

CITY OF WACONIA

May 2, 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, Marc Carrier. Absent: Charles Erickson.

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

Visitors: Mike Senden, Heidi Hoks, Paul Ericson, Dean & D.J. Teeselink, Todd Hann, Jimmy & Nicky Mase.

Pledge of Allegiance was led by Mayor Jim Sanborn.

ADOPT AGENDA: Resolution 2016-101 was added to Regular Business. Motion by Carrier, seconded by Bloudek to adopt the agenda as amended. All present voted aye. **MOTION CARRIED.**

VISTOR'S PRESENTATION: Heidi Hoks, Director of Carver County Libraries and Paul Erickson, Branch Manager of the Waconia Library gave the State of the Library presentation.

PUBLIC HEARING - Auburn Meadows Addition: Mayor Sanborn called the Public Hearing to Order. Lane Braaten stated that the Petition for Vacation by Auburn Meadows, LLC, Moravian Care Housing Corporation and Lil' Explorers Properties, LLC has been submitted to formally vacate the remaining drainage and utility easements, which were originally required by the City for the development of Outlot A, Cherry Street Development. As the property has been replatted as part of the Auburn Meadows Addition, which included the necessary drainage and utility easement corridors required by City Ordinance, City staff is recommending approval of the vacation request as presented.

Mayor Sanborn asked for comments from Council Members and residents. There were no comments.

Motion by Ayers, seconded by Carrier to Close the Public Hearing on the Auburn Meadows Addition. All present voted aye. **MOTION CARRIED.**

Motion by Carrier, seconded by Bloudek to Adopt Resolution No. 2016-96, Approving the Vacation of the Public Drainage and Utility Easements associated with Outlot A of the Cherry Street Development Plat, Which has since been replatted as Auburn Meadows. All present voted aye. **MOTION CARRIED.**

ADOPT CONSENT AGENDA

- 1) Approve April 25, 2016 City Council Meeting Minutes.
- 2) Authorize Payment of May 2, 2016 Expenditures.
- 3) Adopt Resolution No. 2016-94, Approving the Issuance of Housing Facilities Revenue Refunding Notes to Refinance a Multifamily Assisted Living Facility (Auburn Meadows)..
- 4) Adopt Resolution No. 2016-95, Accepting Employee Resignation and Authorize Recruitment.
- 5) Adopt Resolution No. 2016-98, Approving the Developer's Agreement for the Waconia High School Site.
- 6) Adopt Resolution No. 2016-99, Approving Conflict Waiver for Representation of the City by Melchert Hubert Sjodin regarding the 2016 Infrastructure Improvement Project.

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

COUNCIL BUSINESS

Ordinance 693: Susan Arntz stated that upon future review of various City Ordinances, it appears that the Council's amendment to Chapter 580 regarding alcoholic beverages has necessitated an amendment to Chapter 320 regarding Streets, Sidewalks and other Public Places, Part V regarding Municipal Regulations and Licensing, and Chapter 1100 Regarding Fees. Attached are proposed revisions to these sections of City Code. She went over a list of those amendments by section:

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- Section 320.01, Subd. 2, Adds Sidewalk cafés to the list of permits.
- Park V the Municipal regulations and Licensing adds a new chapter 570, Sidewalk Cafés, the elements of this new section includes:
 - Definitions including sidewalk café.
 - Requires a license that will extend from April 1 to October 31. This license must be reapplied for each year.
 - The license grants the holder an encroachment for the period of the license onto a public sidewalk or parking lot.
 - Requires a plan to be submitted and approved by the City Council. The plan must indicate the location of the proposed sidewalk café, distance and dimensions of adjoining buildings, all sidewalks, curbs, and striped parking stalls within 100' of the perimeter of the café., and the distance to and location of the traveled portion, of the nearest adjacent street, and distances to all obstructions in the vicinity.
 - Requires a fee to be paid. Fees are recommended as:
 - Sidewalk café license, fee for sidewalk use - \$500.00
 - Sidewalk café license, fee for municipal parking lot use - \$500 base fee *plus* \$300.00 for each parking stall (or portion of a parking stall) impacted by the sidewalk café
 - Sidewalk café license, damage deposit - \$1,000.00

Arntz said that these changes only apply to public property, not private property. She requested the ability to publish a summary of these ordinance changes stating that this summary publication requires a 4/5th vote of the City Council.

