WACONIA CITY COUNCIL MEETING AGENDA

Monday, March 7, 2022
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:	KENT BLOUDEK
COUNCILMEMBER, WARD I:	RANDALL SORENSEN
COUNCILMEMBER, WARD I:	NICOLE WALDRON
COUNCILMEMBER, WARD II:	CARL PIERSON
COUNCILMEMBER, WARD II:	PETER LEO

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

1) Safari Island Update

5. PUBLIC HEARING

1) Repeal of Chapter 243 and Precinct Boundaries
Open the Public Hearing

Motion to Close the Public Hearing

Adopt Ordinance 748, Repealing Chapter 243 of Waconia City Code Establishing Ward Boundaries
Adopt Resolution 2022-65, Establishing Precincts and Polling Places

2) Establishment of TIF District No. 5, TIF Plan, and Interfund Loan
Open the Public Hearing

Motion to Close the Public Hearing

Approve Resolution 2022-80 adopting a Modification to the Development Program for the Waconia

Development District; establishing TIF District No 5 and adopting a TIF Plan; and adopting an Interfund Loan Resolution.

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) February 22, 2022 City Council Meeting Minutes
   Motion to Approve February 22, 2022 City Council Meeting Minutes
2) March 7, 2022 Expenditures
   Payment of March 7, 2022 Expenditures
3) Contractor Pay Request #4 - Everson New Storage Shed
   Motion to approve Pay Estimate No. 4 to Ebert Construction for the Everson New Storage Shed
4) Use of Streets - Walk On Waconia
   Motion to approve use of streets for Walk on Waconia event.
5) League of Minnesota Cities Insurance Trust - Tort Liability Waiver - 2022-2023 Policy Renewal
   Motion to Approve the Non-Waiver of Monetary Limits on the 2022-2023 Tort Liability Insurance Policy Renewal.
6) Use of Streets/Trails/Parking Lot, Don't Worry Be Hoppy 5K, 10K and Kids Run
   Motion to Authorize use of streets/trails/parking lot for Don't Worry Be Hoppy 5k, 10K and Kids Run, May 7, 2022
7) Temp. On-Sale Liquor License and Use of Parking Lot - Waconia Brewing Company
   Adopt Resolution No. 2022-66, Approving Temporary On-Sale Liquor License and Use of Parking Lot, Waconia Brewing Company, Don't Worry Be Hoppy, May 6-7
8) Approve Temporary Liquor License for Lions Club
   Adopt Resolution 2022-67 Approving Temporary On-Sale Liquor License Applications for Lions Club
9) Authorize Hire for Accountant
   Adopt Resolution 2022-68, Approving Accountant Hire.
10) Christopher & Diana Reeve Foundation Grant
    Adopt Resolution 2022-69, Authorizing Grant Application
11) Establishing Municipal State Aid Highway
    Adopt Resolution 2022-70; Approve Establishing Municipal State Aid Highway
12) Approve Execution of Carver County Water Management Grant Agreement
    Adopt Resolution 2022-72; Authorizing Approval of Public Services Director to Execute Carver County Water Management Organization Grant
13) Authorize Preparation of Regional Solicitation Application for Trunk Highway Five, Phase II Improvements
    Adopt Resolution 2022-73; Approval of City Engineer to Prepare Regional Solicitation Application for Trunk Highway Five, Phase II Improvements & Note City Administrator as Administrator of Grant
14) Ordinance Amendment - Section 900.04 Definitions
    Adopt Ordinance No. 745, amending Section 900.04 Definitions
    Adopt Resolution 2022-74, approving Summary Publication of Ordinance.
15) The Fields 2nd Addition - Early Grading Agreement & Permit - Tamarack Land, LLC
    Adopt Resolution 2022-75 approving the Early Grading Agreement & Permit for The Fields 2nd Addition.
16) Acceptance of Grand Proceeds for 2021 Solid Waste Grant from Carver County Environmental Services

    Adopt Resolution No. 2022-76, Accepting Grant Proceeds from Carver County Environmental Services Solid Waste Grant for 2021.

17) Approve Floor Coating Projects for Public Services Facilities
    Adopt Resolution 2022-77; Approving Floor Coating Projects for Water Treatment Facility and Public

Services Fleet Garage and Mechanic Areas With SWEDEBRO in the Amount of $90,325.00, CIP Projects 661 & 662

7. COUNCIL BUSINESS

1) Commercial/Industrial Small Area Plan
   Adopt Resolution 2022-78, Approving Engagement with WSB for Small Area Plan
2) Snow Removal Fees
   Adopt Ordinance 746, Amending Section 320.06 Regulating Snow, Ice, Dirt, and Rubbish From Public Sidewalks
3) Ordinance Amendment - Section 900.06, Subd. 9 Architectural Design Standards
   Adopt Ordinance No. 747, amending Section 900.06, Subd. 9. Architectural Design Standards.
   Adopt Resolution 2022-79, approving Summary Publication of Ordinance.

8. ITEMS REMOVED FROM CONSENT AGENDA

9. STAFF REPORTS

10. BOARD REPORTS

1) Councilmember Waldron
2) Councilmember Sorensen
3) Councilmember Leo
4) Councilmember Pierson
5) Mayor Bloudek

11. ANNOUNCEMENTS

12. ADJOURN REGULAR MEETING .....OFFICE OF THE CITY ADMINISTRATOR

Shane Fineran

Work Session: Downtown Reconstruction Business Assistance

UPCOMING CALENDAR OF EVENTS/MEETINGS:
March 17, 2022 - Park Board (6:30 p.m.)
March 21, 2022 - City Council Meeting (6:00 p.m.)

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	Safari Island Update					
Originating Department:	Administration					
Presented by:	Shane Fineran					
Previous Council Action (if any):						
Item Type (X only one):	Consent		Regular Session		Discussion Session	X

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

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

Dan Montague, General Manager at Safari Island will provide an update to the City Council on upcoming events at the facility.

Attachments:

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	

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	Repeal of Chapter 243 and Precinct Boundaries					
Originating Department:	Administration					
Presented by:	Shane Fineran					
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.)*

Open the Public Hearing

Motion to Close the Public Hearing

Adopt Ordinance 748, Repealing Chapter 243 of Waconia City Code Establishing Ward Boundaries
Adopt Resolution 2022-65, Establishing Precincts and Polling Places

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

Following the 2020 national Census, federal, state, and local government election boundaries are re-drawn. Recently, the State of Minnesota has released the new federal and state level legislative districts that will govern the election process for the next 10 years.

Cities across the state, following the redistricting effort, are required to reestablish voting precinct and/or ward boundaries prior to the next election cycle. Voting precincts define which polling location a voter will cast their ballot at. In recently held elections, the cities precinct boundaries have followed the ward boundaries, resulting in two polling locations within the community. As the population grows, the city will need to establish additional voting precincts across the community to ensure that election day administration is conducted efficiently and effectively as possible.

As part of a review of the duties assigned to local cities in the redistricting process, the City Council evaluated the existing election ward system as defined by Waconia City Code. This system creates two geographical areas of the community, with two elected city council members serving staggered terms. In evaluation of the limitations and challenges of the ward boundary, voting precinct boundary, and legislative district boundary systems, the city council is considering the repeal of Chapter 243 of Waconia City Code which defines the election ward system.

Repeal of this chapter would create an at large representative system in which all city council seats, like that of the Mayor are elected by the entire community, rather than by a geographical area of the community. Elimination of ward boundaries will also allow for flexibility as voting precincts are added to better serve voters on election day and support consistency in future legislative district changes at the state and county level as the community grows.

City staff have verified local ordinance and its history, conferred with the Secretary of State's office. Attorneys General office, and County election staff as a course of due diligence and the action considered by the Council to repeal Chapter 243 would be within the City Council's authority.

Following the public hearing the City Council should consider the public input and then vote on the proposed ordinance.

If the ordinance passes the City Council would then need to establish new precinct boundaries for polling location purposes. As previously stated, the precinct boundaries followed the existing ward boundaries. It is the guidance of

the Secretary of State that precinct boundaries serve approximately 1,500 registered voters. In the last election cycle, each precinct location served over 4,000 registered voters each. Adding an additional precinct and polling location will serve voters better on election day, reducing wait times and allow for more efficient verification of election results. Staff have been given permission by leadership at Faith Lutheran Church to utilize their site as a new 3rd polling location in the community for the 2022 election cycle. The precinct boundaries were based on 2020 census data for individuals over the age of 18,

Attachments:

1. Ord 748 Ordinance_Dissolving_Election_Wards.docx
2. 2265res_Polling_Places_Precincts.doc
3. Waconia 2022 Proposed Precincts

FINANCIAL IMPLICATIONS:	***ADVISORY BOARD RECOMMENDATIONS:***	
Funding Sources & Uses: None		
Budget Information: __X__ Budgeted _____ Non Budgeted _____ Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

CITY OF WACONIA

ORDINANCE NO. 748

AN ORDINANCE DISSOLVING THE CITY'S ELECTION WARDS

The City Council of the City of Waconia, Minnesota, ordains:

FINDINGS AND PURPOSE

The City of Waconia, Minnesota (Waconia) exists as a Plan A statutory city under Minnesota law. Pursuant to Chapter 200 of the Waconia City Code, voters elect the Mayor at large and the other four councilmembers by wards. Chapter 243 of the Waconia City Code divides the City into two wards and defines their boundaries.

Judge John Glaeser established Waconia's ward system on July 23, 1921, when he organized and incorporated Waconia as a municipality. The judge's order did not cite the Minnesota law used to create the ward system. A letter from the Minnesota Attorney General's Office to Judge Julius Coller dated prior to the incorporation discusses the laws applicable to Waconia's organization as a municipality. The laws cited in the letter, however, do not address the wards. Further, no other historical background has been found discussing the wards.

As a statutory city, Waconia is subject to the Uniform Code of Municipal Government, Minn. Stat., Ch. 412 (Uniform Code). Section 412.191 of the Uniform Code provides, in relevant part, that a city council "shall be the judge of the election and qualification of its members." It also provides a city council "shall have power to regulate its own procedure." Further, Minn. Stat. §414.02, is the current statutory authority for incorporating a municipality. Under this statute, a City may dissolve any wards created by a four-fifths affirmative vote of its city council.

Based on the authority found in Section 414.191, the Waconia City Council (Council) finds it has authority to dissolve Waconia's wards. Based on the non-binding guidance provided by current law for municipal incorporation, the Council also finds any dissolution should be supported by a four-fifths vote of the Council.

Based on its examination of the City's current ward system, information provided by City staff, practices in other communities, and other relevant factors, the Council further finds:

- The Council will serve the residents of the City better if each councilmember represents the entire community instead of a specific geographic area;
- Eliminating the wards will result in costs savings to the City because administering and redistricting wards is more difficult than using election precincts;
- Voters will have better election day experiences if the wards are eliminated given the logistical improvements City staff can make using precincts;

- The dissolution of the wards will cause minimal disruption because the practice of electing two councilmembers each even numbered year will continue and the terms of current councilmembers are unaffected;
- Carver County, the Minnesota Secretary of State, and the Minnesota Attorney General's Office have been informed of the proposed dissolution of the City's wards and no objections have been received; and
- Most other statutory cities in Minnesota do not use wards to elect councilmembers.

On March 7, 2022, the Council held a public hearing to solicit public input regarding the proposed dissolution of the wards for election purposes. No person objected to the dissolution of the wards or to the proposal to elect all councilmembers at large.

The purpose of this ordinance is to dissolve the wards used for election purposes. After the Council dissolves the wards, all councilmembers will be elected at large.

AMENDMENTS

Amendment to Chapter 200

Chapter 200, *City Council*, Subd. 1, of the Waconia City Code is amended, in its entirety, to read as follows:

Subd. 1. Composition of the City Council. The Council shall consist of the Mayor and four Councilmembers, all of which shall be elected in the City at large. The election for Councilmembers shall take place at the general election on the first Tuesday after the first Monday in November of each even numbered year with the Mayor and two (2) Councilmembers to be elected each even numbered year. The Mayor shall serve for a term of two (2) years and each Councilmember shall serve for a term of four (4) years. Each person serving in an elected city office (including a person appointed to fill a vacancy) shall meet the requirements of the Minnesota Constitution and the Minnesota Statutes for such office.

Repeal of Chapter 243

Chapter 243, *Ward Boundaries*, of the Waconia City Code is repealed in its entirety.

SUMMARY

The following official summary of Ordinance No. ____ has been approved by a four-fifths vote of the City Council as clearly informing the public of the intent and effect of the Ordinance:

The ordinance is titled *AN ORDINANCE DISSOLVING THE CITY'S ELECTION WARDS*. The ordinance amends Chapter 200 of the Waconia City Code to provide that the four city councilmember positions previously elected using wards shall now be elected at large.

The ordinance also repeals Chapter 243 of the Waconia City Code, which divided the City into two wards for election purposes.

The full text of the ordinance is available for public inspection during regular office hours at the office of the City Clerk, 201 South Vine Street, Waconia, and at the Waconia Public Services Building, 310 10th Street East, Waconia. 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.

EFFECTIVE DATE

This ordinance is effective upon publication.

Passed and adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/_____	Bloudek	_____
	Leo	_____
S/_____	Pierson	_____
	Sorensen	_____
	Waldron	_____

CITY OF WACONIA
RESOLUTION NO. 2022-65

Resolution Establishing Precincts and Polling Places

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statute section 204B.14, subd. 3 (d) requires that precinct boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Waconia, County of Carver, State of Minnesota hereby establishes the boundaries of the voting precincts and polling places as follows:

Precinct 1 (Faith Lutheran Church, 800 Waconia Parkway N)
Areas of the city to the west and north of a line proceeding from the shore of Lake Waconia thence southerly along Pine Street N to the intersection of Lake Street, thence westerly to the intersection of Olive Street N, thence southerly to the intersection of State Highway 5, thence westerly to the intersection of Waconia Parkway S.

Precinct 2 (Waconia Ice Arena, 1250 Oak Avenue S)
Areas of the city to the south and west of a line proceeding from the western municipal boundary along Waconia Parkway S to the intersection of State Highway 5, thence easterly along CSAH 10 to the intersection of State Highway 284, thence southerly to the intersection of Sparrow Road, thence easterly along Sparrow Road, terminating at the edge of Clearwater Mills Park.

Precinct 3 (Trinity Evangelical Lutheran Church, 601 2nd Street E)
Areas of the city to the east and north of a line proceeding from the shore of Lake Waconia, thence southerly along Pine Street N to the intersection of Lake Street, thence westerly to the intersection of Olive Street N, thence southerly to the intersection of State Highway 5, thence westerly to intersection of CSAH 10, thence easterly to the intersection Sparrow Road.

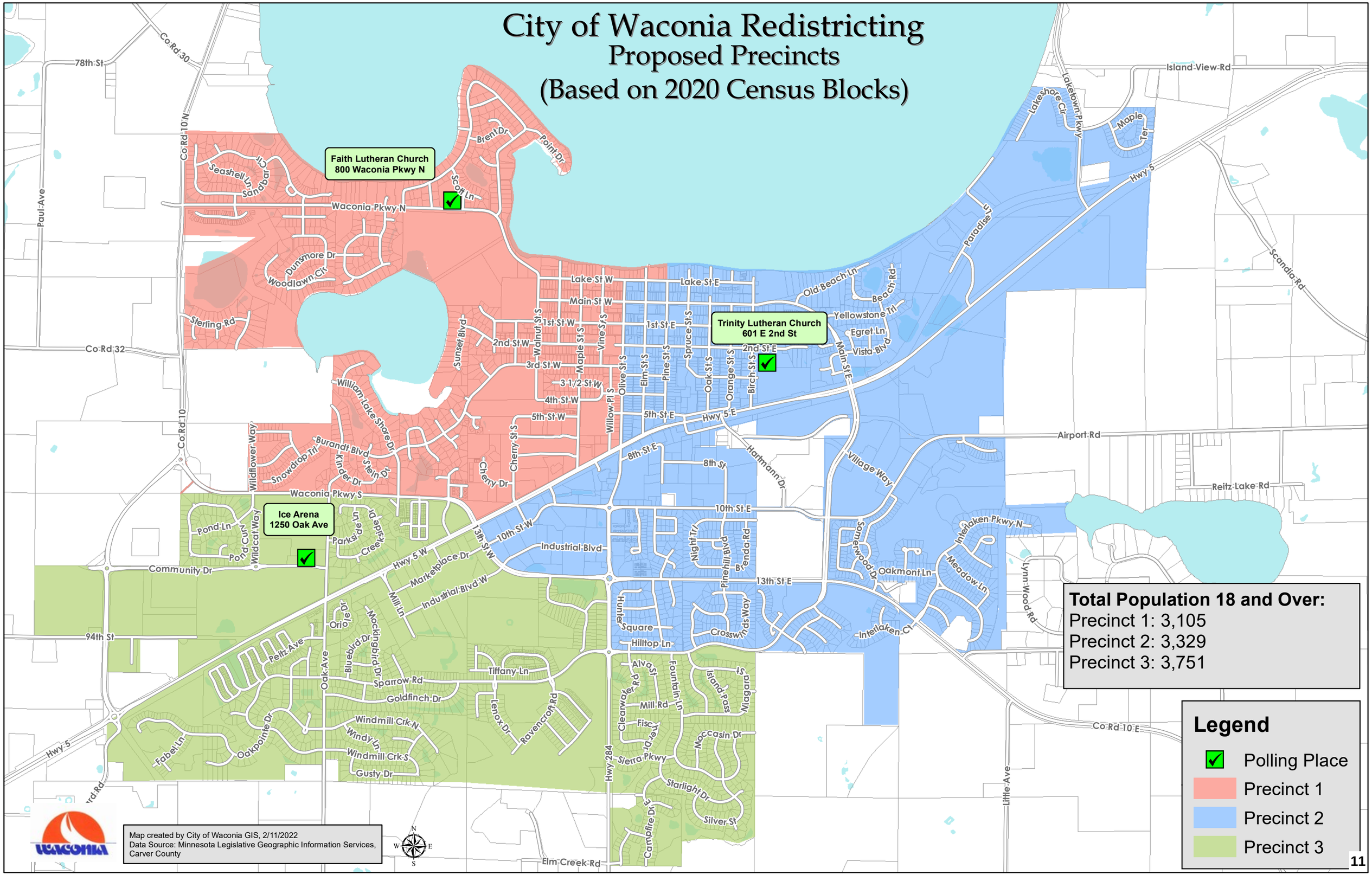
Attached to this resolution, for illustrative purposes, is a map showing said precincts and the location of each polling
place.
Adopted by the Waconia City Council this 7th day of March 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

M/_____	Bloudek	_____
	Pierson	_____
S/_____	Leo	_____
	Sorensen	_____
	Waldron	_____

City of Waconia Redistricting
Proposed Precincts
(Based on 2020 Census Blocks)



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Establishment of TIF District No. 5, TIF Plan, and Interfund Loan
Originating Department:	Administration
Presented by:	Shane Fineran
Previous Council Action (if any):	January 18, 2022: Resolution 2022-30, Calling a public hearing to the development program for the Waconia development district, the proposed establishment of tax increment financing district no. 5 therein, and the proposed adoption of a tax increment financing plan thereafter.

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

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

Open the Public Hearing

Motion to Close the Public Hearing

Approve Resolution 2022-80 adopting a Modification to the Development Program for the Waconia Development District; establishing TIF District No 5 and adopting a TIF Plan; and adopting an Interfund Loan Resolution.

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

OPEN PUBLIC HEARING

The City Council is requested to hold a public hearing and approve a resolution establishing the TIF District and adopting the Modification to the Development Program and adopting the Interfund Loan Resolution for the City. A letter was received on January 24 by the County Commissioner giving notice thirty days prior to publication of the public hearing notice. The taxing jurisdictions received a copy of the proposed TIF Plan on February 4, thirty days prior to the public hearing. No comments have been received.

The public hearing notice appeared in the local newspaper on February 24, at least 10 days prior to the public hearing, for compliance with Minnesota Statutes. Please open the public hearing for comments and questions.

RESOLUTION FOR ADOPTION

In your packets you will find an overview of the TIF Plan for the TIF District as prepared by Ehlers. You will note the overview outlines the project description and required findings of the Council. The district is located on four (4) parcels in downtown Waconia. Initial development is expected to occur on the American Legion site at 233 Olive Street South (PIN 750500570); and on the Old National Bank site at 53 Main Street West (PIN 750502720). The Olive Street project is expected to increase the local tax base by $93,765 annually upon completion of the new 44-unit apartment building to be undertaken by Waconia Investment Partnership LLC. The Main Street project is expected to increase the local tax base by $139,092 annually upon completion of the new 67-unit apartment building with 4,370 SF of retail bank space to be undertaken by North Shore Development Partners LLC. The TIF District is a redevelopment district with a maximum life of 25 years from receipt of the first tax increment. The projects are consistent with the long-term economic development objectives of the City. The City Council reviewed the Development Program and TIF Plan and determined them to be following the City's comprehensive plan.

One of the required findings by the Council is the "but for" test finding. It is important that the Council feels comfortable with these findings.

CLOSE PUBLIC HEARING

After closing the public hearing, please consider the following alternative actions relating to the establishment of

the TIF District.

Alternative Action:
1. A motion to approve the resolution.
2. A motion to deny approval of the resolution.
3. A motion to table any action.

Attachments:

1. 2280res_Approving_Mod_to_DP_Estab_TIF_5_and_Interfund_Loan.Waconia_TIF_5.docx
2. TIF Plan.Waconia TIF 5.pdf

FINANCIAL IMPLICATIONS: Funding Sources & Uses:	***ADVISORY BOARD RECOMMENDATIONS:***	
Budget Information: _____Budgeted _____Non Budgeted _____Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

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

HELD: MARCH 7, 2022

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Waconia, Carver County, Minnesota, was duly called and held at the City Hall, on March 7, 2022, at 6:00 P.M.

The following members of the Council were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-80

RESOLUTION APPROVING THE MODIFICATION TO THE DEVELOPMENT PROGRAM FOR THE WACONIA DEVELOPMENT DISTRICT; ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 5 WITHIN THE WACONIA DEVELOPMENT DISTRICT; APPROVING THE TAX INCREMENT FINANCING PLAN THEREFOR; AND AUTHORIZING AN INTERFUND LOAN

A. WHEREAS, it has been proposed that the City of Waconia, Minnesota (the "City") (1) modify the Development Program for the Waconia Development District (the "Development District"); (2) establish Tax Increment Financing District No. 5 therein (the "TIF District"); (3) approve and adopt the proposed Tax Increment Financing Plan therefor under the provisions of Minnesota Statutes, Sections 469.174 to 469.1794, as amended (the "Act"); and (4) authorize an Interfund Loan (hereinafter defined); and

B. WHEREAS, the City Council has investigated the facts and has caused to be prepared the Modification to the Development Program for the Development District (the "Development Program Modification"), and has caused to be prepared a proposed tax increment financing plan for the TIF District therein (the "TIF Plan"); and

C. WHEREAS, the City has performed all actions required by law to be performed prior to the approval of the modification of the Development District and the establishment of the TIF District therein, and the adoption of the Development Program Modification and TIF Plan therefor, including, but not limited to, notification of Carver County and Independent School District No. 110 (Waconia Public Schools) having taxing jurisdiction over the property to be included in the TIF District, and the holding of a public hearing upon published and mailed notice as required by law; and

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

1. Development District. The City is not modifying the boundaries of the Development District.

2. Development Program Modification. The Modification to the Development Program for Development District No. 1, a copy of which is on file in the office of the Finance Director, is adopted.

3. Tax Increment Financing District No. 5. There is hereby established in the City within the Development District, Tax Increment Financing District No. 5, a redevelopment tax increment financing district, the initial boundaries of which are determined as described in the TIF Plan.

4. Tax Increment Financing Plan. The TIF Plan is adopted as the tax increment financing plan for the TIF District, and the City Council makes the following findings:

(a) The TIF District is a redevelopment district as defined in Minnesota Statutes, Section 469.174, Subd. 10, the specific basis for such determination is set forth in Appendix C and Appendix D of the TIF Plan.

(b) The proposed development, in the opinion of the City Council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future. The reasons for such determination are set forth in Appendix C of the TIF Plan.

(c) In the opinion of the City Council, the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan. The reasons supporting this finding are set forth in Appendix B and Appendix C of the TIF Plan.

(d) The TIF Plan for the TIF District conforms to the general plan for development or redevelopment of the City as a whole. The reasons for supporting this finding are set forth in Appendix C of the TIF Plan.

(e) The TIF Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Development District by private enterprise. The reasons supporting this finding are set forth in Appendix C of the TIF Plan.

(f) Appendices B, C, and D of the TIF Plan are incorporated herein by reference.

5. Public Purpose. The adoption of the TIF Plan for the TIF District within the Development District conforms in all respects to the requirements of the Act and will help fulfill a need to develop an area of the State which is already built up to provide employment opportunities, to help prevent the emergence of blight, to improve the tax base and to improve the general economy of the State and thereby serves a public purpose.

6. Certification. The Auditor of Carver County is requested to certify the original net tax capacity of the TIF District as described in TIF Plan, and to certify in each year thereafter the amount by which the original net tax capacity has increased or decreased in accordance with the Act; and the Finance Director is authorized and directed to forthwith transmit this request to the County Auditor in such form and content as the Auditor may specify, together with a list of all properties within the TIF District for which building permits have been issued during the 18 months immediately preceding the adoption of this Resolution.

7. Filing. The Finance Director is further authorized and directed to file a copy of the Modification and TIF Plan for the TIF District with the Commissioner of Revenue and the Office of the State Auditor.

8. Administration. The administration of the Development District is assigned to the Finance Director who shall from time to time be granted such powers and duties pursuant to Minnesota Statutes, Sections 469.130 and 469.131 as the City Council may deem appropriate.

9. Interfund Loan. The City has determined that it may pay for certain costs (the "Qualified Costs") identified in the TIF Plan which costs may be financed on a temporary basis from the City's general fund or any other fund from which such advances may be legally made (the "Fund"). Under Minnesota Statutes, Section 469.178, Subd. 7, the City is authorized to advance or loan money from the Fund in order to finance the Qualified Costs. The City intends to reimburse itself for the payment of the Qualified Costs, plus interest thereon, from tax increments derived from the TIF District in accordance with the following terms (which terms are referred to collectively as the "Interfund Loan"):

(a) The City shall repay to the Fund from which the Qualified Costs are initially paid, the principal amount of $65,000 (or, if less, the amount actually paid from such fund) together with interest at 4.00% per annum (which is not more than the greater of (i) the rate specified under Minnesota Statutes, Section 270C.40, or (ii) the rate specified under Minnesota Statutes, Section 549.09) from the date of the payment.

(b) Principal and interest on the Interfund Loan ("Payments") shall be paid annually on each December 31 commencing with the date the tax increments from the TIF District are available and not otherwise pledged to and including the earlier of (a) the date the principal and accrued interest of the Interfund Loan is paid in full, or (b) the date of last receipt of tax increment from the TIF District ("Payment Dates") which Payments will be made in the amount and only to the extent of available tax increments. Payments shall be applied first to accrued interest, and then to unpaid principal.

(c) Payments on the Interfund Loan are payable solely from the tax increment generated in the preceding twelve (12) months with respect to the TIF District and remitted to the City by Carver County, all in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, as amended. Payments on this Interfund Loan are subordinate to any outstanding or future bonds, notes or contracts secured in whole or in part with tax increment, and are on parity with any other outstanding or future interfund loans secured in whole or in part with tax increments.

(d) The principal sum and all accrued interest payable under this Interfund Loan are pre-payable in whole or in part at any time by the City without premium or penalty. No partial prepayment shall affect the amount or timing of any other regular payment otherwise required to be made under this Interfund Loan.

(e) The Interfund Loan is evidence of an internal borrowing by the City in accordance with Minnesota Statutes, Section 469.178, Subd. 7, and is a limited obligation payable solely from tax increment pledged to the payment hereof under this resolution. The Interfund Loan and the interest hereon shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on the Interfund Loan or other costs incident hereto except out of tax increment, and neither the full faith and credit nor the taxing power of the State of Minnesota or any political subdivision thereof is pledged to the payment of the principal of or interest on the Interfund Loan or other costs incident hereto. The City shall have no obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the termination of the TIF District.

(f) The City may amend the terms of the Interfund Loan at any time by resolution of the City Council, including a determination to forgive the outstanding principal amount and accrued interest to the extent permissible under law.

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

and the following voted against same:

Adopted this 7th day of March, 2022.

_____
Mayor

Attest: _____
City Administrator

STATE OF MINNESOTA
CARVER COUNTY
CITY OF WACONIA

I, the undersigned, being the duly qualified and acting City Administrator of the City of Waconia, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relate to the establishment of the Tax Increment Financing District No. 5 in the City, and authorization of an interfund loan.

WITNESS my hand as such City Administrator of the City Council of the City of Waconia, Minnesota this ____ day of March, 2022.

_____
City Administrator

Adoption Date: March 7, 2022

City of Waconia

Carver County, Minnesota

MODIFICATION TO THE DEVELOPMENT PROGRAM

Waconia Development District

And

Tax Increment Financing (TIF) Plan

Establishment of Tax Increment Financing District No. 5
(Olive Street and Main Street Apartments and Bank)
(a redevelopment district)

EHLERS
PUBLIC FINANCE ADVISORS

Prepared by:

Ehlers
3060 Centre Pointe Drive
Roseville, Minnesota 55113

BUILDING COMMUNITIES. IT'S WHAT WE DO.

TABLE OF CONTENTS

Modification to the Development Program for Waconia Development District 1

FOREWORD 1

Tax Increment Financing Plan for Tax Increment Financing District No. 5 (Olive Street and Main Street Apartments and Bank) 2

FOREWORD 2

STATUTORY AUTHORITY 2

STATEMENT OF OBJECTIVES 2

DEVELOPMENT PROGRAM OVERVIEW 3

DESCRIPTION OF PROPERTY IN THE DISTRICT AND PROPERTY TO BE ACQUIRED 3

DISTRICT CLASSIFICATION 4

DURATION AND FIRST YEAR OF DISTRICT'S TAX INCREMENT 4

ORIGINAL TAX CAPACITY, TAX RATE AND ESTIMATED CAPTURED NET TAX CAPACITY VALUE/INCREMENT AND NOTIFICATION OF PRIOR PLANNED IMPROVEMENTS 5

SOURCES OF REVENUE/BONDS TO BE ISSUED 6

USES OF FUNDS 7

FISCAL DISPARITIES ELECTION 8

ESTIMATED IMPACT ON OTHER TAXING JURISDICTIONS 8

SUPPORTING DOCUMENTATION 11

DISTRICT ADMINISTRATION 11

Appendix A: Map of Waconia Development District and the TIF District 12

Appendix B: Estimated Cash Flow for the District 13

Appendix C: Findings Including But/For Qualifications 14

Appendix D: Redevelopment Qualifications for the District 17

Appendix E: Permit Research 18

Modification to the Development Program for Waconia Development District

FOREWORD

The following text represents a Modification to the Development Program for Waconia Development District. This modification represents a continuation of the goals and objectives set forth in the Development Program for Waconia Development District. Generally, the substantive changes include the establishment of Tax Increment Financing District No. 5 (Olive Street and Main Street Apartments and Bank).

For further information, a review of the Development Program for Waconia Development District, is recommended. It is available from the Finance Director at the City of Waconia. Other relevant information is contained in the Tax Increment Financing Plans for the Tax Increment Financing Districts located within Waconia Development District.

Tax Increment Financing Plan for Tax Increment Financing District No. 5 (Olive Street and Main Street Apartments and Bank)

FOREWORD

The City of Waconia (the "City"), staff and consultants have prepared the following information to expedite the Establishment of Tax Increment Financing District No. 5 (Olive Street and Main Street Apartments and Bank) (the "District"), a redevelopment tax increment financing district, located in Waconia Development District.

STATUTORY AUTHORITY

Within the City, there exist areas where public involvement is necessary to cause development or redevelopment to occur. To this end, the City has certain statutory powers pursuant to *Minnesota Statutes ("M.S."), Sections 469.124 - 469.133*, inclusive, as amended, and *M.S., Sections 469.174 to 469.1794*, inclusive, as amended (the "Tax Increment Financing Act" or "TIF Act"), to assist in financing public costs related to this project.

This section contains the Tax Increment Financing Plan (the "TIF Plan") for the District. Other relevant information is contained in the Modification to the Development Program for Waconia Development District.

STATEMENT OF OBJECTIVES

The District currently consists of four (4) parcels of land and adjacent roads and internal rights-of-way. The District is being created to facilitate the redevelopment of the old American Legion site into a 44-unit multifamily residential rental apartment building on Olive Street South; and to facilitate the redevelopment of the Old National Bank Building into a 67-unit multifamily residential rental apartment building on Main Street West above 4,340 square feet of new smaller but more efficient bank space with amenity space below. The City is also considering the construction of public parking between the two developments on 2nd Street West to facilitate the need for additional capacity within its downtown. The City has not entered into an agreement at the time of preparation of this TIF Plan, but designated Waconia Investment Partnership LLC as the developer for the Olive Street Apartments and North Shore Development Partners LLC as the developer for the Main Street West Apartments and bank building. Development is anticipated to begin in 2022. This TIF Plan is expected to achieve many of the objectives outlined in the Development Program for Waconia Development District.

The activities contemplated in the Modification to the Development Program and the TIF Plan do not preclude the undertaking of other qualified development or redevelopment activities. These activities are anticipated to occur over the life of Waconia Development District and the District.

DEVELOPMENT PROGRAM OVERVIEW

Pursuant to the Development Program and authorizing state statutes, the City is authorized to undertake the following activities in the District:

1. Property to be Acquired - Selected property located within the District may be acquired by the City and is further described in this TIF Plan.

2. Relocation - Relocation services, to the extent required by law, are available pursuant to *M.S., Chapter 117* and other relevant state and federal laws.

3. Upon approval of a developer's plan relating to the project and completion of the necessary legal requirements, the City may sell to a developer selected properties that it may acquire within the District or may lease land or facilities to a developer.

4. The City may perform or provide for some or all necessary acquisition, construction, relocation, demolition, and required utilities and public street work within the District.

DESCRIPTION OF PROPERTY IN THE DISTRICT AND PROPERTY TO BE ACQUIRED

The District encompasses all property and adjacent roads rights-of-way and abutting roadways identified by the parcels listed below.

Parcel number	Address	Owner
750500570	233 Olive St S	American Legion
750502720	53 Main St W	Old National Bk
750501505	24 2nd St W	YETZER
750501511	125 Olive St S	YETZER

Please also see the map in Appendix A for further information on the location of the District.

The City may acquire any parcel within the District including interior and adjacent street rights of way. Any properties identified for acquisition will be acquired by the City only in order to accomplish one or more of the following: storm sewer improvements; provide land for needed public streets, utilities and facilities; carry out land acquisition, site improvements, clearance and/or development to accomplish the uses and objectives set forth in this plan. The City may acquire property by gift, dedication, condemnation or direct purchase from willing sellers in order to achieve the objectives of this TIF Plan. Such acquisitions will be undertaken only when there is assurance of funding to finance the acquisition and related costs.

DISTRICT CLASSIFICATION

The City, in determining the need to create a tax increment financing district in accordance with *M.S., Sections 469.174 to 469.1794*, as amended, inclusive, finds that the District, to be established, is a redevelopment district pursuant to *M.S., Section 469.174, Subd. 10(a)(1).*

- The District is a redevelopment district consisting of four (4) parcels.
- An inventory shows that parcels consisting of more than 70 percent of the area in the District are occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures.
- An inspection of the buildings located within the District finds that more than 50 percent of the buildings are structurally substandard as defined in the TIF Act. (See Appendix D).

Pursuant to *M.S., Section 469.176, Subd. 7*, the District does not contain any parcel or part of a parcel that qualified under the provisions of *M.S., Sections 273.111*, *273.112, or 273.114* or *Chapter 473H* for taxes payable in any of the five calendar years before the filing of the request for certification of the District.

DURATION AND FIRST YEAR OF DISTRICT'S TAX INCREMENT

Pursuant to *M.S., Section 469.175, Subd. 1, and Section 469.176, Subd. 1*, the duration and first year of tax increment of the District must be indicated within the TIF Plan. Pursuant to *M.S., Section 469.176, Subd. 1b.*, the duration of the District will be 25 years after receipt of the first increment by the City (a total of 26 years of tax increment). The City elects to receive the first tax increment in 2024, which is no later than four years following the year of approval of the District.

Thus, it is estimated that the District, including any modifications of the TIF Plan for subsequent phases or other changes, would terminate after 2049, or when the TIF Plan is satisfied. The City reserves the right to decertify the District prior to the legally required date.

ORIGINAL TAX CAPACITY, TAX RATE AND ESTIMATED CAPTURED NET TAX CAPACITY VALUE/INCREMENT AND NOTIFICATION OF PRIOR PLANNED IMPROVEMENTS

Pursuant to *M.S., Section 469.174, Subd. 7 and M.S., Section 469.177, Subd. 1*, the Original Net Tax Capacity (ONTC) as certified for the District will be based on the market values placed on the property by the assessor in 2021 for taxes payable 2022.

Pursuant to *M.S., Section 469.177, Subds. 1 and 2*, the County Auditor shall certify in each year (beginning in the payment year 2024) the amount by which the original value has increased or decreased as a result of:

1. Change in tax exempt status of property;
2. Reduction or enlargement of the geographic boundaries of the district;
3. Change due to adjustments, negotiated or court-ordered abatements;
4. Change in the use of the property and classification;
5. Change in state law governing class rates; or
6. Change in previously issued building permits.

In any year in which the current Net Tax Capacity (NTC) value of the District declines below the ONTC, no value will be captured and no tax increment will be payable to the City.

The original local tax rate for the District will be the local tax rate for taxes payable 2022, assuming the request for certification is made before June 30, 2022). The ONTC and the Original Local Tax Rate for the District appear in the table below.

Pursuant to *M.S., Section 469.174 Subd. 4 and M.S., Section 469.177, Subd. 1, 2, and 4*, the estimated Captured Net Tax Capacity (CTC) of the District, within Waconia Development District, upon completion of the projects within the District, will annually approximate tax increment revenues as shown in the table below. The City requests 100 percent of the available increase in tax capacity for repayment of its obligations and current expenditures, beginning in the tax year payable 2024. The Project Tax Capacity (PTC) listed is an estimate of values when the projects within the District are completed.

Project Tax Capacity		
Project estimated Tax Capacity upon completion	550,188	
Original estimated Net Tax Capacity	26,710	
Fiscal Disparities	8,734	
Estimated Captured Tax Capacity	**514,743**	
Original Local Tax Rate	116.7848%	Pay 2021
Estimated Annual Tax Increment	**$601,142**	
Percent Retainted by the City	100%	

Note: Tax capacity includes a 3.0% inflation factor for the duration of the District. The tax capacity included in this chart is the estimated tax capacity of the District in year 25. The tax capacity of the District in year one is estimated to be $262,773.

Pursuant to *M.S., Section 469.177, Subd. 4*, the City shall, after a due and diligent search, accompany its request for certification to the County Auditor or its notice of the District enlargement pursuant to *M.S., Section 469.175, Subd. 4*, with a listing of all properties within the District or area of enlargement for which building permits have been issued during the eighteen (18) months immediately preceding approval of the TIF Plan by the municipality pursuant to *M.S., Section 469.175, Subd. 3.* The County Auditor shall increase the original net tax capacity of the District by the net tax capacity of improvements for which a building permit was issued.

The City has reviewed the area to be included in the District and found that some permits have been issued for building improvements in the past 18 months, but none that should increase the original tax capacity. Please see Appendix E for the building permits that were issued.

SOURCES OF REVENUE/BONDS TO BE ISSUED

The total estimated tax increment revenues for the District are shown in the table below:

SOURCES	
Tax Increment	$ 10,809,572
Interest	1,080,957
TOTAL	**$ 11,890,529**

The costs outlined in the Uses of Funds will be financed primarily through the annual collection of tax increments. The City reserves the right to incur bonds or other indebtedness as a result of the TIF Plan. As presently proposed, the projects within the District will be financed by pay-as-you-go notes and interfund loans. Any refunding amounts will be deemed a budgeted cost without a formal TIF Plan Modification. This provision does not obligate the City to incur debt. The City will issue bonds or incur other debt only upon the determination that such action is in the best interest of the City.

