

CHAIR: LACEY SHAW
MEMBER: ADAM HEGEHOLZ
MEMBER: THOMAS ADAMINI
MEMBER: ANDREW ANAUO
MEMBER: LEAH SOLTIS
ALTERNATE: BEN STRASHEIM



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		November 17, 2022					
Item Name:		Approve meeting minutes of October 20, 2022					
Originating Department:		Administration					
Presented by:		Shane Fineran					
Previous Council Action (if any):							
Item Type (X only one):		Consent	X	Regular Session		Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Adopt a motion to approve the regular meeting minutes of October 20, 2022.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
<u>Attachments:</u> 1. 10.20.22 PB Minutes.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information: _____ Budgeted _____ Non Budgeted _____ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
MINUTES OF SCHEDULED MEETING
PARKS & RECREATION BOARD
October 20, 2022**

Pursuant to due call and notice thereof, the Regular Meeting of the Waconia Parks & Recreation Board was called to order at 6:33 p.m. by Shaw.

Park Board Members Present: Lacey Shaw, Thomas Adamini, Ben Strasheim

Park Board Members Absent: Leah Soltis, Adam Hegeholz, Andrew Anauo

Council Liaison: Pete Leo

Staff Present: Shane Fineran, Craig Eldred

Guests: None

Adopt Agenda

Adamini made a motion to approve the agenda, seconded by Strasheim. All in favor.

Approval of Minutes from August 18, 2022, Meeting

Adamini made a motion to approve the August 18, 2022, meeting minutes, seconded by Strasheim. All in favor.

Capital Investment Plan Review

Public Services Director Craig Eldred provided an update to the parks & trails related capital investments for the next 10 years. Eldred highlighted the ten projects that had been adjusted in the plan for completion to out years based on available funding and need. A review of the PIR cash flow was also presented and discussion of alternate funding sources. The board requested a review of the park dedication fee at a future meeting.

Board members present provided input on priorities for future park investments highlighted by staff with Sudheimer Park development the top priority contained in the CIP, followed by pickleball courts, Brook Peterson field improvements, trail connectivity, and skate park expansions as project ideas presented by the public to the board for consideration. Discussion was also had on tree canopy within the community and impacts of emerald ash borer, and steps being taken blunt those affects, tree management & species management efforts.

Park Maintenance Report

Eldred highlighted in his report seasonal transitional items being completed to include community garden tilling, pier removal, irrigation winterization, and shelter construction update as well as tree installations happening in the area.

Adjournment

Adamini motion to adjourn. Strasheim second. All in favor. Adjourn at 7:43 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Shane Fineran". The signature is stylized with a large, looping initial "S" and a cursive "Fineran".

Shane Fineran
City Administrator



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		November 17, 2022					
Item Name:		Park Dedication Fee Review					
Originating Department:		Administration					
Presented by:		Shane Fineran					
Previous Council Action (if any):							
Item Type (X only one):	Consent		Regular Session	X	Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
Cities have the ability to require the dedication of land or cash in lieu of for the purposes of park development. Cities have the ability to accept cash in lieu of at the fair market value of the land being platted at the time of final plat. Cash collected as part of park dedication requirement must be spent on the acquisition, development, or improvements and can not be spent on the ongoing maintenance or operation of these facilities. This ability is given by Minn. Stat 462.358 Subd. 2b. Under this authority, the city has enacted by ordinance Chapter 1000.06 Subd. 7 which requires that platted property dedicate 10% of the gross land area to the city for use as parks, open space, or schools. In addition the city has set the fee for cash in lieu of actual land dedication to be at a value of \$6,000 per acre or \$5,000 per acre for commercial/industrial platted land. This valuation was last increased in 2004. As the Park Board is aware, the development of park space comes with significant investment in play systems, shelters, and other amenities often found in public parks. Cities have the ability to determine what the park dedication requirements are within reason and there are multiple ways to structure these dedication requirements. For example sake we will utilize a 50 acre residential development with 90 units of housing at a net density of 1.8 units per acre to provide a comparison of some area cities against the requirements in Waconia. Waconia Park Dedication Requirements Park Land Dedication = 5 acres Cash in Lieu = \$30,000 Total Value = \$30,000 Watertown Park Dedication Neighborhood Park Dedication = 2 acres (one acre provided for every 25 residential units) Community Park Dedication = 2.5 acres (5% of gross land area of platted land) Recreational Facilities Fee = \$175,000 (\$3,500 per acre of gross land based on density of plat) Total Value = \$190,000 Carver Park Dedication Park Dedication fee = \$366,300 (reductions made for dedication of land and/or facilities) Total Value = \$366,300 The requirements are based on a straight zoning requirement. If a proposed development is considered under straight zoning the above park dedication requirements would be had in each example. Of late most developments occurring in Waconia, and which the Park Board has evaluated, have been done under a Planned Unit Development scenario in which the developer is seeking plating requirements outside of straight zoning. These concessions generally around lot sizes, density, setbacks, etc. The city has been successful in negotiating a higher overall value in terms of park dedication in these scenarios with the dedication of land and installation of park facilities in some							

