

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 26, 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, Finance Director June Johnston, Assistant City Engineer Todd Tuominen, City Attorney Scott Lepak, City Planner Scott Schulte and City Clerk Roberta Colotti.
- Approval of Agenda  
(October 26, 2015)  
Motion                              Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the agenda for the October 26, 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 Miller and seconded by Councilmember Karasek to approve the minutes of the October 13, 2015 Worksession and October 13, 2015 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried. Abstained: Councilmember Johnson.
- Approval of Bills  
(October 26, 2015)  
Motion                              Motion by Councilmember Terry and seconded by Councilmember Miller to approve the bills as submitted for payment on October 26, 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:
- Council Worksession – Monday, November 9<sup>th</sup> at 5:45 p.m. in the Council Conference Room.
  - City Council Meeting – Monday, November 9<sup>th</sup> at 7:00 p.m. in the Council Chambers.
  - Joint Meeting with City of Brooklyn Park – Tuesday, November 10<sup>th</sup> at 6:30 p.m. at Buona Sera Restaurant.
  - Work Plan Priority Session – Wednesday, November 18<sup>th</sup> at 5:30 p.m. in the Emergency Operations Center in the Public Safety Building.
  - There are currently vacancies on the Planning Commission and Environmental Resources Commission. If interested, please contact City Hall at 763-421-8100.
- Consent Agenda  
Mayor Nelson requested to pull Item #6 “Resolution No. 2015-75 Recognizing the Servant of Christ Lutheran Church”, from the Consent Agenda for further discussion.
- Accept Resignation of  
Community Development  
Secretary  
Motion                              Motion by Councilmember Karasek and seconded by Councilmember Miller to accept the resignation of Ashlee McCurdy effective October 29, 2015. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Second Reading and  
Adoption of Ordinance  
No. 758 Amending  
Chapter 22 – Fees and  
Authorize Publication  
Summary                              Councilmember Karasek conducted the second reading of Ordinance No. 758, moved its adoption and approval of the use of the presented Publication Summary:
- An Ordinance Amending Chapter 22 – Fees
- The motion for the adoption of the ordinance and use of the publication summary was duly seconded

Ordinance 758

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 26<sup>th</sup> day of October 2015.

Resolution No. 2015-74  
Approving Plans and  
Specifications and  
Authorizing  
Advertisement of Bids for  
the Sanitary Sewer  
Rehabilitation  
(Improvement Project No.  
21204)  
Resolution 2015-74

Councilmember Karasek introduced the following resolution and moved its adoption:

A Resolution Approving Plans and Specifications and Authorizing Advertisement of Bids for the Sanitary Sewer Rehabilitation (Improvement Project No. 21204)

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 26<sup>th</sup> day of October 2015.

Authorize Purchase of  
Large Area Mower  
Motion

Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the purchase of a new Toro 5910 from MTI Distributing for a purchase price of \$87,363.94 after trade. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Disaster Recovery  
Assistance Program Cost  
Share Contract  
Motion

Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the Disaster Recovery Assistance Program Cost-Share Contract. With the City's contribution to be paid from the Storm Sewer Fund. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Resolution No. 2015-75  
Recognizing the Servant  
of Christ Lutheran Church  
Resolution 2015-75

Mayor Nelson acknowledged the church and their continued support for the City.

Councilmember Terry introduced the following resolution and moved its adoption:

A Resolution Recognizing the Servant of Christ Lutheran Church

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 26<sup>th</sup> day of October 2015.

#### Open Forum

Comments referred to the Public Hearing on the Reconstruction of South Diamond Lake Road, Depue Drive, Dayton Road and Mississippi View Estates.

#### Public Hearings

Resolution No. 2015-76  
Adopting the Assessment  
Roll for 2015 Mill and  
Overlay (Improvement  
Project No. 21505)

The City Engineer identified the project area where improvements were done and highlighted the areas of the project eligible for assessment. He displayed a comparison of the project costs including the projected costs as shown in the Feasibility Study and the actual project costs. He reviewed the elements of funding the City is using for the project including different City funds and assessments to benefiting properties. He stated that the parcels of property proposed for assessment are exclusively commercial properties along Business Park Boulevard and 109<sup>th</sup> Avenue, and provided the different formulas that were used for the different portions of the project. He provided additional assessment information regarding submittal of grievances, payments without interest, and payments with interest. He reported that the project was completed on September 22<sup>nd</sup> and payment without interest would need to be submitted to the City by November 20<sup>th</sup>.

