

WACONIA CITY COUNCIL MEETING AGENDA



Monday, May 1, 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. **PUBLIC HEARING**
 - 1) [Public Hearing for Consideration of Issuance by the City of Chaska of Revenue Notes on behalf of Ridgeview Medical Center.](#)
Conduct public hearing.
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
6. **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) [April 17, 2023 Regular City Council Meeting Minutes](#)
Approve April 17, 2023 Regular City Council Meeting Minutes
- 2) [May 1, 2023 Expenditures](#)

- Payment of May 1, 2023 Expenditures
- 3) [Temporary Liquor License for Lions Club](#)
Adopt Resolution 2023-105 Approving Temporary On-Sale Liquor License Applications for Lions Club
 - 4) [Donation Acceptance & Pass Thru Recommendation - Cash Donation for Fire Safety & Prevention Efforts](#)
Adopt Resolution 2023-107, Accepting Cash Donations for Fire Safety and Prevention Efforts and Approving Pass Thru to the National Fire Safety Council
 - 5) [Authorize Request for Local Partnership Program Grant Application](#)
Adopt Resolution 2023-108; Authorizing The City Engineer to Submit A Funding Request From The Minnesota Department of Transportation's Metro Local Partnership Program to Support The Trunk Highway Five Phase II Improvement Project
 - 6) [Revolving Loan Request - Waconia Square, LLC - Subordination Agreement with Security Bank Waconia](#)
Adopt Resolution No. 2023-109, Approving Subordination Agreement with Security Bank Waconia for Waconia Square, LLC Revolving Loan
 - 7) [Approval of Two Resolutions Authorizing Submission of Drinking Water Revolving Fund Grants](#)
Adopt Resolution 2023-110, Authorizing City Staff to Work With City Engineer on Applications for Drinking Water Revolving Fund, (DWRF) Project Priority List, (PPL) and Intended Use Plan, (IUP) Submissions as Noted in Resolutions

7. COUNCIL BUSINESS

- 1) [Authorize Preparation of Downtown Reconstruction, Phase II 2024 Improvement Project](#)
Adopt Resolution 2023-111; Authorizing Preparation of Downtown Reconstruction, Phase II Design & Feasibility Report & Benefit Analysis for 2024 Improvement Project, CIP Project 129
- 2) [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.

8. ITEMS REMOVED FROM CONSENT AGENDA

9. STAFF REPORTS

10. BOARD REPORTS

- 1) Councilmember Sorensen
- 2) Councilmember Yetzer
- 3) Councilmember Gleason
- 4) Councilmember Grengs
- 5) Mayor Waldron

11. ANNOUNCEMENTS

12. ADJOURN REGULAR MEETINGOFFICE OF THE CITY ADMINISTRATOR

Work Session: Lead & Copper Update, Summer Maintenance & Project Update

UPCOMING CALENDAR OF EVENTS/MEETINGS:

Planning Commission - May 4th at 6:30 p.m.

City Council - May 15th at 6:00 p.m.

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



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	May 1, 2023
Item Name:	Public Hearing for Consideration of Issuance by the City of Chaska of Revenue Notes on behalf of Ridgeview Medical Center.
Originating Department:	Administration
Presented by:	Shane Fineran
Previous Council Action (if any):	Resolution #2023-92, Regarding Ridgeview Medical Center Loans for Orthopedic Projects

Item Type (X only one):	☐ Consent	☐ Regular Session	☐ Discussion Session
--------------------------------	----------------------------------	--	---

RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Conduct public hearing.
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

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

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 have 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 this meeting, and to prepare the approving resolution to be considered.

The City is requested to hold a public hearing, receive comments from the public, if any, and approve the resolution authorizing 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.

Recommendation

City staff recommends (1) holding the public hearing as called for by public notice, and (2) adoption of the approving resolution after the public hearing.

Attachments:

1. [23106res Approving Resolution City of Waconia \(RMC 2023\)-v2.docx](#)

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 NO. 2023-106**

**RESOLUTION 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**

BE IT RESOLVED by the City Council of the City of Waconia, Minnesota (the “City”), as follows:

SECTION 1

Recitals and Findings

1.1. This Council has received a proposal from Ridgeview Medical Center, a Minnesota nonprofit corporation and an organization recognized under section 501(c)(3) of the Internal Revenue Code of 1986 (the “Code”) (“Corporation”), that the City authorize the City of Chaska, Minnesota (the “Issuer”) to issue revenue notes (the “Notes”) under §145 of the Code and Minnesota Statutes, Sections 469.152 through 469.165, as amended (the “Act”), in order to finance a portion of the costs of a project consisting of the expansion, improvement, and equipping of the hospitals, clinics, medical office buildings and other healthcare facilities owned and/or principally used and operated by the Corporation or affiliates of the Corporation in which the Corporation is the sole member, in the jurisdictional boundaries of the Issuer, and in the City and the cities of Delano and Le Sueur, Minnesota (collectively, other than the Issuer, the “Host Cities”) (the “Project”), and costs of issuing the Notes.

1.2. At a public hearing held on the date hereof, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal that the Issuer issue its Notes, pursuant to the Act, for the purposes described in Section 1.1, and interested persons were given the opportunity to submit written comments to the City Administrator before the time of the hearing.

1.3. The proceeds of the Notes will be issued to finance the Project which will be operated by the Corporation or its affiliates at one or more of the following street addresses: 105 Hundertmark Road and 111 Hundertmark Road, Chaska, Minnesota (collectively, the “Issuer Project”); 916 E. St. Peter Avenue, Delano, Minnesota (the “Delano Project”); 621 S. 4th Street and 625 S. 4th Street, Le Sueur, Minnesota (collectively, the “Le Sueur Project”); 490 S. Maple Street, 500 S. Maple Street, 501 S. Maple Street and 240 West Highway 5, Waconia, Minnesota (collectively, the “Waconia Project”). The Corporation will be the initial legal owner or principal user of the Issuer Project, the Delano Project and a portion of the Waconia Project. The Corporation will be a principal user of or beneficial party of interest for other portions of the Waconia Project. Minnesota Valley Health Center, Inc., a Minnesota nonprofit corporation and an organization recognized under section 501(c)(3) of the Code, the sole member of which is the Corporation, will be the initial legal owner or the principal user of the Le Sueur Project.

1.4. The maximum stated principal amount of the Notes to be issued for the Project is \$26,000,000, including \$12,000,000 to finance the Issuer Project; including \$1,000,000 to finance the Delano Project; including \$1,000,000 to finance the Le Sueur Project; and including \$12,000,000 to finance the Waconia Project.

