

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
October 13, 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 Ryan Karasek and Bruce Miller.
- Excused Absent: Councilmembers Eric Johnson and Kara Terry.
- Also present were City Administrator Bret Heitkamp, Community Development Director John Cox, City Engineer Tim Hanson, Assistant City Engineer Todd Tuominen, Fire Chief Charlie Thompson, City Attorney Scott Lepak and City Clerk Roberta Colotti.
- Approval of Agenda
(October 13, 2015)
Motion Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the agenda for the October 13, 2015 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Karasek and Miller. Voting against: none. Motion carried.
- Approval of Minutes
Motion Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the minutes of the September 28, 2015 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Karasek and Miller. Voting against: none. Motion carried.
- Approval of Bills
(October 13, 2015)
Motion Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the bills as submitted for payment on October 13, 2015. Voting in favor were Mayor Nelson, Councilmembers Karasek and Miller. Voting against: none. Motion carried.
- Announcements Mayor Nelson made the following announcements:
- Joint Council Meeting with the City of Dayton – Tuesday, October 20th at 6:30 p.m. at Buona Sera Restaurant.
 - Council Worksession – Monday, October 26th at 5:45 p.m. in the Council Conference Room.
 - City Council Meeting – Monday, October 26th at 7:00 p.m. in the Council Chambers.
 - There are currently vacancies on the Planning Commission and Environmental Resources Commission. If interested, please contact City Hall at 763-421-8100.
- Committee Quarterly
Reports Special Presentations
The City Administrator provided an update on the Anoka-Champlin Fire Board activities this quarter, noting that the 2016 budget has been approved and a new fire rescue boat has been received and is in service.
- The City Administrator provided an update on the activities of the Quad Cities Cable Commission noting that the Commission is still in negotiations with Century Link regarding a possible franchise agreement. He stated that the Commission will meet Thursday of this week to review the agreement.
- Mayor Nelson asked how this would work with the Comcast agreement.
- The City Administrator explained that this would be a separate agreement and would provide competition in this market.
- Councilmember Karasek reported that the District Advisory Council on Community Education did not meet this quarter.
- Overview of City Council
and EDA Worksession
Discussions The City Administrator provided an overview of the discussion that occurred earlier in the evening at the Council Worksession regarding the South Diamond Lake Road, Depue Drive, Dayton Road and Mississippi View Estates Improvement Project, specifically two possible intersection options.

The City Administrator reported that the EDA Board met in a Worksession to review the Mississippi Crossings Redevelopment project.

Consent Agenda

Resolution No. 2015-73
Authorizing Amendment
to Residential Recycling
Grant Agreement with
Hennepin County
Resolution 2015-73

Councilmember Karasek introduced the following resolution and moved its adoption:

A Resolution Authorizing Amendment to Residential Recycling Grant Agreement with
Hennepin County

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, Karasek and Miller, and the following voted against the same: none, whereupon said resolution was passed this 13th day of October 2015.

Open Forum

No comments made.

Public Hearings

Resolution No. 2015-74
Directing the Preparation
of Plans and
Specifications and
Ordering the
Reconstruction of South
Diamond Lake Road,
Depue Drive, Dayton
Road, and Mississippi
View Estates
(Improvement Project No.
20813)

Mayor Nelson announced that the City Council will hear the City Engineers project presentation and receive public comment as part of the Public Hearing, however, a decision would not be made this evening, as a four fifths majority is required to move this project forward and there are two of the five Councilmembers absent this evening. The vote will be scheduled for the October 26th Regular Council Meeting.

City Engineer's Report

The City Engineer presented the Feasibility Study for the South Diamond Lake Road, Depue Drive, Dayton Road, and Mississippi View Estates Improvement Project. He identified the project location, reviewing the existing conditions and proposed improvements for each of the project areas. He provided additional details regarding the skewed intersection alignment on South Diamond Lake Road, which is a failing intersection that has seen multiple accidents. He stated that two intersection designs are being reviewed and he provided a description of the improvements planned for the full intersection of South Diamond Lake Road and Depue Drive at Dayton Road as well as the T-intersection of South Diamond Lake Road and Dayton Road. He provided additional details on the LAWCON land exchange. He reviewed the estimated project cost of \$3,886,600 as well as the proposed City funding in the amount of \$2,024,057 and the proposed assessments in the amount of \$1,757,553. He noted that there are different groupings of assessments dependent upon the number of improvements the parcels would receive. He noted that action cannot be taken tonight but reviewed the proposed project schedule should the project be approved to move forward at the next Council meeting. He estimated that the project construction would be about one year in length.

Public Hearing

Mayor Nelson opened the public hearing at 7:31 p.m.

