

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  
December 8, 2014  
Municipal Center

- Call to Order                   The Champlin City Council met in Regular Session and was called to order by Mayor ArMand Nelson at 7:00 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, City Engineer Tim Hanson, Assistant City Engineer Todd Tuominen, Park Facilities Manager Charlie Lehn, Finance Director June Johnston, Assistant Finance Director Reidun Zollicoffer, Police Chief Dave Kolb, City Planner Scott Schulte, City Attorney Scott Lepak, and City Clerk Roberta Colotti.
- Approval of Agenda  
(December 8, 2014)  
Motion                        The City Administrator referenced Item #6 on the Consent Agenda and noted that item would be pulled from Consent as there would be a Resolution Accepting the Mighty Ducks Grant.
- Motion by Councilmember Johnson and seconded by Councilmember Karasek to approve the agenda for the December 8, 2014 Regular Meeting as amended. 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 Terry to approve the minutes of the November 10, 2014 Worksession #1, November 10, 2014 Worksession #2, November 24, 2014 Worksession #1, November 24, 2014 Regular Meeting and November 24, 2014 Worksession #2 as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.
- Approval of Bills  
(December 8, 2014)  
Motion                        Motion by Councilmember Karasek and seconded by Councilmember Miller to approve the bills as submitted for payment on December 8, 2014. 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 – Immediately following tonight’s City Council meeting in the Council Conference Room.
  - Council Worksession – Wednesday, December 17<sup>th</sup> at 6:00 p.m. in the Emergency Operations Center of the Public Safety Building.
  - The December 22<sup>nd</sup> Council meeting has been canceled.
  - City Hall will be closed at Noon on December 24<sup>th</sup> and all day on December 25<sup>th</sup> for the Christmas Holiday and on January 1<sup>st</sup> for the New Year’s Holiday.
  - Council Worksession – Monday, January 12<sup>th</sup> at 5:45 p.m. in the Council Conference Room.
  - City Council Meeting – Monday, January 12<sup>th</sup> at 7:00 p.m. in the Council Chambers.
- Special Presentations
- Presentation of  
Certificates of  
Appreciation to 2014  
Adopt-a-Park Participants    The Park Facilities Manager introduced six organizations/families that participated in the Adopt-A-Park program in 2014. He stated that the program began in 1991. He thanked the participants for their continued help.
- Mayor Nelson presented certificates of appreciation to those in attendance and thanked them for their participation.

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 status of the three-way stop sign at West River Road and Hennepin Landing. He noted that the second portion of the Worksession focused on discussion regarding amending the City Code to allow chickens in residential areas.

Consent Agenda

Mayor Nelson noted that Item #6, “Resolution No. 2014-98 Accept Mighty Ducks Grant Award”, would be pulled from the Consent Agenda. He also requested to pull Items #5, “Waive First Reading, Second Reading and Adoption of Ordinance No. 746 Amending Chapter 6 – Alcoholic Beverages, Article II License and Permits”, #9, “Adopt 2015 – 2024 Capital Improvement Plan”, and #10, “Approve Anoka County Fire Protection Council Joint Powers Agreement”, for further discussion.

Adoption of Ordinance No. 744 Amending Chapter 22 – Fees Ordinance 744

Councilmember Johnson conducted the second reading of an ordinance and moved its adoption:

An Ordinance Amending Chapter 22 - Fees

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, Miller and Terry, and the following voted against the same: none, whereupon said ordinance was passed this 8<sup>th</sup> day of December 2014.

Adoption of Ordinance No. 745 Amending Chapter 62 – Vegetation Ordinance 745

Councilmember Johnson conducted the second reading of an ordinance and moved its adoption:

An Ordinance Amending Chapter 62 – Vegetation, Article III Weeds and Grasses, Section 62-62 Abatement and Section 62-63 Recovery of Costs

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, Miller and Terry, and the following voted against the same: none, whereupon said ordinance was passed this 8<sup>th</sup> day of December 2014.

Adoption of Ordinance No. 746 Amending Chapter 6 – Alcoholic Beverages, Article II License and Permits Ordinance 746

Mayor Nelson stated that this item referenced terms for 2a.m. licensees and requested the City Clerk provide an overview of the proposed amendment.

The City Clerk stated the State of Minnesota issues 2 a.m. liquor licenses and requires City approval as part of their application process. The current City ordinance provides general approval of the application for all on-sale intoxicating liquor license holders and the proposed amendments will require specific City Council approval as part of the application process. This will provide the City with greater control.