SECTION 2

Approvals

2.1. The issuance of the Notes by the Issuer, pursuant to the Act, in a principal amount of up to \$26,000,000, to finance a portion of the costs of a project consisting of the expansion, improvement, and equipping of the hospitals, clinics, medical office buildings and other healthcare facilities owned and/or principally used and operated by the Corporation or affiliates of the Corporation in which the Corporation is the sole member, in the jurisdictional boundaries of the Issuer and the Host Cities, is hereby consented to and approved. The terms of the Notes shall be as are approved by the Chaska City Council.

2.2. The Mayor and City Administrator and other officers of the City are authorized and directed to furnish to the Corporation, the Issuer and the attorneys rendering an opinion on the issuance of the Notes by the Issuer, certified copies of all proceedings and records of the City relating to the Notes and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Notes as such facts appear from the books and records in the officer's custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

Adopted by the City Council of the City of Waconia this 1st day of May, 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 1, 2023					
Item Name:		April 17, 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 April 17, 2023 Regular City Council Meeting Minutes							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
<u>Attachments:</u> 1. 4-17-2023 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
April 17, 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**](#)

Item Number 6 was removed from the Consent Agenda.

Motion by Sorensen , seconded by Gleason 3) ADOPT AGENDA

MOTION carried

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

Lynn Fredrickson, Senior Center Director, gave an update on the upcoming activities at the Senior Center.

John Deville of the Waconia Area Pickleballers addressed Council asking to consider committing pickleball courts in the CIP for budgeting and when planning for courts they would like to have someone from the pickleball community to be a part of the planning. They would also like to convert the tennis courts into pickle ball courts at Cedar Square park.

Shane Fineran pointed out that the tennis courts in Interlaken and Cedar Point park are already striped for pickle ball.

5) [**ADOPT CONSENT AGENDA**](#)

5.1 [**April 3, 2023 City Council Meeting Minutes**](#)

[Cover Page](#)

[Minutes 4-3-2023.pdf](#)

5.2 [**April 17, 2023 Expenditures**](#)

[Cover Page](#)

[Council List-Expenditures 04.17.2023_Electronic-Other.pdf](#)

[Council List-Expenditures 04.17.2023_Purchasing Card.pdf](#)

[Council List-Expenditures 04.17.2023_Regular.pdf](#)

5.3 Contractor Pay Request #7 - New Fire Station

[Cover Page](#)

[Waconia - Pay App #7 - March 2023.pdf](#)

5.4 Rink Management Services Corporation Safari Island Community Center Expenditures Incurred March 2023

[Cover Page](#)

[Safari Island Bills & Applied Payments Mar '23.pdf](#)

5.5 Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred March 2023

[Cover Page](#)

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

5.6 Track Flooring Replacement - Safari Island Community Center

[Cover Page](#)

[2388res_SI_Project_Approval_Track_Flooring_Res_final.docx](#)

[Becker Arena Products Proposal.pdf](#)

[Safari Island_Track Pad and Pour V3.pdf](#)

[Kiefer USA Proposal - 20230221 - Waconia Track.pdf](#)

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

[Cover Page](#)

[2393Res_Donations_Received_Fire_04.17.23_National_Fire_Safety.doc](#)

5.8 Shed Removal

[Cover Page](#)

[2394res_Building_Demolition.doc](#)

[Henning Excavating Quote](#)

[Parker Contracting Quote](#)

[Mikies Landscaping Quote](#)

5.9 National Opioid Settlement

[Cover Page](#)

[2395res_Approving_Participation_in_Opioid_Settlement__Draft_04-12-2023_.docx](#)

[Opioids Settlement Flyer.pdf](#)

[New Retail Settlement Agreement](#)

5.10 Resignation of Park Maintenance Worker and Authorization of Recruitment

[Cover Page](#)

[2396res_Park_Maintenance_Resignation_Authorize_Recruitment.docx](#)

5.11 Authorize Hire for Maintenance Supervisor - Parks

[Cover Page](#)

[2397res_Appointment_of_Park_Maintenance_Supervisor.docx](#)

5.12 Authorize Approval of Sale or Disposal of Surplus Equipment

[Cover Page](#)

[2398res_Surplus_Equipment.doc](#)

5.13 Special Event Permit - Tour De Tonka

[Cover Page](#)

[2399res_Special_Event_Permit_-_Tour_de_Tonka.doc](#)

[2023 TDT Special Event for packet.pdf](#)

5.14 Special Event Permit - Walk on Waconia

[Cover Page](#)

[23100res_Special_Event_Permit_-_Walk_on_Waconia.doc](#)

[Walk on Waconia Special Event Application](#)

5.15 2023 Dock Slip Lease for Fire Department Boat

[Cover Page](#)

[23103res In_Towne_Marina_Dock_Slip_Lease_2023_Res.docx](#)

[2023 Summer Slip Lease.pdf](#)

[WaconiaFireDept2023SlipLiftInvoice.pdf](#)

5.16 Minnesota State Fire Marshall's Division washer/extractor grant.

[Cover Page](#)

[23104res Fire_Marshall_Grant.doc](#)

Motion by Yetzer , seconded by Gleason 5) ADOPT CONSENT AGENDA as amended.
MOTION carried

6) COUNCIL BUSINESS

6.1 Arbor Day Proclamation

[Cover Page](#)

[Waconia Arbor Day Proclamation 2023.docx](#)

Mayor Waldron read the Arbor Day Proclamation.

Fineran added that the Park Board will be planting trees Thursday at Brook Peterson park and doing their annual clean up along the Dakota Trail.

6.2 Pre-Sale Report & Review of \$5,085,000 General Obligation Bonds, Series 2023A – 2023 Infrastructure Improvement Projects & Equipment Replacement

[Cover Page](#)

[23101resWaconia_2023A_Set_Sale_Resolution.docx](#)

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

[PreSaleReport.Waconia.2023A.pdf](#)

Nicole Meyer introduced Todd Hagen from Ehlers to present the pre-sale report for the bonds along with the resolutions to be considered for approval.

General Obligation special assessment 429 bonds are being issued for the street reconstruction portion of the bonds. These improvements are planned to be repaid with special assessment payments from property owners in the area of the improvements. In addition, the City will issue a new special debt levy for the portions not paid by special assessments.

General obligation 115 bonds are bonds that can be issued only for sanitary sewer projects. Under Minnesota Statute 115.46, the city may issue these bonds to aid in financing sewer projects and repay the debt using special assessments, revenue, or a special debt levy if needed. Currently, the City plans to pay these bonds with revenues in the sanitary sewer fund.

General Obligation 444 revenue bonds will be issued for those portions of the projects related to water and storm water. These are revenue bonds that must be repaid with revenues in the enterprise funds from sales paid by the City's customer base.

General Obligation 410/412 bonds will be issued for the equipment replacements. The City will issue a new special debt levy for repayment of these bonds.

