

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
August 11, 2014
Municipal Center

- Call to Order The Champlin City Council met in Regular Session and was called to order by Mayor ArMand Nelson at 7:06 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, Park Facilities Manager Charlie Lehn, Assistant City Engineer Todd Tuominen, Police Chief David Kolb, City Planner Scott Schulte, City Clerk Roberta Colotti and City Attorney Scott Lepak.
- Approval of Agenda
(August 11, 2014)
Motion Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the agenda for the August 11, 2014 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 July 28, 2014 Worksession and July 28, 2014 Regular Meetings as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Approval of Bills
(August 11, 2014)
Motion Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the bills as submitted for payment on August 11, 2014. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.
- Announcements Mayor Nelson made the following announcements:
- Council Worksession – Monday, August 25th at 5:45 p.m. in the Council Conference Room.
 - City Council Meeting – Monday, August 25th at 7:00 p.m. in the Council Chambers.
 - The Primary Election is tomorrow, August 12th, from 7:00 a.m. to 8:00 p.m. For information on polling locations and a sample ballot, log onto the City’s website. A sample ballot is also posted at City Hall.
 - The Farmer’s 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. Wednesday, August 13th is free bottled water day.
 - Dinner & A Movie – Friday, August 15th at Andrews Park from 6:00 to 8:00 p.m. There will be inflatable slides, carnival games and pizza/concessions for sale. The movie Despicable Me 2 will start at dusk.
 - City Council Budget Worksession – Tuesday, September 2nd at 6:00 p.m. in the Mayor and Council Conference Room.
- Special Presentations
- Presentation of Donation
from the Champlin
Dayton Athletic
Association for the Crime
Prevention Fund The Police Chief accepted a donation from the Champlin Dayton Athletic Association (CDAA) in the amount of \$3,000 to the Champlin Police Crime Prevention Fund to be used to fund the DARE program. The Police Chief reported that the Crime Prevention Fund was created in 2012 to support crime prevention programs, public education and community outreach by the Champlin Police Department. He introduced Todd Hudson who will be taking over the leadership role on the Crime Prevention Fund Board. He noted that the newest member, Pam Riddle, was recruited at the August 5th Night to Unite event.

Overview of Worksession Discussion
(August 11th at 5:45 p.m.)

The City Administrator reported that the City Council reviewed the scope and timeline for the Elm Creek Dam Project. He noted that reconstruction efforts could begin in the fall of 2014 or spring of 2015 with completion in 2016. He noted that the Council discussed bid options and alternatives for the project.

The City Administrator reported that the Council also discussed the Infrastructure Replacement Plan.

Acceptance of Military Tank Donation from American Legion Post 600 to the City of Champlin Motion

Consent Agenda

Mayor Nelson requested to pull Item #1, "Acceptance of Military Tank Donation from the American Legion Post 600 to the City of Champlin", from the Consent Agenda for further discussion.

The Park Facilities Manager reported that American Legion Post 600 recently sold their property located at 12450 Business Park Boulevard North. There is a M60A3 Tank that exists at the location that the Legion is requesting permission from the City to move to Veteran's Memorial Park, located at 505 East Hayden Lake Road. He reported that the Legion is coordinating with the U.S. Army for official approval of the move and gifting to the City of Champlin. He stated that the Legion will pay for the cost of constructing a cement support slab for the tank. He stated that there would be no additional park maintenance cost related to this addition to the park.

The City Administrator explained that under the terms of the Conditional Deed of Gift, the tank remains the property of the U.S. Army indefinitely.

Mayor Nelson stated that even though the Legion building will not remain, the organization will still be active and he believed that the tank should remain in the City.

Motion by Councilmember Miller and seconded by Councilmember Terry to approve the agreement from American Legion Post 600 and the U.S. Army to move the M60A3 Tank from the Legion building site at 12450 Business Park Boulevard North, to Veterans Memorial Park, located at 505 East Hayden Lake Road in Champlin for the purpose of display on the City's property as a long-term display. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Open Forum

No comments made.

New Business

Cedars of Elm Creek
(Project No. 2014-13)

The City Planner presented a development request for property located along Hayden Lake Road and Vera Street for 34 detached townhomes and five single family homes. He stated that the plans have been reviewed by an engineering consultant, because of the elevation issues, to determine the best options for layout, parcel size, architectural details and other amenities.

The City Planner identified recommended trail connections and noted that the City would work with the Three Rivers Park District to connect to their new trail. He stated that the area would also be maintained by an association. He identified the proposed connection to Vera Street and advised that the staff report explains why this connection is important. He stated that the developer held an Open House for the neighborhood in early July and some residents expressed concern regarding the Vera Street connection. He advised that the Planning Commission held a public hearing on July 21st and of the residents in attendance one resident opposed the Vera Street connection and another voiced his support for the connection. He advised that the Planning Commission recommended approval of the request, noting that the Commission drafted an additional condition regarding lighting which staff does not support. He explained that staff would instead recommend the City approved lighting policy be followed.