Mayor Nelson waived the first reading of the following ordinance, conducted the second reading and moved its adoption:

An Ordinance Amending Chapter 6 – Alcoholic Beverages, Article II Licenses and Permits

The motion for the adoption of the ordinance 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 ordinance was passed this 8<sup>th</sup> day of December 2014.

Resolution No. 2014-98 Approving the LGU Mighty Ducks Grant Application Resolution 2014-98

Mayor Nelson thanked staff for their work to obtain grant funds to assist in the funding of this project, which will cover almost half of the project cost.

Councilmember Karasek introduced the following resolution and moved its adoption:

A Resolution Approving the LGU Mighty Ducks Grant Application

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 8<sup>th</sup> day of December 2014.

Resolution No. 2014-93  
Accepting Donations  
Received by the City of  
Champlin in 2014  
Resolution 2014-93

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Accepting Donations Received by the City of Champlin in 2014

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 8<sup>th</sup> day of December 2014.

Establish Date for  
Legislative Worksession

Motion by Councilmember Johnson and seconded by Councilmember Miller to establish a Work Session with the State Legislators to discuss the City's priorities for the upcoming Legislative Session for Saturday, January 31, 2015 at 8:30 a.m. in the City Council Chambers. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Adopt 2015 – 2024  
Capital Improvement Plan  
Motion

Councilmember Karasek stated that based on previous discussions he would like to postpone the Mill and Overlay for Champlin River Park from 2015 to 2017.

Mayor Nelson referenced a street improvement project BMPS on page 13 and asked for additional information.

The City Engineer advised that it is a storm water improvement project and explained that BMPS is best management practices. He stated that project would go along with another street improvement project to improve water quality.

Motion by Councilmember Miller and seconded by Councilmember Karasek to adopt the 2015-2024 Capital Improvement Plan as amended by moving the Mill and Overlay project for Champlin River Park from 2015 to 2017. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Approve Anoka County  
Fire Protection Council  
Joint Powers Agreement  
Motion

Mayor Nelson questioned if this would affect the Joint Powers Agreement with the Anoka Fire Department.

The City Attorney clarified that this JPA is an effort to allow all the departments within Anoka County to work together and would not interfere with the Anoka Champlin Fire Department JPA.

Mayor Nelson referenced language regarding financial decisions and questioned if the City would be contributing dollars towards this JPA.

The City Attorney confirmed that the item will be budgeted through the Anoka Champlin Fire Department.

Motion by Mayor Nelson and seconded by Councilmember Terry to adopt the Anoka County Fire Protection Joint Powers Agreement as submitted. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Appointment to Parks and  
Recreation Commission  
Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to approve the appointment of Ms. Kimberly Durene (Ward 1), to the Parks and Recreation Commission with a term expiring December 31, 2017. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Open Forum

No comments made.

Unfinished Business

Review Three-way Stop  
Sign at West River Road  
and Hennepin Landing

The City Engineer identified the location of the West River Road and East Hayden Lake Road roundabout. He stated that when this roundabout was created, the access to the north and the east was relocated to Hennepin Landing. He advised that a three-way stop was installed along with the

relocation, primarily for safety considerations. He stated that in the past 11 years the Hennepin Landing intersection was the scene of 29 accidents, eight of those causing personal injury. He stated that upon installation of the three-way stop, residents have expressed concern. He stated that the neighborhood is interested in safety and access to West River Road while other residents are interested in mobility.

The City Engineer reported that public meetings have been held to discuss the three-way stop. He acknowledged that the three-way stop has caused some traffic delays, mainly southbound traffic in the evening rush hour period, which can have a delay of 45-50 seconds, compared to an average of 25 seconds. He stated that the traffic northbound seems a bit more spread out and does not cause as many delays, reporting a delay period of 20-35 seconds. He noted that West River Road will soon be closed between East Hayden Lake Road and TH 169 for the Elm Creek Dam reconstruction project, which could begin in late winter or early spring. He advised that the roadway would be closed the entire summer and would reopen in November or December of 2015. He identified the jurisdictional change that occurred along with the creation of the roundabout, noting that the County now has control over the majority of West River Road along with East Hayden Lake Road, while the City has control over West River Road from East Hayden Lake Road to TH 169. He displayed a sketch of the roundabout and surrounding area, along with the landscape concept plan.

Councilmember Miller confirmed that the County changed the original design.

