

# WACONIA CITY COUNCIL MEETING AGENDA



Monday, February 6, 2023  
6:00 PM

## VISION STATEMENT

A thriving, connected community with deep roots: a great place to live for a lifetime.

## MISSION STATEMENT

A city that leads, serves, and governs to enhance the quality of life for all community members.

MAYOR: NICOLE WALDRON  
COUNCIL MEMBER : RANDY SORENSEN  
COUNCIL MEMBER: STEVE YETZER  
COUNCIL MEMBER: NICK GLEASON  
COUNCIL MEMBER: JEFF GRENGS

**NOTE: TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE BE PRESENT AT 6:00 P.M.**

Those with items on the agenda should reach out to their staff contact. Others who wish to participate in the meeting, please contact the City Administrator at 952-442-3100 or [sfineran@waconia.org](mailto: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** Introduction of Waconia Deputies  
- Sgt. Tyler Stahn
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) [January 17, 2023 City Council Meeting Minutes](#)  
Approve January 17, 2023 City Council Meeting Minutes
- 2) [January 25, 2023 City Council Meeting Minutes](#)  
Approve January 25, 2023 City Council Meeting Minutes
- 3) [February 6, 2023 Expenditures](#)  
Payment of February 6, 2023 Expenditures
- 4) [Cigarette License for Waconia Tobacco & Vape Inc](#)  
Adopt Resolution No. 2023-23, Approving Cigarette License
- 5) [Application to Conduct Off-Site Gambling - Waconia Lions](#)

- Adopt Resolution No. 2023-24, Approving Application to Conduct Off-Site Gambling for Waconia Lions
- 6) [Approve Temporary Liquor License for Waconia Lions Club](#)  
Adopt Resolution 2023-25 Approving Temporary On-Sale Liquor License Applications for Waconia Lions Club
  - 7) [Acceptance of Grant Proceeds for 2022 Solid Waste Grant from Carver County Environmental Services](#)  
Adopt Resolution 2023-26, Accepting Grant Proceeds from Carver County Environmental Services Solid Waste Grant for 2022
  - 8) [Acceptance of Grant Proceeds for Minnesota Historical Society Large Grant - City Square Park Civil War Memorial](#)  
Adopt Resolution 2023-27, Accepting Grant Proceeds from Minnesota Historical Society Large Grant - City Square Park Civil War Memorial
  - 9) [City Hall - HVAC Controls Upgrade](#)  
Approve Resolution 2023-28, Authorizing City Hall HVAC Controls Upgrade
  - 10) [Authorize Trade and Acquisition of Backhoe Loader and Attachments](#)  
Adopt Resolution 2023-29; Authorizing Trade of Unit 134, Cat 430 EIT Backhoe Loader for New Cat 440 EIT Backhoe Loader in the Amount of \$150,463.65 and Appurtenant Safety Equipment Acquired by Staff at \$4,000.00.
  - 11) [Woodland Creek 5th Addition Preliminary Plat and PUD Amendment](#)  
Adopt Resolution 2023-30, denying the Preliminary Plat and PUD Amendment titled Woodland Creek 5th Addition, which proposed the development of the property identified as PID# 750250300 into 30 single family parcels.
  - 12) [Delegation of Business Administrator - Electronic Funds Transfers](#)  
Adopt Resolution No. 2023-31, Approving Designated Business Administrator for Electronic Funds Transfers

## **6. COUNCIL BUSINESS**

- 1) [Award Safari Island Pool Filter Project](#)  
Adopt Resolution 2023-32, Awarding Pool Filter Project
- 2) [Site Plan and Design Review - Laketown Storage - submitted by RAM General Contracting, Inc.](#)  
Adopt Resolution 2023-33, approving the Site Plan & Design Review application for the Laketown Storage proposal for the property located at 87 8th Street
- 3) [Review of Parking Restriction Signs](#)  
Adopt Resolution 2023-34; Approve Recommendation of Parking Restriction Sign Placement
- 4) [Winter Parking Towing Charge](#)  
Adopt Resolution 2023-35, Authorizing Staff to Complete Collection or Alterations to Winter Parking Violations of Towing and Storage Fees
- 5) [Special Events Policy](#)  
Adopt Resolution 2023-36, Adopting the Special Event Policy
- 6) [Seek Right of Way Agent & Funding Requests for Trunk Highway Five Corridor Improvements](#)  
Adopt Resolution 2023-37; Authorizing Staff to Work With City Engineer to Seek Right of Way Agent Quote & Additional Funding Requests For Trunk Highway Five Corridor Improvements While Noticing The City Administrator as Administrator of Grants
- 7) [Authorize Staff to Work With City Engineer to Seek Right of Way Agent](#)  
Adopt Resolution 2023-38; Authorizing Staff to Work with City Engineer to Seek Right of Way Agent for CSAH 10 & Waconia Parkway North Turbo Roundabout Project; CIP Project 129-C

## **7. ITEMS REMOVED FROM CONSENT AGENDA**

## **8. STAFF REPORTS**

## **9. BOARD REPORTS**

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

**10. ANNOUNCEMENTS**

**11. ADJOURN REGULAR MEETING .....OFFICE OF THE CITY ADMINISTRATOR**

**Shane Fineran**

**Work Session:** Downtown Reconstruction Communications Plan & Incentives, Transportation Funding Options

**UPCOMING CALENDAR OF EVENTS/MEETINGS:**

Park Board - February 16th at 6:30 p.m.  
Presidents Day - February 20th (offices closed)  
City Council - February 21st at 6:00 p.m.



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                |  |                                               |   |                                        |  |                    |  |
|----------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------|---|----------------------------------------|--|--------------------|--|
| <b>Meeting Date:</b>                                                                                           |  | February 6, 2023                              |   |                                        |  |                    |  |
| <b>Item Name:</b>                                                                                              |  | January 17, 2023 City Council Meeting Minutes |   |                                        |  |                    |  |
| <b>Originating Department:</b>                                                                                 |  | Administration                                |   |                                        |  |                    |  |
| <b>Presented by:</b>                                                                                           |  | Ann Meyerhoff                                 |   |                                        |  |                    |  |
| <b>Previous Council Action</b> (if any):                                                                       |  |                                               |   |                                        |  |                    |  |
| <b>Item Type (X only one):</b>                                                                                 |  | Consent                                       | X | Regular Session                        |  | Discussion Session |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>               |  |                                               |   |                                        |  |                    |  |
| Approve January 17, 2023 City Council Meeting Minutes                                                          |  |                                               |   |                                        |  |                    |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i> |  |                                               |   |                                        |  |                    |  |
| <b><u>Attachments:</u></b><br>1. <a href="#">Minutes 1-17-2023.pdf</a>                                         |  |                                               |   |                                        |  |                    |  |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                 |  |                                               |   | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |  |                    |  |
| Funding Sources & Uses:                                                                                        |  |                                               |   |                                        |  |                    |  |
| Budget Information:<br>_____ Budgeted<br>_____ Non Budgeted<br>_____ Amendment Required                        |  |                                               |   | Planning Commission                    |  |                    |  |
|                                                                                                                |  |                                               |   | Parks and Recreation Board             |  |                    |  |
|                                                                                                                |  |                                               |   | Safari Island Advisory Board           |  |                    |  |
|                                                                                                                |  |                                               |   | Other                                  |  |                    |  |

**CITY OF WACONIA**  
**January 17, 2023**

1) [CALL MEETING TO ORDER AND ROLL CALL](#)

Pursuant to due call and notice thereof, the regular meeting of the City Council of the City of Waconia was called to order by Mayor Waldron at 6:00 p.m. The following members were present: Nicole Waldron, Randy Sorensen, Steve Yetzer, Nick Gleason, Jeff Grengs.

Staff Present: Shane Fineran, Jackie Schulze, Craig Eldred, Ann Meyerhoff, Justin Sorensen, Amanda Ortloff.

2) [PLEDGE OF ALLEGIANCE](#)

3) [ADOPT AGENDA](#)

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

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

5) [ADOPT CONSENT AGENDA](#)

5.1 January 3, 2023 Regular City Council Meeting Minutes

[Cover Page](#)

[Minutes 1-3-2023.pdf](#)

5.2 January 17, 2023 Expenditures

[Cover Page](#)

[Council List-Expenditures 01.17.2023.pdf](#)

[Council List-Expenditures 01.17.2023\\_Other-Electronic.pdf](#)

[Council List-Expenditures 01.17.2023\\_Purchasing Card.pdf](#)

5.3 Lodging Tax Fund Request - Waconia CVB

[Cover Page](#)

5.4 Contractor Pay Request #2 - New Fire Station

[Cover Page](#)

[Waconia - Pay App #2 - Oct 2022.pdf](#)

5.5 Contractor Pay Request #3 - New Fire Station

[Cover Page](#)

[Waconia - Pay App #3 - Nov 2022](#)

5.6 Contractor Pay Request #4 - New Fire Station

[Cover Page](#)

[Waconia - Pay App #4 - Dec 2022](#)

5.7 Rink Management Services Corporation Waconia Ice Arena Expenditures  
Incurred December 2022

[Cover Page](#)

[Waconia Ice Arena Bills Applied Payments Dec '22.pdf](#)

5.8 Rink Management Services Corporation Safari Island Community Center  
Expenditures Incurred December 2022

[Cover Page](#)

[Safari Island Bills Applied Payments Dec '22.pdf](#)

5.9 Donation Acceptance - Cash Donation for Operations of the Fire Department

[Cover Page](#)

[2319res Donations\\_Received\\_Fire\\_01.17.23.doc](#)

5.10 Woodland Creek 5th Addition Preliminary Plat and PUD Amendment

[Cover Page](#)

[2320res Woodland Creek 5th.doc](#)

[Location Map \(1 Page\).pdf](#)

[Woodland Creek 5th Preliminary Plat \(1 Page\).pdf](#)

Council Member Yetzer pulled this item from the Consent agenda to express his concern with putting a larger building on the same lot size and asking for a narrower setback. Not sure this is in the best interest of Waconia.

Discussion was had with Council and Dave Pokorney from DDK Construction on changing the lot setbacks from 7 ½ feet to 5 feet.

Motion by Sorensen, seconded by Yetzer to Deny Resolution 2023-20 approving the Preliminary Plat and PUD Amendment titled Woodland Creek 5th Addition, which proposes the development of the property located at PID# 750250300 into 30 single family parcels. Sorensen, Yetzer, Gleason, Grengs voted aye. Waldron voted nay.

**MOTION carried**

Reasons for Denial:

Council Member Sorensen denied because the houses will be too close together and that may cause for future variance requests.

Council Member Gleason denied to not change what is already in place with 7 ½ setbacks.

Council Member Yetzer and Council Member Grengs denied for changing setbacks of an already approved PUD.

#### 5.11 Prepare MnDNR Grant For Trail Improvements

[Cover Page](#)

[2321res MnDNR\\_Regional\\_Trail\\_Program\\_Res.doc](#)

[Trail Corridor and Profile.pdf](#)

[MnDNR Recreation Grants.pdf](#)

Council Member Yetzer asked for item #10 be removed from the Consent Agenda and discussed at the end of the meeting.

Motion by Yetzer, seconded by Grengs 5) ADOPT CONSENT AGENDA as amended

**MOTION carried**

## 6) COUNCIL BUSINESS

### 6.1 Winter Parking Towing Charge

[Cover Page](#)

[2023 Resolution Format Towing\\_Jan 17.doc](#)

Craig Eldred reminded Council that the city's winter parking regulations prohibit parking on city streets and parking lots between the hours of 2:00 a.m. and 6:00 a.m. in the downtown core. Violations of this ordinance are subject to ticketing and/or towing. There are 5 individuals that are here to speak to City Council in hopes of elimination of fees associated with winter parking regulations. He also informed Council that the 5<sup>th</sup> individual referred to in the memo should be Ms. Tricia Olson not Traci Carlson.

The tow and impound charge consist of \$160.00 towing & Administration fee for Colony Plaza, \$83.00 City Administration fee and \$40 daily storage fee. If any relief from this fee is approved by the City Council the adjustments will be rectified with the vehicle owner. The city will not be eligible to recoup any of the \$160.00 in fees completed by Colony Plaza and the reductions or decision by Council will be completed with the individuals as directed.

Moses Omagwn addressed Council in seeking reduction of the towing and impound charge of \$368.00. His vehicle was removed from 435 5<sup>th</sup> Street West. He explained that he lives in St Paul and is contracted with Good Samaritan. He came in for the evening shift which started at 2:30 p.m. and because they were so short-handed, he had to stay until morning. He was unaware of the parking restrictions since he doesn't live here and was not informed of the regulations.

Phillip Bossart's vehicle was removed from Lot One near Domino's and is seeking reduction of towing and impound charge of \$368.00, plus 7 days of storage for a total of \$648.00. Bossart said that he had maintenance issues on the vehicle that prevented him from moving the vehicle. He talked with the manager at Domino's and she said it would not be a problem to leave the vehicle parked there. He did not see any signs that referred to no overnight parking.

Council Member Sorensen asked why was there 7 days of storage for the vehicle.

Bossart responded that he was not in Waconia at the time and thought the vehicle was safe in the lot and not in the way. He was waiting for his mechanic to let him know when he could bring the car in for said maintenance.

Jerimiah Hartman's vehicle was removed from parking lot at Olive and 1st Street with a towing and impound charge of \$368.00. Hartman stated that he is one of the Managers at the movie theatre. His company had gotten rid of their night cleaning crew and is looking for a replacement. Due to it being Christmas day he let his employees go home and he stayed to clean the theatres. He finished around 2:30 a.m. and noticed his vehicle was gone. He was unaware that he could be towed from a lot. The signs refer to an ordinance number but does not state that towing was a possibility.

Jason Tollefsnd's vehicle was removed from Vine and Main Street with a towing and impound fee of \$368.00. He was not able to make the meeting but is also seeking a reduction.

Trisha Olson's vehicle was removed from 141 Main Street with a towing and impound charge of \$368.00. Olson said that she feels that this was a case of miscommunication. She was parked at the lot across from Iron Tap for their work Christmas party. The renters above Iron Tap park there and had been told it was ok to use the lot. She also referred to the sign just having the ordinance number not saying no overnight parking. She also was unaware that there was no parking overnight in the lot.

Mayor Waldron broke down the fees and asked Craig if \$160.00 has already been paid to Colony Plaza for towing and the rest are City Fees. Eldred said that is correct.

Council Member Sorensen asked what the policy is when Public Services is closed and are we charging for storage for that day.

Eldred stated that we are still charging for weekend storage but have been working with individuals to make arrangements to pick up their vehicles when Public Services is closed if there is a weekend storm event.

Mayor Waldron expressed that after hearing everyone she believes that we need to have better signage in these areas. The process is in place for public services to plow and do what they need to do.

Council Member Sorensen stated that the signs reference the ordinance and people need to be responsible for vehicles. Streets and lots need to be plowed with minimal maintenance so that we can maintain infrastructure within the city so that people can get around and commute. He recommended no reduction of charges.

Mayor Waldron indicated that there needs to be signs specifically stating the regulations. She would consider a reduction of some of the City administrative fees. It still is the responsibility of the vehicle owners. Waldron suggested reducing the fees by \$83.00.

Motion by Sorensen Adopt Resolution 2023-17, Authorizing Staff to Complete Collection or Alterations to Winter Parking Violations of Towing and Storage Fees as stated. **MOTION failed for lack of second.**

Motion by Gleason, seconded by Grengs Adopt Resolution 2023-17, Authorizing Staff to Complete Collection or Alterations to Winter Parking Violations of Towing and Storage Fees reducing fees by \$83.00. Waldron, Yetzer, Gleason, Grengs voted aye. Sorensen voted nay.

**MOTION carried**

Mr. Bossart approached Council asking for a payment plan with the storage fees he incurred.

Shane Fineran said he will have finance staff reach out to set up a payment plan.

Mayor Waldron stated to please reach out to public safety if you have to park on the street or in a lot so that you can be contacted to be made aware that the vehicle needs to be moved so that this doesn't happen.

## 6.2 [Resident Appeal to City Ordinance 410 - General Water System Provisions/City Ordinance 1100 - Fees](#)

[Cover Page](#)

[2322res\\_Adjustment\\_to\\_Utility\\_Bill.doc](#)

[Email Request - 1988 Fountain Lane.pdf](#)

[1988 Foundatin Lane picture.jpg](#)

Amanda Ortloff stated that staff received a request for a billing adjustment related to a leak that is outside of staff approval. Ultimately the resident is asking for a sewer override outside of the summer pro-rated fee structure.

The resident at 1988 Fountain Lane found an outside faucet to have been left on for several days until being caught on December 9<sup>th</sup>. Staff can confirm that based on Neptune software reports that higher than normal use was shown during this period. The resident is requesting a billing adjustment to the sewer line only. The water use for this billing period (11/23/22-012/22/22) was 24,000 gallons. The resident is basing 12,000 gallons on that being their known highest use since purchasing the property. Staff can confirm that the average use is 5,000 gallons which is lower than the requested consumption override.

The current sewer charges related to 24,000 gallons of use is \$165.26. If the requested adjustment is approved; this would result in an adjustment of \$81.96 and a total of \$83.30 in sewer charges.

Motion by Yetzer, seconded by Grengs Adopt Resolution 2023-22, Authorizing Staff to Complete Utility Bill Account Adjustment for 1988 Fountain Lane. Waldron, Yetzer, Grengs, Gleason voted aye. Sorensen voted nay.

**MOTION carried**

## 6.3 [Ordinance 756, Amending Chapter 630 of municipal code](#)

[Cover Page](#)

[Ord756\\_Amendment\\_Chaper\\_630\\_Parking.docx](#)

[Lot #7 Map.pdf](#)

Shane Fineran presented that in work session on January 3<sup>rd</sup>, the City Council discussed downtown parking and the availability of “safe harbor” parking during the winter months. It was noted that informally the lower level of Lot #7 has been communicated informally by staff to interested parties that this is a parking area in which the city will not ticket or tow from due to being sheltered from ice and snowfall.

The City Council directed that they would like this codified as a “safe harbor” parking area and communicated to downtown businesses and patrons.

An ordinance has been drafted to amend Chapter 630 to exempt the lower level of Lot #7 from winter parking restrictions.

Council Member Sorensen emphasized that this is just for the lower lot and if parked on the upper ramp they will still be towed.

Motion by Sorensen, seconded by Gleason Adopt Ordinance 756, Amending Chapter 630 of municipal code and summary publication.

**MOTION carried**

#### 6.4 [Job Descriptions and Recruitment Authorization for Utility and Street Maintenance Lead Positions](#)

[Cover Page](#)

[Utilities Lead 2023.pdf](#)

[Street Maintenance Lead 2023.pdf](#)

Jackie Schulze presented that a stable, capable workforce is one of the City of Waconia’s strategic priorities. As part of this priority, the City conducted an organizational study in 2022 to assist us in planning our human capital needs over the next six years. Through this study, the recommendation of hiring division leads in the streets, parks, and utilities division was made. Division leads will serve as a liaison between the supervisors and the utility maintenance staff and spend the majority of their time in the field leading projects, but also a percentage of their time in the office. This, in turn, should free up some of the supervisor’s time to work on higher level projects and planning within the respective division. The posting will be done internally.

Council Member Yetzer questioned why not advertise both external and internal.

Schulze responded that employees know the organization.

Yetzer explained he would like to see it posted both external and internal to make sure we get the best candidate for the position.

Council Member Gleason agreed with Yetzer stating that it may bring in someone with new blood and ideas to the organization.

Council Member Grengs also agreed and saying it still opens it up to current employees.

Motion by Grengs, seconded by Gleason Motion adopting job description and authorizing recruitment for the Utility and Street Maintenance Lead positions. Waldron, Yetzer, Grengs, Gleason voted aye. Sorensen voted nay.

**MOTION carried**

7) ITEMS REMOVED FROM CONSENT AGENDA

8) STAFF REPORTS

9) BOARD REPORTS

Council Member Yetzer attended the Planning Commission meeting where they elected the Chair and Vice Chair for the commission. Also attended Southwest Corridor Transportation Coalition.

10) ANNOUNCEMENTS

11) ADJOURN REGULAR MEETING

Motion by Grengs, seconded by Yetzer 11) ADJOURN REGULAR MEETING at 7:01 p.m.

**MOTION carried**

**Work Session:**

**UPCOMING CALENDAR OF EVENTS/MEETINGS:**

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_

Ann Meyerhoff, Office Assistant



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                |  |                                               |   |                                        |  |                    |  |
|----------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------|---|----------------------------------------|--|--------------------|--|
| <b>Meeting Date:</b>                                                                                           |  | February 6, 2023                              |   |                                        |  |                    |  |
| <b>Item Name:</b>                                                                                              |  | January 25, 2023 City Council Meeting Minutes |   |                                        |  |                    |  |
| <b>Originating Department:</b>                                                                                 |  | Administration                                |   |                                        |  |                    |  |
| <b>Presented by:</b>                                                                                           |  | Ann Meyerhoff                                 |   |                                        |  |                    |  |
| <b>Previous Council Action</b> (if any):                                                                       |  |                                               |   |                                        |  |                    |  |
| <b>Item Type (X only one):</b>                                                                                 |  | Consent                                       | X | Regular Session                        |  | Discussion Session |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>               |  |                                               |   |                                        |  |                    |  |
| Approve January 25, 2023 City Council Meeting Minutes                                                          |  |                                               |   |                                        |  |                    |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i> |  |                                               |   |                                        |  |                    |  |
| <b><u>Attachments:</u></b><br>1. <a href="#">Minutes 1-25-2023.pdf</a>                                         |  |                                               |   |                                        |  |                    |  |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                 |  |                                               |   | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |  |                    |  |
| Funding Sources & Uses:                                                                                        |  |                                               |   |                                        |  |                    |  |
| Budget Information:<br>_____ Budgeted<br>_____ Non Budgeted<br>_____ Amendment Required                        |  |                                               |   | Planning Commission                    |  |                    |  |
|                                                                                                                |  |                                               |   | Parks and Recreation Board             |  |                    |  |
|                                                                                                                |  |                                               |   | Safari Island Advisory Board           |  |                    |  |
|                                                                                                                |  |                                               |   | Other                                  |  |                    |  |

**CITY OF WACONIA**  
**January 25, 2023**

1) **CALL MEETING TO ORDER AND ROLL CALL**

Pursuant to due call and notice thereof, the meeting of the City Council of the City of Waconia was called to order by Mayor Waldron at 5:30 p.m. The following members were present: Nicole Waldron, Randy Sorensen, Steve Yetzer, Jeff Grengs

Staff Present: Shane Fineran, Craig Eldred, Lane Braaten, Ann Meyerhoff, Jake Saulsbury

2) **PLEDGE OF ALLEGIANCE**

3) **ADOPT AGENDA**

Motion by Randy Sorensen, seconded by Steve Yetzer 3) ADOPT AGENDA  
**MOTION carried**

4) **COUNCIL BUSINESS**

4.1 **Downtown Construction Phase 1 Layout Review**

[Cover Page](#)

[6.20.22 Worksession Memo.pdf](#)

[2023-01-25 Final Downtown Project Update.docx](#)

[Informational Guide - Accessible Sidewalks and Street Crossings.pdf](#)

Craig Eldred stated that at work session on January 17<sup>th</sup> the City Council expressed interest in re-visiting the layout, public engagement, and decision-making process of the phase 1 downtown project. Currently the project is on track to have completed plans and specifications with the goal of obtaining City Council authorization to advertise for bid on February 21, 2023.

Currently the layout on Main Street features 15'-16' drive lanes, angled parking on the north side of Main Street between Olive and Maple Street with parallel parking on the south side of Main Street. Sidewalk width on the north side remains at 12' and 8' on the south side. The layout on Olive Street features 12' drive lanes, parallel parking stalls accommodating 10' width and a minimum of 8' sidewalk on each side. The current design meets all design standards for state aide roadways and the American with Disabilities Act (ADA).

Discussion was had by Council concerning width of sidewalks and drive lanes. Jake Saulsbury was in attendance to answer questions and address concerns. Council decided

to move forward with sidewalk widths of 9' all the way around instead of the 12' on the north side and 8' on the south side of Main Street.

Motion by Yetzer, seconded by Sorensen Motion to direct staff on final preparation of plans and specifications with 9' sidewalks. Yetzer, Sorensen, Grengs voted aye. Waldron voted nay.

**MOTION carried**

5) STAFF REPORTS

6) BOARD REPORTS

Council Member Sorensen attended the Park Board meeting, and they discussed pickle ball courts. This is currently not in the CIP.

7) ANNOUNCEMENTS

8) ADJOURN REGULAR MEETING

Motion by Grengs, seconded by Yetzer 8) ADJOURN REGULAR MEETING at 6:40 p.m.

**MOTION carried**

**Work Session:**

**UPCOMING CALENDAR OF EVENTS/MEETINGS:**

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Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_

Ann Meyerhoff, Office Assistant



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                  |         |                               |                 |                                        |                    |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------|-----------------|----------------------------------------|--------------------|--|--|
| <b>Meeting Date:</b>                                                                                                                             |         | February 6, 2023              |                 |                                        |                    |  |  |
| <b>Item Name:</b>                                                                                                                                |         | February 6, 2023 Expenditures |                 |                                        |                    |  |  |
| <b>Originating Department:</b>                                                                                                                   |         | Finance                       |                 |                                        |                    |  |  |
| <b>Presented by:</b>                                                                                                                             |         | Nicole Meyer                  |                 |                                        |                    |  |  |
| <b>Previous Council Action</b> (if any):                                                                                                         |         |                               |                 |                                        |                    |  |  |
| <b>Item Type (X only one):</b>                                                                                                                   | Consent | X                             | Regular Session |                                        | Discussion Session |  |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                 |         |                               |                 |                                        |                    |  |  |
| Payment of February 6, 2023 Expenditures                                                                                                         |         |                               |                 |                                        |                    |  |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                   |         |                               |                 |                                        |                    |  |  |
| <b>Attachments:</b><br>1. <a href="#">Council List-Expenditures 02.06.2023.pdf</a>                                                               |         |                               |                 |                                        |                    |  |  |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                   |         |                               |                 | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |                    |  |  |
| Funding Sources & Uses:                                                                                                                          |         |                               |                 |                                        |                    |  |  |
| Budget Information:<br><input type="checkbox"/> Budgeted<br><input type="checkbox"/> Non Budgeted<br><input type="checkbox"/> Amendment Required |         |                               |                 | Planning Commission                    |                    |  |  |
|                                                                                                                                                  |         |                               |                 | Parks and Recreation Board             |                    |  |  |
|                                                                                                                                                  |         |                               |                 | Safari Island Advisory Board           |                    |  |  |
|                                                                                                                                                  |         |                               |                 | Other                                  |                    |  |  |

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

Nicole Meyer, Finance Director

**CITY OF WACONIA**  
**Council List-Expenditures**  
**Meeting: February 6, 2023**

| VENDOR NAME                          | DESCRIPTION                    | AMOUNT      | FUND / DEPARTMENT         |
|--------------------------------------|--------------------------------|-------------|---------------------------|
| ABLE HEATING AND COOLING             | Permit WA302644 Refund         | \$39.00     | Building Inspections      |
| AMERICAN ENGINEERING TESTING, INC.   | EFR Parking Lot Engineering    | \$2,219.00  | PIR Fund                  |
| BENJAMIN STRASHEIM                   | 2022 Park Board Attendance     | \$150.00    | Administration            |
| BKV GROUP                            | Fire Station Project-Architect | \$3,431.75  | PIR Fund                  |
| CADY BUILDING MAINTENANCE, INC.      | Facility Cleaning 02.2023      | \$4,093.31  | Central Facilities        |
| CARVER COUNTY                        | Liquor License Background Ck   | \$250.00    | Administration            |
| CARVER COUNTY                        | Liquor License Background Cks  | \$2,500.00  | Administration            |
| CARVER COUNTY                        | GIS Position 4th Qtr 2022      | \$5,753.76  | Technology                |
| CCP NI MASTER TENANT 4, LLC          | Solar Electric 12.2022         | \$346.39    | Central Facilities        |
| CCP NI MASTER TENANT 4, LLC          | Solar Electric 12.2022         | \$7.10      | Water Utility Fund        |
| CCP NI MASTER TENANT 4, LLC          | Solar Electric 12.2022         | \$331.55    | Sewer Utility Fund        |
| CCP NI MASTER TENANT 4, LLC          | Solar Electric 12.2022         | \$160.75    | Street Light Utility Fund |
| CHOICE ELECTRIC INC                  | Replace Switch in Restroom     | \$163.54    | Central Facilities        |
| CHOICE ELECTRIC INC                  | Street Light Breakaway Bases   | \$2,258.75  | Street Light Utility Fund |
| CITY OF SHAKOPEE                     | 2023 Annual Dues               | \$2,100.00  | Law Enforcement           |
| CLEAN-CUT LAWN CARE                  | Fertilization & Weed Control   | \$4,430.00  | Parks                     |
| COLONY PLAZA, INC                    | Towing Citations 01.2023       | \$3,040.00  | Streets                   |
| CUSTOMIZED FIRE RESCUE TRAINING INC. | NFPA Course: Chase & Luedloff  | \$3,450.00  | Fire                      |
| GOPHER STATE ONE-CALL                | 2023 Annual Operator Fee       | \$50.00     | Water Utility Fund        |
| HAWKINS, INC                         | WTP Chemicals                  | \$2,662.51  | Water Utility Fund        |
| ISD #110                             | SI Shared Use - Energy Project | \$4,608.45  | Safari Island Fund        |
| ISD #110                             | SI Shared Use - Repairs/Maint  | \$11,213.88 | Safari Island Fund        |
| ISD #110                             | SI Shared Use - Utilities      | \$47,866.05 | Safari Island Fund        |
| J CARVER DISTILLERY                  | Refund On-Sale Sunday Liquor   | \$200.00    | Administration            |
| JENNABELL'S CUSTOM APPAREL & GIFTS   | SCBA Imprinting                | \$200.00    | Fire                      |
| LEAGUE OF MN CITIES INSURANCE TRUST  | Insurance Claim #00483848      | \$25.00     | Fire                      |
| LEAGUE OF MN CITIES INSURANCE TRUST  | Insurance Claim #00483848      | \$155.00    | Streets                   |
| LEAGUE OF MN CITIES INSURANCE TRUST  | Insurance Claim #00483848      | \$75.00     | Parks                     |
| LEAGUE OF MN CITIES INSURANCE TRUST  | Insurance Claim #00483848      | \$37.50     | Water Utility Fund        |
| LEAGUE OF MN CITIES INSURANCE TRUST  | Insurance Claim #00483848      | \$37.50     | Sewer Utility Fund        |
| LEAGUE OF MN CITIES INSURANCE TRUST  | Insurance Claim #00483848      | \$145.00    | Storm Water Fund          |
| LEAGUE OF MN CITIES INSURANCE TRUST  | Insurance Claim #00483848      | \$25.00     | Street Light Utility Fund |
| MACQUEEN EMERGENCY GROUP             | Fire Helmets                   | \$2,307.50  | Fire                      |
| MARCO TECHNOLOGIES, LLC              | Cisco Insights 1.16-2.15.23    | \$210.00    | Technology                |

**CITY OF WACONIA**  
**Council List-Expenditures**  
**Meeting: February 6, 2023**

| <b>VENDOR NAME</b>                    | <b>DESCRIPTION</b>             | <b>AMOUNT</b>       | <b>FUND / DEPARTMENT</b> |
|---------------------------------------|--------------------------------|---------------------|--------------------------|
| MARCO TECHNOLOGIES, LLC               | Unify It On Demand 01.18-02.17 | \$709.46            | Technology               |
| MAS COMMUNICATIONS                    | FS Elevator Phone              | \$202.44            | Central Facilities       |
| METRO FIRE CHIEF OFFICERS ASSOCIATION | 2023 Fire Membership Dues      | \$100.00            | Fire                     |
| MN DEPARTMENT OF HEALTH               | Class B Water Exam; Kemnitz    | \$32.00             | Water Utility Fund       |
| MN DEPARTMENT OF HEALTH               | Class B Water Exam; Wagener    | \$32.00             | Water Utility Fund       |
| MN DEPARTMENT OF PUBLIC SAFETY        | #113 Tab Renew -Can-Am Trailer | \$23.25             | Fire                     |
| MN STATE FIRE CHIEFS ASSOCIATION      | 2023 Fire Dept Association Due | \$450.00            | Fire                     |
| NCPERS GROUP LIFE INS.                | Premiums 02.2023               | \$64.00             | Personnel Liabilities    |
| NORDIC MECHANICAL SERVICES            | PW HVAC Contract Q4 2022       | \$1,750.00          | Central Facilities       |
| NORDIC MECHANICAL SERVICES            | VAV Actuator Replace/Repair    | \$4,523.28          | Central Facilities       |
| NORDIC MECHANICAL SERVICES            | VAV Heating Accuator Repair    | \$327.00            | Central Facilities       |
| NUSS EQUIPMENT GROUP LLC              | #36 V-Ribbed Belt              | \$72.77             | Streets                  |
| SHI INTERNATIONAL CORP.               | O365; 5 Licenses for Council   | \$465.00            | Technology               |
| TASHA WEST                            | Special Assessment Refund      | \$42.75             | 2016A Debt Fund          |
| USA SECURITY, INC.                    | Badges; Council & Fire         | \$53.31             | Central Facilities       |
| VESSCO, INC                           | Chemical Feed Pump Head        | \$2,245.55          | Water Utility Fund       |
| WACONIA BREWING COMPANY               | Refund On-Sale Sunday Liquor   | \$50.00             | Administration           |
| WACONIA CHAMBER OF COMMERCE           | Chamber Luncheon: Fineran & CC | \$90.00             | Administration           |
| WACONIA CHAMBER OF COMMERCE           | Chamber Luncheon: Yetzer       | \$30.00             | Administration           |
| WACONIA CHAMBER OF COMMERCE           | Chamber Luncheon; Schulze      | \$30.00             | Administration           |
| WEX HEALTH, INC                       | EE VEBA Account Xfer           | \$11.25             | Administration           |
| WSB                                   | Small Area Plan Services       | \$1,056.00          | Planning                 |
| ZIEGLER INC                           | Loader Rental 01.2023          | \$9,140.00          | Streets                  |
| ZIEGLER INC                           | Loader Rental 12.2022          | \$9,140.00          | Streets                  |
| ZIEGLER INC                           | Seat Gp & Armrest Kit Replace  | \$1,222.41          | Streets                  |
| <b>Grand Total</b>                    |                                | <b>\$136,405.76</b> |                          |

The above bills have been approved for payment at the regular City Council Meeting on February 6, 2023.  
Authorized and ordered for payment:

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Administrator



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |                                                  |                                        |  |                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------------------------------------------------|----------------------------------------|--|--------------------|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         | February 6, 2023                                 |                                        |  |                    |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         | Cigarette License for Waconia Tobacco & Vape Inc |                                        |  |                    |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         | Administration                                   |                                        |  |                    |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         | Ann Meyerhoff                                    |                                        |  |                    |
| <b>Previous Council Action</b> (if any):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |                                                  |                                        |  |                    |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Consent | X                                                | Regular Session                        |  | Discussion Session |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                         |         |                                                  |                                        |  |                    |
| Adopt Resolution No. 2023-23, Approving Cigarette License                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                                                  |                                        |  |                    |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                  |                                        |  |                    |
| <p>We have received notification that Tobacco &amp; Vape Center will be opening at 813 Marketplace Dr. A new application for a Cigarette License has been submitted. This License will be effective February 7, 2023 - January 31, 2024. We recommend approval of the new license, condition on receipt of payment of fees, certificates of insurance, approval by the State Department of Revenue.</p> <p><b><u>Attachments:</u></b></p> <p>1. <a href="#">2323res Cigarette License for Waconia Tobacco &amp; Vape Center.docx</a></p> |         |                                                  |                                        |  |                    |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                  | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |  |                    |
| Funding Sources & Uses:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         |                                                  |                                        |  |                    |
| Budget Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                                                  | Planning Commission                    |  |                    |
| _____ Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                  | Parks and Recreation Board             |  |                    |
| _____ Non Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |                                                  | Safari Island Advisory Board           |  |                    |
| _____ Amendment Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |                                                  | Other                                  |  |                    |

**CITY OF WACONIA  
RESOLUTION NO. 2023-23**

**RESOLUTION APPROVING CIGARETTE LICENSE FOR VAPING STUDIO, INC**

**WHEREAS,** Applications for a new cigarette license has been received in the Office of the City Clerk for Waconia Tobacco & Vape Center; and

**WHEREAS,** Licenses will be issued contingent upon receipt of appropriate fees and certificates of insurance as required by City Ordinance.

