

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
August 22, 2016
Municipal Center

- Call to Order The Champlin City Council met in Regular Session and was called to order by Mayor ArMand Nelson at 7:05 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, Assistant City Engineer Todd Tuominen, City Planner Scott Schulte, City Attorney Scott Lepak and City Clerk Roberta Colotti.
- Special Guests Attending: Planning Commission Representative David Bouchard, City Council Candidate (Ward 4) Ryan Sabas and City Council Candidate (Ward 4) Rebecca Halling.
- Approval of Agenda (August 22, 2016) Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the agenda for the August 22, 2016 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Motion
- Approval of Minutes Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the minutes of the August 8, 2016 Work Session and August 8, 2016 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Motion
- Approval of Bills (August 22, 2016) Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the bills as submitted for payment on August 22, 2016. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Motion
- Announcements Mayor Nelson made the following announcements:
- Budget Worksession – Tuesday, August 30th at 6:00 p.m. in the Council Conference Room.
 - Mississippi Commons/Crossings Open House – Thursday, September 8th from 5 to 7:30 p.m. at Mississippi Point Park.
 - Council Worksession – Monday, September 12th at 5:45 p.m. in the Council Conference Room.
 - City Council Meeting – Monday, September 12th at 7 p.m. in the Council Chambers.
 - 2016 Champlin Farmers Market – Will take place on Wednesdays now through October 12th from 9 a.m. to 1 p.m. at the Ice Forum parking lot.
- Consent Agenda
- Resolution No. 2016-57 Councilmember Miller introduced the following resolution and moved its adoption:
- Declaring Cost to be Assessed and Ordering Preparation of the Assessment Roll for the Brittany Drive Area Mill and Overlay (Improvement Project No. 21508)
- A Resolution Declaring Cost to be Assessed and Ordering Preparation of the Assessment Roll for the Brittany Drive Area Mill and Overlay (Improvement Project No. 21508)
- The motion for the adoption of the resolution was duly seconded by Councilmember Terry, 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 August 2016.
- Resolution 2016-57
- Approve Appointment to Vacant Public Service Worker Position Motion by Councilmember Miller and seconded by Councilmember Terry to appoint Mr. Erick Babst to the position of Public Service Worker for the Parks and Public Works Department at Step 4 of the Public Works Career Development Program/Union Contract. With a minimum 6-month probationary period. The

Motion appointment is contingent upon successful completion of a City provided pre-employment physical and drug screen, driver's license check, criminal background check and past two-years drug and alcohol testing history. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Approve Change Order No. 1 for Mississippi River Shoreline Stabilization (Improvement Project No. 21509) Motion by Councilmember Miller and seconded by Councilmember Terry to approve Change Order No. 1 for the Mississippi Shoreline Stabilization, Improvement Project No. 21509 in the amount of \$54,167.20 with costs to be funded through the Disaster Recovery Assistance program, City of Champlin and Elm Creek Watershed. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Open Forum
Complement on City Landscaping Open Forum
Jerry Holm, 6524 119th Place, stated that he has lived in Champlin for 53 years and commended the Council on the landscaping, flowers and boulevards.

Approve Resolution No. 2016-58 Amending Resolution No. 2016-51 Multifamily Housing Revenue Notes to Finance the Legends of Champlin Project Public Hearings
The Community Development Director stated that this is an expansion of a public hearing that was conducted earlier this summer. He explained that the bond amount has increased because of lack of funding from the State and noted that there is no risk to taxpayer or City.

Public Hearing Mayor Nelson opened the public hearing at 7:10 p.m.

No comments made.

Motion Motion by Councilmember Johnson and seconded by Councilmember Miller to close the public hearing at 7:10 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Councilmember Karasek highlighted the additional fee revenue the City would receive through this financing agreement.

Resolution 2016-58 Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Amending Resolution No. 2016-51 With Respect to the Issuance, Sale and Delivery of its Multifamily Housing Revenue Notes in an Aggregate Principal Amount not to Exceed \$31,000,000 to Finance the Legends of Champlin Project; Adopting a Second Amended and Restated Housing Program Pursuant to Minnesota Statutes, Chapter 462C; and Approving the Revised Forms of and authorizing the Execution and Delivery of the Multifamily Housing Revenue Notes and Related Documents

The motion for the adoption of the resolution was duly seconded by Councilmember Johnson, 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 August 2016.