Public Hearing

Mayor Nelson opened the public hearing at 7:15 p.m.

No comments made.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to close the public hearing at 7:15 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Resolution 2015-76

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Adopting the Assessment Roll for the 2015 Mill and Overlay  
(Improvement Project No. 21505)

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 26<sup>th</sup> day of October 2015.

Resolution No. 2015-77  
Authorizing the  
Certification to the 2016  
Taxes the Cost for  
Removal of Weeds and  
Cutting Grass

The City Administrator stated that City Code requires property owners to maintain their property, specifically grass and weeds cannot exceed eight inches in height. He provided additional information on the inspection and notice process, which occur prior to abatement. He stated that if abatement is necessary the charges are then certified to property taxes.

Public Hearing

Mayor Nelson opened the public hearing at 7:17 p.m.

No comments made.

Motion

Motion by Councilmember Karasek and seconded by Councilmember Terry to close the public hearing at 7:17 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Councilmember Johnson referenced a property with a proposed certification of approximately \$2,500 and asked if there was additional information on how many times the City visited that property.

The City Administrator provided additional information on how charges increase for each incident during a growing season.

Councilmember Miller clarified that notification is provided to property owners before abatement occurs.

Resolution 2015-77

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Authorizing the Certification to the 2016 Taxes the Cost for Removal of Weeds and  
Cutting Grass

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 26<sup>th</sup> day of October 2015.

Resolution No. 2015-78  
Adopting the Assessment  
Roll on Delinquent Water,  
Sanitary Sewer, Storm  
Water, Street Light and  
Refuse Fees

The Finance Director provided additional information on the assessments proposed for delinquent water, sanitary sewer, storm water, street light and refuse fees. She provided additional information on the certification of the assessments and the schedule for payback, noting that if residents wish to pay the assessment without interest the payment would need to be received by November 20<sup>th</sup>.

Public Hearing

Mayor Nelson opened the public hearing at 7:20 p.m.

No comments made.

Motion

Motion by Councilmember Miller and seconded by Councilmember Terry to close the public hearing at 7:20 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Mayor Nelson explained that this list includes bills for City utilities that have not been paid. He asked

if there is additional education for residents that continue to be delinquent for multiple years.

The Finance Director provided additional information on the notice that is provided to residents quarterly and prior to the assessment hearing.

Councilmember Karasek asked and received confirmation that these charges are certified to the County and the City is then paid those funds through property taxes.

Resolution 2015-78

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Adopting the Assessment Roll on Delinquent Water, Sanitary Sewer, Storm Water, Street Lights and Refuse Fees

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 26<sup>th</sup> day of October 2015.

Resolution No. 2015-79  
Adopting Assessments for  
Inspection, Licensing and  
Registration Fees

The Community Development Director provided a summary of the charges that are included in the proposed assessment for unpaid rental inspection fees and vacant building registration charges.

Public Hearing

Mayor Nelson opened the public hearing at 7:23 p.m.

No comments made.

Motion

Motion by Councilmember Terry and seconded by Councilmember Miller to close the public hearing at 7:23 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Resolution 2015-79

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Adopting Assessments for Inspection, Licensing and Registration Fees

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 26<sup>th</sup> day of October 2015.

Resolution No. 2015-80  
Adopting the Assessment  
on Delinquent Operations  
and Maintenance Charges  
for Storm Water  
Management/Sediment  
Ponds

The City Engineer stated that pond and fountain maintenance of the storm water ponding basin located in the northeast quadrant of T.H. 169 and 120<sup>th</sup> Avenue has been completed by the City with the annual maintenance cost paid by adjacent private property owners. The Operations and Maintenance Agreement for this work was included in the Development Agreement for the property. Since then, an annual maintenance cost has been pro-rated to the parcels of the Coler Farms Development. This year, the owner of Lot 1, Block 1, and Lot 1, Block 3, Coler Farms has not paid the invoice for the maintenance of the ponding area. This is the amount proposed to be assessed.

