

Minutes of the Proceedings of the City Council of the City of Champlin in the County of Hennepin and the State of Minnesota
Pursuant to Due Call and Notice Thereof

Regular Session
May 10, 2010
Municipal Center

- Call to Order The Champlin City Council met in Regular Session and was called to order by Mayor Mark Uglem at 7:00 p.m.
- Pledge of Allegiance The Pledge of Allegiance was recited.
- Roll Call Present were Mayor Mark Uglem, Councilmembers Eric Johnson, ArMand Nelson, Greg Payer and Julia Whalen.
- Absent: no one.
- Also present were City Administrator Bret Heitkamp, Deputy City Administrator John Cox, City Engineer Tim Hanson, City Attorney Darrell Jensen, Police Chief Dave Schwarze and City Clerk Roberta Colotti.
- Approval of Agenda
(May 10, 2010)
Motion Motion by Councilmember Johnson and seconded by Councilmember Payer to approve the agenda for the May 10, 2010 Regular Meeting as presented. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.
- Approval of Minutes
(April 26, 2010
Committee-of-the-Whole,
and Regular Meeting)
Motion Motion by Councilmember Whalen and seconded by Councilmember Nelson to approve the minutes of the April 26, 2010 Committee-of-the-Whole and April 26, 2010 Regular Meeting as presented. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.
- Approval of Bills
(May 10, 2010)
Motion Motion by Councilmember Whalen and seconded by Councilmember Nelson to approve the bills as submitted for payment on May 10, 2010. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.
- Announcements Mayor Uglem made the following announcements:
- City Council Worksession – Monday, May 24th at 5:45 p.m. in the Chambers.
 - City Council Meeting – Monday, May 24th at 7:00 p.m. in the Council Chambers.
 - The U.S. Census Bureau has begun 2010 census complete count door-to-door follow-up operations with the households who have not responded to the 2010 Census. We encourage the public to cooperate with census takers when they are working in your neighborhood. It is recommended that you request to see ID.
- Special Presentations
- Presentation of Champlin
Police Department's
Certificate of
Commendation to Joanne
Homan The Police Chief presented a certificate of commendation to Joanne Homan. He stated that the Certificate of Commendation may be awarded to a citizen in appreciation for their major assistance or participation in a Police matter.
- The Police Chief stated that on June 14, 2009, the Champlin Police Department responded to a personal injury accident involving a vehicle and pedestrian on Hwy 169 at Hayden Lake Road. At approximately 12:27 a.m. Joanne Homan and a friend were driving south on Hwy 169 when they witnessed the vehicle in front of them strike a pedestrian, fail to stop, and drive away from the scene. Believing this was a very serious situation, they followed the suspect vehicle as it turned off the Highway into a residential area, reporting the license plate, description of the vehicle and the direction of travel to emergency 911 personnel. Although they temporarily lost contact with the vehicle in a residential neighborhood, they continued their efforts resulting in re-locating the suspect vehicle and notifying Law Enforcement personnel. Through their prompt actions, Law Enforcement Officers were able to stop the vehicle and take the two suspects into custody.

The Police Chief concluded that it is because of individuals like Mrs. Homan and her friend that the

apprehension of the two suspects involved in this criminal vehicular homicide could be brought to justice and the victim's family can be provided some sense of closure as a result of this tragic event.

Joanne Homan stated that she believed that what she did was right and her obligation.

Presentation of 2009 Champlin Police Department Annual Report

The Police Chief presented the 2009 Champlin Police department annual report. He reviewed the organizational chart and advised of staffing changes that took place during 2009. He summarized the 2009 work plan priorities including emergency management, administrative fines, police department service philosophies, traffic enforcement, and professionalism. He reviewed the patrol portion of the report including total number of service calls and the breakdown of crimes between parts one, two and three crimes. He also summarized the predatory offenders, investigations, school liaison and DARE office, livable housing unit officer, and narcotics portions of the report; providing an update and summarizing any changes within 2009. He explained that although the past year has been difficult, in terms of budget funding shortages, and a decrease in staffing, the department was still able to provide an excellent level of service and there was also a decrease in the amount of crime.

Mayor Uglen recognized that the Police Department has also felt the shortage of funds in regard to their budget and commended the Police Chief and his department for their hard work. He stated that it is great to know that in this day and age, Champlin is still a place where you can feel safe in your home.

