

CITY OF WACONIA
July 11, 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, Lynn Ayers, Charles Erickson, Marc Carrier.

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

Visitors: Cathy Thom, James Mase, Duane Sawyer, Reed Winter, D. LaPlax, Mark & Diane Sullivan, Tracey Rust, Paul Tucci, Chuck & Judy Machtemes.

Pledge of Allegiance was led by Mayor Sanborn.

ADOPT AGENDA: Item #7 from the consent agenda was moved to Regular Business, Resolution 2016-157 was added to Consent agenda as well as Resolution 2016-158 was added to Regular Business and an update on the Grandstand was added to Staff reports. Motion by Erickson, seconded by Ayers to adopt the agenda as amended. All present voted aye. **MOTION CARRIED.**

VISTOR'S PRESENTATION: Reed Winter, 801 Cormorant Court came forward and expressed his dissatisfaction with the method of permit fee calculation used by the City.

ADOPT CONSENT AGENDA

- 1) Approve June 20, 2016 City Council Meeting Minutes.
- 2) Authorize Payment of July 11, 2016 Expenditures.
- 3) Motion to Approve Pay Estimate No. 11 to GMH Asphalt for the 2015 Infrastructure Improvement Project.
- 4) Motion to Approve Pay Estimate No. 3 to GMH Asphalt for the 2016 Infrastructure Improvement Project.
- 5) Motion to Approve Pay Estimate No. 12 to Park Construction for Trunk Highway 5 Improvement Project.
- 6) Motion to Approve Request for Lodging Tax Reimbursement.
- 7) Motion to Allow Use of Streets – More than Pink 5K.
- 8) Motion to Allow Use of Parks – Shape It Up Fitness.
- 9) Motion Approving Fees be Waived for Games played without Lights.
- 10) Adopt Resolution No. 2016-139, Approving Appointment of Deanna LaPlant as Maintenance Worker.
- 11) Adopt Resolution No. 2016-140, Approving Appointment of Ethan Nelson as Assistant Planner.
- 12) Adopt Resolution No. 2016-141, Approving Application for Exempt Permit, Church of St. Joseph.
- 13) Adopt Resolution No. 2016-142, Approving Performance Measures & Report.
- 14) Adopt Resolution No. 2016-143, Accepting Donation and Approving Pass Through Recommendation.
- 15) Adopt Resolution No. 2016-144, Approving Purchasing Conflict for Service.
- 16) Adopt Resolution No. 2016-145, Approving 2016 2nd Quarter Budget Amendments.
- 17) Adopt Resolution No. 2016-147, Approving Application for Exempt Permit Waconia Band Boosters.
- 18) Adopt Resolution No. 2016-155, Authorizing Memorandum of Understanding for Utility Easements, Right of Entry Easement and Acquisition of Property Regarding Drain Tile & Storm Sewer Installations.
- 19) Adopt Resolution No. 2016-154, Authorizing Memorandum of Understanding for Utility Easements, Right of Entry and Acquisition Regarding Drain Tile & Storm Sewer Installations.
- 20) Adopt Resolution No. 2016-153, Authorizing Approval of Construction Management Services & AIA Contract with Shaw Construction for Loins Field Grandstand Improvement Project.
- 21) Adopt Resolution 2016-148, Accepting the Resignation of Firefighter and Authorize Recruitment.
- 22) Adopt Resolution 2016-149, Approving the Stonegate 2nd Addition Final Plat Application.
- 23) Adopt Resolution 2016-151, Approving the Variance Request by Michael McLain.
- 24) Adopt Resolution 2016-156, Amendment 1 to Joint Powers Agreement for Corridor Improvement Associated with CSAH 110 and CSAH 10.
- 25) Adopt Resolution No. 2016-157, Supporting Grant Application for Carver County CDA for Trail's Edge Apartment Project.

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

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COUNCIL BUSINESS

Variance Request by Chuck & Judy Machtemes: Lane Braaten explained that the City has received a Variance Application from Chuck & Judy Machtemes (the “applicants”) to construct a 663 sq. ft. garage addition to the principal structure on the property located at 18 Point Drive. The variance is necessary as the applicant is proposing a 11.6 ft. front yard setback, a 9.5 ft. side yard setback and a proposed hardcover surface of 28.4% versus the 25 ft. front yard setback, the 10 ft. side yard setback and the 25% maximum hardcover allowed in the R-2, Single-Family Residential District and the Shoreland Overlay District.

