

Regular Session
June 22, 2015
Municipal Center

- Call to Order The Champlin City Council met in Regular Session and was called to order by Mayor ArMand Nelson at 7:00 p.m.
- Pledge of Allegiance The Pledge of Allegiance was recited.
- Roll Call Present were Mayor ArMand Nelson and Councilmembers Eric Johnson, Ryan Karasek, Bruce Miller and Kara Terry.
- Absent: None.
- Also present were City Administrator Bret Heitkamp, Community Development Director John Cox, City Engineer Tim Hanson, Chief of Police David Kolb, Park Facilities Manager Charlie Lehn, Assistant City Engineer Todd Tuominen, City Planner Scott Schulte, Assistant Finance Director Reidun Zollicoffer, City Attorney Scott Lepak and City Clerk Roberta Colotti.
- Approval of Agenda
(June 22, 2015)
Motion Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the agenda for the June 22, 2015 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Approval of Minutes
Motion Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the minutes of the June 8, 2015 Worksession and June 8, 2015 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Approval of Bills
(June 22, 2015)
Motion Motion by Councilmember Miller and seconded by Councilmember Terry to approve the bills as submitted for payment on June 22, 2015. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Announcements Mayor Nelson made the following announcements:
- City Hall will be closed on Friday, July 3rd.
 - Farmers Market – July 8th through October 7th from 9:00 a.m. – 1:00 p.m. at the Ice Forum parking lot.
 - Council Worksession – Monday, July 13th at 5:45 p.m. in the Council Conference Room.
 - City Council Meeting – Monday, July 13th at 7:00 p.m. in the Council Chambers.
- Special Presentations
- Three Rivers Park District Update: Commissioner DeJournett Three Rivers Park District, Jennifer DeJournett, Commissioner District 2, reviewed the mission of the Park District. She highlighted the regional parks, such as the Elm Creek Park, and regional trails, such as the Rush Creek Regional Trail. She identified challenges to the parks and trails and explained that it is important for the Park District to have partnerships. She highlighted some of the programs that were able to be funded through partnership activity. She provided an update on the activity within the parks in her district including Elm Creek Park and the Coon Rapids Dam Regional Park. She advised that the walkway across the Mississippi River will re-open on July 1st. She stated that there will be public engagement activities this summer in order to gain input as the Park District is beginning the process to update the master plan for the Coon Rapids Dam Regional Park.
- Councilmember Miller asked that the Three Rivers Park District organizational structure be explained for the viewing public.
- Commissioner DeJournett explained how the Commission is appointed/elected and stated that the Park District would compare to the level of a municipality in terms of a legal structure, and runs similarly to a City Council.

Councilmember Terry asked what the plans were to alleviate the winter month's traffic congestion at the ski chalet located at the Elm Creek Park.

Commissioner DeJournett stated that the design for the park accommodates an expansion, although that is not included in the five or ten year plans for the park. She stated that the Park District is waiting to gauge full usage with the changes to facilities throughout the park system. She stated that there is a shuttle bus in use at the park to address the parking issues as well.

Councilmember Karasek referenced the Elm Creek single track, which he thinks is an amazing amenity to the community. He stated that the dog park is also an amazing amenity and noted that park should be listed as being located in Champlin.

Commissioner DeJournett stated that the Park District has a new Marketing Communication Director and that she will pass the request to include the park address to that staff member.

Councilmember Johnson referenced a roadway located within the Park District that is highly used and in poor condition. He questioned if the Park District plans to improve that roadway.

Commissioner DeJournett stated that she research that issue and report back.

Mayor Nelson stated that he would hope the Champlin Parks and Recreation Commission would be able to review the master plan for the Coon Rapids Dam Regional Park when the plan is drafted.

Commissioner DeJournett stated that the Park District does have a plan to engage the community and gather information for the mast plan during the summer. She stated that the Park District is planning to visit member cities and can attend a meeting of the City's choosing.

Councilmember Karasek referenced the bee friendly item next on the agenda tonight and invited Commissioner DeJournett to stay for that presentation and encourage her to support bee friendly practices within the Park District.

The City Administrator commended the Three Rivers Park District for their choice of an Administrator, referencing the great working relationship the City has had, and expects to continue to have, with the District.

Presentation of Proclamation Designating Champlin as a "Bee Safe City"

The City Clerk read the "Bee Safe City" Proclamation into the record.

