

WACONIA CITY COUNCIL MEETING AGENDA



Monday, December 20, 2021
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**
- 5. ADOPT CONSENT AGENDA**

The items listed on the Consent Agenda are considered routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember, City Staff, or Citizen so requests; in which case, the item will be removed from the Consent Agenda and considered at the end of the Regular Agenda.

- 1) [December 6, 2021 City Council Minutes](#)
- 2) [Payment of December 20, 2021 Expenditures](#)
- 3) [Rink Management Services Corporation Safari Island Community Center Expenditures Incurred November 2021](#)
Motion to Approve Rink Management Corporation Expenditures for Safari Island Community Center Incurred in November 2021
- 4) [Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred November 2021](#)
Motion to Approve Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in November 2021
- 5) [Contractor Pay Request #4 "L-52 Lift Station Upgrade"](#)

- 6) [Contractor Pay Request #3 – Waconia East Frontage Road Parking Lot](#)
Motion to approve Pay Estimate No. 3 to GMH Asphalt, Inc. for the Waconia East Frontage Road Parking Lot.
- 7) [Contractor Pay Request #2 – Bayview Elementary Reuse Expansion](#)
Motion to approve Pay Estimate No. 2 to Minger Construction, Inc. for the Bayview Elementary Reuse Expansion.
- 8) [Contractor Pay Request #6 – 2021 Infrastructure Improvement Project](#)
Motion to approve Pay Estimate No. 6 to GMH Asphalt, Inc. for the 2021 Infrastructure Improvement Project.
- 9) [Lodging Tax Funds Request – Waconia CVB](#)
Motion to Approve Request for Lodging Tax Reimbursement from the Waconia CVB for Expenditures Incurred November - December 2021
- 10) [Authorize Staff to Execute Restoration Proposal for Veteran Memorial](#)
Adopt Resolution 2021-283, Authorizing Staff to Execute KCI Conservation Proposal for World War I Memorial Restoration
- 11) [Donation Acceptance – Cash Donations for Adaptive Playground Equipment in Memory of Faith Dressel](#)
Adopt Resolution No. 2021-284, Accepting Cash Donation for Adaptive Playground Equipment
- 12) [Employee Reference Manual Updates](#)
Adopt Resolution 2021-285, approving the Waconia Employee Reference Manual.
- 13) [Fire Officer Appointments](#)
Approve Resolution 2021-287, Fire Officer Appointments.
- 14) [Fire Department Reference Manual](#)
Adopt Resolution 2021-287, approving the Waconia Fire Department Reference Manual.
- 15) [Donation of Vacant Land – Lariat Companies, Inc.](#)
Adopt Resolution 2021-288 accepting the donation of vacant land located at 10560 10th Street West.
- 16) [Zoning Map Amendment submitted by Ridgeview Medical Center for the Property located at 801 Highway 284](#)
Adopt Resolution 2021-289 approving the proposed Zoning Map Amendment to rezone the subject parcel from I-2, General Industrial District to B-1, Highway Business District.
- 17) [Variance Amendment for the Property located at 80 Point Drive](#)
Adopt Resolution 2021-290 approving the Variance Amendment to allow the demolition of the existing principal structure and reconstruction of a home consistent with the previous variance approval for 80 Point Drive.
- 18) [Ordinance 743, Impoundment of Dogs.](#)
Adopt Ordinance 743, amending Chapter 560 of City Code.
- 19) [Settlement Agreement - 441 S Olive St](#)
Motion to Approve Settlement Agreement with Edward & Janell Simm and Ethan & Julie Hughes

6. COUNCIL BUSINESS

- 1) [2022 Final Levy](#)
Adopt Resolution No. 2021-291, Approving the Final Levy Collectable in 2022
- 2) [2022 Final Budget](#)

Adopt Resolution No. 2021-292, Adopting 2022 Budget for all General, Enterprise, Special Revenue, Capital Project, and Debt Service Funds
- 3) [SITE PLAN, DESIGN REVIEW and VARIANCE – 233 Olive Street South](#)
Adopt Resolution 2021-293 approving the Site Plan, Design Review and Variance applications for the proposed multi-family structure at 233 Olive Street South.
- 4) [Approve Redefined Contract and Change Orders for New Storage Shed and Entry Remodel](#)
Adopt Resolution 2021-294 ; Approve Redefined Contract Numbers and Change Orders for New Storage Shed and Façade Improvements as Component of East Frontage Road Improvement Project

7. ITEMS REMOVED FROM CONSENT AGENDA

8. STAFF REPORTS

- 9. BOARD REPORTS** 1) Councilmember Waldron
2) Councilmember Sorensen
3) Councilmember Leo
4) Councilmember Pierson
5) Mayor Bloudek

10. ANNOUNCEMENTS

11. ADJOURN REGULAR MEETINGOFFICE OF THE CITY ADMINISTRATOR

Shane Fineran

Work Session:

UPCOMING CALENDAR OF EVENTS/MEETINGS:



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		December 6, 2021 City Council Minutes					
Originating Department:		Administration					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
<u>Attachments:</u> 1. 2021-12-06 minutes.doc							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

CITY OF WACONIA

December 6, 2021

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: Kent Bloudek, Randall Sorensen, Carl Pierson, Nicole Waldron, Pete Leo.

Staff Present: Shane Fineran, Jackie Schulze, Nicole Meyer, Criag Eldred, Ann Meyerhoff, Mike Melchert, Justin Sorensen.

Visitors: Amy Jo Howard, James Ebert, Darlene Hoecherl, John Berger, Clayton Kamann, Thomas & Theresa Leshner, Beth & Paul Whittaker, Jeff & Tamara Born, Catherine OConnor, Susan Klaera, Mark Gronberg, Lacey Shaw, Leah Soltis, Jameson Langer, Paul & Mary Jo Fisher, Vicky Polunc.

Pledge of Allegiance was led by Mayor Bloudek.

ADOPT AGENDA: Motion by Sorensen, seconded by Waldron to adopt the agenda as presented. All present voted aye. **MOTION CARRIED.**

VISITOR'S PRESENTATION: None

PUBLIC HEARING: Proposed 2022 Infrastructure Improvement Project

Jake Salsbury provided a presentation on the planned improvements for street, drainage and utility improvements within the following areas:

Street and Utility Reconstruction & Sidewalk:

- Third Street West, Walnut Street to Olive Street
- Maple Street South, Second Street to Fourth Street
- Willow Place from Third Street to 200 to the South

Street Overlay, Trail Reconstruction, Storm Sewer:

- Oak Avenue, Trunk Highway Five to South Termination Point
- Dunsmore Drive, North intersection of Woodlawn Circle to South intersection of Woodlawn Circle

Salsbury explained the assessment policy with 43 properties to be assessed. Assessments are expected to be reduced after the 3rd party special benefit analysis comes in.

Mayor Bloudek opened the Public Hearing.

James Ebert, 240 3rd Street West, asked if the retaining wall in his yard was going to be removed. Salsbury said if the wall is impacted it will be replaced but they are not expecting much impact.

Patrick Kirch, 309 3rd Street West, Is the average assessment on 3rd Street \$21,000? Shane Fineran explained the benefit analysis stating that a 3rd party is brought in to do an appraisal. Based on that the value of the work will be capped and the City cannot assess over that.

Jeff Born, 300 Olive Street South, asked if after the contracts are awarded will there be actual start and completion dates set? Salsbury answered that there will be completion dates but start dates are not always required.

Amy Howard, 232 3rd Street West, How does it work with the yards that are affected? Salsbury explained that normally the yards are sodded and maintained for 30 days by the contractor then it is the responsibility of the owner to continue.

Other concerns by residents included:

- Replacement of trees

CITY OF WACONIA

December 6, 2021

- Interest rate on assessment
- Staging of construction

Motion by Sorensen, seconded by Waldron to close the public hearing.

Motion by Leo, seconded by Pierson to Adopt Resolution No. 2021-266, Authorizing Ordering Improvements & Preparation of Plans for 2022 Improvement Project. All present voted aye. **MOTION CARRIED.**

ADOPT CONSENT AGENDA

- 1) November 15, 2021 City Council Meeting Minutes.
- 2) Payment of December 6, 2021 Expenditures.
- 3) Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred in October 2021.
- 4) Rink Management Services Corporation Safari Island Community Center Expenditures Incurred October 2021.
- 5) Contractor Pay Request #2 – East Frontage Road Parking Lot.
- 6) Contractor Pay Request #1 – Everson New Storage Shed.
- 7) Contractor Pay Request #1 – Waconia East Frontage Road Improvements.
- 8) Contractor Pay Request #3 – Waconia Parkway South Improvements
- 9) Authorize Recruitment for Office Assistant - Planning.
- 10) Resolution 2021-267, Chamber of Commerce Lease.
- 11) Resolution 2021-268, Cash Donations – Adaptive Playground Equipment.
- 12) Resolution 2021-269, Authorized Signer – Hometown Bank.
- 13) Resolution 2021-270, City Commission Appointments.
- 14) Resolution 2021-271, Declaring Surplus Equipment.
- 15) Resolution 2021-272, Designation of Polling Locations for 2022.
- 16) Resolution 2021-273, Obtain Quotes for Structure Removals.
- 17) Resolution 2021-274, Obtain Chassis and Dump Body Winter Equipment Pricing.
- 18) Resolution 2021-275, Fire Pension Benefit Increase
- 19) Resolution 2021-276, Asphalt Emulsion Tack Trailer.
- 20) Resolution 2021-277, Acquisition of Asphalt Recycler Hot Box.
- 21) Resolution 2021-278, Surplus Equipment & Sale – Parks Department.

Motion by Waldron, seconded by Leo to Adopt the Consent Agenda as presented. All present voted aye.

MOTION CARRIED.

COUCIL BUSINESS:

2022 Budget & Levy Presentation

Nicole Meyer presented on the 2021 Levy and Budget which included reviewing Annual Budget Process & Proposed Final Levy, Departmental Budgets – General Fund, and Departmental Budgets – Enterprise Funds. Meyer communicated the timeline for the annual budget process which is comprised of the following:

- February – June
 - o Staff & CIP Committee work to build capital budget
- July – August
 - o Staff generates preliminary operating budgets
 - o City Council reviews budgets and builds preliminary levy
- September – November
 - o Set preliminary levy by resolution
 - o Staff works to finalize and tighten up numbers
- December
 - o Approve final levy and budget

CITY OF WACONIA
December 6, 2021

Taxable Market Value Information:

- General
 - o Property owners notified of market value changes in March
 - o Review valuation of their property with the Carver County Assessor in April
 - o County board of equalization reviews adjustments in June
 - o City receives numbers in August to build preliminary levy
- City of Waconia's Market Value Information
 - o Overall Taxable market Value increased 4.76% from 2021
 - o Average Valued Home in Waconia increased in value approximately 5.2%
 - o Current average valued home is about \$334,400

The 2021 total levy was \$8,608,629 with a tax rate of 46.140%. The proposed final levy will be approved on December 20, 2021. The total final proposed levy is \$9,025,258 with a Tax Rate of 46.110%. Meyer reviewed 6 properties that the City follows tax changes on. There are 3 residential properties and 3 commercial properties. She advised some properties are seeing an increase in valuation while others are seeing a slight decrease. These changes in valuation will affect their 2020 tax bill.

In 2022, property taxes on a residence valued at \$334,400 are split as follows: School receives \$1,015.64, County \$1,111.46, City \$1,502.26, School EMV \$795.92, and Misc. Districts \$134.14. The residential use of City Tax Dollar for 2022 breaks down as follows: Special Debt Levy \$384.00, Safari Island \$41.00, Ice Arena \$67.00, Administrative \$223.00, Capital Equipment \$163.00, Planning & Inspections \$92.00, Fire \$78.00, Law Enforcement \$120.00, Parks \$106.00, Streets \$190.00, and Central Facilities \$37.00. For a Commercial Property valued at \$1,668,100 the split is as follows: School receives \$6,265.44, County \$6,856.58, City \$9,267.45, State \$6,0245.43, Fiscal Disparity \$21,664.86, School EMV, \$3,888.90, and Misc. Districts \$723.48. The Commercial use of City tax dollar for 2022 is as follows; Special Debt Levy \$2,369.00, Safari Island \$256.00, Ice Arena \$416.00, Administrative \$1,377.00, Capital Equipment \$1,005.00., Planning & Inspections \$571.00, Fire \$481.00, Law Enforcement \$739.00, Parks \$652.00, Streets \$1,173.00 and Central Facilities \$230.00.

Meyer then went through the different departments within the City and shared their various duties and budgets referencing what is included as revenue as well as expenditures. It was indicated that there will be an increase in 2022 for both water and sewer monthly utility rates. Rates are increasing to support projects that address these utilities aging infrastructure. In 2021 the average utility bill was \$82.46/month while in 2022 the average utility bill is budgeted to increase to \$86.29/month. That is a total increase for the average bill of \$3.83/month for residents.

Major utility 2022 Infrastructure Projects include:

- Floor Resurfacing at Public Services Facilities
- Water Treatment Plant Floor Resurfacing
- Reclaim Pump Replacement – Water Treatment Facility
- 2022 Infrastructure Improvement Project
- Highway 284 Generator Replacement
- Waterford Development Utility Oversizing
- Excessive Slope Mower
- BMP Sump Structures & Retaining Wall Replacement at Oak Avenue
- Highway 5 Irrigation System Expansion
- Waterford Reuse System

Meyer stated that a summary budget by each fund and department is available on the City's website.

Order Inclusive Play System Equipment

CITY OF WACONIA

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Craig Eldred shared that in 2017 a \$5,000 donation was received from Quinn Larson and his Family to kick off fund raising for an inclusive playground for Waconia. In the Fall of 2018, a Task Force was established to discuss the movement of the Inclusive Play Systems for the Community Park in the Waterford Development. Several meetings occurred, with each meeting being led by a representative of Flagship Recreation. Efforts of the Task Force included design and color scheme eventually brought forth to the Parks and Recreation Board and City Council in efforts to initiate fund raising towards construction.

Since the inception over \$257,000.00 has been raised by the community towards this community priority project. Staff requested the ability to solidify the Inclusive Equipment order with Flagship Recreation. An enhanced and attached preliminary budget document with the value of \$346,318.31 was provided as the list price for the inclusive equipment. Efforts of this approval will secure the equipment costs from further escalation cost. Eldred also shared new renderings of the equipment layout, which are slightly different from those previously shared with Council Members. The changes are due to the programmed site improvements and efforts to make the use space near the inclusive system fully ADA accessible.

Motion by Waldron, seconded by Leo to adopt Resolution 2021-279, Authorize Approval of Staff to Order Inclusive Play System Equipment from Flagship Recreation; CIP Project 383. All present voted aye. **MOTION CARRIED.**

Ultra-Violet Light Vessel for Storm Water Reuse

Craig Eldred indicated that in calendar year 2017 the City worked with the Waterford Association on parcel transfers encompassed by Waterford Park and elements surrounding storm water ponds and the irrigation system currently in place within Waterford Park. It has been Public Services intent to utilize the irrigation system, but the equipment and controls assumed as part of the irrigation system were sub-par in standards to keep the system operational.

Currently, we have the expansion of Waterford Development, which includes additional storm water reuse in efforts to meet water volume reduction requirements for its current and future phases. This includes the donated expanded Park green space and future Townhome green areas. As a result of these use spaces, it requires advanced treatment like that utilized in Hunters Crossing/Brook Peterson Park reuse system. The bacteria killing requirements for reuse in these applications call for Ultra-Violet Light treatment. We have standardized the use of a Xylem vessel with UV light tubes for this application and have found the system to be reliable in bacteria killing efforts.

Eldred shared a proposal which includes a price point supported until the end of December, 2021. The vessel criteria was reviewed by the Engineer's and meets the design standards planned to service the existing, future Park service areas and that of the Townhome Homeowner's Association.

The cost for the equipment and treatment vessel amounts to \$121,000.00 and includes controls operational equipment and multiple days of field service and training much like staff experienced with the Hunters Crossing/Brook Peterson installation. Portions of the reuse improvement costs will be assumed by Developer by agreement and the Home Builder through connection fees established by a Reuse Agreement in progress.

Motion by Leo, seconded by Pierson to Adopt Resolution 2021-280, Authorizing Acquisition of Ultra-Violet Light Vessel from Xylem at a cost of \$121,000.00 for the Waterford Storm Water Reuse Project, CIP Project 676. All present voted aye. **MOTION CARRIED.**

Fishing Pier Equipment Acquisition

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Craig Eldred stated that as part of the 2006-2007 Interlaken Development Plan a proposed fishing pier and access improvement was planned on the west shores of Reitz Lake. The Development initiation occurred prior to a downturn point for residential development. In 2012, the Interlaken Development was reactivated with the Fifth Addition and continued where improvements and access were completed in 2015 to Reitz Lake in the form of a parking lot, trail system, seasonal restroom enclosure, and small shelter at the dry shoreline location.

The proposed fishing pier has held a place in the Capital Improvement Plan since the inception of the Interlaken Development. Staff had gone as far as connecting with staff from the Department of Natural Resources on programming a fishing pier much like that on Lake Waconia. Staff was informed that it would be an extremely long-time before funding would be available, or even at all for such an improvement. In calendar year 2020 three target items were the Inclusive Playground, Reitz Lake Fishing Pier and Improvements to Sudheimer Park.

Staff worked locally on pricing Dock equipment which would allow for not only fishing, but kayak access to Reitz Lake. The major challenge with Reitz Lake is the rain fall elevation changed, which at times can be rather aggressive and create issues with maintenance of a standard dock type system. Staff requested pricing on a fixed type dock and a floating dock system for this situation. Eldred shared two quotes from Eklof Docks:

Proposal #135995 priced at \$79,783.94 for a metal type dock system with a Wave Armor kayak assist system.

Proposal #135994 priced at \$75,642.25 for a full floating Wave Armor system with kayak assist system.

Detailed layouts were provided based upon staff information of meeting fishable water depths and provisions for kayak access to Reitz Lake. Eldred indicated that it is staff's recommendation that the Wave Armor system be acquired from Eklof Dock at acquisition and installation price of \$75,642.25.

Council Member Sorensen questioned why there was only bids from one company and if there will need to be a railing installed. Eldred responded that most of the homeowners on this lake have similar docks and they work really well with the water levels. He also added that there will be posts installed with rope as the railing along with solar lighting.

Motion by Pierson, seconded by Waldron to Adopt Resolution 2021-281, Authorizing Fishing Pier Equipment Acquisition from Eklof Docks in the Amount of \$75,642.25 for Reitz Lake Fishing Pier, SIP Project 112. Bloudek, Pierson, Leo, Waldron voted aye. Sorensen voted nay. **MOTION CARRIED.**

Sandy Shores Preliminary Plat

Shane Fineran stated that Sandy Shores is located at 7860 Laketown Parkway. The property is currently accessed via a driveway off County Road 92/Laketown Parkway. Jeff Helstrom, the applicant, is requesting to plat the property into 2 single-family residential parcels and 1 outlot. The property is located west of County Road 92, to the south is shores of Lake Waconia and the Rademacher property is directly to the North.

The three residential parcels are compliant with minimum sizing requirements. It is recommended cash in lieu rather than land park dedication. Tree preservation can be done with the final plat.

The outlot identified on the plat as Outlot A, includes an accessory structure on the parcel without a principal structure. City Code does not allow accessory structures prior to construction of a principal structure making it a legally non-conforming structure. The applicant has indicated that they would like to keep the structure until Outlot A develops but is not certain of the timeline to when this might occur.

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The Planning Commission, on November 4, 2021, held a public hearing, took all public comment and reviewed the pertinent information regarding the Sandy Shores Preliminary Plat and recommended approval via a 4-0 vote with 22 conditions.

Council had a lengthy discussion concerning the structure on Outlot A. Because the land has been annexed into City limits and the structure already exists it is considered legally non-conforming and there is no legal mechanism forcing the building into conformance. The issue at hand is allowing or not allowing the development to move forward. It was agreed that they would like to hear from the landowner and Lane before making a decision.

Motion by Leo, seconded by Pierson to table Resolution 2021-282, approving the proposed Sandy Shores Preliminary Plat Application, which proposes the development of the property located at 7860 Laketown Parkway into 3 single family parcels and one outlot and provide an application extension. All present voted aye. **MOTION CARRIED.**

ITEMS REMOVED FROM CONSENT AGENDA: None

STAFF REPORTS: None

BOARD REPORTS:

Councilmember Sorensen – Highway 212 phase 1 is 60% complete and ahead of schedule.

Councilmember Leo – Polar Plunge is set for February 12th.

Councilmember Pierson – Nothing to Report.

Councilmember Waldron – Annual meeting for the Chamber in January.

Mayor Bloudek – Congratulations to Mayer Lutheran High School Football and Volleyball teams for their State wins.

ANNOUNCEMENTS: Planning Commission meeting is continued to December 16th

ADJOURN:

Motion by Waldron, seconded by Sorensen to adjourn the meeting at 8:29 p.m. All present voted aye. **MOTION CARRIED.**

Kent Bloudek, Mayor

ATTEST: _____
Ann Meyerhoff, Office Assistant



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Payment of December 20,2021 Expenditures					
Originating Department:		Administration					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
<u>Attachments:</u> 1. Council List-Expenditures 12.20.2021F.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

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



Nicole Meyer, Finance Director

CITY OF WACONIA
Council List-Expenditures
Meeting: December 20, 2021

VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
3G CONTRACTING INC.	Municipal Street Sweeping	\$4,375.00	Storm Water Fund
AARON & BRIANNA ROBERTS	Refund Overpayment Final UB	\$60.67	Water Utility Fund
AED CORO MEDICAL	AED Supplies	\$224.00	Central Facilities
AMERICAN PUBLIC WORKS ASSOCIATION	Membership Renewal	\$1,575.00	Streets
AMY MARIE PETERSON	Refund Overpayment Final UB	\$49.56	Water Utility Fund
ASPEN MILLS INCORPORATED	Badges - Silray	\$828.37	Fire
ASSURITY LIFE INSURANCE COMPANY	Premiums 10.2021	\$584.22	Personnel Liabilities
AUBURN MEADOWS, LLC.	TIF Note Pay #2-2021	\$71,884.59	Administration
AVTEX SOLUTIONS, LLC	Server Back-Up Fees	\$635.00	Technology
BDG INC.	O-Rings	\$173.10	Water Utility Fund
BIFFS, INC.	Portable Sanitation 10.2021	\$2,784.00	Parks
BOLTON & MENK, INC	2020 Infrastructure Improvement	\$401.52	PIR Fund
BOLTON & MENK, INC	2020 Infrastructure Improvement	\$207.93	Water Utility Fund
BOLTON & MENK, INC	2020 Infrastructure Improvement	\$50.19	Sewer Utility Fund
BOLTON & MENK, INC	2020 Infrastructure Improvement	\$57.36	Storm Water Fund
BOLTON & MENK, INC	2020 Infrastructure Improvement	\$8,341.12	PIR Fund
BOLTON & MENK, INC	2020 Infrastructure Improvement	\$5,796.38	Storm Water Fund
BOLTON & MENK, INC	2022 Improvement Project	\$3,298.00	PIR Fund
BOLTON & MENK, INC	2022 Improvement Project	\$1,649.00	Water Utility Fund
BOLTON & MENK, INC	2022 Improvement Project	\$1,649.00	Sewer Utility Fund
BOLTON & MENK, INC	2022 Improvement Project	\$1,649.00	Storm Water Fund
BOLTON & MENK, INC	ADA Transition Plan	\$4,098.00	PIR Fund
BOLTON & MENK, INC	Anderson Property Development	\$1,064.00	PIR Fund
BOLTON & MENK, INC	Apartments - 233 Olive St S	\$511.00	PIR Fund
BOLTON & MENK, INC	AutoZone Parts	\$94.00	PIR Fund
BOLTON & MENK, INC	City Square Park ADA Comp	\$350.00	PIR Fund
BOLTON & MENK, INC	East Frontage Rd Extension	\$19,447.30	PIR Fund
BOLTON & MENK, INC	East Frontage Rd Extension	\$2,818.45	Water Utility Fund
BOLTON & MENK, INC	East Frontage Rd Extension	\$1,127.38	Sewer Utility Fund
BOLTON & MENK, INC	East Frontage Rd Extension	\$4,791.37	Storm Water Fund
BOLTON & MENK, INC	East Frontage Road Parking Lot	\$2,497.50	PIR Fund
BOLTON & MENK, INC	Escrow	\$30.00	PIR Fund
BOLTON & MENK, INC	Fields of Waconia Development	\$18,993.00	PIR Fund
BOLTON & MENK, INC	Highway 5 Phase II Funding Plan	\$4,934.00	Streets
BOLTON & MENK, INC	I & I Reduction	\$39.00	Sewer Utility Fund
BOLTON & MENK, INC	Interlaken 8th Addition	\$518.00	PIR Fund
BOLTON & MENK, INC	L-52 Lift Station Upgrade	\$20,805.75	Sewer Utility Fund
BOLTON & MENK, INC	Legacy Village Townhomes	\$678.00	PIR Fund
BOLTON & MENK, INC	Miscellaneous Engineering	\$180.00	Streets

CITY OF WACONIA
Council List-Expenditures
Meeting: December 20, 2021

VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
BOLTON & MENK, INC	Miscellaneous Engineering	\$50.00	PIR Fund
BOLTON & MENK, INC	Miscellaneous Engineering	\$35.00	Sewer Utility Fund
BOLTON & MENK, INC	Miscellaneous Engineering	\$155.00	Storm Water Fund
BOLTON & MENK, INC	Municipal State Aid System Management	\$772.00	Streets
BOLTON & MENK, INC	Orchard Park Development	\$1,376.00	PIR Fund
BOLTON & MENK, INC	Sandy Shores Development	\$1,414.00	PIR Fund
BOLTON & MENK, INC	Shores of Lake Waconia	\$188.00	PIR Fund
BOLTON & MENK, INC	Siegle Property Development	\$12,578.00	PIR Fund
BOLTON & MENK, INC	Stormwater Funding	\$285.00	Storm Water Fund
BOLTON & MENK, INC	Sudheimer Survey	\$5,000.00	PIR Fund
BOLTON & MENK, INC	Tidal Wave Auto Spa	\$1,013.00	PIR Fund
BOLTON & MENK, INC	Trails Edge South Apartments	\$188.00	PIR Fund
BOLTON & MENK, INC	Waconia Parkway South Improvement	\$20,545.60	PIR Fund
BOLTON & MENK, INC	Waconia Parkway South Improvement	\$3,595.48	Water Utility Fund
BOLTON & MENK, INC	Waconia Parkway South Improvement	\$1,540.92	Storm Water Fund
BOLTON & MENK, INC	Waterford Park	\$952.00	PIR Fund
BOLTON & MENK, INC	Woodland Creek	\$1,853.00	PIR Fund
BRADLEY & PATRICIA KOLSTAD	Refund Overpayment Final UB	\$81.19	Water Utility Fund
BRIAN MARTIN	Refund Overpayment Final UB	\$63.20	Water Utility Fund
CADY BUILDING MAINTENANCE, INC.	City Facility Cleaning 12.2021	\$3,195.00	Central Facilities
CAR-CO AUTO PARTS CO.	#1026 - Parts	\$11.62	Fire
CAR-CO AUTO PARTS CO.	#36 - Brake Control	\$79.99	Streets
CAR-CO AUTO PARTS CO.	#43 - Brake Parts	\$15.68	Water Utility Fund
CAR-CO AUTO PARTS CO.	#43 - Filter & Transfer Case	\$37.37	Water Utility Fund
CAR-CO AUTO PARTS CO.	#43 - Reflex Shock	\$153.09	Water Utility Fund
CAR-CO AUTO PARTS CO.	#49 - Parts	\$5.12	Water Utility Fund
CAR-CO AUTO PARTS CO.	#50 - Battery #4006 - Plug	\$167.97	Water Utility Fund
CAR-CO AUTO PARTS CO.	#51 - Filter	\$11.59	Sewer Utility Fund
CAR-CO AUTO PARTS CO.	#56 & #8005 - Parts	\$91.99	Streets
CAR-CO AUTO PARTS CO.	Filters	\$32.17	Streets
CAR-CO AUTO PARTS CO.	Fuel Mix	\$191.92	Fire
CARVER COUNTY	Phone/Internet Service 11.2021	\$52.81	Bill Back
CARVER COUNTY	Phone/Internet Service 11.2021	\$697.38	Central Facilities
CARVER COUNTY	Phone/Internet Service 11.2021	\$247.71	Safari Island Fund
CARVER COUNTY	Phone/Internet Service 11.2021	\$133.64	Water Utility Fund
CARVER COUNTY	Phone/Internet Service 11.2021	\$54.57	Sewer Utility Fund
CARVER COUNTY	Phone/Internet Service 11.2021	\$116.42	Storm Water Fund
CARVER COUNTY	Phone/Internet Service 11.2021	\$207.37	Ice Arena
CARVER COUNTY	Special Assessment Payment - Nelson	\$219.29	2020A GO Bond
CCP NI MASTER TENANT 4, LLC	Solar Electric 10.2021	\$772.24	Central Facilities
CCP NI MASTER TENANT 4, LLC	Solar Electric 10.2021	\$18.50	Water Utility Fund
CCP NI MASTER TENANT 4, LLC	Solar Electric 10.2021	\$731.54	Sewer Utility Fund
CCP NI MASTER TENANT 4, LLC	Solar Electric 10.2021	\$352.47	Street Light Utility Fund
CHARLES & ASHLEY WICKENHAUSER	Refund Overpayment Final UB	\$17.68	Water Utility Fund
CHOICE ELECTRIC INC	East Frontage Rd Parking Improvements	\$145.00	PIR Fund

CITY OF WACONIA
Council List-Expenditures
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VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
CHOICE ELECTRIC INC	Light Fixtures- Waconia Pkwy South	\$63,667.00	PIR Fund
CINTAS CORPORATION NO. 2	CH Restroom Mats 09.2021	\$38.52	Central Facilities
CINTAS CORPORATION NO. 2	PW First Aid Supplies	\$126.92	Central Facilities
CINTAS CORPORATION NO. 2	PW Uniforms 09.2021	\$237.75	Streets
CINTAS CORPORATION NO. 2	PW Uniforms 09.2021	\$73.24	Parks
CINTAS CORPORATION NO. 2	PW Uniforms 09.2021	\$68.29	Water Utility Fund
CINTAS CORPORATION NO. 2	PW Uniforms 09.2021	\$68.29	Sewer Utility Fund
CINTAS CORPORATION NO. 2	PW Uniforms 09.2021	\$122.93	Storm Water Fund
CINTAS CORPORATION NO. 2	PW Uniforms 09.2021	\$5.08	Street Light Utility Fund
CITY OF BLOOMINGTON	Water Testing 09.2021	\$168.00	Water Utility Fund
COLONY PLAZA	Towing Fees	\$160.00	Streets
CORE & MAIN	Waterford Park Amenities	\$577.96	Parks
CRAIG OEDING	Refund Overpayment Final UB	\$7.32	Water Utility Fund
CUSTOM FIRE APPARATUS INC.	NO Shock Gauges	\$31.37	Fire
DANIEL SCHMIDT LIGHTING INC.	Lighting Parts	\$505.05	Central Facilities
DELL MARKETING L.P.	Laptop Sleeve	\$311.88	Technology
DELL MARKETING L.P.	Monitors	\$1,705.44	Technology
DORNBOS SIGN & SAFETY	Tufnuts & Truss Bolt	\$274.49	Streets
DROP-N-GO INC.	Postage	\$583.12	Water Utility Fund
DROP-N-GO INC.	Postage	\$583.13	Sewer Utility Fund
DROP-N-GO INC.	UB/Mailing Processing 10.2021	\$415.69	Water Utility Fund
DROP-N-GO INC.	UB/Mailing Processing 10.2021	\$415.68	Sewer Utility Fund
DULTMEIER SALES LLC	Brine Maker	\$786.11	Capital Equipment Fund
ECM PUBLISHERS INC	CH Patriot Subscription	\$60.95	Administration
ECM PUBLISHERS INC	Publishing Fees 08.2021	\$97.20	Administration
ECM PUBLISHERS INC	Publishing Fees 08.2021	\$568.62	PIR Fund
ECM PUBLISHERS INC	Publishing Fees 08.2021	\$160.38	PIR Fund
ECM PUBLISHERS INC	Publishing Fees 08.2021	\$160.38	Administration
ECM PUBLISHERS INC	Publishing Fees 08.2021	\$160.38	Finance
ECM PUBLISHERS INC	Publishing Fees 08.2021	\$160.38	Technology
ECM PUBLISHERS INC	Publishing Fees 09.2021	\$72.90	Administration
ECM PUBLISHERS INC	Publishing Fees 09.2021	\$690.12	PIR Fund
ECM PUBLISHERS INC	Recruitment Publishing 08.2021	\$227.00	Parks
ECM PUBLISHERS INC	Recruitment Publishing 09.2021	\$305.41	Parks
EDWARD & TRACY POWELL	Reimburse Smart Water Program	\$75.00	Water Utility Fund
EFTPS	Federal Taxes - Pay 22-2021	\$24,365.09	Personnel Liabilities
EFTPS	Federal Taxes - Pay 23-2021	\$15,175.64	Personnel Liabilities
EFTPS	Federal Taxes - Pay 23-2021	\$9,524.99	Personnel Liabilities
EFTPS	Federal Taxes - Pay 24-2021	\$24,921.65	Personnel Liabilities
ELECTRIC PUMP, INC.	Lift Station Inspections	\$2,000.00	Sewer Utility Fund
ENVIRONMENTAL EQUIPMENT & SRV	S Houle Arctic Blaster Plow	\$29,500.00	Capital Equipment Fund
EROSION PRODUCTS LLC	Staples	\$154.50	Streets
EVERSON HARDWARE HANK	Antifreeze	\$77.12	Parks
EVERSON HARDWARE HANK	Camera Trailer	\$63.97	Sewer Utility Fund
EVERSON HARDWARE HANK	City Square Restroom Supplies	\$34.92	Parks

CITY OF WACONIA
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VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
EVERSON HARDWARE HANK	Coupling	\$4.67	Streets
EVERSON HARDWARE HANK	Crosswinds	\$90.00	Parks
EVERSON HARDWARE HANK	Dock Supplies	\$56.97	Parks
EVERSON HARDWARE HANK	Garbage Can Lids	\$20.93	Parks
EVERSON HARDWARE HANK	Hydrant Box	\$27.95	Water Utility Fund
EVERSON HARDWARE HANK	Parks Supplies	\$131.98	Parks
EVERSON HARDWARE HANK	Pine Sol Cleaner	\$14.99	Sewer Utility Fund
EVERSON HARDWARE HANK	Rubber Strap	\$40.90	Streets
EVERSON HARDWARE HANK	Shop Supplies	\$10.99	Parks
EVERSON HARDWARE HANK	Water Mixer	\$15.02	Fire
EVERSON HARDWARE HANK	WTP Trash Bags	\$18.99	Water Utility Fund
FASTENAL INDUSTRIAL & CONST	Bolts	\$91.40	Streets
FASTENAL INDUSTRIAL & CONST	Gloves & Caulking Gun	\$60.93	Sewer Utility Fund
FASTENAL INDUSTRIAL & CONST	Meter Box 44	\$14.30	Water Utility Fund
FASTENAL INDUSTRIAL & CONST	Safety Vending Equip 08.2021	\$305.45	Parks
FASTENAL INDUSTRIAL & CONST	Safety Vending Equip 09.2021	\$701.15	Water Utility Fund
FASTENAL INDUSTRIAL & CONST	Shop Bandsaw	\$108.28	Parks
FASTENAL INDUSTRIAL & CONST	Shop Supplies	\$81.30	Streets
FASTENAL INDUSTRIAL & CONST	Sign Bolts	\$85.00	Streets
FIRE STORE/WITMER	Gas Can Holders	\$122.37	Fire
FIRE STORE/WITMER	Helmet	\$54.74	Fire
FIRE STORE/WITMER	Helmets	\$878.22	Fire
FIRST HOSPITAL LABORATORIES, INC.	EE DOT Testing 09.2021	\$28.19	Streets
FIRST HOSPITAL LABORATORIES, INC.	EE DOT Testing 09.2021	\$28.19	Water Utility Fund
FIRST HOSPITAL LABORATORIES, INC.	EE DOT Testing 09.2021	\$28.19	Sewer Utility Fund
FIRST HOSPITAL LABORATORIES, INC.	EE DOT Testing 09.2021	\$28.19	Storm Water Fund
GMH ASPHALT CORP	Boulder Wall	\$6,128.41	PIR Fund
GMH ASPHALT CORP	East Frontage Road Parking Lot	\$28,334.13	PIR Fund
GMH ASPHALT CORP	Filter Bench	\$101,735.91	Storm Water Fund
GMH ASPHALT CORP	Sparrow Rd	\$25,847.27	PIR Fund
GMH ASPHALT CORP	Turf Parking Lot	\$6,971.42	Storm Water Fund
GOPHER STATE ONE-CALL	Utility Locate Tickets 11.2021	\$147.83	Water Utility Fund
GOPHER STATE ONE-CALL	Utility Locate Tickets 11.2021	\$147.82	Sewer Utility Fund
GRAINGER, INC.	Batteries	\$17.01	Fire
GRAINGER, INC.	FS Floor Cleaner	\$63.39	Fire
HARBOR FREIGHT TOOLS	Parks Supplies	\$10.70	Parks
HARBOR FREIGHT TOOLS	Streets Supplies	\$27.84	Streets
HAUGO GEOTECHNICAL SERVICES, LLC	Waconia Parkway South Improvement	\$3,930.00	PIR Fund
HEARTLAND AG SYSTEMS	Brine Maker Project	\$54.33	Capital Equipment Fund
HOLIDAY GAS STATION	Command Vehicle Wash 10.2021	\$16.50	Fire
HOMETOWN BANK	Transfer Operating Cash	\$1,600,000.00	General Fund
INTERSTATE BATTERY SYSTEMS	#47 - Batteries	\$239.90	Storm Water Fund
JAMES M MASE	Refund Overpayment Final UB	\$32.88	Water Utility Fund
JEFF WILLIAMS	Refund Overpayment Final UB	\$14.30	Water Utility Fund
JEREMY & CYNTHIA LUNDY	Refund Overpayment Final UB	\$184.54	Water Utility Fund

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VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
JOHN & ERIN MCDONALD	Refund Overpayment Final UB	\$52.24	Water Utility Fund
KAEDING ARCHITECTURE, LLC	Everson's Hardware Hank	\$3,975.00	PIR Fund
KIRVIDA FIRE, INC.	#19 - Pump Test/Maintenance	\$464.98	Fire
KYLE & JODI HUNTER	Refund Overpayment Final UB	\$40.62	Water Utility Fund
LAMETTI & SONS, INC.	L-52 Lift Station Upgrade	\$260,924.63	Sewer Utility Fund
LANO EQUIPMENT, INC.	#6013 - Air Filter	\$6.86	Streets
LANO EQUIPMENT, INC.	#6013 - Gasket & Air Filter	\$19.24	Streets
LANO EQUIPMENT, INC.	BPA Kit	\$73.73	Parks
LANO EQUIPMENT, INC.	Equipment Rental	\$1,200.00	Storm Water Fund
LANO EQUIPMENT, INC.	Everson Garage Prep Site	\$1,000.00	PIR Fund
LANO EQUIPMENT, INC.	Filler Cap & Hose	\$91.01	Streets
LANO EQUIPMENT, INC.	Streets Supplies	\$9.42	Streets
LAWSON PRODUCTS INC	Shop Supplies	\$967.95	Sewer Utility Fund
LOCAL GOVERNMENT INFORMATION SYSTEMS	Entrust Token	\$15.00	PIR Fund
LOCAL GOVERNMENT INFORMATION SYSTEMS	JDE Application Support	\$4,621.00	Technology
MACQUEEN EQUIPMENT, INC.	#500 - A/C Parts	\$19.41	Storm Water Fund
MARCO HOLDINGS, LLC	LOGIS Firewall Update	\$314.50	Technology
MARK & ANDREA DEWES	Refund Overpayment Final UB	\$5.59	Water Utility Fund
MCDONALD HOPKINS LLC	Backup Solution Legal Fees	\$461.70	Technology
MEDIACOM	SI Cable Box Fee 11.2021	\$11.05	Safari Island Fund
MELCHERT HUBERT SJODIN, PLLP	City Legal Fees 09.2021	\$4,747.75	Administration
MELCHERT HUBERT SJODIN, PLLP	City Legal Fees 09.2021	\$8,182.65	PIR Fund
MELCHERT HUBERT SJODIN, PLLP	City Legal Fees 09.2021	\$1,122.00	Revolving Loan Fund
MELCHERT HUBERT SJODIN, PLLP	City Legal Fees 09.2021	\$839.30	Water Utility Fund
MENARDS	Construction Framing	\$527.42	Parks
MENARDS	Snow Fencing & Posts	\$987.97	Streets
METRO WEST INSPECTION SERVICES	Building Inspections 07.2021	\$26,216.36	Building Inspections
METRO WEST INSPECTION SERVICES	Building Inspections 07.2021	\$13,588.89	Building Inspections
METRO WEST INSPECTION SERVICES	Building Inspections 08.2021	\$263.41	Building Inspections
METRO WEST INSPECTION SERVICES	Building Inspections 08.2021	\$18,754.76	Building Inspections
METROPOLITAN COUNCIL	SAC Report 11.2021	\$34,442.10	Sewer Utility Fund
METROPOLITAN COUNCIL	Sewer Flow Charges 01.2022	\$83,836.95	Sewer Utility Fund
MICHAEL & LORI SCHAUST	Refund Overpayment Final UB	\$33.38	Water Utility Fund
MID-COUNTRY BANK	Transfer Operating Cash	\$1,200,000.00	General Fund
MINGER CONSTRUCTION COMPANIES, INC	Bayview Elementary Reuse	\$470,881.13	Storm Water Fund
MINNESOTA DEPARTMENT OF REVENUE	State Taxes - Pay 22-2021	\$4,388.25	Personnel Liabilities
MINNESOTA DEPARTMENT OF REVENUE	State Taxes - Pay 23-2021	\$4,500.75	Personnel Liabilities
MINNESOTA DEPARTMENT OF REVENUE	State Taxes - Pay 24-2021	\$4,625.24	Personnel Liabilities
MITCHELL & APRIL FISK	Refund Overpayment Final UB	\$16.84	Water Utility Fund
MN DEPARTMENT OF HEALTH	Water Connection Fees Q4.2021	\$10,784.00	Water Utility Fund
MN FIRE SVC CERT BOARD	Fire Annual Renewal	\$720.00	Fire
MN POLLUTION CONTROL AGENCY	Processing Fee	\$1.37	Sewer Utility Fund
MN POLLUTION CONTROL AGENCY	Sewer Exam - Pierson	\$55.00	Sewer Utility Fund
MN VALLEY ELECTRIC COOP	Electric Services 10.2021	\$96.57	Central Facilities
MN VALLEY ELECTRIC COOP	Electric Services 10.2021	\$299.47	Sewer Utility Fund

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VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
MN VALLEY ELECTRIC COOP	Electric Services 10.2021	\$2,638.07	Street Light Utility Fund
MN VALLEY TESTING LABS	Storm Water Testing	\$36.00	Storm Water Fund
MTI DISTRIBUTING, INC.	Parks Supplies	\$248.81	Parks
NATIONWIDE RETIREMENT SOLUTIONS	EE Retirement - Pay 22-2021	\$2,285.00	Personnel Liabilities
NATIONWIDE RETIREMENT SOLUTIONS	EE Retirement - Pay 23-2021	\$2,285.00	Personnel Liabilities
NATIONWIDE RETIREMENT SOLUTIONS	EE Retirement - Pay 24-2021	\$290.00	Personnel Liabilities
NATIONWIDE RETIREMENT SOLUTIONS	EE Retirement - Pay 24-2021	\$2,285.00	Personnel Liabilities
NCPERS GROUP LIFE INS.	Premiums 12.2021	\$64.00	Personnel Liabilities
NEWMAN SIGNS	Orchard Park Road Signage	\$4,030.09	Streets
NEWMAN SIGNS	Waconia Pkwy S Project	\$6,307.57	PIR Fund
NORDIC MECHANICAL SERVICES	CH Boiler Repairs	\$1,542.70	Central Facilities
NORTH AMERICAN SAFETY, INC.	High Visibility Jackets	\$103.80	Streets
NORTH CENTRAL INTL	#47 - Engine Repairs	\$3,133.98	Storm Water Fund
NOVEL SOLAR THREE LLC	Solar Electric 10.2021	\$3,188.76	Central Facilities
NOVEL SOLAR THREE LLC	Solar Electric 10.2021	\$3,154.41	Water Utility Fund
NOVEL SOLAR THREE LLC	Solar Electric 10.2021	\$2,471.33	Sewer Utility Fund
NOVEL SOLAR THREE LLC	Solar Electric 10.2021	\$556.41	Storm Water Fund
NOVEL SOLAR THREE LLC	Solar Electric 10.2021	\$317.49	Street Light Utility Fund
NOVEL SOLAR THREE LLC	Solar Electric 10.2021	\$1,154.34	Ice Arena
NRG PLUMBING	CH Restroom Repair	\$200.00	Central Facilities
NUSS EQUIPMENT GROUP LLC	#36 - Gas Spring	\$92.43	Streets
NUSS EQUIPMENT GROUP LLC	#52/#54 - Name Plates	\$683.39	Streets
OCCUPATIONAL HEALTH CENTERS OF MN	EE DOT Testing 09.2021	\$15.00	Streets
OCCUPATIONAL HEALTH CENTERS OF MN	EE DOT Testing 09.2021	\$15.00	Water Utility Fund
OCCUPATIONAL HEALTH CENTERS OF MN	EE DOT Testing 09.2021	\$15.25	Sewer Utility Fund
OCCUPATIONAL HEALTH CENTERS OF MN	EE DOT Testing 09.2021	\$15.25	Storm Water Fund
OCCUPATIONAL HEALTH CENTERS OF MN	Pre-Employment Medical Testing	\$261.00	Parks
OFFICE OF THE SECRETARY OF STATE	Notary Commission - Lucas	\$120.00	Streets
OLD NATIONAL BANK	EE HSA Liability - Pay 22-2021	\$3,656.91	Personnel Liabilities
OLD NATIONAL BANK	EE HSA Liability - Pay 23-2021	\$3,506.91	Personnel Liabilities
OLD NATIONAL BANK	EE HSA Liability - Pay 24-2021	\$3,506.91	Personnel Liabilities
OLD NATIONAL BANK	ER HSA Liability - Pay 22-2021	\$2,180.79	Personnel Liabilities
OLD NATIONAL BANK	ER HSA Liability - Pay 23-2021	\$2,261.56	Personnel Liabilities
OLD NATIONAL BANK	ER HSA Liability - Pay 24-2021	\$2,261.56	Personnel Liabilities
OPENDOOR LABS INC	Refund Overpayment Final UB	\$51.27	Water Utility Fund
PERA	EE/ER Retirement - Pay 22-2021	\$14,592.58	Personnel Liabilities
PERA	EE/ER Retirement - Pay 23-2021	\$15,345.30	Personnel Liabilities
PERA	EE/ER Retirement - Pay 24-2021	\$15,855.60	Personnel Liabilities
PRECISE MRM LLC	Vehicle Data Charges	\$552.00	Parks
PRIVATE PRINT STORE	Business Cards - LaPlante	\$24.77	Parks
PRIVATE PRINT STORE	Business Cards - Sorensen	\$24.77	Fire
PUMP & METER SERVICE	#9014/15 - Fuel Filters & Hose	\$391.78	Streets
RANDY'S SANITATION	CH Shredding Services 11.2021	\$26.23	Central Facilities
RINK MANAGEMENT SERVICES CORPORATION	IA CC Reimb/Replenish 10.2021	\$17,042.97	Ice Arena
RINK MANAGEMENT SERVICES CORPORATION	IA Reimburse/Replenish 11.2021	\$711.14	Ice Arena

CITY OF WACONIA
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VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
RINK MANAGEMENT SERVICES CORPORATION	SI CC Reimb/Replenish 10.2021	\$24,340.06	Safari Island Fund
RINK MANAGEMENT SERVICES CORPORATION	SI CC Reimb/Replenish 11.2021	\$56,490.69	Safari Island Fund
RINK MANAGEMENT SERVICES CORPORATION	SI Reimburse/Replenish 11.2021	\$37,341.23	Safari Island Fund
RIVERS EDGE CONCRETE	Hand Curb	\$1,800.00	Streets
ROYAL TIRE INC	Tire Disposal	\$332.72	Streets
SAFETY SIGNS	Lane Closure Sign	\$204.00	Streets
SARA DAHL	Refund Overpayment Final UB	\$90.36	Water Utility Fund
SECURITY BANK WACONIA	EDA Lease Rev Safari Island 10.2021	\$13,636.51	2004 Community Center Bond
SECURITY BANK WACONIA	Rev Bonds Arena Construction 10.2021	\$35,811.39	2007 Ice Arena Bond
SECURITY BANK WACONIA	EDA Lease Rev Safari Island 11.2021	\$13,636.51	2004 Community Center Bond
SECURITY BANK WACONIA	Rev Bonds Arena Construction 11.2021	\$35,811.39	2007 Ice Arena Bond
SECURITY BANK WACONIA	Transfer Operating Cash	\$1,500,000.00	General Fund
SHAKOPEE MDEWAKANTON SIOUX COMMUNITY	Top Dressing Amenity	\$681.50	Parks
SHI INTERNATIONAL CORP.	Hardware	\$222.38	Technology
STAPLES CONTRACT & COMMERCIAL, INC.	Admin Supplies	\$1.16	Administration
STAPLES CONTRACT & COMMERCIAL, INC.	Office Supplies	\$6.13	Administration
STAPLES CONTRACT & COMMERCIAL, INC.	Office Supplies	\$31.92	Finance
STAPLES CONTRACT & COMMERCIAL, INC.	Office Supplies	\$38.78	Parks
STAPLES CONTRACT & COMMERCIAL, INC.	Parks Manager Office Supplies	\$222.32	Parks
TARGET	CH Batteries	\$16.99	Administration
TARGET	CH Batteries & Soap	\$32.98	Administration
THE SUITES HOTEL AT WATERFRONT PLAZA	Conference Lodging	\$446.07	Fire
THE SUITES HOTEL AT WATERFRONT PLAZA	Conference Lodging - 2 FF's	\$806.37	Fire
TOM BAUER	Refund Overpayment Final UB	\$24.04	Water Utility Fund
ULRIKE TAYLOR	Refund Overpayment Final UB	\$41.71	Water Utility Fund
ULTIMATE SAFETY CONCEPTS, INC.	RAE Sensor	\$205.84	Fire
UNITED FARMERS COOP	Diesel Fill 11.11.2021	\$20,410.18	Streets
UNITED FARMERS COOP	Early Pay Discount	-\$751.00	Streets
UNITED FARMERS COOP	Unleaded Fill 11.11.2021	\$2,420.96	Streets
UNITED STATES PLASTIC CORP	Chemical Feed Parts	\$67.72	Water Utility Fund
USABUEBOOK	Disposable Gloves	\$118.64	Fire
USPS	Fluoride Sample	\$7.95	Water Utility Fund
USPS	Next Day Delivery	\$27.10	Administration
USPS	Project Manuals	\$18.60	Administration
USPS	Shipping	\$35.70	Fire
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$103.92	Administration
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$76.45	Technology
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$81.45	Planning
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$251.50	Fire
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$117.40	Streets
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$153.10	Parks
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$40.42	Safari Island Fund
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$257.19	Water Utility Fund
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$257.19	Sewer Utility Fund
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$116.30	Storm Water Fund

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VENDOR NAME	DESCRIPTION	AMOUNT	FUND / DEPARTMENT
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$32.80	Street Light Utility Fund
VERIZON WIRELESS	City Cell/Aircard Service 07.2021	\$46.44	Ice Arena
WACONIA CHAMBER OF COMMERCE	Chamber Lunch - 3 EE's	\$75.00	Administration
WACONIA CHAMBER OF COMMERCE	Chamber Lunch - Fineran	\$25.00	Administration
WACONIA CHAMBER OF COMMERCE	Chamber Lunch - Waldron	\$25.00	Administration
WACONIA CHAMBER OF COMMERCE	Lodging Tax Request Q4 Stipend	\$2,500.00	Lodging Tax
WACONIA CONVENTION & VISITORS BUREAU	Lodging Tax Request 12.15.21	\$3,513.80	Lodging Tax
WACONIA FORD SALES INC.	#56 - Radiator Cap	\$11.96	Streets
WACONIA MILLS PARTNERSHIP, IV LLC.	TIF/Tax Abatement #2-2021	\$10,709.24	Administration
WACONIA MILLS PARTNERSHIP, IV LLC.	TIF/Tax Abatement #2-2021	\$5,960.88	Finance
WASTE MANAGEMENT	Waste Disposal	\$691.12	PIR Fund
WATEREUSE ASSOCIATION	Annual Membership	\$850.00	Storm Water Fund
WENDY REINHARD	Refund Overpayment Final UB	\$15.66	Water Utility Fund
WILLIAM & TARA KLEINKNIGHT	Refund Overpayment Final UB	\$7.11	Water Utility Fund
WM MUELLER & SONS INC	1 1/2" Red Rock	\$5,016.65	PIR Fund
WM MUELLER & SONS INC	1" Minus	\$929.71	Streets
WM MUELLER & SONS INC	1" Minus	\$929.71	Sewer Utility Fund
WM MUELLER & SONS INC	3" Red Rock	\$2,099.45	PIR Fund
WM MUELLER & SONS INC	Fill & 1" Minus	\$1,800.56	Streets
WM MUELLER & SONS INC	Screened Fill	\$382.77	Streets
WM MUELLER & SONS INC	Screened Fill	\$1,884.47	PIR Fund
WM MUELLER & SONS INC	Screened Fill	\$395.57	Water Utility Fund
WRIGHT COUNTY RECORDER	Notary Registration	\$21.75	Streets
Grand Total		\$6,270,849.70	

The above bills have been approved for payment at the regular City Council Meeting on December 20, 2021.

Authorized and ordered for payment:

Mayor

City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Rink Management Services Corporation Safari Island Community Center Expenditures Incurred November 2021					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Rink Management Corporation Expenditures for Safari Island Community Center Incurred in November 2021							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Rink Management Services Corporation has provided the attached report for expenditures paid in November 2021. Per the City's contract with Rink Management, these expenditures are paid by Rink Management for the City's operation of the Safari Island Community Center. <u>Attachments:</u> 1. Attachment Rink Management Payments_SI_Attach.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**Safari Island Community Center
Bills and Applied Payments
November 2021**

	Date	Transaction Type	Num	Memo/Description	Split	Amount
2nd Wind Exercise Equipment						
	11/29/20	Bill Payment	4083		0012 Cash - SI/RMSC	-705.14
	11/08/20	Bill	22-037586	Fitness Equipment for weight room	4039 Equipment Expense	705.14
Bruce Weinzierl - Expense						
	11/12/20	Bill Payment	4071		0012 Cash - SI/RMSC	-39.20
	11/05/20	Bill	Exp111521	Mileage to and from Home Depot 11/4/21	4043 2 Travel & Entertainment:Travel &	16.80
	10/28/20	Bill	Exp102821	Mileage to and from Sherwin Williams	4043 2 Travel & Entertainment:Travel &	22.40
CD Products, INC						
	11/29/20	Bill Payment	4084		0012 Cash - SI/RMSC	-285.62
	11/02/20	Bill	78627	Punch cards, decals, sign	4023 1 Operating Supplies:Building Supplies	285.62
Choice Electric						
	11/05/20	Bill Payment	4061		0012 Cash - SI/RMSC	-2,995.60
	10/21/20	Bill	20699	Install temp feed for welder receptacle	-Split-	576.45
	10/21/20	Bill	20698	Electrical for new chemical feeders in pump room	-Split-	2,419.15
Da Silva, Wilson Alfonso						
	11/29/20	Bill Payment	4085		0012 Cash - SI/RMSC	-386.58
	11/04/20	Bill	2,001,620.00	Family Membership Cancellation	3059 Reimbursements & Refunds	386.58
Dan Montague - Expense						
	11/12/20	Bill Payment	4072		0012 Cash - SI/RMSC	-46.25
	11/03/20	Bill	Exp110321	Staff Meeting Supplies	-Split-	46.25
	11/29/20	Bill Payment	4086		0012 Cash - SI/RMSC	-53.75
	11/11/20	Bill	EXP11.11.21	Staff meeting for LG's and mileage	-Split-	53.75
Dan Montague - Petty Cash						
	11/05/20	Bill Payment	4062		0012 Cash - SI/RMSC	-192.69
	10/28/20	Bill	PC102821	Repaint Family Changing rooms	4029 1 Maintenance & Repairs:Building	192.69
	11/12/20	Bill Payment	4073		0012 Cash - SI/RMSC	-29.76
	11/05/20	Bill	PC110521	keys and locks for gym hoop switches	4029 1 Maintenance & Repairs:Building	29.76
Fed Ex						
	11/08/20	Bill Payment	4177		0012 Cash - SI/RMSC	-44.68
	10/20/20	Bill	9-610-31472	Account #7518-7142-2; late fee	4037 Postage & Delivery	2.53
	10/01/20	Bill	7-501-53260	Delivered 9/7 to Dylan Schmitz	4037 Postage & Delivery	42.15
GK2 Promotions						
	11/29/20	Bill Payment	4087		0012 Cash - SI/RMSC	-895.23
	11/23/20	Bill	5863	Fleece & T-shirts for guest services staff	-Split-	895.23
Grainger						
	11/29/20	Bill Payment	4088		0012 Cash - SI/RMSC	-193.50
	11/16/20	Bill	9122398291	Ice Packs for the facility	4023 1 Operating Supplies:Building Supplies	28.40
	11/16/20	Bill	9122398317	Aquatic Supplies	4075 Chemicals/Pool Supplies	76.29
	11/05/20	Bill	9111277373	Repair drinking faucet	4029 1 Maintenance & Repairs:Building	88.81
Hillyard / Hutchinson						
	11/05/20	Bill Payment	4064		0012 Cash - SI/RMSC	-532.47
	10/21/20	Bill	700481173	Bearing Block	4023 1 Operating Supplies:Building Supplies	63.33
	10/21/20	Bill	604508073	Janitorial Supplies	4023 2 Operating Supplies:Maintenance	325.38
	10/28/20	Bill	700481911	Brush Assembly	4023 1 Operating Supplies:Building Supplies	143.76
	11/29/20	Bill Payment	4089		0012 Cash - SI/RMSC	-143.76
	11/17/20	Bill	700484011	Brush Assembly	4029 1 Maintenance & Repairs:Building	143.76

Safari Island Community Center
Bills and Applied Payments
November 2021

	Date	Transaction Type	Num	Memo/Description	Split	Amount
Hommer, Dave						
	11/29/20	Bill Payment	4090		0012 Cash - SI/RMSC	-139.80
	11/07/20	Bill	2,001,623.00	Membership cancelled (Family)	3059 Reimbursements & Refunds	139.80
Horizon Commercial Pool Supply						
	11/05/20	Bill Payment	4065		0012 Cash - SI/RMSC	-2,366.12
	11/11/20	Bill	211004214EO	Repair pump room pipe	4029 1 Maintenance & Repairs:Building	381.02
	11/13/20	Bill	211005228EO	Pool Chemicals	4075 Chemicals/Pool Supplies	1,668.34
	10/11/20	Bill	211004252EO	Fix plumbing in pump room	4029 2 Maintenance & Repairs:Pool Repairs	316.76
	11/12/20	Bill Payment	4074		0012 Cash - SI/RMSC	-4,077.00
	10/19/20	Bill	211015002-EO	Rotary Flow Switch	4029 2 Maintenance & Repairs:Pool Repairs	217.87
	10/26/20	Bill	211018007-NH	Hypochlorite, Sodium Bisulfate, Acid Magic, DPD Powder	4075 Chemicals/Pool Supplies	3,859.13
	11/29/20	Bill Payment	4091		0012 Cash - SI/RMSC	-2,301.81
	11/08/20	Bill	211104093-EO	Corrosive Solid	4075 Chemicals/Pool Supplies	1,668.34
	11/01/20	Bill	210914230-NH	Hydrochloric Acid	4075 Chemicals/Pool Supplies	633.47
Innovative Office Solutions, LLC						
	11/29/20	Bill Payment	4092		0012 Cash - SI/RMSC	-1,074.69
	11/10/20	Bill	3552421	First Aid Kit	4023 1 Operating Supplies:Building Supplies	233.44
	11/09/20	Bill	3550680	Tissue, Towels, Soap, Wipes, and antiseptic	4023 1 Operating Supplies:Building Supplies	841.25
Jagow, Shelley						
	11/12/20	Bill Payment	4075		0012 Cash - SI/RMSC	-41.87
	11/05/20	Bill	11.05.21	Membership billed to wrong account (adult membership)	3043 Memberships	41.87
Malinski, Simon						
	11/12/20	Bill Payment	4076		0012 Cash - SI/RMSC	-214.93
	11/05/20	Bill	11.5.21	membership changed to employee - single from family	3059 Reimbursements & Refunds	214.93
Minneapolis Oxygen Company						
	11/12/20	Bill Payment	4077		0012 Cash - SI/RMSC	-20.27
	10/31/20	Bill	83929	Helium for birthday parties	4023 4 COGS - Operating:COGS - Birthday	20.27
	11/29/20	Bill Payment	4093		0012 Cash - SI/RMSC	-741.55
	11/08/20	Bill	20212338	Helium for Birthday Parties	4023 Operating Supplies	741.55
Minnesota Department of Health						
	11/29/20	Bill Payment	4094		0012 Cash - SI/RMSC	-920.00
	11/12/20	Bill	2022	2022 License Renewal Application	4025 Fees & Licenses	920.00
Polingo, Josh						
	11/12/20	Bill Payment	4078		0012 Cash - SI/RMSC	-215.82
	11/04/20	Bill	110421	Membership package transfer from adult annual to adult monthly	3059 Reimbursements & Refunds	215.82
Push Pedal Pull						
	11/05/20	Bill Payment	4066		0012 Cash - SI/RMSC	-260.00
	10/28/20	Bill	321841	Strength Equipment inspection	4029 3 Maintenance & Repairs:Equipment	260.00
Rink Management Services						
	11/05/20	Bill Payment	4067		0012 Cash - SI/RMSC	-1,147.24
	10/25/20	Bill	104519	Paychex Processing Debit; WK 43 Processing Charges	4004 3 Contracted Payroll:Payroll Expenses	316.47
	10/20/20	Bill	104479	Time Budgeting; Paychex invoice #1721901	4004 3 Contracted Payroll:Payroll Expenses	13.25
	10/20/20	Bill	104413	Timeclock Debit; Paychex Invoice #1721901	4004 3 Contracted Payroll:Payroll Expenses	296.80
	10/08/20	Bill	104386	Paychex Processing Invoice #2021100501; WK 41	4004 3 Contracted Payroll:Payroll Expenses	256.50
	10/06/20	Bill	104497	HR Classroom Split Charge from Bill # 100621th (21 users)	4004 3 Contracted Payroll:Payroll Expenses	45.24
	10/06/20	Bill	104464	Advertising Subscriptions	-Split-	38.98
	10/06/20	Bill	104438	Intuit Quick Books Online Subscription	4053 Subscript., Memberships & Dues	180.00
	11/19/20	Bill Payment	4082		0012 Cash - SI/RMSC	-59,779.04

Safari Island Community Center
Bills and Applied Payments
November 2021

	Date	Transaction Type	Num	Memo/Description	Split	Amount
	11/04/20	Bill	104595	Payroll Period Ending 10/31/21; Pay Date 11/8/21; WK 45	4004 1 Contracted Payroll:Payroll	19,753.22
	11/01/20	Bill	104618	General Liability Insurance; 2021/2022 Season	-Split-	39,859.79
	10/18/20	Bill	104555	Principal Health Insurance Invoice 10/18/21; Billing Period 11/1 - 11/30/21	-Split-	63.17
	10/12/20	Bill	104564	Verizon Invoice #9890506542; Billing Period 9/13 - 10/12/21	-Split-	143.74
	10/18/20	Vendor Credit	104577	Principal Health Insurance Invoice 10/18/21; Billing Period 11/1 - 11/30/21	4004 2 Contracted Payroll:Health Insurance	-40.88
	11/29/20	Bill Payment	4095		0012 Cash - SI/RMSC	-24,289.58
	11/01/20	Bill	104754	Cyber Liability Renewal Police 2021/2022; McGriff Invoice #261580	1300 Prepaid Expenses	401.17
	11/01/20	Bill	104659	Inland Marine Premium; 2021/2022 Season	1300 Prepaid Expenses	20.14
	11/01/20	Bill	104714	Pollution Insurance Premium 2021/2022	1300 Prepaid Expenses	1,644.05
	11/18/20	Bill	104817	Payroll Period Ending 11/14/21; Pay Date 11/22/21; WK 47	4004 1 Contracted Payroll:Payroll	21,589.12
	11/01/20	Bill	104897	October Monitoring Charges; Paychex Statement #24149461	4004 3 Contracted Payroll:Payroll Expenses	70.30
	11/01/20	Bill	104872	October Screening Charges; Paychex Statement #24149461	4004 3 Contracted Payroll:Payroll Expenses	44.29
	11/01/20	Bill	104778	Worker's Comp Insurance - September 2021	4017 Worker's Comp. Ins.	520.51
Staples Advantage	11/05/20	Bill Payment	4068		0012 Cash - SI/RMSC	-237.32
	10/16/20					
	21	Bill	8063937988	Mouse pad, keyboard, white board, key ring wrist coil, padlocks, calculators, stickie notes	4023 3 Operating Supplies:Office Supplies	237.32
	11/29/20	Bill Payment	4096		0012 Cash - SI/RMSC	-151.61
	11/01/20	Bill	8064091280	Lifeguard Whistles	4075 Chemicals/Pool Supplies	29.52
	11/06/20	Bill	8064180916	card holder, sign holder	4023 3 Operating Supplies:Office Supplies	74.32
	11/13/20	Bill	8064255466	Aquatic Supply Cabinet	4075 Chemicals/Pool Supplies	47.77
Steven, Julia - Expense	11/05/20	Bill Payment	4069		0012 Cash - SI/RMSC	-14.00
	10/26/20	Bill	ER10/26/21	Trips to and from bank 10/25 - 10/29/21	4043 2 Travel & Entertainment:Travel &	14.00
	11/12/20	Bill Payment	4080		0012 Cash - SI/RMSC	-14.00
	11/05/20	Bill	Exp111521	Mileage to and from Bank 11/1 - 11/5/21	4043 2 Travel & Entertainment:Travel &	14.00
	11/29/20	Bill Payment	4097		0012 Cash - SI/RMSC	-14.00
	11/15/20	Bill	exp11.15.21	Mileage to and from bank 11/15 - 11/19/21	4043 2 Travel & Entertainment:Travel &	14.00
The Lifeguard Store, INC	11/05/20	Bill Payment	4070		0012 Cash - SI/RMSC	-132.50
	10/22/20	Bill	1127068	Lifeguard Uniforms	4085 Uniforms	132.50
W W Goetsch Associates Inc	11/29/20	Bill Payment	4098		0012 Cash - SI/RMSC	-1,109.19
	11/01/20	Bill	107075	Pool Repair	4029 Maintenance & Repairs	1,109.19
Waconia Ice Arena	11/12/20	Bill Payment	4081		0012 Cash - SI/RMSC	-2,122.11
	10/17/20	Bill	slstax09/21	Sales & Use tax payment for August 2021	-Split-	2,122.11
Welcome Neighbor Inc	11/29/20	Bill Payment	4099		0012 Cash - SI/RMSC	-122.40
	11/02/20	Bill	15420	New Resident package	4046 Advertising & Promotion	122.40
Total Expenses:						\$108,051.08



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Rink Management Services Corporation Waconia Ice Arena Expenditures Incurred November 2021					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in November 2021							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Rink Management Services Corporation has provided the attached report for expenditures paid in November 2021. Per the City's contract with Rink Management, these expenditures are paid by Rink Management for the City's operation of the Waconia Ice Arena. Attachments: 1. Attachment Rink Management Payments_IA_Attach.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**Waconia Ice Arena
Bills and Applied Payments
November 2021**

	Date	Transaction Type	Num	Memo/Description	Split	Amount
Advanced Energy Partners						
	11/12/2021	Bill Payment (Check)	2638		0012 Cash - IA/RMSC	-157.64
	11/04/2021	Bill	2021-10	for period 10/1 - 10/31/21	4049 2 Utilities:Solar Energy	157.64
Bryan Woitas - Petty Cash						
	11/05/2021	Bill Payment (Check)	2631		0012 Cash - IA/RMSC	-100.69
	10/31/2021	Bill	PC10.31.21	Candy for Trick or treat skate	4023 4 Operating Supplies:Office Supplies	33.13
	10/25/2021	Bill	PC10.25.21	Construction Glue	4023 2 Operating Supplies:Maintenance	7.49
	10/04/2021	Bill	PC100421	Maintenance Supplies	-Split-	60.07
	11/19/2021	Bill Payment (Check)	2646		0012 Cash - IA/RMSC	-45.41
	11/08/2021	Bill	PC11.8.21	Water and postage	-Split-	45.41
CD Products INC						
	11/12/2021	Bill Payment (Check)	2639		0012 Cash - IA/RMSC	-283.47
	10/28/2021	Bill	78608	Woodson Dasher Board	4046 1 COGS - Advertising	283.47
Corval Constructors, DBA AIR						
	11/05/2021	Bill Payment (Check)	2632		0012 Cash - IA/RMSC	-517.39
	10/31/2021	Bill	872310	Fixed leaking CPVC ball valves	-Split-	517.39
	11/12/2021	Bill Payment (Check)	2640		0012 Cash - IA/RMSC	-366.14
	10/29/2021	Bill	872526	Inducer Motor for AHU #4	4029 1 Maintenance & Repairs:Building	366.14
Farber Sound						
	11/12/2021	Bill Payment (Check)	2641		0012 Cash - IA/RMSC	-312.73
	11/01/2021	Bill	7608	Repair Sound System	4029 1 Maintenance & Repairs:Building	312.73
GK2 Promotions						
	11/29/2021	Bill Payment (Check)	2651		0012 Cash - IA/RMSC	-469.23
	11/15/2021	Bill	5860	Logo Embroidery for Uniforms	4085 Uniforms	87.50
	11/23/2021	Bill	5867	Uniform Polos & Embroidery	4085 Uniforms	381.73
Grainger						
	11/05/2021	Bill Payment (Check)	2633		0012 Cash - IA/RMSC	-142.20
	10/12/2021	Bill	9083495805	Air Filters	4023 2 Operating Supplies:Maintenance	142.20
	11/12/2021	Bill Payment (Check)	2642		0012 Cash - IA/RMSC	-214.53
	11/02/2021	Bill	9105980107	Light bulbs and in line strainer	4023 1 Operating Supplies:Building Supplies	214.53
	11/19/2021	Bill Payment (Check)	2647		0012 Cash - IA/RMSC	-110.24
	11/10/2021	Bill	9116249875	Air Filters	4023 1 Operating Supplies:Building Supplies	110.24
Jaster, Kristen						
	11/19/2021	Bill Payment (Check)	2648		0012 Cash - IA/RMSC	-70.00
	11/11/2021	Bill	2,000,212.00	Withdrawal from skating lessons (Snow Plow Sam 1)	3059 Reimbursements & Refunds	70.00
Kristie Mitchell						
	11/12/2021	Bill Payment (Check)	2643		0012 Cash - IA/RMSC	-576.00
	11/03/2021	Bill	Fall 2021	LTS Fall 2021	4069 4 COGS - Learn to Skate	576.00
Peterson Salt & Water						
	11/12/2021	Bill Payment (Check)	2644		0012 Cash - IA/RMSC	-523.50
	10/20/2021	Bill	192297	Water softener valve leaking	4029 1 Maintenance & Repairs:Building	523.50
	11/19/2021	Bill Payment (Check)	2649		0012 Cash - IA/RMSC	-159.00
	11/01/2021	Bill	188601	Softening Equipment repair	4029 1 Maintenance & Repairs:Building	159.00
R & R Specialties of Wisconsin						
	11/05/2021	Bill Payment (Check)	2634		0012 Cash - IA/RMSC	-155.00
	10/25/2021	Bill	0073879-IN	Blade Sharpening	4029 2 Maintenance & Repairs:Equipment	155.00

**Waconia Ice Arena
Bills and Applied Payments
November 2021**

Date	Transaction Type	Num	Memo/Description	Split	Amount
Rink Management Services					
11/05/2021	Bill Payment (Check)	2635		0012 Cash - IA/RMSC	-595.21
10/08/2021	Bill	104389	Paychex Processing Invoice #2021100501; WK 41	4004 3 Contracted Payroll:Payroll Expenses	51.30
10/06/2021	Bill	104465	Advertising Subscriptions	-Split-	38.98
10/06/2021	Bill	104456	Constant Contact Split Charge; Bill #100621th	4046 Advertising	71.25
10/06/2021	Bill	104437	Quick Books Online Monthly Subscription	4053 Subscript., Memberships & Dues	180.00
10/25/2021	Bill	104522	Paychex Processing Debit; WK 43 Processing Charges	4004 3 Contracted Payroll:Payroll Expenses	57.54
10/20/2021	Bill	104483	Time Budgeting; Paychex Invoice #1721901	4046 Advertising	2.50
10/06/2021	Bill	104502	HR Classroom Split Charge from Bill #100621th (21 users)	4004 3 Contracted Payroll:Payroll Expenses	45.24
10/20/2021	Bill	104415	Timeclock Debit; Paychex Invoice #1721901	4004 3 Contracted Payroll:Payroll Expenses	148.40
11/12/2021	Bill Payment (Check)	2645		0012 Cash - IA/RMSC	-16,763.37
11/01/2021	Bill	104617	General Liability Insurance; 2021/2022 Season	-Split-	10,025.60
10/18/2021	Bill	104556	Principal Health Insurance Invoice 10/18/21; Billing Period 11/1 - 11/30/21	-Split-	334.06
11/04/2021	Bill	104600	Payroll Period Ending 10/31/21; Pay Date 11/8/21; WK 45	4004 1 Contracted Payroll:Payroll	6,403.71
11/19/2021	Bill Payment (Check)	2650		0012 Cash - IA/RMSC	-4,913.15
11/01/2021	Bill	104753	Cyber Liability Renewal Policy 2021/2022; McGriff Invoice #261580	1300 Prepaid Expenses	401.17
11/01/2021	Bill	104733	Active Shooter Insurance Premium 2021/2022 Season	1300 Prepaid Expenses	1,079.39
11/01/2021	Bill	104715	Pollution Insurance Premium 2021/2022	1300 Prepaid Expenses	1,644.05
11/01/2021	Bill	104699	Management Liability Premium 2021/2022 Season	1300 Prepaid Expenses	1,031.95
11/01/2021	Bill	104675	Auto Premium; 2021/2022 Season	1300 Prepaid Expenses	213.57
11/01/2021	Bill	104658	Insurance - Inland Marine Premium; 2021/2022 Season	1300 Prepaid Expenses	100.70
11/01/2021	Bill	104782	Worker's Comp Insurance - September 2021	4017 Worker's Comp. Insurance	442.32
11/29/2021	Bill Payment (Check)	2652		0012 Cash - IA/RMSC	-9,023.16
11/01/2021	Bill	104876	October Screening Charges; Paychex Statement #24149461	4004 3 Contracted Payroll:Payroll Expenses	44.29
11/01/2021	Bill	104848	Cigna Health Insurance Billing Period 11/1 - 11/30/21	-Split-	3,006.69
11/01/2021	Bill	104901	October Monitoring Charges; Paychex Statement #24149461	4004 3 Contracted Payroll:Payroll Expenses	13.30
11/18/2021	Bill	104821	Payroll Period Ending 11/14/21; Pay Date 11/22/21; WK 47	4004 1 Contracted Payroll:Payroll	5,958.88
The Home Depot					
11/29/2021	Bill Payment (Check)	2653		0012 Cash - IA/RMSC	-210.64
11/17/2021	Bill	653561373	Calendar for Staff Schedule	4023 4 Operating Supplies:Office Supplies	11.04
11/15/2021	Bill	653018143	Air Filters	4023 1 Operating Supplies:Building Supplies	199.60
The Metro Group, Inc					
11/05/2021	Bill Payment (Check)	2636		0012 Cash - IA/RMSC	-1,063.80
10/15/2021	Bill	PI 773975	Vaporene	-Split-	1,063.80
Viking Automatic Sprinkler Co.					
11/05/2021	Bill Payment (Check)	2637		0012 Cash - IA/RMSC	-815.00
10/13/2021	Bill	1025-F183168	Installed new pressure relief on compressor and new drain valve on compressor tank	4029 1 Maintenance & Repairs:Building Repairs	815.00
Total Expenses:					\$37,587.50



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021			
Item Name:		Contractor Pay Request #4 – L-52 Lift Station Upgrade			
Originating Department:		Finance			
Presented by:		Ann Meyerhoff			
Previous Council Action (if any):					
Item Type (X only one):	Consent	☒ X	Regular Session		Discussion Session
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>					
Motion to approve Pay Estimate No. 4 to Lametti & Sons, Inc. for the L-52 Lift Station Upgrade.					
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>					
Staff has reviewed the contractor pay request for the L-52 Lift Station Upgrade and recommends payment of \$260,924.63 based on the engineering request for payment. This payment represents approximately 71.0% of the total approved contract for the project.					
<u>Attachments:</u>					
1. Attachment Contractor Pay Request_L-52 Lift Station Upgrade_Attach.pdf					
FINANCIAL IMPLICATIONS:			ADVISORY BOARD RECOMMENDATIONS:		
Funding Sources & Uses:					
Budget Information:			Planning Commission		
_____ Budgeted			Parks and Recreation Board		
_____ Non Budgeted			Safari Island Advisory Board		
_____ Amendment Required			Other		



**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

December 14, 2021

City of Waconia
Attn: Nicole Meyer
201 South Vine St.
Waconia, MN 55387

**Re: L-52 Lift Station Upgrade
Payment Request No. 4**

Dear Mrs. Meyer:

Enclosed please find Payment Request No. 4 for work completed from 10/23/2021 to 11/24/2021 on the above referenced project. The work completed includes well plumbing, valve vault and meter manhole installation, gravity sewer, temporary electrical work, and other related items.

We have reviewed the estimate, verified the quantities, and recommend the City make payment in the amount of **\$260,924.63** to Lametti & Sons, Inc. 100% of this requested payment is for work associated with the sanitary sewer system.

Please contact me if you have any questions regarding this payment request or this project.

Respectfully Submitted,
Bolton & Menk, Inc.

Jake Saulsbury, P.E.

Cc: Craig Eldred, Public Services Director
John Swanson, Bolton & Menk

Enclosure

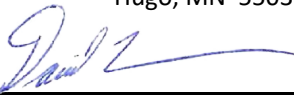
CONTRACTOR'S PAY REQUEST L-52 LIFT STATION UPDGRADE CITY OF WACONIA, MN BMI PROJECT NO. C14.120524	DISTRIBUTION:
	CONTRACTOR (1)
	OWNER (1)
	ENGINEER (1)
	BONDING CO. (1)

TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS	\$1,078,069.00
TOTAL, COMPLETED WORK TO DATE	\$809,134.50
TOTAL, STORED MATERIALS TO DATE	\$0.00
DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED	\$0.00
TOTAL, COMPLETED WORK & STORED MATERIALS	\$809,134.50
RETAINED PERCENTAGE (5%)	\$40,456.73
TOTAL AMOUNT OF OTHER PAYMENTS OR (DEDUCTIONS)	\$0.00
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$768,677.78
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$507,753.15
PAY CONTRACTOR AS ESTIMATE NO. 4	\$260,924.63

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor: Lametti & Sons, Inc.
16028 Forest Blvd. N., P.O. Box 477
Hugo, MN 55038

By  Dave Lovas Project Manager
Name Title

Date 12/9/2021

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

ENGINEER: BOLTON & MENK, INC., 2638 SHADOW LN, SUITE 200, CHASKA, MN 55318.