The City Engineer confirmed that the exact location of the roundabout was originally to the north but the County requested that the roundabout be shifted south and west a bit to make it more conducive to continue along East Hayden Lake Road. He displayed an aerial sketch with the overall plans for the roadways in the future that will coincide with the plans for the Mississippi Crossings redevelopment area. He reviewed the master transportation plan for that area and the reconstruction plans for the Elm Creek Dam. He advised that a portion of West River Road would be narrowed along with the Elm Creek Dam reconstruction project and advised that the roadway speed would then be lowered to 35 mph. He stated that residents expressed concern regarding visibility of the signs and stated that staff is recommending the installation of larger signs. He stated that the intersection could be lit, if desired and noted that flashing lights could also be installed, but noted that would be the most expensive option. He stated that staff recommends leaving the stop signs in place, with larger signs installed and a reflective bar to be installed on the posts and to lower the speed limit to 35 mph. He noted that one stop sign could be removed with additional signage posted that cross traffic does not stop.

Timothy Erickson, 7609 120<sup>th</sup> Ave. N, referenced the 29 accidents at that intersection. He stated that is with the four way intersection and noted that there is no knowledge how many of those accidents would have been traffic coming into or going out of the intersection. He believed a number of those accidents would be alleviated by roundabout. He stated that there are not studies proving whether the addition of a stop sign reduces the number of accidents, noting that it most likely just shifts those accidents to the next place the vehicles must stop. He stated that there are gaps in the traffic that allows vehicles to enter or exit the roadway.

Mr. Erickson identified similar intersections in the City that would have similar delay times but do not have stop signs. He stated that in the previous meetings he recalled certain traffic counts but then noted that during this meeting the traffic counts seemed to be reported as a different number. He stated that typically there is an engineering study completed prior to traffic control changes. He did not believe there was a safety issue and did not believe there would be in the future because of the addition of the roundabout. He recommended that the stop signs on West River Road be removed, with the City to complete a traffic study while the reconstruction of the Elm Creek Dam occurs. He stated that the City could then make the determination of whether a stop sign would be necessary. He questioned if the Council is saying that if there is a perception of a safety issue that the City will install stop signs, without an engineering study.

Dale Winch, 701 Bradford Ave., stated that his concern is for the residents in the identified area as this is the only access point to West River Road for the residents in that neighborhood. He stated that other neighborhoods have alternative options for access but this neighborhood does not. He stated that the stop sign is intended to drive out the traffic that does not need to be in that area. He stated that the City plans to narrow that portion of West River Road, which will be an effort to direct traffic to East Hayden Lake Road. He stated that there has been a squad car monitoring that intersection and it has

been very busy with people running the stop sign. He believed that large signs and possibly an overhead street light would help to make the stop signs more visible. He stated that when the stop signs were removed from Hennepin Landing in the past there was not near the amount of traffic that there is today. He recommended that the stop signs remain in place with larger stop signs installed.

Joe Deschene, 11936 Mississippi Drive N, disagreed with the comments made by the previous resident. He noted that there are numerous other neighborhoods in the City that have similar single access points and did not understand why a stop sign was installed. He stated that a roundabout was installed in order to eliminate the need for a stop sign only to add another stop sign. He stated that it does not make sense to have a roundabout, which is intended to slow traffic, only to install a stop sign, which is easy for people to run. He stated if that was the intention, a four way stop should have been constructed and the roundabout should not have been constructed, which would have saved the City money.

Pam Richard, 725 Bradford Ave. N., stated that the difference between this entrance to West River Road and others in the City is the proximity to the stop light. She noted that there are several times when the intersection is blocked because of traffic piled up in one direction. She stated that when that occurs you cannot see the traffic moving in the other direction, which is traveling at 45 mph. She stated that there is a similar stop sign located at Dayton Road and Cartway Road and believed if signs of that size were installed at this location that would help drivers to notice the signage. She stated that when driving on West River Road and attempting to turn into the neighborhood there is no additional turn lane, which causes further backups and safety concerns. She stated that she would like the stop signs to remain in place and believed that people should just get used to the way that it is going to be in the future.

Carol Duffy, 11807 Winnetka Avenue, stated that the first time that she traveled the roundabout and noticed the stop signs she was very surprised. She stated that the roundabout was just created only to add a stop sign. She agreed that residents will need to get used to using Hayden Lake Road but stated that time is not yet upon the City. She thanked Councilmember Karasek for his efforts on this matter. She stated that she has been told that the intersection is being monitored by a police officer but has yet to see one during her commute to and from Coon Rapids each day. She stated that there are delays in traffic using that route with the stop sign.

Kristie Stanek, 11330 Pleasant View Lane, stated that she does not like the stop sign and finds it very inconvenient. She believed that there was a real possibility of being rear-ended in that location. She advised that there are similar safety concerns at Winnetka but noted that drivers need to be aware of what is going on. She stated that she is against the stop sign.