The City may issue bonds (as defined in the TIF Act) secured in whole or in part with tax increments from the District in a maximum principal amount of $7,551,234. Such bonds may be in the form of pay-as-you-go notes, revenue bonds or notes, general obligation bonds, or interfund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan as of the date of approval.

USES OF FUNDS

Currently under consideration for the District is a proposal to facilitate the redevelopment of the old American Legion site into a 44-unit multifamily residential rental apartment building on Olive Street South; and to facilitate the redevelopment of the Old National Bank Building into a 67-unit multifamily residential rental apartment building on Main Street West above 4,340 square feet of new smaller but more efficient bank space with amenity space below. The City is also considering the construction of public parking between the two developments on 2nd Street West to facilitate the need for additional capacity within its downtown. The City has determined that it will be necessary to provide assistance to the project(s) for certain District costs, as described.

The City has studied the feasibility of the development or redevelopment of property in and around the District. To facilitate the establishment and development or redevelopment of the District, this TIF Plan authorizes the use of tax increment financing to pay for the cost of certain eligible expenses. The estimate of public costs and uses of funds associated with the District is outlined in the following table.

USES	
Land/Building Acquisition	$ 3,660,000
Site Improvements/Preparation	1,615,000
Affordable Housing	-
Utilities	850,000
Other Qualifying Improvements	345,277
Administrative Costs (up to 10%)	1,080,957
PROJECT COSTS TOTAL	**$ 7,551,234**
Interest	4,339,295
PROJECT AND INTEREST COSTS TOTAL	**$ 11,890,529**

The total project cost, including financing costs (interest) listed in the table above does not exceed the total projected tax increments for the District as shown in the Sources of Revenue section.

Estimated costs associated with the District are subject to change among categories without a modification to this TIF Plan. The cost of all activities to be considered for tax increment financing will not exceed, without formal modification, the budget above pursuant to the applicable statutory requirements. Pursuant to *M.S., Section 469.1763, Subd. 2*, no more than 25 percent of the tax increment paid by property within the District will be spent on activities related to development or redevelopment outside of the District but within the boundaries of Waconia Development District, (including administrative costs, which are considered to be spent outside of the District) subject to the limitations as described in this TIF Plan.

FISCAL DISPARITIES ELECTION

Pursuant to *M.S., Section 469.177, Subd. 3*, the City may elect one of two methods to calculate fiscal disparities.

The City will choose to calculate fiscal disparities by clause b (inside).

ESTIMATED IMPACT ON OTHER TAXING JURISDICTIONS

The estimated impact on other taxing jurisdictions assumes that the redevelopment contemplated by the TIF Plan would occur without the creation of the District. However, the City has determined that such development or redevelopment would not occur "but for" tax increment financing and that, therefore, the fiscal impact on other taxing jurisdictions is $0. The estimated fiscal impact of the District would be as follows if the "but for" test was not met:

Impact on Tax Base			
Entity	2020/Pay 2021 Total Net Tax Capacity	Estimated Captured Tax Capacity (CTC) upon completion	Percent of CTC to Entity Total
Carver County	159,157,722	514,743	**0.3234%**
City of Waconia	16,523,377	514,743	**3.1152%**
ISD 110 (Waconia Public Schools)	25,612,304	514,743	**2.0097%**

Impact on Tax Rates				
Entity	Pay 2021 Extension Rate	Percent of Total	CTC	Potential Taxes
Carver County	34.6315%	29.65%	514,743	**$ 178,263**
City of Waconia	46.1396%	39.51%	514,743	**237,501**
ISD 110 (Waconia Public Schools)	32.3646%	27.71%	514,743	**166,594**
Other	3.6491%	3.12%	514,743	**18,783**
	116.7848%	**100.00%**		**$ 601,142**

The estimates listed above display the captured tax capacity when all construction is completed. The tax rate used for calculations is the Pay 2021 rate. The total net capacity for the entities listed above are based on Pay 2021 figures. The District will be certified under the Pay 2022 rates, which were unavailable at the time this TIF Plan was prepared.

Pursuant to *M.S. Section 469.175 Subd. 2(b)*:

(1) Estimate of total tax increment. It is estimated that the total amount of tax increment that will be generated over the life of the District is $10,809,572;

(2) Probable impact of the District on city provided services and ability to issue debt. An impact of the District on police protection is expected. With any addition of new residents or businesses, police calls for service will be increased. New developments add an increase in traffic, and additional overall demands to the call load. The City does not expect that the proposed development, in and of itself, will necessitate new capital investment in vehicles or facilities.

The probable impact of the District on fire protection is not expected to be significant. Typically new buildings generate few calls, if any, and are of superior construction. The existing buildings, which will be eliminated by the new development, have public safety concerns that include several unprotected old buildings with issues such as access, hydrant locations, and converted structures. The City does not expect that the proposed development, in and of itself, will necessitate new capital investment in vehicles or facilities.

The impact of the District on public infrastructure is expected to be minimal. The development is not expected to significantly impact any traffic movements in the area. The current infrastructure for sanitary sewer, storm sewer and water will be able to handle the additional volume generated from the proposed development. Based on the development plans, there are no additional costs associated with street maintenance, sweeping, plowing, lighting and sidewalks. The development in the District is expected to contribute to sanitary sewer (SAC) and water (WAC) connection fees.

The probable impact of any District general obligation tax increment bonds on the ability to issue debt for general fund purposes is expected to be minimal. It is not anticipated that there will be any general obligation debt issued in relation to this project, therefore there will be no impact on the City's ability to issue future debt or on the City's debt limit.

(3) Estimated amount of tax increment attributable to school district levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to school district levies, assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is $2,995,656;

(4) Estimated amount of tax increment attributable to county levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same, is $3,205,482;

(5) Additional information requested by the county or school district. The City is not aware of any standard questions in a county or school district written policy regarding tax increment districts and impact on county or school district services. The county or school district must request additional information pursuant to *M.S. Section 469.175 Subd. 2(b)* within 15 days after receipt of the tax increment financing plan.

No requests for additional information from the county or school district regarding the proposed development for the District have been received.

SUPPORTING DOCUMENTATION

Pursuant to *M.S. Section 469.175, Subd. 1 (a), clause 7* the TIF Plan must contain identification and description of studies and analyses used to make the determination set forth in *M.S. Section 469.175, Subd. 3, clause (b)(2)* and the findings are required in the resolution approving the District.

(i) In making said determination, reliance has been placed upon (1) written representation made by the developer to such effects, (2) review of the developer's proforma; and (3) City staff awareness of the feasibility of developing the project site within the District, which is further outlined in the City Council resolution approving the establishment of the TIF District and Appendix C.

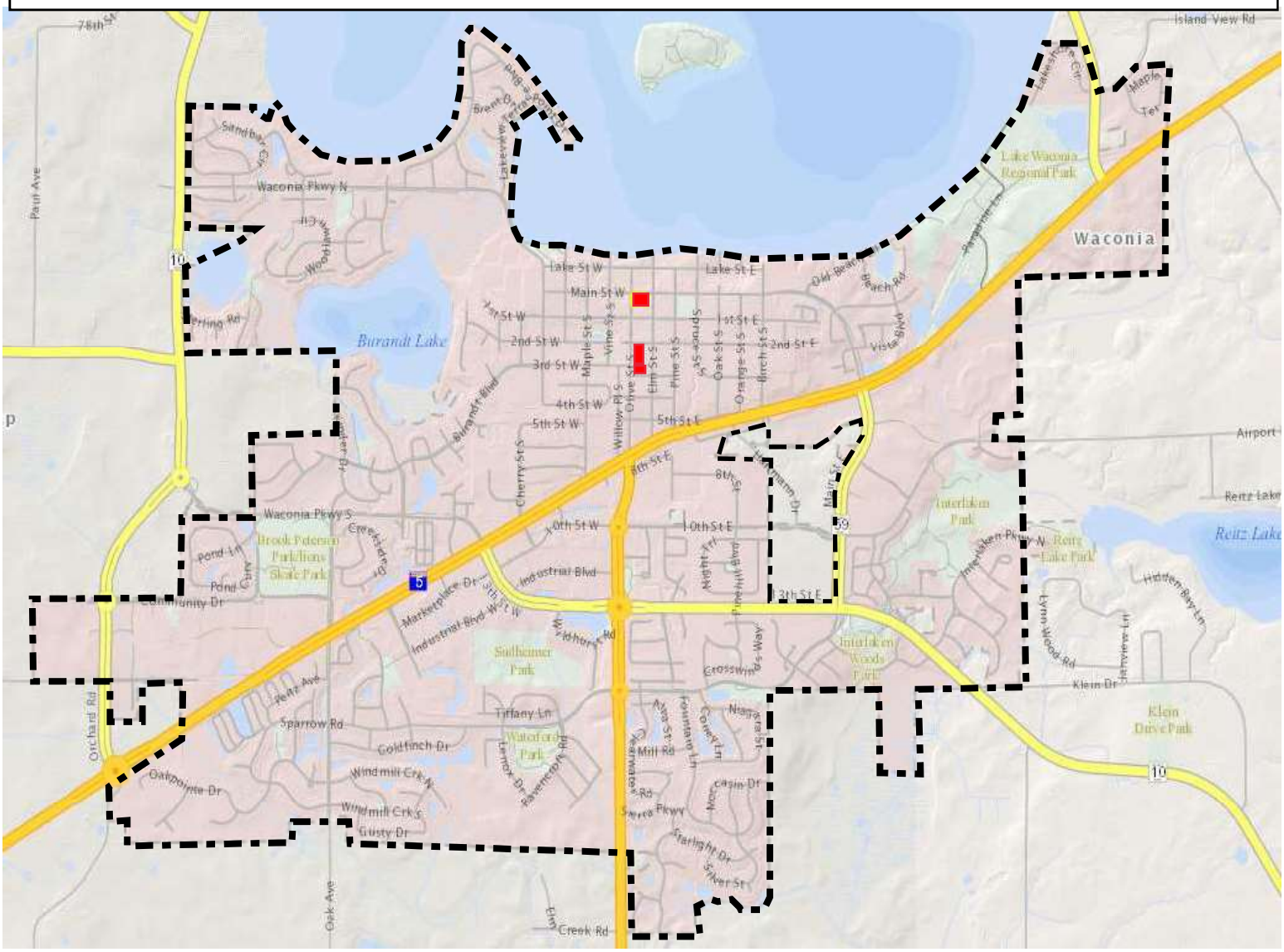
(ii) A comparative analysis of estimated market value both with and without establishment of the TIF District and the use of tax increments has been performed. Such analysis is included with the cashflow in Appendix B and indicates that the increase in estimated market value of the proposed development (less the indicated subtractions) exceeds the estimated market value of the site absent the establishment of the TIF District and the use of tax increments.

DISTRICT ADMINISTRATION

Administration of the District will be handled by the Finance Director.

Appendix A: Map of Waconia Development District and the TIF District

Tax Increment Financing District No. 5
Waconia Development District
City of Waconia
Carver County, Minnesota



Tax Increment Financing District No. 5

Waconia Development District

***The boundaries of the Waconia Development District are coterminous with the corporate limits of the City of Waconia.*

TAX INCREMENT FINANCING DISTRICT NO. 5
MUNICIPAL DEVELOPMENT DISTRICT NO. 5

CITY OF WACONIA
CARVER COUNTY, MINNESOTA

The boundaries of Municipal Development District No. 5 shall incorporate the four properties identified in this document.

Appendix B: Estimated Cash Flow for the District

Olive Street Apartments/Main Street Bank and Apartments - New Scattered-Site TIF District w/Inflation

City of Waconia, Minnesota

44 Multifamily Units on Olive Street and 67 Multifamily Units on Main Street above 4,340 SF Bank w/amenity space below

EHLERS PUBLIC FINANCE ADVISORS

ASSUMPTIONS AND RATES

DistrictType:	**Redevelopment**	
District Name/Number:	**TBD**	
County District #:	**TBD**	
First Year Construction or Inflation on Value	**2022**	
Existing District - Specify No. Years Remaining	**26**	
Inflation Rate - Every Year:	**3.00%**	
Interest Rate:	**4.00%**	
Present Value Date:	**1-Feb-23**	
First Period Ending	1-Aug-23	
Tax Year District was Certified:	**Pay 2022**	
Cashflow Assumes First Tax Increment For Development:	2024	
Years of Tax Increment	26	
Assumes Last Year of Tax Increment	2049	
Fiscal Disparities Election [Outside (A), Inside (B), or NA]	**Inside(B)**	
Incremental or Total Fiscal Disparities	**Incremental**	
Fiscal Disparities Contribution Ratio	37.0188%	Pay 2021
Fiscal Disparities Metro-Wide Tax Rate	139.5040%	Pay 2021
Maximum/Frozen Local Tax Rate:	116.785%	Pay 2021
Current Local Tax Rate: (Use lesser of Current or Max.)	116.785%	Pay 2021
State-wide Tax Rate (Comm./Ind. only used for total taxes)	37.0000%	Pay 2022 Prelim
Market Value Tax Rate (Used for total taxes)	0.24357%	Pay 2021

Tax Rates

Exempt Class Rate (Exempt)		0.00%
Commercial Industrial Preferred Class Rate (C/I Pref.)		
First	$150,000	1.50%
Over	$150,000	2.00%
Commercial Industrial Class Rate (C/I)		2.00%
Rental Housing Class Rate (Rental)		1.25%
Affordable Rental Housing Class Rate (Aff. Rental)		
First	$100,000	0.75%
Over	$100,000	0.25%
Non-Homestead Residential (Non-H Res. 1 Unit)		
First	$500,000	1.00%
Over	$500,000	1.25%
Homestead Residential Class Rate (Hmstd. Res.)		
First	$500,000	1.00%
Over	$500,000	1.25%
Agricultural Non-Homestead		1.00%

BASE VALUE INFORMATION (Original Tax Capacity)

Map ID	PID	Owner	Address	Land Market Value	Building Market Value	Total Market Value	Percentage Of Value Used for District	Original Market Value	Tax Year Original Market Value	Property Tax Class	Current Original Tax Capacity	Class After Conversion	After Conversion Orig. Tax Cap.	Area/ Phase
1	750500570	American Legion	233 Olive St S	293,800	105,000	398,800	100%	398,800	Pay 2022	C/I Pref.	7,226	Rental	4,985	1
2	750502720	Old National Bk	53 Main St W	463,900	874,600	1,338,500	100%	1,338,500	Pay 2022	C/I Pref.	26,020	Rental	16,731	2
3	750501505	YETZER	24 2nd St W	98,900	279,500	378,400	100%	378,400	Pay 2022	Hmstd. Res.	3,784	Exempt	-	3
3	750501511	YETZER	125 Olive St S	153,400	133,800	287,200	100%	287,200	Pay 2022	C/I Pref.	4,994	C/I Pref.	4,994	3
				1,010,000	**1,392,900**	**2,402,900**		**2,402,900**			**42,024**		**26,710**	

Note:

1. Base values are for pay 2022 based upon review of County website. PIN 505 value might need adjusting as homes have been removed.
2. Located in ISD #110 and Watershed District #67 Carver Co WMO.

Olive Street Apartments/Main Street Bank and Apartments - New Scattered-Site TIF District w/Inflation

City of Waconia, Minnesota

44 Multifamily Units on Olive Street and 67 Multifamily Units on Main Street above 4,340 SF Bank w/amenity space below

EHLERS PUBLIC FINANCE ADVISORS

PROJECT INFORMATION (Project Tax Capacity)

Area/Phase	New Use	Estimated Market Value Per Sq. Ft./Unit	Taxable Market Value Per Sq. Ft./Unit	Total Sq. Ft./Units	Total Taxable Market Value	Property Tax Class	Project Tax Capacity	Project Tax Capacity/Unit	Percentage Completed 2022	Percentage Completed 2023	Percentage Completed 2024	Percentage Completed 2025	First Year Full Taxes Payable
1	Apartments	179,545	179,545	44	7,900,000	Rental	98,750	2,244	100%	100%	100%	100%	2024
2	Apartments	179,545	179,545	67	12,029,515	Rental	150,369	2,244	100%	100%	100%	100%	2024
2	Retail	108	108	4,340	470,485	C/I Pref.	8,660	2	100%	100%	100%	100%	2024
3	Public Parking	378,400	378,400	1	378,400	Exempt	0	-	100%	100%	100%	100%	2024
3	Existing Store	287,200	287,200	1	287,200	C/I Pref.	4,994	4,994	100%	100%	100%	100%	2024
TOTAL					**21,065,600**		**262,773**						
Subtotal Residential				**112**	**20,307,915**		**249,119**						
Subtotal Commercial/Ind.				**4,341**	**757,685**		**13,654**						

Note:

1. Market values are based upon estimate from County Assessor on Feburary 8, 2022.

TAX CALCULATIONS

New Use	Total Tax Capacity	Fiscal Disparities Tax Capacity	Local Tax Capacity	Local Property Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes	Taxes Per Sq. Ft./Unit
Apartments	**98,750**	**0**	**98,750**	**115,325**	**0**	**0**	**19,242**	**134,567**	**3,058.34**
Apartments	**150,369**	**0**	**150,369**	**175,608**	**0**	**0**	**29,300**	**204,908**	**3,058.33**
Retail	**8,660**	**3,206**	**5,454**	**6,369**	**4,472**	**2,649**	**1,146**	**14,637**	**3.37**
Public Parking	**0**	**0**	**0**	**0**	**0**	**0**	**922**	**922**	**921.67**
Existing Store	**4,994**	**1,849**	**3,145**	**3,673**	**2,579**	**1,293**	**700**	**8,245**	**8,244.56**
TOTAL	**262,773**	**5,054**	**257,718**	**300,976**	**7,051**	**3,942**	**51,309**	**363,278**	

Note:

1. Taxes and tax increment will vary significantly from year to year depending upon values, rates, state law and other factors which cannot be predicted.

WHAT IS EXCLUDED FROM TIF?

Total Property Taxes	**363,278**
less State-wide Taxes	**(3,942)**
less Fiscal Disp. Adj.	**(7,051)**
less Market Value Taxes	**(51,309)**
less Base Value Taxes	**(29,034)**
Annual Gross TIF	**271,941**

MARKET VALUE BUT / FOR ANALYSIS

Current Market Value - Est.	2,402,900
New Market Value - Est.	21,065,600
Difference	18,662,700
Present Value of Tax Increment	6,009,768
Difference	12,652,932
Value likely to occur without Tax Increment is less than:	**12,652,932**

Olive Street Apartments/Main Street Bank and Apartments - New Scattered-Site TIF District w/Inflation

EHLERS PUBLIC FINANCE ADVISORS

City of Waconia, Minnesota

44 Multifamily Units on Olive Street and 67 Multifamily Units on Main Street above 4,340 SF Bank w/amenity space below

TAX INCREMENT CASH FLOW

% of OTC	Project Tax Capacity	Original Tax Capacity	Fiscal Disparities Incremental	Captured Tax Capacity	Local Tax Rate	Annual Gross Tax Increment	Semi-Annual Gross Tax Increment	State Auditor 0.36%	Admin. at 10%	Semi-Annual Net Tax Increment	Semi-Annual Present Value	PERIOD ENDING Yrs.	Tax Year	Payment Date
							-	-	-	-				08/01/23
							-	-	-	-				02/01/24
100%	262,773	(26,710)	(3,206)	232,857	116.785%	271,941	135,971	(489)	(13,548)	121,933	114,900	0.5	2024	08/01/24
							135,971	(489)	(13,548)	121,933	227,547	1	2024	02/01/25
100%	270,656	(26,710)	(3,357)	240,588	116.785%	280,970	140,485	(506)	(13,998)	125,981	341,653	1.5	2025	08/01/25
							140,485	(506)	(13,998)	125,981	453,521	2	2025	02/01/26
100%	278,775	(26,710)	(3,514)	248,552	116.785%	290,271	145,135	(522)	(14,461)	130,151	566,825	2.5	2026	08/01/26
							145,135	(522)	(14,461)	130,151	677,908	3	2026	02/01/27
100%	287,139	(26,710)	(3,674)	256,754	116.785%	299,850	149,925	(540)	(14,939)	134,447	790,407	3.5	2027	08/01/27
							149,925	(540)	(14,939)	134,447	900,700	4	2027	02/01/28
100%	295,753	(26,710)	(3,840)	265,203	116.785%	309,716	154,858	(557)	(15,430)	138,871	1,012,389	4.5	2028	08/01/28
							154,858	(557)	(15,430)	138,871	1,121,887	5	2028	02/01/29
100%	304,626	(26,710)	(4,011)	273,904	116.785%	319,879	159,939	(576)	(15,936)	143,427	1,232,761	5.5	2029	08/01/29
							159,939	(576)	(15,936)	143,427	1,341,461	6	2029	02/01/30
100%	313,764	(26,710)	(4,187)	282,867	116.785%	330,346	165,173	(595)	(16,458)	148,121	1,451,517	6.5	2030	08/01/30
							165,173	(595)	(16,458)	148,121	1,559,415	7	2030	02/01/31
100%	323,177	(26,710)	(4,368)	292,099	116.785%	341,128	170,564	(614)	(16,995)	152,955	1,668,649	7.5	2031	08/01/31
							170,564	(614)	(16,995)	152,955	1,775,742	8	2031	02/01/32
100%	332,873	(26,710)	(4,554)	301,608	116.785%	352,232	176,116	(634)	(17,548)	157,934	1,884,153	8.5	2032	08/01/32
							176,116	(634)	(17,548)	157,934	1,990,438	9	2032	02/01/33
100%	342,859	(26,710)	(4,746)	311,402	116.785%	363,670	181,835	(655)	(18,118)	163,063	2,098,022	9.5	2033	08/01/33
							181,835	(655)	(18,118)	163,063	2,203,497	10	2033	02/01/34
100%	353,144	(26,710)	(4,944)	321,490	116.785%	375,452	187,726	(676)	(18,705)	168,345	2,310,254	10.5	2034	08/01/34
							187,726	(676)	(18,705)	168,345	2,414,918	11	2034	02/01/35
100%	363,739	(26,710)	(5,148)	331,881	116.785%	387,586	193,793	(698)	(19,310)	173,786	2,520,846	11.5	2035	08/01/35
							193,793	(698)	(19,310)	173,786	2,624,697	12	2035	02/01/36
100%	374,651	(26,710)	(5,358)	342,583	116.785%	400,085	200,042	(720)	(19,932)	179,390	2,729,795	12.5	2036	08/01/36
							200,042	(720)	(19,932)	179,390	2,832,832	13	2036	02/01/37
100%	385,890	(26,710)	(5,574)	353,606	116.785%	412,958	206,479	(743)	(20,574)	185,162	2,937,099	13.5	2037	08/01/37
							206,479	(743)	(20,574)	185,162	3,039,321	14	2037	02/01/38
100%	397,467	(26,710)	(5,797)	364,960	116.785%	426,218	213,109	(767)	(21,234)	191,108	3,142,758	14.5	2038	08/01/38
							213,109	(767)	(21,234)	191,108	3,244,166	15	2038	02/01/39
100%	409,391	(26,710)	(6,026)	376,655	116.785%	439,876	219,938	(792)	(21,915)	197,231	3,346,771	15.5	2039	08/01/39
							219,938	(792)	(21,915)	197,231	3,447,365	16	2039	02/01/40
100%	421,673	(26,710)	(6,262)	388,701	116.785%	453,943	226,971	(817)	(22,615)	203,539	3,549,140	16.5	2040	08/01/40
							226,971	(817)	(22,615)	203,539	3,648,919	17	2040	02/01/41
100%	434,323	(26,710)	(6,505)	401,107	116.785%	468,432	234,216	(843)	(23,337)	210,036	3,749,865	17.5	2041	08/01/41
							234,216	(843)	(23,337)	210,036	3,848,831	18	2041	02/01/42
100%	447,353	(26,710)	(6,756)	413,886	116.785%	483,356	241,678	(870)	(24,081)	216,727	3,948,948	18.5	2042	08/01/42
							241,678	(870)	(24,081)	216,727	4,047,101	19	2042	02/01/43
100%	460,773	(26,710)	(7,014)	427,049	116.785%	498,728	249,364	(898)	(24,847)	223,620	4,146,391	19.5	2043	08/01/43
							249,364	(898)	(24,847)	223,620	4,243,733	20	2043	02/01/44
100%	474,597	(26,710)	(7,280)	440,606	116.785%	514,561	257,280	(926)	(25,635)	230,719	4,342,197	20.5	2044	08/01/44
							257,280	(926)	(25,635)	230,719	4,438,730	21	2044	02/01/45
100%	488,835	(26,710)	(7,554)	454,570	116.785%	530,869	265,434	(956)	(26,448)	238,031	4,536,369	21.5	2045	08/01/45
							265,434	(956)	(26,448)	238,031	4,632,094	22	2045	02/01/46
100%	503,500	(26,710)	(7,836)	468,953	116.785%	547,666	273,833	(986)	(27,285)	245,562	4,728,912	22.5	2046	08/01/46
							273,833	(986)	(27,285)	245,562	4,823,831	23	2046	02/01/47
100%	518,605	(26,710)	(8,127)	483,768	116.785%	564,967	282,483	(1,017)	(28,147)	253,320	4,919,829	23.5	2047	08/01/47
							282,483	(1,017)	(28,147)	253,320	5,013,944	24	2047	02/01/48
100%	534,163	(26,710)	(8,426)	499,027	116.785%	582,787	291,393	(1,049)	(29,034)	261,310	5,109,124	24.5	2048	08/01/48
							291,393	(1,049)	(29,034)	261,310	5,202,438	25	2048	02/01/49
100%	550,188	(26,710)	(8,734)	514,743	116.785%	601,142	300,571	(1,082)	(29,949)	269,540	5,296,804	25.5	2049	08/01/49
							300,571	(1,082)	(29,949)	269,540	5,389,319	26	2049	02/01/50
	Total						**10,848,627**	**(39,055)**	**(1,080,957)**	**9,728,615**				
		Present Value From	**02/01/2023**	**Present Value Rate**	**4.00%**		**6,009,768**	**(21,635)**	**(598,813)**	**5,389,319**				

Appendix C: Findings Including But/For Qualifications

The reasons and facts supporting the findings for the adoption of the Tax Increment Financing Plan (TIF Plan) for Tax Increment Financing District No. 5 (Olive Street and Main Street Apartments and Bank) (the "District"), as required pursuant to Minnesota Statutes, Section 469.175, Subdivision 3 are as follows:

1. *Finding that Tax Increment Financing District No. 5 (Olive Street and Main Street Apartments and Bank) is a redevelopment district as defined in M.S., Section 469.174, Subd. 10.*

   The District consists of four (4) parcels and vacant right-of-way, with plans to redevelop the area for the redevelopment of the old American Legion site into a 44-unit multifamily residential rental apartment building on Olive Street South; and to facilitate the redevelopment of the Old National Bank Building into a 67-unit multifamily residential rental apartment building on Main Street West above 4,340 square feet of new smaller but more efficient bank space with amenity space below. The City is also considering the construction of public parking between the two developments on 2nd Street West to facilitate the need for additional capacity within its downtown. Parcels consisting of 70 percent of the area of the District are occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures and more than 50 percent of the buildings in the District, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance. (See Appendix D of the TIF Plan.)

2. *Finding that the proposed development, in the opinion of the City Council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of Tax Increment Financing District No. 5 (Olive Street and Main Street Apartments and Bank) permitted by the TIF Plan.*

   The proposed development, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future: This finding is supported by the fact that the redevelopment proposed in the TIF Plan meets the City's objectives for redevelopment. Due to the high cost of redevelopment on the parcels currently occupied by substandard buildings, the outdated building uses,

and the cost of financing the proposed improvements, this project is feasible only through assistance, in part, from tax increment financing. The developer was asked for and provided a letter and a pro forma as justification that the developer would not have gone forward without tax increment assistance.

The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the District permitted by the TIF Plan: This finding is justified on the grounds that the cost of site improvements and land acquisition add to the total redevelopment cost. Historically, construction costs and site improvement costs in this area have made redevelopment infeasible without tax increment assistance. The City reasonably determines that no other redevelopment of similar scope is anticipated on this site without substantially similar assistance being provided to the development.

Therefore, the City concludes as follows:

a. The City's estimate of the amount by which the market value of the entire District will increase without the use of tax increment financing is $0.

b. If the proposed development occurs, the total increase in market value will be $10,646,400.

c. The present value of tax increments from the District for the maximum duration of the district permitted by the TIF Plan is estimated to be $3,499,142.

d. Even if some development other than the proposed development were to occur, the Council finds that no alternative would occur that would produce a market value increase greater than $7,147,258 (the amount in clause b less the amount in clause c) without tax increment assistance.

3. *Finding that the TIF Plan for the District conforms to the general plan for the development or redevelopment of the municipality as a whole.*

The City Council reviewed the TIF Plan and found that the TIF Plan conforms to the general development plan of the City.

4. *Finding that the TIF Plan for Tax Increment Financing District No. 5 (Olive Street and Main Street Apartments and Bank) will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of Waconia Development District by private enterprise.*

   The project to be assisted by the District will result in increased employment in the City and the State of Minnesota, the renovation of substandard properties, increased tax base of the State and add a high-quality development to the City.

   Through the implementation of the TIF Plan, the City will increase the availability of safe and decent life-cycle housing in the City.

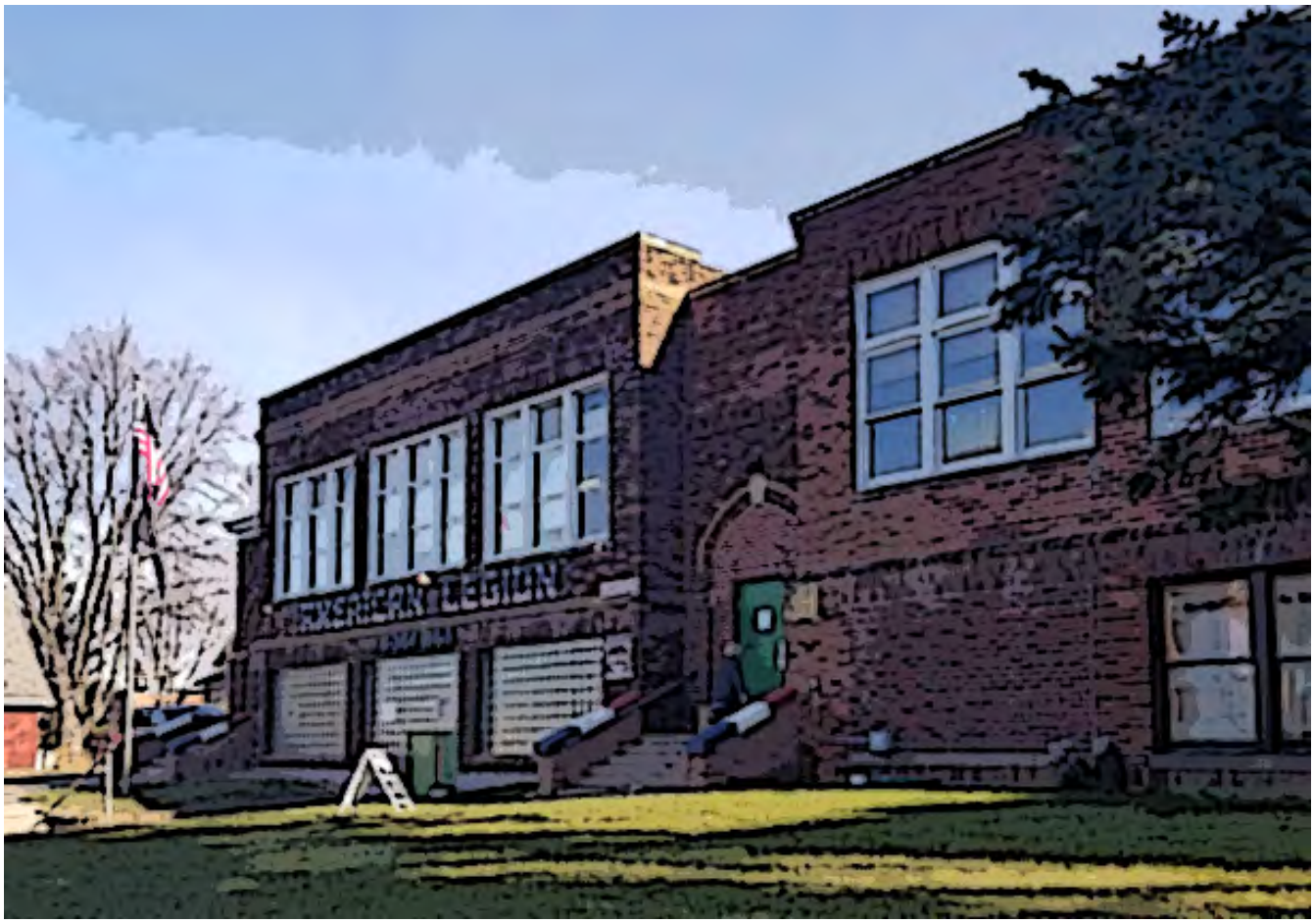
Appendix D: Redevelopment Qualifications for the District

To be added to prior to the public hearing

REPORT OF INSPECTION PROCEDURES AND RESULTS FOR
DETERMINING QUALIFICATIONS OF A
TAX INCREMENT FINANCING DISTRICT AS A REDEVELOPMENT DISTRICT

OLIVE STREET TIF DISTRICT

WACONIA, MINNESOTA



March 3, 2022

Prepared for the

CITY OF WACONIA

Prepared by:
LHB, Inc.
701 Washington Avenue North, Suite 200
Minneapolis, Minnesota 55401

LHB Project No. 210789

Table of Contents

Part 1: Executive Summary 2
- Purpose of the Evaluation 2
- Scope of Work 3
- Conclusion 3

Part 2: Minnesota Statute 469.174, Subdivision 10 Requirements 3
- Interior Inspection 3
- Exterior Inspection and Other Means 3
- Documentation 3
- Qualification Requirements 3
  - 1. Coverage Test 3
  - 2. Condition of Buildings Test 4
  - 3. Distribution of Substandard Buildings 5

Part 3: Procedures Followed 5

Part 4: Findings 5
- 1. Coverage Test 5
- 2. Condition of Building Test 7
- 3. Distribution of Substandard Structures 8

Part 5: Team Credentials 9

Appendices 9

APPENDIX A Property Condition Assessment Summary Sheet

APPENDIX B Building Code, Condition Deficiency and Context Analysis Reports

APPENDIX C Building Replacement Cost Reports

Code Deficiency Cost Reports

Photographs

Part 1: Executive Summary

Purpose of the Evaluation

LHB was hired by the City of Waconia to inspect and evaluate the properties within a Tax Increment Financing Redevelopment District ("TIF District") proposed to be established by the City. The proposed TIF District is located on two non-contiguous parcels along Olive Street at 53 Main Street West and 233 Olive Street South (Diagram 1). The purpose of LHB's work is to determine whether the proposed TIF District meets the statutory requirements for coverage, and whether two (2) buildings on two (2) parcels, located within the proposed TIF District, meet the qualifications required for a Redevelopment District.

Diagram 1: Proposed TIF District

Scope of Work

The proposed TIF District consists of two (2) parcels with two (2) structures. Because the parcels are non-contiguous, each of the parcels will have to meet all the criteria for a Redevelopment TIF District. Both buildings were inspected on November 30, 2021. Building Code and Condition Deficiency reports for the buildings that were inspected and found substandard are in Appendix B.

Conclusion

After inspecting and evaluating the properties within the proposed TIF District and applying current statutory criteria for a Redevelopment District under *Minnesota Statutes, Section 469.174, Subdivision 10*, it is our professional opinion that the proposed TIF District qualifies as a Redevelopment District because:

- Each of the parcels has a coverage calculation of 100 percent which is above the 70 percent requirement.
- The proposed TIF District has a coverage calculation of 100 percent which is above the 70 percent requirement.
- 100 percent of the buildings are structurally substandard which is above the 50 percent requirement.
- The substandard buildings are reasonably distributed.

The remainder of this report describes our process and findings in detail.

Part 2: Minnesota Statute 469.174, Subdivision 10 Requirements

The properties were inspected in accordance with the following requirements under *Minnesota Statutes, Section 469.174, Subdivision 10(c)*, which states:

Interior Inspection

> "The municipality may not make such determination [that the building is structurally substandard] without an interior inspection of the property..."

Exterior Inspection and Other Means

> "An interior inspection of the property is not required, if the municipality finds that
>
> (1) the municipality or authority is unable to gain access to the property after using its best efforts to obtain permission from the party that owns or controls the property; and
>
> (2) the evidence otherwise supports a reasonable conclusion that the building is structurally substandard."

Documentation

> "Written documentation of the findings and reasons why an interior inspection was not conducted must be made and retained under section 469.175, subdivision 3(1)."

Qualification Requirements

Minnesota Statutes, Section 469.174, Subdivision 10 (a) (1) requires three tests for occupied parcels:

1. COVERAGE TEST

a. Minnesota Statutes, Section 469.174, Subdivision 10(a)(1) states:

> "parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, or paved or gravel parking lots…"

b. The coverage required by the parcel to be considered occupied is defined under *Minnesota Statutes, Section 469.174, Subdivision 10(e)*, which states:

"For purposes of this subdivision, a parcel is not occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures unless 15 percent of the area of the parcel contains buildings, streets, utilities, paved or gravel parking lots, or other similar structures."

2. CONDITION OF BUILDINGS TEST

a. Minnesota Statutes, Section 469.174, Subdivision 10(a) states:

"…and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;"

b. Structurally substandard is defined under Minnesota Statutes, Section 469.174, Subdivision 10(b), which states:

"For purposes of this subdivision, 'structurally substandard' shall mean containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance."

i. We do not count energy code deficiencies toward the thresholds required by *Minnesota Statutes, Section 469.174, Subdivision 10(b)* defined as "structurally substandard", due to concerns expressed by the State of Minnesota Court of Appeals in the *Walser Auto Sales, Inc. vs. City of Richfield* case filed November 13, 2001.

c. Buildings are not eligible to be considered structurally substandard unless they meet certain additional criteria, as set forth in Subdivision 10(c) which states:

"A building is not structurally substandard if it is in compliance with the building code applicable to new buildings or could be modified to satisfy the building code at a cost of less than 15 percent of the cost of constructing a new structure of the same square footage and type on the site. The municipality may find that a building is not disqualified as structurally substandard under the preceding sentence on the basis of reasonably available evidence, such as the size, type, and age of the building, the average cost of plumbing, electrical, or structural repairs, or other similar reliable evidence."

"Items of evidence that support such a conclusion [that the building is not disqualified] include recent fire or police inspections, on-site property tax appraisals or housing inspections, exterior evidence of deterioration, or other similar reliable evidence."

i. LHB counts energy code deficiencies toward the 15 percent code threshold required by Minnesota Statutes, Section 469.174, Subdivision 10(c)) for the following reasons:
   1) The Minnesota energy code is one of ten building code areas highlighted by the Minnesota Department of Labor and Industry website where minimum construction standards are required by law.
   2) Chapter 13 of the 2015 *Minnesota Building Code* states, "Buildings shall be designed and constructed in accordance with the *International Energy Conservation Code*." Furthermore, Minnesota Rules, Chapter 1305.0021 Subpart 9 states, "References to the *International Energy Conservation Code* in this code mean the *Minnesota Energy Code*…"
   3) Chapter 11 of the 2015 Minnesota Residential Code incorporates Minnesota Rules, Chapters, 1322 and 1323 *Minnesota Energy Code*.
   4) The Senior Building Code Representative for the Construction Codes and Licensing Division of the Minnesota Department of Labor and Industry confirmed that the Minnesota Energy Code is being enforced throughout the State of Minnesota.
   5) In a January 2002 report to the Minnesota Legislature, the Management Analysis Division of the Minnesota Department of Administration confirmed that the construction cost of new buildings complying with the Minnesota Energy Code is higher than buildings built prior to the enactment of the code.
   6) Proper TIF analysis requires a comparison between the replacement value of a new building built under current code standards with the repairs that would be necessary to bring the existing building up to current code standards. For an equal comparison to be made, all applicable code chapters should be applied to both scenarios. Since current construction estimating software automatically applies the construction cost

of complying with the Minnesota Energy Code, energy code deficiencies should also be identified in the existing structures.