By  _____

Date 12/9/21 _____

APPROVED FOR PAYMENT:

OWNER:

By _____
Name Title Date

And _____
Name Title Date

Partial Pay Estimate No.:

4

L-52 LIFT STATION UPGRADE

CITY OF WACONIA, MN

BMI PROJECT NO. C14.120524

WORK COMPLETED THROUGH: 11/24/21

ITEM NO.	ITEM	UNIT PRICE	AS BID		CURRENT ESTIMATE		PREVIOUS ESTIMATE		COMPLETED TO DATE					
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT				
1	MOBILIZATION	\$50,000.00	1	LUMP SUM	\$50,000.00		LUMP SUM	0.25	LUMP SUM	\$12,500.00	1.00	LUMP SUM	\$50,000.00	
2	TRAFFIC CONTROL	\$5,000.00	1	LUMP SUM	\$5,000.00	0.25	LUMP SUM	\$1,250.00		LUMP SUM		0.75	LUMP SUM	\$3,750.00
3	PRE CONSTRUCTION SURVEY	\$1,200.00	6	UNIT	\$7,200.00		UNIT			UNIT		6.00	UNIT	\$7,200.00
4	CLEAR AND GRUB	\$550.00	21	EACH	\$11,550.00		EACH			EACH		21.00	EACH	\$11,550.00
5	REMOVE CURB AND GUTTER	\$15.00	80	LF	\$1,200.00		LF			LF			LF	
6	REMOVE CHAIN LINK FENCE	\$10.00	235	LF	\$2,350.00		LF			LF		252.00	LF	\$2,520.00
7	REMOVE CONCRETE	\$10.00	72	SF	\$720.00		SF			SF			SF	
8	REMOVE WATER SERVICE - CORP STOP THRU CURB STOP	\$20.00	30	LF	\$600.00	30	LF	\$600.00		LF		30.00	LF	\$600.00
9	REMOVE WATER SERVICE - CURB STOP TO CONNECTION	\$10.00	55	LF	\$550.00	25	LF	\$250.00		LF		55.00	LF	\$550.00
10	REMOVE HEAT AND VENTILATION DUCT	\$3,500.50	1	LUMP SUM	\$3,500.50		LUMP SUM			LUMP SUM		1.00	LUMP SUM	\$3,500.50
11	SALVAGE AND REINSTALL SITE SIGN	\$200.00	1	EACH	\$200.00		EACH			EACH			EACH	
12	INSTALL WET WELL	\$8,000.00	55.6	LF	\$444,800.00		LF		22	LF	\$176,000.00	53.00	LF	\$424,000.00
13	TOP SLAB	\$20,000.00	1	EACH	\$20,000.00	1	EACH	\$20,000.00		EACH		1.00	EACH	\$20,000.00
14	PLUMB WET WELL	\$35,000.00	1	LUMP SUM	\$35,000.00	0.5	LUMP SUM	\$17,500.00		LUMP SUM		0.50	LUMP SUM	\$17,500.00
15	WET WELL BALLAST	\$150.00	63	CY	\$9,450.00		CY		60	CY	\$9,000.00	60.00	CY	\$9,000.00
16	STRUCTURAL INVERT SLAB	\$3,141.00	1	LUMP SUM	\$3,141.00		LUMP SUM		1	LUMP SUM	\$3,141.00	1.00	LUMP SUM	\$3,141.00
17	INSTALL VALVE VAULT	\$51,325.00	1	EACH	\$51,325.00	0.8	EACH	\$41,060.00		EACH		0.80	EACH	\$41,060.00
18	PLUMB VALVE VAULT	\$45,000.00	1	LUMP SUM	\$45,000.00	0.75	LUMP SUM	\$33,750.00		LUMP SUM		0.75	LUMP SUM	\$33,750.00
19	METER MANHOLE	\$25,000.00	1	EACH	\$25,000.00	0.75	EACH	\$18,750.00		EACH		0.75	EACH	\$18,750.00
20	FURNISH 16" SPOOL PIECE - METER MANHOLE	\$11,500.00	1	EACH	\$11,500.00		EACH			EACH			EACH	
21	MODIFY EXISTING WET WELL	\$5,000.00	1	LUMP SUM	\$5,000.00		LUMP SUM			LUMP SUM			LUMP SUM	
22	CONNECT TO EXISTING WET WELL	\$8,500.00	1	EACH	\$8,500.00	1	EACH	\$8,500.00		EACH		1.00	EACH	\$8,500.00
23	18" PVC C900 DR 25 - TRENCHLESS SEWER	\$5,000.00	10	LF	\$50,000.00	10	LF	\$50,000.00		LF		10.00	LF	\$50,000.00
24	CONSOLIDATION GROUT SET UP -TRENCHLESS PIPE	\$8,000.00	1	LUMP SUM	\$8,000.00	1	LUMP SUM	\$8,000.00		LUMP SUM		1.00	LUMP SUM	\$8,000.00
25	CONSOLIDATION GROUT - TRENCHLESS PIPE	\$14.00	800	GAL	\$11,200.00	500	GAL	\$7,000.00		GAL		500.00	GAL	\$7,000.00
26	ABANDON EXISTING DRY WELL	\$9,500.00	1	LUMP SUM	\$9,500.00		LUMP SUM			LUMP SUM			LUMP SUM	
27	BYPASS PUMPING	\$32,000.00	1	LUMP SUM	\$32,000.00	0.5	LUMP SUM	\$16,000.00		LUMP SUM		0.50	LUMP SUM	\$16,000.00
28	4" PVC C900 DR 25 DRAIN PIPE	\$65.00	60	LF	\$3,900.00		LF			LF			LF	
29	4" DRAIN PIPE FITTINGS	\$10.00	150	LBS	\$1,500.00		LBS			LBS			LBS	
30	4" DRAIN TRAP ASSEMBLY	\$1,000.00	1	EACH	\$1,000.00		EACH			EACH			EACH	
31	4" PVC DRAIN CLEAN OUT	\$1,000.00	1	EACH	\$1,000.00		EACH			EACH			EACH	
32	CONNECT TO EXISITNG SEWER SERVICE	\$700.00	1	EACH	\$700.00		EACH			EACH			EACH	
33	48" MANHOLE	\$450.00	35.55	LF	\$15,997.50	33	LF	\$14,850.00		LF		33.00	LF	\$14,850.00
34	18" PVC PS 46	\$100.00	43	LF	\$4,300.00	43	LF	\$4,300.00		LF		43.00	LF	\$4,300.00
35	CONSTRUCT MANHOLE OVER EXISTING PIPE	\$8,000.00	1	EACH	\$8,000.00	1	EACH	\$8,000.00		EACH		1.00	EACH	\$8,000.00
36	AGGREGATE BEDDING	\$38.00	35	TON	\$1,330.00		TON			TON			TON	
37	EXTERNAL CHIMNEY SEAL	\$300.00	2	EACH	\$600.00		EACH			EACH			EACH	
38	ABANDON 18" SEWER	\$80.00	18	LF	\$1,440.00		LF			LF			LF	
39	16" PVC C905 DR 25 FORCEMAIN	\$120.00	30	LF	\$3,600.00		LF			LF			LF	
40	16" FORCEMAIN FITTINGS	\$7.00	425	LBS	\$2,975.00		LBS			LBS			LBS	
41	CONNECT TO EXISITNG FORCEMAIN	\$800.00	1	EACH	\$800.00		EACH			EACH			EACH	
42	ABANDON 16" FORCEMAIN	\$75.00	15	LF	\$1,125.00		LF			LF			LF	
43	1" CORPORATION STOP	\$900.00	1	EACH	\$900.00	1	EACH	\$900.00		EACH		1.00	EACH	\$900.00
44	1" CURB STOP	\$950.00	1	EACH	\$950.00	1	EACH	\$950.00		EACH		1.00	EACH	\$950.00
45	1" TYPE K COPPER WATER SERVICE	\$60.00	65	LF	\$3,900.00	50	LF	\$3,000.00		LF		50.00	LF	\$3,000.00
46	CONNECT TO EXISTING WATER SERVICE	\$800.00	1	EACH	\$800.00	1	EACH	\$800.00		EACH		1.00	EACH	\$800.00
47	WATER SERVICE LID COVER	\$600.00	4	EACH	\$2,400.00		EACH			EACH			EACH	
48	27" DRAINAGE STRUCTURE	\$1,200.00	3	EACH	\$3,600.00		EACH			EACH		2.00	EACH	\$2,400.00
49	12" HDPE STORM SEWER	\$75.00	157	LF	\$11,775.00		LF			LF		157.00	LF	\$11,775.00
50	12" HDPE DRAIN TILE	\$60.00	22	LF	\$1,320.00		LF			LF			LF	
51	4" HDPE DRAIN TILE	\$45.00	38	LF	\$1,710.00		LF			LF			LF	
52	4" HDPE CLEAN OUT	\$800.00	1	EACH	\$800.00		EACH			EACH			EACH	
53	12" METAL FLARED END SECTION WITH RODENT GUARD	\$900.00	1	EACH	\$900.00		EACH			EACH		1.00	EACH	\$900.00
54	AGGREGATE BEDDING	\$38.00	25	TON	\$950.00		TON			TON			TON	
55	RIP RAP CL III	\$80.00	5	CY	\$400.00		CY			CY		2.50	CY	\$200.00
56	COMMON EXCAVATION (EV) (P)	\$29.00	235	CY	\$6,815.00		CY			CY			CY	
57	SUBGRADE EXCAVATION (EV)	\$30.00	20	CY	\$600.00		CY			CY			CY	
58	SUBGRADE EXCAVATION REPLACEMENT MATERIAL	\$35.00	40	TON	\$1,400.00		TON			TON			TON	
59	SUBGRADE PREPARATION	\$6.00	560	SY	\$3,360.00		SY			SY			SY	
60	12" CLASS 5 AGGREGATE BASE	\$38.00	415	TON	\$15,770.00		TON			TON			TON	
61	3" BITUMINOUS WEAR COURSE (SP9.5 WEARING COURSE - SPWEA240B)	\$110.00	100	TON	\$11,000.00		TON			TON			TON	
62	COMMON EXCAVATION (EV) (P)	\$29.00	190	CY	\$5,510.00		CY			CY			CY	
63	SUBGRADE EXCAVATION (EV)	\$30.00	20	CY	\$600.00		CY			CY			CY	
64	SUBGRADE EXCAVATION REPLACMENT MATERIAL	\$35.00	40	TON	\$1,400.00		TON			TON			TON	
65	SUBGRADE PREPARATION	\$6.00	470	SY	\$2,820.00		SY			SY			SY	
66	GEOTEXTILE FABRIC TYPE V	\$2.00	470	SY	\$940.00		SY			SY			SY	
67	9" CLASS 5 AGGREGATE BASE	\$38.00	260	TON	\$9,880.00		TON			TON			TON	
68	3" BITUMINOUS BASE COURSE (SP12.5 BASE COURSE-SPNWB230B)	\$130.00	80	TON	\$10,400.00		TON			TON			TON	
69	1 1/2" BITUMINOUS WEAR COURSE (SP9.5 WEARING COURSE - SPWEA240)	\$110.00	40	TON	\$4,400.00		TON			TON			TON	
70	MOUNTABLE CONCRETE CURB AND GUTTER	\$55.00	80	LF	\$4,400.00		LF			LF			LF	
71	INLET PROTECTION - ROCK BAG	\$300.00	2	EACH	\$600.00		EACH			EACH			EACH	
72	INLET PROTECTION - BIOROLL	\$80.00	2	EACH	\$160.00		EACH			EACH		2.00	EACH	\$160.00
73	SILT FENCE	\$3.50	690	LF	\$2,415.00		LF			LF		497.00	LF	\$1,739.50
74	SILT CURTAIN	\$65.00	45	LF	\$2,925.00		LF			LF		45.00	LF	\$2,925.00
75	TOPSOIL BORROW	\$50.00	75	TON	\$3,750.00		TON			TON			TON	
76	SEED AND HYDRO MULCH TYPE 8 (MIX 25-151)	\$3.00	555	SY	\$1,665.00		SY			SY		222.00	SY	\$666.00
77	SEED AND HYDRO MULCH TYPE 8 (MIX 33-261) WITH TRM CAT 3N	\$25.00	25	SY	\$625.00		SY			SY			SY	
78	FURNISH AND INSTALL SWAMP WHITE OAK - 3" B&B	\$1,500.00	3	EACH	\$4,500.00		EACH			EACH			EACH	
79	TEMPORARY EXISTING LIFT STATION ELECTRICAL	\$16,000.00	1	LUMP SUM	\$16,000.00	1	LUMP SUM	\$16,000.00		LUMP SUM		1.00	LUMP SUM	\$16,000.00
80	PERMANENT SITE ELECTRICAL	\$31,975.00	1	LUMP SUM	\$31,975.00	0.1	LUMP SUM	\$3,197.50		LUMP SUM		0.10	LUMP SUM	\$3,197.50
81	YARD LIGHT	\$3,200.00	1	LUMP SUM	\$3,200.00		LUMP SUM			LUMP SUM			LUMP SUM	
82														
83														
84														
85														



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Contractor Pay Request #3 – Waconia East Frontage Road Parking Lot					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):		Consent	X	Regular Session		Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to approve Pay Estimate No. 3 to GMH Asphalt, Inc. for the Waconia East Frontage Road Parking Lot.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff has reviewed the contractor pay request for the Waconia East Frontage Road Parking Lot and recommends payment of \$28,334.13 based on the engineering request for payment. This payment represents approximately 87.0% of the total approved contract for the project.							
<u>Attachments:</u>							
1. Attachment Contractor Pay Request_EFR Parking Lot_Attach.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			



Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

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

December 15, 2021

City of Waconia
Attn: Nicole Meyer
201 South Vine St.
Waconia, MN 55387

**RE: East Frontage Road Parking Lot
Pay Request No. 3**

Dear Mrs. Meyer:

Enclosed please find Pay Request No. 3 for work completed from through 12/14/2021 on the above referenced project. The work completed includes payment for retaining wall and landscape rock items.

We have reviewed the estimate, verified the quantities, and recommend the City make payment in the amount of **\$28,334.13** to GMH Asphalt Corp. 100% of this requested payment is for work associated with the street system.

Please contact me if you have any questions regarding this pay request.

Respectfully Submitted,
Bolton & Menk, Inc.

Jake Saulsbury, P.E.

cc: Craig Eldred, City of Waconia
Ryan Johnson, Bolton & Menk

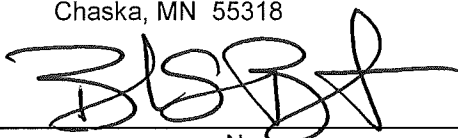
Enclosure

CONTRACTOR'S PAY REQUEST WACONIA EAST FRONTAGE ROAD PARKING LOT		 BOLTON & MENK Real People. Real Solutions.	DISTRIBUTION: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">CONTRACTOR (1)</td></tr> <tr><td style="padding: 2px;">OWNER (1)</td></tr> <tr><td style="padding: 2px;">ENGINEER (1)</td></tr> <tr><td style="padding: 2px;"> </td></tr> </table>	CONTRACTOR (1)	OWNER (1)	ENGINEER (1)	
CONTRACTOR (1)							
OWNER (1)							
ENGINEER (1)							
CITY OF WACONIA - BMI PROJECT NO. C14.122582							
TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS	\$328,457.98						
TOTAL, COMPLETED WORK TO DATE	\$303,047.14						
TOTAL, STORED MATERIALS TO DATE	\$0.00						
DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED	\$0.00						
TOTAL, COMPLETED WORK & STORED MATERIALS	\$303,047.14						
RETAINED PERCENTAGE (5.0%)	\$15,152.36						
TOTAL AMOUNT OF OTHER PAYMENTS OR (DEDUCTIONS)	\$0.00						
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$287,894.78						
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$259,560.65						
PAY CONTRACTOR AS ESTIMATE NO. 3	\$28,334.13						

CERTIFICATE FOR PARTIAL PAYMENT

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor: GMH Asphalt Corp
 9180 Laketown Road
 Chaska, MN 55318

By 

Name

VP

Title

Date 12-15-21

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:
 ENGINEER: BOLTON & MENK, INC., 2638 SHADOW LANE, STE 200, CHASKA, MN 55318

By , CONSULTING ENGINEER

Date 12/15/2021

APPROVED FOR PAYMENT:
 OWNER:

By _____

Name
Title
Date

And _____

Name
Title
Date

Pay Request No.:

3

WACONIA EAST FRONTAGE ROAD PARKING LOT



CITY OF WACONIA

BMI PROJECT NO. C14.122582

WORK COMPLETED THROUGH TUESDAY, DECEMBER 14, 2021

ITEM NO.	ITEM	UNIT PRICE	AS BID		PREVIOUS ESTIMATE		COMPLETED TO DATE	
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT
1	MOBILIZATION	\$15,000.00	1.00 LUMP SUM	\$15,000.00	0.75 LUMP SUM	\$11,250.00	0.75 LUMP SUM	\$11,250.00
2	CLEAR & GRUB TREE	\$1,330.00	2.00 EACH	\$2,660.00	2.00 EACH	\$2,660.00	2.00 EACH	\$2,660.00
3	REMOVE RETAINING WALL	\$19.15	50.00 LIN FT	\$957.50	0.00 LIN FT	\$0.00	0.00 LIN FT	\$0.00
3A	REMOVE CURB & GUTTER	\$18.50	30.00 LIN FT	\$555.00	34.00 LIN FT	\$629.00	34.00 LIN FT	\$629.00
4	REMOVE FENCE	\$5.50	120.00 LIN FT	\$660.00	0.00 LIN FT	\$0.00	0.00 LIN FT	\$0.00
5	RELOCATE BOULDERS	\$720.00	1.00 LUMP SUM	\$720.00	0.00 LUMP SUM	\$0.00	0.00 LUMP SUM	\$0.00
6	HAUL & DISPOSE OF CONTAMINATED MATERIAL (LV)	\$0.01	750.00 CU YD	\$7.50	75.70 CU YD	\$0.76	75.70 CU YD	\$0.76
7	COMMON EXCAVATION (EV)	\$23.75	3,888.00 CU YD	\$92,340.00	3,888.00 CU YD	\$92,340.00	3,888.00 CU YD	\$92,340.00
7A	SUBGRADE EXCAVATION (EV)	\$18.00	250.00 CU YD	\$4,500.00	250.00 CU YD	\$4,500.00	250.00 CU YD	\$4,500.00
8	EXPLORATORY EXCAVATION	\$87.15	8.00 HOUR	\$697.20	0.00 HOUR	\$0.00	0.00 HOUR	\$0.00
9	PREFABRICATED MODULAR BLOCK WALL	\$51.00	600.00 SQ FT	\$30,600.00	0.00 SQ FT	\$0.00	558.00 SQ FT	\$28,458.00
10	FENCE DESIGN SPECIAL 1	\$133.00	44.00 LIN FT	\$5,852.00	0.00 LIN FT	\$0.00	0.00 LIN FT	\$0.00
11	TOPSOIL BORROW (LV)	\$0.01	312.00 CU YD	\$3.12	0.00 CU YD	\$0.00	0.00 CU YD	\$0.00
12	SUBGRADE PREPARATION	\$1.68	3,282.00 SQ YD	\$5,513.76	3,282.00 SQ YD	\$5,513.76	3,282.00 SQ YD	\$5,513.76
13	GEOTEXTILE FABRIC TYPE V	\$1.40	3,282.00 SQ YD	\$4,594.80	3,282.00 SQ YD	\$4,594.80	3,282.00 SQ YD	\$4,594.80
14	AGGREGATE BASE CLASS 5 (CV)	\$30.20	1,203.00 CU YD	\$36,330.60	2,241.00 CU YD	\$67,678.20	2,241.00 CU YD	\$67,678.20
15	TYPE SP 9.5 WEARING COURSE MIXTURE (2,C)	\$90.25	266.00 TON	\$24,066.50	0.00 TON	\$0.00	0.00 TON	\$0.00
16	TYPE SP 12.5 NON WEAR COURSE MIXTURE (2,C)	\$79.10	532.00 TON	\$42,081.20	487.75 TON	\$38,581.03	487.75 TON	\$38,581.03
17	BITUMINOUS WINTER RAMPING CURB EDGE	\$5.85	500.00 LIN FT	\$2,925.00	0.00 LIN FT	\$0.00	0.00 LIN FT	\$0.00
18	MILL OUT BITUMINOUS RAMP CURB EDGE	\$2.25	500.00 LIN FT	\$1,125.00	0.00 LIN FT	\$0.00	0.00 LIN FT	\$0.00
19	6" CONCRETE DRIVEWAY APRON (W/AGGREGATE BASE CL 5)	\$8.20	323.00 SQ FT	\$2,648.60	0.00 SQ FT	\$0.00	0.00 SQ FT	\$0.00
20	CONCRETE CURB & GUTTER DESIGN B612	\$25.15	1,031.00 LIN FT	\$25,929.65	991.00 LIN FT	\$24,923.65	991.00 LIN FT	\$24,923.65
21	CONCRETE CURB & GUTTER DESIGN B618	\$28.70	23.00 LIN FT	\$660.10	0.00 LIN FT	\$0.00	0.00 LIN FT	\$0.00
22	4" CONCRETE WALK (W/AGGREGATE BASE CL 5)	\$6.60	1,161.00 SQ FT	\$7,662.60	0.00 SQ FT	\$0.00	0.00 SQ FT	\$0.00
23	6" CONCRETE WALK (W/AGGREGATE BASE CL 5)	\$14.15	72.00 SQ FT	\$1,018.80	0.00 SQ FT	\$0.00	0.00 SQ FT	\$0.00
24	RIVER ROCK	\$2.12	820.00 SQ FT	\$1,738.40	0.00 SQ FT	\$0.00	645.00 SQ FT	\$1,367.40
25	TRUNCATED DOMES	\$53.15	16.00 SQ FT	\$850.40	0.00 SQ FT	\$0.00	0.00 SQ FT	\$0.00
26	4" SOLID LINE WHITE - LATEX	\$0.20	1,616.00 LIN FT	\$323.20	0.00 LIN FT	\$0.00	0.00 LIN FT	\$0.00
27	PAVEMENT MESSAGE - HANDICAP SYMBOL	\$53.15	3.00 EACH	\$159.45	0.00 EACH	\$0.00	0.00 EACH	\$0.00
28	CONSTRUCT DRAINAGE STRUCTURE	\$3,750.00	1.00 EACH	\$3,750.00	1.00 EACH	\$3,750.00	1.00 EACH	\$3,750.00
29	RANDOM RIPRAP CL. III	\$165.00	5.00 CU YD	\$825.00	0.00 CU YD	\$0.00	0.00 CU YD	\$0.00
30	INFILTRATION MEDIA (70% SAND / 30% MNDOT GRADE 2 COMPOS	\$45.00	28.00 CU YD	\$1,260.00	0.00 CU YD	\$0.00	0.00 CU YD	\$0.00
31	STABILIZED CONSTRUCTION EXIT	\$1,075.00	1.00 LUMP SUM	\$1,075.00	0.50 LUMP SUM	\$537.50	0.50 LUMP SUM	\$537.50
32	SILT FENCE, TYPE MACHINE SLICED	\$1.97	355.00 LIN FT	\$699.35	375.00 LIN FT	\$738.75	375.00 LIN FT	\$738.75
33	INLET PROTECTION	\$101.00	1.00 EACH	\$101.00	2.00 EACH	\$202.00	2.00 EACH	\$202.00
34	BIOLOG	\$3.20	100.00 LIN FT	\$320.00	70.00 LIN FT	\$224.00	70.00 LIN FT	\$224.00
34A	HYDROMULCH TYPE 5, SEED MIX 25-141, TYPE 3 FERTILIZER	\$2.15	500.00 SQ YD	\$1,075.00	0.00 SQ YD	\$0.00	0.00 SQ YD	\$0.00
35	ROLLED EROSION PREVENTION CATEGORY 20, SEED MIX 25-14	\$1.80	2,500.00 SQ YD	\$4,500.00	0.00 SQ YD	\$0.00	0.00 SQ YD	\$0.00
36	SEED MIX 33-261 WITH EROSION CONTROL BLANKET	\$2.13	325.00 SQ YD	\$692.25	0.00 SQ YD	\$0.00	0.00 SQ YD	\$0.00
37	FURNISH & INSTALL SIGN	\$510.00	4.00 EACH	\$2,040.00	0.00 EACH	\$0.00	0.00 EACH	\$0.00
EW1	BUILDING FOUNDATION REMOVAL AND STOCKPILE CONTAMINAT	\$6,150.00	1.00 LUMP SUM		1.00 LUMP SUM	\$6,150.00	1.00 LUMP SUM	\$6,150.00
EW2	3" CLEAR ROCK FOR SUBGRADE CORRECTION	\$36.06	248.15 TON		248.15 TON	\$8,948.29	248.15 TON	\$8,948.29
TOTAL AMOUNT:				\$328,457.98		\$273,221.74		\$303,047.14



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Contractor Pay Request #2 – Bayview Elementary Reuse Expansion					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to approve Pay Estimate No. 2 to Minger Construction, Inc. for the Bayview Elementary Reuse Expansion.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff has reviewed the contractor pay request for the Bayview Elementary Reuse Expansion and recommends payment of \$470,881.13 based on the engineering request for payment. This payment represents approximately 99.6% of the total approved contract for the project.							
<u>Attachments:</u>							
1. Attachment Contractor Pay Request_Bayview Reuse_Attach.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			



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& MENK**

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2638 Shadow Lane
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Chaska, MN 55318-1172

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Bolton-Menk.com

December 7, 2021

City of Waconia
Attn: Nicole Meyer
201 South Vine St.
Waconia, MN 55387

**RE: Bayview Elementary Reuse Expansion
Payment Request No. 2**

Dear Mrs. Meyer:

Enclosed please find Payment Request No. 2 for work completed from 10/23/2021 through 11/24/2021 on the above referenced project. The work completed includes payment for storm sewer, stormwater treatment structures, and restoration items.

We have reviewed the estimate, verified the quantities, and recommend the City make payment in the amount of **\$470,881.13** to Minger Construction, Inc. 100% of this requested payment is for work associated with the storm sewer system.

Please contact me if you have any questions regarding this pay request.

Sincerely,

Bolton & Menk, Inc.

Jake S. Saulsbury, P.E.

cc: Craig Eldred, City of Waconia
Tony Adderley, Bolton & Menk

Enclosure

Contractor: Minger Construction, Inc.
Name of Project: BAYVIEW ELEMENTARY REUSE EXTENSION

Estimate Number: 2
Application Date: 11/24/2021
Pay Period: 10/23/2021 - 11/24/2021

% COMPLETED AFTER THIS ESTIMATE..... 99.6%

ORIGINAL CONTRACT AMOUNT..... \$ 784,215.00

CHANGE ORDERS:

No.	Desc.	Additions	Deductions
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -

TOTAL ADDITIONS..... \$ -
SUB TOTALS..... \$ 784,215.00
TOTAL DEDUCTIONS..... \$ -

CONTRACT AMOUNT TO DATE..... \$ 784,215.00

TOTAL COMPLETED TO DATE..... \$ 781,006.00
MATERIALS STORED..... \$ -
TOTAL COMPLETED AND STORED TO DATE..... \$ 781,006.00
LESS 2% RETAINAGE..... \$ 15,620.12
TOTAL EARNED LESS RETAINAGE..... \$ 765,385.88

LESS PREVIOUS PAYMENTS:

Est. No. <u>1</u>	Amount <u>\$ 294,504.75</u>	Est. No. _____	Amount _____
Est. No. _____	Amount _____	Est. No. _____	Amount _____
Est. No. _____	Amount _____	Est. No. _____	Amount _____
Est. No. _____	Amount _____	Est. No. _____	Amount <u>\$ -</u>
Est. No. _____	Amount _____	Est. No. _____	Amount <u>\$ -</u>
Est. No. _____	Amount _____	Est. No. _____	Amount <u>\$ -</u>

Total Previous Payments \$ 294,504.75

AMOUNT DUE THIS ESTIMATE..... \$ 470,881.13

Payment requested by:
Minger Construction, Inc.
Contractor Representative

By: 

Date: 12/1/2021

Approved and recommended for payment by:
Bolton & Menk, Inc.
Project Engineer

By: 

Date: 12/1/2021

BID SCHEDULE OF UNIT PRICES BAYVIEW ELEMENTARY REUSE EXTENSION CITY OF WACONIA, MN BMI #C14.121635						Application Number: 2 Application Date: 11/24/2021 Period to: 10/23/2021 - 11/24/2021 BMI Project Number: C14.121635					
Item No.	Description of Work	A Original Plan Quantity	Unit of Measure	B Bid Price	C Contract Amount	D Current Pay Application		E Previous Pay Application		F Total	
						Quantity	Amount (B x D)	Quantity	Amount (B x E)	Quantity to Date	Total Amount Completed (B x F)
1	MOBILIZATION	1	LUMP SUM	\$36,000.00	\$36,000.00	0.2	\$7,200.00	0.8	\$28,800.00	1	\$36,000.00
2	TRAFFIC CONTROL	1	LUMP SUM	\$500.00	\$500.00		\$0.00	1.0	\$500.00	1	\$500.00
3	ROCK CONSTRUCTION ENTRANCE	1	LUMP SUM	\$750.00	\$750.00	1	\$750.00	0.0	\$0.00	1	\$750.00
4	REMOVE BITUMINOUS TRAIL PAVEMENT	80	SQ YD	\$11.00	\$880.00	36	\$396.00	25	\$275.00	61	\$671.00
5	REMOVE PIPE SEWER (STORM)	150	LIN FT	\$25.00	\$3,750.00		\$0.00	20	\$500.00	20	\$500.00
6	REMOVE DRAINAGE STRUCTURE (STORM)	4	EACH	\$500.00	\$2,000.00	2	\$1,000.00	2	\$1,000.00	4	\$2,000.00
7	REMOVE STORM WATER TREATMENT TANK	1	EACH	\$5,500.00	\$5,500.00		\$0.00	1	\$5,500.00	1	\$5,500.00
8	REMOVE & REPLACE CURB & GUTTER (DES B618)	50	LIN FT	\$90.00	\$4,500.00	70	\$6,300.00	0	\$0.00	70	\$6,300.00
9	EXPLORATORY EXCAVATION	10	HRS	\$415.00	\$4,150.00		\$0.00	3	\$1,245.00	3	\$1,245.00
10	SALVAGE & INSTALL CHAIN LINK FENCE	50	LIN FT	\$65.00	\$3,250.00		\$0.00	50	\$3,250.00	50	\$3,250.00
11	COMMON EXCAVATION (EST. 562 CY-EV)	1	LUMP SUM	\$14,000.00	\$14,000.00	0.50	\$7,000.00	0.5	\$7,000.00	1	\$14,000.00
12	EXPORT COMMON BORROW MATERIAL (EST. 562 CY-EV)	1	LUMP SUM	\$15,000.00	\$15,000.00	0.5	\$7,500.00	0.5	\$7,500.00	1	\$15,000.00
13	REPLACE 18" HDPE CONNECTION PIPE	5	LIN FT	\$650.00	\$3,250.00	5	\$3,250.00	0	\$0.00	5	\$3,250.00
14	DISCONNECT 2" AND CONNECT 4" IRRIGATION MAIN TO EXISTING PUMP STATION	1	EACH	\$1,550.00	\$1,550.00		\$0.00	1	\$1,550.00	1	\$1,550.00
15	4" REUSE MAIN, OPEN CUT	130	LIN FT	\$40.00	\$5,200.00		\$0.00	57	\$2,260.00	57	\$2,260.00
16	4" REUSE MAIN, DIRECTIONAL DRILL	610	LIN FT	\$35.00	\$21,350.00		\$0.00	630	\$22,050.00	630	\$22,050.00
17	4" GATE VALVE AND BOX	2	EACH	\$1,800.00	\$3,600.00		\$0.00	3	\$5,400.00	3	\$5,400.00
18	REUSE FITTINGS	240	LBS	\$22.00	\$5,280.00		\$0.00	178	\$3,916.00	178	\$3,916.00
19	2" BLOWOFF AND CONNECTION BOX	3	EACH	\$2,500.00	\$7,500.00		\$0.00	3	\$7,500.00	3	\$7,500.00
20	TRACER WIRE ACCESS BOX	1	EACH	\$185.00	\$185.00		\$0.00	1	\$185.00	1	\$185.00
21	15" HDPE PIPE SEWER	180	LIN FT	\$66.00	\$11,880.00	90	\$5,940.00	90	\$5,940.00	180	\$11,880.00
22	24" HDPE PIPE SEWER	50	LIN FT	\$120.00	\$6,000.00	50	\$6,000.00	0	\$0.00	50	\$6,000.00
23	30" HDPE PIPE SEWER	70	LIN FT	\$100.00	\$7,000.00	70	\$7,000.00	0	\$0.00	70	\$7,000.00
24	CONNECT TO EXISTING STRUCTURE	5	EACH	\$2,250.00	\$11,250.00	2	\$4,500.00	3	\$6,750.00	5	\$11,250.00
25	120" x 50' DUROMAXX SRPE STORAGE TANKS	2	EACH	\$98,000.00	\$196,000.00		\$0.00	2	\$196,000.00	2	\$196,000.00
26	96" DIVERSION BYPASS MANHOLE	1	EACH	\$38,000.00	\$38,000.00	1	\$38,000.00	0	\$0.00	1	\$38,000.00
27	CONTECH OFFLINE PARALLEL CDS UNIT 5678 STRUCTURE	2	EACH	\$156,500.00	\$313,000.00	2	\$313,000.00	0	\$0.00	2	\$313,000.00
28	CONSTRUCT DRAINAGE STRUCTURE, DES 48-4020	20	LIN FT	\$535.00	\$10,700.00	20	\$10,700.00	0	\$0.00	20	\$10,700.00
29	CONSTRUCT DRAINAGE STRUCTURE, DES 72-4022	10	LIN FT	\$670.00	\$6,700.00	10	\$6,700.00	0	\$0.00	10	\$6,700.00
30	CONSTRUCT DRAINAGE STRUCTURE, DES 84-4022	10	LIN FT	\$1,200.00	\$12,000.00	10	\$12,000.00	0	\$0.00	10	\$12,000.00
31	CASTING ASSEMBLY	8	EACH	\$855.00	\$6,840.00	8	\$6,840.00	0	\$0.00	8	\$6,840.00
32	3" TYPE SP 9.5 BITUMINOUS TRAIL PAVEMENT (2,B)	80	SQ YD	\$85.00	\$6,800.00	150	\$12,750.00	0	\$0.00	150	\$12,750.00
33	BITUMINOUS STREET PATCH	400	SQ FT	\$16.00	\$6,400.00	400	\$6,400.00	0	\$0.00	400	\$6,400.00
34	INLET PROTECTION	2	EACH	\$135.00	\$270.00		\$0.00	2	\$270.00	2	\$270.00
35	BIOLOGS	500	LIN FT	\$4.00	\$2,000.00		\$0.00	400	\$1,600.00	400	\$1,600.00
36	SILT FENCE, TYPE MS	360	LIN FT	\$3.00	\$1,080.00		\$0.00	338	\$1,014.00	338	\$1,014.00
37	HYDROMULCH TYPE BFM W/ STATE SEED MIX 25-131, LOW MAINT. TURF AT 330 LBS/AC	1850	SQ YD	\$2.00	\$3,700.00	1,828	\$3,656.00	0	\$0.00	1,828	\$3,656.00
38	EROSION CTL BLANKET CAT. 3N w/ STATE SEED MIX 25-131, LOW MAINT. TURF AT 330 LBS/AC	1400	SQ YD	\$3.00	\$4,200.00	1,373	\$4,119.00	0	\$0.00	1,373	\$4,119.00
39	TOPSOIL BORROW (LV)	100	CU YD	\$22.00	\$2,200.00		\$0.00	0	\$0.00	0	\$0.00
				TOTALS:	\$784,215.00		\$471,001.00				\$781,006.00



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Contractor Pay Request #6 – 2021 Infrastructure Improvement Project					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):		Consent	X	Regular Session		Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to approve Pay Estimate No. 6 to GMH Asphalt, Inc. for the 2021 Infrastructure Improvement Project.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Staff has reviewed the contractor pay request for the 2021 Infrastructure Improvement Project and recommends payment of \$140,683.01 based on the engineering request for payment. This payment represents approximately 106.0% of the total approved contract for the project. Engineering advised that the total contract was overrun due to storm sewer/drain tile work that was added on Sparrow Road after the project was bid. The added pipe resulted in the need for additional removals, more bituminous pavement, and additional restoration.							
<u>Attachments:</u>							
1. Attachment Contractor Pay Request_2021 Infrastructure_Attach.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			



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Chaska, MN 55318-1172

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

December 8, 2021

City of Waconia
Attn: Nicole Meyer
201 South Vine St.
Waconia, MN 55387

**RE: 2021 Infrastructure Improvements
Pay Request No. 6**

Dear Mrs. Meyer:

Enclosed please find Pay Request No. 6 for work completed from 9/25/2021 through 11/24/2021 on the above referenced project. The work completed includes removals, pond excavation, utility work, turf establishment, and a reduction in retainage from 5% to 1%.

We have reviewed the estimate, verified the quantities, and recommend the City make payment in the amount of **\$140,683.01** to GMH Asphalt, Inc. Below is a total for the project as well as the estimated percent of work completed for each funding type.

Pay Application No. 6				
Project Section	Total Payment	Street	Storm Sewer	Park & Trail
Pro Rata	\$2,260.00	100%	0%	0%
Boulder Wall Replacement	\$5,563.41	98%	2%	0%
Turf Parking Lot	\$6,406.42	0%	100%	0%
Hunter's Crossing Filtration Bench	\$101,170.91	0%	100%	0%
Sparrow Road	\$25,282.27	59%	17%	24%
Total:	\$140,683.01			

Please contact me if you have any questions regarding this pay request.

Respectfully Submitted,
Bolton & Menk, Inc.

Jake Saulsbury, P.E.

cc: Craig Eldred, City of Waconia
Sam Ellison, Bolton & Menk

Enclosur

Partial Pay Estimate No.:

6

2021 INFRASTRUCTURE IMPROVEMENTS

CITY OF WACONIA

BMI PROJECT NO. C14.121635

WORK COMPLETE 9/25/2021 TO 11/24/2021

ITEM NO.	ITEM	UNIT PRICE	AS BID		CURRENT ESTIMATE		COMPLETED TO DATE				
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT			
SECTION 1: PRORATA											
1	MOBILIZATION	\$56,500.00	1	LS	\$56,500.00	0.00	LS	\$0.00	1.00	LS	\$56,500.00
SECTION 2 - BOULDER WALL REPLACEMENT											
2	REMOVE WOOD FENCE	\$21.10	200	LF	\$4,220.00	0.00	LF	\$0.00	200.00	LF	\$4,220.00
3	REMOVE BITUMINOUS TRAIL PAVEMENT	\$4.50	180	SY	\$810.00	0.00	SY	\$0.00	186.00	SY	\$837.00
4	REMOVE RETAINING WALL - BOULDER	\$5,540.00	1	LS	\$5,540.00	0.00	LS	\$0.00	1.00	LS	\$5,540.00
5	SAWCUT BITUMINOUS PAVEMENT/ DRIVEWAY/ WALK (FULL DEPTH)	\$3.50	5	LF	\$17.50	0.00	LF	\$0.00	42.00	LF	\$147.00
6	TOPSOIL BORROW (LV)	\$31.00	65	CY	\$2,015.00	0.00	CY	\$0.00	194.00	CY	\$6,014.00
7	3" TYPE SP 9.5 BITUMINOUS TRAIL PAVEMENT (2,B)	\$28.10	190	SY	\$5,339.00	0.00	SY	\$0.00	187.00	SY	\$5,254.70
8	GEOTEXTILE FABRIC TYPE V (TRAIL)	\$2.00	190	SY	\$380.00	0.00	SY	\$0.00	0.00	SY	\$0.00
9	CONSTRUCT MODULAR BLOCK RETAINING WALL - LARGE UNIT BLOCK	\$52.50	1510	SF	\$79,275.00	0.00	SF	\$0.00	1,565.00	SF	\$82,162.50
10	FENCE DESIGN SPECIAL - WALL MOUNTED	\$142.00	128	LF	\$18,176.00	0.00	LF	\$0.00	133.00	LF	\$18,886.00
11	FENCE DESIGN SPECIAL - DIRECT BURY	\$142.00	73	LF	\$10,366.00	0.00	LF	\$0.00	61.00	LF	\$8,662.00
12	8" PVC SDR 26 DRAIN TILE	\$45.45	22	LF	\$999.90	0.00	LF	\$0.00	0.00	LF	\$0.00
13	8" PVC TRENCH DRAIN W/ ADA CASTING	\$268.00	10	LF	\$2,680.00	0.00	LF	\$0.00	10.00	LF	\$2,680.00
14	CONNECT TO EXISTING STORM SEWER	\$300.00	1	EA	\$300.00	0.00	EA	\$0.00	0.00	EA	\$0.00
15	ADJUST FRAME AND RING CASTING (STORM)	\$201.00	1	EA	\$201.00	0.00	EA	\$0.00	1.00	EA	\$201.00
16	INLET PROTECTION	\$100.00	3	EA	\$300.00	0.00	EA	\$0.00	2.00	EA	\$200.00
17	BIO-LOG	\$3.15	135	LF	\$425.25	0.00	LF	\$0.00	131.00	LF	\$412.65
18	EROSION CONTROL BLANKET CAT 3N WITH SEED MIX 25-131 (LOW MAINTEN	\$1.85	785	SY	\$1,452.25	0.00	SY	\$0.00	2,091.00	SY	\$3,868.35
19	ROCK CONSTRUCTION ENTRANCE	\$1,005.00	1	EA	\$1,005.00	0.00	EA	\$0.00	0.00	EA	\$0.00
20	TRAFFIC CONTROL	\$317.00	1	LS	\$317.00	0.00	LS	\$0.00	0.00	LS	\$0.00
21	STREET SWEEPING	\$132.00	20	HR	\$2,640.00	0.00	HR	\$0.00	0.00	HR	\$0.00
SECTION 3 - TURF PARKING LOT											
22	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	\$16.00	20	SY	\$320.00	0.00	SY	\$0.00	20.00	SY	\$320.00
23	REMOVE 4" PIPE DRAIN	\$25.00	10	LF	\$250.00	0.00	LF	\$0.00	0.00	LF	\$0.00
24	REMOVE PIPE DRAIN CLEANOUT	\$25.00	1	EA	\$25.00	0.00	EA	\$0.00	0.00	EA	\$0.00
25	REMOVE GRAVEL PARKING LOT	\$10.00	1525	SY	\$15,250.00	0.00	SY	\$0.00	1,525.00	SY	\$15,250.00
26	SAWCUT BITUMINOUS PAVEMENT/ DRIVEWAY/ WALK (FULL DEPTH)	\$3.00	30	LF	\$90.00	0.00	LF	\$0.00	24.00	LF	\$72.00
27	COMMON EXCAVATION (EV) (P)	\$26.85	879	CY	\$23,601.15	0.00	CY	\$0.00	879.00	CY	\$23,601.15
28	TOPSOIL BORROW (LV)	\$31.00	160	CY	\$4,960.00	0.00	CY	\$0.00	160.00	CY	\$4,960.00
29	GRASSPAVE SUBBASE	\$63.20	838	CY	\$52,961.60	0.00	CY	\$0.00	838.00	CY	\$52,961.60
30	GRASSPAVE PAVERS	\$37.15	1165	SY	\$43,279.75	0.00	SY	\$0.00	1,165.00	SY	\$43,279.75
31	6" PERF PE DRAIN TILE	\$16.25	169	LF	\$2,746.25	0.00	LF	\$0.00	168.00	LF	\$2,730.00
32	6" PVC SDR 26 DRAIN TILE	\$17.95	33	LF	\$592.35	0.00	LF	\$0.00	27.00	LF	\$484.65
33	6" PIPE DRAIN CLEANOUT W/ CASTING	\$400.00	2	EA	\$800.00	0.00	EA	\$0.00	2.00	EA	\$800.00
34	CONNECT TO EXISTING STORM STRUCTURE	\$300.00	1	EA	\$300.00	0.00	EA	\$0.00	1.00	EA	\$300.00
35	CONCRETE CURB & GUTTER DESIGN B612	\$19.90	525	LF	\$10,447.50	0.00	LF	\$0.00	506.00	LF	\$10,069.40
36	8" CONCRETE DRIVEWAY PAVEMENT	\$11.50	132	SF	\$1,518.00	0.00	SF	\$0.00	0.00	SF	\$0.00
37	INLET PROTECTION	\$100.00	3	EA	\$300.00	0.00	EA	\$0.00	2.00	EA	\$200.00
38	BIO-LOG	\$3.15	315	LF	\$992.25	0.00	LF	\$0.00	189.00	LF	\$595.35
39	HYDROMULCH TYPE BONDED FIBER MATRIX, WITH SEED MIX 25-131 (LOW N	\$2.11	710	SY	\$1,498.10	0.00	SY	\$0.00	710.00	SY	\$1,498.10
40	HYDROMULCH TYPE BFM WITH STATE SEED MIX MIX 25-141, GENERAL ROA	\$2.11	1340	SY	\$2,827.40	0.00	SY	\$0.00	1,340.00	SY	\$2,827.40
41	ROCK CONSTRUCTION ENTRANCE	\$1,005.00	1	EA	\$1,005.00	0.00	EA	\$0.00	0.00	EA	\$0.00
42	TRAFFIC CONTROL	\$211.00	1	LS	\$211.00	0.00	LS	\$0.00	1.00	LS	\$211.00
43	STREET SWEEPING	\$132.00	20	HR	\$2,640.00	0.00	HR	\$0.00	0.00	HR	\$0.00
SECTION 4 - HUNTER'S CROSSING FILTRATION BENCH											
44	REMOVE BITUMINOUS TRAIL PAVEMENT	\$10.00	60	SY	\$600.00	133.00	SY	\$1,330.00	133.00	SY	\$1,330.00
45	REMOVE PIPE SEWER (STORM)	\$26.40	55	LF	\$1,452.00	55.00	LF	\$1,452.00	55.00	LF	\$1,452.00

46	REMOVE EXISTING WIER	\$528.00	1	LS	\$528.00	1.00	LS	\$528.00	1.00	LS	\$528.00
47	REMOVE STORM SEWER APRON	\$132.00	1	EA	\$132.00	1.00	EA	\$132.00	1.00	EA	\$132.00
48	REMOVE DRAINAGE STRUCTURE (STORM)	\$369.00	2	EA	\$738.00	2.00	EA	\$738.00	2.00	EA	\$738.00
49	POND EXCAVATION (EV) (P)	\$30.35	368	CY	\$11,168.80	368.00	CY	\$11,168.80	368.00	CY	\$11,168.80
50	TOPSOIL BORROW (LV)	\$35.00	130	CY	\$4,550.00	0.00	CY	\$0.00	0.00	CY	\$0.00
51	3" TYPE SP 9.5 BITUMINOUS TRAIL PAVEMENT (2,B)	\$50.00	60	SY	\$3,000.00	133.00	SY	\$6,650.00	133.00	SY	\$6,650.00
52	6" PERF PE DRAIN TILE	\$22.15	250	LF	\$5,537.50	230.00	LF	\$5,094.50	230.00	LF	\$5,094.50
53	12" PVC SDR 26 STORM SEWER	\$100.00	21	LF	\$2,100.00	21.00	LF	\$2,100.00	21.00	LF	\$2,100.00
54	12" GATE VALVE & BOX	\$4,088.00	2	EA	\$8,176.00	2.00	EA	\$8,176.00	2.00	EA	\$8,176.00
55	15" RCP PIPE SEWER DESIGN 3006 CLASS V	\$106.00	48	LF	\$5,088.00	48.00	LF	\$5,088.00	48.00	LF	\$5,088.00
56	21" RCP PIPE SEWER DESIGN 3006 CLASS II	\$116.00	44	LF	\$5,104.00	44.00	LF	\$5,104.00	44.00	LF	\$5,104.00
57	15" RC PIPE APRON W/ TRASH GUARD	\$1,714.00	1	EA	\$1,714.00	1.00	EA	\$1,714.00	1.00	EA	\$1,714.00
58	CONSTRUCT DRAINAGE STRUCTURE, DES 48-4020	\$308.00	7	LF	\$2,156.00	7.00	LF	\$2,156.00	7.00	LF	\$2,156.00
59	CONSTRUCT POND OUTLET STRUCTURE (INCLUDES COVER W/ GRATE)	\$754.00	7	LF	\$5,278.00	7.00	LF	\$5,278.00	7.00	LF	\$5,278.00
60	CASTING ASSEMBLY (STORM)	\$1,404.00	1	EA	\$1,404.00	1.00	EA	\$1,404.00	1.00	EA	\$1,404.00
61	CONNECT TO EXISTING STORM SEWER	\$528.00	1	EA	\$528.00	1.00	EA	\$528.00	1.00	EA	\$528.00
62	WATERMAIN OFFSET	\$14,770.00	1	EA	\$14,770.00	1.00	EA	\$14,770.00	1.00	EA	\$14,770.00
63	4" POLYSTYRENE INSULATION	\$42.20	10	SY	\$422.00	10.00	SY	\$422.00	10.00	SY	\$422.00
64	INLET PROTECTION	\$100.00	3	EA	\$300.00	0.00	EA	\$0.00	3.00	EA	\$300.00
65	ROCK CONSTRUCTION ENTRANCE	\$1,005.00	1	EA	\$1,005.00	1.00	EA	\$1,005.00	1.00	EA	\$1,005.00
66	0.25" WASHED ROCK	\$106.00	35	CY	\$3,710.00	35.00	CY	\$3,710.00	35.00	CY	\$3,710.00
67	3.25" WASHED ROCK	\$106.00	103	CY	\$10,918.00	103.00	CY	\$10,918.00	103.00	CY	\$10,918.00
68	FILTER MEDIA - 70% SAND, 30% COMPOST	\$41.10	137	CY	\$5,630.70	215.00	CY	\$8,836.50	215.00	CY	\$8,836.50
69	RIP RAP CL II	\$132.00	5	CY	\$660.00	5.00	CY	\$660.00	5.00	CY	\$660.00
70	HYDROMULCH TYPE BONDED FIBER MATRIX, WITH SEED MIX 25-131 (LOW N	\$4.05	260	SY	\$1,053.00	0.00	SY	\$0.00	0.00	SY	\$0.00
71	EROSION CONTROL BLANKET CAT 3N WITH SEED MIX 34-262 (WET PRAIRIE)	\$1.85	925	SY	\$1,711.25	216.00	SY	\$399.60	216.00	SY	\$399.60
72	DISK ANCHORED MULCH TYPE 3, WITH SEED MIX 34-262 (WET PRAIRIE)	\$1.58	1255	SY	\$1,982.90	717.00	SY	\$1,132.86	717.00	SY	\$1,132.86
73	TEMPORARY SEEDING WITH ANNUAL RYE OR MIX 21-112 (WINTER WHEAT)	\$1.06	1255	SY	\$1,330.30	1,291.00	SY	\$1,368.46	1,291.00	SY	\$1,368.46
74	TRAFFIC CONTROL	\$317.00	1	LS	\$317.00	1.00	LS	\$317.00	1.00	LS	\$317.00
75	STREET SWEEPING	\$132.00	20	HR	\$2,640.00	0.00	HR	\$0.00	0.00	HR	\$0.00
SECTION 5 - SPARROW ROAD											
76	REMOVE STORM SEWER APRON	\$132.00	1	EA	\$132.00	0.00	EA	\$0.00	1.00	EA	\$132.00
77	REMOVE PIPE SEWER (STORM)	\$26.40	12	LF	\$316.80	0.00	LF	\$0.00	12.00	LF	\$316.80
78	REMOVE BITUMINOUS TRAIL PAVEMENT	\$7.50	110	SY	\$825.00	0.00	SY	\$0.00	116.00	SY	\$870.00
79	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	\$7.50	186	SY	\$1,395.00	0.00	SY	\$0.00	399.00	SY	\$2,992.50
80	REMOVE CONCRETE SIDEWALK/PEDESTRIAN RAMPS	\$0.75	12680	SF	\$9,510.00	0.00	SF	\$0.00	13,710.00	SF	\$10,282.50
81	REMOVE CONCRETE DRIVEWAY PAVEMENT	\$1.10	5240	SF	\$5,764.00	0.00	SF	\$0.00	4,929.00	SF	\$5,421.90
82	REMOVE CONCRETE CURB & GUTTER	\$7.85	1045	LF	\$8,203.25	0.00	LF	\$0.00	1,755.00	LF	\$13,776.75
83	BITUMINOUS MILLING - 2"	\$1.20	10555	SY	\$12,666.00	0.00	SY	\$0.00	10,974.00	SY	\$13,168.80
84	SAWCUT BITUMINOUS PAVEMENT/ DRIVEWAY/ WALK (FULL DEPTH)	\$0.01	3075	LF	\$30.75	0.00	LF	\$0.00	3,941.00	LF	\$39.41
85	SAWCUT CONCRETE DRIVEWAY PAVEMENT/WALK (FULL DEPTH)	\$5.00	460	LF	\$2,300.00	0.00	LF	\$0.00	399.00	LF	\$1,995.00
86	TOPSOIL BORROW (LV)	\$33.00	450	CY	\$14,850.00	0.00	CY	\$0.00	128.00	CY	\$4,224.00
87	CONCRETE CURB & GUTTER DESIGN B618	\$26.90	1030	LF	\$27,707.00	0.00	LF	\$0.00	893.00	LF	\$24,021.70
88	SURMOUNTABLE CONCRETE CURB & GUTTER	\$25.20	90	LF	\$2,268.00	0.00	LF	\$0.00	862.00	LF	\$21,722.40
89	CONCRETE CURB DESIGN V	\$24.50	50	LF	\$1,225.00	0.00	LF	\$0.00	0.00	LF	\$0.00
90	6" CONCRETE DRIVEWAY PAVEMENT	\$6.35	6025	SF	\$38,258.75	0.00	SF	\$0.00	4,402.00	SF	\$27,952.70
91	3" BITUMINOUS DRIVEWAY PAVEMENT MIX (2,B)	\$22.40	225	SY	\$5,040.00	0.00	SY	\$0.00	378.00	SY	\$8,467.20
92	BITUMINOUS PATCH - UTILITY EXCAVATIONS AND ADJACENT TO CURB RECO	\$32.60	778	SY	\$25,362.80	0.00	SY	\$0.00	2,348.00	SY	\$76,544.80
93	TYPE SP 9.5 BITUMINOUS WEAR OVERLAY (3,C)	\$71.85	1190	TON	\$85,501.50	0.00	TON	\$0.00	1,269.39	TON	\$91,205.67
94	6" CONCRETE PEDESTRIAN RAMP	\$16.70	2930	SF	\$48,931.00	0.00	SF	\$0.00	1,675.00	SF	\$27,972.50
95	4" CONCRETE SIDEWALK	\$4.20	12150	SF	\$51,030.00	0.00	SF	\$0.00	12,989.00	SF	\$54,553.80
96	TRUNCATED DOMES	\$39.90	438	SF	\$17,476.20	0.00	SF	\$0.00	352.00	SF	\$14,044.80
97	ADJUST GATE VALVE BOX	\$501.00	3	EA	\$1,503.00	0.00	EA	\$0.00	0.00	EA	\$0.00
98	ADJUST FRAME AND RING CASTING (STORM)	\$201.00	13	EA	\$2,613.00	0.00	EA	\$0.00	0.00	EA	\$0.00
99	12" PVC SDR 26 STORM SEWER	\$45.10	60	LF	\$2,706.00	0.00	LF	\$0.00	61.00	LF	\$2,751.10
100	4" PERF PE DRAIN TILE	\$25.40	1340	LF	\$34,036.00	0.00	LF	\$0.00	3,171.00	LF	\$80,543.40
101	4" PIPE DRAIN CLEANOUT W/ CASTING	\$250.00	6	EA	\$1,500.00	0.00	EA	\$0.00	13.00	EA	\$3,250.00
102	SUMP PUMP SERVICE LINE CONNECTION	\$150.00	5	EA	\$750.00	0.00	EA	\$0.00	34.00	EA	\$5,100.00
103	CONNECT DRAIN TILE TO EXISTING STRUCTURE	\$300.00	1	EA	\$300.00	0.00	EA	\$0.00	12.00	EA	\$3,600.00

104	CONSTRUCT DRAINAGE STRUCTURE, DES 48-4020	\$386.00	10	LF	\$3,860.00	0.00	LF	\$0.00	9.60	LF	\$3,705.60
105	CONNECT TO EXISTING STORM STRUCTURE	\$3,714.00	1	EA	\$3,714.00	0.00	EA	\$0.00	1.00	EA	\$3,714.00
106	CONNECT TO EXISTING STORM SEWER	\$1,055.00	2	EA	\$2,110.00	0.00	EA	\$0.00	2.00	EA	\$2,110.00
107	CASTING ASSEMBLY (STORM)	\$1,107.00	2	EA	\$2,214.00	0.00	EA	\$0.00	2.00	EA	\$2,214.00
108	INLET PROTECTION	\$100.00	20	EA	\$2,000.00	0.00	EA	\$0.00	20.00	EA	\$2,000.00
109	SOD TYPE LAWN	\$7.90	2045	SY	\$16,155.50	1,293.00	SY	\$10,214.70	2,193.00	SY	\$17,324.70
110	STREET SWEEPING	\$132.00	40	HR	\$5,280.00	0.00	HR	\$0.00	26.00	HR	\$3,432.00
111	CROSSWALK MARKING - LATEX	\$2.29	1120	SF	\$2,564.80	0.00	SF	\$0.00	720.00	SF	\$1,648.80
112	TRAFFIC CONTROL	\$10,497.00	1	LS	\$10,497.00	0.00	LS	\$0.00	1.00	LS	\$10,497.00
113	LANDSCAPING ALLOWANCE	\$5,000.00	1	ALLOWANCE	\$5,000.00	0.00	ALLOWANCE	\$0.00	0.00	ALLOWANCE	\$0.00
114	IRRIGATION SYSTEM AND ELECTRIC FENCE REPAIR	\$5,000.00	1	ALLOWANCE	\$5,000.00	0.00	ALLOWANCE	\$0.00	0.00	ALLOWANCE	\$0.00
EW-1	SOD WATERING: CITY STAFF TIME	-\$31.00	57	HOUR	-\$1,767.00	57	HOUR	-\$1,767.00	57.00	HOUR	-\$1,767.00
EW-1	SOD WATERING: CITY TANKER TIME	-\$65.00	57	HOUR	-\$3,705.00	57	HOUR	-\$3,705.00	57.00	HOUR	-\$3,705.00
EW-1	SOD WATERING: WATER	-\$2.50	270	KGAL	-\$675.00	270	KGAL	-\$675.00	270.00	KGAL	-\$675.00
	TOTAL AMOUNT:				\$925,875.05			\$106,248.42			\$993,675.15



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Lodging Tax Funds Request – Waconia CVB					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒	X	Regular Session	☐	Discussion Session	☐
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Request for Lodging Tax Reimbursement from the Waconia CVB for Expenditures Incurred November - December 2021							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The Waconia Chamber Convention & Visitors Bureau (CVB) has requested a lodging tax reimbursement for expenditures accrued through December 2021. Staff reviewed the request for reimbursement and supporting invoices as approved by the CVB. Lodging tax funds are currently available for payment of these expenditures. Staff recommends approval of the request in the amount of \$6,013.80. <u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Authorize Staff to Execute Restoration Proposal for Veteran Memorial					
Originating Department:		Public Services					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):		August 2nd, 2021; Council Work Session November 15, 2021; Authorizing Staff to Prepare Grant for Veterans Memorials to Preserve the Culture and Heritage of Minnesota					
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution 2021-283, Authorizing Staff to Execute KCI Conservation Proposal for World War I Memorial Restoration							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
As Council Members are aware staff have been working with the Legion Members on preservation of the War Memorial items in City Square Park. Staff completed on-site items in an interim basis to negate further impacts from users of City Square Park. In addition, we have continued dialog with the Legion on managing donated funds and tracking of funds with work centered on the World War I Memorial for an eventual reconditioning and dedication for Memorial Day Weekend of Calendar Year 2022. Legion Members acquired the necessary funds to initiate completion of an initial FY 2022 grant fund request made available by Clean Water, Land & Legacy Amendment dollars and provided by the Minnesota Office of Grants Management which supports Veteran Memorial Preservation, Culture and Heritage of Minnesota. Staff are requesting the ability to execute the attached KCI Conservation Proposal for the World War I Memorial allowing the work to commence at their leisure in effort to effectively meet the goal of the proposed re-dedication on Memorial Weekend, 2022. Staff recommend approval of this request. The proposal will be modified before executed to list the City as the Client; including the address.							
Attachments:							
1. 21283res Veterans Memorial Proposal Execution Res.doc							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2021-283**

**RESOLUTION AUTHORIZING APPROVAL OF STAFF TO EXECUTE KCI CONSERVATOIN
PROPOSAL FOR WORLD WAR I MEMORIAL RESTORATION**

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

WHEREAS, the Park Board and Council reviewed items provided by the Legion on restoration of War Memorial Statues and Cannon within City Square Park; and

WHEREAS, focus of the Legion is the existing World War I Memorial which restoration is of lesser cost and can be initiated due to the availability of funding; and

WHEREAS, staff and the Legion desire to executed the KCI Conservation proposal to meet the Memorial Day, 2022 outcome for this phase of programmed improvements.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes approval of staff to executed KCI Conservation proposal for World War I Memorial restoration.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

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



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Donation Acceptance – Cash Donations for Adaptive Playground Equipment in Memory of Faith Dressel					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2021-284, Accepting Cash Donation for Adaptive Playground Equipment							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City of Waconia received additional cash donations for the adaptive playground equipment in memory of Faith Dressel. The following donations were posted to the City's PIR capital fund. The donations will be recognized as donation revenue designated for this specific project. To date, the City has received \$266,972.74 towards the purchase of adaptive playground equipment in donations. This includes cash donations made to the City, the City's Go Fund Me site, Special Olympics of Minnesota Polar Plunge, and the 2019 and 2020 Swing for the Kids events. As additional donations are received, staff will have the City Council accept them and acknowledge donations with a receipt.							
Attachments:							
1. 21284res Donations Received_Donations for Playground 12.20.21_Res.doc							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2021-284**

**RESOLUTION ACCEPTING CASH DONATIONS FOR ADAPTIVE PLAYGROUND
EQUIPMENT**

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

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

Name of Donor	Amount	Name of Donor	Amount	Name of Donor	Amount	Name of Donor	Amount
Gary & Allyson Dressel - Purchased Bongo-Xylofun Panel	\$2,621.00	Dan Lensing	\$100.00	Jennifer Nye	\$ 25.00	Megan Boll	\$ 50.00
Alan & Patricia Fleischacker	\$ 25.00	Daniel & Trudi Boll	\$150.00	Jim Schimelpfenig	\$ 40.00	Melonie Heuer	\$100.00
Amanda Helgeson	\$ 50.00	David & Pamela Kelly	\$ 20.00	Jodie Fenske	\$ 50.00	Michelle Brummer	\$100.00
Amber Knott	\$ 100.00	David Weiss & Margaret Schuster	\$ 25.00	Joleen Fasching	\$ 30.00	Michelle Buseman	\$ 20.00
Amy Cervantes	\$ 100.00	Dennis & Bonnie Laumann	\$ 15.00	Joleen Marczak	\$ 40.00	Misty Smith	\$ 25.00
Angela Heimerl	\$ 100.00	Derek & Heather Nieuwsma	\$ 25.00	Joyce Schwalbe	\$ 50.00	N Matheson	\$100.00
Angie Charlesworth	\$ 25.00	Erin Rooney	\$ 10.00	Julie Bosley	\$ 20.00	Pam & Keith Dalton	\$100.00
Anne King	\$ 100.00	Gail & LuAnn Schuette	\$500.00	Julie Dunnigan	\$ 50.00	Pamela Lemieux	\$ 20.00
Anne Podhradsky	\$ 100.00	Grady Campbell	\$100.00	Justin Quast	\$ 50.00	Randy & Laura Heuer	\$ 50.00
Anonymous	\$ 25.00	Hannah Montgomery	\$100.00	Karyn Willmann	\$ 50.00	Richard & Patricia Storms	\$ 30.00
						Roger & Ardis Strommen, Brenda & Jeff Anderson Family, Lonny & Lisa Strommen & Family, Bridget Scharafanon & Family	
Anonymous	\$ 100.00	Hannah Vreeland	\$ 20.00	Kathleen Sweetman	\$100.00		\$ 10.00
Anonymous	\$ 500.00	Harold & LuAnn Blanchette	\$ 25.00	Kimberli Lanham	\$ 50.00	Samantha Reil	\$ 25.00
Anonymous	\$ 25.00	Howard Lake Waverly Teachers Association	\$100.00	Laurie Janikowski-Roll & Michael Roll	\$ 25.00	Sheridan Buckland	\$100.00
Anonymous	\$ 20.00	HR Family	\$450.00	Linda Boll	\$100.00	Summer Bielke	\$100.00
Anonymous	\$ 10.00	HR Family	\$ 70.00	Linda Wharram	\$100.00	Susan Haack	\$100.00
Ashley & Paul Bogestad	\$ 100.00	Ingrid Bentley	\$ 30.00	Lisa & Michael Niezgoda	\$ 50.00	Terri McCormick	\$200.00
Bonnie Vos	\$ 200.00	James & Ann Brown	\$100.00	Lyle Goetz	\$100.00	Taylor Knight	\$ 50.00
Carolyn Magnus	\$ 25.00	Jane & Bob Bayerl	\$ 25.00	Many Faces of Moebius Syndrome	\$100.00	Timothy & Jacquelin Blake	\$ 25.00
Carrie Dircks	\$ 50.00	Jane Burns	\$ 25.00	Mara, Mike, Signe, Stellie	\$100.00	Vernon & Bonnie Westrud	\$ 20.00
Chris Kittock	\$ 150.00	Janette Frisinger	\$ 25.00	Mary Boll	\$100.00	Winsted Elementary	\$193.00
Chris Thesing	\$ 100.00	Jeff & Tanya Malecha	\$100.00	Mary Wightman	\$ 25.00	Yvonne Currey	\$ 25.00
Courtney Chodzin	\$ 25.00	Jeffrey & Angela Granrud	\$ 25.00	Maureen Decker	\$ 25.00	Zara Clarke	\$ 50.00

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

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

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

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

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

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



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Employee Reference Manual Updates					
Originating Department:		Administration					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution 2021-285, approving the Waconia Employee Reference Manual.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The Waconia Employee Reference Manual was last updated in 2014. Between 2014 and now, many new policies have been individually approved by the City Council (comp time policy, whistleblower protection, organ donation, respectful workplace, safety, hands free while driving, updated PTO policy, and bereavement leave policy), but the entire handbook was never updated with these approved policies. The attached manual includes policies adopted by the City Council since 2014, all compiled in one place, and also changes the formatting of this manual to match the Fire Department Reference Manual and allowing for a table of contents. Also updated include several typing errors that were in the 2014 approved version, in addition to an updated Drug and Alcohol policy to reflect how we do our random testing, as well as an updated dress code policy. If approved, this handbook will be distributed to all staff and placed on the employee intranet.							
<u>Attachments:</u>							
1. 21285res Employee Handbook Resolution.docx 2. Employee Handbook.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. 2021 - 285**

**RESOLUTION APPROVING
UPDATED EMPLOYEE HANDBOOK**

WHEREAS, the City Council approved several personnel policy changes between 2014 and 2021; and

WHEREAS, although these policy changes were approved, the handbook itself was never updated with the changes; and

WHEREAS, an updated handbook is necessary to have all City policies in one place and to communicate effectively to employees; and

WHEREAS, the updated reference manual also includes several proofreading corrections from the handbook originally approved in 2014, as well as some changes to the drug and alcohol testing policy to reflect state law; and

NOW, THEREFORE, BE IT RESOLVED, that, the City Council hereby approves the Waconia Employee Reference Manual.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

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



City of Waconia
Employee Reference Manual

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SECTION 1: CITY INFORMATION

VISION, MISSION, AND VALUES

Vision Statement

Waconia is a thriving, connected community with deep roots; a great place to live for a lifetime.

Mission Statement

Waconia is a City that leads, serves, and governs to enhance the quality of life for all community members.

Values

The City Council has identified values that reflect the desires and expectations for our work:

- Resiliency – maintaining, reacting to the unexpected, being adaptable
- Stewardship – caring for our fiscal health, environment, and assets (people and infrastructure)
- Embracing Diversity – providing a welcoming and engaging environment for all
- Health & Safety – encouraging and providing resources for healthy living and a safe environment
- Innovation – willing to try new things, managing risk, and celebrating successes

PURPOSE AND APPLICABILITY

Purpose

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Waconia. The language of this Personnel Policy is not intended to nor does it create any form of employment contract between the City of Waconia and any employee. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the City. These policies supersede all previous personnel policies of the City or of any department.

In order to retain necessary flexibility in the administration of policies and procedures, the City of Waconia reserves the right to change, revise, or eliminate any of the policies and/or benefits described herein. The only recognized deviations from the stated policies are those authorized and adopted by the City Council. The provisions in this policy shall not be interpreted as creating anything other than an at-will employment relationship between the City and its employees. Except as otherwise prohibited by law, the City of Waconia has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

Applicability

This employee handbook and procedures manual has been developed for the specific purpose of explaining policies and procedures which affect all employees of the City of Waconia. These policies also apply to unpaid volunteers and elected and appointed officials as may be applicable pursuant to the specific policy and applicable laws.

The following groups are not covered by these policies:

- Consultants and advisory personnel such as engineers, attorneys, auditors, health officers, bond consultants, and such other personnel who may be engaged by the City from time to time as independent contractors;
- Emergency Employees
- County law enforcement personnel who contract with the City for services

Departments may have special work rules deemed necessary by the supervisor and approved by the City Administrator for the achievement of objectives of that department. In this case, such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

Nothing in these policies are intended to modify or supersede applicable state or federal law. Any employee with a written employment agreement shall be exempt from any provision of this part which is inconsistent with such agreement. Nothing in this part is intended to modify or supersede any provision of the Veteran's Preference Act, Minn. Stat. § 197.45 to 197.481.

DEFINITIONS OF TERMS

For purposes of these policies, the following definitions will apply:

- Authorized Hours:** The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee's supervisor.
- Benefits:** Privileges granted to qualified employees in the form of paid leave and/or insurance coverage.
- Benefit Earning Employees:** Employees who are eligible for at least a pro-rated portion of city-provided benefits. Such employees must be year-round employees who work at least 32 hours per week on a regular basis.
- Core Hours:** The core hours that all City Hall employees (exempt and non-exempt) are expected to work are 8:00 a.m. to 4:30 p.m. Monday through Friday. Core hours for Public Services Employees are 6:30 a.m. to 3:00 p.m. Monday through Friday. Public

Services employees also have a rotating on-call schedule and are responsible for snow removal, which can take place during nights and weekends in the winter.

- E. **Direct Deposit:** As permitted by State law, all City employees are required to participate in the direct deposit of their paychecks.
- F. **Exempt Employee:** Employees who are not covered by the overtime provisions of the federal or state Fair Labor Standards Act.
- G. **FICA (Federal Insurance Contributions Act):** FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare. The city contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers). These amounts may change if required by law.
- H. **Fiscal Year:** The period from January 1 to December 31.
- I. **Full-Time Employee:** Employees who are required to work forty (40) or more hours per week year-round in an ongoing position.
- J. **Non-Exempt Employee:** Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime or compensatory time at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.
- K. **Part-Time Employee:** Employees who are required to work less than forty (40) hours per week year-round in an ongoing position
- L. **Pay Period:** A fourteen (14) day period beginning at 12:00 a.m. (midnight) on Sunday through 11:59 p.m. on Saturday, fourteen (14) days later.
- M. **PERA (Public Employees Retirement Association):** Statewide pension program in which all city employees meeting program requirements must participate in accordance with Minnesota law. The city and the employee each contribute to the employee's retirement account.
- N. **Seasonal Employee:** Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.
- O. **Temporary Employee:** Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority.

CITY COUNCIL

The City of Waconia is a Statutory Plan A City with the Mayor/City Council having administrative and legislative responsibility. As the elected representatives of the community, the City Council

establishes City policy and long-range community goals, and exercises budgetary control through the adoption of an annual budget.

City leadership consists of a Mayor and four Council Members. The City is divided into two wards, each represented by two Council Members, who are elected to alternating four-year terms. The Mayor is elected at-large for a two-year term. The Mayor has one vote on the Council, as does each Council Member. City elections are held on the first Tuesday following the first Monday in November of even-numbered years.

The City Council meets regularly to consider ordinances, resolutions, and other such actions as may be required by law and circumstance. The various issues brought before the Council may be initiated by Council Members, advisory commissions, administrative staff, or residents of the community.

ADVISORY BOARD AND COMMISSIONS

The City Council receives advisory reports and recommendations from several citizen commissions. These commissions are appointed by the City Council. All commission meetings are open to the public and are held in the Council Chambers of Waconia City Hall (201 South Vine Street, Waconia).

ECONOMIC DEVELOPMENT AUTHORITY

The Economic Development Authority consists of five members; the Mayor and four Council members. Meetings are held, as required, as part of a regularly scheduled Council meeting. The Economic Development Authority (EDA) promotes economic development, including industrial and commercial development and expansion. The EDA has developed Waconia West Industrial Park and offers a Revolving Loan Program to businesses in the Downtown and Highway Business and Industrial Districts. Terms coincide with elected terms.

HOUSING AND REDEVELOPMENT AUTHORITY

The Housing and Redevelopment Authority (HRA) consists of five members; the Mayor and four Council members. Meetings are held, as required, as part of a regularly scheduled Council meeting. The HRA is responsible for addressing housing and redevelopment issues for the City of Waconia.

PLANNING COMMISSION

The Planning Commission reviews requests and applications to ensure compliance with the City's land use regulations and comprehensive plan. There are five members, with one alternate commissioner to act in the absence of any of the five commissioners. Commission

members are appointed to three-year terms. Public hearings regarding development petitions and requests for variances from the zoning ordinance standards are conducted by this body.

PARK & RECREATION BOARD

This Commission reviews current and future community park and recreation needs, programs and facilities and recommends action to promote the implementation of the City's park, trail, and recreation plans. This board consists of five regular members, with one alternate to serve in the absence of any regular member. Terms are three years.

COMMISSION ON AGING

This Commission serves in the goal of addressing the special needs of the people who are aging in Waconia. These needs have been identified as, but are not limited to: transportation, independent living in the home, social and recreational activities, senior centers and housing. The Commission works in an advisory capacity to the City Council in how to best meet the needs of aging citizens as well as attract a similar population to the amenities the City possesses. There are five members, with one alternate, who serve three-year terms.

CITY DEPARTMENTS

ADMINISTRATION

The Office of the City Administrator comprises the Administration Department for the City. General administrative services for management of the City, coordination of City departments and personnel matters, and budget administration are performed by the City Administrator. The City Administrator's office also provides the Clerk functions of the City, as well as serving as the election administrator, processing license and permit applications, collecting and certifying special assessments, maintaining all official City records and contracts. Human resources, communications, and facility management are also found within this department.

The Administration Department also oversees Park and Recreation activities, including oversight of the Safari Island Community Center and the Ice Arena contracts.

FINANCE

The Finance Department is responsible for developing and implementing economic development opportunities for existing and new businesses; administering the City's Revolving Loan and other incentive programs; accounts payable and receivable; utility billing; investments; risk management; debt management; audit; internal control; payroll; budget preparation and administration; and assisting all departments with internal and external business procedures.

COMMUNITY DEVELOPMENT

This department oversees planning and development in the City and reviews applications and petitions to ensure compliance with zoning and land use regulations.

The City's Long Range Comprehensive Guide Plan is maintained by the Community Development Department. It promotes orderly development in the City. This department also reviews development requests, annexation petitions, administers and enforces the zoning ordinance and subdivision code, and provides support to the Planning Commission.

The Planning Department is responsible for processing all new construction and minor building permit applications and oversees the licensing of rental dwellings. Building inspections are currently conducted by an independent agency.

PUBLIC SERVICES

The Public Services Department conducts business between the hours of 7:00 a.m. - 3:30 p.m. Monday – Friday and is closed on legal holidays. The Public Services Department oversees the construction of public improvements. The Department consists of Streets, Street Lights, Storm Water, Parks and Public Utilities. The Public Services Department also updates the master park and trails plan and coordinates park and trail development. The Parks system is comprised of three community parks, 18 neighborhood parks, and a City owned cemetery.

Streets: The Street Division maintains and repairs City streets and alleys, storm sewers, public property, and City equipment, and coordinates the maintenance/replacement of street lights. Its duties include street and alley repair, seal coating, street sweeping, snow and ice control, and traffic sign maintenance. The Street Division also enforces weed ordinances and administers the City's boulevard tree program.

Public Utilities: The Utility Division consists of water and sanitary sewer utilities. This division operates and maintains the public water supply system including the water treatment facility, hydrants, City wells and water storage facilities, installation and maintenance of water meters, and the wastewater collection system including lift stations.

Parks: The Park Maintenance Division maintains City parks, athletic fields, park property, and trails. Much of the maintenance activities in City Parks is based on seasonal usage. In addition to physical maintenance of park amenities and equipment, Park Maintenance staff also is trained in horticultural maintenance such as prevention, diagnosis, and treatment of turf grass and tree disease, and pest infestation.

FIRE DEPARTMENT

The City is served by one fire station located on the western edge of the downtown district at the intersection of Maple and Main Streets. The Waconia Fire Department is a paid-on-call department, consisting of a full-time chief and paid-on-call firefighters who are considered part-time employees. The Department maintains a six-to-seven-minute total response time to any area within the City.

CONTRACTED SERVICES

The City of Waconia contracts several services to outside agencies. These services are subject to change at any time, and our current contracted services can be found below. Additionally, the City will, from time to time, work with other consultants or firms in all areas of operation.

SAFARI ISLAND AND THE ICE ARENA

The City contracts with Rink Management Services who manages day-to-day operation of Safari Island and the Ice Arena. While Rink Management operates these facilities, the City Council still has financial oversight and approval of the budget for Safari Island and the Ice Arena.

PUBLIC SAFETY

Law Enforcement is provided for the residents of Waconia via contract with the Carver County Sheriff's Department. Waconia has officers on duty that are dedicated solely to law enforcement within the City of Waconia. The deputies serve the City out of the Sheriff substation located at City Hall.

PROFESSIONAL ENGINEERING

Professional Engineering services are provided by Bolton & Menk. The City Engineer is responsible for activities associated with municipal engineering such as infrastructure planning, construction contract management, traffic and transportation engineering, facility development, and representing the City's interest in projects with regional and state partners such as MNDOT and Carver County.

LEGAL SERVICES

Legal Services are provided by Melchert Hubert Sjodin, PLLP. The firm acts as the City Attorney and provides legal advice and counsel to the City Council and staff in such matters as ordinance creation and amendments, contracts and language, and employment law. Crimes or ordinance violations that are committed within City limits are prosecuted by the Carver County Attorney's Office.

BUILDING INSPECTION

The City Building Official and Building Inspection services are provided by Metro West Inspection Services, LLC. This firm conducts all construction related inspections for residential commercial, and industrial buildings. The inspection service ensures that all structures build within the City are done so according to the proper specifications as set forth by the building code and City ordinance.

SECTION 2: EMPLOYMENT

DATA PRACTICES AND PERSONNEL FILES

All information created by the City is governed by the Minnesota Government Data Practices Act. While most government data is considered public information, in some instances some or all of the information the City creates may be considered private. All requests for government data must be submitted to the responsible party as designated by the City Data Practices Policy.

Employee records are maintained in a location designated by the City Administrator. Personnel data is kept in personnel files, finance (payroll) files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act. Employees who wish to review the data contained in their personnel file can do so once every six months.

More information regarding the City's Data Practices Policy can be found on the City's website (<http://www.waconia.org/212/Government-Data>).

EQUAL EMPLOYMENT OPPORTUNITY

The City of Waconia is committed to providing equal opportunity in all areas of employment, including but not limited to hiring, demotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation, and selection for training. The City of Waconia will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, familial status, marital status, political affiliation, status with regard to public assistance, status with respect to genetic medical information or membership on a local human rights commission, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, Minn. Stat. § 179.61 to 179.76, or any other class or characteristic protected by law. Harassment against any applicant or employee due to his/her protected class status is strictly prohibited and will result in disciplinary action, up to and including involuntary termination of employment.

IMMIGRATION LAW COMPLIANCE

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the City Administrator. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

DISABILITY ACCOMODATION

The City of Waconia is committed to complying fully with the Minnesota Human Rights Act, the Americans with Disabilities Act, and the Americans with Disabilities Amendments Act ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all employees on an equal basis.

The City of Waconia is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability.

This policy is neither exhaustive nor exclusive. The City of Waconia is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the Minnesota Human Rights Act, the Americans with Disabilities Act, and the Americans with Disabilities Amendments Act.

APPOINTMENTS

Every appointment to municipal service shall be made in accordance with the hiring practices as approved by the City Council. When required by law or by the Council, merit and fitness shall be ascertained by written, oral, or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held. The City Council shall reserve the right to interview all final candidates for a given position if the Council deems such interview to be desirable.

The City of Waconia is committed to complying fully with all applicable State and Federal laws relating to equal opportunity employment. All employment practices and activities are conducted on a non-discriminatory basis. This policy is neither exhaustive nor exclusive. The City of Waconia is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the Minnesota Human Rights Act, the Americans with Disabilities Act, and the Americans with Disabilities Amendments Act.

APPLICATION FOR EMPLOYMENT

All individuals seeking employment with the City of Waconia shall complete and sign the appropriate "Application for Employment" form prior to being given consideration for employment. Unsolicited applications received by the City will not be kept on file and will be securely destroyed.

All applications received during an active recruitment period shall be kept in the "Active" file for a period of one (1) year. If an applicant desires to keep their application active beyond that time, he/she will be required to bring the existing application up-to-date or fill out a new application. Unsolicited applications will not be kept on file.

If an applicant is interviewed, but not hired, his/her application will continue to be kept active for a two (2) year period and will be again considered, as another position becomes available.

All applicants should indicate specific job titles when applying simultaneously for two or more openings.

HIRING PROCEDURES

The City Council reserves the right to deviate from this hiring practice upon reasonable documentation for the alteration at its sole discretion.

Hiring Authority

The City Council shall make all employee appointments on the recommendation of the Personnel Committee. Exception: The Council grants authorization to the City Administrator to appoint seasonal and temporary part-time employees, subject to budget limitations.

Hiring Process

The hiring process shall be coordinated through the office of the City Administrator. Job descriptions, testing, interviewing and evaluation of applicants shall be coordinated by the office of City Administrator and the appropriate Department Head. Recommendations of appointment shall be made by the City Administrator, who will confer with the Personnel Committee, with final appointment being granted by the City Council. When required by law or by the Council, merit and fitness shall be ascertained by written, oral, or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held. The City Council shall reserve the right to interview all final candidates for a given position if the Council deems such interview to be desirable, including part-time and seasonal employees.

The Office of the City Administrator is authorized to advertise for vacancies in existing full-time non-exempt positions. All new full-time positions and vacant full-time exempt positions require Council authorization to advertise.

Part-time and seasonal employees who have left employment with the City in good standing, and are re-hired to their previous position within twelve months of leaving that position are eligible to return to employment at the same pay step as when they had left. An employee whose separation from City employment extends beyond twelve months and is re-hired to the same or similar position will be paid at a step rate at the discretion of the City. Any employee who returns to employment with the City in a different capacity will be paid at step one of the appropriate pay scale or as otherwise negotiated by the City.

Job Postings

Vacant full-time exempt positions shall be posted externally. All full-time non-exempt positions shall be posted internally, provided

- the City Administrator determines that sufficient qualified candidates are available within the City for the position; or
- the opening represents a natural career progression for an employee.

Firefighters, part-time, and full-time employees may be considered during the internal posting period of full-time position vacancies and may submit applications for externally posted vacancies.

Internal recruitments will be open to any City employee who: (1) has successfully completed the initial training period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the City. The internal posting period shall be five days. Internal postings will occur on the City's intranet site. This policy is

not a waiver of job-relevant qualifications for this position, nor is it a guarantee of promotion to existing employees.

Upon review of the qualifications of any and all internal applicants, the City shall reserve the right to advertise externally using some or all of the following: City web site; local and/or state-wide newspaper; League of Minnesota Cities; trade schools/publications.

Job postings shall contain a brief description of the minimum qualifications, starting salary range, closing date, how to obtain and where to return applications, and other requirements unique to the position.

Hiring

Job descriptions are written for each job and reviewed for accuracy on a periodic basis. In order to compare and evaluate candidates, applications shall be reviewed based on a rated 100point scale, based on the duties identified in the job description. The hiring decision shall be based on ability, aptitude, examination results (medical, drug and alcohol testing, successful completion of a background check, or as may be required in the job description), and the determination that the individual's knowledge, skills, and abilities best meet the needs of the City for the position.

Part-Time/Seasonal Employees

The City shall not be obligated to publicly advertise seasonal or part-time job openings in an effort to reduce costs associated with placing advertisements, provided an adequate number of qualified candidates are identified by the supervisor.

These seasonal employment positions shall be subject to budget and staffing limitations as established by the City Council via annual resolution approving FTEs. Recommendation for appointment of Part-Time/Seasonal employees shall be made by the supervisor to the City Administrator.

No person shall be considered approved for employment nor shall they report for work until:

- The applicant has completed the employment application and any/all appropriate testing procedures including, but not limited to, the successful passage of a drug and alcohol test.
- The applicant has been interviewed and recommended for appointment.
- The applicant has successfully passed a background investigation, if required, and any/all pre-employment physicals.
- City Council, or its designee, has approved the applicant's appointment.

All persons entering City employment shall report to the office of the City Administrator for the purpose of completing the required employment enrollment forms (W-4, I-9, etc.) prior to performing any work activities or duties.

PRE-EMPLOYMENT MEDICAL EXAM

The City Administrator or designee may determine that a pre-employment medical examination is necessary to determine fitness to perform the essential duties of any City position. Where a medical examination is required, the offer of employment will be made contingent upon successful completion of the medical exam. The physician conducting the exam will normally be provided with a description of the essential duties and responsibilities and other pertinent information on the position to aid in the determination of the candidate's ability to perform the essential functions of the job in question. If the City determines that pre-employment medical exams will be required, they will be required of all candidates who are conditionally offered employment for a given job class. The information obtained during the medical exam will be treated as confidential medical records.

The exam will be conducted by a licensed physician designated by the City and the cost of the exam will be paid for by the City. The physician will notify the recruiter that a candidate either is or is not medically able to perform the essential functions of the job. If the employee requires a reasonable accommodation to perform one or more of the essential functions of the job, the supervisor and City Administrator will confer with the physician regarding acceptable reasonable accommodations. The supervisor will inform the candidates of the results of their examination. If the candidate is rejected for employment based on the results, he/she will be notified of this determination and may request further explanation from the physician.

