

MINUTES OF THE PROCEEDINGS OF THE PLANNING COMMISSION OF THE CITY OF CHAMPLIN IN THE COUNTY OF HENNEPIN AND THE STATE OF MINNESOTA PURSUANT TO DUE CALL AND NOTICE THEREOF

REGULAR SESSION
SEPTEMBER 19, 2016
CITY COUNCIL CHAMBERS

CALL TO ORDER THE CHAMPLIN PLANNING COMMISSION MET IN REGULAR SESSION AND WAS CALLED TO ORDER BY CHAIRPERSON R.J. THIEL AT 7:00 P.M.

ROLL CALL PRESENT WERE: CHAIRPERSON THIEL, COMMISSIONERS STEPHANIE BITTERMAN, MATT BOLTERMAN, DAVID BOUCHARD, TIM LACROIX, KATHY MANEMANN, AND NATE TRUESDELL. ABSENT: COMMISSIONERS DAN COSTELLO AND MICHAEL PETERSON. ALSO PRESENT WERE CITY PLANNER SCOTT SCHULTE AND ASSISTANT CITY ENGINEER TODD TUOMINEN.

ROLE OF THE COMMISSION CHAIRPERSON THIEL BRIEFLY REVIEWED THE ROLE OF THE COMMISSION.

APPROVAL OF AGENDA (SEPTEMBER 19, 2016) MOTION BY COMMISSIONER BOUCHARD AND SECONDED BY COMMISSIONER LACROIX, TO APPROVE THE AGENDA OF THE SEPTEMBER 19, 2016 PLANNING COMMISSION MEETING AS PRESENTED. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

APPROVAL OF MINUTES (AUGUST 15, 2016) MOTION BY COMMISSIONER MANEMANN AND SECONDED BY COMMISSIONER BITTERMAN, TO APPROVE THE MINUTES OF THE AUGUST 15, 2016, PLANNING COMMISSION MEETING AS PRESENTED. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

OPEN FORUM NO ONE WAS PRESENT FOR OPEN FORUM.

PUBLIC HEARINGS
PROJECT 2016-21: ZONING ORDINANCE AMENDMENT; REQUEST FROM THE CITY OF CHAMPLIN TO AMEND SECTION 126-269 OF THE ZONING ORDINANCE REGARDING THE COMMERCIAL AND INDUSTRIAL PERFORMANCE STANDARDS FOR NOISE THE CITY PLANNER PRESENTED A REQUEST TO AMEND SECTION 126-269 SPECIFICALLY REGARDING THE COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS. HE NOTED THAT THIS ITEM WAS BROUGHT ABOUT DURING THE DISCUSSIONS WITH EL TORO RESTAURANT REGARDING NOISE. HE STATED THAT THE CURRENT LANGUAGE RESTRICTS NOISE AT THE PROPERTY LINE FOR COMMERCIAL AND INDUSTRIAL BUILDINGS TO 40 DECIBELS, WHICH HE NOTED IS AN OUTDATED AND VERY SLOW STANDARD IN NEED OF REVISION. HE STATED THAT STAFF SURVEYED A NUMBER OF COMMUNITIES AND ADVISED THAT ALL OF THE CITIES USE THE SAME STIPULATION REGARDING NOISE WHICH REFERENCES THE MPCA STANDARD FOR NOISE. HE STATED THAT THE MPCA AND LOCAL GOVERNMENTS ARE EMPOWERED TO ENFORCE THE NOISE RULE. HE STATED THAT THE GUIDE FROM THE MPCA WAS INCLUDED IN THE COMMISSION PACKET. HE STATED THAT NEAR RESIDENTIAL AREAS STAFF WOULD RECOMMEND 65 DECIBELS DURING THE DAYTIME AND 55 DECIBELS DURING THE NIGHTTIME, WITH A DURATION ASPECT INCLUDED. HE STATED THAT STAFF RECOMMENDS THAT THE MINNESOTA RULES STANDARD BE ADOPTED TO BE THE ENFORCEMENT FOR NOISE REGULATIONS AND STRIKE THE CURRENT LANGUAGE IN THE CODE. HE STATED THAT ENFORCEMENT WILL OCCUR UNDER THE COMMUNITY DEVELOPMENT/PLANNING DEPARTMENTS. HE NOTED THAT WHILE A SOUND METER IS AVAILABLE FOR BORROWING, THE CITY MAY BE INTERESTED IN PURCHASING THEIR OWN IN THE FUTURE.