situations.

Staff is seeking discussion and direction of the board as it relates to the city's park dedication requirement. With the approach of year end the city updates the annual fee schedule. If the board wishes to make a recommendation as it relates to the park dedication fee this would be an opportune time, however the fee schedule can be updated throughout the year if the board would like to take additional time to evaluate different scenarios or structures or gather additional input.

Attachments:

1. [Waconia Park Dedication Ordinance](#)
2. [Minn Stat 462.358](#)

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

Subd. 7. Public Land Dedication, Open Space.

A. Findings.

1. The City needs to provide a wide variety of park type facilities, community centers, open space and trails to meet the recreational needs of residents and businesses, to encourage exercise and a sense of physical well being, to connect the community and to enhance the aesthetic sense of the community.
2. The City has undertaken a detailed review of its expected needs and the costs for parkland, open space and trails, both in its most recent Comprehensive Plan and in the Hoisington Koegler Group, Inc., Park Dedication Fees Study of August, 1999.
3. Residents and businesses of the City are requesting a greater depth and breadth of recreational facilities.
4. The City has determined that as more people use City recreational facilities and its population and businesses increase, there is a significant need for additional recreational facilities, trails and open space within the community.
5. The City has identified the need for a community center, soccer fields, baseball and softball fields, neighborhood parks, tot lots, tennis courts, hockey rinks, waterfront park improvements and trails as specific needs in addition to the general need for greater amounts of open space within the community.
6. The City finds that 10% of the land within the community is needed for park and open space and that it is reasonable to require a dedication of at least 10% of the gross area of all developments in the community to satisfy the needs of the public for park and open space.
7. The City finds that increased residential and business development directly increases the need for parks of all type, community facilities, trails and open space and there is a reasonable relationship between the City's dedication requirements and the increased need for parkland, trails, open space in general and indoor park facilities such as a community center, all caused by additional development pressure.

8. The City has reviewed and adopts the Hoisington Koegler Group, Inc. Park Dedication Fees Study and the analysis of the projected costs of meeting the City's upcoming needs for parks, trails, open space and a community center and the proposed allocation of such costs.
9. The City has determined that its needs for parks, trails, open space and a community center to meet anticipated growth through the year 2020 will costs between \$5,167,200 and \$5,878,980.00.
10. The City has determined that it is reasonable and proportionate to allocate 80% of the cost of development of parks, trails, open space and a community center to new residential development and 20% of the cost to new commercial, industrial and other land uses.
11. The City has determined that Private Recreational Facilities should be allowed.

B. Public Uses. Where a proposed park, playground, school, trail system or other public use shown on the Comprehensive Park Plan is located in whole or in part within a subdivision, the area shall be dedicated to the public or reserved for public purchase at fair market value of the unimproved land at the time of plat approval. If within two (2) years of recording the plat, the purchase is not consummated, the reservation shall be canceled.