Bee Friendly Task Force member, Geri Nelson, stated that Task Force was setup through the League of Women Voters in January. She introduced other members present including Dick Brown and Gina Magnuson. She highlighted the activities and accomplishments of the Task Force during the past five months. She thanked the City for all of their work on this issue. She stated that Champlin would be one of the first five cities in the nation to become a "Bee Friendly City".

Motion

Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the proclamation identifying Champlin as a "Bee-Safe City". Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Overview of Worksession Discussion

The City Administrator provided an overview of the discussion that occurred earlier in the evening at the Council Worksession regarding the Storm Water Infrastructure Fund. He stated that the Council also began discussions regarding the 2016 budget guidelines, specifically revenue and expense assumptions. He highlighted the timeline for the budget process.

Consent Agenda

Adopt Ordinance No. 751 Amending Chapter 42: Parks and Recreation and Ordinance No. 752 Amending Chapter 22: Fees

Councilmember Johnson introduced the following ordinance and moved its adoption:

An Ordinance Amending Chapter 42: Parks and Recreation

The motion for the adoption of the ordinance was duly seconded by Councilmember Miller, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers,

Johnson, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said ordinance was passed this 22nd day of June 2015.

Councilmember Johnson introduced the following ordinance and moved its adoption:

An Ordinance Amending Chapter 22: Fees

The motion for the adoption of the ordinance was duly seconded by Councilmember Miller, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers, Johnson, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said ordinance was passed this 22nd day of June 2015.

Appointment of Police Officer
Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to authorize the appointment of Caitlyn Amundson to the position of full-time Police Officer effective July 6th, 2015 conditional on successful completion of physical and psychological testing. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Resolution No. 2015-48
Approving the Plans and Specifications and Ordering the Advertisement of Bids for the 2015 Mill and Overlay (Improvement Project No. 21505)
Resolution 2015-48

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Approving Plans and Specifications and Ordering the Advertisement of Bids for the 2015 Mill and Overlay (Improvement Project No. 21505)

The motion for the adoption of the resolution was duly seconded by Councilmember Miller, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers, Johnson, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of June 2015.

Open Forum

No comments made.

Public Hearings

Resolution No. 2015-49
Accepting Part 2 of the City of Champlin Wellhead Protection Plan for Submission to the Minnesota Department of Health (Improvement Project No. 21307)

The City Engineer provided background information on the wellhead protection program, including the elements that are accomplished through Part 1 and Part 2 of the process and goals found under Part 2 of the City's plan. He reviewed the plan of action that includes well management, public education, storage tank management, shallow disposal wells, hazardous waste management, data collection, water conservation, implementation and evaluation. He reviewed the next steps that will be followed in order for the Council to formally adopt and implement the plan.

Public Hearing

Mayor Nelson opened the public hearing at 7:44 p.m.

No comments made.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Terry to close the public hearing at 7:45 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Councilmember Johnson questioned when this item would come back for formal adoption.

The City Engineer believed the item would come back in approximately 60-days.

Mayor Nelson questioned the number of un-capped wells in the City.

The City Engineer stated that while he did not have the report with him this evening the City does maintain a record of the number and location of wells within the City.

Councilmember Miller questioned the effect on the City's water supply of the odd/even water ban.

The City Engineer stated that the City aquifers are maintaining their level quite well and that the odd/even water ban plays a part in that.

Councilmember Miller questioned if the program is free or whether there is a cost.

The City Engineer stated that the program is not free, although he noted that the Department of Health does offer grants from time to time. He explained that the initial cost in locating the wells occurred during the first ten years of the plan and today the City simply tracks that information and now focuses on education.

Motion

Councilmember Terry introduced the following resolution and moved its adoption:

A Resolution Accepting Part 2 of the City of Champlin Wellhead Protection Plan for Submission to the Minnesota Department of Health (Improvement Project No. 21307)

The motion for the adoption of the resolution was duly seconded by Councilmember Miller, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers, Johnson, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of June 2015.

New Business

First Reading of Ordinance Approving a Rezoning from Single Family Residential (R-1) to Commercial Neighborhood (CN); and

The City Planner stated that the property located at 111 Dean Avenue was last occupied by the Anoka Hennepin School District in 2009 and is now being used for storage. He stated that the request tonight comes from Lil' Newton's Nest. They have additional locations in Plymouth and Maple Grove. He stated that the Plymouth facility is also a reuse of a former elementary school. He stated that the requests tonight include a rezoning of the property from R-1 to CN and a conditional use permit, as a daycare facility would be allowed as a conditional use within the CN zoning district.