PRE-EMPLOYMENT BACKGROUND STUDY

All finalists for employment with the City will be subject to a background study to confirm information submitted as part of the application materials and to assist in determining the candidate's suitability for the position. In accordance with federal, state, and local law, the City conducts a pre-employment background check which includes a credit check, verification of past employment and education, and a criminal record check of candidates who have received a conditional offer of employment. Except where already defined by state law, the City Administrator will determine the level of background study to be conducted based on the position being filled and disqualification criteria based on the applicability to that position. Finalists who may be disqualified from employment with the City based upon their criminal background will have the opportunity to demonstrate rehabilitation in accordance with Minn. Stat. § 364.01-364.10

RESPONSE REQUIREMENTS

Pursuant to Minn. Stat. § 415.16, Subdivision 3, the City of Waconia has the authority to request certain employees to live within a reasonable distance of the community if there is a demonstrated job-related necessity. All paid on-call firefighters employed by the City shall live in the fire service area or have the ability to arrive at the fire station within a 15 minute timeframe, as driven under normal weather conditions and following posted speed limits.

VETERAN'S PREFERENCE

Preference shall be accorded Veterans pursuant to applicable state law, Minn. Stat. § 197.46. Veteran's Preference is applicable in cases where an open competitive examination is given. Veteran's Preference shall be available to every person who has been separated under Honorable conditions from any branch of the Armed Forces of the United States:

- After having served on active duty 181 consecutive days or,
- By reason of disability incurred while serving on active duty and,
- A citizen of the United States or a resident alien.

Veterans thus preferred shall not be disqualified from holding any position on account of age or by reason of any physical disability provided such age or physical disability does not render them incompetent to perform duties of the position.

NEPOTISM

The potential for conflicts of interest are increased when personnel who are related are employed by the same employer; and real or implied conflicts of interest can result in distrust and a general lack of harmony among other employees.

No person shall be appointed, promoted, demoted or transferred to a position where that person would be on a daily basis supervising, or receiving supervision from that person's spouse, any person permanently residing with the employee, a child, parent, sibling, grandparent, or grandchild of either the employee or of the employee's spouse. Employees may be temporarily placed in the position of supervising a relative, with the advance approval of the City Council. Such temporary supervision shall not last more than six months and be limited to providing work direction, and shall not include the authority to recommend hiring, promoting, terminating, disciplining, or adjusting the compensation of a relative.

No language in this policy is intended to discriminate against any individual on the basis of marital status or any other protected class status under any applicable federal or state law including, but not limited to, the Minnesota Human Rights Act, Minn. Stat. § 363. The City, in administering this policy, will take all steps to fully

SECTION 3: ATTENDANCE

ATTENDANCE AND ABSENSE

ATTENDANCE POLICY

The operations and standards of service in the City of Waconia require that employees be at work unless valid reasons warrant absence. For a team to function efficiently and effectively, employees must be on the job. All employees are expected to perform their regular work duties when required to do so by proper authority, including situations where the workday or workweek requires additional hours or different hours from that normally scheduled.

Attendance is an essential function of every City position. It is expected that all employees will report to work on time, use their available hours to the best advantage, and leave only after the regular working hours are complete.

Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In case of unexpected absence, employees or their designee should make every effort to contact their supervisor at least 30 minutes before the scheduled starting time if possible. If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the supervisor. Failure to use the established reporting process will be grounds for disciplinary action. Departments may establish more specific reporting procedures.

The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor. Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing. The City may waive this rule if extenuating circumstances warranted such behavior. This policy does not preclude the City from administering discipline for unexcused absences of less than three (3) days.

MEAL BREAKS & REST PERIODS

Every regular employee, when working under conditions where a break period is practicable, will be allowed a fifteen (15) minute paid break within each four (4) consecutive hours of work. An unpaid thirty (30) minute lunch period is provided when an employee works eight or more consecutive hours. The two fifteen minute breaks may be combined with an employee's lunch break to account for a one-hour lunch. . Each supervisor shall schedule rest periods so as not to interfere with work requirements. Departments with unique job or coverage requirements

may have additional rules, issued by the supervisor and subject to approval of the City Administrator, on the use of meal breaks and rest periods.

HOURS OF WORK

Work schedules for personnel shall be established by the City Council and City Administrator. The regular work week for full time employees is five eight-hour working days, Monday through Friday, except as otherwise established by the City Administrator in accordance with the custom and needs of the individual department or facility. Flexible schedules will be allowed per the approval of the department head and assuming sufficient coverage is in place for departmental operations and business need.

It is recognized that jobs and work schedules may change over time to respond to the changing needs of the organization. In general, personnel of the following departments or facilities will be expected to work during the following hours:

- City Hall 8 a.m. – 4:30 p.m.
- Public Services 7 a.m. – 3:30 p.m.

ON-CALL SCHEDULE

The Street Maintenance, Utility Maintenance, and Park Maintenance divisions operate with an on-call schedule for emergencies or situations that may occur outside of regular business hours. A formal on-call schedule is established by the supervisors each calendar year, discussed with staff, and changes are made as needed. It is understood that life events come up, however if an employee needs to switch their on-call week, they are responsible to find another employee and let their supervisor know of the switch.

Each week of on-call begins Friday at 3:30 p.m., with each transfer of coverage occurring at this time.

If a call comes in, the on-call employee is expected to respond within a reasonable amount of time.

SNOW REMOVAL

Public Services employees are responsible for snow removal within City of Waconia limits during the winter months. During active months (based on seasonal requirements and public demand), employees must be available for call backs, early starts, and extended days, unless the employee has a pre-approved absence. Employees should talk with their supervisor when unavailability occurs to obtain prior approval.

ADVERSE WEATHER CONDITIONS

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees will be allowed to use accrued paid time off or compensatory time; or with supervisor approval, may modify the work schedule or make other reasonable schedule adjustments in the event of an absence due to adverse weather conditions.

Public Services maintenance personnel will generally be required to report to work regardless of conditions.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective supervisor or City Administrator.

ESSENTIAL EMPLOYEES

The City Council has a duty, insofar as possible, to protect the health, safety, welfare, and property of City residents. To fulfill these duties, it may be necessary to recall certain essential City employees in times of disaster or emergencies. To ensure prompt response to such situations, certain employees are required to be available at all times (unless other arrangements are made subject to the approval of the City Administrator) in order to fulfill their job duties.

- A. Applicable Job Class: Firefighters, Maintenance Supervisors in Streets, Utilities, and Facilities divisions, and all Maintenance Worker positions within Public Services
- B. Compensation: Employees who shall be required to report to work at hours other than the normal Work Hours as provided in this policy, shall be compensated for a one hour minimum from the time they report to work. Any time incurred in excess of one hour shall be accounted for under normal procedures.

FIREFIGHTER RESPONSE

To minimize the loss of life and property for the City of Waconia, and areas serviced by the Waconia Fire Department from fires, natural disasters, and life-threatening situations, the City allows regular full-time and part-time employees who are members of the WFD to respond to emergency calls during normal working hours or scheduled shifts under certain circumstances to assist with maintaining a vital response force. However, the City of Waconia considers a regular employee's position at the City of Waconia to be their primary employment, and it should be treated as such, with their secondary role being with the Fire Department.

PROCEDURE

An employee must use proper judgment in determining if they are to respond to an emergency call or not. Responding to a call cannot disrupt the work of others or add costs to City budgets. Response to an emergency call during assigned working hours will depend upon the task or job they are performing. Employees are not to leave facilities in which they are the sole person on duty during open business hours. Employees who are paid on-call firefighters in another community may not respond to calls during the workday, unless approved by their supervisor to use PTO.

Employees must notify their supervisor before leaving work to respond to an emergency call. This should occur prior to the employee leaving the building or job site. Employees should make every effort to contact their supervisor directly, either via radio, cell phone, or office phone. Leaving a message on the supervisor's voicemail is an acceptable form of notification if they are unable to reach their supervisor directly.

CITY VEHICLES

Employees can report to the Fire Station in a City vehicle if they are working alone, or are the only one using said vehicle, and that taking the vehicle would not be disruptive to the City's operations. Employees must also not take a vehicle from a job site which leaves a co-worker stranded. The co-worker may transport the employee to the Fire Station so that they can respond to the call but must return immediately to the job site.

RETURNING TO WORK

Returning to Work: The employee is to return to work as soon as they are released from the call or if it is cancelled, permitted there is any time remaining in the regularly scheduled workday or shift. Employees must return immediately to work once all equipment and apparatus has been put back into service or are released by the Officer in Charge. Employees must notify their supervisor once they have returned to work.

TRAINING OR OTHER DEPARTMENT DUTIES

Employees may not attend fire department training during regular work hours or shifts, or while performing work in an on-call capacity. Employees who wish to attend training during regular work hours can request to use PTO, pending supervisor approval for time off. Employees may not perform duties other than responding to emergency calls during regular work hours, but can request to use PTO, pending supervisor approval. Employees may engage in or assist with fire safety education and awareness in the community without using PTO pending supervisor approval.

TIME SHEETS AND PAYROLL

Employees will receive their regular rate of pay for hours spent responding to an emergency call during their normal workday or shift. Employees may not claim fire pay when they are paid at their regular rate while responding to calls. If an employee responds to an emergency call while working in their primary position, they will not be paid overtime for hours worked in the secondary position during the normal workday. Overtime will be paid for hours worked in a secondary position only if the employee worked at least 40 hours between the primary and secondary position during the work week. Paid Holidays, Compensatory Time, and PTO does not count as time worked per City policy and any calls responded to while using PTO or during a paid holiday will be paid at the regular rate of the secondary position. The Fire Chief will submit bi-weekly reporting to Business Development & Finance on which employee's fire call response, date, and time, will be included. BDF staff will reconcile actual time worked between the primary and secondary positions and all earned pay will be paid on the regular bi-weekly pay schedule.

SECTION 4: LEAVES OF ABSENCE

REQUESTING A LEAVE

An employee requesting a leave of absence must first submit a request to their supervisor, who will then inform the City Administrator of the request for leave. Final approval will come from the City Administrator. Please note that some leaves outlined below do have a more detailed process for requesting leaves.

FAMILY MEDICAL LEAVE ACT (FMLA)

OVERVIEW

FMLA requires covered employers to provide up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job; or
- For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of contingency operations.

Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- If FMLA leave is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the employer’s approval.
- FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

ELIGIBILITY

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

BENEFITS AND PROTECTIONS

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

DEFINITION OF A SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
 - A health condition (including treatment therefore, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - treatment two or more times or under the supervision of a health care provider; or
 - one treatment by a health care provider with a continuing regimen of treatment; or

- o Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
- o A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider (at least twice a year), and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
- o A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
- o Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

NOTICE AND CERTIFICATION

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable—generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for an employer reasonably to determine whether the FMLA may apply to the leave request. Depending upon the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employers may also require employees to provide:

- medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;

- second or third medical opinions (at the employer's expense) and periodic recertification; and
- periodic reports during FMLA leave regarding the employee's status and intent to return to work.

When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the employer's operation.

CITY RESPONSIBILITIES

The City must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the City must provide a reason for the ineligibility.

The City must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City must notify the employee.

UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City. FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retire list.

SUBSTITUTION OF PAID LEAVE (COMPENSATORY, EXTENDED SICK, & PTO)

If an employee has paid leave accrued and unused, they will be required to use this leave in conjunction with their approved FMLA leave. If an employee is on a full 8 hour per day leave, they will be required to use 8 hours of any accrued but unused paid leave if available. If an employee is on a partial leave they will be required to use any accrued but unused paid leave for any time away from work granted as FMLA leave. Employees must comply with the normal practice of requesting such leave via Business Portal.

If an employee is proposing an intermittent schedule regarding use of leave time, they must submit a formal proposal to their supervisor and/or department head, who will review the request with the City Administrator.

OTHER PROVISIONS

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the “salary basis” requirements for FLSA’s exemption extends only to “eligible” employees’ use of leave required by FMLA.

The FMLA does not affect any other federal or state law which prohibits discrimination, nor supersede any state or local law which provides greater family or medical leave protection. Nor does it affect an employer’s obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan. The FMLA also encourages employers to provide more generous leave rights.

ADMINISTRATIVE LEAVE

Under special circumstances, an employee may be placed on administrative leave pending the outcome of an internal or external investigation or upon notice of separation from employment with the City. The leave will be paid, depending on the circumstances, as determined by the City Council.

REGULAR LEAVE WITHOUT PAY

The City Administrator may grant any regular full-time employee a leave of absence without pay for a period not exceeding 30 days. Personal leaves of absences may be extended by the City Administrator but cannot exceed 90 days. A request for a leave of absence without pay for any period shall be submitted in writing to the City Administrator for approval. A request for more than 90 days must be made through the City Council.

BENEFITS DURING REGULAR LEAVE WITHOUT PAY

No PTO benefits shall accrue during a regular leave of absence without pay. The City benefit contribution shall be continued during an approved leave of absence for up to 90 days. Employees on a leave without pay will be responsible for payment of any voluntary benefit premiums or deductions while on leave. Employees may use reduced hours of PTO (ex. 10-20 hours per week) in conjunction with an approved regular leave without pay to ensure that they receive earned pay or to make payments for voluntary benefit premiums or deductions.

If an employee is on a regular leave without pay and is not working any hours or using accrued PTO, the employee will not accrue (or be paid for) holidays or PTO. Employees who are working reduced hours or using reduced PTO while on this type of leave will receive holiday pay on a prorated basis and will accrue PTO based on actual hours worked.

Leave without pay hours will not count toward seniority and all accrued compensatory time must normally be used before an unpaid leave of absence will be approved.

Leave without pay for purposes other than medical leave or work-related injuries will be at the convenience of the City.

Employees returning from a leave without pay for a reason other than a qualified Parenting Leave will be guaranteed return to the original position only for absences of thirty (30) calendar days or less unless the City otherwise terminates the employee's position of employment during the leave of absence.

Employees receiving leave without pay in excess of thirty (30) calendar days for reasons other than provided for via state or federal law, are not guaranteed return to their original position. If their original position or a position of similar or less status is available, it may be offered at the discretion of the City Administrator, subject to approval of the City Council. The City reserves the right to lawfully terminate any positions of employment as all employees whether or not on a paid or unpaid leave of absence remain at-will employees.

OTHER TYPES OF LEAVE

MINNESOTA PREGNANCY AND PARENTAL LEAVE LAW

In accordance with MINN. STAT. § 181.941, employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence in conformance with this Section 10. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as biological or adoptive parents in conjunction with or after the birth or adoption of a child are eligible for up to 12 weeks of unpaid leave and must begin the leave within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employees should provide reasonable notice which is at least 10 business days. If the leave must be taken in less than 10 business days, the employee should give as much notice as possible. A request for leave for Parenting Leave shall be submitted in writing to the City Administrator for approval. Employees are not required to use PTO during Parenting Leave but may use PTO at their option for any period of this leave.

REASONABLE ACCOMODATIONS TO AN EMPLOYEE FOR HEALTH CONDITIONS RELATING TO PREGNANCY

The City will provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if the employee requests, with the advice of her licensed health care provider or certified doula, unless to do so would impose an undue hardship on the City. A pregnant employee may request the following accommodations without the advice of her licensed health care provider or doula:

- more frequent restroom, food, and water breaks
- seating
- limits on lifting over 20 pounds
- temporary transfer to a less strenuous or hazardous position, should one be available

The City and the employee shall engage in the interactive process with respect to an employee's request for reasonable accommodation.

REASONABLE UNPAID WORK TIME FOR NURSING MOTHERS

Nursing mothers will be provided reasonable unpaid break time for nursing mothers to express milk for nursing her child for one year after the child's birth. The city will provide a room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

MILITARY LEAVE

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training on active service not exceeding a total of 15 days in any calendar year.

The leave of absence is only in the event the employee returns to employment with the City as required upon being relieved from service or is prevented from returning by physical or mental disability of other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years.

Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence.

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals.

Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

Pursuant to Minnesota law, employees may attend the following kinds of events relating to the military service of the employee's spouse, parent, or child and to which the employee is invited or otherwise called upon to attend by proper military authorities:

- Departure or return ceremonies for deploying or returning military personnel or units;
- Family training or readiness events sponsored or conducted by the military; and
- Events held as part of official military reintegration programs.

The employee must provide reasonable notice to the City when requesting time off and the City will provide a reasonable amount of nonpaid time off for the employee, for the purposes enumerated in items (i) to (iii) above, not to exceed two consecutive days or six days in a calendar year. The City will not compel the employee to use accumulated but unused PTO for these events.

The City will grant up to ten working days of a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service pursuant to Minn. Stat. § 181.947.

The length of leave provided under this policy may be reduced by any period of paid leave provided by the City. Nothing in this section prevents an employer from providing leave benefits in addition to those provided in this section or otherwise affects an employee's rights with respect to other employment benefits.

The City provides military leaves of absence to employees who serve in the Uniform Services as required by the Uniform Services Employment and Re-Employment Rights Act of 1994 and applicable state laws. Leave is available for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, for examinations to determine fitness for any such duty, and for any other leave permitted by law. Total military leave time taken may not exceed five years during employment, except in certain specific circumstances or as otherwise provided by law.

Advance notice of leave is preferred in writing. Please inform the City Administrator of anticipated military leave time as far in advance as possible. Accrued PTO will be paid during military leave at your request and health plan coverage continuation can be arranged for up to 24 months during military leave if you pay the required premium payments. As with other leaves of absence, failure to return to work or to reapply within applicable time limits may result in loss of re-employment rights.

JURY DUTY

Regular full-time employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation they received for jury duty, minus mileage reimbursement, to the City in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime.

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued vacation or compensatory time to make up the difference.

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the Clerk of Court so the City will be able to determine the amount of compensation due for the period involved.

Part-time, temporary and seasonal employees are generally not eligible for compensation for absences due to jury duty, but can take a leave without pay subject to supervisor approval. However, if a part-time, temporary, or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

COURT APPEARANCES

Employees will be paid their regular wage to testify in court for City-related business. Any compensation received for court appearances arising out of or in connection with City employment, minus mileage reimbursement, must be turned over to the City.

VICTIM OR WITNESS LEAVE

Employees may take time off as reasonable to attend to criminal proceedings in connection with violent crimes of which they, their spouse or their next of kin are the victim.

An employee who is absent from the workplace shall give 48 hours' advance notice to the employer, unless impracticable or an emergency prevents the employee from doing so. Upon request of the employer, the employee shall provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave pursuant to this section shall be kept confidential by the City in accordance with the Minnesota Government Data Practices Act.

SCHOOL CONFERENCES AND ACTIVITY LEAVE

Employees who have worked at least twelve (12) consecutive months preceding the request and who averaged at least half-time status during that period may take up to 16 hours of unpaid leave during any twelve (12) month period to attend school conferences or classroom activities relating to the employee's child (under 18 or under 20 and still attending secondary school). Such conferences or classroom activities must be scheduled during non-work hours, however, if possible; and prior notice must be given if the need for the leave is foreseeable. An employee may substitute accrued PTO leave or accrued compensatory time off for the leave provided for in this section.

BONE MARROW/ORGAN DONATION LEAVE

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours unless agreed to by the City, to undergo medical procedures to donate bone marrow or an organ. The City may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ.

BEREAVEMENT/FUNERAL LEAVE

All full-time employees will be granted, if requested, up to three full days of paid funeral leave for the death in the employee's immediate family. All part-time regular employees will be granted the equivalent of three pro-rated days of paid funeral leave, if requested.

Immediate family is defined as: husband, wife, children, parents, grandparents, grandchildren, sisters, brothers, and the above listed relatives with the in-law or step relation.

For non-immediate related family members, full-time employees may request up to one day of funeral leave. Part-time employees may request up to one pro-rated day of funeral leave.

For non-related persons, or if additional time is requested, full-time and part-time regular employees may use accrued PTO.

Employees should inform their supervisor if they are using bereavement leave, who should in turn inform human resources and payroll.

SEPARATION FROM EMPLOYMENT

LAY-OFFS

Unless circumstances provide otherwise, after at least two weeks' notice to the employee, the Council may lay-off any employee whenever such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. No regular employee, or employee in the training period, shall be laid off while there is a temporary employee serving in the same class of position for which the regular or training employee is qualified, eligible, and available.

RESIGNATION

Employees wishing to leave municipal service in good standing shall file with his/her supervisor, at least 14 days before leaving, a written resignation stating the effective date of the resignation. Failure to comply with this procedure may be considered cause for denying the employee future employment by the City and denying terminal benefits upon termination of employment. Unauthorized absence from work for a period of three (3) scheduled working days may be considered by the City Administrator as a resignation considered not in good standing.

The employee of the City officially separates his/her employment on the last day of work. The employee's accrued leave benefits shall be calculated as of the last day of work and in accordance with the City paid leave policies. Prior to leaving the City, the employee should

verify with the City a correct address is on file. The City Administrator has the authority to grant paid administrative leave, where an employee's final day would be upon resignation notice.

All City property in the personal possession of the employee (i.e. keys, uniforms, cell phones, and original files, etc.) must be turned in to the employees' supervisor before receiving a final paycheck unless state law provides otherwise. All separating employees will be offered the opportunity of an exit interview.

EMPLOYEE REFERENCE CHECKS

The office of the City Administrator will respond to all written reference check inquiries on previous and current employees in accordance with the Minnesota Government Data Practices Act. Responses to such inquiries will confirm public data including dates of employment, wage rates, and position(s) held (if a previous employee).

The City's policy is not to furnish information concerning the employee's work performance, reason for leaving, or any other information regarding employment with the City of Waconia other than the information specified above unless an individual makes a Data Practices Act request in which case the City will provide a response in accordance with the Minnesota Government Data Practices Act, specifically Minn. Stat. § 13.43.

SECTION 5: COMPENSATION

PAY STEP PROGRAM

All City employees are compensated according to the Pay Step scale as determined by the City Council. All employees' class titles and comparable work points have been established by the City Council. Each employee class title has a minimum and maximum amount of compensation. The compensation of each class title is analyzed each year in a compensation study to ensure that employees are being paid at a comparable rate compared to similar cities.

An employee may reach the maximum class title pay level in seven (7) years upon successful review of employee performance and supervisor recommendation. Pay-Step increases are implemented at 2.5% increment levels, based on merit or performance as determined via the annual performance evaluation. These pay-step level increases take effect on January 1 of each year. Employees should be aware that the City Council reserves the right to freeze the advancement to the next pay step for all employees based on budgetary constraints.

EMPLOYEE PERFORMANCE EVALUATION

An objective performance evaluation system has been established by the City for the purpose of periodically evaluating the performance of City employees. The quality of the employee's

past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations, and where applicable, salary adjustments.

Performance evaluations will be discussed with the employee. Employees do not have the right to change or grieve their performance review, but may submit a written response which will be attached to their performance evaluation.

Performance evaluations are to be scheduled on a regular basis, prior to the employee's anniversary date of hire. The form, with all required signatures, will be retained as part of the employee's personnel file. Supervisors should conduct informal update sessions with employees at least quarterly to discuss progress and development goals established during the annual review.

During the introductory period, formal performance meetings should occur at 30, 90, and 180 days from the date of hire between the supervisor and employee. Upon the successful completion of the first six months of employment and performance review an employee's status will be changed to regular. The changing of the characterization of employment to "regular" status does not alter the at-will nature of the employment relationship. All employees at the time of hire after being declared a "regular" employee remain employed at-will meaning that either the City or the employee may terminate the employment relationship at any time, with or without advance notice.

Signing of the performance review document by the employee acknowledges that the review has been discussed with the supervisor and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

TIMECARD REPORTING

Full-time, non-exempt employees are expected to work 40 hours per workweek and will be paid according to the time reported on their time sheets. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a weekly basis electronically via Business Portal. Submission of time sheets are due on the Monday following the end of a pay period by 12 p.m. Time sheets that are submitted late more than once will be processed on the next payroll. On the first late submission employees will receive a notice of this policy and that any future late submissions will result in delayed processing of their pay. In the event an employee wishes to use paid leave time but does not have a sufficient balance, they will not be allowed to borrow against future accruals. Each time report form must include the electronic signature of the employee and immediate supervisor. Supervisors are also responsible for monitoring the proper usage and coding of leave time. Part time staff will

submit time recording to their supervisor via the appropriate means determined by their supervisor for entry into Business Portal. Intentionally reporting false information on a time sheet may be cause for immediate termination.

DIRECT DEPOSIT FOR PAYCHECKS

Paychecks are issued every two weeks. As provided in Minnesota law, all employees are required to participate in direct deposit for payroll and other reimbursements. Employees are responsible for notifying the Assistant City Administrator of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc. Bank accounts for direct deposit must be in the employee's name.

IMPROPER DEDUCTION AND OVERPAYMENT

If an employee believes that an improper deduction or overpayment, or another type of error, has been made, he/she should immediately contact his/her supervisor. If the City determines it has made an improper deduction from a paycheck, it will reimburse the employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future.

In cases of improper overpayments, employees are required to promptly repay the City in the amount of the overpayment. The City will typically issue a reduction in pay from the employee's check. The city will not reduce an employee's pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee's year to date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year.

In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork required. Any overpayments not repaid in full within the calendar year of the overpayment are considered "prior year overpayments" and the employee must repay not only for the net amount of the overpayment, but also the federal and state taxes the City has paid on their behalf. The city can recover the overpaid Social Security and Medicare taxes. Accordingly, the city will not require the employee to repay those taxes provided the employee provides a written statement that he/she will not request a refund of the taxes. The overpayment amount will remain taxable in the year of the overpayment since the employee had access to the funds. The employee is not entitled to file an amended tax return for the year but may be entitled to a deduction or credit with respect to the repayment

in the year of repayment. Employees should contact their tax advisors for additional information.

OVERTIME/COMPENSATORY TIME

The City of Waconia has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The office of the City Administrator will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime in accordance with the standards set forth by the Fair Labor Standards Act. In general, employees in executive, administrative, professional, computer, or outside sales job classes are exempt; all others are non-exempt.

NON-EXEMPT (OVERTIME-ELIGIBLE) EMPLOYEES

Non-exempt employees shall be compensated for overtime at 1-1/2 times the regular rate of pay for actual hours worked that exceed 40 during a given work week. Paid time off, compensatory time, and paid holidays do not count toward an employee’s actual hours worked total.

To the extent permitted by law, compensatory time off shall be accrued and/or taken as approved by the Department Head. Non-exempt employees who work more than 40 hours per week without prior supervisor approval may be subject to disciplinary action. Compensatory time will be accrued into an employee’s compensatory bank to a maximum amount of 80 hours. Compensatory time accrued over 80 hours will be subject to overtime pay until the compensatory time bank total falls below 80 hours.

Compensatory time will be accrued through the last day of pay period 25 of each year. Accrued, unused compensatory time will be paid out during the 26 pay period of each year. Hours worked over 40 during Pay Period 26 through the end of Pay Period 1 of each year will be paid as overtime; no compensatory time shall be earned during these pay periods. Compensatory time earned will start in Pay Period 2 of each year.

EXEMPT (NON-OVERTIME-ELIGIBLE) EMPLOYEES

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors. Generally, to meet these expectations, and for reasons of public accountability, an exempt employee will need to work 40 or more hours per week. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

Exempt employees are paid on a salary basis. This means that they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on

the quality or quantity of work performed and they receive their full bi-weekly salary for any pay period in which work is performed.

The City of Waconia will only make deductions from the bi-weekly salary of an exempt employee in the following situations:

- The employee is in a position that does not earn paid time off and is absent for a day or more for any reason that has been approved by their supervisor;
- The employee is in a position that earns paid time off, receives a short term disability benefit or workers' compensation wage loss benefits and is absent for a full day due to sickness or disability, but he/she is either not yet qualified to use the paid time off or he/she has exhausted all of his/her paid time off.
- The employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid time off (for example, a situation where the employee has exhausted all of his/her paid leave or a situation where the employee does not earn paid time off).
- The very first workweek or the very last workweek of employment with the City in which the employee does not work a full week. In this case, the City will prorate the employee's salary based on the time actually worked.
- The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness or injury, but:
 - Paid time off has not been requested or has been denied;
 - Paid time off is exhausted;
 - The employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The City of Waconia may, for budgetary reasons, implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee.

If the City inadvertently makes an improper deduction or deposit to the weekly salary of an exempt employee, the City will collect or reimburse the employee and make appropriate changes to comply in the future. The City will not make any employee deductions with violate federal or state law including, but not limited to Minn. Stat. § 181.79.

All employees, in all departments, are required to work overtime as requested by their supervisors as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

CALL BACK PAY

Regular, full-time, non-exempt employees called back to work following the completion of the regular working day or on a scheduled day-off will receive a minimum of 1 hour pay. Call backs must be approved by the employee's supervisor. Call back pay is intended to compensate employees for emergencies and unforeseen circumstances. Reporting early for a shift, shift extensions, or schedule changes do not qualify for call-back pay.

WORKERS' COMPENSATION

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of the injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment.

As soon as possible after a job-related illness or injury, a first report of injury report must be completed and filed with the City Administrators office, along with the Supervisor's Report.

Workers' Compensation Payments for all covered employees shall be remitted by the Workers' Compensation carrier directly to the City, on behalf of the employee, and disbursed to the employee by the Business Development and Finance Department. Any covered employee who has, at the time of a compensable injury, accumulated credits under a vacation, sick leave, or overtime plan maintained by the City shall be paid additional benefits, by the City, from his/her accumulated vacation, sick leave, or overtime credits equal to the difference between the total weekly Workers' Compensation Payments and the weekly wage of the employee. Such additional benefits paid by the City to any such employee shall be charged against the sick leave, vacation, and overtime credits accumulated by the employee and the total additional benefits paid shall not in any case exceed the total amount of such accumulated credits.

LIGHT DUTY/MODIFIED DUTY ASSIGNMENT

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are unable to perform their regular work duties. Light duty is evaluated by the

office of the City Administrator and the employee's supervisor on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the office of the City Administrator and employee's supervisor, and the City reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the supervisor in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the City's job description along with a written request for light duty. Upon receipt of the written request, the supervisor is to forward a copy of the report to the office of the City Administrator.

The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the City Administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis, light duty will not generally be approved beyond six (6) months.

If the City offers a light duty assignment to any employee who is out on workers' compensation leave, the employee may be subject to penalties if he/she refuses such work, unless the employee is otherwise protected by other state or federal law.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty/modified work assignment may be discontinued at any time.

The City, in administering this policy, will fully comply with the Minnesota Human Rights Act, the Americans with Disabilities Act, the Americans with Disabilities Amendments Act, and any other applicable state and federal law.

SECTION 6: EMPLOYEE BENEFITS

GENERAL INFORMATION

For detailed information about coverage and eligibility requirements, employees should refer to the summary plan description or contact the office of the City Administrator. Employees classified as working in a regular full-time position will be eligible to earn benefits unless

otherwise provided for by state or federal law. Each year, the City looks at the health insurance renewal and determines a dollar amount for health insurance City contributions.

ELIGIBILITY

Full time employees are eligible to participate in the City's benefits program on their date of hire, or following a change in status in accordance with federal and state law or the benefit plan document. The amount to be contributed and the type of coverage will be determined annually by the City Council.

CITY BENEFITS

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)

All regular employees and some part-time employees participate in a retirement plan offered through the Public Employees Retirement Association (PERA). This benefit is funded through a combination of City contributions and employee contributions deducted through payroll. PERA is a defined benefit plan. Upon retirement, benefits are paid as equal monthly payments for the employee's lifetime with annual adjustments. An employee's individual monthly benefit depends on age at retirement, average "high-five" salary, and years of credited service.

The City participates in two PERA plans, the Coordinated Plan and the Police and Fire Plan. Plan participation is determined by the position an employee holds within the City. The Coordinated Plan covers the majority of City employees. The Police and Fire Plan is only available to any full-time firefighters we have on staff.

An employee who ends his or her career in public service and remains out of public employment for more than 30-days can receive a refund of his or her contributions with interest.

HEALTH INSURANCE

Upon proper application, all regular full-time employees may elect to be covered by the City's medical insurance plan(s). Medical insurance will be offered for the employee and spouse or dependents. Any portion of the premium that is not covered by the City's monthly contribution will be taken from the employee on a pre-tax basis. In addition to medical insurance plan(s), the City offers a Health Savings Account. Both the City and employee can make deposits into the account on behalf of the employee on a pre-tax basis.

DENTAL INSURANCE

Upon proper application, all regular, full-time employees may elect to be covered by the City's dental insurance plan. Dental insurance will be offered for the employee, spouse, and any

dependents. Any portion of the premium that is not covered in the City's monthly contribution will be taken from the employee's pay on a pre-tax basis.

DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT

Full time employees may allocate funds to be used for reimbursement for costs associated with dependent care in order for the employee to work. The annual dependent care limit is set by the IRS each year.

If an employee allocates funds for dependent care costs, they must be uncured by December 31st of that year to be eligible for reimbursement. If funds the employee has established for the year are not used, any remaining amount in those allocations will be forfeited. Claims for costs incurred by December 31st may be submitted until May 31st of the following year. Forfeited funds will be allocated to the general fund and will be allocated toward the next year's City contribution amount for benefits.

LIFE INSURANCE OPTIONS

Upon proper application, all regular, full-time employees may elected to be covered by the City's life insurance plan(s). Any portion of the premium not covered by the City's contribution will be taken from the employee's pay on a pre-tax basis.

DEFERRED COMPENSATION

Employees may elect to voluntarily contribute to a deferred compensation 457 plan sponsored by the City. These contributions are made through payroll deduction and are made on a pre-tax basis.

SUPPLEMENTAL INSURANCE BENEFITS

Employees may elect to participate in supplemental benefits as provided by the designated provider sponsored by the City. These contributions are made through payroll deduction.

COMMUNITY CENTER MEMBERSHIP

All City employees and firefighters shall be eligible to receive an adult membership to Safari Island at no charge. Should these employees elect to purchase a family membership, the cost of the individual adult membership shall be deducted from the family membership fee.

CONTINUATION COVERAGE

The Consolidated Omnibus Budget Reconciliation Act (**COBRA**) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances Employees

must provide notification to the office of the City Administrator when a qualifying event occurs, other than termination of employment.

ADMINISTRATIVE FEES

Administrative fees allocable to the individual accounts of former employees, including retirees, shall be paid from individual accounts. Administrative fees shall be paid from individual accounts of all participants in the event any benefit plans are cancelled by the City.

BENEFITS UPON TERMINATION OF EMPLOYMENT

If an employee leaves employment after the first, but before the last day of the month, their benefits will be effective through the entire month.

PAID TIME OFF

All eligible employees will accrue Paid Time Off (PTO) based on years of service with the City of Waconia. The PTO benefit policy replaces previous city policies on vacation and sick leave. The PTO benefit combines these benefits into a single leave plan that allows more flexibility in how employees use their paid leave benefit.

AMOUNT

Every regular full-time employee shall earn PTO on a per-pay-period basis, as follows, unless otherwise negotiated at the time of hire. The scale for earning PTO is as follows:

For regular, full-time employees hired on or after June 1, 2016

<i>Years of Service</i>	Total Days	Annual Hours	Monthly Hours	Per Pay-Period
1-5 Years	18 days	144 hours	12 hours	5.54 hours
6-10 Years	22.5 days	180 hours	15 hours	6.93 hours
11-15 Years	25.63 days	205 hours	17.1 hours	7.89 hours
16-20 Years	28.75 days	230 hours	19.17 hours	8.85 hours
21+ years	32.5 days	260 hours	21.67 hours	10 hours

For regular, full-time employees hired prior to June 1, 2016

<i>Years of Service</i>	Total Days	Annual Hours	Monthly Hours	Per Pay-Period
1-5 Years	22.5 days	180 hours	15 hours	6.93 hours

6-15 Years	27 days	216 hours	18 hours	8.31 hours
16-20 Years	31.5 days	252 hours	21 hours	9.69 hours
21+ Years	37.5 days	300 hours	25 hours	11.54 hours

ACCRUAL

PTO hours will be accrued to the employees PTO bank on a per-pay-period basis. Hours worked in excess of 40 per week will not count in any accrual of PTO but will be subject to the City Compensatory Time/Overtime Policy for applicable employees. An employee may accrue up to 480 hours of PTO into their bank. Accrued but unused PTO beyond 480 hours will be lost. Banked PTO hours can be carried over year to year as long as the total banked hours do not exceed 480. Transition to the next step of accrual rate, based on years of service, will occur on the employee's anniversary date of hire.

ACCRUAL DURING LEAVE

For the purpose of accumulating PTO, an employee using banked PTO, Comp Time, or receiving Holiday pay is considered to be working. Accrual of PTO will not occur during unpaid leaves of absence of 40 hours or more

WHEN TAKEN

PTO may be used for any purpose as earned, and subject to approval by the employees' supervisor of the time at which it may be taken; and approval by the City Administrator if more than ten (10) consecutive working days are to be taken. PTO requests should be made at least 14 days prior to the desired leave date. Requests made with less than 14 days' notice will be granted on a first-come, first-serve basis at the discretion of the supervisor.

Emergency use of PTO (illness or injury) requires notification to the employee's supervisor a minimum of 30 minutes prior to the employee's scheduled workday. Excessive emergency use may require documentation of the emergency or medical condition such as a physician's note.

DONATION OF PTO OR EXTENDED SICK LEAVE HOURS TO EMPLOYEES WITH SERIOUS MEDICAL PROBLEMS

Employees may voluntarily donate PTO in hourly increments, which can be converted to use by employees facing serious medical problems or extended time off due to serious medical problems and who have no accumulated PTO or Extended Sick Leave available. The use of this donated PTO leave must be approved by the supervisor and the City Administrator and will be converted to the receiving employee's paid hourly rate. The donated PTO will not remain in the balance of the receiver and is to be approved and used on a per instance basis for the serious medical issue. This subdivision does not include temporary or seasonal positions.

PTO CASH OUT

Any employee who has used at least 80 hours of PTO in the previous year may request to have up to 40 hours of PTO converted into a cash payment minus the customary and appropriate withholdings once per calendar year provided they have a minimum of 120 hours of banked PTO hours available at the time of the request. This can be done once per year. Employees have two options for this:

PTO CASH OUT OPTION 1

In December of each year, employees who have met the above criteria, are able to make an irrevocable request for a PTO payout for hours not-yet-accrued in the following year. For most employees, this will mean a payout cannot happen until at least March of the following year, as the hours they are requesting payout for must be accrued in the New Year before they can be paid out. Employees will fill out the PTO Cash Out Request Form and submit it to Finance, specifying the number of hours they would like paid out and the specific check in which they would like it paid out. *Please note, employees are still eligible to take already accrued PTO hours during the time between their cash out request and the cash out.*

PTO CASH OUT OPTION 2

Employees who do not wish to go with Option 1 and who meet the above criteria, are eligible at any time to request a PTO Cash Out of up to 40-hours into their Deferred Compensation Account through Nationwide. Employees who want this request will need to fill out a form identifying the number of hours they would like cashed out, and the date they would like it cashed out into their account. This option can be done at any time during the year, as long as the employee meets the established criteria.

PTO CASH OUT UPON TERMINATION

Any employee voluntarily leaving municipal service with the City after having given at least 14 days' notice of such termination of employment shall be compensated at their current regular rate of pay for paid time off that is banked to the date of separation. Any employee who is laid off from employment with the City under good standing shall also be compensated for such banked paid time off. PTO in the month of separation will be pro-rated based on the date of employment separation from the 1st of the month, if applicable.

APPLICABILITY TO LEAVE BENEFITS

An employee may use up to 40 hours of accrued PTO leave during the first six (6) months of employment

PAY-OUT OF PTO TO BENEFICIARY

In the event of death of an employee, accrued paid time off benefits shall be paid to the beneficiary on file. Absent a beneficiary form, benefits shall be paid according to PERA beneficiary; if none, to next of kin.

EXTENDED SICK LEAVE BANK

Eligible City employees, who as of December 20, 2009 have accrued and unused Sick Leave in excess of 400 hours will be allowed to deposit these hours into an Extended Sick Leave bank. Hours deposited to this bank may be used in the event of a serious health condition of their own, or the serious health condition of an individual with whom the employee has a significant personal relationship. An employee may use accrued hours from the Extended Sick Leave Bank after they have used any available accrued PTO, up to 40 consecutive hours, until the bank is exhausted. Accrual to the Extended Sick Leave Bank or transfers of accrued but unused PTO is not permitted.

Upon termination of employment, hours remaining in the Extended Sick Leave Bank will be paid only to qualified employees. For purposes of this policy, qualified employees are full-time employees with at least five full years of continuous service with the City who are considered to be in good standing and give proper notice of separation in the case of resignation or retirement. Qualified employees shall receive 35% of their hours remaining in their Extended Sick Leave Bank, up to 336 hours, as part of their benefits upon termination of employment.

HOLIDAYS

The following calendar days and such other days as the Council may fix are paid holidays: Those holidays designated as legal holidays in the State of Minnesota as set forth in Minn. Stat. § 645.44, Subd. 5. All employees in regular full-time positions are entitled to time off with full pay on holidays. Those holidays, which may be changed by amendment to said state law, are currently designated as being:

New Year's Day	Memorial Day	Veteran's Day	Christmas Eve
Martin Luther King's Birthday	Independence Day	Thanksgiving	Christmas Day
Presidents' Day	Labor Day	Friday After Thanksgiving	New Year's Eve (half day)

The City offices shall be closed for business on each such holiday, but employees may be required to work on paid holidays when the nature of duties or other conditions require. A regular non-exempt employee required to work on a holiday shall be compensated at the rate

of 1-1/2 times the regular rate of pay, consistent with the Overtime/Compensatory Time policy as outline in this Reference manual, in addition to the holiday pay received.

Full-time employees will receive pay for official holidays as their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Any employee on a leave of absence without pay from the City is not eligible for holiday pay.

When an official holiday falls on a Saturday, the previous day shall be the “observed” holiday. When an official holiday falls on a Sunday, the following day shall be the “observed” holiday. Each holiday commences at the beginning of the first shift on the day on which the holiday occurs and continues for 24 hours thereafter. A part-time employee is not entitled to paid holidays. Firefighters will be paid their regular rate of pay if called out to respond to an emergency on a City scheduled official holiday.

Employees wanting to observe holidays other than those officially observed by the City may request either compensatory time or PTO.

EMPLOYEE RECOGNITION PROGRAM

The importance of employee recognition cannot be underestimated. Recognizing employees’ length of service acknowledges their commitment and dedication to the City. It effectively communicates to them that their loyalty to the City is valued. The goal of the City’s employee recognition program is to increase awareness of employee longevity and to improve satisfaction and productivity of employees.

Each year, the City will host a recognition breakfast honoring our City Employees and the contributions they make to the community. During this breakfast, the City will recognize employees for their continuous years of service, beginning at the employee’s five year anniversary and in five-year increments thereafter. For the purpose of this policy all approved leaves of absence will count toward continuous years of service. The recognition awards will be presented in the following manner:

<i>Years of Service</i>	<i>Award</i>
5 years	Certificate
10 years	Framed Certificate and \$20 Waconia Bucks
15 years	Framed Certificate and Recognition at Council Meeting; \$25 Waconia Bucks or Donation to Charity of Employee’s Choice

20 years	Framed Certificate and Recognition at Council Meeting; \$50 Waconia Bucks or Donation to Charity of Employee's choice
25 years	Plaque and Proclamation Recognition at Council Meeting; \$75 Waconia Bucks or Donation to Charity of Employee's Choice
30 years	Plaque and Proclamation Recognition at Council Meeting; \$100 Waconia Bucks or Donation to Charity of Employee's Choice
35 years	Plaque and Proclamation Recognition at Council Meeting; \$125 Waconia Bucks or Donation to Charity of Employee's Choice
40 years	Plaque and Proclamation Recognition at Council Meeting; \$150 Waconia Bucks or Donation to Charity of Employee's Choice

EMPLOYEE RETIREMENTS/RESIGNATIONS

Waconia employees are recognized for significant years of service at the time of their retirements/resignation at the following levels:

<i>Years of Service</i>	<i>Award</i>
10 – 19 years	Framed Proclamation from the City Council
20 years and above	Plaque from the City Council and a Community Reception

SECTION 7: EMPLOYEE BEHAVIOR & DISCIPLINE

EMPLOYEE CONDUCT

EXPECTATIONS

In accepting City employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of the City of Waconia. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a City employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors.

The following are job expectations for every position at the City of Waconia. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.

- Render prompt and courteous service to the public at all times.
- Read, understand and comply with the rules and regulations as set forth in this reference manual, City policies, State and Federal laws, and those of their departments.
- Conduct themselves with decorum toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor or City Safety Coordinator.
- Maintain good attendance.

RESPECTFUL WORKPLACE

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace and other City-sponsored events.

The City acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior by the very nature of their jobs. The City expects that all employees conduct themselves with the utmost level of professionalism during the workday and in their interactions with co-workers and the public at large.

APPLICABILITY

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, firefighters, appointed officials, task force members, and City Council members. For the purposes of the Respectful Workplace Policy, “employees” are meant to reference all classes of City personnel listed here.

ABUSIVE CUSTOMER BEHAVIOR

While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact.

If there is a concern of the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless the safety of co-workers or the public require them to remain. Employees must notify their supervisor about the incident as soon as possible.

TYPES OF DISRESPECTFUL BEHAVIOR

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

Discriminatory Behavior

Discriminatory behavior includes inappropriate remarks or conduct based upon a person's race, color, creed, political affiliation, religion, national origin, genetic medical information, disability, sex, pregnancy, gender-biased statements, such as stereotypes about women or men, marital status, age, sexual orientation, gender identity, or gender expression, marital/familial status, age, sexual orientation, or status with regard to public assistance.

Offensive Behavior

Offensive behavior may include such actions such as: rudeness, angry outburst, inappropriate humor, vulgar obscenities, name calling, disrespectful language, rumor mongering and gossip, or any other behavior regarded as offensive to a reasonable person. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

Although the standard for how employees treat each other and the general public will be the same throughout the City, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the City Administrator.

Sexual Harassment

Sexual harassment can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, the following:

- **Unwelcome or unwanted sexual advances:** this means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- **Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual:** this includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- **Requests or demands for sexual favors:** this includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

Violent Behavior

Violent behavior includes the use of physical force, harassment, bullying, or intimidation.

EMPLOYEE RESPONSE TO DISRESPECTFUL WORKPLACE BEHAVIOR

All employees should feel comfortable calling their supervisor or another manager to request assistance should they not feel comfortable with a situation. If situations involve violent behavior, call the police or ask the individual to leave the area.

If employees see or overhear a violation of this policy, employees should promptly advise their supervisor or the City Administrator.

Employees who believe that disrespectful behavior is occurring or persistent, are encouraged to deal with the situation in one of the ways listed below. However, if allegations involve violent behavior, sexual harassment, or discriminatory behavior based on a protected class, then the employee is responsible for taking one of the actions below.

Step 1(a)

Professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

Step 1(b)

If you fear adverse consequences could result from engaging the offender, or if the matter is not resolved by direct contact, go to your supervisor, department head, or City Administrator. The person to whom you speak is responsible for documenting the

issues and for giving you a status report on the matter no later than ten (10) business days after your report.

In some situations with an offender from the public, it is preferable to avoid one on one interactions. Talk to your supervisor about available options to ensure there are others available to help with transactions with the offender.

Step 1(c)

In the case of violent behavior, sexual harassment, or discriminatory behavior based on a protected class, all employees are required to report the incident immediately to their supervisor or the City Administrator. Any employee who observes sexual harassment, violent or discriminatory behavior, or receives any reliable information about such conduct, must report it immediately to a supervisor or the City Administrator.

Step 2

If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Administrator or a member of the Personnel Committee.

SUPERVISOR'S RESPONSE TO ALLEGATIONS OF DISRESPECTFUL WORKPLACE BEHAVIOR

Employees who have a complaint of disrespectful workplace behavior will be taken seriously.

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations immediately to the City Administrator, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

Step 1(a)

If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring the conduct not to recur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

Step 1(b)

Supervisors, when talking with the reporting employee will be encouraged to ask him or her what he or she wants to see happen next. When an employee comes forward with a

disrespectful workplace complaint, it is important to note the city cannot promise complete confidentiality, due to the need to investigate the issue properly. However, any investigation process will be handled as confidentially as practical and related information will only be shared on a need to know basis and in accordance with the Minnesota Data Practices Act.

Step 2

If a formal investigation is warranted, the supervisor is to immediately inform the office of the City Administrator, who will then be responsible for conducting an investigation. The individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations.

The investigator will obtain the following description of the incident, including date, time, and place.

- Corroborating evidence.
- A list of witnesses.
- Identification of the offender.

The person conducting the investigation must document or summarize the statements using the Disrespectful Workplace Behavior Report Form.

Step 3

As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

Step 4

After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

Step 5

The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable.

SPECIAL REPORTING REQUIREMENTS

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the office of the City Administrator who will assume responsibility for investigation and discipline.

If the City Administrator is perceived to be the cause of a disrespectful workplace behavior

incident, a report will be made to the City Attorney who will confer with the Personnel Committee of the City Council regarding appropriate investigation and action.

If a Council Member or appointed city official (e.g. commission member) is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator and referred to the City Attorney who will undertake the necessary investigation. The City Attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City will take appropriate action to protect the alleged victim, other employees, or citizens.

If an elected or appointed city official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

CONFIDENTIALITY

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become part of the employee(s) personnel file(s) or may become public as permitted by the Minnesota Government Data Practices Act.

RETALITATION

Consistent with the terms of applicable statutes and City personnel policies, the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

DISCIPLINARY GUIDELINES

Supervisors are responsible for maintaining compliance with City standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Waconia. City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable City policies.

It is the policy of the City to administer disciplinary penalties without discrimination. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the City's personnel policies. The supervisor, department head, and/or City Administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline. No language in this policy is intended to nor does it alter the at-will nature of employee's employment relationship. The City may terminate the employment relationship at any time with or without cause or advance notice.

PROCESS

Although employment with the City of Waconia is based upon mutual consent, and both the employee and the City have the right to terminate employment at-will, with or without cause or advance notice, the City may use progressive discipline at its discretion. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these policies implies that any City employee has a property right to the job he/she performs.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

DISCIPLINARY ACTION STEPS FOR ALL EMPLOYEES

The following disciplinary action may be imposed at any time, in any order, and without expiration at the sole discretion of the City:

Oral Reprimand

This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action required with a summary being placed in the employee's personnel file.

Written Reprimand

A written reprimand is more serious and may follow an oral reprimand when the problem is not

corrected or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the oral or written reprimand, or both.

Written reprimands are issued by the supervisor or department heads. The written reprimand shall state the employee is being warned for misconduct; describe the misconduct; describe past actions taken by the supervisor to correct the problem; urge prompt correction or improvement by the employee; include timetables and goals for improvement when appropriate; and outline future penalties should the problem continue.

The employee shall be given a copy of the reprimand and sign the original acknowledging that he/she has received the reprimand. The signature of the employee does not mean that he/she agrees with the reprimand. Written reprimands shall be placed in the employee's personnel file.

Suspension with or without Pay

The City Administrator may suspend an employee with pay for disciplinary reasons in accordance with the Administrative Leave provisions until a Special Meeting of the City Council can be held. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will be suspended with pay in conjunction with the Veteran's Preference Act.

Prior to the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. A copy of the letter of suspension will be placed in the employee's personnel file. An employee may be suspended pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on a number of factors, including the nature of the allegations. If the suspension is for investigation and the allegation proves false, the relevant written documents will be removed from the employee's personnel file and the employee shall receive any compensation and benefits to which he/she would have been entitled had the suspension not taken place.

Involuntary Demotion

An employee may be demoted if attempts at resolving an issue have failed, and the Personnel Committee of the City Council determines a demotion to be the best solution subject to the approval of the City Council. The employee must be qualified for the position to which they are being demoted. This step shall be taken only if the employee does not have the ability to function at the higher level.

Forced Transfer to a Comparable Position under a Different Supervisor

An employee may be transferred to a vacant position if the Personnel Committee of the City Council determines a transfer to be the best solution subject to the approval of the City Council. The employee must be qualified for the position to which they are being transferred. This step

may be taken only if the problem is due to personal incompatibility between the supervisor and employee.

Withholding a Salary Increase or Decreasing Employee's Salary

An employee's salary increase may be withheld or the salary may be decreased due to performance deficiencies if the Personnel Committee of the City Council determines withholding a salary increase to be the best solution subject to the approval of the City Council. The employee shall be notified in writing of the action and the reasons therefore. A copy of the notice shall be placed in the employee's file. In no case shall an employee's salary be decreased below the minimum of the salary range of the class.

Dismissal

The City Council may dismiss any employee at any time for any reason with or without cause or advance notice. If the disciplinary action involves the dismissal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

Hearing

In any case of suspension, dismissal or demotion, all employees shall be granted a hearing before the Council if the employee submits a written request for such hearing within five working days of notification of the action taken. The hearing shall be held within ten working days from the date the request is filed unless the City and the employee agree on an earlier or later date. If the disciplinary action involves the removal of a qualified veteran, the hearing shall be held in accordance with Minnesota law.

GRIEVANCE

GREIVANCE PROCEDURE

Any dispute between an employee and the City relative to the application, meaning or interpretation of any and all City policies will be settled in the following manner:

Step 1

The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of City policy allegedly violated and the remedy requested to the proper supervisor within twenty-one (21) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven (7) calendar days.

Step 2

If the grievance has not been settled in accordance with Step 1, it must be presented in

writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of City policy allegedly violated, and the remedy requested, by the employee to the City Administrator within seven (7) days after the supervisor's response is due. The City Administrator or his/her designee will respond to the employee in writing within seven (7) calendar days.

Step 3

If the grievance has not been settled in accordance with Step 1 or 2, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of City policy allegedly violated and the remedy requested by the employee to the Personnel Committee of the City Council within seven (7) days after the City Administrator response is due. The Personnel Committee will issue a final decision or make a recommendation to the City Council for action.

WAIVER

If a grievance is not presented within the time limits set forth above, it will be considered "waived". If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the City's last answer. If the City does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the City and the employee without prejudice to either party.

The following actions are not grievable:

- Performance evaluations;
- Pay increases or lack thereof; and
- Merit pay awards.

The above list is not meant to be all inclusive or exhaustive.

SEXUAL HARASSMENT PREVENTION

The City of Waconia is committed to creating and maintaining a public service workplace free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, and other related employment laws.

In keeping with this commitment, the city maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment.

This policy statement is intended to make all employees, volunteers, members of boards and commissions, and elected officials sensitive to the matter of sexual harassment, to express the city's strong disapproval of unlawful sexual harassment, to advise employees against this behavior and to inform them of their rights and obligations. The most effective way to address any sexual harassment issue is to bring it to the attention of management.

APPLICABILITY

Maintaining a work environment free from harassment is a shared responsibility. This policy is applicable to all city employees, volunteers, firefighters, members of boards and commissions, and City Council members, both in the workplace and other city-sponsored social events.

DEFINITIONS

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minn. Stat. § 363.01, subdivision 41, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of inappropriate behaviors that are unacceptable and therefore prohibited, even if not unlawful in and of themselves include: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior. In summary, sexual harassment is the unwanted, unwelcome or repeated action of an individual against another individual, using sexual overtones.

EXPECTATIONS

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minn. Stat. § 363.01, subdivision 41, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

The City of Waconia recognizes the need to educate its employees, volunteers, members of boards and commissions, and elected officials on the subject of sexual harassment and stands committed to providing information and training. All employees are expected to treat each other and the general public with respect, and assist in fostering an environment free from offensive behavior or harassment. Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

Employees who feel that they have been victims of sexual harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

- A supervisor;
- City administrator;
- Mayor or city councilmember.

In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also encouraged to take the following steps, if the person feels safe and comfortable doing so. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a supervisor.

1. If you feel comfortable doing so, professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.
2. In some situations such as with an offender from the public, it is preferable to avoid one on one interactions. Talk to your supervisor about available options to ensure there are others available to help with transactions with an offender.
3. To reiterate, it's important you notify a supervisor, the city administrator, the mayor or councilmember of your concerns. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the city administrator, the mayor or the city attorney.

The city urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. Management takes these complaints seriously, and has the obligation to provide an environment free of sexual harassment. The city is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

In the case of a sexual harassment complaint, a supervisor must report the allegations promptly to the city administrator. If the city administrator is the subject of the complaint, then the supervisor is to report the complaint to the City Attorney. A supervisor must act upon such a report even if requested otherwise by the victim. The city will take action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.¹

SPECIAL REPORTING REQUIREMENTS

When the supervisor is the alleged harasser, a report will be made to the city administrator who will assume the responsibility for investigation and discipline.

If the city administrator is the alleged harasser, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a councilmember is the alleged harasser, the report will be made to the city administrator and referred to the City Attorney who will undertake the necessary investigation. The City Attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the city administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

If an elected or appointed city official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

RETALIATION

The City of Waconia will not tolerate retaliation or intimidation directed towards anyone who makes a complaint of employment discrimination, who serves as a witness or participates in an investigation, or who is exercising his/her rights, including when requesting religious or

¹ The City is not voluntarily engaging in a dispute resolution process within the meaning of Minn. Stat. § 363A.28, subd. 3(b) by adopting and enforcing this workplace policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights.

disability accommodation. Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal, or harassment. While each situation is very fact dependent, retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

If you feel retaliation is occurring within the workplace, please report your concern immediately to any of the following:

1. Immediate supervisor
2. City Administrator
3. Mayor or Member of the Personnel Committee
4. In the event an employee feels retaliation has occurred by the city administrator or the City Council, then reporting may be made to the City Attorney.

Supervisors who have been approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the city administrator, or if the complaint is against the city administrator to the City Attorney, who will decide how to proceed in addressing the complaint.

All visitors should enter the main entrance and proceed to the reception area and sign in with the receptionist. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on the City's premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the reception area.

SECTION 8: SAFETY

The safety and health of each employee of the City of Waconia and the prevention of occupational injuries and illnesses are of primary importance to the City. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the

responsibility of each employee. Overall administration of this policy is the responsibility of each supervisor. The City's Safety Manual can be found on the Waconia Team Website and is linked [here](#).

REPORTING ACCIDENTS AND ILLNESSES

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

SAFETY EQUIPMENT AND GEAR

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee.

UNSAFE BEHAVIOR

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the city's personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

SECTION 9: MISCELLANEOUS POLICIES

ACCEPTANCE OF GIFTS AND GRATUITIES

In accordance with Minn. Stat. § 471.895 all City employees, elected officials, and commission members may not receive a gift from any person or representative of a person or association who has direct financial interest in a decision that a local official or City employee is authorized to make. Employees are also prohibited from giving or accepting gifts from subordinates.

In general, the City will not make donations except where authorized by law, a contribution to a memorial, or purchase flowers for employees, elected officials, or commission members who are ill or who have lost a family member with City funds. Employees are not prohibited from making a contribution, donation, or purchase flowers as long as it is not done as a representative of the City.

ACCESS TO AND USE OF CITY PROPERTY

All Waconia City property is, by definition, publicly owned property. To serve the best the interests of the public, and to avoid the appearance of favored treatment, personal use of City property (by City employees) is prohibited.

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other City-owned equipment must register his/her name and the serial number (if applicable) or identifying information about the equipment with his/her supervisor. All such equipment must be turned in and accounted for by any employee leaving employment with the City in order to resign in good standing.

Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the City is prohibited unless authorized by the City Administrator. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

CONTACT WITH MEDIA

ROUTINE INQUIRIES

On occasion, the City employees may receive routine inquiries from members of the media. These routine inquiries may be handled by employees. Employees are expected to report the conversation to their Department Head and City Administrator. Routine inquiries include requests for information that is available to the public on a day to day basis, information meeting dates/time, questions about a report that the employee may have produced for a Council or Commission Meeting, etc.

FORMAL NEWS RELEASES

All formal news releases concerning city business are the responsibility of the City Administrator. All media interviews must be approved by the City Administrator before the interview. All contacts with the media should be reported to the City Administrator as soon as practicable.

No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or his/her designee

EMERGENCY SITUATIONS

In emergency situations, a Department Head or On-Scene Incident Commander may respond to media inquiries regarding the situation. The Department Head or On-Scene Incident Commander must report to the City Administrator as soon as practicable the content of the media inquiry and communication. All formal news releases will remain the responsibility of the City Administrator, as specified above.

CONFIDENTIALITY

In the performance of City business, an employee may have access to information or records that are confidential. Disclosure of confidential information can be made only in accordance with established City policies and procedures as well as state and federal law. Employees unsure about the release of confidential information should consult their supervisors prior to releasing any information.

CONFLICT OF INTEREST

City employees are required to remove themselves from situations in which they would have to take action or make a decision where that action or decision could be perceived or is an actual conflict of interest. If an employee has any question about whether such a conflict exists, he/she should consult with the City Administrator. The following are some examples of situations where conflicts of interests might occur:

- If an employee's official capacity with the City or with an outside organization may enable him or her to influence the placing of City business, which allows him or her to directly or indirectly gain something of value.
- If an employee accepts a paid or unpaid position elsewhere and performs an activity that interferes with the employee's duties or job performance at the City.
- If an employee uses information not generally available to the public in the employee's private affairs, which allows him or her to directly or indirectly gain something of value.
- If an employee's personal relationships may have inappropriate influence on business decisions.
- Comply with the Minnesota Human Rights Act and/or any other applicable law.

CONSENSUAL RELATIONSHIPS

The City strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to influence others.

During working time and in working areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained. During non-working time, such as lunches, breaks and before and after work

periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on City premises, whether during working hours or not.

Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the City discipline policy. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.

Supervisors, managers, department heads or anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor or the City Administrator. This disclosure will enable the City to determine whether any conflict of interest exists because of the relative positions of the individuals involved. Where problems or potential risks are identified, the City will work with the parties involved to consider options for resolving the conflict. The initial solution will be to make sure that the parties involved no longer work together on matters where one is able to influence the other, or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.

In some cases, more extreme measures may be necessary, such as transfer to other positions or departments. The individual with the more senior position will be considered for transfer first to avoid any perception of retaliation against the less senior person. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation. Continued failure to work with the City to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for immediate termination. The City's disciplinary policy will be consulted to ensure consistency, however, before any such extreme measures are undertaken. The provisions of this policy apply regardless of the sexual orientations of the parties involved.

No language in this policy is intended to discriminate against individuals on the basis of marital status or sexual orientation under any federal or state law including, but not limited to, the Minnesota Human Rights Act. The City, in administering this policy, will take all steps necessary to fully comply with the Minnesota Human Rights Act and/or any other applicable law.

FALSIFICATION OF RECORDS

Any employee who makes false statements or commits, or attempts to commit, fraud in an effort to prevent the impartial application of these policies will be subject to immediate disciplinary action, up to and including involuntary termination of employment.

WHISTLEBLOWER PROTECTIONS

An employee of the City who, in good faith, reports an activity that he/she considers to be illegal or dishonest to one or more of the parties may have whistleblower protections. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate city management officials are charged with these responsibilities.

Examples of illegal or dishonest activities include violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or Human Resources. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to discipline up to and including termination.

It is the city's legal responsibility to protect employees who make a complaint of employment discrimination, who serve as a witness or participate in an investigation, or who are exercising their rights when requesting religious or disability accommodation from retaliation.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation; insofar as consistent with Minnesota Data Practices, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

DRESS AND APPEARANCE

PURPOSE

Maintaining a professional, business-like appearance reflects a positive, competent and capable workforce and demonstrates courtesy to co-workers and projects the reputation of the

organization. As such, employees are expected to dress neatly and to exercise good judgment in selecting clothing and footwear appropriate for a business environment.

POLICY

The City of Waconia has implemented a “Dress for Your Day” policy which empowers employees to use good judgement when they are selecting their attire for the day, within guidelines. Employees should monitor what meetings and appointments they have each day and for days requiring meetings, should include more business-oriented attire. For days where there are not meetings with the public, employees are expected to dress in a business casual way, however, dark denim is appropriate. Please see the City’s full “Dress for your Day” policy for more details and guidance.

VIOLATIONS

We expect all employees to dress professionally and to positively represent the City of Waconia through their daily interactions with residents, consultants, businesses and the general public. Much like our current dress code policy, we expect managers to address an employee if there is an issue. Violations of the dress guidelines can range from inappropriate clothing items to offensive perfumes and body odor. If an employee comes to work in inappropriate attire, they may be asked to go home, change into appropriate clothing or properly groom, and return to work. In this circumstance, employees will be required to use accrued but unused vacation time.

Uniform Personnel and Allowance

Uniforms, which are provided to some City Employees, are expected to be neat, fresh, and clean when reporting for duty. Each Department Head is responsible for seeing that employees follow regulations regarding uniforms, related accessories, and equipment. Uniforms bearing City identification should not be worn during off-duty hours. Uniforms should be worn at work unless an exception is made by the supervisor.

If a uniformed employee desires to wear a cap, it must bear the City logo.

When the City provides rental uniforms and laundering service for rental uniforms, employees who are negligent in the care of the rental uniform shall be responsible for reimbursement or restoration of the rental agreement.

Full-time maintenance personnel are required to wear steel toed, oil resistant, non-slip boots as part of their uniform. To help offset the cost of this item, employees will be allowed to claim a reimbursement, up to \$150 annually. The employee may also use this allowance for the purchase of other safety items not generally provided for by the City, such as reflective vests, high visibility

shirts, inclement weather clothing, safety glasses, gloves, etc., as long as they meet uniform requirements and bear the City logo.

DRIVING AND PARKING

DRIVING RECORDS

This policy applies to all employees who drive a vehicle on city business at least once per month, whether driving a city-owned vehicle or their own personal vehicle. It also applies to employees who drive less frequently but whose ability to drive is essential to their job due to the emergency nature of the job. The City expects all employees who are required to drive as part of their job to drive safely and legally while on City business and to maintain a good driving record and proper levels of insurance.

The City may examine driving records, with inspections to be conducted by the office of the City Administrator, once per year for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first work day after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter.

The City will determine appropriate action on a case-by-case basis.

EMPLOYEE PARKING

City Hall employee vehicles must be parked in the Fountain Park parking lot located across Vine Street. This will allow for the public to have access to the prime parking spots available for City business and tenant customers.

There are two exceptions. When the parking lots are full, the overflow parking should use the row of parking adjacent to the municipal parking lot. Employees at City Hall for a brief visit or parking for fewer than 90 minutes may park closer to the building. Employees are expected to use their best judgment in these situations to preserve the prime spots for the public.

Employees working at other City facilities, where possible, must be parked in areas away from the main entrances to allow the public to have access to the prime parking spots.

DRUGS, ALCOHOL, AND TOBACCO

The following policy language is an abridged version of the entire City of Waconia policy as it relates to being under the influence of, use, possession, or any other acts associated with drugs and alcohol while performing work duties as an employee of the City of Waconia and the City's

responsibility and employee rights as it relates to drug and alcohol testing. The entire version of this policy is attached as **Appendix A**.

For the purposes of this policy, alcohol and drugs are defined as any mood-altering drugs, and/or controlled substances including, but not limited to, all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana or the use of prescriptions drugs as to induce mental, emotional or physical impairment, behavior or appearance which adversely affects work performance. Violations of this policy will result in disciplinary action, up to and including termination, and in some cases may result in legal consequences.

In accordance with federal and state law, the City of Waconia has adopted the following policy on drugs in the workplace:

- A. Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the City's intent and obligation to provide a drug-free, safe and secure work environment.
- B. No employee shall report to work under the influence of alcohol, controlled substances, or other drugs that affect their alertness, coordination, reaction, response, judgment, decision making, or safety.
- C. The unlawful manufacture distribution, possession, or use of a controlled substance on City property or while conducting City business is absolutely prohibited.
- D. No employee shall use, sell, possess, or transfer alcoholic beverages while on City premises.
- E. The City recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans or Employee Assistance Plan (EAP), as appropriate.
- F. Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting City business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

DRUG AND ALCOHOL TESTING

The purpose of this Policy is to set forth procedures for drug and alcohol testing of employees and job applicants as required by Minn. Stat. § 181.951 - 181.957.

Except as set forth herein, this policy is applicable to all present employees and all job applicants provided that a job offer has been made to the applicant. This testing policy does not apply to those job applicants or employees to whom the provisions of the DOT drug and alcohol testing statutes apply. In the instance where federal law supersedes or is more restrictive than state law or City policy, federal law will control.

Drug testing may be requested and required for all job applicants who have been offered a job. Current employees may be requested and required to undergo drug and alcohol testing, randomly and without prior notice if the City has a reasonable suspicion that the employee is under the influence of drugs or alcohol, the employee has violated City's drug and alcohol in the workplace policy, has been involved in or caused another person to sustain personal injury, or has caused a work related accident or was operating, or helping to operate machinery involved in an accident, an employee who has been referred to a chemical dependency evaluation or treatment program by the City, or an employee who is participating in a program under an employee benefit plan.

REFUSAL TO SUBMIT TO TESTING

An employee or job applicant has the right to refuse to undergo drug and alcohol testing. However, if an employee refuses to submit to drug and alcohol testing carried out in conjunction with this policy, the employee may be subject to the City's discipline policy. If a job applicant refuses to submit to drug and alcohol testing, the job applicant may not be hired.

FAILURE OF TEST AND TAMPERING

Upon the first failure of a drug or alcohol confirmatory test, an employee will be given an opportunity to participate in a chemical dependency counseling or rehabilitation program. If the employee refuses or has failed to successfully complete the program within a reasonable amount of time, the employee will be subject to the City's discipline policy.

An employee or job applicant may request, in writing, a retest at the employee's expense within five days after notice of a positive confirmatory test. If a retest is not requested, the employee will be subject to the City's disciplinary policy. A job applicant who receives a positive test, fails or refuses to request a confirmatory test may be refused employment and will be notified of such reasons for the rescission. An employee or job applicant who receives a positive test result has the right to receive a copy of the test.

Any employee who is found to have tampered with their test sample will be subject to the City's discipline policy.

FEDERAL OMNIBUS TRANSPORTATION EMPLOYEE TESTING AND REGULATIONS

This policy establishes the program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. This is in conjunction with the Federal Omnibus Testing Act and the U.S. Department of Transportation Regulations, 49 C.F.R. Part 392. All employees who are required to obtain and hold a commercial driver's license are subject to this policy, unless waived by the Public Safety Exemption.

Prohibited Conduct:

- A. An employee who is found to have a tested alcohol concentration of 0.02 or greater but less than 0.04 shall not perform any driving duties in which a commercial driver's license is required. The employee shall not perform these duties until the start of the next scheduled shift, but not less than 24 hours following the administration of the test. The employee will not be compensated for the time-off but may use accrued paid time off or compensatory time during this absence.
- B. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater or while using any controlled substance, unless the use is pursuant to the instructions of a physician and it does not affect the driver's ability to safely operate a commercial vehicle.
- C. No employee shall report for duty, or remain on duty if the employee tests positive for controlled substances.
- D. No employee shall report for duty, or remain on duty, if an employee is consuming or possesses alcohol of any quantity.
- E. An employee shall inform their supervisor of any therapeutic drug use.

The City shall not allow an employee to be on duty, or to report for duty if they have actual knowledge that a driver has an alcohol concentration of 0.04 or greater and/or has used a controlled substance unless it is permitted pursuant to the written instructions of a physician.

TESTS REQUIRED

Prior to beginning employment with the City, covered employees of this policy will undergo testing for controlled substances and alcohol. All job offers for covered job classes will be conditional upon successful completion of said test.

The City will require all covered employees to undergo post-accident, as well as be subject to random and without prior notice testing, testing upon reasonable suspicion or violation of any City policies pertaining to drugs and alcohol, and return to duty testing.

SMOKING AND TOBACCO USE

All City buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a City facility or vehicle, or while on an active job site in the field. Smoking of any kind, including pipes, cigars, and cigarettes, and the use of chewing tobacco is prohibited for employees while on duty. Employees 18 and over are allowed to smoke or use chewing tobacco only during their break and lunch period, and only in areas designated for that purpose.

OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the City. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the City.

Outside employment will present a conflict of interest if it has an adverse impact on the City.

POLITICAL ACTIVITY

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no City employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Political activity in the workplace is not allowed to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization.

In accordance with Minn. Stat. § 410.191 and 412.02 neither the mayor nor a councilmember may be a full-time City employee.

POSSESSION AND USE OF DANGEROUS WEAPONS

The City of Waconia hereby establishes a policy prohibiting all personnel from carrying or possessing firearms while acting in the course and scope of employment or duty for the City. The possession or carrying of a firearm by personnel is prohibited while working on City property or while working in any location on behalf of the City. This includes, but is not limited to:

- Driving on City business;
- Riding as a passenger in a car or any type of mass transit on City business;
- Working at City Hall or any other City-owned work site;
- Working off-site on behalf of the City;
- Performing emergency or on-call work after normal business hours and on weekends;
- Working at private residences and at businesses on behalf of the City;
- Attending training or conferences on behalf of the City.

The following is an exception to the dangerous weapons prohibition:

Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.

SECURITY INSPECTIONS

The City of Waconia wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the City prohibits the possession, transfer, sale, or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices such as computer hard drives and portable electronic storage devices or media may be provided for the convenience of employees, but remain the sole property of the City. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, either with or without prior notice.

VISITORS IN THE WORKPLACE

To provide for the safety and security of employees and the facilities at the City, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

BOARD & COMMISSION RECOGNITION

Periodically, the City Council will host an appreciate event for the citizen's that serve the community as appointed members of the various advisory boards and commissions of the City. Recognition may consist of an appreciation gift, short program, and/or light food and

beverages. When members leave their board or commission, recognition certifications will be provided to department members.

SECTION 10: USE OF TECHNOLOGY

The City of Waconia is a growing organization which recognizes that the effective use of technology can provide for the convenient, efficient, and cost-effective delivery of City services.

The purpose of this policy is to set standards and procedures that protect the security and integrity of the City's electronic communication and information systems from business interruption, misuse, and/or unauthorized or inappropriate access; and to establish a hardware and software replacement process to assure the efficient delivery of services.

The policy shall apply to all City employees, whether regular or temporary, consultants, vendors, volunteers, or others who may have access to or use the City's IT systems both on and off City property. All users must be authorized to use the City's IT systems through their Department Head. Remote access to the city's network system shall be limited to regular, full-time employee use. Remote access into the City's network system must be authorized by the Department Head.

Failure to abide by this policy or its provisions may result in discipline up to and including termination of employment or service contract.

This policy shall include all IT systems, including but not limited to desktop computers, laptops, e-mail, Internet, printers, scanners, fax machines, digital cameras, personal digital assistants (pda), smart phones, and software.

The City of Waconia reserves the right to inspect, monitor and audit any data, use or setting of its IT systems at any time without consent from users. An inspection may result in the removal of hardware, software, or data files not compliant with this policy.

As a government agency, the City is subject to public disclosure laws and the Minnesota Government Data Practices Act. All files and documents, including personal messages and Internet logs, are owned by the city and may be subject to public data requests. Users should have no expectation of privacy.

HARDWARE AND SOFTWARE

Purchase: To assure that computer software and hardware continues to meet the operational demands and continues to efficiently aid in the cost-effective delivery of municipal services replacement, addition of new equipment shall be accomplished within the annual budget as

approved by the City Council. All equipment acquisitions must be in accordance with the City's purchasing requirements of the Financial Policy.

Home Use of City Software and Hardware: Home use of City hardware is permitted on a limited basis in special circumstances if used to conduct City business and in accordance with all laws, policies and procedures of the City. Home use of City hardware must be authorized in advance by the Department Head.

SOFTWARE

Licensing: All software must be purchased by and licensed to the City. Software may not be installed if there are insufficient licenses. All software manuals and original media must be stored on City property.

Home Use: City-owned software may not be loaded onto non-City-owned equipment.

Development: Any software programs, including but not limited to custom designed databases, electronic logos, templates, web sites, or media, developed for use by the City is the property of the City. Software programs may not be sold or distributed in any way without prior approval of the City Administrator.

ASSET MANAGEMENT

The City will maintain a record listing City-owned hardware and software along with the City's fixed asset database.

Disposal: When removable media are no longer in use, it will be securely destroyed. When computers are removed from use by the City, the hard drives should be securely erased.

COMPUTER USE

USER NAMES AND PASSWORDS

All users must use City-issued user names for computer and network-related access.

Appropriate network access shall be assigned by the City to each user name, and users may log into computers and equipment only with their assigned username. User names are not to be shared.

Passwords are created by the employee and are not to be shared, unless requested by the IT Technician or City Administrator. From time to time, the City's IT Technician or City Administrator may need the employee's password to complete a task on behalf of the City.

Upon request of the IT Technician or City Administrator, the employee must provide their current password.

The network will require the password to be changed periodically. If a password is forgotten or the employee suspects that their password's security has been compromised, contact the IT Technician.

EMPLOYEE RESPONSIBILITIES

Provide Security: City users are expected to provide reasonable security to their computer work stations and related equipment. Providing reasonable security means, but is not limited to:

- Properly caring for and handling equipment;
- Purging files when appropriate and in compliance with this policy and the City's Records Retention Policy;
- Regularly installing Microsoft security updates;
- Ensuring that passwords are not written down in accessible places;
- Removable media is kept in a secure area;
- Logging out and/or locking down computers when not in use or away from workstation;
- Turning off monitors when away from workstation for a significant period of time; and
- Not keeping laptops and other portable equipment in vehicles.

PERSONAL USE

The City recognizes that some personal use of City-owned computers has and will continue to occur. To prevent abuse of this privilege, personal use is limited to the following:

- Personal use should never preempt work use.
- Only City employees may use City-owned equipment. Family members or friends are not allowed to use City equipment or technology resources. Use of another employee's computer without authorization is also prohibited.
- Limited use of the City's access to the Internet and email systems for personal reasons is allowable, provided it does not interfere with an employee's work, is consistent with all provisions in this policy, and has been approved by the employee's supervisor. Employees are warned that their individual activities on the Internet may be monitored and reported.
- Users must use their own media (disks, CDs) and paper for personal use. No personal files or data are to be stored on the City's file servers.
- The personal use of government data is prohibited. The dissemination in any form of government data that is classified as private or non-public is prohibited by law and the City's Data Practices Policy. Employees must refrain from using information and data learned during their employment for personal gain.

- If during maintenance or inspection of an employee's computer, personal information is found, it will be removed from the computer and the supervisor will be notified.

PROTECT FROM VIRUSES

Employees are responsible for minimizing the potential damage of viruses. Employees must be aware of the potential for corrupt data from removable media, newly purchased software, e-mail attachments, downloaded files or software, or disks received from others. Staff will immediately notify the IT Technician if a virus is found or suspected.

PROPERLY STORE RECORDS

Each employee is required to maintain the home directory of their computer so that it is accessible, organized and reasonably understood.

DATA MANAGEMENT

The Minnesota Government Data Practices Act governs all data stored on computer media owned, leased, or rented by the city including information stored on local hard drives.

DATA OWNERSHIP

All information developed or introduced into a city technology system becomes property of the City. This data is subject to review, investigation, and deletion at the discretion of the city administrator, department heads, IT Technician, or law enforcement.

DATA STORAGE

All City data should be saved to a network drive on a city server (for example, your F or Z drive.) The City backs up all data stored on the file servers. Please review the city's Records Retention Schedule for further information.

Users are responsible for deleting outdated files that are no longer needed for compliance with the City Retention Schedule; this includes data files and email messages. Questions regarding the retention schedule should be addressed to the department head. Questions needing additional clarification should be referred to the City Administrator.

Employees are expected to maintain files in Laserfiche, rather than storing data in a paper form. Once scanned to Laserfiche, employees should regularly delete the electronic version when it is no longer needed.

Government data should not be stored on personal computers, personal USB flash drives, and other similar personal equipment.

“Not public” data should only be stored on a notebook computer or removable media device when there is a business need.

Data stored on a notebook computer, or a removable media device should be strongly encrypted.

PORTABLE FILES

To facilitate off-site work, users may copy necessary data files. A current copy of the portable files should be maintained on the City server.

EMAIL MANAGEMENT

INFORMATION STORAGE

The City e-mail system is a tool to be used for matters directly related to the business activities of the City and as a means to provide services that are efficient, accurate, timely, and complete. E-mail is intended as a medium of communication, not for information storage; therefore, e-mail should not be used for the storage or maintenance of official City records or other City information. Important messages should be saved to the appropriate network folder, printed to .pdf and filed in Laserfiche, and the electronic message deleted.

INAPPROPRIATE USES

Inappropriate use of the City e-mail system includes, but is not limited to:

- Viewing, transmitting, storing, or distributing non-business or inappropriate materials that are sexually explicit; political; stories; material advocating intolerance or disrespect for other people, races or religions; activity for personal gain; pirating of software; copying copyrighted information; or other non-work-related information. This includes non-business-related audio, graphic, or movie files (examples include but are not limited to: streaming audio and video, .mp3, .mp4, .jpg, .tiff, .gif, .mpg, text messages, email, and .avi files); games; jokes; instant messaging; and large data files not directly related to City business.
- Registering your City e-mail address with any online subscription that is not work related, except for emergency notifications from an employee’s school.
- Forwarding personal email accounts to the City’s email system or forward City email to your personal email account.

SECURITY

E-mail is not the most secure method of transferring data. Confidential or private data should be transferred in a secure method. E-mail files can contain spyware or viruses that can impact

the network or pc performance. Users who receive suspected corrupt files or inappropriate e-mail messages with content of an offensive or pornographic nature, should report such message to Administration immediately.

STORAGE

Employees should file email in Laserfiche for retention and should follow the City's Record Retention Schedule.

INTERNET

INTENDED USE

The Internet is available to users for research, education, and communications directly related to the mission and work tasks of the City. Use of the Internet through City computers is a privilege, not a right, discipline, up to and including termination, will be implemented for abusive conduct.

PROHIBITED USES

Users of the Internet should minimize unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource.

- Employees may not download unauthorized software, use instant messaging or Internet Relay Chat, utilize unauthorized real-time services (examples include but are not limited to: as radio broadcasts, stock market reports, video broadcasts), or use peer-to-peer networks or file sharing.
- Employees may not intentionally access web sites containing inappropriate materials, including but not limited to, sexually explicit material, political activities, material advocating intolerance or disrespect for other people, races or religions, activity for personal gain, pirating of software, or copying copyrighted information.
- Employees may not access or use social media sites for non-work related business during the work day, including but not limited to sites such as: Facebook, Twitter, MySpace.

SECURITY

Users are responsible for adhering to City standards when browsing the Internet. Failure to adhere puts the City and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences. The City uses management software to monitor end user activity. This software may monitor and limit Internet activity in order to ensure the most efficient use of the valuable resource in accordance with this policy.

CITY WEBSITE

The web site is provided as an additional communication tool between the City and the public it serves for the purpose of communicating City business. The website is not intended as a public forum. Information related to events or business not sponsored by the City shall not be permitted; however, if in compliance with the External Link policy below, may be linked to the City's site. All information on the City's site will be provided in the most positive, professional, user-friendly manner possible.

PARTICIPATION

Departments are expected to actively participate in maintenance of the website, and must check their information on a monthly basis to ensure that information is current and fresh. Updates shall be provided to the Assistant City Administrator.

EXTERNAL LINKS

Links to other community or government information web sites may be provided within the City's website under the following criteria:

- The information in the linking site is useful and informative to the entire Waconia community rather than special interest groups.
- The information is presented from a neutral viewpoint.
- Typical organizations which are appropriate for linking include:
 - Ad hoc committees appointed by the City Council;
 - Other government entities;
 - Public education institutions;
 - Public utilities that serve Waconia;
 - Non-profit Waconia civic, educational, athletic and recreational organizations;
 - Athletic Associations that serve Waconia and work collaboratively with the Waconia Park and Recreation Department to provide athletic services for Waconia residents; and
 - Businesses located within the City of Waconia that are listed in the business directory on the City's website that have provided their business website.
- Inappropriate links include, but are not limited to, sites which endorse a specific candidate, represent a religious position, or operate for-profit.

