

**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 Acting Mayor Waldron 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 the 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 remedied 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 too 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 too 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 needs 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 located 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 of 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