

**CITY OF WACONIA**  
**May 20, 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 Bloudek at 6:00 p.m. The following members were present: Kent Bloudek, Nicole Waldron, Marc Carrier, Charles Erickson.

Staff Present: Susan Arntz, Lane Braaten, Jackie Schwerm, Ann Meyerhoff, Chris Nelson, Ethan Nelson.

Visitors: Steve Yetzer, Patrick Kirsch, Ken Plocher, Diane Plocher, Barbara Seizert, Chad Seizert, Sharon Montague.

Pledge of Allegiance was led by Mayor Bloudek.

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

Mayor Bloudek read a Proclamation declaring May 19 – 25, 2019 National Public Works Week.

**VISTOR'S PRESENTATION:** None

**PUBLIC HEARING: Annexation Petition – Carver County**

Ethan Nelson explained that Carver County has submitted an Annexation Petition to annex Lake Waconia Regional Park and Carver County parcels located south of Minnesota Highway 5. Additionally, two properties owned by the State of Minnesota – Department of natural Resources are included in the annexation request. The overall annexation description also includes certain sections of County Road Highway 92. All the parcels are currently located in Laketown Township and the annexation has been submitted in association with the future utility improvements within Lake Waconia Regional Park.

The procedure for approving an annexation by joint resolution requires the following actions and is summarized below:

1. A petition to annex is submitted to the City by the owner of the property requesting annexation into the City.
2. A municipality by joint resolution with a township may designate an unincorporated area as in need of orderly annexation.
3. The City must hold a public hearing and give 10 days' notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and municipality.
4. The Council, upon a review of the information, may adopt the joint resolution designating the area as being appropriate for annexation approving the annexation request and file said approval with the Chief Administrative Law Judge, the Township, the County Auditor and the Secretary of State upon approval.
5. The annexation is final on the date the request is approved by the Chief Administrative Law Judge.

Upon application to annex by the property owners, staff has completed the necessary public hearing requirements. The Notice of Intent was published in the Waconia Patriot on April 18, 2019. Public hearing notices were sent to Waconia Township and all affected property owners. No public hearing comments have been received regarding this annexation request.

Laketown Township approved the Orderly Annexation Joint Resolution at their regular meeting on May 13, 2019.

Mayor Bloudek called the public hearing to order to Adopt Resolution 2019-109, between the City of Laketown Township approving the Annexation Petition submitted by Carver County for the Lake Waconia Regional Park and Carver County Parcels South of Minnesota Highway 5.

Chris Johnson, 875 Beach Road, asked if there would be any grading done behind his property. Martin Walsh, Carver County Parks, responded that there are no plans for grading in the future.

**CITY OF WACONIA**  
**May 20, 2019**

Patrick Kirsh, 8080 Scandia Road, asked what actually happens when the property is annexed. Does the County still own it? Are there any plans for the south side?

Susan Arntz responded that as part of the annexation the ownership does not change. Carver County will continue to own the property. The work that is being done is primarily for the Regional Park and the County has not communicated any plans for the south side at this time. Most private parcels don't get annexed unless there is planned development.

Motion by Erickson, seconded by Waldron to close the Public Hearing. All present voted aye. **MOTION CARRIED.**

Motion by Carrier, seconded by Ericson to Adopt Resolution No. 2019-109, between the City of Waconia and Laketown Township approving the Annexation Petition submitted by Carver County for the Lake Waconia Regional Park and Carver County Parcels South of Minnesota Highway 5. All present voted aye. **MOTION CARRIED.**

