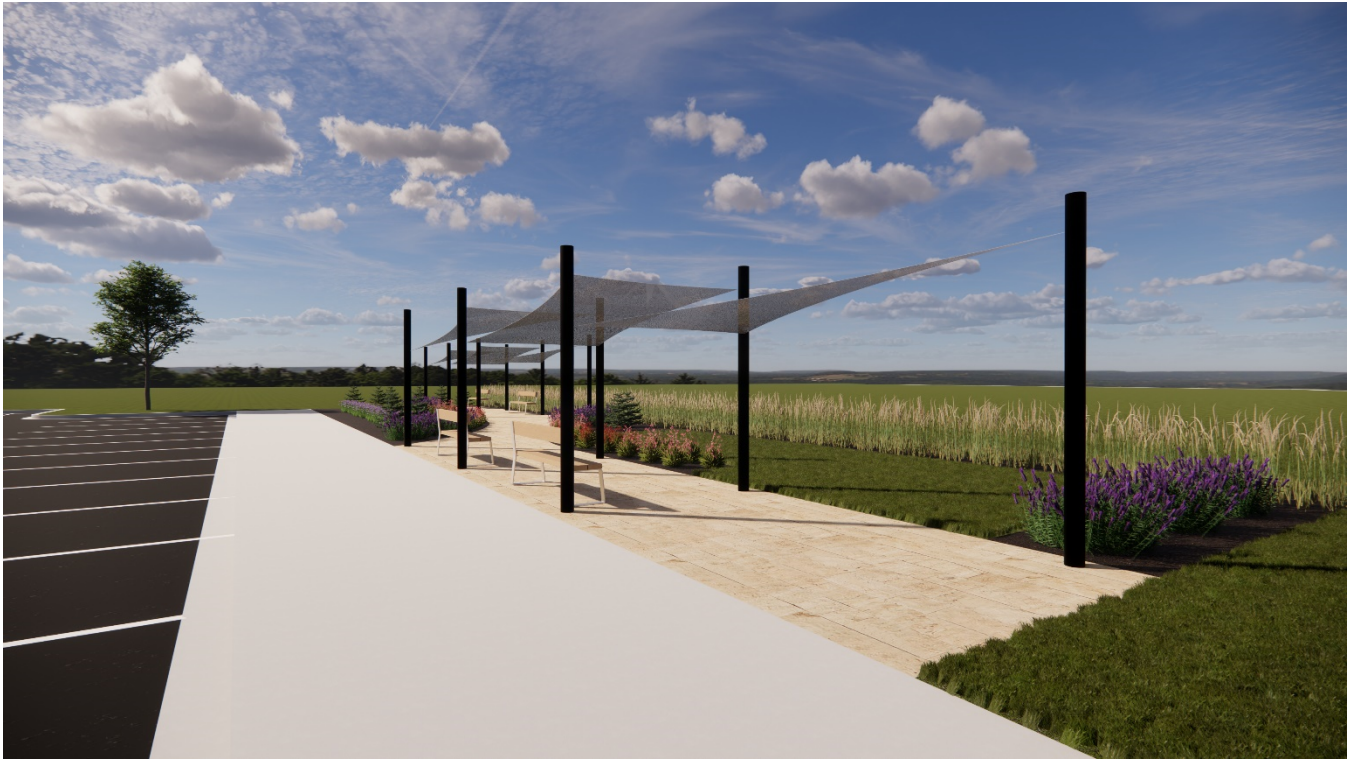
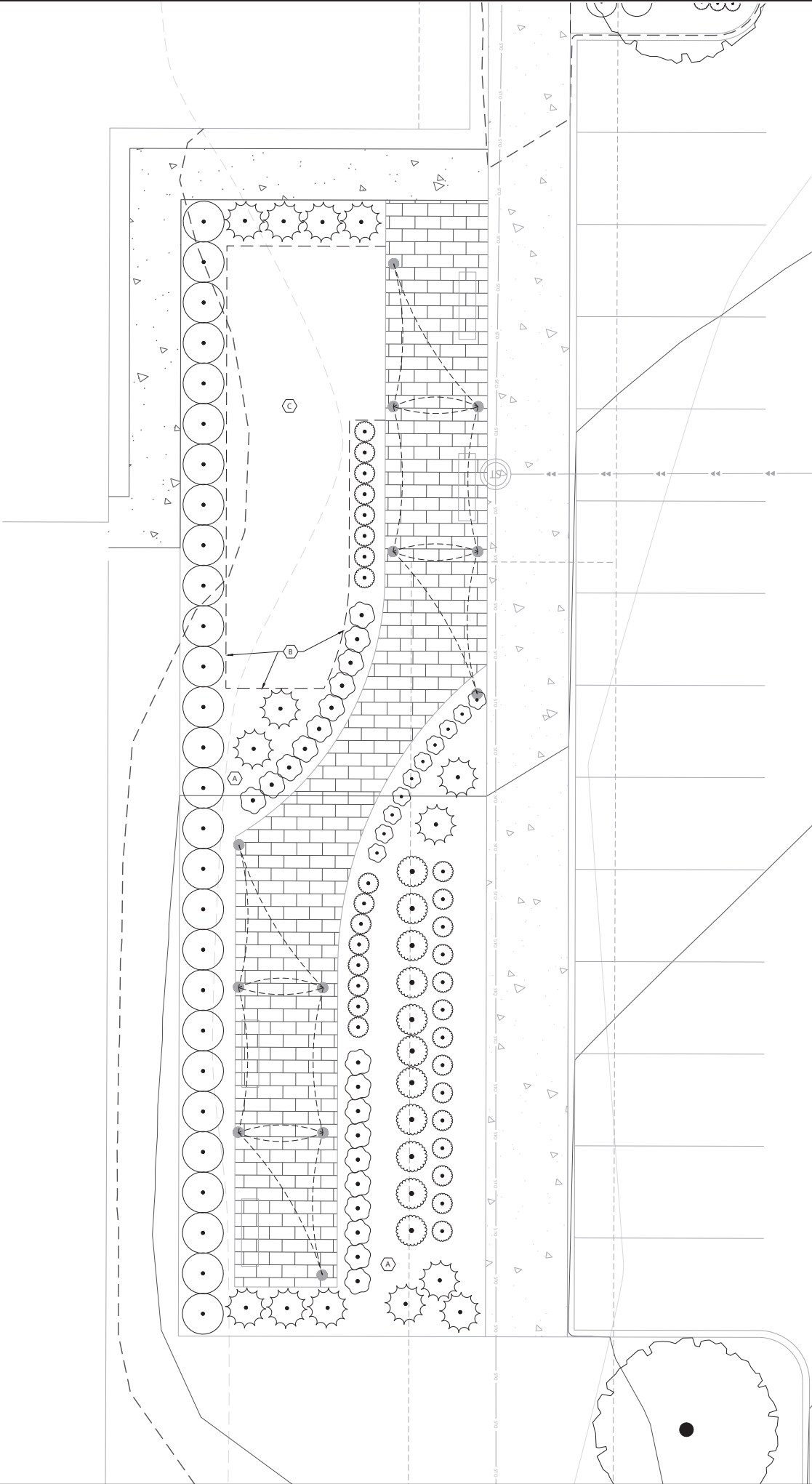