Motion Motion by Councilmember Miller and seconded by Councilmember Johnson to approve the revised forms and authorizing the execution and delivery of the multifamily housing revenue notes and related documents. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Resolution No. 2016-59 Approving the Preliminary and Final Plat of Emery Reserve 2nd Addition: Calco Comprehensive New Business
The City Planner presented a re-plat of an existing lot developed in 2009, which was originally planned as a condominium site within Emery Village. He stated that there have been changes in federal law regarding financing of condominiums which is why the developer would like to convert to townhomes. He noted that this is similar to a request the Council considered and approved earlier this year. He stated that the townhomes will be consistent with the overall design image of Emery Village and explained that there would be a change to utilities. He noted that individual sewer and water services would be provided to each

Development LLC
(Project 2016-17)

individual townhome lot. He noted that a homeowner's association would be required to address maintenance of common areas. He stated that the Planning Commission reviewed this item the previous week and recommended unanimous approval subject to the conditions noted in the staff report.

Mayor Nelson asked if there are additional plats that will come forward or whether this will be the last one.

The City Planner explained that the four vacant lots that were acquired by the applicant include this lot, the lot that was already converted to townhomes, a lot that was already built, and another lot that would need to remain as condominiums.

Resolution 2016-59

Councilmember Terry introduced the following resolution and moved its adoption:

A Resolution Approving the Preliminary and Final Plat of Emery Reserve 2nd Addition

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 August 2016.

First Reading of a Zoning Ordinance Amendment to Section 126-195 of the Zoning Ordinance Regarding Dividing Two Family Dwellings (Project 2016-18)

The City Planner stated that Section 126-195 of the Zoning Ordinance establishes the requirements for dividing two-family dwellings into single parcels of record with a party wall acting as the dividing lot line. He stated that in January of this year, Habitat for Humanity was donated a twin home and is looking to divide the property to promote homeownership. He explained that the request falls short of the minimum lot size to split the property. He explained that the code amendment was requested to support the ability to divide the property. He noted that a code provision was found in Prior Lake which would be applicable and explained that the minimum lot size requirements could be waived in these types of situations. He explained that the change in code would bring the lots into conformance when divided, which would assist in the homeowner's ability to gain financing and also promote homeownership. He stated that the Planning Commission held a public hearing the previous week where Mike Nelson of Habitat for Humanity spoke in support of the request.

Councilmember Miller asked how many properties would be impacted by this change.

The City Planner replied that 22 existing properties would benefit from this change.

Councilmember Johnson questioned the approval process for future properties seeking a lot split.

The City Planner explained that future applicants would follow the planning process for a lot split and therefore would come before the Planning Commission and City Council.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the first reading of an Ordinance Amending Section 126-195 of the Zoning Ordinance Regarding Dividing Two Family Dwellings. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Ordinance No. 769 Adding Section 126-9 to the Zoning Ordinance Opting Out of the Requirements of Minnesota Statutes, Section 462.3593; City of Champlin (Project 2016-19)

The City Planner stated that in this year's legislative session, a bill was passed requiring cities to allow temporary accessory dwelling units on residential property to serve as a temporary family health care dwelling. The legislation sets forth a short term care alternative for a "mentally or physically impaired person", by allowing them to stay in a "temporary dwelling" for up to 12-months on a relative or caregiver's property. The law exempts applications from typical zoning and building authority and requires cities to approve them within 15 days. The law also provides that cities may opt out of the law by ordinance. The new law goes into effect on September 1, 2016 for cities not opting out.

He stated that the Planning Commission reviewed this matter and recommends opting out. He noted that there was one dissenting vote, Commissioner Costello, who voted against the recommendation to opt out as a way to express his interest in the City considering a future Code amendment supporting temporary dwelling units.

He stated that staff recommends that the Council waive the first reading, conduct the second reading and adopt Ordinance No. 769.

Councilmember Johnson suggested that a question be added to the 2017 Resident Survey regarding interest in allowing for temporary accessory dwelling units on residential property.

Mayor Nelson stated that if the City chooses to opt out of the State regulations, they must do so by September 1st, but noted that should there be interest in allowing temporary dwellings the City can still pursue their own regulations.

Councilmember Terry stated that because survey respondents are likely to only support allowing temporary dwelling units if they have a current need. That the City Council also considers the broader potential future demand for such units. She noted the high costs of nursing home care and health care costs which make these type of units attractive for families.

Ordinance 769

Councilmember Johnson made a motion to waive first reading of an ordinance, conducted the second reading and moved its adoption:

Ordinance No. 769 Adding Section 126-9 to the Zoning Ordinance Opting Out of the Requirements of Minnesota Statutes, Section 462.3593

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 August 2016.