The City shall not be responsible for and does not endorse the information on any linked website. Nor does the City guarantee the accuracy, completeness or timeliness of the information on those sites. The City is not liable for defamatory, offensive, or illegal conduct of

linked sites. The links from this site to other sites on the Internet do not constitute or imply endorsement or recommendation on the part of the City.

Any organization meeting the above criteria seeking to link to the City website shall make a request in writing to the City's Assistant City Administrator. The written request shall describe the organization or entity's mission. The City reserves sole and exclusive right to determine whether an organization or entity meets the enumerated criteria, and whether to approve the link. The City also reserves the sole and exclusive authority to discontinue website linkage based upon this policy as interpreted by the City.

ADVERTISEMENTS

The following will be advertised on the City's website:

- All City sponsored events are allowed and will have priority;
- Community wide events that are open, without charge, to attendance by the general public;
- Promotion or advertisement of a special event that promotes visitation or patronage of Waconia businesses or organizations will be permitted, provided the event is open, without charge, to attendance by the general public;
- Promotion or advertisement of a fundraising event will be permitted for non-profit organizations only, proof of non-profit status maybe required; and
- The City reserves the right to approve all advertisement signage, pictures, and language.

DISCLAIMER

The City will make every effort to ensure the accuracy of the information provided on its website. However, due to the possibility of unauthorized modification of the data, transmission errors, HTML browser incompatibilities, human error, changes made since the last update to the website or other aspects of electronic communication that are beyond the City's control, the City does not guarantee the accuracy of the information provided on its website and is not liable for reliance on the information.

MOBILE PHONES

Customer expectations for prompt resolution of questions or service concerns often require the use of wireless communication devices including cellular or smartphones by City officials. Efficient participation in meetings or work from multiple locations may require the use of wireless network access devices by employees.

The purpose of this policy is to outline the reasons for 1) providing a city-issued phone; 2) allowing access to a city network through privately-owned mobile communications device; and 3) providing a stipend for use of personal cellular phone/smartphone/mobile device.

Mobile communications device users who: 1) must remain accessible due to the nature of their job duties; 2) must be available for emergency response or consultation; 3) have job duties that require receiving work communications remotely; or 4) require wireless network access for city duties may be eligible for a city-issued device or participation in one of the city's offered stipends defined in this policy.

GENERAL PROVISIONS FOR CITY ISSUED AND PERSONAL DEVICES USED FOR CITY BUSINESS

The city retains the right to monitor and enforce network security through a mobile device management system. The mobile device management system may require installation of an app or other software on the mobile communications device. In the event that a communications device is damaged, lost, or stolen, the mobile communications device user is responsible for notifying their immediate supervisor and the IT Division as soon as possible. If a stipend is involved, the mobile communications device user is responsible for notifying the HR Division as soon as possible. In the event of a reported damaged, lost, or theft of a device or upon replacement of a device or when an employee is no longer employed by the city, the IT Division reserves the right to remotely remove all city data and/or city information such as contacts, tasks, or applications. The city is not responsible for any lost personal data.

Mobile communications device users shall maintain a password, PIN code protected, photo-password, biometric, or other IT-approved security access protocol on any city-owned or personally-owned smartphone or mobile device. Mobile communications device users are responsible for ensuring the proper elimination of city data, including city network passwords and photos from personal devices before disposal.

A mobile communications device user's use of the device is subject to data practices and data retention requirements under Minnesota law. The mobile communications device user is responsible to upload or transfer any data obtained in the conduct of city business from the device to the appropriate storage medium for the data within the city's network.

The City of Waconia has no expectation for non-exempt employees to check or respond to emails or messages during non-work hours. A non-exempt employee shall not be authorized to incur hours worked or overtime for using email or logging into the city's network outside their normally scheduled work hours, unless explicitly requested by the employee's supervisor.

Mobile communications device users using city-owned devices or connecting personal devices to the city's non-public networks shall sign the relevant waiver forms prior to obtaining network access credentials for the device.

CITY-PROVIDED DEVICES & PERSONAL DEVICES

If a position requires a mobile device for day-to-day use, the employee will have the choice to be provided a City-issued device or use their own personal device for City business while receiving a stipend for that use. Criteria for receiving a city device or a stipend include:

- The position requires the ability to respond to business requests on a regular basis
- The position requires the employee to frequently work off-site during business hours or on an on-call basis
- Position job duties require immediate or emergency response during regular business hours and after business hours
- Position job duties require frequent access of wireless networks outside of the office environment

CITY PROVIDED DEVICES

The City may provide and maintain mobile data devices for certain eligible employees, if the employee requests to be issued a city device. City-issued communication devices are for dedicated business use. Incidental personal calls or texts on city-issued devices will be acceptable. Frequent personal use that interferes with an employee's job functions is prohibited. Personal use may be considered excessive if it causes the city to increase its allotted minutes or payment plan for that department. Frequent personal use, regardless of time of use, may result in reimbursement to the city of any cost associated with personal use.

Work Related Applications

Work related applications may be purchased for a city-owned device with prior approval by the department head. Applications that negatively interact with the city-owned device or with the city's network are prohibited on city-owned devices.

Device Ownership

All devices remain city property and shall be returned to the city upon termination of employment or if the device is no longer necessary for work-related purposes.

Purchasing

The IT Division is responsible for all purchases of city-owned devices.

Accessibility

Cellphone, smartphone, and other mobile data devices are purchased, installed, maintained, and owned by the City of Waconia to facilitate business communications. The contents of communications either made or stored are accessible at all times by city management. These systems shall be treated like other shared filing systems.

City Records

All electronic communications on city-owned devices are city records. The contents may be obtained and disclosed without your permission. **Therefore, the user should not assume that messages are either private or confidential.**

PERSONAL MOBILE DATA AND SMARTPHONE DEVICES ALLOWANCE

If in an approved position, a stipend may be provided for privately-owned personal mobile data devices (including smartphones) that are purchased by the mobile communications device user and used for city business.

Availability

An employee receiving a stipend for a smartphone device must make the phone number available to his or her supervisor, human resources, and the IT division.

Repair and Maintenance

Mobile communications device users receiving a stipend for a communications device are personally responsible for ensuring the device is in good working order. The IT Division is not responsible for upkeep, support, or replacement of personal devices that are used for city business. IT support will be limited to instructions for the mobile communications device user on how to sync email, schedules, and tasks (if available), and use of city-supplied security products (if available). The city assumes no liability for any direct or indirect damages arising from the user's use of personal data device.

Connecting a personal device to the city's network opens the city's network to security vulnerabilities. Mobile communications device users connecting a personal device to the city's network are responsible for taking appropriate steps to keep their device operating systems current and updated and to protect their connected devices from virus, malware, and security threats. The city reserves the right to deny connection to the network for any personal devices the IT Manager deems to be a significant security risk to the city's network or resources. If an application on a personal device is found to negatively interact with the city's network, the city may prohibit connection of that device to the city's network until the application is removed.

Stipends

If an employee elects to use their personal phone for city business versus a city-issued device, they will receive a stipend of \$520 annually (\$20/check). All stipends may be eliminated if job duties change such as the criteria above are no longer met. Department directors should review employee needs for communication devices on an annual basis.

Compliance with Internal Revenue Service (IRS) Regulations

Stipend payments by the city are considered a taxable benefit and will be included as taxable income to the recipient.

Work-Related Applications

Work-related applications may be purchased by the city and used on a personally owned device with prior approval by the department head or City Administrator. Some applications may be required for download for specific users.

Data Request

In the event of a data request, an employee may be required to turn over text messages, phone call records, photos, browsing data, or emails related to the specific request.

RESPONSIBILITY

An employee who is found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

PERSONAL USE OF PERSONAL CELL PHONES

Employees may not use their personal cell phones/wireless device during normal work hours. Personal cell phones may be used during break periods and are not to be carried by employees during the performance of their regular duties.

There may be instances where employees need to have their work phone calls forwarded to a personal cell phone/wireless device. Supervisors are responsible for managing this practice. Employees should obtain prior authorization from their Supervisors before forwarding of any phone to a personal cell phone/wireless device. City employees may also need to sync or access their work calendars via a personal cell phone/wireless device/ or web based portal. Employees should obtain prior authorization from their Supervisor before syncing their work calendar to a personal cell phone/wireless device or web based portal. In these instances, the City will not reimburse employees for the use of their personal cell phone/wireless device or any internet access fees incurred by the employee.

HANDS FREE WHILE DRIVING

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.

Additionally, reading or sending text messages, making or receiving phone calls, emailing, video calling, scrolling, typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.

Please note that in accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime from being committed. There is also a State law exception for authorized emergency vehicles while in performance of official duties. While there is this exception in the law, we hold all our employees to the same standard of not using mobile devices while driving.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

TRAINING

Department Heads shall be responsible for addressing staff training needs as part of the development of their annual budgets to ensure each user is adequately trained to accomplish their job duties. Annual training needs shall be reviewed with Administration to determine if there are cross-departmental needs. Training needs will be prioritized based on amount of need, training funds available, and applicability to job functions.

APPENDIX A: ALCOHOL AND OTHER DRUG USE BY EMPLOYEES IN THE WORKPLACE

Purpose: The purpose of this Policy is to set forth the City's policy regarding alcohol and other drug use in the workplace. Employees are expected and required to report to work on time and in appropriate mental and physical condition.

Applicability: This Policy is applicable to all City employees and shall be enforced by each Department Director and the City Administrator.

Definitions:

- A. **"Work-related Alcohol and Other Drug Abuse"** is defined as the use of mood-altering drugs, and/or controlled substances including, but not limited to, all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, or the use of prescription drugs as to induce mental, emotional or physical impairment, behavior or appearance which adversely affects work performance.
- B. **"Adversely Affects Work Performance"** and "Under the Influence" shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reactions, responses or effort; if the employee's condition threatens the safety of himself or herself or others; or if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the City as an employer as determined by the Supervisor or Administrator or others observing the employee.
- C. **"Controlled Substances"** means those substances whose distribution is controlled by regulation or statute including, but not limited to, narcotics, depressants, stimulants, hallucinogens, and marijuana as provided for by Minn. Stat. § 152.
- D. **"Mood-altering"** or **"Alter"** means changed behavior which may limit an employee's ability to safely and efficiently perform his or her job duties or poses a threat to the safety of the employee or others.

Non-Discrimination: The City's policy on work-related substance abuse is non-discriminatory in intent and application. In accordance with Minn. Stat. § 363.01, subd. 35, disability excludes any condition resulting from alcohol or drug abuse which prevents a person from performing essential functions of the job in question or creates a direct threat to property or the safety of individuals.

Consequence of Violations: Violations of this Policy may constitute just cause for discipline, including possible discharge. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.

POLICY

PROHIBITIONS

1. No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs that affect his or her alertness, coordination, reaction, response, judgment, decision-making, or safety.
2. No employee shall operate, use, or drive any equipment, machinery, or vehicle of the City while under the influence of alcohol, marijuana, controlled substances, or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify his or her supervisor that he or she is not in appropriate mental or physical condition to operate, use, or drive City equipment.
3. During work hours, while on the City's premises or wherever the City's work is being performed, no employee shall use, sell, possess, or transfer any illegal drug, including marijuana, or any prescription drug, except as medically prescribed and directed which does not adversely affect work performance. Additionally, employees shall not participate in these activities during rest breaks or during overtime work.

During work hours or while on the City's premises, no employee shall use, sell, possess, or transfer alcoholic beverages, with the following exceptions:

- Consumption, possession, sale, or purchase of alcohol when authorized by the City Administrator under executive authority.
- Possession of alcohol while being transported in a City vehicle in compliance with applicable statutory requirements and under the direction of the City Administrator.

Additionally, employees shall not participate in these activities during rest breaks or during overtime work.

4. Engaging in off duty sale, purchase, transfer, use or possession of illegal drugs or controlled substances may have a negative effect on an employee's ability to perform his or her work for the City. In such circumstances, the employee is subject to discipline.
5. When an employee is taking medically authorized drugs or other substances which may alter job performance, as defined in Definitions (d) above, the employee is under an affirmative duty to notify the appropriate supervisor of his or her temporary inability to perform the job duties of his or her position.

6. Department Directors or the City Administrator will notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession at work or on City premises.
7. Employees are discouraged from consuming alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the City. Employees are advised that in any situation after the intake of alcohol where the employee must continue conducting the City's business, any employee whose condition or behavior adversely affects his or her work performance shall be subject to possible discipline, up to, and including discharge.
8. Data Disclosure: Disclosure of information regarding employee alcohol and other drug use in the workplace must be consistent with applicable law. Questions in this area should be directed to the City Administrator.
9. Drug and Alcohol Testing: Any alcohol and other drug testing undertaken by appointing authorities shall be in accordance with Minn. Stat. § 181.950 - 957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act. See Drug and Alcohol Testing Policy of the City of Waconia.

SUPPLEMENTAL POLICIES

City Departments may promulgate supplemental policies, which are not in conflict with this Policy, including prohibiting the use or consumption of alcohol and controlled substances within a specified period before the commencement of work. Such pre-work abstinence must be restricted to employees involved in sensitive security, treatment, or equipment operation and written notice must be disseminated to affected employees. Further, policies may be adopted only after meet and confer sessions are held with the City Administrator.

APPENDIX B: DRUG AND ALCOHOL TESTING OF EMPLOYEES AND JOB APPLICANTS

Purpose: The purpose of this Policy is to set forth procedures for drug and alcohol testing of employees and job applicants as required by Minn. Stat. § 181.951 - 181.957.

Applicability: Except as set forth herein, this Policy is applicable to all present employees and all job applicants provided that a job offer has been made to the applicant. This testing policy does not apply to those job applicants or employees to whom the provisions of the DOT drug and alcohol testing statutes apply.

Definition(s).

- A. **"Personal Injury"** means injury arising out of and in the course of employment. Includes personal injury caused by occupational disease; but does not mean an employee except while engaged in, on, or about the premises where the employee's services require the employee's presence as a part of the service at the time of the injury during the hours of that service. Whether the employee regularly furnishes transportation to and from the place of employment, those employees are subject to this definition while being so transported. Personal injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons, and not directed against the employee as an employee, or because of the employment.

POLICY

All present employees and all job applicants shall be subject to drug and alcohol testing in conjunction with the provisions of Minn. Stat. § 181.950 - 957, and the following provisions:

CIRCUMSTANCES UNDER WHICH TESTING MAY OCCUR

1. Drug and alcohol testing may be requested and required for all job applicants who have been offered a job, provided that the same test is requested or required of all job applicants conditionally offered employment for that position,
2. All current employees may be requested and required to undergo drug and alcohol testing if the City has a reasonable suspicion that the employee:
 - a. Is under the influence of drugs or alcohol;
 - b. Has violated the employer's written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle,

- machinery, or equipment, provided the work rules are in writing and contained in the employers written drug and alcohol testing policy;
- c. Has sustained or caused another person to sustain a personal injury; or
 - d. Has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicle involved in a work related accident.

RANDOM TESTING AND TESTING WITHOUT PRIOR NOTICE

Random testing without prior notice may be given to employees who are in safety sensitive positions including any supervisory or management positions in which an impairment caused by drug or alcohol use would threaten the health or safety of any person. Testing without prior notice may be given to employees who have been referred by the City for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period for up to two years following completion of any prescribed chemical dependency treatment program.

REFUSAL TO SUBMIT TO TESTING

An employee or job applicant has the right to refuse to undergo drug and alcohol testing. However, if an employee refuses to submit to drug and alcohol testing carried out in conjunction with this Policy, the employee may be subject to discipline including, but not limited to, discharge. If a job applicant refuses to submit to drug and alcohol testing carried out in conjunction with this Policy, the job applicant may not be hired.

TAMPERING WITH THE URINE OR BLOOD SAMPLE

If an employee tampers with his or her own urine or blood sample, the employee may be subject to discipline including, but not limited to, discharge.

FIRST FAILURE TO PASS CONFIRMATORY DRUG AND ALCOHOL TESTING

An employee who, for the first time, has a positive test result on a confirmatory test will not be subject to discipline, including discharge, unless:

1. The City has given the employee an opportunity to participate in a drug or alcohol counseling or rehabilitation program, and
2. The employee has refused to participate or has failed to successfully complete the program within a reasonable time.

FAILURE TO PASS DRUG AND ALCOHOL TEST GENERALLY

An employee who receives a positive test result on a confirmatory test, fails or refuses a confirmatory test and does not request in writing a confirmatory retest within five working days after notice of positive confirmatory test results, may be subject to discipline including, but not limited to, discharge subject to provisions in this Policy. A job applicant who receives a positive test result, fails or refuses a confirmatory retest, or does not request in writing a confirmatory retest within five days after notice of a positive test result of a confirmatory test, may be refused employment and will be notified of the reasons for such refusal.

RIGHTS OF EMPLOYEE OR JOB APPLICANT AND OTHER APPEAL RIGHTS

An employee or job applicant who receives a positive test result on a confirmatory test has the right to receive a copy of the test. An employee or job applicant may request a confirmatory retest of the original sample at the employee's or job applicant's own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the employee or job applicant shall notify the employer in writing of the employee's or job applicant's intention to obtain a confirmatory retest.

ACKNOWLEDGMENT

Prior to requiring a drug or alcohol test, the employee or job applicant shall be given a form on which the employee or job applicant will acknowledge that he or she has seen this drug and alcohol testing Policy.

PROCEDURES

- A. The City of Waconia shall designate the laboratory facility, which shall be licensed, accredited or certified as required under Minn. Stat. § 181.953 that shall conduct such tests.
- B. The City of Waconia declares that all public works positions (including, but not limited to, supervisory, and management positions, with the exception of the Senior Account Clerk/Senior Clerk Typist) are hereby designated as safety sensitive positions.
- C. The City of Waconia declares that all fire positions (including, but not limited to, supervisory, and management positions) are hereby designated as safety sensitive positions.
- D. This Drug and Alcohol Testing Policy will be distributed to each employee, Department Director, and job applicant upon hire, if the job offer is made contingent on the applicant passing drug and alcohol testing.

ADMINISTRATIVE RESPONSIBILITY

- A. Department Directors and Supervisors will be responsible for informing their employees of this Policy.
- B. The City Administrator will be responsible for the implementation of this Policy.

DRAFT

APPENDIX C: FEDERAL I OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT AND RELATED REGULATIONS IMPLEMENTATION POLICY

Purpose:

The City of Waconia (“City”) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers’ compensation claims, higher insurance rates, and an increase in theft of city property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation (“DOT”), the City has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver’s license (CDL) to perform their duties.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and to comply with applicable federal law, drivers and applicants are required to review this policy and sign the “Certificate of Receipt” portion.

Because changes in applicable law and the City’s practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

Persons Subject to Testing:

All employees are subject to testing who job duties include performing “safety-sensitive duties” on City vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,0001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle
- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disable commercial motor vehicle.

Definitions:

- A. **Accident:** Except as provided in paragraph (2) of this definition, an occurrence involving a commercial motor vehicle operating on a public road which results in:
 1. A fatality;

2. Bodily injury to a person who, because of the injury, immediately receives medical treatment away from the scene of the accident; or
3. One or more motor vehicles incurring disabling damage because of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

The term accident does not include:

1. An occurrence involving only boarding and alighting from a stationary motor vehicle; or
 2. An occurrence involving only the loading or unloading of cargo; or
 3. An occurrence during the operation of a passenger car or a multipurpose passenger vehicle (as defined in 571.3 of this title) by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 77.823 of this title.
- B. **Alcohol**: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- C. **Alcohol Concentration (or content)**: the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (EBT) under this policy and federal regulations.
- D. **Alcohol Use**: the consumption of any beverage, mixture, or preparation, including medication, containing alcohol.
- E. **Applicant**: a person applying to drive a commercial motor vehicle
- F. **Appointing Authority**: the City Council of the City of Waconia who has authority to appoint personnel.
- G. **BAT (Breath Alcohol Technician)**: an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.
- H. **Chain of Custody**: procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures shall require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.
- I. **City, City of Waconia, or Employer**: the City of Waconia, Minnesota, acting through its City Administrator or a designee of the City Administrator.
- J. **City Premises**: Means all job sites, facilities, offices, buildings, structures, equipment, vehicles, and parking areas, whether owned, leased, used, or under the control of the City.

- K. **Collection Site:** A place designated by the Cit where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances.
- L. **Commerce:** both of the following:
 - A. Any trade, traffic, or transportation within the jurisdiction of the United States between a place and a state and a place outside of such state, including a place outside of the United States; and
 - B. Any trade, traffic and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (a) of this definition.
- M. **Commercial Motor Vehicle:** a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle;
 - A. Has a gross combination rating of 26,000 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - B. Has a gross vehicle weight rating of 26,001 or more pounds; or
 - C. Is designed to transport 16 or more passengers, including the driver; or
 - D. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the hazardous materials regulations set forth under 49 C.F.R. Part 172, Subpart F.
 - E. A commercial motor vehicle does not include a fire truck or other emergency fire equipment.
- N. **Confirmation Test:** for alcohol testing it means a second test, following a screening test with a result of .02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing it means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test, and which uses a different technique in chemical principal from that of the screen test in order to insure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)
- O. **Confirmation Retest:** for controlled substances it means a third analytical procedure to reconfirm the presence of a specific drug or metabolite. If the test result of the primary specimen is positive the driver may request that the MRO direct the split specimen be tested in any different DHHS certified laboratory for presence of the drug(s).
- P. **Consortium:** an entity, including a group or association of employers or contractors, that provides alcohol or controlled substance testing as required by federal regulations, or other U.S. Department of Transportation alcohol or controlled substances testing rules, and that acts on behalf of the employers.

- Q. **Controlled Substance:** has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedule 1-5 as they may be revised from time to time (21 C.F.R. Part 1308).
- R. **DHHS:** the Department of Health and Human Services or any designee of the Secretary, or the Department of Health and Human Services.
- S. **DOT Agency:** an agency (operating administration) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing in accordance with 49 C.F.R. Part 40.
- T. **Driver:** any person who operates or maintains a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; part-time and temporary drivers; leased drivers and independent owner/operator contractors who are either directly employed by or under lease to the employer or who operate a commercial motor vehicle at the direction of or with the consent of the employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to the City for employment to drive a commercial motor vehicle.
- U. **Drug:** means any substance (other than alcohol) that is a controlled substance as defined in 49 C.F.R. Part 382 and 49 C.F.R. Part 40.
- V. **EBT (Evidential Breath Testing Device):** an EBT provided by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."
- W. **Employer:** the City of Waconia acting through its City Administrator or a designee of the City Administrator.
- X. **Federal Law:** means the Omnibus Transportation Testing Act; the U.S. Department of Transportation regulations found at 49 C.F.R. Part 382; and all laws, regulations, and rules relating to the implementation of the provisions contained therein including, but not limited to, those found at 49 C.F.R., Part 40.
- Y. **Federal Motor Carrier Safety Administration (FMCSA):** Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.
- Z. **MRO (Medical Review Officer):** A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employers' drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a driver's confirmed positive test result together with driver's medical history and any other relevant biomedical information.
- AA. **Performing (a safety-sensitive function):** a driver is performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

BB. Positive Test Result: Means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

CC. Reasonable Suspicion: means that the City believes the appearance, behavior, speech, or body odors of a driver are indicative of the use of a controlled substance or alcohol based on the observation of at least one (1) supervisor or official who has received training in the identification of behaviors indicative of drug and alcohol use.

DD. Refuse to submit (to an alcohol or a controlled substances test) - **a driver:**

- A. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part,
- B. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy and federal regulation, or
- C. Engages in conduct that clearly obstructs the testing process.

EE. Safety-Sensitive Function: any of the following:

- A. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City; or
- B. All time inspecting equipment as required by federal regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; or
- C. All driving time which shall mean all time spent at the driving controls of a commercial motor vehicle in operation; or
- D. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth, which shall mean a berth conforming to the requirements of federal regulations; or
- E. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate a commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded; or
- F. All time spent performing the driver requirements of the federal statutes related to accidents; or
- G. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

FF. Screening Test (also known as **Initial Test**): in alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of

alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

GG. **State of Readiness:** a driver who is on call, ready to be dispatched to perform safety-sensitive functions while on duty.

HH. **Substance Abuse Professional:** means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

II. **Violation Rate:** the number of drivers found during random tests given pursuant to this policy and federal regulations to have an alcohol concentration of 0.04 or greater, plus the number of drivers who refuse a random test required by this policy and federal regulations, divided by the total reported number of drivers in the industry given random alcohol tests pursuant to this policy and federal regulations, plus the total reported number of drivers in the industry who refuse a random test required by this policy and federal regulations.

PROHIBITED CONDUCT

Conduct related to alcohol and controlled substances

- A. A driver tested under this policy and federal law who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform safety-sensitive functions, including driving a commercial motor vehicle. The driver shall not perform safety-sensitive functions until the start of the driver's next regularly scheduled duty, but not less than twenty-four hours following administration of the test and the driver will not be compensated during the time off. The driver may use benefit hours during the absence if accrued and available.
- B. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater or while using any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substances does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- C. No driver shall report for duty, remain on duty, or perform a safety-sensitive function, if the driver tests positive for controlled substances.
- D. The City, having actual knowledge that a driver has an alcohol concentration of 0.04 or greater and/or used a controlled substance, shall not permit the driver to perform or

continue to perform safety-sensitive functions unless the use of the controlled substance is permitted pursuant to the written instruction of the physician

- E. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol in any quantity.
- F. No driver shall use alcohol while performing safety-sensitive functions.
- G. A driver shall inform the driver's supervisor of any therapeutic drug use.
- H. The City, having actual knowledge that a driver is using alcohol while performing safety-sensitive functions or has tested positive for controlled substances, shall not permit the driver to perform or continue to perform safety-sensitive functions.
- I. No driver shall perform safety-sensitive functions within four hours after using alcohol.
- J. The City, having actual knowledge that a driver has used alcohol within four hours, shall not permit a driver to perform or continue to perform safety-sensitive functions.
- K. No driver required to take a post-accident alcohol test because of loss of human life or who receives a citation under state or local law for a moving traffic violation arising from an accident shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- L. No driver shall refuse to submit to a post-accident alcohol and/or controlled substance test, a random alcohol and/or controlled substance test, a reasonable suspicion alcohol and/or controlled substance test, or a follow-up alcohol and/or controlled substance test mandated by this policy and federal law.
- M. The City shall not permit a driver who refuses to submit to the mandated alcohol and/or controlled substance tests under this policy and federal law to perform or continue to perform safety-sensitive functions.

TYPES OF TESTS REQUIRED

PRE-EMPLOYMENT TESTING

All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer ("MRO") indicating a verified negative test result. In addition to pre-employment-controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The City will contact the candidate's DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above and review the testing history if feasible before the employee first performs safety-sensitive functions for the city. Beginning in 2020, an applicant must provide consent to the city, and successfully pass a full query of the Federal Motor Carrier Safety Administration's Clearinghouse. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

POST-ACCIDENT TESTING

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for controlled substances and alcohol when the following occurs:

- The accident involves a fatality or
- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
- The driver receives a citation for a moving traffic violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

<i>Type of Accident Involved</i>	<i>Citation Issued to the DOT Covered CDL Driver</i>	<i>Test must be Performed by the City</i>
<i>Human fatality</i>	Yes	Yes
	No	Yes
<i>Bodily injury with immediate medical treatment away from scene</i>	Yes	Yes
	No	No
	Yes	Yes

Disabling damage to any motor vehicle requiring tow away

No	No
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A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

Post – Accident Controlled Substance Testing

Drivers are required to submit a urine sample for post-accident-controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

Post- Accident Alcohol Testing

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

RANDOM TESTING

Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

For 2020, federal law requires the City to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

REASONABLE SUSPICION TESTING

When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or controlled substance test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing, and signed by the supervisor who made the observations. The record will be retained by the City. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not promptly

administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the City permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

RETURN-TO-DUTY TESTING

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional ("SAP") evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

FOLLOW-UP TESTING

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and

frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

COST OF REQUIRED TESTING

The City will pay for the cost of pre-employment, post-accident, random, and reasonable substance and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

PROHIBITED CONDUCT

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

UNDER THE INFLUENCE OF ALCOHOL WHEN REPORTING FOR DUTY OR WHILE ON DUTY

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on vacation leave for hours missed from work.

ON DUTY USE OF ALCOHOL

No driver may use alcohol while performing safety-sensitive functions.

PRE-DUTY USE OF ALCOHOL

No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours, they are to notify their supervisors before performing any safety-sensitive functions.

ALCOHOL USE FOLLOWING AN ACCIDENT

No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCE TEST

No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment-controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.

- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
- Engages in conduct that clearly obstructs the test process.

ALTERING OR ATTEMPTING TO ALTER A URINE SAMPLE OR BREATH TEST

A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

CONTROLLED SUBSTANCE USE

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the city's workplace. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City.* Employees are still subject to being tested under our policies, as well as for being disciplined, suspended, or terminated after testing positive for cannabis while at work.

CONTROLLED SUBSTANCE TESTING

No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

SPECIMEN COLLECTION

SPECIMEN COLLECTION PROCEDURES

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any

unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form (“CCF”) which drivers providing a sample will sign as well.

ALCOHOL TESTING

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”) at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver’s first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a “negative” test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver’s inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the City by the collection site staff.

CONTROLLED SUBSTANCE TESTING

The City will use a “split urine specimen” collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver’s privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or “primary,” and B, or “split”) with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient

portion of any positive sample for testing and store that portion in a scientifically acceptable manner for a minimum 365-day period.

If an employee fails to provide enough urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing enough urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a "confirmatory retest" will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the City who will direct the driver to contact the MRO.

REVIEW OF TEST RESULTS

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO's supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual's medical history, including any medical records provided.

- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.
- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second “B” container) tested at the driver’s expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee’s failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

NOTIFICATION OF TEST RESULTS

EMPLOYEES

The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive and will inform the driver

which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

RIGHT TO CONFIRMATORY RETEST

Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver's split specimen. Action required by federal regulation because of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

DILUTE SPECIMENTS

Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO's direction, under direct observation.

CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT

JOB APPLICANTS

Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

EMPLOYEES

Drivers who are known to have engaged in prohibited behavior regarding alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- **Removal from Safety-Sensitive Functions**

No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including

driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home but be escorted to his or her home. The driver will then be placed on vacation, for hours missed from work.

- **Notification of Resources Available**

The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver, in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.

- **Discipline**

The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.

- **Evaluation, and Return to Duty Testing**

Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.

- **Follow-Up Testing**

If the driver passes the return-to-duty test, he/she will be subject to unannounced

follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.

- **Refusal to test**

All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.

- **Responsibility for Cost of Evaluation and Rehabilitation**

Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.

- **Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse**

In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements beginning January 6, 2020, the City will report the following information to the Clearinghouse within three business days:

- ✓ A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- ✓ A negative DOT return-to-duty test result;
- ✓ The driver's refusal to submit to a DOT test for drug or alcohol use;
- ✓ Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121) of:
 - o On duty alcohol use pursuant to § 382.205;
 - o Pre-duty alcohol use pursuant to § 382.207;

- o Alcohol use following an accident pursuant to § 382.209;
- o Controlled substance use pursuant to § 382.213;
- ✓ Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

LOSS OF CDL LICENSE FOR TRAFFIC VIOLATIONS IN COMMERCIAL AND PERSONAL VEHICLES

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

MAINTENANCE AND DISCLOSURE OF RECORDS

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the city will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

POLICY CONTACT FOR ADDITIONAL INFORMATION

If you have any questions about this policy or the City's controlled substance and alcohol testing procedures, you may contact your immediate supervisor or Human Resources to obtain additional information.

GOOD FAITH EFFORT

The City of Waconia will make a continuing good faith effort to maintain a drug free workplace through the implementation of the City of Waconia Policy Implementing the Federal Omnibus Transportation Employee Testing Act and Related Regulations.²

² This policy implementing the Federal Omnibus Transportation Employee Testing Act is based upon the final federal regulations at the time of the adoption of this policy. Any revisions in the federal rules shall take precedence over this policy to the extent that the policy has not incorporated the revised rules.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021															
Item Name:		Fire Officer Appointments															
Originating Department:		Administration															
Presented by:		Ann Meyerhoff															
Previous Council Action (if any):																	
Item Type (X only one):		Consent	X	Regular Session		Discussion Session											
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>																	
Approve Resolution 2021-287, Fire Officer Appointments.																	
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>																	
Per the Fire Department Handbook, the City Council appoints officers to the Fire Department on a bi-annual basis and on staggered terms. Applications for the vacant captain positions were accepted throughout November, and on December 1, Chief Sorensen, Assistant Chief Dressel, and Jackie Schulze interviewed candidates. We recommend appointing the following officers to the Captain position for the terms outlined below: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Officer Name</th> <th style="text-align: left;">Term Expiration</th> </tr> </thead> <tbody> <tr> <td>Justin Bosshart</td> <td>12/31/2023</td> </tr> <tr> <td>Rickard Dahlo</td> <td>12/31/2025</td> </tr> <tr> <td>Aaron Sorensen</td> <td>12/31/2025</td> </tr> <tr> <td>Devin Noeldner (Training Captain)</td> <td>12/31/2025</td> </tr> </tbody> </table> All captains are part of the Duty Officer Rotation program.								Officer Name	Term Expiration	Justin Bosshart	12/31/2023	Rickard Dahlo	12/31/2025	Aaron Sorensen	12/31/2025	Devin Noeldner (Training Captain)	12/31/2025
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Rickard Dahlo	12/31/2025																
Aaron Sorensen	12/31/2025																
Devin Noeldner (Training Captain)	12/31/2025																
Attachments:																	
1. 21286res fire officer appointment res.docx																	
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:													
Funding Sources & Uses:																	
Budget Information:				Planning Commission													
X Budgeted				Parks and Recreation Board													
Non Budgeted				Safari Island Advisory Board													
Amendment Required				Other													

**CITY OF WACONIA
RESOLUTION NO. 2021 - 286**

**RESOLUTION APPOINTING
FIRE DEPARTMENT OFFICERS**

WHEREAS, there are currently several Fire Department Captain vacancies; and

WHEREAS, the City accepted applications for these vacancies in November of 2021;
and

WHEREAS, the Fire Chief, Assistant Fire Chief, and Assistant City Administrator conducted interviews of those interested in the captain positions; and

NOW, THEREFORE, BE IT RESOLVED, that, the City Council hereby appoints the following individuals to the captain position within the Fire Department:

Officer Name	Term Expiration
Justin Bosshart	12/31/2023
Rickard Dahlo	12/31/2025
Aaron Sorensen	12/31/2025
Devin Noeldner – Training Captain	12/31/2025

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

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



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Fire Department Reference Manual					
Originating Department:		Administration					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	X	Regular Session		Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution 2021-287, approving the Waconia Fire Department Reference Manual.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The Firefighter Handbook was updated in 2018 and approved by the City Council on July 16, 2018. Since that approval, the department's Duty Officer policy was created, which was approved but never added into the handbook. In addition, the way the command vehicles' function was updated due to the creation of the Duty Officer. The updated handbook reflects the Duty Officer policy as approved in 2020 with some minor changes such as updating how payment is calculated (without changing the amount that is paid), while also highlighting how the command vehicle is being used. In addition, the Fire Relief Pension switched to PERA several years ago, which changed how vesting in the pension worked. Those changes were not included in the 2018 handbook updates, but are now reflected in the handbook. In 2018, the sections that are operational in nature were removed from the manual. Chief Sorensen plans to work on getting more SOPs and SOGs completed during the upcoming year. The new version of this manual will be distributed to all firefighters and placed on the employee intranet site.							
<u>Attachments:</u>							
1. 21287res Firefighter Handbook Resolution.docx 2. Firefighter Handbook.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. 2021 - 287**

**RESOLUTION APPROVING
UPDATED FIREFIGHTER HANDBOOK**

WHEREAS, the City Council approved an updated firefighter handbook in July of 2018; and

WHEREAS, since the approval of this handbook, the Duty Officer Policy has been approved and changes in the use of the command vehicle had been applied.; and

WHEREAS, the updated version contains the previously approved Duty Officer policy and details regarding use of the command vehicle; and

WHEREAS, the new reference manual will be distributed to all Waconia Firefighters and placed on the employee intranet site; and

NOW, THEREFORE, BE IT RESOLVED, that, the City Council hereby approves the Waconia Fire Department Reference Manual.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

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



Waconia Fire Department
Fire Department Reference Manual

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SECTION 1: INTRODUCTION

1.1 MISSION AND VISION

Mission Statement

Provide the citizens who are protected by the Waconia Fire Department with professionally trained individuals to help reduce the loss of life and property due to fire, natural disaster, life threatening situations and all other emergencies when summoned by the public.

These services shall be performed in an effective manner by maintaining proper training of the fire department personnel, fire prevention, emergency responses and fire suppression.

Vision Statement

It is our vision to be known as an innovative and progressive Department. We are dedicated to the delivery of effective fire suppression, rescue services and quality fire/safety education to the public. We strive to offer the best available education and training to our firefighters. We are committed to providing an environment which fosters teamwork among firefighters. We desire to have an atmosphere of open communication which promotes the health and welfare of individual firefighters.

1.2 DEFINITIONS OF TERMS

Active Firefighter: An active firefighter shall have more than one year of active service and have completed Firefighter I & II and Emergency Medical Responder Courses.

Age Requirement: All firefighters must be 18 years of age or older.

Assistant Chief: A firefighter appointed to the rank of Assistant Fire Chief. An Assistant Fire Chief reports directly to the Fire Chief.

Chief: A firefighter appointed by the City Council to act as head of the Department.

Chief Officers: Consists of the Chief and 2 Assistant Chiefs, who shall be active firefighters of the Department.

City: Shall refer to the City of Waconia.

Classification: Department firefighters shall be classified as introductory firefighters, active firefighters and/or officers.

Drill: Any regularly scheduled training session.

Fiscal Year: January 1 through December 31.

Introductory Firefighter: An introductory firefighter shall be a firefighter with less than one year of active service and/or not having completed Firefighter I & II and Emergency Medical Responder Courses. Any firefighter not meeting the minimum firefighter requirements for a calendar year will be put on a

one year introductory period. During this introductory period, the firefighter will have regular reviews to ensure they are meeting minimum requirements.

Firefighter: The term firefighter shall include all firefighters of the Department.

Firefighter Duties: The duties of active and introductory firefighters shall be the training for, and execution of, rescue operations, fire suppression and prevention activities under the direction of the Department as directed by the Chief.

Membership: Membership of the Department shall consist of not more than what is authorized by the City council.

Residence: The physical dwelling where a firefighter resides and is considered their permanent residence.

Response Time: Except for temporary absences approved by the Fire Chief, firefighters shall reside within a 15 minute response from the Fire Station, under normal driving conditions and within lawfully posted speeds.

Turn-out Gear: This equipment shall consist of National Fire Protection Association (NFPA) approved gear including bunker coat, pants, helmet, hood, gloves, boots, safety glasses, accountability tags, and SCBA mask.

SECTION 2: ADMINISTRATION AND PERSONNEL POLICIES

2.1 ADMINISTRATION POLICIES

While this manual is specific to the policies within the Waconia Fire Department, all Waconia Fire Department Firefighters must also adhere to the policies outlined in the City of Waconia's Employee Reference Manual in addition to this manual. While there may be highlights from various policies in this document, please refer to the City of Waconia Employee Reference Manual for full policy details regarding:

- American's with Disabilities Act
- Equal Opportunity Employment
- Employment Eligibility Verification
- Background Checks
- Personnel Files and Employee Records
- Employment of Relatives/Nepotism
- Drug and Alcohol Use
- Tobacco Use
- Expense Reimbursement
- Training Expense Reimbursement

- Military Leave
- Insurance Benefits (for full-time Firefighters)
- Grievances
- Employee Right to Know
- Injury Reporting
- Data Practices

2.1.1 SCOPE OF POLICIES

This Policy Guidelines Manual (“Manual”) is intended to provide firefighters with a general understanding of the Waconia Fire Department’s policies. This Manual shall be the controlling policy of the Waconia Fire Department, hereinafter referred to as “Department”.

All firefighters shall familiarize themselves with the contents of this Manual, for it will answer many common questions concerning the Department. All firefighters shall abide by all Department and City policies.

This Manual cannot anticipate every situation nor answer every question about serving as a firefighter. The language of this Manual is not intended to nor does it create an employment or contract between the City of Waconia and any firefighter. Neither the firefighter nor the City of Waconia is bound to continue the firefighter relationship if either chooses, at its will, to end the relationship at any time subject to applicable state and federal laws.

All activities and operations of the Department shall be carried out in conformance with Minnesota Statutes and City Codes.

In order to retain necessary flexibility in the administration of policies and procedures, the Department reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this Manual. The only recognized deviations from the stated policies are those authorized and signed by the City Council of the City of Waconia.

Any previously adopted policies or by-laws are now specifically revoked and rescinded, and the provisions therein are now null and void. Employment or continued employment following the dissemination of this Manual and the revocation of all prior by-laws are considered to be your acceptance of this Manual as the sole and exclusive source of information regarding your employment, other than applicable benefit documents and applicable personnel policies of the City of Waconia.

2.1.2 RESPONSIBILITY FOR POLICIES

The Fire Chief is responsible for ensuring that this Manual is kept current and that it is uniformly and consistently administered. The City Council of the City of Waconia will have final say as to any changes, deletions, or additions to this manual.

2.1.3 DISTRIBUTION OF MANUALS

This Manual shall be distributed in the following manner:

- One (1) hard copy to each Firefighter of the Waconia Fire Department
- One (1) hard copy to the Office of the City Administrator
- Three (3) hard copies at the Fire Station
- Available on the City computer network

2.1.4 DEPARTMENT FILES AND RECORDS

All Department files and records shall be the responsibility of the Fire Chief and may be delegated to other appropriate Department firefighters or the Office of the City Administrator.

Personnel files and records shall be the responsibility of the Office of the City Administrator and maintenance in adherence to the Minnesota Government Data Practices Act MINN. STAT. §13.01-13.87.

Training files and records shall be the responsibility of Fire Department Training Officers.

2.1.5 DEPARTMENT BUDGET AND EXPENDITURES

1. An annual budget shall be the responsibility of the Fire Chief. This annual budget shall be prepared by the Fire Chief, with the assistance of the Assistant Chiefs.
2. The proposed budget shall be reviewed by the City Administrator, prior to submittal to the City Council.
3. All expenditures should be consistent with the City's Financial Policy (available on the City computer network/Waconia team site).

2.1.6 DEATH, RESIGNATION, AND RETIREMENT

Death/Funeral

The Fire Department shall assist with funeral arrangements, as appropriate, for active and retired firefighters upon the request of the firefighter's family.

Resignation

Any firefighter wishing to leave the Department in good standing shall provide the Fire Chief with a written resignation stating the last date of work. The letter of resignation will be presented to the City Council for acceptance and approval of any terms associated with the resignation. The last day of work will be observed as the termination date.

Retirement

The Department will comply with all federal and state laws regarding retirement. Any firefighter who leaves in good standing as an active firefighter shall be considered a honorary firefighter with 5-15 years and a retired firefighter with more than 20 years on the Department.

2.1.7 PENSION

The Waconia Fire Relief Association administers a firefighter pension benefit. The benefits are based on months/years of service. Any retired firefighter with five (5) years as an active firefighter shall be considered vested and receive 40% of pension.

The pension vesting shall increase 4% for each additional year after five (5) years as an active firefighter. Retired firefighters with twenty (20) years as an active firefighter shall be fully vested and receive 100% of pension upon retirement and 50 years of age.

Firefighters will be expected to respond to 25% of all “all-calls” that are paged out to the entire department to remain eligible for their pension.

2.2 RECRUITMENT, SELECTION, AND APPOINTMENT OF FIREFIGHTERS

The Department firefighters shall consist of no more than that is allowed by City Council action. Should it become necessary to increase or decrease the number of firefighters, the City Council shall designate the number of firefighters on the department.

2.2.1 FIREFIGHTER ELIGIBILITY

The purpose of these policies is to establish a uniform and equitable system for the selection of firefighters for the Department. Firefighters are held to a high standard by society, and the department desires that its residents and visitors have the utmost confidence in the integrity, competence, and reliability of its firefighters. These policies are designed to ensure that a fair and effective process is followed in the selection of firefighters.

Firefighters must be at least 18 years of age.

Introductory firefighters having served an introductory period of at least twelve (12) months, completed the required basic training, and served in a satisfactory manner, shall be considered an active firefighter.

2.2.2 SELECTION AND APPOINTMENT RESPONSIBILITIES

Subject to the discretion of the City Council, the Office of the City Administrator has primary responsibility for performing such selection components as advertisement, initial application review, and reference and background checks. Department personnel may be responsible for conducting oral interviews, agility testing, and recommending candidates for final selection by the City Council. The City Council is considered the final appointing authority.

2.2.3 POSITION POSTING

Any available position in the Department shall be posted at the station, on the City website, or any other outlets approved by the City for publication.

2.2.4 APPLICATION SUBMISSION

All individuals interested in being considered for a position as a firefighter must complete an application form provided by the City and include a resume and cover letter. Applicants must submit a completed application form by the application deadline in order to be considered for the position.

2.2.5 APPLICATION REVIEW

The Office of the City Administrator will review the initial applications for completeness and compliance with minimum requirements established for the firefighter position. If the application is incomplete on its face or discloses that the applicant does not meet the minimum requirements, the application shall be rejected.

2.2.6 ORAL INTERVIEW

The Department will interview all applicants who meet the minimum application point totals as determined by the Office of the City Administrator. The interview board may consist of the Fire Chief, Department Officers and Supervisors, the City Administrator, City Council Members, and/or Fire Chiefs and Officers from other departments. The interview board will be provided with a list of pre-determined interview questions to be asked of all applicants. Following completion of all interviews, the interview board will meet and, by consensus, agree on the successful applicants based on an evaluation of the applicants' responses to the interview questions and overall qualifications. The names of the successful candidates will be forwarded to the Fire Chief who will present the names to the City Council for approval.

2.2.8 CONDITIONAL OFFERS

Approved candidates will be made conditional offers that are contingent on a candidate's successful completion of a background/reference check, psychological evaluation, medical exam, and physical agility test.

Background/Reference Check

The Fire Chief or his/her designee will advise the approved candidates that the City will conduct a background/reference check pursuant to MINN.STAT. §299F.036. The candidate will provide appropriate releases to the Office of the City Administrator.

Medical and Psychological Evaluations

Candidates approved by the City Council will be notified of the requirement to pass a medical and psychological examinations, at the Department's expense, of the Department's selected physicians. The examinations will be position related and consistent with business necessity. The Department will provide the physicians with a copy of the position description and the standard examination criteria. The physicians may request copies of the candidate's medical records. If the physicians determine that additional tests may be necessary, the physicians may conduct such further tests, provided that the Department first authorizes any additional expense. The examining physician shall indicate whether or

not the applicant is able to perform all essential functions of the job under the work conditions described and given the physical and psychological requirements noted in the job description.

Physical Agility Test

Candidates will be required to pass the department's physical agility test, prior to City Council approval, which assesses the candidates' physical fitness ability for the Firefighter position.

2.2.9 RESCINDING OF A CONDITIONAL OFFER

If the results of the background/reference check, the psychological evaluation, or the medical examination indicate that the candidate is not eligible for the position, the Fire Chief is to notify the City Council. The City Council will be responsible for making the decision to rescind the conditional offer of employment. The City must notify the affected candidate within ten (10) days of its final decision to rescind the job offer.

2.2.10 ORIENTATION MEETING

Candidates who have successfully completed the background/reference check, psychological evaluation, and medical examination will meet with the Fire Chief and the Office of the City Administrator for a firefighter orientation meeting to further describe the Department's policies and standard operating procedures.

2.3 APPOINTMENT OF OFFICERS

The purpose of these policies is to establish a uniform and equitable system for the appointment to officer positions in the City of Waconia Fire Department. The Officers shall be comprised of the following positions: Fire Chief, two (2) Assistant Chiefs, five (5) Captains, and four (4) Lieutenants.

2.3.1 APPOINTMENT RESPONSIBILITIES

Subject to the discretion of the City Council, all appointments to officer positions are to be recommended by the Fire Chief and approved by the City Council. In the case of the Fire Chief position, the appointment is to be made by the City Council.

2.3.2 APPOINTMENT TERMS

All officer terms will commence January 1 of each year. The appointments are for 4 years and will expire at the end of the fourth calendar year or upon voluntary resignation or termination from the officer position. In the event that an appointed term starts after January 1st the officer salary will be pro-rated for the remainder of the year. Terms will be staggered so not all officer terms expire on the same year. Candidates may apply for and be reappointed to subsequent terms and/or may apply for other positions.

2.3.3 APPLICATION FOR APPOINTMENT

Filing for officer positions shall take place beginning October 1 of each year. A position posting shall be placed in the Fire Station listing the most current requirements of the open officer position(s). To file for any officer position, an applicant should meet the minimum requirements for years of service, education, and experience as outlined in the job description. Applicants who do not meet the minimum requirements will be considered as determined by the Fire Chief. The Office of the City Administrator will verify each applicant's qualifications. In the case of the Fire Chief position, the City Council will verify each applicant's qualifications. Each filing firefighter for office shall submit an application and resume outlining activities or functions the applicant has or is participating in including: education, fire prevention activities, call response, meeting attendance, etc.

In the case of the Fire Chief, the Office of the City Administrator, along with the City Council, will coordinate all recruitment and hiring.

Officer positions vacated due to resignation, demotion, promotion, or discharge shall be posted and a 30 day period shall be established for filing, using the same application, interview, and selection process outlined in the above procedures. The positions shall be filled as soon as practical.

2.4 FIREFIGHTER PERFORMANCE AND EXPECTATIONS

2.4.1 ANNUAL PERFORMANCE REVIEW

Annual active firefighter performance reviews will occur annually. It shall be the duty of the supervisor to continually review firefighters' performance and attendance at meetings, drills, fire and rescue calls and other Department duties. Firefighters will receive a formal annual performance review from their supervisor which will become part of their permanent personnel record.

2.4.2 PHYSICAL HEALTH, MENTAL HEALTH, AND FITNESS REQUIREMENTS

All firefighters are required on a periodic basis to undergo, at the Department's expense, examination(s) to determine physical and mental health and fitness for continued duty. The examination schedule can be found below:

Medical Testing Requirements

Age	Medical Exam	PFT (Pulmonary Function Test)	FIT Test
Under 50	Every 4 Years	Annually	Annually
51-59	Every 2 Years	Annually	Annually
60+	Annually	Annually	Annually

If, as a result of such examinations, a firefighter is determined to be not fit for duty, the firefighter must complete a follow up examination, at the firefighter's cost, with their personal physician. The firefighter must not perform any duties for which they are determined not to be fit. After the follow-up examination, the firefighter must provide the Department documentation within 60 days that they are now fit for duty. If this documentation is not provided, the firefighter shall take a leave of absence,

resign, or may be terminated. If the firefighter is a veteran, he/she may exercise rights concerning removal in accordance with MINN. STAT. § 43A.11.

The Office of the City Administrator shall be responsible for maintaining records on individuals in accordance with the City's data practices policies and the Health Insurance Portability and Accountability Act (HIPPA).

On an annual basis, firefighters will be required to participate in a Fire Department Physical Agility test.

2.5 ATTENDANCE REQUIREMENTS

The firefighters of the Department shall perform the duties of extinguishing and subduing fires, rescue operations, prevention, EMS, and preservation and protection of life and property. On calls, firefighters shall report immediately to the Fire Station or respond to the scene of the incident if they are responding in a department vehicle. When the incident operations are completed, firefighters shall return the equipment to the station and make the equipment and/or apparatus ready for the next incident as determined by a Chief Officer. The Chief Officer, or the highest ranking officer present, shall release the firefighters after attendance for the call has been recorded.

2.5.1 CALL RESPONSE PERCENTAGE REQUIREMENTS

The Department is responsible for providing adequate staffing to respond to emergency situations in a timely fashion. The Fire Department Policy, as approved by the City Council, specifies the required Department response attendance and participation during each quarter.

An attempt will be made to assist firefighters who are having problems meeting the Department response attendance requirements. The Fire Chief may approve a deviation from this policy if there are extenuating circumstances (family, work, personal matters, past performance, etc.) and temporarily suspend enforcement of this policy. Any deviation from this policy will occur only after the firefighter has demonstrated a hardship and has presented a plan of corrective action. Disciplinary action, up to and including termination of employment, may be taken by the City against the firefighter for failure to respond to the required response and participation standards.

Firefighters must respond to a minimum of 25% of emergency calls per quarter. Each duty crew shift and approved event participation will also be credited towards the response standard.

Attendance for all call responses shall be recorded on the Emergency Incident Report form that is filled out for each call. It shall be the responsibility of each firefighter to record his/her name on the attendance portion of the Emergency Incident Report.

2.5.2 TRAINING EXPECTATIONS

The Department is responsible for providing adequate training for its firefighters. This policy specifies the minimum required Department training sessions during each year. All firefighters are encouraged to attend 100% of all Department training, but must attend a minimum of 50% of all drills and mandatory

training and meet minimum requirements to maintain State Certifications. A record of all training is kept in the firefighter's training file.

An attempt will be made to assist firefighters who are having problems meeting the Department training expectations. The Fire Chief may approve a deviation from this policy if there are extenuating circumstances (family, work, personal matters, past performance, etc.) and temporarily suspend enforcement of this policy. Any deviation from this policy will occur only after the firefighter has demonstrated a hardship and has presented a plan of corrective action. Disciplinary action, up to and including termination of firefighters, may be taken by the Department against the firefighter for failing to attend training as set forth in this policy.

2.5.3 TRAINING PROCEDURES

All firefighters shall take part in the scheduled training to be eligible for attendance credit. A Captain or Chief Officer will determine if any firefighter who must leave early or arrives late has completed adequate training to be eligible for attendance credit. All firefighters shall attend a minimum of 50% of the regularly scheduled training drills each calendar year. Excused absence will be granted for illness, family emergency and unavoidable work situations by contacting the firefighters assigned Captain, Training Officer, or Chief Officer no later than two hours prior to the training drill. Failure to attend the required minimum of training drills will be grounds for disciplinary action and/or dismissal from the Department.

All firefighters shall obtain prior approval from the Training Chief or Fire Chief prior to attending training sessions which are not sponsored by the Department. Failure to obtain prior approval shall result in the firefighter not receiving credit or reimbursement for attendance at the training session.

2.5.4 EXTERNAL TRAINING ATTENDANCE

All firefighters are encouraged to attend external training. All firefighters, excluding Officers, are expected to have a minimum of six (6) hours of external training every two (2) years. Officers are expected to have a minimum six (6) hours external training every year. External training is above and in addition to internal training. All external training must be approved by the Training Officers and/or the Fire Chief.

2.5.5 DEPARTMENT MEETINGS ATTENDANCE EXPECTATIONS

Firefighters should attend 100% of department meetings during the year.

2.5.6 SPECIAL MEETINGS, DETAILS, AND FUNCTIONS

Special meetings can be called for the Department. Special meetings for the department are called by the Fire Chief.

Special details and events may be assigned. The Chief may require attendance, unless otherwise excused. The Department may discipline the firefighter for unexcused attendance.

2.5.7 EXEMPTIONS TO ATTENDANCE

Exemptions to attendance include, but are not limited to the following:

- Illness – flu, cold, etc.
- Family emergency
- Any reason approved by the firefighter's Squad Officer
- Any firefighter on Department leave as defined by this policy
- Firefighter's employment where conflicting work schedules are unavoidable

It is the firefighter's responsibility to get excused by their Captain or Chief Officer in the case of missed meetings or drills before the event for which he/she is seeking an excused absence. Calling any other firefighter will not count as an excused absence.

2.6 CHAIN OF COMMAND

The Fire Chief shall carry out administrative and supervisory duties under the direction of the City Administrator.

All Officers will report to the Fire Chief and assist as directed.

In the absence of the Fire Chief, an Assistant Chief shall assume the full authority and responsibility of the Fire Chief. In the event that no Chief Officers are available, a Captain shall assume the authority and responsibility of the Fire Chief.

During short periods of absence, the Fire Chief may designate an Assistant Chief, Captain, or senior firefighter of the Department as Acting Fire Chief, who shall assume responsibility and authority for all operational activities in the Department. In case the Fire Chief will be absent for a period longer than thirty days, the City Council shall approve the appointment of an Acting Fire Chief until such time as the Fire Chief has returned to duty.

All firefighters shall follow the designated chain of command. If problems or questions arise, they should be referred to an Assistant Chief. If the issue is not resolved at that level, the Assistant Chief will refer the matter to the Fire Chief.

2.7 RESPONSIBILITIES OF FIREFIGHTERS

The Department has established general conduct guidelines for firefighter behavior in addition to the conduct expectations outlined in the Employee Reference Manual. This is done in an effort to protect its firefighters and the interests of the Fire Department and the City of Waconia.

2.7.1 GENERAL CONDUCT GUIDELINES

The City and Department expect that firefighter's of the Waconia Fire Department:

- Display professional conduct in their behavior during performance of duties, in appearance, with communications, during public contact, and with security of information.
- Project a positive image.
- Maintain integrity.
- Follow the policies and procedures of the Department.
- Keep any problems or matters within the Department internal to the Department and not communicated outside it without following the chain of command.
- Shall not use obscene, uncivil, or boisterous language and/or improper conduct at calls or while engaged in activities in which the Department is participating.
- Shall carry out all orders from their Officers to the best of their ability.
- Shall not claim to represent the views of the City of Waconia or Waconia Fire Department in any public conversations, including social media posts.

When any firefighter receives an order which is in conflict with a previous order, he/she shall so inform the officer who issued the conflicting order and be governed by his/her instructions.

2.7.2 RESPECTFUL BEHAVIOR

The Department expects all firefighters to behave in a respectful manner towards others, including fellow firefighters, firefighters of the public, elected officials, and other City staff. All firefighters are expected to comply with the City Respectful Behavior Policy contained in the Employee Reference Manual.

2.7.3 ALCOHOL AND DRUG USE – DEFINITION OF TERMS

Reasonable Suspicion: A basis for forming a belief based on specific facts and rational inference drawn from those facts

Under the Influence: When the nervous system, brain, or muscles of a person are affected so as to substantially impair the person's ability to drive vehicles or operate equipment, or to perform the duties required of them, or in violation of state laws pertaining to the operation of motor vehicles.

Impaired: Affected by alcohol or other drugs to the degree that the individual's ability to perform their duties is negatively affected.

2.7.4 ALCOHOL AND DRUG USE – FIREFIGHTER RESPONSE POLICY

The City has a policy which addresses alcohol and drug use. Please review this section contained in the Employee Reference Manual.

In addition, it is the policy of the Department that:

1. No firefighter is to drive any fire department vehicle when impaired or under the influence as a result of consuming alcohol or other drugs.
2. No alcohol or drugs shall be consumed by any firefighter on duty.

3. It shall be the responsibility of all firefighters of the Fire Department to report violations of this policy to the person in charge, and for the ranking person in charge of the call to take action pursuant of this policy.

2.7.5 ALCOHOL AND DRUG USE – VIOLATION OF POLICY

In the event that a department firefighter responds in violation of the Firefighter Response Policy, the situation will be handled as follows:

- The officer in charge shall request that the firefighter suspected of violating the policy:
 - o Not respond to the call
 - o Remain in a department vehicle during the call if already on scene
- If a firefighter on a call reasonably suspects that another firefighter is in violation of this policy, the firefighter shall report the suspected firefighter to the Officer in Charge.
- If a firefighter is determined to be impaired, or refuses to not respond to the call or take a test, that firefighter shall be referred to a Chief Officer and will be subject to discipline up to and including termination.
- Any disciplinary action will refer to the City discipline policy contained in the Employee Reference Manual.

2.7.6 TOBACCO

All of the City of Waconia buildings are tobacco free, as required by the Minnesota Clean Air Act. All tobacco products are prohibited in and on all Department apparatus, all emergency scenes, and training.

2.8 FIREFIGHTER COMPENSATION

Fire Department firefighters are paid via direct deposit on a monthly basis. Firefighters of the department and officers are compensated for all calls according to the adopted pay schedule for the year. Firefighters who are regular employees of the City will be compensated according to the schedule in the Employee Reference Manual.

Firefighters responding to calls for service will be compensated for the first hour of duty at the adopted pay rate. Any time spent above and beyond the first hour will be compensated at a full hour rate of pay on an hourly basis. For example, if a call lasts 2.5 hours, the firefighter will be compensated for three (3) hours of work.

Firefighters will not be reimbursed for pay from their full-time (primary) employment or their second or part-time employment for responding to fire calls.

Firefighters are paid for Department training at their hourly rate.

2.8.1 FULL AND PART-TIME CITY EMPLOYEES

Full and part-time employees of the City of Waconia who are also firefighters of the Department shall be allowed to respond to emergency calls during the normal course of their work day in accordance with

the policy contained in the Employee Reference Manual. These employees are expected to return to their job as soon as possible after returning from a call.

2.8.2 ACTIVITY PAY SCHEDULE

Firefighters of the Department shall be compensated for response to fire calls. Approved outside training, education, or school will be reimbursed in accordance with the City Financial Policy.

Firefighters of the Department shall not be compensated for attendance or participation in the following:

- Waconia Fire Relief Association Meetings and Events
- Training travel time and non-educational time
- Non-Required Training (unless approved by the Fire Chief)

2.8.3 OFFICER PAY SCHEDULE

All compensation for Officer's positions shall be submitted to the City Council for approval. This must be done in accordance with the City's budget process. The following officer positions are compensated monthly in accordance with the currently adopted pay schedule:

- Assistant Chiefs
- Captains
- Lieutenants

2.8.4 SAFARI ISLAND MEMBERSHIP

Firefighters shall be eligible to receive an adult basic membership to Safari Island at no charge. Should these firefighters elect to purchase a family membership, the cost of the individual adult membership shall be deducted from the family membership fee.

2.9 GENERAL BENEFITS

2.9.1 FIREFIGHTER ASSISTANCE/CRITICAL INCIDENT STRESS

A critical incident stress debriefing group session led by a team of specially trained mental health professionals and peer counselors shall be provided to a Department firefighter, if at least one firefighter that was on the incident request it.

2.9.2 PROFESSIONAL MEMBERSHIPS AND LICENSES

The Fire Chief may require firefighters to obtain and maintain job required licenses and/or memberships in professional organizations. The Fire Chief may authorize reimbursement to firefighters for requiring the firefighters to obtain or maintain said licenses and/or membership as determined by the City Budget.

2.9.3 CLASSES AND TRAINING

The department will pay approved costs and tuition for approved training. If a firefighter does not successfully complete the training (receive a certificate of completion), they must do so within 90-days after the class ends. If the firefighter needs to take a refresher or redo the class to achieve this, the firefighter needs to set up a meeting with the Fire Chief and Training Officer to discuss options for completion.

All certificates of completion are to be turned in to the Training Officers within 30 days.

2.10 LEAVE BENEFITS

2.10.1 MEDICAL LEAVE

Firefighters can be granted up to a three (3) month medical leave for any illness or injury which limits their ability to perform the essential functions of the job. It is the responsibility of the firefighter to report any injury or illness which may limit their ability to perform the essential functions of their job as a firefighter or officer of the department within 30 days. Documentation of the injury or illness by a licensed physician will be required in order to grant a medical leave. All medical leaves are granted at the discretion of the City Council.

Firefighters on medical leave may not attend regularly scheduled Department training, functions or respond to calls unless authorized by the Chief. Firefighters on medical leave must surrender all Department and City equipment.

2.10.2 PARENTAL LEAVE

Any firefighter requesting parental leave shall submit their request to the Fire Chief and the Office of the City Administrator for consideration. The City complies with both the MN Parental Leave Act and the Family Medical Leave Act and will make a determination about which rules apply to each case. Generally, a firefighter will be required to make a leave of absence request in cases of parent leave.

2.10.3 LIGHT DUTY STATUS

Any active firefighter who has become physically unable to perform the essential duties of firefighting shall request Light Duty Status Leave. The Fire Chief shall review all requests for light duty status and consider them only when accompanied by a statement from the firefighter's attending physician.

Restrictions that may affect the duties that may be performed by the firefighter while on light duty will be specified in writing by the firefighter's attending physician. The City has the right to use the physician's assessment to determine actual duties to be performed.

All firefighters on Light Duty Status Leave must meet the meeting and training requirements as permitted by restrictions. Prior to returning to full duty status and unrestricted firefighting duties, the firefighter must receive permission from the Fire Chief. The firefighter will also be required to provide

permission from the Department or firefighter's personal health care provider. The Department reserves the right, at their expense, to have their fitness for duty evaluated by their health services provider.

Light duty status is considered temporary and will be granted for a period of up to six (6) months. An extension may be granted with the concurrence of the firefighter's attending physician or the City's physician and the Fire Chief.

2.10.4 LEAVE OF ABSENCE

A leave of absence for personal reasons may be granted for a period of up to twelve (12) months at the discretion of the City Council. Any firefighter unable to return after said leave shall be terminated. While on leave, such a firefighter shall surrender all Department and City property to the Fire Chief for the duration of his/her leave. No Department functions shall be attended during said leave. All requests for leave must be submitted in writing with a specific starting date. Upon return from a leave, the firefighter will be required to bring all certifications up to date within a time period as determined by the Fire Chief. Firefighters may be required to re-complete the physical agility and all medical testing following a leave of absence.

2.10.5 MILITARY LEAVE

A firefighter is entitled to military leave for reserve training or active military duty in accordance with USERRA and MINN. STAT. §192.26 and/or 192.26.1. The Department will provide to the firefighter the benefits that a firefighter is entitled to receive under these state and federal laws.

2.10.6 VACATION

Firefighters, with prior approval from a Chief Officer, may be granted up to two seven (7) day blocks of vacation time per calendar year. During these seven-day blocks of vacation, the firefighter will not be required to meet the minimum response standard or training and meeting standards. The vacation may only be used in seven-day blocks of time and will not carry over from year-to-year.

2.11 INSURANCE BENEFITS

2.11.1 FULL-TIME FIREFIGHTERS

Full-time fire department firefighters should refer to the Employee Reference Manual for details regarding benefits.

2.11.2 PAID ON CALL FIREFIGHTERS

This benefits overview is intended to be used for firefighters for information only. It is not intended to be benefits directly or indirectly offered or provided by the Department. For information on the conditions and/or exact benefits, the firefighter should consult the appropriate policy and/or provider.

Eligible firefighters on the Department are covered by a few different kinds of insurance. This insurance provides security for firefighters and their families in the event of injury, illness or death while on a call, at a training session, or any sponsored or supervised activity or event.

All benefits are subject to the conditions of each policy and/or plan. Most benefits are covered only while in the line of duty, which usually includes fire calls, drills, training and meetings.

- City of Waconia Worker's Compensation
- Volunteer Firemen's Benefit Association of Minnesota
- Minnesota State Death Benefit 19909 Sec. 4 (MINN STAT. §299A.44)
- Federal Public Safety Officer's Benefits Act (42 U.S.C 3796)

2.12 DISCIPLINE

Firefighters shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, up to and including termination of employment. It is the policy of the Department to administer disciplinary penalties without discrimination. Every disciplinary action shall follow the policy established in the Employee Reference Manual.

2.12.1 DISCIPLINARY ACTION STEPS FOR FIREFIGHTERS

Although being a firefighter with the Department is based upon mutual consent, and both the firefighter and the Department have the right to terminate employment at will, with or without cause or advance notice, the Department may use progressive discipline at its discretion. Discipline may be imposed at any time, in any order, at the sole discretion of the Department in accordance with policy set forth in the Employee Reference Manual.

2.12.2 HEARING

In any case of suspension, dismissal or demotion, all firefighters shall be granted a hearing before the City Council if the firefighter submits a written request for such hearing to the City Council within five (5) working days of notification of the action taken. The hearing shall be held within ten (10) working days from the date the request is filed unless the Department and the firefighter agree on an earlier or later date. If the disciplinary action involves the removal of a veteran, the hearing shall be held in accordance with Minn. Stat. §197.45.

2.13 FIREFIGHTER HEALTH AND SAFETY

The Department is committed to providing a safe and healthy work environment for all of its firefighters. Firefighters are required to comply with all safety policies and procedures.

2.13.1 INJURY REPORTING – LINE OF DUTY

All firefighters shall immediately report to an Officer any accident, sickness or injury occurring to themselves while on duty, no matter how trivial. Said Officer shall ensure that the firefighter receives proper medical attention and completes all appropriate forms pertaining to the injury and notifies the Fire Chief and the Office of the City Administrator. Injury report is to include any blood borne or airborne pathogen exposures.

First Report of Injury and Supervisor's Report forms are located in the Fire Station and must be filled out within 24 hours and given to the Safety Officer, as well as forwarded to the Office of the City Administrator and the Fire Chief.

2.13.2 PROPERTY DAMAGE REPORTING

All damage to Department equipment and/or apparatus must be reported to an Officer and the Fire Chief immediately. A damaged equipment form and supervisor's report are required as well.

A Law Enforcement agency and an Officer shall investigate any accident involving Department apparatus. The Office of the City Administrator shall be notified immediately. A written report is required.

Damaged Equipment Form and Supervisor's Report forms are located in the Fire Station and must be filled out within 24 hours and forwarded to the Office of the City Administrator and the Fire Chief.

2.13.3 RIDE-A-LONGS

No ride-a-longs shall be allowed or approved during emergency operation of any apparatus without approval of the Fire Chief.

2.13.4 FIREFIGHTER SAFETY CONCERNS AND VIOLATIONS

Any firefighter who has concerns regarding possible violations or situations which might post a safety threat to themselves or fellow firefighters should bring these concerns to the attention of the Safety Committee or any Officer immediately so that corrective action can be taken.

2.14 DUTY OFFICER & COMMAND VEHICLE

The purpose of the Duty Officer program is to provide "right-size-response" to emergency calls. The Duty Officer program will provide greater coverage to the citizens of Waconia and guarantee a resource on-scene without the need to page out the entire membership for incidents which require only a single unit response.

The Waconia Fire Department Operates Command Vehicles to facilitate the effective use of its resources when responding to emergencies and other responses for services by other agencies. Each Duty Officer is equipped with a command vehicle for their respective shifts.

2.14.1 GEOGRAPHICAL & RESPONSE REQUIREMENTS

It is expected that during the Duty Officer shift, the Duty Officer is available to respond with a department emergency response vehicle. This vehicle may be used for conducting personal business, not including the use or purchase of alcohol, within a 11-minute response, or within the fire district.

2.14.2 DUTY SHIFTS & MINIMUMS

There are 14 duty shifts each week. Each day of the week is split into two duty shifts: Day shift (0600 – 1800) and night shift (1800 – 0600).

Based on the availability of the Duty Officer, the shift beginning, and end times may vary. Start and end time must be coordinated between the two Duty Officers to ensure there is no gap in Duty Officer coverage.

Each member of the Duty Officer program is required to work in the rotation. A minimum number of shifts may be established in the future to ensure each duty officer is taking on an equal amount of responsibility. Shifts rotations will be signed up for based on seniority and position.

2.14.3 SCHEDULE & ROTATIONS

The Duty Officer schedule will be created by the officers, with final approval by the Fire Chief. The schedule will be posted for a four-month period (January – April; May – August; September – December), and posted at least four weeks prior to the start of each schedule.

Typically, the Fire Chief will be the Duty Officer during the day shifts, Monday through Friday. In times where the Fire Chief is absent due to a vacation or meetings, those shifts will become available for others to pick up.

Duty Officers will typically be scheduled for Monday – Thursday evening shifts (four shifts total, “weeknight shifts”), or shifts starting Friday evening and running through the Sunday evening shift (five shifts total, “weekend shifts”).

Individuals eligible for the Duty Officer position include the Fire Chief, Assistant Chiefs, Captains, and Right-Seat Certified Firefighters.

2.14.4 TRADING SHIFTS

A Duty Officer should attempt to trade shifts in full. The scheduled Duty Officer is responsible for ensuring coverage and any changes must be communicated to and approved by the Fire Chief before the shift will be considered traded.

If the Duty Officer or family member falls ill during their scheduled coverage time, they must alert the Fire Chief immediately. This will be addressed on a case-by-case basis.

In the event of a personal emergency, the Duty Officer on shift may request coverage for a partial shift. The Duty Officer is responsible for finding coverage and must receive approval from the Fire Chief. Duty Officers will split the shift stipend.

2.14.5 COMPENSATION

The time Duty Officers spend on Duty Officer Rotation is not considered compensable time.

The Duty Officer is paid a shift stipend amount per 12-hour duty shift worked. The total duty officer hours worked in each month are divided by 12 will determine the stipend amount. This allows for flexibility to assist other duty officers in covering shifts.

In addition to the shift stipend, duty officers will receive an hourly rate based on their position for call response and training, and for any additional or special duty assignments. Assistant Chiefs and Captains will continue to receive their stipend for administrative work. The hourly rate is reviewed and approved annually as part of the City's budget process.

2.14.6 EMERGENCY RESPONSE

Duty Officers will respond to emergency call requests in a department emergency response vehicle equipped with all necessary supplies. Carver County Dispatch in accordance with the department's predetermined response activity codes will page out the Duty Officer only for the following incident types:

- Carbon monoxide alarm, no ill effects
- Smoke Investigation
- Smoke alarms sounding in a residence, no signs of smoke or fire
- Power lines down
- Smell of Gas - Outdoors
- Key box request
- Lift assist
- Assist Non-fire Agency (Elevator Rescue, Sheriff's Office, etc.)
- Unconscious/Unresponsive
- Difficulty Breathing/Chest Pain
- Seizure
- Stroke
- Overdose
- Choking
- Medical Alarm
- Suicide Attempt
- Serious Medical
- General Medical
- Diabetic Emergency
- Allergic reaction

The Duty Officer must use their best judgment when considering the appropriate response mode to the scene. Once on the call, it is up to the Duty Officer to determine if more firefighters must be paged out to assist.

2.14.8 COMMAND VEHICLE STAFFING

The Command Vehicles are primarily staffed by the Chief, Asst. Chief and Captains. Other assignments to this vehicle need to be approved by the Fire Chief. The Fire Chief will have the discretion in determining who will be assigned to the vehicle and when the vehicle will or will not respond.

2.14.9 COMMAND VEHICLE SCHEDULING

The Fire Chief will be responsible for preparing schedules to identify the assignment of the vehicle to maximize its use. The schedules will vary in length of time based on different factors such as the availability of the officers, work schedules, weather conditions, etc. These schedules will be posted in the fire station. If a vehicle is not assigned to an officer or firefighter, it shall be staged at the fire station.

2.14.10 COMMAND VEHICLE CALL RESPONSE

While responding to calls the operator shall always have complete control of the vehicle. The type of incident will determine the appropriate type of response, e.g., Code 2 or Code 3. If a non-fire fighter is in the vehicle when a call is received, they should be dropped off at a safe location before responding to the call whenever possible. The Duty Officer will respond to all calls, as specified in section 2.14.6. Communication and coordination with all other responding officers and apparatus should occur to maximize our responding resources.

Passengers & Personal Belongings

Good judgment shall be used when determining response with passengers to calls for service. Passengers are acceptable in the vehicle but shall not be brought to any scene whenever practical. The Duty Officer should plan ahead when traveling with passengers, as passengers will limit response.

Personal belongings shall be kept to a minimum so as not to take up space or interfere with the operation of the purpose of the vehicle. All personal property must be removed as soon as possible.

2.14.11 POST CALL DUTIES

The assigned officer shall report to the fire station after each call to ensure the vehicle and equipment is placed back into service as quickly as possible. This includes cleaning of the vehicle, equipment, or gear. Restocking disposable supplies and filing the necessary paperwork with the appropriate file. Restocking of some supplies and equipment may require traveling to different entities (hospital, ambulance garage, etc.) to acquire the necessities.

2.14.12 VEHICLE USE

This vehicle is to be used by the officer assigned and may be used for nominal personal use while acting as the Duty Officer. The use of alcohol and controlled substances is prohibited while operating this vehicle nor is the use of drugs or prescribed medication that may compromise the safe operation of the vehicle.

2.14.13 FUELING & CLEANING

The vehicle shall be fueled at the assigned fueling location as the other apparatus. Should fueling occur at an alternate location all information shall be logged and any expenses incurred shall be submitted in accordance with the City's policy. If necessary, the vehicle should be refueled before the start of the next shift.

Cleaning of the vehicle should be done at the fire station or the Public Services facility. Any need for cleanup after cleaning the vehicle shall be done right away. No compensation will provide for out-of-pocket expense for cleaning at alternate locations. If necessary, the vehicle should be cleaned before the start of the next shift.

Routine inspections of the fluid levels, warning devices and vehicle shall be done daily.

2.14.14 AREAS OF USE

The Duty Officer should remain available in the fire response area as much as possible. The use of the vehicle is allowed to travel to:

- All cities within Carver County to include St. Bonifacius
- The duty officer should not go to areas where delayed response time will occur to our call area. If this needs to occur, coordination should occur with another officer to help cover the area in their absence.

2.14.15 COMMAND VEHICLE COMPENSATION

There is no personal compensation for filling a shift with this vehicle outside of shift standby pay. Any out of the pocket expenses directly associated for operating or maintaining the vehicle shall be submitted according to the City's policy and preapproved by the Fire Chief. All requests for reimbursement shall be submitted to the Fire Chief for consideration.

2.14.16 PROPER DRESS

While operating the Command Vehicle the assigned officer will wear approved department attire identifying them as a Waconia firefighter. The attire shall be kept neat, clean, and presentable when possible.

The assigned officer shall have available to display their fire department identification badge when on official department business.

While the vehicle is assigned to an officer, they shall carry all their personal protective equipment and store it properly.

2.15 DUTY FIREFIGHTER

The purpose of the Duty Firefighter Policy is to create a way for interested firefighters to participate in the Duty Officer Program. It will create a more efficient system of using the Command Vehicles when they are not assigned to an officer and provide another resource on the Duty Officer Calls. It will also give the opportunity for more on scene medical experience to those that participate.

The following is the recommended procedures for the firefighter on duty while assigned a Command Vehicle. Variations from this procedure are highly discouraged but need to be accordance with the department guidelines when necessary.

Please note the Duty Firefighter will periodically be used, and is not anticipated to be in effect at all times.

2.15.1 DUTY FIREFIGHTER STAFFING

The Command Vehicle assigned to the Duty Firefighter will be staffed by any active firefighter in other words, not on probation. The Fire Chief will have the discretion in determining who will be assigned to the vehicle and when the vehicle will or will not respond. A minimum of (8) 12-hour shifts will be used as a Duty Firefighter probationary period to consist of a Chief concurrently on duty to monitor the

firefighter during these shifts and Code 3 response will not be allowed during this period as well. Focus should be on learning the procedures on these types of responses not learning how to drive Code 3.

2.15.2 DUTY FIREFIGHTER SCHEDULING

The Fire Chief will be responsible for preparing schedules to identify the assignment of the vehicle to maximize its use. The schedules will vary in length of time based on different factors such as the availability of the firefighters, officers, work schedules, weather conditions, etc. These schedules will be managed by the Operations Chief using a scheduling system when possible.

In the event the assigned firefighter is unable to fulfill an assigned shift, they will be required to return the vehicle to the fire station. Any significant changes in the schedule shall be presented to the Fire Chief for his review. If the vehicle is not assigned to an officer or firefighter, it shall be staged at the fire station.

2.15.3 DUTY FIREFIGHTER CALL RESPONSE

While responding to calls the operator shall always have complete control of the vehicle. The type of incident will determine the appropriate type of response, e.g., Routine or Code 3.

The "Duty Firefighter" will respond as follows to all calls when assigned a vehicle, which include but not limited to the following. Because the firefighter may not have command training the types of response will vary greatly from the Duty Officer.

- All Fire Calls – Directly to the station routine
- All Personal Injury accidents or road and highway incidents – Directly to the station routine.
- All other Duty Officer only calls – To the scene routine unless approved for Code 3 response
- All other All Calls - Directly to the station routine.
- Mutual aid calls – Directly to the station routine
- Severe weather - Directly to the station routine

Communication and coordination with all other responding officers and apparatus should occur to maximize our responding resources.

2.15.4 DUTY FIREFIGHTER POST-CALL DUTIES

The assigned firefighter shall report to the fire station after each call to ensure the vehicle and equipment is placed back into service as quickly as possible. This includes cleaning of the vehicle, equipment, or gear. Restocking disposable supplies and filing the necessary paperwork with the

appropriate file. Restocking of some supplies and equipment may require traveling to different entities (hospital, ambulance garage, etc.) to acquire the necessities.

2.15.5 DUTY FIREFIGHTER VEHICLE USE

Vehicle Use

This vehicle is to be used by the firefighter assigned and may be used for nominal personal use while acting as the Duty Firefighter. Personal use of this vehicle should be very limited. The vehicle shall be parked at the firefighter's home and available for calls as much as possible. Use of the vehicle should be for official business only and driving around for leisure will not be tolerated. The vehicles are tracked with an AVL (Automated Vehicle Location) system that is monitored by the department if necessary. Lastly, the use of alcohol and controlled substances is prohibited while operating this vehicle as is the use of drugs or prescribed medication that may compromise the safe operation of the vehicle.

Fueling

The vehicle shall be fueled at the assigned fueling location as the other apparatus. If necessary, the vehicle should be refueled before the start of the next shift.

Cleaning

Cleaning of the vehicle should be done at the fire station or the Public Services facility. Any need for cleanup after cleaning the vehicle shall be done right away. No compensation will be provided for out-of-pocket expenses used for cleaning at alternate locations. If necessary, the vehicle should be cleaned before the start of the next shift.

Routine inspections of the fluid levels, warning devices and vehicle shall be done daily.

Areas of Use

The Duty Firefighter shall always remain in the fire response area. In the event the vehicle is assigned to a firefighter who lives outside the response area, the Fire Chief may allow this on a very limited basis.

Passengers & Personal Belongings Good judgment shall be used when determining response to calls for service with passengers. Passengers are acceptable in the vehicle but shall not be brought to any scene whenever practical. The Duty Officer should plan ahead when traveling with passengers, as passengers will limit response.

Personal belongings shall be kept to a minimum so as not to take up space or interfere with the operation of the purpose of the vehicle. All personal property must be removed as soon as possible.

2.15.6 DUTY FIREFIGHTER COMPENSATION

There is no personal compensation for filling a shift with this vehicle. Firefighters will be compensated for calls that are responded to but are not eligible for a shift stipend. Any out of the pocket expenses directly associated for operating or maintaining the vehicle shall be submitted according to the City's policy. All requests for reimbursement shall be submitted to the Fire Chief for consideration and preapproval.

2.15.7 DUTY FIREFIGHTER PROPER DRESS

While operating the Command Vehicle the assigned firefighter will wear approved department attire identifying them as a Waconia firefighter. The attire shall be kept neat, clean, and presentable when possible.

The assigned Firefighter shall display their fire department identification badge when on official department business if requested.

While the vehicle is assigned to a firefighter, they shall carry all their personal protective equipment and store it properly.

REQUEST FOR CITY COUNCIL ACTION

Meeting Date: December 20, 2021

Item Name:	Donation of Vacant Land – Lariat Companies, Inc.
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Originating Department: Community Development

Presented by: Ann Meyerhoff

Previous Council Action (if any):

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

Adopt Resolution 2021-288 accepting the donation of vacant land located at 10560 10th Street West.

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

Lariat Companies, Inc. owns the undeveloped parcel at 10560 10th Street West and has offered to donate the property to the City of Waconia. The City Council, at their regular meeting on November 15th, 2021, authorized staff to evaluate the possible donation.

Staff recommends accepting the donation of the subject property via the attached resolution, which requires the execution of a donation agreement.