Figure 2 - View from the North



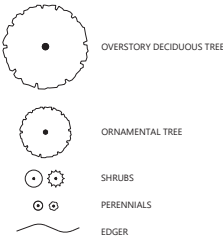
PLANT SCHEDULE

SGM	SIENNA GLEN® MAPLE / ACER X FREEMANII 'SIENNA'	2.5" CAL	AS SHOWN
BOL	BOULEVARD AMERICAN LINDEN / TILIA AMERICANA 'BOULEVARD'	2.5" CAL	AS SHOWN
ORNAMENTAL TREES	COMMON / BOTANICAL NAME	SIZE	SPACING O.C.
ALS	ALLEGHENY SERVICEBERRY MULTI-TRUNK / AMELANCHIER LAEVIS	6' HT B&B	AS SHOWN
QUA	QUAKING ASPEN / POPULUS TREMULOIDES	2.5" CAL	AS SHOWN
CONIFEROUS TREES	COMMON / BOTANICAL NAME	SIZE	SPACING O.C.
BHS	BLACK HILLS WHITE SPRUCE / PICEA GLAUCA 'DENSATA'	6' HT B&B	AS SHOWN
WHP	WHITE PINE / PINUS STROBUS	6' HT B&B	AS SHOWN
DECIDUOUS TREES	COMMON / BOTANICAL NAME	SIZE	SPACING O.C.
ANNUALS/PERENNIALS	COMMON / BOTANICAL NAME	SIZE	SPACING O.C.
BID	BAJA DAYLILY / HEMEROCALLIS X 'BAJA'	#1 CONT	24" O.C.
KOG	KOBOLD BLAZING STAR / LIATRIS SPICATA 'KOBOLD'	#1 CONT	18" O.C.

ABBREVIATIONS: B&B = BALLED AND BURLAPPED CAL = CALIPER HT. = HEIGHT MIN. = MINIMUM O.C. = ON CENTER SP. = SPREAD QTY. = QUANTITY
CONT. = CONTAINER

NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

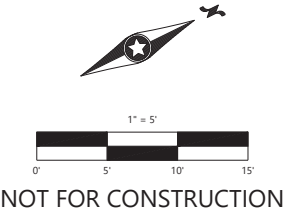
LANDSCAPE LEGEND



LANDSCAPE KEYNOTES A

- A SHREDDED HARDWOOD MULCH (TYP.)
- B EDGER (TYP.)
- C SOD (TYP.)

Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance



PUBLIC SPACE
LANDSCAPE PLAN

TCO WACONIA PHASE II
WACONIA, MN

Westwood
PROFESSIONAL SERVICES, INC.
10271 W. Highway 200, Suite #100
Minnetonka, MN 55343
Phone: (952) 937-9400
Fax: (952) 937-9820
Email: info@westwoodps.com
www.westwoodps.com