Councilmember Karasek stated that he has followed this issue for some time and he believed that the design of the project is very nice and it is an attractive development. He stated that while he acknowledges that some residents would not like the Vera Street connection it would allow the neighborhoods to connect to each other and would also provide additional trail connections for the existing residents. He believed that the builder/developer has done a great job accommodating the requests of the City and would supply a quality product that is in demand. He referenced Outlot B, proposed to be dedicated to the City, and confirmed the location of the parcel.

The City Planner confirmed that the developer intends to dedicate Outlot B to the City, explaining that the City owns the neighboring parcel and advised that this would help the City to establish the goal of preservation along the corridor. He noted that the developer does intend to dedicate that land in lieu of park dedication and advised that the Parks and Recreation Commission will review that request at their next meeting.

Councilmember Miller agreed with the comments of Councilmember Karasek and believed that this would be a quality development. He referenced the connection to Vera Street and believed that it was necessary.

Councilmember Terry also agreed with the comments made by the other Councilmembers. She noted that most of her questions had been answered through review of the Planning Commission minutes. She asked for additional information regarding a proposed trail connection.

The City Planner provided additional information on the trail extension between lots 11 and 12, explaining that the developer will construct their portion of the trail with Three Rivers Park District to fund the remaining portion of the trail connection on their property. He confirmed the price point for these homes is between \$280,000 and \$350,000.

Mayor Nelson recognized the desire of the Vera Street neighborhood to refuse the street connection but believed that the connection would improve public safety. He also agreed with the comments of the Council regarding the expected high quality of the proposed project.

Resolution No. 2014-64
Approving the Cedars of
Elm Creek Preliminary
Planned Unit
Development Plan

Councilmember Terry introduced the following resolution and moved its adoption:

A Resolution Approving the Cedars of Elm Creek Preliminary 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 Karasek, Miller and Terry, and the following voted against the same: none, whereupon said resolution was passed this 11th day of August 2014.

Resolution No. 2014-65
Approving the Preliminary
Plat of the Cedars of Elm
Creek

Mayor Nelson introduced the following resolution and moved its adoption:

A Resolution Approving the Preliminary Plat of the Cedars of Elm Creek

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 11th day of August 2014.

Ordinance Amending the
City of Champlin Zoning
Map Relative to Property
Know as the Cedars of
Elm Creek (Lots 17
through 23, Block 2)
Motion

Motion by Mayor Nelson and seconded by Councilmember Miller to give first reading to an ordinance Amending the City of Champlin Zoning Map Relative to Property Know as the Cedars of Elm Creek (Lots 17 through 23, Block 2), as presented. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Ordinance Amending the
City of Champlin Zoning
Map Relative to Property
Know as the Cedars of
Elm Creek (Lots 1 through
19, Block 1; Lots 1
Through 15, Block 2;
Outlot A and Outlot B)
Motion

Motion by Mayor Nelson and seconded by Councilmember Miller to give first reading to an ordinance Amending the City of Champlin Zoning Map Relative to Property Know as the Cedars of Elm Creek (Lots 1 through 19, Block 1; Lots 1 Through 15, Block 2; Outlot A and Outlot B), as presented. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Waiver of Plat/Lot Split at
11912 Mississippi Drive:
Don Vry
(Project 2014-14)

The City Planner presented a request for a waiver of plat/lot split for the property located at 11912 Mississippi Drive, owned by Don and Teresa Vry. He provided background information including information on the recently passed ordinance amendment enabling the lot split. He stated that the existing home resides on lot 17, while lot 18 is vacant.

The City Planner stated that staff is recommending that the property owner be required to pay park dedication fees in the amount of \$8,740. He advised that the Planning Commission reviewed this issue at their July meeting and at the request of the property owner the Planning Commission recommended waiving the park dedication fees. He stated that staff continues to maintain that park dedication fees should be paid.

The City Planner stated that on July 28th two residents appeared before the City Council on this matter and stated that they had not been notified of the July 21st Planning Commission Public Hearing. He recommended that the City Council allow time this evening for these residents to speak on the matter of the lot split. He also reviewed the proposed changes to the City's notification practices.

James Busing, 11906 Mississippi Drive, stated that he appeared before the City Council two weeks ago on this issue. He stated that he purchased his property as a retirement home because of the open and expansive view. He expressed his concern and frustration that he was not notified and that due process was not followed. He stated that most of the decisions made thus far had been based on misinformation. He stated that this neighborhood is very unique and open and he does not believe that he should be penalized for misinformation by the other property owner.

Mr. Busing stated that nothing prior to the purchase of the property in 2005 should matter, noting that the property owner purchased his property with one PID and was clear on his options, none of which were a lot split.

Mr. Busing referenced the complexity of the issue and explained that the county identifies a "lot" as a location only and the City actually controls the use of the property. He stated that he has nothing against Mr. Vry and his predicament. He stated that within 30 minutes of speaking with the county he was able to determine when the lots were combined. He provided copies of paperwork showing the property owner of lot 17 combined the two lots the same day they purchased lot 18. He explained, that property owner was the only property owner previous to the Vrys and he believed that information would have been known through the purchase. He explained that the Vrys purchased only one lot, even though the legal description states lot 17 and lot 18.

