

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
September 22, 2014
Municipal Center

- Call to Order The Champlin City Council met in Regular Session and was called to order by Mayor ArMand Nelson at 7:02 p.m.
- Pledge of Allegiance The Pledge of Allegiance was recited.
- Roll Call Present were Mayor ArMand Nelson and Councilmembers Eric Johnson, Ryan Karasek and Bruce Miller.
- Excused Absent: Councilmember Kara Terry.
- Also present were City Administrator Bret Heitkamp, Community Development Director John Cox, City Engineer Tim Hanson, Assistant City Engineer Todd Tuominen, Park Facilities Manager Charlie Lehn, City Planner Scott Schulte, City Attorney Scott Lepak and City Clerk Roberta Colotti.
- Approval of Agenda
(September 22, 2014)
Motion Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the agenda for the September 22, 2014 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.
- Approval of Minutes
Motion Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the minutes of the September 2, 2014 Worksession and September 8, 2014 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.
- Approval of Bills
(September 22, 2014)
Motion Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the bills as submitted for payment on September 22, 2014. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.
- Announcements Mayor Nelson made the following announcements:
- Budget Work Session – Monday, September 29th at 6:00 p.m. in the Council Conference Room.
 - Meet the Candidates Forum, sponsored by the League of Women Voters and the Champlin Women of Today – Thursday, October 2nd from 6:30 to 8:30 p.m. in the Council Chambers.
 - Budget Work Session – Wednesday, October 8th at 5:30 p.m. in the Council Conference Room
 - City Hall closed on Monday, October 13th for Columbus Day holiday.
 - Council Worksession – Tuesday, October 14th at 5:45 p.m. in the Council Conference Room.
 - City Council Meeting – Tuesday, October 14th at 7:00 p.m. in the Council Chambers.
 - The Farmers Market will be held every Wednesday through October 8th from 9:00 a.m. to 1:00 p.m. at the Ice Forum parking lot.
- Overview of EDA
Worksession Discussion
(Sept. 22nd at 5:45 p.m.) Special Presentations
The Community Development Director reported that representatives of Cassidy Turley gave an update on the marketing effort related to the Mississippi Crossings project to the EDA Board. In addition the EDA Board heard a presentation from staff regarding vacant commercial highway parcels and will be considering additional land use options for these parcels at a future meeting.
- Consent Agenda
Councilmember Karasek requested to pull Item #4, " Approve Contractor for 2014 Trail Reconstruction Projects", from the consent agenda for further discussion.
- Reschedule October 13th
Council Meeting to
October 14th due to Motion by Councilmember Miller and seconded by Councilmember Karasek to approve rescheduling the Monday, October 13th City Council meeting to Tuesday, October 14th due to the Columbus Day holiday. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting

Columbus Day Holiday
Motion

against: none. Motion carried.

Accept Resignation of
Police Officer Crocker
and Approve Hiring of
Lindsay Hicken
Motion

Motion by Councilmember Miller and seconded by Councilmember Karasek to accept the resignation of Brittany Crocker and approve the hiring of Lindsay Hicken for the position of Police Officer, conditional on successful completion of physical and psychological testing. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Approve Contractor for
2014 Trail Reconstruction
Projects
Motion

Councilmember Karasek asked for additional information on the trail project.

The Park Facilities Manager explained that staff intended to do some maintenance and updating at Brittany Park but noted that project has been delayed and therefore staff believes that it would be best to place those funds towards other infrastructure in the City in need of maintenance, identifying trail segments that were in need.

Councilmember Karasek stated that he often bikes the trail segment that is identified to be added to the project and acknowledged that it is in need of maintenance. He commended staff for their efforts on managing this project.

Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the trail reconstruction segments and approve C & S Blacktopping Inc. as the contractor for the reconstruction project at a cost of \$82,700. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Massage Therapist
License for Yer Yang at
Healing Hands Massage,
LLC
Motion

Motion by Councilmember Miller and seconded by Councilmember Karasek to approve a massage therapist license for Yer Yang to work at Healing Hands Massage, LLC, located at 11575 Theater Drive, contingent upon a successful background check, to be valid from September 22, 2014 through December 31, 2014. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Appointment of Election
Judges for 2014 General
Election
Motion

Motion by Councilmember Miller and seconded by Councilmember Karasek to appoint the Election Judge Candidates as recommended to serve at the General Election on November 4th and to authorize the City Clerk to appoint additional judges including City staff as needed to successfully run the 2014 General Election. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Resolution No. 2014-74
Amending Resolution No.
2014-60 for Capital
Appropriations from the
2014 Minnesota State
Bond Proceeds for the
Elm Creek Dam at the
Mill Pond (Improvement
Project 21008)
Resolution 2014-74

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Amending Resolution No. 2014-60 for Capital Appropriations from the 2014 Minnesota State Bond Proceeds for the Elm Creek Dam at the Mill Pond (Improvement Project 21008)

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 and Miller, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of September 2014.