PREPARED FOR:
SPERIDES REINERS ARCHITECTS, INC.
6442 CITY WEST PARKWAY SUITE 300
EDEN PRAIRIE, MN 55344

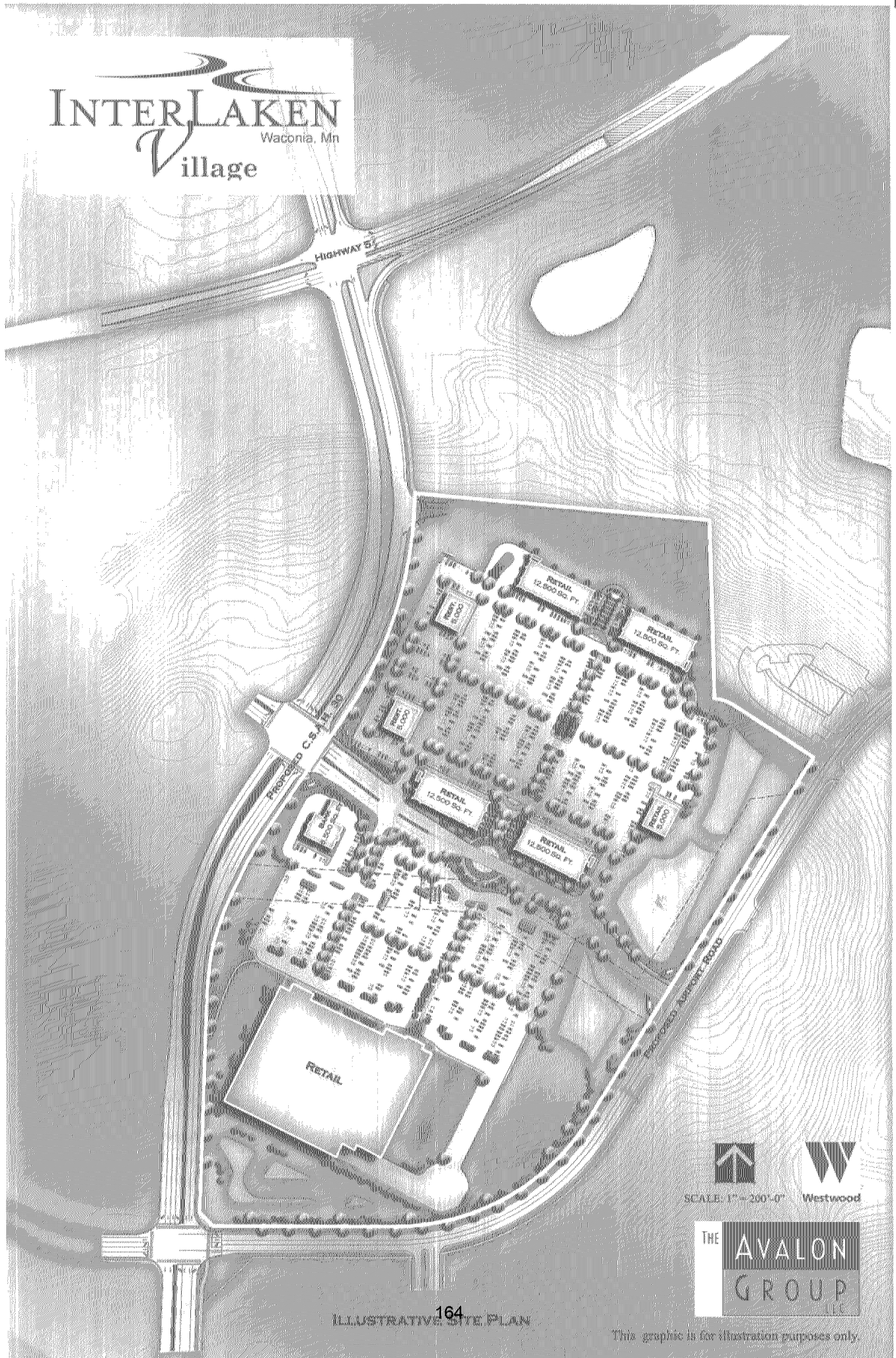
DESIGNED BY: JEFF L. WESTENDORF
CHECKED BY: CITY NEURUMITAL
DRAWN BY: CITY NEURUMITAL
DATE: 05/09/2023
LICENSE NO. _____

DESIGNED	04/07/2023
CHECKED	
DRAWN	
HORIZONTAL SCALE	
VERTICAL SCALE	

INTERLAKEN

Waconia, Mn

Village



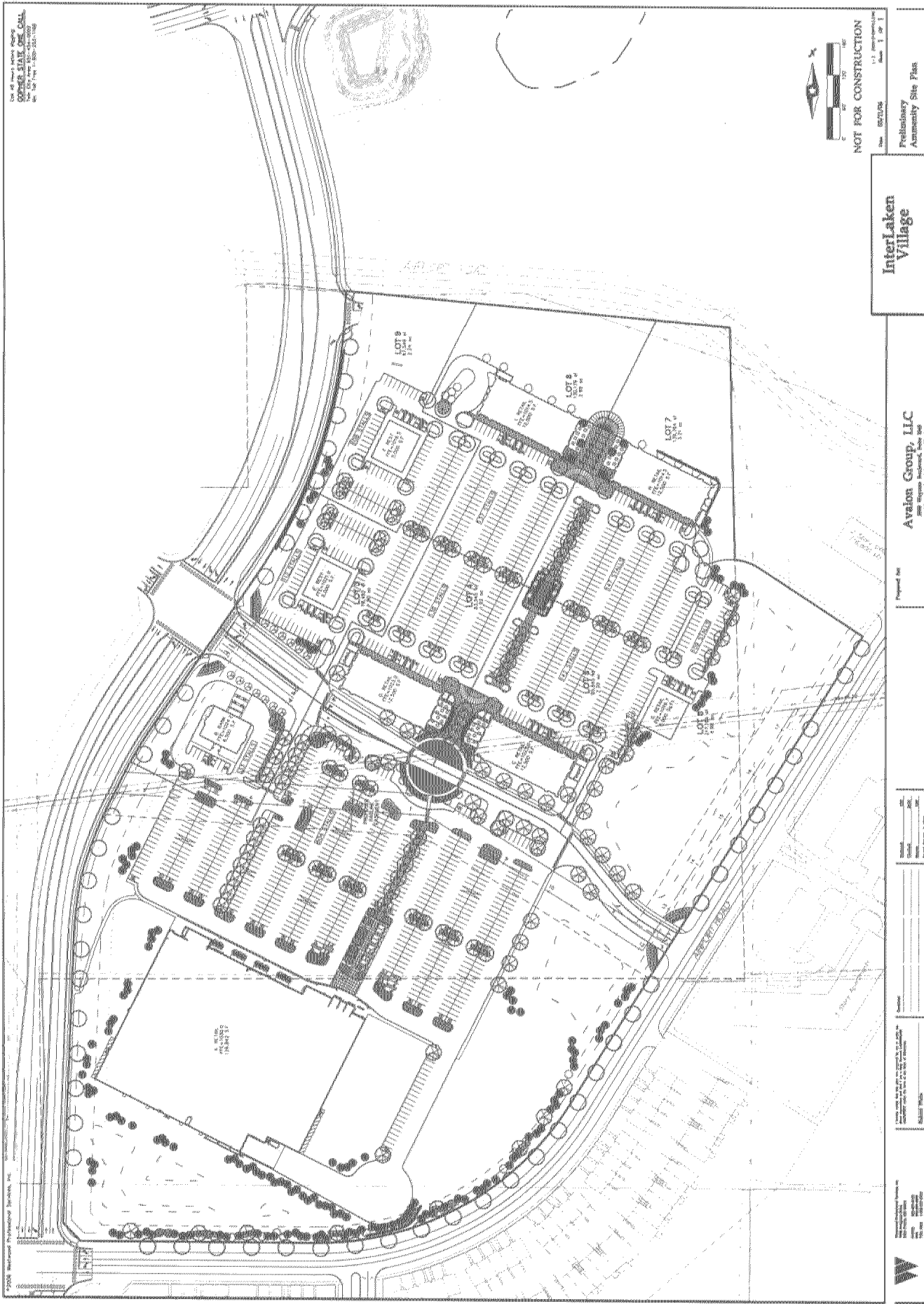
SCALE: 1" = 200'-0"



THE AVALON GROUP

ILLUSTRATIVE SITE PLAN

This graphic is for illustration purposes only.