**ADOPT CONSENT AGENDA**

- 1) Approve May 6, 2019 City Council Meeting Minutes.
- 2) Authorize Payment of May 20, 2019 Expenditures.
- 3) Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in April 2019.
- 4) Rink Management Corporation Expenditures for Safari Island Community Center Incurred in April 2019.
- 5) Lodging Tax Funds Request – Waconia CVB.
- 6) Resolution No. 2019-103, Appointment of Acting Mayor.
- 7) Resolution No. 2019-104, Appointment of Personnel Committee.
- 8) Resolution No. 2019-105, Amendment to Extend Contract with Active Network for CLASS Software.
- 9) Resolution No. 2019-106, Contract with Marco for Cisco Umbrella Insights
- 10) Resolution No. 2019-107, Contract with Marco for Mitel Phone Switch.
- 11) Resolution No. 2019-108, Purchase with Johnson Fitness & Wellness for Strength Training Equipment.
- 12) Resolution No. 2019-112, Resignation of Chuck Schmidt from Park Board and Appointing Adam Hegeholz.

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

**COUCIL BUSINESS: Variance – 808 Old Beach Lane**

Ethan Nelson stated that the City received a variance application form Sharon Montague and Charles Kinney to allow improvements that encroach within the Shore Impact Zone and exceed the 25% impervious surface maximum. Specifically, the applicant is requesting approval to construct a pervious paver system and other landscaping improvements at a setback of 10.1 ft. from the Ordinary High Water Level and to allow a 56.5% impervious surface maximum on the property.

Nelson communicated that Staff initially met with the applicants on site on October 17, 2018 to discuss overall conditions and the proposed improvements to the site. An existing large and deteriorating retaining wall was noted as a concern by the applicants. In addition to the replacement of the retaining wall, the applicants were also requesting a replacement of the existing patio in the rear yard/lake side of the home. It was noted that a portion of the proposed retaining wall and a significant section of the proposed patio would be located within the Shore Impact Zone in addition to the property likely exceeding the 25% impervious surface maximum. The boulder wall replacement was allowed by the City, excepting the portion located within 25 ft. of Lake Waconia. The applicant is proposing to replace and expand their existing patio by 200 sq. ft. with a pervious pave system.

The Planning Commission, at their regular meeting on May 2<sup>nd</sup>, 2019, held a public hearing and reviewed the Variance request by Sharon Montague and Charlie Kinney. The Commission recommended approval of the proposed variance with the following condition, via a 4-0 vote:

1. Submission of a pervious paver design that meets Carver County Water Management Organization standards in addition to requirements set by the Public Services Director and City Engineer and does not cause the subject parcel to exceed the existing impervious surface of 52.15%.

## CITY OF WACONIA

May 20, 2019

Council Member Carrier asked what was going to be planted  
Sharon Montague responded that she plans on planting Sedge to help reduce erosion.

Motion by Waldron, seconded by Erickson to Adopt Resolution No. 2019-110, Approving the Variance application to encroach within the Shore Impact Zone and exceed the 25% maximum impervious surface allowed in the Shoreland Overlay District and R-1, Single Family District for the property located at 808 Old Beach Lane. All present voted aye. **MOTION CARRIED.**

### **Zoning Ordinance Amendment – 900.10 Sign Regulations**

The Planning Commission is recommending ordinance amendments to Section 900.10, Subd. 1 through 6, of its Sign Regulations to update sections of the Purpose and Intent, Definitions, General Provisions, District Regulations, General Design, Construction and Setback Requirements and the Administration and Enforcement section. The intent of these revisions originates from Staff's desire to simplify sign regulations and to create conformance with the 2015 U.S. Supreme Court's decision in *Reed vs. Town of Gilbert*. In said case, the court ruled that sign ordinances that restrict speech are unconstitutional. In light of the Reed decision, the League of Minnesota Cities recommend removal of all content based language from Section 900.01, Sign Regulations. Staff held work sessions on February 21<sup>st</sup>, March 7<sup>th</sup>, and April 4<sup>th</sup>, 2019 with the Planning Commission to discuss multiple aspects of the proposed ordinance language, which included updates to various sections which include:

#### **Subd. 1 Purpose and Intent**

The original language and explanation of the Section's intent were not described as content-neutral. Revisions to the section explicitly state the orderly regulation without regard to content.