Ken Thomas, 729 Bradford Ave. N., stated that the problem when exiting Hennepin Landing is that you are coming from a dead stop and need to get across the traffic that is traveling 35 or 40 mph in both lanes. He did not believe it was possible to get out of the neighborhood without the stop sign and believed there was a possibility of being rear-ended once you get in the direction you wish to travel.

Jack Deschene, 11640 Mississippi Drive, stated that if the issue at Hennepin Landing is that traffic is coming at them at 35 to 40 mph, there are other intersections with the exactly the same situation but traffic traveling at as high as 50 mph. He believed that the situation at Winnetka is much more dangerous than Hennepin Landing, noting that there is not a stop sign in place at that intersection. He stated that he does not agree with the stop sign.

Kim Denny, 716 Bradford Ave. N., stated that she is affected by the stop sign and is in favor of the stop sign. She stated that although there are similar intersections in Champlin, there are additional vehicles at the Hennepin Landing intersection because of the proximity to the traffic signal. She explained that traffic spaces out after the signal and some traffic exits the roadway, which creates a more favorable situation for those neighborhoods.

Kevin Pierson, 11350 Mississippi Drive N, suggested that the roundabout has slowed the traffic quite a bit and believed that the stop sign should be removed to evaluate the effect of the roundabout on traffic.

Dianna Deschene, 11640 Mississippi Drive, stated that the intent of creating a roundabout is not only

to slow traffic but also to keep it moving. She stated that having a stop sign goes against the intent and purpose of the roundabout and stated that perhaps staff should have thought about that when creating the roundabout.

Jerry Richard, 725 Bradford, stated that the roundabout has been created and is here now. He stated that the southbound traffic comes in one group and it makes it very difficult to get out of that intersection. He stated that the northbound lane does backup and create visibility problems. He stated that he has lost one vehicle in a crash at that location. He stated that without the stop sign the intersection is hazardous to the neighborhood.

Councilmember Miller stated that the intersection is within his ward (Ward 3) and noted that there have been several meetings regarding this item. He stated that this is a difficult item as people will be unhappy no matter what the outcome. He stated that he is tasked with representing his ward. He stated that even though he has his own opinions on this matter he has to listen to what the people are saying in his ward. He noted that he has received several more calls for those in the ward that are in favor of the stop sign compared to those against the sign. He recognized that there may be more people in the City overall against the stop sign but again noted that he is tasked to represent those in his ward and will be voting in favor of the stop sign because of the input he has received from those in the Bradford neighborhood.

Councilmember Terry noted that she travels this route to daily and the issue of inconvenience is minimal because the short time of the delay, which is under one minute. She referenced the issue of preferential treatment that some have said this area is getting special treatment and replied that also will not weigh on her decision. She stated that in looking at future plans it makes sense to keep the stop sign in place because of the plans for the roadway for the future. She stated that in regard to the safety concerns there was a similar situation in place on Douglas Drive when that roadway was reconstructed, noting that her own daughter was involved in a crash at that location. She stated that those are personal opinions and she has to represent the residents living in Ward 4. She stated that while she has strong feelings in favor of keeping the stop sign in place, she must vote in favor of removing the stop sign because of the input she has received from residents in Ward 4.

Councilmember Karasek identified that the Council would not be discussing this matter largely if he wouldn't have stood up at Open Forum a few weeks prior and made comments regarding the stop sign and his desire to see it removed. He stated that he appreciated the safety concerns of the neighborhood to the north. He reported that he has received a numerous calls opposing the stop sign from residents in his ward (Ward 1). He stated that he has had discussions with those using the road and the perception that he has gotten is that roadway is still a thoroughfare. He believed that it would be difficult to change the mindset of the residents that the road is a thoroughfare until the future roadway and development changes occur. He stated that he wanted to bring this item to the attention of the Council in order to discuss the issue further. He recognized that the people in Champlin are taking a part in the process and speaking up on an issue that matters to them. He encouraged residents to continue to speak their opinions. He supported removing the stop sign per his own opinion and based on the input he received from residents in Ward 1. He also supported lowering the speed limit in that area and posting a police officer in that area to enforce the lower speed limit.

Councilmember Johnson stated that he represents Ward 2 and he has not received any phone calls or emails on this issue. He stated that he will defer to the position of safety. He stated that perhaps the stop sign could be removed in the future and believed that the stop sign should remain in place during construction and the decision can be re-evaluated after construction is complete.

Mayor Nelson agreed that the speed limit should be lowered to 35 mph in both directions as soon as possible. He referenced the 45-50 second delays and did not believe that was a lengthy delay. He believed that if the signs remain in place they should be made larger with reflective strips placed on the signs. He stated that he would recommend removing the stop signs, shortly prior to the closing of the dam with an additional traffic analysis to be completed.

