

CITY OF WACONIA

August 19, 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, and Pete Leo.

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

Visitors: Al Lohman, John Sonnek,

Pledge of Allegiance was led by Mayor Bloudek.

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

VISTORS PRESENTATIONS, PETITION, AND CORRESPONDENCE: None

ADOPT CONSENT AGENDA

- 1) August 5, 2019 City Council Meeting Minutes.
- 2) Payment of August 19, 2019 Expenditures.
- 3) Approve Rink Management Corporation Expenditures for Waconia Ice Arena Incurred in July 2019.
- 4) Approve Rink Management Corporation Expenditures for Safari Island Community Center Incurred in July 2019.
- 5) Amendment for Nickle Dickle Day Use of Streets.
- 6) Resolution No. 2019-169, Accepting Cash Donation for Adaptive Playground Equipment.
- 7) Resolution No. 2019-170, Approving Surplus Equipment & Sales – Safari Island Community Center.
- 8) Resolution No. 2019-171, Accepting CenterPoint Energy Grant Dollars.
- 9) Resolution No. 2019-172, Adopting Carver County Multi-Hazard Mitigation Plan.
- 10) Resolution No. 2019-173, Approving 2019 3rd Quarter Budget Amendments.
- 11) Resolution No. 2019-174, Use of Parking lot and Temporary Liquor License for Waconia Brewing Company.

Motion by Waldron, seconded by Leo to Adopt the Consent Agenda with a corrected memo for item #8. All present voted aye. **MOTION CARRIED.**

COUCIL BUSINESS: Shores of Lake Waconia Preliminary Plat and PUD Zoning Request

Lane Braaten explained that the City has received a Preliminary Plat application from Rachel Development (on behalf of Lake Waconia Partners, LLC) titled Shores of Lake Waconia. Specifically, the applicant is requesting to plat the properties located at 7980 Laketown Parkway into 87 single-family residential parcels consisting of three different lot sized and housing types. The proposed housing types include a 55 foot wide off-lake villa lot, a 60 foot wide lakeside villa lot and a 65 foot wide single-family home lot.

The City has also received an application to zone the subject property PUD, Planned Unit Development, which would allow reduced lot sizes, reduced setbacks and increased impervious surface on individual parcels within the development while allowing additional overall greenspace throughout the development.

The parcels currently include a single-family home with a couple of out buildings. The properties are bisected by Laketown Parkway/County Road 92. The property located on the west side of County Road 92 is directly adjacent to Lake Waconia and includes a significant amount of wetland area. The property located on the east side of County Road 92 is divided between agricultural uses to the north and remains heavily wooded on the south half.

Braaten presented the subdivision design features while displaying the preliminary plat. Such features include: Street Access, Easements, Pedestrian Ways and Trails, Landscaping and Tree Preservation. He also touched on the shoreland overlay district regulations as well as grading, drainage & utilities.

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The Planning Commission, at their regular meeting on August 1, reviewed all the information, held the required public hearing, and recommended via a 3-0 vote that the City Council approve the Preliminary Plat application and the Planned Unit Development zoning request for the Shores of Lake Waconia residential development.

If the City Council approves the Shores of Lake Waconia Preliminary Plat, the Planning Commission and City staff would recommend the approvals with the following conditions:

1. The Shores of Lake Waconia 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.
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 Shores of Lake Waconia 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 prior to any work commencing on site.
10. The sidewalk and trails shall be constructed as proposed and as conditionally revised by the Planning Commission and City Council.
11. The applicant shall dedicate Outlot C (0.427 acres), receive credit for 0.542 acres as part of Outlot A which is a private recreational facility, and pay \$18,618 cash in lieu, to satisfy the City's Park Dedication requirements.
12. 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.
13. The landscape plan indicates ten (10) trees to be planted on the Lake Waconia Regional Park property. This shall be coordinated with and approved by Carver County or moved to a conforming location on site so as to be included in the landscape planting requirements and/or tree reforestation calculation.
14. The applicant shall provide a Shore Impact Zone restoration plan that includes proposed tree removal, tree plantings, and establishment of native plantings to be reviewed and approved by City staff, the DNR and the CCWMO.
15. The applicant shall submit a tree restitution escrow in the amount of \$302,875.00, which will allow the final restoration plan to be completed and the final tree planting numbers to be revised accordingly. The final tree planting, landscape plan and tree restitution shall be reviewed by staff and applied in conformance with City Code requirements.
16. The proposed grading at the shared property between Lake Waconia Regional Park and the West Site Development shall be reviewed and approved by Carver County if work should extend onto the neighboring parcel. The proposed trail alignment should also be coordinated with Carver County.
17. The applicant shall provide to the City for review and approval the "Roadway, Drainage and Utility Easement" described on the Preliminary Plat document dated May 22, 2019 providing access to the property located to the north of the Lake Parcel. Subsequent to the approved language by the City Attorney this document shall be recorded by the applicant.
18. Development and access to County Road 92 shall be coordinated with Carver County Public Works. All necessary revisions shall be incorporated into the final construction plan set to be reviewed and approved by the City and County staff. If a substantial revision is necessary, due to Carver County requirements, the application may require additional review by the Planning Commission and/or the City Council.

