

CITY OF WACONIA
June 24, 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, Pete Leo.

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

Visitors: Terrance Hartman, Gerald Hartman, John Weinand, Russ Williamson, Ken & Diane Plocher, Michael Lecy, Kevin Keegan, Abby Melchert, Kim Melchert, Pat & Cindy Petersen, Vera Wong, Earl Morren, Chris Weinberger, Steve Hebeisen.

Pledge of Allegiance was led by Mayor Bloudek.

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

VISTORS PRESENTATIONS, PETITION, AND CORRESPONDENCE: None

ADOPT CONSENT AGENDA

- 1) Approve June 3, 2019 City Council Meeting Minutes.
- 2) Authorize Payment of June 24, 2019 Expenditures.
- 3) Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in May 2019.
- 4) Rink Management Corporation Expenditures for Safari Island Incurred in May 2019.
- 5) Resolution 2019-120, Premises Permit Application – Waconia Fire Relief Association.
- 6) Resolution 2019-121, Donation from Lion’s Club.
- 7) Resolution 2019-122, Grant Proceeds from Macy’s for Adaptive Playground.
- 8) Resolution 2019-123, Cash Donation for Operations of the Fire Department.
- 9) Resolution 2019-124, Surplus Equipment & Sale.
- 10) Resolution 2019-125, Temporary Liquor License.
- 11) Resolution 2019-126, Animal Control Impound Contract.
- 12) Resolution 2019-127, Approving Request for Proposal for Janitorial Services.
- 13) Resolution 2019-128, Accepting Cash Donation for Adaptive Playground.
- 14) Resolution 2019-129, Approving Application for Exempt Permit.
- 15) Resolution 2019-130, Authorizing Application for 2019 Met Council Storm Water Grant.
- 16) Resolution 2019-131, Calling for a Public Hearing for 2019- Debt Issuance for Infrastructure Improvement Project.
- 17) Ordinance 724, Regarding Sewer Trunk Charges.
- 18) Ordinance 725, Strom Water Drainage Utility Charges and Connection Charges.
- 19) Resolution 2019-132, One Day Expansion of Premises Definition for J. Carver Distillery.
- 20) More than Pink 5K Use of Streets Request.

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

COUCIL BUSINESS: Naming of Softball Fields at Brook Peterson Community Park

Susan Arntz recommended to the Council that the Softball Fields at Brook Peterson Park be named “Al Melchert Fields”. She explained that thirty-five years ago, Allan Melchert started with the City of Waconia. He served the community in many capacities, most of them working the area of parks maintenance. Al loved the game of softball and cherished the fields at Brook Peterson Park, taking extra care when chalking the fields, dragging the fields, mowing or rebuilding the pitcher’s mound. Al shared his love of this game with his family and community, playing, coaching his daughter Abby, and cheering from the sidelines for years.

Arntz added that the City has received donations for a memorial to honor Al’s love of the community and game. City Staff recommended to the Park Board that the City name the softball fields at Brook Peterson Community

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Park, the Al Melchert Fields. The Park Board reviewed the recommendation at their meeting on June 20, 2019 and provided their enthusiastic support.

Staff will continue to work with the family on both a date for the installation and dedication ceremony for the monument signage. The plan is to install signage near the entrance to fields 1-4.

Motion by Carrier, seconded by Waldron to Adopt Resolution No. 2019-133, Naming the Softball Fields at Brook Peterson Community Park, the Al Melchert Fields. All present voted aye. **MOTION CARRIED.**

Zoning Map Amendment – 240 Elm Street South

Lane Braaten stated that the City has received a Zoning Map Amendment application from Michael Lecy with Home Care Professions/Nagel Assisted Living for the property located at 240 Elm Street South. He is requesting approval to rezone the property from the current zoning of R-2, Single-Family Residential District to B-2, General Business District. The applicant has indicated the goal of the rezoning is to help serve as additional outdoor area for its residents living on 232 Elm Street South and to provide future off-street parking and expansion space for Nagel Assisted Living.

Braaten explained that the parcel was formerly used as a single family home which includes a garage and other typical residential improvements. A trash enclosure currently exists on the rear portion of the property, which serves the Nagel Assisted Living facility. The property is primarily surrounded by residential properties in addition to the American Legion to the northwest.

The Planning Commission, at their regular meeting on June 6th, 2019, held a public hearing, received all public comments and reviewed the Rezoning request by Michael Lecy. The Commission recommended denial of the proposed Zoning Map Amendment via 3-1 vote.

Michael Lecy, Nagel Assisted Living, shared the concept of having outdoor space for residents to be able to relax and enjoy time with their families as well as more parking to help reduce the amount of on-street parking as it is right now. The house would stay and be used as office space and extra storage.