ATTACHMENTS:

1. Draft Resolution (4 pages)
2. Donation Agreement (9 pages)

Attachments:

1. 21288res DONATION_10560 10TH_RES.docx
2. 21288Attachment DONATION_10560 10TH ATTACH.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

CITY OF WACONIA
RESOLUTION NO. 2021-288

RESOLUTON ACCEPTING DONATION OF VACANT LAND

WHEREAS, Lariat Companies, Inc. ("**Lariat**") owns approximately 1.38 acres of vacant land in the City of Waconia, Minnesota (the "**City**") at 10560 10th Street West, which land is depicted on attached Exhibit A (the "**Property**"); and

WHEREAS, Lariat has offered to donate the Property to the City; and

WHEREAS, Minnesota Statutes § 412.211 allows the City to accept donations of real estate; and

WHEREAS, pursuant to Resolution 2021-259 previously adopted by the City Council, City staff has evaluated the Property; and

WHEREAS, City staff recommends accepting the donation of the Property; and

WHEREAS, the City Council finds that accepting such donation is in the best interests of the City and its residents; and

WHEREAS, the City Council further finds, pursuant to Minnesota Statutes §462.356, subd. 2, that the acquisition of the Property has no relationship to the City's comprehensive municipal plan and the City may dispense with the requirements of §462.356, subd. 2, to the extent they apply;

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 part of these resolutions.
2. The form of the Real Estate Donation Agreement attached as Exhibit B is hereby approved, together with such modifications thereof, deletions therefrom, and additions thereto as the City Administrator or City Attorney deem appropriate.
3. The Mayor and City Clerk are authorized and directed to execute, acknowledge, and deliver the Donation Agreement and any other documents or instruments necessary or desirable to effectuate the acceptance of the donated Property, as described in the Donation Agreement. If the Mayor or City Clerk is absent or disabled, another appropriate officer of the City, as determined by the City Attorney, may act on his or her behalf without further act or authorization of the City Council. 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.
4. The donation is subject to certain contingencies described in the Donation Agreement. The City shall not be deemed to have accepted the donation of the Property until the closing for the conveyance thereof has been consummated, if ever. Consummation of the closing shall be deemed conclusive evidence that the City has accepted the donation of the Property from Lariat.

5. The City Administrator is authorized to pay all transaction costs allocated to the City under the Donation Agreement.

Passed and adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/ _____

S/ _____

Bloudek	_____
Leo	_____
Pierson	_____
Waldron	_____
Sorensen	_____

Exhibit A
Diagram of Property

Property Card	Parcel ID Number 752560060			
Taxpayer Information				
Taxpayer Name LARIAT COMPANIES INC ATTN: EDWARD F FLAHERTY				
Mailing Address 8345 CRYSTAL VIEW RD STE 200 EDEN PRAIRIE, MN 55344-				
Property Address				
Address 10560 10TH ST W				
City WACONIA, MN 55387				
Parcel Information				
Uses Commercial	GIS Acres 1.38	Net Acres		
	Deeded Acres 1.39			
	Plat FIVE & 284 BUSINESS PARK			
	Lot			
	Block			
Tax Description THAT PART OF OUTLOT B, FIVE AND TWO EIGHTY FOUR BUSINESS PARK, DESCRIBED AS: BEG SW				
Building Information				
Building Style	Above Grade Finished Sq Ft	Bedrooms		
Year Built	Garage			
Miscellaneous Information				
School District 0110	Watershed District WS 067 CARVER CO WMO	Homestead N	Green Acres N	Ag Preserve N
Assessor Information				
Estimated Market Value	2020 Values (Payable 2021)	2021 Values (Payable 2022)	Last Sale	
Land	\$185,200.00	\$185,200.00	Date of Sale	8/10/1992
Building	\$0.00	\$0.00	Sale Value	\$26,763.00
Total	\$185,200.00	\$185,200.00		

The data provided herewith is for reference purposes only. This data is not suitable for legal, engineering, surveying or other similar purposes. Carver County does not guarantee the accuracy of the information contained herein. This data is furnished on an 'as is' basis and Carver County makes no representations or warranties, either expressed or implied, for the merchantability or fitness of the information provided for any purpose. This disclaimer is provided pursuant to Minnesota Statutes §466.03 and the user of the data provided herein acknowledges that Carver County shall not be liable for any damages, and by using this data in any way expressly waives all claims, and agrees to defend, indemnify, and hold harmless Carver County, its officials, officers, agents, employees, etc. from any and all claims brought by anyone who uses the information provided for herein, its employees or agents, or third parties which arise out of user's access. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party unless the user includes with the data a copy of this disclaimer.

Wednesday, September 22, 2021

Carver County, MN

Exhibit B

Form of Donation Agreement

See document attached after this page.

[https://mhslaw.sharepoint.com/sites/dms4/46265/draftdocs/resolution accepting donation of vacant land 12-16-2021.docx](https://mhslaw.sharepoint.com/sites/dms4/46265/draftdocs/resolution%20accepting%20donation%20of%20vacant%20land%2012-16-2021.docx)

REAL ESTATE DONATION AGREEMENT

This Real Estate Donation Agreement (the “**Agreement**”) is dated effective December 21, 2021 (the “**Effective Date**”) and is between Lariat Companies, Inc., a Minnesota corporation (“**Donor**”) and the City of Waconia, Minnesota, a Minnesota municipal corporation (“**Donee**”).

1. DONATION OF VACANT LAND

1.1 **Real Property.** Subject to the terms and conditions of this Agreement, Donor shall convey to Donee and Donee shall accept from Donor the following (collectively, the “**Property**”):

1.1.1 The vacant land located at 10560 10th Street West, Waconia, Minnesota, that is legally described on attached Exhibit A” and depicted on attached Exhibit B (the “**Land**”); and

1.1.2 All easements and rights benefiting or appurtenant to the Land including any right, title, or interest in the bed of any street, road, highway, or alley adjoining the Land.

1.2 **Personal Property.** No personal property is included in the donation.

1.3 **Nature of Donation.** Donor is giving and donating the Land to Donee as an unrestricted gift. Donee is a Minnesota municipal corporation that is authorized to accept the donation pursuant to Minnesota Statutes § 412.211.

2. INVESTIGATION OF PROPERTY

From the Effective Date until the Date of Closing or the termination of this Agreement, whichever occurs first, Donee and its agents shall have the right to go upon the Property to inspect it and perform environmental, geotechnical, and other testing. Donor agrees to cooperate with Donee regarding Donee’s investigation and testing, if any. Donee agrees to repair any damage to the Property caused by such inspections and testing and to return the Property to substantially the same condition as existed prior to Donee’s inspection and testing. Donee’s obligations under this Agreement are contingent on: i) Donee being satisfied, on or before the Date of Closing, with the state of title to the Property; ii) Donee being satisfied, on or before the Date of Closing, with the results of its physical inspection of the Property; and iii) all of the representations and warranties made by Donor in Section 8 below being true as of the Closing Date. If any contingency is not satisfied on or before the Date of Closing, Donee may terminate this Agreement by giving written notice of termination to Donor. Failure of Donee to give Donor written notice of termination on or before the Date of Closing constitutes Donee’s waiver of such contingencies.

3. OPERATION PRIOR TO CLOSING

During the period from the Effective Date to the Date of Closing, Donor shall maintain adequate liability insurance and insurance against loss by fire, windstorm, and other hazards and casualties. Further, Donor shall not execute any contracts, leases, easements, or other

agreements regarding the Property without the written consent of Donee. On or before the Date of Closing, Donor shall terminate any outstanding contracts affecting the Property and pay for all labor or materials furnished to the Property at the request of Donor.

4. CLOSING

4.1 **Title Company.** Title Mark, LLC, shall act as closing agent for the transaction ("Title Company").

4.2 **Closing Date and Location.** The closing for the transfer of the Property shall occur on December 27 at 1:00 p.m., or another time mutually agreed to by the parties (the "**Date of Closing**"), at which time the closing for the conveyance of the Property (the "**Closing**") shall occur. The Closing shall take place at Title Company's office at 121 West Main Street, Waconia, Minnesota, or at such other place as the parties may agree. Either party may attend the Closing in person or submit documents/deliveries into escrow with Title Company no later than 12 hours prior to Closing.

4.3 **Donor's Deliveries at Closing.** At Closing, Donor shall:

4.3.1 Execute and deliver a Limited Warranty Deed for the Property (the "**Deed**") conveying marketable fee title to the Property to Donee, subject to the following exceptions:

- Real estate taxes not yet due and payable;
- Drainage and utility easements as shown on the recorded plat of FIVE AND TWO EIGHTY FOUR BUSINESS PARK; and
- Permanent Right-of-Way Easement filed April 6, 2015 as Document No. 607954.

The Deed shall also certify Donor does not know of any wells on the Property.

4.3.2 Execute and deliver an appropriate Minnesota Uniform Conveyancing Form Affidavit (Form 50.1.2 / 50.1.3) to Title Company and Donor.

4.3.3 Execute and deliver a non-foreign affidavit pursuant to Section 1445(b)(2) of the Internal Revenue Code to Title Company and Donor.

4.3.4 Execute and deliver appropriate federal income tax reporting forms and standard closing assurances to Title Company.

4.3.5 Deliver any other documents required by this Agreement or reasonably requested by Title Company.

4.4 **Donee's Deliveries at Closing.** At Closing, Donee shall deliver any documents required by this Agreement or reasonably requested by Title Company.

5. DELIVERY OF PROPERTY

Donor shall deliver possession of the Property to Donee at Closing in substantially the same condition as such Property existed on the Effective Date of this Agreement.

6. PRORATIONS AND ALLOCATIONS

- 6.1 **Real Estate Taxes and Special Assessments.** On or before Closing, Donor shall pay all real estate taxes, special assessments, and penalties due and payable regarding the Property for 2021 and prior years. Donee shall pay all real estate taxes, special assessments, and penalties due and payable regarding the Property for 2022 and thereafter.
- 6.2 **Title and Closing Costs.**
- 6.2.1 Donee shall pay the cost of obtaining a title insurance commitment for the Property and the premium for any title insurance policy Donee desires.
- 6.2.2 Donee shall pay costs associated with its investigation of the Property.
- 6.2.3 Donee shall pay 100% of any closing fee charged by Title Company.
- 6.2.4 Donee shall pay the \$1.65 deed tax and the cost of recording the Deed.
- 6.3 **Other Costs.**
- 6.3.1 Each party shall pay its own attorneys' fees.
- 6.3.2 Donor shall pay the fees of any professional advisors retained by Donor to advise Donor regarding the donation and tax implications.
- 6.3.3 Donor shall pay the cost of any appraisal donor desires.

7. DONOR'S REPRESENTATIONS, WARRANTIES AND DISCLOSURES

- 7.1 **Representations, Warranties, and Required Minnesota Disclosures.** Donor represents and warrants to Donee as follow:
- 7.1.1 **Authority.** Donor has the legal and corporate authority to enter into this Agreement and to convey the Property. The individuals executing this Agreement on behalf of Donor have the legal and corporate authority to execute this Agreement on behalf of Donor and to bind Donor.
- 7.1.2 **Status of the Property.** There are no unrecorded mortgages, contracts, purchase agreements, options, leases, easements or other agreements or interest relating to the Property. There are no persons in possession of any portion of the Property other than pursuant to a recorded document. To the best of Donor's knowledge, there are no hazardous substances located on or about the Property. There are no wells located on the Property. There are no underground or above ground storage tanks of any size or type located on the Property. Sewage generated at the Property goes to a facility permitted by the Minnesota Pollution Control Agency. Methamphetamine production has not occurred on the Property.
- 7.1.3 **Donation.** Donor has retained its own professional advisors to advise Donor regarding the conveyance of the Property and the tax implications

of the donation. Donor has not relied on any statements or representations made by Donee or its attorneys regarding such matters.

- 7.2 **Survival.** The representations and warranties set forth in this Section 7 above shall survive Closing and delivery of the Deed.

8. DONEE'S REPRESENTATIONS

- 8.1 **Representations and Warranties.** Donee represents and warrants to Donor as follows:

8.1.1 **Authority.** Donee has the full and complete authority to enter into this Agreement. The individuals executing this Agreement on behalf of Donee have the authority to execute this Agreement on behalf of Donee and to bind Donee.

8.1.2 **Donation.** Donee is a Minnesota municipal corporation that has authority to accept the donated Property.

- 8.2 **Survival.** The representations and warranties set forth in this Section 8 above shall survive Closing and delivery of the Deed.

9. **"AS-IS" CONVEYANCE.** Except as set forth in this Agreement to the contrary, Donee is accepting the Property in its existing condition "AS-IS, WHERE-IS, AND WITH ALL FAULTS."

10. DEFAULT

If either party to this Agreement defaults in the performance of any of such party's obligations under this Agreement, the non-defaulting party may, after written notice to the defaulting party, suspend performance of its obligations under this Agreement, and the rights of the non-defaulting party shall be as follows:

- 10.1 **Donor's Default.** If Donor defaults in the performance of any of Donor's obligations under this Agreement or if any of Donor's representations or warranties in Section 7 are found to be inaccurate prior to Closing, Donee may cancel this Agreement by proving written notice of cancellation to Donor or initiate a civil action to compel Donor's specific performance of Donor's obligations under this Agreement.

- 10.2 **Donee's Default.** If Donee defaults in the performance of any of Donee's obligations under this Agreement, or if any of Donee's representations in Section 8 are found to be inaccurate prior to Closing, Donor may cancel this Agreement by providing written notice of cancellation to Donee.

- 10.3 **Damages.** If either party breaches a representation or warranty made by such party in Section 7 or 8 above, the other party may seek damages. Under no circumstance, however, shall either party be liable for consequential or special damages.

- 10.4 **Sole Remedies.** The remedies set forth in this Section 10 are the sole and exclusive remedies available to the parties.

11. NOTICES

- 11.1 **Donor.** All notices to Donor shall be deemed sufficiently given if in writing and i) personally delivered to Donor at: Edward Flaherty, President, 8345 Crystal View Road, #200, Eden Prairie, Minnesota 55344 ("**Donor's Address**"); ii) sent to Donor's Address via overnight courier with item tracking; or iii) sent to Donor's Address via registered or certified U.S. Mail.
- 11.2 **Donee.** All notices to Donee shall be deemed sufficiently given if in writing and i) personally delivered to Donee at: Shane Fineran, City Administrator, City Hall, 201 South Vine Street, Waconia, Minnesota 55387 ("**Donee's Address**"); ii) sent to Donee's Address via overnight courier with item tracking; or iii) sent to Donee's Address via registered or certified U.S. Mail.
- 11.3 **Date of Notice.** A notice shall be deemed given on the day of delivery in the case of personal delivery or the day after the same is deposited with an overnight courier or with the U.S. Postal Service in the case of the other permitted forms of delivery.

12. MISCELLANEOUS

This Agreement can only be modified or amended by another written agreement signed by both Donor and Donee. Subject to the first sentence of this paragraph, this Agreement shall bind and inure to the benefit of the respective heirs, successors, and assigns of the parties. This Agreement is governed by and shall be construed according to Minnesota law, exclusive of choice of law rules. Time is of the essence. The exhibits attached to this Agreement and the provisions contained in such exhibits are incorporated by reference as terms of the Agreement. Further, the provisions contained in the introductory paragraph and any recitals of this Agreement are also incorporated as terms of the Agreement. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, and together which shall constitute one and the same document. Signatures transmitted by fax, email or other electronic means shall be deemed binding, delivered and enforceable. This Agreement shall become effective only upon full execution and delivery by Donor and Donee.

[Signature pages follow.]

SIGNATURE PAGE TO REAL ESTATE DONATION AGREEMENT

DONOR

LARIAT COMPANIES, INC

By: Edward Flaherty, President

Dated: December _____, 2021

SIGNATURE PAGE TO REAL ESTATE DONATION AGREEMENT

DONEE

CITY OF WACONIA

By: Kent Bloudek, Mayor

By: Jacqueline Schulze, City Clerk

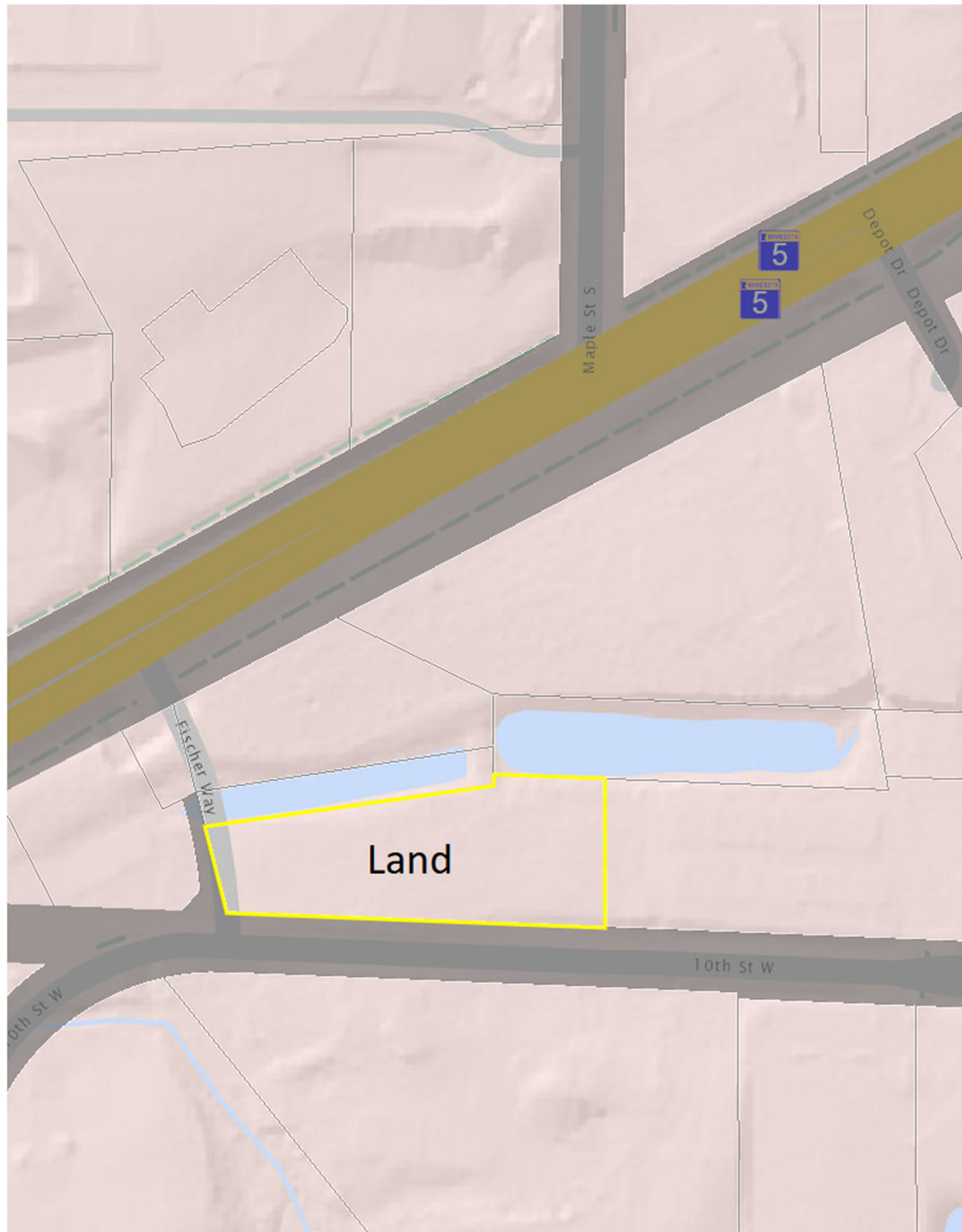
Dated: December _____, 2021

EXHIBIT A
Legal Description of Land

That part of Outlot B, FIVE AND TWO EIGHTY FOUR BUSINESS PARK, Carver County, Minnesota, described as follows:

Beginning at the southwest corner of said Outlot B; thence North 14 degrees 13 minutes 31 seconds West, assumed bearing, along the westerly line of said Outlot B a distance of 99.45 feet; thence North 82 degrees 02 minutes 03 seconds East 328.54 feet to the intersection with the southerly extension of the most westerly line of Outlot A said FIVE AND TWO EIGHTY FOUR BUSINESS PARK; thence North along said southerly extension 11.39 feet to an angle point in a line common to said Outlots A and B; thence South 87 degrees 24 minutes 14 seconds East along a line common to said Outlots A and B a distance of 125.00 feet to the most easterly line of said Outlot B; thence South along said easterly line 166.96 feet to the southeast corner of said Outlot B; thence North 87 degrees 24 minutes 14 seconds West 426.24 feet to the point of beginning.

EXHIBIT B
Depiction of Land



[https://mhslaw.sharepoint.com/sites/dms4/46265/draftdocs/donation agreement 12-16-2021.docx](https://mhslaw.sharepoint.com/sites/dms4/46265/draftdocs/donation%20agreement%2012-16-2021.docx)



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:	December 20, 2021
Item Name:	Zoning Map Amendment submitted by Ridgeview Medical Center for the Property located at 801 Highway 284
Originating Department:	Community Development
Presented by:	Ann Meyerhoff

Previous Council Action (if any):

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

Adopt Resolution 2021-289 approving the proposed Zoning Map Amendment to rezone the subject parcel from I-2, General Industrial District to B-1, Highway Business District.

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

BACKGROUND

Applicant: Ridgeview Medical Center

Owner: United Farmers Cooperative (UFC)

Address: 801 Highway 284

PID#: 750240100

Current Zoning: I-2, General Industrial District

Proposed Zoning: B-1, Highway Business District

REQUEST:

The City has received a Zoning Map Amendment application from Ridgeview Medical Center (the "Applicant") for the property located at 801 Highway 284 (the "Subject Property"). The applicant is requesting approval to rezone the subject property from the current zoning of I-2, General Industrial District to B-1, Highway Business District.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.F – B-1, Highway Business District.
2. Section 900.05 – District Regulations, Subd. 2.K – I-2, General Industrial District.
3. Section 900.12 – Administration, Enforcement and Procedures, Subd. 6 – Amendments.

EXISTING CONDITIONS:

The subject parcel was formerly UFC Farm Supply. The main structure remains on the property, while many of the outbuildings have been removed.

ZONING MAP AMENDMENT ANALYSIS AND PLANNING CONSIDERATIONS:

1. The 2040 Comprehensive Plan, specifically the Future Land Use Map, categorizes the approximately 9-acre parcel as C, Commercial. The zoning districts identified with commercial guidance are B-1, Highway Business District and B-4, Health Care Business District. The proposed rezoning is consistent with the City's Comprehensive Plan.
2. If the rezoning is approved by the City Council all future development, redevelopment, or uses shall conform to the requirements stated in the B-1, Highway Business District regulations and the applicable sections of the City Zoning Code.

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on November 18th, 2021 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. As of the date and time of this report the City has not received any public comments regarding the proposed Zoning Map Amendment.

RECOMMENDATION

The Planning Commission, at their regular meeting on December 16th, held the required public hearing, took all public comment regarding the rezoning application, and recommended approval of the rezoning application via a 5-0 vote.

ATTACHMENTS:

1. Draft Resolution (1 page)
2. Public Hearing Notice (1 page)
3. Rezoning Application (2 pages)
4. Legal Description (1 page)
5. Location Map (1 page)
6. Zoning Map w/ Existing Uses (1 page)
7. 2040 Comp Plan – Planned Land Use Map (1 page)

Attachments:

1. [21289Attachment REZONE_UFC SITE_ATTACH.pdf](#)
2. [21289res REZONE_UFC SITE_RES.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

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 December 2nd, 2021 at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a Rezoning application by Ridgeview Medical Center for the property described as follows:

801 HIGHWAY 284, PID # 750240100,
CARVER COUNTY, MINNESOTA

The subject property includes approximately 9.16 acres of land currently zoned I-2, General Industrial District. The 2040 Comprehensive Plan guides the property commercial. The applicant is requesting the property to be zoned B-1, Highway Business District.

Pertinent information pertaining to this request is available at the 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 Thursday, December 2nd, 2021. 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: Lane Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconia.org

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

(Published in the November 18th, 2021 Waconia Patriot newspaper)



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

APPLICANT INFORMATION

1. Owner's Name: United Farmers Cooperative
2. Address of Property: 801 Highway 284 Waconia, MN 55387
3. Legal Description: see attached
4. Applicant's Name: Ridgeview Medical Center
5. Mailing Address: 500 Maple St S, Waconia, MN 55387
6. Daytime Phone(s): 952-777-4152
7. Email Address: kalli.hasse@ridgeviewmedical.org

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: _____

Fee: \$ _____
Receipt #: _____



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

REZONING APPLICATION

1. Size of Property to be Rezoned (square feet): 399,009.6 Sq Ft
2. Present Zoning Classification: I-2
3. New Zoning Classification Desired: B-1
4. Reason for Request: The current Zoning classification of I-2 does not permit the planned uses of the property upon Ridgeview's potential planned purchase of the property. In order for the purchase to be valuable to Ridgeview, a zoning change to B-1 is requested in order for Ridgeview to immediately use the property and provide a better experience for members of the community.
5. Description of Request – explain how the proposed zoning change would affect surrounding properties and traffic patterns on abutting roadways:
Ridgeview plans to use the building for our Home Medical Equipment business. Moving this business to this location will enable us to have a larger showroom, a larger parking lot and will give Ridgeview the space to make this service better for the community. We also plan to move some support staff offices to this location, in order to free up space in the hospital to help enhance services at the hospital. Lastly, we plan to use the building for storage to help free up space in the hospital. Ridgeview does not anticipate that there will be any change to the surrounding properties.

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE

1. Payment of application fee (\$375) and escrow payment of \$500.00. Additional consulting review fees may apply, such as civil engineering and legal counsel.
2. Survey of property to be rezoned along with general location map. [Map attached](#)
3. Proposed uses anticipated on rezoned property. [See above, #5- explanation of uses anticipated for the property.](#)
4. Indicate existing uses on adjacent properties. [See the attached map for the listing of adjacent properties.](#)
5. Any studies or reports that support a justification to rezone the property. [See the attached excerpt from the the city of Waconia's comprehensive plan.](#)

Applicant's Signature: _____

Date: 11/04/2021

Printed Name: _____

Owners Signature: _____

Date: 11/4/2021

Printed Name: _____

**** By signing this the Owner, United Farmers Cooperative, is not authorizing the property to be rezoned immediately. Rather this is granting the Buyer the ability to explore a new zoning with the City of Waconia. Upon closing and transfer of ownership or with written consent prior closing, Buyer can complete the rezoning process as planned.****

Legal Tax Description for 801 Highway 284, Waconia, MN 55387:

5.50 AC IN SW1/4 NW1/4 ANNEX ORDER #159 2.76 ACRES IN SW1/4 NW1/4 TRACT D CRV #7662 & INCL .74 AC DESC AS: COMM AT INTERSECT OF W LINE OF E 1772' OF NW1/4 & S LINE OF NW1/4 TH N ON W LINE 824.86' TH S79*W 225' TH S 349.54' TH CONT S 126.23' TH W 75' TO PT OF BEG TH CONT W 255' TH N 126.23' TH E 255' TH S 126.23' TO BEG CRV #9189 DOC #98558 & INCL .22 AC P/O NW1/4 DESC AS: COMM AT INTERSECTION OF W LINE OF E 1772' OF NW1/4 & S LINE OF NW1/4 TH N ON W LINE OF E 1772' 824.86' TH S79*W 225' TH TO PT OF BEG



Key

B-1 Highway Business District	R-2 Single Family Residential
B-2 General Business District	R-3 Medium Density Residential
B-3 Central Business District	R-4 Mixed Residential
B-4 Health Care Business District	R-5 High Density Residential
I-1 Industrial Park District	C Conservation District
I-2 General Industrial District	F-1 Fairgrounds District
AG Agricultural	P Public District
R-1 Single Family Residential	PUD Planned Unit Development

- 1 - Wallgreens
- 2 - Caribou Coffee
- 3 - Youngstedts Tire & Auto
- 4 - Car Co Waconia/Freshwater Furniture Depot
- 5 - Vacant Lot
- 6 - Waconia Vet Clinic
- 7 - Xcel Energy
- 8 - Transport Security Inc
- 9 - 1Micro
- 10 - Residential Housing
- 11 - Residential Housing
- 12 - Trending Upward Thrift Shoppe
- 13 - Residential Housing



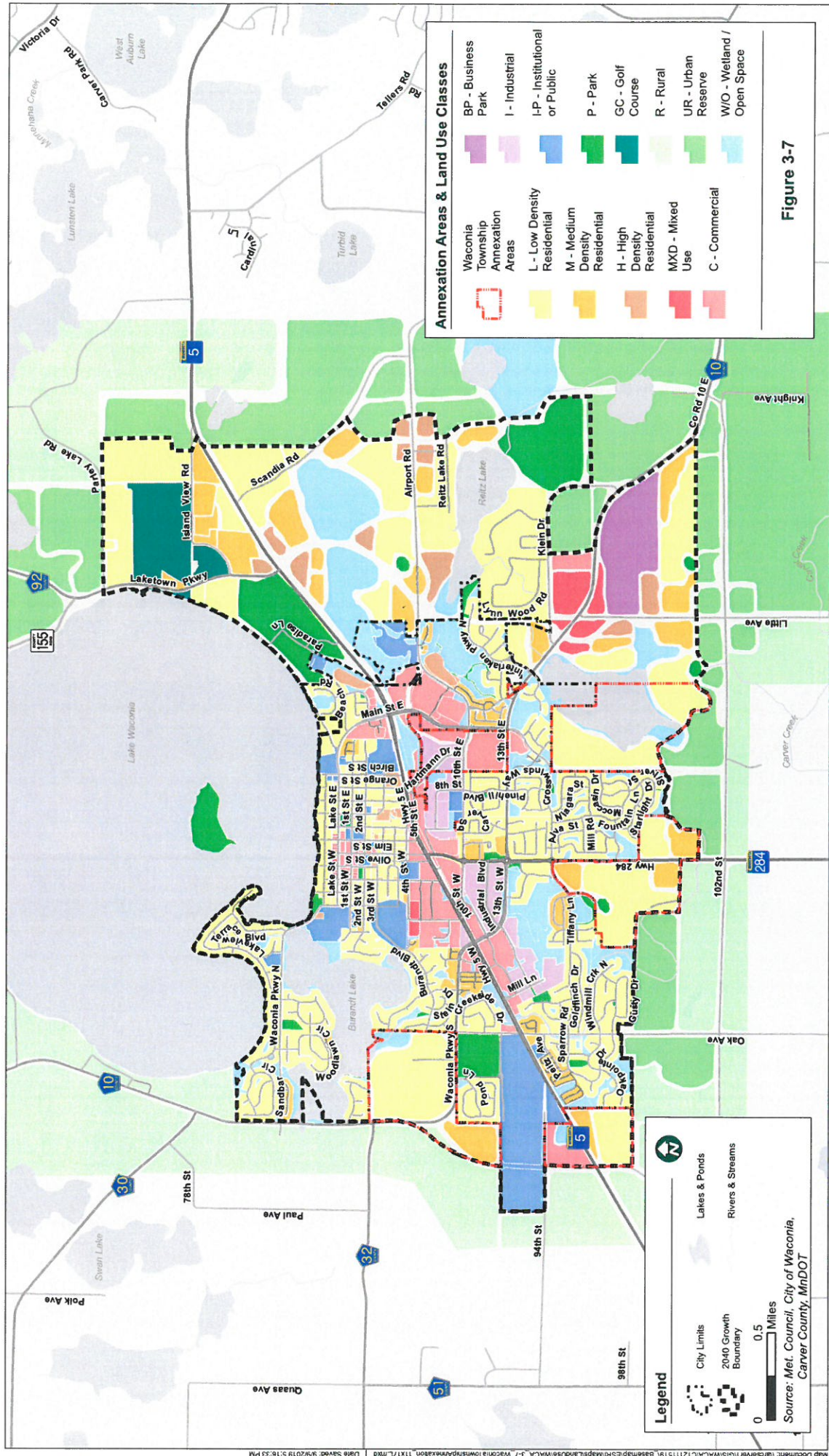


Figure 3-7

**CITY OF WACONIA
RESOLUTION 2021-289**

**RESOLUTION APPROVING
A ZONING MAP AMENDMENT
RIDGEVIEW MEDICAL CENTER**

WHEREAS, The Planning Commission of the City of Waconia conducted a public hearing in the Council Chambers of City Hall, 201 South Vine Street, Waconia, Minnesota on Thursday, December 16th, 2021 to consider a Zoning Map Amendment submitted by Ridgeview Medical Center; and

WHEREAS, the subject parcel is located at 801 Highway 284 and identified as PID# 750240100; and

WHEREAS, the Zoning Map Amendment will rezone the parcel from I-2, General Industrial District to B-1, Highway Business District; and

WHEREAS, the Planning Commission finds that the proposed Zoning Map Amendment is compatible with adjacent properties and the Comprehensive Plan; and

WHEREAS, the rezoning is contingent on Ridgeview Medical Center purchasing the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Zoning Map Amendment for Ridgeview Medical Center as proposed based on the findings, conditions and recommendation of the Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/ _____

Bloudek _____

Leo _____

S/ _____

Pierson _____

Sorensen _____

Waldron _____



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021				
Item Name:		Variance Amendment for the Property located at 80 Point Drive				
Originating Department:		Community Development				
Presented by:		Ann Meyerhoff				
Previous Council Action (if any):						
Item Type (X only one):	Consent	X	Regular Session		Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>						
Adopt Resolution 2021-290 approving the Variance Amendment to allow the demolition of the existing principal structure and reconstruction of a home consistent with the previous variance approval for 80 Point Drive.						
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>						
BACKGROUND Applicant: Jeremy & Liza Donabauer Owner: Jeremy & Liza Donabauer Address: 80 Point Drive PID#: 752960340 Zoning District: R-2, Single-Family Residential District Special District: Shoreland Overlay District The Planning Commission reviewed the initial variance request for the subject property on December 3rd, 2020. The Commission reviewed the necessary information, held the required public hearing, and recommended approval of the proposed variance via a 5-0 vote with 3 conditions of approval. The City Council adopted Resolution 2020-292 approving the requested variance on December 21st, 2020 based on the recommendation of the Planning Commission. Since the initial approval the property has been sold and the new property owners would like to build the home proposed and originally approved. Based on the comments provided in the packet by the applicant, their architect, and their builder, retaining the home, or doing an addition to the home, will not work as originally planned and therefore they are proposing to remove the entire structure while preserving the existing foundation. Further, the applicant has indicated that they have not changed the footprint, height, or architectural design of the house from what was approved by the City Council in December 2020. As removal versus an addition is a significant change to the original plan, they are required to request an amendment to the original plan, which requires a public hearing and approval by the City Council. PUBLIC NOTICE/COMMENT The notice was published in the WACONIA PATRIOT on November 18th, 2021 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. Staff has attached the public hearing comment received to date. RECOMMENDATION The Planning Commission, at their regular meeting on December 16th, held the required public hearing, took all public comment regarding the variance amendment application, and recommended approval via a 5-0 vote. If the City Council approves of the variance amendment, the Planning Commission and staff would recommend the approval upon the following additional conditions: 1. The proposed improvements shall be completed as approved per Resolution 2020-292 and as conditionally revised by the Planning Commission and the City Council. 2. The applicant shall submit an as-built certificate of survey upon completion of the project to ensure all setbacks indicated have been met, the impervious surface is consistent with approvals and the structure has not been expanded beyond the current footprint of the existing home. The as-built survey shall be submitted prior to issuance of a certificate of occupancy for the new home. 3. The contractor shall either utilize the existing driveway or install a rock construction entrance for the project.						

Mud/debris/material shall be removed from equipment leaving the site and the contractor shall be responsible to sweep/clean any material deposited offsite as directed by the City.

4. A rock check or biolog roll shall be placed in each curb line downstream of the site near the north end of the cul-de-sac.

5. Disturbed turf areas shall be restored/stabilized within 5 days of inactivity. Erosion control blankets should also be used if any areas exceed 4:1 slope.

ATTACHMENTS:

Please note that there may be some overlap in the attachments provided. The applicants have provided a written account of the situation, which includes their request and comments from their designer and builder. In addition, staff has provided the City Council packet materials and the original resolution of approval (Resolution # 2020-292). I have identified "ORIGINAL APPROVAL" on each page of the original documents reviewed by the City Council in 2020.

1. Draft Resolution (2 pages)
2. Applicant Statement with Attachments (28 pages)
3. Resolution 2020-292 (2 pages)
4. December 21, 2020 City Council Packet Materials without Property Pictures (21 pages)
5. Public Hearing Comment (1 page)

Attachments:

1. [21290memo VARIANCE AMEND_80 POINT DR_RES.pdf](#)
2. [21290Attachment VARIANCE AMEND_80 POINT DR_ATTACH.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

**CITY OF WACONIA
RESOLUTION 2021-290**

**A RESOLUTION APPROVING A VARIANCE AMENDMENT
FOR THE PROPERTY LOCATED AT 80 POINT DRIVE**

WHEREAS, Jeremy and Liza Donabauer (the “**Applicants**”), have submitted a Variance Amendment application for the property located at 80 Point Drive (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

WHEREAS, the subject parcel is identified as PID# 752960340; and

WHEREAS, the City approved the initial variance request via Resolution 2020-292 allow improvements to the principal structure on the subject parcel, which is located 25.5 ft. from the Ordinary High Water Line (OHWL) versus the 50 ft. minimum structure setback required in the Shoreland Overlay District; and

WHEREAS, the applicant is requesting an amendment to the variance because the house structure needs to be fully removed to meet current building code requirements and the original request was to retain and expand the existing principal structure; and

WHEREAS, the Planning Commission, at their regular meeting on December 16th, 2021, held the required public hearing and recommended approval of the Variance Amendment application to allow the full removal of the principal structure at 80 Point Drive via a 5-0 vote with the following conditions:

1. The proposed improvements shall be completed as approved per Resolution 2020-292 and as conditionally revised by the Planning Commission and the City Council.
2. The applicant shall submit an as-built certificate of survey upon completion of the project to ensure all setbacks indicated have been met, the impervious surface is consistent with approvals and the structure has not been expanded beyond the current footprint of the existing home. The as-built survey shall be submitted prior to issuance of a certificate of occupancy for the new home.
3. The contractor shall either utilize the existing driveway or install a rock construction entrance for the project. Mud/debris/material shall be removed from equipment leaving the site and the contractor shall be responsible to sweep/clean any material deposited offsite as directed by the City.
4. A rock check or biolog roll shall be placed in each curb line downstream of the site near the north end of the cul-de-sac.
5. Disturbed turf areas shall be restored/stabilized within 5 days of inactivity. Erosion control blankets should also be used if any areas exceed 4:1 slope.

WHEREAS, the City Council further finds and concludes:

- 1) The proposed amendment to the original variance request would not alter the essential character of the locality as the proposed improvements would not cause the structure to exceed the height requirement stated in the Shoreland Overlay District. Additionally,

there are other 2-story homes in close proximity to the subject parcel and the proposed construction would be consistent with the character of the neighborhood.

- 2) The proposed variance is reasonable as the expansion would be within the existing footprint of the building and the applicant will restore a portion of the shore impact zone.
- 3) The property is unique as the home, located within the 50 ft. structure setback, was constructed prior to the establishment of the Shoreland Overlay District standards.
- 4) The variance is in harmony with the Comprehensive Plan as the applicant intends to construct a new home without expanding the structure footprint and restore a portion of the shore impact zone in further protection of Lake Waconia.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Variance Amendment application for Jeremy and Liza Donabauer to construct a new home within the existing footprint of the current home for the property located at 80 Point Drive subject to the conditions, findings and recommendations of the Waconia Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

M/ _____

S/ _____

Bloudek	_____
Leo	_____
Pierson	_____
Sorensen	_____
Waldron	_____

To: City of Waconia Planning Commission and City Council

Re: Request for Variance Amendment, 80 Point Drive, Waconia

Dear Mayor, City Council and Planning Commission Members,

Thank you for taking the time to review this, our names are Liza and Jeremy Donabauer and in June of 2021 we purchased the home at 80 Point Drive, Waconia. Prior to the closing of this home, we were aware of the variance request and ultimately the approval in December 2020. What we are asking from the Planning Commission and City Council is to allow us to amend the original variance to allow for the demolition of the structural framing versus preserving a portion of the home beyond the foundation.

In addition to this letter, we have included a letter written to the Planning Commission dated November 5, 2020, by the former owners Rick and Kathy Koehler. This letter really lays out the need and desire for the variance and we agree with the basis of the letter as a whole. However, when the Koehler's submitted this letter, they made references to the home that included phrases such as "remodel", "improve", "add", and "addition".

On December 3rd, 2020, the result of the Planning Commission was to recommend approval of the variance by a 5-0 vote with the following conditions:

1. The applicant shall submit all necessary permits and meet all submission requirements contained within.
2. The applicant shall submit a revised Certificate of Survey at the time of permit review detailing the location of the proposed deck expansion that shall not be closer than 25.5 ft. from the OHWL and consistent with this approval.
3. The applicant shall restore the shoreline with native and/or natural vegetation to provide habitat and functional soil stability and submission of a stormwater plan that details a gutter and rain barrel system.

Following the approval by the Planning Commission, the variance request was heard by the City Council on December 21st, 2020. By a 5-0 vote the City Council approved the resolution. The resolution was adopted with the conditions above and further findings as seen below.

WHEREAS, the City Council further finds and concludes:

- 1) The proposed improvements would not alter the essential character of the locality as the proposed improvements would not cause the structure to exceed the height requirement stated in the Shoreland Overlay District. Additionally, there are other 2-story homes in close proximity to the subject parcel and the proposed expansion would be consistent with the character of the neighborhood.
- 2) The proposed variance is reasonable as the expansion would be within the existing

footprint of the building and the applicant would restore a portion of the shore impact zone.

3) The property is unique as the home, located within the 50 ft. structure setback, was constructed prior to the establishment of the Shoreland Overlay District standards.

4) The variance is in harmony with the Comprehensive Plan as the applicant intends to preserve an older building without expanding the structure footprint and restore a portion of the shore impact zone in further protection of Lake Waconia.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Variance application for Richard and Katharine Koehler to construct improvements to their principal structure within the OHWL structure setback for the property located at 80 Point Drive subject to the conditions, findings and recommendations of the Waconia Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 21st day of December, 2020.

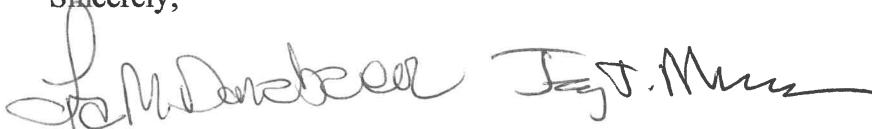
We understand and accept the conditions set forth by the Planning Commission in December 2020. Items in this application that comply with the conditions include:

1. Certificate of Survey detailing the location of the proposed deck expansion that shall not be closer than 25.5 feet from the OHWL.
2. Shoreline Restoration Plan.
3. Stormwater Plan detailing gutter and rain barrel system.

Following the purchase of the home we engaged Mathews Vasek Construction to build our home. Sharratt Design had already been engaged by the Koehler family and we elected to continue working with them. During the structural design process, it became evident that in order to construct the home to today's building codes and practices, the existing house framing would need to be removed, however, the existing foundation will be preserved. The home that is there today is constructed with 2x4 balloon framed exterior walls, has several sill heights, inadequate headers, and overall would not support another story. Modern building codes require 6 inch exterior walls for structural integrity and proper insulation R-value. The letters included in this application from Sharratt Design and Mathews Vasek Construction detail the necessity for the home to be constructed without preserving the 2x4 construction while preserving the existing foundation.

What we really want to emphasize is that we have not changed the footprint, height, or architectural design of this house from what was approved by the Planning Commission in December 2020. The set of plans sent by the Koehler Family and our plans have been submitted for a side-by-side comparison to show that we are not changing the core elements of the home. We ask that the Planning Commission and City Council allow us to construct the home to today's construction methods and standards, all the while remaining within the original confines of the approved variance.

Sincerely,



Liza and Jeremy Donabauer

Attachments:

Letter from Sharratt Design & Company, LLC

Letter from Mathews Vasek Construction

Original Koehler Letter

Certificate of Survey showing deck

Donabauer House Plans

Koehler House Plans

Stormwater Plan

Shoreline Restoration Plan



November 2, 2021

City of Waconia
201 South Vine Street #1337
Waconia, Minnesota 55387

ATTENTION:

Mayor - Kent Bloudek
City Council Members – Randall Sorensen, Nicole Waldron, Carl Pierson, and Peter Leo
Planning Commission Members – Robert Grohmann, Jim Sarcletti, Dan Leshner, Mike Sherman, Tina Zellman, and J.D. Ludford (alternate)

REGARDING:

Variance granted for preservation of the non-conforming existing footprint location, which has existing legal non-conformities, at 80 Point Drive, Waconia, MN 55387, and now owned by Jeremy & Liza Donabauer.

To All Concerned:

We respectfully thank you for this opportunity to weigh-in on the requirement to reapply for variances to build the above project at 80 Point Drive.

Variance Applications:

When we assist our clients in preparation of architectural drawing documents and written applications, our submissions are schematic; in other words, preliminary. This is necessary since no client will take the risk of fully completing drawings, details, specifications, and full structural engineering with the chance that Planning Staff combined with City Council rulings, could require a complete redesign. The schematic design submitted for variance is complete enough to discern sizes, dimensions, general appearances, vertical dimensions, including building heights, datum floor elevations, hardcover calculations, etc. This information was provided in the original Koehler application for which the previous variances were granted. This project's scope, site plan, elevations, heights, window locations, appearances, even room arrangements are the same for all intents and purposes. There are very minor interior alterations and roof framing "tweaks" – all within the scope and project's intent and without land use ordinance impact.

Project Detail Development:

Post the previous variance granted, project detailing, structural engineering analysis, plan efficiencies, energy analysis, and more, were pursued toward the documentation required to process for a building permit. These project aspects, as well, have impacts that are required to fully respect the variances granted. In the rear view mirror of all team members acting on behalf of the Donabauer's family, the design scope, intent, and engineering all fully support the variance as granted.

4 6 4 Second Street • Suite 100 • Excelsior, MN 55331
phone: 952.470.9750 • fax: 952.767.5859
website: sharrattdesign.com • email: info@sharrattdesign.com

One example of concern that has been questioned is the removal of the existing 2x4 wall framing at the first floor. Once provided to structural engineering, it was determined that with the reframing required by many and much larger windows and doors than the existing home, there would be virtually little of the existing wall unaltered. As well, with newer code requirements for energy efficiency, gravity, and lateral load analysis (wind bracing), the substitution of 2x6 wall framing and new respective header sizes, are current with industry standards, and verifiable to satisfy present day building codes and energy efficient building practices. All of this has been integrated during production of the permit working drawings with no impact to building mass, structure location, and still respects the ordinance's maximum height requirements.

Non-conformities And Variances:

At our Sharratt Design & Company's office, the approach we use in all land use applications is one of full cooperation with municipalities and not at all an approach of adversarial confrontation. We do this by acknowledging all ordinances, we become aware of, and only request, reasonable solutions that do not alienate and request the minimum variances required. We also do this within the Minn. State Statute 462.357, Subd. 1e. Nonconformities conditions. These factors shaped the original approved application and remain the same in our reasonable request.

I am more than willing to address any questions regarding the original approved variance submission, the developed construction permit documents, or this note to all concerned. As well, as our client has not yet made a request for my attendance at any specific future City meetings, I am available to attend for questions at the public meetings with respect to the Donabauer's project and these matters.

As always, thank you for your time.



Michael D. Sharratt
Owner/Principal
Sharratt Design & Company, LLC

ON BEHALF OF:

OWNERS:

Jeremy Donabauer - jeremydonabauer@hotmail.com

Liza Donabauer - liza@daviddrown.com

BUILDERS:

Andy Vasek - andyv@mathewsvasekconst.com

Justin Jacques - justini@mathewsvasekconst.com

Mathews Vasek Construction

STRUCTURAL ENGINEER:

David Wagner - davew@amstructural.net

A.M. Structural Engineering

4 6 4 S e c o n d S t r e e t • S u i t e 1 0 0 • E x c e l s i o r , M N 5 5 3 3 1
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MATHEWS+VASEK
CONSTRUCTION
CUSTOM HOMES-REMODELING-COMMERCIAL

11-1-2021

Jeremy & Liza Donabauer
80 Point Drive, Waconia, MN 55387

Dear Donabauers,

After review of the existing conditions of the house at 80 Point Drive, we, along with Sharratt Design, have concluded that the exterior bearing walls are unsuitable to erect a second story above current conditions. All exterior walls were 2x4 framed, headers along the back of the house are under sized, and garage walls have been balloon framed. Sharratt Design has provided architectural drawings along with structural drawings by A.M. Engineering, for which need to be rigorously followed to provide compliance with current building codes and integrity of the structure.

As licensed contractors in the state of Minnesota we are obligated to follow architectural drawings and structural engineering provided to us by aforementioned. Please contact us for further assistance.

Sincerely,



Andrew Vasek
President

320-583-4541



AndyV@MathewsVasekConst.com



1040 Adams St. SE, Hutchinson, MN 55350



November 5, 2020

TO: City of Waconia Planning Commission
RE: Request for Variance for 80 Point Drive, Waconia

Members of the Commission:

We recently purchased the home at 80 Point Drive, Waconia. This home is approximately 1,420 square feet with two small bedrooms and two bathrooms. We are now seeking a variance to allow us to improve the home by adding a half story above the existing 1st floor structure. As you will see in the attached plans and specifications, the concept is to add a half story to the home without increasing the footprint of the existing structure. Upon completion, the home will be larger with only minimal impact to the land.

We are seeking a variance related to the lakeshore setback on the east and south sides of the property. The current setback requirement is 50 feet from the lakeshore. In 1968, a 1-story, 2-car garage rambler was allowed to be built in its current location. Due to the subject property's vertical distance to the ordinary high water (o.h.w.), a basement was not built and a very low dirt floor crawl space was used in the original construction.

We desire to remodel the existing home's structure to accommodate a 1 ½-story appearance, an open 1st floor plan concept, (3) upper level bedrooms, and create adequate storage and mechanical spaces, which the lack of a basement area does not adequately provide.

We feel a variance is reasonable in this situation. There are special conditions existing on this parcel of land not resulting from anything we have done. As you can see on the attached survey certificate and satellite photo of the cul-de-sac, the lot is small and irregular, somewhat pie shaped. Since this property is on Lake Waconia and at the end of a cul-de-sac, there is no additional land available to work with.

Interpreting the ordinance too strictly will limit the ability to undertake any improvement to the lack of space. Like most of the homes on this cul-de-sac, this home was built many years ago, before the current 50-foot setback control requirement. Under current standards, because of the size and shape of this lot, there would be no way to effectively use this parcel of land for a single-family home use.

In addition, no special privilege will be granted as a result of this requested variance. Because of the size of the lot, there is no other way to increase the functional, necessary, and usable space within the home except by increasing the height. Other homes on the point have or have added full second stories. As you can see from the attached plans, our proposed addition and renovation is for a modest story-and-a-half home that is consistent or smaller with other homes in the area.

Finally, the proposed renovation will not adversely impact the lake, nor the property values in the area. The proposed plan will not increase the structure's footprint or hardcover; thereby, limiting environmental impact to the property and the lake. Each house on the cul-de-sac has its own outwardly facing views of the lake without significant need to view through this lot, so sight lines are not impacted.

Our goal here is to increase livability and functionality of the home without adversely impacting the lake character, the land, or the other homes in the area. In fact, this proposal will support ideas of preserving lake character, appropriate scale with a 1 ½-story approach to massing, and fully add support to the property values on the lake and within the neighborhood.

We thank you in advance for your consideration and will be available at the Planning Commission meeting to answer any questions.

Sincerely,

Rick and Kathy Koehler

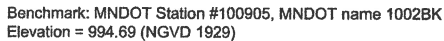
Attachments:

Survey Certificate

Specs for Renovation

Aerial Photo of the Point Drive cul-de-sac

● Denotes Found Iron Monument
 ○ Denotes Iron Monument
 □ Denotes Wood Hub Set for excavation only
 - - - Denotes Existing Contours
 ~ ~ ~ Denotes Proposed Contours
 x000.0 Denotes Existing Elevation
 (000.0) Denotes Proposed Elevation
 ← Denotes Surface Drainage
 965.8



Lot 16 of the re-plat of Outlot "A", Harms Lake View Terrace, First Addition, according to the recorded plat thereof and that part of Lot 15 of the re-plat of Outlot "A", Harms Lake View Terrace, First Addition, lying Southwesterly of a line described as follows: Commencing at the point of intersection of the Northwesterly and Southwesterly lot lines of said Lot 15 extended Westerly, thence to a point on the Easterly lot line of said Lot 15 which is a point 10 feet distant Northerly along said lot line from the Southeasterly corner of said Lot 15, and there terminating.

NOTE: Deck Addition Dimensions Scaled from Architectural Plans.

NOTE: The only easements shown are from plats of record or information provided by client.

NOTE: Possible easement for driveway purposes,
document not provided.

Property located in Section 14, Township 116, Range 25, Carver County, Minnesota	Project No. 89784	Scale: 1" = 20'	I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota Prepared this 7th day of October 2021.
	F.B.No. 1114-77	Drawn By 	
 7601 73rd Avenue North (763) 560-3093 Minneapolis, Minnesota 55428 Demarcinc.com	Address: 80 Point Drive Waconia, MN		 Signed Gregdry R. Frasch, Minn. Reg. No. 24992
	rev 10.07.21 deck addition		
	10-27-21 revised new deck		
	(Empty row)		

A0 SITE PLAN
A1 FOUNDATION PLAN
A2 MAIN FLOOR PLAN
A3 UPPER LEVEL PLAN
A4 ROOF PLAN
A5 EXTERIOR ELEVATIONS
A6 EXTERIOR ELEVATIONS
A7 BUILDING SECTIONS
A8 BUILDING SECTIONS
A9 BUILDING SECTIONS
A10 BUILDING SECTIONS

ARCHITECT

SHARATT DESIGN & COMPANY, LLC
464 SECOND STREET, SUITE 100
EXCELSIOR, MN 55430

AN STRUCTURAL

DAVE WAGNER 715-426-4930
112 E MAPLE ST, RIVER
FALLS, WI 53022

AND VASEL.

040 2041551 5 E. 2 HJ CHINGEN MN,
55350
320-567-3669

DATE	ISSUE	CHECK	DESCRIPTION
08/11/21		X	MEETING SET
08/24/21			PROCESSING SET
09/07/21			STRUCTURAL COORD
09/14/21			BD SET
09/21/21			PERMIT SET
09/28/21			ADDITION
10/05/21			CONSTRUCTION SET

WAGONIA 2A

SHEET A0 NUMBER

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[illegible]

SHEET INDEX

- A0 SITE PLAN
- A1 FOUNDATION PLAN
- A2 MAIN LEVEL FLOOR PLAN
- A3 UPPER LEVEL PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS
- A7 BUILDING SECTIONS
- A8 BUILDING SECTIONS
- A9 BUILDING SECTIONS

PROJECT TEAM

ARCHITECT

SHARPS DESIGN COMPANY, LLC
1000 1ST AVE S
EXCELSIOR, MN 55331
CONTACT: MICHAEL SHARPS
(800) 410-8780

STRUCTURAL ENGINEER

DR. STRUCTURAL
DAVE WAGNER
1215 MARBLE ST, ENER
PALLAS, WI 53022

GENERAL CONTRACTOR

ANDY VASKE
1000 ADAMS ST STE 2 HUNTSBACH, MN
55343
320-801-8889

ISSUED FOR

ISSUE	DATE	DESCRIPTION
1	08/11/21	CONSTRUCTION SET
2	08/11/21	APPENDIX
3	08/11/21	PERMIT SET
4	08/11/21	PROGRESS SET
5	08/11/21	STRUCTURAL CORRECT
6	08/11/21	CLIENT REVIEW
7	08/11/21	CLIENT REVIEW
8	08/11/21	CLIENT REVIEW
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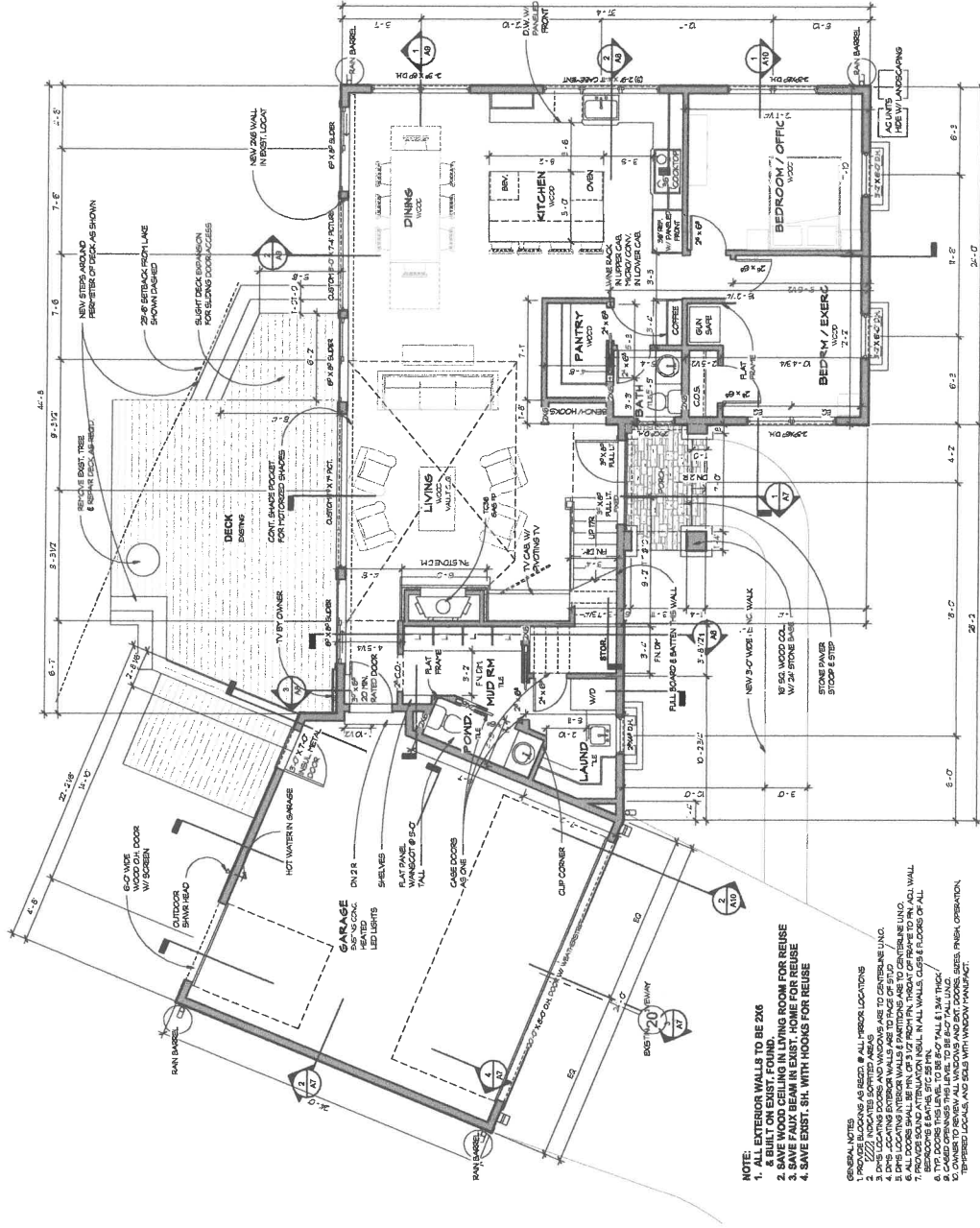
PROPOSED REWORKING OF THE

DONABAUER

800 PONT 2ND
WACONA, MN

SHEET A2 NUMBER

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- NOTE:
1. ALL EXTERIOR WALLS TO BE 2X6
 2. & BUILT ON EXIST. FOUND.
 3. SAVE EXIST. DOORS & WINDOWS FOR REUSE
 4. SAVE EXIST. SH. WITH HOOKS FOR REUSE

- GENERAL NOTES
1. REUSE WINDOWS AS REUSE & ALL WINDOW LOCATIONS
 2. DOOR LOCATIONS DOORS AND WINDOWS ARE TO CENTERLINE UNLESS NOTED OTHERWISE
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1. MAIN LEVEL FLOOR PLAN (EXISTING FOOTPRINT UNCHANGED)

1388 FIN. SQ. FT.



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- A3 UPPER LEVEL PLAN
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- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS
- A7 EXTERIOR ELEVATIONS
- A8 BUILDING SECTIONS
- A9 BUILDING SECTIONS
- A10 BUILDING SECTIONS

PROJECT TEAM

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GENERAL CONTRACTOR

AND VASEL
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ISSUED FOR

DATE	ISSUE	DESCRIPTION
08/17/21	X	CONSTRUCTION SET
08/25/21	X	REVISION
09/01/21	X	REVISION
09/07/21	X	REVISION
09/13/21	X	REVISION
09/19/21	X	REVISION
09/25/21	X	REVISION
10/01/21	X	REVISION
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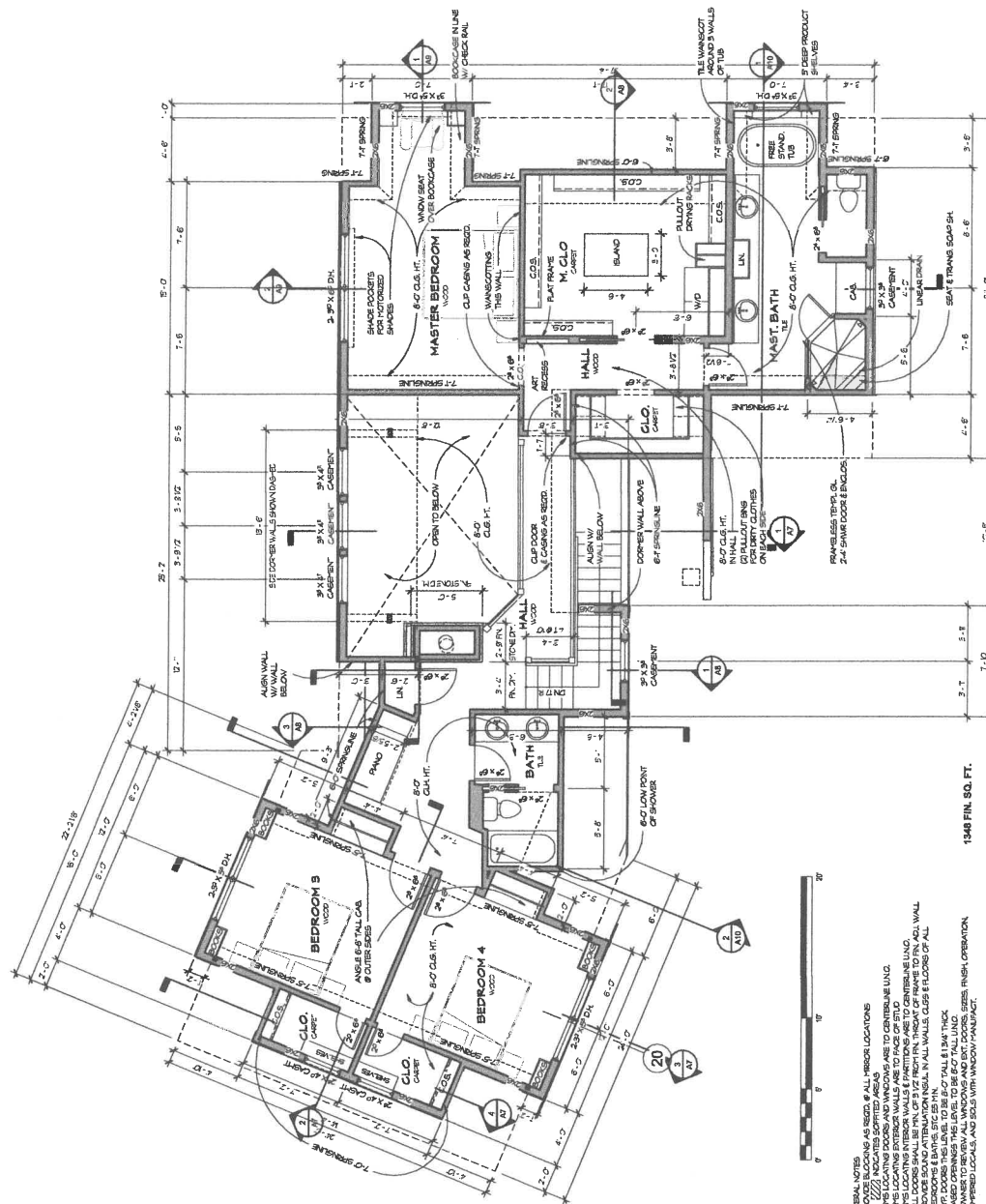
PROPOSED REVISIONS OF THE

DONABAUER

822 PONTIAC
WACONIA, MN

SHEET A3 NUMBER

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1348 FIN. SQ. FT.

- GENERAL NOTES
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. DIMENSIONS LOCATING DOORS AND WINDOWS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 4. DIMENSIONS LOCATING INTERIOR WALLS AND PARTITIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
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 20. DIMENSIONS LOCATING EXTERIOR WALLS AND PARTITIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

PROPOSED UPPER LEVEL FLOOR PLAN

1/4\"/>



464 SECOND STREET
SUITE 100
EXCELSIOR, MN 55331
PH: 952-472-0780
FAX: 952-767-6659
info@sharpedesign.com

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- A6 EXTERIOR ELEVATIONS
- A7 BUILDING SECTIONS
- A8 BUILDING SECTIONS
- A9 BUILDING SECTIONS
- A10 BUILDING SECTIONS

PROJECT TEAM

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TALLAHASSEE, FL 32302

GENERAL CONTRACTOR
ANDY VASEK
1240 ADAMS ST. SE, 2ND FL. - NASHVILLE, TN
NASHVILLE, TN 37203
322-000-9669

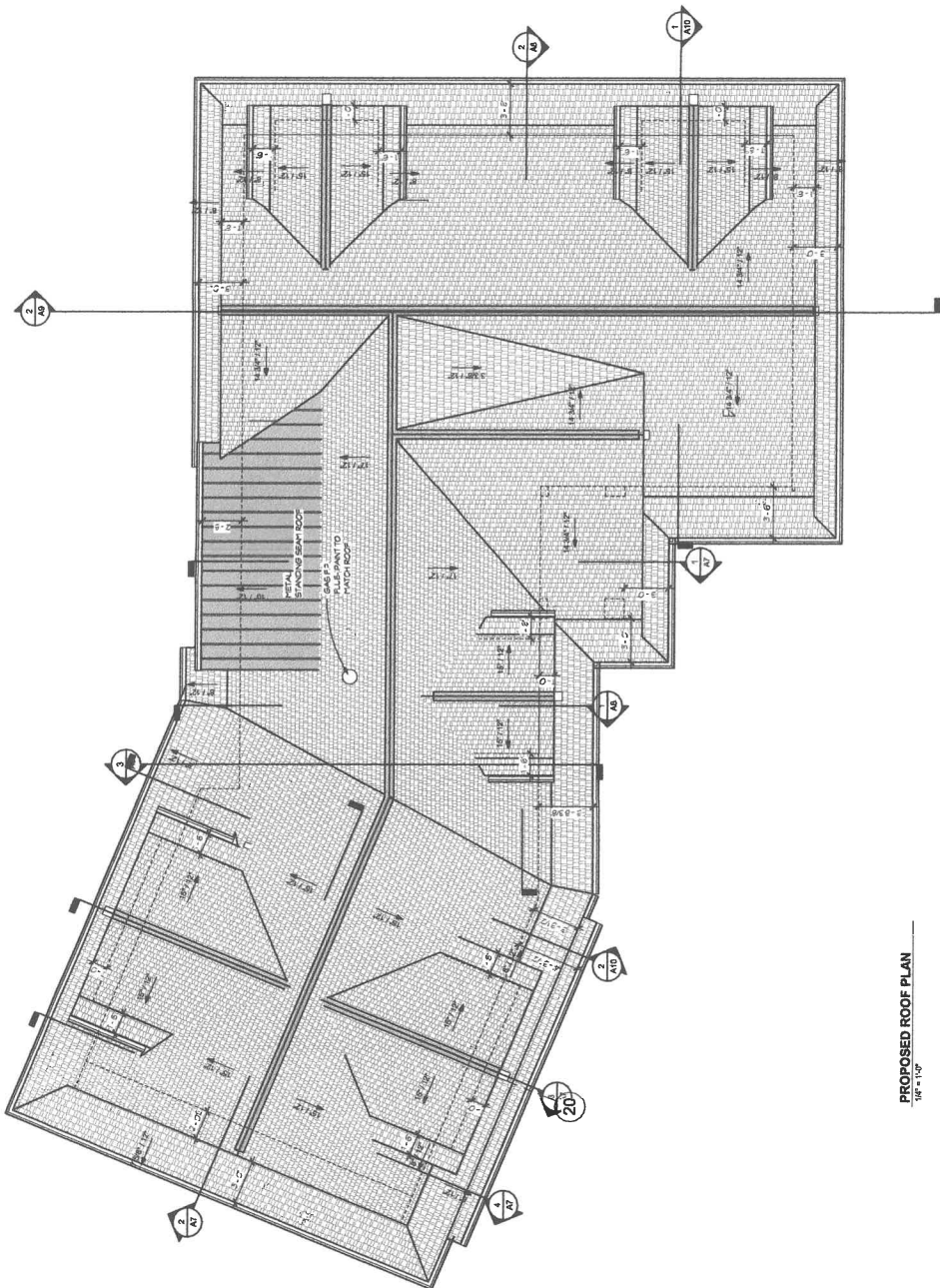
ISSUED FOR

ISSUE	DATE	DESCRIPTION
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3	09/03/21	REVISION
4	09/08/21	REVISION
5	09/09/21	REVISION
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7	09/17/21	REVISION
8	09/24/21	REVISION
9	10/01/21	REVISION
10	10/06/21	REVISION
11	10/20/21	REVISION
12	10/28/21	REVISION

PROPOSED REPAIRS OF THE
DONABAUER
822 PONT DRIVE
WACONIA, MN

SHEET **A4** NUMBER

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PROPOSED ROOF PLAN

1/8" = 1'-0"



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- A3 UPPER LEVEL PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS
- A7 BUILDING SECTIONS
- A8 BUILDING SECTIONS
- A9 BUILDING SECTIONS
- A10 BUILDING SECTIONS

PROJECT TEAM

ARCHITECT
SHARPEN DESIGN COMPANY, LLC
484 SECOND STREET, SUITE 100
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FARMINGTON, MN 55025

GENERAL CONTRACTOR
ANDY VASER
1040 ADAMS STREET, 2ND FLOOR
SUITE 200
WACONIA, MN 55391
320-867-3669

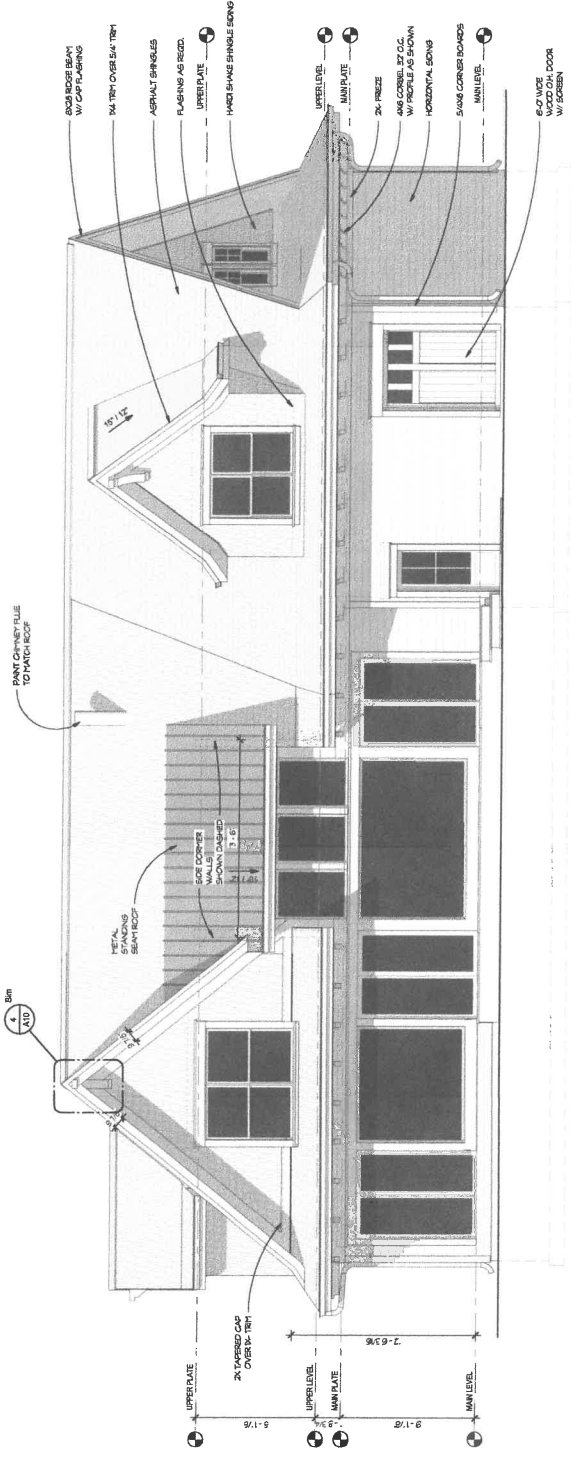
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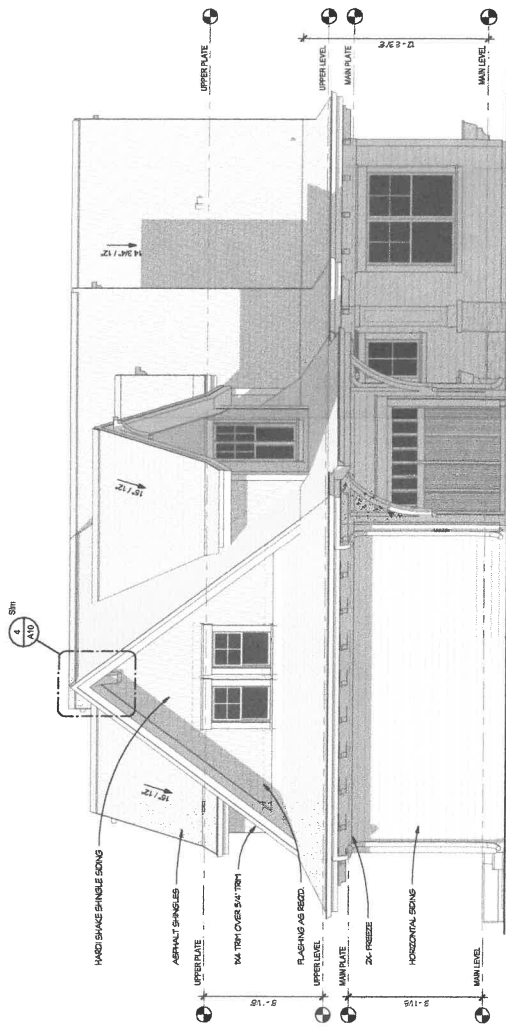
PROPOSED REVISIONS OF THE
DONABAUER
822 PONT DRIVE
WACONIA, MN

SHEET A6 NUMBER

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PROPOSED REAR ELEVATION
1/4" = 1'-0"



PROPOSED LEFT ELEVATION
1/4" = 1'-0"

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- A7 BUILDING SECTIONS
- A8 BUILDING SECTIONS
- A9 BUILDING SECTIONS

PROJECT TEAM

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BERNARD DESIGN COMPANY, LLC
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ISSUED FOR

ISSUE	DATE	DESCRIPTION
01	08/17/21	CONSTRUCTION SET
02	08/28/21	REVISED SET
03	09/03/21	REVISED SET
04	09/03/21	REVISED SET
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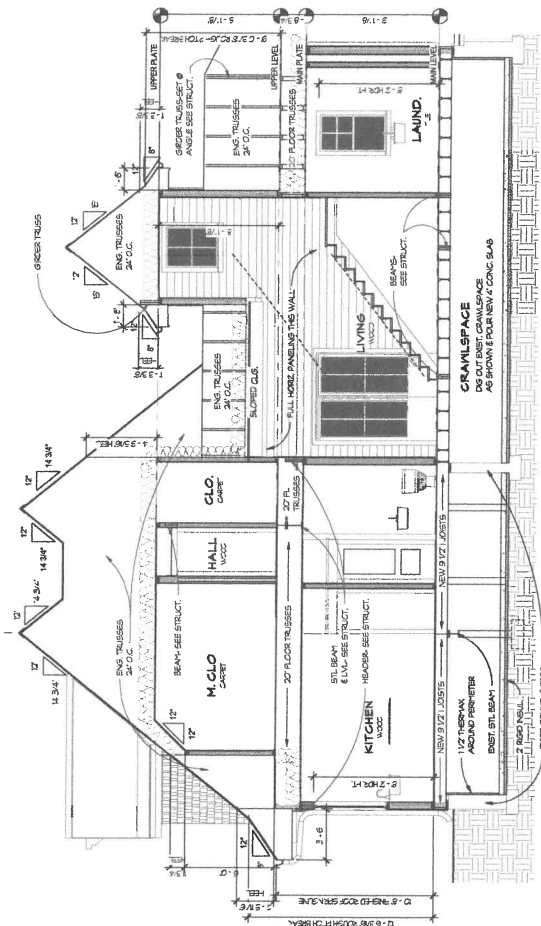
PROPOSED REVISIONS OF THE

DONABAUER

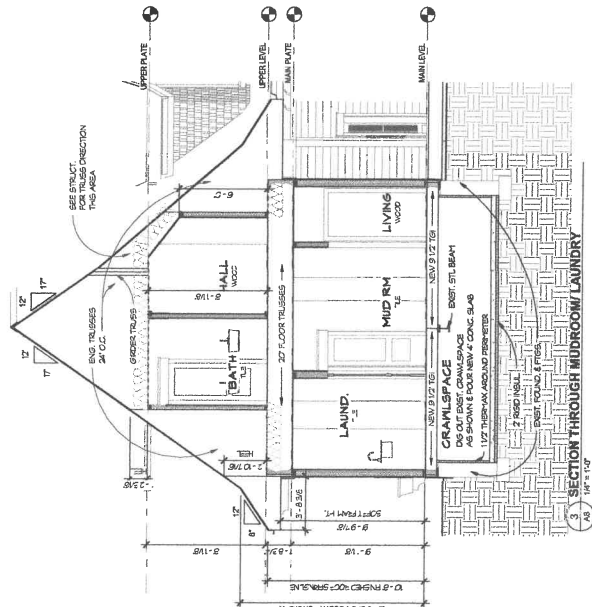
800 PONT DRIVE
WACONIA, MN

SHEET **A8** NUMBER

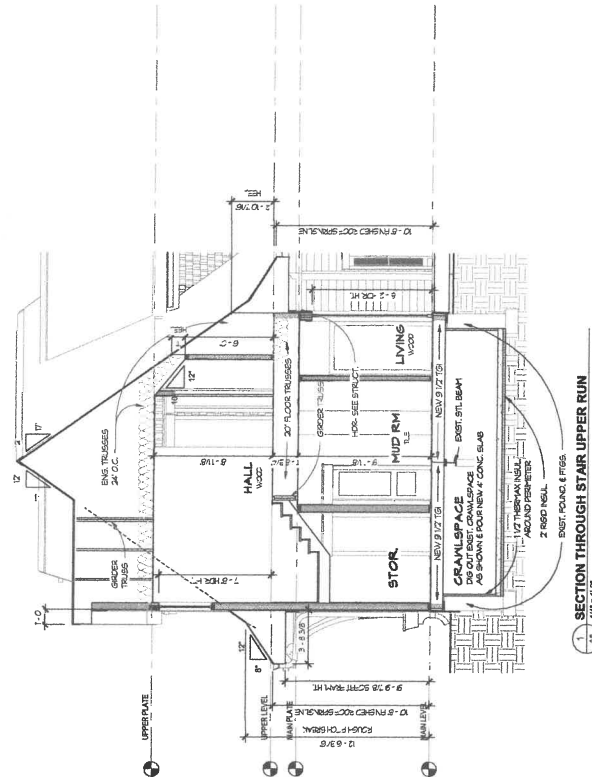
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2. SECTION THROUGH STAR DORMER
1/8" = 1'-0"



3. SECTION THROUGH MUDROOM/LAUNDRY
1/8" = 1'-0"



SECTION THROUGH UPPER RUN
1/8" = 1'-0"

ISSUE DATE	CHRG	PLANNING SET	PROGRESS SET	TRD. SET	FIN. SET	ADDITION	CONSTRUCTION SET
06/11/12	X						
06/26/12		X					
07/03/12							
08/06/12							
09/03/12							
09/03/12							
09/17/12							
09/24/12							
10/01/12							
10/08/12							
10/30/12							
11/05/12							

PROPOSED REMODELING OF THE

DONABAUER

80 POINT DRIVE
WACONIA, MN

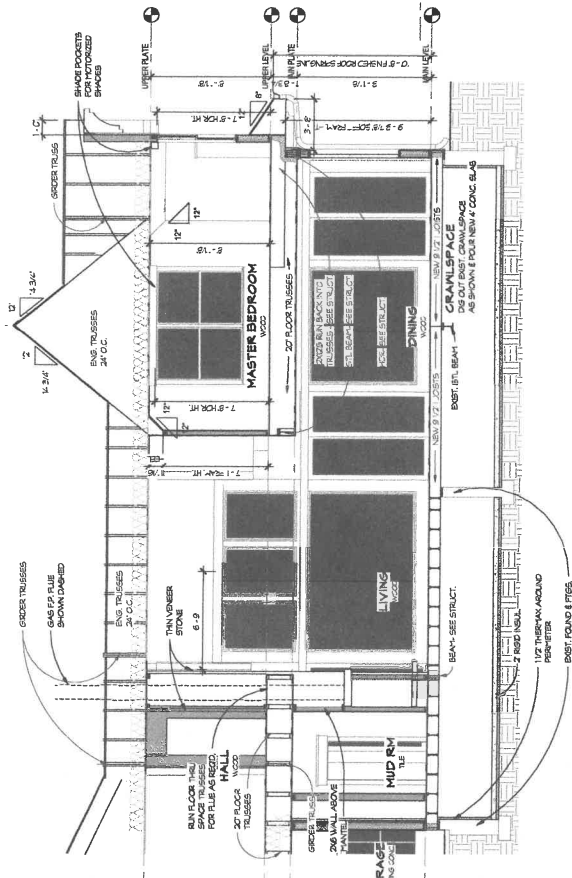
SHEET A9 NUMBER

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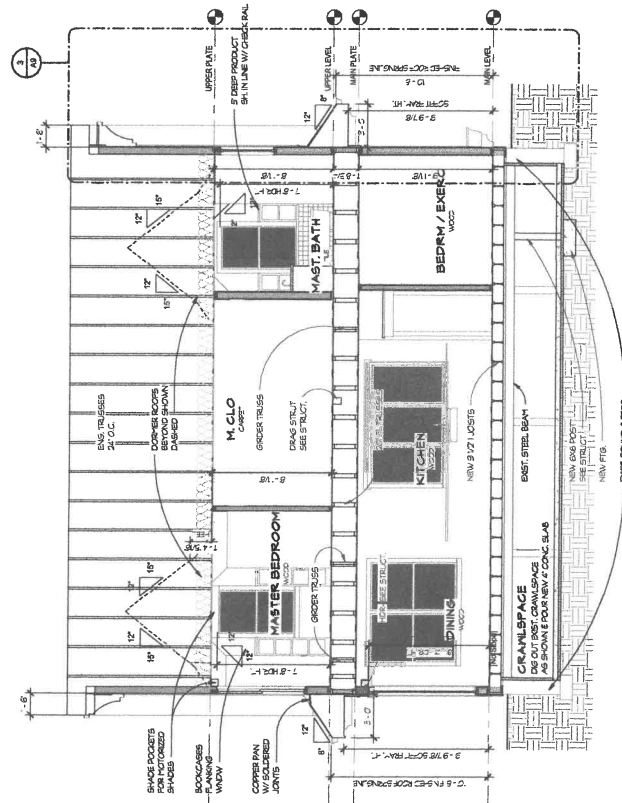
1 1/2" THICK XPS AROUND PERIMETER

6x6 POST & PLATE

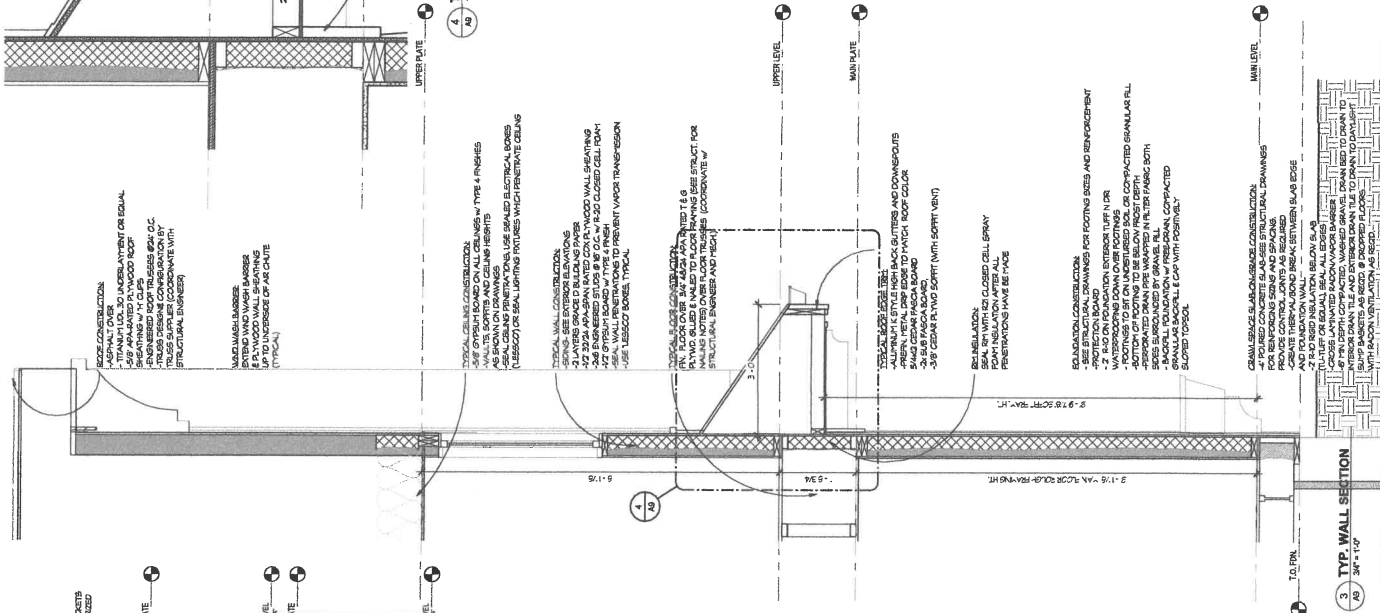
CROSS SECTION THROUGH MASTER BEDROOM DORMER



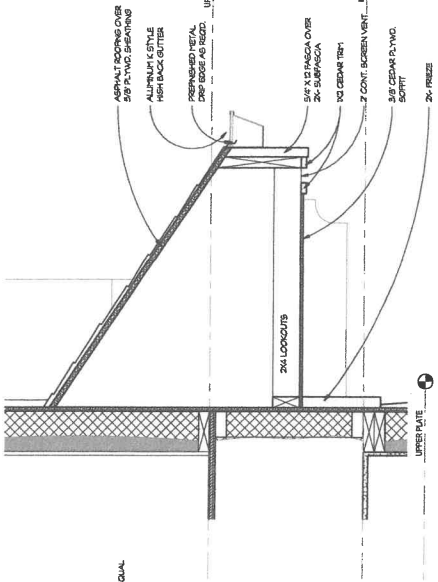
2 SECTION THROUGH MASTER AND MASTER BATH



3 TYP. WALL SECTION



4 TYPICAL EAVE DTL.



- A0 SITE PLAN
- A1 FOUNDATION PLAN
- A2 UPPER LEVEL PLAN
- A3 LOWER LEVEL PLAN
- A4 EXTERIOR ELEVATIONS
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS
- A7 BUILDING SECTIONS
- A8 BUILDING SECTIONS
- A9 BUILDING SECTIONS

PROJECT TEAM

ARCHITECT
SHARPENDESIGN & COMPANY, LLC
464 SECOND STREET SUITE 100
EXETER, NH 03833
CONTACT: PH: 603-767-5500
FAX: 603-767-5509

STRUCTURAL ENGINEER
A/E STRUCTURAL
DAVE WASKER 76-426-2800
125 MARBLE STREET
FALLEN, NH 03525

GENERAL CONTRACTOR
ANDY VASEK
280 ADAMS STREET, 2ND FLOOR
WACONIA, MN 55157
763-487-8869

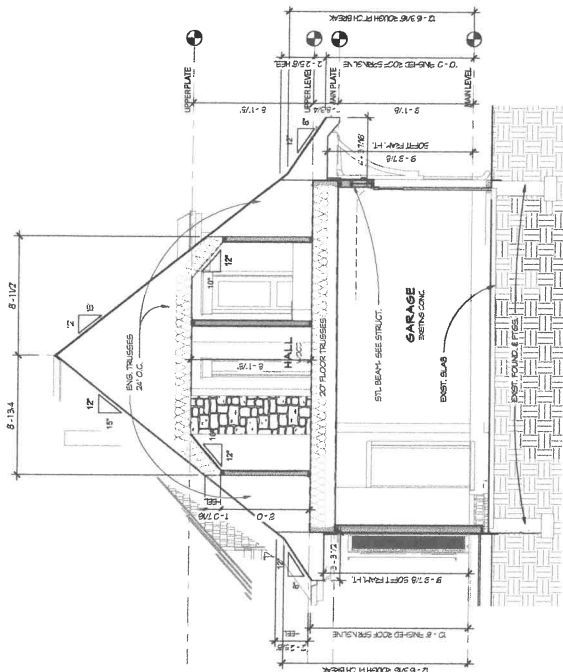
ISSUED FOR

DATE	DESCRIPTION
08/17/21	CONSTRUCTION SET
08/25/21	REVISED SET
09/03/21	REVISED SET
09/09/21	REVISED SET
09/15/21	REVISED SET
09/22/21	REVISED SET
10/01/21	REVISED SET
10/08/21	REVISED SET
10/15/21	REVISED SET
10/22/21	REVISED SET
10/29/21	REVISED SET
11/05/21	REVISED SET

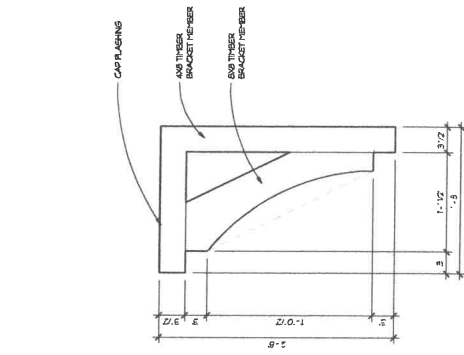
PROPOSED REMODELS OF THE
DONABAUER
85 POINT DRIVE
WACONIA, MN

SHEET A10 NUMBER

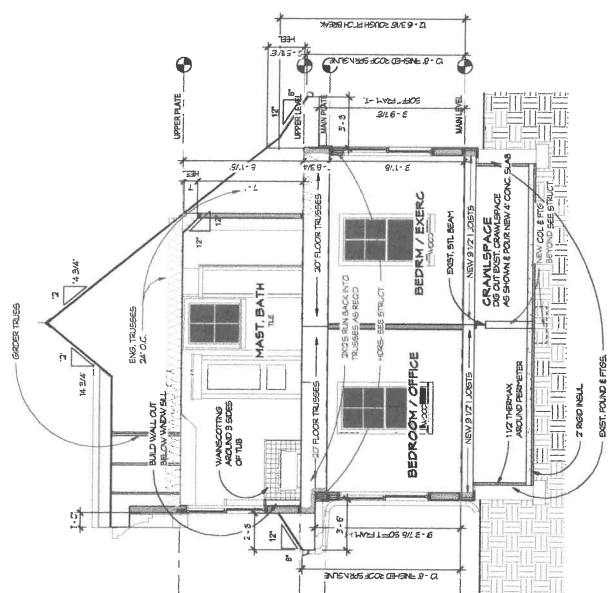
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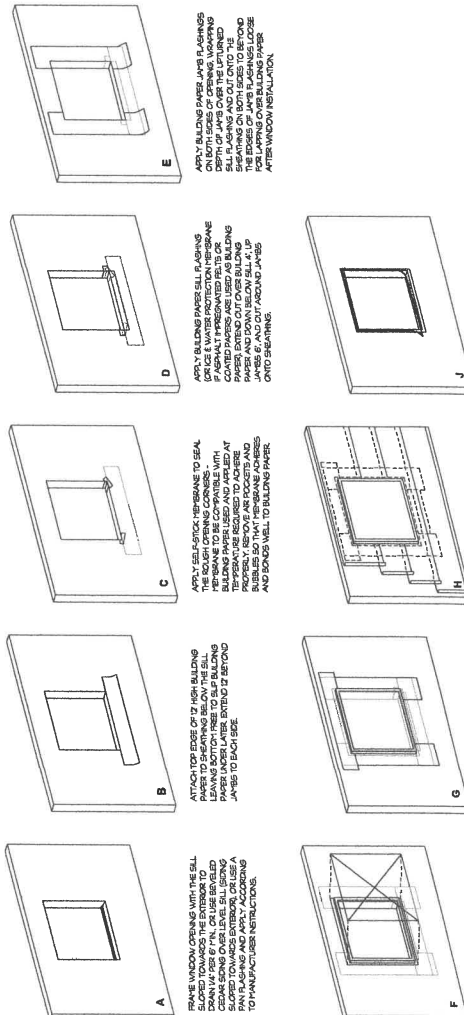
3. SECTION THROUGH UPPER HALL
A10 1/4" = 1'-0"



4. BRACKET DTL
A10 1/4" = 1'-0"



1. SECTION THROUGH MASTER BATH
A10 1/4" = 1'-0"



- NOTES:**
1. WINDOW FLASHING SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING DETAILS.
 2. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.
 3. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.
 4. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.
 5. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.
 6. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.
 7. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.
 8. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.
 9. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.
 10. FLASHING SHALL BE INSTALLED OVER THE WINDOW FRAME AND UNDER THE WINDOW SILL.