Councilmember Miller thanked the residents in attendance tonight for their participation in the process. He stated that this is not an easy decision for the Council and advised that they are listening to the input of the residents tonight. He recognized the difficulty in accessing West River Road, not only from Hennepin Landing but at other intersections as well. He stated that the City only owns the small

portion of West River Road with the County owning the remaining portion of West River Road. He stated that the City is still going to work with the County to provide additional solutions along West River Road.

Mayor Nelson stated that if the Council were to look at this again he would feel differently. He stated that on paper the idea appeared to work and apologized that it did not work out in the same manner as intended.

Councilmember Johnson stated that rather than remove the stop sign three weeks prior to construction why not leave the sign in place until construction begins and the roadway is closed. He stated that an analysis could be done following construction as that will show the real effect on traffic as the roadway will be narrowed and the speed will be slowed. He questioned when would be bids open for the project.

The City Engineer reported that the bids are currently scheduled to be open on December 13<sup>th</sup> and the contract will be awarded the second meeting in January. He stated that the road closing date will be better known once the contractor is chosen.

Motion

Motion by Councilmember Johnson and seconded by Mayor Nelson to leave the stop signs in place until the start of construction when the entire roadway is closed, with a traffic study to be completed following construction to determine if a stop sign or intersection control is needed, and in the time being the stop sign should be made more visible with a larger sign, reflective tape and additional police patrol in place during peak traffic times, with a lowered speed of 35 mph for both north and southbound traffic.

The City Administrator asked for clarification as to what would be included in the traffic study.

Councilmember Johnson clarified that the study should include traffic counts, turning counts, wait times, and the other typical information provided through a traffic study.

Councilmember Karasek stated that he is torn between voting no and favoring the identified work.

Councilmember Terry stated that she is also in that position as she would like to see the stop sign removed but would be in favor of the traffic study and some of the other items.

Councilmember Miller advised that those Councilmembers could vote against this motion and then submit a motion of their own making.

Voting in favor were Mayor Nelson and Councilmember Johnson. Voting against: Councilmembers Karasek, Miller and Terry. Motion failed.

Motion by Councilmember Karasek and seconded by Councilmember Terry to remove the three-way stop sign at West River Road and Hennepin Landing, to reduce the speed limit from Hwy. 169 to the roundabout in both directions to 30 miles per hour and to conduct a traffic study during the time immediately following the removal of the stop sign and the road closure for the Elm Creek Dam construction.

Councilmember Johnson suggested that the information gathered from a traffic study prior to the roadway redesign would have limited value.

Councilmember Miller questioned the cost of a traffic study.

The City Engineer estimated a few thousand dollars. He noted that there is a very short time frame to make a decision because of the proximity to the time of the road being closed for reconstruction.

Councilmember Johnson questioned the length of time the stop sign has been in place and the number of accidents that have occurred at that location.

The City Engineer stated that the stop sign has been in place for three months and there has not been an accident other than one rear-end that occurred to the north.

Councilmember Miller believed that it would be hazardous to remove the stop sign prior to construction as people have used the stop sign up to this point and people are used to it. He believed that would cause additional confusion and asked that the stop sign be removed after construction begins if the stop sign is to be removed.

Councilmember Karasek accepted Councilmember Johnson's argument and therefore recommended that instead of ordering a traffic study at this time that the Council consider any feedback, accidents or incidents recorded following the removal of the stop sign, then consider this same type of information following the re-opening of the roadway and if a change is needed the Council could review it at that time.

Motion amended by Councilmember Karasek and seconded by Councilmember Terry to eliminate the requested traffic study. Voting in favor Mayor Nelson, Councilmembers Karasek, and Terry. Voting against: Councilmembers Johnson and Miller. Motion carried.

The City Council directed staff to re-address the stop sign issue at Hennepin Landing as part of the plan review for the reconstruction of West River Road and/or the redevelopment of Chandler Park in the future.

#### Recess/Reconvene

Mayor Nelson briefly recessed the meeting to allow the crowd to clear.

Mayor Nelson reconvened the meeting.

#### Public Hearings

Resolution No. 2014-94  
Approving an Amendment  
to the Conditional Use  
Permit for Maverick's  
Wood Grill, Located at  
11328 West River Road

The City Planner presented a request from Maverick's Wood Grill to amend their Conditional Use Permit (CUP) to allow a closing time of 2 a.m. He reported that the CUP currently sets a closing time of 1 p.m. He stated that the CUP was originally issued in 2005 to then owners James Nelson and Ross Lumley. He noted that the restaurant was closed between March 2007 and March 2008. The CUP was amended in 2009 to allow live acoustical music. In 2013 the current owners applied for and received a license from the State to sell alcohol until 2 a.m. which conflicts with their CUP. In response to the identified violation of the CUP, the current co-owners, Chase Franzen and Amber Van Der Vorste are formally requesting an amendment to the business CUP to allow them to stay open until 2 a.m.