3. DISTRIBUTION OF SUBSTANDARD BUILDINGS

a. Minnesota Statutes, Section 469.174, Subdivision 10, defines a Redevelopment District and requires one or more of the following conditions "reasonably distributed throughout the district.":

"(1) Parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;

(2) the property consists of vacant, unused, underused, inappropriately used, or infrequently used rail yards, rail storage facilities, or excessive or vacated railroad rights-of-way;

(3) tank facilities, or property whose immediately previous use was for tank facilities…"

b. Our interpretation of the distribution requirement is that the substandard buildings must be reasonably distributed throughout the district as compared to the location of all buildings in the district. For example, if all of the buildings in a district are located on one half of the area of the district, with the other half occupied by parking lots (meeting the required 70 percent coverage for the district), we would evaluate the distribution of the substandard buildings compared with only the half of the district where the buildings are located. If all of the buildings in a district are located evenly throughout the entire area of the district, the substandard buildings must be reasonably distributed throughout the entire area of the district. We believe this is consistent with the opinion expressed by the State of Minnesota Court of Appeals in the *Walser Auto Sales, Inc. vs. City of Richfield* case filed November 13, 2001.

Part 3: Procedures Followed

LHB inspected two (2) of the two (2) buildings during the day of November 30, 2021.

Part 4: Findings

1. Coverage Test

a. The total square foot area of the parcel in the proposed TIF District was obtained from City records, GIS mapping and site verification.
b. The total square foot area of buildings and site improvements on the parcels in the proposed TIF District was obtained from City records, GIS mapping and site verification.
c. The percentage of coverage for each parcel in the proposed TIF District was computed to determine if the 15 percent minimum requirement was met. The total square footage of parcels meeting the 15 percent requirement was divided into the total square footage of the entire district to determine if the 70 percent requirement was met.

FINDING

The proposed TIF District met the coverage test under *Minnesota Statutes, Section 469.174, Subdivision 10(e)*, which resulted in parcels consisting of 100 percent of the area of the proposed TIF District being occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures (Diagram 2). This exceeds the 70 percent area coverage requirement for the proposed TIF District under Minnesota Statutes, Section 469.174, Subdivision (a) (1).

Diagram 2 – Coverage Diagram

Shaded area depicts a parcel more than 15 percent occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures

2. Condition of Building Test

a. BUILDING INSPECTION

i. The first step in the evaluation process is the building inspection. After an initial walk-thru, the inspector makes a judgment whether a building "appears" to have enough defects or deficiencies of sufficient total significance to justify substantial renovation or clearance. If it does, the inspector documents with notes and photographs code and non-code deficiencies in the building.

b. REPLACEMENT COST

i. The second step in evaluating a building to determine if it is substandard to a degree requiring substantial renovation or clearance is to determine its replacement cost. This is the cost of constructing a new structure of the same square footage and type on site. Replacement costs were researched using R.S. Means Cost Works square foot models for 2021.

ii. A replacement cost was calculated by first establishing building use (office, retail, residential, etc.), building construction type (wood, concrete, masonry, etc.), and building size to obtain the appropriate median replacement cost, which factors in the costs of construction in Waconia, Minnesota.

iii. Replacement cost includes labor, materials, and the contractor's overhead and profit. Replacement costs do not include architectural fees, legal fees or other "soft" costs not directly related to construction activities. Replacement cost for each building is tabulated in Appendix A.

c. CODE DEFICIENCIES

i. The next step in evaluating a building is to determine what code deficiencies exist with respect to such building. Code deficiencies are those conditions for a building which are not in compliance with current building codes applicable to new buildings in the State of Minnesota.

ii. Minnesota Statutes, Section 469.174, Subdivision 10(c), specifically provides that a building cannot be considered structurally substandard if its code deficiencies are not at least 15 percent of the replacement cost of the building. As a result, it was necessary to determine the extent of code deficiencies for each building in the proposed TIF District.

iii. The evaluation was made by reviewing all available information with respect to such buildings contained in City Building Inspection records and making interior and exterior inspections of the buildings. LHB utilizes the current Minnesota State Building Code as the official code for our evaluations. The Minnesota State Building Code is a series of provisional codes written specifically for Minnesota only requirements, adoption of several international codes, and amendments to the adopted international codes.

iv. After identifying the code deficiencies in each building, we used R.S. Means Cost Works 2021; Unit and Assembly Costs to determine the cost of correcting the identified deficiencies. We were then able to compare the correction costs with the replacement cost of each building to determine if the costs for correcting code deficiencies meet the required 15 percent threshold.

FINDING

Two (2) out of two (2) buildings (100 percent) in the proposed TIF District contained code deficiencies exceeding the 15 percent threshold required by Minnesota Statutes, Section 469.174, Subdivision 10(c). Building Code, Condition Deficiency and Context Analysis reports for the buildings in the proposed TIF District can be found in Appendix B of this report.

d. SYSTEM CONDITION DEFICIENCIES

i. If a building meets the minimum code deficiency threshold under Minnesota Statutes, Section 469.174, Subdivision 10(c), then in order for such building to be "structurally substandard" under Minnesota Statutes, Section 469.174, Subdivision 10(b), the building's defects or deficiencies should be of sufficient total significance to justify "substantial renovation or clearance." Based on this definition, LHB re-evaluated each of the buildings that met the code deficiency threshold under Minnesota Statutes, Section 469.174, Subdivision 10(c), to determine if the total deficiencies warranted "substantial renovation or clearance" based on the criteria we outlined above.

ii. System condition deficiencies are a measurement of defects or substantial deterioration in site elements, structure, exterior envelope, mechanical and electrical components, fire protection and emergency systems, interior partitions, ceilings, floors, and doors.

iii. The evaluation of system condition deficiencies was made by reviewing all available information contained in City records and making interior and exterior inspections of the buildings. LHB only identified system condition deficiencies that were visible upon our inspection of the building or contained in City records. We did not consider the amount of "service life" used up for a particular component unless it was an obvious part of that component's deficiencies.

iv. After identifying the system condition deficiencies in each building, we used our professional judgment to determine if the list of defects or deficiencies is of sufficient total significance to justify "substantial renovation or clearance."

FINDING

In our professional opinion, two (2) out of two (2) buildings (100 percent) in the proposed TIF District are structurally substandard to a degree requiring substantial renovation or clearance, because of defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance. This exceeds the 50 percent requirement of Subdivision 10a(1).

3. Distribution of Substandard Structures

e. Much of this report has focused on the condition of individual buildings as they relate to requirements identified by Minnesota Statutes, Section 469.174, Subdivision 10. It is also important to look at the distribution of substandard buildings throughout the geographic area of the proposed TIF District (Diagram 3).

FINDING

The parcels with substandard buildings are reasonably distributed compared to all parcels that contain buildings.

Diagram 3 – Substandard Buildings

Shaded green area depicts parcels with buildings.
Shaded orange area depicts substandard buildings.

Part 5: Team Credentials

Michael A. Fischer, AIA, LEED AP - Project Principal/TIF Analyst

Michael has 34 years of experience as project principal, project manager, project designer and project architect on planning, urban design, educational, commercial, and governmental projects. He has become an expert on Tax Increment Finance District analysis assisting over 100 cities with strategic planning for TIF Districts. He is an Architectural Principal at LHB and currently leads the Minneapolis office.

Michael completed a two-year Bush Fellowship, studying at MIT and Harvard in 1999, earning master's degrees in City Planning and Real Estate Development from MIT. He has served on more than 50 committees, boards, and community task forces, including a term as a City Council President, Chair of a Metropolitan Planning Organization, and Chair of the Edina Planning Commission. Most recently, he served as a member of the Edina city council and Secretary of the Edina HRA. Michael has also managed and designed several award-winning architectural projects and was one of four architects in the Country to receive the AIA Young Architects Citation in 1997.

Phil Fisher – Inspector

For 35 years, Phil Fisher worked in the field of Building Operations in Minnesota including White Bear Lake Area Schools. At the University of Minnesota he earned his Bachelor of Science in Industrial Technology. He is a Certified Playground Safety Inspector, Certified Plant Engineer, and is trained in Minnesota Enterprise Real Properties (MERP) Facility Condition Assessment (FCA). His FCA training was recently applied to the Minnesota Department of Natural Resources Facilities Condition Assessment project involving over 2,000 buildings.

Appendices

APPENDIX A	Property Condition Assessment Summary Sheet
APPENDIX B	Building Code, Condition Deficiency and Context Analysis Reports
APPENDIX C	Building Replacement Cost Reports
	Code Deficiency Cost Reports
	Photographs

APPENDIX A

Property Condition Assessment Summary Sheet

Olive Street Redevelopment TIF District

Property Condition Assessment Summary Sheet

Waconia, Minnesota

TIF Map No.	PID #	Property Address	Improved or Vacant	Survey Method Used	Site Area (S.F.)	Coverage Area of Improvements (S.F.)	Coverage Percent of Improvements	Coverage Quantity (S.F.)	No. of Buildings	Building Replacement Cost	15% of Replacement Cost	Building Code Deficiencies	No. of Buildings Exceeding 15% Criteria	No. of buildings determined substandard
A	750502720	53 Main Street West	Improved	Interior/Exterior	37,897	37,897	100.0%	37,897	1	$3,831,489	$574,723	$619,380	1	1
B	750501240	233 Olive Street South	Improved	Interior/Exterior	33,541	32,900	98.1%	33,541	1	$3,000,347	$450,052	$1,403,665	1	1
TOTALS					71,438			71,438	2				2	2
							Total Coverage Percent:	100.0%						
												Percent of buildings exceeding 15 percent code deficiency threshold:	100.0%	
												Percent of buildings determined substandard:		100.0%

M:\21Proj\210789\300 Design\Reports\Final Report\[Olive Street Redevelopment TIF Summary Spreadsheet.xlsx]Property Info

APPENDIX B

Building Code, Condition Deficiency and Context Analysis Reports

Olive Street Redevelopment TIF District

Building Code, Condition Deficiency and Context Analysis Report

Parcel A	First National Bank Building
Address:	53 West Main Street, Waconia, Minnesota 55387
Parcel ID:	750502720
Inspection Date(s) & Time(s):	November 30, 2021 10:00 am
Inspection Type:	Interior and Exterior
Summary of Deficiencies:	It is our professional opinion that this building is Substandard because: - Substantial renovation is required to correct Conditions found. - Building Code deficiencies total more than 15% of replacement cost, NOT including energy code deficiencies.

Estimated Replacement Cost:	$3,383,149
Estimated Cost to Correct Building Code Deficiencies:	$619,380
Percentage of Replacement Cost for Building Code Deficiencies:	18.3%

DEFECTS IN STRUCTURAL ELEMENTS

1. Structural support columns should be protected from rusting per code.

COMBINATION OF DEFICIENCIES

1. Essential Utilities and Facilities
   a. Night deposit box is not accessible per code.
   b. The restroom does not comply with accessibility code.
   c. The break room does not comply with accessibility code.
   d. Stairway handrails do not comply with code.
   e. Drinking fountain does not comply with code.

2. Light and Ventilation
   a. Lower-level lighting does not comply with code.
   b. The HVAC system does not comply with code.
   c. There is no code required Ground Fault Circuit Interrupters by the break room sink.

3. Fire Protection/Adequate Egress
   a. Glass doors do not have code required 10-inch kick plates.
   b. Thresholds do not comply with code for maximum height.
   c. Exterior concrete stairs do not comply with code for rise and run.
   d. Door hardware does not fully comply with code.
   e. Smoke detectors do not comply with code.

f. Emergency lighting does not comply with code.
g. Emergency notification system does not comply with code.
h. There is no code required building sprinkler system.
i. Basement carpeting is torn/damaged/missing creating an impediment to emergency egress which is contrary to code.
j. There is a confined space in the basement that is not properly identified per code.
k. Wall penetrations are not properly fire caulked per code.
l. Concrete sidewalks are cracked/damaged creating an impediment to emergency egress which is contrary to code.

4. Layout and Condition of Interior Partitions/Materials
   a. Interior walls should be repainted.
   b. Interior ceilings should be repainted.
   c. Basement walls are showing signs of water infiltration which is contrary to code.
   d. Carpeting is stained/damaged and should be cleaned/replaced.

5. Exterior Construction
   a. Mortar is cracked/missing allowing for water intrusion which is contrary to code.
   b. E.I.F.S. is cracked/delaminating allowing for water intrusion which is contrary to code.
   c. Metal window trim should be repainted.
   d. Wood window trim should be repainted.

DESCRIPTION OF CODE DEFICIENCIES

1. Structural columns should be protected from rusting per code.
2. Night deposit box is not accessible per code.
3. Restrooms do not comply with accessibility code.
4. The break room does not comply with accessibility code.
5. Stairway handrails do not comply with code.
6. Drinking fountain is not code compliant.
7. Lower level area lighting does not comply with code.
8. The HVAC system does not comply with code.
9. GFCI's should be installed in the break room per code.
10. Glass doors do not have code required 10-inch kick plates.
11. Thresholds do not comply with code for maximum height.
12. Exterior stairs do not comply with code for rise and run.
13. Not all door hardware is code compliant.
14. Concrete sidewalks are cracked/damaged creating an impediment to emergency egress which is contrary to code.
15. Smoke detectors do not comply with code.
16. Emergency lighting does not comply with code.
17. Emergency notification system does not comply with code.
18. There is no code required building sprinkler system.
19. Basement carpeting is damaged/missing creating and impediment to emergency egress which is contrary to code.
20. There is a confined space in the basement that is not proper identified per code.

21. Wall penetrations are not properly fire caulked per code.
22. Basement walls are showing signs of water infiltration which is contrary to code.
23. Mortar is cracked/missing allowing for water infiltration which is contrary to code.
24. E.F.I.S. is cracked/delaminating allowing for water intrusion which is contrary to code.

OVERVIEW OF DEFICIENCIES

This building currently houses a bank on two levels. The exterior structural steel columns are not protected from rusting per code. The exterior mortar is cracked/missing and should be repaired to prevent water intrusion per code. The E.I.F.S. is cracked/delaminating allowing for water intrusion contrary to code. Accessibility code issues include access to the night deposit drop, restrooms, drinking fountain, breakroom, and stairway handrails. All currently installed life safety systems do not comply with code. There is no code required building sprinkler system. Carpeting in the basement is damaged/missing creating an impediment to emergency egress which is contrary to code. Sidewalks are cracked/damaged creating an impediment to emergency egress which is contrary to code. The exterior concrete stairway does not comply with code. The interior walls and ceiling should be repaired/repainted. The HVAC system does not comply with code. The lower-level lighting system does not comply with code. Basement walls are showing signs of water intrusion which is contrary to code.

ENERGY CODE DEFICIENCIES

In addition to the building code deficiencies listed above, the existing building does not comply with the current energy code. These deficiencies are not included in the estimated costs to correct code deficiencies and are not considered in determining whether the building is substandard:

M:\21Proj\210789\300 Design\Reports\53 W Main Street Building Report Redevelopment District.docx

Olive Street Redevelopment TIF District

Building Code, Condition Deficiency and Context Analysis Report

Parcel B	American Legion Hall
Address:	233 South Olive Street, Waconia, Minnesota 55387
Parcel ID:	750501240
Inspection Date(s) & Time(s):	November 30, 2021 10:45 am
Inspection Type:	Interior and Exterior
Summary of Deficiencies:	It is our professional opinion that this building is Substandard because: - Substantial renovation is required to correct Conditions found. - Building Code deficiencies total more than 15% of replacement cost, NOT including energy code deficiencies.

Estimated Replacement Cost:	$3,000,347
Estimated Cost to Correct Building Code Deficiencies:	$1,403,665
Percentage of Replacement Cost for Building Code Deficiencies:	46.8%

DEFECTS IN STRUCTURAL ELEMENTS

1. Brick work is failing on the north, east and west sides of the building allowing for water intrusion which is contrary to code.
2. Significant water intrusion is present on the walls of the north, east, and west sides of the buildings lower level affecting structural integrity.

COMBINATION OF DEFICIENCIES

1. Essential Utilities and Facilities
   a. There is no code required accessible route into the building.
   b. There is no code required accessible route to all levels of the building.
   c. There is no code required accessible restrooms.
   d. There is no code required accessible route to the stage.
   e. The drinking fountain is not code compliant.

2. Light and Ventilation
   a. The lighting system does not comply with code.
   b. The electrical wiring system does not comply with code.
   c. The HVAC system does not comply with code.

3. Fire Protection/Adequate Egress
   a. There are no code required smoke detectors.
   b. Emergency lighting does not comply with code.
   c. There is no code required emergency notification system.

d. There is no code required building sprinkler system.
e. Door hardware does not comply with code.
f. Floor tile is damaged creating an impediment to emergency egress which is contrary to code.
g. Carpeting is damaged creating an impediment to emergency egress which is contrary to code.
h. Through wall penetrations are not properly protected with fire caulking per code.
i. Gasoline powered equipment is stored in the building which is contrary to code.
j. Thresholds do not comply with code.
k. Stairways do not comply with code.
l. Egress from the boiler room does not comply with code.
m. Egress from the dining room does not comply with code.

4. Layout and Condition of Interior Partitions/Materials
   a. Interior walls are damaged by water intrusion and should be repaired/repainted.
   b. Interior ceilings are damaged by water intrusion and should be repaired/repainted.
   c. Asbestos containing floor tile is damaged.
   d. Paint is flaking on the kitchen ceiling should be removed/repainted per code.

5. Exterior Construction
   a. Windows have failed allowing for water intrusion which is contrary to code.
   b. Roofing material has failed allowing for water intrusion which is contrary to code.

DESCRIPTION OF CODE DEFICIENCIES

1. Failed brick and mortar are allowing for water intrusion which is contrary to code.
2. A code required accessible route into the building should be created.
3. A code required accessible route to all level of the building should be created.
4. A code required accessible restroom should be installed.
5. A code required accessible route onto the stage should be created.
6. A code required accessible drinking fountain should be installed.
7. A code compliant lighting system should be installed.
8. The electrical wiring system is not code compliant.
9. A code compliant HVAC system should be installed.
10. Code compliant door hardware should be installed.
11. Damaged floor tile is creating an impediment to emergency egress which is contrary to code.
12. Damaged carpeting is creating an impediment to emergency egress which is contrary to code.
13. Through wall penetrations do not have code required fire caulking.
14. Gasoline powered equipment should not be stored in the building per code.
15. Thresholds do not comply with code.
16. Stairways do not comply with code.
17. Egress from the boiler room does not comply with code.
18. Egress from the dining room does not comply with code.
19. There are no code compliant smoke detectors in the building.

20. Emergency lighting does not comply with code.
21. Emergency notification system does not comply with code.
22. There is no code required building sprinkler system in the building.
23. Flaking paint on the kitchen ceiling does not comply with code.
24. Windows have failed allowing for water intrusion which is contrary to code.
25. Failed roofing material is allowing for water intrusion which is contrary to code.

OVERVIEW OF DEFICIENCIES

This building was originally an elementary school building built in the 1920's. It is currently used as an American Legion Hall. There are numerous accessibility code issues including access into the building and to all levels of the building. The stairways do not meet code. The restrooms do not meet code. The roofing material has failed allowing for water intrusion on all levels damaging ceilings and walls. The exterior brick is failing allowing for water intrusion that is contrary to code and is affecting structural integrity. Carpeting and vinyl floor tile is damaged creating impediments to emergency egress which is contrary to code. Egress from the boiler room and from the dining area does not comply with code. There are no code compliant smoke detectors, emergency lights or emergency lighting. There is no code required building sprinkler system. Code required fire caulking is not present in through wall penetrations. The electrical wiring system does not comply with code. The HVAC system is not code compliant. The lighting system is not code compliant. The exterior concrete stairs are damaged creating an impediment to emergency egress which is contrary to code.

ENERGY CODE DEFICIENCIES

In addition to the building code deficiencies listed above, the existing building does not comply with the current energy code. These deficiencies are not included in the estimated costs to correct code deficiencies and are not considered in determining whether the building is substandard:

M:\21Proj\210789\300 Design\Reports\233 S Olive Street Building Report Redevelopment District.docx

APPENDIX C

Building Replacement Cost Reports

Code Deficiency Cost Reports

Photographs

RSMeans data from GORDIAN

Square Foot Cost Estimate Report Date: **12/1/2021**

Estimate Name:	**53 West Main St**
Building Type:	**Bank with E.F.I.S. & Concrete Block / Rigid Steel**
Location:	**WACONIA, MN**
Story Count:	**2**
Story Height (L.F.):	**14.00**
Floor Area (S.F.):	**20000**
Labor Type:	**OPN**
Basement Included:	**No**
Data Release:	**Year 2021 Quarter 4**
Cost Per Square Foot:	**$169.16**
Building Cost:	**$3,383,149.48**

Costs are derived from a building model with basic components.
Scope differences and market conditions can cause costs to vary significantly.

		Quantity	% of Total	Cost Per S.F.	Cost
A	**Substructure**		**5.33%**	**$7.84**	**$156,764.20**
A1010	**Standard Foundations**			**$4.69**	**$93,733.30**
A10101051560	Foundation wall, CIP, 4' wall height, direct chute, .148 CY/LF, 7.2 PLF, 12" thick	504		$2.17	$43,314.26
A10101102500	Strip footing, concrete, reinforced, load 5.1 KLF, soil bearing capacity 3 KSF, 12" deep x 24" wide	504		$1.09	$21,872.84
A10102107410	Spread footings, 3000 PSI concrete, load 100K, soil bearing capacity 6 KSF, 4' - 6" square x 15" deep	48.78		$1.08	$21,638.49
A10102107610	Spread footings, 3000 PSI concrete, load 150K, soil bearing capacity 6 KSF, 5' - 6" square x 18" deep	9.76		$0.35	$6,907.71
A1030	**Slab on Grade**			**$2.97**	**$59,391.50**
A10301202240	Slab on grade, 4" thick, non industrial, reinforced	10000		$2.97	$59,391.50
A2010	**Basement Excavation**			**$0.18**	**$3,639.40**
A20101104560	Excavate and fill, 10,000 SF, 4' deep, sand, gravel, or common earth, on site storage	10000		$0.18	$3,639.40
B	**Shell**		**18.53%**	**$27.26**	**$545,164.45**
B1020	**Roof Construction**			**$5.65**	**$113,002.40**
B10201123300	Roof, steel joists, beams, 1.5" 22 ga metal deck, on columns, 25'x25' bay, 20" deep, 40 PSF superimposed load, 60 PSF total load	10000		$4.75	$95,021.20
B10201123400	Roof, steel joists, beams, 1.5" 22 ga metal deck, on columns, 25'x25' bay, 20" deep, 40 PSF superimposed load, 60 PSF total load, add for column	10000		$0.90	$17,981.20
B2010	**Exterior Walls**			**$10.94**	**$218,830.08**
B20101525290	E.I.F.S., CMU, 8" x 8" x 16", 4" EPS	9408		$10.94	$218,830.08
B2020	**Exterior Windows**			**$5.17**	**$103,372.60**
B20201066850	Windows, aluminum, sliding, insulated glass, 5' x 3'	156.8		$5.17	$103,372.60
B2030	**Exterior Doors**			**$2.32**	**$46,301.81**
B20301106350	Door, aluminum & glass, without transom, narrow stile, double door, hardware, 6'-0" x 7'-0" opening	4.88		$1.60	$31,963.42
B20302203450	Door, steel 18 gauge, hollow metal, 1 door with frame, no label, 3'-0" x 7'-0" opening	4.88		$0.72	$14,338.39
B3010	**Roof Coverings**			**$3.18**	**$63,657.56**
B30101203300	Roofing, single ply membrane, EPDM, 60 mils, fully adhered	10000		$1.17	$23,400.00
B30103203090	Insulation, rigid, roof deck, composite with 2" EPS, 1" perlite	10000		$1.01	$20,134.80
B30104201400	Roof edges, aluminum, duranodic, .050" thick, 6" face	420		$0.62	$12,430.28
B30104300040	Flashing, aluminum, no backing sides, .019"	420		$0.12	$2,442.63
B30106305100	Gravel stop, aluminum, extruded, 4", mill finish, .050" thick	420		$0.26	$5,249.85
C	**Interiors**		**18.46%**	**$27.15**	**$543,038.55**
C1010	**Partitions**			**$5.00**	**$99,952.63**
C10101265400	Metal partition, 5/8"fire rated gypsum board face, no base,3 -5/8" @ 24" OC framing, same opposite face, no insulation	10000		$2.39	$47,888.00
C10107101011	5/8" gypsum board, taped & finished, painted on metal furring	9408		$2.60	$52,064.63
C1020	**Interior Doors**			**$6.36**	**$127,264.00**
C10201022600	Door, single leaf, kd steel frame, hollow metal, commercial quality, flush, 3'-0" x 7'-0" x 1-3/8"	100		$6.36	$127,264.00
C2010	**Stair Construction**			**$0.94**	**$18,898.40**
C20101100600	Stairs, CIP concrete, w/landing, 20 risers, with nosing	2		$0.94	$18,898.40
C3010	**Wall Finishes**			**$1.73**	**$34,518.40**
C30102300140	Painting, interior on plaster and drywall, walls & ceilings, roller work, primer & 2 coats	10000		$0.48	$9,520.00

C30102301800	Vinyl wall covering, fabric back, medium weight	10000		$1.25	$24,998.40
C3020	**Floor Finishes**			**$5.13**	**$102,609.92**
C30204100080	Carpet tile, nylon, fusion bonded, 18" x 18" or 24" x 24", 35 oz	10000		$1.77	$35,344.00
C30204101600	Vinyl, composition tile, maximum	8000		$1.27	$25,477.12
C30204101820	Tile, quarry tile, mud set, maximum	2000		$2.09	$41,788.80
C3030	**Ceiling Finishes**			**$7.99**	**$159,795.20**
C30302107400	Acoustic ceilings, 3/4"mineral fiber, 12" x 12" tile, concealed 2" bar & channel grid, suspended support	20000		$7.99	$159,795.20
D	**Services**		**40.78%**	**$59.99**	**$1,199,745.99**
D1010	**Elevators and Lifts**			**$3.75**	**$74,944.80**
D10101102200	Hydraulic, passenger elevator, 3000 lb, 2 floors, 100 FPM	1		$3.75	$74,944.80
D2010	**Plumbing Fixtures**			**$11.19**	**$223,839.05**
D20101102080	Water closet, vitreous china, bowl only with flush valve, wall hung	33.17		$5.97	$119,457.76
D20102102040	Urinal, vitreous china, stall type	8.29		$1.00	$19,999.30
D20103102040	Lavatory w/trim, wall hung, PE on CI, 18" x 15"	16.59		$1.60	$31,999.64
D20104404260	Service sink w/trim, PE on CI, corner floor, 28" x 28", w/rim guard	8.29		$1.67	$33,437.96
D20108201920	Water cooler, electric, wall hung, wheelchair type, 7.5 GPH	8.29		$0.95	$18,944.39
D2020	**Domestic Water Distribution**			**$1.96**	**$39,135.24**
D20202202260	Gas fired water heater, residential, 100< F rise, 30 gal tank, 32 GPH	8.29		$1.96	$39,135.24
D2040	**Rain Water Drainage**			**$1.58**	**$31,500.12**
D20402102040	Roof drain, DWV PVC, 4" diam, diam, 10' high	16.59		$1.17	$23,387.69
D20402102080	Roof drain, DWV PVC, 4" diam, for each additional foot add	234.15		$0.41	$8,112.43
D3050	**Terminal & Package Units**			**$13.14**	**$262,730.00**
D30501501720	Rooftop, single zone, air conditioner, banks or libraries, 5,000 SF, 20.80 ton	20000		$13.14	$262,730.00
D4010	**Sprinklers**			**$4.83**	**$96,563.00**
D40104100600	Wet pipe sprinkler systems, steel, light hazard, 1 floor, 5000 SF	20000		$4.83	$96,563.00
D4020	**Standpipes**			**$3.67**	**$73,457.32**
D40203101540	Wet standpipe risers, class III, steel, black, sch 40, 4" diam pipe, 1 floor	6.83		$3.67	$73,457.32
D5010	**Electrical Service/Distribution**			**$0.60**	**$12,011.07**
D50101200280	Overhead service installation, includes breakers, metering, 20' conduit & wire, 3 phase, 4 wire, 120/208 V, 200 A	1		$0.16	$3,177.95
D50102300280	Feeder installation 600 V, including RGS conduit and XHHW wire, 200 A	50		$0.11	$2,288.23
D50102400200	Switchgear installation, incl switchboard, panels & circuit breaker, 120/208 V, 3 phase, 400 A	0.5		$0.33	$6,544.89
D5020	**Lighting and Branch Wiring**			**$8.71**	**$174,116.40**
D50201100360	Receptacles incl plate, box, conduit, wire, 5 per 1000 SF, .6 watts per SF	20000		$0.89	$17,746.40
D50201300280	Wall switches, 2.0 per 1000 SF	20000		$0.50	$10,017.00
D50201350280	Miscellaneous power, 1 watt	20000		$0.32	$6,456.80
D50201400320	Central air conditioning power, 6 watts	20000		$1.04	$20,700.00
D50202100520	Fluorescent fixtures recess mounted in ceiling, 1.6 watt per SF, 40 FC, 10 fixtures @32watt per 1000 SF	20000		$5.96	$119,196.20
D5030	**Communications and Security**			**$10.39**	**$207,744.80**
D50303101020	Telephone wiring for offices & laboratories, 8 jacks/MSF	20000		$2.39	$47,797.40
D50309100452	Communication and alarm systems, fire detection, addressable, 25 detectors, includes outlets, boxes, conduit and wire	0.98		$1.09	$21,829.02
D50309100460	Fire alarm command center, addressable without voice, excl. wire & conduit	1		$0.17	$3,471.18
D50309100960	Communication and alarm systems, includes outlets, boxes, conduit and wire, master TV antenna systems, 12 outlets	4.88		$4.18	$83,547.20
D50309200110	Internet wiring, 8 data/voice outlets per 1000 S.F.	20		$2.56	$51,100.00
D5090	**Other Electrical Systems**			**$0.19**	**$3,704.19**
D50902100280	Generator sets, w/battery, charger, muffler and transfer switch, gas/gasoline operated, 3 phase, 4 wire, 277/480 V, 15 kW	4.88		$0.18	$3,697.75
D50902200300	Uninterruptible power supply with standard battery pack, 15 kVA/12.75 kW	4.88		$0.00	$6.44
E	**Equipment & Furnishings**		**8.30%**	**$12.20**	**$244,047.14**
E1010	**Commercial Equipment**			**$9.15**	**$183,086.04**

E10101100110	Architectural equipment, bank equipment drive up window, drawer & mike, no glazing, deluxe	4.88		$3.54	$70,783.90
E10101100130	Architectural equipment, bank equipment, night depository, deluxe	4.88		$4.09	$81,730.24
E10101100160	Architectural equipment, bank equipment teller window, bullet proof glazing, 44" x 60"	4.88		$1.53	$30,571.90
E1020	**Institutional Equipment**			**$3.05**	**$60,961.10**
E10208100760	Patient monitoring closed circuit TV	4.88		$3.05	$60,961.10
E1090	**Other Equipment**			**$0.00**	**$0.00**
F	**Special Construction**		**8.60%**	**$12.66**	**$253,108.78**
F1040	**Special Facilities**			**$12.66**	**$253,108.78**
F10409104300	Security vault door, Class III, 9R, 3' wide, 10" thick, minimum	4.88		$12.66	$253,108.78
G	**Building Sitework**		**0.00%**	**$0.00**	**$0.00**

SubTotal	**100%**	**$147.09**	**$2,941,869.11**
Contractor Fees (General Conditions,Overhead,Profit)	**15.0 %**	**$22.06**	**$441,280.37**
Architectural Fees	**0.0 %**	**$0.00**	**$0.00**
User Fees	**0.0 %**	**$0.00**	**$0.00**
Total Building Cost		**$169.16**	**$3,383,149.48**

OLIVE STREET REDEVELOPMENT TIF DISTRICT

Code Deficiency Cost Report

Parcel A - 53 West Main Street, Waconia, Minnesota 55387
Parcel ID 750502720

Building Name or Type
Old National Bank

Code Related Cost Items	Unit Cost	Units	Unit Quantity	Total
Accessibility Items				
Night Deposit Box				
Make access to night deposit box conform with code	$ 6.00	SF	35	$ 210.00
Restrooms				
Modify restrooms to comply with accessibility code	$ 0.95	SF	20,000	$ 19,000.00
Break Room				
Modify break room to comply with accessibility code	$ 2,500.00	Lump	1	$ 2,500.00
Stairways				
Install code compliant stair rails	$ 2,500.00	Lump	2	$ 5,000.00
Drinking Fountain				
Install code compliant drinking fountain	$ 0.40	SF	20,000	$ 8,000.00
Structural Elements				
Steel Columns				
Protect steel columns from rusting per code	$ 5,000.00	Lump	1	$ 5,000.00
Basement Walls				
Protect basement walls from water intrusion per code	$ 3,000.00	Lump	1	$ 3,000.00
Exiting				
Glass Doors				
Install code required 10-inch kick plates on glass doors	$ 100.00	EA	16	$ 1,600.00
Thresholds				
Modify thresholds to comply with code for maximum height	$ 350.00	EA	4	$ 1,400.00
Exterior Stairs				
Modify exterior stairs to comply with code for rise and run	$ 5,000.00	Lump	1	$ 5,000.00
Door Hardware				
Install code compliant door hardware	$ 250.00	EA	10	$ 2,500.00
Concrete Sidewalks				
Repair/replace cracked/damaged sidewalks to comply with code for an unimpeded means to emergency egress	$ 2,500.00	Lump	1	$ 2,500.00
Basement Carpeting				
Repair/replace torn/missing carpeting to comply with code for an unimpeded means to emergency egress	$ 1.77	SF	10,000	$ 17,700.00
Confined Space				
Properly identify and lable confined space per code	$ 500.00	EA	1	$ 500.00
Fire Protection				
Smoke Detectors				
Install code compliant smoke detectors	$ 1.09	SF	20,000	$ 21,800.00
Emergency Lighting				

Code Related Cost Items	Unit Cost	Units	Unit Quantity	Total
Install code compliant emergency lighting	$ 0.97	SF	20,000	$ 19,400.00
Emergency Notification System				
Install code compliant emergency notification system	$ 0.17	SF	20,000	$ 3,400.00
Building Sprinkler System				
Install code required building sprinkler system	$ 8.50	SF	20,000	$ 170,000.00
Wall Penetrations				
Install code required fire caulking in all wall and floor penetrations	$ 500.00	Lump	1	$ 500.00
Exterior Construction				
Mortar				
Replace/repair cracked/missing mortar to prevent water intrusion per code	$ 2,000.00	Lump	1	$ 2,000.00
E.I.F.S.				
Replace/repair cracked/damaged E.I.F.S. to prevent water intrusion per code	$ 10.94	SF	500	$ 5,470.00
Roof Construction				
				$ -
Mechanical- Electrical				
Mechanical				
Install code compliant HVAC system	$ 13.14	SF	20,000	$ 262,800.00
Electrical				
Install code compliant lighting system	$ 5.96	SF	10,000	$ 59,600.00
Install code required GFCI's in break room by water source	$ 250.00	EA	2	$ 500.00
			Total Code Improvements	$ 619,380

Energy Code

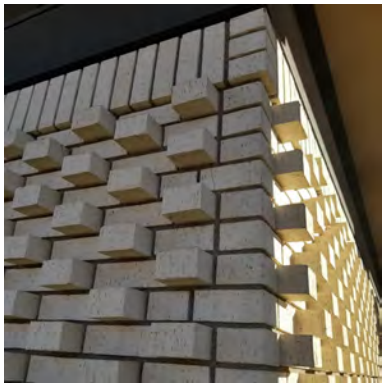
Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_095248.jpg

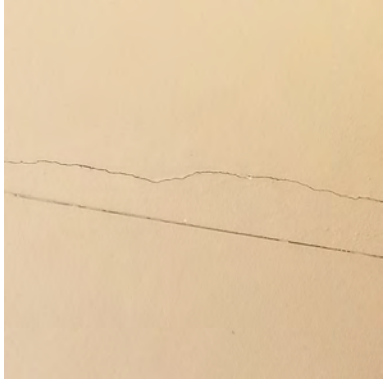
20211130_095256.jpg

20211130_095317.jpg

20211130_095331.jpg



20211130_095337.jpg



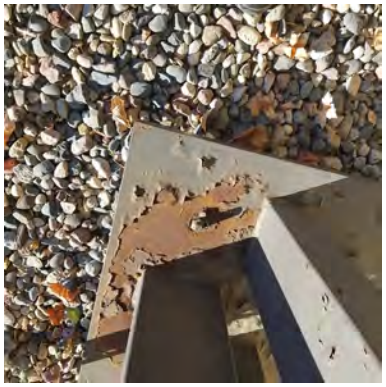
20211130_095347.jpg

20211130_095348_001.jpg

20211130_095407.jpg

20211130_095414.jpg

20211130_095424.jpg



20211130_095426.jpg

20211130_095440.jpg

Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_095450.jpg

20211130_095452.jpg

20211130_095503.jpg

20211130_095515.jpg

20211130_095526.jpg

20211130_095528.jpg

20211130_095535.jpg

20211130_095546.jpg

20211130_095607.jpg

20211130_095820.jpg

20211130_095857.jpg

20211130_095904.jpg

Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_095907.jpg

20211130_095927.jpg

20211130_095934.jpg

20211130_095946.jpg

20211130_100007.jpg

20211130_100014.jpg

20211130_100017.jpg

20211130_100019.jpg

20211130_100027.jpg

20211130_100052.jpg

20211130_100114.jpg

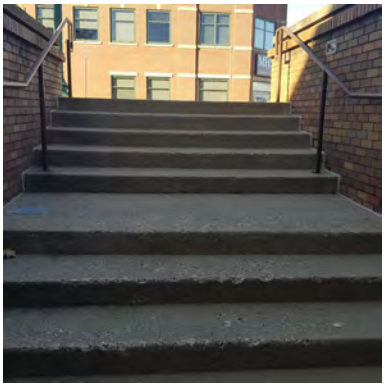
20211130_100144.jpg

Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_100152.jpg

20211130_100210.jpg

20211130_100237.jpg



20211130_100247.jpg

20211130_100256.jpg

20211130_100306.jpg

20211130_100308.jpg

20211130_100316.jpg

20211130_100322.jpg

20211130_100405.jpg

20211130_100540.jpg

20211130_100605.jpg

Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_100617.jpg

20211130_100708.jpg

20211130_100710.jpg

20211130_100719.jpg

20211130_100724.jpg

20211130_100802.jpg

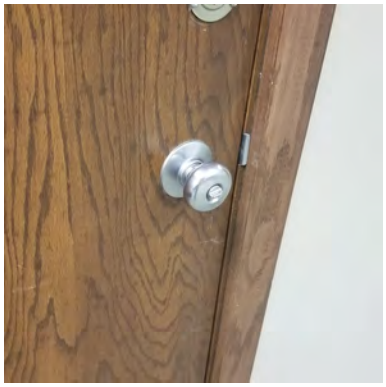
20211130_100838.jpg

20211130_100849.jpg

20211130_100917.jpg

20211130_100926.jpg

20211130_100934.jpg



20211130_100939.jpg

Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_100956.jpg

20211130_101008.jpg

20211130_101013.jpg

20211130_101030.jpg

20211130_101112.jpg

20211130_101129.jpg

20211130_101136.jpg

20211130_101201.jpg

20211130_101228.jpg

20211130_101233.jpg

20211130_101237.jpg

20211130_101257.jpg

Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_101309.jpg

20211130_101311.jpg

20211130_101320.jpg

20211130_101322.jpg

20211130_101332.jpg

20211130_101339.jpg

20211130_101457.jpg

20211130_101505.jpg

20211130_101527.jpg

20211130_101529.jpg

20211130_101531.jpg

20211130_101549.jpg

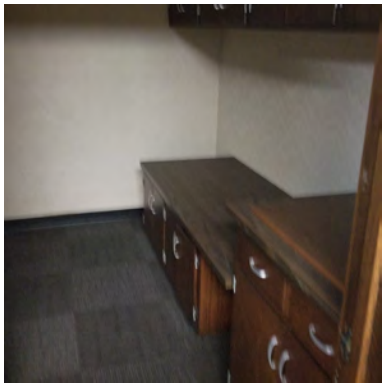
Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_101632.jpg

20211130_101635.jpg

20211130_101640.jpg

20211130_101644.jpg



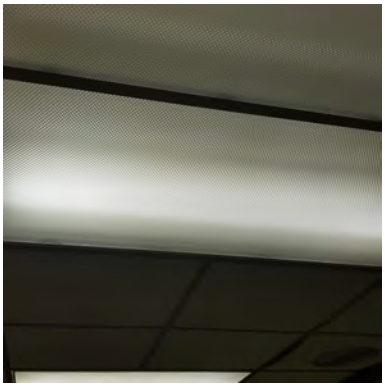
20211130_101705.jpg

20211130_101731.jpg

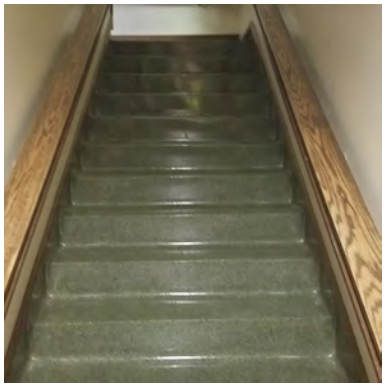
20211130_101754.jpg

20211130_101804.jpg

20211130_101810.jpg



20211130_101822.jpg

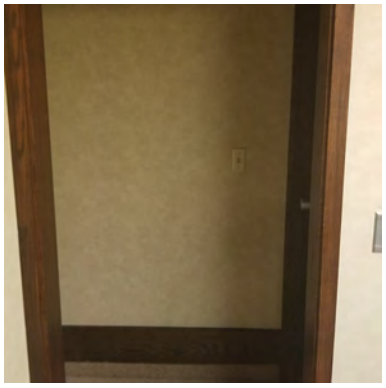


20211130_101834.jpg

20211130_101859.jpg

Olive Street TIF District - Parcel A 53 Main St W Photos

20211130_101938.jpg



20211130_101940.jpg

20211130_102005.jpg

20211130_102024.jpg

20211130_102034.jpg

20211130_102206.jpg

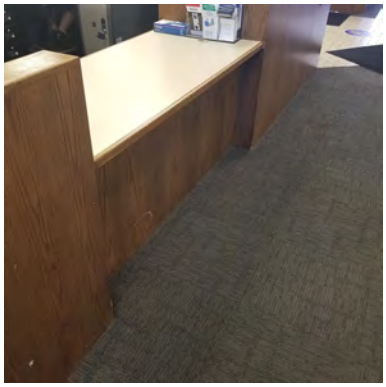
20211130_102213.jpg

20211130_102237.jpg

20211130_102241.jpg

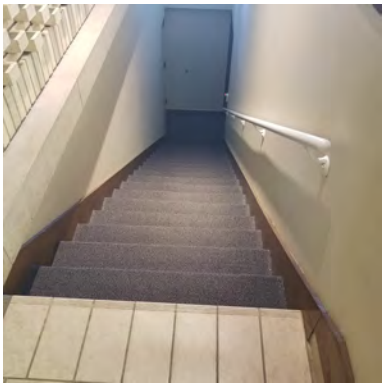
20211130_102300.jpg

20211130_102353.jpg



20211130_102418.jpg

Olive Street TIF District - Parcel A 53 Main St W Photos

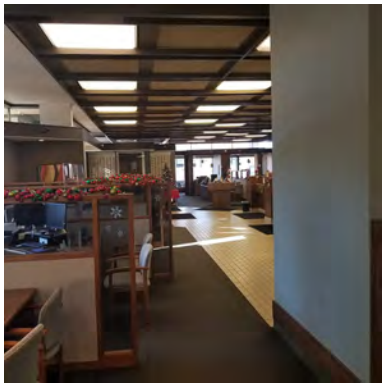


20211130_102451.jpg

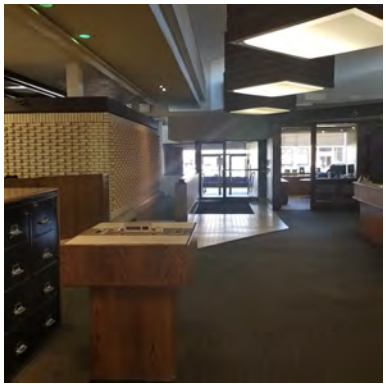
20211130_102503.jpg

20211130_102539.jpg

20211130_102601.jpg



20211130_102626.jpg



20211130_102628.jpg

RSMeans data from GORDIAN	Square Foot Cost Estimate Report	Date:	12/1/2021
Estimate Name:	233 South Olive St		
Building Type:	School, Elementary with Brick Veneer / Reinforced Concrete		
Location:	WACONIA, MN		
Story Count:	2		
Story Height (L.F.):	18		
Floor Area (S.F.):	16000		
Labor Type:	OPN		
Basement Included:	No		
Data Release:	Year 2021 Quarter 4		
Cost Per Square Foot:	$187.52		
Building Cost:	$3,000,347.80		

Costs are derived from a building model with basic components.
Scope differences and market conditions can cause costs to vary significantly.