PUBLIC HEARING CHAIRPERSON THIEL OPENED THE PUBLIC HEARING AT 7:08 P.M.
NO COMMENTS MADE.

MOTION MOTION BY COMMISSIONER BOUCHARD AND SECONDED BY COMMISSIONER MANEMANN, TO CLOSE THE PUBLIC HEARING. ALL VOTED IN FAVOR AND THE MOTION CARRIED.
THE PUBLIC HEARING WAS CLOSED AT 7:08 P.M.

CHAIRPERSON THIEL AGREED THAT THE CURRENT LANGUAGE IS OUTDATED. HE STATED THAT THE PROPOSED LANGUAGE WOULD BE EASILY ENFORCEABLE.

COMMISSIONER BOUCHARD NOTED THAT DISTANCE FROM THE NOISE ALSO PLAYS A PART IN THE SOUND LEVEL. HE ASKED IF READINGS WOULD BE TAKEN AT EACH OF THE LOCATIONS WHERE HEARING OCCURS AND WHETHER THAT WOULD THEN BE AVERAGED.

THE CITY PLANNER STATED THAT OBSERVATIONS WOULD BE MADE FROM THE NEIGHBORING PROPERTY LINE NEAR THE RESIDENTIAL PROPERTIES. HE NOTED THAT MPCA STAFF HAS BEEN VERY HELPFUL IN THIS PROCESS AND WOULD BE WILLING TO PROVIDE TECHNICAL ASSISTANCE AS WELL.

COMMISSIONER BOUCHARD STATED THAT IT MAKES SENSE TO COME INTO CONFORMANCE WITH NEIGHBORING COMMUNITIES AND WITH THE STATE REGULATIONS. HE ASKED AND RECEIVED CONFIRMATION THAT THE SOUND LEVELS WOULD BE TESTED IF A COMPLAINT WERE RECEIVED. HE STATED THAT IT WOULD MAKE SENSE FOR A BUSINESS TO BE PROACTIVE TO ENSURE THAT THEIR BUSINESS IS WITHIN THE GUIDELINES.

COMMISSIONER BOLTERMAN STATED THAT THIS REMINDS HIM OF THE SCENT METER FOR RESTAURANTS.

THE CITY PLANNER CONFIRMED THAT MEASUREMENTS HAVE BEEN TAKEN FOR THAT TYPE OF ACTIVITY AS WELL.

COMMISSIONER BOLTERMAN ASKED IF OTHER CITIES HAVE TAKEN THE ISSUE TO COURT AND ASKED FOR MORE INFORMATION REGARDING ENFORCEMENT.

THE CITY PLANNER STATED THAT THERE ARE STANDARDS FOR THE MEASUREMENT. HE USED THE EXAMPLE OF COON RAPIDS WHICH HAD A LOUD CAR WASH THAT EXCEEDED THE MEASUREMENTS. HE STATED THAT THE CITY WORKED TO MITIGATE THE NOISE AND PROVIDE A BUFFER.

COMMISSIONER BOLTERMAN STATED THAT THIS APPEARS MUCH BETTER THAN WHAT THE CITY CURRENTLY HAS.

COMMISSIONER LACROIX STATED THAT HE DID NOT SEE PROCEDURES FOR ENFORCEMENT WITHIN THE LANGUAGE AND ASKED IF THAT INFORMATION WOULD BE INCORPORATED INTO ANOTHER ORDINANCE.

THE CITY PLANNER STATED THAT THE CITY WOULD NEED TO DEVELOP THEIR OWN PROCEDURE AND WAS UNSURE IF THE BURDEN WOULD BE PLACED ON THE BUSINESS OWNER OR THE CITY.