Motion by Yetzer , seconded by Grengs Adopt Resolution 2023-101, Providing for the Sale of \$5,085,000 General Obligation Bonds, Series 2023A - 2023 Infrastructure Improvement Projects & Equipment Replacement

MOTION carried

[6.3 Award 2023 Downtown Improvement Project](#)

[Cover Page](#)

[23102res Construction_Contract_2023_Imp_Res.doc](#)

[2023-04-12 Downtown Ph 1 Award.pdf](#)

[Cyclone Lighting Materials, Individual Units.pdf](#)

[ALP Banner Pole Material Cost.pdf](#)

[ALP CCTV Pole Material Cost.pdf](#)

[Wayfinding Material Costs.pdf](#)

Staff received approval of Improvement Plans and Specifications and Ordering Advertisement for Bid for the 2023 Improvement Project. The improvements include :

- Utilities; sewer, water, storm water, lighting
- Surfaces; sidewalks, streets, parking access to lower ramp from building front to building front of the following:
 1. Main Street W from Maple Street S to Approximately 100 Feet East of Olive Street S
 2. Olive Street S from Main Street W to First Street W

Jake Saulsbury, Bolton and Menk, presented that bids were received on April 11th, 2023 via Quest and provided in verbal format over Teams at 10:00 a.m. Eight bids were received. The bid provided by GMH Asphalt Corporation was 15% below the Engineer's Estimate of \$3,200,000.00, and 24% below the highest received bid as noted in the letter of recommendation. GMH Asphalt has provided information of their Utility Sub-Contractor and focus of staffing to meet the provisions as recommended by City Council for incentives of completion for this highly focused improvement project.

Material costs are provided for City sole-sourced improvements of lighting but limited to the Type A & A3 light poles, wayfinding, and project trailer outside of the 2023 Improvement Contract. Prices have been secured and are of high importance to meet the timing of the finished phase of the project.

Motion by Grengs, seconded by Sorensen Adopt Resolution 2023-102; Authorizing Approval of Construction Contract with GMH Asphalt Corporation for the 2023 Improvement Project At The Cost of \$2,720,586.31 And Staff Acquisitions for Lighting, Wayfinding, And Project Trailer At The Cost of \$682,156.00

MOTION carried

7) **ITEMS REMOVED FROM CONSENT AGENDA**

8) **STAFF REPORTS**

Chief Sorensen came forward to remind the public that the Relief Association is have their Pancake breakfast this Sunday.

Fineran stated that late last week that himself and Public Services met with Metronet to provide service to residents with fiber to home. Sierra and Clearwater Mills will be the starting points.

9) **BOARD REPORTS**

Council Member Sorensen attended the first CIP meeting this week. Park Board will be meeting Thursday.

Council Member Yetzer did not make it to Planning Commission meeting but did touch base with Lane on the Lake Street variance.
Southwest Corridor had their annual meeting.

Council Member Gleason will be attending the School Board meeting next Monday.

Council Member Grengs stated that Sargent Stahn will be presenting on how to protect business from theft Thursday, April 20th.

Mayor Waldron added that Shane and she were at the transportation committee for the Senate today.

10) ANNOUNCEMENTS

11) ADJOURN REGULAR MEETING

Motion by Gleason, seconded by Yetzer 11) ADJOURN REGULAR MEETING at 6:53 p.m.

MOTION carried

Work Session:

UPCOMING CALENDAR OF EVENTS/MEETINGS:

Nicole Waldron, Mayor

ATTEST: _____

Ann Meyerhoff, Office Assistant



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 1, 2023					
Item Name:		May 1, 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 1, 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 1, 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: _____ Budgeted _____ Non Budgeted _____ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 1, 2023					
Item Name:		Temporary Liquor License for Lions Club					
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 2023-105 Approving Temporary On-Sale Liquor License Applications for Lions Club							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The Office of City Administrator received an application for a temporary on-sale liquor license from Waconia Lions Club for an event to be held on June 1 & 2, 2023 Sale and consumption of alcoholic beverage will be limited to the Grandstand at the Carver County Fairgrounds. Staff recommends approval of this request. Attachments: 1. 23105res Temp On Sale Waconia Lions.doc							
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. 2023-105**

**RESOLUTION APPROVING TEMPORARY ON-SALE
LIQUOR LICENSE APPLICATION**

WHEREAS, An application for a temporary on-sale liquor license has been received in the Office of the City Administrator from the Waconia Lions Club for an event to held on June 1-2, 2023 at Carver County Fair Grounds, Waconia, MN, and

WHEREAS, Sale and consumption of alcoholic beverages will be limited to the Grandstand and Concessions area.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Waconia hereby approves the temporary on-sale liquor license application of the Waconia Lions Club on June 1-2, 2023, contingent upon completion of all forms, payment of fees, receipt of certificates of insurance, and proof of compliance with state and local requirements.

Adopted by the City Council of the City of Waconia this 1st day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jackie Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 1, 2023					
Item Name:		Donation Acceptance & Pass Thru Recommendation - Cash Donation for Fire Safety & Prevention Efforts					
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 2023-107, Accepting Cash Donations for Fire Safety and Prevention Efforts and Approving Pass Thru to the National Fire Safety Council							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City of Waconia received several cash donations for fire safety and prevention efforts. The following parties donated to the City's fire department for these efforts: Youngstedt's - \$100.00 With the Council's acceptance of these donations, staff will recognize the donation as revenue in the fire department's 2023 budget. The City works with the National Fire Safety Council for fire prevention materials and information. The donations received will be passed thru to them so they can assist the department in future efforts. <u>Attachments:</u> 1. 23107res_Donations_Received_Fire_05.01.23_National_Fire_Safety.doc							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: General Fund - Fire (101)							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
☒ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2023-107**

**RESOLUTION ACCEPTING CASH DONATIONS FOR FIRE SAFETY AND PREVENTION
EFFORTS AND APPROVING PASS THRU TO THE NATIONAL FIRE SAFETY COUNCIL**

WHEREAS, the City of Waconia is generally authorized to accept contributions of real and personal property pursuant to Minnesota Statutes Sections 412.21 and 465.03 for the benefit of its citizens and is specifically authorized to accept gifts and requests for the benefit of facilities, services and the development of programs to benefit residents pursuant to Minnesota Statutes Section 471.17; and

WHEREAS, the following persons and/or entities have offered to contribute the items set forth below to the City:

<u>Name of Donor</u>	<u>Item</u>	<u>Value</u>
Youngstedt's	Cash Donation for Fire Safety/Prevention	\$100.00

WHEREAS, these donations have been contributed for the benefit of residents within the City's corporate limits either alone or in cooperation with others, as allowed by law; and

WHEREAS, donations will be passed thru to the National Fire Safety Council for their efforts in providing the City with fire safety and prevention materials; and

WHEREAS, the City Council hereby finds that it is appropriate to accept the contributions offered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WACONIA, MINNESOTA, AS FOLLOWS:

1. The contribution described above is hereby accepted and acknowledged with gratitude.
2. Said contribution shall be used for the designated purposes.
3. That the Finance Director is hereby directed to issue receipts to the donor acknowledging the City's receipt of the donor's contribution.