The City Planner stated that staff, including Police officials, supports the request for a 2 a.m. closing time. However, given the businesses history and location amongst single family homes, staff support is contingent upon careful adherence to all conditions of the approved CUP. Any future violations to the conditions outlined in the amended or original CUP may result in adjustments or a revocation of the CUP.

The City Planner stated public hearing notices were sent to the neighborhood. He submitted written comments he had received on this matter for Council consideration.

#### Public Hearing

Mayor Nelson opened the public hearing at 8:40 p.m.

Chase Franzen, co-owner of Maverick's Wood Grill stated that it has been a significant challenge and he and Amber Van Der Vorste, have weathered owning a very small restaurant during an economic downturn. He stated that they have put their own money into the business time and time again and are still open today because of the support of their neighbors. He stated that the business is in the middle of a residential neighborhood, which provides the potential to make a lot of people unhappy. He recognized that there have been times when people have been unhappy and noted that they have attempted to resolve those situations. He thanked the neighbors for their continued support, noting that the closest neighbors have often been their largest supporters. He believed that it would be detrimental to the business to be restricted to a 1 a.m. closing time vs. 2 a.m. closing time. He stated that the closing time would make the business comparable with their peers and other businesses in Champlin. He encouraged any neighbors with concerns to call him directly.

Jennifer Lennander, 11400 Vera Cruz Ave. N., stated that she lives directly across from the business. She stated that the outdoor patio is supposed to close at 10 p.m. but does not always close at that time. She stated that they have heard noise from the outdoor patio area past 11 p.m. She also expressed

concern with an outdoor band that played at the business this past summer. She stated that when she called the business she was told that they were trying something new but was under the impression that a permit would be needed for that type of activity. She stated that from within their home, they could hear the music loudly for several hours. She stated that the business has an employee lot on Vera Cruz and her husband noticed an employee get into the backseat of a vehicle that pulled into the lot. She stated that the vehicle filled with smoke and when her husband approached the vehicle the employee denied anything had occurred but stated that when the windows were rolled down the smell of marijuana exited the vehicle. She stated that the employee then went back into the restaurant and the vehicle drove away. She referenced the outdoor trash receptacle and stated that they are often picking up cigarette butts and other debris that is blown into their yard from the restaurant. She hoped that the business could comply with the CUP conditions and be a good neighbor.

Dirk Mayne, 11317 Vera Cruz Ave. N., stated that he supports the amendment to allow Maverick's to stay open until 2 a.m. He recognized the challenges to a small restaurant to compete with larger chain restaurants. He believed that the business has been very good for the neighborhood, noting the employment opportunities and the taxes paid. He stated that the quality of life is also improved through good food, atmosphere, and low prices. He stated that he can see the business from his front yard and this is not a rowdy bar where patrons are over served.

Michael Franzen, 909 West River Parkway, stated that Maverick's has been in that location for a long time and was unsure whether the earlier resident purchased her home before or after the business was in existence. He stated that if she purchased her home after Maverick's was there, she knew what she was getting into. He stated that the situation of employees smoking is not a situation unique to this restaurant. He stated that Maverick's is a small business competing with bigger businesses and deserves the support of the City.

Maverick's Assistant Manager Benjamin stated that he had been a patron for seven years and has worked there for the past two years. He stated that he has worked his way up through the restaurant business and has established great relationships with his co-workers and the area residents. He acknowledged that mistakes have been made but believed that this is a great business.

Michelle Orr, 11332 Mississippi Drive N., stated that she loves having a restaurant that close to her home but she does not love hearing traffic leaving the restaurant at 2 a.m. She confirmed the closing time of Buona Sera, which closes at 1 a.m. and noted that business seems to be doing well with the earlier closing time.

Kristie Stanek stated that she is here in support of the 2 a.m. closing time for the business. She stated that she previously worked at Maverick's, noting that it is a great company to work for. She stated that there have always been some neighbors that are unhappy and unable to be pleased. She believed that it is important to be open for that additional hour as it is a huge moneymaker. She stated that there are a lot of people that work second shift and want to have a drink after work before going home.