Resolution No. 2016-60
Accepting the Feasibility
Study and Ordering a
Public Hearing for 2017
Street Improvements
(Improvement Project No.
21603)

The City Engineer presented the Feasibility Study for the 2017 street improvements and highlighted the proposed project areas including the pavement rating and proposed improvements. He stated that when street projects are proposed the street lighting is also reviewed and noted that there are some locations where the pole spacing is inadequate and advised of a street lighting request received in the past. He reviewed the sanitary sewer and watermain infrastructure conditions and improvements. He summarized the proposed improvements for the streets, drainage, street lights, sanitary sewer and sanitary sewer forcemain. He reviewed photographs of similar improvements that have been done in other areas of the City. He stated that the Ice Forum parking lot would be included in the project, noting that the easterly parking area would be repaired in addition to improvements for the access and egress areas. He reviewed the proposed improvements for the Ice Forum parking lot and access modifications. He reviewed the estimated project cost, a total of \$3,497,310, and the proposed funding which would include City funding and assessments. He reviewed the preliminary assessment estimates and preliminary project schedule.

Councilmember Karasek referenced the proposed project schedule and asked if there is an estimated end date for the construction.

The City Engineer estimated that this would be a two- to three-month project, noting that the project could be done by the end of July depending upon the start date.

Councilmember Karasek asked for clarification on the assessment policy, specifically which side properties are assessed on for those with double frontage.

The City Engineer noted that there are a fair amount of double frontage lots in the proposed project area and explained how the assessment is determined, noting that properties are only assessed for one frontage and not both roadways.

Councilmember Miller requested the justification for including the Ice Forum with the Street projects.

The City Engineer stated that cost savings is part of the reason the projects are being combined, but noted that when street projects are completed, a lot of reclaim material is generated which will serve as a base for the Ice Forum project.

Councilmember Miller asked if the Park and Recreation Commission has reviewed the proposed Ice Forum parking lot improvements.

The City Engineer stated that the Parks Facilities Manager reviewed the draft plan being presented this evening and that the Park and Recreation Commission would be consulted prior to construction, specifically regarding the proposed round-a-bout.

The City Administrator noted that the Park and Recreation Commission recommended approval of the CIP which included this project.

Councilmember Miller asked if posts would be added to the trail when reconstructed, to prevent people from using that as a driveway.

The City Engineer stated that while staff would like to stay away from using a bollard, but noted that may be necessary and could be installed in the future if needed.

Resolution 2016-60

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Accepting the Feasibility Study and Ordering a Public Hearing for 2017 Street Improvements (Improvement Project No. 21603)

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 August 2016.

Approve Plans and Memorandum of Understanding for West Mississippi Watershed Management Organizations Iron and Biochar Enhanced Filter Project

The Assistant City Engineer stated that the City has the opportunity to participate in the West Mississippi Watershed Management Organization iron and biochar enhanced filter project. He stated that there will be projects throughout the metro and advised that these projects would research whether biochar would help to reduce bacteria and the iron enhanced sand would remove phosphorus. He explained how the project would function, noting that ultimately the water will run to the Mill Pond. He stated that the project is a research project but noted that farmers have used biochar to achieve proper PH balance on their cropland and charcoal has been used in water filters. He stated that this began as a lab project at the University of Minnesota and it was shown to remove bacteria and phosphorus. He reviewed some of the research questions that will be answered through these field study projects. He described invasive species that would be removed through the project, noting that over the next few years this pond is identified as a focus for improvement. He recommended approval of the plans as proposed and the Memorandum of Understanding with the Watershed.

Councilmember Johnson questioned the term of the research project.

The Assistant Engineer replied that it would be about three years for the research project, noting that if the results are inconclusive it could be continued longer. He noted that the City would then continue with maintenance. He noted that while the research is being completed they are asking that the City does not complete additional maintenance activities.

Councilmember Miller asked if there are any downsides for the City.

The Assistant City Engineer stated that using biochar has the potential to negatively change the PH of the water.

Mayor Nelson asked if the biochar would need to be replaced in the future.

The Assistant City Engineer stated because the end product is neutral there would not be a need to remove the soil following the project and the left over material could be treated like any other soil.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the Iron and Biochar Enhanced Sand Filter Project Plans and the Memorandum of Understanding as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Adjournment

The Champlin City Council adjourned the regular meeting at 8:06 p.m.

ArMand Nelson, Mayor

Attest:

Roberta Colotti, CMC, City Clerk