COMMISSIONER LACROIX STATED THAT HE WAS CONCERNED THAT IMMEDIATE COMPLAINTS WOULD BE MADE. HE ASKED IF THE CITY WOULD BE HIT SOON WITH PROCEDURAL PROCESS IF THOSE COMPLAINTS COME IN.

THE CITY PLANNER STATED THAT THE CITY HAS NOT YET DEVELOPED THEIR PROCEDURE FOR ENFORCEMENT.

COMMISSIONER LACROIX STATED THAT HIS CONCERN WAS THAT THE BUSINESS COULD BE IN RISK OF IMMEDIATE TERMINATION OF THEIR CONDITIONAL USE PERMIT (CUP) WITHOUT DUE PROCESS.

THE CITY PLANNER CONFIRMED THAT THE CITY WOULD WORK WITH THE BUSINESS OWNER AND ONE COMPLAINT WOULD NOT RESULT IN LOSS OF A CUP. HE STATED THAT CODE ENFORCEMENT IS AIMED AT COMPLIANCE AND NOTED THAT THE CITY IS NOT ATTEMPTING TO FINE OR PUNISH SOMEONE BUT SIMPLY REACH COMPLIANCE. HE NOTED THAT A REASONABLE TIMELINE WOULD BE PROVIDED FOR THE BUSINESS TO

GAIN COMPLIANCE.

COMMISSIONER MANEMANN STATED THAT CURRENTLY THE ORDINANCE HAS THE LIMIT AT 40 AND ASKED IF THERE HAVE BEEN ANY ISSUES AT THE 40 DECIBEL LEVEL.

THE CITY PLANNER STATED THAT THERE HAVE BEEN NO ISSUES AND NOTED THAT THIS ISSUE SIMPLY AROSE FROM THE EL TORO REQUEST.

CHAIRPERSON THIEL STATED THAT AS THE ORDINANCE CURRENTLY STATES SOMEONE WOULD BE IN VIOLATION HAVING A CONVERSATION OVER THEIR FENCE WITH THEIR NEIGHBOR.

COMMISSIONER BOLTERMAN ASKED HOW CONSTRUCTION WOULD BE ADDRESSED AS THAT NOISE COULD EXCEED THE LIMIT FOR MORE THAN ONE HOUR.

THE CITY PLANNER EXPLAINED THAT CERTAIN ITEMS ARE TREATED DIFFERENTLY AND BY DEFINITION ARE ENFORCEABLE THROUGH THE POLICE DEPARTMENT. HE STATED THAT THIS ORDINANCE WOULD NOT ADDRESS LOUD MUSIC FROM A NEIGHBOR AS THAT WOULD FALL UNDER PUBLIC NUISANCE. HE NOTED THAT IN REGARD TO CONSTRUCTION CERTAIN HOURS ARE SET DURING THE PLAN REVIEW PROCESS TO ADDRESS NOISE RESTRICTIONS AND HOURS OF OPERATION.

MOTION

MOTION BY COMMISSIONER BOUCHARD AND SECONDED BY COMMISSIONER TRUESDELL, TO RECOMMEND THAT THE CITY COUNCIL APPROVE OF STRIKING THE LANGUAGE IN SECTION 126-269 REGARDING NOISE AND ADOPTING BY REFERENCE MN RULES 7030, WITH SUGGESTION TO DRAFT POTENTIAL ENFORCEMENT PROCEDURES. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

PROJECT 2016-14:
ORDINANCE
AMENDMENT;
REQUEST FROM THE
CITY OF CHAMPLIN TO
AMEND THE
FLOODPLAIN
ORDINANCE, SECTION
114 OF THE CITY CODE
TO INCORPORATE THE
FLOOD INSURANCE
STUDY, HENNEPIN
COUNTY, MINNESOTA
AND THE
ACCOMPANYING
FLOOD INSURANCE
RATE MAP PANELS
WITH AN EFFECTIVE
DATE OF NOVEMBER
4, 2016