C. Dedication. In all subdivisions of property in which the final plat or other final approval of the City is granted after May 1, 2000, a sufficient portion of such land be set aside and dedicated to the public for parks, schools, playgrounds, open space or other public use exclusive of property dedicated for streets and other public ways. It shall be presumed that at least 10% of the gross land in the subdivision shall be dedicated for parks, schools, playgrounds and open space. The City, upon consideration of the particular type of development proposed in the subdivision, may require larger or lesser amounts of land to be dedicated if it determines that the present and future residents of the subdivision would require greater or lesser amounts of land for such purposes. No areas may be dedicated as parks, playgrounds, schools or open space until such areas have been approved for the purpose to which they are to be dedicated. Such dedication of land for public use shall be without restrictions or reservations and shall be transferred by deed to the City of Waconia. The subdivider shall leave such dedicated land in a condition suitable to the City Council.

462.358 OFFICIAL CONTROLS: SUBDIVISION REGULATION; DEDICATION.

Subdivision 1. [Repealed, 1980 c 566 s 35]

Subd. 1a. **Authority.** To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area.

Subd. 2. [Repealed, 1980 c 566 s 35]

Subd. 2a. **Terms of regulations.** The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of floodplains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems. The regulations may prohibit the issuance of permits or approvals for any tracts, lots, or parcels for which required subdivision approval has not been obtained.

The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, bond, or other financial security in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. Sections 471.345 and 574.26 do not apply to improvements made by a subdivider or a subdivider's contractor.

A municipality may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the municipality for direct costs relating to professional services provided during the review, approval and inspection of the project. A municipality may only charge the applicant a rate equal to the value of the service to the municipality. Services provided by municipal staff or contract professionals must be billed at an established rate.

When the applicant vouches, by certified letter to the municipality, that the conditions required by the municipality for approval under this subdivision have been satisfied, the municipality has 30 days to release

and return to the applicant any and all financial securities tied to the requirements. If the municipality fails to release and return the letters of credit within the 30-day period, any interest accrued will be paid to the applicant. If the municipality determines that the conditions required for approval under this subdivision have not been satisfied, the municipality must send written notice within seven business days upon receipt of the certified letter indicating to the applicant which specific conditions have not been met. The municipality shall require a maintenance or performance bond from any subcontractor that has not yet completed all remaining requirements of the municipality.

The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

Subd. 2b. **Dedication.** (a) The regulations may require that a reasonable portion of the buildable land, as defined by municipal ordinance, of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, stormwater drainage and holding areas or ponds and similar utilities and improvements, parks, recreational facilities as defined in section 471.191, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance or under the procedures established in section 462.353, subdivision 4a.

(b) If a municipality adopts the ordinance or proceeds under section 462.353, subdivision 4a, as required by paragraph (a), the municipality must adopt a capital improvement budget and have a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and paragraphs (c) to (i).

(c) The municipality may choose to accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid that is, no later than at the time of final approval or under the city's adopted comprehensive plan, to be served by municipal sanitary sewer and water service or community septic and private well as authorized by state law. For purposes of redevelopment on developed land, the municipality may choose to accept a cash fee based on fair market value of the land no later than the time of final approval. "Fair market value" means the value of the land as determined by the municipality annually based on tax valuation or other relevant data. If the municipality's calculation of valuation is objected to by the applicant, then the value shall be as negotiated between the municipality and the applicant, or based on the market value as determined by the municipality based on an independent appraisal of land in a same or similar land use category.

(d) In establishing the portion to be dedicated or preserved or the cash fee, the regulations shall give due consideration to the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision.

(e) The municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(f) Cash payments received must be placed by the municipality in a special fund to be used only for the purposes for which the money was obtained.

(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

(h) The municipality must not deny the approval of a subdivision based solely on an inadequate supply of parks, open spaces, trails, or recreational facilities within the municipality.

(i) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

Subd. 2c. **Nexus.** (a) There must be an essential nexus between the fees or dedication imposed under subdivision 2b and the municipal purpose sought to be achieved by the fee or dedication. The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.

(b) If a municipality is given written notice of a dispute over a proposed fee in lieu of dedication before the municipality's final decision on an application, a municipality must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee in lieu of dedication.