Council Member Bloudek expressed concern for the future of the property. If changed to B-2 and the property gets sold the intended use could change to anything. Bloudek stated that he agrees with the Planning Commission that it is not compatible with the surrounding area and uses. Recommendation is to go along with the resolution for denial at this time.

Council Member Erickson indicated that he was at the Planning Commission meeting and heard from a number of the residents that live in that area that are against rezoning as well.

Council Member Bloudek added that he doesn't feel that it is appropriate to rezone at this time according to our zoning rules and laws.

Council Member Carrier stated that he is disappointed that the zoning line is where it is, but there are zoning lines for a reason. At this time he feels that it is proper to deny but hopefully something can get worked out.

Council Member Waldron shared concerns about how the property is already being used considering the zoning. In addition she is in agreement with supporting the surrounding residents. Does not feel it is warranted at this time to change the zoning.

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Council Member Leo communicated that his biggest concern is if the property gets sold and there is no way to know what will go there next. He is thinking about the neighbors and the traffic that could become a problem.

Motion by Erickson, seconded by Carrier to Adopt Resolution No. 2019-134, Denying the proposed Zoning Map Amendment to rezone the property located at 240 Elm Street South from R-2, Single Family Residential to B-2, General Business District. All present voted aye. **MOTION CARRIED.**

Woodland Creek Preliminary Plat and PUD Zoning Request

Lane Braaten stated that the City has received a Preliminary Plat application from Hartman Communities, LLC titled Woodland Creek. Specifically, the applicant is requesting to plat the properties located at 9835 Highway 284 into 56 single-family residential parcels consisting of two housing types. The proposed housing types include a 65 foot wide villa lot and a 70 foot wide single-family home lot. An application to zone the property PUD, Planned Unit Development, which would allow reduced lot sized, reduced setbacks and increased impervious surface was also submitted.

The subject parcel, located at 9835 Highway 284, currently has a single-family home with a couple of out buildings. It is staff's understanding that the northern parcel has a residence and serves as the business location for the property owner's insulation business. The two parcels are heavily wooded and include wetlands, slopes and a section of Carver Creek.

Braaten summarized the preliminary plat review which included explanation of proposed streets/access, easements, proposed lot sizing, outlots, signs and park dedication.

He also added that the applicant is proposing to remove approximately 72% of the significant tree caliper inches from the subject parcels while city code allows a maximum of 30% removal for residential projects. The applicant is proposing to plant 406 trees. The remaining caliper inches due for replacement, if the preliminary plat is approved in its existing configuration, shall be require tree restitution fees be paid consistent with City Code. At the May 20, 2019 Work Session, City Council discussed a request by the developer to review the City's Tree Preservation Ordinance. The Council directed staff to research the ordinance and possible amendments. This research is ongoing and will be ready for discussion for the Work Session on July 22.

The Planning Commission, at their regular meeting on June 6th, 2019, took all public comment and recommended the City Council approve of the Woodland Creek Preliminary Plat application and the Planned Unit Development zoning request via a 3-0 vote. Additionally, the Planning Commission requested:

1. The City Engineer review the options provided by members of the Sierra neighborhood, and
2. The applicant provide an east/west trail link through the neighborhood, which would connect the proposed Hwy 284 trail segment and the proposed trail segment on the east side of the property.

If the City Council chooses to approve the Woodland Creek Preliminary Plat and Rezoning request, the Planning Commission and City staff would recommend the approvals with the following conditions:

1. The Woodland Creek Preliminary Plat 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, stormwater management and any proposed wetland filling to be done. 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.

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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 commencement of construction activities for the Woodland Creek residential development.
8. Compliance with applicable items contained in Chapter 1000 of the City of Waconia Subdivision Ordinance.
9. Execution of a Developer's Agreement for the Final Plat and prior to any work commencing on site.
10. The developer shall provide a performance bond in the form of cash, corporate surety bond, approved letter of credit or other surety satisfactory to the City to guarantee the required trees to be preserved, replaced and planted are done according to the Ordinance and approved plan set. The bond shall be furnished by the developer prior to obtaining a building permit and cover two full calendar years subsequent to the installation of said landscaping, which may require a lengthy timeframe if the proposed development is to be completed gradually or in phases.
11. The sidewalk and trails shall be constructed as proposed and as conditionally revised by the City Council. Specifically, the applicant shall construct a trail segment connecting the proposed Hwy. 284 trail and the proposed trail section on the east side of the property.
12. The applicant shall dedicate the 4.23 acres, indicated as Outlot E, to satisfy the City's Park Dedication requirements. This shall not exempt the exception area from paying park dedication when this area develops in the future.
13. City Ordinance requires deciduous trees proposed to satisfy the minimum requirements shall not be less than 25% deciduous and not less than 33% coniferous. The applicant shall revise the landscape plan to include additional coniferous trees in accordance with this standard.
14. The applicant is proposing to plant 406 trees per the Overall Landscape Plan. The Tree Reforestation/Restitution section of the City Code requires the remaining caliper inches due for replacement to be paid via the tree restitution fee stated in City Code. This final restitution amount will be determined upon final review the tree numbers provided above and consistent with City Code requirements.
15. The applicant shall file an application of final plat approval within six (6) months following the approval of the Woodland Creek Preliminary Plat, unless an extension of time is requested in writing by the subdivider and granted by the Council prior to the six (6) month expiration date.