Mr. Busing stated that the adjacent properties would be burdened by the requested lot split, noting that they were clear as to what could happen with the lot even though the property owner does not appear to be. He stated that the applicant stands to receive a lot of money if this proceeds and he did not believe that any fees should be waived if this is approved. He noted that 90% of the discussion of this matter involved misinformation regarding the combination of the lots, noting that he believed it should have been clear that the previous owner combined the lots at their desire, and advised that the issue should only be reviewed from the property status in 2005 forward because that is when the Vrys purchased the property. He stated that the ordinance governing this issue references a portion of City Code that does not exist. He restated his points and noted that the neighboring lots are much larger than the 70 foot wide lot proposed. He stated that he has an amazing view, as do the other neighbors, and would hate to see that ruined. He explained that he and the adjacent property owner purchased their properties with the knowledge of what could be done, none of those options being to split the lot.

Jason Kozlovski, 11911 Mississippi Drive, stated that he was made aware of the potential lot split two weeks ago and opposes the request. He stated that he purchased his property with the knowledge that the lot in discussion was a 70 foot non-conforming/unbuildable lot. He did not see any area in this neighborhood where you could use a 70 foot stretch of land, include the setbacks and tree preservation efforts, to build a house. He stated that he is accepting of the fact that the existing home could be demolished and a larger home could be constructed on the large existing lot. He believed that the requested lot split would take away from the character of the neighborhood and he opposes the request.

He did not believe that the request was practical or reasonable and it would negatively affect the neighborhood.

Don Vry, 11848 Mississippi Drive, stated that there has been a lot of information presented to the Council that has not been vetted. He stated that his lot has always been developable, in the past as one lot and now under City Code as two lots and that is what he is requesting. He believed that the Planning Commission members did an excellent job reviewing the matter and advised that nothing has been done to circumvent the ordinance and requested that this item continue to move forward.

The City Planner identified 70 foot wide lots along the same stretch of Mississippi Drive and noted that staff did consider the neighborhood aesthetics when making their recommendation.

Councilmember Miller stated that he has been involved with staff discussion and has walked the property. He stated that he wished he could un-ring the bell in terms of the ordinance, which was previously passed, but felt that the Council's hands were tied. He hoped that the issue could be tabled to review the information that was brought forward as he believed that Mr. Buesing's points were valid. He stated that in walking the property there is a 29 inch Oak tree, which the language states they will "strive to save". He did not believe that would be sufficient language.

Councilmember Karasek confirmed that this is not a variance request and that this request is within the standards of the ordinance that was recently passed. He thanked the residents for their input and information presented tonight but did not believe there was much the Council could do at this time to deny the request. He referenced the issue of park dedication fees and stated that he was on the fence because the ordinance does state that improved lots shall pay park dedication fees. He believed that the Council could only discuss park dedication fees at this point because the lot split request fits within the ordinance.

The City Attorney stated that for the Council's consideration in taking action this evening the notice that was provided meets the required legal notice requirements. He referenced the issue of the standard to apply to the request and noted that the ordinance amendment states that the variance standards do not apply in this situation. He stated that the Council already acted upon the ordinance amendment and therefore can only apply the ordinance as it stands to this request.

Councilmember Terry recognized staff's presented plan to improve the notification process in the future. She stated that if she would have had the information presented tonight, in the past, she may have voted against the ordinance amendment but she agreed that at this point that matter has passed. She asked for additional information regarding the referenced City Code number that does not exist.

The City Planner explained that a typo was included in that language that should have listed 126.33.

Councilmember Terry stated that she did not see a reason to excuse the park dedication fees.

Councilmember Karasek referenced the City's Tree Preservation ordinance and asked for additional information.

The City Planner explained that the ordinance depends on the situation and advised that the requirement would focus on preserving the trees around the perimeter and replacement would be needed for any removed trees within the building pad.

Mayor Nelson stated that given the ordinance that was already passed the City has no choice but to move forward. He also believed that the full park dedication fee should be charged.

Resolution 2014-66

Mayor Nelson introduced the following resolution and moved its adoption:

A Resolution Approving a Waiver of Plat/Lot Split at 11912 Mississippi 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 11th day of August 2014.

Council Presentations

Appointment to the
Environmental Resources
Commission

The City Clerk advised that Rick Klemesrud was recently interviewed by the Mayor, for the vacant Ward 4 position on the Environmental Resources Commission (ERC) and it is recommended that he be appointed. She noted that with his appointment the Commission would be at full membership.

Motion

Motion by Mayor Nelson and seconded by Councilmember Miller to appoint Rick Klemesrud to serve on the ERC as a representative of Ward 4 with a term ending December 31, 2016. Voting in favor were Mayor Nelson, Councilmembers Karasek, Miller and Terry. Voting against: none. Motion carried.

Adjournment

The Champlin City Council adjourned the regular meeting at 8:35 p.m.

ArMand Nelson, Mayor

Attest:

Roberta Colotti, CMC, City Clerk