(c) An application may proceed as if the fee had been paid, pending a decision on the appeal of a dispute over a proposed fee in lieu of dedication, if (1) the person aggrieved by the fee puts the municipality on written notice of a dispute over a proposed fee in lieu of dedication, (2) prior to the municipality's final decision on the application, the fee in lieu of dedication is deposited in escrow, and (3) the person aggrieved by the fee appeals under section 462.361, within 60 days of the approval of the application. If such an appeal is not filed by the deadline, or if the person aggrieved by the fee does not prevail on the appeal, then the funds paid into escrow must be transferred to the municipality.

Subd. 3. [Repealed, 1980 c 566 s 35]

Subd. 3a. **Platting.** The regulations may require that any subdivision creating parcels, tracts, or lots, shall be platted. The regulations shall require that all subdivisions which create five or more lots or parcels which are 2-1/2 acres or less in size shall be platted. The regulations shall not conflict with the provisions of chapter 505 but may address subjects similar and additional to those in that chapter.

Subd. 3b. **Review procedures.** The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. Subdivisions including lands abutting upon any existing or proposed trunk highway, county road or highway, or county state-aid highway shall also be subject to review. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law or charter. A municipality must approve a preliminary plat that meets the applicable standards and criteria contained in the municipality's zoning and subdivision regulations unless the municipality adopts written findings based on a record from the public proceedings why the application shall not be approved. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been

agreed to by the applicant. When a division or subdivision to which the regulations of the municipality do not apply is presented to the city, the clerk of the municipality shall within ten days certify that the subdivision regulations of the municipality do not apply to the particular division.

If the municipality or the responsible agency of the municipality fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the municipality shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the municipality fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the municipality shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.

Subd. 3c. Effect of subdivision approval. For one year following preliminary approval and for two years following final approval, unless the subdivider and the municipality agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the municipality may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned and staged development, a municipality may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines to be reasonable and appropriate.

Subd. 4. [Repealed, 1982 c 415 s 3]

Subd. 4a. Disclosure by seller; buyer's action for damages. A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which adopted municipal subdivision regulations apply, shall attach to the instrument of conveyance either: (a) recordable certification by the clerk of the municipality that the subdivision regulations do not apply, or that the subdivision has been approved by the governing body, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the municipality in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or (b) a statement which names and identifies the location of the appropriate municipal offices and advises the grantee that municipal subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability, or waiver from the municipality. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this subdivision shall be grounds for damages. If the buyer establishes a right to damages, a district court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five per centum of the purchase price of the land.

Subd. 4b. Restrictions on filing and recording conveyances. (a) In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land

to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective.

(b) The foregoing provision does not apply to a conveyance if the land described:

(1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or

(2) was the subject of a written agreement to convey entered into prior to such time, or

(3) was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966, or

(4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or

(5) is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

(6) is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(c) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

(d) Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed.

(e) A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

Subd. 5. Permits. Except as otherwise provided by this section all electric and gas distribution lines or piping, roadways, curbs, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or properly indicated on the official map of the municipality, or which has otherwise been approved by the governing body. When a municipality has adopted an official map, no permit for the erection of any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the official map or which has been otherwise approved by the governing body, and unless the buildings conform to the established building line. This limitation on issuing permits shall not apply to planned developments approved by the governing body pursuant to its zoning ordinance. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this section.

Subd. 6. Variances. Subdivision regulations may provide for a procedure for varying the regulations as they apply to specific properties where an unusual hardship on the land exists, but variances may be

granted only upon the specific grounds set forth in the regulations. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Subd. 7. **Vacation.** The governing body of a municipality may vacate any publicly owned utility easement or boulevard reserve or any portion thereof, which are not being used for sewer, drainage, electric, telegraph, telephone, gas and steam purposes or for boulevard reserve purposes, in the same manner as vacation proceedings are conducted for streets, alleys and other public ways under a home rule charter or other provisions of law.

A boulevard reserve means an easement established adjacent to a dedicated street for the purpose of establishing open space adjacent to the street and which area is designated on the recorded plat as "boulevard reserve".

Subd. 8. **Plat approval under other laws.** Nothing in this section is to be construed as a limitation on the authority of municipalities which have not adopted subdivision regulations to approve plats under any other provision of law.