Public Hearing

Mayor Nelson opened the public hearing at 7:25 p.m.

No comments made.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to close the public hearing at 7:25 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Resolution 2015-80

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Adopting the Assessment on Delinquent Operations and Maintenance Charges for Storm Water Management/Sediment Ponds

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 26<sup>th</sup> day of October 2015.

#### Unfinished Business

Resolution No. 2015-81  
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)

The City Engineer stated that the public hearing for this item was held on Tuesday, October 13<sup>th</sup>, but because there were only three Councilmembers present, the action had been tabled to this meeting. He noted the elements of the project that were reviewed in detail at the public hearing including the project area, proposed improvements, and estimated costs. He provided additional details regarding the proposed intersection improvements and summarized the comments made by the public at the hearing. He referenced the comment regarding whether proper notification was given and stated that it has found to be that the City did provide sufficient notice and mailed notice to two different addresses for that specific property. He summarized the Council discussion that occurred following the closing of the public hearing.

Mayor Nelson stated that the public hearing occurred at the previous meeting but noted that he would accept new comments that were not heard at the previous meeting.

Daniel Hanson, 909 Oakwood Terrace, spoke to the issue of street lights and stated that he believed the purpose of proposed street lights for the neighborhood is to add character as there are already street lights in the neighborhood. He stated that the initial drawings showed the street lights staggered down the street but now the drawing shows the lights only along one side of the street. He stated that providing street lights on both sides would add to the character of the neighborhood and he believed that his neighbors would prefer to have those lights staggered. He stated that if the lights are not going to add anything to the neighborhood then they should not replace the existing street lights. He stated that he would love to have street lights with flagpole holders and believed that would be a great addition but did not see how anything would be added by placing lights only along one side of the street.

Dave Yager, 1121 Depue Drive, stated that at the last meeting he stated that five of the six neighbors in his neighborhood were in favor of the full intersection and noted that since that time he has spoken with the sixth property owner who is also in favor of the full intersection.

Councilmember Karasek asked if there is flexibility within the street light policy to place the lights in an alternating pattern.

The City Engineer stated that the current street light policy specifies lights along one side of the street spaced at 350 to 400 feet. He stated that direction of the Council would be needed to vary from the policy, noting that there would be an additional cost of approximately \$8,000 to \$9,000 for each light added to the project. He recommended that if that is the direction of the Council, direction should be made for the entire project to be done in that nature to ensure that the project flows together.

Councilmember Karasek stated that he would not ask to add lights but simply stagger them.

The City Engineer stated that could be done and would have an estimated additional cost of \$200 to \$300 per light.

Councilmember Miller stated that it is hard to vary from the policy and add additional costs that will be assessed to residents without the consent of the other residents.

Councilmember Johnson stated that it is his belief that the project should be assessed under the policy and if the neighbors in that neighborhood desire the staggered light they could petition and pay for that additional charge for their neighborhood. He referenced the comments from the Depue Drive neighborhood and stated that if those residents support a full intersection the City should support that desire.

Councilmember Terry stated that there was a significant discussion regarding the development of the street light policy and therefore she was not willing to divert from that policy.

Councilmember Karasek stated that it is his belief that a cul-de-sac would improve the property value of those homes and reduce traffic but noted that because the residents in that area support the full intersection he would support the proposed full intersection.

Mayor Nelson also commented that he thought the cul-de-sac would be the better option but agreed to support the desire for the neighbors to have a full intersection. He provided additional information on his short-term and long-term reasons for originally supporting the cul-de-sac option, specifically regarding access onto Dayton Road.

Councilmember Miller echoed support for the full intersection as desired by the residents in that area.

Resolution 2015-81

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution 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)

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 26<sup>th</sup> day of October 2015.