**NOW, THEREFORE, BE IT RESOLVED,** That the City Council of the City of Waconia hereby approves License for the term February 7, 2023 through January 31, 2024.

Adopted by the City Council of the City of Waconia this 6<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_  
Jackie Schulze, City Clerk



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                           |  |                                                          |   |                                        |  |                    |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------|---|----------------------------------------|--|--------------------|--|
| <b>Meeting Date:</b>                                                                                                                                                      |  | February 6, 2023                                         |   |                                        |  |                    |  |
| <b>Item Name:</b>                                                                                                                                                         |  | Application to Conduct Off-Site Gambling - Waconia Lions |   |                                        |  |                    |  |
| <b>Originating Department:</b>                                                                                                                                            |  | Administration                                           |   |                                        |  |                    |  |
| <b>Presented by:</b>                                                                                                                                                      |  | Ann Meyerhoff                                            |   |                                        |  |                    |  |
| <b>Previous Council Action</b> (if any):                                                                                                                                  |  |                                                          |   |                                        |  |                    |  |
| <b>Item Type (X only one):</b>                                                                                                                                            |  | Consent                                                  | X | Regular Session                        |  | Discussion Session |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                          |  |                                                          |   |                                        |  |                    |  |
| Adopt Resolution No. 2023-24, Approving Application to Conduct Off-Site Gambling for Waconia Lions                                                                        |  |                                                          |   |                                        |  |                    |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                            |  |                                                          |   |                                        |  |                    |  |
| The Waconia Lions have submitted an application for Off-Site Gambling to conduct a raffle at Carver County Fairgrounds, 501 West Third Street, Waconia on April 29, 2023. |  |                                                          |   |                                        |  |                    |  |
| <b>Attachments:</b>                                                                                                                                                       |  |                                                          |   |                                        |  |                    |  |
| 1. <a href="#">2324res Waconia Lions gambling.doc</a>                                                                                                                     |  |                                                          |   |                                        |  |                    |  |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                            |  |                                                          |   | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |  |                    |  |
| Funding Sources & Uses:                                                                                                                                                   |  |                                                          |   |                                        |  |                    |  |
| Budget Information:<br>_____ Budgeted<br>_____ Non Budgeted<br>_____ Amendment Required                                                                                   |  |                                                          |   | Planning Commission                    |  |                    |  |
|                                                                                                                                                                           |  |                                                          |   | Parks and Recreation Board             |  |                    |  |
|                                                                                                                                                                           |  |                                                          |   | Safari Island Advisory Board           |  |                    |  |
|                                                                                                                                                                           |  |                                                          |   | Other                                  |  |                    |  |

**CITY OF WACONIA  
RESOLUTION NO. 2023-24**

**A RESOLUTION APPROVING APPLICATION TO CONDUCT OFF-SITE GAMBLING  
WACONIA LIONS**

**WHEREAS,** The City Council of the City of Waconia, Minnesota has received an Application to Conduct Off-Site Gambling from the Waconia Lions; and

**WHEREAS,** The Waconia Lions has requested this application in order to conduct a Raffle at Carver County Fairgrounds, 501 West Third Street, Waconia, Minnesota on Saturday, April 29, 2023 as stated on the application for said exemption: and

**WHEREAS,** The City Council of the City of Waconia has no objection to the said application.

**NOW, THEREFORE, BE IT RESOLVED** That the City Clerk is hereby instructed to provide a copy of this Resolution to be included with the permit application to the Department of Gaming, Gambling Control Division, State of Minnesota.

Adopted by the City Council of the City of Waconia this 6<sup>th</sup> day of February 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_  
Jackie Schulze, City Clerk



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |                                                         |                 |                                        |                    |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------|-----------------|----------------------------------------|--------------------|--|--|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               |         | February 6, 2023                                        |                 |                                        |                    |  |  |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         | Approve Temporary Liquor License for Waconia Lions Club |                 |                                        |                    |  |  |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     |         | Administration                                          |                 |                                        |                    |  |  |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               |         | Ann Meyerhoff                                           |                 |                                        |                    |  |  |
| <b>Previous Council Action</b> (if any):                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                         |                 |                                        |                    |  |  |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | Consent | X                                                       | Regular Session |                                        | Discussion Session |  |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                   |         |                                                         |                 |                                        |                    |  |  |
| Adopt Resolution 2023-25 Approving Temporary On-Sale Liquor License Applications for Waconia Lions Club                                                                                                                                                                                                                                                                                                                                                            |         |                                                         |                 |                                        |                    |  |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                     |         |                                                         |                 |                                        |                    |  |  |
| <p>The Office of City Administrator received an application for a temporary on-sale liquor license from Waconia Lions Club for a Wild Game Feed event to be held on April 29, 2023.</p> <p>Sale and consumption of alcoholic beverage will be limited to the Grandstand at the Carver County Fairgrounds.</p> <p>Staff recommends approval of this request.</p> <p><b><u>Attachments:</u></b></p> <p>1. <a href="#">2325res Temp On Sale Waconia Lions.doc</a></p> |         |                                                         |                 |                                        |                    |  |  |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |                                                         |                 | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |                    |  |  |
| Funding Sources & Uses:                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |                                                         |                 |                                        |                    |  |  |
| Budget Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                                                         |                 | Planning Commission                    |                    |  |  |
| _____ Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |                                                         |                 | Parks and Recreation Board             |                    |  |  |
| _____ Non Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |                                                         |                 | Safari Island Advisory Board           |                    |  |  |
| _____ Amendment Required                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                         |                 | Other                                  |                    |  |  |

**CITY OF WACONIA  
RESOLUTION NO. 2023-25**

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

**WHEREAS,** An application for a temporary on-sale liquor license has been received in the Office of the City Administrator from the Waconia Lions Club for an event to held on April 29, 2023 at Carver County Fairgrounds, Waconia, MN, and

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

**NOW, THEREFORE, BE IT RESOLVED,** That the City Council of the City of Waconia hereby approves the temporary on-sale liquor license application of the Waconia Lions Club April 29, 2023, contingent upon completion of all forms, payment of fees, receipt of certificates of insurance, and proof of compliance with state and local requirements.

Adopted by the City Council of the City of Waconia this 6<sup>th</sup> day of February 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_  
Jackie Schulze, City Clerk



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |                                                                                                                                               |                                        |                          |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------|--------------------|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         | February 6, 2023                                                                                                                              |                                        |                          |                    |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         | Acceptance of Grant Proceeds for 2022 Solid Waste Grant from Carver County Environmental Services                                             |                                        |                          |                    |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         | Finance                                                                                                                                       |                                        |                          |                    |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         | Nicole Meyer                                                                                                                                  |                                        |                          |                    |
| <b>Previous Council Action</b> (if any):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         | Resolution 2018-40 - Resolution Authorizing Approval of Grant Agreement with Carver County Environmental Services - Approved February 5, 2018 |                                        |                          |                    |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Consent | <input checked="" type="checkbox"/> X                                                                                                         | Regular Session                        | <input type="checkbox"/> | Discussion Session |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                                                                                                                                               |                                        |                          |                    |
| Adopt Resolution 2023-26, Accepting Grant Proceeds from Carver County Environmental Services Solid Waste Grant for 2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |                                                                                                                                               |                                        |                          |                    |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |                                                                                                                                               |                                        |                          |                    |
| <p>In February 2018, staff completed an application for a grant that would pay annually for reimbursement of composting efforts in the community. The grant agreement allows the City to submit annual reimbursement requests in fiscal years 2018 thru 2022. In 2022, the City had a total of \$16,816.50 in compost expenditures; this including haul away and staff expenditures for the program. The City was awarded grant proceeds of \$14,330 from Carver County Environmental Services on January 20, 2023. The proceeds received will be recognized as grant revenue in the streets department budget as of December 31, 2022; this off-setting the expenditures for composting.</p> <p>The City has been a part of the solid waste grant program with Carver County Environmental Services since 2007. The City will continue to participate and track this activity as long as the grant is available.</p> |         |                                                                                                                                               |                                        |                          |                    |
| <b>Attachments:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                                                                                                                                               |                                        |                          |                    |
| 1. <a href="#">2326res Acceptance_of_Grant_Funds_-_Compost_Grant.doc</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |                                                                                                                                               |                                        |                          |                    |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |                                                                                                                                               | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |                          |                    |
| Funding Sources & Uses:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |                                                                                                                                               |                                        |                          |                    |
| General Fund - Streets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                                                                                                                                               |                                        |                          |                    |
| Budget Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                                                                                                                                               | Planning Commission                    |                          |                    |
| <input checked="" type="checkbox"/> Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |                                                                                                                                               | Parks and Recreation Board             |                          |                    |
| <input type="checkbox"/> Non Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |                                                                                                                                               | Safari Island Advisory Board           |                          |                    |
| <input type="checkbox"/> Amendment Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                                                                                                               | Other                                  |                          |                    |

**CITY OF WACONIA  
RESOLUTION NO. 2023-26**

**RESOLUTION ACCEPTING GRANT PROCEEDS FROM CARVER COUNTY  
ENVIRONMENTAL SERVICES FOR 2022 SOLID WASTE GRANT**

**WHEREAS**, City staff budgeted for solid waste and composting expenditures in the 2022 final budget; and

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

**WHEREAS**, the City's total costs in 2022 for solid waste and composting was \$16,816.50; and

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

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Waconia hereby graciously accepts the grant proceeds of \$14,330 for the 2022 solid waste grant from Carver County Environmental Services and acknowledges funds will be recorded in the City's General Fund - Streets Department.

Adopted by the City Council of Waconia, Minnesota this 6<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_  
Jacqueline Schulze, City Clerk



## REQUEST FOR CITY COUNCIL ACTION

|                                          |                                                                                                                                        |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>                     | February 6, 2023                                                                                                                       |
| <b>Item Name:</b>                        | Acceptance of Grant Proceeds for Minnesota Historical Society Large Grant - City Square Park Civil War Memorial                        |
| <b>Originating Department:</b>           | Finance                                                                                                                                |
| <b>Presented by:</b>                     | Nicole Meyer                                                                                                                           |
| <b>Previous Council Action</b> (if any): | Resolution 2022-128 - Resolution Authorizing Approval of Application for Minnesota Historical Society Large Grant - Dated: May 2, 2022 |

|                                |         |                                       |                 |                          |                    |                          |
|--------------------------------|---------|---------------------------------------|-----------------|--------------------------|--------------------|--------------------------|
| <b>Item Type (X only one):</b> | Consent | <input checked="" type="checkbox"/> X | Regular Session | <input type="checkbox"/> | Discussion Session | <input type="checkbox"/> |
|--------------------------------|---------|---------------------------------------|-----------------|--------------------------|--------------------|--------------------------|

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

Adopt Resolution 2023-27, Accepting Grant Proceeds from Minnesota Historical Society Large Grant - City Square Park Civil War Memorial

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

In May 2022, staff completed an application for a grant from the Minnesota Historical Society for the final war memorial restoration. The Civil War Memorial estimated costs for restoration are between \$56,440 and \$60,890. The City will also have about \$14,000 in site improvements to ensure security for the memorial once the restoration is complete.

The City was granted an award of \$60,000 from the Minnesota Historical Society in November 2022. The grant agreement was executed and payment was made to the City for 90% of the total grant. The final payment of \$6,000 will be made to the City once the project is finalized and reviewed by the historical society.

Staff has receipted the \$54,000 as of December 31, 2022 since the work order and initial payment for restoration was approved and paid to KCI Conservation in December 2022. Restoration and site work will continue throughout 2023 and the project must be closed out and inspected by December 1, 2023.

#### **Attachments:**

1. [2327res Acceptance\\_of\\_Grant\\_Funds\\_-\\_Civil\\_War\\_Memorial.doc](#)

|                                                     |                                               |  |
|-----------------------------------------------------|-----------------------------------------------|--|
| <b><i>FINANCIAL IMPLICATIONS:</i></b>               | <b><i>ADVISORY BOARD RECOMMENDATIONS:</i></b> |  |
| Funding Sources & Uses:<br>PIR Capital Project Fund |                                               |  |
| Budget Information:                                 | Planning Commission                           |  |
| _____ Budgeted                                      | Parks and Recreation Board                    |  |
| <input checked="" type="checkbox"/> X Non Budgeted  | Safari Island Advisory Board                  |  |
| _____ Amendment Required                            | Other                                         |  |

**CITY OF WACONIA  
RESOLUTION NO. 2023-27**

**RESOLUTION ACCEPTING GRANT PROCEEDS FROM MINNESOTA HISTORICAL  
SOCIETY LARGE GRANT – CITY SQUARE PARK CIVIL WAR MEMORIAL**

**WHEREAS**, City staff applied for a grant for the restoration work at City Square Park for the Civil War Memorial; and

**WHEREAS**, the Minnesota Historical Society notified the City in November 2022 that the City was awarded a total grant of \$60,000 for costs related to the project; and

**WHEREAS**, the City’s total costs for the project are estimated to be about \$74,000 with restoration work totaling approximately \$60,000 and site restoration totaling \$14,000; and

**WHEREAS**, the City received 90% (\$54,000) of the grant proceeds in advance of the work to be completed in 2023 and will receive the remaining 10% (\$6,000) after work is completed at the site and inspected by the Minnesota Historical Society. The work must be completed and inspected by December 1, 2023.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Waconia hereby graciously accepts the grant proceeds of \$54,000 for the City Square Park Civil War Memorial grant from the Minnesota Historical Society and acknowledges funds will be recorded in the City’s PIR Capital Project Fund as of December 31, 2022.

Adopted by the City Council of Waconia, Minnesota this 6<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_  
Jacqueline Schulze, City Clerk



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |                                       |                 |                                        |                    |                          |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------|-----------------|----------------------------------------|--------------------|--------------------------|--|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         | February 6, 2023                      |                 |                                        |                    |                          |  |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         | City Hall - HVAC Controls Upgrade     |                 |                                        |                    |                          |  |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         | Administration                        |                 |                                        |                    |                          |  |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         | Jackie Schulze                        |                 |                                        |                    |                          |  |
| <b>Previous Council Action</b> (if any):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |                                       |                 |                                        |                    |                          |  |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Consent | <input checked="" type="checkbox"/> X | Regular Session | <input type="checkbox"/>               | Discussion Session | <input type="checkbox"/> |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         |                                       |                 |                                        |                    |                          |  |
| Approve Resolution 2023-28, Authorizing City Hall HVAC Controls Upgrade                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                                       |                 |                                        |                    |                          |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |                                       |                 |                                        |                    |                          |  |
| <p>The City of Waconia currently contract with Nordic to handle all HVAC maintenance at our City facilities. The controls on City Hall's HVAC system are 18 years old. The current controls are being phased out and are extremely difficult to obtain. There are no longer remote capabilities to log-in and see any sort of issues with the account or receive alerts when there are issues.</p> <p>The upgraded system will include a web-based network interface providing graphics to monitor and adjust the system. In addition, operational history will be tracked and system alarms can be sent via email. In addition, the system allows for many smaller adjustments to be completed remotely rather than sending a technician on site.</p> <p>Webhosting will be done on site at City Hall, which gives the City ultimate control over this solution.</p> <p>This project is part of the 2023 CIP and is identified as Project #710. \$85,000 was budgeted as part of the CIP and Nordic estimates this project will cost \$84,005. The proposal from Nordic is attached.</p> <p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. <a href="#">2328res_HVAC_Controls_Upgrade.doc</a></li> <li>2. <a href="#">City of Waconia - City Hall Controls Proposal</a></li> </ol> |         |                                       |                 |                                        |                    |                          |  |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |                                       |                 | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |                    |                          |  |
| Funding Sources & Uses:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                                       |                 |                                        |                    |                          |  |
| PIR Cash                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |                                       |                 |                                        |                    |                          |  |
| Budget Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |                                       |                 | Planning Commission                    |                    |                          |  |
| <input checked="" type="checkbox"/> Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |                                       |                 | Parks and Recreation Board             |                    |                          |  |
| <input type="checkbox"/> Non Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |                                       |                 | Safari Island Advisory Board           |                    |                          |  |
| <input type="checkbox"/> Amendment Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         |                                       |                 | Other                                  |                    |                          |  |

**CITY OF WACONIA  
RESOLUTION NO. 2023-28**

**RESOLUTION AUTHORIZING  
HVAC CONTROLS UPGRADE**

**WHEREAS**, the HVAC system at City Hall is 18 years old; and

**WHEREAS**, the system no longer has the capability to log in, monitor, and make adjustments and changes remotely;

**WHEREAS**, the City has planned and budgeted for an upgrade to the HVAC controls via CIP Project 710; and

**WHEREAS**, this project would include a web-based network interface which includes graphics to monitor and adjust the system remotely, system alarms and alerts sent via email, and a tracked operational history; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Waconia hereby authorizes the HVAC Controls Upgrade.

Adopted by the City Council of the City of Waconia this 6<sup>th</sup> day of February 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

Attest: \_\_\_\_\_  
Jackie Schulze, City Clerk



January 23<sup>rd</sup>, 2023

City of Waconia  
201 Vine Street  
Waconia, MN 55387  
Contact: Jackie Schulze  
Email: jschulze@waconia.org

Re: City Hall – Controls Upgrade

Nordic Mechanical Services proposes to provide the labor, materials, controls, unit controllers, and VAV controllers required to replace the existing controls that are failing and no longer have remote capabilities. This control system is currently being phased out (18 years old) and parts are increasingly harder to obtain. This will include a web-based network interface providing graphics to monitor and adjust the system. This system will track operational history and can send alarms via email. The system we are proposing is a non-proprietary control system that allows for any knowledgeable contractor to service the system. Proprietary systems link you to a designated contractor resulting in inflated service costs and extended wait times for service. Webhosting will be done on site, giving your facility ultimate control. Nordic Services offers the benefit of having knowledgeable service technicians that understand both the mechanical system and control system facilitating seamless integration.

Installation Includes:

- 1 – Web-Based Network Interface with 5 Year Service Pack (JACE)
  - Enclosure Included
- 2 – Air Handling Unit Controllers
- 1 – Boiler Controller
- 27 – VAV Controllers
- 2 – Wall Modules
- 25 – Stainless Steel Wall Plate Temperature Sensors
- 33 – Duct Temperature Sensors
- Outdoor Temperature Sensor
- Low Voltage Wiring
- Miscellaneous Low Voltage Components and Fittings
- Startup and Testing
- Installation Materials
- Labor and Installation

**Total Installation Cost.....\$84,005.00**

**Not Included in Scope of Work**

Line Voltage  
Permit  
Static IP Address

PROPRIETARY & CONFIDENTIAL – Not For Further Distribution

All work to be performed during normal business hours unless otherwise noted. If you have any questions or need further information, please contact Nick with Nordic Services.

Thank you,  
Nicholas Gonzalez

Acceptance Signature\_\_\_\_\_

Authorized Signature Nicholas Gonzalez

Name (Please Print)\_\_\_\_\_

Date 1/23/23

Date\_\_\_\_\_

The prices stated above are valid for 30 days, after that time please contact Nick for accurate pricing.  
Nordic Services 11965 Larc Industrial Blvd, Suite 600, Burnsville MN 55337 Phone (952) 894-5800 Fax (952) 894-5802 Email: NickG@nordicservices.net



## REQUEST FOR CITY COUNCIL ACTION

|                                          |                                                                                                                  |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>                     | February 6, 2023                                                                                                 |
| <b>Item Name:</b>                        | Authorize Trade and Acquisition of Backhoe Loader and Attachments                                                |
| <b>Originating Department:</b>           | Public Services                                                                                                  |
| <b>Presented by:</b>                     | Craig Eldred                                                                                                     |
| <b>Previous Council Action (if any):</b> | January 3, 2023 Authorization to Obtain Mobile and Fixed Equipment Pricing for 2023 Capital Improvement Projects |

|                                |         |                                       |                 |                          |                    |                          |
|--------------------------------|---------|---------------------------------------|-----------------|--------------------------|--------------------|--------------------------|
| <b>Item Type (X only one):</b> | Consent | <input checked="" type="checkbox"/> X | Regular Session | <input type="checkbox"/> | Discussion Session | <input type="checkbox"/> |
|--------------------------------|---------|---------------------------------------|-----------------|--------------------------|--------------------|--------------------------|

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

Adopt Resolution 2023-29; Authorizing Trade of Unit 134, Cat 430 EIT Backhoe Loader for New Cat 440 EIT Backhoe Loader in the Amount of \$150,463.65 and Appurtenant Safety Equipment Acquired by Staff at \$4,000.00.

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

As noted, staff obtained Council approval to obtain mobile and fixed equipment pricing for programmed 2023 Capital Improvements. One such improvement included the replacement of unit #134, 2007 Cat 340 EIT Backhoe Loader utilized by all Departments of Public Services. Data on unit #134 includes it meeting its life expectancy of 15 to 16 years, Hours of utilization has increase 42% annually from year-6 to year-16. Respectively 120.17 hrs. vs. 285.3 hrs. annually. Maintenance and repairs have increased with more major items and costs for maintenance in the past two calendar years. Total repair costs over the lifecycle are \$23,423.00 or 26% of the purchase cost. This value is relevant, but with the volume of increased use and maintenance requirements staff are recommending replacement of unit #134. Staff had conducted previous pricing reviews and requested an allocation of \$155,000.00 for the purchase.

Staff obtained two quotes for replacement of the backhoe loader. Included in the pricing are replacements of two dig buckets, compactor and an addition of a pavement hammer. Below and attached are the quotes received by staff.

| Vendor         | Price        | Trade       | Cost         | Appurtenant Equip | Total Value  |
|----------------|--------------|-------------|--------------|-------------------|--------------|
| Ziegler Cat    | \$192,043.65 | \$41,580.00 | \$150,463.65 | \$4,000.00        | \$154,463.65 |
| RDO John Deere | \$186,781.05 | \$48,000.00 | \$138,781.05 | \$4,000.00        | \$142,781.05 |

Staff are recommending acquisition of the Ziegler Cat 440 EIT due to the following circumstances:

1. Hydraulic capacity of the 440 EIT is greater allowing for less opportunities for hydraulic break-outs of its system while in use
2. Power provided by the Cat 440 EIT is more than the John Deere 410P unit
3. Backhoe is utilized for snow removal in Downtown and Recreation Facility Parking lots. Adjustments to current snow pusher may be necessary and add costs for configuration
4. Familiarity of operation for staff by staying with the similar line product. Improves safety on the job site.

Included as noted are safety items for this acquisition. These items include necessary logo, unit numbers, 800 MHZ radio replacement/upgrade, Extinguisher Fire and strobe.

**Attachments:**

1. [2329res Backhoe Loader Resolution\\_2\\_6\\_23.doc](#)
2. [440ITH2 Quote 11.16.2022.pdf](#)
3. [Waconia Investment Proposal \(Quote\)\\_638100817367742966.pdf](#)

**FINANCIAL IMPLICATIONS:**

Funding Sources &amp; Uses:

Capital Equipment Cash

Budget Information:

☒ Budgeted☐ Non Budgeted☐ Amendment Required**ADVISORY BOARD RECOMMENDATIONS:**

Planning Commission

Parks and Recreation Board

Safari Island Advisory Board

Other

**CITY OF WACONIA  
RESOLUTION NO. 2023-29**

**RESOLUTION AUTHORIZING CITY STAFF TO TRADE UNIT 134, CAT 430 EIT  
BACKHOE LOADER FOR NEW CAT 440 EIT BACKHOE LOADER IN THE  
AMOUNT OF \$150,463.65 AND APPURTENANT SAFETY EQUIPMENT ACQUIRED  
BY STAFF AT \$4,000.00**

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

**WHEREAS**, staff obtained two backhoe loader prices for this acquisition with pricing structure, trade value and safety equipment provided in the table below; and

| Vendor            | Price        | Trade Value | Cost         | App. Safety Equipment | Total Value  |
|-------------------|--------------|-------------|--------------|-----------------------|--------------|
| Ziegler Cat       | \$192,043.65 | \$41,580.00 | \$150,463.65 | \$4,000.00            | \$154,463.65 |
| RDO<br>John Deere | \$186,781.05 | \$48,000.00 | \$138,781.05 | \$4,000.00            | \$142,781.05 |

**WHEREAS**, Appurtenant Safety Equipment includes unit logo, numbers 800 MHZ radio replacement/new, Extinguisher, strobe; and

**WHEREAS**, Staff recommended the Ziegler Cat unit for specific reasons including 1.) hydraulic capacity/use, 2.) horse power provision, 3.) costs for snow pusher adjustments, 4.) familiarity of operation for operators.

**NOW, THEREFORE, BE IT RESOLVED** That the City Council of the City of Waconia hereby authorizes City staff to obtain project, mobile and fixed equipment pricing for 2023 capital improvement projects.

Adopted by the City Council of the City of Waconia this 6th day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

Attest: \_\_\_\_\_  
Jackie Schulze, City Clerk

Ziegler Inc.



197713-01

Nov 16, 2022

CITY OF WACONIA  
ATTN ACCOUNTS PAYABLE  
201 S VINE ST  
WACONIA, MN 55387-1337

Craig,

We would like to thank you for your interest in our company and our products, and are pleased to quote the following for your consideration.

**Caterpillar Model: (1) NEW - 440 Backhoe Loader**

We wish to thank you for the opportunity of quoting on your equipment needs. This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Corey Knuppel  
Territory Manager  
612-394-1735

## Caterpillar Model: 440 Backhoe Loaders

### Standard Equipment

#### CONSIST NOTE

THIS LISTING IS A GENERAL DESCRIPTION  
OF A 440 BACKHOE LOADER EQUIPPED WITH  
**BOOMS, STICKS, AND LINKAGES**

15' Center pivot excavator style  
backhoe  
Electrohydraulic operated hydraulic  
controls with pattern changer valve  
Electrohydraulic operated stabilizer  
controls  
Boom transport lock  
Swing transport lock  
Street pads stabilizer shoes  
Anti-drift hydraulics

#### POWERTRAIN

Cat C4.4, 86kW (Net 104HP/78kW)  
Direct Injection Turbo Charged Engine,  
with ACERT technology.  
US EPA Tier4 Final Emissions Compliant  
with Selective Catalytic Reduction(SCR)  
Water separator with service indicator  
Thermal starting aid system  
Eco mode  
A dry-type axial seal air cleaner with  
integral precleaner, automatic dust  
ejection system & filter condition  
indicator  
Hydraulically boosted multi-plate wet

#### HYDRAULICS

Load sensing, variable flow system  
with 55 gpm axial piston pump  
6 micron hydraulic filter  
O-ring face seal hydraulic fittings  
Caterpillar XT-3 hose

#### ELECTRICAL

12 volt electrical start  
150 ampere alternator  
Horn and Backup Alarm  
Hazard flashers/turn signals  
Halogen head lights (4)  
Halogen rear flood lights (4)  
Stop and tail lights  
Audible system fault alarm

#### OPERATOR ENVIRONMENT

Lighted gauge group  
Interior rearview mirror  
ROPS canopy, Rear Fenders  
2-inch retractable seat belt  
Tilt steering column  
Steering knob

#### OTHER STANDARD EQUIPMENT

THE LOWEST CHARGE ITEMS.

