

CITY OF WACONIA

April 15, 2019

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

Staff Present: Susan Arntz, Lane Braaten, Craig Eldred, Mike Melchert, Jackie Schwerm, Nicole Meyer, Ann Meyerhoff, Chris Nelson.

Visitors: Sharon Sievers, Kathy Bemmels, Myron & Ginny Karki, Yvonne Litfen, Cory Meyer, Chris Langin, Al Lohman, Paul Johnson, Jim Nash, Dave Kenneth, John Stokes, Dan Dehres.

Pledge of Allegiance was led by Mayor Sanborn.

ADOPT AGENDA: One Item was added to the Consent Agenda. Motion by Carrier, seconded by Erickson to adopt the agenda as amended. All present voted aye. **MOTION CARRIED.**

Council Member Bloudek and Representative Nash recognized Mayor Sanborn for his years of service.

Mayor Sanborn read a proclamation declaring Friday, April 26, 2019 Arbor Day and May 2019 Arbor Month in the City of Waconia.

VISTOR'S PRESENTATION: None

ADOPT CONSENT AGENDA

- 1) Approve April 1, 2019 City Council Meeting Minutes.
- 2) Authorize Payment of April 15, 2019 Expenditures.
- 3) Request for Lodging Tax Reimbursement.
- 4) Pay Request No. 1 to VSI Construction, Inc. for the city Hall Senior Center Area Improvements.
- 5) Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in March 2019.
- 6) Rink Management Corporation Expenditures for Safari Island Community Center Incurred in March 2019.
- 7) Calling for Annual Storm Water Pollution Program Meeting.
- 8) Use of Street/Trail for Walk on Waconia Event, April 27, 2019.
- 9) Use of Street/Trail for Unite Healthcare Children's Foundation , July 28, 019.
- 10) Use of Streets for RidgeWELL Fun Run/Walk, May 18, 2019.
- 11) Parade Permit/Use of Streets for the Lake Waconia Band Festival on June 15, 2019 and Parade Permit/Use of Streets for Annual Park Performance on June 5, 2109.
- 12) Application for 2019 CenterPoint Energy Community Partnership Grant.
- 13) Resolution No. 2019-83, Appointment for Street Maintenance Worker.
- 14) Resolution No. 2019-84, Grant Proceeds from Carver County Public Health for Statewide Health Improvement Partnership Grant.
- 15) Resolution No. 2019-85, Park Facility Architectural Design for Brook Peterson and Waterford Parks.
- 16) Resolution No. 2019-86, Construction Contract with Kuechle Underground for Directional Drilling of Reuse Water Mains.
- 17) Resolution No. 2019-87, Contract with Jaguar Communications.
- 18) Resolution No. 2019-91, Negotiate Temporary and Permanent Easement Acquisitions for Trunk Utilities for Northeast Service Area.

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

COUCIL BUSINESS: Legacy Heights Preliminary and Final Plat Applications

Lane Braaten stated that the City has received Preliminary and Final Plat applications from Dave Kenneth for the property located northwest of the intersection of Main Street East and Vista Blvd. The parcel is approximately 6.28 acres and is currently underdeveloped. Braaten added that the property is adjacent to a mix of low density and medium density housing

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along its east and west boundaries and commercial to the south. The Builder is proposing 24 individual townhomes with a private road.

Braaten touched on the parking requirements indicating that there will be 2 parking spaces pre residential unit as well as 4 surface parking stalls to serve the residential development and their guest. Parking will be allowed only on one side of the private street.

The applicant has proposed 3 outlots as part of the Legacy Heights Plat, outlots, A, B and C. Outlot A encompasses the area designated for the private street to serve the development. Outlot B is proposed to be platted as an outlot, as there is a discrepancy in lot descriptions between the proposed development and the Old Orchard development to the west. Outlot C encompasses all of the remaining areas not platted as individual townhome parcels.

A trail segment along the east side of the property connecting the existing trail along Main Street East to the intersection of Vista Blvd. and a trail system connecting the development to the neighborhood to the west is proposed. The trail additions provide an adequate circulation system and provide the additional link along Main Street East, which is consistent with the City of Waconia's Comprehensive Plan.

Based on a review of the Tree Preservation Plan and City Ordinance the applicant is required to plant 12 trees and provide trees to meet the City's buffering requirements. The applicant is proposing the installation of 72 trees, which is conforming to the City Ordinance requirements. The City Engineer and Public Services Director have conducted an initial review of the grading, drainage and utility plans as well as stormwater management and provided comments to the applicant.

The Planning Commission, at their regular meeting on April 4th, 2019 held a public hearing and reviewed the Legacy Heights Preliminary and Final Plat applications submitted by Dave Kenneth the Commission recommended approval of the subdivision via 5-0 vote with the following conditions:

1. The Legacy Heights Preliminary and Final Plats 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 obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any approvals or permits shall be submitted prior to any land disturbing activities.
4. The applicant shall obtain a General Construction Stormwater Permit (NPDES) from the Minnesota Pollution Control Agency and submit a copy to the City prior to any land disturbing activities.
5. All indirect costs related to the permitting, review, and plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The City shall provide the necessary street signage. The applicant shall provide the necessary escrow funds to cover all street signage and installation costs.
7. The watermain, sanitary sewer, grading, and stormwater issues shall be resolved to the satisfaction of the City Engineer and Public Services Director prior to the issuance of the building permit for the Legacy Heights townhome development.
8. Compliance with applicable items contained in Chapter 1000 of the City of Waconia Subdivision Ordinance.
9. Execution of a Developer's Agreement prior to the issuance of a building permit.
10. The development and maintenance of the proposed private streets shall be consistent with the standards indicated in Section 1000.06, Subd. 2.I. Private Streets.
11. The inspection and enforcement of the Tree Preservation Plan shall be done in compliance with Section 900.06, Subd. 8.D.10.
12. Ownership of Outlot B shall be determined and the property deeded, if necessary, to the Old Orchard Townhome Association. Outlot B shall not be developable. Further, it appears that portions of old fencing

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associated with the previous agricultural use are located within Outlot B, this should be removed prior to any building permit issuance for the subject parcel.