Braaten went over the variance review criteria and variance analysis. He then said that the Planning Commission reviewed the Variance request at their regular meeting on Thursday, July 7th, 2016 and recommended approval via a 5-0 vote.

If the City Council approves the setback and hardcover surface variance submitted by Mr. and Mrs. Machtemes, the Planning Commission and City staff would recommend the approval upon the following conditions:

- 1) The home be constructed as proposed and as conditionally revised by the Planning Commission and 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 install stormwater improvements to mitigate the proposed impervious surface on the parcel. A final stormwater plan shall be reviewed and approved by City staff prior to the issuance of a building permit.
- 4) The existing lake side patio (231 sq. ft.) and the gravel drive (823 sq. ft.) shall be removed and no additional hardcover surface shall be allowed on the subject parcel without the submittal and approval of a variance through the City.

Motion by Bloudek, seconded by Carrier to Adopt Resolution No. 2016-150, Approving the Variance Request by Chuck and Judy Machtemes to construct a home addition at reduced setback requirements and hardcover exceeding the lot requirements stated in the R-2, Single-Family Residential District and the Shoreland Overlay District for the property located at 18 Point Drive. All present voted aye. **MOTION CARRIED.**

Proposed Zoning Map Amendment: Lane Braaten stated that the City had received a Zoning Map Amendment application from Oppidan, Inc. (the “Applicant”) for the properties located at 10590 and 10594 10th Street West (the “Subject Properties”). The applicant is requesting approval to rezone the subject properties from their current zoning of A, Agricultural District to B-1, Highway Business District.

Braaten explained that the subject parcels, located at 10590 and 10594 10th Street West, are currently undeveloped and located within the Waconia City limits (see attached location map). Specifically, the properties are located south and east of the intersection of Hwy. 5 and County Road 10. Most recently the properties were used as a staging area for construction equipment and materials during the Hwy. 5, Cherry Street and 10th Street road construction projects that are in the final stages of being completed.

The Planning Commission held a public hearing at their regular meeting on July 7th, 2016, and, via a 5-0 vote, recommended approval of the Zoning Map Amendment to rezone the subject parcels B-1, Highway Business District.

According to City Ordinance requirements for Zoning Map Amendments, City Council would have to approve by at least a 4/5ths vote.

Motion by Ayers, seconded by Erickson to Adopt Resolution No. 2016-152, Approving the proposed Zoning Map Amendment to rezone the subject parcels from A, Agricultural District to B-1, Highway Business District. All present voted aye. **MOTION CARRIED.**

Ordinance 694, Permitting the Keeping of Chickens with a License: Susan Arntz stated that based on recent work session discussions during the past few months, the proposed ordinance has been created that will allow the keeping of chickens with a license. This ordinance: i) adds a chapter to Part V of the Waconia City Code permitting the keeping of up to six (6) hens if a chicken license is obtained; ii) amends Section 710.15 of the Waconia City Code to provide that the

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prohibition against keeping farm animals in the City does not apply to hens kept pursuant to a current chicken license; and iii) amends Section 1100 of the Waconia City Code to add a chicken license fee.

Since the work session, a couple of proposed elements have been revised:

- Fees can be prorated for partial years, with a minimum fee of \$25.
- Modified the proposed setback so that a coop/run could be placed closer to the licensed principal structure.
- Set fees at \$150.00 for initial license and \$75 for renewal licenses.

Staff requests the the ability to publish a summary of these ordinance changes. This summary publication requires a 4/5th vote of the City Council.

Council Member Bloudek stated that he was probably more opposed than anyone for various number of reasons, he lives in the city along with all the other residents of Waconia and does not feel that it is the appropriate place for either chickens or bees. He went on to explain that he has dealt with all the issues of the noise, the smell, the damage to the yard, attracting predators. He feels that there are things that are being missed and wanted it on record that he is against it and respects everyone on the Council opinions. The last issue he stated was that the city doesn't have the resources to enforce the compliance issues.