Subd. 9. **Unplatted parcels.** Subdivision regulations adopted by municipalities may apply to parcels which are taken from existing parcels of record by metes and bounds descriptions, and the governing body or building authority may deny the issuance of permits or approvals, building permits issued under sections 326B.101 to 326B.194, or other permits or approvals to any parcels so divided, pending compliance with subdivision regulations.

Subd. 10. **Limitations.** Nothing in this section shall be construed to require a municipality to regulate subdivisions or to regulate all subdivisions which it is authorized to regulate by this section.

Subd. 11. **Affordable housing.** For the purposes of this subdivision, a "development application" means subdivision, planned unit development, site plan, or other similar type action. If a municipality, in approving a development application that provides all or a portion of the units for persons and families of low and moderate income, so proposes, the applicant may request that provisions authorized by clauses (1) to (4) will apply to housing for persons of low and moderate income, subject to agreement between the municipality and the applicant:

- (1) establishing sales prices or rents for housing affordable to low- and moderate-income households;
- (2) establishing maximum income limits for initial and subsequent purchasers or renters of the affordable units;
- (3) establishing means, including, but not limited to, equity sharing, or similar activities, to maintain the long-term affordability of the affordable units; and
- (4) establishing a land trust agreement to maintain the long-term affordability of the affordable units.

Clauses (1) to (3) shall not apply for more than 20 years from the date of initial occupancy except where public financing or subsidy requires longer terms.

History: 1965 c 670 s 8; 1971 c 842 s 1; 1973 c 67 s 1; 1973 c 176 s 1; 1975 c 98 s 1; 1976 c 181 s 2; 1978 c 786 s 16,17; 1980 c 560 s 6; 1980 c 566 s 25-33; 1981 c 85 s 7; 1982 c 415 s 2; 1982 c 507 s 23; 1985 c 194 s 24; 1986 c 444; 1989 c 196 s 1; 1989 c 200 s 1; 1989 c 209 art 2 s 1; 1995 c 254 art 1 s 90; art 3 s 6,7; 2000 c 497 s 1; 2001 c 7 s 74; 2002 c 315 s 1; 2004 c 178 s 2,3; 2006 c 209 s 1; 2006 c 269 s 1; 2006 c 270 art 1 s 6; 2007 c 116 s 1; 2007 c 140 art 4 s 61; art 13 s 4; 2013 c 85 art 5 s 41



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		November 17, 2022					
Item Name:		Approval of Lakeview Terrace Park Plan					
Originating Department:		Public Services					
Presented by:		Craig Eldred					
Previous Council Action (if any):		Discussion of Priorities; October 20, 2022					
Item Type (X only one):	☐ Consent	☐	☐ Regular Session	☐	☐ Discussion Session	☒ X	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Recommend Approval of Lakeview Terrace Park Plan to City Council							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
As part of efforts to assist in funding Park Equipment replacement we programmed to reutilize the Waterford Park play equipment for placement at Lakeview Terrace Park in calendar year 2023. Attached are images of the revised equipment layout from Landscape Structures and one with staff edits for Lakeview Terrace Park. Included are two different budget proposals. One preliminary budget from Landscape Structure before discussion occurred with staff and one with costs reflected as part of the discussions and additions of trail for the site as an access element to the site. Staff will walk through the preliminary budget items discussed with Landscape Structures. A component of the adjustments includes the addition of a Zip Krooze area, which may be funded by efforts of another Polar Plunge. This hasn't been confirmed, but discussed. We also added Poured in Place surfacing to access a few key landing points in the 5-12 year system. Staff will look for comments and suggestions with emphasis of presenting this project to City Council for approval of equipment order on December 5th, 2022. The intent will be to complete the improvement in the spring of 2023.							
<u>Attachments:</u>							
1. 2022 Site Color Images LVTB Park.pdf 2. Revised Draft Site Improvements LVTB Park.pdf 3. Preliminary_Waconia_LakeviewTerrace_11042021.pdf 4. Preliminary Budget Lakeview Terrace Estimated Project Numbers.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
PIR Cash							
Budget Information: ☒ Budgeted ☐ Non Budgeted ☐ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			