3. WINDOW FLASHING DETAILS
A10

464 SECOND STREET
SUITE 100
DIXIELAND, MN 55331
PH: 952-470-9750
FAX: 952-767-5859
info@sharredesign.com

SHEET INDEX

- A1 ARCHITECTURAL SITE PLAN
A2 MAIN LEVEL FLOOR PLAN
A3 UPPER LEVEL FLOOR PLAN
A4 ROOF PLAN
A5 EXTERIOR ELEVATIONS
A6 EXTERIOR ELEVATIONS

PROJECT TEAM

ARCHITECT

EHARRATT DESIGN & COMPANY
104 SECOND STREET SUITE 100
EXCELSIOR MN 55431
CONTACT: W.B. EHARRATT 1025.400.0000

STRUCTURAL ENGINEER

-90-

GENERAL CONTRACTOR

VIKAN CUETCH HOMES
464 SECOND STREET SUITE 107
EXCELSIOR MN 55331
952) 836-7126

ISSUED FOR

[illegible]

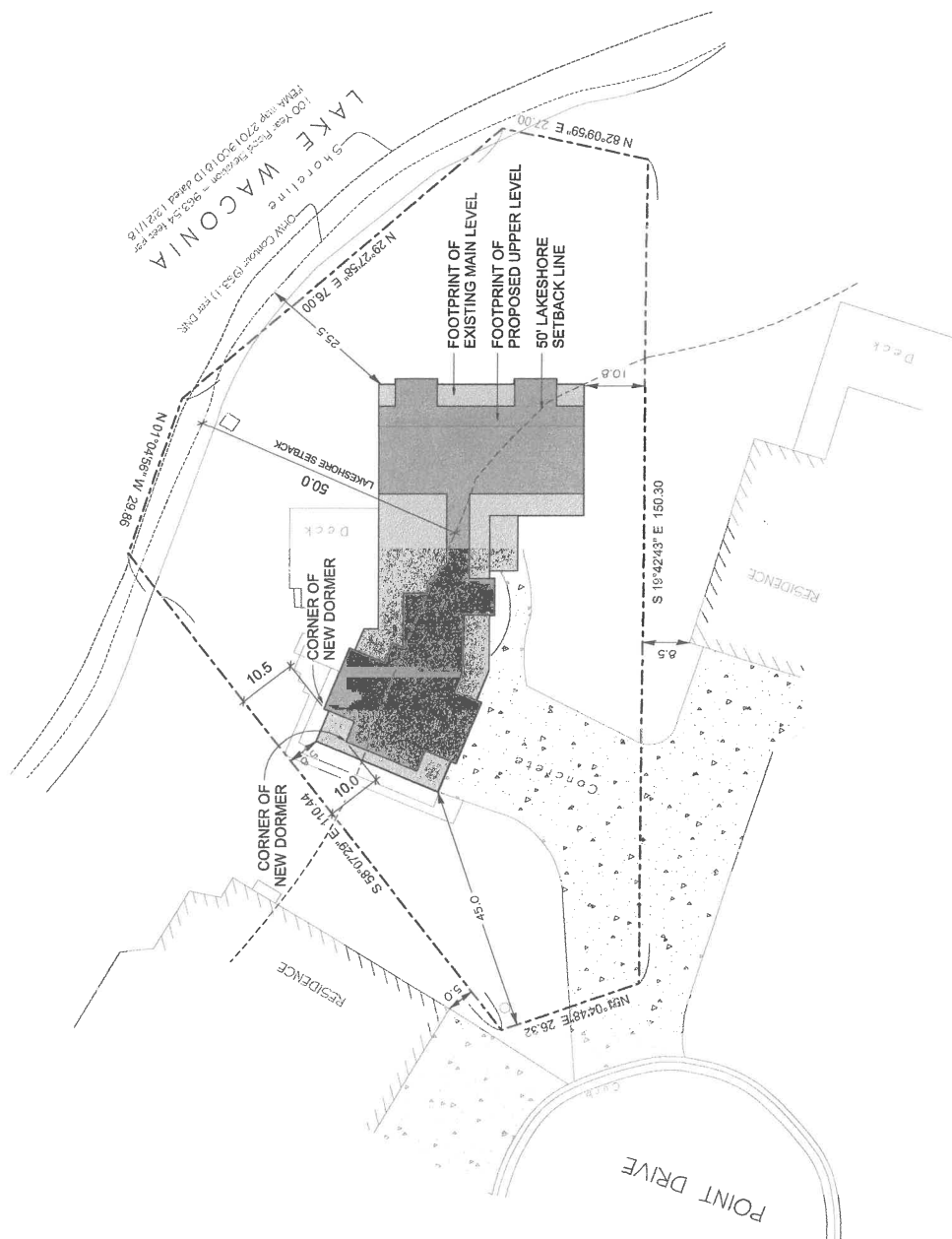
PROPOSED REMOVALS OF THE

EXOTIC THEORY

10 POINT DRIVE
WAGONIA 37

SHEET A1 NUMBER

LEGAL NOTICE



PROPOSED ARCHITECTURAL SITE PLAN
1" = 10'-0"



PRELIMINARY - NOT FOR CONSTRUCTION



464 SECOND STREET PH 953-470-9750
SUITE 100 FAX 953-787-5659
EXCELSIOR, MN 55331 info@sharrattdesign.com

SHEET INDEX

- A1 ARCHITECTURAL SITE PLAN
- A2 MAIN LEVEL FLOOR PLAN
- A3 FIRST LEVEL FLOOR PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS

PROJECT TEAM

ARCHITECT
SHARRATT DESIGN & COMPANY
464 SECOND STREET SUITE 100
EXCELSIOR, MN 55331
CONTACT: MIKE SHARRATT (953) 470-9750

STRUCTURAL ENGINEER
T.B.S.

GENERAL CONTRACTOR

TEAN CLUSTON PHOTOS
464 SECOND STREET SUITE 100
EXCELSIOR, MN 55331
(953) 836-7338

ISSUED FOR

ISSUE DATE	PROGRESS SET	PERMIT SET	CONSTRUCTION SET
10/19/20	X	X	
10/22/20	X		
11/05/20	X	X	

PROPOSED REVISIONS OF THE

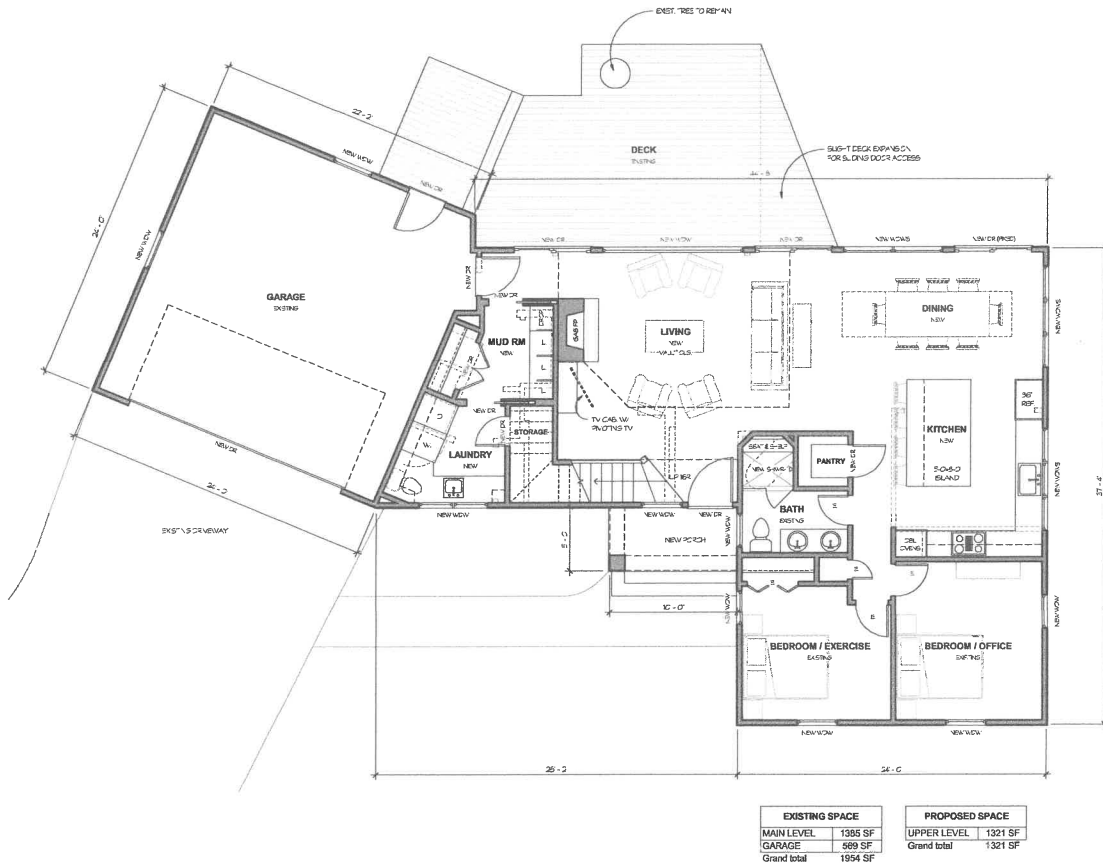
KOEHLER HOME

60 POINT DRIVE
WACONIA, MN

SHEET	A2	NUMBER
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MAIN LEVEL FLOOR PLAN (EXISTING FOOTPRINT UNCHANGED)
1/4" = 1'-0"





A1	ARCHITECTURAL SITE PLAN
A2	FIRST LEVEL FLOOR PLAN
A3	SECOND LEVEL FLOOR PLAN
A4	ROOF PLAN
A5	EXTERIOR ELEVATIONS
A6	EXTERIOR ELEVATIONS

ARCHITECT
SHARRATT DESIGN & COMPANY
424 SECOND STREET S.JT'E '00
INGLESBOR MN 55351
CONTACT: MIKE SHARRATT (252) 470-9730

STRUCTURAL ENGINEER
T82

WILSON DISTRICT HOMES
484 SECOND STREET SUITE 100
EXCELSIOR MN 55331
(952) 836-7288

[illegible]

KOEHLER HOME
80 POINT DRIVE
WAGONIA MN

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- A1 ARCHITECTURAL SITE PLAN
- A2 MAIN LEVEL FLOOR PLAN
- A3 JEFFER LEVEL FLOOR PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS

ARCHITECT
SHARRATT DESIGN & COMPANY
484 SECOND STREET, SUITE '00
EXCELSIOR MN 55331
CONTACT: MIKE SHARRATT (252) 470-9750

STRUCTURAL ENGINEER
T82

WILKIN CUSTOM HOMES
454 SECOND STREET SUITE 107
EXCELSIOR MIN 55321
(952) 836-7922

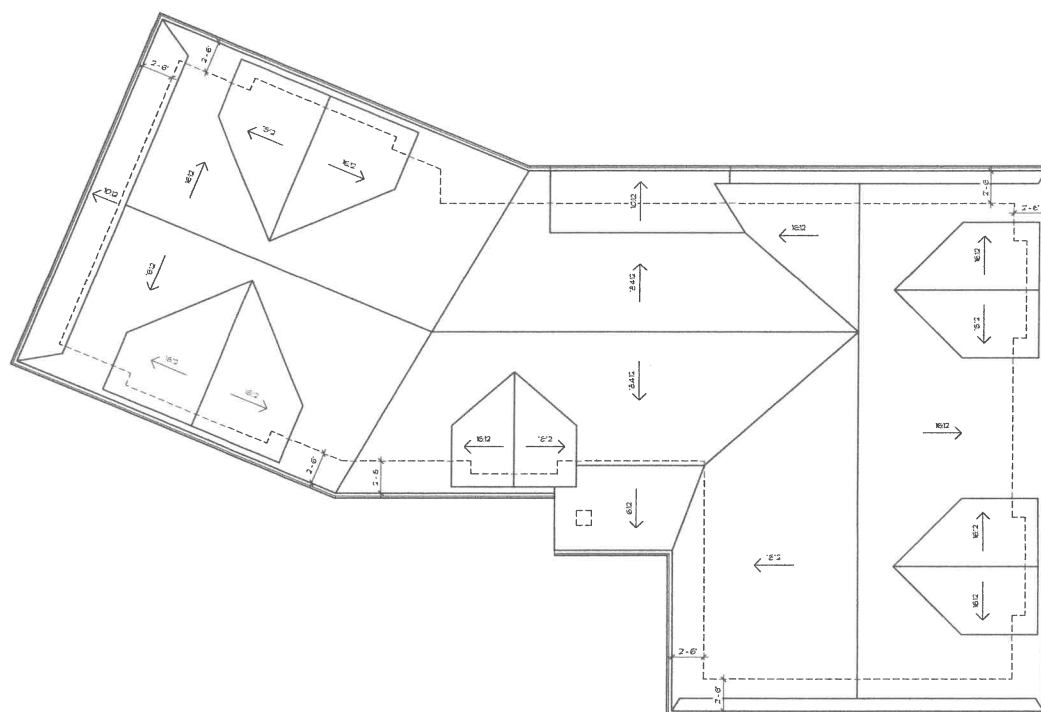
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PROPOSED RECYCLING OF THE:

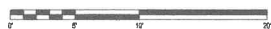
KOEHLER HOME
80 POINT DRIVE
WACONIA, MN

SHEET **A4** NUMBER

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PROPOSED ROOF PLAN
1/4" = 1'-0"



PRELIMINARY - NOT FOR CONSTRUCTION



464 SECOND STREET PH. 952-470-9750
SUITE 100 FAX. 952-767-6858
EXCELSIOR, MN 55331 info@sharattdesign.com

SHEET INDEX

- A1 ARCHITECTURAL SITE PLAN
- A2 MAIN LEVEL FLOOR PLAN
- A3 JETTER LEVEL FLOOR PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS

PROJECT TEAM

ARCHITECT
SHARRATT DESIGN & COMPANY
464 SECOND STREET SUITE 100
EXCELSIOR MN 55331
CONTACT: MIKE SHARRATT (952) 470-9750

STRUCTURAL ENGINEER
T&D

GENERAL CONTRACTOR
"KAY GLENN" CHUBBS
434 SECOND STREET SUITE 107
EXCELSIOR MN 55331
(952) 836-7788

ISSUED FOR

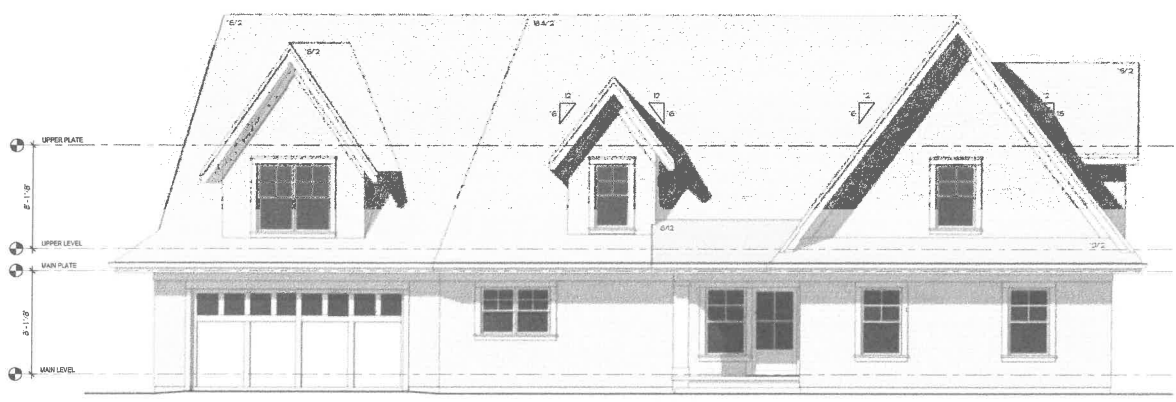
ISSUE DATE	PROGRESS SET	PERMIT SET	CONSTRUCTION SET
10 / 19 / 20	X	X	
10 / 22 / 20	X	X	
11 / 09 / 20	X	X	

PROPOSED REVISIONS OF THE:

KOEHLER HOME
60 PONT DRIVE
WACONA MN

SHEET **A5** NUMBER

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PROPOSED FRONT ELEVATION
1/4" = 1'-0"



PROPOSED RIGHT ELEVATION
1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION



PROPOSED REAR ELEVATION
1/4" = 1'-0"



PROPOSED LEFT ELEVATION
1/4" = 1'-0"



454 SECOND STREET SUITE 100 EXCELSIOR, MN 55331
PH: 952-470-9750 FAX: 952-767-8558 info@sharrattdesign.com

SHEET INDEX

- A1 ARCHITECTURAL SITE PLAN
- A2 MAIN LEVEL FLOOR PLAN
- A3 JENKINS LEVEL FLOOR PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS

PROJECT TEAM

ARCHITECT
SHARRATT DESIGN & COMPANY
454 SECOND STREET SUITE 100
EXCELSIOR, MN 55331
CONTACT: FRANK SHARRATT (952) 470-9750

STRUCTURAL ENGINEER
TBS

GENERAL CONTRACTOR

"K&N CLS" CHH-HHS
454 SECOND STREET SUITE 100
EXCELSIOR, MN 55331
(952) 836-7788

ISSUED FOR

ISSUE DATE	PROGRESS SET	PERMIT SET	VARIANCE SET	STRUCTURAL COORD SET	REVISION SET	CONSTRUCTION SET
10/19/20	X	X				
10/22/20	X					
1/19/20	X	X				

PROPOSED REVISIONS OF THE

KOEHLER HOME

60 POINT DRIVE
WACONIA, MN

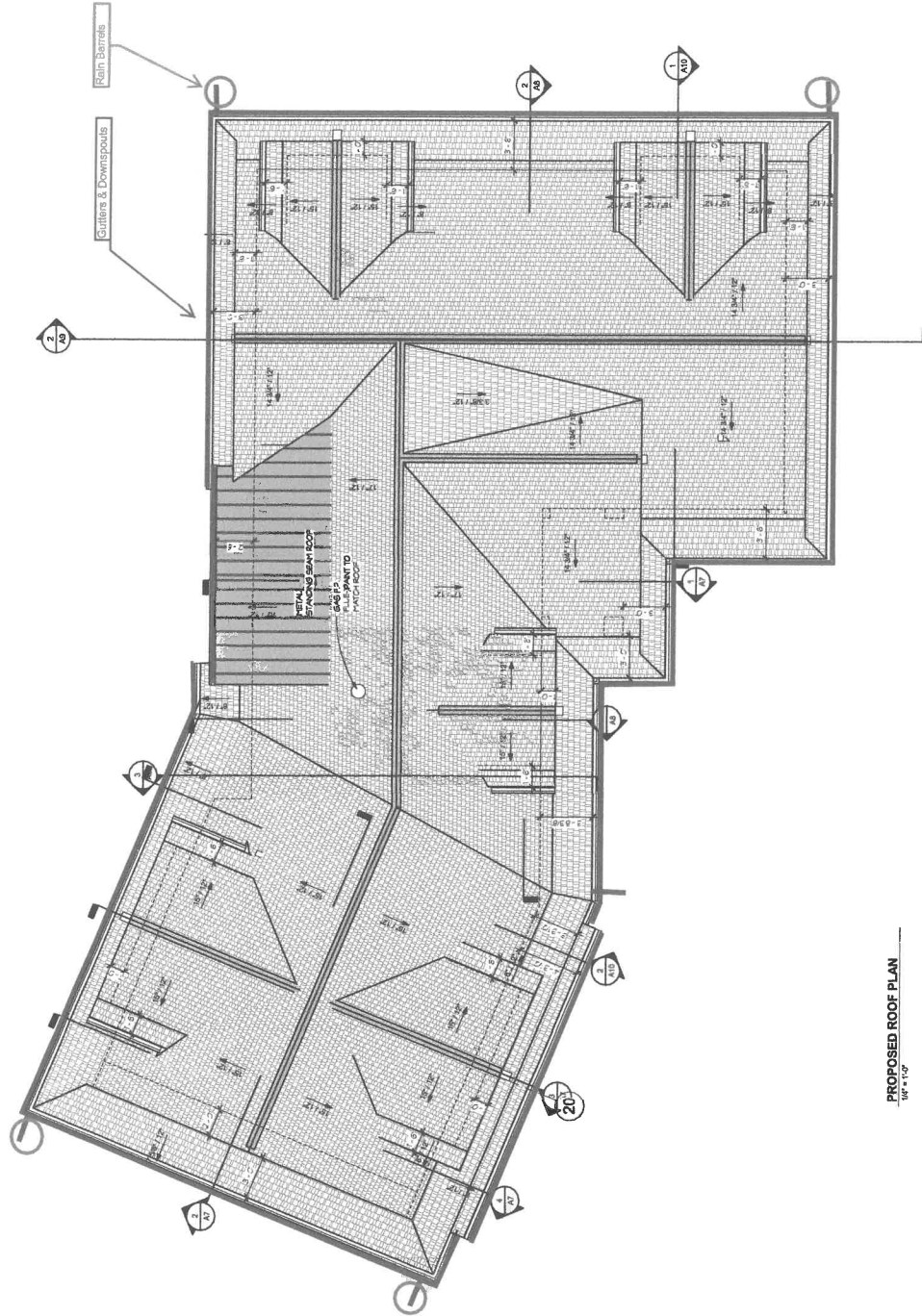
SHEET **A6** NUMBER

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PRELIMINARY - NOT FOR CONSTRUCTION

STORMWATER PLAN

- 5" K-Style Gutter system
- 3"x4" Downspouts
- (4) 50 Gallon rain barrels



PROPOSED ROOF PLAN

1/8" = 1'-0"



464 SECOND STREET
SUITE 100
EXCELSIOR, MN 55331
PH: 952-450-8700
FAX: 952-767-5659
info@hartilldesign.com

SHEET INDEX

- A0 SITE PLAN
- A1 FOUNDATION PLAN
- A2 FIRST FLOOR PLAN
- A3 UPPER LEVEL PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS
- A7 BUILDING SECTIONS
- A8 BUILDING SECTIONS
- A9 BUILDING SECTIONS
- A10 BUILDING SECTIONS

PROJECT TEAM

ARCHITECT
HARTILL DESIGN COMPANY, LLC
10000 UNIVERSITY AVENUE, SUITE 100
EXCELSIOR, MN 55331
CONTACT: THE SHARON T. (952) 450-8700

STRUCTURAL ENGINEER
AN STRUCTURAL
DAVE VANDERKAM
12 E MAPLE STREET, SUITE 200
PALM BEACH, FL 33480

GENERAL CONTRACTOR
AND VANDER
1000 ADAMS STREET, SUITE 200
WILSON, MN 55394
320.201.3889

ISSUED FOR

ISSUE	DATE	DESCRIPTION
1	08/11/21	CONSTRUCTION SET
2	08/28/21	REVISION
3	09/03/21	PERMIT SET
4	09/03/21	PERMIT SET
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20	09/03/21	PERMIT SET

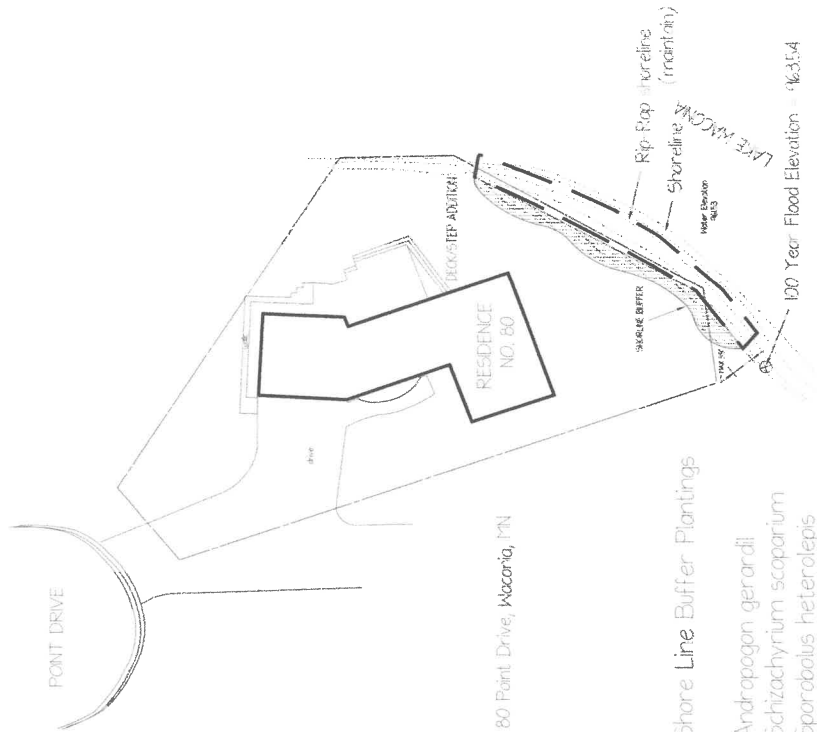
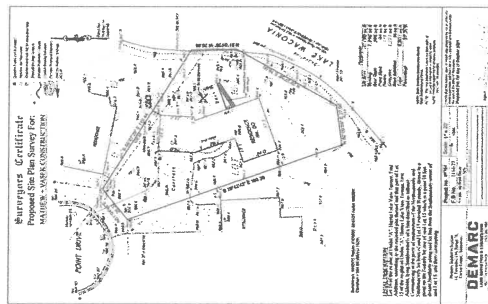
PROPOSED REWORKING OF THE
DONABAUER
892 POINT DRIVE
WACONIA, MN

SHEET **A4** NUMBER

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Tulies
personalized landscapes



80 Point Drive, Waconia, MN

Shore Line Buffer Plantings

- Andropogon gerardii*
- Schizachyrium scoparium*
- Sporobolus heterolepis*
- Sorghastrum nutans*
- Agrostis foeniculm*
- Echinacea purpurea*
- Symphoricarpos oolentangense*

80 Point Drive Waconia MN

Shoreline Restoration Plan



© tony wischnack/tulies llc waconia, mn 55387 e. tony@tulies.com t. 952.567.9575

10/14/2021

10/14/2021

**CITY OF WACONIA
RESOLUTION 2020-292**

**A RESOLUTION APPROVING A VARIANCE
FOR THE PROPERTY LOCATED AT 80 POINT DRIVE**

WHEREAS, Richard and Katharine Kochler (the “**Applicants**”), have submitted a Variance application for the property located at 80 Point Drive (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

WHEREAS, the subject parcel is identified as PID# 752960340; and

WHEREAS, the City received a variance application from the applicants to allow improvements to the principal structure on the subject parcel, which is located 25.5 ft. from the Ordinary High Water Line (OHWL) versus the 50 ft. minimum structure setback required in the Shoreland Overlay District; and

WHEREAS, the applicant is requesting the variance because the house already exists significantly within the setback and there is no additional land available to work with; and

WHEREAS, the Planning Commission, at their regular meeting on December 3rd, 2020, held the required public hearing and recommended approval of the Variance application for improvements to the principal structure for the property located at 80 Point Drive via a 5-0 vote with the following conditions:

1. The applicant shall submit all necessary permits and meet all submission requirements contained within.
2. The applicant shall submit a revised Certificate of Survey at the time of permit review detailing the location of the proposed deck expansion that shall not be closer than 25.5 ft. from the OHWL and consistent with this approval.
3. The applicant shall restore the shoreline with native and/or natural vegetation to provide habitat and functional soil stability and submission of a stormwater plan that details a gutter and rain barrel system.

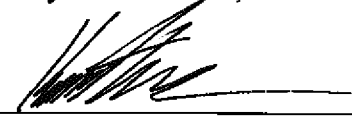
WHEREAS, the City Council further finds and concludes:

- 1) The proposed improvements would not alter the essential character of the locality as the proposed improvements would not cause the structure to exceed the height requirement stated in the Shoreland Overlay District. Additionally, there are other 2-story homes in close proximity to the subject parcel and the propose expansion would be consistent with the character of the neighborhood.
- 2) The proposed variance is reasonable as the expansion would be within the existing footprint of the building and the applicant would restore a portion of the shore impact zone.
- 3) The property is unique as the home, located within the 50 ft. structure setback, was constructed prior to the establishment of the Shoreland Overlay District standards.

- 4) The variance is in harmony with the Comprehensive Plan as the applicant intends to preserve an older building without expanding the structure footprint and restore a portion of the shore impact zone in further protection of Lake Waconia.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Variance application for Richard and Katharine Koehler to construct improvements to their principal structure within the OHWL structure setback for the property located at 80 Point Drive subject to the conditions, findings and recommendations of the Waconia Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 21st day of December, 2020.


Kent Bloudek, Mayor

ATTEST: 
Jackie Schulze, Interim City Administrator

M/ Carrier

Bloudek

Aye

Carrier

Aye

S/ Leo

Erickson

Aye

Leo

Aye

Waldron

Aye



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: December 21, 2020

Item Name: Variance – 80 Point Drive

Originating Department: Community Development

Presented by: Ethan Nelson, Assistant

Previous Council Action (if any):

Item Type (X only one):	Consent		Regular Session	<u>X</u>	Discussion Session	
--------------------------------	---------	--	-----------------	----------	--------------------	--

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

Adopt Resolution 2020-292 approving the Variance application to make improvements to the principal structure, which is located 25.5 ft from the Ordinary High Water Line versus the 50 ft. structure setback required in the R-2, Single-Family Residential District and Shoreland Overlay District.

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

BACKGROUND

Applicant: Richard and Katharine Koehler

Owner: Richard and Katharine Koehler

Address: 80 Point Drive

PID# 752960340

Zoning: R-2, Single Family Residential District

Special Zoning District: Shoreland Overlay District

REQUEST:

The City has received a Variance application from Richard and Katharine Koehler (the “applicants”) to make improvements to the principal structure on the subject parcel, which is located 25.5 ft. from the Ordinary High Water Line versus the 50 ft. minimum structure setback required in the Shoreland Overlay District. The applicant states the variance is necessary because the house already exists significantly within the setback and there is no additional land available to work with.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.B – R-2, Single-Family Residential District
2. Section 900.06 – Shoreland Overlay Regulations
3. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 – Variances

DEFINITIONS:

Ordinary High Water Level: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Height of Building: The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

VARIANCE REVIEW CRITERIA:

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

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

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

VARIANCE ANALYSIS AND PLANNING CONSIDERATIONS:

The applicant is proposing to construct an additional half story above the existing structure and expand a minor portion of the deck for door access purposes. Table 1.1 below indicates the existing, required, and proposed lot requirements for the property as indicated in the R-2, Single Family Residential District and Shoreland Overlay District. The analysis of this variance submittal is based on the information provided on the attached survey. The numbers in red detail the setbacks for which the variances are required.

Table 1.1

	Lot Requirements R-2 & Shoreland Overlay District	Existing Conditions	Proposed Conditions
Lot Area	10,500 sq. ft. min.	10,190 sq. ft.	10,190 sq. ft.
Maximum Impervious Surface	25%	32.76%	32.76%
Front Yard Setback/Right-of- Way Setback	25'	35.9'	35.9'
Ordinary High Water Line Structure Setback	50'	25.5'	25.5'
West Side Yard Setback	10'	10.8'	10'
East Side Yard Interior Setback	10'	5.8'	5.8'

PLANNING CONSIDERATIONS:

1. The applicants are proposing to add a half story to the existing footprint of the structure. Staff notes that the applicants are proposing a minor expansion of the deck that is shown in the floor plans, but not the Certificate of Survey. The expansion of the proposed deck shall not be closer than 25.5 ft. from the OHWL.
2. The proposed additional half story does not appear to exceed the maximum structure height allowed in the Shoreland Overlay District. However, staff notes the structure is expanding in height within the OWHL setback.
3. The Department of Natural Resources, the Planning Commission and staff recommend restoration of the shoreline with native and/or natural vegetation to provide habitat and functional soil stability.

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on November 19th, posted at Waconia City Hall and emailed to the DNR. Individual notices were mailed to all property owners within 350 feet of the subject parcel. As of the date and time of this report the City has received one public comment regarding the proposed Variance, which is attached to this report.

RECOMMENDATION

The Planning Commission, at their regular meeting on December 3rd, 2020, reviewed the pertinent information and recommended approval of the Variance application as presented via a 5-0 vote.

If the City Council approves the Variance application for the proposed improvements to their principal structure at 80 Point Drive, the Planning Commission and staff would recommend the approval upon the following conditions:

1. The applicant shall submit all necessary permits and meet all submission requirements contained within.
2. The applicant shall submit a revised Certificate of Survey at the time of permit review detailing the location of the proposed deck expansion that shall not be closer than 25.5 ft. from the OHWL and consistent with this approval.
3. The applicant shall restore the shoreline with native and/or natural vegetation to provide habitat and functional soil stability and submission of a stormwater plan that details a gutter and rain barrel system.

ATTACHMENTS:

1. Draft Resolution (2 Pages)
2. Location Map (1 Page)
3. Variance Application & Letter (5 Pages)
4. Public Hearing Notice (1 Page)
5. Survey Site Plan & Aerial (3 Pages)
6. Floor Plans & Elevations (5 Page)
7. Public Hearing Comment (3 Pages)
8. Site Photos (9 Pages)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

ADVISORY BOARD RECOMMENDATIONS:

Budget Information:	Planning Commission	Recommended approval via a 5-0 vote on December 3rd, 2020
Budgeted	Parks and Recreation Board	
Non Budgeted	Safari Island Advisory Board	
Amendment Required	Other	

**CITY OF WACONIA
RESOLUTION 2020-292**

**A RESOLUTION APPROVING A VARIANCE
FOR THE PROPERTY LOCATED AT 80 POINT DRIVE**

WHEREAS, Richard and Katharine Koehler (the “**Applicants**”), have submitted a Variance application for the property located at 80 Point Drive (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

WHEREAS, the subject parcel is identified as PID# 752960340; and

WHEREAS, the City received a variance application from the applicants to allow improvements to the principal structure on the subject parcel, which is located 25.5 ft. from the Ordinary High Water Line (OHWL) versus the 50 ft. minimum structure setback required in the Shoreland Overlay District; and

WHEREAS, the applicant is requesting the variance because the house already exists significantly within the setback and there is no additional land available to work with; and

WHEREAS, the Planning Commission, at their regular meeting on December 3rd, 2020, held the required public hearing and recommended approval of the Variance application for improvements to the principal structure for the property located at 80 Point Drive via a 5-0 vote with the following conditions:

1. The applicant shall submit all necessary permits and meet all submission requirements contained within.
2. The applicant shall submit a revised Certificate of Survey at the time of permit review detailing the location of the proposed deck expansion that shall not be closer than 25.5 ft. from the OHWL and consistent with this approval.
3. The applicant shall restore the shoreline with native and/or natural vegetation to provide habitat and functional soil stability and submission of a stormwater plan that details a gutter and rain barrel system.

WHEREAS, the City Council further finds and concludes:

- 1) The proposed improvements would not alter the essential character of the locality as the proposed improvements would not cause the structure to exceed the height requirement stated in the Shoreland Overlay District. Additionally, there are other 2-story homes in close proximity to the subject parcel and the propose expansion would be consistent with the character of the neighborhood.
- 2) The proposed variance is reasonable as the expansion would be within the existing footprint of the building and the applicant would restore a portion of the shore impact zone.
- 3) The property is unique as the home, located within the 50 ft. structure setback, was constructed prior to the establishment of the Shoreland Overlay District standards.

- 4) The variance is in harmony with the Comprehensive Plan as the applicant intends to preserve an older building without expanding the structure footprint and restore a portion of the shore impact zone in further protection of Lake Waconia.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Variance application for Richard and Katharine Koehler to construct improvements to their principal structure within the OHWL structure setback for the property located at 80 Point Drive subject to the conditions, findings and recommendations of the Waconia Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 21st day of December, 2020.

Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, Interim City Administrator

M/ _____	Bloudek	_____
	Carrier	_____
S/ _____	Erickson	_____
	Leo	_____
	Waldron	_____



Center County GIS, City of Waconia

0 12.5 25 50 75 100 ft Coordinate System: NAD 83, NAD 83 North Auxiliary Sphere November 2020		 City of Waconia 201 Vine Street South, Waconia, MN 55387	Waconia GIS
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CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: Richard and Katharine Koehler
2. Address of Property: 80 Point Drive, Waconia, MN 55387
3. Legal Description: See Survey Certificate included with application.
4. Applicant's Name: Richard and Katharine Koehler
5. Mailing Address: 17684 Ascot Court, Eden Prairie, MN 66347
6. Daytime Phone(s): 612-718-2922
7. Email Address: rick.koehler@bkfs.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: _____

Fee: \$ _____

Receipt #: _____



CITY OF WACONIA
 201 South Vine Street
 Waconia, MN 55387
 Phone: (952) 442-2184 Ext. 2
 Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: Residential
2. Existing use of Property: Single Family Home
3. Has request for a variance on this property been sought previously? If so, when? Not by Applicants.

IMPORTANT

Subd. 4. Variances

- A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
 2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
 5. FINANCIAL SAVINGS WILL NOT CONSTITUTE A HARDSHIP.

THE FOLLOWING INFORMATION MUST BE FURNISHED IN ORDER TO PROCESS THE APPLICATION

1. A letter from the applicant(s) which should address the following:
 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
 - Conditions or peculiar difficulties to the structure or land, which makes a variance necessary.
 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (**\$125 residential; \$275 non-residential**)
3. **Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.**

****Additional information may be requested by staff, based on the proposal. Additional consulting review fees may apply, such as civil engineering and legal counsel.**

4. Scaled site plan with north arrow indicating existing structures and proposed additions or modification to structures.
5. Show all distances of buildings and structures from property lines.
6. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature: _____

eSigned by Expedite: 2020-11-05 11:48:05 EST
Richard Koehler
95013584506878164

Date: 11/05/2020

Printed Name: _____

Richard Koehler

November 5, 2020

TO: City of Waconia Planning Commission
RE: Request for Variance for 80 Point Drive, Waconia

Members of the Commission:

We recently purchased the home at 80 Point Drive, Waconia. This home is approximately 1,420 square feet with two small bedrooms and two bathrooms. We are now seeking a variance to allow us to improve the home by adding a half story above the existing 1st floor structure. As you will see in the attached plans and specifications, the concept is to add a half story to the home without increasing the footprint of the existing structure. Upon completion, the home will be larger with only minimal impact to the land.

We are seeking a variance related to the lakeshore setback on the east and south sides of the property. The current setback requirement is 50 feet from the lakeshore. In 1968, a 1-story, 2-car garage rambler was allowed to be built in its current location. Due to the subject property's vertical distance to the ordinary high water (o.h.w.), a basement was not built and a very low dirt floor crawl space was used in the original construction.

We desire to remodel the existing home's structure to accommodate a 1 ½-story appearance, an open 1st floor plan concept, (3) upper level bedrooms, and create adequate storage and mechanical spaces, which the lack of a basement area does not adequately provide.

We feel a variance is reasonable in this situation. There are special conditions existing on this parcel of land not resulting from anything we have done. As you can see on the attached survey certificate and satellite photo of the cul-de-sac, the lot is small and irregular, somewhat pie shaped. Since this property is on Lake Waconia and at the end of a cul-de-sac, there is no additional land available to work with.

Interpreting the ordinance too strictly will limit the ability to undertake any improvement to the lack of space. Like most of the homes on this cul-de-sac, this home was built many years ago, before the current 50-foot setback control requirement. Under current standards, because of the size and shape of this lot, there would be no way to effectively use this parcel of land for a single-family home use.

In addition, no special privilege will be granted as a result of this requested variance. Because of the size of the lot, there is no other way to increase the functional, necessary, and usable space within the home except by increasing the height. Other homes on the point have or have added full second stories. As you can see from the attached plans, our proposed addition and renovation is for a modest story-and-a-half home that is consistent or smaller with other homes in the area.

Finally, the proposed renovation will not adversely impact the lake, nor the property values in the area. The proposed plan will not increase the structure's footprint or hardcover; thereby, limiting environmental impact to the property and the lake. Each house on the cul-de-sac has its own outwardly facing views of the lake without significant need to view through this lot, so sight lines are not impacted.

Our goal here is to increase livability and functionality of the home without adversely impacting the lake character, the land, or the other homes in the area. In fact, this proposal will support ideas of preserving lake character, appropriate scale with a 1 ½-story approach to massing, and fully add support to the property values on the lake and within the neighborhood.

We thank you in advance for your consideration and will be available at the Planning Commission meeting to answer any questions.

Sincerely,

Rick and Kathy Koehler

Attachments:

Survey Certificate

Specs for Renovation

Aerial Photo of the Point Drive cul-de-sac

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 December 3rd, 2020 at 6:30 p.m., via Zoom, to consider a Variance request to make improvements to a principal structure that exists within the 50 ft. Ordinary High Water Line structure setback required for the property located at 80 Point Drive (PID# 75.2960340), which is zoned R-2, Single-Family Residential District and in the Shoreland Overlay District.

The applicants, Richard and Katherine Koehler, are requesting approval of a variance to make improvements to the principal structure on the subject parcel, which is located 25.5 ft. from the Ordinary High Water Line versus the 50 ft. minimum structure setback required in the Shoreland Overlay 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, which will be held via Zoom on Thursday, December 3rd, 2020. 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: Ethan Nelson, 201 South Vine Street, Waconia, MN 55387
Email: enelson@waconia.org

By: WACONIA PLANNING COMMISSION
ATTEST: Ethan Nelson, Assistant Planner

(Published in the November 19th Waconia Patriot newspaper)



80 POINT DRIVE WACONIA, MN

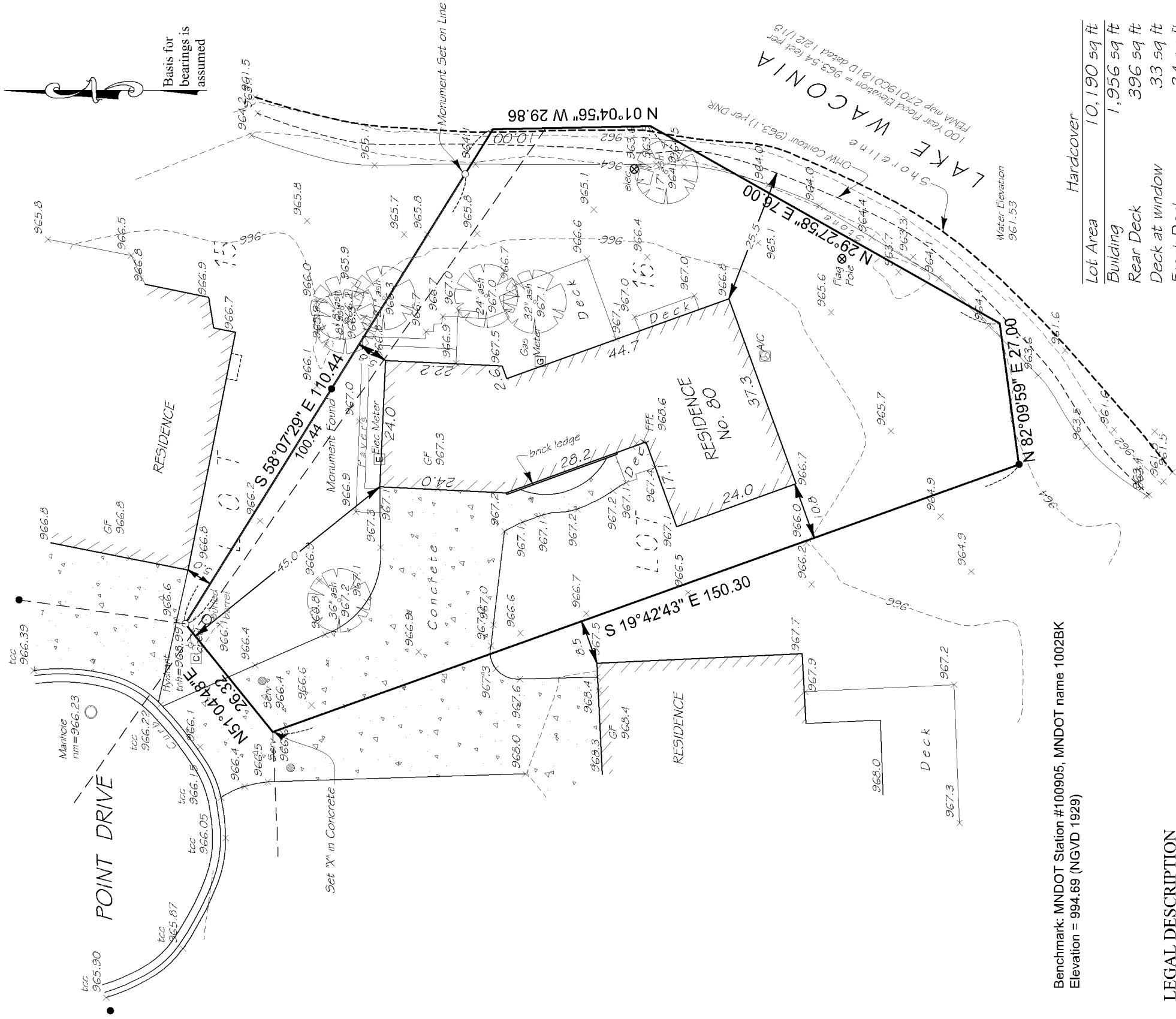
- 14 OF 18 PROPERTIES (77.8%) ON POINT DRIVE ARE NON-CONFORMING.
- SUBJECT PROPERTY IS THE MOST NON-CONFORMING.
- 3 OTHER PROPERTIES ARE WITHIN 5' OF THE SUBJECT PROPERTY'S DISTANCE TO LAKE.

- KEY NOTES
 - INDICATES NON-CONFORMITY W/ 50' LAKE SETBACK
 - 1.0 = 1-STORY
 - 1.5 = 1-1/2 STORY OR SPLIT LEVEL
 - 2.0 = 2-STORY

KOEHLER HOME
PROPOSED ADDITION

Surveyors Certificate
Existing Conditions Survey For:
MIKAN CUSTOM HOMES

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Existing Contours
- Denotes Existing Elevation



Benchmark: MNDOT Station #100905, MNDOT name 1002BK
Elevation = 994.69 (NGVD 1929)

LEGAL DESCRIPTION

Lot 16 of the re-plat of Outlot "A", Harms Lake View Terrace, First Addition, according to the recorded plat thereof and that part of Lot 15 of the re-plat of Outlot "A", Harms Lake View Terrace, First Addition, lying Southwesterly of a line described as follows:
Commencing at the point of intersection of the Northwesterly and Southwesterly lot lines of said Lot 15 extended Westerly, thence to a point on the Easterly lot line of said Lot 15 which is a point 10 feet distant Northerly along said lot line from the Southeasterly corner of said Lot 15, and there terminating.

Hardcover	
Lot Area	10,190 sq ft
Building	1,956 sq ft
Rear Deck	396 sq ft
Deck at window	33 sq ft
Front Deck	34 sq ft
Pavers	111 sq ft
Concrete	1,271 sq ft
Total	3,801 sq ft
Percentage	37.30%

NOTE: The only easements shown are from plats of record or information provided by client.
NOTE: Possible easement for driveway purposes, document not provided.

I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota
Surveyed this 1st day of October 2020.

Property located in Section 14, Township 116, Range 25, Carver County, Minnesota DEMARC LAND SURVEYING & ENGINEERING 7601 73rd Avenue North Minneapolis, Minnesota 55428 (763) 560-3093 Demarcinc.com	Project No. 89215	Scale: 1" = 20'
	F.B.No. 1114-77	Drawn By
	Address: 80 Point Drive Waconia, MN	
	rev	
Signed Gregory R. Prasch, Minn. Reg. No. 24992		

F:\survey\replat of outlot a harms lake view terrace - carver co\15-16\01 Surveying - 89215\01 CAD\01 Source\01 Survey Base.dwg

SHEET INDEX

- A1 ARCHITECTURAL SITE PLAN
A2 MAIN LEVEL FLOOR PLAN
A3 UPPER LEVEL FLOOR PLAN
A4 ROOF PLAN
A5 EXTERIOR ELEVATIONS
A6 EXTERIOR ELEVATIONS

PROJECT TEAM

ARCHITECT

SHARRATT DESIGN & COMPANY
464 SECOND STREET SUITE 100
EXCELSIOR MN 55331
CONTACT: MIKE SHARRATT (952) 470-9750

STRUCTURAL ENGINEER

T.B.C.

GENERAL CONTRACTOR

MIKAN CUSTOM HOMES
464 SECOND STREET SUITE 107
EXCELSIOR MN 55331
(952) 836-7966

ISSUED FOR

[illegible]

PROPOSED REMODELING OF THE:

KOEHLER HOME

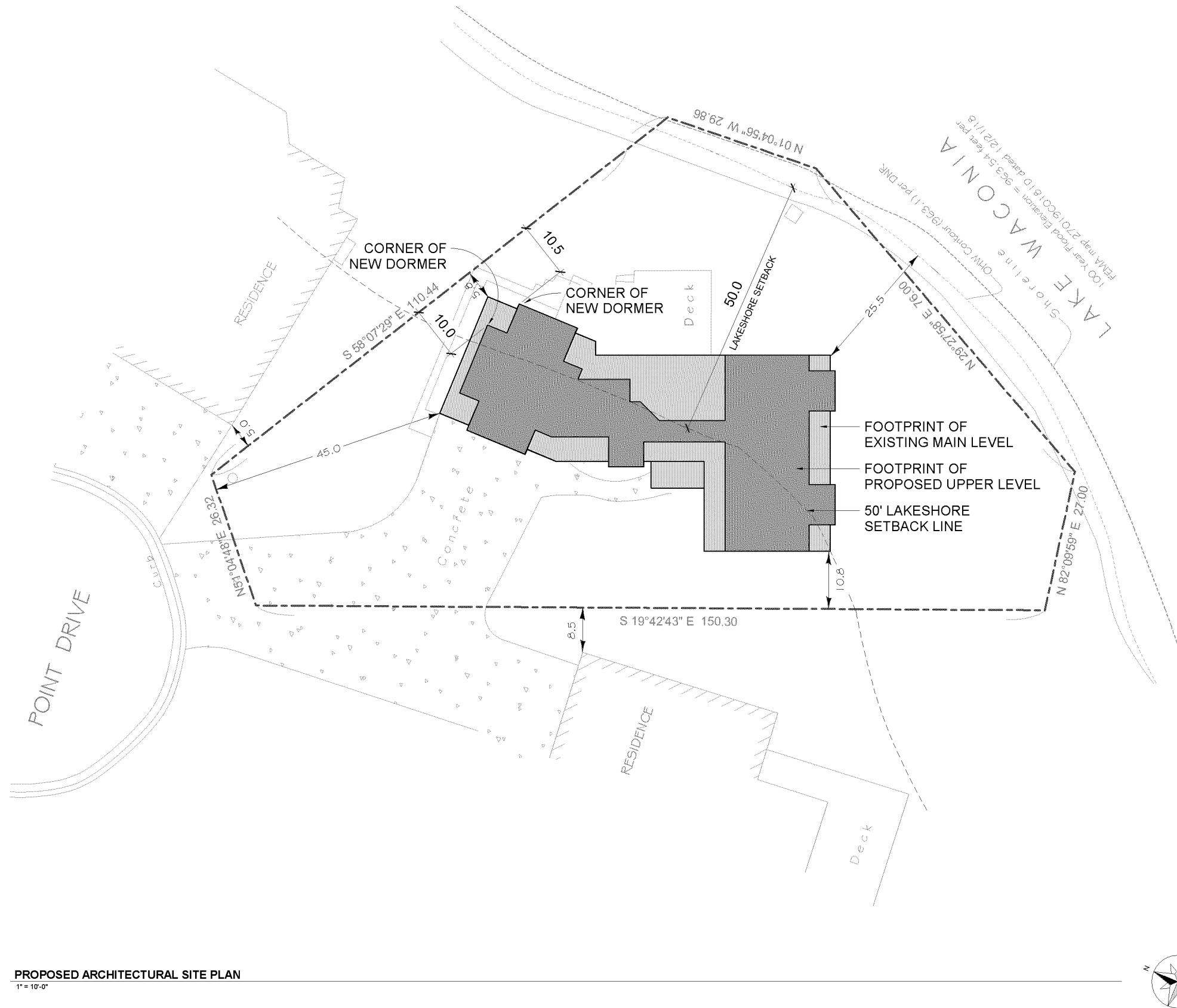
20 POINT DRIVE
WACONIA, MN

SHEET **A1** NUMBER

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PRELIMINARY - NOT FOR CONSTRUCTION



PROPOSED ARCHITECTURAL SITE PLAN
1" = 10'-0"

sharratt
design
company

SHEET INDEX

- A1 ARCHITECTURAL SITE PLAN
- A2 MAIN LEVEL FLOOR PLAN
- A3 UPPER LEVEL FLOOR PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS

PROJECT TEAM

SHARRATT DESIGN & COMPANY
484 SECOND STREET SUITE 100
EXCELSIOR MN 55331
CONTACT: MIKE SHARRATT (952) 470-2750

T.B.D.

MIKAN CUSTOM HOMES
-6- SECOND STREET SUITE 107
EXCELSIOR MN 55331
(952) 836-7166

ISSUED FOR

[illegible]

KOEHLER HOME

80 POINT DRIVE
WACONIA, MN

SHEET **A2** NUMBER

282

[illegible]

EXISTING SPACE	
MAIN LEVEL	1385 SF
GARAGE	569 SF
Grand total	1954 SF

PROPOSED SPACE	
UPPER LEVEL	1321 SF
Grand total	1321 SF

MAIN LEVEL FLOOR PLAN (EXISTING FOOTPRINT UNCHANGED)
1/4" = 1'-0"



- A1 ARCHITECTURAL SITE PLAN
A2 MAIN LEVEL FLOOR PLAN
A3 UPPER LEVEL FLOOR PLAN
A4 ROOF PLAN
A5 EXTERIOR ELEVATIONS
A6 EXTERIOR ELEVATIONS

PROJECT TEAM

SHARRATT DESIGN & COMPANY
484 SECOND STREET SUITE 100
EXCELSIOR MN 55331
CONTACT: MIKE SHARRATT (952) 470-2750

T.B.D.

MIKAN CUSTOM HOMES
-6- SECOND STREET SUITE 107
EXCELSIOR MN 55331
(952) 836-7126

ISSUED FOR

[illegible]

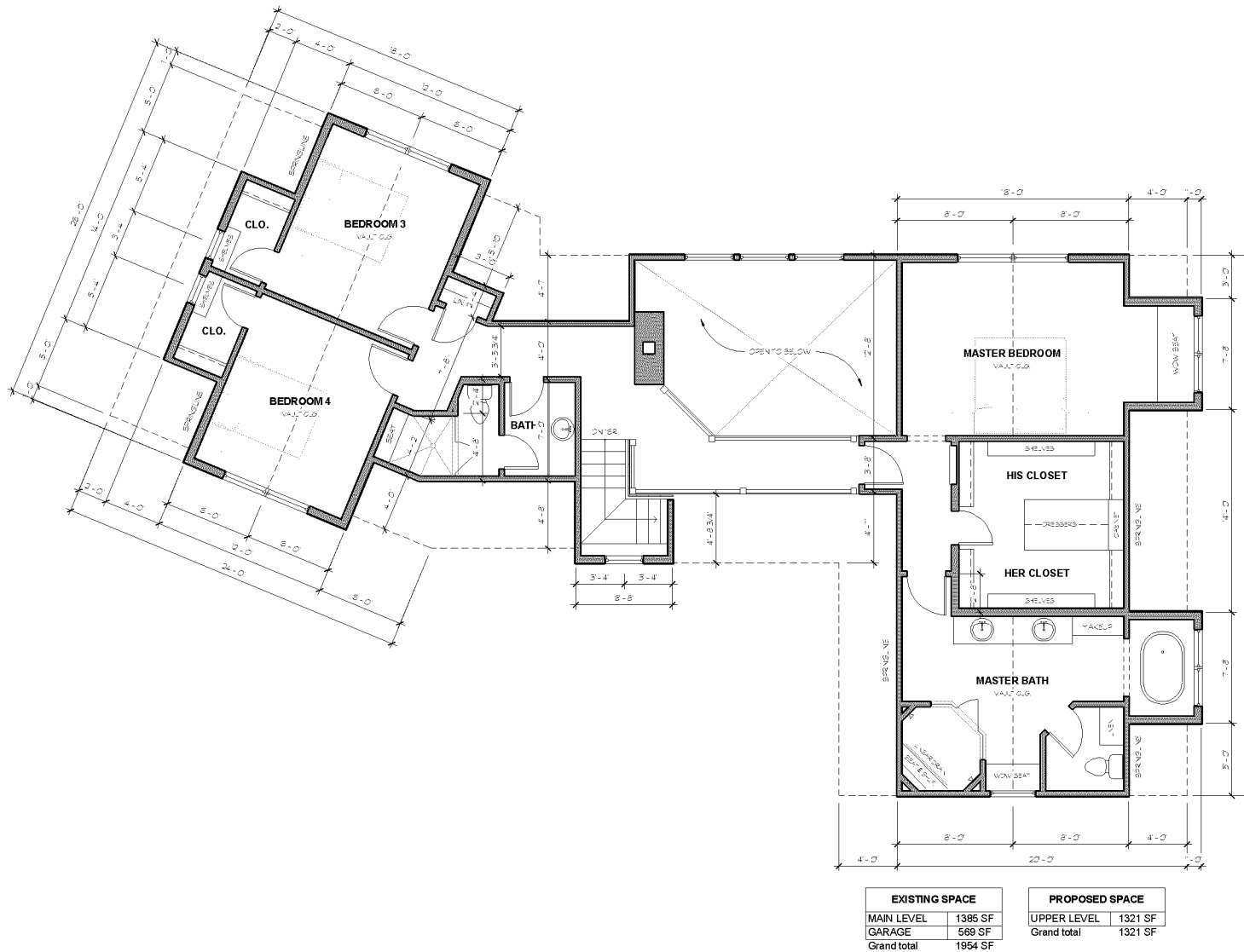
PROPOSED REMODELING OF THE:

KOEHLER HOME

80 POINT DRIVE
WACONIA, MN

SHEET A3 NUMBER

PRELIMINARY - NOT FOR CONSTRUCTION



PROPOSED UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"



- A1 ARCHITECTURAL SITE PLAN
A2 MAIN LEVEL FLOOR PLAN
A3 UPPER LEVEL FLOOR PLAN
A4 ROOF PLAN
A5 EXTERIOR ELEVATIONS
A6 EXTERIOR ELEVATIONS

PROJECT TEAM

SHARRATT DESIGN & COMPANY
484 SECOND STREET SUITE 100
EXCELSIOR MN 55331
CONTACT: MIKE SHARRATT (952) 470-9750

T.B.D.

MIKAN CUSTOM HOMES
-6- SECOND STREET SUITE 107
EXCELSIOR MN 55331
(952) 836-7126

ISSUED FOR

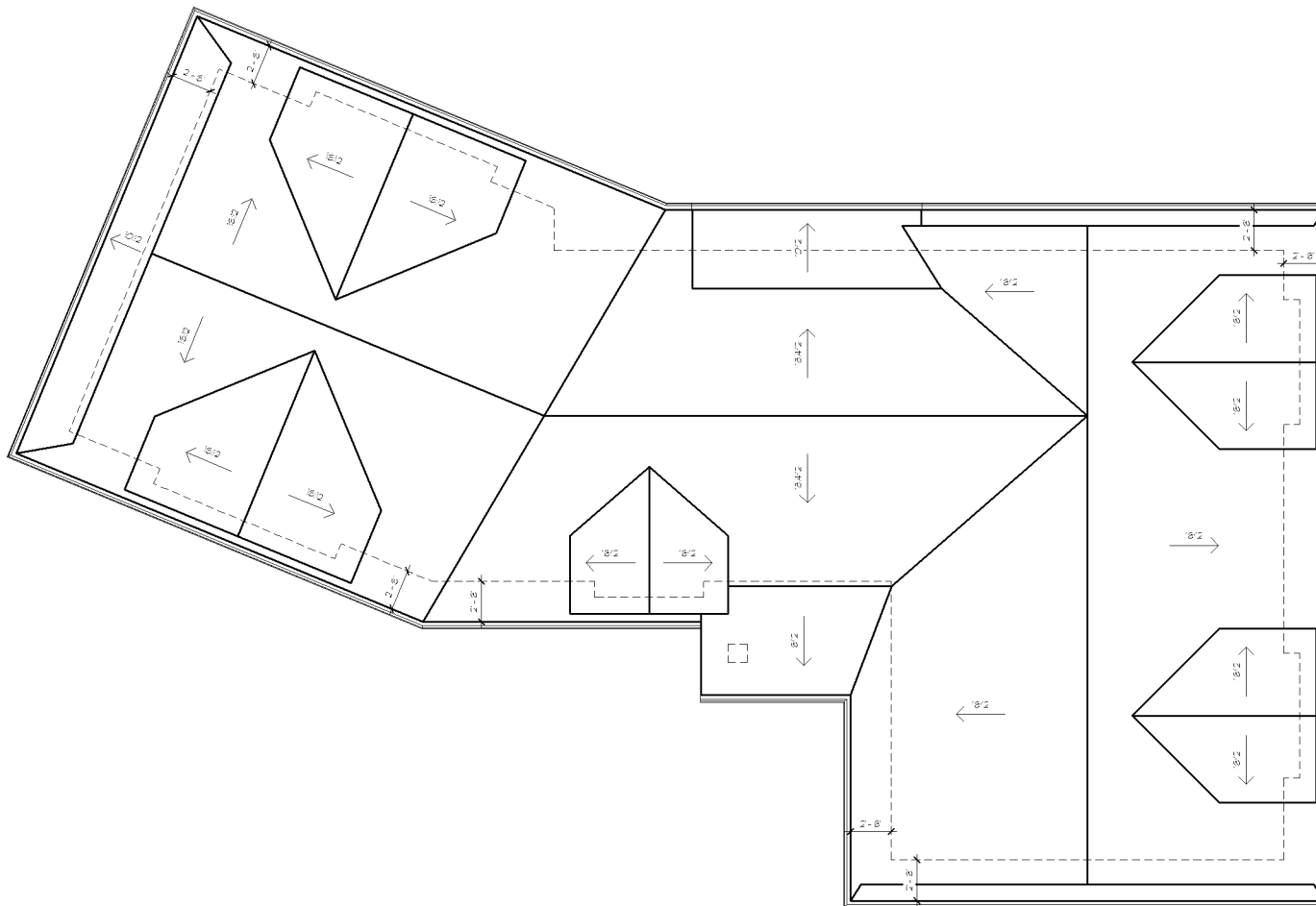
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PROPOSED REMODELING OF THE:

KOEHLER HOME

80 POINT DRIVE
WACONIA, MN

SHEET **A4** NUMBER


$$1/4^* = 1.0^*$$


sharratt
design
company

461 SECOND STREET PH: 952-470-3750
SUITE 100 FAX: 952-767-5859
EXCELSIOR, MN 55331 nig@armando-das-gr.com

- A1 ARCHITECTURAL SITE PLAN
- A2 MAIN LEVEL FLOOR PLAN
- A3 UPPER LEVEL FLOOR PLAN
- A4 ROOF PLAN
- A5 EXTERIOR ELEVATIONS
- A6 EXTERIOR ELEVATIONS

ARCHITECT

SHARRATT DESIGN & COMPANY
484 SECOND STREET SUITE 100
EXCELSIOR MN 55331
CONTACT: MIKE SHARRATT (952) 470-2750

STRUCTURAL ENGINEER

T.B.D.

GENERAL CONTRACTOR

MIKAN CUSTOM HOMES
464 SECOND STREET SUITE 107
EXCELSIOR MN 55331
(952) 836-7126

ISSUED FOR

[illegible]

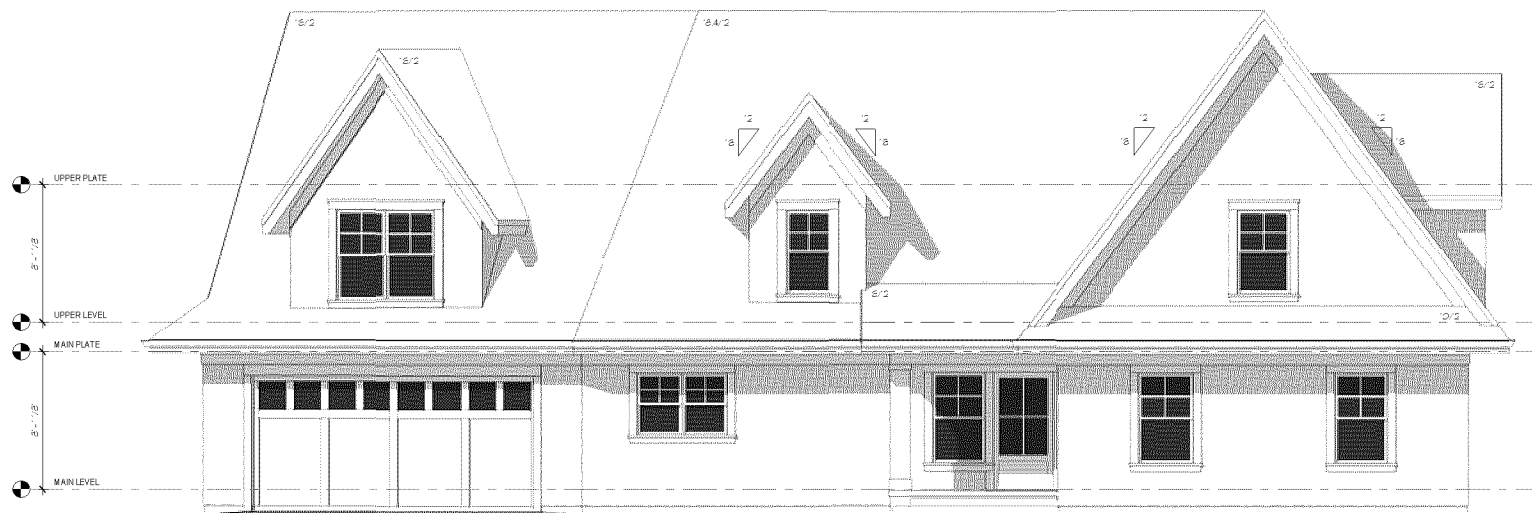
PROPOSED REMODELING OF THE:

KOEHLER HOME

80 POINT DRIVE
WACONIA, MN

SHEET **A5** NUMBER

285



PROPOSED FRONT ELEVATION

$$14^{\circ} = 1^{\circ}-0^{\circ}$$


PROPOSED RIGHT ELEVATION

$$1\frac{1}{4}'' = 1\frac{1}{2}''$$

46- SECOND STREET PH: 952-470-3750
SUITE 100 FAX: 952-767-5859
EXCELSIOR, MN 55331 nig@arango-das.com

A1 ARCHITECTURAL SITE PLAN
A2 MAIN LEVEL FLOOR PLAN
A3 UPPER LEVEL FLOOR PLAN
A4 ROOF PLAN
A5 EXTERIOR ELEVATIONS
A6 EXTERIOR ELEVATIONS

ARCHITECT

SHARRATT DESIGN & COMPANY
481 SECOND STREET SUITE 100
EXCELSIOR MN 55331
CONTACT: MIKE SHARRATT (252) 470-2750

STRUCTURAL ENGINEER

T.B.D.

GENERAL CONTRACTOR

MIKAN CUSTOM HOMES
464 SECOND STREET SUITE 107
EXCELSIOR MN 55331
(952) 836-7126

ISSUED FOR

[illegible]

PROPOSED REMODELING OF THE:

KOEHLER HOME

80 POINT DRIVE
WACONIA, MN

SHEET **A6** NUMBER



PROPOSED REAR ELEVATION

$$1/4^* = 1/4 - \sigma$$


PROPOSED LEFT ELEVATION

$$1/4^{\circ} = 1/20^{\circ}$$



Ecological and Water Resources
1200 Warner Road
St. Paul, MN

November 23, 2020

Waconia Planning Commission
201 South Vine Street
Waconia, MN 55387

RE: Variance Request – 80 Point Drive, Waconia, Carver County

Dear Planning Commission,

The Department of Natural Resources would like to offer the following comments on the variance request to make improvements to the principal structure at 80 Point Drive, which is located 25.5 feet from the Ordinary High Water Level on Lake Waconia. If approved, the DNR strongly recommends that all hard surfaces over the 25% limit be mitigated with permeable pavement and/or restoration of the shoreline with native and/or natural vegetation to provide habitat and functional soil stability.

Limiting impervious surface is important in minimizing overland runoff and reducing the amount of contaminants entering a body of water. Additionally, natural vegetation helps slow runoff, filters out nutrients, and stores moisture. Both of these mitigating practices have a direct and positive impact on the health of the lake.

The DNR appreciates the opportunity to comment on this matter.

Sincerely,

A handwritten signature in black ink that reads 'Taylor Huinker'.

Taylor Huinker
Area Hydrologist

CC: Dan Petrik, DNR Land Use Specialist
Jack Gleason, DNR South District Hydrologist Supervisor

Lane Braaten

From: Adam Lint <alint28@gmail.com>
Sent: Thursday, December 2, 2021 10:14 AM
To: Lane Braaten
Subject: PUBLIC HEARING – Variance Amendment for the Property located at 80 Point Drive

Attn: Lane Braaten
Community Development Director
City of Waconia

RE: PUBLIC HEARING – Variance Amendment for the Property located at 80 Point Drive

By way of introduction, we are the owners and occupants of 73 Point Dr, neighbors sharing the adjoining driveway to Jeremy & Liza Donabauer's residence located at 80 Point Drive.

We are writing to you to indicate our support for the redevelopment of 80 Point Drive as detailed in the planning and design documents submitted by Donabauer's. The city has previously approved the remodel plans of the previous owners, which we had also supported, and based upon review of the submitted plans see no reason why the Donabauer's shouldn't receive approval from the City of Waconia to proceed. One item of note, it appears that the Donabauer's have an option to repair their shoreline or modify their driveway to meet certain requirements. We would like to be informed of any changes to driveway configuration, construction or materials used, should they choose that option, so we can maintain access to our residence and the general aesthetics.

As we had done with the previous owners, we would like to take time to emphasize here that we understand that the shared driveway will be used as the primary access point during construction. Would like to ensure that the construction company managing the project do its best to keep the cul-de-sac and our shared driveway clear, passable and free from debris throughout the duration of the project. Would like to ensure that any damage done to the driveway, surrounding grounds and utilities during construction will be repaired as soon as reasonably possible.

Jeremy & Liza have done a great job of keeping us informed of their plans and progress. They are conscious of the impact the project will have on the neighbors and neighborhood during and post project which is appreciated. Would like to reiterate our support for the project and hope that the city grants final approval so that project can be started and completed in a timely manner.

Please feel free to contact me directly with any questions.

Regards,

Adam & Jaime Lint
E: alint28@gmail.com
C: 763-234-5429

Sent from [Mail](#) for Windows



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Ordinance 743, Impoundment of Dogs.					
Originating Department:		Administration					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):		Consent		Regular Session		Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Ordinance 743, amending Chapter 560 of City Code.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
On May 4, 2020, the City Council approved a contract with Crossroads Animal Shelter out of Buffalo, MN after being notified that Countryside Vet would no longer impound dogs. We were notified this fall that Crossroads Animal Shelter is now getting out of the business of impounding dogs. City staff looked at other options and reached out to several animal shelters and veterinary clinics in the area to assist with this service, however none in the area are willing to take this on. At this time, City staff recommend updating Chapter 560.08 of the City Code to eliminate the section on impoundment. The City will no longer work with Carver County to pick up at-large dogs and impound them, as there are no locations in the area who are willing to take these animals. In 2020 and 2021, the City saw only one impounded dog each year, so this is not a change that will have a significant impact on the community.							
<u>Attachments:</u>							
1. Ord 743 Ordinance Amendment - Impoundment of Dogs.doc 2. Ord 743 Attachment Ordinance Amendment - Redlined Attach.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
ORDINANCE NO. 743**

**AN ORDINANCE AMENDING CHAPTER 560.08 REGARDING
IMPOUNDMENT OF DOGS**

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

FINDINGS AND PURPOSE

The City of Waconia (the “City”) contracts with a local veterinary clinic. The City Council finds that Chapter 560.08 of the Waconia City Code, which addresses impoundment of animals, should be updated to be in line with the City’s contract for veterinary services.

AMENDMENTS

Chapter 560, *Dogs*, is amended as follows:

Section 560.08, *Impoundment* is amended to read as follows:

560.08 Impoundment.

Subd. 1. The City is not involved in the impoundment of dogs.

SUMMARY

The following official summary of Ordinance No. 560 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:

AN ORDINANCE AMENDING CHAPTER 560 REGARDING DOGS removes the entire impoundment section, apart from specifying that the City is no longer involved in the impoundment of dogs.

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 shall be posted by law. 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 amendment is effective as of January 1, 2022.