Consent Agenda

Councilmember Payer requested that Item Seven, (Resolution No. 2010-38 Approving an Antenna Lease Agreement with Clearwire Corporation for Water Tower No. 2), be pulled from the Consent Agenda.

Resolution No. 2010-37 Approving the Riparian Restoration and Stream Bank Stabilization Grant Agreement Between the City of Champlin and Hennepin County Environmental Services and Ordering the Feasibility Study (Improvement Project No. 21006)
Resolution 2010-37

Councilmember Whalen introduced the following resolution and moved its adoption:

A Resolution Approving the Riparian Restoration and Stream Bank Stabilization Grant Agreement Between the City of Champlin and Hennepin County Environmental Services and Ordering the Feasibility Study (Improvement Project No. 21006).

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Johnson, and upon vote being taken thereon, the following voted in favor thereof: Mayor Uglen, Councilmembers Johnson, Nelson, Payer and Whalen, and the following voted against the same: none, whereupon said resolution was passed this 10th day of May, 2010.

Approve Plans for Classic Car Shows at Champlin Plaza
Motion

Motion by Councilmember Whalen and seconded by Councilmember Johnson to approve the request for a classic car show in the Champlin Plaza parking lot as planned, under the following criteria:

1. The event shall be limited to 300 classic cars.
2. A temporary sign permit shall be required for event signage.
3. Trash and debris shall be picked up after the show.
4. Police Reserve Officers shall be made available if deemed necessary by the Police Chief.
3. The City reserves the right to modify event provisions or cancel the show if problems arise.

Voting in favor were Mayor Uglen, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.

Temporary 3.2 Malt Liquor for Champlin Lions Club
Motion

Motion by Councilmember Whalen and seconded by Councilmember Johnson to approve the Temporary 3.2 Malt Liquor License be approved as requested by the Champlin Lions Club, for sales to take place during the following 2010 seasonal events:

- Father Hennepin Festival, June 11-13 at Mississippi Point Park
- Father Hennepin Festival, June 11-13 at Andrews Park

- Halloween Softball Tournament, October 29-30 at Andrews Park

Voting in favor were Mayor Uglen, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.

Massage Therapist License at Han Spa and Body Care Motion

Motion by Councilmember Whalen and seconded by Councilmember Johnson to approve the massage therapist license for Xie Yu Xiang to work at Han Spa & Body Care located at 512 Jefferson Highway North, effective May 10, 2010 to December 31, 2010. Voting in favor were Mayor Uglen, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.

Resolution No. 2010-38 Approving an Antenna Lease Agreement with Clearwire Corporation for Water Tower No. 2 Resolution 2010-38

Councilmember Payer noted that this request is for the water tower and not for the tower within Andrews Park. He asked for an update regarding the Andrews Park tower request.

The City Administrator reported that the negotiations with Clearwire to place a tower in Andrews Park appear to have stalled. He noted that the Council set a June deadline for Clearwire, but was unsure that the conditions set by the Council would be met and agreed upon by Clearwire.

Councilmember Payer introduced the following resolution and moved its adoption:

A Resolution Approving an Antenna Lease Agreement with Clearwire Corporation for Water Tower No. 2.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Whalen, and upon vote being taken thereon, the following voted in favor thereof: Mayor Uglen, Councilmembers Johnson, Nelson, Payer and Whalen, and the following voted against the same: none, whereupon said resolution was passed this 10th day of May, 2010.

Resolution No. 2010-39 in Support of the Reconstruction of Coon Rapids Boulevard and the Construction of a Northstar Commuter Rail Station in Ramsey Resolution 2010-39

Councilmember Whalen introduced the following resolution and moved its adoption:

A Resolution in Support of the Reconstruction of Coon Rapids Boulevard and the Construction of a Northstar Commuter Rail Station in Ramsey.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Johnson, and upon vote being taken thereon, the following voted in favor thereof: Mayor Uglen, Councilmembers Johnson, Nelson, Payer and Whalen, and the following voted against the same: none, whereupon said resolution was passed this 10th day of May, 2010.

Open Forum

Joan Molenaar, 11711 Douglas Drive, commented that it was curious that residents were not able to make comments during the report from the Police Department. She then questioned if the decrease in arrest reports was due to the decrease in the number of staff members.

The City Administrator explained that there has been a direct link between the increased patrol efforts of the Police Department and the decrease in calls for service.