Lakeview Terrace Relocate

LakeviewTerrace_Waconia 102821_Render • 11.08.2021



© 2021 Landscape Structures - All Rights Reserved



TOTAL AREA	4617 SQ FT
TOTAL PERIMETER	266 LN FT
EDGING TYPE	6" CONCRETE CURB



FLAGSHIP RECREATION
11123 UPPER 33RD ST N
LAKE ELMO, MN 55082
763-550-7860
FLAGSHIPPLAY.COM
@FLAGSHIPPLAY



THIS PLAY AREA & PLAY EQUIPMENT IS
DESIGNED FOR AGE RANGES AS NOTED
ON PLAN.

LAKEVIEW TERRACE
RELOCATE

WACONIA, MN

SALES
REPRESENTATIVE:
Bailey Wolf

DESIGNED BY:
JLT
10/28/2021

$$3/16'' = 1'-0''$$

SHEET

LS101







Lakeview Terrace Relocate

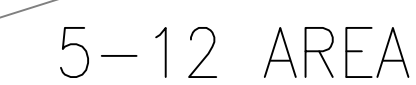
LakeviewTerrace_Waconia 102821_Render • 11.08.2021





TOTAL ELEVATED PLAY COMPONENTS	3	
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	<u>REQUIRED 0</u>
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	3	<u>REQUIRED 2</u>
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	3	<u>REQUIRED 1</u>
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	2	<u>REQUIRED 2</u>

TOTAL AREA	1274 SQ FT
TOTAL PERIMETER	146 LN FT
EDGING TYPE	6" CONCRETE CURB



TOTAL ELEVATED PLAY COMPONENTS	7		
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	<u>REQUIRED</u>	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	6	<u>REQUIRED</u>	4
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	6	<u>REQUIRED</u>	2
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	3	<u>REQUIRED</u>	3

TOTAL AREA	4617 SQ FT
TOTAL PERIMETER	266 LN FT
EDGING TYPE	6" CONCRETE CURB

LAKEVIEW TERRACE
RELOCATE

WACONIA, MN

SALES
REPRESENTATIVE:
Bailey Wolf

DESIGNED BY:
JLT
10/28/2021

$$3/16'' = 1'-0''$$

SHEET

LS101



City of Waconia
310 East 10th Street
Waconia, MN 55387
Craig Eldred - Public Services Director

11/8/2021

PRELIMINARY BUDGET

	Preliminary Budget	Possible Additions	Possible Reductions	QTY	Notes
Play Equipment					
Design - Lakeview Terrace Relocate	23,748.97				List Price of Equipment
State Contract Discount	(1,424.94)			6%	State Contract #119795
Sales Tax - if applicable	0.00				
Equipment Installation (Man Hours & Concrete for Footings)	19,453.55				Full professional installation by Landscape Structures Certified Installers
Delivery of Play equipment	400.00			0	estimated / final quote will be provided
Per Diem	0.00				estimated / final quote will be provided
Mobilization	500.00				
Dumpster(s) - 30 Yard	525.00				Disposal of packaging material
Site work					
Removal of Existing Equipment	14,860.89				*Removal of existing equipment at Waterford Park and relocated to Lakeview Terrace Park
Border Options					
Concrete Border Straight (LF)	\$0.00	15,604.50		412	Standard 6" W x 12" D w/ rebar *Possible addition if Flagship pours container curb
Plastic Timbers & Ramp	0.00				
Subgrade Preparation					
Drainage Aggregate - Pea Rock (Tons)	\$0.00	4,667.44		76	Pea Rock - 3" depth - Recommended with EWF installations *Possible add if Flagship Installs
Drain Tile (LF)	0.00				Perforated Corrugated Drain Tile with Sock
Surfacing Engineered Wood Fiber (EWF)					
EWF - Playground Safety Surfacing (CY)	\$0.00	8,814.68		218	IPEMA Certified Playground Surfacing - Meets the standards of ASTM, ADA & CPSC - Blow-in Installation *Possible add if Flagship Installs
GeoTextile Fabric (Sq. Ft.)	\$0.00	2,566.03		6,775	Price includes installation *Possible add if Flagship Installs
Site Restoration (Sq.Ft.)	0.00				Top soil, seed and blanket
	Budget Total	Total Additions	Total Reductions		Total w/ Additions & Reductions
	58,063.47	31,652.65	0.00		89,716.12

