

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 28, 2016  
Municipal Center

- Call to Order                   The Champlin City Council met in Regular Session and was called to order by Mayor ArMand Nelson at 7:02 p.m.
- Pledge of Allegiance        The Pledge of Allegiance was recited.
- Roll Call                       Present were Mayor ArMand Nelson and Councilmembers Ryan Karasek, Bruce Miller and Kara Terry.
- Excused Absent: Councilmember Eric Johnson.
- Also present were City Administrator Bret Heitkamp, Community Development Director John Cox, City Engineer Tim Hanson, City Planner Scott Schulte, Assistant City Engineer Todd Tuominen, and City Attorney Scott Lepak.
- Approval of Agenda  
(November 28, 2016)  
Motion                        Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the agenda for the November 28, 2016 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers 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 6, 2016 Budget Worksession, November 14, 2016 Canvass Board and November 14, 2016 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.
- Approval of Bills  
(November 28, 2016)  
Motion                        Motion by Councilmember Terry and seconded by Councilmember Miller to approve the bills as submitted for payment on November 28, 2016. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.
- Announcements             Mayor Nelson made the following announcements:
- EDA Meeting – Immediately following tonight’s Council meeting in the Council Chambers
  - EDA Worksession – Immediately following tonight’s EDA meeting in the Council Conference Room
  - Volunteer Appreciation Dinner – Thursday, December 8<sup>th</sup> at 6 p.m. at Willy McCoys
  - Council Worksession – Monday, December 12<sup>th</sup> at 5:45 p.m. in the Council Conference Room
  - City Council Meeting – Monday, December 12<sup>th</sup> at 7 p.m. in the Council Chambers
  - Residents interested in applying for the 2017/2018 Ward 1 City Council vacancy should contact the City Clerk at 763-923-7111 or [Clerk@ci.champlin.mn.us](mailto:Clerk@ci.champlin.mn.us) Applications accepted December 5<sup>th</sup> through December 16<sup>th</sup>.
  - Interviews for Ward 1 Council Vacancy – Tuesday, January 3<sup>rd</sup> and Wednesday, January 4<sup>th</sup> in the Council Conference Room
  - Residents interested in serving on the Planning, Park and Recreation or Environmental Resources Commissions in 2017 should contact the City Clerk at 763-923-7111 or [Clerk@ci.champlin.mn.us](mailto:Clerk@ci.champlin.mn.us)
- Special Presentations
- Presentation by Hennepin  
County Commissioner Jeff  
Johnson                   Hennepin County Commissioner Jeff Johnson provided a summary of the 2016 budget, noting that the County is nearing the end of the 2017 budgeting process. He identified the potential budget increase and stated that he does not support a consistent 4% to 5% increase, especially with the demographics of the County. He provided information on the Comprehensive Planning process the County is going to follow this year, noting that three Commissioners are on the Committee with staff to update the Plan. He stated that he would like to see merit based compensation for County staff and for vendors the County works with, such as non-profit service providers. He mentioned the use of body cameras and stated that the County would like to be a resource for the member cities, as there will be a lot of

staff time involved with that technology and requests for footage.

Councilmember Karasek asked County Commissioner Johnson to provide a brief overview on what the County Commission does.

County Commissioner Johnson provided an overview of the elements the Commission works with.

Mayor Nelson asked if there are any significant changes projected in the next ten years.

County Commissioner Johnson stated that he does not anticipate any large changes but hoped that the new Comprehensive Plan will bring about some changes.

Councilmember Terry stated that she is pleased to hear that there are changes proposed to help reduce the steady increase in property taxes. She asked if performance based pay had been discussed for County staff as well.

County Commissioner Johnson stated that they hired a consultant to provide additional input on merit based pay. He stated that currently management has the ability to not provide an increase to an employee; however it has not been the practice of management to withhold increases. He stated that he would hope that eventually there would be a bell curve where the best employees are rewarded at a higher level.

Councilmember Terry stated that staffing continues to be a huge cost to the County and was encouraged that this will be a focus of discussion.

