

CITY OF WACONIA
May 15, 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, Randy Sorensen, Steve Yetzer, Nick Gleason, Jeff Grengs

Staff Present: None

2) [PLEDGE OF ALLEGIANCE](#)

3) [ADOPT AGENDA](#)

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

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

Ned Rupp, 1660 Hwy 100 Suite 330, Minneapolis, Approached Council as a representative for the owners of Waconia Square. He asked for consideration in allowing a Tech Recycling Center at Waconia Square.

5) [ADOPT CONSENT AGENDA](#)

5.1 May 1, 2023 Regular City Council Meeting Minutes

[Cover Page](#)

[05-01-2023 Minutes.pdf](#)

5.2 May 15, 2023 Expenditures

[Cover Page](#)

[Council List_Expenditures 05.15.23_Regular.pdf](#)

[Council List_Expenditures 05.15.23_Purchasing Card.pdf](#)

[Council List_Expenditures 05.15.23_Other Electronic.pdf](#)

5.3 Rink Management Services Corporation Safari Island Community Center
Expenditures Incurred April 2023

[Cover Page](#)

[Safari Island - Bills & Applied Payments Apr 23.pdf](#)

- 5.4 Rink Management Services Corporation Waconia Ice Arena Expenditures
Incurred April 2023

[Cover Page](#)

[Waconia Ice Bills & Applied Payments Apr '23.pdf](#)

- 5.5 Contractor Pay Request #2-Final - City Square Park Retaining Wall & Sidewalk

[Cover Page](#)

[2023-05-02 City Square Park Ret Wall #2.pdf](#)

- 5.6 Kraus Anderson Contractor Pay Request - New Fire Station

[Cover Page](#)

[Kraus Anderson Insurance Proposal 2023-2024.pdf](#)

- 5.7 Contractor Pay Request #6 - Waterford Park - Water Reuse Station Project

[Cover Page](#)

[2023-05-09 Waterford Reuse Payment #6.pdf](#)

- 5.8 Use of Park: Waconia Library - Storywalk

[Cover Page](#)

- 5.9 Parade Permit - Memorial Day Parade

[Cover Page](#)

[23127res_Memorial_Day_Parade_Permit.doc](#)

[Memorial Day Parade.pdf](#)

- 5.10 League of Minnesota Cities Insurance Trust - Tort Liability Waiver - 2023-2024
Policy Renewal

[Cover Page](#)

[Liability-Coverage-Waiver-Form \(1\).pdf](#)

- 5.11 Cigarette License for Casey's

[Cover Page](#)

[23115res Cigarette License for Casey's.docx](#)

5.12 Authorize Hire for Utility Maintenance Worker

[Cover Page](#)

[23116res_Appointment_of_Utility_Maintenance_Worker \(1\).docx](#)

5.13 Authorize Hire for Street Maintenance Worker

[Cover Page](#)

[23117res_Appointment_of_Street_Maintenance_Worker.docx](#)

5.14 Probationary Firefighters to Active Status

[Cover Page](#)

[23118res Active_FF_Status_-_Resolution.docx](#)

5.15 2023 2nd Quarter Budget Amendments

[Cover Page](#)

[23119res-Budget_Amendment_master \(3\).doc](#)

[Budgement Amendments_Exhibit A.pdf](#)

5.16 Carver County CDA Community Growth Partnership Initiative Grant

[Cover Page](#)

[23120res_CDA_CGPI_Trails_Edge_Senior.doc](#)

[2023 CGPI Trail's Edge Senior.pdf](#)

5.17 Performance Measures and Report for 2022

[Cover Page](#)

[Re23121res_Performance_Measures_OSA.docx](#)

[Annual Performance Measures Data 22.pdf](#)

- 5.18 Authorize Hire for Park Maintenance Worker & Authorize Recruitment for Vacancy

[Cover Page](#)

[23122res_Appointment_of_Park_Maintenance_Worker.docx](#)

- 5.19 Approval and Award of 2023 Downtown Lighting Improvement Costs

[Cover Page](#)

[23123res_Downtown_Lighting_CIP_Project_128.doc](#)

[Fixture Bid Sheet CIP Project 128.pdf](#)

[Installation Bid Sheet CIP Project 128.pdf](#)

- 5.20 Façade Improvement Grant - Mocha Monkey

[Cover Page](#)

[23128res_Facade_Improvement_115_S_Olive.docx](#)

[Facade Improvement.Mocha Monkey 5.11.23.pdf](#)

Motion by Sorensen, seconded by Yetzer 5) ADOPT CONSENT AGENDA

MOTION carried

6) COUNCIL BUSINESS

- 6.1 New Firefighter Oath & Badge Pinning

[Cover Page](#)

Mayor Waldron swore in Aaron Jurek and Michael Eaton as Active Firefighters.