New Business

Resolution No. 2015-82  
Approving the Reserve at Elm Creek Final Planned Unit Development Plan and Resolution No. 2015-83 Approving an Amendment to the Reserve at Elm Creek PUD: Jonathan Homes and Gonyea Companies (Project 2015-21)

The City Planner stated that the Council approved the first phase of the Reserve at Elm Creek this past July, which is part of the larger Reserve at Elm Creek and will ultimately hold 111 single family homes. He stated that the first grouping of lots, lots one through six, block one are being prepared for use as model homes. He stated that Jonathan Homes has acquired lots three, four and five and plan to begin construction this fall. He explained that in order to support their largest and most popular model home, the Summit model, the builder is requesting to modify the lot lines to make one of the lots larger and reducing the lot widths for the other two lots. He noted that the smaller lots would support two of their other popular models. He stated that the request would also require an amendment to the Planned Unit Development (PUD) Plan to allow for the reduced widths on the two lots. He noted that the models would all fit well into certain areas of the development and the developer has confirmed that there would be no other lot width variances needed. He stated that the Planning Commission held a public hearing the previous week and recommended approval of the request. He stated that staff supports the requested actions as the home designs fit well within the overall development.

Councilmember Johnson asked Planning Commissioner Nate Truesdell for the Planning Commissions perspective on this project.

Commissioner Truesdell stated that the Planning Commission was in favor of this request. Noting that it was a straightforward lot line adjustment.

Councilmember Johnson asked if the City has in writing that the developer will not continue to return and ask for modifications. He stated that he is hesitant to approve the request as this seems to be a continual process of changes. He asked if there are other existing lots in the development that would support this size home.

The City Planner stated that the larger model home would be proposed to be built on the existing larger 72 foot wide lots that would accommodate that model of home, noting that these lots proposed for amendment are among the narrowest in the development. He reported that the developer has stated that they will not request additional modifications. He noted that the City is not required to approve any future requests.

Resolution 2015-82

Councilmember Terry introduced the following resolution and moved its adoption:

A Resolution Approving the Reserve at Elm Creek Final Planned Unit Development Plan

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 26<sup>th</sup> day of October 2015.

Resolution 2015-83

Councilmember Terry introduced the following resolution and moved its adoption:

A Resolution Approving an Amendment to the Reserve at Elm Creek Planned Unit Development Plan

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 26<sup>th</sup> day of October 2015.

Approve Fish Barrier  
Funding for the Reserve at  
Elm Creek

The Assistant City Engineer presented a request for funding of a fish barrier for the ponding area proposed for the Reserve at Elm Creek project. He stated that this is in anticipation of a potential fishery proposed for the pond. The proposal is to install a barrier to protect the water from carp or other invasive fish. He stated that although the fishery is not planned in the immediate future, this would be a preventative measure to protect invasive species like carp from getting into the pond. He identified the proposed locations for the three barriers.

Councilmember Miller questioned the timing of the proposed barrier installation.

The Assistant City Engineer stated that this is a preventative measure that would prevent carp from getting into the pond. He stated that if the decision is made to create the fishery in the future and carp are already in the pond there will be no way to get the carp out of the pond. He provided additional information on the harmful impact carp can have to the water quality and fish environment.

Councilmember Karasek stated that the larger barrier would be fine for large fish but asked what would keep the small fingerlings from getting in.

The Assistant City Engineer noted that the second layer of the barrier would prevent the fingerlings from getting through. He noted that fish, such as bluegill and sunfish, will eat the smaller minnow and fingerlings that do get through the barrier into the water. He provided additional information on conversations he has had with DNR staff.

Councilmember Miller asked if the City could place fish to eat those small carp sooner than the proposed timeline.

The Assistant City Engineer stated that the pond must be established for at least one year before a fishery could begin because of the settling that needs to occur.

Councilmember Miller asked if that length of time would be too long and if the small carp would become a problem.

The Assistant City Engineer replied that the small carp would not become a problem in that length of time as long as the barrier is installed.

Motion

Motion by Councilmember Karasek and seconded by Councilmember Miller to approve a budget of \$15,000 for the construction of fish barriers. 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 8:00 p.m.

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ArMand Nelson, Mayor

Attest:

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Roberta Colotti, CMC, City Clerk