INTERLAKEN

Waconia, Mn

Village



SCALE: 1" = 200'-0"



Westwood



166
SIDEWALK & TRAIL SITE PLAN

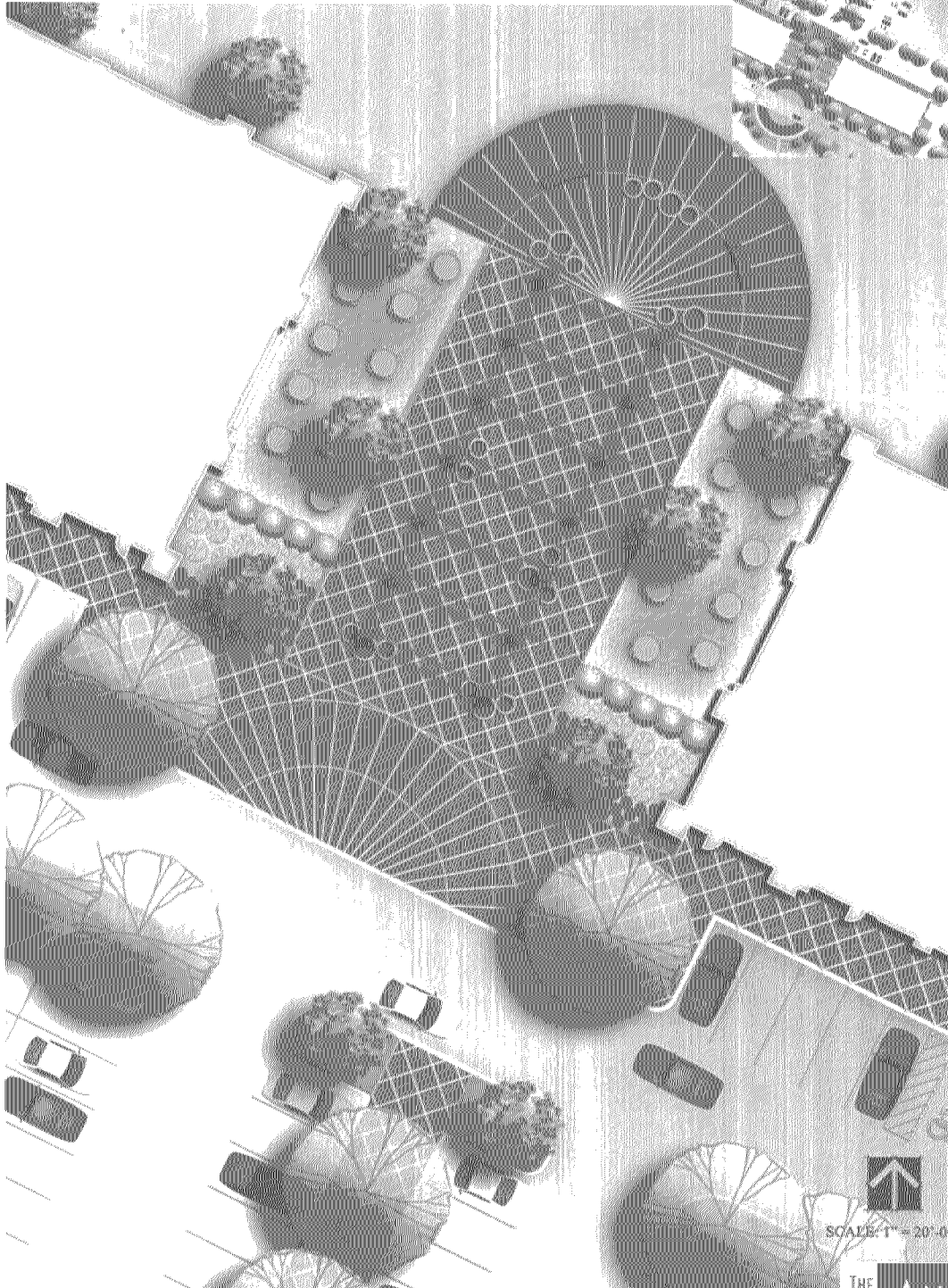
This graphic is for illustration purposes only.

INTERLAKEN

Waconia, Mn

Village

LOCATION MAP



SCALE: 1" = 20'-0"