Motion by Carrier, seconded by Erickson to Adopt Ordinance No. 694, Permitting the Keeping of Chickens with a License, Amending Section 710.15, and Amending Chapter 1100 Regarding Fees. Sanborn, Erickson, Carrier, Ayers voted aye. Bloudek voted nay. **MOTION CARRIED.**

Ordinance 695, Permitting the Keeping of Honey Bees with a License: Susan Arntz presented that based on recent work session discussions during the past few months, we have created the proposed ordinance that will allow the keeping of honey bees with a license. This ordinance: i) adds a chapter to Part V of the Waconia City Code permitting the keeping of honey bees if a honey bee license is obtained; ii) amends Section 710.15 of the Waconia City Code to provide that the prohibition against keeping farm animals in the City does not apply to honey bees kept pursuant to a current honey bee license; and iii) amends Section 1100 of the Waconia City Code to add a honey bee license fee.

Since the work session, we have revised a couple of proposed elements:

- Fees can be prorated for partial years, with a minimum fee of \$25.
- Modified the language regarding Waste.
- Set fees at \$150.00 for initial license and \$75 for renewal licenses.

Staff requests the ability to publish a summary of these ordinance changes. This summary publication requires a 4/5th vote of the City Council.

Motion by Ayers, seconded by Carrier to Adopt Ordinance 695, Permitting the Keeping of Honey Bees with a License, Amending Section 710.15 and Amending Chapter 1100 Regarding Fees. Sanborn, Erickson, Carrier, Ayers voted aye. Bloudek voted nay. **MOTION CARRIED.**

Feasibility Report for Proposed 2017 Infrastructure Improvements: Craig Eldred stated that in November of 2015 staff requested approval of Engineering services through Bolton & Menk to complete soil borings, survey and preliminary design work for the 2017 Infrastructure Improvement Project. In March staff requested authorization to complete a Feasibility Report highlighting improvements proposed for an extension of Community Drive, new construction segment of 94th Street, and County Road segments now to be the responsibility through agreement by the City and Waconia Independent School District. The requests were to assist in design of roadways adjacent the proposed Waconia High School improvement project, or current Clearwater Middle School site. These efforts have been an on-going in effort to meet the time line for the High School opening schedule in the fall of 2017, and include contiguous effort for the future construction of CSAH 110.

Improvements consist of sidewalks, trails, pedestrian underpass, lighting, sewer connections where necessary, water main, storm sewer, local and future Carver County roadway surfaces to meet the use needs of the School District and public. In

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addition, to these items the pedestrian underpass linking the High School site with the proposed athletic fields west of the future CSAH 110 corridor is being bid and proposed for installation this fall.

Street & Utility Improvement Areas

Street Area	From	To
Community Drive	Safari Island Entrance	Future CSAH 110 Roundabout
94 th Street	High School Garden Entrance	Future CSAH 110 Access
County State Aid Highway 110	TH 5 Including Roundabout	Community Drive

Although there is an understanding of the assessment process by the Waconia Independent School District, it is applicable to complete a Feasibility Report for Bonding purposes, and define the feasibility of the improvements desired to connect the current roadway of Community Drive with future CSAH 110, the secondary access of 94th Street, and the Trunk Highway Five connection/link for CSAH 110.

Project Cost Estimates By Segment:

Segment One, TH 5/CSAH 110 Roundabout Intersection
City Costs; 16% \$192,000.00 ISD 110 84% \$1,008,000.00

Segment Two, CSAH 110
City Costs; 60% \$1,526,028.00 ISD 110 40% \$979,352.00

Segment Three, 94th Street
City Costs; 18% \$192,231.00 ISD 110 82% \$588,719.00

Segment Four; Community Drive
City Costs; 21% \$156,292.00 ISD 110 79% \$587,958.00

Segment Five; Pedestrian Underpass
City Costs; 0% ISD 110 100% \$593,800.00

Total City Costs; \$2,003,551.00 Total ISD 110 Costs; \$3,757,829.00

Total Estimated Project Costs; \$5,761,380.00

The amount of \$1,008,000.00 will be paid in cash by ISD 110
The amount of \$1,181,758.00 will be assumed by agreement for ISD 110 by the City
The amount of \$1,568,071.00 will be assessed to ISD 110
The amount of \$2,003,551.00 will be assumed by the City

It is estimated that the City will need 429 Bonds in the amount of \$4,753,380.00 to cover estimated construction costs for the previously mentioned improvements. Funds have been allocated in the Capital Improvement Plan for the improvements.