Motion by Carrier, seconded by Ayers to Adopt Ordinance 693, Amending Chapter 320 Regarding Streets, Sidewalks and other Public Places, Part V regarding Municipal Regulations and Licensing, and Chapter 1100 Regarding Fees. All present voted aye. **MOTION CARRIED.**

Encroachment Agreement for Moravian Care Housing:

Susan Arntz explained that when Moravian Care Housing Corporation developed its Auburn Meadows Addition project, it formed a wholly-owned entity known as Auburn Meadows, LLC, to own a portion of the development. In addition, it sold a lot to Lil' Explorers Properties, LLC. When these property owners (or their predecessors) constructed new improvements on their properties a few years ago, they entered into some private drainage and utility easements to facilitate the construction of private storm sewers serving their improvements. In addition, a retaining wall was constructed along the east line of Auburn Meadows Addition. These storm sewer lines and the retaining wall cross, or rest upon, portions of the perimeter drainage and utility easements that were dedicated as part of Auburn Meadows Addition plat.

Auburn Meadows, LLC is now refinancing a portion of its debt. In conjunction with this refinancing, a title examination was done by the lender and the encroachments described above were found. The owners of the lots in Auburn Meadows Addition now desire to address the encroachments to facilitate the financing. Along these lines, a proposed Encroachment Agreement has been prepared and it is attached for your review.

If the City is inclined to allow the encroachments to continue, which seems like the appropriate approach under the circumstances, it is to the City's benefit to enter into the Encroachment Agreement with the property owners. The Encroachment Agreement obligates the property owners, at their expense, to cooperate with the City should the City ever need to use any of the perimeter easements that have been encroached upon. It further obligates the property owners to provide the City with certain indemnification protection regarding the Encroachments.

Motion by Ayers, seconded by Bloudek to Adopt Resolution No. 2016-97, Approving Encroachment Agreement for Moravian Care Housing Corporation. All present voted aye. **MOTION CARRIED.**

Encroachment Agreement for 1585 Pond Curve:

Susan Arntz stated that Dena and D.J. Teeselink, 1585 Pond Curve, are in the process of selling their home and the title company for the buyer found that the shed that was constructed in 2004-2007 was placed within the drainage and utility easement. We are working the Teeselinks on an encroachment agreement, which will be provided prior to the City Council Meeting on Monday.

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As background, the building permit file shows that the permit was issued and the shed inspections were completed as stated. There are records in the file that would lead one to believe that it was clear that both the property owners and the City was aware of the drainage and utility easement conflicting with the shed placement. In addition, the shed was placed directly on top of a storm sewer outlet pipe. Because of the importance of proper maintenance of the pond and storm sewer pipe, we have suggested that the best alternative to keep their closing on schedule would be the creation of an encroachment agreement.

Motion by Bloudek, seconded by Carrier to Adopt Resolution No. 2016-100, Approving Encroachment Agreement for 1585 Pond Curve. All present voted aye. **MOTION CARRIED.**

Encroachment Agreement for Waconia Brewing Company:

Susan Arntz explained that the City had received a request from Waconia Brewing Company to occupy three parking spaces adjacent to the sidewalk, near their business for the purpose of a sidewalk café. The Sidewalk Café license would run from April 1 to October 31, 2016 and would be an annual license. If the license is granted, the encroachment agreement would have to be executed and the city would issue a license after insurance is provided and fees are paid.

Motion by Carrier, seconded by Ayers to Adopt Resolution No. 2016-101, Approval of Sidewalk Café License and Encroachment Agreement. All present voted aye. **MOTION CARRIED.**

ITEMS REMOVED FROM CONSENT AGENDA: None

STAFF REPORTS: None

BOARD REPORTS:

Councilmember Erickson – No Report
Councilmember Bloudek – No Report
Councilmember Carrier – No Report
Councilmember Ayers – Attended Carver County Leaders
Mayor Sanborn – No Report

ANNOUNCEMENTS: Public Services Open House, Saturday, May 7, 2016

ADJOURN:

Motion by Bloudek, seconded by Ayers to adjourn the meeting at 7:10 p.m. All present voted aye. **MOTION CARRIED**

Kent Bloudek, Acting Mayor

ATTEST: _____
Ann Meyerhoff, Office Assistant