State Contract Pricing



PROJECT INFORMATION

Project name	Lakeview Terrace		
Address	56 Lakeview Terrace Blvd		
City, State ZIP	Waconia MN, 55387		
Contract Year	2022		

EQUIPMENT INFORMATION & PRICING

Qty	Item No.	Description	Price	Ext Price
1	123293A	Cozy Climber Perm Handholds 32"Dk DB	\$2,717.00	\$2,717.00
1	128252A	Loop Ladder 48"Dk DB	\$1,040.00	\$1,040.00
1	143199A	Conical Climber 72"Dk DB	\$4,707.00	\$4,707.00
1	152911A	Curved Transfer Module Right 32"Dk DB	\$2,651.00	\$2,651.00
2	125921A	TurboTwister Pipe Barrier	\$742.00	\$1,484.00
1	133444	HDW PKG PERM PNL ATT PB	\$52.52	\$52.00
1	CP023911	2-step deck link barriers to fit old style deck link	2,822.95	2,822.95

Total Equipment Cost at State Contract Pricing

\$15,473.95

Replacement Parts

2	128824	90* ATCH BRACKET PNT	\$26.82	\$53.63
8	100198	BHCS 6LP 3/8x1-1/8i SST	\$1.57	\$12.52
4	146007	BIT 5/16 6-LOBE T45 TAMP	\$1.63	\$6.50
8	152050	CHN 3/16 X 67-7/8i PVC	\$65.65	\$525.20
2	152055	CHN 4/0 59-15/16i PVC	\$60.60	\$121.20
8	121291	CLMP ASY SWG HGR/CLV 5i	\$85.85	\$686.80

26	106022	CLMP DK HGR	\$37.02	\$962.43
76	105327	CLMP HALF 5i AL	\$28.63	\$2,176.15
30	113729	CLMP OFFSET 5i RAIL HGR	\$37.02	\$1,110.50
2	118029	FTR 1.315iOD X 24i	\$69.69	\$139.38
1	133806	HDW 64/72 EL SLD 30iOD	\$144.43	\$144.43
2	141416	HDW ARCH SWING 5iOD BEAM	\$61.61	\$123.22
2	124900	HDW DK MNT PNL T-DECK PB	\$48.48	\$96.96
1	142230	HDW DK TO DK STEPS 24i	\$91.91	\$91.91
1	124342	HDW HLOOP/RAIL PB	\$30.30	\$30.30
1	124342	HDW HLOOP/RAIL PB	\$30.30	\$30.30
4	120203	HDW PB TRIANGULAR DK	\$31.31	\$125.24
4	132635	HDW PKG (2) BOLT LINKS	\$34.34	\$137.36
1	132739	HDW PKG ABOVE DK BARR PB	\$43.43	\$43.43
2	138414	HDW PKG BUCKET SEAT	\$8.08	\$16.16
1	121371	HDW PKG ENTR/DECK MTG	\$12.12	\$12.12
1	121371	HDW PKG ENTR/DECK MTG	\$12.12	\$12.12
1	111704	HDW PKG EXIT SPRT	\$13.13	\$13.13
2	119491	HDW PKG PB SQ TENDERDECK	\$40.40	\$80.80
1	119491	HDW PKG PB SQ TENDERDECK	\$40.40	\$40.40
1	111506	HDW PKG SGL POLY SLD	\$13.13	\$13.13
1	106578	HDW PKG SGL SLD HOOD PB	\$36.36	\$36.36
1	148851	HDW PKG SPACELINK CLMR	\$250.48	\$250.48
1	157711	HDW PKG SWING BEAM ATTACH	\$41.41	\$41.41
1	128373	HDW SLIDEWINDER2® EXIT DB	\$9.09	\$9.09
4	154942	HDW SLIDEWINDER2® SECTION	\$60.60	\$242.40
1	115985	HDW STORE COUNTER TOP	\$50.50	\$50.50
2	119593	HDW TRI-DK EXTENSION	\$22.22	\$44.44