Westwood

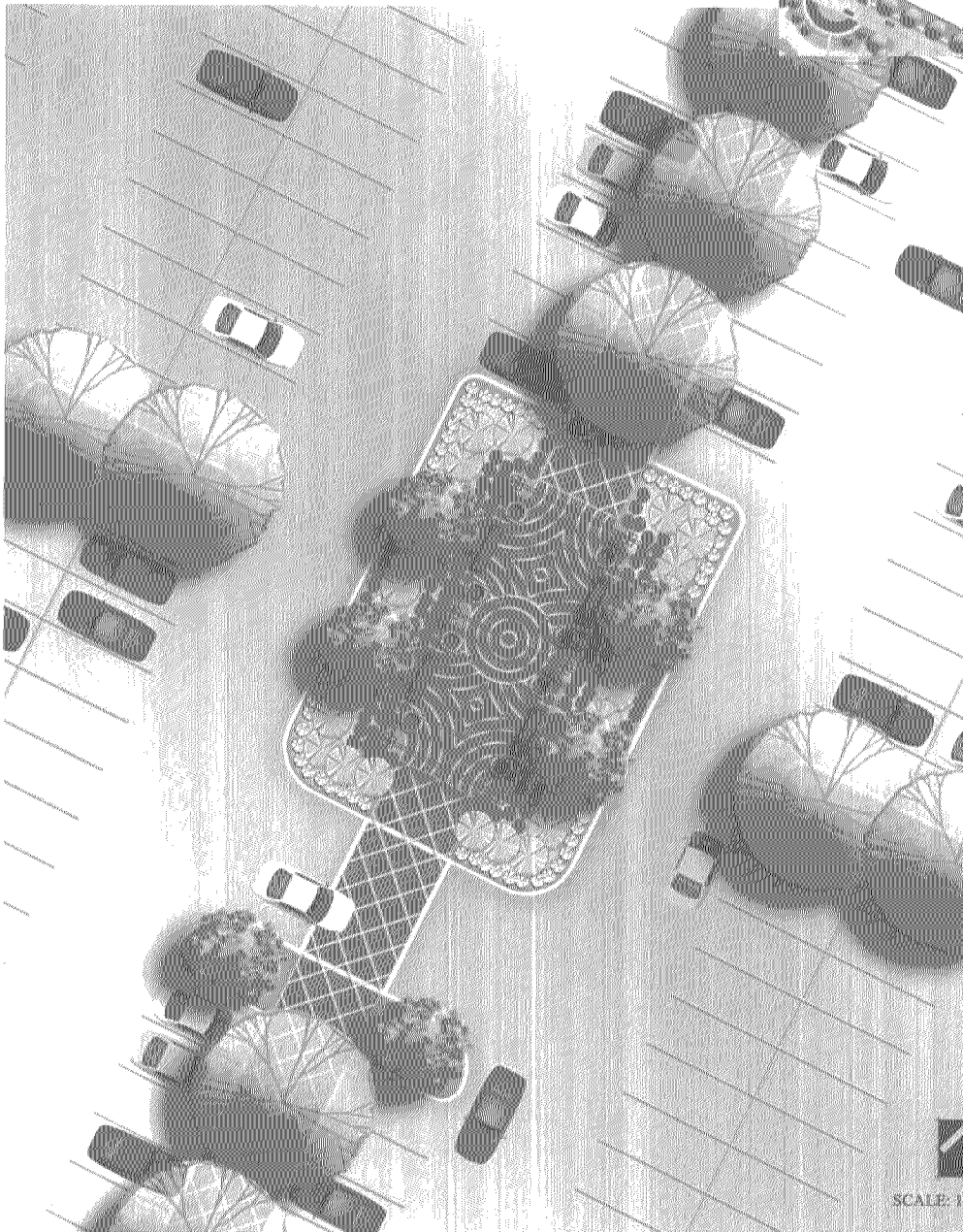
THE
AVALON
GROUP

INTERLAKEN

Waconia, Mn

Village

LOCATION MAP



SCALE: 1" = 20'-0"