Passed and adopted by the Waconia City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jackie Schulze, City Clerk

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

CHAPTER 560**DOGS****Section**

560.01	Purpose and Intent
560.02	Incorporation of Statutes by Reference
560.03	Definitions
560.04	Identification Tags Required
560.05	Cleaning up Litter
560.06	Disturbing the Peace
560.07	Running at Large
560.08	Impoundment
560.09	Dangerous or Potentially Dangerous Dogs
560.10	Rabies Quarantine
560.11	Exemption for Police Dogs
560.12	Costs
560.13	Enforcement
560.14	Violations; Fines and Penalties

560.01 Purpose and Intent.

Dangerous or potentially dangerous dogs pose a direct threat to the people and domestic animals in the City of Waconia. Further, dogs running at large can create a traffic hazard, damage personal property and bite. Dogs that habitually bark are a nuisance to neighbors and other residents of the City. It is the intent of the City to protect the public against dog related health and safety risks as well as dog related nuisances.

In regard to dangerous or potentially dangerous dogs, this chapter utilizes the statutory framework in Minnesota Statutes §§347.50 through 347.565, which establishes how municipalities are to address reports of dog attacks. Minnesota Statute §347.51, Subdivision 8, and Minnesota Statute §347.565 authorize cities to establish a procedure by which a dog may be declared dangerous or potentially dangerous, including the right to appeal that designation.

560.02 Incorporation of Statutes by Reference.

The provisions of Minnesota Statutes §§347.50 through 347.565 regarding the regulation of dangerous dogs, including any future amendments thereto, are adopted by the City and incorporated by reference into this Chapter 560. When the provisions of this chapter impose greater restrictions than such statutes the provisions of this chapter shall control. Where the provisions of any such statute impose greater restrictions than this chapter, the provisions of such statute shall control.

560.03 Definitions.

For the purpose of this Chapter 560, the terms defined in this section shall have the following meanings assigned to them:

ANIMAL CONTROL AUTHORITY means Carver County, Minnesota, which the City hereby appoints to act in such capacity, together with any law enforcement officer or other person acting under Carver County's direction and control in regard to animal control activities.

BODILY HARM, GREAT BODILY HARM AND SUBSTANTIAL BODILY HARM shall each have the meaning given such phrase by Minnesota Statutes §609.02.

CHAPTER means this Chapter 560.

DANGEROUS DOG means any dog that has:

Without provocation, inflicted substantial bodily harm on a human being on public or private property; or

When unprovoked, engaged in any attack on any person under circumstances which indicated danger to personal safety; or

Killed a domestic animal without provocation while off the owner's property; or

Been found to be potentially dangerous, and after the owner has received notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals; or

When unprovoked, has bitten one (1) or more persons on two (2) or more separate occasions; or

Been or will be used, trained, or encouraged to fight with another animal; or whose owner has in their custody or possession any training apparatus, paraphernalia, or drugs used to prepare such dog for fighting with another animal.

HEARING means a proceeding conducted by a hearing officer in accordance with the requirements of this Chapter 560.

HEARING OFFICER means a licensed doctor of veterinary medicine, an animal control authority official, the City Administrator, or any otherwise qualified impartial hearing officer appointed by the City Administrator.

KILL, KILLS or KILLED each mean any act in which there is a direct causal connection between the act of the attacking dog and the death of the person or other animal. For domestic animals which were euthanized following such an attack, "Killed" or "Kills" means the death was the direct consequence of the attack, extensive veterinarian assistance would be futile, and that euthanasia merely hastened the inevitable death of the victim animal.

LEASH means a cord, rope or chain affixed to a dog's collar that is of sufficient strength to prevent the dog from escaping by breaking the cord, rope or chain or by chewing through it.

OWNER means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog. Any person in possession of a dog five (5) consecutive days or more shall, for the purposes of this Chapter 560, be deemed to be an owner thereof.

POUND OPERATOR means the operator designated by the City Council to operate a pound at which impounded dogs will be kept

POTENTIALLY DANGEROUS DOG means any dog that:

When unprovoked, inflicts a bite on a human or domestic animal on public or private property; or

When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

PROPER ENCLOSURE means securely confined indoors, or in a securely enclosed and locked pen or structure outdoors, suitable to prevent the animal from escaping and providing the dog protection from the elements. A "proper enclosure" does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting. Such enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel, in order to qualify as a proper enclosure, shall meet the following minimum specifications:

The overall floor size shall have a minimum area of thirty-two square feet (32 sq. ft.);

Sidewalls shall have a minimum height of five feet (5 ft.) and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches (2 in.), support posts shall be one and one-quarter-inch (1¼ in.) or larger steel pipe buried in the ground eighteen inches (18 in.) or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen inches (18 in.) into the ground;

A cover over the entire pen or kennel shall be provided, shall be constructed of the same gauge wire or heavier as the sidewalls, and shall also have no openings in the wire greater than two inches (2 in.); and

An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches (2 in.). The

gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel. The area under the gate shall be constructed and maintained in such a way as to prevent the dog from digging under the gate.

RESTRAINT means any of the following:

Keeping a dog in a proper enclosure;

Keeping a dog on a leash six (6) feet or less in length securely held by a person;

Keeping a dog on a leash securely fastened to a fixed object of such strength as to prevent the escape of the dog by either pulling or chewing through the fixed object provided the leash is of sufficient length to allow the dog freedom to move about, but not off the owner's property; or

Actively and continuously controlling a dog by means of either voice or hand commands or by means of an active electronic containment system specifically designed to contain a dog within the boundaries of an owner's property; provided, however, that allowing a dog to be off a leash or out of a proper enclosure while the owner is not then present does not qualify as active and continuous control even if an electronic containment system is used.

UNPROVOKED means the condition in which the dog is not purposely excited, stimulated, agitated, or disturbed. Any attack on a child fourteen (14) years of age or younger is presumed to be unprovoked. This presumption can be rebutted if sufficient evidence is shown to prove beyond a reasonable doubt that the child was engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statute Chapter 343 as cruelty to animals.

560.04 Identification Tags Required.

No owner shall keep or harbor a dog within the corporate limits of the City unless the dog is wearing an identification tag with the name and telephone number of at least one (1) owner. Dogs less than six (6) months old are exempt from this requirement.

560.05 Cleaning Up Litter.

It is unlawful for the owner of any dog to cause or permit the dog to defecate on public property or the private property of another without immediately cleaning up the dog's feces and properly disposing of them in a sanitary manner. It is also unlawful for the owner of any dog to permit dog feces to accumulate for a period exceeding seven (7) days on any property owned, leased or occupied by the dog's owner. The owner of any dog, or any person having custody or control of any dog, shall carry appropriate equipment and supplies for picking up and disposing of dog feces in a sanitary manner whenever the dog is on public property or the private property of another.

560.06 Disturbing the Peace.

No owner shall keep or harbor a dog that barks for repeated intervals of at least five minutes with less than one minute of interruption which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the owner's property.

560.07 Running at Large.

No dog owner shall allow his, her or its dog to run at large within the corporate limits of the City. For the purposes of this chapter, a dog shall be considered to be running at large if the dog is not under restraint.

560.08 Impoundment.

Subd. 1. The City is not involved in the impoundment of dogs.

560.09 Dangerous or Potentially Dangerous Dogs.

Subd. 1. Designation of a Potentially Dangerous Dog.

- A. Designation. Following the investigation of a dog attack incident, the animal control authority shall review all reports. Following that review, the animal control authority shall designate any dog potentially dangerous if there is a preponderance of evidence that the dog acted in a manner described in in definition of potentially dangerous dog in Section 560.03 above.
- B. Notice.
 - i. Upon determination that a dog is potentially dangerous, the animal control authority shall provide a written notice of the potentially dangerous dog to the owner of record, or if there is no owner of record, any owner of such dog by personally serving the owner or a person of suitable age and discretion at the residence of such owner. Service upon any owner shall be effective as to all owners. The notice shall state the dates, times, places, and facts of the incidents which form the basis for the determination and shall include the following:
 - a. A description of the dog deemed to be potentially dangerous;
 - b. The factual basis for that determination; and
 - c. The identity of the official who made the determination.

- ii. The notice shall also set forth the restrictions imposed upon a potentially dangerous dog under this chapter.
- iii. The notice shall also advise the owner(s) that they have five (5) days to ask the Office of the Carver County Attorney, acting in its capacity as part of the animal control authority, to review the designation and shall include a pre-printed form that the owner may use to request the review. The request for a review shall be made directly to the animal control authority and Office of the Carver County Attorney and must be submitted in writing.
- iv. If the owner does not request a review within the allotted five (5) days, the designation of potentially dangerous dog as issued in the written notice of potentially dangerous dog will stand, and the owner will be subject to all restrictions and requirements as set forth in the notice by the animal control authority.

C. Appeal of a Potentially Dangerous Dog Designation.

- i. Within five (5) business days of being notified that his dog has been designated a potentially dangerous dog by the animal control authority, the owner or custodian of the dog may request a review of the designation in writing on a form provided by the animal control authority and may submit written and other documentary evidence that disputes the designation to the Office of the Carver County Attorney. The Office of the Carver County Attorney shall make a decision within seven (7) days following the receipt of the written request, based only upon the written evidence.
- ii. Within five (5) business days after a potentially dangerous dog designation is confirmed by the Office of the Carver County Attorney, the owner or custodian of the dog may request a hearing to contest the designation. The request for a hearing shall be made in writing on a form provided by the Office of the Carver County Attorney.
- iii. The hearing shall be held before the City Administrator or by an independent hearing examiner selected by the City Administrator, not more than fifteen (15) days after receipt of the request for hearing. The hearing officer may allow the date to be extended beyond the fifteen (15) day period for good cause. Any dog owner who requests such a hearing is liable to the City and the animal control authority for all costs and expenses related to the hearing.
- iv. The hearing officer shall hear testimony of the parties and their witnesses and shall consider exhibits offered by the parties. At the hearing, both the owner and the animal control authority may present the testimony of

live witnesses, cross-examine witnesses, and present documentary evidence. The party offering an exhibit shall mark the party's name on the exhibit in a manner that will not obscure the exhibit. All exhibits will be returned to the parties at the conclusion of the hearing unless otherwise ordered by the hearing officer. The hearing officer shall normally receive only evidence admissible under the rules of evidence, but in the exercise of discretion and in the interests of justice, may receive otherwise inadmissible evidence. The records of the animal control authority, any police reports relating to an attack or bite, medical records, and all reliable hearsay shall be admissible for consideration by the hearing officer without further foundation. The animal control authority and the dog's owner may apply to the district court for subpoenas for hearings.

- v. The City shall have the burden of proving the dog is potentially dangerous by a preponderance of the evidence. The owner may be represented by private legal counsel of the owner's choosing, although the owner does not have the right to an attorney at public expense. The animal control authority may be represented by the Office of the Carver County Attorney.
- vi. The hearing officer shall make a final decision within seven (7) days of the hearing. After considering all evidence pertaining to the dog, the hearing officer shall issue a written order which rejects or upholds the determination. If the hearing officer upholds the determination as potentially dangerous, the order may affirm or modify the conditions recommended by the animal control authority. If, as a result of testimony or other evidence at the hearing, there are grounds for declaring the dog to be a dangerous dog pursuant to Section 560.09, Subd. 2, A, of this chapter, the hearing officer may change the designation and issue the appropriate orders. The petitioner shall pay the hearing officer's fees, unless the City's designation is set aside.
- vii. The decision of the hearing officer is a quasi-judicial determination that is subject to review by writ of certiorari to the Minnesota Court of Appeals.
- viii. Except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law, the owner or person claiming an interest in the dog is liable for all actual costs of care, keeping, and disposal of the dog. The costs must be paid in full, or a mutually satisfactory arrangement for payment must be made between the county and the person claiming an interest in the dog, before the dog is returned to the person. If the owner or person claiming an interest in the dog does not pay the costs in full or enter into a payment schedule,

the owner or person claiming an interest in the dog shall forfeit all rights and interests in the dog.

- ix. The animal control authority, or hearing officer, may, upon the written request of the owner, review the status of a dog which has been determined to be potentially dangerous if a period of two (2) years has passed without any further incidents or violations of this chapter and may use discretion in determining whether any conditions which have been ordered are still required. If the review is conducted by the hearing officer, the burden of proof shall be upon the dog's owner, and the standard of proof shall be by clear and convincing evidence. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. This designation may be reviewed again no sooner than one year following the hearing officer's most recent order regarding the designation of the dog as dangerous. An administrative hearing fee shall be required prior to such a review. In the event that the potentially dangerous dog designation is upheld by the hearing officer, all actual expenses of the hearing will be the responsibility of the dog's owner.
- x. If the hearing officer confirms the potentially dangerous dog designation, the owner or custodian of the dog shall complete the potentially dangerous dog registration form and file it with the Carver County Sheriff with evidence as set forth in Section 560.09, Subd. 2, D, i through vii, of this chapter within fourteen (14) days of the final decision.

D. Potentially Dangerous Dog Requirements.

- i. Any dog determined to be potentially dangerous shall be microchipped in accordance with Section 560.09, Subd. 3, of this chapter.
- ii. The owner of a dog may be required to complete an approved dog obedience class within a designated period of time and provide proof of completion to the animal control authority;
- iii. The dog may be required to be kept in a proper enclosure, or restrained by leash not to exceed six feet (6 ft.) in length, and/or muzzled, and under the control of a responsible person eighteen (18) years of age or older at all times it is outdoors and not inside a proper enclosure;
- iv. The owner may be required to post the property where the dog resides with a warning symbol that children can understand, containing a written notice and warning that a potentially dangerous dog is present on the property. Such signs shall conform to the requirements set forth in

Minnesota Statute §347.51, subdivision 2(a) and Section 560.09, Subd. 2, L, iv, of this chapter;

- v. The owner may be required to show proof of up-to-date rabies vaccination and, if required, licensing;
- vi. The dog may be required to wear, at all times, a tag or marker identifying it as a potentially dangerous dog; and
- vii. The dog may be required to be sterilized within thirty (30) days of the owner receiving notice.

Subd. 2. Designation of a Dangerous Dog.

- A. Designation. Following the investigation of a dog attack incident, the animal control authority shall review all reports. Following that review, the animal control authority shall designate any dog dangerous if a preponderance of evidence exists that the dog acted in a manner described in in definition of dangerous dog in Section 560.03 above.
- B. Impound. The animal control authority may impound, at the dog owner's expense, any dog determined to pose a threat to public safety pending a final dangerous dog designation order. The animal control authority shall quarantine, at the animal owner's expense, any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten any person or domestic animal. Any person who fails or refuses to release a dog to the animal control authority or law enforcement agent upon demand, or after it has been found by a hearing officer to be dangerous and ordered into custody, at any time in the investigation, review or requirement stages as described in any part of this Section 560.09 shall be guilty of a misdemeanor.
- C. Notice.
 - i. Upon determination that a dog is dangerous, the animal control authority shall provide a written notice of dangerous dog to the owner of record or, if none, to any owner of such dog by personally serving the owner or a person of suitable age and discretion at the residence of such owner. Service upon any owner shall be effective as to all owners. The notice shall state the dates, times, places, and facts of the incidents which form the basis for the determination and include the following:
 - a. A description of the dog deemed to be dangerous;
 - b. The factual basis for that determination; and
 - c. The identity of the official who made the determination.

- ii. The notice shall also set forth the registration requirements and other restrictions imposed upon a dangerous dog under this Section 560.09 or Minnesota Statutes Chapter 347.
- iii. The notice shall also advise the owner(s) that they have five (5) days to appeal the determination by requesting a hearing before the hearing officer and shall include a pre-printed form which the owner can use to request a hearing. The request for a hearing shall be made directly to the animal control authority and Office of the Carver County Attorney and must be submitted in writing.
- iv. If the owner does not request a Hearing within the allotted ten (10) days, the designation of dangerous dog as issued in the written notice of dangerous dog will stand, and the owner will be subject to all restrictions and requirements as set forth in the notice by the animal control authority.

D. Appeal of Dangerous Dog Designation.

- i. Within five (5) days after receiving notice of a dangerous dog designation, the owner or custodian of the dog may request a hearing to contest the designation. The request for a hearing shall be made in writing on a form provided by the animal control authority.
- ii. Except as otherwise described in this section, the hearing shall be conducted pursuant to the requirements of Section 560.09, Subd. 1, C, above.
- iii. Pending a hearing, the dog may be seized and held by the animal control authority at a place of the animal control authority's designation unless the owner shows proof that the dog is properly licensed, if required; has met the requirement for rabies vaccinations; keeps the dog only in a proper enclosure unless restrained on a leash with a muzzle; and otherwise demonstrates to the animal control authority that the dog, under its present circumstances, does not present an unreasonable risk of harm to persons or other domestic animals.
- iv. After considering all evidence pertaining to the dog, the hearing officer shall make such order(s) as the hearing officer deems proper including ordering the animal control authority to take the dog into custody if the dog is not currently in custody.

E. Authority to Order Destruction. The hearing officer, upon finding that a dog is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing findings of fact establishing that each of the following criteria are present:

- i. The dog is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning, or multiple attacks; and
 - ii. The owner of the dog has demonstrated an inability or unwillingness to sufficiently control the dog in order to prevent injury to persons or other animals; and
 - iii. The owner cannot, will not, does not, or otherwise refuses to provide proof of the liability insurance for the dog as required by Section 560.09, Subd. 2, G, iii, of this chapter.
- F. Cost. The owner or person claiming an interest in the dog is liable for all actual costs of care, keeping, and disposal of the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full, or a mutually satisfactory arrangement for payment must be made between the City and the person claiming an interest in the dog, before the dog is returned to the person.
- G. Dangerous Dog Registration.
 - i. Requirements. For any dog determined or declared to be dangerous by operation of this chapter, state statute, court order, ordinance, or regulation from another jurisdiction, or valid declaration from an animal control authority, the dog shall, at all times during the dog's life, be registered as a dangerous dog pursuant to this chapter or state law.
 - ii. Registration. No person may own or possess a dangerous dog in this County unless the dog is registered as provided in this chapter or applicable state law. All dogs deemed dangerous by the animal control authority or Hearing Officer, as applicable, shall be registered as a dangerous dog with the animal control authority within thirty (30) days after the date the dog was so deemed.
 - iii. Registration Requirements. The animal control authority shall issue a certificate of registration to the owner of a dangerous dog only if the owner presents sufficient evidence that all of the following are met:
 - a. The owner provides and maintains a "proper enclosure" for the dangerous dog, as defined in 560.03, Subd. 2, of this chapter; and
 - b. The owner posts clearly visible warning symbol, understandable to children, that there is a dangerous dog on the property. These warning signs must be posted on the front and the rear of all buildings on the property and upon the Proper Enclosure for the

dog. The warning symbol must meet the requirements set forth in Minnesota Statute §347.51, Subd. 2(a), and Section 560.09, Subd. 2, L, iv, of this chapter; and

- c. The owner provides, and annually shows proof of, public liability insurance pre-paid in full in the minimum amount of five-hundred thousand dollars (\$500,000.00) per person and one- million dollars (\$1,000,000.00) per incident, payable to any person or persons injured by the dangerous dog or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least five- hundred thousand dollars (\$500,000.00) per person and one- million dollars (\$1,000,000.00) per incident insuring the owner for any personal injuries inflicted by the dangerous dog; and
- d. The owner pays the annual registration fee set by the State of Minnesota; and
- e. An identification microchip was implanted in the dog as required under Minnesota Statutes §347.515 and Section 560.09, Subd. 3, of this chapter; and
- f. The owner provides proof that all applicable dog licensing requirements are met; and
- g. The owner provides proof that the dog is current on all commonly required vaccines; and
- h. The dog must be sterilized. If proof of the sterilization is not delivered to the animal control authority, within thirty (30) days of the designation of a dog as dangerous, the animal control authority shall seize the dog and have it sterilized at the owner's expense. If the owner does not surrender the dog after the thirty (30) day period expires, then the animal control authority may seize the dog pursuant to Section 560.09, Subd. 2, B of this chapter; and
- i. An owner of a dangerous dog shall renew the registration of the dog annually until the dog is deceased.

- H. Release. If a dangerous dog was impounded by the animal control authority or upon order of a hearing officer, the dog shall not be released until the owner demonstrates to the animal control authority that all applicable requirements of this chapter, including all registration requirements imposed by this Section or applicable state law, have been complied with. The owner shall have a maximum of thirty (30) days to comply with all requirements. The owner shall

be responsible for all costs incurred in the seizure and boarding of the dog, prior or the dog's return.

I. Revocation.

- i. Any certificate of registration for a dangerous dog may be revoked, if the owner fails to maintain compliance with any registration requirement or fails to keep or maintain the dangerous dog as required by any provision of this chapter or applicable state law. The provisions of Section 560.09, Subds. 4 and 5, of this chapter, applicable to the seizure and disposition of dogs, shall apply.
- ii. The animal control authority shall serve upon the owner a written notice setting forth the alleged reasons how the dog is not being kept in conformance with this chapter and shall also notify the owner of the date, time, and location of the hearing. Any hearing to revoke a certificate of registration shall be held before a hearing officer within twenty (20) days of the date of the notice, and shall comply with all the requirements as set forth in Section 560.09, Subd. 1, B of this chapter. The hearing officer may allow the hearing date to be extended beyond the twenty (20) day period for good cause.
- iii. If a dangerous dog certificate of registration is revoked following the hearing, the hearing officer shall order the dog disposed of immediately or, in the alternative, permit the owner a reasonable time period, not to exceed thirty (30) days, to obtain the dog if the owner is in compliance with all registration requirements.

J. Death or Relocation of Dangerous Dog. An owner of a dangerous dog shall notify the animal control authority, in writing, of the death of the dog, or if the dog relocates or transfers out of the corporate limits of the City to a new location or new jurisdiction, within thirty (30) days of the death or relocation. An owner shall, if instructed by the animal control authority, execute an affidavit, under oath and penalty of perjury, setting forth either the circumstances of the dog's death and disposition; or the complete name, address, and telephone number of the person to whom the dog was transferred.

K. Sale or Transfer of Dangerous Dogs. A person who sells or otherwise transfers ownership or control of a dangerous dog must notify any potential purchaser or transferee, prior to the consummation of the transaction that the dog was previously designated as dangerous. The seller must also notify the animal control authority, in writing, of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

L. Dangerous Dog Requirements.

- i. Requirements. For any dog determined or declared to be dangerous by operation of this chapter, state statute, court order, ordinance or regulation from another jurisdiction, or valid declaration from an animal control authority, the dog shall, at all times during the dog's life, be registered as a dangerous dog pursuant to this chapter or state law.
- ii. Restraint. An owner of a dangerous dog shall, at all times, keep the dog, while on the owner's property in a proper enclosure, as defined by Section 560.03 of this chapter. If for any reason and at any time a dangerous dog is not in a proper enclosure the dangerous dog must be muzzled and restrained by a leash not to exceed six feet (6 ft.) in length and under the physical restraint of a responsible person eighteen (18) years of age or older. The muzzle, chain, and leash must all be of such a design, manufacture, and maintained in a condition that will prevent the dog from biting any person or animal, but that will not cause injury to the dog or interfere with its vision or respiration.
- iii. Leased Property. A person who owns a dangerous or potentially dangerous dog and who rents property from another where the dog will reside shall disclose to the property owner prior to when the dog begins to reside on the property, or prior to entering the lease agreement, and at the time of any lease renewal, that the person owns a dangerous or potentially dangerous dog that will reside at the property.
- iv. Warning Symbol. If the City issues a certificate of registration to the owner of a dangerous dog pursuant to this chapter, the City must provide, for posting on the owner's property, an adequate number of warning symbols to inform all persons, including children, that there is a dangerous dog on the property. The design of the warning symbol must be uniform with any specifications for such a sign as issued by the Minnesota Commissioner of Public Safety, if any, and shall otherwise be obtained by the City from the Commissioner of Public Safety. The City will charge the owner a reasonable fee to cover its administrative costs and the cost of the warning symbol.
- v. Tag. A dangerous dog registered under this section shall have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, as developed by the Commissioner of Public Safety or the animal control authority, affixed to the dog's collar at all times.
- vi. Property Inspection. The owner of a dangerous dog shall permit the animal control authority and law enforcement to enter the property where a dangerous dog is kept or located, at all hours reasonable under the circumstances, without a warrant or other advance judicial process, to inspect the premises so as to ensure compliance with the provisions of

this chapter, applicable state statutes, order from a hearing officer, or directive from the animal control authority. The failure of an owner to permit such inspection is, by itself, a ground to immediately seize the dog pursuant to Section 560.09, Subd. 4, of this chapter and revoke the dangerous dog registration pursuant to Section 560.09, Subd. 2, I, of this chapter.

- vii. Violation. The animal control authority shall immediately seize a dangerous dog if requirements imposed by this Section 560.09 are not followed. The owner or custodian may reclaim the dog upon payment of impounding and boarding fees and upon presenting proof to the animal control authority that the requirements of Minnesota Statutes §§347.51 and 347.52 have been met. A dangerous dog not reclaimed under this section within fourteen (14) days may be disposed of as provided by law, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.
- viii. Review of Conditions. If, in reviewing the conditions for keeping a dangerous dog, there have been no ordinance violations for a period of two (2) years, the animal control authority or hearing officer may use discretion in determining whether the conditions set forth above are still required.
- ix. Review of Designation. The animal control authority or hearing officer may, upon the written request of the owner, review the status of a dog which has been determined to be dangerous if a period of two (2) years has passed without any further incidents or violations of this chapter and may use discretion in determining whether any conditions which have been ordered are still required. If the review is conducted by the hearing officer, the burden of proof shall be upon the dog's owner and the standard of proof shall be by clear and convincing evidence. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. This designation may be reviewed again no sooner than one year following the hearing officer's most recent order regarding the designation of the dog as dangerous. An administrative hearing fee shall be required prior to such a review. In the event that the dangerous dog designation is upheld by the hearing officer, all actual expenses of the hearing will be the responsibility of the dog's owner.

Subd. 3. Microchip Identification. It shall be the responsibility of each owner of any dog kept or harbored within the City and determined to be a dangerous or potentially dangerous dog under this chapter, court order, state statute, designation from the animal control authority, or a substantially similar ordinance from another jurisdiction to ensure that a microchip is implanted in the dog for identification. The name of the microchip

manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, the animal control authority may seize the dog to have a microchip implanted by a qualified veterinarian, clinic or shelter staff. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

Subd. 4. Confiscation.

A. Seizure. The animal control authority shall immediately seize any dangerous dog or potentially dangerous dog if:

- i. After thirty (30) days after the owner has notice that the dog is dangerous or potentially dangerous, the dog is not validly registered under this chapter or applicable state law;
- ii. After thirty (30) days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this chapter;
- iii. The dog is not maintained in a proper enclosure, as defined in Section 560.03 of this chapter;
- iv. The dog is outside the proper enclosure and not under the proper physical restraint of a responsible person as required under this chapter or any applicable state law;
- v. The owner is served with written notice, by certified mail to the owner's last known address, that the owner is in violation of any of the requirements of this chapter or any applicable state statute, or is in violation of any directive issued by the animal control authority or order from a hearing officer, and within thirty (30) days of service of such written notice, has refused or failed to achieve satisfactory compliance; or
- vi. The animal control authority has reason to believe that the dog is a dangerous or potentially dangerous dog and is kept or maintained under conditions or circumstances creating an unacceptable risk of harm to physical persons or other domesticated animals; or
- vii. For any other reason authorized by law.

B. Additional Dogs Subject to Seizure.

- i. Any dog found to be in circumstances, which, to a reasonable person, indicate that the dog has been or will be used, trained, or encouraged to fight with another animal, or any animal whose owner has in custody or

possession any training apparatus, paraphernalia, or drugs used to prepare such dog to be fought with another animal is hereby declared to be a public nuisance and shall be immediately seized and held.

- ii. Any dog may be seized and held to determine if rabid.
- iii. Any dog which meets the definitions of potentially dangerous dog or dangerous dog found in Section 560.03 of this chapter may be seized and held by the animal control authority at a place designated by the animal control authority pending a determination whether the animal is dangerous or potentially dangerous.

- C. Reclaiming Dogs. A dog seized under this chapter may be released to the owner upon payment of impounding and boarding fees and upon presenting proof to the animal control authority that all requirements of this chapter and state law have or will be met. A dog not reclaimed under this subdivision within five (5) days may be disposed of as provided under Minnesota Statutes §35.71, Subd. 3, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.
- D. Subsequent Offenses. If a person has been convicted of a misdemeanor for violating a provision of this Section 560.09 and the person is charged with a subsequent violation relating to the same dog, the dog shall be seized by the animal control authority. If the owner is convicted of the crime for which the dog was seized, the court shall order the dog be destroyed in a proper and humane manner and order the owner to pay the cost of confining and destroying the dog. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the animal control authority of a fee for the care and boarding of the dog. If the dog is not reclaimed by the owner within thirty (30) days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under Minnesota Statutes §35.71, Subd. 3. The owner is liable to the animal control authority for the costs incurred in confining, impounding, and disposing of the dog.

Subd. 5. Destruction of Dogs.

- A. Upon Infliction of Death or Bodily Harm. A dog that, when unprovoked, inflicted death or substantial or great bodily harm on a human being on public or private property, or when unprovoked, bit multiple human victims on public or private property in the same attack may be destroyed in a proper and humane manner by the animal control authority. The animal control authority may not destroy the dog until the dog owner is provided the opportunity for a hearing before a hearing officer, as set forth in this chapter.
- B. Suffering Beyond Cure. Notwithstanding any other provision of this chapter, any dog taken into custody may be immediately disposed of when the dog is

suffering and is beyond cure through reasonable care and treatment, upon a proper determination by a licensed doctor of veterinary medicine. The City and animal control authority shall recover from the dog's owner all costs incurred under this Section 560.09.

- C. Unclaimed Dogs. At the expiration of the time a dog is impounded as provided for in this chapter, if the dog has not been reclaimed in accordance with the provisions hereof, it shall be the duty of the animal control authority to cause such dog to be destroyed according to the most humane and approved methods or otherwise disposed of pursuant to Minnesota Statutes Chapter 343.
- D. No Appeal. If no appeal is filed, the dangerous dog designation will stand and the animal may be destroyed. The dog owner shall pay for the cost of the dog's destruction pursuant to Minnesota Statutes §347.56.

Subd. 6. Criminal Penalty.

It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog; to fail to renew the registration of a dangerous dog; to fail to account for a dangerous dog's death, transfer of ownership, or removal from the jurisdiction; to sign a false affidavit with respect to a dangerous dog's death, transfer of ownership, or removal from the jurisdiction; or to fail to disclose ownership of a dangerous or potentially dangerous dog to a property owner from whom the person rents property.

Subd. 7. Restrictions.

- A. Dog Ownership Prohibited. Except as otherwise provided by this statute or Minnesota law no person may own a dog if the person has:
 - i. Been convicted of a third or subsequent violation of Section 560.09, Subd. 2, G, Section 560.09, Subd. 2, L , or Section 560.09, Subd. 3 of this chapter;
 - ii. Been convicted of a violation under Minnesota Statute §609.205, Subd. 4;
 - iii. Been convicted of a gross misdemeanor under Minnesota Statute §609.226, Subd. 1;
 - iv. Been convicted of a violation under Minnesota Statute §609.226, Subd. 2; or
 - v. Has a dog ordered destroyed under Section 560.09, Subd. 5, and been convicted of one or more violations of Section 560.09, Subd. 2, G, Section 560.09, Subd. 2, L , or Section 560.09, Subd. 3, of this chapter, or Minnesota Statute §609.226, Subd. 2.

- B. Household Member. If any member of a household is prohibited from owning a dog in Section 560.09, Subd. 7, of this chapter, unless specifically approved with or without restriction by an animal control authority, no person in the household is permitted to own a dog.
- C. Dog ownership Prohibition Review. Beginning three years after a conviction listed in Section 560.09, Subd. 7, A, of this chapter that prohibits a person from owning a dog, and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the animal control authority deem appropriate. The animal control authority may rescind the prohibition entirely or rescind it with limitations. The animal control authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control authority rescinds a person's prohibition and the person subsequently fails to comply with any limitation imposed by the animal control authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog in this County.

Subd. 8. Exemptions. Dogs may not be declared dangerous or potentially dangerous if the threat, injury, or damage was sustained by a person:

- A. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- B. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
- C. Who was committing or attempting to commit a crime.

560.10. Rabies Quarantine.

- Subd. 1. Quarantine. Whenever any dog has bitten any person or domestic animal and the owner or custodian does not provide proof of current rabies vaccination, the owner or custodian of the dog, upon being notified by the animal control authority or local law enforcement, will immediately cause the dog to be quarantined, in either a proper enclosure, as defined in Section 560.03, or if the animal control officer feels it is needed, at a state licensed veterinarian, and in a manner that is in accord with all applicable Minnesota Statutes, administrative rules, and Minnesota Department of Health guidelines, with the animal control authority, or by a veterinarian licensed to practice in the State of Minnesota, for a period of ten (10) days after the dog bite occurred.

Subd. 2. Examination. Within twenty four (24) hours of impoundment, the dog owner or custodian will have the dog examined by a state licensed veterinarian who will observe the animal and examine the animal if necessary to ascertain whether symptoms of rabies exist. At the end of the ten (10) day quarantine period, the dog will again be examined by a state licensed veterinarian. If the veterinarian diagnoses the dog to be free of the signs of rabies, the dog will be released from quarantine. If the dog becomes ill or dies during the period of quarantine, the owner shall immediately notify the animal control authority for examination by a state licensed veterinarian. If the veterinarian determines that the dog has rabies, the dog shall immediately be euthanized in a humane manner. Upon the death of the dog, its head will be sent to the State Department of Health, the University of Minnesota, or another appropriate agency as designated by the State of Minnesota for examination for rabies.

560.11 Exemption for Police Dogs.

The provisions of this chapter do not apply to police K-9 dogs used by law enforcement officials for police work.

560.12. Costs.

The owner is responsible for the cost of seizures, impoundment, quarantine, examination by a veterinarian, veterinarian services, and disposal of the dog or any other cost incurred as a result of enforcement of this chapter, unless otherwise specified herein.

560.13 Enforcement.

The City and its animal control authority shall have full power and authority to enforce the provisions of this chapter and to take such investigatory actions as are necessary to determine violations, remedy prohibited situations or conditions as specified by and directed by this chapter, and to cite those in violation. The City and its animal control authority are also authorized to enter private property when probable cause exists to believe that any dog is being kept or harbored in violation of this chapter for the purpose of enforcement of this chapter. No entry onto private property shall be made, however, until: i) the owner, manager or tenant of the property permits entry; ii) an administrative warrant is secured from a court with jurisdiction; or iii) an emergency exists. It shall be unlawful for any person to threaten, harass, molest, hinder or interfere with any person discharging his or her duties under this chapter.

560.14 Violations; Fines and Penalties.

Any owner or other person who violates Section 560.09 of the chapter shall be guilty of a misdemeanor. Any owner or other person who violates any other provision of this Chapter 560 shall be guilty of a petty misdemeanor; provided, however, that if the offense is specifically listed in Chapter 1100 of this Code the amount of the fine shall be the amount listed in Chapter 1100.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		Settlement Agreement - 441 S Olive St					
Originating Department:		Administration					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent	☒ X	Regular Session	☐	Discussion Session	☐	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to Approve Settlement Agreement with Edward & Janell Simm and Ethan & Julie Hughes							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City initiated a lawsuit in district court to gain compliance with municipal code regarding the construction of a fence located in the rear and side yard of the property located at 441 Olive St S. In April building inspections staff identified a fence being constructed without a permit and issued a stop work order on the property. It was noted that the fence was being constructed with materials not permitted in municipal code and within the platted right of way. The property owner never submitted a complete permit application and completed the fence construction. The property owners were again contacted via letter by city staff in May and in October by the City Attorney seeking to resolve the matter through compliance with proper permitting of the fence constructed or removal. The property owners were non-responsive to the City's written requests. The City filed a lawsuit in District Court and Notice of Lis Pendens and are waiting for scheduling of a hearing. In that time, the property has been put under contract for purchase by another party who has since contacted the City seeking remedy of the violation. The purchasing party has agreed to remove or remedy the fence in question by May 31st and are requesting that the City withdraw their suit and enter into the settlement agreement so that the property can be closed upon by the purchaser. All expenses incurred by City for enforcement of municipal code will be paid for by the property owner and purchaser of the property per the agreement. The agreement was drafted by the City Attorney and reviewed by staff, with recommendation for execution.							
<u>Attachments:</u>							
1. Settlement Agreement draft - 441 Olive Street.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
None							
Budget Information: Budgeted ☒ Non Budgeted Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into by and between the City of Waconia, a municipal corporation located in Carver County, Minnesota (the “City”), Edward Simm and Janelle Simm (the “Simms”) and Ethan Hughes and Julie Hughes (the “Hughes”). The aforementioned parties are collectively referenced as the “Parties” in this Agreement.

RECITALS

WHEREAS, the Simms are the owners of certain real property located at 441 Olive Street South, Waconia, MN 55387 and legally described as: Lot Six (6), Block Five (5), Volkenant’s Third (3rd) Addition to the Village, now City of Waconia, Carver County, Minnesota (the “Property”).

WHEREAS, the Simms began construction of a permanent hog wire fence at the Property prior to April 19, 2021 (the “Fence”).

WHEREAS, The Simms failed to obtain a building permit from the City as required by Waconia City Code, Section 900.07, Subdivision 3, prior to commencing construction of the Fence.

WHEREAS, Fifth Street has a platted width of sixty-six (66) feet and is adjacent to the southern boundary of the Property.

WHEREAS, the paved portion of Fifth Street is approximately thirty-three (33) feet wide and the remaining City right-of-way extends approximately sixteen (16) feet north from the curb along the Property.

WHEREAS, on or around April 19, 2021, a City building official observed that the Fence was under construction and issued an Inspection Notice demanding that the Simms stop work on the Fence, providing notice that the Fence encroached upon the City’s roadway right-of-way, and requiring that the Simms submit a building permit application to the City.

WHEREAS, the Simms continued to construct the Fence in violation of Waconia City Code, Section 900.07, Subdivision 3 and the Inspection Notice.

WHEREAS, the Simms never submitted a complete building permit application related to the Simms’ construction of the Fence.

WHEREAS, the City never approved any building permit application related to the Fence.

WHEREAS, the Simms completed construction of the Fence despite being informed by City staff in a letter dated May 21, 2021, that the Fence violated several provisions of the Waconia City Code.

WHEREAS, in a letter dated October 7, 2021, the City Attorney informed the Simms that the City would file a lawsuit if the Fence wasn't removed.

WHEREAS, the Simms' construction of the Fence constitutes a violation of Waconia City Code, Section 900.07, Subdivision 3 as portions of the Fence were constructed in the City's roadway right-of-way.

WHEREAS, the Fence violates Waconia City Code, Section 900.07, Subdivision 3(C) as it does not comply with the construction requirements.

WHEREAS, the Simms failed to remove the Fence as requested by the City, failed to obtain an approved building permit for the Fence, and failed to otherwise bring the Fence into compliance with the Waconia City Code.

WHEREAS, the City commenced a lawsuit against the Simms which is currently pending in Carver County District Court, Court File No. 10-CV-21-929 (the "Lawsuit").

WHEREAS, the City filed for recording a Notice of Lis Pendens against the Property with the Carver County, Minnesota recorder's office.

WHEREAS, the Simms and the Hughes entered into a purchase agreement whereby the Hughes will purchase the Property from the Simms, with the closing of that sale scheduled for December 21, 2021(the "Closing").

WHEREAS, the Hughes desire to remove the Fence, but such removal cannot be accomplished until Spring 2022.

WHEREAS, the Hughes have requested that the City take action to allow the closing on their purchase of the Property.

WHEREAS, the City desires to avoid litigation against its residents whenever possible.

NOW, THEREFORE, in consideration of the promises and mutual covenants and provisions of this Agreement, which the Parties agree constitute good and sufficient consideration, the Parties agree as follows:

AGREEMENT

1. **Recitals Incorporated.** The recitals above are incorporated herein by reference.
2. **Dismissal of the Lawsuit.** In exchange for the performance of the consideration set forth in paragraph 3 below, the City shall dismiss the Lawsuit WITHOUT PREJUDICE.
3. **Consideration.** As consideration for this Agreement, the Parties agree as follows:

- a. The City shall dismiss the Lawsuit against the Simms without prejudice.
 - b. The City shall be paid from funds at Closing **\$4,976.00**, representing its costs, and fees, including attorneys' fees incurred by the City in connection to the Lawsuit against the Simms and preparing, recording, and discharging its Notice of Lis Pendens against the Property.
 - c. Following the Closing, the Hughes shall be permitted by the City to leave the Fence in place until May 31, 2022. The Fence shall be completely removed by the Hughes on or before May 31, 2022. In the event the Hughes fail to remove the Fence on or before May 31, 2022, the City shall immediately reinstitute the Lawsuit naming the Hughes as defendants in that action and record a Notice of Lis Pendens against the Property. Further, the Hughes agree and acknowledge that they will be personally liable for all fees and costs, including attorneys' fees incurred by the City in effectuating the terms of this Agreement and any subsequent litigation if the Hughes fail to completely remove the Fence on or before May 31, 2022.
 - d. The Hughes agree and acknowledge that they shall not construct any fence on the Property following their purchase of the same without first obtaining a permit as required by the Waconia City Code.
4. **Discharge of Notice of Lis Pendens.** The City shall provide an executed discharge of its Notice of Lis Pendens to the Simms and Hughes at the Closing to be filed upon the City's receipt of \$4,976.00 as provided in paragraph 3(b) of this Agreement.
 5. **Voluntary and Knowing Action.** The Parties acknowledge that they have had the opportunity to consult an attorney regarding the terms of this Agreement. The Parties further acknowledge that they have read and understand the terms of this Agreement and that each is voluntarily and without duress entering into this Agreement with full knowledge of its implications.
 6. **Authority to Enter Agreement.** Each person signing below represents and warrants that he or she has the full right and power to enter into this Agreement on behalf of the party on whose behalf he or she is signing the Agreement and has the full right and power to grant the rights, releases, and covenants as set forth herein.
 7. **Authority to Bind Others.** To the extent a party grants any rights or makes any other promises (including representations or warranties) on behalf of another entity, that party represents and warrants that it has the authority to legally bind such other entity to such grants and promises.
 8. **Governing Law, Jurisdiction, and Venue.** This Agreement shall be construed and interpreted in accordance with the laws of the State of Minnesota. Any disputes related to this Agreement shall be decided in a state or federal court venued in the State of Minnesota and all parties irrevocably consent to the personal jurisdiction of such courts.

9. **Entire Agreement.** This Agreement sets forth the entire agreement between the Parties hereto and fully supersedes any and all prior or contemporaneous agreements or understandings, whether written or oral, between the Parties pertaining to the subject matter discussed herein.
10. **Modifications to Agreement.** No supplement, modification, or amendment to this Agreement shall be binding or effective unless executed in writing by all of the Parties to this Agreement.
11. **Counterparts.** This Agreement may be executed in counterparts. Signature by email, facsimile or PDF shall be deemed an original signature for purposes of this Agreement.
12. **Effective Date.** This Agreement shall be final and immediately effective on the date upon which all Parties have signed this Agreement. (the “Effective Date”).

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the date(s) set forth below.

SIGNATURE PAGE TO SETTLEMENT AGREEMENT

CITY OF WACONIA, a Minnesota
municipal Corporation

Date: _____

Kent Bloudek, Mayor

Date: _____

Edward Simm

Date: _____

Janelle Simm

Date: _____

Ethan Hughes

Date: _____

Julie Hughes



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		2022 Final Levy					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent		Regular Session	X	Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2021-291, Approving the Final Levy Collectable in 2022							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City Council has conducted numerous budget work sessions and held a public information meeting on Monday, December 6, 2021 to address the proposed 2022 levy as part of the budgeting process. The attached resolution reflects the proposed final 2022 levy to be certified. A snapshot of the financial model identifies the estimated impact on the 2022 City tax rate and estimates the final impact to an average valued home. With the final proposed levy, the City's tax rate will be reduced from 46.140% to approximately 46.110%. The overall levy including the general operating and special debt levy increased 4.54% from 2021. The total final tax levy collectable in 2022 is \$9,025,258. Finance staff will provide a summary presentation of the 2022 levy and budget at the meeting. Attachments: 1. 21291res 2022 Final Levy_Resolution.pdf 2. 21291Attachment 2022 Final Levy_Attach.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2021-291**

**RESOLUTION APPROVING THE FINAL TAX LEVY
COLLECTIBLE IN 2022**

BE IT RESOLVED, by the City Council, of the City of Waconia, County of Carver, Minnesota, that the following sum of money is proposed to be levied for the current year, collectible in 2022 upon the taxable property in said City of Waconia for the following purposes:

GENERAL LEVY:

General Fund	\$6,004,232
(Not including Local Government Aid (LGA) as determined by the Minnesota Department of Revenue)	

SPECIAL LEVIES:

2015C Improvement-Public Works (Refunded 2007C)	\$401,931
2019A Improvement-City Hall (Refunded 2010A)	\$239,663
2014A Improvement-1 st St W/Main St/Maple St	\$118,900
2015A Improvement-1 st St W/2 nd St W/Vine St/Maple St & Highway 5	\$468,348
2016A Improvement-5 th St W/Maple St/Cherry St	\$242,370
2016 Lease –Construction of Baseball Grandstand	\$90,579
2017A Improvement-County Road 110/Community Dr/94 th St	\$855,506
2018A Improvement-2 nd St W/Cedar St	\$95,873
2019A Improvement-Waconia Parkway/Walnut St/Equipment Cert	\$30,135
2020A Improvement-Main St/Walnut St/3 rd St	\$166,688
2021A Improvement-Waconia Parkway South/East Frontage Road	\$311,033

TOTAL 2022 FINAL LEVY:	\$9,025,258
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The City Treasurer is hereby authorized to transmit a certified copy of this Resolution to the County Auditor of Carver County, Minnesota.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

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

WACONIA FINANCIAL MANAGEMENT PLAN
Updated: 12/01/2021

GENERAL FUND	2021 Final Budget	2022 Proposed Budget	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
REVENUE							
GENERAL PROPERTY TAX LEVY	5,886,502	6,004,232	6,304,444	6,430,533	6,559,143	6,814,950	7,080,733
Potential for Uncollectible Taxes	(147,163)	(60,042)	(63,044)	(64,305)	(65,591)	(68,149)	(70,807)
LOCAL GOVERNMENT AID (LGA)	9,282	9,282	9,560	9,847	10,143	10,447	10,760
TRANSFERS IN - ENTERPRISE & PEG & PIR DEBT	227,400	241,950	249,209	256,685	264,385	272,317	280,486
ADMINISTRATION, FINANCE, & TECH	689,783	674,150	694,375	715,206	736,662	758,762	781,525
PLANNING & INSPECTIONS	607,200	964,200	973,842	983,580	993,416	1,003,350	1,013,384
CENTRAL FACILITIES	58,203	59,203	60,979	62,808	64,693	66,633	68,633
FIRE	130,000	133,517	137,523	141,648	145,898	150,275	154,783
LAW ENFORCEMENT	97,500	97,500	100,425	103,438	106,541	109,737	113,029
STREETS	182,700	184,868	190,414	196,126	202,010	208,071	214,313
PARKS	1,700	3,700	3,811	3,925	4,043	4,164	4,289
RECREATION	9,800	9,800	10,094	10,397	10,709	11,030	11,361
TOTAL REVENUE	7,752,907	8,322,360	8,671,630	8,849,888	9,032,051	9,341,586	9,662,488
	-1.7%	7.3%	4.2%	2.1%	2.1%	3.4%	3.4%
EXPENDITURES							
ADMINISTRATION, FINANCE, & TECH	1,439,164	1,756,555	1,826,817	1,899,890	1,975,885	2,054,921	2,137,118
PLANNING & INSPECTIONS	527,387	727,760	756,870	787,145	818,631	851,376	885,431
FIRE	570,030	613,377	637,912	663,429	689,966	717,564	746,267
LAW ENFORCEMENT & COMMUNITY SAFETY	941,112	943,126	1,016,244	1,056,893	1,099,169	1,143,136	1,188,861
STREETS	1,386,072	1,495,721	1,555,550	1,617,772	1,682,483	1,749,782	1,819,773
PARKS	625,938	807,382	839,677	873,264	908,195	944,523	982,304
RECREATION	25,650	23,650	24,596	25,580	26,603	27,667	28,774
CENTRAL FACILITIES	304,145	293,161	304,887	317,083	329,766	342,957	356,675
TRANSFERS OUT - Debt Service Tax Abatement	341,792	416,407	416,407	416,407	416,407	416,407	416,407
TRANSFERS OUT- Capital Equipment Support	275,000	300,000	325,000	350,000	350,000	350,000	375,000
TRANSFERS OUT- Safari Island Support	350,000	326,365	325,000	325,000	325,000	325,000	325,000
TRANSFERS OUT - Arena Support	530,000	530,000	530,000	567,050	594,050	594,050	594,050
TRANSFERS OUT - PIR Capital Support	550,000	565,000	400,000	400,000	400,000	400,000	400,000
TOTAL EXPENDITURES	7,866,290	8,798,504	8,958,961	9,299,513	9,616,155	9,653,418	9,991,695
Operating % Change	-0.6%	11.9%	1.8%	3.8%	3.4%	0.4%	3.5%
INCREASE(DECREASE) IN FUND BALANCE	(113,383)	(476,144)	(287,331)	(449,625)	(584,104)	(311,832)	(329,207)
EFFECT on Fund Balance							
Fund Balance - January 1	3,272,186	3,158,803	2,682,658	2,395,328	1,945,703	1,361,599	1,049,767
Budgeted Increase(Decrease)	(113,383)	(476,144)	(287,331)	(449,625)	(584,104)	(311,832)	(329,207)
Projected Fund Balance - December 31	3,158,803	2,682,658	2,395,328	1,945,703	1,361,599	1,049,767	720,560
% of Operating	54.3%	40.3%	34.4%	26.9%	18.1%	13.4%	8.8%
GENERAL OPERATING LEVY	5,886,502	6,004,232	6,304,444	6,430,533	6,559,143	6,814,950	7,080,733
% Change	0.0%	2.0%	5.0%	2.0%	2.0%	3.9%	3.9%
SPECIAL DEBT LEVY	2,722,127	3,021,026	3,049,412	3,053,282	2,922,599	2,358,513	2,035,178
% Change	6.6%	9.9%	0.9%	0.1%	-4.5%	-23.9%	-15.9%
SPECIAL LEVY FOR CAPITAL EQUIPMENT	0	0	0	0	0	0	0
% Change	0%	0%	0%	0%	0%	0%	0%
SPECIAL LEVY FOR INFRASTRUCTURE/EQUIPMENT	0	0	337,772	1,184,879	2,050,844	2,460,888	2,906,604
PROPOSED OVERALL TAX LEVY	8,608,629	9,025,258	9,691,628	10,668,694	11,532,586	11,634,350	12,022,515
LESS FISCAL DISPARITIES	984,801	1,055,102	1,055,102	1,055,102	1,055,102	1,055,102	1,055,102
NET LEVY TO TAXPAYERS	7,623,828	7,970,156	8,636,526	9,613,592	10,477,484	10,579,248	10,967,413
Overall Levy % Change	2.15%	4.54%	8.36%	11.31%	8.99%	0.97%	3.67%
TAXABLE MARKET VALUE	1,591,776,300	1,671,347,600	1,768,382,600	1,870,091,725	1,967,489,117	2,039,894,967	2,114,393,390
Change in Market Value	3.45%	4.76%	5.49%	5.44%	4.95%	3.55%	3.52%
EXISTING TAX CAPACITY	18,322,831	19,176,131	20,134,938	21,141,684	21,987,352	22,646,972	23,326,382
MWF/Cherry Street TIF Capacity reduction	176,681	178,222	156,000	156,000	100,000	100,000	100,000
TAX CAPACITY Revisions from MV Changes	-1,622,773	-1,712,810	-1,798,451	-1,888,373	-1,963,908	-2,022,825	-2,083,510
NET TOTAL TAX CAPACITY	16,523,377	17,285,099	18,180,487	19,097,311	19,923,444	20,524,147	21,142,872
Tax Capacity Change	3.42%	4.61%	5.18%	5.04%	4.33%	3.02%	3.01%
TAX RATE ON TAX CAPACITY	46.140%	46.110%	47.504%	50.340%	52.589%	51.545%	51.873%
TAX RATE % CHANGE	-0.57%	-0.03%	1.39%	2.84%	2.25%	-1.04%	0.33%
Average Valued Home	\$ 317,800	\$ 334,400	\$ 351,120	\$ 368,676	\$ 383,423	\$ 394,926	\$ 406,774
Average Valued Home with Market Value Exclusion	\$ 309,200	\$ 327,300	\$ 345,481	\$ 364,617	\$ 380,691	\$ 393,229	\$ 406,143
Estimated Annual City Portion of Tax Bill	\$ 1,426.64	\$ 1,509.18	\$ 1,641.18	\$ 1,835.48	\$ 2,002.01	\$ 2,026.91	\$ 2,106.78
Amount Increase or (Decrease)	\$ 33.66	\$ 82.54	\$ 132.01	\$ 194.30	\$ 166.52	\$ 24.91	\$ 79.87
Percent Increase or (Decrease)	2.42%	5.79%	8.75%	11.84%	9.07%	1.24%	3.94%



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021					
Item Name:		2022 Final Budget					
Originating Department:		Finance					
Presented by:		Ann Meyerhoff					
Previous Council Action (if any):							
Item Type (X only one):	Consent		Regular Session	X	Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt Resolution No. 2021-292, Adopting 2022 Budget for all General, Enterprise, Special Revenue, Capital Project, and Debt Service Funds							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
The City Council has conducted numerous budget work sessions and held a public information meeting to address the proposed 2022 budgets for all City funds as part of the budgeting process. The attached resolution reflects the proposed final 2022 summary budget of revenues and expenditures. The entire 2022 budget with all line item details is available on the City's website www.waconia.org and a copy is displayed in the front lobby of City Hall at all times.							
Attachments: 1. 21292res 2022 Budget Approval_Resolution.pdf 2. 21292Attachment 2022 Budget Approval_Attach.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			

**CITY OF WACONIA
RESOLUTION NO. 2021-292**

**RESOLUTION ADOPTING 2022 BUDGET FOR ALL GENERAL, ENTERPRISE,
SPECIAL REVENUE, CAPITAL PROJECT, AND DEBT SERVICE FUNDS**

WHEREAS, the 2022 budget for all City funds has been prepared in the manner prescribed by the Governmental Accounting Standards Board (GASB); and

WHEREAS, Exhibit A is the 2022 Summary Budget for all City funds; and

WHEREAS, additional budget detail is available at Waconia City Hall and on the City's website www.waconia.org ; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia hereby adopts the 2022 budgets for all City funds including General, Enterprise, Special Revenue, Capital Project, and Debt Service Funds.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

ATTEST: _____
Jacqueline Schulze, City Clerk

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

Exhibit A

City of Waconia - 2022 Operating Budget Summary

By Division, Revenues vs Expenditures				All Funds	
			Expenses	Revenues	Net
Administrative Services	Administration	101-411 Administration	(680,001)	6,551,622	5,871,621
	Central Facilities	101-445 Central Facilities	(293,161)	59,203	(233,958)
	Finance	101-412 Finance	(688,141)	76,000	(612,141)
	Technology	101-413 Technology	(388,413)		(388,413)
	Total Administrative Services		(2,049,716)	6,686,825	4,637,109
Community Development	Building Inspections	101-425 Building Inspections	(273,900)	948,000	674,100
	Economic Development	202-415 Revolving Loan	(5,500)	24,348	18,848
	Planning	101-416 Planning	(453,860)	16,200	(437,660)
	Total Community Development		(733,260)	988,548	255,288
Culture & Recreation	Recreation	101-443 Recreation	(23,650)	9,800	(13,850)
		231-443 Safari Island	(1,267,939)	1,268,579	640
		678-443 Ice Arena	(541,762)	550,250	8,488
	Total Culture & Recreation		(1,833,351)	1,828,629	(4,722)
Non-Departmental	Non Departmental	101-000 Transfers	(2,137,772)	241,950	(1,895,822)
		103-000 PIR Capital	(18,844,000)	15,933,500	(2,910,500)
		105-000 Capital Equip	(332,000)	305,000	(27,000)
		107-000 PEG	(11,060)	9,500	(1,560)
		301-000 2016 Lease Agreement	(135,745)	133,204	(2,541)
		303-000 PIR Debt	(393,400)	409,127	15,727
		304-000 2014A GO Bond	(155,975)	142,198	(13,777)
		305-000 2015A GO Bond	(672,425)	682,843	10,418
		306-000 2016A GO Bond	(540,200)	535,761	(4,439)
		307-000 2017A GO Bond	(884,700)	875,806	(8,894)
		308-000 2018A GO Bond	(117,925)	114,231	(3,694)
		309-000 2019A GO Bond	(284,775)	299,998	15,223
		310-000 2020A GO Bond	(305,925)	320,821	14,896
		344-000 Community Center Debt	(136,365)	136,365	
		378-000 Ice Arena Debt	(429,737)	430,000	263
		411-000 TIF 2 Auburn	(150,160)	167,500	17,340
		412-000 TIF 3 Cherry	(13,210)	14,100	890
		413-000 TIF 4 Pine Business Park	(30,530)	33,325	2,795
		420-000 Clearwater Shores HIA	(11,537)	53,020	41,483
	Special Tax	701-710 Lodging Tax	(35,200)	35,200	
	Total Non-Departmental		(25,622,641)	20,873,449	(4,749,192)
Public Safety	Community Safety	101-427 Community Safety	(20,450)		(20,450)
	Fire	101-423 Fire Dept	(613,377)	133,517	(479,860)
	Law Enforcement	101-421 Law Enforcement	(922,676)	97,500	(825,176)
	Total Public Safety		(1,556,503)	231,017	(1,325,486)

City of Waconia - 2022 Operating Budget Summary

By Division, Revenues vs Expenditures

All Funds

			Expenses	Revenues	Net
Public Services	Public Services-Parks	101-441 Parks	(807,382)	3,700	(803,682)
		210-441 Park Dedication		26,000	26,000
	Public Services-Streets	101-431 Streets	(1,495,721)	184,868	(1,310,853)
		Utilities-Sewer	602-433 Utilities-Sewer	(4,411,387)	4,517,046
	Utilities-Stormwater	655-433 Utilities-Storm Water	(3,437,353)	3,116,523	(320,830)
		Utilities-Streetlights	668-433 Utilities-Streetlights	(277,871)	276,260
	Utilities-Water	601-433 Utilities - Water	(3,177,538)	4,041,422	863,884
	Total Public Services		(13,607,252)	12,165,819	(1,441,433)
	Total		(45,402,723)	42,774,287	(2,628,436)



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: December 20, 2021

Item Name: SITE PLAN, DESIGN REVIEW and VARIANCE – 233 Olive Street South

Originating Department: Community Development

Presented by: Ann Meyerhoff

Previous Council Action (if any):

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

Adopt Resolution 2021-293 approving the Site Plan, Design Review and Variance applications for the proposed multi-family structure at 233 Olive Street South.

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

BACKGROUND

Applicant: Waconia Investment Partnership, LLC

Owner: American Legion Post 150 Waconia

Addresses: 233 Olive Street South

PIDs#: 750500570

Zoning: B-2, General Business District

Design District: Downtown District

REQUEST

The applicant, Waconia Investment Partnership, LLC, on behalf of the property owner the American Legion, has submitted applications for Site Plan, Design Review and Variances for the property located at 233 Olive Street South. The applicant is proposing to redevelop the site, which would include the demolition of the existing building and the construction of a 4 story, 44-unit apartment building on the site. The applications include the following:

1. Site Plan and Design Review for the proposed apartment building.
2. Variance from the Downtown District Design standards which are applicable to storefront use on the ground floor level of the structure.
3. Variance from the multi-family parking requirement of 2.25 spaces per unit.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.G – B-2, General Business District
2. Section 900.06 – Supplementary Regulations, Subd. 9 – Architectural Design Standards
3. Section 900.07 – Landscaping and Fencing
4. Section 900.08 – Performance Standards
5. Section 900.09 – Off-Street Parking, Loading, and Access Regulations
6. Section 900.10 – Sign Regulations
7. Section 900.12 - Administration, Enforcement and Procedures
 - Subdivision 4. – Variances
 - Subdivision 10. – Site Plan Review

SITE PLAN REVIEW

City Ordinance requires Site Plan Review “in order to further promote the safe and efficient use of land and to further enhance the value of property in the City.” City Ordinance requires Site Plan Review for any construction for which a building permit is required, except for construction of detached, single-family residential structures or structures accessory thereto.

ZONING

The property is zoned B-2, General Business District. Multiple family dwellings are a permitted use in the B-2 zoning district.

EXISTING CONDITIONS

The property currently serves as the home to the American Legion. The site includes a surface parking lot in the rear and one 10,000 sq. ft. structure that was constructed in 1926.

LOT REQUIREMENTS

The subject properties are in the B-2, General Business District. Section 900.05, Subd. 2.G of the City Code states “It is intended that this district continue to serve its role as the social, cultural and commercial center of the City and its hinterland and that downtown continue to be redeveloped in a manner that will strengthen it as the market area’s shopping, entertainment and office center.”

Uses in the B-2 District are exempt from all setback and lot size requirements except consideration shall be given to providing on-site parking.

Maximum Structure Height: 45 feet.

The proposed building height for the structure is 45 feet, which conforms to the B-3 zoning district lot requirement standards.

Side and rear yard setback adjacent to residential district.

The proposed structure meets the 10 ft. required structure setback to the south.

SCREENING OF EQUIPMENT

Any rooftop mechanical equipment visible from the street or alley will be required be screened from view by an accent enclosure consistent with the design of the building.

OFF-STREET PARKING

The off-street parking requirements stated for multi-family residences are as follows: 2.25 spaces per unit.

The plans indicate the development of 78 total parking stalls. The applicant has proposed 42 underground enclosed parking stalls and 36 surface parking stalls. City Code requires 99 parking stalls per the 2.25 spaces required per unit.

The applicant has requested a variance from the off-street parking requirements, indicating that their consultants believe a range between 1.5 parking spaces per unit and 1.8 parking spaces per unit will be more than adequate for residents and guests. The applicant has proposed 1.8 parking spaces per unit.

Please note that the City Council has asked City staff to review the parking requirements for multi-family residences, which stemmed from the discussion regarding the proposed multi-family building at 601 Industrial Blvd. West. To date staff has done some initial review of multi-family parking requirements, but the Planning Commission has not reviewed, nor discussed, possible revisions to the City Code.

LANDSCAPING

Section 900.07, Subd. 2.C of the City Code includes the following landscape requirements for properties zoned B-2, General Business District and B-3, Central Business District:

1. One (1) tree for every one thousand (1,000 sq. ft.) of total building area. If landscaping cannot be accommodated on site the City Council will require the plantings to be placed in a City Park or City right-of-way. Placement of such landscaping shall be approved by the City Council.
2. Any off-street parking areas that serve downtown business district establishments and face or abut a residentially zoned area shall be screened so as to minimize the visual impact of large expanses of asphalt and automobiles. This screening can be accomplished by an earth berm with shrub plantings or by a hedge with various deciduous and coniferous trees or by other combinations approved by the Planning Commission.
3. Loading docks and loading berths that face a residentially zoned area shall be screened so as not to be seen from the residential area. Various deciduous and coniferous trees and/or a fencing or wall approved by the Planning Commission may be used as the screening device.
4. All trash and trash handling equipment shall be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye-level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structure.
5. Light from automobile headlights and other sources shall be screened whenever it may be directed onto adjacent residential windows.

The Landscape Plan L1.01 indicates a total of 22 trees proposed. City Code, based on a building square footage of 14,509, requires a minimum of 15 trees to be planted. The landscape plan, as proposed, is conforming.

The surface parking lot is directly adjacent to the residential property to the south. The applicant is proposing a quantity of 8, 6 ft., Eastern Red Cedar evergreen trees and 24 Sea Green Juniper shrubs to screen the automobile lights. The Planning Commission should consider if the proposed planting meets the city screening requirements or

if additional and/or different plantings should be included in the plan to more effectively screen the automobile headlights.

SIGNS

The applicant has not included any details regarding the proposed signage for the site. Any future signage shall require a permit and shall conform to Section 900.10 of the City Code and all applicable design standard requirements.

LIGHTING

Section 900.08, Subd. 1.C provides standards for exterior lighting. The Site Lighting Plan drafted by Pulse, dated 11/2/2021, conforms to City Code requirement standards.

City Code states “Exterior lighting shall be designed and arranged to limit direct illumination and glare in any contiguous parcel of land. Reflected glare or spill light shall not exceed five tenths (0.5) foot candle when the source of light abuts any residential or public use parcel or one (1.0) foot candle when the source of light abuts any commercial or industrial parcel or any public right-of-way...”

VEHICULAR ACCESS

The applicant is proposing access to the underground parking from Olive Street and the proposed access for the surface parking lot is off of the alley to the north of the site. Both accesses have been reviewed by the Public Services Director and City Engineer and are acceptable as shown.

PEDESTRIAN ACCESS

There is existing sidewalk extending along east side of Olive Street. The applicant is proposing for the sidewalk to be generally in the same location with pedestrian access to the front of the building. Additionally, the applicant is providing sidewalk from the existing alley along the east side of the building to the rear entrance to the building.

TRASH

City Ordinance requires “All trash and trash handling equipment to be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye-level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structure.”

The plan indicates a trash room within the building and commercial trash removal weekly.

GRADING, DRAINAGE & UTILITIES

The City Engineer and Public Services Director have conducted an initial review of the grading, drainage and utilities. Any recommendation by the Planning Commission should include a condition requiring the applicant to work with the City Engineer to revise the utility and grading information to the satisfaction of the City prior to any work commencing on site.

SEWER AVAILABILITY CHARGE (SAC) AND CITY TRUNK FEES

New construction, a new business, a change in location or change in the use of space in a way that creates more potential demand on the wastewater system will require submission to the Metropolitan Council for a Sewer Availability Charge (SAC) determination. The SAC determination made by the Metropolitan Council informs the City sewer and water trunk fees associated with the potential development, redevelopment and/or remodeling of the subject property, location, or business. City Code requires that for every SAC unit determined by the Metropolitan Council, the project will require the payment of one City sewer trunk fee and one City water trunk fee. The 2021 SAC and City trunk fees are included below for convenience. Please note that the current 2021 per unit cost, which includes SAC, water trunk fee, and sewer trunk fee, is \$10,085 plus any applicable hook-up and stormwater connection fees.

SAC Charge \$2,485 per SAC unit determined by the Metropolitan Council

Sewer Trunk Fee* \$2,700 per SAC unit determined by the Metropolitan Council

Water Trunk Fee* \$4,900 per SAC unit determined by the Metropolitan Council

Stormwater Trunk Fee \$11,000 per acre

Stormwater Access Fee \$1,6000 per acre

*City Code indicates that the equivalent sewer and water trunk units for multi-family equate to 0.8 units per SAC unit determined by the Metropolitan Council.

DESIGN REVIEW – DOWNTOWN DISTRICT

City Ordinance requires Design Review with the understanding that “the visual character and historic resources of the City are important attributes of its quality of life. New development can have substantial impacts on this visual and historic character.” City Ordinance requires Design Review to be conducted as part of the Site Plan Review process.

Typically, the Planning Commission and City Council are reviewing renovations and/or additions to existing buildings. This application considers the demolition of an existing structure and the construction of a 44-unit apartment building. As such, staff has included all the Downtown District Design Standards for review as this is a new development which can have an even more substantial impact on the visual and historic character of our downtown than the remodel and renovation of existing.

The Planning Commission and City Council should review the application based on the Downtown District Standards included below and determine if any plan revisions are necessary.

Building Context and Character

General Objective: The new development should relate to the original design of surrounding storefront 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.

Architectural Style

Objective: To encourage creativity and diversity within a defined framework.

Standard: No single architectural style or styles are required. The Design Vocabulary is intended to guide in the selection of an overall style or stylistic elements. The contemporary adaptation of elements of historic commercial architectural styles found in downtown Waconia, including Italianate, Neoclassical and Early Twentieth Century Commercial, is encouraged (see Figures 1 and 2). Where used, such elements should be based upon, and consistent with, an architectural inventory of the existing downtown district. Stylistic details characteristic of other regions of the United States are discouraged. Combining of elements from disparate architectural styles or periods in a single building is discouraged.

Build-To Line

Objective: To maintain a consistent street edge, in keeping with traditional downtown character.

Standard: Buildings shall meet the established building façade line on the block where they are located for at least 65 percent of the length of their front façade. On most downtown blocks, this is the edge of the sidewalk. For corner buildings, this requirement applies to each façade that fronts a public street. The remaining 35 percent of the façade may be set back up to 12 feet to emphasize entries or create outdoor seating and gathering areas (see Figure 3).

Building Width and Façade Articulation

Objective: To avoid long building facades with a monolithic or monotonous appearance. To divide longer buildings into modules which reflect proportions similar to traditional buildings.

Standard: A building width of 40 feet or less is encouraged. Buildings of more than 40 feet in width shall be divided into smaller increments (between 20 and 40 feet) through articulation of the façade. This can be achieved through combinations of the following techniques, and others that may meet the objective:

- Façade modulation -- stepping back or extending forward a portion of the façade
- Vertical divisions using different textures or materials (although materials should be drawn from a common palette)
- Division into storefronts, with separate display windows and entrances
- Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval
- Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval
- Providing a lighting fixture, trellis, tree, or other landscape feature with each interval.

Ground Level Expression

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.

Standard: The ground level of any multi-story structure must be visually distinct from the upper stories. 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).

- An intermediate cornice line
- A sign band
- An awning, arcade or portico
- A change in building materials, texture or detailing
- A change in window shape or treatment.

Building Height

Objective: To encourage two- and three-story buildings within the downtown district. Taller buildings help to define the street edge and provide a sense of enclosure for pedestrians.

Standard: New buildings larger than a single storefront (or a building footprint of 5,000 square feet) shall be at least two stories in height. This requirement does not apply to existing buildings.

Roof Design

Objective: To encourage a variety of roof lines that respond to the existing built environment. To ensure adequate screening of rooftop equipment.

Standard: Flat or pitched roofs, or combinations of these, may be used. Pitched roofs should have a minimum roof pitch of 1 foot of rise to 4 feet of run. Flat roofs should be defined with an ornamental parapet or cornice. 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.

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 or 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.

Ground-Floor Windows

Objective: To provide continuity with older existing "main street" retail shop windows and to enhance security by providing views into and out of buildings.

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. 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.

A minimum of 12 percent of 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.

Entries

Objective: To establish the visual importance of the primary street entrance, and to ensure that entries contribute to the visual attractiveness of the building and are readily visible to the customer.

Standard: The main entrance should always face the primary street, with the secondary entrances to the side or rear. In the case of a corner building or a building abutting more than one street, the Planning Commission will determine which street should be considered "primary" based on visibility and access patterns. The main entrance should be placed at sidewalk grade. Entries shall be designed with one or more of the following:

- Canopy, portico, overhang, arcade or arch above the entrance
- Recesses or projections in the building façade surrounding the entrance
- Peaked roof or raised parapet over the door
- Display windows surrounding the entrance
- Architectural detailing such as tile work or ornamental moldings
- Permanent planters or window boxes for landscaping

Architectural Details

Objective: To encourage the use and restoration of traditional architectural details.

Standard: Traditional buildings in downtown Waconia feature architectural details such as cornices, arched windows, decorative brickwork (banding, cornice) transom and display windows, porticos, and awnings over entries. The adaptation of such details to new infill buildings, and their restoration in existing buildings, is encouraged but not required.

Restoration of Traditional Storefronts and Other Downtown Buildings

Objective: Encourage sensitive and appropriate restoration of storefronts and other traditional downtown buildings.

Standard: It is understood that appropriate restoration of traditional storefronts and other historically significant or important commercial buildings involves many issues, including costs and choice of materials. A list of sources is provided as an appendix to this ordinance to guide property owners in the restoration of such buildings.

Building Materials

Objective: To ensure that high-quality, authentic materials typical of traditional downtown buildings are used

within the downtown.

Standards: Buildings should be constructed of high-quality materials, including the following:

- Brick
- Natural stone
- Wood, consisting of horizontal lap siding with an exposure no greater than 5 inches or wood shakes; surfaces must be painted
- Precast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material in order to give the wall surface a three-dimensional character
- Stucco
- Jumbo brick may be used on up to 25 percent of any façade, provided that it is used only on the lower third of the building wall.

Prohibited Materials:

- Unadorned plain or painted concrete block
- Tilt-up concrete panels
- Pre-fabricated steel or sheet metal panels
- Reflective glass
- Aluminum, vinyl, fiberglass, asphalt or fiberboard siding
- Pole buildings
- EIFS (exterior insulating finish system) may be used as an accent but not a primary material

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.

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.

Other Materials. The Planning Commission may also approve other materials that the Planning Commission, in its discretion, determines are compatible with any permitted 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 Downtown District; and 2) the use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

Side and Rear Elevations

Objective: To ensure continuity of materials and façade treatments on all visible facades.

Standard: All building facades visible from a public street or walkway shall employ materials and design features similar to those of the front façade.

Building Colors

Objective: To ensure that building colors are aesthetically pleasing and compatible with surrounding buildings.

Standard: Building colors shall consist of subtle, neutral, or muted colors, with low reflectance. Recommended colors include browns, grays, tans (including the typical "Chaska brick" used in Waconia), beiges, and dark or muted greens, blues and reds. No more than two principal colors may be used on a façade. Bright, white or primary colors should be used only as accents, occupying a maximum of 10 percent of building facades. This standard does not apply to murals or other approved public art.

Signs

Objective: Signs should be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs should be an integral part of the building and site design.

Regulations: Regulations for signs in the Downtown District shall be as set forth in Section 900.10 of this Code.

Design standards:

- Signs should be positioned so they are an integral design feature of the building, and to complement and enhance the building's architectural features. Signs should not obscure or destroy architectural details such as stone arches, glass transom panels, or decorative brickwork. Signs may be placed:
 - o In the horizontal lintel above the storefront windows;
 - o Within window glass, provided that no more than 25 percent of the window is obscured;
 - o Projecting from the building;
 - o As part of an awning;
 - o In areas where signs were historically attached.
- Shape. Wall signs should generally be rectangular. In most cases, the edges of signs shall include a raised

border that sets the sign apart from the building. Individual raised letters set onto the sign area surface are also preferred.

- **Colors.** Sign colors shall be compatible with the building façade to which the sign is attached. No more than three colors should be used per sign unless part of an illustration. To ensure the legibility of the sign, a high degree of contrast between the background and letters is preferred. A combination of soft/neutral shades and dark/rich shades (see Building Colors standard) are encouraged.
- **Materials.** Sign materials should be consistent or compatible with the original construction materials and architectural style of the building façade on which they are to be displayed. Natural materials such as wood and metal are more appropriate than plastic. Neon signs may be appropriate for windows.
- **Illumination.** External illumination of signs is permitted by incandescent, metal halide or fluorescent light that emits a continuous white light. Light shall not shine directly onto the ground or adjacent buildings. Neon signs are permitted. Internally lit box signs and awnings are not permitted, with the exception of theater marquees. Variable electronic message signs are not permitted, with the exception of existing time/temperature signs.

Placement and Screening of Equipment and Loading Areas

Objective: Ensure that equipment and loading docks are not visible from public streets or pedestrian ways.

Standard: If an outdoor storage, service or loading area faces adjacent residential uses or a public street or walkway, it shall be screened by a decorative fence, wall or screen of plant material at least 6 feet in height. Fences and walls shall be architecturally compatible with the primary structure. Loading docks or doors should be located on a side or rear elevation.

Parking

Objective: Ensure that buildings, rather than parking lots, dominate the appearance of the downtown streetscape.

Standard: When off-street parking is provided, it shall be located to the side or rear of the primary building, not between the building and the street. Sites with more than 10 off-street surface parking spaces shall meet the Highway District requirements for parking lot screening and landscaping.

Lighting

Objective: To ensure that lighting levels are not excessively bright and that light standards are compatible with overall site design.

Standard: Exterior lighting should be the minimum necessary for safety and security. Lighting should be designed to coordinate with building architecture and landscaping. Building-mounted fixtures should be compatible with the building facades. Overall lighting levels should be consistent with the character and intensity of the surrounding area. All light fixtures shall be shielded or other directed to ensure that light is not directed onto adjacent properties.

Streetscape Elements

Any streetscape elements included within a development site, including lighting, seating, planters, trees or shrubs, trash receptacles and similar elements, shall be compatible with the City's streetscape improvements to the downtown district. City staff can provide guidance on public streetscape elements.

Site Design, Large Sites

Sites with substantial off-street parking or more than one principal building shall meet the Highway District requirements for parking lot landscaping, pedestrian and bicycle circulation, lighting, and other site design features.

DESIGN REVIEW ANALYSIS AND STAFF REVIEW COMMENTS:

1. The Ground Level Expression Design Standard and Ground Floor Windows Design Standard require variances as they require building proportions and windows consistent with those of traditional first level storefronts. The applicant is proposing a multi-family structure, which is a permitted use in the zoning district, which does not include retail or office use. Staff has included the Variance Review Criteria below for consideration.

2. It appears the remaining Downtown District Design Standards are consistent with City Code. Further discussion by the Planning Commission and City Council may be appropriate.

VARIANCE REVIEW CRITERIA:

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

1. Is the Variance in harmony with the purposes and intent of the ordinance?

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

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

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on November 18th, 2021 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. Staff has attached all written public hearing comments submitted to date for review and consideration.

RECOMMENDATION

The Planning Commission, at their regular meeting on December 16th, held the required public hearing, took all public comment regarding the Site Plan, Design Review and Variance applications for construction of a multi-family building at 233 Olive Street South and recommended approval via a 4-1 vote.

If the Planning Commission chooses to recommend approval of the land use applications stated above, staff has included the following conditions for consideration:

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, drainage, and utility information to the satisfaction of the City prior to any work commencing on site.
4. The applicant shall provide the City with a letter of credit/ escrow funds to guarantee the proper installation and growth of the approved landscape plan. The letter of credit/escrow funds 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 letter of credit/escrow funds 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.
5. All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The applicant/property owner shall determine if a Carver County Watershed Management Organization (CCWMO) permit is required. A copy of any approvals or permits required shall be submitted conditional to final approval and issuance of a building permit.
7. The applicant shall submit a copy of the final plan set to the Fire Chief for review and approval prior to building permit issuance.
8. Any future signage shall require a permit and shall conform to Section 900.10 of the City Code and all applicable design standard requirements.
9. Any rooftop mechanical equipment visible from the street or alley will be required be screened from view by an accent enclosure consistent with the design of the building.
10. All sidewalk removed or damaged during demolition or construction will be required to be replaced per the standards required by the City Engineer.
11. The applicant shall install a solid fence along the southern boundary to screen automobile headlights from the residential property to the south.
12. The City Engineer and Public Services Director shall review the access to the parcel via the alley that accesses off of Elm Street South and determine if the access is adequate and/or if any improvements are necessary to make the access viable for the multi-family development.
13. The Building Official shall review the mechanical plans with the applicant to insure the garage exhaust fan is designed to limit noise consistent with Section 900.08 Performance Standards.
14. The applicant shall contact the City Planning Department for a final site inspection when all conditions of approval regarding this application have been completed.

ATTACHMENTS:

Attachment 1: Draft Resolution (3 pages)

Attachment 2: Location Map (1 page)

Attachment 3: Statement of Use (3 pages)
Attachment 4: ALTA Survey – V1.0 (1 page)
Attachment 5: Site Plan – C2.0 (1 page)
Attachment 6: Grading Plan – C3.0 (1 page)
Attachment 7: Utility Plan – C4.0 (1 page)
Attachment 8: Landscape Plan – L1.0 (1 page)
Attachment 9: Lighting Plan (1 page)
Attachment 10: Exterior Elevations – A401 & A402 (2 pages)
Attachment 11: Floor Plans – A100, A101, A102 & A103 (4 pages)
Attachment 12: 3D Color Renderings (3 pages)
Attachment 13: Public Hearing Comments (15 pages)

Attachments:

1. [21293res SITE PLAN VARIANCE_LEGION SITE_RES.pdf](#)
2. [21293Attachment SITE PLAN VARIANCE_LEGION SITE_ATTACH.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

**CITY OF WACONIA
RESOLUTION 2021-293**

**A RESOLUTION APPROVING SITE PLAN AND VARIANCES
FOR THE PROPERTY LOCATED AT 233 OLIVE STREET SOUTH**

WHEREAS, Waconia Investment Partnership, LLC (the “**Applicant**”) has submitted Site Plan and Variance applications for the property located at 233 Olive Street South (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

WHEREAS, the subject parcel is identified as PID# 750500570; and

WHEREAS, the property is zoned B-2, General Business District, which allows multiple family dwellings as a permitted use; and

WHEREAS, the Applicant is proposing to construct a 4-level, 44-unit, multi-family apartment building on the Property; and

WHEREAS, the Applicant is proposing to construct 78 total parking spaces, which include both underground and surface parking, versus the 99 parking spaces required per Section 900.09, Off-Street Parking, Loading, and Access Regulations; and

WHEREAS, the Downtown District Design Standards require improvements consistent with commercial or retail on the ground floor and does not make a specific allowance for a permitted multiple family dwelling use and thus requires a variance from the design standards; and

WHEREAS, the Planning Commission, at their regular meeting on December 16th, 2021, voted 4-1 to recommend approval of the Site Plan and Variance applications for the property located at 233 Olive Street South with the following 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, drainage, and utility information to the satisfaction of the City prior to any work commencing on site.
- 4) The applicant shall provide the City with a letter of credit/ escrow funds to guarantee the proper installation and growth of the approved landscape plan. The letter of credit/escrow funds 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 letter of credit/escrow funds 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.

- 5) All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
- 6) The applicant/property owner shall determine if a Carver County Watershed Management Organization (CCWMO) permit is required. A copy of any approvals or permits required shall be submitted conditional to final approval and issuance of a building permit.
- 7) The applicant shall submit a copy of the final plan set to the Fire Chief for review and approval prior to building permit issuance.
- 8) Any future signage shall require a permit and shall conform to Section 900.10 of the City Code and all applicable design standard requirements.
- 9) Any rooftop mechanical equipment visible from the street or alley will be required be screened from view by an accent enclosure consistent with the design of the building.
- 10) All sidewalk removed or damaged during demolition or construction will be required to be replaced per the standards required by the City Engineer.
- 11) The applicant shall install a solid fence along the southern boundary to screen automobile headlights from the residential property to the south.
- 12) The City Engineer and Public Services Director shall review the access to the parcel via the alley that accesses off of Elm Street South and determine if the access is adequate and/or if any improvements are necessary to make the access viable for the multi-family development.
- 13) The Building Official shall review the mechanical plans with the applicant to insure the garage exhaust fan is designed to limit noise consistent with Section 900.08 Performance Standards.
- 14) The applicant shall contact the City Planning Department for a final site inspection when all conditions of approval regarding this application have been completed.

WHEREAS, the City Council further finds and concludes:

- 1) The Site Plan is consistent with the City's regulations as stated above with the recommended conditions of approval.
- 2) The variance request is reasonable as a multifamily use is a permitted use in the zoning district and there is no commercial or retail space associated with the building.
- 3) The Downtown District Design Standards did not anticipate the construction of a multifamily structure without commercial and/or retail on the main level. Additionally, the Architectural Design Standards section of the City Code allows for variances if applied for under Section 900.12, Subd. 4.
- 4) The proposed multifamily use, which is a permitted use, will not alter the essential character of the Downtown District as the area allows for a mix of single-family, multifamily and commercial uses and the redevelopment strengthens the intent of this area to serve as the social, cultural and commercial center of the community.
- 5) The proposed multifamily use is consistent with the City's Comprehensive Plan, specifically the Housing Plan, which identifies the construction of a variety of housing types in the community to accommodate the needs of a wide variety of households.
- 6) The reduction in off-street parking variance is in harmony with the purposes and intent of the ordinance as the applicant has identified similar projects in other communities that have functioned appropriately at a parking ratio well below the 2.25 parking spaces per unit required per City Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Site Plan and Variance applications submitted by Waconia Investment Partnership, LLC for the property located at 233 Olive Street South subject to the conditions, findings and recommendations of the Waconia Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

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

LOCATION MAP—233 OLIVE STREET SOUTH



10/30/21

Lane Braaten
Community Development Director
City of Waconia
201 Vine St
Waconia Mn 55387

Dear Lane,

Waconia Investment Partnership is excited to be in a position to present our proposed plans for redeveloping the American Legion site. The partnership has a purchase agreement with the Waconia American Legion who has been very supportive of our plans. If successful our target is to begin construction in the summer of 2022 with occupancy in the spring of 2023.