1	139573	HDW WIGGLE LADR 40DK PB	\$60.60	\$60.60
1	146589	INST 2i ARCH SWING	\$0.00	\$0.00
1	146791	INST ARCH BELT SWING 5iOD	\$0.00	\$0.00
1	136166	INST BELT SWING SEAT	\$0.00	\$0.00
1	138716	INST CONCRETE TYP PB POST	\$0.00	\$0.00
1	148146	INST CORKSCREWS PB	\$0.00	\$0.00
1	142234	INST DK/DK STEPS PB	\$0.00	\$0.00
1	148634	INST DRIVER PNL PB	\$0.00	\$0.00
1	136165	INST FULL BUCKET SEAT	\$0.00	\$0.00
1	133914	INST KICK PANELS PB	\$0.00	\$0.00
1	141958	INST KICK PLATE SQ T-DECK	\$0.00	\$0.00
1	148798	INST MACRO SPACENET 3140	\$0.00	\$0.00
1	140666	INST PB CRVD XFER MOD 40i	\$0.00	\$0.00
1	150424	INST PB SLIDEWINDER2	\$0.00	\$0.00
1	145824	INST PB TRI-DECK	\$0.00	\$0.00
1	135331	INST PIPE BARRIER SQ PB	\$0.00	\$0.00
1	151060	INST SINGLE POLY SLIDE PB	\$0.00	\$0.00
1	152160	INST SPACELINK CLIMBER	\$0.00	\$0.00
1	145821	INST SQUARE DECK PB	\$0.00	\$0.00
1	144582	INST STOREFRONT PNL PB	\$0.00	\$0.00
1	145826	INST TRI-DECK EXT PB	\$0.00	\$0.00
1	148170	INST TURBO TWISTER SLD PB	\$0.00	\$0.00
1	136163	INST TYP SWING HGR ASY	\$0.00	\$0.00
1	147861	INST WIGGLE LADDER PB DB	\$0.00	\$0.00
4	146017	L-KEY 6-LOBE T45 TAMP	\$3.07	\$12.28
8	100351	NUT MOD-T 3/8-16 SST	\$1.70	\$13.57
3	119813	RAIL 13/16iOD X 27-15/16i	\$76.76	\$230.28

60	100610	RIVET 1/4X5/8i DRV AS	\$1.08	\$64.84
2	132443	TUBE 1-3/8ODX1-11/16 PNT	\$20.15	\$40.30
12	113468	TUBE 7/8iOD X 1-11/16i AL/PNT	\$11.16	\$133.93
1	136920	HDW PB CRVD TRANSFER MOD	\$129.28	\$129.28
3	122202	HDW SQ DECK KICK PLATE	\$13.08	\$39.24
1	148176	HDW PKG POLE PB	\$70.70	\$70.70
		Total Replacdement Parts Equipment Cost		\$8,275.02

	A	B	C	D	E
1					
2	Preliminary Budget Lakeview Terrace Park Play Equipment and Site				
3					
4	Transfer Play Structure From Waterford Park to Lakeview Terrace Park Budget \$150,000.00				
5					
6	Items	Preliminary Budget Costs	Designer & City Addition Costs	Possible Project Reductions	Final Costs
7	Landscape Structures: Equipment and Material	86,244.46	34,215.45	24,332.17	95,547.62
8					
9	Addition Equipment; City				
10	Zip Krooze; 35 Foot Unit & 14' Skyway Shade		21,205		
11	Concrete Curb For Zip Kruooze		2,072.00		
12	Pour In Place Accesses; Two as Estimated		12,000.00		
13	Reductions Estimate Adjustments			20,468.30	
14	Trail Construction & Concrete Slab for Skyway		18,000.00		
15					
16	Final Reduction Costs			4,443.99	
17		86,244.46	87,492.45	4,443.99	178,180.90
18	Polar Plunge Event; Estimate				30,000.00
19	Balance				\$148,180.90