Westwood

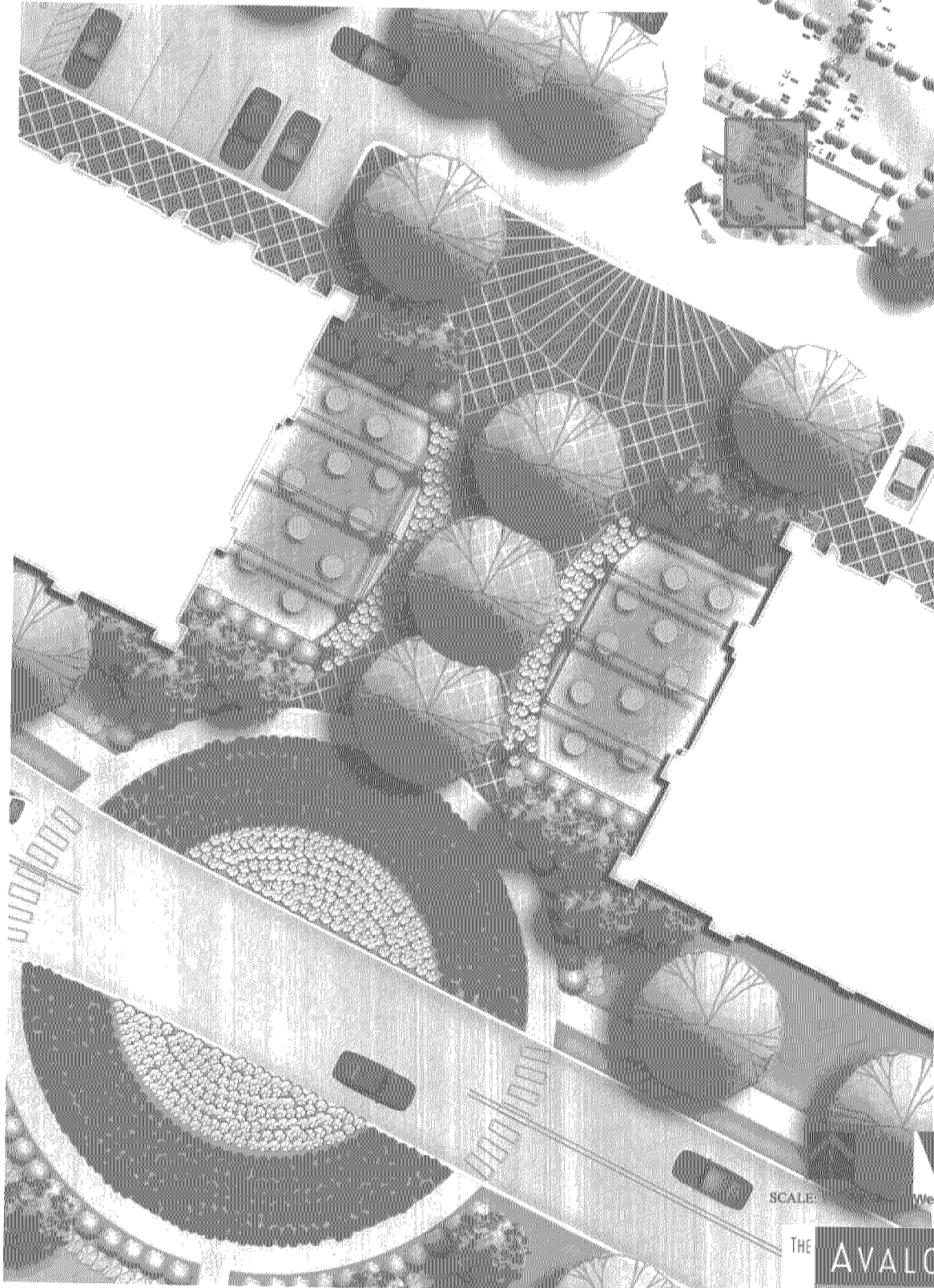
THE
AVALON
GROUP
LLC

INTERLAKEN

Waconia, Mn

Village

LOCATION MAP



Westwood

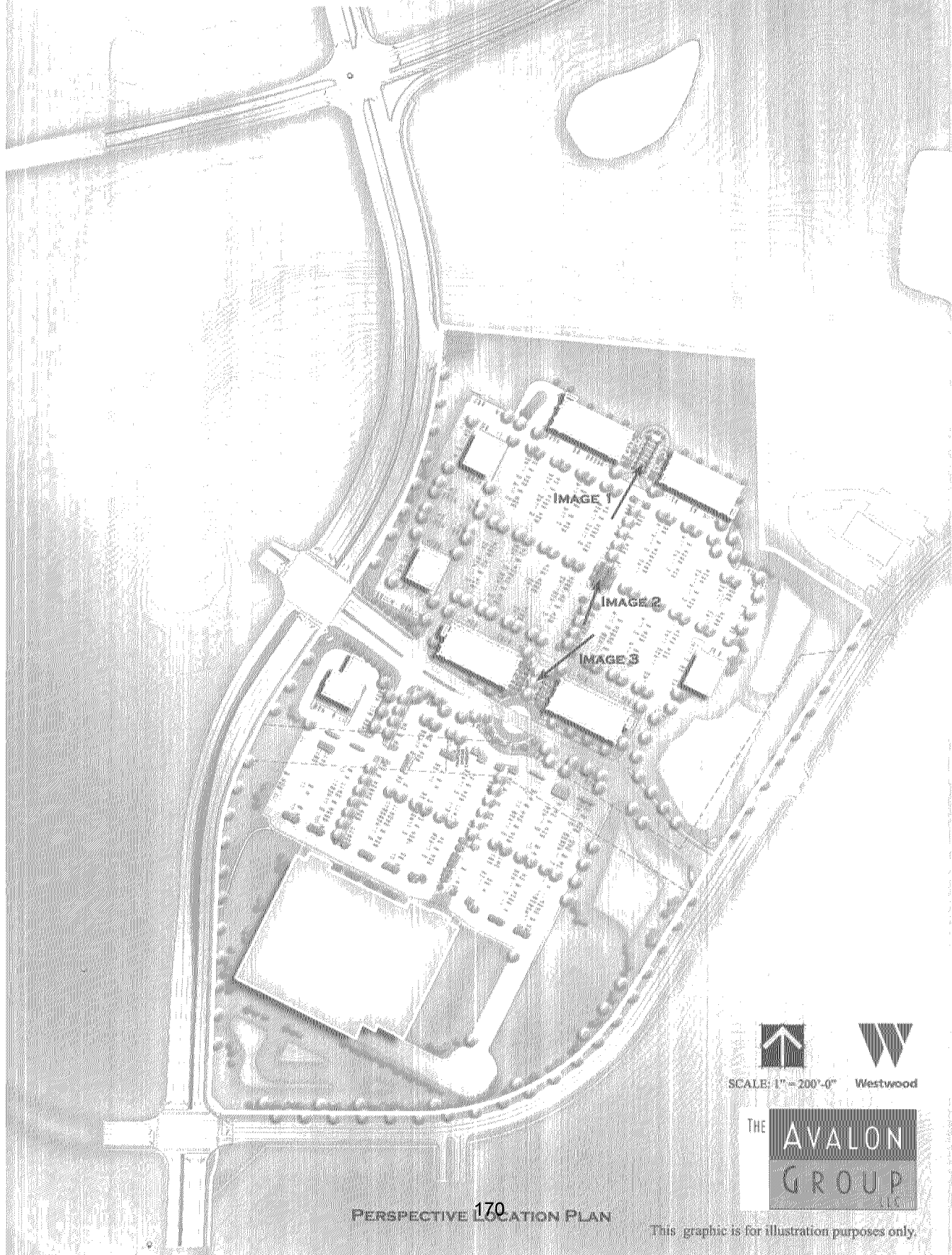
THE

AVALON
GROUP
LLC

INTERLAKEN

Waconia, Mn

Village



SCALE: 1" = 200'-0"