(Boom, Stick and E-Stick)  
Cat Cushion Swing(tm) system  
Bucket level indicator  
Lift cylinder brace  
Return-to-dig (auto bucket positioner)  
Self-leveling loader with single lever  
control  
Transmission neutralizer switch  
Single Tilt Loader

disk brake with dual pedals & interlock  
Differential lock  
Spring Applied Hydraulic Release (SAHR)  
brake  
High Ambient Cooling Package  
Torque converter  
Autoshift transmission with 6 forward  
and 3 reverse gears & neutral safety  
switch  
Spin-on fuel, engine oil & transmission  
oil filters  
Outboard planetary rear axles  
Open Circuit Breather

Hydraulic oil cooler  
Pilot control shutoff switch  
PPPC, Open Center with Flow Summation  
Hydraulic suction strainer

Key start/stop system  
1.000 CCA maintenance free battery  
Battery disconnect switch  
External/internal power receptacles(12v)  
Diagnostic ports for engine and machine  
Electronic Control Modules  
Remote jump start connector

Hand and foot throttle  
Automatic Engine Speed Control  
One Touch Low Idle  
Floor mat and Coat Strap  
Lockable storage area  
Air suspension seat

Hydrostatic power steering  
 Standard Storage Box  
 Transport tie-downs  
 Ground line fill fuel tank with 44  
 gallon capacity  
 Ground line fill diesel exhaust fluid  
 tank with 5 gallon capacity  
 Rubber impact strips on radiator guards  
 Bumper

CD-ROM Parts Manual  
 Backhoe Safety Manual  
 Operations and Maintenance Manual  
 Lockable hood  
 Tire Valve Stem Protection  
 Long Life Coolant -30C (-20F)  
 Counterweight 500kg/1102lbs  
 Padlocks Qty 2

## MACHINE SPECIFICATIONS

| REF #    | DESCRIPTION                                     | LIST PRICE           |
|----------|-------------------------------------------------|----------------------|
| 575-9152 | 440 07B BACKHOE LOADER                          | \$160,597.50         |
|          | LANE 2 - AVAILABLE FROM LEICESTER FACTORY       |                      |
|          | LANE 3 - AVAILABLE FROM LEICESTER FACTORY       |                      |
|          | LANE 3 - AVAILABLE FROM LEICESTER FACTORY       |                      |
| 558-9623 | SEAT, DELUXE FABRIC                             | \$1,181.25           |
| 491-6734 | WORKLIGHTS (8) HALOGEN LAMPS                    | \$0.00               |
| 206-1747 | BELT, SEAT, 2" SUSPENSION                       | \$0.00               |
| 533-0488 | TIRES, 340 80-18/500 70-24, MX                  | \$2,514.75           |
| 488-2944 | STABILIZER PADS, FLIP-OVER                      | \$426.30             |
| 488-2908 | INSTRUCTIONS, ANSI                              | \$0.00               |
| 540-2298 | STANDARD RADIO (12V)                            | \$703.50             |
| 506-3449 | COLD WEATHER PACKAGE, 120V HRC                  | \$987.00             |
| 578-8950 | STICK, EXTENDABLE, 15FT                         | \$6,363.00           |
| 578-9446 | HYDRAULICS, QC, 6FCN/8BNK                       | \$9,124.50           |
| 578-8921 | RIDE CONTROL                                    | \$1,884.75           |
| 578-9038 | LINES, AUX COMBO,EXT STICK 15'                  | \$4,441.50           |
| 502-1117 | BUCKET-GP, 1.75 YD3, IT, BOCE                   | \$6,599.25           |
| 575-9166 | POWERTRAIN, 4WD, AUTOSHIFT                      | \$16,926.00          |
| 575-9162 | CAB, DELUXE                                     | \$13,650.00          |
| 579-8783 | THUMB, HYDRAULIC, NO TINE, 440                  | \$6,431.25           |
| 444-7500 | COUPLER, PG, MAN.D.LOCK, BHL                    | \$2,442.30           |
|          | <b>TOTAL LIST PRICE</b>                         | <b>\$234,272.85</b>  |
|          | <b>TOTAL CORPORATE DISCOUNT (29.1% OF LIST)</b> | <b>(\$68,173.40)</b> |
|          | <b>TOTAL CONFIGURED PRICE</b>                   | <b>\$166,099.45</b>  |
| 0P-9003  | LANE 3 ORDER                                    | \$0.00               |
| 518-9096 | PRODUCT LINK, CELLULAR PL641                    | \$0.00               |
| 421-8926 | SERIALIZED TECHNICAL MEDIA KIT                  | \$0.00               |
| 0P-0210  | PACK, DOMESTIC TRUCK                            | \$0.00               |
| 461-6839 | SHIPPING/STORAGE PROTECTION                     | \$258.30             |
| 462-1033 | RUST PREVENTATIVE APPLICATOR                    | \$137.55             |
| 0G-3280  | PACK, MISCELLANEOUS MATERIAL                    | \$0.00               |
|          | <b>TOTAL NET ITEMS</b>                          | <b>\$395.85</b>      |
|          | PREP & FREIGHT                                  | \$3,400.00           |

| REF #    | DESCRIPTION                             | LIST PRICE          |
|----------|-----------------------------------------|---------------------|
|          | 1 YEAR FULL WARRANTY                    | \$0.00              |
|          | 3 YEAR / 3,000 HOUR POWERTRAIN WARRANTY | \$0.00              |
|          | Sourcewell att. discount adjustment     | (\$5,537.00)        |
| 219-3386 | BUCKET-HD, 18", 4.2 FT3                 | \$1,888.95          |
| 219-3388 | BUCKET-HD, 30", 8.2 FT3                 | \$2,179.80          |
| 551-4957 | COMPACTOR PLATE, CVP40                  | \$9,377.55          |
| 564-9842 | BRACKET, BL, 45-50MM, XL                | \$693.00            |
| 491-7486 | LINES, CVP40, BHL-F                     | \$334.95            |
| 572-6066 | BRACKET, BHL, QC, TUCK, LG              | \$693.00            |
| 565-6083 | LINES, B6-B8 HAMMER, BHL-TUCK           | \$349.65            |
| 532-9108 | HAMMER, B8                              | \$11,681.25         |
| 274-5823 | THUMB, TINE, B 3                        | \$487.20            |
|          | <b>TOTAL POST FACTORY ITEMS</b>         | <b>\$25,548.35</b>  |
|          | <b>TOTAL MACHINE SELL PRICE</b>         | <b>\$192,043.65</b> |

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|                                |                     |
|--------------------------------|---------------------|
| SELL PRICE                     | \$192,043.65        |
| TRADE CAT 430EIT(SN: DDT00606) | (\$41,580.00)       |
| <b>NET BALANCE DUE</b>         | <b>\$150,463.65</b> |

---

**WARRANTY**

|                    |                                                             |
|--------------------|-------------------------------------------------------------|
| Standard Warranty: | Standard manufacturers warranty                             |
| Extended Warranty: | 1 YEAR FULL WARRANTY3 YEAR / 3,000 HOUR POWERTRAIN WARRANTY |

**F.O.B/TERMS: MINNEAPOLIS****OPTIONS:**

| Components                                             | Ref No. | Qty | Sell       |
|--------------------------------------------------------|---------|-----|------------|
| <b>Other Components</b>                                |         |     |            |
| CVA - Parts Kit Only - 1000 hour / 500 hour intervals  |         | 1   | \$687.00   |
| CVA - Parts Kit Only - 1000 hour / 250 hour intervals  |         | 1   | \$794.00   |
| CVA - Parts and Labor - 1000 hour / 500 hour intervals |         | 1   | \$3,483.00 |
| CVA - Parts and Labor - 1000 hour / 250 hour intervals |         | 1   | \$4,872.00 |



RDO Equipment Co.  
11030 Holly Lane N  
Dayton MN, 55311  
Phone: (763) 294-7800 - Fax:

|                                  |                         |
|----------------------------------|-------------------------|
| <b>Investment Proposal Date:</b> | 1/23/2023               |
| <b>Pricing Valid Until:</b>      | 2/6/2023                |
| <b>Deal Number:</b>              | 1624006                 |
| <b>Customer Account#:</b>        | 4265009                 |
| <b>Sales Professional:</b>       | Zac White               |
| <b>Phone:</b>                    | (763) 294-7800          |
| <b>Fax:</b>                      | (952) 948-1604          |
| <b>Email:</b>                    | zwhite@rdoequipment.com |

## John Deere Contract #032119-JDC

[illegible]

|                                                                                                                                                                               |            |   |                                                |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---|------------------------------------------------|--------------|
| 1                                                                                                                                                                             | TBD<br>TBD | 0 | New 2023 MAGNUM ATTACHMENTS RHP 20-V Compactor | \$8,621.36   |
| RHP 20-V RHP 20-V Compactor, includes hoses and tool kit<br>JD 310SK / JD410 Mounting Bracket to fit a JD410<br>Mounting Pins - up to 8.9 tons Mounting Pins - up to 8.9 tons |            |   |                                                |              |
| Equipment Subtotal:                                                                                                                                                           |            |   |                                                | \$186,781.05 |

#### Trade Information

| Serial Number         | Year / Make / Model | Payoff Information | Trade In Hours | Trade In Value |
|-----------------------|---------------------|--------------------|----------------|----------------|
| EKDDT00606            | 0 CAT 430E          | \$0.00             | 3600           | (\$48,000.00)  |
| Total Trade in Value: |                     |                    |                | (\$48,000.00)  |
| Trade Balance Owed:   |                     |                    |                | \$0.00         |
| Net Difference:       |                     |                    |                | (\$48,000.00)  |

#### Purchase Order Totals

|                       |              |
|-----------------------|--------------|
| Balance:              | \$138,781.05 |
| Total Taxable Amount: | \$0.00       |
| MN STATE TAX:         | \$0.00       |
| MN COUNTY TAX:        | \$0.00       |
| MN SPECIAL TAX:       | \$0.00       |
| Sales Tax Total:      | \$0.00       |
| Sub Total:            | \$138,781.05 |
| Cash with Order:      | \$0.00       |
| Balance Due:          | \$138,781.05 |



## REQUEST FOR CITY COUNCIL ACTION

|                                          |                                                                                                                                                                     |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>                     | February 6, 2023                                                                                                                                                    |
| <b>Item Name:</b>                        | Woodland Creek 5th Addition Preliminary Plat and PUD Amendment                                                                                                      |
| <b>Originating Department:</b>           | Community Development                                                                                                                                               |
| <b>Presented by:</b>                     | Ethan Nelson                                                                                                                                                        |
| <b>Previous Council Action</b> (if any): | City Council, on January 17th, 2023, voted 4-1 to deny the Amendment to the Preliminary Plat and PUD Zoning for the development titled Woodland Creek 5th Addition. |

|                                |         |                                       |                 |                          |                    |                          |
|--------------------------------|---------|---------------------------------------|-----------------|--------------------------|--------------------|--------------------------|
| <b>Item Type (X only one):</b> | Consent | <input checked="" type="checkbox"/> X | Regular Session | <input type="checkbox"/> | Discussion Session | <input type="checkbox"/> |
|--------------------------------|---------|---------------------------------------|-----------------|--------------------------|--------------------|--------------------------|

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

Adopt Resolution 2023-30, denying the Preliminary Plat and PUD Amendment titled Woodland Creek 5th Addition, which proposed the development of the property identified as PID# 750250300 into 30 single family parcels.

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

#### **BACKGROUND**

**Applicant:** DDK Construction, Inc.

**Owner(s):** DDK Construction, Inc.

**PID#** 750250300

**2040 Comprehensive Plan:** M, Medium Density Residential

#### **REQUEST**

The City Council reviewed the Woodland Creek 5th Addition Preliminary Plat and PUD Amendment request on January 17th, 2023 during their regular session and denied the proposed resolution of approval. The failure to approve the resolution constitutes a denial of the land-use request after reasons for denial are recorded. Staff has prepared a denial resolution based upon the stated findings for denial and attached it to this memo for review and consideration.

#### **CONCLUSION/RECOMMENDATION**

Staff recommends approval of the attached denial resolution.

#### **Attachments:**

1. [2330res\\_Denial\\_Woodland\\_Creek\\_5th\\_Addn\\_Amendment.docx](#)
2. [Location Map \(1 Page\).pdf](#)

|                                                                                         |                                                                                                                                                                |  |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b><i>FINANCIAL IMPLICATIONS:</i></b><br>Funding Sources & Uses:                        | <b><i>ADVISORY BOARD RECOMMENDATIONS:</i></b><br>The Planning Commission recommended approval via a 5-0 vote during their regular session on January 5th, 2023 |  |
| Budget Information:<br>_____ Budgeted<br>_____ Non Budgeted<br>_____ Amendment Required | Planning Commission                                                                                                                                            |  |
|                                                                                         | Parks and Recreation Board                                                                                                                                     |  |
|                                                                                         | Safari Island Advisory Board                                                                                                                                   |  |
|                                                                                         | Other                                                                                                                                                          |  |

**CITY OF WACONIA  
RESOLUTION 2023-30**

**A RESOLUTION DENYING THE AMENDMENT FOR WOODLAND CREEK  
5<sup>TH</sup> ADDITION PRELIMINARY PLAT AND PUD**

**WHEREAS**, DDK Construction, Inc. (the “**Applicant**”), has submitted an amendment to the Woodland Creek 5<sup>th</sup> Addition Preliminary Plat and PUD Rezoning request for the property identified as PID# 750250300 (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

**WHEREAS**, the Applicant requested an amendment to the previous approval which proposed to reduce the previously approved 7.5 ft. side yard setback to 5 ft. and to modify the lot configurations; and

**WHEREAS**, the Planning Commission, at their regular meeting on January 5<sup>th</sup>, 2023, held the required public hearing and recommended approval of the Woodland Creek 5th Addition Preliminary Plat and PUD Rezoning amendment request via a 5-0 vote; and

**WHEREAS**, the City Council, at their regular meeting on January 17<sup>th</sup>, 2023, reviewed and voted 4-1 to deny the approval resolution. The failure to approve the resolution constitutes a denial of the land-use request after reasons for denial are recorded; and

**WHEREAS**, the City Council finds and concludes:

- 1) Allowing the amendments as proposed would increase future variance requests.
- 2) The reduction in minimum side yard setbacks would allow homes to be located too close to each other.
- 3) The previously approved side yard setbacks are preferable to those proposed in the PUD amendment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Waconia hereby denies the amendment to the Woodland Creek 5th Addition Preliminary Plat and PUD submitted by DDK Construction, Inc. subject to the conditions, findings stated above.

Adopted by the City Council of the City of Waconia this 6<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_  
Jackie Schulze, City Clerk





## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |                                                                   |                 |                                        |                    |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------|-----------------|----------------------------------------|--------------------|--|--|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         | February 6, 2023                                                  |                 |                                        |                    |  |  |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         | Delegation of Business Administrator - Electronic Funds Transfers |                 |                                        |                    |  |  |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         | Finance                                                           |                 |                                        |                    |  |  |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         | Nicole Meyer                                                      |                 |                                        |                    |  |  |
| <b>Previous Council Action</b> (if any):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                                   |                 |                                        |                    |  |  |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Consent | X                                                                 | Regular Session |                                        | Discussion Session |  |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                                                                   |                 |                                        |                    |  |  |
| Adopt Resolution No. 2023-31, Approving Designated Business Administrator for Electronic Funds Transfers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                                   |                 |                                        |                    |  |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |                                                                   |                 |                                        |                    |  |  |
| <p>To pay some vendor claims, the City of Waconia may use electronic funds transfers instead of paper checks. Electronic funds transfers may also be used to purchase and sell investments. While these transactions are convenient, they present unique opportunities for fraud. As a result, state law requires local units of government to adopt certain policies and procedures before electronic funds transfers are made. These guidelines are presented in Minnesota State Statutes 471.38. The law now specifically has these requirements:</p> <ul style="list-style-type: none"> <li>On an annual basis, the governing body must delegate to a designated business administrator the authority to make electronic funds transfers;</li> <li>The disbursing bank must keep on file a certified copy of the delegation of authority;</li> <li>The person initiating the electronic transfer must be identified;</li> <li>The person initiating the electronic transfer must document the request and obtain approval from the designated business administrator before initiating the transfer;</li> <li>Written confirmation of the transaction must be made within one business day after the transaction; and</li> <li>A list with all transactions made by electronic funds transfer must be submitted to the governing body at its next regular meeting.</li> </ul> <p>The City's financial policy and guidelines requires all of these processes and approvals as part of the City's accounts payable processing. However, the City Council needs to annually delegate a designated business administrator for electronic funds transfers. It is recommended that the Finance Director be delegated this role.</p> <p>With the City Council's approval, a copy of the attached resolution will be shared with the banks and brokers the City uses for electronic funds transfers.</p> <p><b><u>Attachments:</u></b></p> <p>1. <a href="#">2331res_-_EFT_Designation (1).doc</a></p> |         |                                                                   |                 |                                        |                    |  |  |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |                                                                   |                 | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |                    |  |  |
| Funding Sources & Uses:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |                                                                   |                 |                                        |                    |  |  |
| Budget Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                                                                   |                 | Planning Commission                    |                    |  |  |
| _____ Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |                                                                   |                 | Parks and Recreation Board             |                    |  |  |
| _____ Non Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |                                                                   |                 | Safari Island Advisory Board           |                    |  |  |
| _____ Amendment Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                                   |                 | Other                                  |                    |  |  |

**CITY OF WACONIA  
RESOLUTION NO. 2023-31**

**RESOLUTION APPROVING DESIGNATED BUSINESS ADMINISTRATOR FOR  
ELECTRONIC FUNDS TRANSFERS**

**WHEREAS**, in accordance with Minnesota Statute 471.38, the City Council must annually delegate authority to the City's Finance Director to make electronic funds transfers (EFT); and

**WHEREAS**, the disbursing bank(s) will receive a copy of the annual delegation of authority; and

**WHEREAS**, the documentation of each EFT will include the identification of the initiator, evidence of approval by an authorized party, electronic or written confirmation of each transaction within one business day; and

**WHEREAS**, electronic disbursement payments shall be processed through the accounts payable procedures; and

**WHEREAS**, all electronic transfer transactions shall continue to be included on the expenditure list provided to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Waconia hereby approves the City's Finance Director as the designated business administrator for electronic funds transfers.

Adopted by the City Council of the City of Waconia this 6<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_  
Jacqueline Schulze, City Clerk



## REQUEST FOR CITY COUNCIL ACTION

|                                          |                                                                            |
|------------------------------------------|----------------------------------------------------------------------------|
| <b>Meeting Date:</b>                     | February 6, 2023                                                           |
| <b>Item Name:</b>                        | Award Safari Island Pool Filter Project                                    |
| <b>Originating Department:</b>           | Administration                                                             |
| <b>Presented by:</b>                     | Shane Fineran                                                              |
| <b>Previous Council Action</b> (if any): | Approved Resolution 2022-295, Accepting Bid for Safari Island Pool Project |

|                                |         |  |                 |   |                    |  |
|--------------------------------|---------|--|-----------------|---|--------------------|--|
| <b>Item Type (X only one):</b> | Consent |  | Regular Session | X | Discussion Session |  |
|--------------------------------|---------|--|-----------------|---|--------------------|--|

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

Adopt Resolution 2023-32, Awarding Pool Filter Project

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

Via resolution 2022-295 the City Council authorized the public sealed bid for the Safari Island Pool Filter replacement project identified as capital projects 708 and 709 in 2023, which is to replace the original lap and recreational pool filters. The existing systems are at the end of their life and failure would require the pools to be closed indefinitely. The combined project cost for the filter replacement was budgeted at \$572,000. Per the shared use agreement, the school district contributes 50% of the cost for the lap pool filter replacement which was estimated at \$172,000. This item was removed from consideration by the City Council on December 19th to give the school district some more time to review the bids, scope, and ancillary work necessary to complete the project. We now have their concurrence and are ready to move ahead with the award.

Bids were opened on December 12th and the city received three sealed bids for a total bid price.

| Bidder                         | Total Bid    |
|--------------------------------|--------------|
| Global Specialty Contractors   | \$688,000.00 |
| Horizon Commercial Pool Supply | \$474,500.00 |
| Aqua Logic                     | \$530,000.00 |

The low bid was submitted by Horizon Commercial Pool Supply with the recreational pool filter portion of the project cost at \$181,700 and the lap pool portion of the project is \$292,800. Per the shared use agreement with the school district, 50% of the pool filter costs are borne by ISD #110 which would total \$146,400 and 100% of the recreational pool filter cost is borne by the city. Staff is recommending acceptance of the low bid submitted by Horizon Commercial Pool supply of \$474,500, budgeting of a 7% project contingency, and preparation of the construction contract by the city attorney. Lead time for materials is approximately 32 weeks.

### **Attachments:**

1. [2332res\\_Accepting\\_Pool\\_Filter\\_Bid\\_\\_1\\_.doc](#)
2. [Bid Tabulation Pool Filter.pdf](#)
3. [Contract for Pool Filter Replacement](#)

|                                     |                                        |  |
|-------------------------------------|----------------------------------------|--|
| <b>FINANCIAL IMPLICATIONS:</b>      | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |  |
| Funding Sources & Uses:<br>PIR Fund |                                        |  |
| Budget Information:                 | Planning Commission                    |  |
| X Budgeted                          | Parks and Recreation Board             |  |
| Non Budgeted                        | Safari Island Advisory Board           |  |

|                                    |                  |
|------------------------------------|------------------|
| <div>_____Amendment Required</div> | <div>Other</div> |
|------------------------------------|------------------|

**CITY OF WACONIA  
RESOLUTION NO. 2023-32**

**RESOLUTION AUTHORIZING ACCEPTING BID FOR SAFARI ISLAND POOL FILTER  
PROJECT**

**WHEREAS**, the City of Waconia has determined that the replacement of the pool filter systems at Safari Island is necessary and has been identified as projects #708 and #709 in the capital investment plan at an estimated cost of \$572,000; and

**WHEREAS**, the City Council approves the bid specification for this project and ordered the public solicitation of bids via resolution #2022-295; and

**WHEREAS**, sealed bids were opened on December 12<sup>th</sup>, 2022 with the low bid submitted by Horizon Commercial Pool Supply in the amount of \$474,500.00; and

**WHEREAS**, staff is directed to budget 7% of the bid price for project contingencies; and

**NOW, THEREFORE, BE IT RESOLVED** That the City Council of the City of Waconia hereby accepts the bid submitted by Horizon Commercial Pool Supply and directs the City Attorney to draft a construction contract and authorizes the Mayor and City Clerk to execute.

Adopted by the City Council of the City of Waconia this 6th day of February 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

Attest: \_\_\_\_\_  
Jackie Schulze, City Clerk

Pool Filter Request for Bids  
December 12, 2022  
2:00 p.m.

| Bidder                           | Amount    | Affidavit & Bid Bond |
|----------------------------------|-----------|----------------------|
| Global Specialty Contractors Inc | 688,000 - | ✓                    |
| Horizon Pool Supply              | 474,500 - | ✓                    |
| Aqua Logic                       | 530,000 - | ✓                    |
|                                  |           |                      |
|                                  |           |                      |
|                                  |           |                      |
|                                  |           |                      |
|                                  |           |                      |

  
Shane Fineran  
City Administrator

Don Montague  
Safari Island & Ice Arena General Manag



**Call for Bids for:** City of Waconia dba Safari Island Community Center

**Project:** Mechanical Equipment Upgrades for Lap and Recreational Pools

**Project Location:** Safari Island Community Center 1600 Community Drive, Waconia, MN 55387

**Project Schedule:**

**Lap Pool:**

Project Start Date: July 10, 2023

Substantial Completion Date: July 28, 2023

**Recreational Pool:**

Project Start Date: July 31, 2023

Substantial Completion Date: August 21, 2023

**Project Specifications:** Specifications for the Project are included below under the heading "Description of Work and Materials." The location of the Project may be examined by contacting Dan Montague, Safari Island Community Center, 1600 Community Drive, Waconia, MN 55387; Phone (952) 442-0695; Email: [dmontague@waconia.org](mailto:dmontague@waconia.org).

**Call for Bids:** Notice is hereby given that City of Waconia, Minnesota, d/b/a Safari Island Community Center (the "City") will receive sealed bids for mechanical equipment upgrades to the filtration and water disinfection equipment serving the lap and recreational pools at the Safari Island Community Center (the "Project"). The City reserves the right to reject any or all bids. The City further reserves the right to hold all bids for a period of 60 days.

**Bid Deadline:** Sealed bids must be submitted in person by 2:00 p.m. on December 12, 2022, at City Hall, 201 S. Vine St., Waconia, MN 55387. Late bids will not be accepted.

**Bid Bond/Contractor Verification:** Bids shall be accompanied by a bid bond payable without conditions to the City of Waconia, Minnesota, in an amount not less than 5% of the total amount of the bid. Bids shall also be accompanied by a signed verification signed by the bidder, under oath, confirming compliance with the minimum requirements of Minnesota Statutes, section 16C.285, subdivision 3.

**Bid Opening:** Bids will be opened in the presence of the City Administrator, Finance Director, and Safari Island General Manager promptly after the bid submittal deadline. Bid withdrawals or modifications must be submitted in writing and in person at City Hall, 201 S. Vine St., Waconia, MN 55387 prior to the bid submittal deadline.

**Bid Evaluations:**

In evaluating the bids, the City will consider the qualifications of the bidders and whether or not the bids comply with the prescribed requirements. The City may conduct such investigations as deemed necessary to establish the responsibility, qualifications and financial ability of the bidders, and other persons and organizations to do the work.

The City intends to accept the bid of, and award a contract to, the responsible bidder submitting the lowest bid, provided the bid has been submitted substantially in accordance with the Bid Specifications/Instructions, the bidder is a responsible contractor pursuant to Minnesota Statutes Section 16C.285, the amount of the bid does not exceed the funds available for the work, and the bidder is capable of undertaking the work in an acceptable manner, in the sole discretion of the City.

The successful bidder must be a “responsible contractor.” The term “responsible contractor” means a contractor as defined in Minnesota Statutes, section 16C.285, subdivision 3. Any prime contractor, subcontractor, or motor carrier that does not meet the minimum criteria or fails to comply with the verification requirements is not a responsible contractor and is not eligible to be awarded a construction contract for the Project or to perform work on the Project. A prime contractor, subcontractor, or motor carrier that makes a false statement under oath verifying compliance with the minimum criteria will be ineligible to be awarded a construction contract on the Project, and the submission of a false statement may result in termination of a contract awarded to a prime contractor, subcontractor, or motor carrier that submits the false statement. A prime contractor shall include in its verification of compliance a list of all of its first-tier subcontractors that it intends to retain for work on the Project. Before execution of a construction contract, a prime contractor shall submit a supplemental verification under oath confirming that all subcontractors and motor carriers that the prime contractor intends to use to perform Project work have verified to the prime contractor, through a signed statement under oath by an owner or officer, that they meet the minimum criteria for a responsible contractor. The form of such verification is attached for reference.

The successful bidder will be notified of the award of a contract in writing. By submitting a bid, each bidder agrees to be bound by the General Terms and Conditions attached to this call for bids. The successful bidder must return the executed contract with performance and payment bonds in the total amount of the bid from a surety duly licensed and authorized to issue bonds in Minnesota up to the coverage limits required

and a certificate of insurance meeting the minimum requirements of the contract within 14 days after a bid is accepted.

### **Description of Work and Materials**

**Scope:** This Project includes demolition and disposal of existing equipment and installing of: i) new pool filtration equipment for both pools; ii) installation of pool water disinfection equipment for both pools; and iii) installation of a surge tank for the lap pool. All equipment shall be supplied by the bidder awarded the contract (referred to below as “Contractor”). Lap Pool operating flow is 765 gpm and Recreational Pool operating flow is 472 gpm. Specifically, the Project includes the following:

- 1) Remove and dispose of all existing pool equipment (filter/pump/piping etc.) that is being replaced with new equipment.
- 2) Install new equipment including all ancillary items (pipe, valves, fittings, hangers, filter media etc.) needed for a fully functioning and Minnesota Department of Health (“MDH”) Code Compliant system upon completion.
- 3) Reinstall/reuse existing AccuTab’s and Acid Rite Feeders.
- 4) All piping for this Project shall be Schedule 40 PVC, certified for potable water service by NSF and manufactured per ASTM D 2466, except that the contractor shall use Schedule 80 PVC for any equipment requiring Schedule 80 PVC at the supply and discharge points.
- 5) All valves shall be thermoplastic butterfly valves. All valves 6” and smaller shall be lever operated. All valves 8” and larger shall be gear operated.
- 6) Reconnect piping to existing heat exchanger piping.
- 7) Contractor is required to submit all needed documents and fees to the Minnesota Department of Health (“MDH”) and obtain a permit prior to beginning work on this Project. Contractor is required to schedule final Project inspection with MDH and have staff on-site during this inspection.
- 8) Contractor is required to start-up all new equipment and ensure it is operating correctly before Project completion.
- 9) Contractor is required to thoroughly train on-site staff on the operation of the new equipment.

10) Contractor is required to supply two (2) copies of an operation and maintenance manual for all new equipment installed. One copy is to be paper, bound in a 3-ring binder, and the other (1) copy is to be electronic.

11) Contractor shall provide a one (1) year warranty on all work, materials, and equipment that commences on the date of Project completion or a successful MDH final inspection, whichever is later, and requires the Contractor to correct, at its expense, any defects in material, equipment, or workmanship using new material/equipment. All additional equipment warranties provided by equipment manufacturers must be included in the operation and maintenance manual.

12) All work must be in strict accordance with local, state, and federal codes and requirements.

### **Contractor-Supplied Materials List:**

#### **Lap Pool**

- 1 Lap Pool Surge Tank
- 1 Neptune-Benson Regen Media Filter Model SP33-48-732. Filter rated to 801 gpm.
- 1 Neptune-Benson Hair and Lint Strainer with Spare Stainless Steel Basket
- 1 Low Pressure ChlorKing Sentry Model UV Light System
- 1 20 HP VFD and flowmeter to communicate with new filter system.
- 1 20 HP Premium Efficiency Pool Pump
- 1 BECS 3 Chemical Controller

#### **Rec Pool:**

- 1 Neptune-Benson Regen Media Filter Model SP27-48-487
- 1 Neptune-Benson Hair and Lint Strainer with Spare Stainless Steel Basket
- 1 Low Pressure ChlorKing Sentry Model UV Light System
- 1 15 HP VFD and flowmeter to communicate with new filter system.
- 1 15 HP Premium Efficiency Pool Pump

#### **Both Pools:**

Other equipment, parts, and materials as needed to connect the new equipment to the facility, including intake and outlet pipes, adhesives, fasteners, and other consumable items necessary to complete the installation of the equipment.

**Substitutions:**

Unless qualified by the provision "NO SUBSTITUTE", the use of the name of a manufacturer brand and/or catalog description in specifying any item does not restrict bidders to that manufacturer, brand or catalog description identification. This is used simply to indicate the character, quality, and/or performance equivalence of the commodity desired, but the commodity on which bids are submitted must be of such character, quality, and/or equivalence that it will serve the purpose for which it is to be used equally well as that specified, will be compatible with any existing City equipment which is not being replaced, and be acceptable to the using department. In submitting a bid on a commodity other than specified, bidder shall furnish complete data and identification with respect to the commodity bidder proposes to furnish. Consideration will be given to bids submitted on commodities to the extent that such action is deemed to serve the best interest of the department or boards of the City of Waconia. If a Bidder does not indicate that the commodity, part, or piece of equipment he proposes to furnish is other than specified, it will be construed to mean that the bidder proposes to furnish the exact commodity as described.

**Project Notes/Exclusions:**

The City is responsible for any building or electrical permits.

The City is responsible for any/all electric required for the new equipment. Contractor will work with owner to coordinate electrical needs with owner's electrician.

The City is responsible for making sure old chemical room is heated to ensure equipment doesn't freeze in the cold weather.

The Project agreement must include the General Terms and Conditions attached to this document.

By the order of the City Council of the City of Waconia, Minnesota

Published in \_\_\_\_\_ on \_\_\_\_\_, 2022

\_\_\_\_\_  
Clerk

## General Terms and Conditions

The City of Waconia (the "City") requires the following provisions in its contract with the successful bidder (the "Contractor"). Additional provisions may be required by the City.

**1. Independent Contractor.** The City has retained the Contractor as an independent contractor upon the terms and conditions set forth in this agreement. The Contractor is an independent contractor and not an employee of the City. The Contractor is free to contract with other entities as provided herein. The Contractor is responsible for obtaining and furnishing the equipment, materials, and labor necessary for the Contractor's performance under this agreement. The City and the Contractor agree that the Contractor shall not at any time or in any manner represent that the Contractor is in any manner an agent or employee of the City. The Contractor shall be exclusively responsible under this agreement for the Contractor's own FICA payments, workers' compensation insurance, unemployment compensation insurance, withholding amounts, and self-employment taxes.

**2. Contractor's Performance of Work; Non-Discrimination.** The Contractor agrees to perform and provide the equipment, materials, labor, and services as described in the bid specifications and instructions. The Contractor shall, in the performance of the work under this agreement, conform to all applicable federal, state, and local laws, codes, ordinances, and regulations including non-discrimination and equal opportunity requirements of state, federal, and local law. Contractor agrees: (1) that, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no contractor, material supplier, or vendor, shall, by reason of race, creed, or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; (2) that no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause (1) above, or on being hired, prevent, or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed, or color; (3) that a violation of this section is a misdemeanor; and (4) that this agreement may be canceled or terminated by the City or any other person authorized to grant the contracts for employment, and all money due, or to become due under the agreement, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

**3. Termination.** The City may cancel this agreement for any reason, without cause, upon thirty (30) days' written notice. Either party may terminate this agreement by thirty (30) days' written notice delivered to the other party if either party fails to fulfill its obligations under the contract in a proper and timely manner or otherwise violates the terms of the agreement. After termination, the City shall have no further obligation to the Contractor except to compensate the Contractor for the equipment and materials provided and services performed prior to the date of the notice of termination.

**4. Subcontractors.** The Contractor shall not enter into subcontracts for services provided under this agreement without the express written consent of the City. As required by Minnesota Statutes, Section 471.425, the Contractor shall pay all subcontractors for subcontractor's

undisputed, completed work within ten (10) days after the Contractor has received payment from the City.

**5. Assignment.** Neither party shall assign this agreement, or any interest arising herein, without the written consent of the other party.

**6. Indemnification.** The Contractor agrees to defend, indemnify and hold the City, its officials, employees, agents and contractors harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission (including without limitation professional errors or omissions) of the Contractor, its employees, subcontractors, agents, or assigns in the performance of the work provided by this agreement and against all losses by reason of the failure of the Contractor fully to perform, in any respect, the Contractor's obligations under this agreement.

**7. Insurance.**

**General Liability Insurance.** The Contractor shall maintain general liability insurance with bodily injury and property damage coverage with coverage of at least \$2,000,000 per occurrence/aggregate to protect the Contractor and the City from claims and liability for injury or damages to persons or property for all work performed by the Contractor under this agreement. The Contractor shall name the City as an additional insured under the Contractor's policy. Prior to performing any services under this agreement, the Contractor shall provide evidence to the City that acceptable insurance coverage is in effect.