#### **Subd 2. Definitions**

The majority of the section revisions are formatting related changes required to facilitate a more orderly layout. In addition to these changes, certain definitions were added and removed due to content based wording or required definitions for other sections. Staff has summarized additions and removals below.

#### **Definitions Removed**

Due to the overall removal of content based language, the following definitions are proposed to be removed from the sign code:

Advertising Signs

Campaign Signs

Murals

#### **Definitions Added**

Off-premises commercial sign: Off-premises commercial signs are prohibited within City limits, however there is currently no language defining what an off-premises commercial sign is. The addition of this definition will help facilitate enforcement of these prohibited signs.

Window Sign: Signs inside of windows are not included in wall signage calculations, however the addition of this language would add a description of how City staff interpret what a window sign is.

Zoning Administrator: Language added to define who has the discretion of enforcement of the sign code.

#### **Subd. 3 General Provisions Applicable to All Districts**

In addition to the aforementioned formatting updates and removal of content based language, the notable changes have been detailed below:

Election Season Preemption: Added section allowing noncommercial signs during election season as required, regulated and preempted by Minnesota Statutes §211B.045.

**CITY OF WACONIA**  
**May 20, 2019**

Temporary Signs and Banners: A comprehensive update to the temporary sign standards detailed throughout the Section will provide a greater level of clarity for future applicants by consolidating certain portions of the code into a single section. In addition to consolidation of temporary signs into Subd 3, the updates would better outline the sizing requirements and duration of temporary freestanding and wall signs and banners.

Illuminated Signs: Code regulations currently measure illuminated signs via Nits. This standard of measurement is able to be calculated in both day and night measurements. Staff currently measures the majority of other lighting standards in foot-candles. After researching applicable methods for enforcing illuminated lighting standards in foot-candles, staff recommends the proposed changes of Subd. 3L to remove the current Nit measurement in favor of the foot-candle calculation, not to exceed a brightness level of 0.3 foot-candles above ambient lighting and the accompanying standards regulating the measurement.

**Subd. 4 District Regulations**

Multi-Family Dwellings and Apartments: City code currently does not allow any monument or wall signage for any residential zoned parcels within City limits unless it is for area identification, which carries a requirement to be a subdivision of twenty (20) or more acres in order to qualify for two (2) monument signs. The proposed update to this section would permit higher density buildings such as townhomes and apartments to have monument signs and wall signs in line with Institutional and Public Recreational Sign standards.

Awning and Blade Signs: The B-2, General Business District and B-3, Central Business District typically have buildings at near zero front yard setbacks. Signs and Awnings are allowed to project from the building façade over the property line on the condition of meeting all other City requirements. Section 320.04, Subd 6, provides detail regarding signs and awnings and reflecting this language in the Sign Regulations will assist staff in explanations to future applicants for sign permits. Staff recommends blending the existing Awning Signs definition with the Signs and Awnings definition in Section 320.04, Subd. 6 to assist with sign regulation in the B-2 and B-3 districts.

Murals: Due to the League of Minnesota Cities recommendation to remove all content based regulation, the Planning Commission and staff recommend the removal of all mural language from Section 900.10, excepting description language contained in Subd. 2 of Section 900.10.

**Subd 5. General Design, Construction and Setback Requirements**

Staff and the City Attorney have made minor formatting and grammatical updates to this section.

**Subd. 6 Administration and Enforcement**

Content and formatting updates were also made in this section. In the review of this section, staff and the City Attorney recommend additional updates to Subd. 6., specifically:

Permit Required, Permit Application and Permit Fee: If regulated exactly as stated, staff is currently required to bring all sign permits to the Planning Commission and City Council for review. The proposed revisions would detail the permit application process and review criteria for all applicants that meet the standard requirements of the Sign Regulations.

Planned Unit Developments and Large Developments: The Planning Commission and City Council review all Sign Plans submitted to the City. Staff proposes revisions to this language to better define the requirements pertaining to consideration of a Sign Plan.