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19. The applicant shall file an application of final plat approval within six (6) months following the approval of the Shores of Lake Waconia 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.

Council Member Carrier asked to hear more about the shoreline restoration. Braaten referred to an email from Masha Hoy from Carver County Water Management Organization which goes over her recommendations for buffer vegetation, access width, tree preservation plan, no grading and operation and maintenance plan. They are looking at retaining the healthy trees and taking out the evasive trees. All maintenance will be done by the association to keep everything consistent.

Carrier inquired about where the docks will be stored. Braaten responded that in comments from the DNR the docks would be all removed at the same time and stored on Outlot A which will be written in the developer's agreement.

Mayor Bloudek asked Braaten to remind him what is north of the parcel and what would happen if they ever get to point of wanting to expand, how would it connect? Braaten explained that there will be an easement provided to the city that will allow access to the north.

Bloudek asked to hear from the developer on the intent for usage and number of docks that will be installed.

John Sonnek, Charles Cudd, displayed a Lake Access Diagram that showed a rock infiltration area and a buffer area. He first explained that water from the house would first enter a rock infiltration water management storage area before entering the buffer vegetation area. This plan was recommended by the DNR. The plan also allows for 8 shared docks to go in instead of 16 separate docks. The plan is for the Association to allow canopies only over the boat lifts not the whole dock.

Carrier asked if they would be limiting it to two lifts per docks. Sonnek replied by asking how many lifts or toys are allowed on any other lake lot, these are lake lots and the residents deserve riparian rights. Carrier replied that they don't have the same density and as more boats or water toys get added along the shore, the density will really start to show. Carrier indicated he wanted to explore that now in case it needs to be addressed in the developer's agreement.

Bloudek asked how far apart the docks are from each other. Sonnek said the docks will be 90 feet apart, which is more than a normal lake lot where they are typically 75 feet apart.

Carrier stated that he has less concern about tying up a boat on the side or tucking a jet ski around the corner than he does about the number of lifts. He expressed concern that the increased number of lifts increases the number of canopies, which creates more of a visual barrier. The increase in number of lifts takes more space when it comes to storing them on Outlot A.

Carrier asked for more explanation on the fertilizing of the grass in regards to the lake. Sonnek stated that the association would be responsible for all the fertilizing so that every lot is done the same with product that is safe for the lake.

Administrator Arntz asked if there is a plan with the association to regulate swimming platforms and buoys for sailboats. Sonnek replied that there isn't one at this point. Arntz suggested that the City Council and Association may wish to think about how they want to regulate this.

City Attorney Melchert added that because this is going to be a PUD, Planned Unit Development, the riparian rights are not the same because of the density of the lots.

Carrier indicated that he would like to add a condition limiting the number of boat lifts per dock as a condition of approval.

Erickson suggested that a motion on the proposed resolution should be made before considering any amendments to it.

Motion by Erickson, seconded by Leo to Adopt Resolution No. 2019-175, Approving the Preliminary Plat Application titled Shores of Lake Waconia, located at 7980 Laketown Parkway and the additional request to zone the subject property at PUD, Planned Unit Development.

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Significant discussion was had by Council about adding a condition regulating the number of and placement of lifts. Arntz read the proposed language twice during the discussion. The Council discussed limiting the boat lifts and canopies to no more than two per lot.

Sonnek asked if the Council would allow lifts for jet skis on the inside of the docks, to allow them to be out of the water. Discussion ensued about this concept and the Council discussed allowing two personal watercraft lifts.

Arntz suggested that Council move on the next Regular Business item and give her a moment to write up the possible language for the amendment, so that it would be clear to the Council what was being considered. She left the Chambers with Braaten and Melchert.

Brook Peterson Park Restroom and Proposed Site Improvements

Craig Eldred indicated that within the Capital Improvement Plan, funds were established to rehabilitate the restrooms at Brook Peterson Park. This project was established to provide a face lift, rehabilitation, and addition of ADA improvements to the current restroom structure. Estimated costs were estimated several years ago at \$550,000. During delivery of the restroom rehabilitation improvements at City Square Park, a draft plan was prepared for Brook Peterson Park, prepared by Oertel Architects.

During the review of the City Square Park Restroom Project, the Park Board reviewed an initial site and floor plan for Brook Peterson Park this past spring. Further information was shared while discussing our Capital and Budget plans and operations at the July Park Board Meeting. Prior to and during this process, staff received permission from the City Council to apply for MnDNR Grant Funds to support improvements to this facility improvement, a shelter, and additional site improvements to enhance ADA accessibility.

The City was notified in July of the award of \$160,000 from the MnDNR Grant for said improvements and was authorized to execute the Grant by the City Council.

The restroom plan includes two universal bathrooms, similar to City Square Park. The estimated costs are \$433,772.14 for the restrooms which is slightly higher than the previous estimate of \$387,609.75. This increased estimate is a result of adding the universal restrooms, which is a high priority for the City.