**Workers' Compensation Insurance.** The Contractor shall have workers' compensation insurance coverage that meets the requirements of Minnesota law (if required by statute).

**Commercial Automobile Liability Insurance.** The Contractor shall have insurance covering all owned, non-owned and hired automobiles with limits of at least \$1,000,000 per occurrence and the City shall be named an "additional insured".

**Builder's Risk Insurance.** The Contractor shall maintain builder's risk insurance. Coverage will be written on an "All Risks" (Special Form policy form). The Contractor is responsible for the entire deductible in the builder's risk policy. The property covered shall cover the full insurable value of the improvements, betterments, and include consequential loss insurance. The City shall be named as a loss payee to protect the City's interests with respect to the repair or replacement of any damaged property or other amounts payable under the policy. The builder's risk insurance policy shall be written specifically for the Project and the City requires a complete copy of the policy. An Installation Floater policy (equipment) may be required as part of the Builder's risk policy when equipment is being installed by a contractor.

**8. Records Access.** Subject to the requirements of Minnesota Statutes § 16C.05, subd. 5, the City, the State Auditor, or any of their authorized representatives which may include other independent financial analysts at any time during normal business hours, and as often as they

may reasonably deem necessary, shall have access to and the right to request submission of documentation, examine, audit, excerpt, and transcribe any books, documents, papers, records, or other data, which are pertinent to the accounting practices and procedures of Contractor and involve transactions relating to this agreement. Contractor shall maintain these materials and allow access during the period of this agreement and for six (6) years after its expiration, cancellation or termination.

**9. Data Privacy.** The Contractor agrees to comply with the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) and all other applicable state and federal laws relating to data privacy or confidentiality. The requirements of Minnesota Statutes, Section 13.05, subdivision 11 apply to companies or individuals who perform under a government contract. The Contractor and any of the Contractor's sub-contractors shall comply with the Act and be subject to penalties for non-compliance as though they were a "governmental entity." The Contractor must immediately report to the City any requests from third parties for information relating to this agreement. The City agrees to promptly respond to inquiries from the Contractor concerning data requests. The Contractor agrees to hold the City, its officers, and employees harmless from any claims resulting from the Contractor's unlawful disclosure or use of data protected under state and federal laws. Data submitted by a business to a government entity in response to a call for bids as defined in Minnesota Statutes, Section 13.591 and Section 16C.02, Subdivision 11, are private or non-public until the bids are opened. Once the bids are opened, the name of the bidder and the dollar amount specified in the response are read and become public. All other data in a bidder's response to a bid are private or non-public data until completion of the selection process. For the purposes of this section, "completion of the selection process" means that the government entity has completed its evaluation and has ranked the responses. After a government entity has completed the selection process, all remaining data submitted by all bidders are public except for "trade secret data" as defined and classified in Section 13.37. A statement by a bidder that submitted data are copyrighted or otherwise protected does not prevent public access to the data contained in the bid. Bidders are hereby advised that their bid document may become available to the public once a successful bidder has been chosen.

**10. Accounting Standards.** The Contractor agrees to maintain the necessary source documentation and enforce sufficient internal controls as dictated by generally accepted accounting practices (GAAP) to properly account for expenses incurred under this agreement.

**11. Retention of Records.** The Contractor shall retain all records pertinent to expenditures incurred under this agreement in a legible form for a period of six years after the resolution of all audit findings. Records for non-expendable property acquired with funds under this agreement shall be retained for six years after final disposition of such property.

**12. Inspection of Records.** Pursuant to Minnesota Statutes, Section 16C.05, all books, records, documents and accounting procedures and practices of the Contractor with respect to the matters covered by this agreement shall be made available to the City and the State of Minnesota, Office of the State Auditor, or their designees upon notice, at any time during normal business

hours, as often as the City deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data.

**13. Governing Law.** The laws of the State of Minnesota shall control this agreement. Contractor and City agree that the venue for any legal action arising under this agreement will be Carver County, Minnesota.

**14. Entire Agreement; Amendments.** This agreement constitutes the entire agreement between the parties, and no other agreement prior to or contemporaneous with this agreement shall be effective, except as expressly set forth or incorporated herein. Any purported amendment to this agreement is not effective unless it is in writing and executed by both parties.

**15. No Waiver by the City.** By entering into this agreement, the City does not waive its entitlement to any immunities under statute or common law.

**16. City's Rights.** The City reserves the right to reject any or all bids or parts of bids, to accept part or all of bids on the basis of considerations other than lowest cost, and to create a project of lesser or greater expense and reimbursement than described in the call for bids, or the respondent's reply based on the component prices submitted.

**17. Retainage.** The City may reserve as retainage either an amount from each progress payment or an amount based upon the amount of the agreement equal to or less than five percent (5%) of the progress payment or amount of the agreement. The City will reduce any retainage it reserves in compliance with Minn. Stat. 15.72. The City may also reduce the amount of the retainage if in the opinion of the City: (a) the Contractor has not defaulted in any material way in undertaking the Scope of Work under the agreement; and (b) the Contractor has complied with applicable Minnesota Statutes with respect to this and previous contracts awarded to the Contractor.

**18. Miscellaneous Provisions.** This agreement shall be binding upon and inure to the benefit of the successors and assigns of the City and of the Contractor. If any provision of this agreement is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision, and this agreement shall be construed and enforced as if such invalid or unenforceable provision had not been included. Neither the City nor the Contractor is an agent, partner, or joint venture of the other for any purpose or has any authority to bind the other. This agreement does not create any third-party beneficiary rights in any individual or entity that is not a party to this agreement. Failure to enforce any provision of this agreement does not affect the rights of the parties to enforce such provision in another circumstance. Neither does it affect the rights of the parties to enforce any other provision of this agreement at any time. This agreement may only be modified or changed by written amendment signed by authorized representatives of the City and the Contractor. This agreement and the attachments/exhibits thereto, constitute the entire and exclusive agreement of the parties.

## BID FORM

**PROPOSAL PRICE:** Proposer proposes to complete the Work in accordance with the Proposal documents for the following sum:

(Words) \_\_\_\_\_

(Figures) \_\_\_\_\_

ALTERNATES: There are no alternates in this proposal.

### PROPOSAL SUBMITTAL:

Firm Name \_\_\_\_\_

By (Signature) \_\_\_\_\_

By (Printed) \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

City State & Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

Tax I.D. No. \_\_\_\_\_ State Tax I.D. No. \_\_\_\_\_

Date \_\_\_\_\_

## RESPONSIBLE CONTRACTOR VERIFICATION OF COMPLIANCE

Minnesota Statutes, Section 16C.285, subdivision 3. **Responsible Contractor, Minimum Criteria.** "Responsible Contractor" means a contractor that conforms to the responsibility requirements in the solicitation document for its portion of the work on the project and verifies that it meets the minimum criteria set forth below. Each contractor or subcontractor shall obtain from all subcontractors with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each subcontractor.

1. The Contractor:

- i. is in compliance with workers' compensation and unemployment insurance requirements;
- ii. is in compliance with the Department of Revenue and the Department of Employment and Economic Development registration requirements if it has employees;
- iii. has a valid federal tax identification number or a valid Social Security number if an individual; and
- iv. has filed a certificate of authority to transact business in Minnesota with the secretary of state if a foreign corporation or cooperative.

2. The contractor or related entity is in compliance with and, during the three-year period before submitting verification, has not violated section 177.24, 177.25, 177.41 to 177.44, 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201 to 219, or United States Code, title 40, section 3141 to 3148. For purposes of this clause, a violation occurs when a contractor or related entity:

- i. repeatedly fails to pay statutorily required wages or penalties on one or more separate projects for a total underpayment of \$25,000 or more within the three-year period, provided that a failure to pay is "repeated" only if it involves two or more separate and distinct occurrences of underpayment during the three-year period;
- ii. has been issued an order to comply by the commissioner of labor and industry that has become final;
- iii. has been issued at least two determination letters within the three-year period by the Department of Transportation finding an underpayment by the contractor or related entity to its own employees;
- iv. has been found by the commissioner of labor and industry to have repeatedly or willfully violated any of the sections referenced in this clause pursuant to section 177.27;
- v. has been issued a ruling or findings of underpayment by the administrator of the Wage and Hour Division of the United States Department of Labor that have become final or have been upheld by an administrative law judge or the Administrative Review Board; or
- vi. has been found liable for underpayment of wages or penalties or misrepresenting a construction worker as an independent contractor in an action brought in a court having jurisdiction.

Provided that, if the contractor or related entity contests a determination of underpayment by the Department of Transportation in a contested case proceeding, a violation does not occur until the contested case proceeding has concluded with a determination that the contractor or related entity underpaid wages or penalties.\*

3. The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 181.723 or chapter 326B. For purposes of this clause, a violation occurs when a contractor or related entity has been issued a final administrative or licensing order.\*

Revised: 07-01-2015

4. The contractor or related entity has not, more than twice during the three-year period before submitting the verification, had a certificate of compliance under section 363A.36 revoked or suspended based on the provisions of section 363A.36, with the revocation or suspension becoming final because it was upheld by the Office of Administrative Hearings or was not appealed to the office;\*
5. The contractor or related entity has not received a final determination assessing a monetary sanction from the Department of Administration or Transportation for failure to meet targeted group business, disadvantaged business enterprise, or veteran-owned business goals, due to a lack of good faith effort, more than once during the three-year period before submitting the verification; and\*
6. The contractor or related entity is not currently suspended or debarred by the federal government or the state of Minnesota or any of its departments, commissions, agencies, or political subdivisions that have authority to debar a contractor.

\*Any violations, suspensions, revocations, or sanctions, as defined in clauses 2 to 5 occurring prior to July 1, 2014, shall not be considered in determining whether a contractor or related entity meets the minimum criteria.

#### **Certification**

By signing this document, I am certifying that I am an owner or officer of the contractor and am verifying under oath that:

1. Contractor is in compliance with Minnesota Statutes, Section 16C.285,
2. I have included Attachment A-1, and

\_\_\_\_\_  
Contractor Company Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature of Owner or Officer

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Revised: 07-01-2015

**ATTACHMENT A-1: FIRST-TIER SUBCONTRACTOR LIST**  
**(Initial List)**

**SUBMIT WITH CONTRACTOR SOLICITATION RESPONSE**

Minnesota Statutes, Section 16C.285, subdivision 5. A prime contractor or subcontractor shall include in its verification of compliance . . . a list of all of its first-tier subcontractors that it intends to retain for work on the project.

| <b>NAMES OF FIRST TIER SUBCONTRACTORS<br/>(Legal name of company as registered with the<br/>Secretary of State)</b> | <b>Company Address</b> | <b>Work To Be<br/>Performed</b> |
|---------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------|
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Revised: 07-01-2015

[https://mhslaw.sharepoint.com/sites/dms3/23319/draftdocs/pool filter rfb/rfb lap pool pump room \(draft 11-02-2022\).docx](https://mhslaw.sharepoint.com/sites/dms3/23319/draftdocs/pool%20filter%20rfb/rfb%20lap%20pool%20pump%20room%20(draft%2011-02-2022).docx)



## CONTRACT FOR POOL EQUIPMENT AND INSTALLATION

This Contract for Pool Equipment and Installation (“Agreement”) is dated February \_\_\_\_\_, 2023, and is between the City of Waconia, a Minnesota municipal corporation (the “City”) and Horizon Chemical, LLC d/b/a Horizon Commercial Pool Supply (the “Contractor”), a Minnesota limited liability corporation.

### RECITALS

WHEREAS, the City requires work to be performed at the Safari Island Community Center, 1600 Community Drive, Waconia, Minnesota, to replace the filters for the facility’s lap pool (“Lap Pool”) and recreational pool (the “Rec Pool”); and

WHEREAS, the City duly advertised for and received bids to perform the work according to the Minnesota Uniform Municipal Contracting Law; and

WHEREAS, the Contractor bid to complete the work for \$474,500 and was the lowest responsible bidder; and

WHEREAS, the parties desire to enter into this Agreement to memorialize the terms and condition on which the work will be performed.

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants of the parties hereto, it is agreed as follows:

### TERMS

1. Contract Documents. The “Contract Documents” consist of this Agreement, the City’s request for bids, and the Contractor’s response to the City’s request for bids. When this Agreement uses a capitalized term or phrase, the meaning given the term or phrase in this Agreement shall control.

2. Contract Sum. The “Contract Sum” means the total lump sum compensation the City will pay the Contractor for all labor and materials necessary for proper execution and completion of the Work. Subject to additions and deductions made in accordance with this Agreement, the Contract sum is \$474,500.

3. Timing.

3.1 Lap Pool. The Contractor shall commence the Work (defined below) for the Lap Pool on July 10, 2023 and Substantially Complete (defined below) the Work by July 28, 2023.

3.2 Rec Pool. The Contractor shall commence the Work (defined below) for the Rec Pool on July 31, 2023 and Substantially Complete (defined below) the Work by August 21, 2023.

3.3 Adjustment. If the Contractor is delayed by changes ordered in the Work or by labor disputes, fire, unusual delay in deliveries, unavoidable casualties, or other causes

beyond the Contractor's reasonable control, the contract time shall be subject to equitable adjustment. Costs caused by delays, improperly timed activities, or defective construction shall be borne by the responsible party.

4. Scope of Work. The Contractor shall provide the following labor and materials (the "Work"):

4.1 Labor. The Work includes the demolition and disposal of existing equipment and installing of: a) new pool filtration equipment for both Pools; b) installation of pool water disinfection equipment for both pools; and c) installation of a surge tank for the lap pool. The Contractor shall supply all equipment. Lap Pool operating flow is 765 gpm and Recreational Pool operating flow is 472 gpm. Without limiting the general nature of the preceding description, the Work specifically includes, but is not limited to, the following:

- 4.1.1 Remove and dispose of all existing pool equipment (filter/pump/piping etc.) that is being replaced with new equipment.
- 4.1.2 Install new equipment including all ancillary items (pipe, valves, fittings, hangers, filter media etc.) needed for a fully functioning and Minnesota Department of Health ("MDH") Code Compliant system upon completion.
- 4.1.3 Reinstall/reuse existing AccuTabs and Acid Rite Feeders.
- 4.1.4 All piping for this Project shall be Schedule 40 PVC, certified for potable water service by NSF and manufactured per ASTM D 2466, except that the Contractor shall use Schedule 80 PVC for any equipment requiring Schedule 80 PVC at the supply and discharge points.
- 4.1.5 All valves shall be thermoplastic butterfly valves. All valves 6" and smaller shall be lever operated. All valves 8" and larger shall be gear operated.
- 4.1.6 Reconnect piping to existing heat exchanger piping.
- 4.1.7 The Contractor is required to submit all needed documents and fees to the Minnesota Department of Health ("MDH") and obtain a permit prior to beginning work on this Project. The Contractor is required to schedule final Project inspection with MDH and have staff on-site during this inspection.
- 4.1.8 The Contractor is required to start-up all new equipment and ensure it is operating correctly before Project completion.
- 4.1.9 The Contractor is required to thoroughly train on-site staff on the operation of the new equipment.
- 4.1.10 The Contractor is required to supply two (2) copies of an operation and maintenance manual for all new equipment installed. One copy is to be paper, bound in a 3-ring binder, and the other (1) copy is to be electronic.

4.2 Materials. As part of the Work, the Contractor shall supply the following materials:

Lap Pool

- 1 Lap Pool Surge Tank
- 1 Neptune-Benson Regen Media Filter Model SP33-48-732. Filter rated to 801 gpm.
- 1 Neptune-Benson Hair and Lint Strainer with Spare Stainless-Steel Basket
- 1 Low Pressure ChlorKing Sentry Model UV Light System
- 1 20 HP VFD and flowmeter to communicate with new filter system.
- 1 20 HP Premium Efficiency Pool Pump
- 1 BECS 3 Chemical Controller

Rec Pool:

- 1 Neptune-Benson Regen Media Filter Model SP27-48-487
- 1 Neptune-Benson Hair and Lint Strainer with Spare Stainless-Steel Basket
- 1 Low Pressure ChlorKing Sentry Model UV Light System
- 1 15 HP VFD and flowmeter to communicate with new filter system.
- 1 15 HP Premium Efficiency Pool Pump

Both Pools:

Other equipment, parts, and materials as needed to connect the new equipment to the facility, including intake and outlet pipes, adhesives, fasteners, and other consumable items necessary to complete the installation of the equipment.

4.3 Project Notes/Exclusions: The following items are not party of the Work and shall be provided by the City:

- 4.3.1 Any building or electrical permits. The Contractor will coordinate with the City and provide all information necessary for the City to obtain the necessary permits which cover the period of all work for which a permit is required.
- 4.3.2 Any/all electric required for the new equipment. The Contractor will work with the City to coordinate electrical needs with the City's electrician.
- 4.3.3 Making sure old chemical room is heated to ensure equipment doesn't freeze in the cold weather.

5. Performance of Work.

5.1 Access to Work Site. The Contractor shall coordinate access to the Work site with the facility manager: Dan Montague, Safari Island Community Center, 1600 Community Drive, Waconia, MN 55387; Phone (952) 442-0695; Email: [dmontague@waconia.org](mailto:dmontague@waconia.org).

5.2 Work Site. The Contractor shall confine operations to the site where the Work is to be performed. The Contractor acknowledges the Work will take place in a building used for a public school. The Contractor shall not allow any unauthorized person to enter the Work site. The Contractor shall be responsible for any cutting, fitting, or patching required to complete the Work. The Contractor shall keep the Work site and surrounding area free from accumulation of debris and trash related to the Work. At the completion of the Work, the Contractor shall

remove its tools, construction equipment, machinery, and surplus material; and shall properly dispose of waste materials.

5.3 Supervision. The Contractor shall supervise and direct the Work using the Contractor's best skill and attention. The Contractor shall be solely responsible for and have control over construction means, methods, techniques, sequences, and procedures, and for coordinating all portions of the Work.

5.4 Subcontractors. The Contractor shall not enter into subcontracts for services provided under this Agreement without the written consent of the City. As required by Minnesota Statutes, Section 471.425, the Contractor shall pay all subcontractors for subcontractor's undisputed, completed work within ten (10) days after the Contractor has received payment from the City.

5.5 Taxes, Permits, Fees, and Notices. The Contractor shall pay sales, consumer, use, and similar taxes that are legally required to furnish the materials and complete the Work. The Contractor shall obtain and pay for the building permit and other permits and governmental fees, licenses, and inspections necessary for proper execution and completion of the Work, except as noted in Section 4.3.

5.6 Compliance. The Contractor shall comply with and give notices required by agencies having jurisdiction over the Work. If the Contractor performs Work knowing it to be contrary to applicable laws, statutes, ordinances, codes, rules and regulations, or lawful orders of public authorities, the Contractor shall assume full responsibility for such Work and shall bear the attributable costs. The Contractor shall promptly notify the City in writing of any known inconsistencies in the Contract Documents with such governmental laws, rules, and regulations.

5.7 Changes in the Work. The City may authorize or order minor changes in the Work that are consistent with the intent of the Contract Documents and do not involve an adjustment in the Contract Sum or an extension of the contract time. Such authorization or order shall be in writing and shall be binding on the City and the Contractor. The Contractor shall proceed with such minor changes promptly. Further, the City, without invalidating the Agreement, may order changes in the Work within the general scope of the Agreement, consisting of additions, deletions or other revisions, and the Contract Sum and contract time shall be adjusted accordingly, in writing. If the City and The Contractor cannot agree to a change in the Contract Sum, the City shall pay the Contractor its actual cost plus reasonable overhead and profit. Reasonable overhead and profit will be in the same proportion to Contractor's profit margin on The Contractor's original bid price.

5.8 Protection of Persons and Property. The Contractor shall be responsible for initiating, maintaining, and supervising all safety precautions and programs, including all those required by law in connection with performance of the Work. The Contractor shall take reasonable precautions to prevent damage, injury, or loss to: a) employees and other persons who are performing the Work; b) materials and equipment to be incorporated into the Work; and c) other property at the Work site or adjacent thereto. The Contractor shall promptly remedy damage and loss to property caused in whole or in part by the Contractor, or by anyone for whose acts the Contractor may be liable.

5.9 Correction of Work. The Contractor shall promptly correct Work rejected by the City as failing to conform to the requirements of the Contract Documents. The Contractor shall bear the cost of correcting such rejected Work.

6. Completion, Inspection, and Acceptance.

6.1 Completion. The Work will be deemed "Substantially Complete" when the City can occupy or utilize the Work for its intended use (after the training required by Section 4.1.9 has occurred) and MDH has approved the Work pursuant to Section 4.1.7 above, whichever is later.

6.2 Inspection. When the Contractor believes the Work is Substantially Complete, it shall notify the City and schedule a City and MDH inspection. If the City determines the Work is not Substantially Complete or the Work does not pass the MDH inspection, the Contractor shall address all uncompleted items and request follow-up City and MDH inspections. In addition, the City may inspect the work at any time while the Contractor is performing the Work.

6.3 Acceptance. When the City determines, in its reasonable judgement, that the Work is Substantially Complete, it shall give the Contractor notice of such determination ("Acceptance").

7. Payment of Contract Sum.

7.1 Pay Application. Promptly after Acceptance, the Contractor shall submit a pay application to the City together with the following supporting documentation:

7.1.1 Evidence of payments made to, and waivers of liens from, subcontractors and suppliers; and

7.1.2 All documentation required by Section 4.1.10, if not previously provided to the City.

7.2 Payment. Payment shall be made by the City no later than 35 days after the City receives the application for payment and all supporting documentation, or as required by law.

7.3 Retainage. The parties anticipate a single payment, so no retainage will apply unless a change order is executed by the parties allowing one or more progress payments. If progress payments occur, the City shall reserve as retainage five percent (5%) of each progress payment and reduce any retainage it reserves in compliance with Minn. Stat. 15.72.

7.4 Title. The Contractor warrants that title to all Work will pass to the City no later than the time of the City's payment of the Contract Sum. The Contractor further warrants that title will pass free and clear of any liens, claims, security interests, or other encumbrances associated with the Work.

8. Insurance/Indemnification. Prior to performing any Work, the Contractor shall provide evidence to the City that acceptable insurance coverage is in effect as required by this section. The policies under this section will be endorsed to require a 30 day advance notice to the City before the policy is cancelled for any reason. All subcontractors shall also maintain the

insurance covered required by this section. The Contractor is responsible for ensuring that any subcontractors under this Contract comply with the insurance provisions contained herein. The City's failure to approve or disapprove the Contractor's policies shall not relieve the Contractor of the responsibility to maintain the required insurance. If the coverage period shown on the Contractor's current certificate of insurance ends during the duration of the project, the Contractor must, prior to the end of the coverage period, obtain a new certificate of insurance showing that coverage has been extended.

8.1 General Liability Insurance. The Contractor shall maintain general liability insurance with bodily injury and property damage coverage with coverage of at least \$2,000,000 per occurrence/aggregate to protect the Contractor and the City from claims and liability for injury or damages to persons or property for all work performed by the Contractor under this Agreement. The Contractor shall name the City as an additional insured under the Contractor's policy. Prior to performing any services under this Agreement, the Contractor shall provide evidence to the City that acceptable insurance coverage is in effect.

8.2 Workers' Compensation Insurance. The Contractor shall have workers' compensation insurance coverage that meets the requirements of Minnesota law (if required by statute).

8.3 Commercial Automobile Liability Insurance. The Contractor shall have insurance covering all owned, non-owned and hired automobiles with limits of at least \$1,000,000 per occurrence and the City shall be named an "additional insured".

8.4 Builder's Risk Insurance. The Contractor shall maintain builder's risk insurance. Coverage will be written on an "All Risks" (Special Form policy form). The Contractor is responsible for the entire deductible in the builder's risk policy. The property covered shall cover the full insurable value of the improvements, betterments, and include consequential loss insurance. The City shall be named as a loss payee to protect the City's interests with respect to the repair or replacement of any damaged property or other amounts payable under the policy. The builder's risk insurance policy shall be written specifically for the Project and the City requires a complete copy of the policy. An Installation Floater policy (equipment) may be required as part of the Builder's risk policy when equipment is being installed by a contractor.

8.5 Umbrella Policy. An Umbrella or Excess Liability insurance policy may be used to supplement the Contractor's policy limits to satisfy the full policy limits required by the Agreement.

8.6 Indemnification. The Contractor agrees to defend, indemnify and hold the City, its officials, employees, agents and contractors harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission (including without limitation professional errors or omissions) of the Contractor, its employees, subcontractors, agents, or assigns in the performance of the work provided by this Agreement and against all losses by reason of the failure of the Contractor fully to perform, in any respect, the Contractor's obligations under this Agreement.

9. Bonds. The Contractor shall obtain a Performance Bond and a Payment Bond both in the full amount of the Contract price and satisfying the requirements of Minnesota Statutes

Section 574.26 covering the work to be performed under this Agreement. The bonds shall be issued by a United States Department of Treasury listed corporate surety, accompanied by current powers of attorney, on a form acceptable to the City.

10. Warranty. The Contractor warrants to the City that for a period of one (1) year from the date of Final Completion (as defined in Section ---) the Contractor will correct, at its expense, any defects in material, equipment, or workmanship using new material/equipment. Further, all additional equipment warranties provided by equipment manufacturers shall be included in the operation and maintenance manual.

11. Termination. The City may cancel this Agreement for any reason, without cause, upon thirty (30) days' written notice. Either party may terminate this Agreement by thirty (30) days' written notice delivered to the other party if either party fails to fulfill its obligations under the contract in a proper and timely manner or otherwise violates the terms of the Agreement. After termination, the City shall have no further obligation to the Contractor except to compensate the Contractor for the equipment and materials provided and services performed prior to the date of the notice of termination. \

12. Notices. All notices required or permitted to be given by either party pursuant to this Agreement shall be in writing and sent to the other party at the following addresses:

To the City: City of Waconia  
Attn: City Administrator  
201 S Vine Street  
Waconia, MN 55387

To the Contractor: Horizon Commercial Pool Supply  
Attn: President  
4444 Round Lake Road West  
Arden Hills, MN 55112

A notice shall be deemed given when received by a party if hand-delivered or sent via certified mail or a service that confirms delivery (e.g., FedEx). Notices sent via standard U.S. Mail shall be deemed given three business days after deposit with the United States Postal Service, postage prepaid. Notices by fax or email alone are not sufficient. The addresses for notices may be changed by the parties from time to time by delivery of written notice to the other party as provided herein.

### 13. Miscellaneous

13.1 Intent and Priority of Documents. The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the Contractor. The Contract Documents are complementary, and what is required by one shall be as binding as if required by all except that in the case the Contract Documents conflict, this Agreement shall control.

13.2 Time of the Essence. The time limits stated in the Contract Documents are of the essence.

13.3 Survival. The provisions found in Sections 8.6, 9 and 10 shall survive the expiration or earlier termination of the Agreement.

13.4 Independent Contractor. The City has retained the Contractor as an independent contractor upon the terms and conditions set forth in this Agreement. The Contractor is an independent contractor and not an employee of the City. The Contractor is free to contract with other entities as provided herein. The Contractor is responsible for obtaining and furnishing the equipment, materials, and labor necessary for the Contractor's performance under this Agreement. The City and the Contractor agree that the Contractor shall not at any time or in any manner represent that the Contractor is in any manner an agent or employee of the City. The Contractor shall be exclusively responsible under this Agreement for the Contractor's own FICA payments, workers' compensation insurance, unemployment compensation insurance, withholding amounts, and self-employment taxes.

13.5 Non-Discrimination. The Contractor agrees to perform and provide the equipment, materials, labor, and services as described in the bid specifications and instructions. The Contractor shall, in the performance of the work under this Agreement, conform to all applicable federal, state, and local laws, codes, ordinances, and regulations including non-discrimination and equal opportunity requirements of state, federal, and local law. Contractor agrees: (1) that, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no contractor, material supplier, or vendor, shall, by reason of race, creed, or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; (2) that no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause (1) above, or on being hired, prevent, or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed, or color; (3) that a violation of this section is a misdemeanor; and (4) that this Agreement may be canceled or terminated by the City or any other person authorized to grant the contracts for employment, and all money due, or to become due under the Agreement, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

13.6 Assignment. Neither party shall assign this Agreement, or any interest arising herein, without the written consent of the other party. Subject to this limitation, the Agreement shall be binding upon and inure to the benefit of the successors and assigns of the City and the Contractor.

13.7 Records Access. Subject to the requirements of Minnesota Statutes § 16C.05, subd. 5, the City, the State Auditor, or any of their authorized representatives which may include other independent financial analysts at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to request submission of documentation, examine, audit, excerpt, and transcribe any books, documents, papers, records, or other data, which are pertinent to the accounting practices and procedures of the Contractor and involve transactions relating to the Contract Documents. The Contractor shall maintain these materials and allow access during the period of this Agreement and for six (6) years after its expiration, cancellation, or termination.

13.8 Data Privacy. The Contractor agrees to comply with the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) and all other applicable state and federal laws relating to data privacy or confidentiality. The requirements of Minnesota Statutes, Section 13.05, subdivision 11 apply to companies or individuals who perform under a government contract. The Contractor and any of the Contractor's sub-contractors shall comply with the Act and be subject to penalties for non-compliance as though they were a "governmental entity." The Contractor must immediately report to the City any requests from third parties for information relating to this Agreement. The City agrees to promptly respond to inquiries from the Contractor concerning data requests. The Contractor agrees to hold the City, its officers, and employees harmless from any claims resulting from the Contractor's unlawful disclosure or use of data protected under state and federal laws. Data submitted by a business to a government entity in response to a call for bids as defined in Minnesota Statutes, Section 13.591 and Section 16C.02, Subdivision 11, are private or non-public until the bids are opened. Once the bids are opened, the name of the bidder and the dollar amount specified in the response are read and become public. All other data in a bidder's response to a bid are private or non-public data until completion of the selection process. For the purposes of this section, "completion of the selection process" means that the government entity has completed its evaluation and has ranked the responses. After a government entity has completed the selection process, all remaining data submitted by all bidders are public except for "trade secret data" as defined and classified in Section 13.37. A statement by a bidder that submitted data are copyrighted or otherwise protected does not prevent public access to the data contained in the bid. Bidders are hereby advised that their bid document may become available to the public once a successful bidder has been chosen.

13.9 Accounting Standards. The Contractor agrees to maintain the necessary source documentation and enforce sufficient internal controls as dictated by generally accepted accounting practices (GAAP) to properly account for expenses incurred under this Agreement.

13.10 Retention of Records. The Contractor shall retain all records pertinent to expenditures incurred under this Agreement in a legible form for a period of six years after the resolution of all audit findings. Records for non-expendable property acquired with funds under this Agreement shall be retained for six years after final disposition of such property.

13.11 Inspection of Records. Pursuant to Minnesota Statutes, Section 16C.05, all books, records, documents and accounting procedures and practices of the Contractor with respect to the matters covered by this Agreement shall be made available to the City and the State of Minnesota, Office of the State Auditor, or their designees upon notice, at any time during normal business hours, as often as the City deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data.

13.12 Governing Law. The laws of the State of Minnesota shall control this Agreement. The Contractor and City agree that the venue for any legal action arising under this Agreement will be Carver County, Minnesota.

13.13 Entire Agreement; Amendments. The Contract Documents represent the entire and integrated agreement between the parties and supersede prior negotiations,

representations, or agreements, either written or oral. The Contact Documents may be amended or modified only by a written modification executed by both parties.

13.14 No Waiver by the City. By entering into this Agreement, the City does not waive its entitlement to any immunities under statute or common law.

13.15 Miscellaneous Provisions. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the City and of the Contractor. If any provision of this Agreement is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision, and this Agreement shall be construed and enforced as if such invalid or unenforceable provision had not been included. Neither the City nor the Contractor is an agent, partner, or joint venture of the other for any purpose or has any authority to bind the other. This Agreement does not create any third-party beneficiary rights in any individual or entity that is not a party to this Agreement. Failure to enforce any provision of this Agreement does not affect the rights of the parties to enforce such provision in another circumstance. Neither does it affect the rights of the parties to enforce any other provision of this Agreement at any time. This Agreement may only be modified or changed by written amendment signed by authorized representatives of the City and the Contractor. This Agreement and the attachments/exhibits thereto, constitute the entire and exclusive agreement of the parties.

13.16 Counterparts. 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.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first written above.

[Signature page follows.]