		Quantity	% of Total	Cost Per S.F.	Cost
A	**Substructure**		**5.46%**	**$8.90**	**$142,336.53**
A1010	**Standard Foundations**			**$4.93**	**$78,800.59**
A10101051560	Foundation wall, CIP, 4' wall height, direct chute, .148 CY/LF, 7.2 PLF, 12" thick	390		$2.57	$41,059.40
A10101102700	Strip footing, concrete, reinforced, load 11.1 KLF, soil bearing capacity 6 KSF, 12" deep x 24" wide	390		$1.36	$21,722.42
A10102107410	Spread footings, 3000 PSI concrete, load 100K, soil bearing capacity 6 KSF, 4' - 6" square x 15" deep	28.44		$1.00	$16,018.77
A1030	**Slab on Grade**			**$3.80**	**$60,720.40**
A10301202240	Slab on grade, 4" thick, non industrial, reinforced	8000		$3.80	$60,720.40
A2010	**Basement Excavation**			**$0.18**	**$2,815.54**
A20101105740	Excavate and fill, 30,000 SF, 4' deep, sand, gravel, or common earth, on site storage	14000		$0.18	$2,815.54
B	**Shell**		**36.52%**	**$59.54**	**$952,713.98**
B1010	**Floor Construction**			**$1.24**	**$19,782.63**
B10102049913	Cast-in-place concrete column, 12", square, tied, minimum reinforcing, 150K load, 10'-14' story height, 135 lbs/LF, 4000PSI	234		$1.24	$19,782.63
B1020	**Roof Construction**			**$11.68**	**$186,881.60**
B10207257000	Roof, concrete, beam and slab, 25'x25' bay, 40 PSF superimposed load, 20" deep beam, 9" slab, 152 PSF total load	8000		$11.68	$186,881.60
B2010	**Exterior Walls**			**$28.17**	**$450,798.57**
B20101321201	Brick wall, composite double wythe, standard face/CMU back-up, 8" thick, perlite core fill, 3" XPS	9828		$28.17	$450,798.57
B2020	**Exterior Windows**			**$12.25**	**$195,965.58**
B20201066550	Windows, aluminum, awning, insulated glass, 4'-5" x 5'-3"	122.09		$6.35	$101,576.35
B20202101250	Aluminum flush tube frame, for 1/4"glass, 1-3/4"x4", 5'x20' opening, three intermediate horizontals	1404		$2.53	$40,502.59
B20202201400	Glazing panel, insulating, 1" thick units, 2 lites, 1/4" float glass, clear	1404		$3.37	$53,886.64
B2030	**Exterior Doors**			**$0.99**	**$15,765.05**
B20301106950	Door, aluminum & glass, with transom, narrow stile, double door, hardware, 6'-0" x 10'-0" opening	1.42		$0.71	$11,400.53
B20302203450	Door, steel 18 gauge, hollow metal, 1 door with frame, no label, 3'-0" x 7'-0" opening	1.42		$0.27	$4,364.52
B3010	**Roof Coverings**			**$4.94**	**$79,067.06**
B30101203400	Roofing, single ply membrane, EPDM, 60 mils, loosely laid, stone ballast	8000		$1.03	$16,429.60
B30103202700	Insulation, rigid, roof deck, extruded polystyrene, 40 PSI compressive strength, 4" thick, R20	8000		$2.22	$35,443.36
B30104102800	Base flashing, rubber, neoprene, 1/16" thick, 24 ga galv reglet, 24 ga galv counter flashing	390		$0.77	$12,328.80
B30104201500	Roof edges, aluminum, duranodic, .050" thick, 8" face	390		$0.78	$12,525.75
B30104300040	Flashing, aluminum, no backing sides, .019"	390		$0.15	$2,339.55
B3020	**Roof Openings**			**$0.28**	**$4,453.49**
B30202100300	Roof hatch, with curb, 1" fiberglass insulation, 2'-6" x 3'-0", galvanized steel, 165 lbs	1.42		$0.13	$2,019.27
B30202102100	Smoke hatch, unlabeled, galvanized, 2'-6" x 3', not incl hand winch operator	1.42		$0.15	$2,434.22
C	**Interiors**		**20.33%**	**$33.15**	**$530,349.41**
C1010	**Partitions**			**$5.70**	**$91,240.56**
C10101045500	Concrete block (CMU) partition, light weight, hollow, 6" thick, no finish	8000		$5.70	$91,240.56

C1020	**Interior Doors**			**$1.98**	**$31,614.51**
C10201022600	Door, single leaf, kd steel frame, hollow metal, commercial quality, flush. 3'-0" x 7'-0" x 1-3/8"	22.86		$1.98	$31,614.51
C1030	**Fittings**			**$1.40**	**$22,463.94**
C10301100400	Toilet partitions, cubicles, ceiling hung, painted metal	16		$0.98	$15,702.19
C10305200240	Chalkboards, liquid chalk type, aluminum frame & chalktrough	320		$0.42	$6,761.75
C2010	**Stair Construction**			**$2.92**	**$46,640.30**
C20101100780	Stairs, steel, pan tread for conc in-fill, picket rail,24 risers w/ landing	2		$2.92	$46,640.30
C3010	**Wall Finishes**			**$6.95**	**$111,135.12**
C30102202000	2 coats paint on masonry with block filler	16000		$3.73	$59,614.08
C30102202000	2 coats paint on masonry with block filler	9828		$2.29	$36,617.95
C30102301940	Ceramic tile, thin set, 4-1/4" x 4-1/4"	1600		$0.93	$14,903.09
C3020	**Floor Finishes**			**$5.85**	**$93,578.34**
C30204100160	Carpet, tufted, nylon, roll goods, 12' wide, 36 oz	1600		$0.61	$9,775.30
C30204100220	Carpet, padding, add to above, 2.7 density	1600		$0.13	$2,006.50
C30204101600	Vinyl, composition tile, maximum	9600		$2.04	$32,681.38
C30204101600	Vinyl, composition tile, maximum	1600		$0.34	$5,456.00
C30204102160	Oak strip, sanded and finished, minimum	3200		$2.20	$35,156.54
C30204102340	Underlayment, plywood, 3/8" thick	3200		$0.53	$8,502.62
C3030	**Ceiling Finishes**			**$8.35**	**$133,676.64**
C30302107400	Acoustic ceilings, 3/4"mineral fiber, 12" x 12" tile, concealed 2" bar & channel grid, suspended support	16000		$8.35	$133,676.64
D	**Services**		**37.49%**	**$61.13**	**$978,101.51**
D1010	**Elevators and Lifts**			**$5.27**	**$84,392.00**
D10101102200	Hydraulic, passenger elevator, 3000 lb, 2 floors, 100 FPM	1		$5.27	$84,392.00
D2010	**Plumbing Fixtures**			**$7.60**	**$121,550.35**
D20101102080	Water closet, vitreous china, bowl only with flush valve, wall hung	16		$3.54	$56,664.40
D20102102000	Urinal, vitreous china, wall hung	5.33		$0.47	$7,596.27
D20103102120	Lavatory w/trim, wall hung, PE on CI, 20" x 18"	16		$1.88	$30,103.52
D20104102000	Kitchen sink w/trim, countertop, stainless steel, 43" x 22" double bowl	2.13		$0.34	$5,467.38
D20104404340	Service sink w/trim, PE on CI,wall hung w/rim guard, 24" x 20"	0.71		$0.21	$3,329.33
D20108201920	Water cooler, electric, wall hung, wheelchair type, 7.5 GPH	8.18		$1.15	$18,389.45
D2020	**Domestic Water Distribution**			**$0.76**	**$12,182.74**
D20202502140	Gas fired water heater, commercial, 100< F rise, 300 MBH input, 278 GPH	0.6		$0.76	$12,182.74
D2040	**Rain Water Drainage**			**$0.99**	**$15,789.00**
D20402104280	Roof drain, CI, soil,single hub, 5" diam, 10' high	5.33		$0.89	$14,310.77
D20402104320	Roof drain, CI, soil,single hub, 5" diam, for each additional foot add	26.67		$0.09	$1,478.23
D3010	**Energy Supply**			**$10.80**	**$172,797.92**
D30105202000	Commercial building heating system, fin tube radiation, forced hot water. 10.000 SF. 100.000 CF. total 2 floors	16000		$10.80	$172,797.92
D3050	**Terminal & Package Units**			**$11.85**	**$189,536.80**
D30501704160	Splt sys, air cooled condensing unit, schools and colleges, 20,000 SF, 76.66 ton	16000		$11.85	$189,536.80
D4010	**Sprinklers**			**$2.96**	**$47,340.00**
D40104100640	Wet pipe sprinkler systems, steel, light hazard, 1 floor, 50,000 SF	16000		$2.96	$47,340.00
D4020	**Standpipes**			**$0.50**	**$7,998.93**
D40203101540	Wet standpipe risers, class III, steel, black, sch 40, 4" diam pipe, 1 floor	0.36		$0.24	$3,769.20
D40203101560	Wet standpipe risers, class III, steel, black, sch 40, 4" diam pipe, additional floors	1.78		$0.26	$4,229.73
D5010	**Electrical Service/Distribution**			**$3.57**	**$57,065.24**
D50101200400	Overhead service installation, includes breakers, metering, 20' conduit & wire. 3 phase. 4 wire. 120/208 V. 800 A	1.25		$1.10	$17,590.19
D50102300400	Feeder installation 600 V, including RGS conduit and XHHW wire, 800 A	60		$0.81	$13,028.46
D50102400280	Switchgear installation, incl switchboard, panels & circuit breaker, 120/208 V. 3 phase. 800 A	1.2		$1.65	$26,446.59
D5020	**Lighting and Branch Wiring**			**$12.45**	**$199,236.32**
D50201100480	Receptacles incl plate, box, conduit, wire, 8 per 1000 SF, .9 W per SF, with transformer	16000		$3.70	$59,167.20

D50201300280	Wall switches, 2.0 per 1000 SF	16000		$0.51	$8,181.28
D50201350320	Miscellaneous power, 1.2 watts	16000		$0.38	$6,071.04
D50201400280	Central air conditioning power, 4 watts	16000		$0.76	$12,082.72
D50202100520	Fluorescent fixtures recess mounted in ceiling, 1.6 watt per SF, 40 FC, 10 fixtures @32watt per 1000 SF	18400		$7.11	$113,734.08
D5030	**Communications and Security**			**$4.30**	**$68,802.54**
D50309100220	Communication and alarm systems, includes outlets, boxes, conduit and wire, sound systems, 12 outlets	0.22		$0.35	$5,544.83
D50309100456	Communication and alarm systems, fire detection, addressable, 100 detectors, includes outlets, boxes, conduit and wire	0.44		$2.39	$38,266.93
D50309100462	Fire alarm command center, addressable with voice, excl. wire & conduit	0.36		$0.33	$5,236.95
D50309100720	Communication and alarm systems, includes outlets, boxes, conduit and wire, master clock systems, 10 rooms	0.24		$0.41	$6,486.40
D50309100960	Communication and alarm systems, includes outlets, boxes, conduit and wire, master TV antenna systems, 12 outlets	0.37		$0.41	$6,566.98
D50309200102	Internet wiring, 2 data/voice outlets per 1000 S.F.	9.6		$0.42	$6,700.45
D5090	**Other Electrical Systems**			**$0.09**	**$1,409.67**
D50902100280	Generator sets, w/battery, charger, muffler and transfer switch, gas/gasoline operated, 3 phase, 4 wire, 277/480 V, 15 kW	1.69		$0.09	$1,409.67
E	**Equipment & Furnishings**		**0.21%**	**$0.34**	**$5,496.66**
E1020	**Institutional Equipment**			**$0.34**	**$5,496.66**
E10207200110	Architectural equipment, laboratory equipment, counter tops, stainless steel	17.78		$0.34	$5,496.66
E1090	**Other Equipment**			**$0.00**	**$0.00**
F	**Special Construction**		**0.00%**	**$0.00**	**$0.00**
G	**Building Sitework**		**0.00%**	**$0.00**	**$0.00**

SubTotal	**100%**	**$163.06**	**$2,608,998.09**
Contractor Fees (General Conditions,Overhead,Profit)	**15.0 %**	**$24.46**	**$391,349.71**
Architectural Fees	**0.0 %**	**$0.00**	**$0.00**
User Fees	**0.0 %**	**$0.00**	**$0.00**
Total Building Cost		**$187.52**	**$3,000,347.80**

OLIVE STREET REDEVELOPMENT TIF DISTRICT

Code Deficiency Cost Report

Parcel B - 233 South Olive Street, Waconia, Minnesota 55387
Parcel ID 750501240

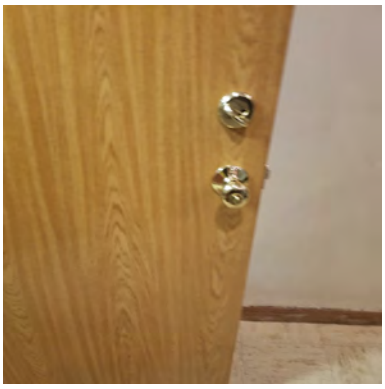
Building Name or Type
American Legion Hall

Code Related Cost Items	Unit Cost	Units	Unit Quantity	Total
Accessibility Items				
Accessible Route				
Create a code required accessible route into the building	$ 5,000.00	Lump	1	$ 5,000.00
Create a code required accessible route to all levels of the building	$ 5.27	SF	16,000	$ 84,320.00
Create a code required accessible route onto the stage	$ 1,000.00	Lump	1	$ 1,000.00
Restoom				
Install code compliant accessible restrooms	$ 6.87	SF	16,000	$ 109,920.00
Drinking Fountain				
Install a code compliant drinking fountains	$ 1.15	SF	16,000	$ 18,400.00
Structural Elements				
Brick Walls				
Repair failed brick exterior walls to prevent water intrusion per code	$ 5.25	SF	16,000	$ 84,000.00
Kitchen Ceiling				
Remove/repaint flaking paint from kitchen ceiling to comply with code	$ 1,500.00	Lump	1	$ 1,500.00
Exiting				
Stairways				
Repair damaged exterior concrete stairs which are creating an impediment to emergency egress which is contrary to code	$ 4,500.00	Lump	1	$ 4,500.00
Replace interior stairs to comply with code	$ 2.92	SF	16,000	$ 46,720.00
Door Hardware				
Install code compliant door hardware	$ 250.00	EA	50	$ 12,500.00
Floor Tile				
Replace damaged floor tile to create an unimpeded means to emergency egress per code	$ 2.38	SF	16,000	$ 38,080.00
Carpeting				
Replace damaged carpeting to create an unimpeded means to emergency egress per code	$ 0.74	SF	16,000	$ 11,840.00
Thresholds				
Modify thresholds to comply with code	$ 2,500.00	Lump	1	$ 2,500.00
Boiler Room				
Modify boiler room to comply with egress codes	$ 5,000.00	Lump	1	$ 5,000.00
Dining Room				
Modify dining room to comply with egress codes	$ 5,000.00	Lump	1	$ 5,000.00
Fire Protection				
Through Wall Penetrations				
Install code required fire caulking in all through wall penetrations	$ 2,500.00	Lump	1	$ 2,500.00
Gasoline Powered Equipment				

Code Related Cost Items	Unit Cost	Units	Unit Quantity	Total
Remove gasoline powered equipment from inside the building to comply with code	$ 5.00	EA	1	$ 5.00
Smoke Detectors				
Install code required smoke detectors	$ 2.74	SF	16,000	$ 43,840.00
Emergency Lighting				
Install code compliant emergency lighting	$ 1.05	SF	16,000	$ 16,800.00
Emergency Notification System				
Install code compliant emergency notification system	$ 0.75	SF	16,000	$ 12,000.00
Building Sprinkler System				
Install code required building sprinkler system	$ 3.46	SF	16,000	$ 55,360.00
Exterior Construction				
Windows				
Replace failed windows to prevent water intrusion per code	$ 12.25	SF	16,000	$ 196,000.00
Roof Construction				
Roofing Material				
Remove failed roofing material	$ 0.25	SF	16,000	$ 4,000.00
Install roofing material to prevent water intrusion per code	$ 6.21	SF	16,000	$ 99,360.00
Mechanical- Electrical				
Mechanical				
Install code compliant HVAC system	$ 22.65	SF	16,000	$ 362,400.00
Electrical				
Install code compliant electrical wiring system	$ 4.21	SF	16,000	$ 67,360.00
Install code compliant lighting system	$ 7.11	SF	16,000	$ 113,760.00
			Total Code Improvements	$ 1,403,665

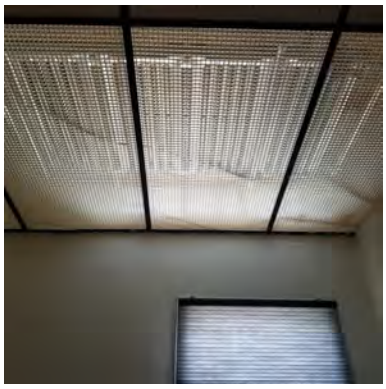
Energy Code

Olive Street TIF District - Parcel B 233 Olive St S Photos



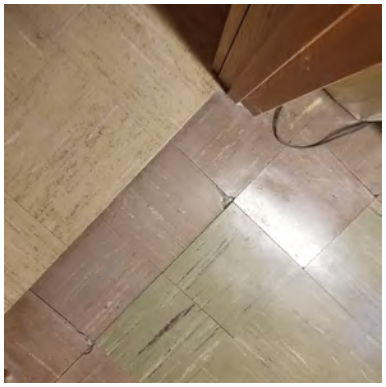
20211130_104023.jpg

20211130_104029.jpg

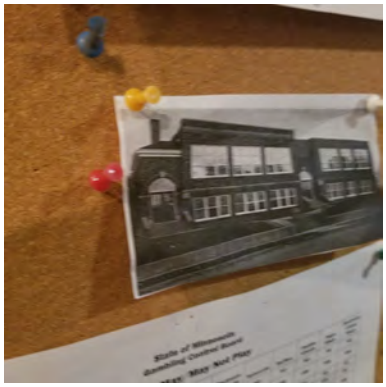


20211130_104039.jpg

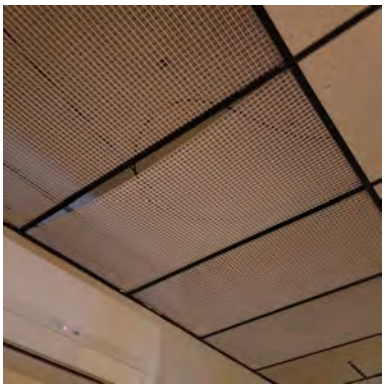
20211130_104048.jpg



20211130_104050.jpg



20211130_104112.jpg



20211130_104131.jpg

20211130_104136.jpg

20211130_104147.jpg

20211130_104151.jpg

20211130_104156.jpg

20211130_104207.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

20211130_104221.jpg

20211130_104227.jpg

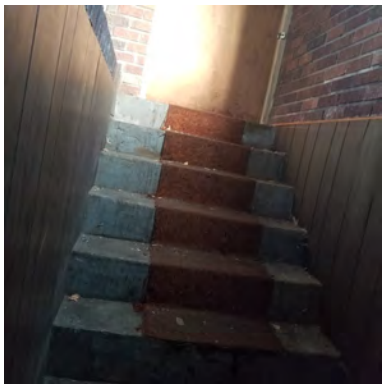
20211130_104232.jpg

20211130_104237.jpg

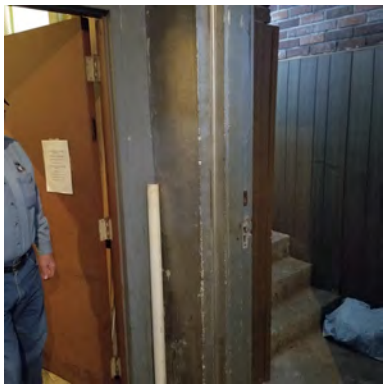
20211130_104244.jpg

20211130_104254.jpg

20211130_104308.jpg

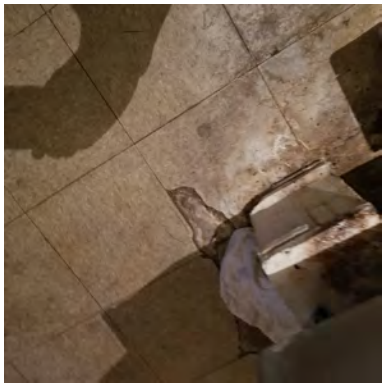


20211130_104313.jpg

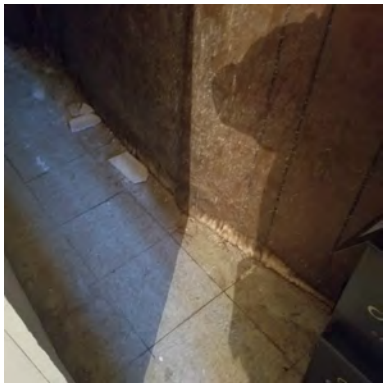


20211130_104328.jpg

20211130_104351.jpg



20211130_104405.jpg

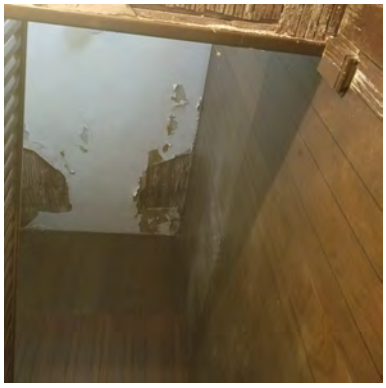


20211130_104411.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

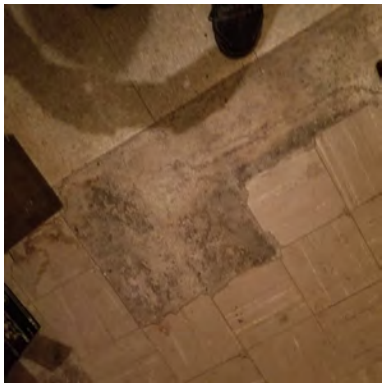
20211130_104418.jpg

20211130_104442.jpg



20211130_104444.jpg

20211130_104448.jpg



20211130_104458.jpg

20211130_104509.jpg

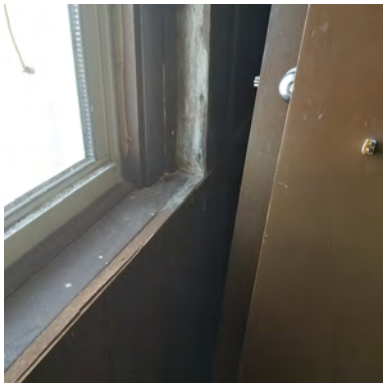
20211130_104547.jpg

20211130_104556.jpg

20211130_104610.jpg

20211130_104612.jpg

20211130_104618.jpg



20211130_104619.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

20211130_104624.jpg

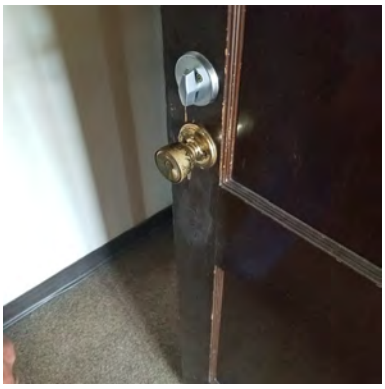
20211130_104646.jpg

20211130_104650.jpg

20211130_104828.jpg

20211130_104926.jpg

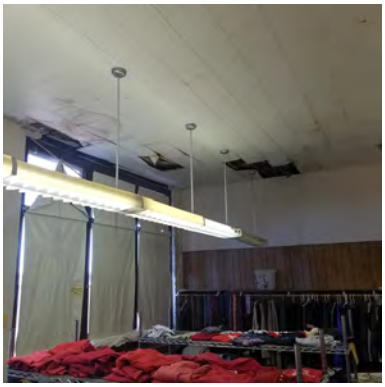
20211130_105007.jpg



20211130_105014.jpg

20211130_105043.jpg

20211130_105121.jpg



20211130_105131.jpg

20211130_105220.jpg

20211130_105242.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

20211130_105316.jpg

20211130_105321.jpg

20211130_105324.jpg

20211130_105431.jpg

20211130_105505.jpg

20211130_105518.jpg

20211130_105549.jpg

20211130_105615.jpg

20211130_105655.jpg

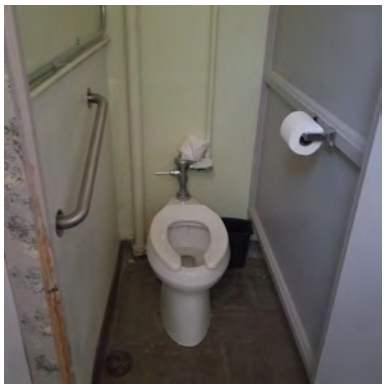
20211130_105739.jpg

20211130_105758.jpg

20211130_105830.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

20211130_105836.jpg



20211130_105840.jpg

20211130_105911.jpg

20211130_105915.jpg

20211130_105922.jpg

20211130_105955.jpg

20211130_110009.jpg

20211130_110015.jpg

20211130_110029.jpg

20211130_110041.jpg

20211130_110046.jpg

20211130_110058.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

20211130_110059.jpg

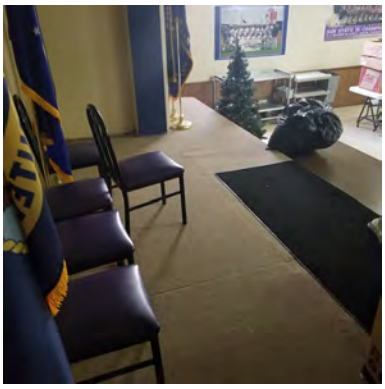
20211130_110107.jpg

20211130_110109.jpg

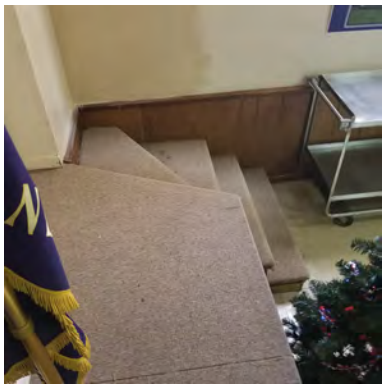
20211130_110139.jpg

20211130_110158.jpg

20211130_110204.jpg



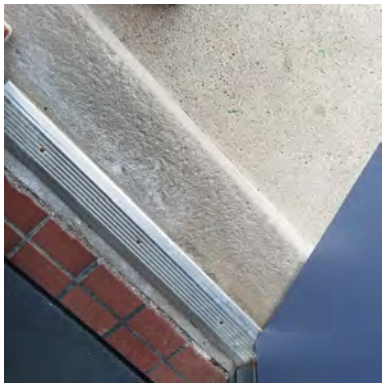
20211130_110217.jpg



20211130_110228.jpg

20211130_110248.jpg

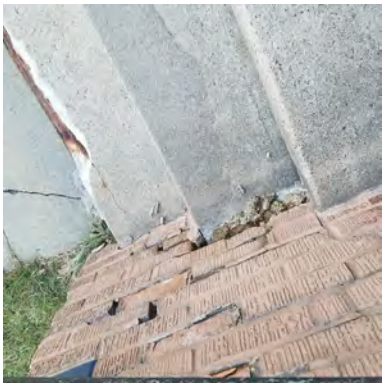
20211130_110301.jpg



20211130_110346.jpg

20211130_110349.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos



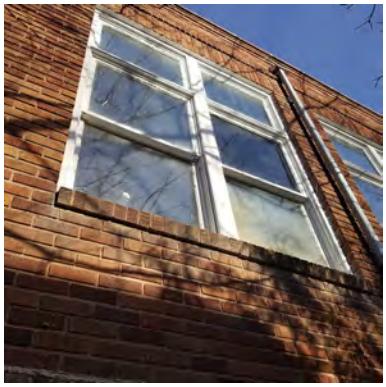
20211130_110354.jpg

20211130_110400.jpg

20211130_110430.jpg

20211130_110439.jpg

20211130_110515.jpg



20211130_110517.jpg

20211130_110717.jpg

20211130_110747.jpg

20211130_110759.jpg

20211130_110815.jpg

20211130_110818.jpg

20211130_110842.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

20211130_110844.jpg

20211130_110849.jpg

20211130_110851.jpg

20211130_110955.jpg

20211130_110956.jpg

20211130_111015.jpg

20211130_111023.jpg

20211130_111033.jpg

20211130_111042.jpg

20211130_111045.jpg

20211130_111053.jpg

20211130_111107.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

20211130_111109.jpg

20211130_111127.jpg

20211130_111141.jpg

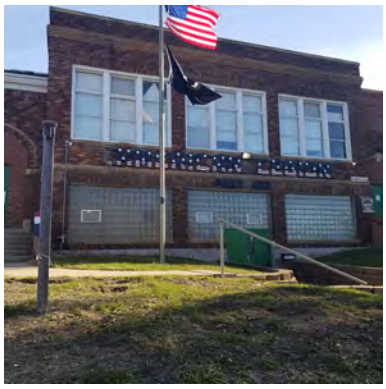
20211130_111157.jpg

20211130_111452.jpg

20211130_111706.jpg

20211130_111720.jpg

20211130_111723.jpg



20211130_111725.jpg

20211130_111728.jpg

20211130_111735.jpg

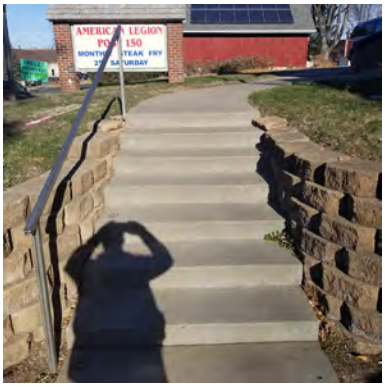
20211130_111750.jpg

Olive Street TIF District - Parcel B 233 Olive St S Photos

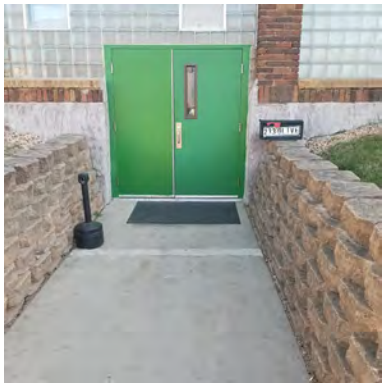
20211130_111752.jpg

20211130_111806.jpg

20211130_111829.jpg



20211130_111833.jpg



20211130_111836.jpg

20211130_111846.jpg

20211130_111851.jpg

20211130_111912.jpg

20211130_111916.jpg

20211130_111922.jpg

20211130_111927.jpg

Appendix E: Permit Research

CITY OF WACONIA
FIRE ALARM PERMIT APPLICATION

201 S. Vine Street
Waconia, MN 55387

Permit # 20200991

Site Address	53 Main Street		
Owner	Old National Bank		
Address	75-0502720		
Tennant	Old national Bank		
Contractor	ADT Security Service	Contact Person: Leslie Tatum	Phone: 763-712-1651
Address	City: Shoreview	State: MN	Zip: 55126

Type of work being done	☐ New	☐ Addition	JOB VALUATION
	☑ Alteration	☐ Repair/Replace	$ 3,300.00

Brief description of work being done: adding cell

Notes:

PERMIT FINALED CLOSED

Location in building:

Please check all that apply

☑ Fire Alarm ☐ Special Suppression System

☐ Other:

Fees must be paid, plans approved and a permit issued prior to beginning any work.

THE UNDERSIGNED STATES THE INFORMATION PROVIDED IS ACCURATE AND HERBY AGREES TO DO ALL WORK IN ACCORDANCE WITH THE CITY CODE AND THE MINNESOTA STATE LAWS REGULATING FIRE ALARM SYSTEMS.

Signature: [signature] Date: 10/26/20

Print Name: Leslie Tatum

OFFICE USE ONLY

Occupancy Group	B
~~Type of Construction~~ Postage	.50
Permit Fee	111.88
Plan Review Fee (65% of Permit Fee)	72.72
State Surcharge = value x .0005 or 50 cents, whichever is greater	2.00
TOTAL PERMIT FEE	~~$186.60~~ $187.10

Approved By: [signature] Title: BI Date: 10-30-20

This is to certify that the above application and accompanying documents are in accordance with the community Zoning Ordinance and may proceed with the work. This document when signed by authorized personnel constitutes a temporary Certificate of Zoning compliance and allows construction to commence. Before occupancy, a Certificate of of Occupancy must be issued.

BSKein 11/3/20

Administrator/Clerk/Planner/Zoning Administrator — Date — Special Conditions

$187.10 pd

Incomplete applications will be returned

BLS #065001

24 Hour notice for all inspections
Call: **(763) 479-1720** - 7:30 a.m. thru 4:30 p.m.

Permit expires after 180 days without inspections.

Called 11/3/2020

Properties combined - 75-0501505
1/7/21 | 2021-0008

City of Waconia
201 South Vine Street
Waconia, MN 55387
Phone: 952-442-2184
Fax: 952-442-2135
www.waconia.org

Noise Ordinance In Effect: Monday - Friday before 7:00 a.m. and after 10:00 p.m. Saturdays, Holidays before 9:00 a.m. and after 10:00 p.m. Sunday before 12:00 p.m. and after 10:00 p.m.

Date:	1-5-2021
Site Address:	24 and 32 West 2nd Street Waconia MN
PID:	75.0501490 and 75.0501501

Owner Information 32 W 2nd St 75-0501505

Name:	Steve Yetzer				
Address:	1033 Meadow St				
City:	Cologne	State:	mn	Zip:	55322
Phone:	9522124201				

Contact Information

Name:	Jon Siegle		
Email:	jsiegle66@gmail.com		
Phone:	9523935919	Fax:	

Builder Information

Name:	Siegle Hauling and Excavating				
Address:	12775 hwy 212				
City:	cologne	State:	mn	Zip:	55322
Phone:	9523935919				

Contractor's License #:

Type of Work

☐ Commercial ☒ Residential

Est. Valuation of Work: Square Feet: n/a

Detailed description of work to be performed:

Demolition of two houses hauled to demcon. Banks will be tapered for safety after inspection is completed. Hole will be open until excavation for new building is started

☐ Accessory Structure ☐ Pool
☐ Addition ☐ Remodel
☐ Commercial Reroof ☐ Retaining Wall Height:
☐ Commercial Reside ☐ Stucco/Stucco Demo
☐ Deck ☒ Other: Demolition
☐ Fence Height:
☐ Finish Basement
☐ Garage/Shed
☐ New Construction

Signature of this application by the legal property owner or a licensed contractor, as the owner representative, is required and authorizes the City Zoning Administrator or designee and the City Building Official or designee to enter upon the property to perform needed inspections. Entry may be without prior notice. I hereby acknowledge that I have read this application and state that all information is true and correct to the best of my knowledge. I further agree that all work performed will be in accordance with approved plans, specifications and conditions and to abide by all ordinances of the City and the laws of the State of Minnesota regarding actions taken pursuant to this permit. **I agree to pay all plan review fees even if I choose not to proceed with the work.** Permit expires when work is not commenced within 180 days from date of permit, or if work is suspended, abandoned, or not inspected for 180 days. Work beyond the scope of this permit, or work without a permit or inspection will be subject to a penalty.