Bob Gander, 1105 Depue Drive, stated that he is one of the six homes on the dirt road and he complimented the City Engineer for his excellent work on this project. He spoke in support of the full intersection over the cul-de-sac on Depue Drive, as the traffic would be increased if the 11 new homes are added. He did not feel that the full intersection would cause any additional traffic on Depue Drive. He felt that there would be a safety issue if there were only one exit from Depue Drive onto Dayton Road. He understood the County is opposed to the roundabout but noted that he would support that option should be it available in the future.

Kiley Henry of Henson & Efron P.A., 220 South 6th Street #1800, Minneapolis, addressed the Council on behalf of the firm's client, Fiduciary Foundation, LLC. She stated that Fiduciary Foundation is the guardian and conservator of Beverly Engels, who the court has determined to be a vulnerable adult and an incapacitated person. She noted the PID for the real estate involved is #13-12-02-232-0006. She presented two objections on behalf of her client for this item. She first noted that the client received notice of the proceedings today and therefore did not receive the 10 days' notice required in accordance with Minnesota Statutes Section 429.031 and they have not had the opportunity to fully evaluate the proposal before the Council. Her client and her colleague, Christopher Burns, have talked with the City Engineer regarding this project and the City Engineer indicated that notice was mailed to her client, which the client did not receive. She stated that the only notice her client received was a letter dated February 23, 2015. She stated that because they did not receive notice of the hearing until today, her client is unable to consult with Beverly Engels, the protected person, on this matter. She stated that the property is also subject to ongoing litigation and in addition to her client not being fully informed and having the time provided under 429.031, they likewise did not have time to fully inform the other parties to this litigation. She stated that it is clear that

one or more of the other parties subject to the litigation and their counsel might also have objections to these proceedings. She stated that she is a trusts and estates lawyer, not a litigator, and has never appeared before a City Council. She asked that the City of Champlin and its residents allow a brief delay so that the issues mentioned can be addressed. She stated that due to the time issues and other concerns, at this time, on behalf of Fiduciary Foundation, she respectfully objects to this proposal.

John Wingard, 1109 Depue Drive, seconded the comments from Mr. Gander noting that the neighborhood has discussed this at length and supports the request. He stated that he already has sewer that is working well. He asked and received confirmation that he would not be charged again for sewer.

Ron Dratlaw, 1000 Oak Wood Terrace, asked if the majority are interested in moving ahead with this project. He stated that it will be expensive and it will be a mess for a little while.

Dave Henningsgard, 109 Mississippi Lane, stated that he has a problem with the cost for this project. He stated that in order for his property to connect to the water would cost him \$20,000 to \$25,000 between connection charges and assessments. He did not see the return on his investment in that matter. He disagreed with the pavement condition of the streets described by the City Engineer and felt the streets have many years of service in their current condition because of the low amount of traffic that they handle. He stated that he has not had a problem with the drainage, noting that most of the neighborhood drainage passes by his home. He stated that he has high quality well water and felt that there are many years of service left in the infrastructure. He acknowledged that someday those improvements would be needed but did not believe it was today.

Dave Yager, 1121 Depue Drive, spoke in agreement with Mr. Gander and Wingard, noting that five out of the six homes are in favor of the intersection over the cul-de-sac and asked that the Council consider that fact. He stated that those homes already have sewer and water and would oppose to paying another set of connection fees.

Katie Maas, 1004 Oak Wood Terrace, stated that with previous sessions they have received a letter from the Fire Chief regarding concerns that he has with that neighborhood. She stated that without proper hydrant accessibility and protection they are very concerned and therefore support this project.

The City Engineer stated that in regard to the comments made by Ms. Henry regarding the Engels property a notice had been sent. He referenced the connection fees and stated that the residents would have the option to pay those connection fees with the assessment or defer that charge until the time of connection in future. He explained that if the connection is deferred the charge for connection in the future would be the charge at that time and not the current price offered through this project. He noted that if a property is already connected to sewer or water they would not be charged for connection through this project.

Mr. Yager referenced the County decision to not install a roundabout and stated that he would support reconsideration of that item. He noted recently approved development in Dayton that will put further stress on the roadway and asked if the County would reconsider the decision on the intersection because of the increased development in Dayton.

Mayor Nelson stated that the County will not allow the changes at the intersection because the traffic study did not justify a change of that nature at this time. He noted that another study can be done in the future after further development occurs.

Ms. Henry stated that the only mailing that her client received was dated February 23, 2015 and did not receive a mailing ten days prior to this hearing.

Motion

Motion by Councilmember Karasek and seconded by Councilmember Miller to close the public hearing at 7:49 p.m. Voting in favor were Mayor Nelson, Councilmembers Karasek and Miller. Voting against: none. Motion carried.