Adopted by the City Council of the City of Waconia this 1st day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	May 1, 2023
Item Name:	Authorize Request for Local Partnership Program Grant Application
Originating Department:	Public Services
Presented by:	Craig Eldred
Previous Council Action (if any):	March 20, 2023 Authorizing Approval of The Public Services Director to Submit Requests from Federal Legislators for Direct Congressional Spending to Support The Trunk Highway Five Phase II Improvements Project & Note City Administrator as Administrator of Grant

Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐
--------------------------------	---------	---------------------------------------	-----------------	--------------------------	--------------------	--------------------------

RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Adopt Resolution 2023-108; Authorizing The City Engineer to Submit A Funding Request From The Minnesota Department of Transportation's Metro Local Partnership Program to Support The Trunk Highway Five Phase II Improvement Project

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

We continue to seek funding opportunities for completing the programmed Trunk Highway Five Improvement Project slated for Fiscal Year 2026. Components of the funding as discussed are beneficial to both the TH 5 Project and proposed Frontage Road link of Main Street to East Frontage at Hartmann Drive. Staff have received confirmation from Senator Amy Klobuchar and Tina Smith that they have passed along our Congressional Spending Request for 3M. Efforts to obtain additional funding to off-set local improvement costs of TH 5 guided upon improving traffic management and pedestrian improvements in the community are of focus.

The Local Partnership Program is guided upon the efforts of traffic and pedestrian improvements for Trunk Highway Five. Maximum funding is set at \$700,000.00.

Attached once again is the proposed funding opportunities for the programmed improvement, the "One Pager" for the project and a resolution requesting the ability to submit the LPP application due May 31st.

Staff recommends approval of this request to submit the application and noticing the City Administrator as the administrator of the grant.

Attachments:

1. [23108res_Waconia_Hwy_5_LPP_Resolution.docx](#)
2. [2023-02-01 Waconia Hwy 5 One Pager.pdf](#)
3. [Waconia TH 5 Draft Funding Plan LLP Request.pdf](#)

FINANCIAL IMPLICATIONS:		ADVISORY BOARD RECOMMENDATIONS:	
Funding Sources & Uses:			
Grants, and Outside Transportation Funding			
Budget Information:		Planning Commission	
☒ X Budgeted		Parks and Recreation Board	
☐ Non Budgeted		Safari Island Advisory Board	
☐ Amendment Required		Other	

CITY OF WACONIA
RESOLUTION NO. 2023-108

**RESOLUTION AUTHORIZING THE CITY ENGINEER TO SUBMIT A FUNDING REQUEST
FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION'S METRO LOCAL
PARTNERSHIP PROGRAM TO SUPPORT THE TRUNK HIGHWAY FIVE PHASE II
IMPROVEMENTS PROJECT**

WHEREAS, one of the City's Priorities is, "Infrastructure – managing, maintaining, and improving our current and future assets."; and

WHEREAS, federal and state transportation funding is needed to meet the infrastructure needs of our community; and

WHEREAS, the Minnesota Department of Transportation (MnDOT) has announced the availability of \$4 million in state funding for the 2023 Metro Local Partnership Program (LPP) Solicitation; and

WHEREAS, the LPP funds projects that address issues on the trunk highway system and that provide benefit to local communities; and

WHEREAS, under existing conditions the Trunk Highway Five Phase II project area in Waconia sees significant traffic delays, is one of the highest crash rate corridors in Carver County, and has major gaps in the pedestrian and bicycle system; and

WHEREAS, the proposed project will improve mobility, reduce safety risk for all users of the trunk highway, and stimulate the local economy; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby authorizes approval of city staff to submit a LPP funding requests for the Trunk Highway Five, Phase II Improvements project & note the City Administrator as the administrator of this grant.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Waconia understands and is committed to meeting all requirements and timelines associated with a FY25 LPP award should one be granted.

Adopted by the City Council of the City of Waconia on this 1st day of May 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk



TH 5 Phase 2 Reconstruction

City of Waconia, Carver County, Minnesota

in partnership
with



The Highway 5 Phase 2 Reconstruction project will address both safety and mobility issues by adding dedicated turn lanes and eliminating conflict points along one of the highest crash rate corridors in Carver County. The proposed project is the final phase in over \$18 million in previous investments since 2012 to reconstruct and urbanize Highway 5 throughout the City of Waconia, one of the fastest growing cities in the fastest growing county in Minnesota.

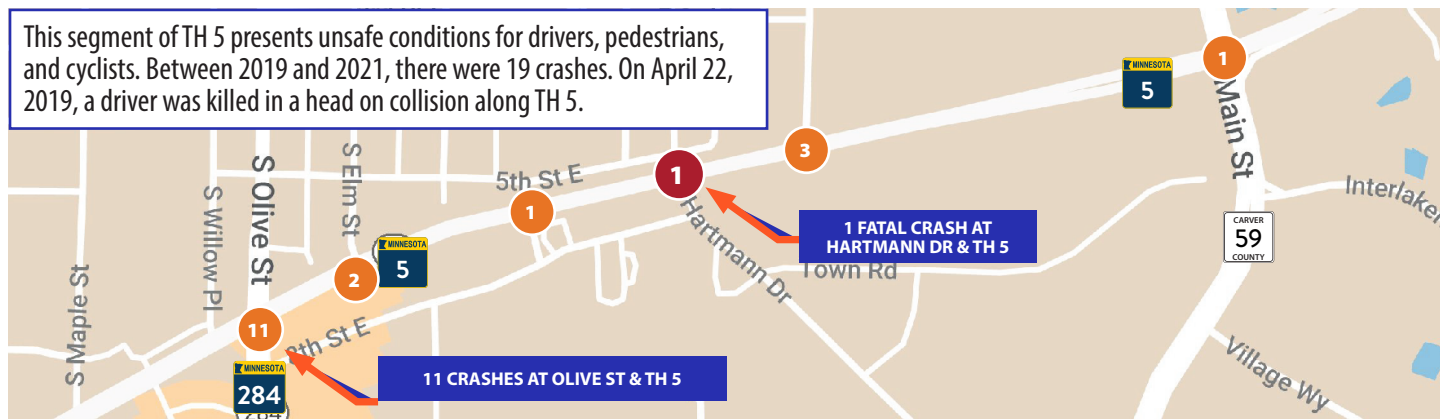
Today's Issues

- One of the highest crash rate corridors in Carver County
- Gaps in the pedestrian & bicyclist network
- Critical delays during peak travel hours along this tier 3 freight corridor
- Clear zone standards are not met, causing unsafe sightline issues