Applicant Signature: Date: 1-5-2021

Printed Name: Jon Siegle

Signature Is of: ☐ Owner ☐ Architect ☐ Lic. Bldg. Contr. ☒ Other: Excavation Company

Office Use Only Below This Line

Occupancy Type:		Construction Type:		Code:	
Valuation of Permit:	15,000 - Per Steve Yetzer				

Building Sprinkled? ☐ Yes ☐ No

City Fees

Permit Fee:	288.98	Storm Water Connection:	
Plan Review Fee:		SAC Charge:	
State Surcharge:	7.50	Sewer Permit:	
Site Inspection Fee:		Sewer Hook-Up:	
S.E.C. Fee:		Water Hook-Up:	
Penalty/Other Fees:		Sewer Trunk:	
Copy Charge ($.25 per 8.5 x 11 page):		Water Trunk:	
Sub-Total		Water Permit:	
Plumbing Fee:		Storm Water Trunk:	
Mechanical Fee:			
Total Due:	$296.78		

Special Conditions of Permit:

Paid:	296.78
Date:	1/27/21
Receipt:	319081
By:	DB

Building Approval By:		Date:	1-15-21	Time:	
City Approval By:	BSteen	Date:	1/7/21		

Received 1/6

* Called 1/20/21

PERMIT

City of Waconia
201 Vine Street South
Waconia, MN 55387
952-442-2184
www.waconia.org

Permit Type: Zoning
Permit Number: WA200049
Issued Date: 1/30/2020

Site Address: 125 Olive Street South

Lot: 006 Block: 016 Addition: City Lots Of Waconia
PID: 750501511
Business Use:

Description:

Sub Type: Zoning
Work Type: Conversion - None
Description: Wall Sign
Census Code: -
Zoning:
Square Feet: 0

Construction Type:

Occupancy:

Comments:

Fee Summary:

Description	Amount
Sign Permit	$45.00
Total:	**$45.00**

Contractor:

- Applicant -

Promotion Graphics
15781 County Rd 40
Carver MN 55315
(952) 368-3052

Owner:

Yetzers Home Furnishings

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the ordinances of the City of Waconia and the laws of the State of Minnesota regulating building construction.

Call for all inspections 24 hours in advance - 7:30 am to 4:30 pm - Metro West - 763-479-1720

Applicant/Permitee: Signature

Issued By: Signature

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	February 22, 2022 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 *(Include motion in proper format.)*

Motion to Approve February 22, 2022 City Council Meeting Minutes

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

Attachments:

1. Minutes 2-22-22.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
February 22, 2022

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

Staff Present: Shane Fineran, Jackie Schulze, Nicole Meyer, Craig Eldred, Ann Meyerhoff, Mike Melchert, Ethan Nelson

2) PLEDGE OF ALLEGIANCE

3) ADOPT AGENDA

Motion by Leo, seconded by Sorensen 3) ADOPT AGENDA **MOTION carried.**

4) VISITOR'S PRESENTATIONS, PETITIONS, CORRESPONDENCE

Sargent Tyler Stahn, Carver County Sheriff, introduced 4 sheriffs that are serving Waconia with day and night shifts..

5) PUBLIC HEARING

PUBLIC HEARING - Annexation Petition - 1330 Waconia Parkway South

2261res Annexation.pdf

1. Location Map (1 Page).pdf

3. Public Hearing Notice (1 Page)

4. Petition to Annex (2 Pages)

Ethan Nelson stated that Robert L Burandt Living Trust and Shelah J Burandt Living Trust has submitted an Annexation Petition to annex a portion of 1330 Waconia Parkway South. The land proposed for annexation is described as PID number 09.0220100. The parcel is currently located in Waconia Township and the annexation has been submitted in association with a residential development titled The Fields 2nd Addition, by Tamarack Land Development, LLC.

Upon application to annex, staff has completed the necessary public hearing requirements. Public notice was published in the Waconia Patriot on February 10th, 2022. Public hearing notices were sent to Waconia Township and all affected property owners. No Public hearing comments have been received regarding this request.

Waconia Township approved the Orderly Annexation Joint Resolution at their regular meeting on January 24th, 2022.

Acting Mayor Waldron opened the Public Hearing.

Motion by Sorensen, seconded by Leo to close the Public Hearing.

Motion by Leo, seconded by Sorensen Adopt Joint Resolution 2022-61 between the City of Waconia and Waconia Township approving the Annexation Petition submitted by Robert L Burandt Living Trust and Shelah J Burandt Living Trust for a portion of the property located at 1330 Waconia Parkway South as described in Exhibit A and B. **MOTION carried.**

6) ADOPT CONSENT AGENDA

1) February 7, 2022 City Council Meeting Minutes

February 7, 2022 Minutes.docx

2) February 22, 2022 Expenditures

Council List-Expenditures 02.22.2022.pdf

3) Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred January 2022

Waconia Ice Arena Bills & Applied Payments 01.2022.pdf

4) Rink Management Services Corporation Safari Island Community Center Expenditures Incurred January

Safari Island Bills & Applied Payments 01.2022.pdf

5) Contractor Pay Request #6 - L-52 Lift Station Upgrade

2022-02-14 L52 Payment #6.pdf

6) Application for Exempt Permit for Church of St. Joseph

2246res st. joe gambling.doc

7) Application for Exempt Permit Waconia Cooperstown

2247res waconia cooperstown raffle.doc

8) Approve Temporary Liquor License for Church of St Joseph

2248res Temp On Sale Church of St Joseph.doc

9) 2022 Dock Slip Lease for Fire Department Boat

2249res _In_Towne_Marina_Dock_Slip_Lease (1).docx

WaconiaFireDept2022SlipLiftInvoice.pdf

2022 Summer Slip Lease - Final.pdf

10) Authorize American Engineering and Testing to Conduct Building Evaluations for 2023 Infrastructure Project

2250res 2023_Improvement_Project__Structural_Review_Resolution.doc

11) Adopt Stormwater Reuse Standardization Policy

2251res Stormwater_Reuse_Standarization_Policy_Res.doc

2021-02-08 120525 Final Stormwater Reuse Report with Appendices.pdf

12) Authorize Advertisement of Waterford Reuse Improvements

2252res Authorize_Advertisement_of_Reuse_Const._Resolution.doc

13) Approve Execution of Waterford Reuse Building Envelope Design Proposal

2253res Approve_Execution_of_Reuse_Building_Proposal_Resolution.doc

Waconia Waterford Park Utility Building - Scope and FeeR.pdf

14) Authorize Staff to Prepare & Submit EAB MNDNR "2022 Preparing for EAB Grants Program"

2254res Preparing_for_EAB_Grant_Resolution.doc

15) Authorize Waterford Park Site Plan Improvement Application Packet

2255res Approve_Bid_Application_Packet_Resolution.doc

22-02-07 Update Waterford Park Construction Plans Draft.pdf

16) Redistricting Public Hearing

2256res Calling Public Hearing Redistricting.docx

Proposed Voting Precinct Boundaries

17) Delegation of Business Administrator - Electronic Funds Transfers

2257res EFT_Designation.doc

18) Waterford 7th Addition Final Plat - JMH Land Development Company

2258res_-_Waterford_7th_Addition.doc

Location Map - Waterford 7th Addition.pdf

Waterford Additions Preliminary Plat.pdf

Waterford 7th Addition Final Plat.pdf

19) Park Board Appointments

2259res 2022_Commission_Appointments_Res.docx

20) Unify IT Compliance and Vulnerability Tracking Software

2260res Marco_Unify_IT_Resolution.docx

Marco Proposal.pdf

Motion by Sorensen , seconded by Leo 6) ADOPT CONSENT AGENDA
MOTION carried

7) COUNCIL BUSINESS

1. Snow Removal Code Violation

2262res 2022_Snow_Ice_Violation_RES.docx

Violation Notice and Code Section

Snow Removal Invoice & Supporting Documents

Shane Fineran explained that Municipal code 320.06, sub. 1 & 4 declares that failure to remove snow and ice from public sidewalks adjacent to private property is the responsibility and duty of the property owner to remove within twelve hours of deposit. Failing to comply with this requirement is considered a public nuisance under the chapter. Failure to remove the snow and ice in the noted time and requiring removal by the city is subject to incurring the actual cost incurred for remedying he public nuisance.

Typically city staff are responding to citizen complaints about un-shoveled or impassable sidewalk segments. Staff will inspect the property, document, and send a letter asking for

voluntary compliance with the ordinance or be subject to remedy and charges for the city doing so. So far this snow season the city has responded to approximately 30 complaints with 9 of those resulting in the City taking corrective action.

One of the properties is located at 325 Main St E, owned by Marcella Reinke. Ms. Reinke was sent a letter noting the noncompliant conditions on January 21st and given until January 27th to voluntarily correct the situation. Upon follow-up inspection by staff on January 27th it was noted that the conditions had not been remedies by the property owner and city staff was dispatched to clear the sidewalk.

Consistent with municipal code section 320.06 and the adopted city fee schedule for staff time and equipment use to respond to the matter, Ms. Reinke was sent an invoice for $403.00 for the following
Staff Time: 2.5 hrs for $133.00
Vehicle Time: 2.25 hrs for $150.00
Attachment Time: 1 hrs for $100.00

Ms. Reinke addressed the Council saying that the person who removes her snow was sick and having back issues during that time. She asked the Council for a reduction in the full amount of the invoice. She added that her neighbor had the same issue but the City did not come and remove their snow. Mike Dirtinger, 325 E 1st Street, responded that he is the one who normally removes the snow for Ms. Reinke and was unable to find anyone to help during that timeframe.

Council Member Sorensen stated that he believes that staff did what they needed to do, but thinks the fine is to high. The ordinance goes back to 1998 and needs to be updated. He informed Ms. Reinke that when there are issues the City needs to be contacted so they know what is happening at the time it happens.

Council Member Leo agreed that the fee is to high as well as 2 ½ hours seems to be a long time to clear the area.

Fineran explained that the neighbor’s letter did not go out at the same time so the time period for removal was different and they complied before the date they were given.

Acting Mayor Waldron also agreed that the fee schedule need to be reevaluated.

Council Member Sorensen suggested a reduction in the fee to $237.00 and have a work session to look at the fee schedule.

Motion by Sorensen, seconded by Leo Adopt Resolution, 2022-62, Approving Code Violation Invoice Amount Reduction. **MOTION carried.**

2. Site Plan, Design Review and Variance Applications submitted by Kaeding Architecture for the property located at 711 Pine Street South

2263res_Site Plan 711 Pine Street South.docx

2. Location Map (1 Page).pdf

3. Public Hearing_Variance_Grade A Properties (1 Page).doc

4. Site Plan (8 Pages).pdf

5. Statement of Use (1 Page).pdf

6. Variance Statement (1 Page).pdf

7. Proposed Materials and Surrounding Properties (2 Pages).pdf

Ethan Nelson stated that Jennifer Kaeding of Kaeding Architecture, has submitted applications for Site Plan and Design Review and multiple Variances for the property locate at 711 Pine Street South. The applicant is proposing to expand an existing freestanding 4,966 sq. ft. industrial warehouse. The applicant is requesting approval of multiple variances to allow the expansion of the industrial warehouse on the subject parcel. The applicant is proposing a 2,239 sq. ft. expansion to the principal structure at 6.38 ft. side yard setback and 14.7 ft. the rear yard setback versus the minimum 10 ft. side yard setback and 30 ft. rear yard setback. The applicant is also proposing a variance from Section 900.09G Parking Requirements, requesting off-street parking spaces that are less than the minimum standards required. Additionally, the applicant is also requesting variances to expand the use of exterior metal panels and use of wood frame construction, which are not permitted materials in the Industrial District Design Standards.

The Planning Commission at their regular meeting on February 3rd, 2022, held the required public hearing, reviewed the pertinent information and recommended approval o the proposed Rezoning application via a 5-0 vote with the following 9 conditions:

1. The proposed improvements shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall work with the City Engineer and Public Services Director to revise the grading, storm water drainage, and utility information to the satisfaction of the City prior to any work commencing on site.
4. The applicant shall be required to submit a landscape plan detailing the planting of 2 trees meeting the requirements of Section 900.07 – Landscaping and Fencing.
5. The applicant shall provide the City with an escrow or letter of credit to guarantee the proper installation and growth of the approved landscape plan. The escrow/letter of credit shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be

installed. The escrow/letter of credit shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.

6. City Public Service staff shall be notified upon landscape planting to note the quantity of plants, and initiation of the warranty period.
7. All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
8. Submission of a lighting plan that conforms to Section 900.08, Subd. 1.C.
9. A Conditional Use Permit for proposed Proof of Parking shall be applied for and approved prior to Building.

Acting Mayor Waldron asked if the Conditional Use Permit got denied what does that do to the application.
Nelson replied that they would have to revise the application and address the issue.

Council Member Sorensen, Leo and Waldron all expressed concern with the wood frame that is prohibited by the Industrial District design standards.
Nelson stated that the applicant is going with what material is available at this time. He suggested that Council could deny one of the variances instead of the whole application.

Mike Melchert came forward and recommended that Council table the item since the applicants were not present and available for questions.

Motion by Leo, seconded by Sorensen to table Resolution 2022-63, Site Plan, Design Review and Variance Applications for 711 Pine Street South.

3. Local Decision-Making Authority

2264res_Local_Control.doc

Shane Fineran explained that there are a number of bills introduced in the 2021-2022 biennium which propose to restrict local decision-making related to housing. Based on previous conversations between staff, the City Council and Minnesota State Representative Jim Nash, the Council was clear that decision making policy should be left to local decision makers as they are in the best position to determine the challenges within their communities and to develop plans to address those challenges.

City Staff recommends approval of the draft resolution supporting local decision-making authority. A copy will be provided to our legislators and the League of Minnesota Cities.

Motion by Sorensen, seconded by Leo to Adopt Resolution 2022-64, supporting housing and local decision-making authority. **MOTION carried.**

8) ITEMS REMOVED FROM CONSENT AGENDA

9) STAFF REPORTS

Fineran introduced new park board member, Ben Stasheim.

Craig shared that Emerald Ash Borer has discovered in Waconia. Staff is planning to do training to know where critical parts of the community are so treatments can be done.

10) BOARD REPORTS

Council Member Waldron: Attending the Chamber lunch.
Council Member Sorensen: No Report
Council Member Pierson: Absent
Council Member Leo: No Report
Mayor Bloudek: Absent

11) ANNOUNCEMENTS

12) ADJOURN REGULAR MEETING

Motion by Sorensen , seconded by Leo 12) ADJOURN REGULAR MEETING at 6:57 p.m. **MOTION carried**

Work Session: Growth & Annexation Review Pt. 2, Dock Moratorium Update, Commercial/Industrial Small Area Plan

UPCOMING CALENDAR OF EVENTS/MEETINGS:Planning Commission - March 3City Council - March 7

_____
Kent Bloudek, Mayor

ATTEST: _____

Ann Meyerhoff, Office Assistant

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	March 7, 2022 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 *(Include motion in proper format.)*

Payment of March 7, 2022 Expenditures

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

Attachments:

1. Council List-Expenditures 03.07.2022.pdf

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:

Budget Information:
_____Budgeted
_____Non Budgeted
_____Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	
Other	

I have reviewed the list of claims for council approval and recommend payment

Nicole Meyer, Finance Director

CITY OF WACONIA

Council List-Expenditures

Meeting: March 7, 2022

VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
BKV GROUP	New Fire Station Study	$13,089.16	PIR Fund
CADY BUILDING MAINTENANCE, INC.	City Facility Cleaning 03.2022	$3,628.47	Central Facilities
CARVER COUNTY	GIS position Qtr 02.2021	$5,449.08	Technology
CARVER COUNTY	Phone/Internet Service 02.2022	$52.66	Bill Back Receivable
CARVER COUNTY	Phone/Internet Service 02.2022	$694.63	Central Facilities
CARVER COUNTY	Phone/Internet Service 02.2022	$246.92	Safari Island Fund
CARVER COUNTY	Phone/Internet Service 02.2022	$133.48	Water Utility Fund
CARVER COUNTY	Phone/Internet Service 02.2022	$54.41	Sewer Utility Fund
CARVER COUNTY	Phone/Internet Service 02.2022	$116.21	Storm Water Fund
CARVER COUNTY	Phone/Internet Service 02.2022	$207.08	Ice Arena
CARVER COUNTY	Spec. Assessment Entry Charge	$65.00	Finance
CCP NI MASTER TENANT 4, LLC	Solar Electric 01.2022	$647.85	Central Facilities
CCP NI MASTER TENANT 4, LLC	Solar Electric 01.2022	$13.07	Water Utility Fund
CCP NI MASTER TENANT 4, LLC	Solar Electric 01.2022	$622.35	Sewer Utility Fund
CCP NI MASTER TENANT 4, LLC	Solar Electric 01.2022	$299.50	Street Light Utility Fund
CHOICE ELECTRIC INC	Street Light Repair	$5,021.75	Street Light Utility Fund
COMMUNITY AREA BUSING	2022 Annual WeCAB Contribution	$1,500.00	Administration
DAMA METAL PRODUCTS INC	Fire Lock Boxes	$566.00	Fire
EBERT INC.	Everson Storage Shed Project	$20,579.67	PIR Fund
EKLOF DOCK & PATTERN COMPANY, INC.	Down Payment - Fishing Pier Project	$37,821.12	Capital Equipment Fund
HAWKINS, INC	Water Treatment Plant Chemicals	$6,245.43	Water Utility Fund
HOLTON ELECTRIC CONTRACTORS LLC	Well Wire Service	$6,464.45	Water Utility Fund
IRON TAP	Return Remaining Escrow Funds	$2,470.00	PIR Fund
LAURSEN ASPHALT REPAIR EQUIPMENT SALES	Asphalt Recycle Trailer	$45,093.00	Capital Equipment Fund
LAURSEN ASPHALT REPAIR EQUIPMENT SALES	Asphalt Tack Trailer	$19,804.00	Capital Equipment Fund
MACQUEEN EMERGENCY GROUP	SCBA Mask Cleaner	$125.82	Fire
MARCO TECHNOLOGIES, LLC	Azure Subscript.1.16-2.15.2022	$34.78	Technology
MARCO TECHNOLOGIES, LLC	Cisco Insights 2.16-3.15.2022	$210.00	Technology
METRO AREA MANAGEMENT ASSOCIATION	MAMA Lunch Meeting-February	$25.00	Administration
METROPOLITAN COUNCIL	SAC Report 02.2022	$46,742.85	Sewer Utility Fund
MN DEPARTMENT OF HEALTH	Water Connection Fees Q1.2022	$10,862.00	Water Utility Fund
MN DEPARTMENT OF PUBLIC SAFETY	Public Works - EPCRA Program	$25.00	Central Facilities
MN DEPARTMENT OF PUBLIC SAFETY	Water Treatment Plant - EPCRA Program	$25.00	Water Utility Fund
NCPERS GROUP LIFE INS.	Premiums 03.2022	$64.00	Payroll Liabilities
NORDIC MECHANICAL SERVICES	Water Treatment Plant Line Repair - Heating System	$1,023.84	Water Utility Fund
SAFETY SIGNS	Road Signage	$310.50	Streets
SHI INTERNATIONAL CORP.	Viewboard Hardware	$987.76	Technology
TRITECH SOFTWARE SYSTEMS	2022 GP Support Plan	$24,648.49	Technology
USA SECURITY, INC.	Water Treatment Plant Open Path Subscription	$225.00	Water Utility Fund
VESSCO, INC	Injection Quills	$2,479.00	Water Utility Fund
WATER CONSERVATION SERVICE, INC.	Leak Locate 01.31.2022	$446.43	Water Utility Fund
Grand Total		**$259,120.76**	

The above bills have been approved for payment at the regular City Council Meeting on March 7, 2022.
Authorized and ordered for payment:

Mayor

City Clerk

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Contractor Pay Request #4 - Everson New Storage Shed
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 *(Include motion in proper format.)*

Motion to approve Pay Estimate No. 4 to Ebert Construction for the Everson New Storage Shed

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

Staff has reviewed the contractor pay request for the Everson New Storage Shed and recommends payment of $20,579.67 based on the architect request for payment. This payment represents approximately 53.0% of the total approved contract for the project.

Attachments:

1. Payment Application #04.pdf

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
PIR Capital

Budget Information:

X Budgeted
_____ Non Budgeted
_____ Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	
Other	

110

AIA® Document G702™ – 1992

Application and Certificate for Payment

TO OWNER: City of Waconia
201 South Vine Street
Waconia, MN 55387

PROJECT: Everson New Storage Shed
121 Highway 5 East
Waconia, MN 55387

APPLICATION NO: 4
PERIOD TO: 2/28/2022
CONTRACT FOR:
CONTRACT DATE:
PROJECT NOS: 6513 / /

Distribution to:
OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
FIELD ☐
OTHER ☐

FROM CONTRACTOR: Ebert Construction
23350 County Road 10
Corcoran, MN 55357

VIA ARCHITECT: Kaeding Architects LLC

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
AIA Document G703™, Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM	$	384,000.00
2. NET CHANGE BY CHANGE ORDERS	$	23,359.53
3. CONTRACT SUM TO DATE *(Line 1 ± 2)*	$	407,359.53
4. TOTAL COMPLETED & STORED TO DATE *(Column G on G703)*	$	218,509.53
5. RETAINAGE:		
a. 5.00 % of Completed Work *(Columns D + E on G703)*	$	10,236.48
b. 5.00 % of Stored Material *(Column F on G703)*	$	689.00
Total Retainage *(Lines 5a + 5b, or Total in Column I of G703)*	$	10,925.48
6. TOTAL EARNED LESS RETAINAGE *(Line 4 minus Line 5 Total)*	$	207,584.05
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT *(Line 6 from prior Certificate)*	$	187,004.38
8. CURRENT PAYMENT DUE	$	20,579.67
9. BALANCE TO FINISH, INCLUDING RETAINAGE *(Line 3 minus Line 6)*	$	199,775.48

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	$ 19,476.72	$
Total approved this month	$ 3,882.81	$
TOTAL	$ 23,359.53	$
NET CHANGES by Change Order	$ 23,359.53	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Ebert Construction
By: _____ Date: 2/25/22
State of: Minnesota
County of: Hennepin
Subscribed and sworn to before me this 25th day of Feb 2022
Notary Public: Candace Green
My commission expires: 1-31-2027

CANDACE LEE GREEN
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2027

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... $ _____
(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: Kaeding Architects LLC
By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

AIA Document G702™ – 1992. Copyright © 1953, 1963, 1965, 1971, 1978, 1983 and 1992 by The American Institute of Architects. All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. Purchasers are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Documents, e-mail The American Institute of Architects' legal counsel, copyright@aia.org.

010711ACD44

AIA® Document G703™ – 1992

Continuation Sheet

AIA Document G702™–1992, Application and Certificate for Payment, or G732™–2009, Application and Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.
In tabulations below, amounts are in US dollars.
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 4
APPLICATION DATE: 2/25/2022
PERIOD TO: 2/28/2022
ARCHITECT'S PROJECT NO: 6513

A	B	C	D	E	F	G		H	I
			WORK COMPLETED						
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	MATERIALS PRESENTLY STORED (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C – G)	RETAINAGE (If variable rate)
01	General Conditions	36,600.00	18,300.00			18,300.00	50.00	18,300.00	915.00
02	Bond, Insurance	5,500.00	5,500.00			5,500.00	100.00		275.00
03	Excavation, Shed	13,000.00	13,000.00			13,000.00	100.00		650.00
04	Footings and Foundation, Shed	55,000.00	55,000.00			55,000.00	100.00		2,750.00
05	Rough Carpentry Material, Shed	22,000.00	22,000.00			22,000.00	100.00		1,100.00
06	Rough Carpentry Labor, Shed	35,120.00	35,120.00			35,120.00	100.00		1,756.00
07	Roofing, Shed	10,250.00	10,250.00			10,250.00	100.00		512.50
08	Siding, Shed	21,200.00			13,780.00	13,780.00	65.00	7,420.00	689.00
09	HM Doors/Frames, OHD's, Winc	10,200.00		4,000.00		4,000.00	39.22	6,200.00	200.00
10	Painting, Shed	1,075.00						1,075.00	
11	Plumbing, Shed	6,200.00	6,200.00			6,200.00	100.00		310.00
12	Excavation, Canopy	5,500.00	5,500.00			5,500.00	100.00		275.00
13	Footings, Canopy	6,500.00	6,500.00			6,500.00	100.00		325.00
14	Structural Steel	15,500.00						15,500.00	
15	Rough Carpentry (MATL), Canoı	19,800.00						19,800.00	
16	Rough Carpentry Labor, Canopy	36,030.00						36,030.00	
17	Siding, Canopy	47,250.00						47,250.00	
18	Roofing, Canopy	34,000.00						34,000.00	
19	Painting, Canopy	1,075.00						1,075.00	
20	Plumbing, Canopy	2,200.00						2,200.00	
21	GC01 Exp Jt and Vapor Barrier	1,531.20	1,531.20			1,531.20	100.00		76.56
22	GC02 Foundation Winter Condn	3,772.00	3,772.00			3,772.00	100.00		188.60
23	Winter Conditions - Shed Slabs	14,173.52	14,173.52			14,173.52	100.00		708.68
24	Change Order GC05	294.69		294.69		294.69	100.00		14.73
25	GC06 Canopy Winter Costs	3,588.12		3,588.12		3,588.12	100.00		179.41
	GRAND TOTAL								

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

AIA Document G703™ – 1992. Copyright © 1963, 1965, 1966, 1967, 1970, 1978, 1983 and 1992 by The American Institute of Architects. All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. Purchasers are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Documents, e-mail The American Institute of Architects' legal counsel, copyright@aia.org.

101210ACD44

AIA® Document G703™ – 1992

Continuation Sheet

AIA Document G702™–1992, Application and Certificate for Payment, or G732™–2009, Application and Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.
In tabulations below, amounts are in US dollars.
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 4
APPLICATION DATE: 2/25/2022
PERIOD TO: 2/28/2022
ARCHITECT'S PROJECT NO: 6513

A	B	C	D	E	F	G		H	I
			WORK COMPLETED						
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	MATERIALS PRESENTLY STORED (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C – G)	RETAINAGE (If variable rate)
		407,359.53	196,846.72	7,882.81	13,780.00	218,509.53	53.64	188,850.00	10,925.48
	GRAND TOTAL								

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

AIA Document G703™ – 1992. Copyright © 1963, 1965, 1966, 1967, 1970, 1978, 1983 and 1992 by The American Institute of Architects. **All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law.** Purchasers are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Documents, e-mail The American Institute of Architects' legal counsel, copyright@aia.org.

101210ACD44

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Use of Streets - Walk On Waconia
Originating Department:	Administration
Presented by:	Shane Fineran
Previous Council Action (if any):	

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

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

Motion to approve use of streets for Walk on Waconia event.

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

St. Joseph's Parrish has submitted a request for the use of city streets for the annual Walk On Waconia fundraiser to benefit the Waconia United Food Shelf. This year's event will be held on Saturday, May 14th at 8:00 a.m. Local streets used include Waconia Parkway North, Lake St, Elm Street, Main Street and Old Beach Lane. Traffic control will be handled by volunteers.

Attachments:

1. City of Waconia Street Request - 2022.doc
2. Walk On Waconia Map - 2022.pdf

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
None

Budget Information:

	Budgeted
X	Non Budgeted
	Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	
Other	

February 20, 2022

Shane and Craig:

Good evening. Please allow this email to serve as the official request for city street use, as well as notice for the Saturday, May 14, 2022 annual Walk on Waconia event.

Walk on Waconia is a 100% fundraiser for the local food shelf. Walk on Waconia originates from St. Joe's School on Sat. May 14. The event begins at 8:00 a.m. and should be off the streets by 12:00 pm at the latest as it has every year.

Schedule Walk on Waconia – Saturday, May 14

6:30 am Registration begins in St. Joe's School

8:00 am The 10-k run/walk and 5-k run/walk begin (the 5k walkers and runners are bused from St. Joe's to the north side of Lake Waconia and walk or run going counter clockwise around the lake as they return to St. Joe's)

Streets Used:

Returning to the City of Waconia city limits on #10, then turn east on Waconia Parkway North up to Faith Lutheran, where we access the walking path and proceed towards the tennis courts. Up the walking path hill to Lake St. and east on Lake St. to Elm St. where we turn and go up the hill all the and return back to St. Joe's School.... staying on the sidewalk on the side of Elm. The map is included as part of this request.

Safety:

The Carver County Sheriffs will be asked to assist, along with a Ham Radio team and 40 plus volunteers.

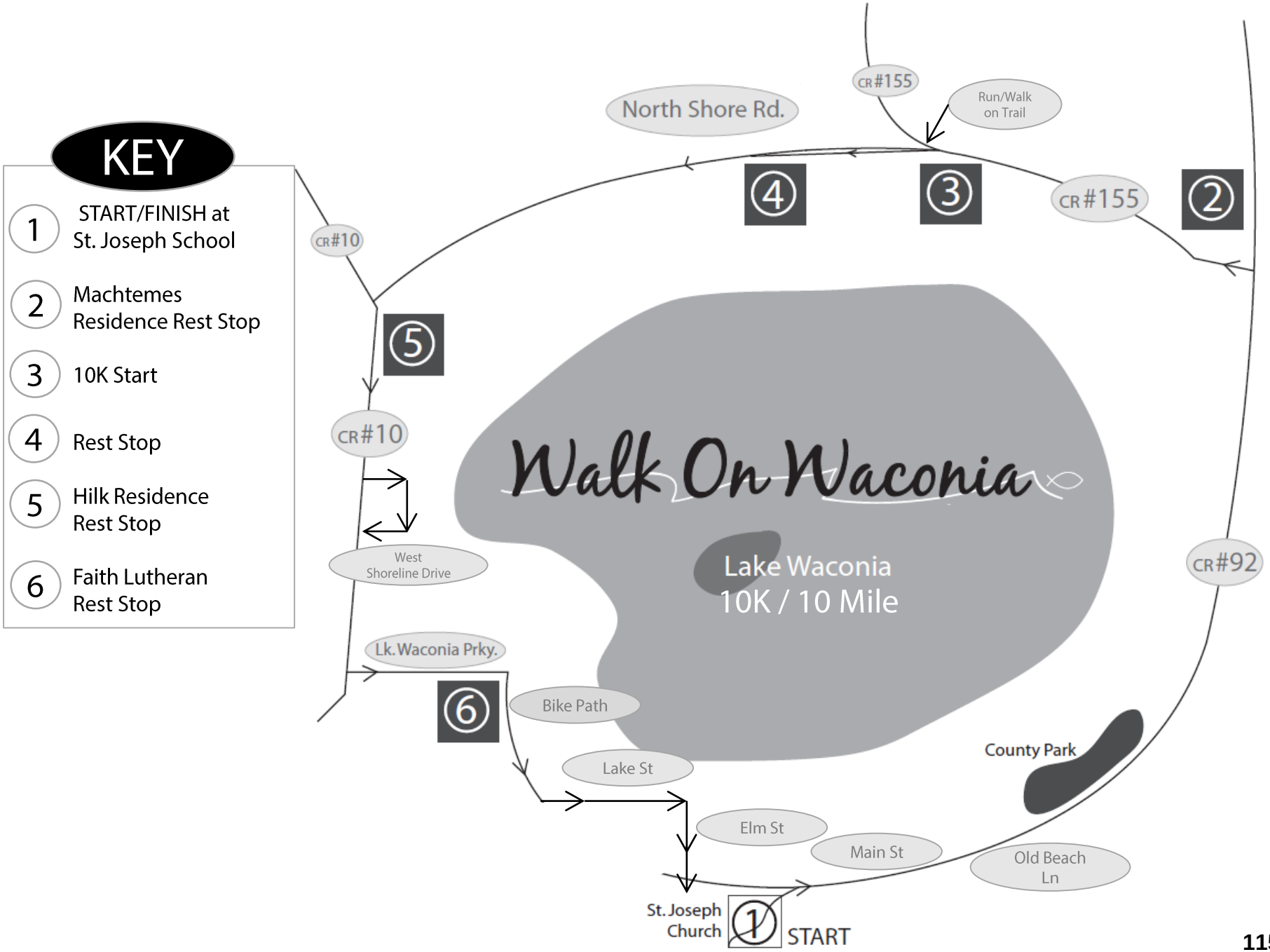
Thank you! Please let me know what other information you may need.

Tim Litfin

Cell…612-910-6200

tlitfin@mchsi.com

Director for Walk on Waconia, St. Joseph's Celebration Committee Chair and Volunteer for St. Joseph's Parish


KEY
1 START/FINISH at St. Joseph School
2 Machtemes Residence Rest Stop
3 10K Start
4 Rest Stop
5 Hilk Residence Rest Stop
6 Faith Lutheran Rest Stop
Walk On Waconia
Lake Waconia
10K / 10 Mile
North Shore Rd.
CR#155
Run/Walk on Trail
CR#155
CR#10
CR#10
West Shoreline Drive
Lk. Waconia Prky.
Bike Path
Lake St
Elm St
Main St
Old Beach Ln
County Park
CR#92
St. Joseph Church
START

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	League of Minnesota Cities Insurance Trust - Tort Liability Waiver - 2022-2023 Policy Renewal
Originating Department:	Administration
Presented by:	Jackie Schulze
Previous Council Action (if any):	Approved on May 3, 2021 (must be approved annually as part of Property/Liability Insurance Renewal)

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

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

Motion to Approve the Non-Waiver of Monetary Limits on the 2022-2023 Tort Liability Insurance Policy Renewal.

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

As part of the annual liability insurance renewal process, the City Council is required to waive or not waive the tort liability limit within our insurance program through the League of Minnesota Cities Insurance Trust (LMCIT). The *Liability Coverage-Waiver Form* included describes the waiver and the effect on a potential client.

It has been past practice and staff recommends the continued non-waiver of the monetary limits for the 2022-2023 policy year.

Attachments:

1. Liability-Coverage-Waiver-Form (1).pdf

FINANCIAL IMPLICATIONS: Funding Sources & Uses:	***ADVISORY BOARD RECOMMENDATIONS:***	
Budget Information: _____Budgeted _____Non Budgeted _____Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

LEAGUE of MINNESOTA CITIES

LIABILITY COVERAGE – WAIVER FORM

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

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

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

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than $500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to $1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.

- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to $2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is $2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to $2,000,000, regardless of the number of claimants.

- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

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

LMCIT Member Name:

_____

Check one:

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

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

Date of member's governing body meeting: _____

Signature:_____ Position: _____

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	Use of Streets/Trails/Parking Lot, Don't Worry Be Hoppy 5K, 10K and Kids Run					
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 *(Include motion in proper format.)*

Motion to Authorize use of streets/trails/parking lot for Don't Worry Be Hoppy 5k, 10K and Kids Run, May 7, 2022

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

The 8th Annual Don't Worry Be Hoppy 5K & Kids Run has requested the ability to use streets and trails as part of their event. They plan to donate part of the proceeds to KAT6A Foundation. The event will take place on May 7, 2022. Race day set-up will start at 6:30 a.m. with registration at 7:30 a.m. The 10K starts at 9:30a.m., 5K starts at 10:00 a.m. and Kids Run starts at 11:00 a.m. Awards will be presented and 11:15 a.m. and will be completed by Noon.

AMPLIFIED NOISE: They will have a small sound system at the Start/Finish area. We have advised that they will need a temporary noise permit.

ALCOHOL: Waconia Brewing Company will be responsible for alcohol on site and will obtain proper permits.

ROUTE SAFETY MEASURES: 10K & 5K: They will stage 14 course marshals along the 5K route. The course marshals will wear bright safety vest, and carry a bright flag, as they will help guide the runners and walkers along the route. They plan to hire a Carver County Sheriff's Deputy for traffic and crowd control. Last year, the Carver County Deputy was staged at the intersection of 1st St & Maple St. to direct traffic, and ensure the safety of the runners & walkers. We will also have two lead bikers to help ensure the safety of the participants, as well as a sweep at the back of the pack, to let us know all participants are off the course.

KIDS RUN: The kid's route will be on sidewalks. We will stage 8 course marshals along the kid's route to ensure the kids safety. Many parents will run or walk with their children.

COURSE MARKING: They will have directional arrows placed in the ground and will use little or no spray chalk this year.

START & FINISH AREA: They will block off the area just in front of the Waconia Brewing Company to ensure the safety of all participants. If possible, they would like to use more of the connecting parking lot east of the Waconia Brewing Company, still keeping access open to customers shopping at any of the businesses connected in the strip mall connected to the Waconia Brewing Company.

PARKING: They will communicate to participants via Facebook & email pre-registered participants to park on the streets if at all possible.
Staff has reviewed and recommends approval.

SAFETY: Some concerns were brought up last year regarding runners crossing Cherry Street in an unsafe manner. We have worked with the event coordinator to develop a safety plan to ensure this is not the case in 2022. This

includes giving detailed pre-race instructions to the runners, adding four to five course marshals dedicated to ensuring that participants stay off Cherry Street, having two course marshals at the designated Cherry Street crossing point, and having a designated biker to patrol Cherry street and keep the participants on the sidewalks and paths.

Attachments:

1. Don't Worry be Hoppy Attachment.pdf
2. Dont Worry be Hoppy Map.pdf

FINANCIAL IMPLICATIONS: Funding Sources & Uses:	***ADVISORY BOARD RECOMMENDATIONS:***	
Budget Information: _____Budgeted _____Non Budgeted _____Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

Ann Meyerhoff

From: Doug Krohn <dk.soleMOTION@outlook.com>
Sent: Thursday, March 3, 2022 12:19 PM
To: Jackie Schulze; Ann Meyerhoff
Subject: Re: 8th Annual Don't Worry Be Hoppy 5k, 10k, & Kids Fun Run

Hi Jackie & Ann,

Per yesterday's conversation in regards to runners walking or running on Cherry street, below find my bullet points that I will implement to fix the problem.

> **First**, when I (Race Director) gives pre-race instructions to the walkers & runners, I will do a better job of instructing runners & Walkers, that they CANNOT run or walk on an active street. Waconia has plenty of sidewalks and paths to accommodate our participants in a safe manor.

> **Second**, I will be adding 4-5 course marshals to ensure the participants stay off Cherry Street until our designated crossing point, which will be manned by two course marshals with bright vest & bright safety flags. We also need to do a better job of educating the course marshals of their role to keep the participants safe, by keeping them off the active roads!

> **Third**, as we have a wonderful group of lead bikers, we will have 1 designated biker to patrol Cherry street to help keep the participants on the side walk & paths.

I feel by implementing this plan will fix the problem from last year, that you pointed out.

Please let me know if you have any questions, or feedback.

Thank you so much!

Doug Krohn

Doug Krohn
Race Director
soleMOTION Race Management
952.797.6412
Email: dk.solemotion@outlook.com
Website: www.soleMOTIONrace.com

The 8th Annual Don't Worry Be Hoppy 5K, 10K, & Kids Family 1/4 mile Fun Run, May 7th 2022, Waconia, MN!!!
www.solemotionrace.com
&

https://www.solemotionrace.com

Don't Worry Be Hoppy
5K & 10K
5K = 1 Lap
10K = 2 Laps
Start/Finish
Mile 1
Mile 2
Mile 3
Mile 4
Mile 5
Mile 6
Water
Carver County Historical Society
Pheasant Ridge Park
Bike Path
Kruckman Dentistry
OMS Specialists
Ridgeview Waconia campus
Southview Elementary School
Lester Pointe
William Lake Shore Dr
Pintail Cir
Quail Run
Stein Dr
Farm Line Rd
Countryside Rd
Cherry Dr
Cherry St
Partridge Cir
Sunset Blvd
W 2nd St
W 3rd
W 3 1/2 St
W 10th St
S Redwood St
S Walnut St
S Cedar St
S Maple St
S Vine St
Willow Pl S
Primrose Ln
Parkside Ln
Map data ©2021

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Temp. On-Sale Liquor License and Use of Parking Lot - Waconia Brewing Company
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 *(Include motion in proper format.)*

Adopt Resolution No. 2022-66, Approving Temporary On-Sale Liquor License and Use of Parking Lot, Waconia Brewing Company, Don't Worry Be Hoppy, May 6-7

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

The City has received an application for a temporary on-sale liquor license and a request to use the Municipal Parking Lot in front of the brewery from Waconia Brewing Company to sell liquor on May 6-7, 2022. Attached shows the proposed parking lot use.

Sales and consumption of liquor will be limited to the roped off area on May 6-7, 2022. Special care will need to be maintained during the event to ensure that the liquor doesn't leave the area.

