

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
November 14, 2016
Municipal Center

- Call to Order The Champlin City Council met in Regular Session and was called to order by Mayor ArMand Nelson at 7:00 p.m.
- Pledge of Allegiance The Pledge of Allegiance was recited.
- Roll Call Present were Mayor ArMand Nelson and Councilmembers Eric Johnson, Ryan Karasek 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, City Planner Scott Schulte, City Attorney Scott Lepak, City Clerk Roberta Colotti, Councilmember Elect Ward 3 Nate Truesdell, and Councilmember Election Ward 4 Ryan Sabas.
- Approval of Agenda
(November 14, 2016)
Motion Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the agenda for the November 14, 2016 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 Johnson and seconded by Councilmember Karasek to approve the minutes of the October 24, 2016 Worksession and October 24, 2016 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.
- Approval of Bills
(November 14, 2016)
Motion Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the bills as submitted for payment on November 14, 2016. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.
- Announcements Mayor Nelson made the following announcements:
- Council Worksession – Monday, November 28th at 5:45 p.m. in the Council Conference Room.
 - City Council Meeting – Monday, November 28th at 7:00 p.m. in the Council Chambers.
- Consent Agenda
- Approve Decision to Not
Waive Statutory Tort
Liability Limits
Motion Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the decision to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried. .
- Resolution No. 2016-76
Accepting the Bids and
Awarding the Contracts
for Flood Control Berm in
Elm Creek Park Reserve
(Improvement Project No.
21609)
Resolution 2016-76 Councilmember Johnson introduced the following resolution and moved its adoption:
- A Resolution Accepting the Bids and Awarding the Contracts for Flood Control Berm in Elm Creek Park Reserve (Improvement Project No. 21609)
- 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 and Miller, and the following voted against the same: none, whereupon said resolution was passed this 14th day of November 2016.
- Resolution No. 2016-77
Ordering the Feasibility
Study for Elm Creek
Parkway Reclaim and Councilmember Johnson introduced the following resolution and moved its adoption:
- A Resolution Ordering the Feasibility Study for Elm Creek Parkway Reclaim and Pave (Improvement Project No. 21705)

Pave (Improvement
Project No. 21705)
Resolution 2016-77

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 and Miller, and the following voted against the same: none, whereupon said resolution was passed this 14th day of November 2016.

Transient Merchant
License for PQT
Company/Rum River Tree
Farm
Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to approve a transient merchant license for PQT Company/Rum River Tree Farm contingent upon a successful background check, for a tree sale stand to be located in the Champlin Plaza Shopping Center parking lot from November 25, 2016 to December 23, 2016. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Approve Replacement of
Skid Steer and
Attachments
Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the purchase of a New Holland L221 Skid Steer with attachments through the sale contract from Trueman Welters for the purchase price of \$50,678.96 including trade-in. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Approve Replacement of
Shop Floor
Sweeper/Scrubber
Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the purchase of a new Advance CS7000 Hybrid through the State Contract from Forklifts of Minnesota for a purchase price of \$54,418.65 after trade-in. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Cancel December 26th
City Council Meeting Due
to Christmas Holiday
Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to cancel the December 26th City Council meeting due to Christmas holiday. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.

Resolution No. 2016-78
Accepting the Bid and
Awarding the Contract for
Wells 4 & 5 Raw Water
Line Relocation
(Improvement Project No.
21601)

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Accepting the Bid Awarding the Contract for Wells 4 & 5 Raw Water Line Relocation
(Improvement Project No. 21601)

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 and Miller, and the following voted against the same: none, whereupon said resolution was passed this 14th day of November 2016.

Response to Resident
Inquiry Regarding
Residency Restrictions for
Predatory Offenders

Open Forum

The City Planner stated that at the last meeting a resident expressed concerns over the recent announcement that several level three predatory offenders were moving into the City of Dayton and asked for information on the regulations the City of Champlin had in place.

The City Planner stated that the City follows State Statute regarding level one, level two and level three offenders and that the police department monitors the offenders that are currently residing in Champlin, noting that there are no level three offenders. He stated that in reviewing this matter it was identified that there are approximately 40 cities that have adopted an ordinance specific to the residential zoning requirements for level three offenders. He stated that later this evening staff will be presenting a draft ordinance enacting a 12-month moratorium that places limitations on where level three offenders can live within the community.