The proposed Polygon shelter is sized at 20' x 34' and will have a concrete footing/slab system, T/G Roof Sheeting, and asphalt shingles. The estimated structural and site costs are \$71,000. We have also programmed \$16,000 for tables and trash and recycling receptacles. The addition of the shelter will allow large group rental options, which currently does not exist at Brook Peterson Park.

The Park Board reviewed and recommended approval at the August 15, 2019, meeting. The next step would be to obtain bids for the project for late fall construction and completion in early spring 2020.

Motion by Erickson, seconded by Waldron to Adopt Resolution No. 2019-176, Approving Brook Peterson Park Restroom and Site Improvements and Authorize Bid of Project. All present voted aye. **MOTION CARRIED.**

Arntz returned to the meeting and distributed the amended resolution 2019-175. Arntz stated that #20 was added to the list of conditions and reads,

20. Boat Lifts and canopies shall be allowed when located on the inside of each dock for, limited to one per lot and on Oulot A. Personal watercraft lifts, with no canopy, will be allowed on the shoreward side of each dock, limited to two per lot. A personal watercraft is a recreational watercraft that a rider sits or stands on (e.g. jet ski), rather than sitting inside of (e.g. aluminum fishing boat).

Arntz stated that staff will take this and some additional language which was described by the developer to provide really clear dock regulations in the developer's agreement, which will be recorded against the properties. She also encouraged the developer to give swimming platforms and sailboat buoys some strong consideration for regulation.

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Motion by Carrier, seconded by Leo, Make this amendment as noted item #20, Boat Lifts and Canopy’s. All present vote aye. **MOTION CARRIED.**

All present voted aye to pass Resolution No 2019-175. **MOTION CARRIED.**

Survey and Geotechnical Work – 2020 Infrastructure Improvements

Craig Eldred communicated that one of the many Strategic Plan Priorities is guided towards Infrastructure, and our ability to manage, maintain and improve our current and future physical assets. This project will assist in meeting the priorities established by the city Council for various buried and above grad assets utilize by all residents and visitors of Waconia.

The proposed infrastructure improvements will complete links to recent and previous infrastructure improvement areas. Thus closing out complete areas and driving our focus into the Downtown with full initiation of Main Street from Walnut to Maple Street. Other proposed improvements include water main replacement and storm water improvements guided to improve management of run-off volumes.

Eldred shared the Improvement Project Elements which include:

Project	From	To	Improvement Description
Walnut Street	First Street	Second Street	Street, Utility and Sidewalk link, Safe Routes to School
Walnut Street	Second Street	Third Street	Street,, Utility and Sidewalk link, Safe Routes to School
Third Street	Walnut Street	Two Lots Each Direction, East and West	Street Utility Sidewalk & Trail link, Safe Routes to School
Main Street	Walnut Street	Maple Street	Street, Utility and Sidewalks
Wildcat Way	Community Drive	Pond Lane	Street, Sub-Surface and Drainage
Oak Avenue	Waconia Parkway North	Trunk Highway Five	Street Overlay W/Fabric and Minor Utility Improvements
Waconia Parkway North	Scott Lane	Willowbrooke Water Main Link	Water Main Replacement
CSAH 10, Interlaken Underpass		North Side CSAH 10	Drainage Improvement
Sugarbush Park		In Park	Storm Water Improvements
94 th Street	CSAH 10	School Access	Final Asphalt Lift

Motion by Carrier, seconded by Waldron to Adopt Resolution No. 2019-177, Authorizing Survey and Geotechnical Work for 2020 Infrastructure Improvements. All present voted aye. **MOTION CARRIED.**

ITEMS REMOVED FROM CONSENT AGENDA: None

STAFF REPORTS:

- Working on Tree Preservation Ordinance and hope to have it posted to the City’s website later this week.
- Found a need to amend our Liquor Ordinance to accommodate the Chamber of Commerce expanded desires for Nickle Dickle day. They have a plan for an outside restaurant and bar on a portion of Olive Street. Because the State issues Caters licenses it requires us to modify our ordinance so that Council would be able to approve this special event.

BOARD REPORTS:

Councilmember Erickson – No Report

Councilmember Leo – No Report

Councilmember Carrier – CIP Committee has met. School Board is in the process of discussions about Wildcat Way.

Councilmember Waldron – No Report

Mayor Bloudek – Will be attending the Hospital Board Meeting next Monday.

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Mayor Bloudek announced that the City Council would recess the meeting to meet in Closed Session pursuant to Minn. Stat. 13D.05, subd. 3(b) for an attorney-client privilege discussion of status and strategy regarding the case of Waconia v. Dock, Court of Appeals Case No. S19-1099.

ANNOUNCEMENTS: None

Motion by Carrier, seconded by Erickson to close the City Council Meeting pursuant to Minn. Stat. 13D.05, subd. 3(b) for an attorney-client privilege discussion of status and strategy regarding the case of Waconia v. Dock, Court of Appeals Case No. S19-1099. All present voted aye.

Mayor Bloudek resumed the City Council Meeting at 8:31 p.m.

ADJOURN: Motion by Erickson, seconded by Waldron to adjourn the meeting at 8:31 p.m. All presented voted aye.

Kent Bloudek, Mayor

ATTEST: _____
Ann Meyerhoff, Office Assistant