Councilmember Miller stated that he wanted to make sure that questions raised by Mrs. Kiley Henry of Henson & Efron would be addressed prior to the next Council meeting.

The City Attorney stated that staff would review and respond.

Councilmember Miller referenced the comment from Mr. Henningsgard, who spoke in opposition to the current condition rating for the road, and asked the City Engineer for additional details the rating system used by the City.

The City Engineer provided additional detail on the rating system used by the contractor that conducts the rating for the City and explained that once a roadway begins to deteriorate, additional damage occurs more quickly.

Councilmember Karasek stated that he appreciated the input of the residents present tonight and the comments from those that attended the previous neighborhood meetings. He noted that he has heard comments both in favor and opposed to the conversion of the cul-de-sac to a full intersection. He spoke in opposition of the County's decision to not allow additional safety changes to occur at the intersection of Dayton Road and South Diamond Lake Road through the installation of a roundabout. He referenced a large development, of approximately 113 homes, being constructed in Champlin and noted that there will be many more home constructed in Dayton. He was disappointed that the County does not have the foresight to allow these safety changes to occur now to prevent further accidents from occurring. He asked how traffic would flow from Dayton Road into the new development, with a full intersection versus a cul-de-sac. He also asked for the impact that a future signaled intersection would have on traffic.

The City Engineer stated that in the short-term traffic and traffic flow would remain as is and would slowly degrade for the neighborhood as traffic increases on Dayton Road and South Diamond Lake Road. He referenced Dayton Road and stated that until the Brockton interchange occurs there are not a lot of ways out of Dayton in the north and east. He stated that the future developments will have a significant impact on traffic. He stated that South Diamond Lake Road traffic will be the last intersection on the roadway and the intersection would degrade, which would force the County to place stop signs, which would then evolve into a signalized intersection. He stated that staff believes that a full intersection would provide the best short and long-term solution for that intersection.

Councilmember Karasek stated that if traffic is moving westbound traffic could they choose to cut down Depue and travel through that neighborhood and asked what would prevent that.

The City Engineer stated that people may choose to do that but Dayton Road would receive a longer span of green in attempt to move traffic more quickly.

Councilmember Karasek stated that this is a tough situation and they did not think that the County would oppose this change since the City was going to fund the proposed roundabout.

Mayor Nelson stated that the City has gone back to the County many times in attempt to change their mind on the intersection but they were not able to do that. He stated that he would be in favor of the T intersection at Dayton Road and South Diamond Lake Road because he believed that is the best option for receiving a signal when the traffic counts increase. He asked if there is a deadline for residents to connect to the sewer or water.

The City Engineer stated that there is not timeline for residents to connect to water but noted that there is a two year deadline for residents to connect to the sewer system.

Councilmember Karasek stated that he spoke with a resident that commented on the trail connection near the new lots that are being created. He stated that they are still discussing the trail connection to Galloway Park. He stated that the resident would also like to see alternating street lights, rather than street lights just being placed on one side of the road. He noted that the resident would also like to see more street lights if possible on Oak Wood Trail.

Mayor Nelson concluded the discussion by stating that this item will not be voted upon tonight and will be considered at the October 26th Regular Council Meeting to be held at 7 p.m. in the Council Chambers.

First Reading and Public Hearing of an Ordinance Amending Chapter 22 - Fees

The City Clerk requested that the City Council give first reading and hold a public hearing on the proposed ordinance amending Chapter 22 – Fees. She stated that any changes to the liquor license fees require a public hearing by state law. She reported that notice had been mailed to the current license holders and published in the newspaper. She stated that certain fees such as the storm water utility fee will be considered on December 14th as they are contained within separate sections of the City Code and have additional notice requirements.

Public Hearing

Mayor Nelson opened the public hearing at 8:05 p.m.

No one was present for the public hearing. No comments were submitted.

Motion Motion by Councilmember Miller and seconded by Councilmember Karasek to close the public hearing at 8:05 p.m. Voting in favor were Mayor Nelson, Councilmembers Karasek and Miller. Voting against: none. Motion carried.

Mayor Nelson questioned the Ice Forum small conference room rental rate amendment.

The City Clerk stated that she would follow-up with the Ice Forum staff regarding the proposed change and report back to the Council with the second reading of the ordinance, scheduled for October 26th.

Motion Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the first reading of an Ordinance Amending Chapter 22 – Fees, with second reading to be scheduled for October 26, 2015. Voting in favor were Mayor Nelson, Councilmembers Karasek and Miller. Voting against: none. Motion carried.

Adjournment The Champlin City Council adjourned the Regular Meeting at 8:07 p.m.

ArMand Nelson, Mayor

Attest:

Roberta Colotti, CMC, City Clerk