Hayden Lake Road
Roundabout

Open Forum

Mayor Nelson stated that staff has received many phone calls from residents in regard to the roundabout at Hayden Lake Road and the recent installation of stop signs. He explained that the Council reviewed an option for a three way stop because of the short distance between the landing and the roundabout. He stated that staff will study that intersection and the City Council will discuss this subject again on October 14th. He advised that West River Road is going to close for a few months during the time the Elm Creek Dam is reconstructed.

Resolution No. 2014-75
Approving a Conditional
Use Permit to Make Site

New Business

The City Planner reported that the applicant, Tom DeQuattro, is requesting a Conditional Use Permit (CUP) to operate a restaurant, Willy McCoys, in the building located at 12450 Business Park Boulevard. He explained that the existing site is nonconforming and staff has reviewed those issues

Improvements and
Operate a Restaurant at
12450 Business Park
Boulevard: Tom
Dequattro, Willy McCoys
Bar and Grill (Project
2014-19)

and worked with the applicant to bring the property into conformance and meet the current City codes. He noted that the footprint of the building would remain the same, with the exception of a patio addition, which would support up to 40 outdoor dining seats. He stated that significant investments will be made to the interior and exterior in order to improve the site and make the building a family dining destination.

The City Planner reported that the business would also run a banquet operation from the building, similar to what the Legion had done. He noted that the CUP also addresses hours of operation and externality issues that could arise. He advised that the applicant is in the process of applying for a liquor license and is also going to apply to have the ability to remain open until 2:00 a.m.

The City Planner stated that the Planning Commission held a public hearing on September 15th and received testimony from two residents. He advised that one inquiry was whether a privacy fence would be installed to the east. However a fence will not be installed because there is sufficient landscaping to act as a buffer. He noted that another resident questioned why the business would need to remain open after 11 p.m., but noted that it would be vital to the business to exceed that hour of operation. He stated that the Planning Commission recommended unanimous approval of the request and advised that staff also recommends approval subject to the conditions noted in the staff report.

Tom DeQuattro, Willy McCoys owner, stated that he was present to answer any questions.

Councilmember Miller referenced the 11 p.m. closing time referenced by the resident and questioned if that would impact banquet operations.

Mr. DeQuattro confirmed that an 11 p.m. closing time would impact banquet facilities, noting that he would prefer that the banquet remain open as long as the business is open.

The City Planner clarified that the banquet facility would not need to close at 11 p.m. but the noise stipulations for live music would apply after 11 p.m. He advised that the City had not received complaints about noise when the Legion was operating.

Councilmember Miller confirmed the consensus of the Council to recommend the live music stipulation take effect at 12:00 a.m. rather than 11:00 p.m. He also referenced the condition regarding bottle dumping and believed that should have a start time of 8 a.m. in addition to the proposed end time of 10 p.m.

Councilmember Karasek stated that he was able to view the site and improvements and commended Mr. DeQuattro for his efforts. He believed that it would be a great addition to the City and wished the applicant well.

Mayor Nelson confirmed the location of the patio seating. He questioned if the banquet facility would receive remodeling as well.

Mr. DeQuattro stated that the first plan is to finish the restaurant and phase two would include an update of the banquet facilities. He advised that the Legion will still hold their Charter meetings at the site in one of the meeting rooms.

Councilmember Miller questioned when the tank would be moved.

Richard Oberly, 4109 Sunset Trail N, Brooklyn Park, stated that he is part of the Legion Committee. He thanked Mr. DeQuattro and City staff, noting that they have been very supportive and cooperative. He stated that the tank is the property of the U.S. Government and noted that he has been in communication but has not received a firm date or plans for moving the tank.

Mayor Nelson thanked the applicant for working with staff in regard to the proposed improvements. He stated that some concern had been raised by residents to the east regarding potential noise and noted that additional trees will be planted. He asked the applicant his approach if an issue does arise with the neighboring properties.

Mr. DeQuattro stated he welcomes neighboring residents to contact him if an issue does arise.

Councilmember Johnson stated that perhaps a commemorative plaque for the Legion could be installed and asked what the planned opening date is.