Resolution No. 2015-50 Approving a Conditional Use Permit for a Daycare Facility at 111 Dean Avenue (Former Champlin Elementary Site): Luke and Alyssa McGregor, Lil' Newton's Nest (Project 2015-13)

The City Planner reviewed the previous use and parking plan of the elementary school to the use and parking plan proposed by the applicant. He also referenced the use and parking provided at the Plymouth site, noting that staff believes the proposed parking to be adequate. He noted that there would be additional options for parking, should the need be demonstrated.

The City Planner stated that a list of landscape improvements has been included as conditions and highlighted some additional aspects that would be required under the applicant's licensing. He stated that the applicant would be able to post a sign on the building in addition to a detached sign, noting that the applicant has not yet submit such plans but the signs will need to meet the requirements of the sign ordinance.

The City Planner explained that the site is really composed of three parcels and as a part of this process the site would be re-platted in order to form one site with correct right-of-way.

The City Planner referenced the playground equipment found on site, which has been an asset for the neighboring homes, and noted that staff is exploring the opportunity to work with the applicant to offer the play equipment to the public during their off hours.

The City Planner stated that the Planning Commission held a public hearing on June 15th and the Commission unanimously recommended approval of the requests and had encouraged the applicant to work with the City in attempt to allow public use of the playground equipment during off hours. He stated that staff recommends approval of the two requests from the applicant.

Councilmember Karasek stated that this is a fantastic project and many of the residents are happy to see a new use for that building. He stated that when he visited the site there were security precautions discussed and noted that has concern with the security of the playground. He stated that the fencing proposed is four feet high and suggested that perhaps a more substantial fence be installed at some time in the future. He stated that the playground is an asset to the neighbors and asked that the applicant continue to work with staff to determine if the equipment could be made available to the public after hours.

Councilmember Johnson thanked the applicant for hosting the tour. He stated that he also shares

concern with the four-foot fence and would suggest a six-foot fence.

Councilmember Terry stated that she is excited to see this project move forward and noted that this use would be a great fit for the building.

Mayor Nelson agreed that this would be a great fit the community and t neighborhood.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the first reading of an Ordinance approving a rezoning from single family residential (R-1) to Commercial Neighborhood (CN) for the property located at 111 Dean Avenue. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Resolution 2015-50

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Approving a Conditional Use Permit to Operate a Day Care Facility at 111 Dan Avenue

The motion for the adoption of the resolution was duly seconded by Councilmember Karasek, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers, Johnson, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of June 2015.

The Community Development Director requested the applicant outline their timeline for the viewing public.

Alyssa McGregor reviewed the timeline and stated that hopefully they will be licensed by August 3rd. She stated that more information can be found at the website www.lnnest.com.

Resolution No. 2015-51
Approving an Amendment
to the Conditional Use
Permit for Willy McCoy's
Bar and Grill to Convert
an Outdoor Gazebo to a
Full Service Bar and
Resolution No. 2015-53
Denying a Request to
Extend Patio Hours Past
10:00 p.m.: Tom
DeQuattro (Project No.
2015-12)

The City Planner stated that last fall the City approved a request from Willy McCoy's for a conditional use permit (CUP) to open their restaurant in the former American Legion site. He stated that this spring the business brought forward a request to construct an outdoor gazebo on the patio, which was approved by the City Council. He stated that the business is now requesting an amendment to the CUP to convert the outdoor gazebo into a full service bar and to extend the outdoor patio hours from the current 10 p.m. to midnight.

The City Planner referenced the time extension and noted two other similar restaurants that are located in residential neighborhoods also have 10:00 p.m. closing times for their patios. He stated that staff does not see that anything has changed and therefore do not support the outdoor hour extension at this time. He stated that staff would welcome the request the following year when one full year of operation is under the belt of the business.

The City Planner stated that the business does have a site in Ramsey, which has an outdoor gazebo that is used as a full service bar and noted that Ramsey City staff have not received any complaints. He explained that the full service outdoor bar would be more efficient for the business and its patrons, noting that alcohol is already served on the patio it is simply being brought out from the inside. He stated that staff would support the conversion of the outdoor gazebo into a full service bar. He stated that the business owner explained that alcohol is not stored in the outdoor bar and is instead brought inside each night.

The City Planner reported that the Planning Commission held a public hearing at their meeting the previous week and advised that two residents of the neighboring townhome association spoke against the request to extend the patio hours. He stated that the business owner stated that he would be amenable to an 11:00 p.m. closing time instead of the requested midnight.