John Weinand, 1972 Campfire Court, provided the Council some concepts which included installing a temporary road closure at the entrance to Campfire Court until 80% of the houses are occupied. He proposed another additional entrance point to the development and expressed concern about traffic and street maintenance in the Sierra neighborhood. Adding an additional road at the bottom of the development would give better access to emergency vehicles.

Mayor Bloudek pointed out that the proposed access point is not actually in City limits. It is mandated by MnDOT how many access points are allowed and the spacing required.

Terry Hartman, Hartman Communities, addressed the idea of the additional road stating that they would lose a house and a significant amount of trees that were intended to be saved. He added that they support the concept of a temporary closure of the future extension on Campfire Court. The intent is to keep out construction traffic.

Council Member Carrier asked Craig Eldred about the current conditions of Campfire Court and when it would be due for mill and overlay. Craig Eldred responded that he would estimate that the rating is in the low seventies

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which is above average. The schedule is to due mill and overlay every 25 years, so this area is probably getting close.

Mayor Bloudek addressed the residents stating that he understands their concerns about increased traffic.

Council Member Waldron asked for more information on the buffer zone between the two developments. Terry Hartman stated that the highest priority is to leave things as they are in their natural state as much as they can. Where the trees are taken out is where the sewer and utilities are coming in and where grading is necessary to make the building sites and roads work.

Mayor Bloudek brought up the issue regarding a review of our tree preservation ordinance. Staff has been looking into it but there are no answers as of yet.

Council Member Carrier communicated his concern of the 30% versus 70% removal of trees. Always like to see preservation of as many trees as possible but also understand the safety concerns of building to close to trees.

Susan Arntz mentioned that staff had their first internal discussion today looking at various ordinances from other cities and that brought up more questions. Most of the ordinances around the Metro look and feel similar to what we have in place. It is slated to be discussed at a work session on July 22.

Mayor Bloudek recommended that they be clean and clear about everything. Transportation and other issues have been gone through regarding the development. Don't see a reason to rush this as a preliminary with the tree issue still being a factor.

Mike Melchert stated that the developer gains significant legal rights as soon as the preliminary plat is approved. The preliminary plat stage is really the important one. If the tree issue is a big issue we should extend the time period for considering this to 120 days and take it up at a future meeting. Based on what he is hearing is that our tree preservation ordinance is not that different from other cities but based on this piece of property it poses a problem. It would be problematic to approve this evening without a plan to address the issue with the trees.

Terry Hartman said that the unique thing is not the ordinance but that this property is so heavily wooded. Don't want to reinvent the tree ordinance just maybe introduce a cap when dealing with such a unique piece of property.

Susan Arntz added that when looking at the ordinance and the comprehensive plan we need to not only look at this property but also future properties that may be in this same situation.

Mayor Bloudek recommended that they table this until more can be done with the tree ordinance so that is very clean and clear for everybody.

Arntz reminded Council that she will present research on the tree ordinance July 22 and if Council decides to make changes it will have to be posted 10 days before approval. This would give time to do that before the next Council meeting in August.

Motion by Carrier, seconded by Erickson to Table Resolution No. 2019-135, approving the Preliminary Plat Application titled Woodland Creek, which proposes the development of the majority of the property located at 9835 Highway 284 into 56 single family parcels and the additional request to zone the subject property as PUD, Planned Unit Development. All present voted aye. **MOTION CARRIED.**

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Variance – 267 Lakeview Terrace Boulevard

Lane Braaten indicated that the City has received a Variance application from Chris & Stacy Meiser to allow the expansion of a deck at a setback of 42 ft. from the OHWL of Lake Waconia versus the 50 ft. minimum setback distance required in the Shoreland Overlay District. The existing deck is currently 43.8 ft. from the OHWL and the applicants are requesting to expand the deck 2 ft. toward Lake Waconia. The applicants have indicated that after receiving a permit to perform maintenance that it was discovered the existing deck is deteriorating and would like to replace it with a larger deck for safety and recreational purposes.

The Planning Commission at their regular meeting on June 6th, 2109 held a public hearing and reviewed the Variance request by Chris & Stacey Meiser. The Commission recommended approval of the proposed variance via a 4-0 vote.