SIGNATURE PAGE TO CONTRACT FOR POOL EQUIPMENT AND INSTALLATION

CITY OF WACONIA

By \_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST:

\_\_\_\_\_  
Jackie Schultze, City Clerk

HORIZON CHEMICAL, LLC d/b/a  
HORIZON COMMERCIAL POOL SUPPLY

By \_\_\_\_\_

Its \_\_\_\_\_



## REQUEST FOR CITY COUNCIL ACTION

|                                          |         |                                                                                             |                 |   |                    |  |
|------------------------------------------|---------|---------------------------------------------------------------------------------------------|-----------------|---|--------------------|--|
| <b>Meeting Date:</b>                     |         | February 6, 2023                                                                            |                 |   |                    |  |
| <b>Item Name:</b>                        |         | Site Plan and Design Review - Laketown Storage - submitted by RAM General Contracting, Inc. |                 |   |                    |  |
| <b>Originating Department:</b>           |         | Community Development                                                                       |                 |   |                    |  |
| <b>Presented by:</b>                     |         | Ethan Nelson                                                                                |                 |   |                    |  |
| <b>Previous Council Action</b> (if any): |         |                                                                                             |                 |   |                    |  |
| <b>Item Type (X only one):</b>           | Consent |                                                                                             | Regular Session | X | Discussion Session |  |

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

Adopt Resolution 2023-33, approving the Site Plan & Design Review application for the Laketown Storage proposal for the property located at 87 8th Street

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

#### **BACKGROUND**

**Applicant:** RAM General Contracting, Inc.

**Owner:** S&C Properties

**Address:** 87 8th Street

**PID#** 753700020

**Zoning:** I-1, Industrial Park District

**Design District:** Industrial District

#### **REQUEST**

The applicant, RAM General Contracting, Inc., has submitted an application for Site Plan and Design Review for the property located at 87 8th Street. The applicant is proposing to construct four (4) new freestanding structures and site improvements in the I-1, Industrial Park District.

#### **APPLICABLE ORDINANCE PROVISIONS:**

1. Section 900.05 – District Regulations, Subd. 2.J – I-1, Industrial Park 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, Subd. 4 – Variances & Subd. 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 subject parcel is zoned I-1, Industrial Park District. The proposed Office/Warehousing building and Self Storage buildings are permitted uses in the I-1 district.

## **LOT REQUIREMENTS**

The subject property is located in the I-1, Industrial Park District. Section 900.05, Subd. 2.F of the City Ordinance states *“The purpose of this district is to provide for higher quality employment areas within the City where light manufacturing and related compatible uses can be accommodated in a value enhancing park-like setting. Uses intended to be accommodated include those which generate a minimum of noise, glare, dust, odor, vibration, air and water pollution, fire and safety hazard, and obtrusive views.”* The Lot Requirements for the Industrial Park District are indicated in Table 1-1 below.

**Table 1-1.**

|                           | I-1 – Lot Requirements | Proposed                   |
|---------------------------|------------------------|----------------------------|
| Lot Area                  | 43,560 sq. ft. min.    | 133,107 sq. ft. (existing) |
| Maximum Hardcover Surface | 85% max.               | 75.6%                      |
| Maximum Structure Height  | 50 ft. max.            | Conforming                 |
| Front Yard Setback        | 50 ft. min.            | 71.69 ft.                  |
| Side Interior Setback     | 20 ft. min.            | 24.93 ft.                  |
| Side Street Setback       | 50 ft. min.            | 50.54 ft.                  |
| Rear Yard Setback         | 30 ft. min.            | 30 ft.                     |

## **SCREENING OF EQUIPMENT**

No exterior mechanical equipment is proposed as part of the Laketown Storage project. All proposed and future outdoor and/or rooftop mechanical equipment shall be screened from neighboring properties in compliance with the City Code.

## **OFF-STREET PARKING**

The purpose of off-street parking regulation is to alleviate or prevent congestion of public streets, and to promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking, loading and unloading of motor vehicles in accordance with the use to which the property is put.

City Ordinance requires the following parking requirements for a business office;

*One ( 1) space per 200 square feet of gross floor area, but at least three ( 3) parking spaces.*

AND

City Ordinance requires the following parking requirements for a warehousing use:

*One ( 1) space for each 1, 000 square feet of floor area, plus one( 1) space for each employee on maximum shift.*

The applicant is proposing a 50' x 225' building totaling 11,250 sq. ft. The proposed floor plan notes warehousing with the option for future office. The applicant is contemplating approximately 960 sq. ft. of office use in the future leaving 10,290 sq. ft. of warehousing space. Staff is assuming a minimum of 1 employee per space. In a maximum buildout scenario, City Code would require 20 parking spaces. In a minimum buildout scenario, City code would require 14 parking space.

The applicant initially proposed 15 parking spaces for the site and indicated that the units may be built out for uses that don't require an office. The Planning Commission reviewed the proposed layout and found the plan to be acceptable with the condition that the drive lanes meet City code requirements. The applicant has since revised the site plan to meet the Planning Commission's recommendation and has reduced the number of proposed parking spaces to 14, meeting the bottom end of City code requirements. The City Council should review and determine if the proposed parking meets the needs of the site.

## **LANDSCAPING**

*Section 900.07A states that for the I-1, Industrial Park District, the following plantings are required:*

*One (1) tree per 1,000 square feet of gross building floor area.*

The gross building floor area of the proposed buildings are 31,930 sq. ft. Therefore the total number of trees required equals 32 trees. The applicant is currently proposing 32 trees, meeting City planting number requirements. Staff notes that City code requires new tree planting minimum deciduous size to be at least 2.5 caliper inches vs. the applicant's proposed 1.5 inches. The applicant will be required to meet that requirement at the time of permit review.

## **SIGNS**

The applicant is not proposing any signage as part of this application. Any future signage shall require a separate sign permit review.

## **LIGHTING**

Section 900.08, Subd. 1.C provides standards for exterior lighting. The applicants have not yet submitted a lighting plan. There does not appear to be significant lighting proposed, however the applicant shall be required to submit a plan conforming to Section 900.08, Subd. 1.C.

## **VEHICULAR ACCESS**

The subject property has access from 8th Street on the east side of the property. The applicant is proposing varying widths for drive aisles between the four (4) proposed structures. Staff has recommended bollards be installed near the corners of each building, further reducing drive aisles width and would impact turning movement of larger vehicles such as a box truck. Further, the initially proposed parking located in front of the southern building may reduce the existing drive aisle to less than code would allow. The Planning Commission discussed these access items with the applicant and required drive aisle widths to meet code, which the applicant has since revised and met.

## **PEDESTRIAN ACCESS**

A 6' wide concrete sidewalk (4" of aggregate with 6" of aggregate base) is required along 8<sup>th</sup> Street, consistent with the Trails & Sidewalk Plan included in the City's 2040 Comprehensive Plan. A boulevard width of 4' to 5' is also required. This design may require a retaining wall as well as the relocation of existing hydrants/utilities. The proposed hydrant located near the entrance will also need to be relocated so as not to be in conflict with the sidewalk.

## **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 plans do not show any exterior trash handling equipment. City code requires any future trash equipment to be fully enclosed by a trash enclosure, constructed with material that matches existing/proposed structures, or stored within the principal structure.

## **GRADING, DRAINAGE & UTILITIES**

The City Engineer and Public Services Director have conducted an initial review of the grading, drainage and utilities based upon the Site Plan dated October 24, 2022 and have reviewed the revised plans submitted January 9th, 2023. Any approvals made by the City Council should include a condition requiring the applicant to work with the City Engineer and Public Services Director to their satisfaction of City standards.

## **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 2023 SAC and City trunk fees are included below for convenience. Please note that the current 2023 per unit cost, which includes SAC, water trunk fee, and sewer trunk fee, is \$10,885 plus any applicable hook-up and stormwater connection fees.

|                       |                                                             |
|-----------------------|-------------------------------------------------------------|
| SAC Charge            | \$2,485 per SAC unit determined by the Metropolitan Council |
| Sewer Trunk Fee       | \$3,300 per SAC unit determined by the Metropolitan Council |
| Water Trunk Fee       | \$5,100 per SAC unit determined by the Metropolitan Council |
| Stormwater Trunk Fee  | \$11,050 per acre                                           |
| Stormwater Access Fee | \$1,600 per acre                                            |

## **DESIGN REVIEW - INDUSTRIAL 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.*” City Ordinance requires Design Review to be conducted as part of the Site Plan Review process.

Based on a review of the plan set provided by the applicant for the proposed Laketown Storage, staff indicates the applicant meets most of the design review requirements. The outstanding items are noted below:

Exterior Materials. Exterior wall surfaces of all buildings shall be faced with brick, natural stone, architectural concrete cast in place or precast concrete panels, glass curtain wall panels or an equivalent or better. Up to 15% of any wall surface may be wood or metal used as an architectural trim, as approved by the Planning Commission. The Planning Commission may also approve other materials that the Commission, in its discretion, determines are compatible with these materials if it finds that: 1) The quality and appearance of the proposed materials is consistent with the standard that has been set within the District; and 2) The use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

**Design Response:** Staff notes that the proposed LP Smart Siding material proposed on the north and south facades of the self storage buildings, and the east and west facades of the office/warehouse building appear to exceed the maximum 15% allowed as an accent material. Staff has included condition #7 as a requirement that the applicant show they meet this design standard.

## **CONCLUSION / RECOMMENDATION**

The Planning Commission, at their regular meeting on November 3rd, 2022, reviewed the pertinent information and recommended approval of the proposed Site Plan & Design Review application via a 5-0 vote.

If the City Council chooses to approve the afore-mentioned land use applications, the Planning Commission and staff would recommend the approvals 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 provide the City with an escrow or letter of credit to guarantee the proper installation and growth of the approved landscape plan. The escrow/letter of credit shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The escrow/letter of credit shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.
4. City Public Services staff shall be notified upon landscape planting to note the quantity of plants, and initiation of the warranty period.
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 shall comply with Section 900.09 Subd. 1.E - Off-Street Parking, Loading, and Access Regulations
7. The applicant shall revise the exterior facades to comply with Section 900.06.9 Architectural Materials Regulations, Industrial Design District requirements.
8. The applicant/owner shall comply with staff review comments dated October 24, 2022 and any subsequent revisions to those comments thereafter.
9. The applicant shall revise the landscape plan to meet City Code requirements, which shall be reviewed and approved by City staff prior to the issuance of a building permit.

**Attachments:**

1. [2333res Laketown Storage Site Plan.docx](#)
2. [Location Map \(1 Page\).pdf](#)
3. [Proposed Site Plan \(7 Pages\).pdf](#)
4. [Staff Review Comments \(3 Pages\)](#)

|                                                                                         |                                                                                                                                       |  |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--|
| <b><i>FINANCIAL IMPLICATIONS:</i></b><br>Funding Sources & Uses:                        | <b><i>ADVISORY BOARD RECOMMENDATIONS:</i></b><br>Planning Commission recommendation of approval on November 3rd, 2022 via a 5-0 vote. |  |
| Budget Information:<br>_____ Budgeted<br>_____ Non Budgeted<br>_____ Amendment Required | Planning Commission                                                                                                                   |  |
|                                                                                         | Parks and Recreation Board                                                                                                            |  |
|                                                                                         | Safari Island Advisory Board                                                                                                          |  |
|                                                                                         | Other                                                                                                                                 |  |

**CITY OF WACONIA  
RESOLUTION 2023-33**

**RESOLUTION APPROVING SITE PLAN & DESIGN REVIEW FOR THE PROPERTY  
LOCATED AT 87 8<sup>TH</sup> STREET**

**WHEREAS**, RAM General Contracting, Inc. (the “**Applicant**”), has submitted a Site Plan & Design Review plan set for the property located at 87 8<sup>th</sup> Street (the “**Property**”) pursuant to Section 900.12 of the City Zoning Code; and

**WHEREAS**, the subject parcel is identified as PID# 753700020; and

**WHEREAS**, the property is zoned for I-1, Industrial Park District and is located within the Industrial Design Standards District; and

**WHEREAS**, the Applicant is proposing four (4) new freestanding structures and site improvements; and

**WHEREAS**, the City’s Planning Commission, at their regular meeting on November 3<sup>rd</sup>, 2022, recommended approval of the Site Plan & Design Review application via a 5-0 vote 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 provide the City with an escrow or letter of credit to guarantee the proper installation and growth of the approved landscape plan. The escrow/letter of credit shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The escrow/letter of credit shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.
4. City Public Services staff shall be notified upon landscape planting to note the quantity of plants, and initiation of the warranty period.
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 shall comply with Section 900.09 Subd. 1.E - Off-Street Parking, Loading, and Access Regulations
7. The applicant shall revise the exterior facades to comply with Section 900.06.9 Architectural Materials Regulations, Industrial Design District requirements.
8. The applicant/owner shall comply with staff review comments dated October 24, 2022 and any subsequent revisions to those comments thereafter.
9. The applicant shall revise the landscape plan to meet City Code requirements, which shall be reviewed and approved by City staff prior to the issuance of a building permit.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Waconia hereby approves the Site Plan & Design Review plan set submitted by RAM General Contracting, Inc. for the property located at 87 8<sup>th</sup> Street subject to the conditions, findings and recommendations of the Planning Commission and staff stated above.

Adopted by the City Council of the City of Waconia this 6<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_  
Jackie Schulze, City Clerk



Carver County GIS, City of Waconia

0 25 50 100 150 200  
ft

Coordinate System:  
WGS 1984 Web Mercator Auxiliary Sphere

N  
October 2022



City of Waconia  
201 Vine Street South, Waconia, MN 55387

Waconia GIS

# BOUNDARY & TOPOGRAPHIC SURVEY

~for~ RAM GENERAL CONTRACTING  
~of~ Lot 2, Block 1, PINE BUSINESS PARK, Waconia, Carver Co., MN

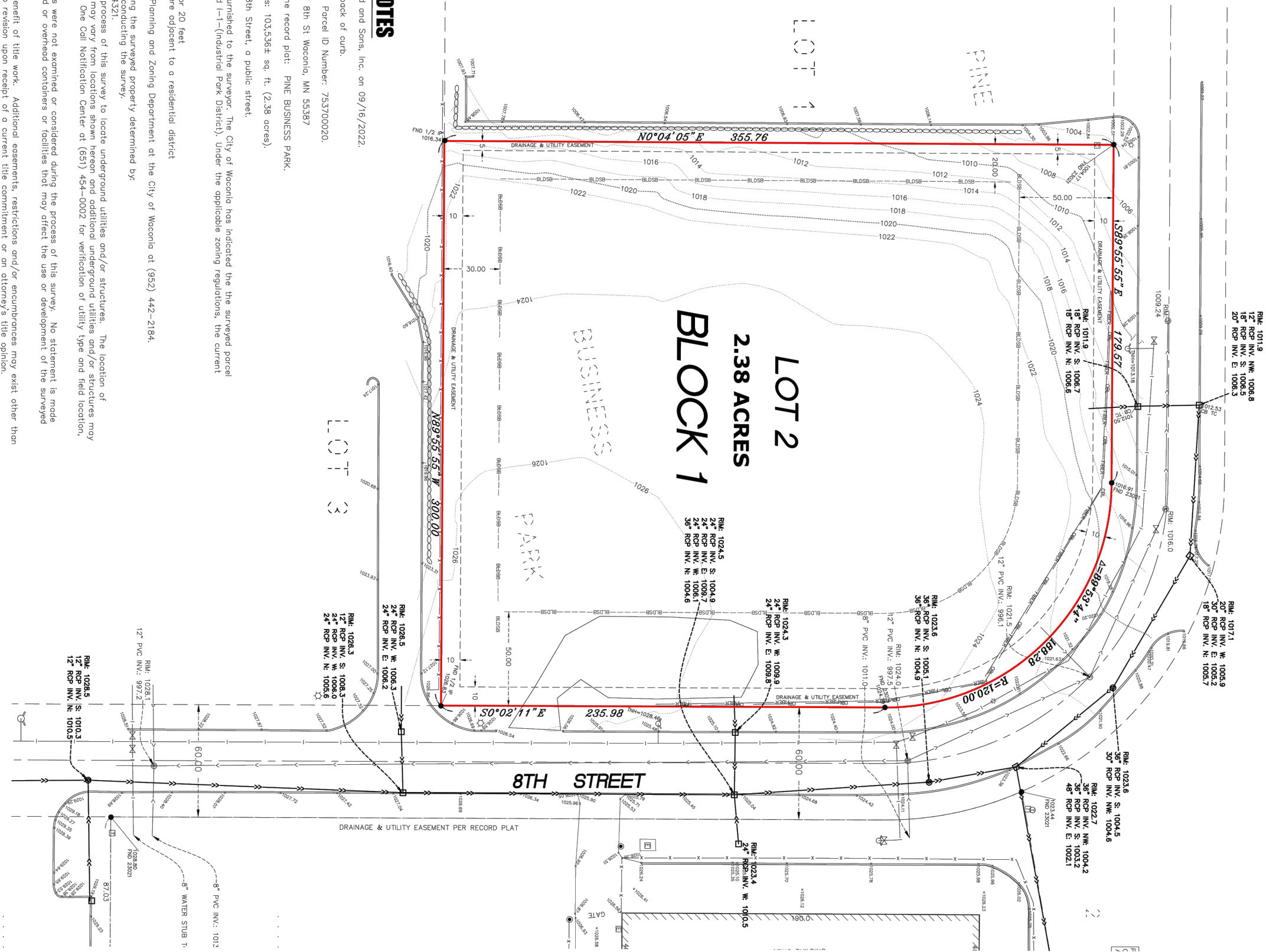
## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES BOLLARD
- DENOTES CATCH BASIN
- DENOTES CATCH BASIN MANHOLE
- DENOTES CATCH BASIN MANHOLE
- DENOTES ELECTRICAL BOX
- DENOTES ELECTRICAL MANHOLE
- DENOTES EXISTING SPOT ELEVATION
- DENOTES FIBER OPTIC BOX
- DENOTES GAS METER
- DENOTES GAS VALVE
- DENOTES HYDRANT
- DENOTES LIGHT POLE
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES WET LAND
- ▲ DENOTES STORM SEWER APRON
- DENOTES STORM SEWER MANHOLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES TELEPHONE MANHOLE
- DENOTES WATER VALVE
- DENOTES BUILDING SETBACK LINE
- DENOTES CHAINLINK FENCE
- DENOTES EXISTING CONTOURS
- DENOTES TREE LINE
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN



## LEGAL DESCRIPTION OF SURVEYED PREMISES

Lot 2, Block 1, PINE BUSINESS PARK, Carver County, Minnesota.



## GENERAL NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 09/16/2022.
- Curb shots are taken at the top and back of curb.
- Topology: S & C PROPERTIES LLC Parcel ID Number: 753700020.
- Address of the surveyed premises: 87 8th St Waconia, MN 55387
- Bearings shown hereon are based on the record plat: PINE BUSINESS PARK.
- Boundary area of the surveyed premises: 103,536± sq. ft. (2.38 acres).
- The surveyed premises has access to 8th Street, a public street.
- A zoning endorsement letter was not furnished to the surveyor. The City of Waconia has indicated the the surveyed parcel shown on this survey is currently zoned I-1 (Industrial Park District). Under the applicable zoning regulations, the current setbacks are:  
Building: Front = 50 feet  
Side = Street 50 feet, interior 20 feet  
Rear = 30 feet \*50 feet where adjacent to a residential district
- For additional information contact the Planning and Zoning Department at the City of Waconia at (952) 442-2184.
- Location of utilities existing on or serving the surveyed property determined by:
  - Observed evidence collected while conducting the survey.
  - Gopher One Coil Ticket No. 222514321.Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Coil Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation.
- Subsurface and environmental conditions were not examined or considered during the process of this survey. No statement is made concerning the existence of underground or overhead containers or facilities that may affect the use or development of the surveyed premises.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.



**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
990 5th Ave SE, Suite 2  
Hutchinson, MN 55350  
Tel. (320) 587-2025

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON

Date: 20SEP22 License No. 45356

|               |                       |               |
|---------------|-----------------------|---------------|
| DRAWN BY: KON | JOB NO: 22.1006       | DATE: 9/20/22 |
| CHECK BY: KON | FIELD CREW: BCK & JWM |               |
| NO.           | DATE                  | DESCRIPTION   |
| 1             |                       |               |
| 2             |                       |               |
| 3             |                       |               |
|               |                       | BY            |

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| EXISTING |                                                                 |
|----------|-----------------------------------------------------------------|
|          | RIGHT OF WAY                                                    |
|          | PERMANENT EASEMENT                                              |
|          | PROPERTY LINE                                                   |
|          | HORIZONTAL CONTROL POINT                                        |
|          | BENCHMARK                                                       |
|          | SURVEY MARKER                                                   |
|          | SOIL BORING                                                     |
|          | SANITARY SEWER AND MANHOLE                                      |
|          | FORCE MAIN AND LIFT STATION                                     |
|          | SANITARY SEWER SERVICE & CLEANOUT                               |
|          | WATER MAIN, HYDRANT, VALVE AND MANHOLE                          |
|          | WATER SERVICE AND CURB STOP BOX                                 |
|          | STORM SEWER, MANHOLE AND CATCH BASIN                            |
|          | CULVERT AND APRON ENDWALL                                       |
|          | GAS MAIN, VALVE, VENT AND METER                                 |
|          | HANDHOLE                                                        |
|          | BURIED FIBER OPTIC CABLE AND MANHOLE                            |
|          | BURIED PHONE CABLE, PEDESTAL AND MANHOLE                        |
|          | BURIED TV CABLE, PEDESTAL AND MANHOLE                           |
|          | BURIED ELECTRIC CABLE, PEDESTAL, MANHOLE, TRANSFORMER AND METER |
|          | OVERHEAD WIRE, POLE AND GUY WIRE                                |
|          | LIGHT POLE                                                      |
|          | TRAFFIC SIGNAL                                                  |
|          | STREET NAME SIGN                                                |
|          | SIGN (NON STREET NAME)                                          |
|          | RAILROAD TRACKS                                                 |
|          | DECIDUOUS AND CONIFEROUS TREE                                   |
|          | BUSH / SHRUB AND STUMP                                          |
|          | EDGE OF WOODED AREA                                             |
|          | WETLAND                                                         |
|          | BUILDING                                                        |
|          | FENCE (UNIDENTIFIED)                                            |
|          | BARBED WIRE FENCE                                               |
|          | CHAIN LINK FENCE                                                |
|          | ELECTRIC WIRE FENCE                                             |
|          | WOOD FENCE                                                      |
|          | WOVEN WIRE FENCE                                                |
|          | PLATE BEAM GUARDRAIL                                            |
|          | CABLE GUARDRAIL                                                 |
|          | POST / BOLLARD                                                  |
|          | RETAINING WALL                                                  |
| PROPOSED |                                                                 |
|          | STREET CENTERLINE                                               |
|          | RIGHT-OF-WAY                                                    |
|          | PERMANENT EASEMENT                                              |
|          | TEMPORARY EASEMENT                                              |
|          | CONSTRUCTION LIMITS                                             |
|          | SANITARY SEWER, BULKHEAD AND MANHOLE                            |
|          | FORCE MAIN                                                      |
|          | SANITARY SERVICE AND CLEANOUT                                   |
|          | WATER MAIN, TEE, HYDRANT, BULKHEAD AND VALVE                    |
|          | WATER VALVE MANHOLE, REDUCER, BEND AND CROSS                    |
|          | WATER SERVICE AND CURB STOP BOX                                 |
|          | STORM SEWER, MANHOLE AND CATCH BASIN                            |
|          | CULVERT AND APRON ENDWALL                                       |
|          | DRAIN TILE                                                      |
|          | DITCH / SWALE                                                   |
|          | RIPRAP                                                          |
|          | STREET NAME SIGN                                                |
|          | SIGN (NON STREET NAME)                                          |
|          | RETAINING WALL                                                  |

# RAM GENERAL CONTRACTING INC. CONSTRUCTION PLANS FOR GRADING, EROSION & LANDSCAPING LAKETOWN STORAGE



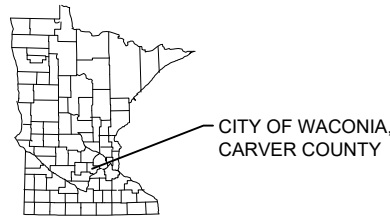
GOVERNING SPECIFICATIONS  
THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF  
TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION"  
SHALL GOVERN EXCEPT AS MODIFIED BY THE SPECIFICATIONS FOR THIS PROJECT.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE  
MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST  
FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

| INDEX     |                      |
|-----------|----------------------|
| SHEET NO. | DESCRIPTION          |
| 1         | TITLE SHEET          |
| 2 - 6     | DETAILS              |
| 7         | SITE PLAN            |
| 8         | PROPOSED UTILITIES   |
| 9         | STORM TABLE          |
| 10        | GRADING PLAN         |
| 11        | LANDSCAPING PLAN     |
| 12        | SURVEY LAYOUT        |
| 13        | EROSION CONTROL PLAN |
| 14 - 15   | SWPPP                |

THIS PLAN CONTAINS 15 SHEETS.

## PROJECT LOCATION



WACONIA, MINNESOTA

**SEH**  
PHONE: 800.838.8666  
1390 HWY. 15 S.  
SUITE 200, PO BOX 308  
HUTCHINSON, MN 55350  
www.sehinc.com

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE  
LAWS OF THE STATE OF MINNESOTA.

BRYAN REMER  
Signature

Date: 01/09/2023 Lic. No. 47588

PROJECT NO.

RAMGC169559

1

of 15

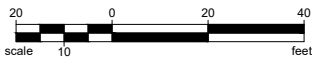
NOTE:  
THE SUBSURFACE UTILITY QUALITY INFORMATION IN THIS PLAN IS LEVEL D.  
THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE  
GUIDELINES OF CI/ASCE 38-02 ENTITLED "STANDARD GUIDELINES FOR THE  
COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

THE CONTRACTOR SHALL CALL THE GOPHER STATE ONE CALL SYSTEM AT  
811 BEFORE COMMENCING EXCAVATION.

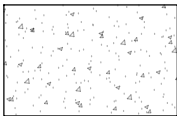


Know what's below.  
Call before you dig.

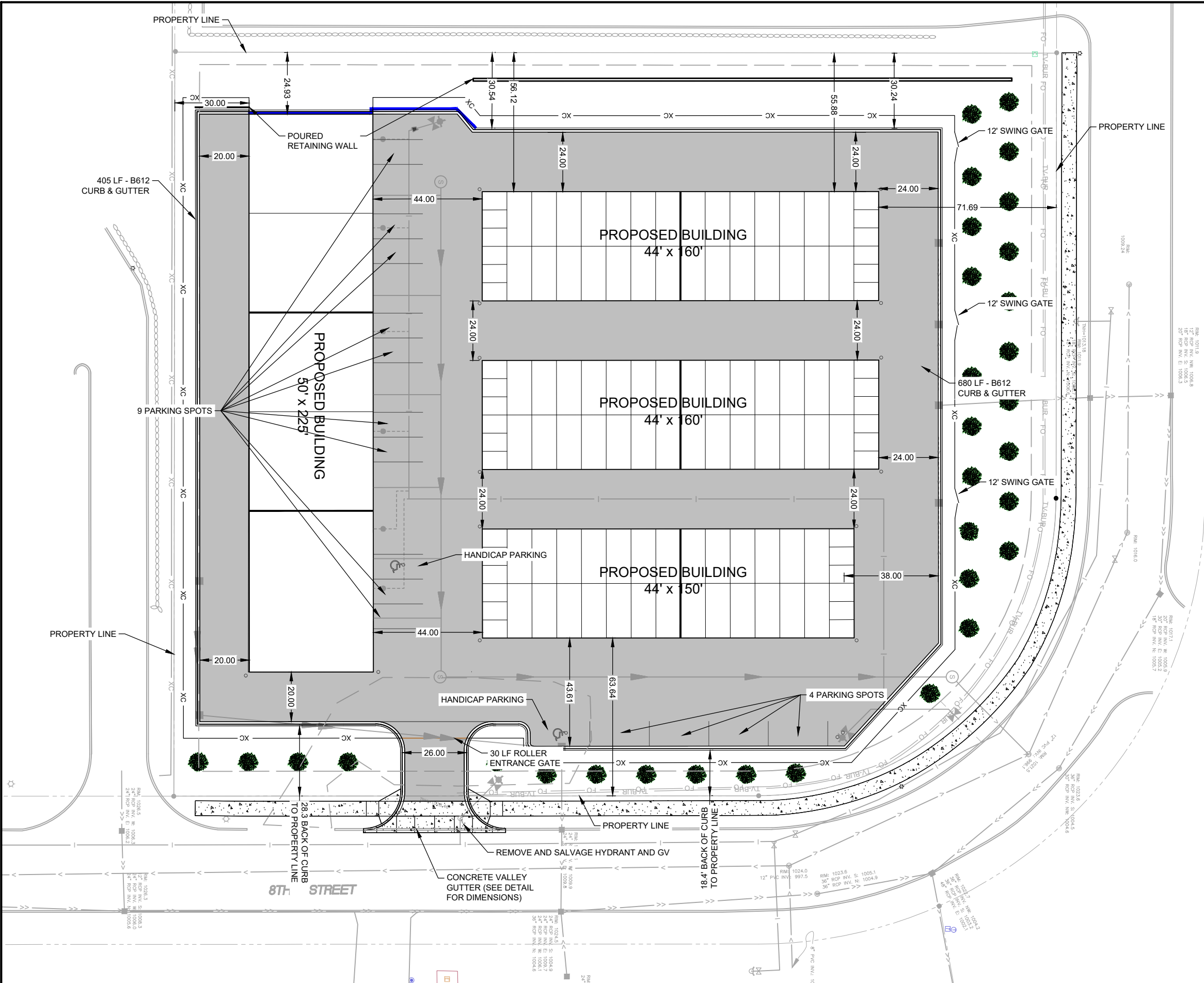
| NO. | BY  | DATE       | REVISIONS         |
|-----|-----|------------|-------------------|
| D   | KJW | 1/9/2023   | ISSUED FOR REVIEW |
| C   | KJW | 12/27/2022 | ISSUED FOR REVIEW |
| B   | KJW | 11/1/2022  | ISSUED FOR REVIEW |
| A   | SJP | 10/6/2022  | ISSUED FOR PERMIT |



BITUMINOUS PAVEMENT  
4" BITUMINOUS  
8" CLASS 5 AGGREGATE BASE  
BIAXIAL GEOGRID



CONCRETE SIDEWALK  
4" CONCRETE  
6" CLASS 5 AGGREGATE BASE



| SEH Project | RAMGC 169559 | Rev # | Revision Issue Description | Date       | Rev.# | Revision Issue Description | Date |
|-------------|--------------|-------|----------------------------|------------|-------|----------------------------|------|
| Drawn By    | SJP          | D     | ISSUED FOR REVIEW          | 01/09/2023 | .     |                            |      |
| Designed By | SJP          | C     | ISSUED FOR REVIEW          | 12/27/2022 | .     |                            |      |
| Checked By  | BJR          | B     | ISSUED FOR REVIEW          | 11/01/2022 | .     |                            |      |
|             |              | A     | ISSUED FOR PERMIT          | 10/06/2022 | .     |                            |      |



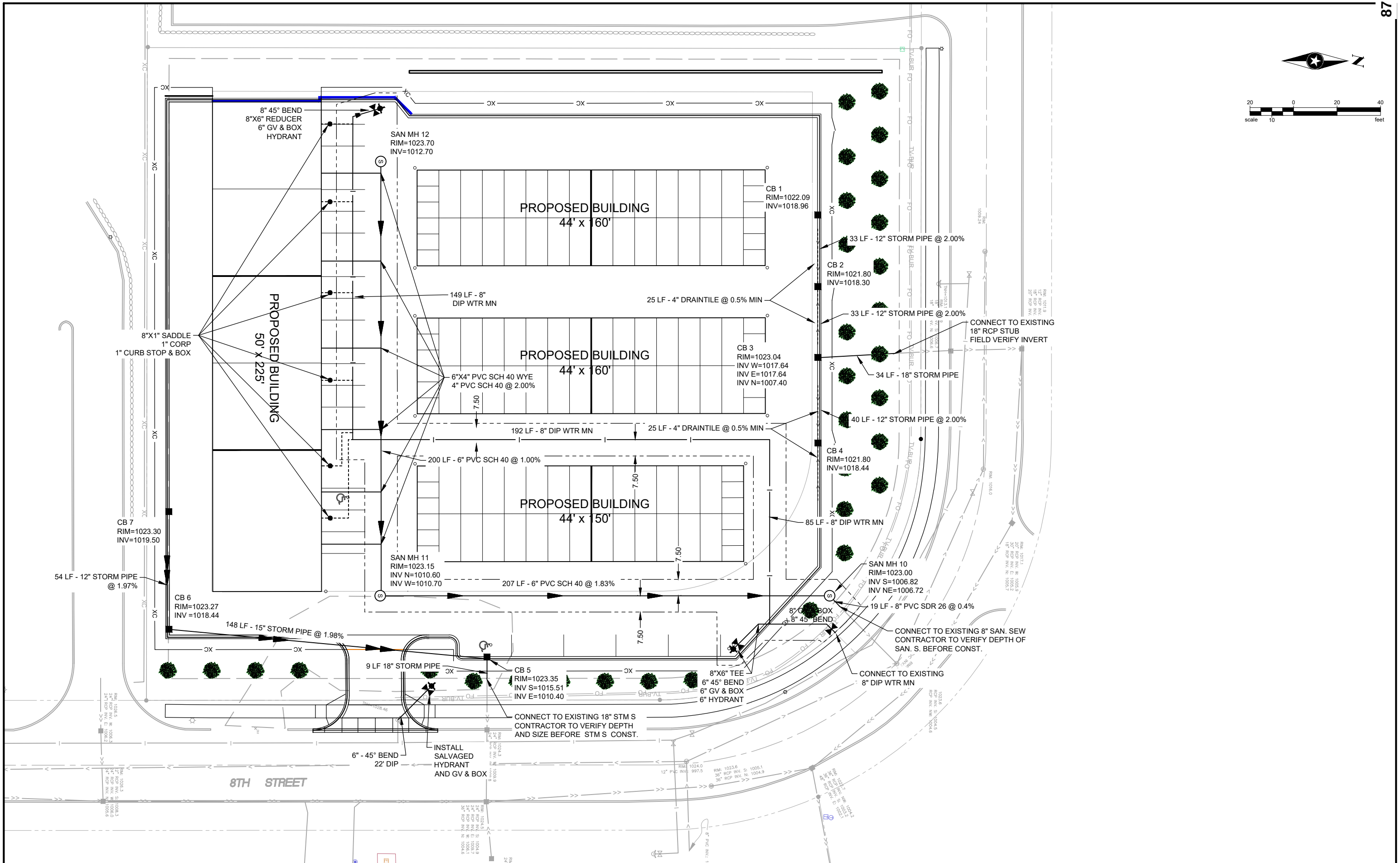
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Bryan Remer*  
BRYAN REMER  
DATE 01/09/2023 LICENSE NO. 47588