- 6.2 2022 Audited Annual Comprehensive Financial Report

[Cover Page](#)

[23124res_2022_Audit.doc](#)

Nicole Meyer shared that 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 for Redpath and Company provided a presentation of the final reports and audit results. Due to the length of the financial statement, a copy of the Annual Comprehensive Financial Report was provided to the City Council prior to the meeting under separate cover. The reports provided by Redpath and Company included Internal Control, Minnesota Legal Compliance, and Communication with Those Charged with Governance. The reports show that the City did not have any internal control of compliance findings in 2022. A copy of the reports are available for review by the public at City Hall.

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.

Motion by Grengs, seconded by Gleason Adopt Resolution 2023-124, Accepting Audited Annual Comprehensive Financial Report as of December 31, 2022

MOTION carried

6.3 Consider the Issuance and Sale of \$4,295,000 General Obligation Bonds, Series 2023A-2023 Infrastructure Improvement Project and Equipment Purchases

Cover Page

[23125res Waconia_2023A_Resolution_for_Council_Packets.docx](#)

[2023A Debt Issuance_Exhibit A.pdf](#)

Nicole introduced Todd Hagen from Ehlers to talk about the Sale Day Report, bond bids, and final results.

Hagen introduced the Sale Day Report and explained that the purpose is to finance with other available funds, for the construction of various street and utility system improvements and the acquisition of various capital equipment for the City. He summarized the Sale Day Report and noted there were no major shifts from the last rating which was AA+ with stable outlook.

6 bids had been received with the low bidder being TD Securities (USA) LLC, New York, New York. After bid opening, the issue size was decreased by \$370,000 due to a reduction in the costs of issuance and underwriter's discount, and the receipt of premium bid. The closing date for the sale will be June 1, 2023.

Motion by Yetzer, seconded by Grengs Adopt Resolution 2023-125, Providing for the Issuance and Sale of \$3,925,000 General Obligation Bonds, Series 2023A, Pledging for the Security Thereof Net Revenues, Special Assessments, and Levying a Tax for the Payment Thereof

MOTION carried

[6.4 Wildcat Way Options](#)

[Cover Page](#)

[1997 Aerial.pdf](#)

[2022 Aerial.pdf](#)

[Pages from Feasibility Study \(002\).pdf](#)

[Pages from 1999 Construction Plans](#)

[Pages from 2020 Project Geotech Report.pdf](#)

[Hillman Correspondence.pdf](#)

[Country Ponds Resident Feedback.pdf](#)

Shane Fineran stated that 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.

The 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 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.

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.

Fineran presented Council with the following 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 recommended to scope and bid as part of a larger construction project to gain efficiencies and economy of scale.

Council had a discussion and unanimously agreed to close Wildcat Way.

Motion by Yetzer, seconded by Gleason to close Wildcat Way.

MOTION carried.

6.5 Variance - 40 Lake Street East - Andrew Vasek

Cover Page

23126res Lake Street Variance.docx

[Applicant Narrative \(2 Pages\)](#)

[Proposed Survey 5-8-23 \(1 Page\).pdf](#)

[DNR natural buffer guidelines \(4 Pages\)](#)

Ethan Nelson stated that the City has received a variance application from Adrew Vasek, on behalf of Chris and Leah Stickney, 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 to the existing portion of the structure being inadequate and unsafe.

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 the 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 southeast and then continues on the east side of the 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. 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. Nelson shared the existing lot circumstances, legal nonconformities and proposed changes to the lot conditions.

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 8, 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. The Planning Commission, after reviewing the pertinent information recommended approval with 5 conditions.

Steve on east side of property showing items outside of property. Is that allowed. Access to the lake.

Chris & Leah Stickney, homeowners, approached the Council and asked for feedback on moving the Gazebo and planting wildlife per DNR guidelines. They asked for consideration in not moving the Gazebo but removing the patio in front of it. The Gazebo is within the DNR guidelines of 15 feet not the Cities of 25 feet.

Council Member Gleason asked if this was discussed with planning commission? Nelson responded that it was and the goal was to pull everything out of the shore impact zone.

Council member Yetzer expressed that he felt with everything the homeowners have shown there should be a little give and take. Yetzer also commented that other lake front properties do not have native and/or natural vegetation.

Yetzer made a motion striking recommendation number 2 and 4 from the resolution. Shane Fineran summarized that the motion would be to not have any restoration of the shoreline and not moving the Gazebo.

Mayor Waldron expressed concern with taking out recommendation number 2. There needs to be some restoration of the shoreline.