First Reading of an
Ordinance Amending City
Code Chapter 6 Alcoholic
Beverages Chapter 22
Fees

Public Hearings

The Community Development Director stated that the proposed ordinance related to alcoholic beverages blends the City ordinance with the State Statute which allows for taprooms and brew pubs in the community. He reviewed the proposed fees for taprooms and brew pubs. He stated that there are four off-sale liquor licenses allowed in the City, noting that the amendment would allow for up to six licenses. He noted that the second reading would occur on November 28th. He recommended approval as presented.

Public Hearing

Mayor Nelson opened the public hearing at 7:08 p.m.

No comments made.

- Motion Motion by Councilmember Johnson and seconded by Councilmember Miller to close the public hearing at 7:08 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Motion Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the first reading of ordinance amending City Code Chapter 6 alcoholic beverages and ordinance amending Chapter 22 fees. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek and Miller. Voting against: none. Motion carried.
- New Business
- Waive First Reading, Conduct Second Reading and Adopt Ordinance No. 773 Regarding Century Link Cable Television Franchise The City Administrator stated that after many months of discussions and negotiations the Quad Cities Cable Communications Commission recommended approval of a Franchise Agreement.
- Karen George, QCTV Executive Director, stated that she is thrilled to be able to present this proposal for additional options for Champlin residents as Comcast has been the only provider for cable television in the community. She reviewed the benefits that would be included in the Franchise Agreement to provide services to the member communities. She stated that there was much discussion regarding the level playing field provision in State law and noted that a memorandum was included from the legal representation of QCTV. She stated that a minimum build-out of 15 percent is required for each member city and QCTV will meet quarterly with CenturyLink staff to receive updates and discuss future expansions.
- Patrick Haggerty, CenturyLink, stated that they hope to bring choice to the community with their Prism product that brings television and internet services through IP. He noted that the services will primarily occur over the current infrastructure and therefore there should not be a significant amount of work in the right-of-way required.
- Ordinance 773 Councilmember Johnson introduced the following ordinance, waiving the first reading, conducting the second reading, moving its adoption and authorizing the use of a publication summary as presented:
- An Ordinance Granting a Franchise to QWEST Broadband Services, Inc. D/B/A CenturyLink, to construct, operate, and maintain a cable system in the City of Champlin, Minnesota for the purpose of providing cable service; setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system and the public rights-of-way in conjunction with the City's right-of-way ordinance, if any, and prescribing penalties for the violation of the provisions herein
- The motion for the adoption of the ordinance and publication summary was duly seconded by Councilmember Miller, 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 ordinance was passed this 14th day of November 2016.
- Waive First Reading and Conduct Second Reading and Adoption Ordinance No. 744 Establishing a Moratorium Regulating the Residency Location of Predatory Offenders within the City of Champlin, Minnesota The City Planner stated that staff recommends that the Council approve an interim ordinance which places regulations on where level three offenders can live in the community. He stated that after that one-year period staff will review the information and recommend a permanent ordinance. He reviewed some of the distance regulations, noting that typically this will place a distance between places children frequent such as schools and parks.
- The City Attorney stated that he has reviewed and approves the staff recommendation to adopt the draft interim ordinance. He stated that level three offenders are the most likely to reoffend and therefore are the ones the City would most likely want to regulate. He noted that this is not a total prohibition and is not permanent. He stated that law is uncertain at this point and explained that the interim ordinance will allow the legal system to determine if challenges will come forward in that one-year period that will provide greater clarity on this issue.
- Ordinance 774 Councilmember Johnson introduced the following ordinance, waiving the first reading, conducting the second reading and moving its adoption:
- An Ordinance Establishing a Moratorium Regulating the Residency Location of Predatory Offenders within the City of Champlin, Minnesota
- 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 and Miller, and the following voted against the same: none, whereupon said ordinance was passed this 14th day of November 2016.

Adjournment

The Champlin City Council adjourned the regular meeting at 7:19 p.m.

ArMand Nelson, Mayor

Attest:

Roberta Colotti, CMC, City Clerk