Investment Results

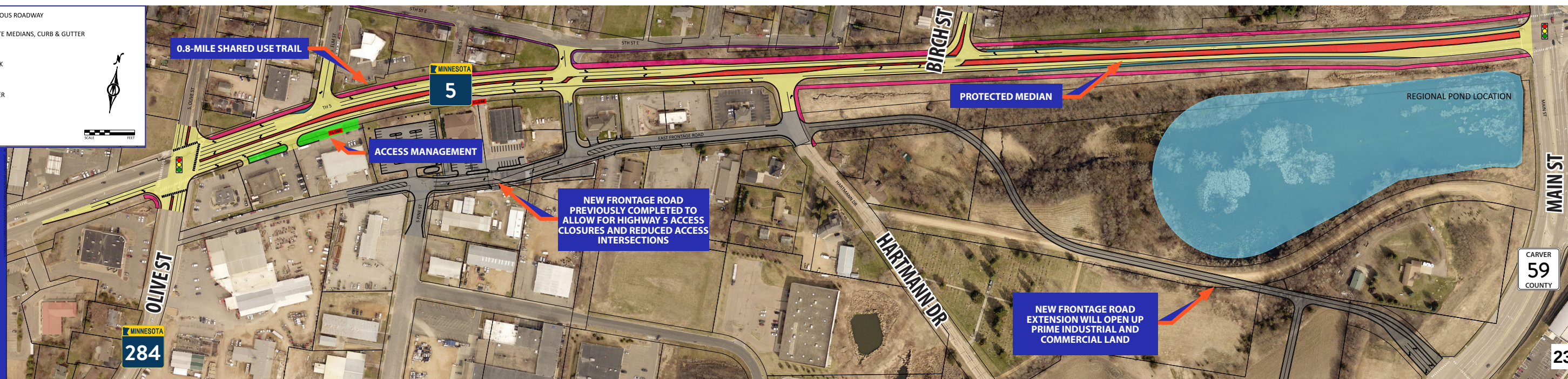
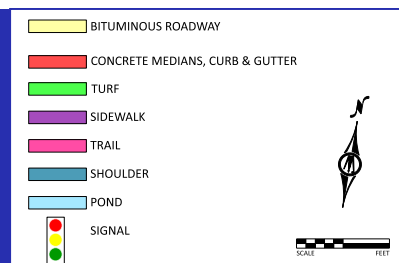
- Safer driving conditions and reduced travel times through reduced speeds and improved roadway capacity
- Improved sightlines through managed access and design
- Frontage Road extension opens prime industrial and commercial land
- Estimated economic impacts include 100-150 new jobs for \$10M in annual earned income, and a \$5M increase in income and property tax revenues
- Shared-use trail will link schools, regional health center, downtown, and Lake Waconia Regional Park

This segment of TH 5 presents unsafe conditions for drivers, pedestrians, and cyclists. Between 2019 and 2021, there were 19 crashes. On April 22, 2019, a driver was killed in a head on collision along TH 5.



Total Investment Secured **\$7M**
in Regional Solicitation Funds

Total Investment Needed **\$21M**
Inflated to 2026 dollars





TH 5 - Funding Plan

Waconia, Minnesota

Best information as of January 2023. Subject to change.



Investment Needed					
Item	TH Eligible	Non TH Eligible	Local costs	Total	Notes
Construction Cost	\$ 6,400,000		\$ 2,000,000	\$ 8,400,000	
Utilities				\$ -	
ROW Cost	\$ -			\$ -	
Professional Services	\$ 2,600,000			\$ 2,600,000	
Project Layout and Environmental Documentation				\$ -	
Design				\$ -	
Construction Engineering				\$ -	
Total Cost	\$ 9,000,000	\$ -	\$ 2,000,000	\$ 11,000,000	High level estimate and very likely to change

Funding Sources						
Sources	Status	Funding Eligibility			Probability	Comments and anticipated FY's for upcoming solicitations
		Construction	ROW	Professional Services		

Competitive Federal Funding Opportunities							
2022 Regional Solicitation (Modernization category)	\$7,000,000	Firm	X			Medium	FY 2026 and 2027. Solicitation on even years.
2023 Minnesota Highway Freight Program (MHFP)	\$5,000,000	Future Request	X			Medium	Safety or Mobility Category (FY 2025-2028) - Next solicitation expected Summer 2023.
2023 Congressionally Directed Spending (Earmarks)	\$3,000,000	Future Request	X	X	X	Medium	Anticipate full expenditure of funds by December 2026. Preference for shovel ready projects
2023 INFRA or Rural Surface Transportation Program	\$9,000,000	Future Request	X	X	X	Low	Funds must be obligated within 3 years (2026) of end of authorizing fiscal year. Next solicitation expected Summer 2023.
2023 Safe Streets for All	\$3,000,000	Future Request	X	X	X	Low	Safety action plan required before capital dollar request. Current work to date does not meet program requirements.
2024 Highway Safety Improvement Program (HSIP)	\$2,000,000	Future Request	X			Low	FY 2024. Solicitation on even years.
subtotal	\$29,000,000						

Competitive State Funding Opportunities							
2022 Corridors of Commerce Program	\$9,000,000	Future Request	X	X	X	No Go	Project start by 2025. Solicitation August 2-November 30 2022.
2023 TED	\$5,000,000	Future Request	X	X		High	Projects must begin construction by the end of calendar year 2026. Next solicitation expected Spring 2023.
2023 TEDI	\$1,000,000	Future Request	X			High	Projects must begin construction by the end of calendar year 2026. Next solicitation expected Fall 2023.
2023 Local Road Improvement (LRIP)	\$1,250,000	Future Request	X			Medium	FY 2023-2025 - Has to be used outside of TH right-of-way so good source for new frontage road extension to Main Street. Next solicitation expected Fall 2023.
2023 Local Partnership Program (LPP)	\$710,000	Future Request	X		X	High	Projects must begin construction by June 30th, 2025. Next solicitation expected Summer 2023. Good source for new frontage road extension to Main Street.
2022 DNR Local Trail Connections Program	\$150,000	Future Request	X			Medium	For the 2023 solicitation, funded projects will need to be complete by June 30, 2025. Next solicitation expected Spring 2023.
subtotal	\$17,110,000						

State of Minnesota Bond Funds							
2023 Bond Funds (TH)	\$5,000,000	Requested	X	X	X	Medium	Anticipate full expenditure of funds by December 2026. Solicitation occurs every other spring on odd years.
subtotal	\$5,000,000						

MnDOT							
MnDOT (program funding)	\$2,000,000	Requested	X				currently not included in programming
Construction Administration / Inspection	\$512,000	Future Request	X				Assumes 8% of TH Eligible Costs - MnDOT contribution to the project
subtotal	\$2,512,000						