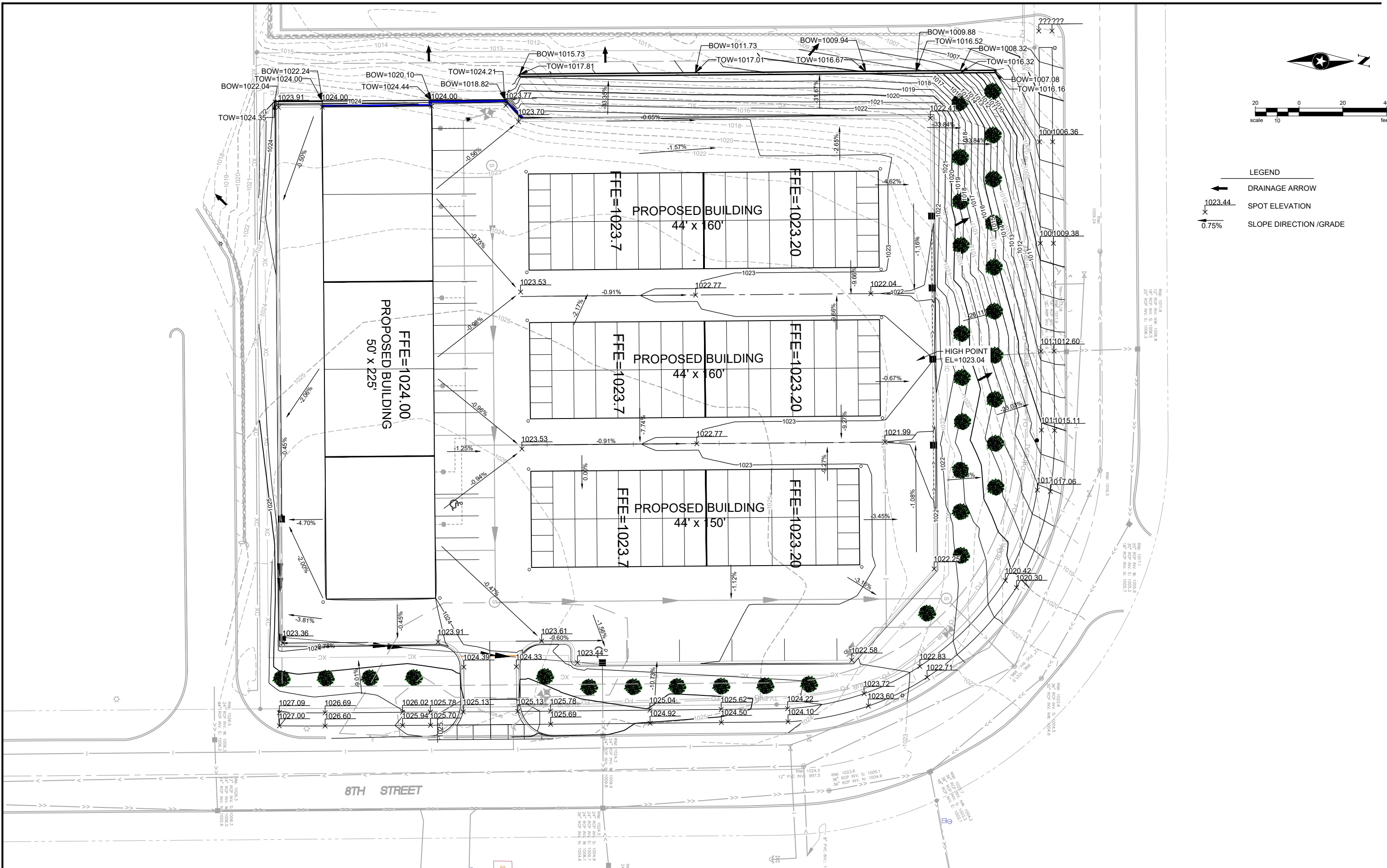
LAKETOWN STORAGE  
WACONIA, MN

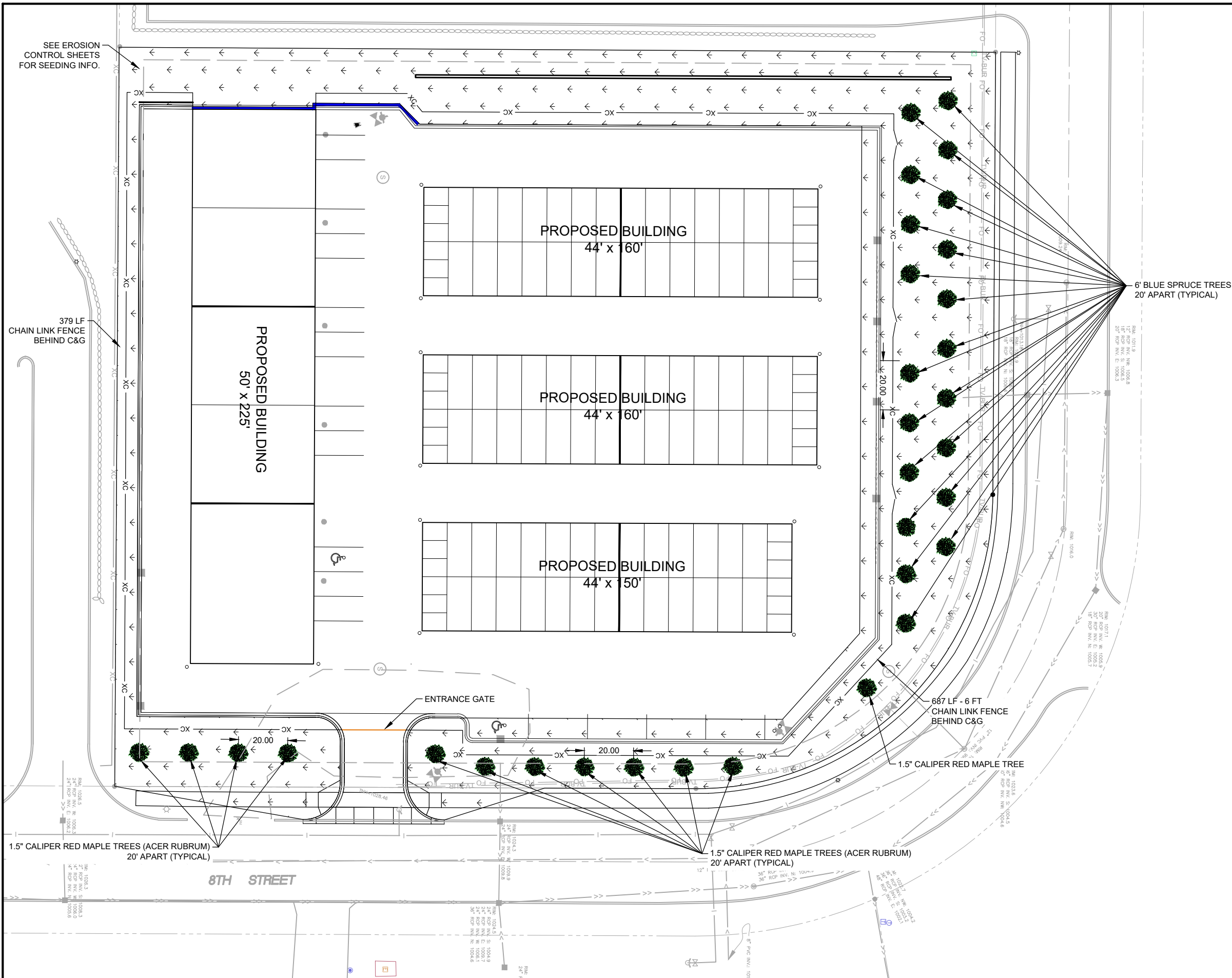
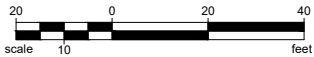
SITE PLAN

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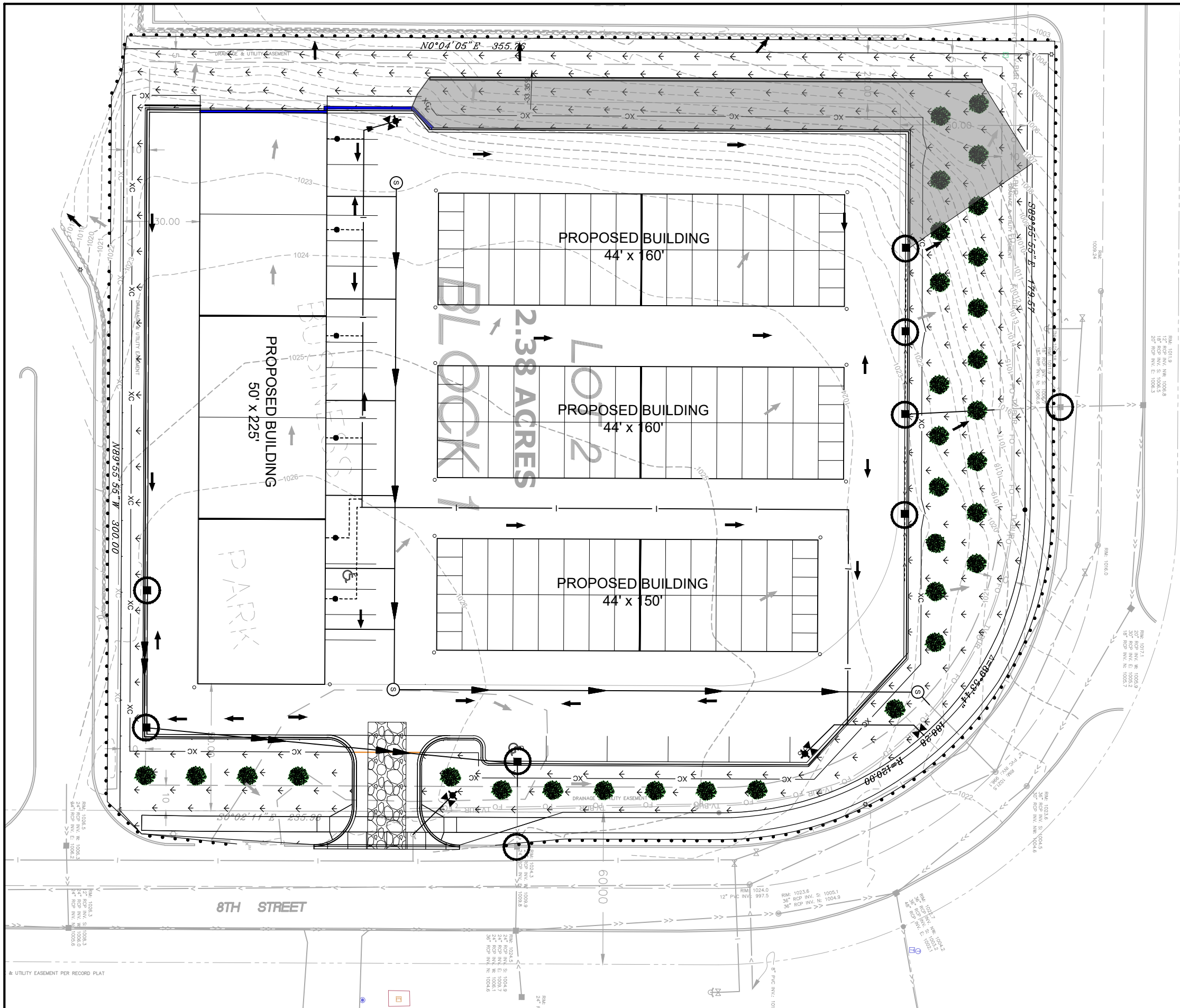


|             |              |       |                            |            |       |                            |      |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                               |                               |
|-------------|--------------|-------|----------------------------|------------|-------|----------------------------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------|-------------------------------|
| SEH Project | RAMGC 169559 | Rev.# | Revision Issue Description | Date       | Rev.# | Revision Issue Description | Date | <br><div>I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.</div> <div><br/>BRYAN REMER<br/>DATE <u>01/09/2023</u> LICENSE NO. <u>47588</u></div> | <div>LAKETOWN STORAGE</div> <div>WACONIA, MN</div> | <div>PROPOSED UTILITIES</div> | <div>8</div> <div>of 15</div> |
| Drawn By    | SJP          | D     | ISSUED FOR REVIEW          | 01/09/2023 | -     |                            |      |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                               |                               |
| Designed By | SJP          | C     | ISSUED FOR REVIEW          | 12/27/2022 | -     |                            |      |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                               |                               |
|             |              | B     | ISSUED FOR REVIEW          | 11/01/2022 | -     |                            |      |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                               |                               |
| Checked By  | BJR          | A     | ISSUED FOR PERMIT          | 10/06/2022 | -     |                            |      |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                               |                               |





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**EROSION CONTROL**

EXISTING AND PROPOSED DRAINAGE  
DIRECTIONAL FLOW ARROW

TEMPORARY ROCK CONSTRUCTION  
ENTRANCE

STORM DRAIN INLET PROTECTION

SILT FENCE

**EROSION CONTROL - SEEDING**

TURF RESTORATION SECTION W / 4" TOPSOIL

- SEED MIX 25-131 @ 220 LBS / ACRE
- APPLY HYDRAULIC TACKIFIERS, MULCH AND MATRIX IN ACCORDANCE WITH MNDOT 2575.3.E

EROSION CONTROL BLANKET (CATEGORY 3)

- NATURAL NETTING ON SLOPES

| SEH Project | RAMGC 169559 | Rev. # | Revision Issue Description | Date       | Rev. # | Revision Issue Description | Date |
|-------------|--------------|--------|----------------------------|------------|--------|----------------------------|------|
| Drawn By    | SJP          | D      | ISSUED FOR REVIEW          | 01/09/2023 | .      |                            |      |
| Designed By | SJP          | C      | ISSUED FOR REVIEW          | 12/27/2022 | .      |                            |      |
| Checked By  | BJR          | B      | ISSUED FOR REVIEW          | 11/01/2022 | .      |                            |      |
|             |              | A      | ISSUED FOR PERMIT          | 10/06/2022 | .      |                            |      |

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Bryan Remer*  
BRYAN REMER  
DATE: 01/09/2023 LICENSE NO. 47588

LAKETOWN STORAGE  
WACONIA, MN

EROSION CONTROL PLAN

## **Laketown Storage Review #1**

**October 24, 2022**

This review is based on the plans dated 10/6/2022 and supplemental information provided on 10/17/2022.

### General Comments

1. Stormwater management for the site to meet City requirements was provided with the original development of the Pine Business Park Addition. All site runoff is directed to the wet retention pond located northeast of the property on the other side of 8<sup>th</sup> Street.
2. The applicant will be required to obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any approvals or permits required should be submitted conditional to Final Site Plan approval.
3. The applicant will be required to obtain a General Construction Permit for Stormwater associated with Construction Activity (NPDES). A copy of the permit should be submitted conditional to Final Site Plan approval.
4. The Storm Water Pollution Prevention Plan (SWPPP) generally meets all NPDES requirements (see attached SWPPP review checklist). Once the Contractor is selected, the SWPPP must be updated to indicate the party responsible for on-site SWPPP management.
5. The condition of adjacent street should be reviewed by the City and Contractor prior to any work and verified with video or pictures. Any damage to the street or sidewalk after work commences shall be deemed to be caused by the Contractor and the Owner's responsibility to repair.
6. The condition of the existing storm sewer in 8<sup>th</sup> Street should be documented prior to any work. Any sediment deposited in the sewer after construction begins shall be deemed to be the responsibility of the Contractor and shall be removed at the Contractor's expense prior to final site approval.
7. Work within public right-of-way must be coordinated with the Waconia Public Services Department. Contractor must provide a minimum 48-hour notice prior to any work being performed.
8. Retaining walls 4' or greater in height must be designed by a licensed Professional Engineer. Wall plans must be provided for review and approval prior to construction. A building permit from the City is also required.
9. Drainage and Utility easements should be provided to cover all watermain and hydrants, except for service lines.
10. A detail for the proposed fence should be included with the plans.
11. Perimeter erosion control measures should be installed by the contractor and inspected by the City prior to any other work. Contractor must provide 24-hour notice prior to inspection.
12. Silt fence installation within public right-of-way adjacent to 8<sup>th</sup> Street is acceptable as indicated.
13. Proposed spot elevations should be included on the Grading Plan to allow for adequate review and ensure improvements are constructed as proposed.
14. A 6' wide concrete sidewalk (4" of aggregate with 6" of aggregate base) is required along 8<sup>th</sup> Street. A boulevard width of 4' to 5' is also required. This design may require a retaining wall as well as the

relocation of existing hydrants / utilities. The proposed hydrant located near the entrance will also need to be relocated to not conflict with this proposed walk.

15. Concrete pedestrian ramps meeting ADA requirements are required at all driveway entrances.
16. A concrete entrance is indicated on the Site Plan but the Construction Plans indicate asphalt. A concrete apron shall be required from the curb line to the back of the proposed sidewalk.
17. Pavement sections should be included on the plans. Due to the heavy clay soils, a minimum section of 4" of bituminous with 8" of aggregate base is recommended.
18. Bollards are recommended to be installed near the corners of each building.
19. Confirmation is needed that the 20' drive aisles (less than 20' if bollards are installed) can accommodate the turning movement of a box truck / moving truck.
20. Hydrants must be Waterous Improved Pacer Style, Model WB-67, with safety flange and stem coupling, or approved equal. The standard detail should be added accordingly.
21. All exposed gate valve bolts shall be 304 stainless steel, and all watermain bolts shall be "Cor Blue T-Bolts" or approved equal. Notes should be revised accordingly.
22. All DIP watermain pipe shall be wrapped with polyethylene encasement material.
23. The locations of hydrants, valves, and site fire suppression facilities shall be reviewed and approved by the Fire Chief and the Public Services Department prior to final approval.
24. The sanitary sewer is a private line. However, it is recommended to move the main 15+ feet away from the proposed buildings to allow for future maintenance and replacement of the line.
25. Due to heavy soils in the area, the applicant should consider installing daintile at low point inlets, and a detail should be included accordingly.
26. Due to the large impervious area and the proposed drainage utilizing the drive lanes, the applicant should consider tying the roof drainage directly into the storm sewer system.
27. Due to the flat curb grades and the large area of sheet flow being directed to CB 1, it is recommended to extend the proposed storm sewer and add a catchbasin or catchbasins on or near the west curb line.
28. A schedule should be provided for the proposed storm sewer, including manhole diameter/size, casting/grate type, and unique number.
29. Record drawings must be submitted upon completion of the project. Two hard copies and an electronic copy are required.
30. Applicant must conduct televising of the sanitary sewer system and provide two copies of the report and televising data for review by the City staff.
31. 32 Trees are required to be planted on site. The complement of trees fulfilling the requirements of this policy shall be not less than 25% deciduous and not less than 33% coniferous.
32. No trash enclosure appears to be proposed. All trash and trash handling equipment shall be stored within the principal structure, in 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 structures.

33. Exterior wall surfaces of all buildings shall be faced with brick, natural stone, architectural concrete cast in place or precast concrete panels, glass curtain wall panels or an equivalent or better. Up to 15% of any wall surface may be wood or metal used as an architectural trim, as approved by the Planning Commission. The Planning Commission may also approve other materials that the Commission, in its discretion, determines are compatible with these materials if it finds that: 1) The quality and appearance of the proposed materials is consistent with the standard that has been set within the District; and 2) The use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.
34. A lighting plan meeting Section 900.08 Subd 1.C. requirements shall be submitted for staff review.
35. The Site Plan shall show the following items: Lot Size in Sq. Ft., Proposed Hardcover, Proposed Setbacks of all structures, relevant to adjacent property lines and Height of all proposed structures.
36. Any/All Signage shall require a separate sign permit application and review.



## REQUEST FOR CITY COUNCIL ACTION

|                                          |                                     |  |                 |  |                    |   |
|------------------------------------------|-------------------------------------|--|-----------------|--|--------------------|---|
| <b>Meeting Date:</b>                     | February 6, 2023                    |  |                 |  |                    |   |
| <b>Item Name:</b>                        | Review of Parking Restriction Signs |  |                 |  |                    |   |
| <b>Originating Department:</b>           | Public Services                     |  |                 |  |                    |   |
| <b>Presented by:</b>                     | Craig Eldred                        |  |                 |  |                    |   |
| <b>Previous Council Action (if any):</b> | None                                |  |                 |  |                    |   |
| <b>Item Type (X only one):</b>           | Consent                             |  | Regular Session |  | Discussion Session | X |

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

Adopt Resolution 2023-34; Approve Recommendation of Parking Restriction Sign Placement

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

City Council and Administrator Fineran received an email correspondence on January 25th, 2023 from Mr. Donny March regarding No Parking Signs located in the Interlaken Woods Development. The request was to remove all No Parking Signs within the Development.

Attached is an image detailing the locations of the six No Parking Symbol Sign locations in Interlaken Woods. It has been a Standard for newer Developments where streets are narrow, or below the width of 34 feet where we have placed No Parking Symbols, or No Parking This Side of Street signs to allow adequate access to side street Fire Hydrant locations to secure access for Fire Protection. Another focus of this Development was to maintain vehicle stacking space to access Sparrow Road. Council should take into consideration that Shadywood Lane will someday link to the Steiner O-Hearn property as a main access to Sparrow Road resulting in increase traffic to Sparrow Road.

The accessibility of Fire Hydrants in Emergency situations for residential fire's is a priority. If parking were allowed on both sides of a narrow 29 foot surface the vehicle parking would consume 20 feet of the 29 foot street width. This limits the drive lane to 9 feet.

If you take into consideration parking on one side one may add in a portion of the remaining pavement surface to the opposite drive lane leaving approximately 19 feet. Take into consideration the width of a Fire Engine unit one loses 8.2 feet. This leaves 10.8 feet for working space to fight a structural fire.

A question of parking restrictions in Cul-de-sac's was raised. We have in fact have initiated parking restriction signs in most cul-de-sac's. Especially, those smaller in surface area. The Interlaken Cul-de-sac surfaces are of a 94 foot diameter. These Cul-de-sac's are at or larger than most Cul-de-sac's we see today. Our focus for Cul-de-sac restricted parking signs today is predicated on snow storage and access to storm water treatment structures.

Placement of street signage as part of Development Plans has been inconsistent, and earlier Developments signage was non-existent. This particular Development provided for Stop and Street Sign locations. The Developer's are charged for any signage installed and placed by the City. This particular Development included Wetland Buffer signage, Parking Restriction signs with the Plan noted Stop and Street signs.

For Council Reference, I have attached the section on Parking Signage as part of the Manual of Uniform Traffic Control. Section 2B 46 is the Section regarding Parking Signage

#### **Attachments:**

1. [2334res Parking\\_Regulation\\_Signage\\_Res\\_2\\_6\\_23.doc](#)
2. [Manual on Uniform Traffic Code; Sections 2B.pdf](#)
3. [Current No Parking Symol Locations.pdf](#)

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

**CITY OF WACONIA  
RESOLUTION NO. 2023-34**

**RESOLUTION AUTHORIZING APPROVAL OF RECOMMENDATION OF PARKING  
RESTRICTION SIGN PLACEMENT**

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

**WHEREAS**, an email request was received by City Council and Administrator Fineran on removal of existing Parking Restriction Signs; and

**WHEREAS**, practices and current recommendations are for streets narrower than 34 feet in width be signed at a minimum on one side of the road for Emergency vehicle access; and

**WHEREAS**, the current Interlaken Woods Development meets the criteria established for Emergency vehicle access and vehicle stacking space to access Sparrow Road.

**NOW, THEREFORE, BE IT RESOLVED** That the City Council of the City of Waconia hereby authorizes approval of recommendation of parking restriction sign placement.

Adopted by the City Council of the City of Waconia this 6th day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

Attest: \_\_\_\_\_  
Jackie Schulze, City Clerk

## 2B.44 Roundabout Circulation Plaque (R6-5P)



R6-5P

### Guidance

Where the central island of a roundabout does not provide a reasonable place to install a sign, Roundabout Circulation (R6-5P) plaques should be placed below the YIELD signs on each approach.

### Option

At roundabouts where Roundabout Directional Arrow signs and/or ONE WAY signs have been installed in the central island, Roundabout Circulation plaques may be placed below the YIELD signs on approaches to roundabouts to supplement the central island signs.

The Roundabout Circulation plaque may be used at any type of circular intersection.

## 2B.45 Examples of Roundabout Signing

### Support

Figures 2B-21 through 2B-23 illustrate examples of regulatory and warning signing for roundabouts of various configurations.

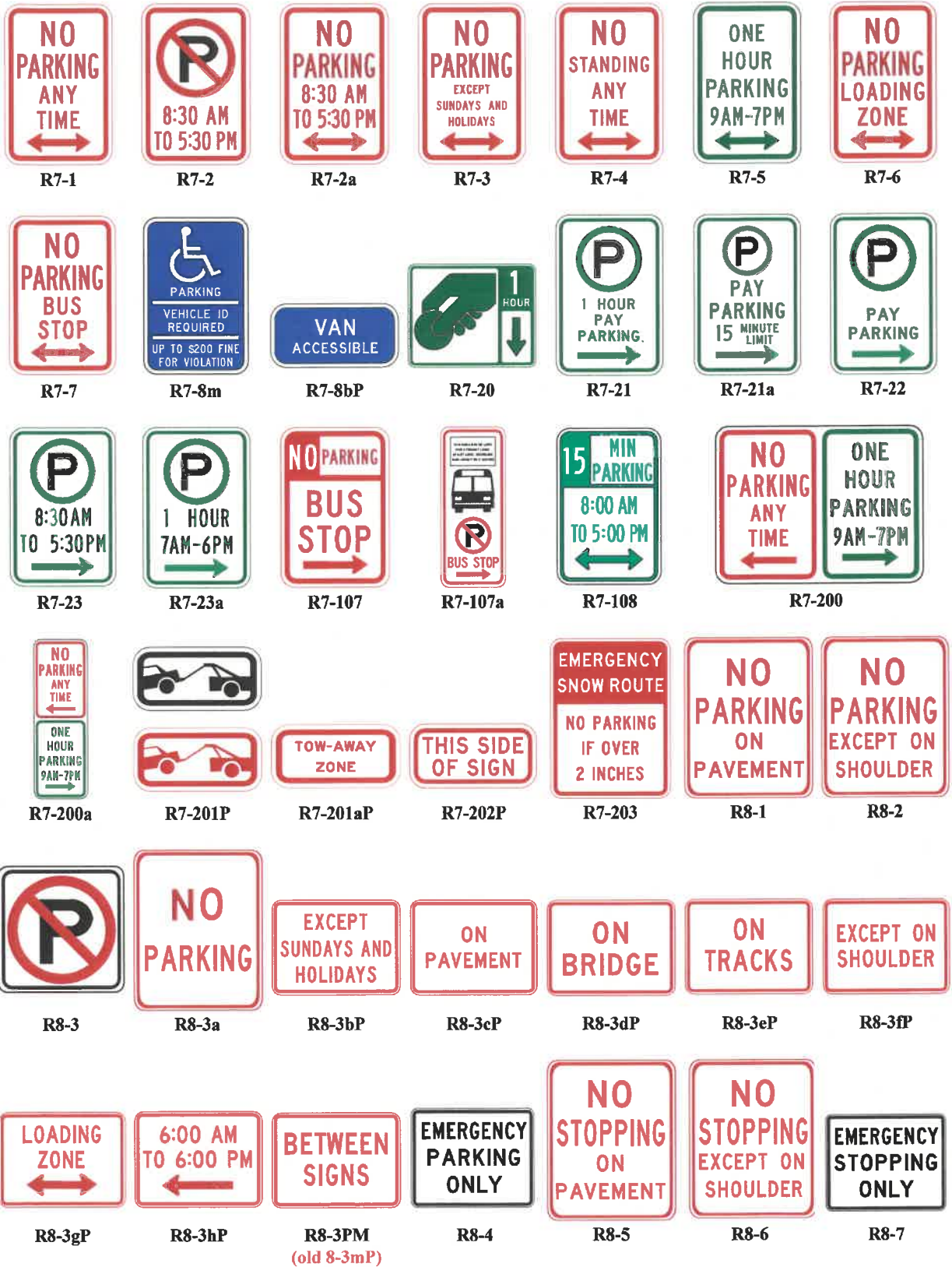
Section 2D.38 contains information regarding guide signing at roundabouts and Chapter 3C contains information regarding pavement markings at roundabouts.

## 2B.46 Parking, Standing, and Stopping Signs (R7 and R8 Series)

### Support

Signs governing the parking, stopping, and standing of vehicles cover a wide variety of regulations, and only general guidance can be provided here. The word “standing” when used on the R7 and R8 series of signs refers to the practice of a driver keeping the vehicle in a stationary position while continuing to occupy the vehicle. Typical examples of parking, stopping, and standing signs and plaques are as follows:

1. NO PARKING ANY TIME (R7-1);
2. NO PARKING X:XX AM TO X:XX PM (R7-2);
3. NO PARKING EXCEPT SUNDAYS AND HOLIDAYS (R7-3);
4. NO STANDING ANY TIME (R7-4);
5. XX HOUR PARKING X:XX AM-X:XX PM (R7-5);
6. NO PARKING LOADING ZONE (R7-6);
7. NO PARKING BUS STOP (R7-7, R7-107, R7-107a);
8. RESERVED PARKING for persons with disabilities (R7-8m);
9. VAN ACCESSIBLE (R7-8b);
10. Pay Station (R7-20);
11. Pay Parking (R7-21, R7-21a, R7-22);
12. Parking Permitted X:XX AM TO X:XX PM (R7-23);
13. Parking Permitted XX HOURS XX AM - X:XX PM (R7-23a);
14. XX HR PARKING X:XX AM TO X:XX PM (R7-108);
15. NO PARKING ANYTIME/XX HOUR PARKING X:XX AM - X:XX PM (R7-200, R7-200a);
16. TOW AWAY ZONE (R7-201P, R7-201aP);
17. THIS SIDE OF SIGN (R7-202P);
18. EMERGENCY SNOW ROUTE NO PARKING IF OVER XX INCHES (R7-203);
19. NO PARKING ON PAVEMENT (R8-1);
20. NO PARKING EXCEPT ON SHOULDER (R8-2);
21. No Parking (R8-3, R8-3a);
22. EXCEPT SUNDAYS AND HOLIDAYS (R8-3bP);
23. ON PAVEMENT (R8-3cP);
24. ON BRIDGE (R8-3dP);
25. ON TRACKS (R8-3eP);
26. EXCEPT ON SHOULDER (R8-3fP);
27. LOADING ZONE (R8-3gP);
28. X:XX AM TO X:XX PM (R8-3hP);
29. EMERGENCY PARKING ONLY (R8-4);
30. NO STOPPING ON PAVEMENT (R8-5);
31. NO STOPPING EXCEPT ON SHOULDER (R8-6); and
32. EMERGENCY STOPPING ONLY (R8-7).



## 2B.47 Design of Parking, Standing, and Stopping Signs

### Support

Discussions of parking signs and parking regulations in this Section apply not only to parking, but also to standing and stopping.

### Standard

The legend on parking signs shall state applicable regulations. Parking signs shall comply with the standards of shape, color, and location.