Public Hearings

Resolution No. 2010-40 Ordering the Reconstruction of Douglas Drive, Douglas Court to West River Road (Improvement Project No. 20701) Resolution 2010-40

The City Engineer presented the feasibility report for the reconstruction of Douglas Drive, Douglas Court to West River Road. He stated that Hennepin County as the lead agency will complete construction plans and specifications and project administration.

The City Engineer reviewed the project area and summarized the proposed improvements to the roadway, and also to traffic control, sidewalks and/or trails, lighting and landscaping. He advised that the landscaping plan would be completed separately by the City and would occur after the project is completed. He displayed a map of the project area and noted where closures would occur and how the project would progress.

The City Engineer stated that the total project cost would be \$8,791,197, with Hennepin County paying \$5,130,775 and the City of Champlin paying the remaining \$3,660,422. He advised that 24 residential units and four commercial units would be assessed for the project at the rate of \$10,547 per unit for residential and \$14,123.50 per unit for commercial units. He advised that lateral storm sewer

assessments would also be charged to 18 residential units and 1.8 commercial units, at a rate of \$2,410 for residential and \$6,491 for commercial. He reported that some parcels would also be charged an assessment for lighting, 22 residential units at a rate of \$1,132.26 and six commercial units at a rate of \$2,511.52. He explained that a maximum assessment amount would be set. He reviewed the City funding summary for the project and identified different sources for the City portion of the costs.

The City Engineer reviewed the project schedule, noting that the City is waiting for the Joint Powers Agreement with Hennepin County and for the plans and specifications to be completed. He asked the Council to approve and order the project tonight and reviewed upcoming events on the project schedule including when construction would begin and when the assessment hearing would occur.

Public Hearing

Mayor Uglem opened the public hearing at 7:45 p.m.

Jim Robertson, 6302 119th Avenue, questioned how the assessment is split; whether the funds are placed into a pool or if the assessment is the actual cost for the project occurring on a resident's property line.

The City Engineer explained that a resident is not assessed based on the size of their land and is instead assessed a small portion of the project cost, determined by the Council assessment policy. He advised that the assessment would contribute to the total project cost.

Joan Molenaar, 11711 Douglas Drive, questioned if the City funding summary would be available to residents, as she was interested in the information. She asked for further clarification regarding the proposed schedule for portions of the project.

The City Engineer stated that he could provide the City funding summary to interested residents and provided further clarification regarding the proposed project schedule.

Mayor Uglem advised that this road project would be completed in a similar fashion to the Hayden Lake Road project which was recently completed by the City.

Joan Molenaar stated that it was the opinion of herself, and some of her neighbors, that the City should not be spending money on fancy street lighting, especially since it is a county road. She asked if a preliminary assessment roll was available.

Mayor Uglem stated that he believed the Council would discuss the proposed lighting once the public comment portion of the hearing is closed.

The City Engineer advised that a preliminary assessment roll has been completed and encouraged residents to contact staff and determine their preliminary assessment amount; he noted that the highest possible assessment is noted on the roll at this time. He stated that the lighting style was chosen based on the design decision made by the Council several years ago.

Forest Elliott, 31 Hayden Lake Road East, stated that he went through a similar road construction project when Hayden Lake Road was completed and believed the process ran smoothly. He stated that he was opposed to the proposed lighting, and felt that the fixtures provided glare. He felt a better choice could be selected.

Carl Younger, 11287 Douglas Drive, stated that he believed the fire hydrant that is near his driveway should be relocated, as it has been hit three times by people leaving his driveway. He provided his opinion regarding the project and suggested changes. He believed that because Douglas Drive is a county road, and not a residential road, the residents should be assessed at a lower rate

Dennis Aaberg, 11631 Douglas Drive, stated that he was also opposed to the proposed lights. He was concerned that the lighting would shine into his home, as there is a light located near his property. He was also concerned that the proposed bituminous trail would run through his cement driveway.

The City Engineer explained that the trail needs to be constructed of the same material all the way through; it could not be broken up by cement.

Debbie Aaberg, 11631 Douglas Drive, commented that her property and neighboring properties are already so close to the road, she was concerned that the path would come very close to their homes. She asked if the path could be narrowed slightly by their homes and then slowly widened to the full eight-feet.

The City Engineer stated that the path would need to remain at a width of eight-feet. He explained that maintenance would require that the path have a uniform width.

Dan Keown, 11725 Colorado Avenue North, asked for further clarification regarding the assessment and which properties would receive the additional lighting assessment.