Carver County							
General Project Contribution	\$3,000,000	Future Request	X	X	X		last gap funding commitment for County tax project priorities in 2025-26
subtotal	\$3,000,000						

City of Waconia							
Streetscaping / Enhancements	\$0	Placeholder	X				Placeholder
City Utilities	\$0	Placeholder	X				Placeholder, assumes some new sanitary and water
General Project Contribution	\$1,400,000	Firm	X	X	X		Placeholder, assumes contribution from state aid, water fund, storm water fund
Construction Administration / Inspection	\$160,000	Firm	X		X		Assumes 8% of City Costs
subtotal	\$1,560,000						

Funding Status	
Firm	\$ 8,560,000
Requested	\$ 7,000,000
Med/High Probability	\$36,110,000
Future Request	\$ 42,622,000
Total of Identified Opportunities	\$ 42,622,000





REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 1, 2023					
Item Name:		Revolving Loan Request - Waconia Square, LLC - Subordination Agreement with Security Bank Waconia					
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. 2023-109, Approving Subordination Agreement with Security Bank Waconia for Waconia Square, LLC Revolving Loan							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
City staff received a request from Security Bank Waconia for a subordination agreement for Waconia Square, LLC. The City currently holds a 3rd mortgage on the property located at 255 Main Street West. The owners of Waconia Square, LLC are working with Security Bank Waconia on a small, one year loan to do improvements to add additional renters. In review of the new loan and updated cash flows, staff is recommending approval of the loan subordination. Staff reviewed the loan to value on the property with the current loans at Security Bank Waconia and the City's outstanding revolving loan. With the City's loan included, the loan to value is still below 80% which is within the parameters of the City's Revolving Loan Policy. <u>Attachments:</u> 1. 23109res_RLF_Subordination_Waconia_Square_LLC.doc							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses: Revolving Loan Fund (202)							
Budget Information: ☐ Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
RESOLUTION NO. 2023-109**

**RESOLUTION APPROVING SUBORDINATION AGREEMENT WITH SECURITY
BANK WACONIA FOR WACONIA SQUARE, LLC REVOLVING LOAN**

WHEREAS, the City of Waconia (the “City”) desires to promote general economic prosperity of the community; and

WHEREAS, the City has developed policies for the administration of a revolving loan fund; and

WHEREAS, John Bonner and Michael Corbey (the “borrowers”) with Waconia Square, LLC closed on a revolving loan with the City in September 2022 for remodeling and build out of the building at 255 Main Street West; and

WHEREAS, the City received a request from Security Bank Waconia for a subordination agreement; and

WHEREAS, the City reviewed the new loan terms, updated cash flows, and loans to value of the property; and

WHEREAS, with the City’s revolving loan included, the loan to value is still below 80% which is within the parameters of the City’s Revolving Loan Program.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Waconia hereby approves the subordination agreement with Security Bank Waconia for Waconia Square, LLC Revolving Loan.

Adopted by the City Council of the City of Waconia this 1st day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	May 1, 2023
Item Name:	Approval of Two Resolutions Authorizing Submission of Drinking Water Revolving Fund Grants
Originating Department:	Public Services
Presented by:	Craig Eldred
Previous Council Action (if any):	None

Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐
--------------------------------	---------	---------------------------------------	-----------------	--------------------------	--------------------	--------------------------

RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Adopt Resolution 2023-110, Authorizing City Staff to Work With City Engineer on Applications for Drinking Water Revolving Fund, (DWRF) Project Priority List, (PPL) and Intended Use Plan, (IUP) Submissions as Noted in Resolutions

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

The purpose of this request of grant submissions is to request of the Minnesota Department of Health for Waconia to be placed upon the Drinking Water Revolving Fund Project Priority List and Intended Use Plan for funds to off-set costs for Lead Service Line replacements for calendar year 2024.

We are aware of four lead service line replacements from previous improvement projects. We expect to find additional lead service lines for the 2024 Improvement Project in Downtown as we complete parcel inspections. Council Members may recall from previous discussions; the city is required to complete a full survey of water service lines by October of 2024. This past winter staff experienced one service line which needs completed as a result of a curb stop failure. The replacement of the lead service line is programmed to be replaced soon as the Lead Service Line rules exists today.

The purpose of this request is timely to which the Project Priority List applications are due May 5th, 2023. Submission will also allow Waconia to submit the Intended Use Plan by June 2nd of 2023 for 2024 Lead Service Line Improvements. Meeting these deadlines allows Waconia the ability to potentially off set costs for said service line replacements for calendar year 2024.

Lead Service Line replacement can be costly including excavation, materials, labor and street restoration. It is staff's recommendation that the City submit the funding requests of the Drinking Water Revolving Fund for Project Priority Listing and Intended Use Plan for Waconia..

Attached are two resolutions requiring approval; one, for the Project Priority List and second, the Intended Use Plan of the Drinking Water Revolving Fund.

It is staff intention to budget for a few of the known and unknown lead service line replacements for calendar year 2024.

Attachments:

1. [23110res Project_Priority_List_Resolution_Waconia_5_1_2023.doc](#)
2. [Intended Use Plan Resolution Waconia 5_1_2023.doc](#)
3. [Drinking Water Revolving Fund Information 2024.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

ADVISORY BOARD RECOMMENDATIONS:

Water Utility Budget		
Budget Information:		Planning Commission
☒ X	Budgeted	Parks and Recreation Board
☐	Non Budgeted	Safari Island Advisory Board
☐	Amendment Required	Other

**CITY OF WACONIA
RESOLUTION NO. 2023-110**

**RESOLUTION AUTHORIZING CITY STAFF TO WORK WITH CITY ENGINEER ON
APPLICATION OF DRINKING WATER REVOLVING FUND, (DWRf) PROJECT
PRIORITY LIST, (PPL)**

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

WHEREAS, allowing submission of PPL application will allow for the submission of an Intended Use Plan for Waconia; and

WHEREAS, the two submissions will be guided upon lead service line replacements for calendar year 2024; and

WHEREAS, the Public Services Director may execute the applications on behalf of the City of Waconia .

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes City staff to work with City Engineer on application of Drinking Water Revolving Fund, (DWRf) Project Priority List, (PPL).

Adopted by the City Council of the City of Waconia this 1st day of May, 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk

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

**RESOLUTION AUTHORIZING CITY STAFF TO WORK WITH CITY ENGINEER ON
APPLICATION OF DRINKING WATER REVOLVING FUND, (DWRF) INTENDED
USE PLAN, (IUP)**

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

WHEREAS, allowing submission of IUP application may off set utility costs for Waconia; and

WHEREAS, the submissions will be guided upon lead service line replacements for calendar year 2024; and

WHEREAS, the Public Services Director may execute the applications on behalf of the City of Waconia .