Overview of Worksession Discussion

The City Administrator provided an overview of the discussion that occurred earlier in the evening at the Council Worksession regarding the proposed Champlin Utility Round Up Program, which will be an opt-in program that will be implemented in the first quarter of 2017. He explained that utility bills could be rounded up to the next dollar and the additional funds would be used for youth and senior, park and recreation programming.

The City Administrator stated that the Council also discussed the process to fill the vacant Ward 1 Council seat. He stated that on the agenda tonight the Council will begin that process, noting that the City will begin accepting applications on December 5<sup>th</sup> through December 16<sup>th</sup> with interviews to take place on January 3<sup>rd</sup> and 4<sup>th</sup>.

Consent Agenda

Mayor Nelson requested to pull Item #5 "Accept Resignation of Code Enforcement Officer", from the Consent Agenda for further discussion.

Second Reading and Adoption of Ordinance No. 775 Amending Chapter 6 Alcoholic Beverages and Authorize Publication Summary Ordinance 775

Councilmember Miller conducted the second reading of the following ordinance and moved its adoption along with the use of a publication summary as presented:

An Ordinance Regulating the Possession, Sale and Consumption of Intoxicating and 3.2 Percent Malt Liquor Within the City of Champlin, Minnesota

The motion for the adoption of the ordinance and publication summary was duly seconded by Councilmember Karasek, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said ordinance was passed this 28<sup>th</sup> day of November 2016.

Second Reading and Adoption of Ordinance No. 776 Amending Chapter 22 Fees and Authorize Publication Summary Ordinance 776

Councilmember Miller conducted the second reading of the following ordinance and moved its adoption along with the use of a publication summary as presented:

An Ordinance Amending Chapter 22 Fees

The motion for the adoption of the ordinance and publication summary was duly seconded by Councilmember Karasek, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said ordinance was passed this 28<sup>th</sup> day of November 2016.

Accept Resignation of  
Code Enforcement Officer  
Motion

Mayor Nelson recognized Diana Jones for her 29 years of service to the City of Champlin and wished her well in her retirement.

Motion by Mayor Nelson and seconded by Councilmember Miller to accept the resignation of Diana Jones effective December 29, 2016. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Appointment of Code  
Enforcement Officer  
Motion

Motion by Councilmember Miller and seconded by Councilmember Karasek to appoint Rebecca McMahon to the position of Code Enforcement Officer. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Appointment of Part Time  
Receptionist  
Motion

Motion by Councilmember Miller and seconded by Councilmember Karasek to appoint Ms. Rebecca Ingersoll to the position of part-time receptionist, effective January 3, 2017. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Approve Final Payment to  
Urban Companies LLC  
for Hayden Lake Road  
Roundabout Landscaping  
(Improvement Project  
21407)  
Motion

Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the final pay voucher for Hayden Lake Road Roundabout Landscaping, Improvement Project No. 21407 to Urban Companies, LLC in the amount of \$8,874.45. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Approve Ward 1 City  
Council Vacancy –  
Appointment Process  
Motion

The Ward 1 City Council seat will become vacant by operation of law upon City Councilmember Karasek taking the Oath of Office as Mayor on January 9, 2017.

Motion by Councilmember Miller and seconded by Councilmember Karasek to direct staff to post notification of the vacancy and assist the City Council in a process to identify potential candidates to fill the Ward 1 City Council seat. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Open Forum

No comments made.

Public Hearings

Public Hearing Regarding  
Off-Sale Liquor License  
for Raffaele Virgillo,  
Wine Shop

The Community Development Director presented a request for an off-sale intoxicating liquor license for Raffaele Virgillo Wine Shop to be located at 508 Jefferson Highway North.

Public Hearing

Mayor Nelson opened the public hearing at 7:19 p.m.

No comments made.