The City Engineer stated that the parcels being assessed for lighting, generally, are located on Douglas Drive. He encouraged residents to check the preliminary assessment roll.

Dennis Hanson, 11707 Douglas Drive, questioned if the City would work with the County in regard to the speed of the road, as he believed that the limit could be lowered. He was also concerned with tree loss.

The City Engineer provided additional information regarding tree loss. He stated that the round-a-bout is found to lower the speed of traffic, and advised that Douglas Drive is intended to carry traffic which would be one reason the State would not lower the speed limit.

Dennis Aaberg stated that he was in favor of the project and noted that the trail would provide additional safety for the children that use the roadway.

Joan Molenaar stated that in previous projects, residents have been able to buy into the project to have their driveways completed fully. She questioned if that option would be available for residents during this project. She asked for the possibility of a speed study to be conducted to lower the speed of traffic. She recognized that in the past her request to have the speed limit studied by the State for possible reduction resulted instead in it being raised.

Mayor Uglen confirmed that the driveway service does occur regularly during projects but noted that the contractor has not yet been selected. He stated that residents can contact the contractor, once selected, to determine the cost and availability of that service. He explained that in regard to a speed study, if 85 percent of the traffic is traveling above the speed limit, the limit will be raised.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Payer to close the public hearing. Voting in favor were Mayor Uglen, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried. The public hearing was closed at 8:21 p.m.

Councilmember Payer stated that he was pleased to hear that the project was well received, even though it is a costly project. He stated that he was unsure why residents were being assessed for lighting in this project, as he believed that the residents during the Hayden Lake Road project, which was also a county road, were not assessed. He asked the Council if there was interest in moving the lighting cost to the utility lighting fund rather than assessing that cost to residents.

Mayor Uglen stated that he believed every project should be treated equally and confirmed that the Hayden Lake Road project was not assessed.

Council Consensus

It was the consensus of the Council to not assess the lighting costs to the residents because Douglas Drive is a county road.

Mayor Uglen directed the discussion towards the type of lighting proposed.

The City Engineer explained the differences between the lights proposed and the shoebox lighting. He explained the light pollution filter that is built into the proposed lighting. He stated that he has a similar style light in his front yard, and although he was originally opposed to the location and design, he actually likes it.

Councilmember Johnson stated that he would be in favor of the proposed lights and would not be in favor of changing the lights to a shoebox style light.

Councilmember Whalen stated that she also is in favor of the proposed lights, as that was the decision made by the Council, and the lights have already been installed on other projects in the City.

Councilmember Nelson stated that he would like to receive more information regarding the proposed lights and compare that to the older style of lighting.

Councilmember Payer stated that when the discussion originally began there had been discussion regarding narrowing the trail or median near the pond at 117th Avenue and Douglas Drive, as those properties would be in the closest proximity to the trail.

The City Engineer advised of discussions with Hennepin County. He explained that eight-feet is required for a trail, for maintenance purposes, noting that a snowplow could damage sod and property neighboring a six foot trail.

Councilmember Payer expressed concern that Hennepin County has been delaying the project schedule and questioned if further delay could be expected.

The City Engineer confirmed that property acquisitions had taken longer than expected and did not expect further delay on the project.

Councilmember Johnson questioned if the speed limit would change to provide uniformity. He questioned if there would be water disruptions for residents during the project.

The City Engineer advised that this portion of the road would remain at 45 mph and would not be raised to 50 mph to match the other portion of the road. He confirmed that temporary water disruptions would occur for periods of about four hours periodically during the project.

Councilmember Nelson questioned if the electrical would be buried. He also reported concerns he received from residents, such as a one-way becoming a two-way road.

The City Engineer stated that the electrical would be relocated but did not think that it would be buried. He explained the process behind burying power and advised that he did ask for a cost estimate from Xcel.

Resolution 2010-40

Councilmember Payer introduced the following resolution and moved its adoption:

A Resolution Ordering the Reconstruction of Douglas Drive, Douglas Court to West River Road, Deleting the Lighting Assessment (Improvement Project No. 20701).

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Nelson, and upon vote being taken thereon, the following voted in favor thereof: Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen, and the following voted against the same: none, whereupon said resolution was passed this 10th day of May, 2010.

Adjournment

The Champlin City Council adjourned the regular meeting at 8:43 p.m.

Attest:

Mark W. Uglem, Mayor

Roberta Colotti, CMC, City Clerk