13. The trail connection to 2nd Street shall include the installation of locking collapsible bollards, or like product, which limits the access to only pedestrian use.
14. The applicant currently includes a drainage and utility easement over Outlot A, which is the private road system in the development. The description should also include a trail easement over this road segment to insure the trail link can be used by all citizens, not just those living in the Legacy Heights development. This revision is necessary due to the private road system proposed.

Yvonne Litfin, 749 Old Beach Lane, commented that she is opposed to the development because the entrance/exit poses a safety issue. Would like to see it changed to Vista Blvd since there is already a stoplight in place.

Chris Langin, 656 W 2nd St, expressed concern of the location of the path. Would like to see the path moved over closer to the tree line to make it safer for everyone.

Cory Meyer representing Dave Kenneth spoke. They are more than willing to work with everyone involved to make the trail work and there is definitely enough room to make the change.

Council Member Carrier asked if the walkouts would be full basements or just a slab.

Dave Kenneth replied that they are being marketed as full basements but to keep costs down they may offer the option of just slabs to make it so people can afford to stay in Waconia.

Motion by Erikson, seconded by Carrier to amend condition #13 to say location of trail will be determined by City Staff. All present voted aye. **MOTION CARRIED.**

Motion by Erickson, seconded by Carrier to Adopt Resolution No. 2019-88, Approving the Legacy Heights Preliminary & Final Plat as amended. All present voted aye. **MOTION CARRIED.**

Utility Improvement Project in Lake Waconia Regional Park

Craig Eldred informed Council that a utility route has been secured through the Regional Park and aligned the Trunk Utilities to points where they will support connection and growth beyond the Regional Park.

The project contains the following components:

- 21" trunk sanitary sewer line from near the L-70 lift station to west of CSAH 92
- 10" trunk watermain from Old Beach Lane to CSAH 92
- 8" watermain looping to the Parkside Church property and the Anderson property (west of CSAH 92)
- Misc. grading, erosion control, and restoration items.

The tentative project schedule would allow for the bid opening and award to occur in May with construction commencing in the summer. Two other projects are also planned to be completed in the park; park improvements by Carver County and a forcemain replacement by the Met Council. A detailed project schedule will be provided after additional coordination with Carver County and the Met Council occurs.

Motion by Carrier, seconded by Erickson to Adopt Resolution No. 2019-89, Authorizing Approval of Plans and Specifications & Authorize Advertisement for Bid City Trunk Utility Improvement Project in Lake Waconia Regional Park. All present voted aye. **MOTION CARRIED.**

Small Cell Ordinance and Design Guidelines

Susan Arntz explained that before the Council is an amendment to Section 320.01 of the City's Code, which regulates the private use of street and other public property. Essentially, Section 320.01 regulated the installation

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by third parties of items in the City's right-of-way, such as signs or utility infrastructure. An emerging issue nationally is the installation of "small cell" wireless facilities in the public right-of-way. The proposed ordinance amendment is intended to specifically address the regulation of small cell facilities, while also strengthening and clarifying the private use of the right-of-way as to other installations.

Under the City's current right-of-way ordinance, the City cannot effectively regulate small wireless facilities, because Minnesota Statute, section 237.163, subdivision 2, requires the City to affirmatively regulate wireless facilities in the right-of-way by ordinance. Absent adoption of the amended ordinance, the City would be unable to place restrictions on the placement of small cell wireless facilities in the right-of-way. By adopting the amended ordinance, the City is able to exercise the authority granted in statute.

Motion by Waldron, seconded by Bloudek to Adopt Ordinance 722, Regulating Public Right-of-Way and the Public Grounds within the City and Amending Section 320.01 of the Waconia City Code. All present voted aye. **MOTION CARRIED.**

Motion by Erickson, seconded by Waldron to Adopt Resolution No. 2019-90, Approving Small Wireless Facility Design Guide. All present voted aye. **MOTION CARRIED.**

ITEMS REMOVED FROM CONSENT AGENDA: None

STAFF REPORTS: None

BOARD REPORTS:

Councilmember Erickson – Attended Planning Commission Meeting

Councilmember Bloudek – None

Councilmember Carrier – Attended School Board Meeting.

Councilmember Waldron – Attended the Chamber Meeting.

Mayor Sanborn – Was invited to President Trumps visit. Amazing event to see.

ANNOUNCEMENTS:

- Arbor Day Event – April 22, 6:00 p.m., Crosswinds Park
- Waconia Fire Relief Association Pancake Breakfast, April 28, 8:30 a.m. – 12:30 p.m.
- Public Services Open House, May 4, 8 a.m. – 12:00 p.m.

Acting Mayor Bloudek recessed the meeting at 6:56 p.m. in accordance with MN Statutes 13D.05, Subd. 3c, sub. 3, for City Council to meet in Closed Session to consider an offer for purchase of PID# 75.4630010, 10451 10th Street West.

ADJOURN: Motion by Erickson, seconded by Carrier to adjourn the meeting at 7:22 p.m. All presented voted aye.

Kent Bloudek, Acting Mayor

ATTEST: _____
Ann Meyerhoff, Office Assistant