Motion

Motion by Councilmember Karasek and seconded by Councilmember Miller to close the public hearing at 7:19 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Motion

Motion by Councilmember Terry and seconded by Councilmember Karasek to approve the off-sale intoxicating liquor license for Raffaele Virgillo Wine Shop, contingent upon submittal of a certificate of insurance. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Resolution No. 2016-80  
Approving the Vacation of  
a Portion of Right-of-Way  
Known as Depue Drive

The City Planner stated that the Depue Drive project is almost complete and identified a section of 1,868 square feet of right-of-way that would be vacated and split between the adjacent lots. He stated that staff recommends approval of the vacation of right-of-way as described.

Public Hearing

Mayor Nelson opened the public hearing at 7:21 p.m.

No comments made.

Motion

Motion by Councilmember Terry and seconded by Councilmember Karasek to close the public hearing at 7:21 p.m. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Mayor Nelson asked if this would be the only vacation of right-of-way needed for the project.

The City Planner noted that this would be the last vacation needed, although it would not be the last action needed for the project as plats for City owned lots will still come forward in the future.

Resolution 2016-80

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Approving the Vacation of a Portion of Right-of-Way Known as Depue 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, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said resolution was passed this 28<sup>th</sup> day of November 2016.

New Business

Resolution No. 2016-81  
Amending the Reserve at  
Elm Creek PUD Revising  
Side Yard Setback  
Requirements for Certain  
Lots: Gonyea Company  
and Jonathan Homes  
(Project 2016-24)

The City Planner stated that the Reserve at Elm Creek subdivision was approved in 2015 and the development is well underway. He stated that the development was created under a Planned Unit Development (PUD) and includes a minimum side yard setback at seven feet as proposed by the applicant at that time and is different than the City's regulation of five feet for garage sides and ten feet for the home sides. He stated that there are some drainage and utility easements between certain lots and the wider easement creates a problem for some of those lots. He stated that the developer and builder are requesting an amendment to the PUD which would establish the setbacks at five and ten feet in the areas adjacent to the drainage and utility easements. He stated that the Planning Commission held a public hearing on November 21<sup>st</sup> and recommended approval of the request.

Resolution 2016-81

Councilmember Terry introduced the following resolution and moved its adoption:

A Resolution Approving an Amendment to the Reserve at Elm Creek Planned Unit Development  
Modifying Side Yard Setbacks for Certain Lots

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, Miller and Terry, and the following voted against the same: none, whereupon said resolution was passed this 28<sup>th</sup> day of November 2016.

Resolution No. 2016-82  
Amending the Elm Creek  
PUD Allowing  
Unscreened Rooftop  
Mechanical Equipment:  
Egan Companies (Project  
2016-25)

The City Planner stated that Egan Companies moved into their current location during the past year and made significant investments in the site. He stated that it has been determined that two of the upgraded rooftop equipment units are visible from an adjacent roadway and therefore Egan investigated the options for screening. He noted that the building would need significant changes to support that type of screening and the end result may not be better aesthetically. He stated that Egan Companies has painted the equipment to match the building and is requesting an amendment to the PUD to allow the rooftop units to be visible. He stated that staff supports the request based on the findings of hardship found in the staff report and therefore recommends the amendment subject to the two conditions listed in the report. He stated that the Planning Commission held a public hearing at their meeting on November 21<sup>st</sup> and recommended unanimous approval. He stated that the Commission also directed staff to look into the City code regarding rooftop screening as the language is too vague and may not result in an improved aesthetic.

Councilmember Miller agreed that the additional screening would look more intrusive. He stated that the equipment is more visible from Clive's and wanted to ensure that all sides of the equipment are painted.

Resolution 2016-82

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Approving an Amendment to the Elm Creek Planned Unit Development Allowing Unscreened  
Rooftop Mechanical Equipment at 11611 Business Park Boulevard (Egan Companies)

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, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said resolution was passed this 28th day of November 2016.

Adjournment

The Champlin City Council adjourned the regular meeting at 7:32 p.m.

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ArMand Nelson, Mayor

Attest:

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Roberta Colotti, CMC, City Clerk