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes City staff to work with City Engineer on application of Drinking Water Revolving Fund, (DWRF) Intended Use Plan, (IUP).

Adopted by the City Council of the City of Waconia this 1st day of May, 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk



Drinking Water Revolving Fund

Accepting Submissions for 2024 Project Priority List

The Minnesota Department of Health is soliciting requests to place new projects on the Drinking Water Revolving Fund (DWRF) Project Priority List (PPL). Projects must be on the list to be eligible for below-market rate DWRF loans and affordability grants to improve public drinking water systems. Typical projects include watermain, wells, water treatment plants, water towers and lead service lines. Funding is **not** for expansion of water systems to serve future growth or for fire suppression infrastructure.

- Submissions are easy to prepare. Go to <https://www.health.state.mn.us/communities/environment/water/dwrf/ppl.html> for instructions on what to submit, a general DWRF program overview and a simple example of a submission.
- Submissions are due at the Department of Health by **Friday, May 5, 2023**.
- Water system owners planning to start construction and receive DWRF financing before June 30, 2024, must also submit a request to the Public Facilities Authority (PFA) to place the project on the 2024 Intended Use Plan (IUP).
- For drinking water systems serving populations greater than 1,000, an up-to-date Water Supply Plan (WSP) must be approved by DNR to be eligible for DWRF funding.
- **Note: Currently, principal forgiveness grant funding is available for replacement of the privately-owned portion of lead service lines (LSL). Public water systems need to apply for the funding. The funding cannot be provided directly to the property owner. LSL replacement projects must be listed on the PPL and IUP in order to get funding. LSL projects can be done in coordination with a watermain replacement project or can be funded as a stand-alone project.**
- **Questions?** Contact Chad Kolstad at 651-201-3972 or chad.kolstad@state.mn.us



Public Facilities Authority ● Pollution Control Agency ● Department of Health

Date: January 17, 2023

To: Public Wastewater, Stormwater, and Drinking Water Officials

Subject: **Accepting Water Infrastructure Projects for 2024 Project Priority List and State Revolving Fund Loan (SRF) Intended Use Plans (Includes Infrastructure Investment and Jobs Act (IIJA) Funds)**

Submissions to place public wastewater, stormwater, and drinking water infrastructure improvement projects on the 2024 Project Priority Lists (PPL) and Intended Use Plans (IUP) for the Clean Water Revolving Fund (CWRF) and Drinking Water State Revolving Fund (DWRf)s are now being accepted. This includes PPL and IUP requests for publicly and privately owned drinking water lead service line replacement projects and projects to address emerging contaminants for drinking water systems.

The Minnesota Public Facilities Authority (PFA) administers several state funding programs for water infrastructure in partnership with the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Health (MDH). These funding programs include the State Revolving Funds (the CWRF and DWRf), Water Infrastructure Fund (WIF) grants, Point Source Implementation Grants (PSIG) and the Small Community Wastewater Treatment Program.

The CWRF and the DWRf provide low interest loans and other funding to local governments for eligible projects based on priorities determined by the MPCA (for wastewater and stormwater projects) and the MDH (for drinking water projects).

The first step in the funding process is for a project to be listed on the appropriate PPL. The PPLs rank projects that will be ready for construction within the next five years. Projects are ranked in priority order based on the age and condition of existing infrastructure and environmental and public health criteria. All projects must be listed on the appropriate PPL to be eligible for any of the PFA funding programs.

For most projects seeking CWRF or DWRf loans, including IIJA funds, and lead service line replacement funds, the second step in the funding process is to be listed on the appropriate State Revolving Fund IUP. The State Revolving Funds (SRFs) are the state's largest funding programs, and the majority of projects will receive at least a portion of funding through the SRFs. Cities and other system owners must request their projects to be placed on the appropriate 2024 IUP if they expect to be ready for construction and are seeking SRF financing in state fiscal year 2024 (July 1, 2023 to June 30, 2024).

The SRFs are supported by a combination of federal and state funding and revolving loan repayments. The recently adopted Federal Infrastructure Investment and Jobs Act (IIJA) will provide additional federal funding over the next four years through the State Revolving Funds. IIJA provides additional funds for

Working in cooperation: Minnesota Public Facilities Authority, Minnesota Pollution Control Agency and Minnesota Department of Health.

SRF low interest loans and also for principal forgiveness grants based on WIF affordability criteria and for green infrastructure projects. IJA also makes funding available for new SRF project categories to replace drinking water lead service lines and address emerging contaminants.

All funding will continue to follow the existing process, starting with projects requesting placement on the Project Priority Lists and Intended Use Plans. The funding process repeats each year. Projects that aren't ready for the 2024 PPLs and IUPs can apply in a future year.

PPL and IUP Deadlines and Contacts are listed below. Additional information and instructions are included.

Project Priority List Submissions – Clean Water Revolving Fund

Agency: Minnesota Pollution Control Agency (www.pca.state.mn.us/ppl)
Projects: Wastewater and Stormwater
Deadlines: March 3, 2023 (or before) submit to MPCA

- PPL application and scoring worksheet, including supporting documentation as required
- Wastewater facilities plans
- Stormwater project plans

Contact: Bill Dunn, Clean Water Revolving Fund Coordinator, 651-757-2324, bill.dunn@state.mn.us

Project Priority List Submissions – Drinking Water Revolving Fund

Agency: Minnesota Department of Health (www.health.state.mn.us/divs/eh/water/dwrf)
Projects: Drinking water projects, including replacement of lead service lines
Deadlines: May 5, 2023 (or before) submit to MDH
Contact: Chad Kolstad, 651-201-3972, Program Coordinator, 651-201-3972, chad.kolstad@state.mn.us

Intended Use Plan Requests – Both Programs

Agency: Minnesota Public Facilities Authority (mn.gov/deed/pfa)
Programs: Clean Water Revolving Fund, Drinking Water Revolving Fund
Contacts: Becky Sabie, 651-259-7470, Rebecca.sabie@state.mn.us
Deadlines: June 2, 2023, submit to Public Facilities Authority
Loan Officers: [Contact the Public Facilities Authority / Public Facilities Authority \(mn.gov\)](http://mn.gov/deed/pfa)



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	May 1, 2023					
Item Name:	Authorize Preparation of Downtown Reconstruction, Phase II 2024 Improvement Project					
Originating Department:	Public Services					
Presented by:	Craig Eldred					
Previous Council Action (if any):	March 2021 Completion of Geotechnical Report for 2022 and 2023 Improvement Projects as known at the time.					
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 2023-111; Authorizing Preparation of Downtown Reconstruction, Phase II Design & Feasibility Report & Benefit Analysis for 2024 Improvement Project, CIP Project 129						
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>						
As Council Members are aware we are initiating Municipal Improvements in the Downtown of Waconia. 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. As previously noted we had conducted in March of 2021 a geotechnical review of Phases I and II for the Downtown 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 our intent with this request 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. We also would 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 East to Spruce Street East • Elm Street East; Main Street East to First Street East • Pine Street East; 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 report staff will be initiating public meetings as usual for the impacted parcels and owner's. Staff recommends approval of this request to advance design, preparation of a Feasibility Report thus guided upon						

conducting a Benefit Analysis in a timely and productive manner. These steps of engagement may allow for an earlier bid process and provide for effective or timely bid processes for the programmed 2024 Improvements of Downtown.