Westwood



PERSPECTIVE LOCATION PLAN 170

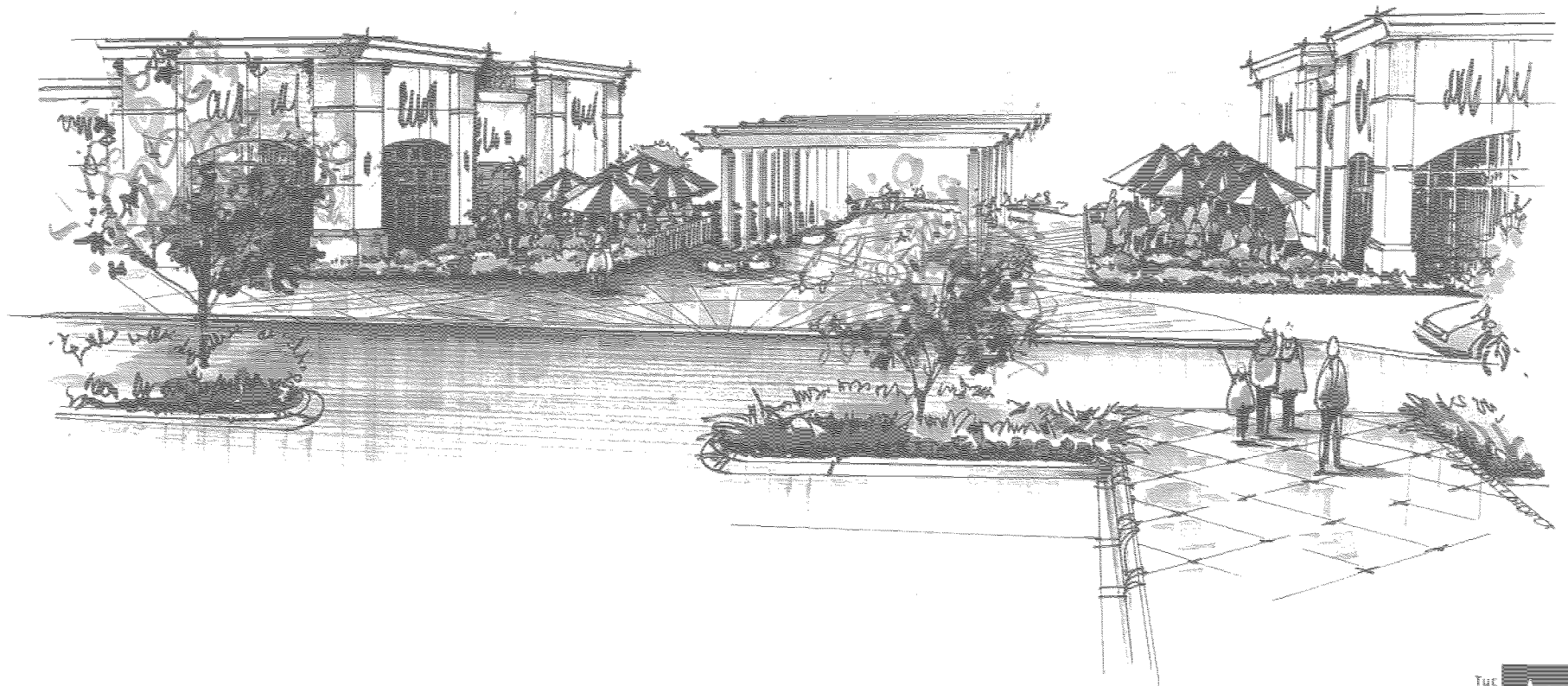
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INTERLAKEN

Waconia, Mn

Village

171



PERSPECTIVE IMAGE 1

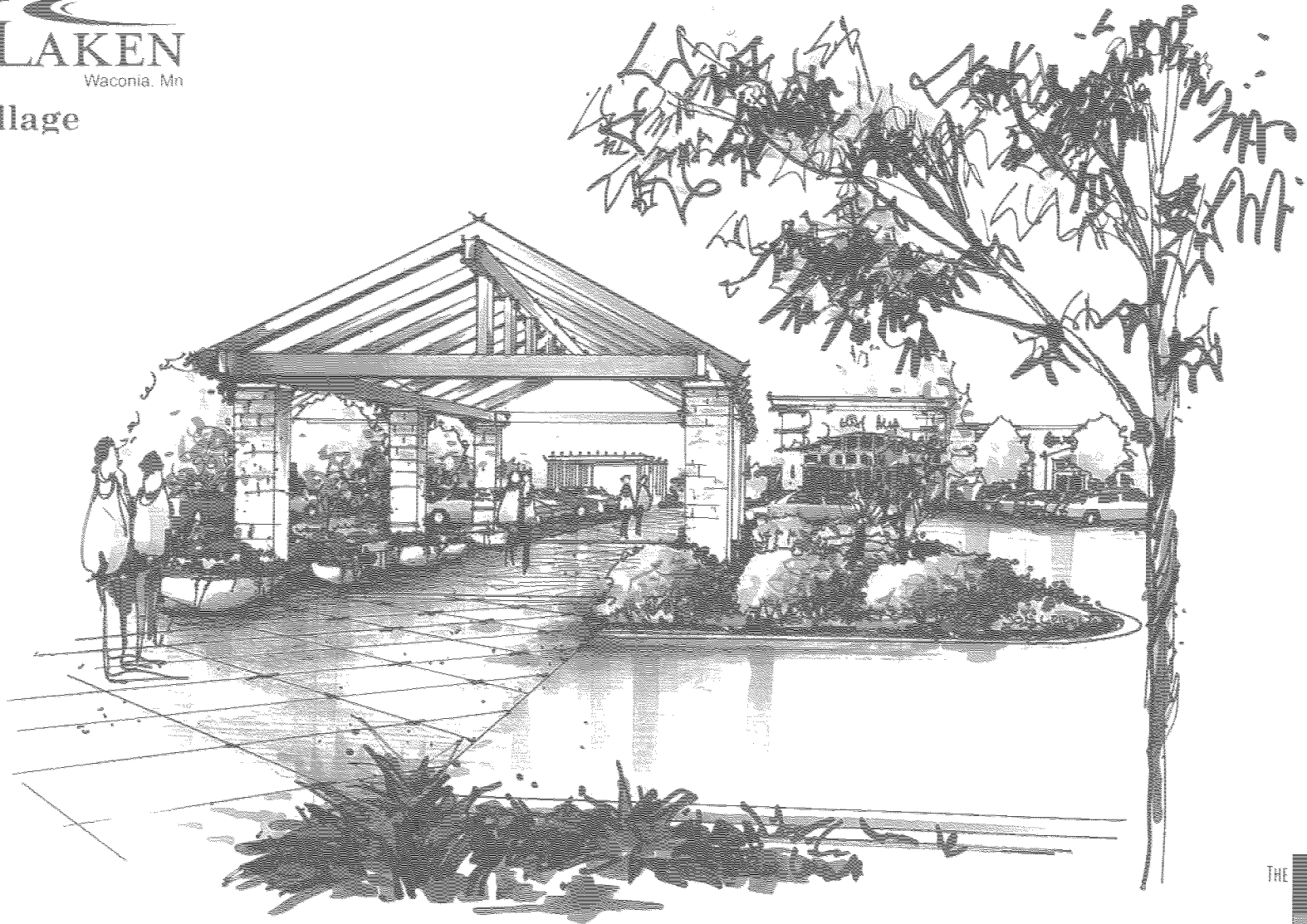


This graphic is for illustration purposes only.