Mr. DeQuattro stated that he has about one week of work left to complete and hoped to open once the liquor license is complete.

Mr. Oberly, American Legion, commended the applicant for the fantastic work they have completed at the site.

Resolution 2014-75

Councilmember Miller introduced the following resolution and moved its adoption:

Approving a Conditional Use Permit to Make Site Improvements and Operate a Restaurant at
12450 Business Park Boulevard

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 and Miller, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of September 2014.

Resolution No. 2014-76
Approving a Conditional
Use Permit to Operate a
Commercial Recreational
Use in the Multi-Tenant
Building Located at 11591
Theatre Drive: Jordan
Heaton, Village Games
(Project No. 2014-21)

The City Planner presented a request from Jordan Heaton for a Conditional Use Permit (CUP) to operate a table top retail games store at 11591 Theatre Drive. He explained that the store would sell games but would also provide a space for shoppers to try out the games or meet with friends to play games. He explained that for that reason the business would be considered as a commercial recreational use. He reviewed the conditions of the CUP relating to hours of operation and limitation on patron use of the back exit which is located across from a residential development. He advised that the Planning Commission held a public hearing on September 15th, no comments were submitted by the public, and reported that the Commission recommended unanimous approval of the request. He stated that staff also recommends approval of the request subject to the conditions noted in the staff report.

Councilmember Johnson questioned if the other tenants in this location have signs on the front and back of the building as is proposed for this business.

The City Planner explained that a code change took place after this building was constructed allowing for signs on the back face of the building. Other tenants have not taken advantage of this opportunity to date.

Mayor Nelson questioned if the applicant was in agreement with a closing time of 10:00 p.m.

The City Planner stated that the applicant did not have any issue with that at the Planning Commission meeting and noted that he has had discussions with the applicant since then and he had not expressed any concern with the closing time.

Resolution 2014-76

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Approving a Conditional Use Permit to Operate a Commercial Recreational Use in the
Multi-Tenant Building Located at 11591 Theatre Drive

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 and Miller, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of September 2014.

First Reading of an
Amendment to Section
126.244 of the Zoning
Ordinance Establishing
Restaurants and Night
Clubs as Conditional Uses

The City Planner stated that currently restaurants and night clubs are listed as conditional uses in commercial zoning district with the exception of the commercial highway district, where the use is listed as permitted. He stated that staff recommends that the use be listed as conditional in that zoning district rather than permitted, which would require that type of business to apply for a Conditional Use Permit, similar to the previously discussed application tonight. He advised that the Planning Commission held a public hearing on September 15th and recommended that staff bring forward a

in Commercial Highway
(CH) Zoning Districts
(Project 2014-20)

definition within City Code for “night club”. He advised that item will come forward the following month and recommended that the Council approve the first reading of the Ordinance amendment tonight.

Mayor Nelson questioned if the definition will come forward ahead of the Ordinance amendment.

The City Planner advised that he would like to move forward with the amendment with the understanding that the definition would be presented soon after that.

Motion

Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the first reading of an amendment to Section 126.244 of the Zoning Ordinance establishing restaurants and night clubs as conditional uses in the Commercial Highway (CH) Zoning Districts. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Resolution No. 2014-77
Requesting a
Classification and
Conveyance of Tax-
Forfeited Lands – RLS
No. 1724 Hennepin
County, Tract D

The Community Development Director stated that a property within the Crossing Development Area has become available through tax forfeiture. He stated that the City has the authority to acquire the property and request classification and conveyance of the property to the City at a cost of \$100.

Resolution 2014-77

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Requesting a Classification and Conveyance of Tax-Forfeited Lands – RLS No. 1724
Hennepin County, Tract D

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 and Miller, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of September 2014.

Approve Order to Remove
Hazardous Building at
7209 112th Avenue

The Community Development Director reported that earlier this year the home at 7209 112th Avenue was damaged in a house fire. He stated that the home has been inspected and found hazardous and therefore staff requests that the Order For Removal be approved. He stated that the Order will be sent to the property owner and all lien holders. He noted that if they do not reply to the Order within 20 days the City will take action in removing the house and assess that cost to the property owner. He estimated the cost of demolishing the home to be \$15,000 to \$20,000, but noted that could vary if asbestos is found.

Motion

Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the Order and take those actions necessary to remove the hazardous building at 7209 112th Avenue. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Adjournment

The Champlin City Council adjourned the regular meeting at 7:53 p.m.

Attest:

ArMand Nelson, Mayor

Roberta Colotti, CMC, City Clerk