Attachments:

1. 2266res Don't Worry Be Hoppy Temp License Use of Parking Lot res.docx

FINANCIAL IMPLICATIONS:	***ADVISORY BOARD RECOMMENDATIONS:***	
Funding Sources & Uses:		
Budget Information:	Planning Commission	
_____Budgeted	Parks and Recreation Board	
_____Non Budgeted	Safari Island Advisory Board	
_____Amendment Required	Other	

CITY OF WACONIA
RESOLUTION NO. 2022-66

RESOLUTION APPROVING TEMPORARY ON-SALE LIQUOR LICENSE APPLICATION AND USE OF PARKING LOT WACONIA BREWING COMPANY

WHEREAS, An application for a temporary on-sale liquor license has been received in the Office of the City Administrator from Waconia Brewing Company for Saturday, May 5-6, 2022, in Municipal Lot 1, and

WHEREAS, A request to use the municipal parking lot in front of the brewery during the event has also been requested; and

WHEREAS, Sale and consumption of alcoholic beverages will be limited to the fenced 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 Waconia Brewing Company on May 1, 2021, 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 7th day of March 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/_____	Waldron	_____
	Leo	_____
S/_____	Sorensen	_____
	Pierson	_____
	Bloudek	_____

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Approve 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 *(Include motion in proper format.)*

Adopt Resolution 2022-67 Approving Temporary On-Sale Liquor License Applications for Lions Club

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

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 April 30, 2022.

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. 2267res Temp On Sale Waconia Lions.doc

FINANCIAL IMPLICATIONS:	***ADVISORY BOARD RECOMMENDATIONS:***	
Funding Sources & Uses:		
Budget Information: _____Budgeted _____Non Budgeted _____Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

CITY OF WACONIA
RESOLUTION NO. 2022-67

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 April 30, 2022 at Carver County Fairgrounds, Waconia, MN, and

WHEREAS, Sale and consumption of alcoholic beverages will be limited to the beer garden and grand stand of the Carver County Fairgrounds.

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 April 30, 2022, 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 7th day of February 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/_____	Bloudek	_____
	Sorensen	_____
S/_____	Pierson	_____
	Waldron	_____
	Leo	_____

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	Authorize Hire for Accountant					
Originating Department:	Administration					
Presented by:	Jackie Schulze					
Previous Council Action (if any):	January 18, 2022: Authorize Recruitment for Accountant					
Item Type (X only one):	Consent	X	Regular Session		Discussion Session	

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

Adopt Resolution 2022-68, Approving Accountant Hire.

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

As part of the 2022 budget, the City authorized the addition of an Accountant position. This was originally slated to start mid-year, however with the movement of Jen Friesen to the Office Assistant - Flex position, the City was provided the the flexibility to backfill the Finance Clerk position with the Accountant position at an earlier time, without having a significant budget impact. The City began advertising this position in mid-January, and received over 15 applications. Six candidates were interviewed.

Following the interviews, City staff recommend hiring Brittany Wright for this role. Brittany has significant municipal accounting experience with the cities of Belle Plaine and Farmington. She has used several of the software programs that the City of Waconia currently uses and we feel she would not have a steep learning curve in terms of the ins and outs of this position.

Brittany will start at Step 2 of the Accountant Pay Scale and accrue PTO at the standard rate for new hires. She will start with a 48 hour PTO bank. We anticipate a start date of March 9, 2022.

Attachments:

1. 2268res Accountant_-_Resolution.docx

FINANCIAL IMPLICATIONS: Funding Sources & Uses:	***ADVISORY BOARD RECOMMENDATIONS:*** Personnel Committee: Recommend	
Budget Information: _____Budgeted _____Non Budgeted _____Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

CITY OF WACONIA
RESOLUTION NO. 2022 - 68

RESOLUTION AUTHORIZING
ACCOUNTANT HIRE

WHEREAS, on January 18, 2022, the City Council authorized the recruitment for the Accountant position; and

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

WHEREAS, staff recommend the appointment of Brittany Wright to this position;

WHEREAS, Brittany will start at Step 2 on the Accountant pay scale and a bank of 48 PTO hours; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia authorizes the hire of Brittany Wright, effective immediately.

Adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/ _____	Bloudek	_____
	Pierson	_____
S/ _____	Leo	_____
	Sorensen	_____
	Waldron	_____

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Christopher & Diana Reeve Foundation Grant
Originating Department:	Administration
Presented by:	Shane Fineran
Previous Council Action (if any):	

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

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

Adopt Resolution 2022-69, Authorizing Grant Application

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

The Christopher & Diana Reeve Foundation make grants available to local governments and non-profits that seek to enhance the lives of individuals living with paralysis. Eligible uses of Quality of Life Direct Effect Grants are th reconstruction of existing non-accessible playground to one that is accessible or adds accessible features.
There is no match required for this program and maximum award is up to $25,000.

Staff is requesting authority to submit a grant application to this program to be used for the acquisition and installation of two features slated for the inclusive playground project. These items are identified as the Sway Fun glider and We Go Round, both of which are fully accessible to individuals utilizing a wheel chair.

Grant applications are due by March 9th and awards be made by June.

Attachments:

1. 2269res_Reeve_Foundation_Grant.doc

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
None

Budget Information:

	Budgeted
X	Non Budgeted
	Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	
Other	

CITY OF WACONIA
RESOLUTION NO. 2022-69

Christopher & Diana Reeve Foundation Grant Application

WHEREAS, the City of Waconia has committed to the reconstruction of the Waterford playground with one that features an accessible design and provides for inclusive play for all; and

WHEREAS, the City determined that specific play elements chose for the playground space meet the criteria established for possible funding; and

BE IT FURTHER RESOLVED that the City Council authorizes the submission of a grant application with proceeds benefiting the Inclusive Playground project.

Adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

M/_____	Bloudek	_____
	Pierson	_____
S/_____	Leo	_____
	Sorensen	_____
	Waldron	_____

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	Establishing Municipal State Aid Highway					
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 2022-70; Approve Establishing Municipal State Aid Highway

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

Annually staff and City Engineer review the communities Municipal State Aid Highway system for additional miles and completion of an annual report completed by the City Engineer and supplied to the Minnesota Department of Transportation.

Mileage can be added through roadway system expansion and turn-back of roadways designated as MSASS systems. In 2021 the expanded roadways along with held mileage totaled 1.33 miles. In calendar year 2020 and 2021 staff conducted review of certain roadway systems to determine those with the greatest use and currently link to an existing MSASS roadway.

Results of this effort we determined that Community Drive with .77 miles should be added to the MSASS system. Community Drive is linked with current CSAH 10 and Oak Avenue each of which are MSASS roadway systems. The result of this recommendation leaves .56 miles of unused MSASS system mileage, which may be added with expanded mileage assumed in 2022, or years afterwards to link another roadway system.

Attached Council will find a cover letter to Minnesota Department of Transportation, image of the communities MSASS system and a resolution for approval.

Attachments:

1. 2271res MSA-establish_resolution_2022.docx
2. 2022-02-22 System Revision Request.pdf

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
Street Budget, Contract Services

Budget Information:
X Budgeted
_____ Non Budgeted
_____ Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	
Other	

CITY OF WACONIA
RESOLUTION NO. 2022-71

RESOLUTION ESTABLISHING MUNICIPAL STATE AID HIGHWAY

WHEREAS, it appears to the City Council of the City of Waconia that the street hereinafter described should be designated as a Municipal State Aid Street under the provisions of Minnesota Law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Waconia that the street described as follows, to-wit:

Community Drive: CSAH 10 to Oak Avenue

Be, and hereby is established, located, and designated as a Municipal State Aid Street of said City, subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward two certified copies of this Resolution to the Commissioner of Transportation for her consideration, and that upon her approval of the designation of said street or portion thereof, that same be constructed, improved and maintained as a Municipal State Aid Street of the City of Waconia to be numbered and known as a Municipal State Aid Street.

Adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

ATTEST:_____
Jackie Schulze, City Clerk

M/ _____

S/ _____

Bloudek	_____
Pierson	_____
Leo	_____
Waldron	_____
Sorensen	_____

BOLTON & MENK
Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

Minnesota Department of Transportation
Waters Edge Building
Attn: Dan Erickson, DSAE
1500 W County Road B-2
Roseville, MN 55113

RE: City of Waconia
2022 MSA System Revision

Dear Mr. Erickson:

The City of Waconia requests to make a Municipal State Aid (MSA) system revision as a result of the growth and development of the City. Based on overall system mileage, the City of Waconia is currently 1.33 miles under their maximum allowed MSA mileage of 11.34 miles (not including CSAH turnback miles). The City is requesting to add the new segment of Community Drive (0.77 miles). This proposed MSA route is a City collector street and carries a high volume of traffic. Additionally, the proposed segment begins and ends at an MSA street, a CSAH highway, or a State Highway. No revocations are necessary or are being requested in order to accommodate this addition. This proposed system revision is shown on the attached exhibit. This proposed revision would result in the City having 10.78 miles allocated of their 11.34 miles allowed. The proposed revision is compliant with State Aid Rule 8820.0700, and the process moving forward will be compliant with State Aid Rule 8820.0800.

A City Council resolution confirming this revision will be forwarded to your office prior to May 1, 2022. Pending MnDOT approval, the City will also complete the 2022 Needs Update showing this revision prior to May 1, 2022. Please contact me if you have any questions or require any additional information in order to review this request.

Sincerely,

Bolton & Menk, Inc.

Jake S. Saulsbury, P.E.

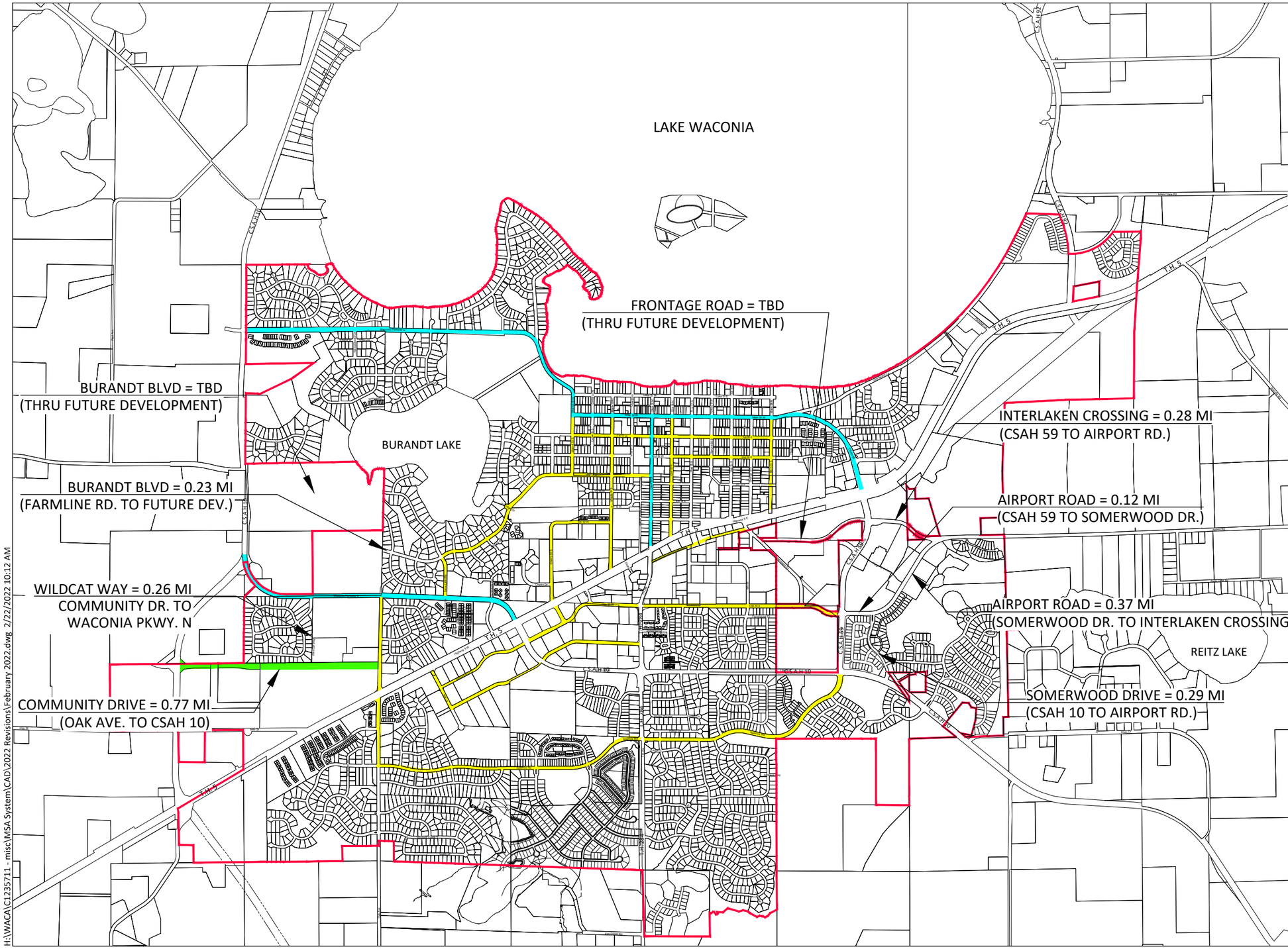
cc: Bill Lanoux, MnDOT State Aid
Craig Eldred, Public Services Director

h:\waca\c1235711 - misc\msa system\corres\2022-02-22 system revision request.docx

Bolton & Menk is an equal opportunity employer.

BOLTON & MENK

HORZ. SCALE 0 1000 2000 FEET



CITY OF WACONIA

MUNICIPAL STATE AID STREET SYSTEM

LEGEND

- EXISTING MUNICIPAL STATE AID STREET
- EXISTING COUNTY STATE AID HIGHWAY TURNBACK
- PROPOSED COUNTY STATE AID HIGHWAY TURNBACK
- PROPOSED MUNICIPAL STATE AID STREET
- PROPOSED REVOKED MUNICIPAL STATE AID STREET
- CITY LIMITS

EXISTING:

MSA MILEAGE (LOCAL ROADS)	10.01 MI
MSA MILEAGE (CSAH TURNBACKS)	4.35 MI
ADDITIONAL MILEAGE ALLOWED	1.33 MI

PROPOSED:

COMMUNITY DRIVE	0.77 MI
REVOCATIONS	0.00 MI
ADDITIONAL MILEAGE PROPOSED	0.77 MI

SUMMARY:

ADDITIONAL MILEAGE ALLOWED	1.33 MI
LESS PROPOSED MSA STREETS	0.77 MI
REMAINING MILEAGE ALLOWED	0.56 MI

H:\WACA\C1235711 - misc\MSA System\CAD\2022 Revisions\February 2022.dwg 2/22/2022 10:12 AM

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Approve Execution of Carver County Water Management Grant Agreement
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 2022-72; Authorizing Approval of Public Services Director to Execute Carver County Water Management Organization Grant

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

City staff were approached by CCWMO staff on potential currently maintained turf areas which may be converted to native plantings. Staff provided nearly 12 Ac. of Park and Public space for consideration for this effort. Staff have given consideration to this to reduce turf maintenance and had previously engaged in conversation with developments on this effort to improve steep slopes both open and wooded.

From the sites provided the CCWMO chose three sites amounting to 5.87 Ac. The site images are attached and include the steep slope adjacent Waconia Parkway North in Cedar Point Park, Public Services and Water Treatment Facility and South East Lift Station and adjacent open area. Carver County Parks were also awarded parts of Waconia Regional Park within the community.

The CCWMO would be responsible for contract improvements up to June 20 of 2024 and intend to work with Prairie Restorations on the implementation. Initiation of this project and program is being funding from the Board of Water Soil and Resources from Legacy dollars. On January 1 of 2024 the City would be responsible for maintenance and tracking for a period of Fifteen, 15-years. This program and process the Public Services Department manages with Prairie Restorations on other native projects in the community. The City would be responsible to maintain signage designating the funding from the Clean Water Legacy Funds.

Staff recommend approval of this request allowing for 5.87 Ac. of maintained turf be converted to native plantings negating staff and equipment time to maintain.

Attachments:

1. 2272res Turf_to_Native_Resolution_7_02_22.doc
2. Turf to Native Site Images.pdf

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
Park & Utilities, Contract Services

Budget Information:
X Budgeted
_____ Non Budgeted
_____ Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	
Other	

CITY OF WACONIA
RESOLUTION NO. 2022-72

RESOLUTION AUTHORIZING APPROVAL OF PUBLIC SERVICES DIRECTOR TO EXECUTE CARVER COUNTY WATER MANAGEMENT ORGANIZATION GRANT

WHEREAS, one of the City's Priorities "Environment – protecting the quality of our land, air, trees, natural space, water and lakes"; and

WHEREAS, Public Services staff were approached by the CCWMO to review potential areas where turf maintained by the city could be converted to native plantings; and

WHEREAS, staff chose multiple sites for CCWMO review and from their review they chose three sites within the community; and

WHEREAS, the Public Services Director is authorized to execute the agreement with the CCWMO for the three sites guided upon the efforts to reduce turf maintenance costs.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes approval of Public Services Director to execute Carver County Water Management Organization Grant.

Adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

M/ _____	Bloudek	_____
	Pierson	_____
S/ _____	Leo	_____
	Waldron	_____
	Sorensen	_____

CITY OF WACONIA
Public Services Department
310 10TH STREET EAST, WACONIA, MN 55387
publicservices@waconia.org - (952) 442-2615

0 50 100 200 Feet

N

Turf To Native Areas (in acres)

Mowing Areas

TURF ON BIKEPATH BETWEEN WACONIA PKWY N AND LAKE WACONIA

Page 2 of 15

CITY OF WACONIA
Public Services Department
310 10TH STREET EAST, WACONIA, MN 55387
publicservices@waconia.org - (952) 442-2615

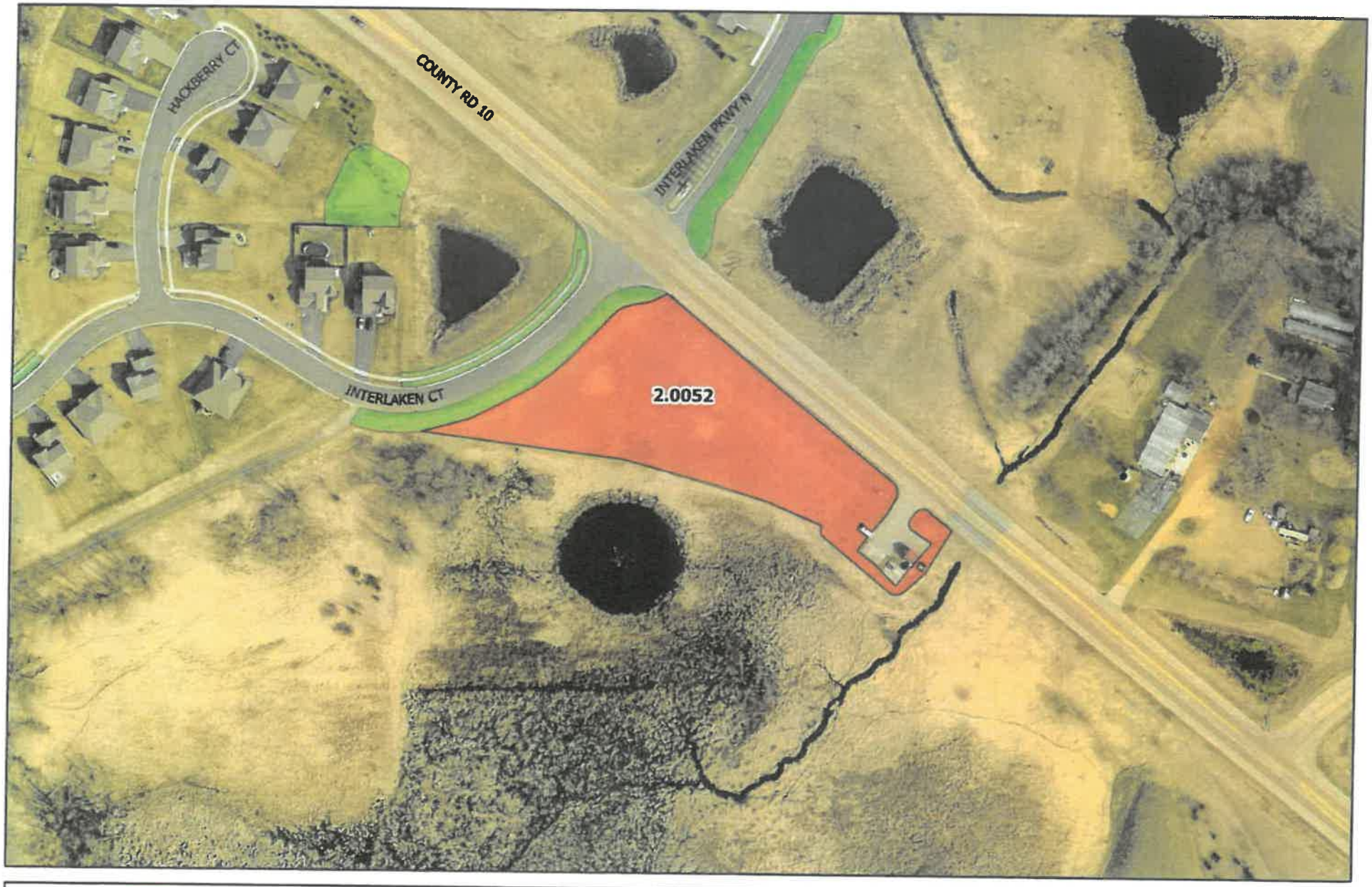
0 50 100 200 Feet

N

Turf To Native Areas (in acres)
Mowing Areas

PUBLIC WORKS / WATER PLANT AREA

Page 4 of 15



CITY OF WACONIA
Public Services Department
310 10TH STREET EAST, WACONIA, MN 55387
publicservices@waconia.org - (952) 442-2615

0 50 100 200 Feet

N

Turf To Native Areas (in acres)

Mowing Areas

INTERLAKEN WOODS LIFT STATION AND OPEN AREA

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Authorize Preparation of Regional Solicitation Application for Trunk Highway Five, Phase II Improvements
Originating Department:	Public Services
Presented by:	Craig Eldred
Previous Council Action (if any):	February 7, 2022 Transportation Work Session Discussion on Waconia Parkway North and Highway 10 & Trunk Highway Five, Phase II Improvements

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

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

Adopt Resolution 2022-73; Approval of City Engineer to Prepare Regional Solicitation Application for Trunk Highway Five, Phase II Improvements & Note City Administrator as Administrator of Grant

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

As Council Members are aware from our discussions on February 7, 2022 we have several transportation improvement projects within our Capital Improvement Program. Most have existed for sometime, including the programmed Phase II of Trunk Highway Five with work at Olive Street to Main Street on Trunk Highway Five. The City also has this project on the Carver County, Tax Capital Improvement Plan for possible funding assistance. One stipulation to the County program is to seek as much outside funding assistance for improvements of this scale. The emphasis of our February discussion was what funding sources might be available for this programmed improvement. There were numerous application opportunities some fit the planned improvement plan and others were slightly outside of the scope of work.

the Regional Solicitation through the Met Council is one that we feel fit our improvement plan. It may take more than one application process, but getting out in-front of the different funding groups at this time for programmed improvements in 2026 or beyond is the objective of the application process.

The regional application funding is due April 5th, 2022 for programmed improvements in calendar years 2026-2027. It is estimated to cost 10 - 12,000 for the application delivery. We anticipate a request of 5 M. dollars in funding support. We also recommend as part of this process the City Administrator serve as the Administrator of the Grant Application.

We continue to monitor other funding opportunities and would expect to prepare additional requests for this project for your consideration.

Attachments:

1. 2273res 2022_Regional_Solicitation_Application_Resolution.doc
2. 2021_10_28_Layout.pdf

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
PIR

Budget Information:
X Budgeted

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	

_____Non Budgeted _____Amendment Required	Safari Island Advisory Board Other

CITY OF WACONIA
RESOLUTION NO. 2022-73

RESOLUTION AUTHORIZING APPROVAL OF CITY ENGINEER TO PREPARE REGIONAL SOLICITATION APPLICATION FOR TRUNK HIGHWAY FIVE, PHASE II IMPROVEMENTS & NOTE CITY ADMINISTRATOR AS ADMINISTRATOR OF GRANT

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

WHEREAS, staff discussed with Council opportunities for funding support in a work session discussion; and

WHEREAS, efforts on reducing local costs for improvements was the emphasis of working on applications therefore supporting the application process; and

WHEREAS, the Public Services Director is authorized to work with Engineer, and City Administrator administer the grant application.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes approval of City Engineer to prepare Regional Solicitation application for Trunk Highway Five, Phase II Improvements & note City Administrator as Administrator of Grant.

Adopted by the City Council of the City of Waconia this 7th day of March, 2022.

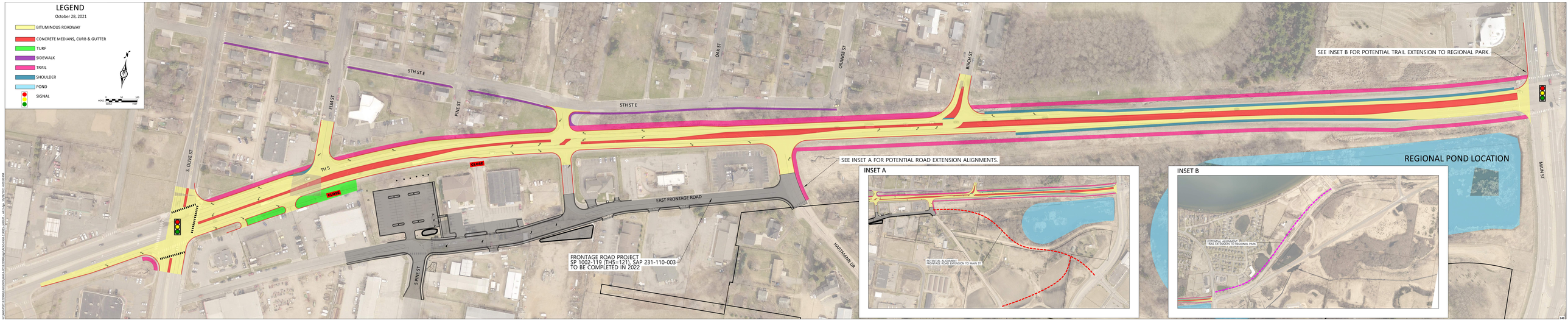
_____
Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

M/ _____	Bloudek	_____
	Pierson	_____
S/ _____	Leo	_____
	Waldron	_____
	Sorensen	_____

WACONIA TH 5 CONCEPTUAL VISUALIZATION

BOLTON & MENK



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Ordinance Amendment - Section 900.04 Definitions
Originating Department:	Community Development
Presented by:	Lane Braaten
Previous Council Action (if any):	

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

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

Adopt Ordinance No. 745, amending Section 900.04 Definitions
Adopt Resolution 2022-74, approving Summary Publication of Ordinance.

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

The Planning Commission requested staff review the City Code as it pertains to attached decks and principal structure setbacks. This request was made as a pervious variance applicant had stated that the setback requirements were confusing in relation to deck placement. As such, City staff reviewed the existing City Code and provided options to the Planning Commission at their Work Session meeting on January 6th, 2022. Based on the discussion on January 6th staff has drafted the attached Ordinance Amendment, which clarifies the Principal Structure definition in relation to attached decks.

Principal Structure: A structure or building ~~which is~~ used for principal uses, including ~~attached decks and enclosed~~all seasonal living areas ~~such as~~, porches, decks, and breezeways ~~which are~~ attached to the ~~principal~~structure or building.

PUBLIC NOTICE/COMMENT:
The notice was published in the WACONIA PATRIOT on January 20th, 2022 and posted at Waconia City Hall. Additionally, the proposed Ordinance Amendment was posted on the City website. As of the date and time of this report the City has not received any public comments regarding the proposed Ordinance Amendment.

CONCLUSION / RECOMMENDATION
The Planning Commission, at their regular meeting on February 3rd, 2022, held the required public hearing and received all public comment regarding the proposed amendment. The Planning Commission recommended approval via a 5-0 vote.

Attachments:

1. Public Hearing Notice Ordinance Amendment for Principal Structure Definition.pdf
2. Ord745 Ordinance_Amendment_No_Principal_Structure_Definition.docx
3. 2274res_Approving_Summary_Publication_of_Ordinance_Amendment.docx

FINANCIAL IMPLICATIONS: Funding Sources & Uses:	***ADVISORY BOARD RECOMMENDATIONS:*** Planning Commission recommendation of approval via a 5-0 vote on February 3rd, 2022	
Budget Information: _____Budgeted _____Non Budgeted _____Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on February 3rd, 2022, at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a proposed amendment to City of Waconia Ordinance Section 900.04, Definitions.

The language proposes an amendment to the Principal Structure definition to clarify that attached decks are considered part of the principal structure and shall therefore meet all principal structure setbacks.

Pertinent information pertaining to this request is available at City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on February 3rd, 2022. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION
ATTEST: Lane L. Braaten, Community Development Director

(Published in the Waconia Patriot January 20, 2022)

CITY OF WACONIA

ORDINANCE NO. 745

AN ORDINANCE AMENDING SECTION 900.06, SUBD. 9 REGARDING ARCHITECTURAL DESIGN STANDARDS

The City Council of the City of Waconia ordains:

FINDINGS AND PURPOSE

The City of Waconia (the "City") promotes the orderly development of residential, commercial and industrial areas within the City. Clarification of the principal structure definition is necessary to inform both City staff and the general public the expectation regarding required setbacks for principal structures.

The City Council finds it is appropriate and in the best interest of its residents to amend Section 900.04 of the Waconia City Code as set forth in this Ordinance:

AMENDMENT

Section 900.04

The following words, terms, and phrases, as used herein, have the following meanings:

Principal Structure: A structure or building ~~which is~~ used for principal uses, including ~~attached decks and enclosed~~all seasonal living areas~~ such as~~, porches, decks, and breezeways ~~which are~~ attached to the ~~principal~~structure or building.

SUMMARY

The following official summary of Ordinance No. XX has been approved by a four-fifths vote of the City Council of the City of Waconia as clearly informing the public of the intent and effect of the Ordinance:

> The ordinance is titled *AN ORDINANCE AMENDING SECTION 900.04 DEFINITIONS*. It amends the Waconia City Code clarifying the principal structure definition in regard to attached decks.

The full text of the ordinance is available for public inspection during regular office hours at the office of the City Clerk, 201 South Vine Street, Waconia, 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.

EFFECTIVE DATE

This ordinance is effective upon publication.

Passed and adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/_____	Bloudek	_____
	Leo	_____
S/_____	Pierson	_____
	Sorensen	_____
	Waldron	_____

CITY OF WACONIA

RESOLUTION NO. 2022-74

A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 745

WHEREAS, the City Council of the City of Waconia, Minnesota (the **"City"**) adopted Ordinance No. 745 on March 7th, 2022 (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; and

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

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

   ORDINANCE NO. 745 AMENDING SECTION 900.04 DEFINITIONS. It amends the Waconia City Code clarifying the principal structure definition in regard to attached decks. The full text of the ordinance is available for public inspection during regular office hours at the office of the City Clerk, 201 South Vine Street, Waconia, 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 7th day of March, 2022.

_____
Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

M/ _____	Bloudek	_____
	Pierson	_____
S/ _____	Leo	_____
	Sorensen	_____
	Waldron	_____

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	The Fields 2nd Addition - Early Grading Agreement & Permit - Tamarack Land, LLC
Originating Department:	Community Development
Presented by:	Lane Braaten
Previous Council Action (if any):	

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

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

Adopt Resolution 2022-75 approving the Early Grading Agreement & Permit for The Fields 2nd Addition.

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

The City Council, at their regular meeting on November 16th, 2020, approved The Fields Preliminary Plat via Resolution 2020-257. Subsequently, the city approved and early grading permit for the first phase of The Fields, which is currently under development. The Developer, Tamarack Land, LLC has since submitted a Final Plat application to the City for the second phase of The Fields and has requested a permit to conduct early grading work on the property prior to the City Council acting on The Fields 2nd Addition Final Plat.

City staff have prepared a proposed Early Grading Agreement and Permit for The Fields 2nd Addition, a copy of which is attached for Council's review and consideration. City staff recommends approval of the early grading agreement language as proposed.

Attachments:

1. 2275res_Approving_Early_Grading_Permit.docx
2. Early Grading Agreement_The Fields 2nd Addition.docx

FINANCIAL IMPLICATIONS:	***ADVISORY BOARD RECOMMENDATIONS:***	
Funding Sources & Uses:		
Budget Information: _____Budgeted _____Non Budgeted _____Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

CITY OF WACONIA

RESOLUTION NO. 2022-75

RESOLUTION APPROVING EARLY GRADING AGREEMENT AND PERMIT FOR THE FIELDS 2ND ADDITION

WHEREAS, Tamarack Land, LLC (the "**Developer**") owns real property in the City of Waconia (the "**City**") proposed to be developed as The Fields residential planned unit development; and

WHEREAS, the City Council approved The Fields Preliminary Plat on November 16th, 2020 via Resolution 2020-257; and

WHEREAS, the City Council approved The Fields Final Plat on May 17th, 2021, via Resolution 2021-135; and

WHEREAS, the Developer has submitted a Final Plat to the City for the second and final phase of The Fields project titled The Fields 2nd Addition; and

WHEREAS, the Developer has requested a permit to conduct certain early grading work on the Property prior to the City Council acting on The Fields 2nd Addition Final Plat; and

WHEREAS, a proposed Early Grading Agreement and Permit for The Fields 2nd Addition has been drafted and is attached to this resolution as Exhibit 1 (the "**Agreement**"); and

WHEREAS, the City Council finds it is in the best interests of the City to approve the Agreement.

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

1. The above recitals, including the findings contained therein, are incorporated into these resolutions.
2. The form of the Agreement attached as Exhibit 1 and of the proposed documents attached to such document as exhibits are approved in substantially the form attached as Exhibit 1, together with such modifications thereof, deletions therefrom, and additions thereto, as the City Administrator may deem appropriate.
3. The Mayor and City Clerk are hereby authorized to execute, acknowledge, and deliver the Agreement and any other documents or instruments necessary or desirable to effectuate the transactions described in the Agreement. In the event of the absence or disability of the Mayor or the City Clerk, such officers of the City as, in the opinion of the City Attorney may act on their behalf shall, without further act or authorization of the City Council, do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers. The execution of any document or instrument by the appropriate officer or officers of the City authorized herein shall be conclusive evidence of the approval of such document or instrument in accordance with the terms of this resolution.

Passed and adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

M/ _____	Bloudek	_____
	Pierson	_____
S/ _____	Leo	_____
	Sorensen	_____
	Waldron	_____

EXHIBIT 1
Early Grading Agreement and Permit

EARLY GRADING AGREEMENT AND PERMIT

FOR

THE FIELDS 2ND ADDITION

CITY OF WACONIA, MINNESOTA

This agreement (the "Agreement") is dated March ____, 2022 and is between the City of Waconia, a Minnesota municipal corporation (the "City") and Tamarack Land – The Fields, LLC, a Minnesota limited liability company (the "Developer").

RECITALS

WHEREAS, Developer owns the real property legally described on attached Exhibit A and depicted on attached Exhibit B (the "Property"); and

WHEREAS, the Developer previously petitioned the City to plat the Property as part of a larger residential development named The Fields, Carver County, Minnesota ("The Fields"); and

WHEREAS, on November 16, 2020, the City Council of the City (the "City Council") passed Resolution No. 2020-257 conditionally approving a preliminary plat for The Fields ("Preliminary Plat"), a portion of which is attached as Exhibit B showing the location of the Property; and

WHEREAS, on May 17, 2021, the City Council passed Resolution 2021-135 conditionally approving The Fields Final Plat for the first phase of the residential development; and

WHEREAS, the Developer has submitted a final plat application to the City for The Fields 2nd Addition (the "Final Plat Application"); and

WHEREAS, the Developer has requested a permit to conduct certain early grading work on the Property prior to the City Council acting on the Final Plat; and

WHEREAS, the Developer acknowledges there are practical, legal, and financial risks associated with early grading, including the following:

Unresolved conditions of preliminary plat approval and other issues with the development of The Fields 2nd Addition may result in revisions to the layout of the development, lot sizing, lot quantity, utility locations, road locations, road sizes, and other items shown in the Preliminary Plat;

Additional approvals will be required to proceed with the development of the Property and such approvals may not be granted;

A development agreement and other agreements are required to proceed with the development of the Property that have not yet been negotiated or executed; and

WHEREAS, the Developer's engineer, Campion Engineering Services, Inc., has prepared preliminary grading plans for the Property dated January 10, 2022 (the "Grading Plans"); and

WHEREAS, the Developer seeks an early grading permit to complete the following items on the Property, as depicted and described in the Grading Plans: pond construction for storm water, building pads, roadways, and park areas (the "Early Grading Improvements"); and

WHEREAS, the City finds it is appropriate to grant a permit for the Early Grading Improvements because the volume of material being relocated and disbursed by design exceeds typical development seen in the Waconia community;

NOW, THEREFORE, the City and the Developer agree as follows:

TERMS

1. INTRODUCTORY MATTERS.

1.1. Incorporation of Documents. The following are incorporated by reference as agreements of the City and the Developer:

1.1.1 The recitals set forth above;

1.1.2 The exhibits attached to this Agreement; and

1.1.3 The City resolutions referred to in the above recitals and the exhibits attached to such resolutions (the "City Resolutions").

1.2. City Approval. Except when this Agreement expressly provides to the contrary, any reference to "approval" or "consent" required from the City shall refer to joint approval/consent granted by the City Public Services Director and the City Engineer.

2. DEFINITIONS. Defined terms, when capitalized, shall have the meanings ascribed to them in this Agreement unless the context clearly requires otherwise. Additional terms are defined in the introductory paragraph, the recitals, and later in this Agreement.

"City Community Development Director" means Lane Braaten, City of Waconia, 201 South Vine Street, Waconia, MN 55387, or his designee or successor.

"City Engineer" means Jake Saulsbury, Bolton & Menk, Inc., 2638 Shadow Lane, Suite 200, Chaska, MN 55318-1172, or his designee or successor.

"City Public Services Director" means Craig Eldred, City of Waconia, 310 East 10th Street, Waconia, MN 55387, or his designee or successor.

"County" means Carver County, Minnesota.

"Minnesota" means the State of Minnesota.

"Governmental Entity" means the City, the County, Minnesota, the United States of America, or any subdivision or department thereof including the Minnesota Department of Transportation, the Carver County Highway Department, the appropriate watershed

district, the Board of Soil and Water Resources, the Minnesota Department of Natural Resources, the Army Corps of Engineers, the Minnesota Pollution Control Agency, the Metropolitan Council, the Minnesota Department of Health, or any other regulatory or jurisdictional agency having jurisdiction over the Property or the development of the Property.

3. PREPARATION. Prior to any early grading occurring on the Property, the Developer shall provide proof to the City Public Services Director and City Engineer that the following requirements have been met:

   3.1. Erosion and Sediment Control Plan. The Developer shall have applied for and received an erosion and sediment control plan for the Property from the County. The Developer shall comply with the erosion and sediment control plan. Further, the Developer shall follow all measures required by the City Engineer to protect any wooded areas and steep slopes on the Property, as determined by the City Engineer.

   3.2. Wetlands. The Developer shall have, if necessary, applied for and received all required approvals for any wetland alterations or mitigations on the Property from each Governmental Entity with jurisdiction.

   3.3. Plan for Construction Access. The Developer shall have submitted and received approval for construction access to the Property from the City Engineer.

   3.4. Approvals from other Governmental Entities. The Developer shall determine and obtain all necessary approvals, permits, and licenses required by each Governmental Entity with jurisdiction for the Early Grading Improvements. All costs incurred to obtain such approvals, permits, and licenses and all fines or penalties levied by any Governmental Entity due to the failure of the Developer to obtain or comply with the conditions of such approvals, permits, and licenses shall be the sole responsibility of the Developer. The Developer agrees to defend and hold the City, its officers, employees, and agents harmless from any action initiated by any Governmental Entity resulting from any failure of the Developer to acquire the permits and approvals required herein.

4. GRADING WORK.

   4.1. Approval of Contractors. The City must approve all contractors selected by the Developer to perform all, or any portion of, the Early Grading Improvements, which approval shall not be unreasonably withheld, conditioned, or delayed. The City reserves the right to require evidence of competency and adequate financial strength of any such contractor selected by the Developer. Prior to commencing work on the Early Grading Improvements, the Developer and its contractors shall attend a pre-construction meeting with the City Engineer and City Public Services Director.

   4.2. Bid and Contract Documents. The Developer shall provide copies of all bids, contracts, change orders, supplier lists, and subcontractor lists related to the Early Grading Improvements to the City Engineer as they become available.