Where parking is prohibited at all times or at specific times, the basic design for parking signs shall have a red legend and border on a white background (Parking Prohibition signs), except that the R8-4 and R8-7 signs and the alternate design for the R7-201P plaque shall have a black legend and border on a white background, and the R8- 3 sign shall have a black legend and border and a red circle and slash on a white background. Where only limited-time parking or parking in a particular manner are permitted, the signs shall have a green legend and border on a white background (Permissive Parking signs).

### Guidance

Parking signs should display the following information from top to bottom of the sign, in the order listed:

- A. The restriction or prohibition;
- B. The times of the day that it is applicable, if not at all hours; and
- C. The days of the week that it is applicable, if not every day.

If the parking restriction applies to a limited area or zone, the limits of the restriction should be shown by arrows or supplemental plaques. If arrows are used and if the sign is at the end of a parking zone, there should be a single-headed arrow pointing in the direction that the regulation is in effect. If the sign is at an intermediate point in a zone, there should be a double-headed arrow pointing both ways. When a single sign is used at the transition point between two parking zones, it should display a right and left arrow pointing in the direction that the respective restrictions apply.

Where special parking restrictions are imposed during heavy snowfall, Emergency Snow Route (R7-203) signs should be installed. The legend will vary according to the regulations, but the signs should be vertical rectangles, having a white background with the upper part of the plate a red background.

### Standard

Where parking spaces that are reserved for persons with disabilities are designated to accommodate wheelchair vans, a VAN ACCESSIBLE (R7-8P) plaque shall be mounted below the R7-8 sign. The R7-8 sign shall have a green legend and border and a white wheelchair symbol on a blue square, all on a white background.

### Option

The R7-8P plaque shall have a green legend and border on a white background. To minimize the number of parking signs, blanket regulations that apply to a given district may, if legal, be posted at district boundary lines.

As an alternate to the use of arrows to show designated restriction zones, word messages such as BEGIN, END, HERE TO CORNER, HERE TO ALLEY, THIS SIDE OF SIGN, or BETWEEN SIGNS may be used.

Where parking is prohibited during certain hours and time-limited parking or parking in a particular manner is permitted during certain other time periods, the red Parking Prohibition and green Permissive Parking signs may be designed as follows:

- A. Two 12 x 18 inch parking signs may be used with the red Parking Prohibition sign installed above or to the left of the green Permissive Parking sign; or
- B. The red Parking Prohibition sign and the green Permissive Parking sign may be combined to form an R7-200 sign on a single 24 x 18 inch sign, or on a single 12 x 30 inch sign.

At the transition point between two parking zones, a single sign or two signs mounted side by side may be used.

The words NO PARKING may be used as an alternative to the No Parking symbol. The supplemental educational plaque, NO PARKING, with a red legend and border on a white background, may be used above signs incorporating the No Parking symbol.

Alternate designs for the R7-107 sign may be developed such as the R7-107a sign. Alternate designs may include, on a single panel, a transit logo, an approved bus symbol, a parking prohibition, the words BUS STOP, and an arrow. The preferred bus symbol color is black, but other dark colors may be used. Additionally, the transit logo may be shown on the bus face in the appropriate colors instead of placing the logo separately. The reverse side of the sign may contain bus routing information.

To make the parking regulations more effective and to improve public relations by giving a definite warning, a TOW-AWAY ZONE (R7-201aP) plaque may be appended to, or incorporated in, any parking prohibition sign. The Tow-Away Zone (R7-201P) symbol plaque may be used instead of the R7-201aP word message plaque. The R7-201P plaque may have either a black or red legend and border on a white background.

#### Guidance

If a fee is charged for parking and a mid-block pay station is used instead of individual parking meters for each parking space, pay parking signs should be used. Pay Parking (R7-22) signs should be used to define the area where the pay station parking applies. Pay Station (R7-20) signs should be used at the pay station or to direct road users to the pay station.

#### Standard

If the pay parking is subject to a maximum time limit, the appropriate time limit (number of hours or minutes) shall be displayed on the Pay Parking (R7-21 or R7-21a) and Pay Station (R7-20) signs.

#### Option

In rural areas, the legends NO PARKING ON PAVEMENT (R8-1) or NO STOPPING ON PAVEMENT (R8-5) are generally suitable and may be used. If a roadway has paved shoulders, the NO PARKING EXCEPT ON SHOULDER sign (R8-2) or the NO STOPPING EXCEPT ON SHOULDER sign (R8-6) may be used as these signs would be less likely to cause confusion. The R8-3 symbol sign or the word message NO PARKING (R8-3a) sign may be used to prohibit any parking along a given highway. Word message supplemental plaques may be mounted below the R8-3 or R8-3a sign. These word message supplemental plaques may include legends such as EXCEPT SUNDAYS & HOLIDAYS (R8-3bP), ON PAVEMENT (R8-3cP), ON BRIDGE (R8-3dP), ON TRACKS (R8-3eP), EXCEPT ON SHOULDERS (R8-3fP), LOADING ZONE (with arrow) (R8-3gP), and X:XX AM TO X:XX PM (with arrow) (R8-3hP).

Colors that are in compliance with the provisions of Section 2A.10 may be used for color coding of parking time limits.

#### Guidance

If colors are used for color coding of parking time limits, the colors green, red, and black should be the only colors that are used.

## 2B.48 Placement of Parking, Stopping, and Standing Signs

### Guidance

When signs with arrows are used to indicate the extent of the restricted zones, the signs should be set at an angle of not less than 30 degrees or more than 45 degrees with the line of traffic flow in order to be visible to approaching traffic.

Spacing of signs should be based on legibility and sign orientation.

If the zone is unusually long, signs showing a double arrow should be used at intermediate points within the zone.

### Standard

If the signs are mounted at an angle of 90 degrees to the curb line, two signs shall be mounted back to back at the transition point between two parking zones, each with the appended message THIS SIDE OF SIGN (R7-202P) supplemental plaque.

### Guidance

If the signs are mounted at an angle of 90 degrees to the curb line, signs without any arrows or appended plaques should be used at intermediate points within a parking zone, facing in the direction of approaching traffic. Otherwise the standards of placement should be the same as for signs using directional arrows.

### 2B.48.1 Disabled Parking Signs (R7-8m)



R7-8m



R7-8bP

### Standard

Where parking spaces are designated to accommodate disabled drivers, the Disabled Parking sign (R7-8m) shall be installed as required in Minnesota Rules 1341.502 A117.1 Section 502.7 which reads in part as follows:

Where all accessible parking spaces do not provide a minimum vertical clearance of 98 inches, signs identifying van parking spaces shall contain the designation "van accessible." Signs shall be centered at the head end of the parking space a maximum of 96 inches from the head of the parking space, and be mounted 60 inches minimum and 66 inches maximum above the floor of the parking space, measured to the bottom of the sign.

Mn Rev. 2

Where parking spaces are designated to accommodate wheelchair vans, the Van Accessible plaque (R7-8bP) shall be installed below the Disabled Parking sign (R-8m). Both signs as well as any additional supplemental plaques shall have a white legend and border on a blue background.

#### Guidance

Where a guide sign is needed to direct motorists to van-accessible parking facilities, an appropriate arrow should be installed below the Disabled Parking assembly.

### 2B.49 Emergency Restriction Signs (R8-4, R8-7, R8-8, R8-7M (old R16-X4))



#### Option

The EMERGENCY PARKING ONLY (R8-4) sign or the EMERGENCY STOPPING ONLY (R8-7) sign may be used to discourage or prohibit shoulder parking, particularly where scenic or other attractions create a tendency for road users to stop temporarily.

The DO NOT STOP ON TRACKS (R8-8) sign (see Figure 8B-1) may be used to discourage or prohibit parking or stopping on railroad or light rail transit tracks (see Section 8B.09).

The Freeway Entrance Ramp Information sign (R8-7M (old R16-X4)) may be used as an alternate for or to supplement the EMERGENCY STOPPING ONLY sign.

#### Standard

Emergency Restriction signs shall be rectangular and shall have a red or black legend and border on a white background.

The Freeway Entrance Ramp Information sign (R8-7M (old R16-X4)) shall be installed on all freeway entrance ramps near the beginning of the ramp facing traffic entering the freeway.

### 2B.50 WALK ON LEFT FACING TRAFFIC and No Hitchhiking Signs (R9-1, R9-4, R9-4a)



#### Option

The WALK ON LEFT FACING TRAFFIC (R9-1) sign may be used on highways where no sidewalks are provided.

#### Standard

If used, the WALK ON LEFT FACING TRAFFIC sign shall be installed on the right-hand side of the road where pedestrians walk on the pavement or shoulder in the absence of pedestrian pathways or sidewalks.

#### Option

The No Hitchhiking (R9-4) sign may be used to prohibit standing in or adjacent to the roadway for the purpose of soliciting a ride. The R9-4a word message sign may be used as an alternate to the R9-4 symbol sign.

### 2B.51 Pedestrian Crossing Signs (R9-2, R9-3)



#### Option

Pedestrian Crossing signs may be used to limit pedestrian crossing to specific locations.

#### Standard

If used, Pedestrian Crossing signs shall be installed to face pedestrian approaches.

#### Option

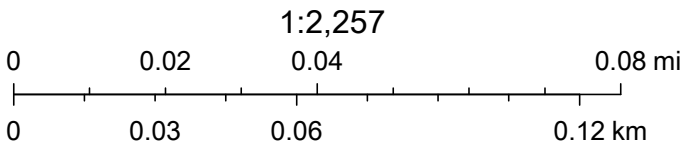
Where crosswalks are clearly defined, the CROSS ONLY AT CROSSWALKS (R9-2) sign may be used to prohibit pedestrians from crossing at locations away from crosswalks.

# ArcGIS Web Map



2/2/2023, 7:36:29 AM

- |                         |                        |                  |                 |
|-------------------------|------------------------|------------------|-----------------|
| Waconia Parcels         | Address Number- Labels | Water Structures | Treatment Plant |
| Signs                   | Water Casing           | Water Tower      | Hydrant Valve   |
| Address Points - Active | Water Main             | Production Well  | Hydrant         |



Carver County GIS, City of Waconia



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |                              |                                          |                                        |                                             |                          |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------|------------------------------------------|----------------------------------------|---------------------------------------------|--------------------------|--------------------------|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  | February 6, 2023             |                                          |                                        |                                             |                          |                          |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                  | Winter Parking Towing Charge |                                          |                                        |                                             |                          |                          |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  | Public Services              |                                          |                                        |                                             |                          |                          |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  | Craig Eldred                 |                                          |                                        |                                             |                          |                          |
| <b>Previous Council Action (if any):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                  | None                         |                                          |                                        |                                             |                          |                          |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Consent | <input type="checkbox"/>     | <input type="checkbox"/> Regular Session | <input checked="" type="checkbox"/> X  | <input type="checkbox"/> Discussion Session | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |                              |                                          |                                        |                                             |                          |                          |
| Adopt Resolution 2023-35, Authorizing Staff to Complete Collection or Alterations to Winter Parking Violations of Towing and Storage Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                  |                              |                                          |                                        |                                             |                          |                          |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                              |                                          |                                        |                                             |                          |                          |
| <p>The city's winter parking regulations prohibit parking on city streets and parking lots between the hours of 2:00 a.m. and 6:00 a.m. in the downtown core. Violations of this ordinance are subject to ticketing and/or towing. The following individuals were prepared to come before City Council in hopes of elimination of fees associated with winter parking regulations.</p> <ol style="list-style-type: none"> <li>1. Mr. Jason Gaasvig, is seeking reduction of the towing and impound charge of \$368.00. Said vehicle was removed from Oak Street on Jan. 27, 2023 at 2:10 a.m.</li> <li>2. Ms. Indra Willid is seeking reduction of the towing and impound charge of \$368.00 Said vehicle was removed from First St. and Olive Street on Jan. 27 at 2:30 a.m.</li> </ol> <p>Each vehicle was removed based upon City Ordinance. Staff are not authorize to provide waiver or refund as the vehicles were legally towed and ticketed for violation of the winter parking regulations and the city was engaged in snow removal operations at the time. Parking citations are payable to Carver County.</p> <p>The tow and impound charge is as follows: \$160 towing &amp; Administration fee, Colony Plaza, \$83 City Administration fee, and \$40 daily storage fee. All fees yet to be collected by the City at the time the vehicle was retrieved was at Public Services by the vehicle owner with the City. If any relief from this fee is approved by the City Council the adjustments will be rectified with the vehicle owner. The city will not be eligible to recoup any of the \$160.00 in fees completed by Colony Plaza and the reductions or decision by Council will be completed with the individuals as directed. Reductions in fees would be issued from the city general fund.</p> |                                  |                              |                                          |                                        |                                             |                          |                          |
| <b><u>Attachments:</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                  |                              |                                          |                                        |                                             |                          |                          |
| 1. <a href="#">2335res_Format_Towing_Feb_6th.doc</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  |                              |                                          |                                        |                                             |                          |                          |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                              |                                          | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |                                             |                          |                          |
| Funding Sources & Uses:<br>General Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                  |                              |                                          |                                        |                                             |                          |                          |
| Budget Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |                              |                                          | Planning Commission                    |                                             |                          |                          |
| _____ Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                              |                                          | Parks and Recreation Board             |                                             |                          |                          |
| <input checked="" type="checkbox"/> Non Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |                              |                                          | Safari Island Advisory Board           |                                             |                          |                          |
| _____ Amendment Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                  |                              |                                          | Other                                  |                                             |                          |                          |

**CITY OF WACONIA  
RESOLUTION NO. 2023-35**

**RESOLUTION AUTHORIZING STAFF TO COMPLETE COLLECTION OR  
ALTERATIONS TO WINTER PARKING VIOLATIONS OF TOWING AND  
STORAGE FEES**

**WHEREAS**, City Ordinance 634.01, Subd, 2 regulates parking of vehicles on city streets during the winter months to allow for efficient and safe snow removal operations; and

**WHEREAS**, the following individuals requested to speak with Council concerning their fees associated with towing and storage; and

1. Mr. Jason Gaasvig Fee; \$368.00
2. Ms. Indra Willed Fee; \$368.00

**NOW, THEREFORE, BE IT RESOLVED** That the City Council of the City of Waconia hereby authorizes City staff to complete collection or alterations to winter parking violations of towing and storage fees.

Adopted by the City Council of the City of Waconia this 6th day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

Attest: \_\_\_\_\_  
Jackie Schulze, City Clerk



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |                       |                 |                                        |                    |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------|-----------------|----------------------------------------|--------------------|--|--|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         | February 6, 2023      |                 |                                        |                    |  |  |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         | Special Events Policy |                 |                                        |                    |  |  |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         | Administration        |                 |                                        |                    |  |  |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         | Shane Fineran         |                 |                                        |                    |  |  |
| <b>Previous Council Action</b> (if any):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |                       |                 |                                        |                    |  |  |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Consent |                       | Regular Session | X                                      | Discussion Session |  |  |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                       |                 |                                        |                    |  |  |
| Adopt Resolution 2023-36, Adopting the Special Event Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                       |                 |                                        |                    |  |  |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |                       |                 |                                        |                    |  |  |
| <p>Last fall the City Council met in work session and discussed the need and concept language for Special Events that sought to use the City of Waconia as an event site and or/utilize public infrastructure such as parks, trails, and streets as areas to host their special event. Waconia is a popular location for all types of events on public property and this includes bike, run, and walk events. A number of these events attract large amounts of participants and have a significant impact on residents, businesses, and the general public. City staff also get numerous requests to provide various levels of support or participation in such events which creates a strain on resources or conflict with core functions.</p> <p>The policy presented seeks to categorize various events based on city participation and then various tiers based on size, event equipment, and impact on public infrastructure or travel. The policy makes clear the event sponsor responsibility around traffic control, sanitation, security and public notification. Also included in the policy is designated routes of various lengths in and through the community that seek to reduce the impact on residents and businesses and utilize grade separated facilities that reduce conflict with vehicular traffic.</p> <p>Staff will finalize the application form upon approval and make available on the City website. A special event application fee of \$100 has been adopted by the City Council as part of the 2023 fee schedule.</p> |         |                       |                 |                                        |                    |  |  |
| <b><u>Attachments:</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |                       |                 |                                        |                    |  |  |
| 1. <a href="#">2336res_Special_Event_Policy.doc</a><br>2. <a href="#">Special Event Policy</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |                       |                 |                                        |                    |  |  |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |                       |                 | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |                    |  |  |
| Funding Sources & Uses:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |                       |                 |                                        |                    |  |  |
| Budget Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                       |                 | Planning Commission                    |                    |  |  |
| _____ Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |                       |                 | Parks and Recreation Board             |                    |  |  |
| _____ Non Budgeted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |                       |                 | Safari Island Advisory Board           |                    |  |  |
| _____ Amendment Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |                       |                 | Other                                  |                    |  |  |

**CITY OF WACONIA  
RESOLUTION NO. 2023-36**

**RESOLUTION APPROVING SPECIAL EVENT POLICY**

**WHEREAS**, the City of Waconia is a popular location for special events of all sizes and types;  
and

**WHEREAS**, these events have the potential for significant impact on municipal resources,  
residents, business, and visitors; and

**WHEREAS**, the City finds it necessary to enact a policy that provides direction and expectations  
to event sponsors who seek to hold and utilize public spaces such as park, trails, and streets in the  
conducting of their special event; and

**NOW, THEREFORE, BE IT RESOLVED** That the City Council of the City of Waconia  
hereby adopts the Special Event Policy related to these activities. .

Adopted by the City Council of the City of Waconia this 6th day of February 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

Attest: \_\_\_\_\_  
Jackie Schulze, City Clerk

## **Special Events Policy**

A Special Event Permit application must be completed and submitted for all public outdoor events and activities on city property and private events that significantly impacts the city (i.e., street closure, public parking). All costs associated with the event are the responsibility of the event sponsor. Special events include such things as community events, parades, fairs, festivals, mass participation sports (such as marathons and running events, bicycle races), performances, ceremonies, contests, concerts, vendor fairs (such as farmers market and flea markets), planned demonstrations or marches, rallies, outdoor events held on public or private property, or any event that may require a level of municipal services for its operation, or any other events that the city may reasonably deem as a special event.

### **Types of Special Events**

The purpose of this section is to categorize the various types of Special Events based on the level of the City's participation in the event and to provide guidance on requirements related to the event.

1. **City Hosted:** A Special Event organized and conducted by the City and largely funded by the City.
2. **City Supported:** A Special Event organized and conducted by a tax-exempt non-profit organization under Section 501 (c) (3) through (10) of the Internal Revenue Code that the City has elected to support through appropriation of funds within the City's budget. This is typically an annual recurring event. This is an event that the city has determined is of general interest to the public and advances the City's public image. The City may provide in-kind and/or financial support to this event as determined in the annual budget appropriation, which may take the form of cash contributions for services or contributed City services and/or equipment to facilitate the event activities. The City shall be listed as an event sponsor consummate with the financial support provided. Any services, whether through cash contribution or in-kind, that exceeds an identified sponsorship level shall reimburse the City for any support authorized by the City.
3. **Any Other Event:** A Special Event organized and conducted by a tax-exempt non-profit organization, a for-profit organization, business, or individual(s) must reimburse the city for any City costs and/or equipment used to facilitate the event.

Events exempt from this policy:

1. any permanent place of worship, stadium, athletic field, arena, theatre, auditorium, school-sanctioned events on school property, or fairs sponsored by an agricultural society conducted pursuant to state law.
2. Events in the nature of a family gathering.
3. Non-City-wide garage sales.
4. Non-recurring auctions or estate sales.
5. National Night Out or Night to Unite Events established through the block party permit policy.
6. Funeral processions.
7. Activities conducted by a governmental agency acting within the scope of its authority.

### **Application**

All event organizers shall complete the Special Event Permit application and submit no later than 90 days prior to the event. Priority will be given to recurring events previously held in the community when a conflict arises for facilities and or routes in which a conflict exists. Applications received within 90 days of the event date are not guaranteed to be issued a permit for the event.

### **Cancellations**

In the event of a cancellation, notice shall be provided at least 72 hours prior to the start of the event or

as practically possible. Application fees will not be refunded for approved events and the city does not guarantee that a make-up date will be available for requested facilities and/or streets.

### **Special Event List**

#### **City Hosted**

- Candy Cane Hunt
- Music in the Park
- Movie in the Park
- Holiday Tree Lighting

#### **City Supported**

- Nickle Dickle Day Events
- Lake Waconia Band Festival
- Waconia Homecoming Parade
- Carver County Fair & Parade
- Memorial Day Program/Ceremony
- Veterans Day Program/Ceremony

## **Special Event Classifications**

### **Tier 1**

- Event may occur during a single day or multiple days.
- Event will involve street closures and detouring, impacting, or stopping of traffic.
- Event will involve the reduction of public parking spaces of 5 or more.
- There may be live entertainment.
- Extensive event equipment (i.e., stage, sound system, booths, tents, EZ ups, fencing, barricades, etc.)
- Alcohol may be sold and/or distributed to the general public.

### **Tier 2**

- Event may occur during a single day or multiple days.
- Event may involve use of sidewalks or roads with minimal disruption to traffic. Traffic laws are obeyed during course of event.
- There may be live entertainment.
- Moderate event equipment (i.e., stage, PA system, chairs, tables)

### **Tier 3**

- Event will be occurring during a single day.
- Event will not extend beyond a municipal park/facility area.
- Minimal event equipment (i.e., PA system)

For all the classifications above, food may be sold and/or distributed to the general public with appropriate licensing and approvals.

## **REQUIREMENTS, CONDITIONS AND COSTS THAT MAY BE APPLICABLE TO YOUR EVENT**

*Note that items listed below might only be allowed for certain venues; therefore, please check the parks and amenities listing for verification.*

### **Alcohol**

Catered event: licensee holding caterer's permit to provide food and liquor. Under the caterer's permit, the caterer is responsible for ID/wristband, security and ensuring there is no second party transfer.

Temporary 3.2 Percent Malt Liquor license; only issued to a charitable, religious, or nonprofit organization for event not to exceed four (4) consecutive days. Application needs to be submitted with fee and requires City Council approval.

Temporary Intoxicating Liquor license; only issued to a charitable, religious, or nonprofit organization in existence for at least three (3) years for event not to exceed four (4) consecutive days. Application needs to be submitted with fee and requires City Council approval.

### **Amplified Sound**

All requests for amplified sound must be approved. The proposed location of sound system, and direction of sound must be identified on the site map. Event must allow for minimum neighborhood disruption. NO amplified sound before 8:00 a.m., or after 10:00 p.m.

### **Certificate of Insurance**

For events and series of events occurring on city-owned property, the Applicant/Event Organizer must provide a Certificate of Insurance for commercial general liability, auto liability (if applicable), and liquor liability (if applicable) naming the City of Waconia as additional insured and Certificate holder for up to \$1,000,000.

The city requires the Certificate of Insurance be provided at least two (2) weeks prior to the event. Insurance coverage must be maintained for the duration of the event including setup and tear-down dates. The certificate must indicate the dates and location of the event. The person/organization listed on the certificate must be the Applicant/Event Organizer. For event series or organizations with multiple events throughout the year, the Event Organizer may use the following verbiage: "City of Waconia is listed as additional insured for any and all events held on City property".

Minimum limits are as follows:

**Certificate of Insurance cont.**

\$ 1,000,000 per occurrence • \$ 2,000,000 aggregate general liability • \$ 1,000,000 automobile liability (or non-owned automobile liability) (if applicable) • \$ 1,000,000 liquor liability insurance (if applicable). Additional limits may be required after review.

Providing the above-listed insurance does not in any way reduce or eliminate any responsibility assumed under the indemnity agreement, described in the Special Event Permit Application as Affidavit of Applicant/Event Organizer.

For information on the Tenant User Liability Insurance Program (TULIP) offered by the League of Minnesota Cities, check out the following link: <https://www.lmc.org/page/1/Tenant-User-Liability-Insurance-Program.jsp>

A Special Event Permit will not be issued if the Certificate of Insurance has not been received.

**Concessions/Vendors**

Applicants shall specify the location of all proposed concessions by including them on a site plan submitted with the application. Setup is not to extend beyond the boundaries of the site plan when loading or unloading supplies.

Applicants are responsible for acquiring and/or verifying State Health Permit for food handling. The Special Event Permit will allow you control and regulation of any concessionaires/vendors with your defined venue.

Approval for food concessions in parks shall be granted only in connection with organized sports activities or large group gatherings.

**Inflatables**

Use of inflatables must be approved, and minors shall be always supervised by an adult (18 years and older). Event organizers assume all risk and liability for the use of inflatables.

In locations where staking of tents or canopies is prohibited, the use of weights for stabilization is subject to approval.

**Medical Plan**

Depending on the size and nature of the event, organizers may be required to provide first aid and medical coverage.

A First Aid Station is defined as a signed first aid area that is staffed throughout the entirety of an event with at least one CPR and first aid certified individual with appropriate supplies. The station must have the capability of calling "911" in case of a medical emergency.

The following matrix is provided as a tool to help determine the appropriate medical services needed based on the number of anticipated attendees. The number of staff and stations shall be determined at discretion of the city.

| Attendance    | # of First Aid Staff | # of First Aid Stations |
|---------------|----------------------|-------------------------|
| 200-1,000     | 1                    | 1                       |
| 1,001-10,000  | 2                    | 1                       |
| 10,001-14,000 | 4                    | 2                       |
| 14,000+       | 4                    | 2 + Stand-by Ambulance  |

#### **Parades/Runs/Walks/ Rides**

In the case of a parade, run, walk, or other event using city streets, a detailed layout of the route and arrangements for traffic control will be required to be submitted with the application.

Distribution of any items from parade floats shall be done in a manner that doesn't pose a risk to the participants. Items shall not be thrown from moving vehicles.

Use of Streets and Bike Paths: Anyone requesting to use a city street or bike path throughout the city are cautioned that they cannot use any type of permanent markings on the streets or bike path to mark distances or their route. Applicants will be responsible for removing all types of markings used.

Preferred 5k, 10K, and through town routes are provided by the city. Event sponsors shall utilize the preferred routes for any run/walk/or ride that utilizes city streets, trails, or sidewalks to conduct an event within the City or which travels through the City.

Routes utilizing state or county highways and trail within the community shall be responsible for obtaining necessary permits from the appropriate agencies and providing proof thereof.

#### **Pre-Event Inspection**

For larger events, city staff may inspect the event location prior to the event to ensure that all permit requirements have been followed. Inspections may also occur during the event to ensure that no changes have been made from the approved permit. If changes are made and not corrected at the request of city staff, the event **may be shut down.**

**Refuse/Recycling**

The event is responsible for providing refuse and recycling containers from a rental company and must indicate the company contracted for services. Containers shall be clearly identified. The number of refuse containers shall equal the number of recycling containers and shall be placed next to one another throughout the event venue.

Event organizers are responsible for the removal of all refuse/recycling generated by the event. Parks, streets, boulevard, and adjacent property must be left clean. If it's determined that cleanup is inadequate, the cost of public services to cleanup will be charged to the applicant. Cleanup shall be completed within three (3) hours of the end of the event.

**Restrooms/Wash Stations**

Number of portable restrooms shall be determined by the number of expected participants. Costs and delivery of the units are the responsibility of the event sponsors. Below is a schedule of the minimum number of restrooms:

| Avg.<br>Crowd | Duration of Event |       |       |       |       |       |       |       |       |        |
|---------------|-------------------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|               | 1 hr              | 2 hrs | 3 hrs | 4 hrs | 5 hrs | 6 hrs | 7 hrs | 8 hrs | 9 hrs | 10 hrs |
| 100           | 2                 | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 4     | 4      |
| 250           | 3                 | 3     | 3     | 4     | 4     | 4     | 5     | 5     | 6     | 6      |
| 500           | 4                 | 4     | 5     | 5     | 6     | 6     | 7     | 7     | 8     | 8      |
| 1,000         | 6                 | 7     | 8     | 8     | 9     | 9     | 10    | 10    | 11    | 12     |
| 2,000         | 9                 | 12    | 15    | 16    | 17    | 17    | 18    | 18    | 19    | 19     |
| 3,000         | 12                | 18    | 22    | 24    | 25    | 26    | 27    | 28    | 29    | 30     |
| 4,000         | 16                | 24    | 29    | 32    | 34    | 35    | 37    | 38    | 39    | 40     |
| 5,000         | 20                | 30    | 36    | 40    | 43    | 44    | 46    | 47    | 48    | 50     |
| 6,000         | 24                | 36    | 44    | 49    | 52    | 53    | 54    | 54    | 58    | 60     |
| 7,000         | 28                | 42    | 52    | 58    | 60    | 62    | 64    | 66    | 68    | 70     |
| 8,000         | 32                | 48    | 60    | 66    | 69    | 72    | 74    | 76    | 78    | 80     |

It is important to consider attendees who may need a wheelchair accessible toilet. At least one handicap accessible toilet at any event is ideal.

Parks with expected participants larger than 100 persons or where alcohol is sold shall meet the schedule above. Events less than 100 persons may use the existing restrooms within the park when seasonally available.

**Security  
& Traffic  
Control**

Temporary restrooms can be placed 24 hours prior to the event and need to be removed within 24 hours following the event. All portable restrooms must be located on a hard surface, which may include asphalt, concrete, or plywood.

In addition to portable restrooms, if food is being served it is requested that portable sinks be provided. For events less than 125 two sinks are recommended, less than 250 three sinks, less than 500 five sinks, and less than 1,000 six to eight sinks.

Applicants should clearly state what security and/or law enforcement is planned at the event. (Road closure, parade route, traffic direction, general security, overnight security, alcohol etc.)

Events that require set-up or tear-down on days before or after the event occurs must use an overnight security service. Event organizers must hire their own licensed and bonded security services. The security provider shall cooperate with the Carver County Sheriff's Office.

The city is unable to provide law enforcement and/or traffic control services to events. Event organizers will be responsible for providing their own traffic control personnel as required and or provide for off-duty Sheriff's Deputies through the Carver County Sheriff's Office as required.

The City of Waconia will determine and examine the number of officers needed per event on a case-by-case basis. The following are general guidelines regarding the number of personnel needed for various services:

| Description of Service:       | Number of Personnel Needed:                                   |
|-------------------------------|---------------------------------------------------------------|
| Traffic at Major Intersection | 2 traffic control/direction personnel (DOT Flagger Certified) |
| Traffic at Minor Intersection | 1 traffic control/direction personnel                         |
| Local Intersection            | 1 traffic control/direction personnel                         |
| Event Involving Alcohol       | 1 deputy minimum (Larger events may require more)             |

## **Street Closures**

Both ends of the street shall be closed with the appropriate traffic control devices. 20-foot fire lanes shall be unobstructed the length of the block.

When a street is to be closed for over 15 minutes, a detour is to be established and signed to provide a designated route around the event. A detailed layout of the route and arrangements for traffic control must be done by a certified vendor using the Minnesota Manual of Uniform Traffic Control devices standards. Traffic flaggers must be utilized at all major and minor traffic-controlled intersections. Public works time for temporary traffic signal modifications, additional signage, or other city costs shall be charged to the applicant.

Any street closures must include routes for emergency vehicles through the event area. As part of the application, describe how you plan to meet any emergencies, including medical needs, occurring during the event.

### **In Residential Neighborhoods:**

A fourteen-day advance notice to the residents that will be impacted by the event is required so they can plan around the inconvenience. Notice shall include name of event, date, and time of event. This is the responsibility of the event sponsor. If this activity is not done the event will be cancelled.

### **In Commercial Areas:**

A fourteen-day advance notice to businesses that will be impacted by the event is required so they can plan around the inconvenience. Notice shall include name of event, date, and time of event. This is the responsibility of the event sponsor. If this activity is not done the event will be cancelled.

Road closures are not allowed for locations where there are no other access options for the businesses or residents. Access shall be maintained across major intersections as designated by the city.

**Tents or Canopies**

Stakes may not be driven into turf, grounds, asphalt or other surfaces without written approval from the city.

Any damage to underground utilities or irrigation due to authorized or unauthorized staking is the responsibility of the applicant.

When staking is not approved, tents or canopies must be securely weighed down to ensure public safety. Small tents or canopies must be property weighted to prevent the tent or canopy from falling over.