THE CITY PLANNER STATED THAT THE DNR, IN CONSULT WITH FEMA, COMPLETED A NEW FLOOD INSURANCE STUDY FOR HENNEPIN COUNTY WHICH BECOMES EFFECTIVE NOVEMBER 4, 2016. HE STATED THAT TO REFLECT THE NEW STUDY THERE ARE NEW MAP PANELS AND NOTED THAT FEMA REQUIRES THAT THE CITY ADOPT THE NEW INFORMATION IN ORDER TO BE PART OF THE FLOOD INSURANCE PROGRAM. HE STATED THAT THE DNR REVIEWED THE PREVIOUS FLOODPLAIN ORDINANCE OF THE CITY AND RECOMMENDED A NUMBER OF CHANGES TO MEET THE FEMA REQUIREMENTS AND REFERENCE THE NEW MAP PANELS. HE STATED THAT THE FLOOD ELEVATION FOR CHAMPLIN HAS NOT CHANGED AND THEREFORE THE CITY WILL NOT NEED TO PROVIDE NOTICE TO PROPERTY OWNERS. HE RECOMMENDED APPROVAL OF THE ORDINANCE AS PROPOSED.

PUBLIC HEARING

CHAIRPERSON THIEL OPENED THE PUBLIC HEARING AT 7:29 P.M.

NO COMMENTS MADE.

MOTION

MOTION BY COMMISSIONER MANEMANN AND SECONDED BY COMMISSIONER LACROIX, TO CLOSE THE PUBLIC HEARING. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

THE PUBLIC HEARING WAS CLOSED AT 7:29 P.M.

THE CITY PLANNER NOTED THAT FEMA HAS A WEBSITE THAT CONTAINS MAPPING SOFTWARE AND ALLOWS THE USER TO TYPE IN ADDRESSES TO FIND HELPFUL INFORMATION. HE STATED THAT THE SITE IS VERY USER FRIENDLY AND NOTED THAT HE COULD PROVIDE THAT LINK TO THE COMMISSIONERS.

COMMISSIONER BOUCHARD ASKED WHAT WOULD HAPPEN IF THE CITY WERE TO TAKE NO ACTION.

THE CITY PLANNER REPLIED THAT THE CITY WOULD LOSE ITS QUALIFICATION IN THE FEMA FLOOD INSURANCE PROGRAM, WHICH WOULD TAKE AWAY AVAILABLE DISCOUNTS TO PROPERTY OWNERS IN CHAMPLIN.

COMMISSIONER BOUCHARD STATED THAT IT APPEARS THAT THIS WILL SIMPLY BRING THE CITY INTO COMPLIANCE.

CHAIRPERSON THIEL STATED THAT PARTICIPATION IN THE PROGRAM IS IMPORTANT FOR RESIDENTS THAT PARTICIPATE IN THE PROGRAM AS THEY DO RECEIVE A DISCOUNT.

COMMISSIONER MANEMANN ASKED WHY THE STUDY WAS COMPLETED SO RECENTLY, AS THE LAST STUDY WAS DONE IN 2004 AND THE STUDY BEFORE THAT WAS IN 1977.

THE ASSISTANT CITY ENGINEER REPLIED THAT CHANGES IN DEVELOPMENT CAN CHANGE THE FLOODPLAIN AND COULD REMOVE PROPERTIES FROM THE FLOODPLAIN. HE STATED THAT TWO YEARS AGO THE STATE DID TYPOGRAPHY OF THE STATE WHICH PROVIDED BETTER INFORMATION THAN WHAT WAS ORIGINALLY USED IN THE MODELS, NOTING THAT THE NEW INFORMATION IS USED TO DETERMINE CHANGES TO THE FLOODPLAIN AND MAKE ADJUSTMENTS ACCORDINGLY. HE NOTED THAT THE 100 YEAR EVENT INFORMATION HAS ALSO CHANGED THROUGH THE ATLAS 14 MODELING.