Mark Murphy, 11454 Welcome Lane N, stated that his home is about seven doors down from Maverick's. He stated that he moved from Maple Grove to Champlin because of the proximity of his home to a small business. He stated that there had been a similar business prior to Maverick's and when that closed the area was a dead zone. He was glad to see Maverick's open and re-open after their brief closing. He stated that he is glad the business is open, noting that he and his family are patrons of the business. He stated that this additional hour will allow the business to remain and flourish. He was very supportive of the 2 a.m. closing time.

Mary Jo Franzen, 909 West River Parkway, stated that she has lived in Champlin since the early 1980's and there has always been a bar/restaurant there. She stated that noise is expected when you move next to a restaurant. She stated that the two owners are very respectful and willing to work with the neighbors. She was very supportive of the 2 a.m. request as it is important to this small business. She stated that the owners are tremendous and have great respect for the community. She thanked the neighborhood for their tremendous support.

Troy Lennander, 11400 Vera Cruz, stated that they are not anti-Maverick's but noted that there have been issues. He stated that they had been told that it was a family restaurant, which would serve alcohol, but believed that it is more of a bar that serves food. He stated that they had been told that the

patio would be used to have dinner with a drink but it has become a place for people to drink. He stated that they have noise from outdoor horseshoe games and patrons. He stated that the argument that he should not live there because there is a restaurant there is invalid. He agreed that they knew what they were getting into when they purchased their home. He stated that he was sad to see the first business close and wants to see Maverick's succeed but wants to see it succeed at a high level. He advised of the amount of truck traffic that uses Vera Cruz because of the business and stated that the neighborhood puts up with that because they live next to a business. He did not believe that they have to put up with the amount of garbage that makes its way into their yard. He stated that initially they did bring concerns to the original owners but nothing was happening so they called the City and were told to call the police to document the situation. He stated that the restaurant should police itself.

Timothy Erickson, 7609 120<sup>th</sup> Ave. N, stated that he does not frequent the restaurant as often as he should, but he has gotten to know Chase Franzen through a charity relay event. He noted that Mr. Franzen is a hard working individual and will work to make sure things are done right. He stated that Mr. Franzen is a community orientated individual and asked that the Council approve the 2 a.m. closing time.

Chad Orr, 11332 Mississippi Drive N., stated that he loves having Maverick's in the neighborhood and loves their chicken wings. He stated that he does not like hearing the traffic leaving the business at 2 a.m. He also believed that parking is an issue at the business as people park along the roadway bumper to bumper, which makes it hard for residents to access the roadway. He asked if music outside would be allowed until 2 a.m. He stated that he likes having Maverick's right near his home but acknowledges that there are some challenges to the neighboring properties. He asked that the business follow the conditions of the CUP.

Amber Van Der Vorste, Co-owner of Maverick's, stated that she was unaware of any noise complaints during the extra hour that they have been open since 2013. She stated that she has had several conversations with Allied Waste in regard to the trouble with the trash. She addressed the patio music, which was a one-time occurrence. She noted that the music was for a benefit and was on a Sunday afternoon and ended by 7 p.m. She stated that they direct their servers to enforce the 10 p.m. close time for the patio, noting that they even stop seating at a certain time prior in order to observe the 10 p.m. patio closing time.

#### Motion

Motion by Councilmember Miller and seconded by Councilmember Karasek to close the public hearing at 9:14 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Councilmember Miller thanked the residents for providing their input tonight. He stated that he has over 20 years of experience in the industry and believed that the owners should be aware of the conditions in the CUP. He stated that there is no excuse for other people's errors, such as with Allied Waste, and believed the responsibility begins with the owner. He believed that the owners should have been aware of the 1:00 a.m. closing time specified in the CUP. He believed it to be the responsibility of the business to ensure that the patio is closed at 10:00 p.m. He stated that he often visits the business and wants to see a harmonic situation with the neighborhood. He stated that this falls back on the conditions and agreed that there is more scrutiny because of the neighborhood location. He stated that he would support a 2 a.m. closing time but believed that all conditions in the CUP need to be followed. He stated that perhaps the business could host a neighborhood meeting to resolve the situations brought forward.

Councilmember Terry stated that as the Ward 4 representative she receives a lot of calls and emails about this issue. She appreciated the input of the neighbors regarding the noise and music complaints. She stated that if she is not aware of a situation she cannot work to resolve the issue. She believed that Maverick's should follow the conditions of the CUP and also believed that the business could meet with the neighbors to discuss the issues.

Councilmember Johnson stated that he believed a general review should occur between the City and Maverick's to review the CUP. He referenced a condition in the CUP that states that supply deliveries should occur between 9 a.m. and 5 p.m. and should be directed to the parking lot. He stated that the vendors and staff should be aware of the conditions in the CUP. He believed that there were noise and motorcycle noise complaints that should be addressed but was in favor of the 2 a.m. closing time.