4.3. Commencement Date. The Developer may commence work on the Early Grading Improvements any time after the City Public Services Director and City Engineer confirm the requirements set forth in Section 3 have been met.

4.4. Labor and Materials. All labor and materials needed to complete the Early Grading Improvements shall be performed and provided in a good and workmanlike manner and in strict conformance with the Preliminary Plat, the Grading Plans, the Waconia City Code, and this Agreement, unless approved in writing to the contrary by the City Engineer. Further, the Early Grading Improvements shall be completed at no expense to the City. If the City requests the Developer to perform work or furnish materials in addition to the Early Grading Improvements, such work must be approved by the City Council and the City will not be liable to pay for any such work unless such approval has been obtained.

4.5. Noise. The Developer shall conduct all construction activities in conformance with the City's noise ordinance (Chapter 740 of the Waconia City Code).

4.6. Staking, Surveying and Inspections. The Developer, through its engineer, shall provide all staking, surveying, and inspection for the Early Grading Improvements to ensure the completed Early Grading Improvements conform to the Grading Plans. The Developer must notify the City Engineer of all tests to be performed. Copies of all soil testing, correction areas, and density tests for all structures and public improvements must be submitted to the City upon completion.

4.7. Unsatisfactory Labor or Material. If the City Engineer or its designated representative rejects as defective or unsuitable any material or labor supplied by the Developer, then the rejected material must be removed and replaced with approved material and the rejected labor must be done again to the specifications and approval of the City Engineer, all at the sole expense of the Developer.

4.8. Completion. The Developer shall substantially complete the Early Grading Improvements to the satisfaction and approval of the City Engineer and the City Council no later than _____, 2022, subject to delays due to casualty, labor strikes, material shortages or other causes beyond the Developer's reasonable control.

4.9. Final Inspection. When the Early Grading Improvements are substantially completed, the Developer shall notify the City Engineer and the City Engineer and representatives of the Developer's contractor(s) and/or engineer shall make a final inspection of the work. Before final payment is made to the contractor by the Developer, the City Engineer shall be satisfied that all Early Grading Improvements has been satisfactorily completed in accordance with the Grading Plans and the Developer's engineer shall submit a written statement attesting to the same.

4.10. License for Entry. The Developer hereby grants the City, its agents, employees, officers, and contractors a license to enter the Property to perform all work and inspections deemed appropriate by the City in conjunction with the Early Grading Improvements.

4.11. Street Cleaning. The Developer shall keep the streets, sidewalks, and trails within and adjoining the Property free of dirt, debris and clutter caused by construction of the Early Grading Improvements. If the City determines the Developer has violated this requirement, the City may give the Developer written notice of the violation and the Developer shall perform the cleanup within 48 hours. If the Developer fails to perform the cleanup to the City's satisfaction within 48 hours of receiving the City's notice or the City determines, in its discretion, that circumstances warrant cleanup faster than within 48 hours, the City may perform the cleanup itself and the Developer shall reimburse the City for all materials and labor associated with the cleanup.

4.12. Public Property Damage. The Developer is liable for all damage to public property and improvements (e.g., street and utility systems) directly or indirectly arising from construction of the Early Grading Improvements. The Developer shall promptly notify the City Public Services Director or City Engineer of any such damage the Developer discovers. Further, the Developer shall repair all such damage, at its expense, within 10 days after receiving written notice from the City requesting repair. If the Developer fails to repair any damaged within 10 days of receiving the City's notice, the City may make the repair. Further, the City, in its discretion, may elect to repair any damage itself. In either case, the Developer shall reimburse the City for all materials and labor associated with the repair.

5. FINANCIAL GUARANTY.

5.1. Letter of Credit. To assure the installation of the Early Grading Improvements in a good and workmanlike manner and the Developer's faithful performance of its obligations under this Agreement, the Developer shall provide the City with an irrevocable letter of credit from a U.S. bank with a physical branch location in Minnesota, the form of which shall be satisfactory to the City (the "Letter of Credit") in the amount of $102,000.00 (which is equal to $3,000.00 per acre). If the Developer fails to install the Early Grading Improvements in accordance with the provisions of this Agreement or otherwise breaches it obligations under this Agreement, the City may notify the Developer in writing of such breach. If the Developer fails to cure the breach within 30 days of receipt of the City's written notice, the City may declare a default under this Agreement. Thereafter, the City may draw upon the Letter of Credit in such amount as is reasonably adequate to cure the breach. The Letter of Credit shall be renewable on an annual basis and shall require the issuer to give the City notice at least 30 days prior to the date of renewal.

5.2. Release. The Developer may apply to the City for a release of all or a portion of the Letter of Credit as follows:

1.1.4 When another irrevocable letter of credit acceptable to the City is furnished to the City to replace the Letter of Credit.

1.1.5 When the Early Grading Improvements have been completed, the Developer may apply to have the Letter of Credit released in its entirety.

5.3. Expiration. If the Letter of Credit will expire pursuant to its terms prior to the time that all money or obligations of the Developer are paid or completed pursuant to this Agreement, the Developer shall provide the City with a new Letter of Credit, acceptable to the City, at least 30 days prior to the expiration of such expiring Letter of Credit. If the City does not receive a new Letter of Credit as required above, the City may declare the Developer in default of this Agreement and draw, in whole or in part at the City's discretion, upon the expiring Letter of Credit to avoid the loss of surety.

5.4. Failure to Perform. If, after any notice required hereunder and the expiration of any applicable cure period, the Developer is in default of this Agreement or otherwise fails to perform any of the duties, conditions, or terms of this Agreement in the time permitted herein, or in such extended time as may be granted in writing by the City Council, the City shall be entitled to draw on the Letter of Credit, to enter the Property, and to cure the default. If the default consists of the Developer's failure to install any of the Early Grading Improvements in accordance with the provisions of this Agreement, the City shall cure the default by performing the work in accordance with this Agreement and the Grading Plans. The City may reimburse itself for all costs and expenses from the Letter of Credit arising out of or related to curing the Developer's default funds, including reasonable legal and consulting fees. The Developer shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including reasonable attorneys' fees that the City, its officers or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of the City exercising its power under this Section 5.4.

5.5. Costs. The City's costs for processing any Letter of Credit release request shall be billed to the Developer at $125.00 per hour with a minimum of 1 hour per release, which fee shall be paid by the Developer to the City within 30 days of billing. Any request for release of a Letter of Credit shall be either approved or denied within 30 days of being made in writing to the City.

5.6. Deficiency. If the Letter of Credit funds are used by the City and found to be insufficient to pay or reimburse the City in total as required herein, the Developer agrees that upon being billed by the City, the Developer will pay the deficiency amount to the City within 10 days of receipt of such billings to the Developer. If the Developer fails to pay, the City may assess all costs, including, but not limited to, staff time, reasonable engineering fees and legal fees against the Property, or any part thereof, for which a certificate of occupancy has not then been issued by the City. The Developer acknowledges the City has the authority, pursuant to Minnesota Statutes Chapters 412 and 429, to specially assess property benefited by improvements. If there is an overage in the amount of Letter of Credit funds received by the City, the City shall, upon making such determination, refund to the Developer any monies in the City's possession that are in excess of the amount needed by the City. In addition to the above, the City may seek a civil judgment

against the Developer.

6. PERMIT. This Agreement constitutes a grading permit for the Developer to make the Early Grading Improvements on the Property in conformance with the requirements of this Agreement. Except as expressly provided in this Agreement or the Grading Plans, the permit does not allow the construction of underground utilities.

7. EARLY GRADING RISKS ACCEPTED BY THE DEVELOPER.

   7.1. Final Plat Approval Not Yet Granted. The Developer shall proceed with construction of the Early Grading Improvements on the Property at its own risk. The Developer has no right to make any improvements or alterations to the Property other than the Early Grading Improvements until the Developer: (i) obtains approval for the Final Plat; (ii) executes a developer's agreement in form and content acceptable to the City; (iii) posts the financial security required by the developer's agreement; (iv) is in conformance with the terms of the City Resolutions; (v) is in conformance with any City resolution that may be issued approving the Final Plat; and (vi) has executed and recorded the Final Plat.

   7.2. Final Grading Plans Not Yet Approved. The Grading Plans are preliminary and have not been approved by the City. When the City reviews and considers the Developer's Final Plat application, the City will also review and comment on the Developer's construction plans, including final Grading Plans. Nothing herein prevents the City from requesting modifications to the Grading Plans as part of its future review.

8. INSURANCE AND INDEMNIFICATION.

   8.1. Insurance. The Developer shall furnish, or shall cause its prime contractor to furnish, proof of insurance prior to the commencement of construction of the Early Grading Improvements, which shall be subject to the review and approval of the City, covering public liability and property damage by reason of operation of the contractor's equipment, laborers and hazard caused by the Early Grading Improvements at a minimum policy amount of $1,000,000.00. The contractor shall keep such insurance in force during construction of the Early Grading Improvements. The insurance shall name the City as an additional insured and shall require the insurer shall give the City not less than 30 days' written notice prior to modification or cancellation of the insurance policy.

   8.2. Indemnification. Claims against the Developer, its agents, servants, or employees relating to the development of the Property shall in no way be the obligation of the City. The Developer shall indemnify, hold harmless, and defend the City, its elected officials, officers, employees, consultants, contractors and agents (the "Indemnified Parties") from and against any and all liabilities, losses, costs, damages, expenses, claims, actions, or judgments, including reasonable attorneys' fees and court costs, that the Indemnified Parties, or any of them, may sustain, incur, or be required to pay, directly or indirectly arising out of the Developer's violation of this Agreement or any act or failure to act by the Developer, its officers,

employees, consultants, contractors or agents, except to the extent directly caused by the negligence of the Indemnified Parties or any of them.

9. REPRESENTATIONS AND WARRANTIES OF DEVELOPER. The Developer, as an inducement to the City to enter into this Agreement, represents and warrants to the City as follows:

9.1. Ownership. The Developer has a fee ownership interest in the Property.

9.2. Developer's Engineer. Developer has retained a duly registered professional civil engineer authorized to practice in Minnesota to prepare the Grading Plans; and such engineer has prepared the Grading Plans in conformance with the City's standard specifications for such work.

9.3. Execution No Violation. The execution, delivery and performance of this Agreement does not and will not result in any breach of, or constitute a default under, any indenture, mortgage, contract, agreement, or instrument to which the Developer is a party or by which it, or the Property, is bound.

9.4. Authorization. The Developer is an organized limited liability company under the laws of Minnesota and is in good standing and authorized to do business in Minnesota. The Developer has full authority to enter into this Agreement and make it binding on itself and its successors and assigns, and to make this Agreement, and the covenants herein, binding upon and running with the Property. This Agreement shall not become effective until it is executed and delivered by the City and the Developer.

10. DEFAULT. If the Developer, its successors or assigns breaches any of the covenants or agreements herein contained and any such violation remains uncured for more than 30 days after the City gives the Developer notice of the breach (unless another provision of this Agreement calls for a shorter cure period, in which case the shorter period shall apply), the City may draw and/or utilize the deposited escrow funds, letters of credit, or other surety funds to complete the Developer's obligations as set forth herein, and to the extent not satisfied from such funds, to bring legal action against the Developer to collect any sums due pursuant to this Agreement. In the event of an uncured breach, the Developer hereby grants the City and the City's employees, representatives, or agents the right to enter the Property to perform any act deemed necessary by the City to cure the Developer's breach. In addition to the above, the City may initiate any legal action allowed by law, including, but not limited to, injunctive relief for compliance with this Agreement.

11. NOTIFICATION INFORMATION. Any notice to the parties herein shall be deemed to have been given or delivered if sent by certified mail addressed as follows or by email with a return receipt requested:

If to the City:

City of Waconia
201 South Vine Street
Waconia, MN 55387
Attn: Community Development Director

Email: lbraaten@waconia.org

If to the Developer:

Tamarack Land – The Fields, LLC
1536 Beachcomber Blvd
Waconia, MN 55387
Attn: Dale Willenbring, President
Email: dale@tamarackland.com

12. MISCELLANEOUS.

12.1. Runs with the Property. The terms and conditions of this Agreement shall be binding on the parties hereto, their respective successors and assigns. The benefits and burdens of this Agreement run with the Property. Notwithstanding the foregoing, no conveyance of the Property or any part thereof shall relieve the Developer of its personal liability for full performance of this Agreement unless the City expressly releases the Developer in writing. This Agreement may be recorded against the Property by the City.

12.2. Interest on Past Due Amounts. In addition to all other remedies available to the City under this Agreement, amounts owed the City and not paid when due shall accrue interest at the rate of 8% per annum from the date due until the date actually paid.

12.3. Construction of Agreement. This Agreement, the attached exhibits, the incorporated instruments pursuant to Section 1 of this Agreement and any addenda or amendments signed by the parties shall constitute the entire agreement between the parties, and they supersede any other written or oral agreements between the parties as it relates to the terms and obligations contained herein. The word "including" shall mean including without limitation. The parties intend that each representation, warranty, and covenant contained in this Agreement have independent significance. The captions used in this Agreement are for convenience only and do not constitute terms of the Agreement. Whenever required by the context of the Agreement, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and neutral genders, and vice versa.

12.4. Attorneys' Fees. The City and the Developer agree that, if a suit or action is brought to enforce the terms of this Agreement, or if an action is brought upon a letter of credit furnished by the Developer as provided herein, the non-prevailing party shall pay the prevailing party's reasonable attorneys' fees and legal costs.

12.5. Severability. If one or more of the provisions contained in this Agreement are found to be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions, and any application thereof, shall not be affected or impaired.

12.6. Data Practices Compliance. The Developer will have access to data collected or

maintained by the City to the extent necessary to perform the Developer's obligations under this Agreement. The Developer agrees to maintain all data obtained from the City, as it relates to the Municipal Improvements, in the same manner as the City is required under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 or other applicable law (the "Act"). The Developer will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Upon receipt of a request to obtain and/or review data as defined in the Act, the Developer will immediately notify the City. The City shall provide written direction to the Developer regarding the request within a reasonable time, not to exceed 10 days. The City agrees to indemnify, hold harmless and defend the Developer for any liability, expense, cost, damage, claim, and action, including reasonable attorneys' fees, arising out of, or related to, the Developer complying with the City's direction. Subject to the above, the Developer agrees to defend and indemnify the City from any claim, liability, damage, or loss asserted against the City as a result of the Developer's failure to comply with the requirements of the Act. Upon termination and/or completion of this Agreement, the Developer agrees to return all data to the City, as requested by the City.

12.7. Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with the laws of Minnesota.

12.8. Time is of the Essence. Time is of the essence in the performance of the terms and obligations of this Agreement.

12.9. Survival. Any obligations in this Agreement to indemnify or hold another party harmless shall survive the expiration or earlier termination of this Agreement.

12.10. Modification. Any modification of this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

12.11. Non-Waiver. The action or inaction of the City or the Developer shall not constitute a waiver of any provision of this Agreement. To be binding, waivers shall be in writing, signed by the party making the waiver and, if the waiver is by the City, approved by written resolution of the City Council.

12.12. Cumulative Rights. Each right, power, or remedy herein conferred upon the City or the Developer is cumulative and in addition to every other right, power, or remedy, express or implied, now or hereinafter arising, available to the City or the Developer, at law or in equity, or under any other agreement, and each and every right, power, and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City or the Developer.

12.13. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which together will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year first above written.

[Signature pages follow.]

SIGNATURE PAGE TO EARLY GRADING AGREEMENT AND PERMIT

CITY OF WACONIA

By:_____
Kent Bloudek
Its: Mayor

By:_____
Jackie Schulze
Its: Clerk

STATE OF MINNESOTA)
)
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Kent Bloudek and Jackie Schulze, the Mayor and Clerk, respectively, of the City of Waconia, a Minnesota municipal corporation, on behalf of the municipal corporation.

_____
Notary Public

SIGNATURE PAGE TO EARLY GRADING AGREEMENT AND PERMIT

Tamarack Land – The Fields, LLC

By:_____
Dale Willenbring
Its: President

STATE OF MINNESOTA)
)
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Dale Willenbring, President of Tamarack Land – The Fields, LLC, a Minnesota limited liability company, for and on behalf of the company.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Lane L. Braaten – Community Development Director
City of Waconia
201 South Vine Street
Waconia, Minnesota 55387
(952) 442-3106

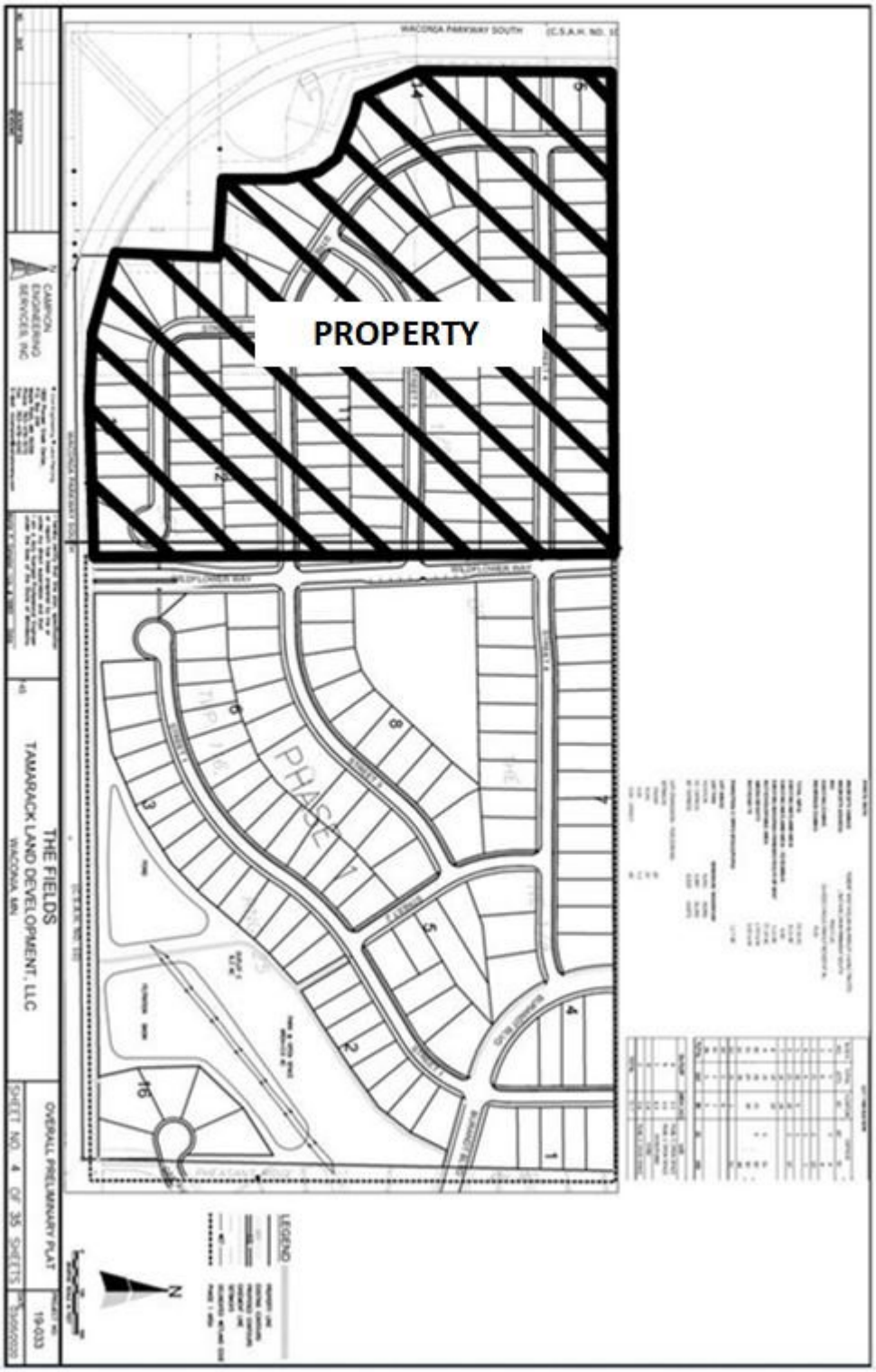
EXHIBIT A

Legal Description of Property

[INSERT LEGAL DESCRIPTION]

EXHIBIT B

Depiction of Property



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Acceptance of Grand Proceeds for 2021 Solid Waste Grant from Carver County Environmental Services
Originating Department:	Finance
Presented by:	Nicole Meyer
Previous Council Action (if any):	Resolution 2018-40 - Resolution Authorizing Approval of Grant Agreement with Carver County Environmental Services - Approved February 5, 2018

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

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

Adopt Resolution No. 2022-76, Accepting Grant Proceeds from Carver County Environmental Services Solid Waste Grant for 2021.

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

In February 2018, staff completed an application for a grant that would pay up to $8,090 annually in reimbursement for composting efforts in the community. The grant agreement allows the City to submit annual reimbursement requests in fiscal years 2018 thru 2022. In 2021, the City had a total of $14,329.50 in compost expenditures; this including haul away and staff expenditures for the program. The City was awarded the grant proceeds from Carver County Environmental Services on February 25, 2022. The proceeds received will be recognized as grant revenue in the streets department budget as of December 31, 2021; this off-setting the expenditures for composting.

The City has been a part of the solid waste grant program with Carver County Environmental Services since 2007. The City will continue to participate and track this activity as long as the grant is available.

Attachments:

1. 2276res_Acceptance_of_Grant_Funds_-_Compost_Grant.doc

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
General Fund - Streets

Budget Information:

X	Budgeted
	Non Budgeted
	Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	
Other	

CITY OF WACONIA
RESOLUTION NO. 2022-76

RESOLUTION ACCEPTING GRANT PROCEEDS FROM CARVER COUNTY ENVIRONMENTAL SERVICES FOR 2021 SOLID WASTE GRANT

WHEREAS, City staff budgeted for solid waste and composting expenditures in the 2021 final budget; and

WHEREAS, City staff applied for a solid waste grant with Carver County Environmental Services to off-set the cost of these expenditures: and

WHEREAS, the City's total costs in 2021 for solid waste and composting was $14,329.50; and

WHEREAS, the City of Waconia met the grant criteria with the expenditures incurred.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Waconia hereby graciously accepts the grant proceeds of $8,090 for the 2021 solid waste grant from Carver County Environmental Services and acknowledges funds will be recorded in the City's General Fund - Streets Department.

Adopted by the City Council of Waconia, Minnesota this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

M/_____	Bloudek	_____
	Pierson	_____
S/_____	Leo	_____
	Sorenson	_____
	Waldron	_____

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Approve Floor Coating Projects for Public Services Facilities
Originating Department:	Public Services
Presented by:	Craig Eldred
Previous Council Action (if any):	November 1, 2021; Authorizing City Staff to Obtain Project, Mobile and Fixed Equipment Pricing for 2022 Capital Improvement Projects

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

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

Adopt Resolution 2022-77; Approving Floor Coating Projects for Water Treatment Facility and Public Services Fleet Garage and Mechanic Areas With SWEDEBRO in the Amount of $90,325.00, CIP Projects 661 & 662

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

As part of the Capital Improvement Projects staff worked with companies to obtain estimates for floor coating improvements for the Water Treatment and Public Services Facilities to extend their life expectancies due to visible wear and protection needs. From those estimates two different values were placed in the Capital Improvement for each Facility totaling $133,000.00 for the two facilities. Upon approval of the Capital and Budge Plan staff have once again requested quotes for these services as provided below.

FACILITY SPACE	**SWEDEBRO BID**	**TMI COATINGS BID**
Water Treatment Facility, All Areas	$4,125.00	$34,590.00
Fleet Garage, Mechanic Area	$14,750.00	$19,900.00
Fleet Garage, Eq. Storage Area	$71,450.00	$73,400.00
Total Costs	**$90,325.00**	**$127,890.00**

Staff discussed the bids based upon the bid values and work discussions with the Contractors and feel confident in their approach to completing the project in a successful manner. It is staff's recommendation that the project be awarded to SWEDEBRO in the amount of $90,325.00.

Funding for the improvements are broken out where each Department is impacted for the improvements to the Public Services Garage, Mechanic and Eq. Storage areas, and the Water Treatment carries its own costs.

Attachments:

1. 2277res WTF___PS_Facilities_Floor_Coating_Resolution.doc
2. 1Proposal.waconiaMN.rebid.01jh (003).pdf
3. City of Waconia Main Garage 2022.docx
4. City of Waconia Mechanics Shop 2022.docx
5. City of Waconia Water Treatment 2022.docx

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
PIR, Sewer, Storm Sewer, Water, and Street Light

Budget Information:
X Budgeted
_____ Non Budgeted

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	

_____Amendment Required	Other

CITY OF WACONIA
RESOLUTION NO. 2022-77

RESOLUTION AUTHORIZING APPROVAL OF FLOOR COATING PROJECTS FOR WATER TREATMENT FACILITY AND PUBLIC SERVICES FLEET GARAGE AND MECHNIC AREAS WITH SWEDEBRO IN THE AMOUNT OF $90,325.00, CIP PROJECTS 661 & 662

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

WHEREAS, the floor systems in these facilities is in need of minor repair and sealing to protect the investment of the facilities; and

WHEREAS, staff researched pricing structure two-years ago for capital planning purposes and received the following quotes of services; and

FACILITY SPACE	SWEDEBRO	TMI COATINGS
Water Treatment All Areas	$4,125.00	$34,590.00
Fleet Garage, Mechanic Bays	$14,750.00	$19,900.00
Fleet Garage, Eq. Storage	$71,450.00	$73,400.00
Total Cost	**$90,325.00**	**$127,890.00**

WHEREAS, SWEDEBRO provided the lowest cost alternative and met what staff requested for the programmed improvements of the flooring surfaces.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes approval of floor coating projects for water treatment facility and public services fleet garage and mechanic areas with SWEDEBRO in the amount of $90,325.00, CIP Projects 661 & 662.

Adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

M/ _____ Bloudek _____
Pierson _____
S/ _____ Leo _____
Waldron _____
Sorensen _____

PROPOSAL

TMI Coatings, Inc.

3291 Terminal Drive, St. Paul, Minnesota 55121-1610 Phone: 651-452-6100 Fax: 651-452-0598

Painting & Restoration Contractors

City of Waconia
Attn: Craig Eldred
310 10th Street East
Waconia, MN 55387
Phone 952-442-4265
E-mail celdred@waconia.org

NOTE: This proposal may be withdrawn by TMI if not accepted within 30 days.

Date: February 16, 2022
Regarding: Protective Flooring

Protective Flooring

TMI Coatings, Inc. is a safety-conscious industrial painting and concrete coating contractor. We are a Woman-Owned Small Business, have been in business over 36 years and we are certified by SSPC as both a QP1 and QP2 contractor. The QP1 and QP2 qualifications are provided to contractors with proven experience, knowledge, and equipment to produce high-quality work within safety guidelines and health and environmental standards. We hire, train and complete work with our own crews throughout the continental U.S.

TMI Coatings. Safety. Quality. On time. In that order.

We have visited your facility and propose the following scope of work:

Water Plant – 200 East 10th Street
Filter Room: 63'-6" long x 40'-8" wide, not including (2) areas each 28'-9" long x 11'-10" wide, (2) areas each 27' long x 11'-10" wide, including sides and tops of all curbs
Hallway Section: 33' long x 4½' wide
Chemical Room: 21'-4" long x 14'-9" wide, 12'-1" long x 10' wide, not including inside trench pit
Chlorine Room: 9'-4" long x 8'-8" wide

Mechanics Garage
Mechanics Bay: 83'-7" long x 54' wide, not including office area 30' long x 15' wide, including section 13' long x 4'-8" wide
Shop Area: 295' long x 86' wide
Wash Bay Area: 77' long x 40' wide

1. Owner to relocate all movable equipment and vacate areas so TMI has open access through project completion. Owner to degrease, wash, scrub and thoroughly rinse clean floors. Allow to dry. For best results, owner to remove all drain covers prior to TMI arrival.

2. TMI to vacuum steel shotblast and/or mechanically abrade floors with diamond grinders with vacuum attachments, to create an anchor pattern for new flooring adhesion. Loose and delaminating flooring to be removed; well adhered to remain. All debris caused from our work on site to be disposed of in owner provided container.

   For the Water Plant, TMI may use our vacuum assisted, walk behind concrete grinding and polishing unit with diamond blades to prepare surfaces for new flooring adhesion.

3. TMI to restore eroded areas to surrounding plane. We have included up to 2 hours for restoration in the Water Plant; up to 20 hours for the Mechanics Shop; 12 hours for the Mechanics Bay. If more time or materials are required, TMI to proceed on a Time-And-Material basis with owner's approval.

(continued on page 2)

P:\Sales\ZP\SIP\.PROPOSAL SENT\Waconiamn.Flooring2021.01\1Proposal.Waconiamn.Rebid.01jh.Doc(roh)(re)

ACCEPTANCE

The undersigned hereby accepts TMI's proposal and authorizes TMI to furnish all materials and labor required to complete the work set forth in the proposal pursuant to the proposal terms and conditions set forth on the reverse side hereof, for which we agree to pay you the amount set forth in the proposal. If the proposal terms and conditions set forth on the reverse side hereof were not provided with transmission of TMI's proposal by facsimile, mail or email, the undersigned agrees to request a copy of the proposal terms and conditions before signing below. The undersigned agrees to be bound by the proposal terms and conditions set forth on the reverse side hereof regardless of whether the undersigned requested a copy or read them before signing below.

Accepted: Date_____

_____

By_____

Title_____

Respectfully,
TMI Coatings, Inc.

By_____

Title Zach Peterson, Industrial Sales

Customer: Sign and return copy. Retain original for your files.

4. For the Water Plant Filter Room, TMI to apply CHEM-RESIST flooring system at 20-25 mils. CHEM-RESIST flooring system consists of a 100% solids, low odor epoxy resin. CHEM-RESIST is a resin-rich epoxy, has very good chemical resistance and is suitable for light industrial use. Finish texture to be "orange peel". Owner to choose solid color. We have included coating the sides and tops of curbs. See Bulletin 619.

5. For the Chemical and Chlorine Rooms, TMI to apply an epoxy resin-rich system at 25-30 mils total thickness with a Novolac top coat. CHEM-RESIST flooring system consists of a low odor, 100% solids epoxy resin with aggregate fillers. Apply epoxy resin and broadcast with aggregate. Sweep off or vacuum up excess aggregate. Apply additional epoxy resin for a final seal coat. CHEM-RESIST is tough and durable and suitable for light industrial use. Finish will be non-slip, in a solid color to be chosen by owner.

6. For the Mechanics Garage, TMI to apply epoxy sealer/dustproofer to the entire floor surface. The first coat is designed to soak into the concrete and promote adhesion of the top coat. The top coat, clear in color, will seal the concrete, allow for easier cleaning, and will minimize dusting. See Bulletin 607.

   TMI completed wall and floor restoration and coating work for a bus mechanic garage at St. Cloud Metropolitan Transit; contact was Ed Yorek (701-367-0658). Our contact had the following comments, "Guys work like clockwork, flooring and painting. Nobody ever standing around, everyone here keeps commenting on how well they stay busy and everyone knows their tasks and just does it. Very impressive. Excellent crews. They are deserving of a good word from me. Everything I have seen so far, I would definitely recommend TMI."

YOUR COST INCLUDING LABOR AND MATERIALS INSTALLED:

Water Plant Filter Room		$18,900
Chemical Room	ADD WHILE ON SITE	$ 8,700
Chlorine Room	ADD WHILE ON SITE	$ 6,990
Mechanics Garage Mechanics Bay		$19,900
Shop Area		$73,400

WINTERTIME DISCOUNT: We can offer a 3% discount if work can be completed before March 31, 2022.

NOTES:
1. Bid is based on one job mobilization/demobilization.
2. Bid is based on weekday work; add $750 per day for weekend work.

TMI has considerable experience in the coating industry. Enclosed are references for your review.

Thank you for the opportunity to submit this proposal to you. You can check out our company history and other coating services at our website at www.tmicoatings.com. Visit TMI's blog at www.tmicoatings.com/case-studies to learn about problems we have solved for customers like you or become a fan of TMI on Facebook. If you have any questions about our bid, please call me at 651-452-6100.

If e-mail is an effective communication tool for you, feel free to contact me at zpeterson@tmicoatings.com with any questions or comments regarding this proposal.

Encl.: Floor Coating Reference List
Bulletin 619
Bulletin 607
Floor Coating blogs (6/20 and 2/15)
Sample OPF (for Water Filter Room)

1409 159th Ave. NE • Ham Lake, MN 55304
Office: 763-434-9237 www.swedebro.com Fax: 763-434-8999

Customer: City of Waconia
310 10th Street East
Waconia, MN 55

Date: 3/2/22

RE: Main Garage – Protective Floor Coatings

Description:

Main Garage Resinous Floor Coatings

- Mechanically steel shot-blast concrete and diamond grind edges as needed.
- Fill all cracks, joints and minor defects.
- Apply epoxy primer
- Apply epoxy and broadcast 20/40 mesh sand to rejection.
- Apply epoxy in a standard color TBD.

(Total system thickness 75-85 mils)

Floor must be swept clean from debris prior to our arrival.
Everything must be off the floor prior to our arrival. Owner to provide dumpster use.
Project will take 5 days to complete and an additional 2 days to cure before heavy traffic resumes.

Pricing is based on Cooperative Purchasing Connection thru the Minnesota Service Cooperatives and the Metro ECSU Coop

Includes additional 5% discount for large project

Contract number: 17.7-CFC

Cement, acid, and stain colors cannot be precise; therefore finished color and texture will vary from any color charts or samples shown. All existing expansion joints may be re-cut; cracks in base substrata may reoccur.

Bids and prices are valid thru 5/31/22

Total Price	$71,450.00
Deposit for Materials Required	$
BALANCE DUE	$71,450.00

Contract subject to terms/conditions listed. Unpaid balances after 60 days of completion may be sent to collections. Unpaid balances are assessed a 1.5% (18% APR) finance charge per month after 30 days. A mechanic's lien may be filed on any unpaid balances after 60 days.

Buyer's Signature Date

THIS CONTRACT SUBJECT TO THE TERMS AND CONDITIONS LISTED BELOW

1. The terms set forth in this agreement are intended as the complete and exclusive statement of the contract and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement. Only a memorandum signed by both parties and their authorized agent may amend this contract. Any changes to this contract may subject Buyer to additional charges.

2. Seller will complete work as expediently as possible once started and begin work within terms agreed to. Seller is not responsible for delays beyond his control.

3. This agreement is the actual order of the items listed above and it is understood that all items are custom made and all work is custom. Deposit is non-refundable. *In case of sale of home or business, contract may be terminated upon payment to Seller of a sum equal to one third of the remaining balance.*

4. Buyer agrees to and has read the Chemical Stain Disclaimer form (if necessary), and Expectation form.

5. Balance of money is due upon completion of work. If claim for payment is placed in the hands of an attorney for collection, Buyer agrees to pay Seller a reasonable attorney's fee fixed by the court.

6. Except as provided in writing, Seller does not warrant the goods covered by this agreement and no other warranty expressed or implied is made by Seller. Seller is also not responsible for slip resistance chosen by the Buyer. If Buyer desires to change slip resistance, additional charges will apply.

7. Warranty is void with regard to any part or parts subject to abuse, neglect, or accidental causes including but not limited to: fire, flood, acts of God, and war.

8. Seller is not responsible for sub-surfaces such as concrete during the installation due to the fact the prior conditions of the surfaces cannot be determined. Any problems that occur due to these sub-surfaces can not be warranted. This includes moisture transmission and hydrostatic pressure in concrete. Any defects in sub-surface will not be addressed unless listed above.

9. Seller will make every reasonable effort, in advance, to protect landscaping, walls and all adjacent areas and items from damage. Seller will protect adjacent concrete or other substrates.

10. Seller will not assume responsibility of damage caused by non-recommended maintenance procedures. It is agreed that Seller shall not be liable for any defect or damage resulting from installations requested by Buyer that depart from accepted installation methods. If an unauthorized person services the surface, any warranty is automatically voided and Seller assumes no liability or responsibility for damage.

11. In cases where buyer does not own the home or business to which Seller is installing surface, buyer represents that he has permission of owner to install surface and is fully responsible for completion of contract. Condominium owners, homeowners, and business owners responsible to associations or boards represent that they have or will obtain any necessary approvals.

12. Buyer grants Seller permission to photograph the installation and installation site and use such photographs in future sales presentations and advertising.

13. During the project, Seller may substitute better quality and/or more expensive products and/or processes with or without the verbal or written approval of the Buyer. This will be at NO cost to the Buyer.

14. Buyer must notify Seller a minimum of 48 hours (not including weekends) prior to the scheduled start day of any delays or postponement. If Seller is **not** notified at least 48 hours in advance, additional charges will be added.

15. Any person or company supplying labor or materials for this improvement to your property **may** file a lien against your property **if** that person or company is **not** paid for the contributions. Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or material for the improvement and who gave you timely notice.

1409 159th Ave. NE • Ham Lake, MN 55304
Office: 763-434-9237 www.swedebro.com Fax: 763-434-8999

Customer: City of Waconia
310 10th Street East
Waconia, MN 55

Date: 3/2/22

RE: Mechanics Shop – Protective Floor Coatings

Description:

Mechanics Bay Resinous Floor Coatings

- Mechanically steel shot-blast concrete and diamond grind edges as needed.
- Fill all cracks, joints and minor defects.
- Apply epoxy and broadcast 40/60 mesh sand to resistance.
- Apply epoxy in a standard color TBD.

(Total system thickness 60-70 mils)

Sub-Total: $14,750.00

Floor must be swept clean from debris prior to our arrival.
Everything must be off the floor prior to our arrival. Owner to provide dumpster use.
Project will take 3-4 days to complete and an additional 2 days to cure before heavy traffic resumes.

Value Engineering Option

1. Change to Thin mil 3 coat epoxy/urethane system (20-25 mils thick). Deduct: -$(1,150.00)

Pricing is based on Cooperative Purchasing Connection thru the Minnesota Service Cooperatives and the Metro ECSU Coop

Contract number: 17.7-CFC

Cement, acid, and stain colors cannot be precise; therefore finished color and texture will vary from any color charts or samples shown. All existing expansion joints may be re-cut; cracks in base substrata may reoccur.

Bids and prices are valid thru 5/31/21

Total Price	$
Deposit for Materials Required	$
BALANCE DUE	$

Contract subject to terms/conditions listed. Unpaid balances after 60 days of completion may be sent to collections. Unpaid balances are assessed a 1.5% (18% APR) finance charge per month after 30 days. A mechanic's lien may be filed on any unpaid balances after 60 days.

Buyer's Signature Date

THIS CONTRACT SUBJECT TO THE TERMS AND CONDITIONS LISTED BELOW

1. The terms set forth in this agreement are intended as the complete and exclusive statement of the contract and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement. Only a memorandum signed by both parties and their authorized agent may amend this contract. Any changes to this contract may subject Buyer to additional charges.

2. Seller will complete work as expediently as possible once started and begin work within terms agreed to. Seller is not responsible for delays beyond his control.

3. This agreement is the actual order of the items listed above and it is understood that all items are custom made and all work is custom. Deposit is non-refundable. *In case of sale of home or business, contract may be terminated upon payment to Seller of a sum equal to one third of the remaining balance.*

4. Buyer agrees to and has read the Chemical Stain Disclaimer form (if necessary), and Expectation form.

5. Balance of money is due upon completion of work. If claim for payment is placed in the hands of an attorney for collection, Buyer agrees to pay Seller a reasonable attorney's fee fixed by the court.

6. Except as provided in writing, Seller does not warrant the goods covered by this agreement and no other warranty expressed or implied is made by Seller. Seller is also not responsible for slip resistance chosen by the Buyer. If Buyer desires to change slip resistance, additional charges will apply.

7. Warranty is void with regard to any part or parts subject to abuse, neglect, or accidental causes including but not limited to: fire, flood, acts of God, and war.

8. Seller is not responsible for sub-surfaces such as concrete during the installation due to the fact the prior conditions of the surfaces cannot be determined. Any problems that occur due to these sub-surfaces can not be warranted. This includes moisture transmission and hydrostatic pressure in concrete. Any defects in sub-surface will not be addressed unless listed above.

9. Seller will make every reasonable effort, in advance, to protect landscaping, walls and all adjacent areas and items from damage. Seller will protect adjacent concrete or other substrates.