The City Planner stated that the Planning Commission recommended approval of the conversion of the gazebo to an outdoor bar but were split on the decision regarding the closing time of the patio. He stated that ultimately the Commission recommended that the outdoor bar close at 10:00 p.m. but allow the patio to remain open until 11:00 p.m. with a vote of 6-2. He stated that staff recommends that the Council approve the decision to convert the gazebo into a full service bar but not extend the patio hours past 10:00 p.m.

Councilmember Johnson questioned if the outdoor bar is ready to go.

The City Planner stated that electricity and plumbing were installed when the gazebo was constructed. He noted that some additional aspects would be needed but the outdoor bar would be ready to go quickly.

Councilmember Johnson questioned why the one Planning Commissioner abstained from voting on this matter.

The City Planner explained that Commissioner Bolterman works for the Hennepin County Department of Health and has been advised by his employer that he should abstain from voting on this request as he could be the one sent to inspect the site.

Councilmember Karasek questioned if there were any comments from the City of Ramsey staff regarding the Ramsey location.

The City Planner replied that the Ramsey site specifies that the patio can remain open during business hours but the music must be turned off at midnight.

Councilmember Karasek stated that he attended the Planning Commission meeting and commended Commissioner Elliott for crafting the compromise in a deadlock situation.

Councilmember Miller stated that he also likes the compromise but questioned how that would be enforced. He stated that there is a good buffer on that site with the trees and patio wall, which would set this location apart from other similar neighborhood locations. He stated that he did not think that this request would come before the Council so soon, as his thought was that it would be a year before such a request would be considered.

Councilmember Terry stated that she also thought the agreement was one year would pass before a change to the patio hours would be requested.

Councilmember Karasek stated that he received a comment from one of the residents in opposition to the patio hour extension that thought the motion from the Planning Commission was an acceptable compromise. He agreed that enforcement could be an issue but noted that the City would have the option to revoke the CUP time extension if need be.

Mayor Nelson stated that he spoke with residents in the adjacent townhome neighborhood that stated they would like the patio to close at 10:00 p.m. He believed that the patio should be monitored through this year and an hour extension could then be considered the following year.

Councilmember Karasek asked how the business planned to clear the patio at 10:00 p.m.

Tom DeQuattro stated that servers try not to serve food on the patio later in the evening in attempt to avoid people having food on the patio past 10:00 p.m. He stated that patrons do use the patio for smoking after 10:00 p.m. and noted that it would be illogical to tell patrons that they can smoke in the parking lot but not on the patio. He stated that during the summer hours it remains light until after 10:00 p.m. He stated that he liked the compromise recommended by the Planning Commission as it would be easier for him to close the outdoor bar at 10:00 p.m. and allow people to work their way inside by 11:00 p.m.

Councilmember Karasek questioned what is done with the patrons if there is no room inside when the patio closes.

Mr. DeQuattro stated that there would be room inside, explaining that the inside capacity does not include the patio as an extension.

Councilmember Johnson referenced the letter from the Police Chief and his concern with the fencing of the patio and underage drinking and questioned if the concern was regarding the fence around the patio or the outdoor bar itself.

The Police Chief stated that his concern would be in theory a minor could walk up to the patio and receive a drink passed from inside the fence.

Councilmember Miller stated that there have not been any problems and he did not see a reason why the hours could not be extended at this time. He noted that if there are concerns, future CUP amendments can be made by the City.

Resolution 2015-51

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Approving an Amendment to the Conditional Use Permit for Willy McCoy's Bar and Grill to Convert an Outdoor Gazebo to a Full Service Bar, 12450 Business Park Boulevard
(Project 2015-12)

The motion for the adoption of the resolution was duly seconded by Councilmember Karasek, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers, Johnson, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of June 2015.

Resolution 2015-52

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Approving an Amendment to the Conditional Use Permit for Willy McCoy's Bar and Grill to Extend the Outdoor Patio Hours, 12450 Business Park Boulevard
(Project 2015-12)

The motion for the adoption of the resolution was duly seconded by Councilmember Miller, and upon vote being taken thereon, the following voted in favor thereof: Councilmembers, Johnson, Karasek and Miller, and the following voted against the same: Mayor Nelson and Councilmember Terry, whereupon said resolution was passed this 22nd day of June 2015.

Adjournment

The Champlin City Council adjourned the regular meeting at 8:34 p.m.

Attest:

ArMand Nelson, Mayor

Roberta Colotti, CMC, City Clerk