The proposed site consists of a single tract of land approximately 0.77 acres in size. Currently, the property is developed with one 10,000 sq ft structure that was constructed in 1926. The building is occupied by the American Legion for use as a bar and club room facility. The structure is structurally failing and has significant deferred maintenance and repairs. An evaluation of the building was completed and given its age and structural issues, renovation was not deemed feasible. The Partnership has completed both a Phase 1 and Phase 2 environmental site assessments. The conclusion of those reports is that there are no unusual existing environmental issues. In our application package we have provided you a copy of the Phase 2 report by Nova Engineering.

The site is zoned B-2 and no zoning change is proposed. To the west of the site on Olive St are two multi-family apartments with business uses to the east. South and north of the site are single family homes. Attached are photos of the adjacent properties.

The proposal is to construct a four story, 44-unit apartment with 42 enclosed parking stalls and 36 on site surface parking spaces. The building will be a mix of one- and two-bedroom units. Each unit will have a private balcony, full appliance package and washer/dryer. The common amenity elements will include a community room, fitness center, mail and package area, exterior dog enclosure and enclosed bike storage. We believe that the unique amenity of this complex will be its location in downtown Waconia given the array of community and retail services readily available. Building elevations, floor plans, site plans and required civil plans are included.

In preparing these plans we have attempted to comply with the goals of the Waconia Comprehensive Plan and the standards for the B-2 General Business District zoning regulations. As proposed the site and building plans comply with the required setback, building materials, maximum heights and lighting requirements. As part of the application, we are requesting a variance from the current requirement for 2.25 parking stalls per unit to 1.8 stalls per unit. Based on similar standards in other cities and upon consultation with our consultants, parking we believe in the range of 1.5 to 1.8 stalls per unit based on our proposed unit mix will be more than adequate for residents and guests. Forty-two of the parking stalls will be enclosed with 36 on site parking stalls. Although available to residents and guests, on-street parking has not been counted in parking requirements.

The building is designed in recognition that the “front yard” is Olive St and we have focused on creating superior image out to the street. Access to the lower-level parking is off of Olive which permits ease of access to the enclosed parking and effectively utilizes the steep grades on the site, there by minimizing grading and disruption to adjacent properties. The main entrance will be off of the parking lot to the rear. This parking area will be accessed off the existing alley coming from Elm St. Storm water will be handled in a similar manner as the current use with surface drainage directed to the alley discharging westerly in a spillway to Olive St. The goal of the landscape plan is to enhance the building’s overall appearance and to minimize headlight disturbance to the properties to the south. Also, where feasible the boulevard area will be expended and new boulevard trees installed. A new City downtown standard street light will be installed on Olive St.

Waconia Investment Partnership LLC looks forward to developing a high quality, successful multi-family project in downtown Waconia. Our market study shows that there is strong demand from both young professionals moving into the community and from older residents choosing a housing option with walkable amenities and more crepe life style.

We would like to thank the City staff for their guidance and support as we have prepared the proposal and we look forward to a successful partnership with the community.

Sincerely,



Tim Lundgren, Managing Partner

Photos of Adjacent Properties



North



West



East



Together with an easement for roadway purposes over and across the South 12 feet of Lots 9, 10, 11, and 12 of said Block 7, until such time as the alley platted in said Block 7 is opened by the City of Waconia.

GENERAL SURVEY NOTES

1. Bearings are based on the Carver County Coordinate System (1986 Adjustment).
2. Elevations are based on the NGVD 29 Datum. Site Benchmarks are the top rim of a sanitary manhole located approximately 41 feet southwest of the southwest property corner of the subject property.
3. We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other sources, and our own knowledge of the area. We have not excavated to locate underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that additional excavation may be necessary. We cannot guarantee that we can inhibit our ability to visibly observe all the utilities located on the subject property.

(numbered per Table A)

1. Monuments placed and/or found at all major corners of the boundary of the surveyed property as shown hereon.
2. Site Address: 233 Olive Street South, Waconia, Minnesota 55387.
3. This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27019CD018D, effective date of December 21, 2018.
4. The Gross land area is 33,916 +/- square feet or 0.779 +/- acres.
5. (a) Exterior dimensions of buildings at ground level as shown hereon.
6. Substantial features observed in the process of conducting the fieldwork as shown hereon. Please note that seasonal conditions may inhibit your ability to visibly observe all site features located on the subject property.
7. The number of striped parking stalls on this site are as follows: 48 Regular + 0 Handicap = 48 Total Parking Stalls.
13. The names of the adjoining owners of the plated lands, as shown hereon, are based on information obtained from Carver County GIS.
15. Some site feature locations obtained per aerial mapping, as shown and labeled hereon.

1. This map and report was prepared with the benefit of a Commitment for Title Insurance issued by Title Mark, Inc. as agent or First American Title Insurance, File No. 21143438, dated March 10, 2021. We note the following with regards to Schedule B of the herein referenced Title Commitment:
 - a. Item no.'s 1-10, and 12-14 are not survey related.
 - b. The following are numbered per the referenced title Commitment:
11. Access Agreement dated January 10, 2019; filed February 4, 2019 as Document No. A673249. *Document allows for the property owners of the adjacent property to the southwest to drive across subject property's parking lot for purposes of ingress, egress, and access to said adjacent property. Document also allows for the parties to use existing foot and trailer on subject property's parking lot. Banket in nature, not plottable.*

To: Waconia Post #150, The American Legion, Department of Minnesota; Timothy Lungen; Copperwood Investments, Inc; Title Mark, LLC; First American Title Insurance;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, , 7(a), 8, 9, 13 and 15 of Table A thereof.

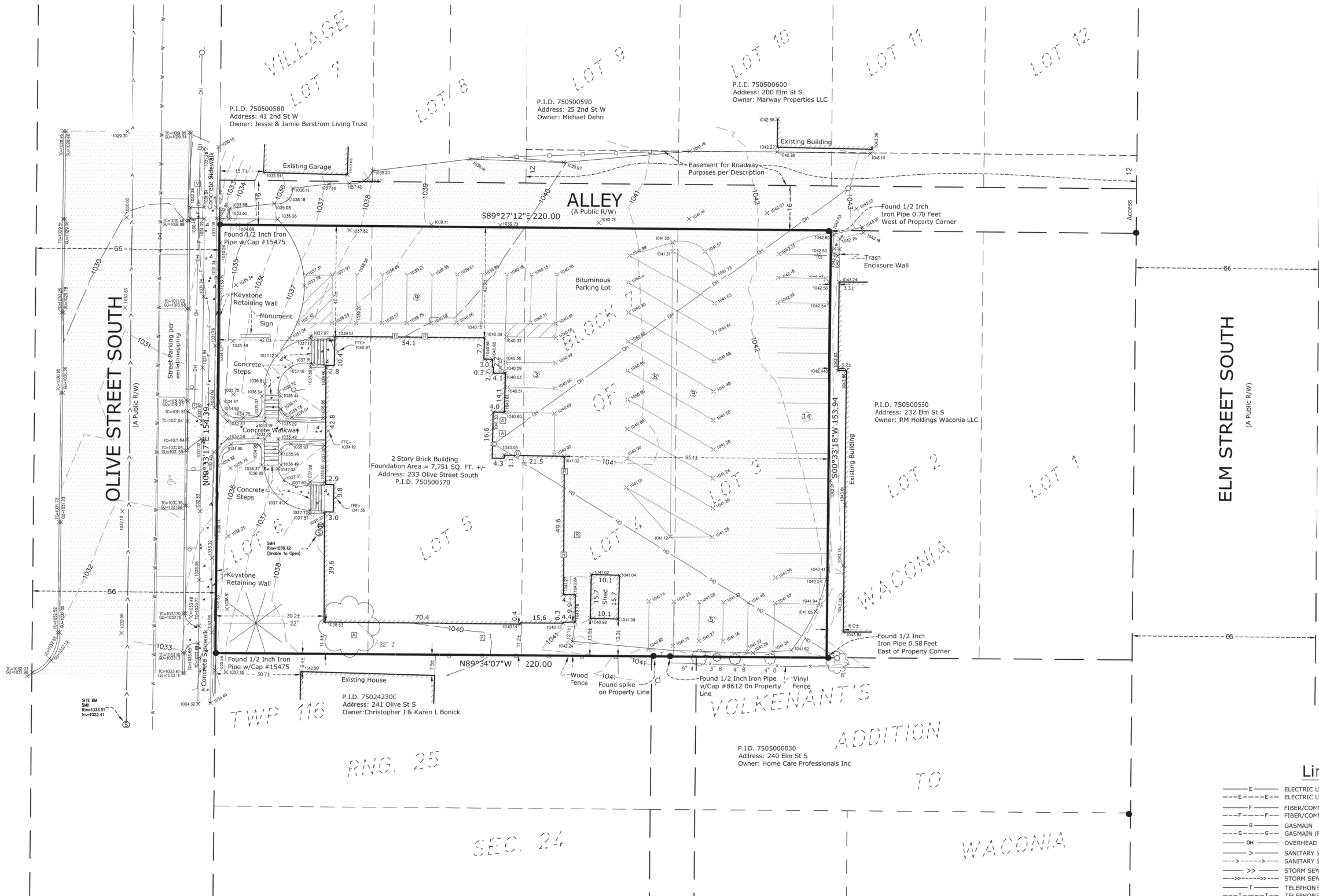
The fieldwork was completed on 09-15-2021.

Dated this 20th day of September, 2021.

Rory L. Synsteliën Minnesota License No. 44565
rory@civilsitegroup.com



	ELECTRIC LINE		AIR CONDITIONER		UTILITY VAULT
	ELECTRIC LINE (RECORD)		CABLE TV BOX		UTILITY MANHOLE
	FIBER/COMM. LINE		ELECTRIC MANHOLE		ELECTRICAL OUTLET
	FIBER/COMM. LINE (RECORD)		ELECTRIC TRANSFORMER		HAND HOLE
	GASMAIN		ELECTRIC METER		BOLLARD
	GASMAIN (RECORD)		FIBER/COMM. MANHOLE		FLAG POLE
	OVERHEAD UTILITIES		POWER POLE		FUEL TANK
	SANITARY SEWER		GUY WIRE		HANDICAP SYMBOL
	SANITARY SEWER (RECORD)		GAS METER		LIGHT POLE
	STORM SEWER		GAS MANHOLE		MAIL BOX
	STORM SEWER (RECORD)		GAS VALVE		SIGN
	TELEPHONE LINE		GAS VALVE		CONIFEROUS TREE
	TELEPHONE LINE (RECORD)		SEWER DRAIN		DECIDUOUS TREE
	WATERMAIN		SEWER CLEAN OUT		
	WATERMAIN (RECORD)		SANITARY MANHOLE		
	CHAINLINK FENCELINE		STORM MANHOLE		
	WOODEN FENCELINE		CATCH BASIN		
	GUARDRAIL		FLARED END SECTION		
			TELEPHONE BOX		
			TELEPHONE MANHOLE		
			TRAFFIC SIGNAL		
			HYDRANT		
			FIRE CONNECTION		
			POST INDICATOR VALVE		
			WATER MANHOLE		
			WATER VALVE		
			WELL		
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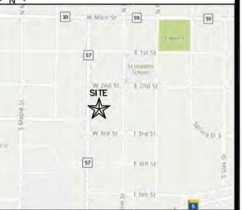
CLIENT

I HEREBY CERTIFY THAT THIS SURVEY,
PLAN, OR REPORT WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION AND
THAT I AM A DULY LICENSED LAND
SURVEYOR UNDER THE LAWS OF THE
STATE OF MINNESOTA.


RORY L. SYNSTELIEN
DATE 09-20-2021 LICENSE NO. 44565

QA/QC

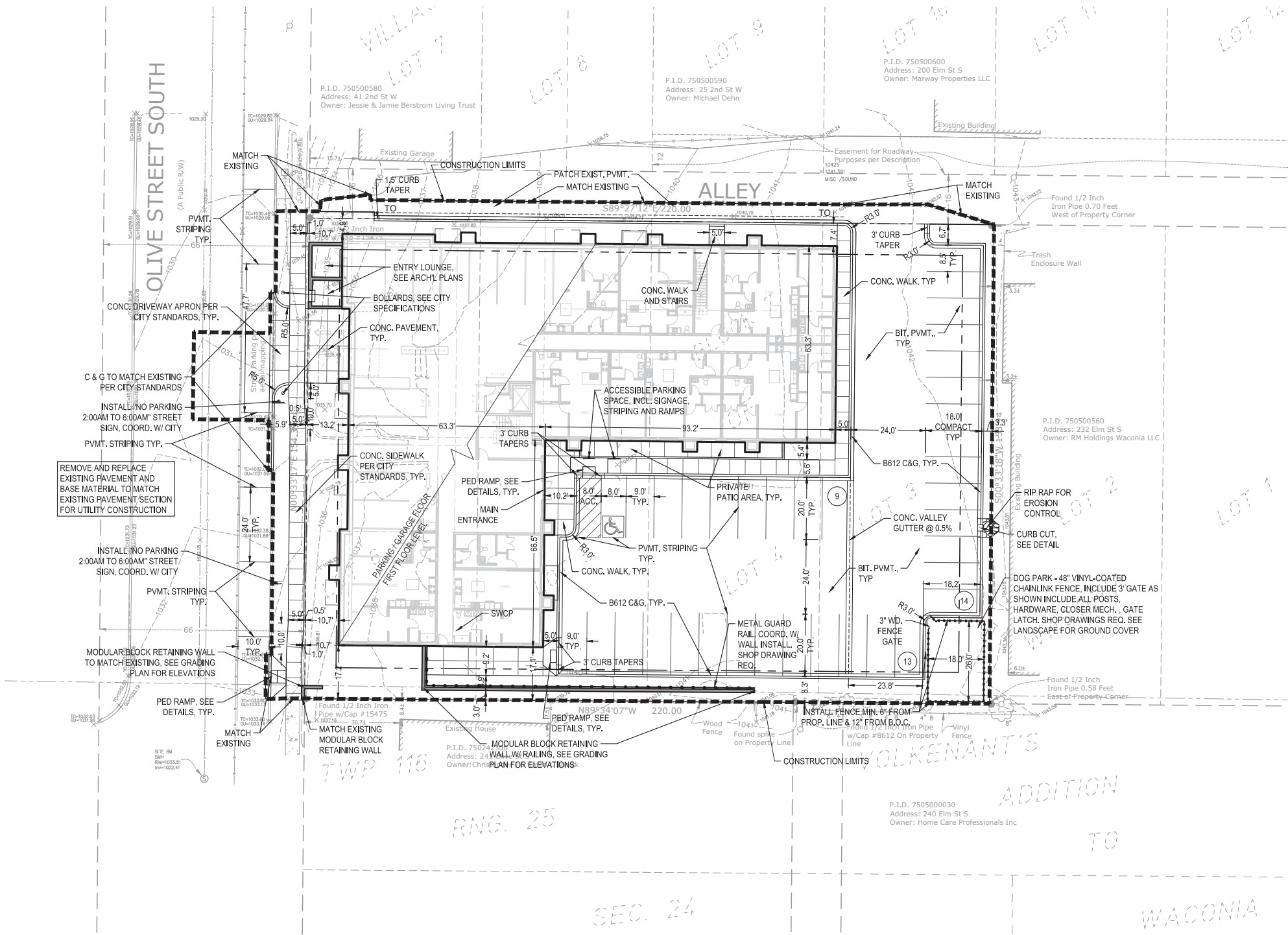
FIELD CREW	JH
DRAWN BY	DP
REVIEWED BY	CJ
UPDATED BY	.

 VICINITY MAP

REVISION SUMMARY

[illegible]ALTA/NSPS LAND
TITLE SURVEY

V1.0



CITY OF WACONIA SITE SPECIFIC NOTES:

1. RESERVED FOR CITY SPECIFIC NOTES.

OPERATIONAL NOTES:	
SNOW REMOVAL	ALL SNOW SHALL BE STORED ON-SITE OUTSIDE PARKING LOT. WHEN FULL, REMOVAL CO. SHALL REMOVE EXCESS OF-SITE
TRASH REMOVAL:	TRASH SHALL BE PLACED IN TRASH AREA AND REMOVED BY COMMERCIAL CO. WEEKLY.
DELIVERIES:	DELIVERIES SHALL OCCUR AT THE MAIN ENTRANCE VIA STANDARD COMMERCIAL DELIVERY VEHICLES (UPS, FED-EX, USPS).

SITE AREA TABLE:			
SITE AREA CALCULATIONS			
BUILDING COVERAGE	7,910 SF	23.3%	14,509 SF 42.8%
ALL PAVEMENTS	19,935 SF	58.8%	14,372 SF 42.4%
ALL NON-PAVEMENTS	6,071 SF	17.9%	5,035 SF 14.8%
TOTAL SITE AREA	33,916 SF	100.0%	33,916 SF 100.0%
IMPERVIOUS SURFACE			
EXISTING CONDITION	27,845 SF	82.1%	
PROPOSED CONDITION	28,881 SF	85.2%	
DIFFERENCE (EX. VS PROP.)	1,036 SF	3.1%	

- SITE LAYOUT NOTES:
- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
 - CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
 - THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
 - THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
 - CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
 - LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
 - CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
 - THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
 - PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS-SEE DETAIL.
 - CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINTED LINE. SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 5' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
 - SEE SITE PLAN FOR CURB AND GUTTER TYPE. TAPER BETWEEN CURB TYPES-SEE DETAIL.
 - ALL CURB RADII ARE MINIMUM 3' UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
 - FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
 - PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
 - ALL PARKING LOT PAINT STRIPING TO BE WHITE, 4" WIDE TYP.
 - BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
 - ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS.
 - ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

SITE PLAN LEGEND:

BITUMINOUS PAVEMENT (IF APPLICABLE). SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL.

CONCRETE PAVEMENT (IF APPLICABLE) AS SPECIFIED (PAD OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS, SEE DETAIL.

PROPERTY LINE

CONSTRUCTION LIMITS

CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN

TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS (IF APPLICABLE)

SIGN AND POST ASSEMBLY (IF APPLICABLE). SHOP DRAWINGS REQUIRED.
HC = ACCESSIBLE SIGN
NP = NO PARKING FIRE LANE
ST = STOP
CP = COMPACT CAR PARKING ONLY

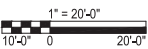
ACCESSIBILITY ARROW (IF APPLICABLE) DO NOT PAINT.



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PRELIMINARY:
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PROJECT

OLIVE ST. APARTMENTS

233 OLIVE STREET S, WACONIA, MN 55387

WACONIA INVESTMENT PARTNERS, LLC

10685 COUNTY ROAD 43, CHASKA, MN 55318

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.


Patrick J. Sarver
DATE 11/02/21 LICENSE NO. 24904

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
11/02/2021	CITY SUBMITTAL

DRAWN BY:BN REVIEWED BY:PS
PROJECT NUMBER: 21343

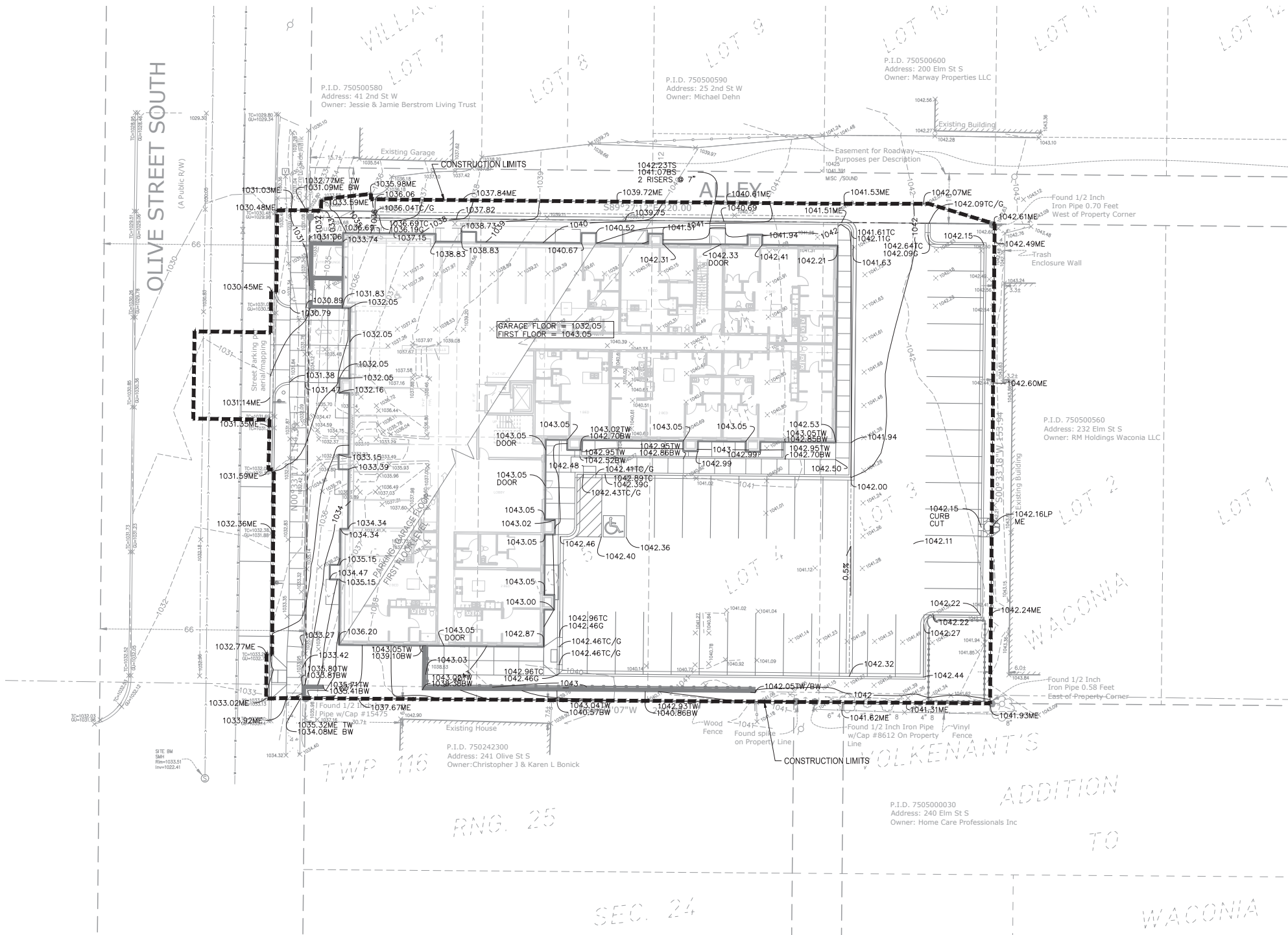
REVISION SUMMARY

DATE	DESCRIPTION

SITE PLAN

C2.0

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CITY OF WACONIA GRADING NOTES:

- RESERVED FOR CITY SPECIFIC GRADING NOTES.

EROSION CONTROL NOTES:

SEE SWPPP ON SHEETS SW1.0 - SW1.3

GRADING PLAN LEGEND:

- | | |
|------------------|--|
| ----- 1125 ----- | EX. 1' CONTOUR ELEVATION INTERVAL |
| ----- 1137 ----- | 1.0' CONTOUR ELEVATION INTERVAL |
| 41.26 | SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED) |
| 891.00 G | SPOT GRADE ELEVATION GUTTER |
| 891.00 TC | SPOT GRADE ELEVATION TOP OF CURB |
| 891.00 BS/TS | SPOT GRADE ELEVATION BOTTOM OF STAIRS/TOP OF STAIRS |
| 891.00 ME | SPOT GRADE ELEVATION MATCH EXISTING |
| CB | GRADE BREAK - HIGH POINTS |
| ===== | CURB AND GUTTER (T.O = TIP OUT) |
| EO=1135.52 | EMERGENCY OVERFLOW |



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1" = 20'-0"
0 20'-0"

GENERAL GRADING NOTES:

- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
- SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
- THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
- GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
- PROPOSED SPOT GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
- GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
- PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
- PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
- IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
- EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT CUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 6 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
- FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS. PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
- PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
- TOLERANCES
 - THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
 - THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
 - AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
 - TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
- MAINTENANCE
 - THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
 - CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDING AND MULCHED.
 - WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.

PRELIMINARY:
NOT FOR
CONSTRUCTION

OLIVE ST. APARTMENTS

233 OLIVE STREET S, WACONIA, MN 55387

WACONIA INVESTMENT PARTNERS, LLC

10685 COUNTY ROAD 43, CHASKA, MN 55318

PROJECT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Patrick J. Sarver

DATE 11/02/21 LICENSE NO. 24904

ISSUE/SUBMITTAL SUMMARY

DATE DESCRIPTION

11/02/2021 CITY SUBMITTAL

DRAWN BY:BN REVIEWED BY:PS

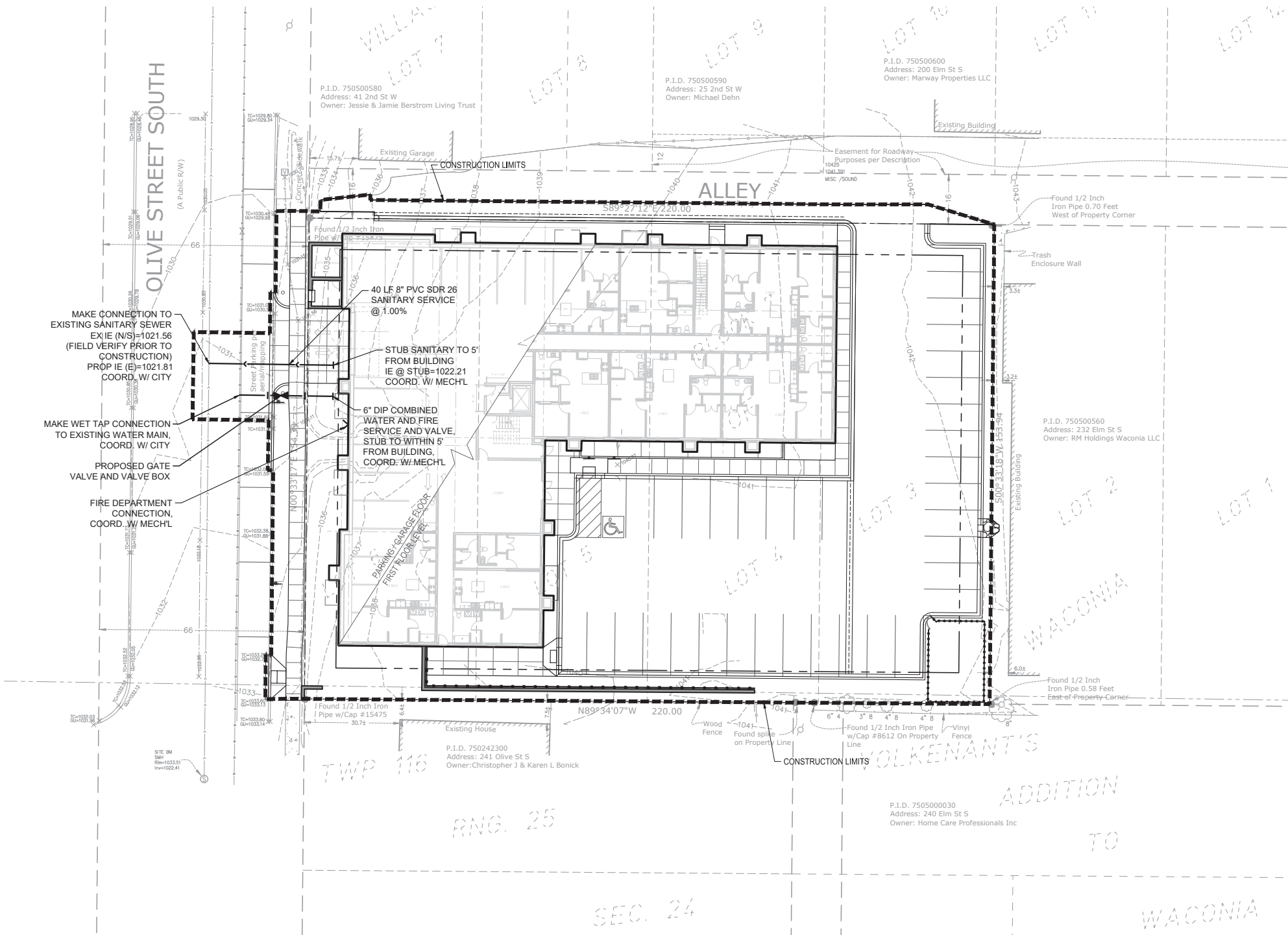
PROJECT NUMBER: 21343

REVISION SUMMARY

DATE DESCRIPTION

GRADING PLAN

C3.0



- GENERAL UTILITY NOTES:**
- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
 - SEE SITE PLAN FOR HORIZONTAL DIMENSIONS AND LAYOUT.
 - CONTRACTOR SHALL FIELD VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF DISCREPANCIES OR VARIATIONS FROM THE PLANS.
 - UTILITY INSTALLATION SHALL CONFORM TO THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION" AND "SANITARY SEWER AND STORM SEWER INSTALLATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM), AND SHALL CONFORM WITH THE REQUIREMENTS OF THE CITY AND THE PROJECT SPECIFICATIONS.
 - CASTINGS SHALL BE SALVAGED FROM STRUCTURE REMOVALS AND RE-USED OR PLACED AT THE DIRECTION OF THE OWNER.
 - ALL WATER PIPE SHALL BE CLASS 52 DUCTILE IRON PIPE (DIP) AWWA C151, ASME B16.4, AWWA C110, AWWA C153 UNLESS OTHERWISE NOTED.
 - ALL SANITARY SEWER SHALL BE SDR 26 POLYVINYL CHLORIDE (PVC) ASTM D3034 & F679, OR SCH 40 ASTM D1785, 2665, ASTM F794, 1866) UNLESS OTHERWISE NOTED.
 - ALL STORM SEWER PIPE SHALL BE HDPE ASTM F714 & F2306 WITH ASTM D3212 SPEC FITTINGS UNLESS OTHERWISE NOTED.
 - PIPE LENGTHS SHOWN ARE FROM CENTER TO CENTER OF STRUCTURE OR TO END OF FLARED END SECTION.
 - UTILITIES ON THE PLAN ARE SHOWN TO WITHIN 5' OF THE BUILDING FOOTPRINT. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE FINAL CONNECTION TO BUILDING LINES. COORDINATE WITH ARCHITECTURAL AND MECHANICAL PLANS.
 - CATCH BASINS AND MANHOLES IN PAVED AREAS SHALL BE SUMPED 0.04 FEET. ALL CATCH BASINS IN GUTTERS SHALL BE SUMPED 0.15 FEET PER DETAILS. RIM ELEVATIONS SHOWN ON THIS PLAN DO NOT REFLECT SUMPED ELEVATIONS.
 - A MINIMUM OF 8 FEET OF COVER IS REQUIRED OVER ALL WATERMAIN. UNLESS OTHERWISE NOTED. EXTRA DEPTH MAY BE REQUIRED TO MAINTAIN A MINIMUM OF 18" VERTICAL SEPARATION TO SANITARY OR STORM SEWER LINES. EXTRA DEPTH WATERMAIN IS INCIDENTAL.
 - A MINIMUM OF 18 INCHES OF VERTICAL SEPARATION AND 10 FEET OF HORIZONTAL SEPARATION IS REQUIRED FOR ALL UTILITIES, UNLESS OTHERWISE NOTED.
 - ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE IN ACCORDANCE WITH CITY STANDARDS AND COORDINATED WITH THE CITY PRIOR TO CONSTRUCTION.
 - CONNECTIONS TO EXISTING STRUCTURES SHALL BE CORE-DRILLED.
 - COORDINATE LOCATIONS AND SIZES OF SERVICE CONNECTIONS WITH THE MECHANICAL DRAWINGS.
 - COORDINATE INSTALLATION AND SCHEDULING OF THE INSTALLATION OF UTILITIES WITH ADJACENT CONTRACTORS AND CITY STAFF.
 - ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL PAVEMENT CONNECTIONS SHALL BE SAWCUT. ALL TRAFFIC CONTROLS SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CITY. THIS SHALL INCLUDE BUT NOT BE LIMITED TO SIGNAGE, BARRICADES, FLASHERS, AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL BE OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY.
 - ALL STRUCTURES, PUBLIC AND PRIVATE, SHALL BE ADJUSTED TO PROPOSED GRADES WHERE REQUIRED. THE REQUIREMENTS OF ALL OWNERS MUST BE COMPLIED WITH. STRUCTURES BEING RESET TO PAVED AREAS MUST MEET OWNERS REQUIREMENTS FOR TRAFFIC LOADING.
 - CONTRACTOR SHALL COORDINATE ALL WORK WITH PRIVATE UTILITY COMPANIES.
 - CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS THROUGHOUT CONSTRUCTION AND SUBMIT THESE PLANS TO ENGINEER UPON COMPLETION OF WORK.
 - ALL JOINTS AND CONNECTIONS IN STORM SEWER SYSTEM SHALL BE GASTIGHT OR WATERTIGHT. APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATERTIGHT CONNECTIONS TO MANHOLES, CATCHBASINS, OR OTHER STRUCTURES.
 - ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED IN ACCORDANCE WITH MN RULES, CHAPTER 4714, SECTION 1109.0.

CITY OF WACONIA UTILITY NOTES:

- RESERVED FOR CITY SPECIFIC UTILITY NOTES.

UTILITY LEGEND:

	CATCH BASIN
	MANHOLE
	GATE VALVE AND VALVE BOX
	PROPOSED FIRE HYDRANT
	WATER MAIN
	SANITARY SEWER
	STORM SEWER
	FES AND RIP RAP

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WACONIA INVESTMENT PARTNERS, LLC
10685 COUNTY ROAD 43, CHASKA, MN 55318

PROJECT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Pavlek
DATE 11/02/21 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
11/02/2021	CITY SUBMITTAL

DRAWN BY:BN REVIEWED BY: PS
PROJECT NUMBER: 21343

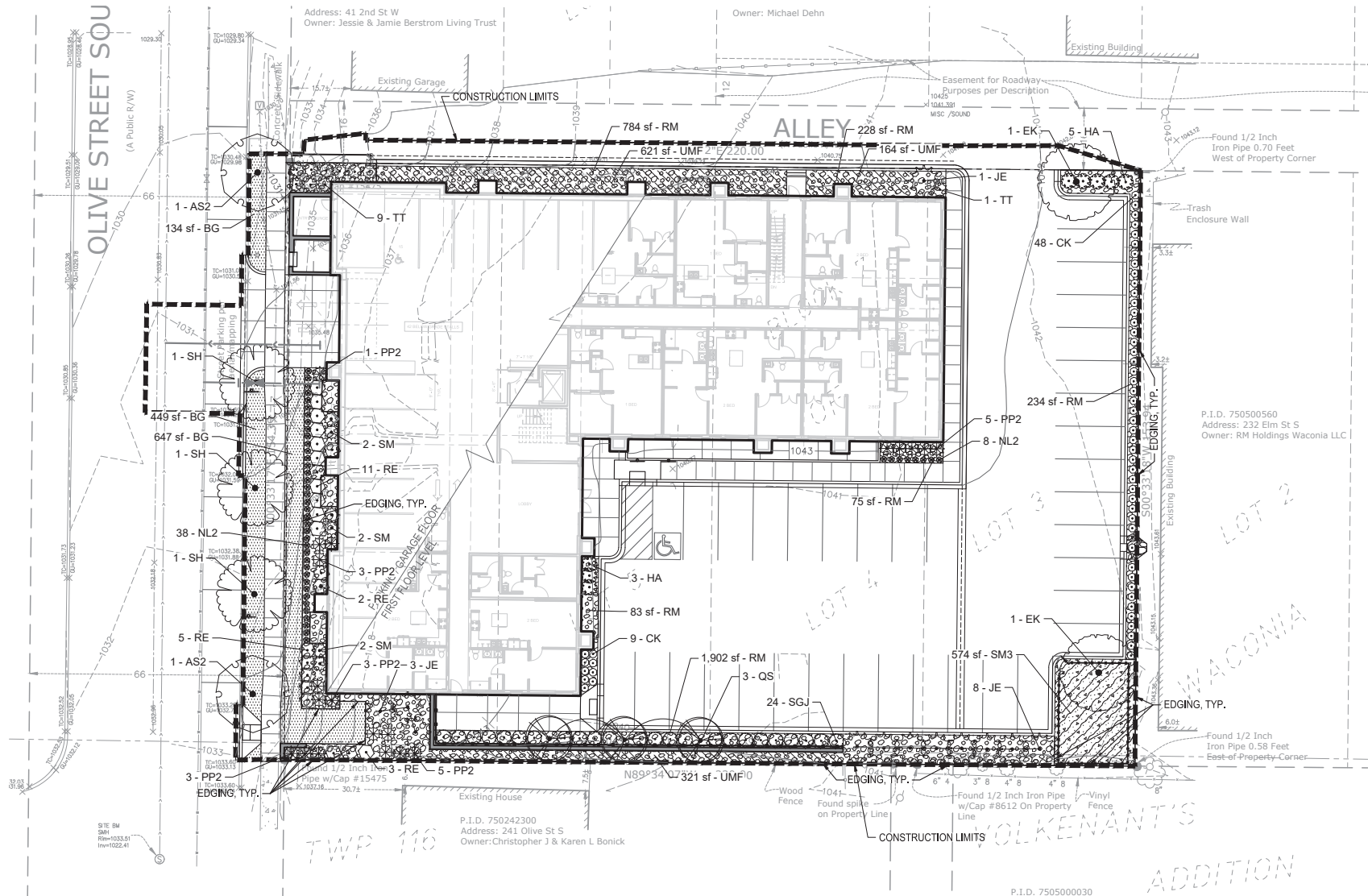
REVISION SUMMARY

DATE	DESCRIPTION
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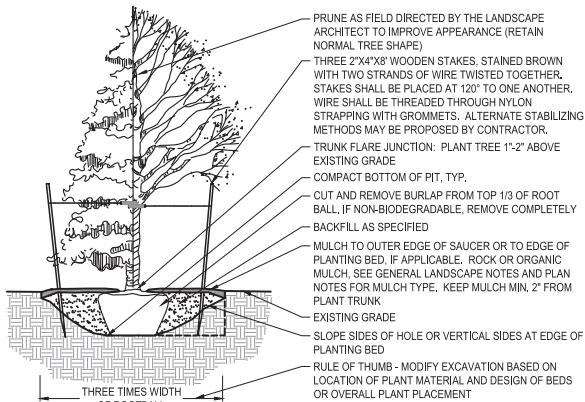
UTILITY PLAN

C4.0

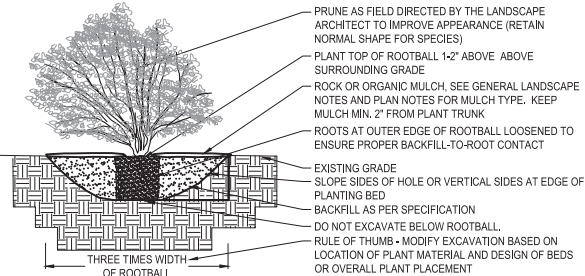
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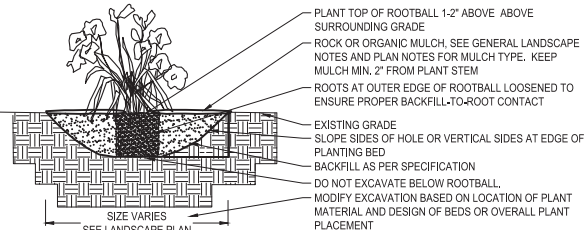
1. WHERE SHOWN, SHRUB & PERENNIAL BEDS SHALL BE MULCHED - SEE MULCH SCHEDULE.
2. ALL TREES SHALL BE MULCHED TO OUTER EDGE OF SAUCER OR TO EDGE OF PLANTING BED, IF APPLICABLE. ALL MULCH SHALL BE KEPT WITHIN A MINIMUM OF 2' FROM TREE TRUNK. SEE MULCH SCHEDULE.
3. IF SHOWN ON PLAN, RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT NEAR LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLES PRIOR TO INSTALLATION.
4. PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMPNESS OF PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
5. UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE SCHEDULE SHALL GOVERN AND CONTRACTOR SHALL RECONCILE BETWEEN THE TWO BEFORE INSTALLATION.
6. CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
7. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE MIN. 6" LAYER TOPSOIL AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
8. COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
9. ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
10. REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
11. SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
12. REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
13. PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMABLE AND CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PAVEMENT/BACK OF CURB.
14. CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.



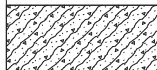
2 NTS



3 NTS

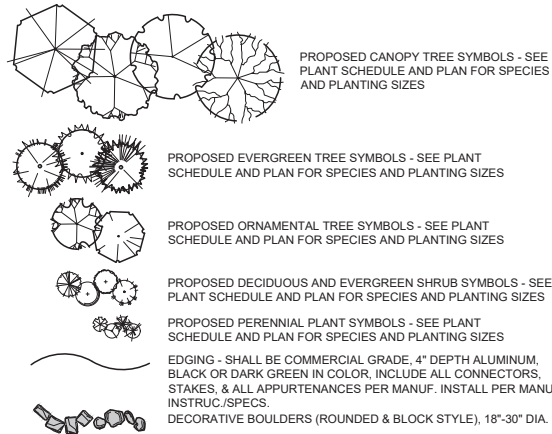


4 NTS

10 TOTAL DECIDUOUS TREES 45.5% OF ALL DECIDUOUS AND EVERGREEN TREES	TREES	QTY	COMMON / BOTANICAL NAME	CONT
	AS2	2	Sienna Glen Maple / Acer x freemantii 'Sienna' TM	2.5" Cal. B&B
	SH	3	Skyline Thornless Honey Locust / Gleditsia triacanthos inermis 'Skycolor' TM	2.5" Cal. B&B
	EK	2	Espresso Kentucky Coffeetree / Gymnocladus dioica 'Espresso'	2.5" Cal. B&B
	QS	3	Crimson Spire Oak / Quercus robur x alba 'Crimschmidt' TM	2.5" Cal. B&B
12 TOTAL DECIDUOUS TREES 54.5% OF ALL DECIDUOUS AND EVERGREEN TREES	EVERGREEN TREES	QTY	COMMON / BOTANICAL NAME	CONT
	JE	12	Eastern Red Cedar / Juniperus virginiana	6" B&B
90 TOTAL SHRUBS	SHRUBS	QTY	COMMON / BOTANICAL NAME	SIZE
	HA	8	Annabelle Hydrangea / Hydrangea arborescens 'Annabelle'	#5 CONT
	SGJ	24	Sea Green Juniper / Juniperus chinensis 'Sea Green'	5 gal.
	PP2	20	Dwarf Globe Spruce / Picea abies 'Pumila'	#5 CONT
	RE	22	Como Park Easy Elegance Rose / Rosa x 'BALark' TM	#5 CONT
	SM	6	Dwarf Korean Lilac / Syringa meyeri 'Palibin'	#7 CONT
	TT	10	Taunton's Yew / Taxus x media 'Tauntonii'	#5 CONT
103 TOTAL GRASSES & PERENNIALS	GRASSES	QTY	COMMON / BOTANICAL NAME	SIZE
	CK	57	Feather Reed Grass / Calamagrostis x acutiflora 'Karl Foerster'	#1 CONT
	PERENNIALS	QTY	COMMON / BOTANICAL NAME	SIZE
	NL2	46	Catmint / Nepeta racemosa 'Little Titch'	#1 CONT
	GROUND COVERS	QTY	COMMON / BOTANICAL NAME	SIZE
		574 sf	Dog Park Mulch / Dog Park Mulch Organic mulch specifically preproduced for use in dog parks. Shall knit together to form matted, accessible surface, shall be treated with anti-microbial agent.	Mulch
		3,306 sf	1-1/2" Crushed Rock Mulch / Rock Mulch Rock Mulch Over Filter Fabric, Dark Grey Trap Rock, Samples Required. Provide Edging As Shown On Plan	Mulch
		1,240 sf	Blue Grass Based / Sod Commercial grade, locally grown, "Big Roll" preferred	Sod
	1,106 sf	Non-woven Landscape Fabric / Under Mulch Fabric Non-woven landscape fabric to be installed under prescribed mulch	Mulch	

AREA	MULCH TYPE	EDGING	FABRIC	REMARKS
TREE RINGS	4" DEPTH, SHREDDED CEDAR	YES	NO	SEE DETAIL SHT. L1.1
PLANTING BEDS	4" DEPTH, 1-1/2" CRUSHED TRAP ROCK	YES	NO	
MAINT. STRIP AT BUILDING FOUNDATION	4" DEPTH, 1-1/2" CRUSHED TRAP ROCK	YES	YES	FABRIC USED UNDER NON-PLANTED AREAS, AS SHOWN ON PLAN
DOG PARK MULCH	6" MIN. DEPTH, SPECIALTY MULCH, SEE MULCH SCHEDULE	YES	YES	FABRIC TO BE NON-WOVEN, PERMEABLE
NATIVE SEED AREAS	NA	NA	NA	
NOTE: COORDINATE ALL MULCH AND PLANTING BED MATERIAL PRIOR TO INSTALLATION. PROVIDE SAMPLES AND SHOP DRAWINGS/PHOTOS/DATA SHEETS OF ALL MATERIALS				

TREES		
R-5:1 LANDSCAPE PLANTING FOR EVERY TWO DWELLING UNITS		
PROPOSED UNITS		44 Units
REQUIRED TREES @ 2.5" CAL		22 Trees
REQUIRED CAL IN.		55 CAL. IN.
SHRUBS		
Multi-family projects require 6 shrubs (5 gal.) per 1000 sf of gross building floor area; or 6 shrubs (5 gal.) per 50 lf of site perimeter.		
GROSS BUILDING FLOOR AREA		14,641 SF
REQUIRED SHRUBS		88
OR		
SITE PERIMETER		748 LF
REQUIRED SHRUBS		90



Know what's below.
Call before you dig.



1" = 20'-0"

10'-0" 0 20'-0"

PRELIMINARY:
NOT FOR
CONSTRUCTION

OLIVE ST. APARTMENTS

233 OLIVE STREET S, WACONIA, MN 55387

WACONIA INVESTMENT PARTNERS, LLC

10685 COUNTY ROAD 43, CHASKA, MN 55318

I HEREBY CERTIFY THAT THIS PLAN,
SPECIFICATION, OR REPORT WAS
PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY
LICENSED LANDSCAPE ARCHITECT UNDER
THE LAWS OF THE STATE OF MINNESOTA.


Patrick J. Sarver
DATE 11/02/21 LICENSE NO. 24904

ISSUE/SUBMITTAL SUMMARY

[illegible]

REVISION SUMMARY

[illegible]

LANDSCAPE PLAN

L1.0

Keynotes- Exterior Elevation	
Key Value	Keynote Text

EAST ELEVATION MATERIAL RATIOS:

BRICK:	794 SF	16.9%
HARDIE PLANK LAP SIDING:	2,198 SF	46.8%
WOOD-LOOK PANEL:	558 SF	11.9%
GLASS:	1,145 SF	24.4%
TOTAL:	4,695 SF	



7 EAST EXTERIOR ELEVATION
A401 1/8" = 1'-0"

AVERAGE OF EACH ELEVATION'S AVERAGE HEIGHT:
43.11 FEET

WEST ELEVATION MATERIAL RATIOS:

BRICK:	1,916 SF	31.2%
HARDIE PLANK LAP SIDING:	907 SF	14.8%
WOOD-LOOK PANEL:	1,569 SF	25.6%
GLASS:	1,741 SF	28.4%
TOTAL:	6,133 SF	



17 WEST EXTERIOR ELEVATION
A401 1/8" = 1'-0"



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Minneapolis, MN 55405
612.819.1835 www.firmgroundae.com

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Thomas P. Wasmoe
MMDD/YYYY 20891
Date License No.

PARTNERS/CONSULTANTS

OWNER

WACONIA
INVESTMENT
PARTNERS, LLC

PROJECT
**OLIVE STREET
APARTMENTS**
233 Olive Street S
Waconia, MN 55387

PROJECT NO. 21.100
DRAWN BY R. NICHOLS
CHECKED BY T. WASMOEN
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CONSTRUCTION**

#	ISSUE/REVISION	DATE
	CITY SUBMITTAL	11.04.2021

SHEET TITLE

**EXTERIOR
ELEVATIONS**

SHEET NUMBER

A401

FIRM GROUND
architects & engineers



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	CITY SUBMITTAL	11.04.2021

SHEET TITLE
**EXTERIOR
ELEVATIONS**

SHEET NUMBER

A402
FIRM GROUND
architects & engineers

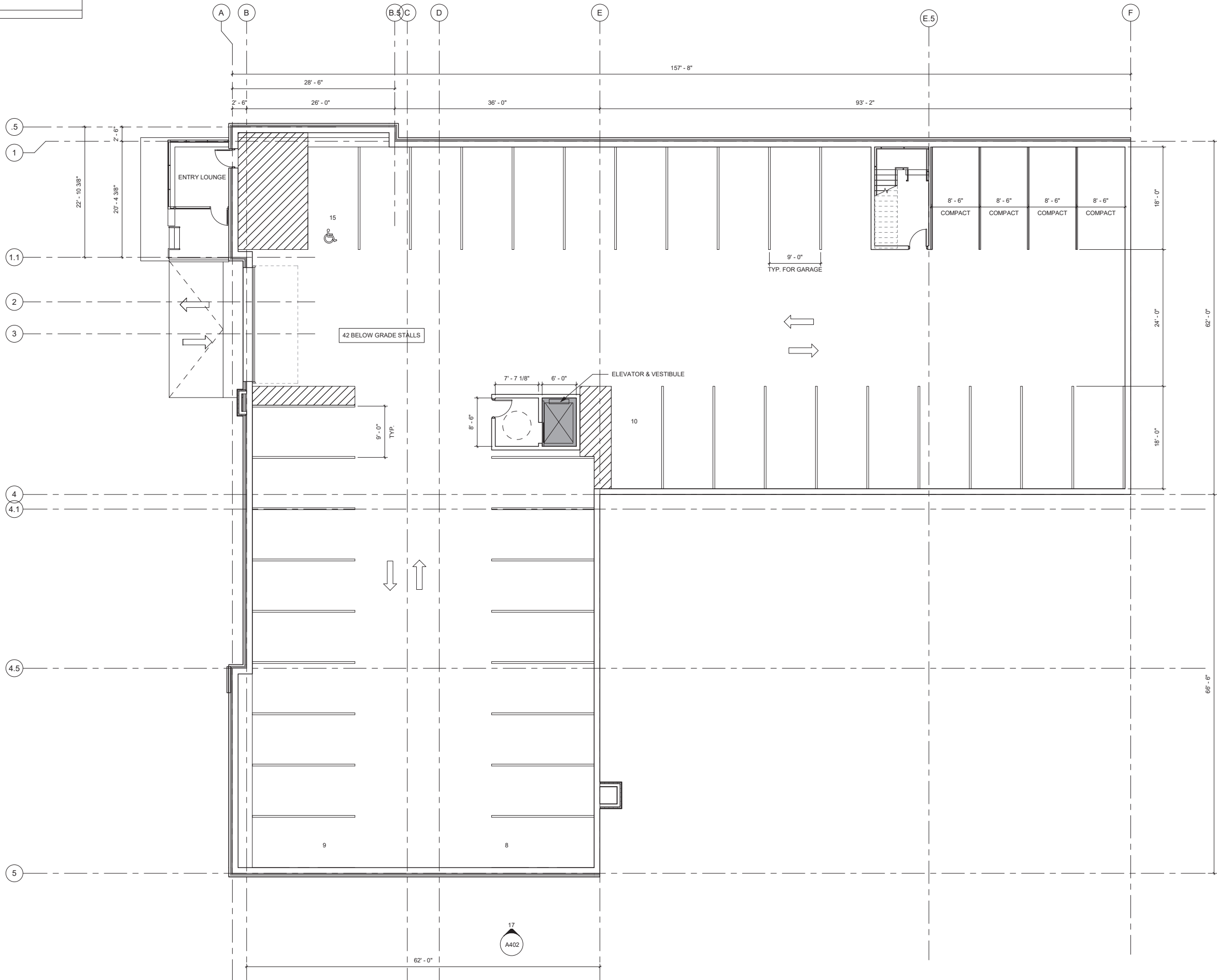


7 NORTH EXTERIOR ELEVATION
1/8" = 1'-0"



17 SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"

Keynotes- Floor Plan	
Key Value	Keynote Text



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	CITY SUBMITTAL	11.04.2021

SHEET TITLE

**PARKING
GARAGE FLOOR
PLAN**

SHEET NUMBER

A100
FIRM GROUND
architects & engineers



FLOOR PLAN GENERAL NOTES

1. PLANS ARE DIMENSIONED FROM FACE OF EXTERIOR SHEATHING/FOUNDATION FOR EXTERIOR WALLS AND CENTERLINE OF INTERIOR WALLS.
2. EXISTING WALLS DIMENSIONED FROM EXISTING FACE.
3. TYPICAL GRID LINES ALIGN WITH FACE OF FOUNDATION FOR EXTERIOR WALLS AND CENTERLINES OF INTERIOR WALLS.
4. DOORS 3" OFF ADJACENT WALLS UNLESS OTHERWISE NOTED.
5. EXISTING WALLS SHADED GRAY.
6. ALL NEW WALLS ARE NOT SHADED.
7. ALL EXISTING DOORS ARE SHOWN OPEN AT 45-DEGREE ANGLE.
8. ALL EXISTING DOORS ARE SHOWN OPEN AT 90-DEGREE ANGLE.

FIRM GROUND ARCHITECTS & ENGINEERS - WALL NAMING CONVENTIONS

[WALL TYPE]	[MODIFIER]	[RATING]
ex. W I - 6 A R1		
[Structural Material] [Location]	[Nominal Size of Stud] [Permutation]	[Hr Rating (if applicable)]
(W)ood (E)xterior		
(S)teel (I)nterior		
(M)asonry		
(F)urring		

Keynotes- Floor Plan	
Key Value	Keynote Text



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PROJECT
**OLIVE STREET
APARTMENTS**
233 Olive Street S
Waconia, MN 55387

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#	ISSUE/REVISION	DATE
CITY SUBMITTAL		11.04.2021

SHEET TITLE
**FIRST FLOOR
PLAN**

SHEET NUMBER

A101
FIRM GROUND
architects & engineers

0:23:11:02:21, 180 Wacoma Apartment 4
1:13:20:01 1:22:40 PM



8 SECOND-THIRD FLOOR PLAN
1/8" = 1'-0"



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#	ISSUE/REVISION	DATE
CITY SUBMITTAL		11.04.2021

SHEET TITLE
SECOND-THIRD FLOOR PLANS

SHEET NUMBER

A102
FIRM GROUND
architects & engineers

0:21:11:02:11, 100 Wacoia, Apartment 4
1:13:20:21, 122-11 PM, 11/04/2021



17
A103
4 FOURTH FLOOR
1/8" = 1'-0"



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SCHEMATIC
DESIGN

#	ISSUE/REVISION	DATE
CITY SUBMITTAL 11.04.2021		

SHEET TITLE
**FOURTH FLOOR
PLAN**

SHEET NUMBER

A103
FIRM GROUND
architects & engineers









From: Tamara Born <tinroofranch@embarqmail.com>
Sent: Monday, November 22, 2021 9:08 PM
To: Lane Braaten
Subject: American Legion Redevelopment Project

Dear City of Waconia Planning Commission,

This letter is in regard to the proposed redevelopment of the American Legion property by Waconia Investment Partners LLC.

We live at 300 South Olive Street, on the corner of Olive and 3rd. We have expected the redevelopment of this American Legion property for some time and are not objecting to it's redevelopment. However this redevelopment needs to be done the right way with the existing neighborhood and it's resident property owners and their interests as priority one. We realize the challenge this presents when B2 General Business District abuts R2 Single Family Residences. The Waconia Investment Partners LLC are proposing to put a square peg in a round hole. I believe the City Ordinances are put in place to protect property owners. We have several concerns and strong objection to the Variance they seek.

Our number one concern and objection is the requested Variance of allowed Parking Spaces Per Unit. This redevelopment site is landlocked and there is no opportunity for the developer to provide off street parking at a later date, should there be any deviation from the current city ordinance based on a promise by the developer to correct if a parking problem should arise. Currently the Business District parking spills into this residential area and at times already quite congested. The proposed location of the garage entrance on Olive Street will be eliminating two spots that currently provide parking for the Downtown Businesses. The residents of Elm Street are also experiencing parking congestion due to insufficient off street parking for the Post Office and Nagel Assisted Living. Parking is a concern of ours that absolutely cannot be overlooked. I have owned a business in Downtown Waconia for 30 years and realize first hand that parking in the City of Waconia is gold. If the developer wants to

build a four story apartment building they will need to scale it back to stay within the City Ordinance of 2.25 spaces per unit.

Currently there is a sub par solution to the water run off on the American Legion property. What is the developers plan to handle the water run off when their project is completed...considering their hard space runs lot line to lot line. Please have the developer address. While you are at it, please have the developer address their plan for snow removal from the Olive Street Sidewalk and parking lot. Where will their cars go when their lot is being cleared? And where will their snow go? Will it be hauled away or will it use up parking spaces?

Where is the Location of the Exhaust Fan for the Underground Parking Garage? We currently deal with the exhaust fan from The Crossings underground garage and the noise it makes every time it kicks in and runs for its allotted time. When the bearing on the fan system goes out we must live with that clatter that sounds like a jet engine for several weeks until it is repaired. Because of our experience, we must insist that this be addressed and the Exhaust Fan does not face the residential neighborhood. Even if the Exhaust Fan was facing the Post Office location the sound would be reverberating off the buildings and filling the neighborhood with unwanted noise. I think we have enough noise pollution in this neighborhood, without the addition of another exhaust fan.

Another concern of the Underground Garage Entrance on Olive Street is the congestion it will cause on Olive Street and the danger to the pedestrians using the sidewalk. Unlike the underground parking garage at The Crossings these occupants will be crossing a sidewalk and in order to enter onto Olive Street they will need to pull out onto the sidewalk to see around the cars parked on Olive Street in order to exit safely. If you are familiar with intersection of 3rd Street West and Olive Street, you have already experienced the problem the parked cars on Olive Street cause when trying to exit off of 3rd Street.

Please address the Facade that faces Olive Street/the West side, as it appears to be the least attractive side of the building. We know the developer is abiding by the materials requirement for the exterior of the building, but the application of these materials does not appear to provide an ascetically pleasing streetscape for those entering our cozy little town. This will be the side of the building that people most frequently see, let's see them do it right.

Due to the proximity of the proposed parking lot to the current residential neighborhood the planting of shrubs and trees to block headlights was recognized. However, after the first year how can the replanting and replacement of any trees and shrubs that have died be addressed and this requirement be guaranteed and be enforced?

While we are not directly affected by the height of the proposed structure, as it follows the City Ordinance regarding structure height. We are indirectly affected by possible diminished property values of the abutting neighbors to the project, that now have numerous balconies peering into their currently private back yard and windows.

Let's talk about the diversity in High Density Housing in Waconia...Currently the count of Moderately Priced High Density Housing in Waconia is 6 and an additional 7 that are Subsidized. Currently our downtown has 3 vacant office/retail spaces for rent. Recent home sales in our neighborhood exceed their asking price and that presents evidence that people want to live and experience our "advertised" small town. People want to shop, they want to dine, be entertained and live in Downtown Waconia. The walkability of our downtown experience is second to none. Knowing the redevelopment of this site was inevitable we feel a combination of lower level retail space with off street parking and High Market Rate High Density Housing would help to keep our small downtown vital.

If this note seems to be long winded it hopefully expresses our passion for our City and our Uptown Waconia neighborhood. The home we live in has been in our family for three generations and maybe someday a fourth. Our family has over 100 years of combined business experience in Waconia. We want to make sure this project is done right and the mistakes that were made in previous projects of this sort are not repeated. Thank you for your kind attention to our concerns. Please feel free to contact us should you have any questions or request any clarifications.

Sincerely,

Jeff & Tamara Born
300 South Olive Street

Waconia, MN 55376

Phone #

Tamara 612-741-1640

Jeff 412-418-7477

[email: tinroofranch@embargmail.com](mailto:tinroofranch@embargmail.com)

Lane Braaten

From: Dave Pokorney <davepokorney@gmail.com>
Sent: Tuesday, November 30, 2021 10:44 PM
To: Lane Braaten

Lane, Last week we had a neighborhood meeting at the Legion regarding the apartment project. 13 people attended representing 7 properties. The main concern related to parking. The neighbors were concerned that parking from the new apartment would overflow onto the streets. They indicated that overflow parking has been a problem with Legion patrons and residents from the apartment across the street. They did recognize that any potential overflow parking will be less with the apartment than is occurring now with the Legion. There was a recognition that the site required redevelopment although some felt that single family homes or retail would be better. Another concern raised by two owners was the loss of privacy in their backyards as a result of the 3/4 story building. We did indicate that we would work with owners to do tree planting to mitigate this concern. The owner of the home/garage to the north expressed concern regarding the impact on his solar panels. We also discussed with him the drainage and use of the alley. He was glad to hear that the City would be maintaining the alley and agreed to work with us on potential short and long term improvements to the storm water discharge out to Olive St.

Relative to parking we do believe that 78 spaces or 1.8 per unit is appropriate especially given our unit mix. First we are not proposing any 3 bedrooms. If on average a one bedroom requires 1 space and a two bedroom two and you provide additional for guest parking 78 units will be appropriate.

As the meeting concluded a couple of the more vocal neighbors conceded that the current problem related to the Legion and their perception that the apartments west of Olive caused the current parking problems. Their definition of a parking problem was having someone other than themselves parking on the street.

One way of looking at the requirement would be the following:

Units	Parking ratio	# of units	Required
one bedroom	1.10	18	20
Two bedroom	2.20	26	57
Three bedroom	3.20	0	0
			77

Call or email if you have other quesitons regarding the neighborhood meeting

--

--

Dave Pokorney
Community Asset Development Group
1110 Yellow Brick Rd
Chaska, Mn 55318
612 703 5709

Lane Braaten

From: Anna Keaveny <annak3@yahoo.com>
Sent: Tuesday, November 30, 2021 10:03 AM
To: Lane Braaten
Subject: variance request for Olive Street

We agree that the American Legion building is beyond repair and needs to be removed. We are not totally against the construction of an apartment building. But we do have some concerns about this build.

One concern we have is for the increased traffic on both Elm Street and Olive Street. Many cars travel faster than the speed limit on these streets. Adding 80 cars trying to enter and exit these streets to and from the apartment complex is questionable.

We do not believe the variance should be granted to the construction company. They should build according to the number of parking spaces they would have available. That is a land locked area with no extra areas to create extra spaces. (Unless they buy an adjacent house to create more parking.) If they had an apartment building with fewer apartments they could meet the existing parking requirements.

Mike and Anna Keaveny

Lane Braaten

From: Gerald Delaney <gerry.delaney@icloud.com>
Sent: Wednesday, December 1, 2021 5:02 PM
To: Lane Braaten
Subject: 233 olive street

Please do not allow any of the variances requested.
Gerald Delaney
301 Elm Street, Waconia, MN

Lane Braaten

From: Allyson Dehn <thedehns728@gmail.com>
Sent: Thursday, December 2, 2021 8:58 AM
To: Lane Braaten
Subject: Concerns with the variance request

Thank you for taking the time to read my concerns.

I am writing about the development of the 44 unit apartment building being built at the site of the American Legion. I understand that parking concerns are the biggest issue and that the investors are asking for a variance from the 2.25 spots per unit to be 1.8. As a homeowner who lives next to the American Legion on the north side of the alley I am concerned about parking, privacy, and the decrease of value of our homes. After attending a meeting with two of the three investors and gathering information from them we were told that by lowering the amount of units but increasing the square footage size of each unit they could make the same amount of money as they would with 44 units. They also offered to change their request to two parking spaces per unit, both of these adjustments would essentially give a partial solution to not only the parking congestion issue that Waconia has been dealing with for years, but also, assuming less units means less floors, give the surrounding neighbors the privacy that comes with living in our small town. Since the developers offered those adjustments, I see no reason you would grant them the variance of 1.9. Having lived here for 10 years and walking to work at the school and the community center I have seen how parking has increasingly become an issue especially for the homes surrounding downtown. On any given day trying to turn north or south on Olive Street with cars parked along Olive, it is almost impossible to see oncoming traffic and forces the driver to pull out completely into Olive Street in order to see around the parked cars. On more than one occasion my son and I, or myself alone, have had to run across Olive Street because either we did not see a car coming or the car did not see us crossing due to the amount of cars parked along the street. Children who attend Southview elementary have to cross Olive street and with no light from hwy 5 until the 4 way stop at Olive and Main street, cars easily hit 30mph making it less safe for kids going to school. Understandably, having more cars exiting onto Olive from the proposed underground parking, will cause more issues for drivers and pedestrians, which will lead to costs to the city in things such as stop lights, and pedestrian lights that will be needed in the future.

Downtown Waconia also issues a parking ban from 2 a.m. to 6 a.m. November 1st to April 1st. this forces people who come downtown for entertainment and plan to leave their cars overnight to park in either business parking lots preventing customers from parking near the stores the next morning or from parking on residential streets in front of homes.

As I mentioned before I'm also concerned about privacy. our home at 25 West 2nd Street and our neighbor at 41 West 2nd Street are the only two north of the American Legion across the alley. Given that this would be a five-story apartment building every unit from the second level to the fifth level would be looking into our backyards. 2nd Street is a busy Street and as such we spend all of our time in our backyards and so do our children. Most people only have to deal with two, possibly three houses that have views into their yards where their children play, where their families get together, where they enjoy down time and relative privacy. With this new apartment building, my neighbor, myself, and the neighbors to the south, who also have small children, will no longer have the privacy that comes with living in small-town Waconia.

Lastly, but no less concerning, is the value of our homes decreasing because of the modernization of downtown Waconia. Looking at a topographical map of Waconia the block that the American Legion is on as well as 2 blocks East are one of the highest elevations in Waconia. to build a 5-story 44 unit apartment building at the highest elevation in our small downtown will not only cast a shadow on all the homes around the apartment and look like a modern Mountain it will quite literally cast a shadow across a solar panel investment making it unusable for the homeowners. For our lot and the lot at 41 West 2nd Street we understand that there will be a three-story Condo building built across the street to the north of us, to the east of us we are bordered by the post office, and now to the South could be this five-story apartment building. This has the potential to decrease the value of our homes to only the value of the lot for future developers. We have worked and invested in our houses to make them homes and our concerns are that with the development of small-town Waconia into a more commercial city, our home's value will decrease tremendously. I am not from Laconia but moved here 11 years ago because my husband loved growing up in this town and loved the small tight-knit community that it had been. I have dealt with commercial investors building commercial apartment buildings before and they were legally bound to inform us of what our homes would be assessed at after the building was completed. The investors that I spoke to had no information to offer us, and I'm asking the planning commission to take into consideration all of these concerns from their neighbors and long time residents, before granting the amendment to the variance.

Michael & Allyson Dehn

Lane Braaten

From: John Laulainen <jlaulainen@embarqmail.com>
Sent: Tuesday, December 14, 2021 10:53 AM
To: Lane Braaten
Subject: Legion Property Sale

December 14, 2021

Dear Lane Braaten:

We have already sent this to our council member Carl Pierson and Peter Leo but also want to include you on our opinion regarding the sale of the Legion property. We will not be able to be at the meeting this Thursday but would like to voice our concerns about the sale.

We are writing to express our concerns about the potential sale and development of the American Legion property. On Wednesday, November 24, we attended the meeting hosted by Waconia Investment Partners, LLC at the American Legion. This meeting was intended for homeowners in the surrounding neighborhood to hear the plans that are being drafted for the property.

We are very concerned about the plan to build an apartment complex at this site. Based on the make-up of the neighborhood and concerns that were shared by neighbors, we believe the size of the project to include 44 apartments is too large for the property to handle. We agree with our neighbors that parking on Olive Street would grow to be a greater issue than it already is, despite the number of underground and outside spaces being provided. Most units would have more than one vehicle, plus visitors would require street parking.

The height of the structure, being three to four stories high, would remove any privacy for the nearby homeowners in their outdoor spaces. An apartment of this size would also take away from the quaint downtown atmosphere that Waconia is known for. Another thing to consider is how this apartment would affect current home values in neighboring homes.

We believe construction plans on a smaller scale would be a better fit for the property in the neighborhood. We realize that the purchase of the land and demolition of the current structure are costly, but could two to three single family homes that reflect the surrounding homes be considered? Recent homes that have been built at Elm and 3rd Street or the homes across from the fairgrounds would potentially bring in revenue for the developer.

We hope that the concerns of current homeowners will be taken into consideration when accepting plans proposed for this property. Thank you for your time and attention in this matter.

Sincerely,

John and Marilyn Laulainen
249 S Olive Street residents since 1987

Lane Braaten

From: Chris Bonick <CBonick@barr.com>
Sent: Thursday, December 16, 2021 8:37 AM
To: Lane Braaten
Subject: Public Hearing for 233 Olive St. South (American Legion Property)

Dear Mr. Lane Braaten and Planning Commission:

My family lives in the house at 241 South Olive St. next door to the Legion on the south side. Here are my comments regarding the proposed apartment building on the Legion property.

First off, the size and architecture of the proposed apartment building does not fit with the character of our neighbor, nor of downtown Waconia. Most of the surrounding properties are historic homes and single-family residences, and the historic business district is nearby. Our neighborhood is a unique one in Waconia and the Legion property offers a unique redevelopment opportunity, which will impact the downtown for a long time. An important part of the appeal of a neighborhood is how it looks and feels, and the proposed apartment building will not enhance but will detract from the look and feel of ours.

Another negative impact will be the further aggravation of an already poor parking situation. As is, it is often difficult to find street parking for residents when there is an event at the Legion. A 44-unit apartment, with less than adequate parking if the variance is approved, will presumably make this situation much worse. My family will be particularly impacted because we share a driveway with our neighbor, so we cannot leave our cars parked in the driveway. We have a one-car garage, but own multiple vehicles. Lucky for us the Legion has been a good neighbor and allowed us to access our additional parking spot behind our garage. This would not be possible with the configuration of the proposed apartment's parking lot. This would put us in an untenable situation unless the City were to make some special accommodations for us. Parking is especially difficult during the winter months when overnight street parking is not an option.

Additionally, I'd expect that a 44-unit apartment building will significantly increase daily traffic on our neighborhood roads, especially Olive St., which is already busy. I assume that many of the residents will own two cars and will have visiting guests as well. Besides increasing congestion, this will present safety concerns especially to those of us who have young children.

Other negative impacts on the neighborhood will be increased artificial ambient light, noise from the underground parking exhaust system, and the effect on privacy of a 4-story building in close proximity to our homes. Another concern for the immediate neighbors is potential damage to foundations of our older homes during the construction of the substantial foundation needed for underground parking.

I understand that the Legion building is in disrepair and needs to be replaced sooner than later, but I think the Planning Commission should be patient and wait for a better proposal for a property redevelopment that will have a long-lasting impact on its surroundings.

Below are some examples of what I think would work well on this property. Size and style fit with the neighborhood and downtown character. Something like this would result in far fewer units thus addressing all the above-mentioned concerns (i.e. parking, traffic, lighting, noise, privacy).





Backyard:



Thank you for taking time to read and consider my comments.

Sincerely,
Chris Bonick



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		December 20, 2021																							
Item Name:		Approve Redefined Contract and Change Orders for New Storage Shed and Entry Remodel																							
Originating Department:		Public Services																							
Presented by:		Ann Meyerhoff																							
Previous Council Action (if any):																									
Item Type (X only one):	Consent		Regular Session	X	Discussion Session																				
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>																									
Adopt Resolution 2021-294 ; Approve Redefined Contract Numbers and Change Orders for New Storage Shed and Façade Improvements as Component of East Frontage Road Improvement Project																									
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>																									
Council is aware of the necessary steps to allow construction of the East Frontage Road was to meet the recital of an agreement with Mr. and Mrs. Everson to construct a garage and façade improvements to replace their out-building utilized for storage and façade improvements. All in relationship to the roadway improvements through their existing structure, and within the southern portion of their business parcel. On September 20, 2021 Council authorized award of improvements to Ebert, Inc. dba Ebert Construction and staff's notes of Crimson and Copper at a value of \$390,800.00. In finalizing the Construction Contract Ebert Construction noted to staff that the costs from Crimson and Copper were not supplemental to their bid price. Therefore, the bid provided by Crimson and Copper was then non-compliant to the project. Staff also noted in the award memo that additional costs were being provided to increase the wall height of the storage shed as agreed upon with the Everson's. That cost was defined by Ebert Construction at \$4,100.00. As a result of the changes the table below reflects the new Contract Price for the programmed improvements Ebert Construction Project Budget Revision <table style="width: 100%;"> <tr> <td style="text-align: left;">Project Item</td> <td style="text-align: right;">Value</td> </tr> <tr> <td>Storage Shed</td> <td style="text-align: right;">\$187,700.00</td> </tr> <tr> <td>Front Entry Remodel</td> <td style="text-align: right;">\$192,200.00</td> </tr> <tr> <td>Wall Height Adjustment</td> <td style="text-align: right;">\$4,100.00</td> </tr> <tr> <td>Final Contract Bid Cost</td> <td style="text-align: right;">\$384,000.00</td> </tr> </table> With most projects we tend to see change orders due to site and weather elements specifically when construction occurs in the winter season. Attached are three change orders for winter related impacts and addition of expansion joint and vapor barrier materials. Each have been executed with two already completed in the installation of the storage shed foundation and slab. The remaining change order is directed to the column pier installations for the Front Entry Remodel, which we have deemed it to be managed at Time and Materials in efforts to reduce costs. The table below reflects those assumed costs and potential costs. Change Order Items <table style="width: 100%;"> <tr> <td style="text-align: left;">Change Order</td> <td style="text-align: right;">Value</td> </tr> <tr> <td>Expansion Joint/Vaper Barrier</td> <td style="text-align: right;">\$1,531.20</td> </tr> <tr> <td>Winter Conditions, Foundation</td> <td style="text-align: right;">\$3,772.00</td> </tr> <tr> <td>Winter Conditions, Shed Slab & Canopy Piers</td> <td style="text-align: right;">Time & Materials; Est. \$22,655.58</td> </tr> </table> In reflection of the two completed change order items, we are 1.5% over the final contract bid. With the additional shed slab & canopy pier change order there is a potential exceedance for all change orders at a total of 7%. Staff recommends approval of this request.								Project Item	Value	Storage Shed	\$187,700.00	Front Entry Remodel	\$192,200.00	Wall Height Adjustment	\$4,100.00	Final Contract Bid Cost	\$384,000.00	Change Order	Value	Expansion Joint/Vaper Barrier	\$1,531.20	Winter Conditions, Foundation	\$3,772.00	Winter Conditions, Shed Slab & Canopy Piers	Time & Materials; Est. \$22,655.58
Project Item	Value																								
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Attachments:																									
1. 21294res EFR Redefined Contract & Change Order Res.pdf																									

2. [21294Attachment 1 EFR Redefined Contract Change Order Att I.pdf](#)
3. [21294Attachment 2 EFR redefined contract change order Att II.pdf](#)
4. [21294Attachment 3 EFR Redefined Contract Change Order Att III.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

**CITY OF WACONIA
RESOLUTION NO. 2021-294**

**RESOLUTION AUTHORIZING APPROVAL OF REDEFINED CONTRACT NUMBERS AND
CHANGE ORDERS FOR NEW STORAGE SHED AND FAÇADE IMPROVEMENTS AS
COMPONENT OF EAST FRONTAGE ROAD IMPROVEMENT PROJECT**

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

WHEREAS, improvements of the new shed and façade were agreed upon to the Everson Hardware parcel in exchange for rights of way and easement to construct the East Frontage Road; and

WHEREAS, while completing the construction contract for the new shed and façade improvement revised numbers were compiled and included in an executed contract between the City and Ebert, Inc. dba Ebert Construction at a value of \$384,000.00; and

WHEREAS, three change orders have been executed as provided below; and

Change Order	Value
Expansion Joint/Vaper Barrier	\$1,531.20
Winter Conditions, Foundation	\$3,772.00
Winter Conditions, Shed Slab & Canopy Piers	Time & Materials, Est. \$22,655.58

WHEREAS, the alterations to the construction contract, completed, and expected, but not fixed change order pricing provides for an expected 7% increase to the revised contract price of \$384,000.00 to Ebert Construction.

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Waconia hereby authorizes approval of redefined contract numbers and change orders for new storage shed and façade improvements as component of East Frontage Road Improvement Project.

Adopted by the City Council of the City of Waconia this 20th day of December, 2021.

Kent Bloudek, Mayor

Attest: _____
Jackie Schulze, City Clerk

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



23350 County Road 10
Corcoran, MN 55357
Ph : 763-498-7844

Change Proposal

To:

City of Waconia
201 South Vine Street
Waconia, MN 55387
Ph: (952)442-0663

Number: GC01

Date: 11/18/21

Job: 6513 Everson New Storage Shed

Phone:

Description: Provide Expansion joint and vapor barrier

We are pleased to offer the following specifications and pricing to make the following changes:

Per response on RFI #4, provide bond break/expansion material at edge of slab and 10-mil vapor barrier beneath slab.

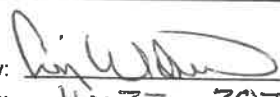
The total amount to provide this work is

\$1,531.20

(Please refer to attached sheet for details.)

If you have any questions, please contact me at .

Submitted by: Josh Nichols

Approved by: 

Date: 11-22-2021



23350 County Road 10
Corcoran, MN 55357
Ph : 763-498-7844

Change Proposal GC01 Price Breakdown Continuation Sheet

Description: Provide Expansion joint and vapor barrier

Description	Labor	Material	Equipment	Subcontract	Other	Price
1/2" x 4" hardboard expansion material at interior slab perimeter				\$234.00		\$234.00
Add 10-mil vapor barrier under slab				\$1,065.00		\$1,065.00
Subtotal:						\$1,299.00
			OH&P	\$1,299.00	15.00%	\$194.85
			Bond, Insurance	\$1,493.85	2.50%	\$37.35
Total:						\$1,531.20



23350 County Road 10
Corcoran, MN 55357
Ph : 763-498-7844

Change Proposal

To: Mark Morse
City of Waconia
201 South Vine Street
Waconia, MN 55387
Ph: (952)442-0663

Number: GC02
Date: 11/22/21
Job: 6513 Everson New Storage Shed
Phone:

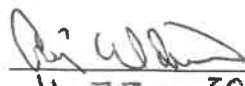
Description: Winter Conditions for Foundation

We are pleased to offer the following specifications and pricing to make the following changes:
Protect footings and foundation at garage building.

The total amount to provide this work is \$3,772.00
(Please refer to attached sheet for details.)

If you have any questions, please contact me at .

Submitted by: Josh Nichols

Approved by: 

Date: 11-22-2021



23350 County Road 10
Corcoran, MN 55357
Ph : 763-498-7844

Change Proposal GC02 Price Breakdown Continuation Sheet

Description: Winter Conditions for Foundation

Description	Labor	Material	Equipment	Subcontract	Other	Price
Blankets, heat, cover as necessary for footings and foundation protection				\$3,200.00		\$3,200.00

Subtotal: **\$3,200.00**

OH&P \$3,200.00 15.00% \$480.00

Bond, Insurance \$3,680.00 2.50% \$92.00

Total: **\$3,772.00**



23350 County Road 10
Corcoran, MN 55357
Ph : 763-498-7844

Change Proposal

To:

City of Waconia
201 South Vine Street
Waconia, MN 55387
Ph: (952)442-0663

Number: GC03

Date: 12/7/21

Job: 6513 Everson New Storage Shed

Phone:

Description: Winter Charges for Shed Slab, Canopy Piers

We are pleased to offer the following specifications and pricing to make the following changes:

Estimated costs for winter conditions and protection of the shed slab and canopy piers. Cost is estimated, will provide actual time/material costs based on attached rates upon completion.

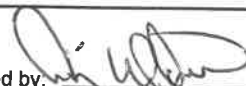
- Blanket Charges = \$1,600.00
- Ground Thaw Unit = \$5,000.00
- Fuel = \$2,500.00
- Winter heat from ready-mix = \$800.00
- Equipment Deliveries = \$720.00
- General Labor = \$6,000.00
- Frost Ripping = \$1000.00
- Import/Export Backfill = \$1600.00

The total amount to provide this work is
(Please refer to attached sheet for details.)

\$22,655.58

If you have any questions, please contact me at .

Submitted by: Josh Nichols

Approved by: 

Date: 12/14/2021



23350 County Road 10
Corcoran, MN 55357
Ph : 763-498-7844

Change Proposal GC03 Price Breakdown Continuation Sheet

Description: Winter Charges for Shed Slab, Canopy Piers

Description	Labor	Material	Equipment	Subcontract	Other	Price
Concrete Winter Conditions					\$19,220.00	\$19,220.00
					Subtotal:	\$19,220.00
			OH&P	\$19,220.00	15.00%	\$2,883.00
			Bond, Insurance	\$22,103.00	2.50%	\$552.58
					Total:	\$22,655.58



Winter Conditions Rates for Time/Material Charges

Sr. Project Manager/Production Manager (per hour)	\$105
Project Manager/Site Forman (per hour).....	\$98
Cement/Mason/Labor (per hour).....	\$93.
Shop Time (per hour)	\$75.
Trucking (per hour with driver).....	\$120.
Equipment (per hour with worker).....	\$120.
Concrete Blanket Rental.....	\$7/Blanket/Week
Electric Blanket Rental (power provided by others)	\$300/Blanket/Week
Ground Heater – HK300 (plus fuel).....	\$1,800/Week
Ground Heater – HK500 (plus fuel).....	\$2,250/Week
Generator (plus fuel)	\$250/Week
Winter Heat & Accelerator Charges from Ready-Mix.....	\$16/Yard

Above rates and all out of pocket expenses are to be charged at a cost plus 10% to cover loss of production due to winter activities including but not limited to the following; fuel, poly, lumber, fasteners, heaters, ventilation, shovels, ice scrapers, ice melt, blanket weights, etc. Note: most miscellaneous materials/items will not have separate invoices for back-up due to the materials and items being yard stock, these rates will be charged at current daily replacement cost.

Overtime charged will apply above and beyond the normal eight hour working day, expect overtime charges and weekend charges for monitoring blanket protection and heating equipment.

Temporary building enclosures, building heat, protection of excavated banks outside of the footings and protection of excavated soils provided and maintained by others. When Ebert is completed with there contracted work, the next trade will be responsible for any heat and protection required.

Time and material cost will be submitted once all figures are accounted for, it is the construction managers responsibility to review daily tasks with Ebert Constructions site forman to eliminate any discrepancies or disagreements when the T&M's are received.

Time and materials above are directed to complete Ebert Construction's contracted work, at no time are they to be used for other trades or by other trades unless specifically agreed upon.