INTERLAKEN

Waconia, Mn

Village



PERSPECTIVE IMAGE 2



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INTERLAKEN Village

Waconia, Mn

173



PERSPECTIVE IMAGE 3



Westwood

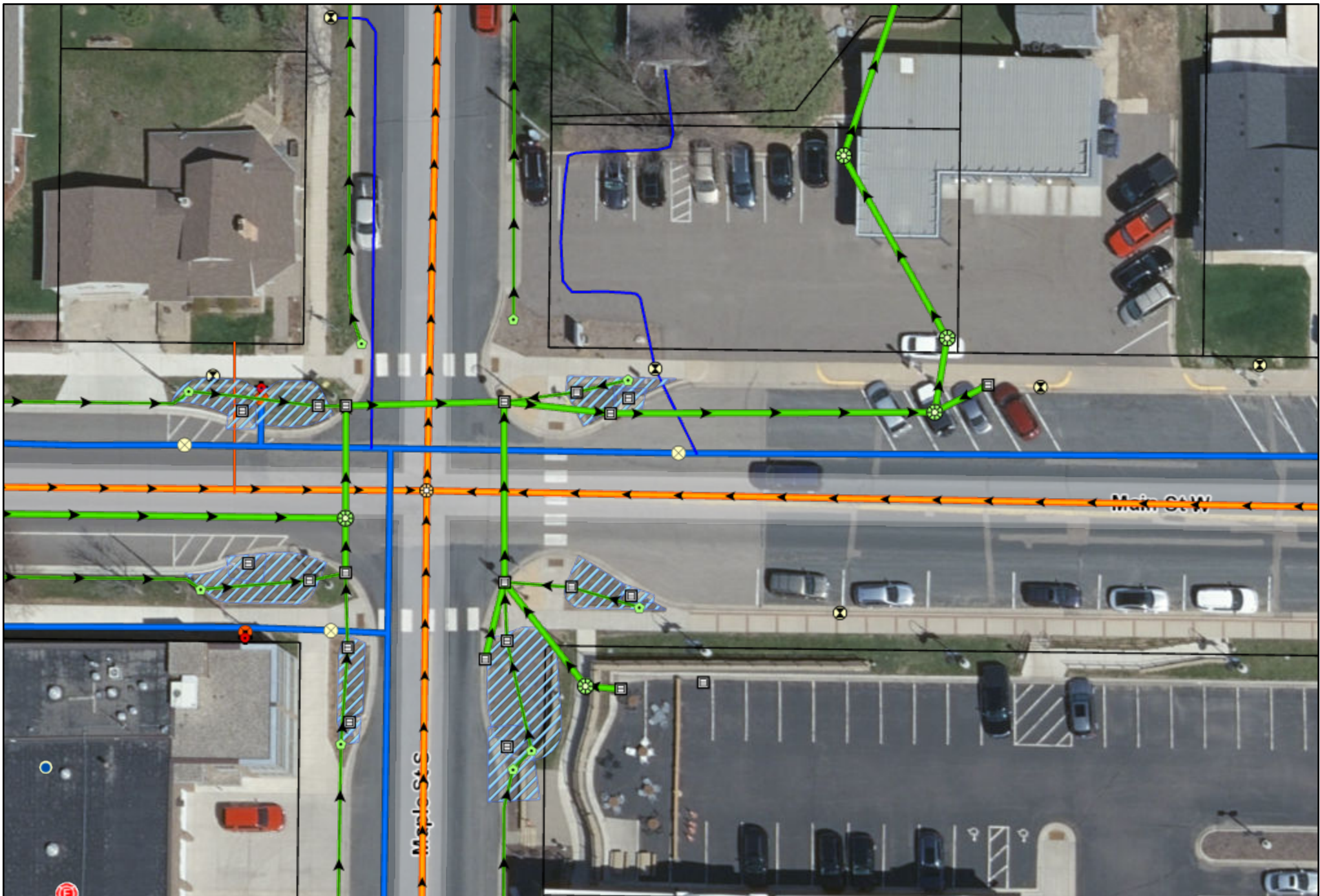


This graphic is for illustration purposes only.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 15, 2023					
Item Name:		Maple & Main Intersection Removals					
Originating Department:		Public Services					
Presented by:		Craig Eldred					
Previous Council Action (if any):		Work Session Request of Costs Associated of Intersection Restructure					
Item Type (X only one):	☐ Consent	☐	☐ Regular Session	☒ X	☐ Discussion Session	☐	☐
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Discussion & Direction							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff reviewed items relevant to removals, redefining, and improvement costs associated with the storm water rain garden bump outs at the intersection of South Maple Street and West Main Street at the request of Council. Historically, the best management practices were constructed as efforts to reduce pollutant run-off to Lake Waconia. The City received volume, total phosphorus and total suspended solid reductions for improvements at the intersection in the amount of 1,353 credits as part of the 2014 Improvement Project. The City Engineer did quantify the removal impacts of the rain garden's at the 1,353 credits, which removal would necessitate an additional 56 credits upon removal. Therefore, the total would be 1,409 credits with this volume being placed upon an off-site watershed at a value of 2,818 of credits, or a 2:1 ratio as required by watershed regulations. A result of this 2,818 credit impact on the Hunter's Crossing Filter Basin places it in a negative balance for total suspended solids at -40 credit balance without factoring in our 2022 and 2023 Improvement Projects. The valuation calculated for the filter bench equates to \$62.18 per-lineal foot/credit, or a value of \$105,704.00. Removal and reconstruction estimates amount to \$462,313.00. Impacts are associated to rain garden, lighting, concrete and asphalt removals. Replacement items include lighting, concrete curb and sidewalk, asphalt, electrical below ground and major storm sewer improvements to match the new curb alignment. Additional discussion will include how best to manage the pedestrian crossing of north to south movements. Initial discussions of this improvement weighed upon this review by reducing the crossing distance of Main Street. Staff will review the findings in greater detail during the Council Business portion of the City Council Meeting.							
<u>Attachments:</u>							
1. Aerial of Maple and Main.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Undecided							
Budget Information:				Planning Commission			
☐ Budgeted				Parks and Recreation Board			
☒ Non Budgeted				Safari Island Advisory Board			
☐ Amendment Required				Other			



City of Waconia

201 Vine Street South, Waconia, MN 55387

Landscape_8x11

May 2023
214