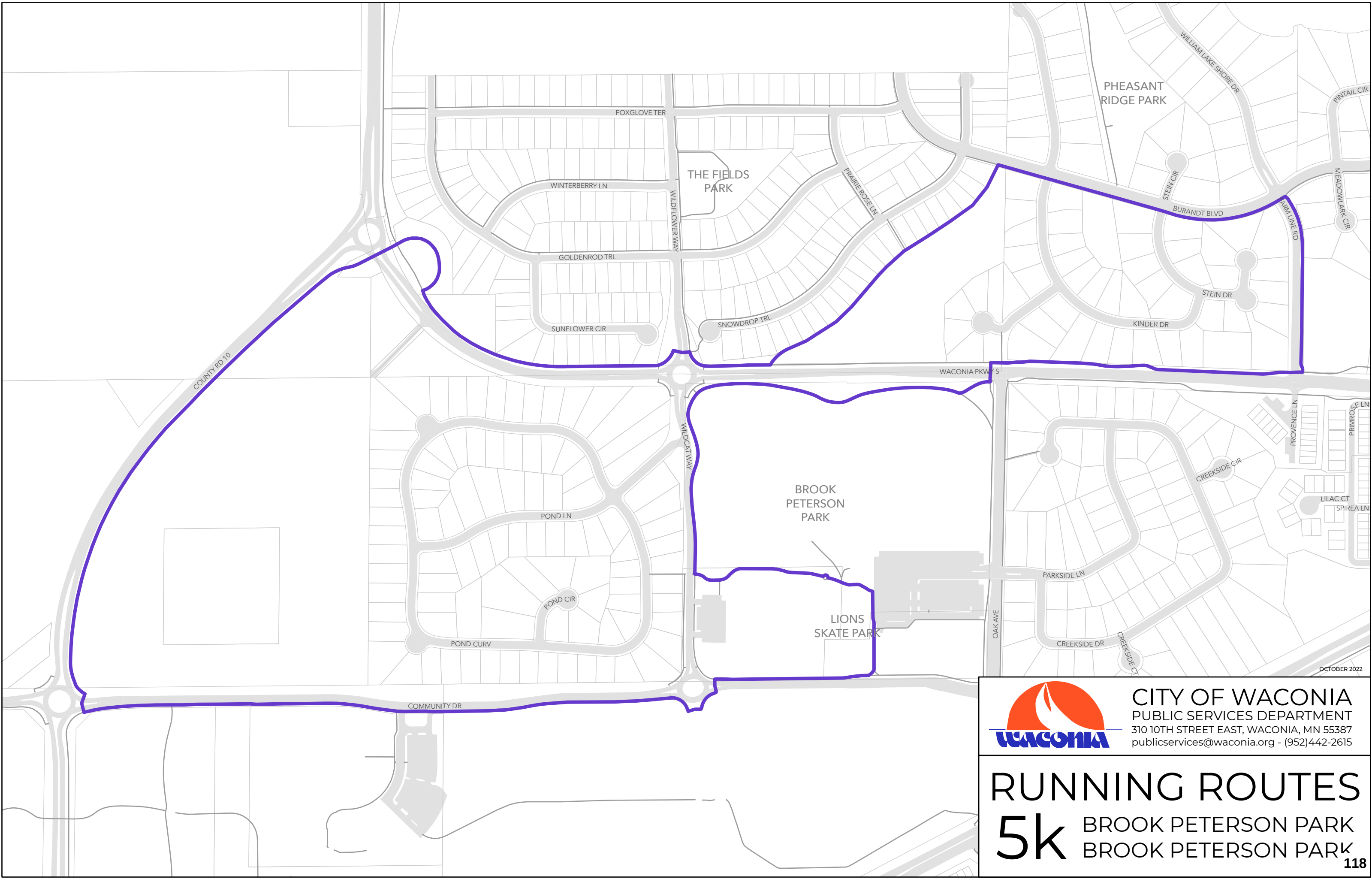
Tents or canopies exceeding 400 square feet in size shall be required to submit and receive a building permit prior to installation. All tents and canopy locations and sizes must be marked and submitted on the site plan. The city will need to approve locations for tents or canopies.

**Traffic Control Signage/  
No Parking**

Traffic control signage is the responsibility of the event sponsor and must comply with the approved site plan/traffic control plan submitted with the application.

Applicant is responsible for posting “No Parking” signs along various blocks for parades or races. Signs must be posted 24 hours before street closure. Font of text and sizing of sign has some flexibility; however, font must be red. Signs can be printed on 8-1/2 x 11 paper and must be laminated and stapled on a wood lath. See example below:





CITY OF WACONIA  
PUBLIC SERVICES DEPARTMENT  
310 10TH STREET EAST, WACONIA, MN 55387  
publicservices@waconia.org - (952)442-2615

**RUNNING ROUTES**  
**5k** BROOK PETERSON PARK  
BROOK PETERSON PARK

OCTOBER 2022



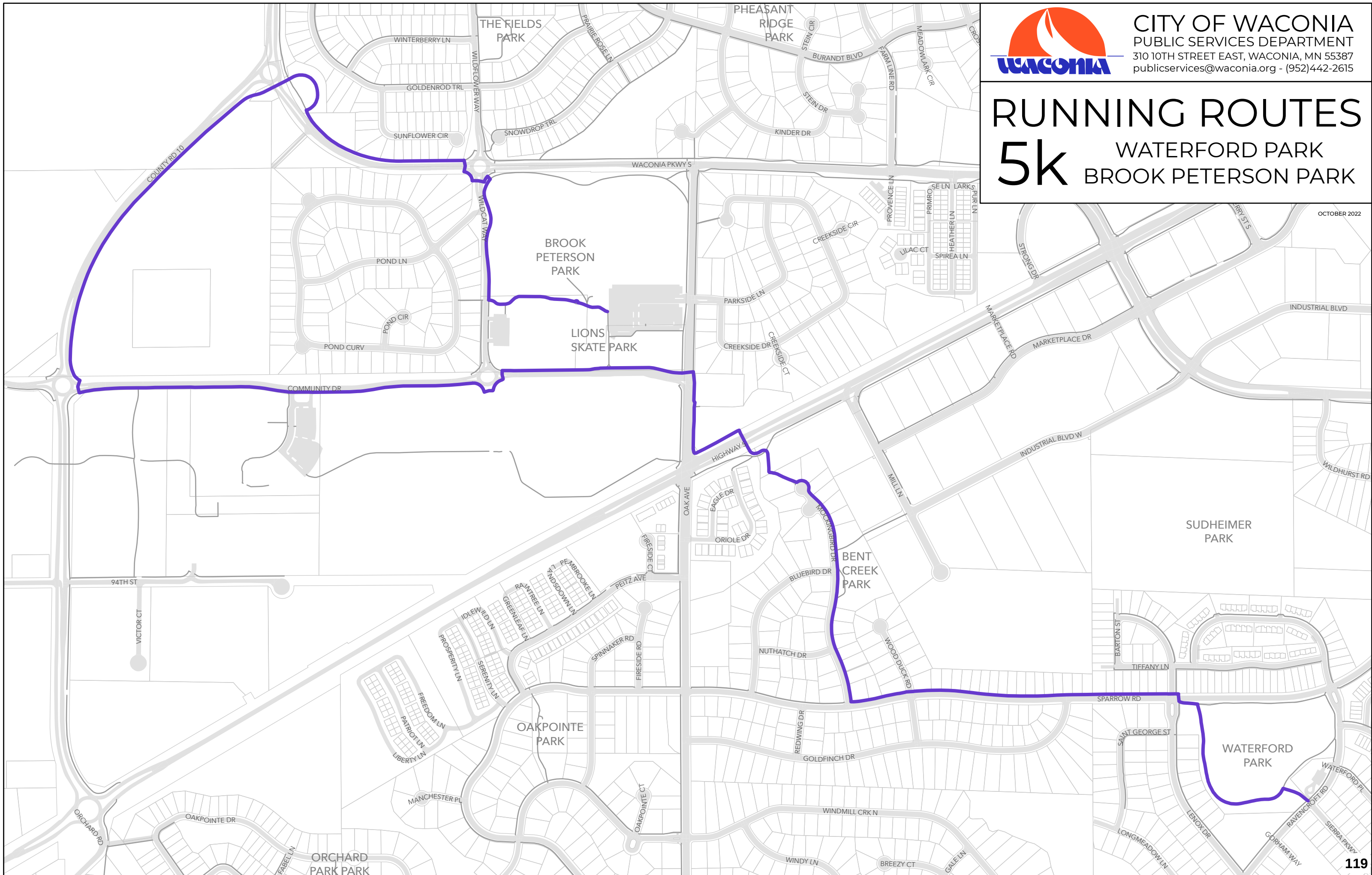
CITY OF WACONIA  
PUBLIC SERVICES DEPARTMENT  
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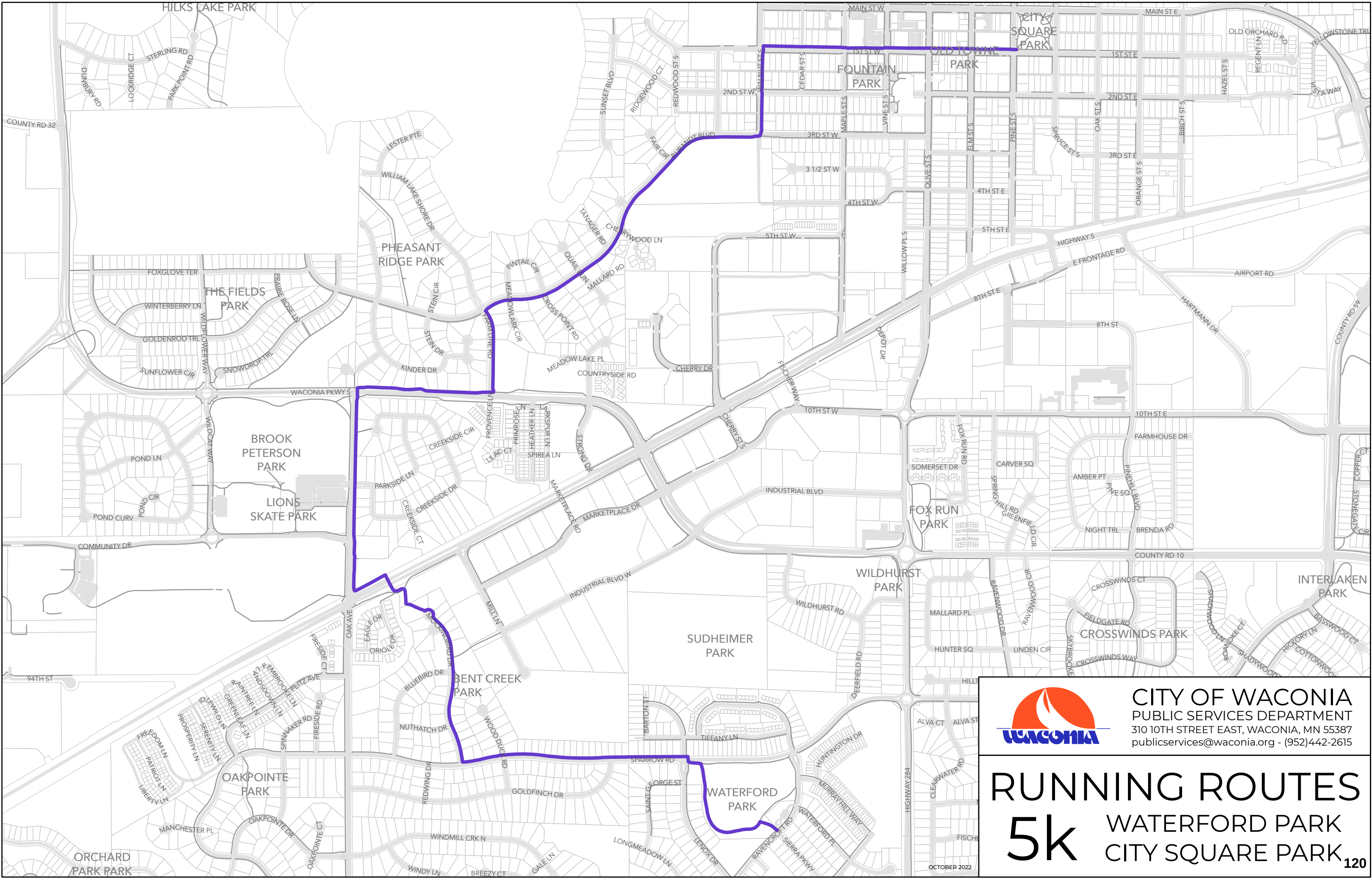
# RUNNING ROUTES

## 5k

WATERFORD PARK  
BROOK PETERSON PARK

OCTOBER 2022







CITY OF WACONIA  
PUBLIC SERVICES DEPARTMENT  
310 10TH STREET EAST, WACONIA, MN 55387  
publicservices@waconia.org - (952)442-2615

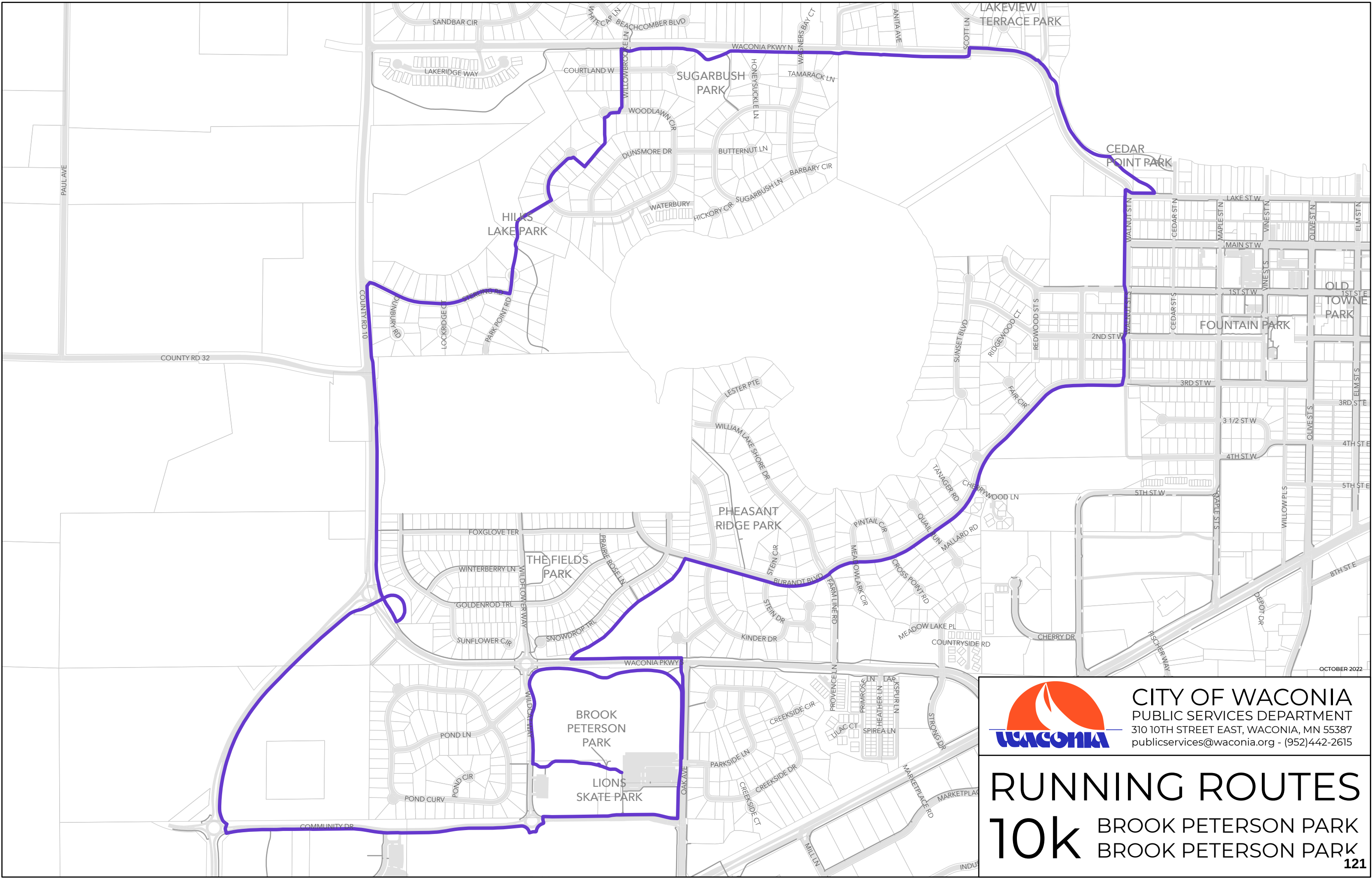
# RUNNING ROUTES

## 5k

### WATERFORD PARK

### CITY SQUARE PARK

OCTOBER 2022120

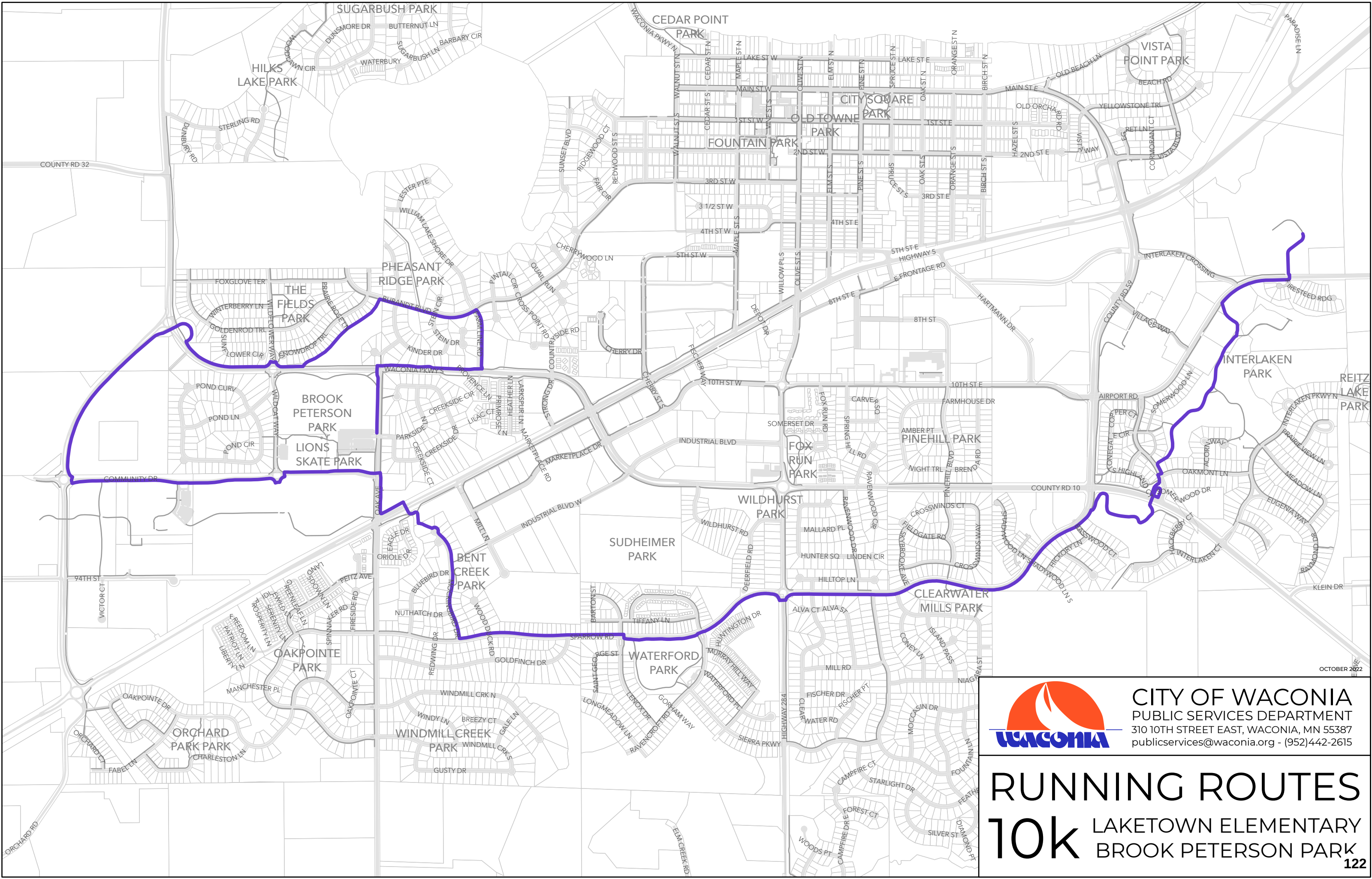


OCTOBER 2022



**CITY OF WACONIA**  
PUBLIC SERVICES DEPARTMENT  
310 10TH STREET EAST, WACONIA, MN 55387  
publicservices@waconia.org - (952)442-2615

**RUNNING ROUTES**  
**10k** BROOK PETERSON PARK  
BROOK PETERSON PARK



OCTOBER 2022



**CITY OF WACONIA**  
PUBLIC SERVICES DEPARTMENT  
310 10TH STREET EAST, WACONIA, MN 55387  
publicservices@waconia.org - (952)442-2615

# RUNNING ROUTES

## 10k

LAKETOWN ELEMENTARY  
BROOK PETERSON PARK



## REQUEST FOR CITY COUNCIL ACTION

|                                          |                                                                                                                                                                                         |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>                     | February 6, 2023                                                                                                                                                                        |
| <b>Item Name:</b>                        | Seek Right of Way Agent & Funding Requests for Trunk Highway Five Corridor Improvements                                                                                                 |
| <b>Originating Department:</b>           | Public Services                                                                                                                                                                         |
| <b>Presented by:</b>                     | Craig Eldred                                                                                                                                                                            |
| <b>Previous Council Action (if any):</b> | March 7, 2022; Approval of City Engineer to Prepare Regional Solicitation Application for Trunk Highway Five, Phase II Improvements & Note City Administrator as Administrator of Grant |

|                                |         |                          |                 |                          |                    |   |
|--------------------------------|---------|--------------------------|-----------------|--------------------------|--------------------|---|
| <b>Item Type (X only one):</b> | Consent | <input type="checkbox"/> | Regular Session | <input type="checkbox"/> | Discussion Session | X |
|--------------------------------|---------|--------------------------|-----------------|--------------------------|--------------------|---|

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

Adopt Resolution 2023-37; Authorizing Staff to Work With City Engineer to Seek Right of Way Agent Quote & Additional Funding Requests For Trunk Highway Five Corridor Improvements While Noticing The City Administrator as Administrator of Grants

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

As Council Members are aware the City was recently awarded 7.0 M. dollars from the 2022 Regional Solicitation Process; SP# 231-010-010 for TH 5 Phase 2 Reconstruction for calendar year 2026. This was confirmed with an award letter dated January 25th, 2023. Staff and our Engineer's discussed further funding opportunities and coordination of a Right of Way Agent for both permanent and temporary easements for the programmed improvements. While this project is slated for 2026 now is the time to secure a Right of Way Agent for the project due to the scope of the programmed improvements.

Additional funding opportunities exist and will become eligible soon, which may assist in off setting improvement costs of the corridor, and support efforts to complete adjacent work related to the corridor. Such improvements may include the frontage road extension. We have looked at current utility impacts likely necessary to complete the TH 5 corridor improvements. Some of the potential funding opportunities include; Local Road Improvement Program, LRIP not useable for the TH 5 corridor. Transportation Economic Development, TED, Transportation Economic Development Infrastructure, TEDI, and Congressional Earmarks as a potential Federal approach. Some or, most of these applications periods open and close quickly.

Therefore, staff are recommending combining the items of the Right of Way Agent and ability to seek additional funding to off-set city costs for the improvements. As mentioned previously, we need to exhaust all options for funding before receiving tax dollar funding from Carver County Program.

#### **Attachments:**

1. [2337res Rights\\_of\\_Way\\_and\\_Aditional\\_Funding\\_Request\\_Resolution.doc](#)

|                                       |                                               |  |
|---------------------------------------|-----------------------------------------------|--|
| <b><i>FINANCIAL IMPLICATIONS:</i></b> | <b><i>ADVISORY BOARD RECOMMENDATIONS:</i></b> |  |
| Funding Sources & Uses:               |                                               |  |
| Aid, Bonds, Grant Proceeds            |                                               |  |
| Budget Information:                   | Planning Commission                           |  |
| X Budgeted                            | Parks and Recreation Board                    |  |
| Non Budgeted                          | Safari Island Advisory Board                  |  |
| Amendment Required                    | Other                                         |  |

**CITY OF WACONIA  
RESOLUTION NO. 2023-37**

**RESOLUTION AUTHORIZING APPROVAL OF STAFF TO WORK WITH CITY ENGINEER  
TO SEEK RIGHT OF WAY AGENT QUOTE & ADDITIONAL FUNDING REQUESTS FOR  
TRUNK HIGHWAY FIVE CORRIDOR IMPROVEMENTS WHILE NOTICING THE CITY  
ADMINISTRATOR AS ADMINISTRATOR OF GRANTS**

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

**WHEREAS**, staff previously discussed funding opportunities for improvements programmed for Trunk Highway Five, Phase II; and

**WHEREAS**, Waconia was awarded funds from the Regional Solicitation process in the amount of 7.0 Million; and

**WHEREAS**, steps in securing rights of way and easements along with additional funding for this project are necessary; and

**WHEREAS**, efforts to secure additional outside funding will reduce local improvement impacts by seeking additional grants or major funding contributions.

**NOW, THEREFORE, BE IT RESOLVED** That the City Council of the City of Waconia hereby authorizes approval of Staff to work with City Engineer to seek Right of Way Agent & additional funding requests for Trunk Highway Corridor Improvements While noticing the City Administrator as Administrator of Grants.

Adopted by the City Council of the City of Waconia this 6th day of February, 2023.

\_\_\_\_\_  
Nicole Waldron Mayor

Attest: \_\_\_\_\_  
Jackie Schulze, City Clerk



## REQUEST FOR CITY COUNCIL ACTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         |                                                                       |                                        |  |                    |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------------------------------------------------------|----------------------------------------|--|--------------------|---|
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         | February 6, 2023                                                      |                                        |  |                    |   |
| <b>Item Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         | Authorize Staff to Work With City Engineer to Seek Right of Way Agent |                                        |  |                    |   |
| <b>Originating Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         | Public Services                                                       |                                        |  |                    |   |
| <b>Presented by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         | Craig Eldred                                                          |                                        |  |                    |   |
| <b>Previous Council Action (if any):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         | None                                                                  |                                        |  |                    |   |
| <b>Item Type (X only one):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Consent |                                                                       | Regular Session                        |  | Discussion Session | X |
| <b>RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED</b> <i>(Include motion in proper format.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |                                                                       |                                        |  |                    |   |
| Adopt Resolution 2023-38; Authorizing Staff to Work with City Engineer to Seek Right of Way Agent for CSAH 10 & Waconia Parkway North Turbo Roundabout Project; CIP Project 129-C                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                                                                       |                                        |  |                    |   |
| <b>EXPLANATION OF AGENDA ITEM</b> <i>(Include a description of background, benefits, and recommendations.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                                                                       |                                        |  |                    |   |
| <p>The purpose of this request of action is to allow staff to work with the City Engineer to seek a Right of Way Agent for the CSAH 10 &amp; Waconia Parkway North Turbo Roundabout Project slated for 2024. City Capital Project 129-C.</p> <p>As Council Members are aware in calendar year 2020 the City partnered with Carver County to study the corridor improvements of Waconia Parkway South and CSAH 10 and Waconia Parkway North for access management and improvements to the intersection of CSAH 10 and Waconia Parkway North. From that study it was the City Council's choice to seek a roundabout design. From that recommendation process the design a Turbo Roundabout was chosen as the layout.</p> <p>In conjunction with this effort a Highway Safety Improvement Program, HSIP Funding Application was submitted by Carver County. On February 11th, 2021 Carver County was noticed as of award of 1.7 M dollars for the roadway intersection improvements. The award was noticed as an "Advance Improvement Project." At that time a draft design was completed as a requirement of the intersection improvements. As a result of this effort we have knowledge of the right of way needs and are requesting that staff and the City Engineer are allow to seek right of way agent costs. The City will be the lead agency in the effort of managing the intersection improvement project. The reason the City did not submit the HSIP application was due to a non-completed ADA Transition Plan.</p> <p>We have consider this to be a priority to provide the improvements by 2024 and have programmed to combine rights of way services with the Trunk Highway Five Improvement work as a package. We feel this provides the best cost alternative for the City and County as we look at costs for both projects.</p> <p>Staff recommends approval of this request allowing staff to work with the City Engineer to seek Rights of Way Agent costs for the intersection and corridor improvements.</p> |         |                                                                       |                                        |  |                    |   |
| <b>Attachments:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |                                                                       |                                        |  |                    |   |
| 1. <a href="#">2338res Seek_Rigth_of_Way_Agent_Res_2_6_23.doc</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                                                                       |                                        |  |                    |   |
| 2. <a href="#">Carver County.pdf</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         |                                                                       |                                        |  |                    |   |
| <b>FINANCIAL IMPLICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                                                                       | <b>ADVISORY BOARD RECOMMENDATIONS:</b> |  |                    |   |
| Funding Sources & Uses:<br>Aid, Bonds, PIR Cash                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         |                                                                       |                                        |  |                    |   |
| Budget Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |                                                                       | Planning Commission                    |  |                    |   |

|                                              |                              |  |
|----------------------------------------------|------------------------------|--|
| <input checked="" type="checkbox"/> Budgeted | Parks and Recreation Board   |  |
| <input type="checkbox"/> Non Budgeted        | Safari Island Advisory Board |  |
| <input type="checkbox"/> Amendment Required  | Other                        |  |

**CITY OF WACONIA  
RESOLUTION NO. 2023-38**

**RESOLUTION AUTHORIZING CITY STAFF WORK WITH CITY ENGINEER TO  
SEEK RIGHT OF WAY AGENT FOR CSAH 10 & WACONIA PARKWAY NORTH  
TURBO ROUNDABOUT PROJECT; CIP PROJECT 129-C**

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

**WHEREAS**, City Council in 2020 received requests for intersection improvements at CSAH 10 and Waconia Parkway North; and

**WHEREAS**, a transportation and intersection study with Carver County was completed detailing Council’s request of a roundabout design; and

**WHEREAS**, Highway Safety Improvement Program funds were secured by Carver County outlining forward progress of the intersection improvements; and

**WHEREAS**, time has come to work on preparing and securing rights of way for the programmed intersection improvements.

**NOW, THEREFORE, BE IT RESOLVED** That the City Council of the City of Waconia hereby authorizes Staff to work with City Engineer to seek Right of Way Agent for CSAH 10 & Waconia Parkway North Turbo Roundabout Project; CIP Project 129-C.

Adopted by the City Council of the City of Waconia this 6<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

Attest: \_\_\_\_\_  
Jackie Schulze, City Clerk

February 11, 2021

Mr. Lyndon Robjent  
Carver County  
11360 Highway 212, Suite 1  
Cologne, Minnesota 55322

RE: NOTICE OF AWARD  
2020 HSIP Funding Applications for 2022 - 2025 funded projects  
SP 010-030-010 SP 010-640-016 SP 010-610-055

Dear Mr. Robjent,

Thank you for submitting applications in 2020 for HSIP funding. A total of 49 applications were received and scored by a review team of regional transportation professionals. We are pleased to announce that Carver County has been awarded Federal HSIP funding for the following projects:

| Project # | SP #        | Roadway     | Location                  | Project Description                                                                       | Original HSIP Amount Requested | 2022 HSIP \$ Awarded | 2023 HSIP \$ Awarded | 2024 HSIP \$ Awarded | 2025 HSIP \$ Awarded | Local Match (10%) | TOTAL PROJECT COST |
|-----------|-------------|-------------|---------------------------|-------------------------------------------------------------------------------------------|--------------------------------|----------------------|----------------------|----------------------|----------------------|-------------------|--------------------|
| P3        | 010-030-010 | County Wide | Multiple locations        | Install 56 miles (page 16) of enhanced pavement markings                                  | \$785,570                      |                      | \$785,570            |                      |                      | \$87,285          | \$872,855          |
| P5        | 010-640-016 | CSAH 40     | between TH 25 and CSAH 52 | Shoulder widening, safety edge, mumble strips, wet reflective ground in pavement markings | \$2,000,000                    |                      |                      | \$2,000,000          |                      | \$2,274,600       | \$4,274,600        |
| P4        | 010-610-055 | CSAH 10     | at Waconia Parkway        | Construct a turbo roundabout                                                              | \$1,759,895                    |                      |                      |                      | \$1,759,895          | \$195,544         | \$1,955,439        |

For the next steps in the process, please contact Metro State Aid's Federal Aid Program Coordinator Colleen Brown at 651-234-7779 or [colleen.brown@state.mn.us](mailto:colleen.brown@state.mn.us).

Please be advised that the following project was not chosen for HSIP funding by the selection committee:

| Project # | SP # | Roadway | Location   | Project Description                                                                       | Original HSIP Amount Requested | Local Match (10%) | TOTAL PROJECT COST |
|-----------|------|---------|------------|-------------------------------------------------------------------------------------------|--------------------------------|-------------------|--------------------|
| P6        |      | TH 25   | at CSAH 20 | Realign intersection to remove skew, widen shoulders, add turn lanes, improve sight lines | \$1,073,700                    | \$119,300         | \$1,193,000        |

Thank you for submitting for HSIP funding.

Sincerely,

*Lars Impola*

Lars Impola, P.E.  
Metro Traffic Engineering  
651-234-7820  
[Lars.Impola@state.mn.us](mailto:Lars.Impola@state.mn.us)

cc: Colleen Brown  
Molly McCartney  
Ryan Wilson  
Elaine Koutsoukos, Met Council