The project is determined to be feasible and necessary to provide multi-modal transportation and safety improvements to access the proposed High School location.

Council Member Ayers commented that it has been such a complicated project but is very happy with the safety that is being taken for pedestrians.

Motion by Erickson, seconded by Carrier to Adopt Resolution No. 2016-146, Approving Feasibility Report for the Proposed 2017 Infrastructure Improvements & Authorize City Engineers; Bolton & Menk to Prepare Plans and Specifications for 2017 Infrastructure Improvement Project. All present voted aye. **MOTION CARRIED.**

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Safari Island Fitness Equipment: Susan Arntz stated that the staff at Safari Island has researched options as the current fitness equipment lease is up in August. They are proposing that we enter into a 4-year lease with All State Capital for the purchase of brand new cardiovascular equipment. This equipment lease would come from 2nd Wind Exercise Inc. at a total price of \$84,405. The equipment would be on a 4-year lease with payments of \$1,826.41 monthly. Unlike the current lease agreement, this one does not require a buy out as that is included in a residual figure over the course of the lease agreement.

Included in this lease is a 100% parts and labor warranty on the equipment from 2nd Wind, meaning we would not accrue any additional expense during this lease. At the conclusion of this lease, 2nd Wind has agreed to remove the equipment at no cost to the City. The current lease runs through August 2016, and at that time we will purchase the equipment at fair market value from American Capital for \$10,580. 2ndWind Exercise has agreed to purchase that exact same equipment for \$10,580 and extract that equipment at no additional cost to Safari Island Community Center.

Included in the purchase are 19 pieces: 5 Matrix treadmills, 2 Ascent elliptical trainers, 5 XT-One ellipticals, 2 Octane recumbent bikes, 2 upright bikes, 1 Octane Lateral trainer, 1 Matrix rower, and 1 Matrix Climb mill. Attached is the itemized quote. The desire is to enter into this lease at this time so that we can incorporate the replacement of the equipment into the planned annual shutdown in August.

Motion by Carrier, seconded by Ayers to Adopt Resolution No. 2016-158, Authorizing Lease of Fitness Equipment. All present voted aye. **MOTION CARRIED.**

ITEMS REMOVED FROM CONSENT AGENDA: No. 7, Motion to Allow Use of Streets – HITS Triathlon. Susan Arntz stated that she had this item removed to make the Council aware that there are 5 intersections with no officer enforcement assigned. Lack of law enforcement means that intersections cannot be closed. It is her recommendation that the motion be amended so say intersection can't be closed with a condition that where ever there is a desire to stop traffic law enforcement needs to be present.

Council Member Carrier asked what happens when people are stopping traffic and they shouldn't. Arntz replied that a Deputy would shut the event down. In the event that something were to happen in that intersection the event organizers would give us their certificate of insurance.

Mayor Sanborn asked if it makes more sense to table this item until August 1st to give them more time to fill the positions. Arntz suggested that the event organizers give an update to Council at the August 1st meeting.

Motion by Ayers , seconded by Bloudek to amend item 7 on Consent agenda to Allow Use of Streets – HITS Triathlon striking race marshals and add race organizers to provide an update August 1st. All present voted aye. **MOTION CARRIED**

STAFF REPORTS: Craig Eldred gave a short explanation on the Grandstand Project. He stated that the bid date has been modified from July 21st to July 26th to allow the companies a little more time to produce bids. Leaving the roof on will be a bid component due to the architecture. He said that there is a still a shortfall in funding and as previously discussed that the School District would be involved is untrue since there had not been any formal approval from them at that point. It is the hope to bring in front of City Council on August 1st.

BOARD REPORTS:

Councilmember Erickson – No Report

Councilmember Bloudek – No Report

Councilmember Carrier – No Report

Councilmember Ayers –No Report

Mayor Sanborn – Attended the Planning Commission meeting last week.

ANNOUNCEMENTS: Music in the Park on Thursday.

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ADJOURN:

Motion by Bloudek, seconded by Carrier to adjourn the meeting at 7:08 p.m. All present voted aye. MOTION CARRIED

Kent Bloudek, Mayor

ATTEST: _____
Ann Meyerhoff, Office Assistant