10. Seller will not assume responsibility of damage caused by non-recommended maintenance procedures. It is agreed that Seller shall not be liable for any defect or damage resulting from installations requested by Buyer that depart from accepted installation methods. If an unauthorized person services the surface, any warranty is automatically voided and Seller assumes no liability or responsibility for damage.

11. In cases where buyer does not own the home or business to which Seller is installing surface, buyer represents that he has permission of owner to install surface and is fully responsible for completion of contract. Condominium owners, homeowners, and business owners responsible to associations or boards represent that they have or will obtain any necessary approvals.

12. Buyer grants Seller permission to photograph the installation and installation site and use such photographs in future sales presentations and advertising.

13. During the project, Seller may substitute better quality and/or more expensive products and/or processes with or without the verbal or written approval of the Buyer. This will be at NO cost to the Buyer.

14. Buyer must notify Seller a minimum of 48 hours (not including weekends) prior to the scheduled start day of any delays or postponement. If Seller is **not** notified at least 48 hours in advance, additional charges will be added.

15. Any person or company supplying labor or materials for this improvement to your property **may** file a lien against your property **if** that person or company is **not** paid for the contributions. Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or material for the improvement and who gave you timely notice.

1409 159th Ave. NE • Ham Lake, MN 55304
Office: 763-434-9237 www.swedebro.com Fax: 763-434-8999

Customer: City of Waconia
310 10th Street East
Waconia, MN 55

Date: 3/2/22

RE: Water Treatment Facility

Description:

Filter Area

- Mechanically diamond grind and Diamabrush as needed.
- Fill all cracks, joints and minor defects.
- Apply solid color epoxy in a standard color TBD.

Sub-Total: $2,895.00

Floor must be swept clean from debris prior to our arrival.
Everything must be off the floor prior to our arrival.
Owner to provide minor dumpster use.
Project will take 1 day to complete.

Add/Alternates

Add Pump Hall. Add: $350.00
Add Chemical Room. Add: $750.00
Add Chlorine Room: Add: $130.00

Pricing is based on Cooperative Purchasing Connection thru the Minnesota Service Cooperatives and the Metro ECSU Coop
Contract number: 17.7-CFC

Cement, acid, and stain colors cannot be precise; therefore finished color and texture will vary from any color charts or samples shown. All existing expansion joints may be re-cut; cracks in base substrata may reoccur.

Bids and prices are valid thru 5/31/22

Total Price	$
Deposit for Materials Required	$
BALANCE DUE	$

Contract subject to terms/conditions listed. Unpaid balances after 60 days of completion may be sent to collections. Unpaid balances are assessed a 1.5% (18% APR) finance charge per month after 30 days. A mechanic's lien may be filed on any unpaid balances after 60 days.

Buyer's Signature Date

THIS CONTRACT SUBJECT TO THE TERMS AND CONDITIONS LISTED BELOW

1. The terms set forth in this agreement are intended as the complete and exclusive statement of the contract and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement. Only a memorandum signed by both parties and their authorized agent may amend this contract. Any changes to this contract may subject Buyer to additional charges.

2. Seller will complete work as expediently as possible once started and begin work within terms agreed to. Seller is not responsible for delays beyond his control.

3. This agreement is the actual order of the items listed above and it is understood that all items are custom made and all work is custom. Deposit is non-refundable. *In case of sale of home or business, contract may be terminated upon payment to Seller of a sum equal to one third of the remaining balance.*

4. Buyer agrees to and has read the Chemical Stain Disclaimer form (if necessary), and Expectation form.

5. Balance of money is due upon completion of work. If claim for payment is placed in the hands of an attorney for collection, Buyer agrees to pay Seller a reasonable attorney's fee fixed by the court.

6. Except as provided in writing, Seller does not warrant the goods covered by this agreement and no other warranty expressed or implied is made by Seller. Seller is also not responsible for slip resistance chosen by the Buyer. If Buyer desires to change slip resistance, additional charges will apply.

7. Warranty is void with regard to any part or parts subject to abuse, neglect, or accidental causes including but not limited to: fire, flood, acts of God, and war.

8. Seller is not responsible for sub-surfaces such as concrete during the installation due to the fact the prior conditions of the surfaces cannot be determined. Any problems that occur due to these sub-surfaces can not be warranted. This includes moisture transmission and hydrostatic pressure in concrete. Any defects in sub-surface will not be addressed unless listed above.

9. Seller will make every reasonable effort, in advance, to protect landscaping, walls and all adjacent areas and items from damage. Seller will protect adjacent concrete or other substrates.

10. Seller will not assume responsibility of damage caused by non-recommended maintenance procedures. It is agreed that Seller shall not be liable for any defect or damage resulting from installations requested by Buyer that depart from accepted installation methods. If an unauthorized person services the surface, any warranty is automatically voided and Seller assumes no liability or responsibility for damage.

11. In cases where buyer does not own the home or business to which Seller is installing surface, buyer represents that he has permission of owner to install surface and is fully responsible for completion of contract. Condominium owners, homeowners, and business owners responsible to associations or boards represent that they have or will obtain any necessary approvals.

12. Buyer grants Seller permission to photograph the installation and installation site and use such photographs in future sales presentations and advertising.

13. During the project, Seller may substitute better quality and/or more expensive products and/or processes with or without the verbal or written approval of the Buyer. This will be at NO cost to the Buyer.

14. Buyer must notify Seller a minimum of 48 hours (not including weekends) prior to the scheduled start day of any delays or postponement. If Seller is **not** notified at least 48 hours in advance, additional charges will be added.

15. Any person or company supplying labor or materials for this improvement to your property **may** file a lien against your property **if** that person or company is **not** paid for the contributions. Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or material for the improvement and who gave you timely notice.

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	Commercial/Industrial Small Area Plan					
Originating Department:	Administration					
Presented by:	Shane Fineran					
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 Resolution 2022-78, Approving Engagement with WSB for Small Area Plan

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

The city is effectively without any developable heavy commercial or industrial lots within the community. The vacant lots within the Pine Industrial Park are privately held awaiting to be developed by the land owners. The city has additional areas outside of the current municipal boundaries that are guided for industrial or heavy commercial use that are in the growth area as defined by the 2040 Comprehensive Plan.

One of these areas is bounded by Hwy. 5 to the north, CSAH 59 to the east, CSAH 10 to the south and Hartmann Drive to the west. The majority of the 60 plus acres is currently in Waconia Township and would need to be annexed into the community for development. This is the next logical area guided for industrial and commercial use in the community. In an effort to create a vision and plan for how this area could develop and probably layout and connection to existing transportation and utility infrastructure based on proposed layouts it is recommended that the city engage with planning consultants to develop a small area plan. Staff see this effort as a tool that could be utilized by the city and property owners in the development process. This would not constrain the ultimate development, but rather create a vision of what ideally could accomplished based upon the guided use, municipal zoning, and desired uses or layouts.

Staff have received two proposals from two consultant firms that provide planning and engineering services in the public sector, one from the city's consultant engineer Bolton & Menk and one from WSB. Both proposals would deliver a plan with two development scenarios which include potential land uses, lot sizes and configuration, detailing utility and access needs. The difference in work scope between the two is that the Bolton & Menk proposes a little more public engagement with the use of surveys and/or open houses. The WSB proposal is $27,000 and the Bolton & Menk proposal is $47,000.

Staff feel that the limited engagement proposed with land owner(s), City Council and Planning Commission members is sufficient as detailed in the WSB proposal and thus delivers a similar product at a lower cost. Therefore staff is recommending approval of the engagement with WSB for this effort and funds held by the city for economic development purposes would be utilized.

Attachments:

1. 2278res_WSB_Small_Area_Plan.doc
2. WSB_Submittal_Waconia_SAP (002).pdf
3. BMI Hartman Drive Plan Proposal Waconia 013122 (002).pdf
4. Small Area Plan Focus.pdf

FINANCIAL IMPLICATIONS:	***ADVISORY BOARD RECOMMENDATIONS:***
Funding Sources & Uses:	

Economic Development Fund Balance		
Budget Information: _____ Budgeted _____ Non Budgeted __X__ Amendment Required	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

CITY OF WACONIA
RESOLUTION NO. 2022-78

APPROVING ENGAGEMENT WITH WSB FOR SMALL AREA PLAN

WHEREAS, the City of Waconia has identified areas for commercial and industrial development as part of the 2040 Comprehensive Plan; and

WHEREAS, the City desires to better understand and plan for the eventual development of areas guided for commercial and industrial development; and

WHEREAS, the City desires to enter into an engagement with WSB Consultants to develop a small area plan that targets guided commercial and industrial areas outside of existing municipal limits; and

BE IT FURTHER RESOLVED that the City Council approves the proposal submitted by WSB for the small area pan in an amount proposed of $27,000.

Adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

M/_____	Bloudek	_____
	Pierson	_____
S/_____	Leo	_____
	Sorensen	_____
	Waldron	_____

February 18, 2022

Mr. Shane Fineran
City Administrator
City of Waconia
201 S Vine Street
Waconia MN 55387

Re: Waconia Small Area Plan

Dear Mr. Fineran,

Thank you for the opportunity to submit a proposal to the City of Waconia for a small area plan encompassing approximately 80 acres located within Waconia Township. WSB has one of the largest Community Planning groups in Minnesota, and we have significant experience in multiple small area plans, which makes us a leader in the creation of comprehensive and implementable master plans. WSB's experience in the Twin Cities Metropolitan Area provides us with extensive knowledge of regulations and standards that are applicable to the task, along with our knowledge about current market trends means we are uniquely qualified to conduct your master planning effort.

UNDERSTANDING

Waconia is planning for development of an approximate 80 acres site bounded by County Road 10 to the south, County Road 59 to the east, State Hwy 5 to the north, and current Waconia light industrial and single-family development to the west. The City is requesting information about appropriate land uses for the 80 acres, in recognition of the existing market, anticipated future market trends, and existing development and infrastructure in the area. Presently the land is outside of the Waconia city limits and located within Waconia Township excepting approximately 2.8 acres, which is adjacent to dedicated right-of-way for a future road connection to County Road 59. Waconia Township has these properties designated for Commercial and Industrial, in the north and commercial in the south. Waconia is looking to have them zoned and guided appropriately when they are brought into the Waconia city limits.

WSB is proposing to create a plan for this area that accounts for major road alignments and land use designations and approximate lot sizes. Two differing alternatives will be provided for the City's use. The deliverables will be a Small Area Plan document in a PDF format that includes a description of the two development scenarios including potential land uses, and lot sizes and configurations. A written plan will provide information about existing utilities and their capacity as related to the proposed land uses, potential access needs, and note any environmental issues such as the presence of wetlands. The Plan will also provide a scan of the current development markets, which will lead to rationale land use recommendations and potential development perimeters.

SCOPE OF WORK

1 | Assemble and review background materials/data analysis: *($6,000)*

This phase will focus on data gathering and review, which will form the basis for the rest of the plan. Our review will include:

- City and townships Comprehensive plan
- Relevant sections of the Zoning Ordinance
- City and County infrastructure information
- Market trends and conditions

2 | Two Draft Scenarios: *($6,500)*

WSB staff will compile all relevant utility, drainage, land use/zoning, and transportation information into two different draft scenarios that depict the following:

- Potential road alignments and access points and area circulation.
- Proposed land uses based upon city direction and market analysis.
- Proposed zoning for the land uses.
- All local utilities including storm, sanitary, and water infrastructure.
- Potential lot sizes according to current industrial trends and/or ordinance requirements.
- Identification of on-site environmental attributes.

3 | Meetings: *($3,500)*

WSB staff will meet with City staff to finalize project scope and keep in contact with staff throughout project time frame. The following meetings are accounted for in this proposal:

- WSB/City staff kick off meeting to discuss process, timing, and expectations (1 meeting).
- WSB/City staff meeting to discuss scenarios and next steps (1 meeting).
- Meet with existing landowner (1 meeting).
- One public engagement meeting with public including landowner and adjoining property owner to present plan to affected parties and surrounding neighborhood (1 meeting).
- WSB/City staff review engagement and next steps (1 meeting).
- Joint Council and Planning Commission work session on draft plan (1 meeting).
- Final approval by Planning Commission and City Council (2 meetings; one each).

4 | Final Small Plan Preparations: *($10,000)*

Compilation of researched information into one word document that addresses development issues such as water/wastewater/stormwater infrastructure capacity, traffic and road alignments, natural resources/environmental restrictions. Included with be a market scan and rationale for the proposed land uses as well as outlining lot sizing and opportunities for development. Specifically, the Plan will provide the following along with the two differing scenarios:

- Area Profile: with an existing conditions report using information from the data analysis phase of this process. Exhibits on storm water, existing utilities, wetlands and existing land use and zoning to be provided.
- Land use/Zoning Discussion:
- Potential land uses for the project area.
- Development pattern and scale—including lot sizes, road connections and circulation patterns.
- Connections between the project area and surrounding land uses.
- Scenario layouts will be prepared as exhibits as discussed in previous meetings.
- Transportation analysis including written documentation of traffic generation and verifying transportation needs for the site.
- Development Market Scan.

5 | Small Area Plan Approval: *($1,000)*

During the final step, WSB will work with staff to bring the Plan through the approval process. This phase will include meetings with the Planning Commission and City Council (cost in meeting budget) and any final draft changes requested by Commission and Council.

Cost Proposal:

WSB proposes to complete the above Plan on an hourly basis not to exceed amount of **$27,000**

Timeline:

The plan will be completed within four months of execution of the contract. This time frame does not include the approval process with the City Council.

Again, thank you for considering WSB to complete the Waconia Small Area Plan. If you have any questions or comments regarding the information that is included with this letter, please contact me at 612.670.2790.

Sincerely,

Kim Lindquist
Director, Community Planning and Economic Development

City of Waconia, MN

Hartmann Drive Area Small Area Plan

Draft Proposal & Scope

January 31, 2022

Submitted by:
Bolton & Menk, Inc.
2638 Shadow Ln, #200
Chaska, MN 55318

Contact: Haila Maze, AICP
haila.maze@bolton-menk.com
651-434-5743

PROJECT UNDERSTANDING

The City of Waconia is seeking consultant services to produce a small area plan of the area along and around Hartmann Drive and surrounding properties, known as the "Hartmann Drive Area." The plan is intended to provide planning-level guidance towards the future uses of the identified property, including potential land uses and options for site layout. The study may also identify associated public infrastructure needs, including interior pedestrian route and roadway layout, and required improvements to adjacent roads, utilities, and other infrastructure. The outcomes of the study will include guiding city actions as supporting development and communicating this direction results to the public and interested stakeholders.

SCOPE

Task 1 | Project Management + Communication

Bolton & Menk (the Consultant) will provide full project management of the Small Area Plan, including developing meeting agendas and notes, as well as providing progress updates as needed. BMI will also staff regular project check-in meetings with city staff and be available as needed to present draft and/or final plan documents. This scope assumes up to 8 monthly check-in meetings with city staff, and 4 presentations to City Council and/or Planning Commission.

Task 2 | Development Concepts + Report

Existing Conditions + Policy Review

The Consultant will review and assess existing site conditions including access and connectivity, land uses and zoning, property ownership, utilities, public easements, and relevant plans and policies. Using publicly available data sources, BMI will also conduct a high-level market trend analysis to inform feasible development scenarios. This will take into consideration the location of this site relative to other commercial/industrial property within the city's growth area.

The Consultant will develop a brief existing conditions memo at the completion of this task. This will include a description of project development goals.

Development Scenarios + Concepts

The Consultant will create up to two development scenarios that identify recommended:

- *Future land uses and zoning, including site layout and development intensity diagram(s)*
- *Public and semi-public open spaces*
- *Access and internal circulation (roads, sidewalks, and trails)*
- *Preliminary urban design principles*
- *Anticipated development scenario outcomes (e.g., housing units, jobs, tax base, etc.)*

Each development scenario will be represented by a series of maps, exhibits, figures, and precedent images to communicate and visualize concepts. BMI will also create development intensity diagrams demonstrating conceptual development scale examples as part of each scenario. With infrastructure impacts, this will include a description of the relationship between site access and circulation and other major transportation connections in the area, particularly existing and planned improvements on Highway 5 and Highway 10.

Small Area Plan Report + Implementation Memo (*Final Deliverable*)

All materials will be packaged and compiled into a final plan document. The plan will include a summary of existing conditions, illustrated scenarios and concepts, an overview of public engagement efforts, and preliminary implementation memo detailing recommended next steps, responsible agencies, and funding sources. It will also include the development scenarios illustrated and formatted as one pagers, to be used in support of efforts to communicate about and market the property to potential developers.

Task 3 | Engagement

The Consultant will prepare for and staff at least one, and up to two, public engagement sessions. Every effort will be made to host engagement events safely in-person, pending pandemic safety guidance. Events will be advertised through city channels, including the city website, direct mailings, emails, social media, and signage/flyers. (This scope assumes that postage and non-routine printing costs will be borne by the City of Waconia, unless otherwise specified.) Online meetings and other remote engagement efforts can be used to either support or replace in-person engagement. Timing and location of events will be determined in coordination with City staff.

To supplement the meeting, it is proposed to circulate an online survey that solicits public opinion about what uses they would like to see on the site. Results will be compiled as input for the plan.

The Consultant will create engagement summaries after each engagement effort. Engagement will both inform plan outcomes and create public awareness of the planning effort.

SCHEDULE

It is anticipated that the planning process will take approximately 6-8 months from the initiation of the contract. The goal will be to have a plan complete and approved by City Council prior to the end of 2022.

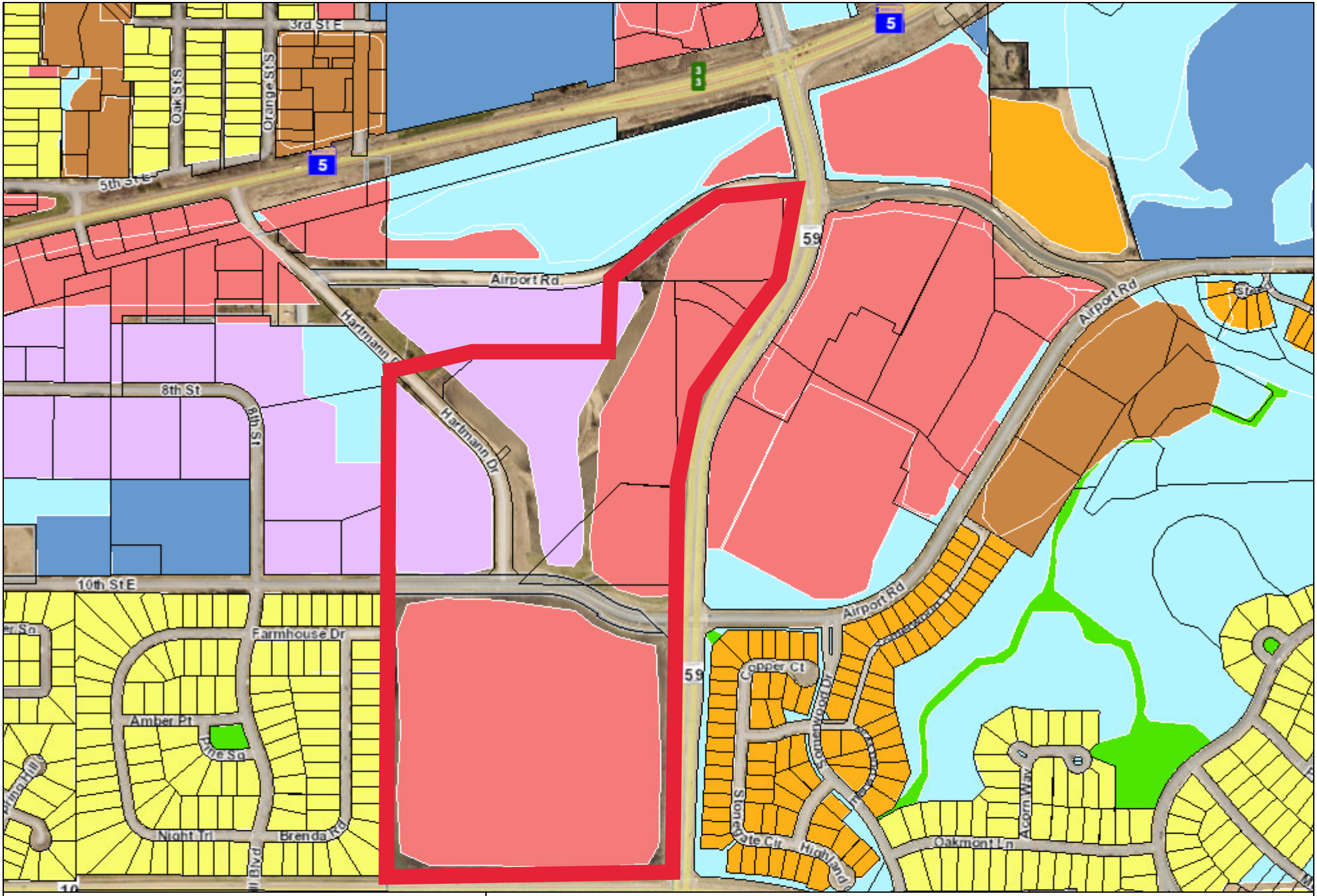
TEAM

Haila Maze will be the project manager for this project. She brings over 20 years of planning experience, including work on the recent 2040 Waconia comprehensive plan and numerous small area plans in other communities. She will be supported by lead planner Mike Thompson, who brings nearly a decade of experience in work in planning, urban design, and community development. Jake Saulsbury will provide support on the infrastructure side, advising on transportation and utility improvements.

FEE ESTIMATE

The below table outlines the not-to-exceed fee for the Consultant to complete the above scope of work. This amount is open to negotiation based on client need, staging, and funding considerations.

TASK	FEE
Task 1 Project Management + Communication	$8,000
Task 2 Development Concepts + Report	$31,250
Task 3 Engagement	$7,750
Total Cost	$47,000



City of Waconia

201 Vine Street South, Waconia, MN 55387

Small Area Plan Focus

February 2022

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022
Item Name:	Snow Removal Fees
Originating Department:	Administration
Presented by:	Shane Fineran
Previous Council Action (if any):	

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

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

Adopt Ordinance 746, Amending Section 320.06 Regulating Snow, Ice, Dirt, and Rubbish From Public Sidewalks

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

At the February 22nd meeting the City Council heard concerns from a resident regarding the fees charged for violation of municipal code section 320 for failure to remove ice and snow from public sidewalks adjacent to private property. This code sections requires that property owners remove ice and snow from sidewalks within 12 hours of deposit, and failure to do so can result in city staff undertaking the removal and charging back the actual costs for such effort as noted in Subd. 4.

In response to the direction of the City Council to evaluate the meaning of the language versus the intent to secure compliance with this section, staff recommend the following attached edits to subdivision 4 which clarifies that property owners will be subject to the actual costs while onsite plus an administrative fee of $40. This would reduce the time allocated for loading and travel consistent with the existing language as well as encompass the inspection, documentation, and notification associated with follow up necessary to enforce this section with the administrative fee.

The fee schedule will be updated to add the $40 administrative fee while keeping all other fees intact as it relates to staff and equipment time. Allocating only staff and equipment time while only onsite will reduce the fees assessed for a typical residential lot to under $200 while protecting the city in the event that an offending property that maybe larger in size, such as a commercial, industrial, or one that has been longer neglected for ice and snow removal and requiring additional effort by city staff.

Attachments:

1. Ord.746_Amendment_to_Chapter_320.docx

FINANCIAL IMPLICATIONS:
Funding Sources & Uses:
N/A

Budget Information:

_____	Budgeted
X	Non Budgeted
_____	Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission	
Parks and Recreation Board	
Safari Island Advisory Board	
Other	

CITY OF WACONIA
ORDINANCE NO. 746

AN ORDINANCE AMENDING CHAPTER 320 REGARDING THE REMOVAL OF ICE, SNOW, DIRT, AND RUBBISH FROM PUBLIC SIDEWALKS

The City Council of the City of Waconia ordains:

FINDINGS AND PURPOSE

Chapter 320 of the Waconia City Code (the "**Code**") contains provisions regarding the use of streets in Waconia. The City Council finds it is appropriate to update and clarify Section 320.06, Subd. 4, to clarify that costs incurred for snow removal adjacent to private property when performed by city staff in violation of Subd. 1.

The purpose of this ordinance is to amend Subd. 4 and Subd. 2 of Section 320.06 to make the above-described revisions.

AMENDMENT

Section 320.06, Subd. 4, is amended to add the provisions underlined, as shown below:

Subd. 4. Snow. It shall be unlawful for any person, not acting under specific direction from the City, to remove snow from private property or alleys and to place the same upon a public street or other public property in such quantity, or in such manner, as to cause a hazard to travel, without adequate arrangement for the immediate removal thereof. Any person violating this Subdivision shall be subject to an assessment equal to actual costs incurred while on site plus administrative fee for snow removal according to the adopted fee schedule in Chapter 1100 in order to reimburse the City for the cost of removing such snow from the public street or other public property. Such assessment shall be payable within 30 days of the date of billing by the City and, in default of payment, shall be extended as a special assessment against the property from which such snow was removed. Such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are so certified and collected. Alternatively, the City Clerk shall, upon direction from the City Council, bring suit in a Court of competent jurisdiction to recover such assessment and the costs and disbursements of said suit.

SUMMARY

The following official summary of Ordinance 746 has been approved by a four-fifths vote of the City Council of the City of Waconia as clearly informing the public of the intent and effect of the ordinance:

> CITY OF WACONIA ORDINANCE 746, *AN ORDINANCE AMENDING CHAPTER 320.06 REGARDING THE REMOVAL OF ICE, SNOW, DIRT, AND RUBBISH FROM PUBLIC SIDEWALKS amends Section 320.06, Subd. 4, to clarify that costs incurred will be that of the effort while on site of the offending property plus administrative fee as prescribed in the adopted fee schedule.*

The full text of the ordinance is available for public inspection in the office of the city clerk during regular business hours or www.waconia.org. The full text of the ordinance is also available via standard or electronic mail. To request delivery via standard or electronic mail, please call City Hall at (952) 442-2184.

EFFECTIVE DATE

This ordinance is effective upon publication.

Passed and adopted by the City Council of the City of Waconia this 7th day of March 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

M/_____	Bloudek	_____
	Leo	_____
S/_____	Pierson	_____
	Sorensen	_____
	Waldron	_____

REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	March 7, 2022					
Item Name:	Ordinance Amendment - Section 900.06, Subd. 9 Architectural Design Standards					
Originating Department:	Community Development					
Presented by:	Lane Braaten					
Previous Council Action (if any):						
Item Type (X only one):	Consent		Regular Session	X	Discussion Session	

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

Adopt Ordinance No. 747, amending Section 900.06, Subd. 9. Architectural Design Standards.
Adopt Resolution 2022-79, approving Summary Publication of Ordinance.

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

In recent years staff and the Planning Commission have found a number of consistent variance requests associated with the City's Architectural Design Standards. As such, the Planning Commission requested staff review the standards and provide possible options to consider that would allow improvements consistent with the intent of the City Code, while allowing the materials and uses without the need for a variance. Staff has included a summary of the proposed revisions below and attached amendments to Section 900.06, Subd. 9. Architectural Design Standards for review.

Design Standards, Downtown District

5. Ground Level Expression – includes an exception for multiple family dwellings that do not include retail or service area on the ground floor.

8. Ground-Floor Windows – includes an exception for multiple family dwellings that do not include retail or service area on the ground floor.

Design Standards, Highway District

10. Building Materials – includes architectural metal panels as a permitted material in the Highway District.

Design Standards, Industrial District

4. Permitted Materials – allow additions to existing buildings with non-conforming building materials without the need for a variance if the material used is substantially the same as the existing structure and the proposed addition does not exceed 50% of the existing footprint of the structure.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on January 20th, 2022 and posted at Waconia City Hall. Additionally, the proposed Ordinance Amendment was posted on the City website. As of the date and time of this report the City has not received any public comments regarding the proposed Ordinance Amendment.

CONCLUSION / RECOMMENDATION

The Planning Commission, at their regular meeting on February 3rd, 2022, held a public hearing to discuss the proposed draft ordinance language. The Planning Commission recommended approval of the proposed revisions to the architectural design standards via a 5-0 vote.

Attachments:

1. Public Hearing Notice 900.09 Subd. 9.pdf
2. Ord 747 Ordinance_Amendment_No_Arch_Design_Standards.docx
3. 2279res_Approving_Summary_Publication_of_Ordinance_Amendment (1).docx

FINANCIAL IMPLICATIONS: Funding Sources & Uses:	***ADVISORY BOARD RECOMMENDATIONS:*** Planning Commission recommendation of approval via a 5-0 vote on February 3rd, 2022
Budget Information: _____Budgeted _____Non Budgeted _____Amendment Required	Planning Commission Parks and Recreation Board Safari Island Advisory Board Other

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on February 3rd, 2022, at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a proposed amendment to City of Waconia Ordinance Section 900.06, Subd. 9, Architectural Design Standards.

The language proposes amendments to the Architectural Design Standards regarding permitted materials in the Highway District, multiple family standards in the Downtown District and material standards in the Industrial District.

Pertinent information pertaining to this request is available at City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on February 3rd, 2022. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION
ATTEST: Lane L. Braaten, Community Development Director

(Published in the Waconia Patriot January 20, 2022)

CITY OF WACONIA

ORDINANCE NO. 747

AN ORDINANCE AMENDING SECTION 900.06, SUBD. 9 REGARDING ARCHITECTURAL DESIGN STANDARDS

The City Council of the City of Waconia ordains:

FINDINGS AND PURPOSE

The City of Waconia (the "City") has identified the visual character and historic resources of the City as important attributes to the quality of life. New development can have substantial impacts on this visual and historic character. The design standards have been developed and adopted to help communicate clear architectural imagery that reinforces the traditional character of the community and to insure compatibility of new development within the City. To encourage the sensitive rehabilitation of the business district and allow properties to be developed and redeveloped in a consistent manner the City's architectural design standards need to be amended.

The City Council finds it is appropriate and in the best interest of its residents to amend Section 900.06, Subd. 9 of the Waconia City Code as set forth in this Ordinance:

AMENDMENTS

Section 900.06, Subd. 9. Architectural Design Standards

Subd. 9.B.2. Exemptions

The following activities are exempt from design review unless staff determines that the project creates a significant change in the design characteristics of the development:

a. Internal alterations to buildings that affect less than 50 percent of the building's gross floor area and do not result in a change to the building height, roofline or footprint.
b. The use of non-conforming exterior materials or colors for a building expansion within the Industrial District otherwise permitted by the Code if the gross floor area of the expansion is less than 50 percent of the building's gross floor area prior to expansion.
c. Replacement or repair of existing materials
d. Re-striping and other minor changes to parking lots that do not result in changes to landscaping or circulation patterns, and that do not create more than four new parking spaces.

Subd. 9.D. Design Standards, Downtown District

Building Context and Character

a. ~~General~~ *Objective:* ~~The~~ Any new development should relate to the original design of surrounding strorefront buildings in scale and character. This can be achieved by maintaining similar setbacks, building height and proportions, cornice lines, horizontal

lines of windows and openings, and compatible building materials and colors. Many of these topics are discussed in detail later in this section.

Subd. 9.D.5. Ground Level Expression

a. *Objective:* To employ building proportions consistent with those of traditional storefronts and to emphasize the importance of the ground floor as the primary retail or service area.
b. *Standard:* The ground level of any multi-story structure must be visually distinct from the upper stories~~.~~, except as stated in subpart c below. This can be achieved through the use of one or more of the following techniques, and others that may meet the objective (see Figure 6).
    1) An intermediate cornice line
    2) A sign band
    3) An awning, arcade or portico
    4) A change in building maerials, texture or detailing
    5) A change in window shape or treatment.
c. *Exception:* The standard stated in subpart b above does not apply to multiple family dwellings.

Subd. 9.D.7. Roof Design

c. *Rooftop Equipment:* All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way and adjacent properties. Preferably, rooftop equipment should be screened by the building parapet, provided that the parapet does not exceed building height limits. Rooftop equipment may also be screened by a smaller accent roof enclosure. This structure shall be set back a distance of 1-1/2 times its height from any primary façade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.

Subd. 9.D.8. Ground-Floor Windows

a. *Objective:* To provide continuity with older existing "main street" retail shop windows and to enhance security by providing views into and out of buildings.
b. *Standard:* Windows and doors must comprise at least 50 percent of the length and at least 30 percent of the area of any ground floor façade facing a public street~~.~~,except as stated in subpart c below. Windows and doors must comprise at least 10 percent of the ground level side or rear façade facing a public right-of-way, parking area or open space. Qualifying windows or doors shall be transparent, allowing views into and out of the interior, or may include display windows set into the wall. Reflective glass is not permitted (see Figure 8). A minimum of 12 percent of the upper story facades shall consist of two or more regularly spaced and symmetrical window openings that are consistent or compatible with those of nearby buildings (see Figure 9).
c. *Exception:* The standard stated in subpart b above does not apply to multiple family dwellings.

Subd. 9.D.12. Building Materials

d. *Accent Materials:* Accent materials may be used on up to 15% of the building's façade. These may include metal, glass block, spandrel glass, or similar materials as approved by the Planning Commission.

e. *Roofs:* Pitched roofs on new buildings with a footprint of more than 10,000 square feet should be constructed of standing seam metal, slate or wood shingles, but not asphalt shingles.

Subd. 9.E.3. Building Placement

c. *Entrances:* Building entrances should be located as close to abutting streets as possible, and no further than 85 feet from the street right-of-way. This standard may be achieved through the creation of one or more public or private internal streets within a large site. (See Figures 15 and 16; see also Parking and Pedestrian Circulation standards.)

Subd. 9.E.4. Building Width and Façade Articulation

a. *Objectives:*
   1) To articulate long or massive building facades in order to reduce their perceived bulk and provide visual interest as viewed from the street or sidewalk.
   2) To ensure that all facades visible to the public shall be visually attractive and compatible with adjacent land uses.

b. *Standard:* Buildings of more than 40 feet in width shall be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques, and others that may meet the objective.
   1) Façade modulation – stepping back or extending forward a portion of the façade
   2) Vertical divisions using different textures or materials (although materials should be drawn from a common palette)
   3) Division into storefronts, with separate display windows and entrances
   4) Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval
   5) Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval
   6) Providing a lighting fixture, trellis, tree or other landscape feature with each interval

Subd. 9.E.6. Building Height and Roof Design

c. *Roofs.* Roofs shall be designed with one or more of the following:
   1) Sloping roofs with a minimum roof pitch of at least 1 foot of rise to 4 feet of run.
   2) Flat roofs with a decorative parapet concealing rooftop equipment. Average parapet height shall not exceed 15 percent of the height of the supporting wall and maximum parapet height at any point shall not exceed one-third the height of the supporting wall.
   3) Overhanging eaves, extending no les than 18 inches past the surrounding walls (see Figure 17).

Subd. 9.E.9. Number of Entrances

c. *Additional Store Entrances.* Each additional retail store within a principal building shall provide at least one exterior customer entrance clearly distinguished using the methods listed above.

Subd. 9.E.10. Building Materials

b. *Standard:* Buildings should be constructed of high-quality materials such as brick, stone, or textured cast stone ~~or~~, tinted masonry units, or architectural metal panels.

~~X~~ 1) Unadorned plain or painted concrete block
~~X~~ 2) Tilt-up concrete panels
~~X~~ 3) Pre-fabricated steel or sheet metal panels
~~X~~ 4) Reflective glass
~~X~~ 5) Aluminum, vinyl, fiberglass, asphalt or fiberboard siding
~~X~~ 6) Wood siding

c. *Accent Materials.* Accent materials may be used on up to 15% of the building's façade. These may include metal, glass block, spandrel glass or similar materials as approved by the Planning Commission (see Figure 18).

Subd. 9.E.13. Signs

~~a. *Regulations:*~~ Regulations for signs in the Highway Districts shall be as set forth in Section 900.10 of this code.

Subd. 9.E.16. Interior Parking Lot Landscaping

a. *General.* The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses, or other perennial flowering plants, vines, shrubs and trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
b. *Large Lots.* In parking lots containing more than 100 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 12 spaces or fraction thereof, containing one deciduous shade tree. The remainder shall be covered with turf grass, native grasses, perennial flowering plants, vines or shrubs.

Subd. 9.D. Design Standards, Industrial District.

~~The purpose of this Section is to assure that buildings in industrial areas of Waconia will be of high quality in both visual and functional terms. To that end, in the interests of promoting the public health, safety and general welfare and increasing property values, this Section identifies permitted building materials which are durable and long lasting and which generally present a more attractive visual appearance than less durable materials.~~

~~1. Application. The provisions of this Section shall apply to all new structures including additions or remodeling and to all new developments within areas zoned for industrial use within the City of Waconia and to all existing buildings in such districts when the exterior appearance of any such building is to be altered in a manner which requires the issuance of a building permit.~~
~~2. Exterior Elevation. Exterior elevation drawings of the proposed structure must be submitted which will accurately indicate the height, size, design and appearance of all elevations of the proposed structure. A description of the construction materials to be used must also be submitted.~~
~~3.~~ 1. Architectural ~~Design~~ Style. The exterior architectural appearance of the proposed structure shall not be so at variance with the exterior architectural appearance of existing structures within the immediate area, or with the intended character of the applicable zoning districts, taking into consideration building materials, size, shape and heights, so

as to cause an adverse impact upon property values in the immediate area, or the City as a whole, or adversely affect the public health, safety and general welfare of the portion of the City in which the property is located or the City as a whole. Mechanical equipment, such as furnaces, air conditioners, elevators, transformers, and utility equipment, shall be screened, whether on the roof or mounted on the ground, with a screening material similar or compatible with material used on the main structure. All additions or remodeling shall be compatible in scale, material and massing.

~~4.~~ 2. Permitted Materials. Structural systems of all buildings shall be as required by Uniform Building Code. All buildings shall be of masonry construction, an equivalent, or better. No building exterior shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated metal. No building shall be constructed with a wooden frame. Exterior building materials shall not be so at variance with the exterior materials of existing structures within the immediate area or the City as a whole as to adversely impact the property values in the affected area or the City as a whole, or adversely affect the public health, safety and general welfare.

3. Exterior Materials. Exterior wall surfaces of all building shall be faced with brick, natural stone, architectural concrete cast in place or precast concrete panels, glass curtain wall panels or an equivalent or better. Up to 15% of any wall surface may be wood or metal used as an architectural trim, as approved by the Planning Commission. The Planning Commission may also approve other materials that the Commission, in its discretion, determines are compatible with these materials if it finds that: 1) The quality and appearance of the proposed materials is consistent with the standard that has been set within the District; and 2) The use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

SUMMARY

The following official summary of Ordinance No. XX has been approved by a four-fifths vote of the City Council of the City of Waconia as clearly informing the public of the intent and effect of the Ordinance:

> The ordinance is titled *AN ORDINANCE AMENDING SECTION 900.06, SUBD. 9 REGARDING ARCHITECTURAL DESIGN STANDARDS*. It amends the Waconia City Code clarifying appropriate building materials and expansion within the Downtown District, Highway District, and Industrial District.

The full text of the ordinance is available for public inspection during regular office hours at the office of the City Clerk, 201 South Vine Street, Waconia, 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.

EFFECTIVE DATE

This ordinance is effective upon publication.

Passed and adopted by the City Council of the City of Waconia this 7th day of March, 2022.

_____
Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/_____	Bloudek	_____
	Leo	_____
S/_____	Pierson	_____
	Sorensen	_____
	Waldron	_____

CITY OF WACONIA

RESOLUTION NO. 2022-79

A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 747

WHEREAS, the City Council of the City of Waconia, Minnesota (the **"City"**) adopted Ordinance No. 747 on March 7th, 2022 (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; and

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

1. The above recitals and findings are incorporated as resolutions of the City Council.
2. The following official summary of Ordinance No. 747 is hereby approved:

   ORDINANCE NO. 747 AMENDING SECTION 900.06, SUBD. 9 REGARDING ARCHITECTURAL DESIGN STANDARDS. It amends the Waconia City Code clarifying appropriate building materials and expansion within the Downtown District, Highway District, and Industrial District. The full text of the ordinance is available for public inspection during regular office hours at the office of the City Clerk, 201 South Vine Street, Waconia, 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 7th day of March, 2022.

_____
Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

M/ _____	Bloudek	_____
	Pierson	_____
S/ _____	Leo	_____
	Sorensen	_____
	Waldron	_____