MOTION

MOTION BY COMMISSIONER LACROIX AND SECONDED BY COMMISSIONER BITTERMAN, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE AMENDMENTS TO CHAPTER 114 AS PRESENTED IN ORDER TO MAINTAIN THE CITY'S STATUS IN THE NATIONAL FLOOD INSURANCE PROGRAM. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

IT WAS NOTED THAT THE CITY COUNCIL WILL CONSIDER THIS ITEM ON OCTOBER 10, 2016.

OTHER BUSINESS

REPORT ON MILL
POND DAM – FLOOD
PLAIN LETTER OF MAP
AMENDMENT

THE ASSISTANT CITY ENGINEER STATED THAT FOLLOWING THE LAST AGENDA ITEM STAFF THOUGHT IT WOULD BE BENEFICIAL TO DISCUSS THE CURRENT FLOODPLAIN IN CHAMPLIN AND THE CHANGES MADE FOLLOWING THE CONSTRUCTION OF THE NEW ELM CREEK DAM. HE REVIEWED THE RESULTS OF THE ELM CREEK FLOOD STUDY THAT WAS DONE PRIOR TO THE PROJECT AND THE PRESENTATION THAT WAS DESIGNED AT THAT TIME. HE NOTED THAT THE FLOODPLAIN DID NOT CHANGE A LOT DURING THE STUDY BECAUSE OF INACCURACIES THAT WERE IDENTIFIED IN THE STUDY. HE STATED THAT THERE WAS SIGNIFICANT CHANGE IN THE FLOOD FRINGE AND IDENTIFIED AREAS THAT WERE ABLE TO BE REMOVED. HE STATED THAT THE THREE IMPROVEMENTS THAT WERE, OR ARE GOING TO BE COMPLETED, AS PART OF THE ELM CREEK DAM PROJECT WILL CHANGE THE FLOOD FRINGE FOR ABOUT 60 ADDITIONAL PROPERTIES. HE STATED THAT THE FLOOD INSURANCE RATES WILL ALSO CHANGE FOR THOSE PROPERTIES, ONCE THE LETTER OF MAP REVISION (LOMR) IS RECEIVED FROM FEMA. HE STATED THAT THE CITY IS CURRENTLY IN THE PROCESS OF GATHERING INFORMATION FOR THE LOMR FOR THE TWO PARTS OF THE PROJECT COMPLETED AND NOTED THAT ONCE THE FINAL IMPROVEMENT IS COMPLETED HE BELIEVED THAT THE INFORMATION WOULD BE READY TO SEND TO FEMA IN EARLY 2017. HE NOTED THAT FEMA COULD TAKE SEVERAL MONTHS TO RESPOND. HE PROVIDED PHOTOGRAPHS OF THE DAM FOLLOWING THE RECONSTRUCTION AND HIGHLIGHTED IMPROVED ELEMENTS. HE STATED THAT STAFF IS WORKING STEADY TO COMPLETE THE WORK THAT HAS BEEN STARTED AND SUBMIT THE INFORMATION TO FEMA FOR THE LOMR.

CHAIRPERSON THIEL THANKED THE CITY AND STAFF FOR THEIR EFFORTS, NOTING THAT THE DAM AND ROADWAY ARE GREAT IMPROVEMENTS. HE ASKED IF THERE WERE PLANS TO IMPROVE THE LIGHTING.

THE ASSISTANT CITY ENGINEER REPLIED THAT STAFF IS STILL WORKING WITH THE LIGHTING.

CHAIRPERSON THIEL NOTED THAT THIS PROJECT WOULD SAVE THE CITY FUNDS AS WELL AS PROPERTY AND BUSINESS OWNERS THAT MAY HAVE A CHANGE IN THEIR FLOOD INSURANCE STATUS AND/OR RATES.

ADJOURN
MOTION

MOTION BY COMMISSIONER TRUESDELL AND SECONDED BY COMMISSIONER LACROIX, TO ADJOURN THE MEETING. ALL VOTED IN FAVOR AND THE MOTION CARRIED. THE CHAMPLIN PLANNING COMMISSION MEETING ADJOURNED AT 8:01 P.M.

ROBERT J. THIEL, CHAIRPERSON

ATTEST:

SCOTT SCHULTE, CITY PLANNER