Motion failed for lack of a second.

Council Member Sorensen believes that Council needs to follow our policies that we have in place and circumvent that.

Motion by Yetzer , seconded by Grengs 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 with recommendation that the applicant submit a landscape plan that details the restoration of the disturbed shoreline and remove recommendation to move the gazebo.

MOTION carried

6.6 Ordinance Amendment regarding Section 571 and Section 572

Cover Page

23112res_Chapter_571_Summary_Publication_Resolution__Draft_04-24-2023_.docx

Ord_758_Chapter_571_Chicken_Ordinance_Amendment__Draft_04-24-2023_.docx

23113res_Chapter_572__Summary_Publication_Resolution__Draft_04-24-2023_.docx

Ord_759_Chapter_572_Bee_Ordinance_Amendment__Draft_4-24-2023_.docx

Chapter 571 Chickens (Original v. 04-24-2023 REDLINE).pdf

Chapter 572 Bees (Original v. 04-24-2023 REDLINE).pdf

Ethan Nelson indicated that Staff is proposing amendments to Chapter 571 and Chapter 572, Chicken and Bee Regulations along with accompanying 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.

The most significant change is the revision of a required annual license to a one time license review fee and allow the property owner to maintain chickens and bees unless revoked or transferred.

Motion by Gleason, seconded by Sorensen Adopt Ordinance No. 758 approving amendments to Section 571 Chickens and applicable sections of Section 710 and Section 1100.

MOTION carried.

Motion by Gleason, seconded by Grengs Adopt Resolution 2023-112 approving Summary Publication of the amendments to Section 571, Section 710 and Section 1100.

MOTION carried.

Motion by Gleason, seconded by Yetzer Adopt Ordinance No. 759 approving amendments to Section 572 Bees and applicable sections of Section 710 and Section 1100.

MOTION carried.

Motion by Gleason, seconded by Grengs Adopt Resolution 2023-113 approving Summary Publication of the amendments to Section 572, Section 710 and Section 1100.

MOTION carried

6.7 Pedestrian Amenity Discussion – Interlaken Village Commercial Development in Association with Twin Cities Orthopedic Future Expansion at 820 Village Way

[Cover Page](#)

[Location Map_TCO.pdf](#)

[TCO Expansion Project Plan.pdf](#)

[Site Amenity Narrative.pdf](#)

[Public Pedestrian Amenity Plan.pdf](#)

[Original Pedestrian Amenity Package_Interlaken Village Commercial.pdf](#)

Lane Braaten shared that City Council, on May 1, 2006, adopted Resolution 2006-103 conditionally approving the preliminary plat of Interlake 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". Braaten share 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 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.

Keith Hiemer and Denton Mack shared that they are trying to create a space to tie in with the other properties and a nice place for employees or patients to use. TCO would be responsible for maintaining everything.

Mayor Waldron expressed that with TCO maintaining the project she would be in favor of this.

Motion by Grengs, seconded by Sorensen 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.

MOTION carried

[6.8 Maple & Main Intersection Removals](#)

[Cover Page](#)

[Aerial of Maple and Main.pdf](#)

Craig Eldred stated that 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 quantified the removal impacts of the rain gardens 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 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 estimate 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.

Mayor Waldron still feels strongly for the safety of the bump outs and can't justify spending money to fix something that isn't broken. She added that the rain gardens need to be maintained to be able to see around them.

Council Member Yetzer agreed that it is senseless to spend that much money. He just wanted to know what it would cost but now sees that it is not worth it. Agree about maintenance. ugly because not maintained.

7) [ITEMS REMOVED FROM CONSENT AGENDA](#)

8) [STAFF REPORTS](#)

Craig gave an update on downtown and construction wayfinding signage.

9) [BOARD REPORTS](#)

Council Member Sorensen - CIP meeting this afternoon and Park Board meeting this Thursday.

Council Member Gleason - School board meeting next Monday.

10) [ANNOUNCEMENTS](#)

11) [CLOSED SESSION: Consider the Sale of Real Property - 150 Sparrow Road](#)

CLOSED SESSION: To Consider the Sale of Real Property

[Cover Page](#)

[Amcon Proposal_1300 Sparrow Road_PID 753160410.pdf](#)

Motion by Sorensen, seconded by Yetzer to adjourn Closed Session at 8:34.

MOTION carried.

12) [ADJOURN REGULAR MEETING](#)

Motion by Yetzer, seconded by Grengs to adjourn regular meeting.

MOTION carried.

UPCOMING CALENDAR OF EVENTS/MEETINGS:

Nicole Waldron, Mayor

ATTEST: _____

Ann Meyerhoff, Office Assistant