Councilmember Karasek stated that his old hockey coach said that nothing good ever happened after 10 p.m. He stated that he is in support of local businesses and hope that there could be some cooperation. He stated that he was also in favor of the 2 a.m. closing time and supported the idea of the owners working with the neighbors.

Mayor Nelson stated that he also lives in Ward 4. He stated that in terms of the garbage the business should be ensuring that trash is picked up, rather than blaming the trash vendor. He stated that it is not acceptable that the business stated that they were unaware music was not allowed outside, noting that owners should know the terms of the CUP. He stated that additional policing of employees should occur. He stated that he wants to see the business succeed but also believed that there has been a lack of enforcement in regard to the rules.

The City Council directed staff to schedule a meeting with Maverick's ownership and management to thoroughly review all the conditions associated with their CUP and make sure they take steps to address their previous CUP violations and operational concerns with the adjacent neighborhood.

Resolution 2014-94

Councilmember Karasek introduced the following resolution and moved its adoption:

A Resolution Approving an Amendment to the Conditional Use Permit for Maverick's Wood Grill,  
Located at 11328 West River Road

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: Councilmembers Johnson, Karasek, Miller and Terry, and the following voted against the same: Mayor Nelson, whereupon said ordinance was passed this 8<sup>th</sup> day of December 2014.

Resolution 2014-95  
Adopting the 2015 Budget  
and Establishing Fund  
Appropriations,  
Resolution No. 2014-96  
Approving a Tax Levy for  
2015 Operating Budget  
Appropriations, and  
Resolution No. 2014-97  
Approving a Tax Levy for  
2015 EDA Operating  
Budget Appropriations

The Finance Director stated that State Statute requires that a public hearing be held in December as the last step of the budget process, noting that the process began in June. She reviewed the budget challenges faced this year as well as the revenue trends for the general fund for the period 2009 through 2015. She reviewed additional budget challenges and the capital projects fund reserves. She reviewed the tax burden per capita and compared the figure for Champlin to the other communities within Minnesota. She reviewed the 2015 tax levy and compared that proposed figure to the tax rate levy for 2014. She stated that most of the revenue received is from the tax base, noting that the City has experienced a significant decrease in the amount of State funding received. She provided the estimated City tax burden on an average priced home of \$177,000 in Champlin. She also provided additional information regarding market rate exclusion. She stated that 77% of the general fund budget is derived from property taxes. She reviewed the general fund expenditures. She reviewed the organizations and municipalities that receive funds from property taxes including the School District, Hennepin County, Special Taxing Districts and the City of Champlin. She summarized the budget highlights and concluded her comments.

Public Hearing

Mayor Nelson opened the public hearing at 9:40 p.m.

No comments made.

Motion

Motion by Councilmember Karasek and seconded by Councilmember Miller to close the public hearing at 9:40 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry. Voting against: none. Motion carried.

Councilmember Karasek commended the Finance Director for her amazing work on the budget, stating that the City is incredibly fortunate to have her.

Mayor Nelson highlighted the City's practice of placing money into reserves for aging or future infrastructure.

Councilmember Terry thanked the Finance Director for her ability to decrease the budget as requested by the Council during the budget planning process this fall.

Councilmember Miller thanked the Finance Director and City staff for their contributions to the

budget. He stated that the City appears to be doing a great job compared to neighboring communities. He was unhappy that the budget had to be increased from 2014 to 2015 but commended staff for their ability to limit the increase. He believed that the City did the best they could with the many challenges and unfunded mandates.

Resolution 2014-95

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Adopting the 2015 Budget and Establishing Fund Appropriations

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 8<sup>th</sup> day of December 2014.

Resolution No. 2014-96

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Approving a Tax Levy for 2015 Operating Budget Appropriations

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 8<sup>th</sup> day of December 2014.

Resolution 2014-97

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Approving a Tax Levy for 2015 EDA Operating Budget Appropriations

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 8<sup>th</sup> day of December 2014.

Approve 2015 Business Licenses

New Business

The City Clerk presented the list of businesses applying for 2015 business licenses. She stated that all necessary documents will be received prior to the issuance of the license. She stated that there was one change in that businesses that acquire a 2a.m. liquor license through the State will also need to come before the City Council to obtain approval. She recommended approval of the licenses as presented.

Motion

Motion by Councilmember Terry and seconded by Councilmember Miller to approve the 2015 business licenses and hours of operation for the businesses listed in the staff report subject to all licensing requirements being met. 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 9:46 p.m.

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ArMand Nelson, Mayor

Attest:

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Roberta Colotti, CMC, City Clerk