Attachments:

1. [23111res 2024_Improvement_Project_Design__Feasibility_Report_Benefit_A_Res.doc](#)
2. [2024 Project Area Image Downtown.pdf](#)

<i>FINANCIAL IMPLICATIONS:</i> Funding Sources & Uses: Bonding	<i>ADVISORY BOARD RECOMMENDATIONS:</i>	
Budget Information: ☒ Budgeted ☐ Non Budgeted ☐ Amendment Required	Planning Commission Parks and Recreation Board Safari Island Advisory Board Other	

**CITY OF WACONIA
RESOLUTION NO. 2023-111**

**RESOLUTION AUTHORIZING APPROVAL TO PREPARE DOWNTOWN
RECONSTRUCTION, PHASE II DESIGN & FEASIBILITY REPORT & BENEFIT ANALYSIS
FOR 2024 IMPROVEMENT PROJECT**

WHEREAS, one of the City’s Priorities “Infrastructure – managing, maintaining, and improving our current and future physical assets”; and

WHEREAS, geotechnical work for the 2023 & 2024 Infrastructure Improvement Projects were completed in March of 2021; and

WHEREAS, components of the 2024 Improvement Project are as follows; and

Street Reconstruction, Sidewalk Reconstruction, Sanitary Sewer, Watermain, Storm Sewer, Storm Reuse and Street Lighting of the following Street Segments

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

WHEREAS, the City Engineer is allowed to prepare Design and Feasibility Report for the 2024 Infrastructure Improvement Projects; and

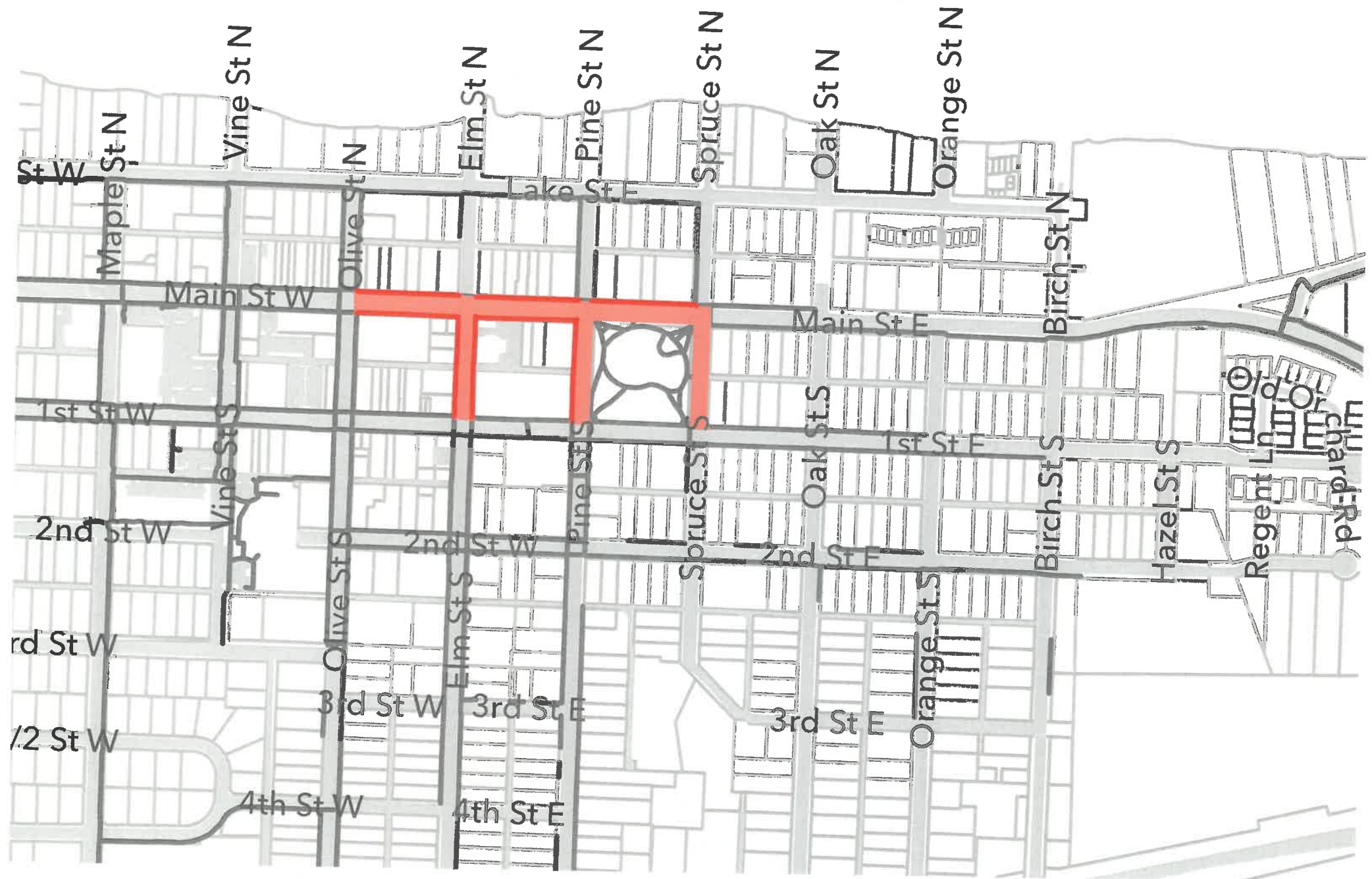
WHEREAS, The City Attorney may obtain an Third Party Benefit Analysis of the proposed Improvement Project Area upon completion of the Feasibility Report.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes approval to prepare Downtown Reconstruction, Phase II Design & Feasibility Report & Benefit Analysis for 2024 Improvement Project.

Adopted by the City Council of the City of Waconia this 1st day of May, 2023.

Nicole Waldron, Mayor

Attest: _____
Jackie Schulze, City Clerk





REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		May 1, 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	

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. [Ord 759 Chapter 572 Bee Ordinance Amendment \(Draft 4-24-2023\).docx](#)
4. [23113res Chapter_572_Summary_Publication_Resolution__Draft_04-24-2023_.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 1, 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 1st 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 1st day of May, 2023.

Nicole Waldron, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

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 1st 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 1, 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 1st 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)

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~~a 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.