Appeals and Variances: Added language defining variance application consideration requirements and the appeal process for sign permit applications.

**CITY OF WACONIA**  
**May 20, 2019**

Motion by Erickson, seconded by Waldron to Adopt Ordinance No. 723 amending Section 900.10 Subd. 1 through 6, Sign Regulations. All present voted aye. **MOTION CARRIED.**

**Performance Measures & Report for Local Results & Innovation**

Susan Arntz stated that in 2010 the State Legislature created the Council on Local Results and Innovation, which consisted of a variety of local elected and appointed officials. In 2011, the Council on Local Results released a standard set of ten performance measures for local governments that will aid residents, taxpayer, and state and local elected officials in determining the efficacy of local governments in providing services, and measure residents' opinions of those services. For local units of governments that choose to participate in the new standards measure program may be eligible for reimbursement in LGA, \$0.14 per capita, up to \$25,000 and an exemption from levy limits, if levy limits are in effect.

In reviewing the performance standards for cities, staff determined that many of the measures were again easy to gather data on for Waconia. Much of the data is already being generated, such as law enforcement data and fire service response. The City stands to gain approximately \$1,750 in additional revenue through the implementation of this program.

If the City wishes to continue its involvement for 2019, we need to adopt the measures, report on the measures, and provide a report to our residents. Upon adoption, Staff will post the measures to our website.

Motion by Carrier, seconded by Erickson to Adopt Resolution No. 2019-111, Approving Performance Measures & Report for Local Results & Innovation. All present voted aye. **MOTION CARRIED.**

**Temporary Signal Installation for 2019 Infrastructure Improvement Project**

Susan Arntz reminded the Council that work for the 2019 Infrastructure Project will be starting soon that includes an expansive Detour for the Northwest portion of the community due to the work on Walnut Street and Waconia Parkway North. All residential parcels within this area will be required to leave the area via Highway 10 and Waconia Parkway North. Staff from the City and County along with our Engineers Bolton & Menk are engaged in reviewing traffic impacts of this intersection. The intersection at this time does not meet MnDOT Warrents for a Signal or Improvements.

There has been a lot of concerns regarding the intersection and potential impacts for left-hand traffic movements of the area residents traveling to work and back into town. Research has been done on installing a Temporary Signal System during construction at the intersection of Highway 10 and Waconia Parkway North.

It is recommended that Staff and City Engineers work with Egan Companies on installation of a Temporary Wood Pole Signal System for said intersection through the duration or the 2019 Improvement Project.

Susan and Council Members emphasized that this would only be a TEMPORARY signal and would be removed after the work for the project if finished.

Motion by Erickson, seconded by Waldron to Adopt Resolution No. 2019-113, Authorizing Staff & City Engineer to Coordinate Temporary Signal Installation for 2019 Infrastructure Improvement Project. All present Voted aye. **MOTION CARRIED.**

**ITEMS REMOVED FROM CONSENT AGENDA:** None

**CITY OF WACONIA**

**May 20, 2019**

**STAFF REPORTS:** Jackie Schwerm provided an update on the new redesign of the Web Site and shared that Susan Arntz received the President's award for dedication in leading the MCMA Educational Outreach Committee.

**BOARD REPORTS:**

Councilmember Erickson – No Report

Councilmember Carrier – No Report

Councilmember Waldron – No Report

Mayor Bloudek – Will be attending the Memorial Day service.

**ANNOUNCEMENTS:** Reminder that the City is soliciting applications for the vacant Council seat. Applications will be accepted until midnight on May 29<sup>th</sup>.

**ADJOURN:** Motion by Carrier, seconded by Waldron to adjourn the meeting at 7:00 p.m. All presented voted aye.

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Kent Bloudek, Mayor

ATTEST: \_\_\_\_\_  
Ann Meyerhoff, Office Assistant