

CITY OF WACONIA
January 19, 2016

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 Jim Sanborn at 6:00 p.m. The following members were present: Jim Sanborn, Kent Bloudek, Charles Erickson, and Lynn Ayers, Marc Carrier

Staff Present: Susan Arntz, Lane Braaten, Craig Eldred, Mike Melchert, Ann Meyerhoff, Craig Sinclair, Nicole Lueck, Angel Smith

Visitors: Greg James, Brenda Goede

Pledge of Allegiance was led by Mayor Sanborn.

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

VISTOR'S PRESENTATION: None

ADOPT CONSENT AGENDA

- 1) Approve January 4, 2016 City Council Meeting Minutes.
- 2) Authorize Payment of January 19, 2016 Expenditures.
- 3) Adopt a Motion to approve Pay Estimate No. 8 to GMH Asphalt.
- 4) Adopt a Motion to approve Pay Estimate No. 4 to Sunram Construction.
- 5) Adopt a Motion to approve Pay Estimate No. 7 to Park Construction.
- 6) Adopt Resolution No. 2016-29, Accepting Multiple Donations from Local Vendors/Merchants for the 2016 Employee Recognition Event.
- 7) Adopt a Motion Authorizing use of Streets/Trails/Parking Lot for Don't Worry Be Hoppy 5k and Kids Run.
- 8) Adopt Resolution No. 2016-26, Authorizing Purchase of Water Reuse Chlorination Equipment from Vessco, Inc.
- 9) Adopt Resolution No. 2016-27, Authorizing Contract Award for Water Reuse Water Main Directional Drill Work to EBI Drilling.
- 10) Adopt Resolution No. 2016-28, Authorizing Contract Award for TH5 Water Reuse Sprinkler System Installation to Kelly Green Irrigation..
- 11) Adopt Resolution No. 2016-30, Authorizing Specification and Bids for Boat 11 Project.
- 12) Adopt Resolution No. 2016-31, Authorizing Staff to Prepare and Submit Assistance to Firefighters Grant for Operations & Safety Equipment with HSEM.
- 13) Adopt Resolution No. 2016-32, Authorizing Purchase and Award of Tandem Truck Chassis, Dump Body and Winter Maintenance Equipment.

Motion by Ayers, seconded by Erickson to Adopt the Consent Agenda as presented. All present voted aye. **MOTION CARRIED.**

COUNCIL BUSINESS: Approve Variance Request for Iron Tap. Lane Braaten stated that the City had received a Variance Application from Greg & Bria James (the "applicants") requesting an exception to the Architectural Design Standards regarding rooftop screening in the Downtown Design District. Specifically, the applicants have requested a variance "*to not enclose the rooftop kitchen equipment.*" The variance request is necessary as Section 900.06, Subd. 9.C.7 of the City Ordinance states: "*All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way and adjacent properties.*"

Braaten then reviewed the Planning Considerations which included:

1. The applicants have stated their intent is to leave the rooftop mechanical unscreened per the information stated in their Variance Request Letter, the letter from their architect dated October 8th, 2014, and the letter from their engineer dated January 7th, 2016.
2. The applicants received final Site Plan and Design Review approval from the City Council on January 20th, 2015, which included the requirement to screen the existing rooftop mechanical equipment.

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3. Based on site visit on Tuesday, December 29th, 2015, all of the conditions of approval associated with Site Plan and Design Review have been completed except for the trash enclosure on the property and the screening of the rooftop mechanical.
4. The property is located in the Downtown Design Standards District which requires all rooftop mechanical to be screened from view from adjacent streets, public rights-of-way, and adjacent properties.
5. There are residentially zoned properties to the north of the subject parcel from which the rooftop mechanical is visible.
6. The Planning Commission held a Public Hearing on Thursday, January 7th in which all public comment was received and considered.
7. The applicant has indicated three reasons for the variance to be approved:
 - a) The rooftop is not structurally sound enough to add additional weight.
 - b) The visibility of the equipment is minimal since the completion of the project.
 - c) There is decreased visibility of the equipment due to the new color of the building siding.

The Planning Commission, at their regular meeting on January 7th, 2016, via a 5-0 vote, recommended approval of the variance request submitted by Greg and Bria James to vary from the Downtown District Design Standards and not install the rooftop equipment screening as required by ordinance.

The Planning Commission would recommend the approval upon the following conditions:

1. The trash enclosure be completed by June 1st, 2016.

Council Member Bloudek asked what the rationale was from the Planning Commission to go away from what our Ordinance states.

Braaten stated that the main point that came out of that meeting is that the structure of the building hadn't changed at all and since the structure hadn't changed they were more concerned with the extra weight.

Council Member Bloudek then stated that the screen requirements was a part of the original agreement were understood from the beginning.

Greg and Bria James came forward and stated that they hired a structural engineer that highly recommended not putting additional load on the building considering the age of the building. They explained that the key word is additional. The snow is obviously going to be there and have to be dealt with. It was also stated that they knew the screening was a condition but they knew they could come back for a variance.

Council Member Bloudek said that he struggles with them thinking they can just get a variance when it is a potential variance.

Council Member Carrier explained that he had a conversation with their builder and agreed that the added weight could be a potential problem but he also understands Council Member Bloudek's point as well.

Council Member Bloudek finished by saying that they knew going in what the ordinance was and it should have been designed into their project.

Motion by Carrier, seconded by Erickson to Adopt Resolution 2016-33, Approving the Variance Request by Greg & Bria James (dba. Iron Tap) relieving them from the rooftop screening requirements stated in the Architectural Design Standards in the Downtown District for the property located at 140 Main Street West. Erickson, Sanborn, Carrier, Ayers voted aye.

Bloudek voted Nay. **MOTION CARRIED.**

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ITEMS REMOVED FROM CONSENT AGENDA: None

STAFF REPORTS: Susan Arntz gave an update on upcoming projects which include storm pond work expected to start on Highway 5 within the next two weeks.

BOARD REPORTS:

Councilmember Erickson – No Report

Councilmember Bloudek – No Report

Councilmember Carrier – No Report

Councilmember Ayers – No Report

Mayor Sanborn – No Report

ANNOUNCEMENTS:

ADJOURN:

Motion by Erickson, seconded by Carrier to adjourn the meeting at 6:25 p.m. All present voted aye. MOTION CARRIED

James P Sanborn, Mayor

ATTEST: _____
Ann Meyerhoff, Office Assistant