Motion by Erickson, seconded by Waldron to Adopt Resolution No. 2019-136, Approving the Variance application to construct a deck addition 42 ft. from the Ordinary High Water Line (OHWL) of Lake Waconia versus the 50 ft. Minimum setback required in the Shoreland Overlay District for the property located at 267 Lakeview Terrace Boulevard. All present voted aye. **MOTION CARRIED.**

2nd Variance Extension Request – 208 Main Street East

Lane Braaten stated that the City Council, at their regular meeting on June 20, 2016. Reviewed and approved a variance request by Chris Weinberger to allow a new two-story home on the property located at 208 Main Street East. Specifically, the variance was necessary as the structure, as proposed, could not meet the minimum front yard or rear yard setbacks nor the impervious surface requirements state in the R-2, Single-Family Residential zoning district and the Shoreland Overlay District. Both the Planning Commission and the City Council voted unanimously to approve the variance request as both indicated that the proposed home met the necessary variance criteria.

Subsequently, at the request of Mr. Weinberger, the City Council approved Resolution 2017-110, on May 15th, 2017 approving a 2 year extension to the variance request. The extension approval required the project to commence no later than June 20, 2019. Further, the staff report indicated that any further extensions be submitted to the City prior to the expiration or the variance will become void.

On June 17th Mr. Weinberger informed staff that he was still working on the funding for the project and will not be in a place where he can obtain the building permit for and construct the new home on the site. He has requested another extension to the variance timeline.

Chris Weinberger, 208 Main Street East, came forward asked the Council for the extension due to the increase in building material costs.

Motion by Erickson, seconded by Leo to Adopt Resolution No. 2019-137, Approving the 2nd variance extension request submitted by Chris Weinberger for the property located at 208 Main Street East, extending the variance deadline until June 20, 2019. All present voted aye. **MOTION CARRIED**

Zoning Map Amendment – Waconia Public Schools

Lane Braaten shared that the City has received a Zoning Map Amendment application from Waconia Public Schools for the property located 416 Willow Place South. The applicant is requesting approval to rezone the subject property from the current zoning of R-2, Single –Family Residential District to P, Public District.

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The subject parcel was formerly used as a single family home and the property currently includes a house, detached garage and shed on the property. The parcel is directly adjacent to the Southview Elementary School property and the applicant has indicated the rezoning would allow them to increase the parking lot/number of parking spaces for said use.

Council Member Carrier asked Braaten highlight the difference between R-2 and Public. Braaten responded that R-2, typically consists of single-family homes while Public allows schools, parks and other major community facilities.

Motion by Carrier, seconded by Waldron to Adopt Resolution No. 2019-138, Approving the proposed Zoning Map Amendment to rezone the subject parcel from R-2, Single-Family Residential District to P, Public District. All present voted aye. **MOTION CARRIED**

Pre-Sale Report & Review of General Obligation Bonds

Nicole Meyer explained that staff has been working with Ehlers on the issuance of bonds to fund the 2019 Infrastructure Project, Lake Waconia Regional Park Project and Road Grader Equipment purchase. The City budgeted to issue general obligation bonds for these projects and the equipment purchase. The bond is being issued under many different State Statutes. In addition, staff has built in other funding sources including PIR Cash, grant proceeds, unspent 2017A bond proceeds, and estimated reimbursements from Carver County.

Todd Hagen from Ehlers presented an overview of the pre-sale report to the Council.

Motion by Waldron, seconded by Erickson to Adopt Resolution 2019-139, Providing for the Sale of General Obligation Bonds, Series 2019A to fund costs related to the 2019 Infrastructure Improvement Project, Lake Waconia Regional Park Project, and Road Grader Equipment Certificate. All present voted aye. **MOTION CARRIED**

Amendment to T-Mobile Lease Agreement

Susan Arntz informed Council that T-Mobile is planning to install a new generator to support their cellular and data operations at the lease site at Water Tower 1 (Main Street). To compensate for the additional space they will occupy, they have agreed to increase their rent each year by \$250 per month or \$3,000 per year. Staff has reviewed the proposed installation and lease.

Motion by Erickson, seconded Waldron to Adopt Resolution No. 2019-140, Approving Amendment to the T-Mobile Lease. All present voted aye. **MOTION CARRIED**

ITEMS REMOVED FROM CONSENT AGENDA: None

STAFF REPORTS: Craig Eldred gave an update on Alley and Street Maintenance

BOARD REPORTS:

Councilmember Erickson – Attended the Planning Commission Meeting

Councilmember Leo – No Report

Councilmember Carrier – No Report

Councilmember Waldron – Attended the Chamber Meeting about Nickel Dickel Day

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Mayor Bloudek – No Report

ANNOUNCEMENTS: None

ADJOURN: Motion by Erickson, seconded by Leo to adjourn the meeting at 7:59 p.m. All presented voted aye.

Kent Bloudek, Mayor

ATTEST: _____
Ann Meyerhoff, Office Assistant